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TO THE

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

FOURTH SESSION OF THE SECOND LEGISLATIVE
COUNCIL.

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PERSONNEL OF THE GOVERNMENT OF MADRAS



Governor of Madras.

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

Members of the Executive Council.

1. The hon. Mr. N. E. MARJORIBANKS, C.S.I., C.I.E., I.C.S., Member in charge of Revenue. Took his seat on 27th December 1924 and is in charge of the following portfolios:—

Agency.
Constitution of districts, divisions and taluks.
Court of Wards.
Economic condition (including prices and wages).
Escheats.
Famine.
General (i.e., questions of a general nature which cannot be allocated to any particular department).
Government Servants' Conduct Rules.
Indian Civil Service—Questions other than leave and appointments.

Irrigation Bill.
Land Revenue, Survey and Settlement.
Mines.
Office procedure.
Petition rules—General questions.
Pounds and special funds.
Public Services Commission and service questions including examinations and special tests and land returns.
Reforms—not being legislative.
Treasure trove.
Warrant of precedence.
Wild animals.
Yeomials, inams and hereditary pensions.

2. The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur, Home Member. Took his seat on the 30th March 1925 and is in charge of the following portfolios:—

Administration report.
Air-craft.
Arms and explosives.
Boilers.
Census.
Certificate of age and qualification.
Criminal Tribes.
Depressed classes.
Emigration.
Forests (including cinchona).
Government Houses.
Jails.
Labour (including factories).

Laccadives.
Pilgrims to the Hedjaz.
Reformatories.
Regulation of medical and other professional qualifications and standards.
Rewards for saving life and property.
Staff and household of His Excellency the Governor.
Stamps.
Stationery and Government Presses.

3. The hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.C.S., Finance Member. Took his seat on 27th April 1926 and is in charge of the following portfolios:—

Central Subjects—*cont.*
 Archaeology and Epigraphy.
 Customs (including trade).
 Ecclesiastical.
 Income-tax.
 Meteorology.
 Opium.
 Political (other than matters relating to Indian States).
 Post Office.

Central Subjects—*cont.*
 Salt.
 Telegraphs and telephones.
 European education.
 Finance.
 Military.
 Move of Government to the Hills.
 Pensions.
 Malabar Tenancy Bill.

4. The hon. Mr. A. Y. G. CAMPBELL, C.I.E., C.B.E., V.D., I.C.S., Law Member. Took his seat on 7th August 1926 and is in charge of the following portfolios:—

Civil Justice.
 Criminal Justice (including petitions for mercy).
 Elections.
 Electricity (including hydro-electric schemes).
 Foreigners.
 Fortnightly report.
 Irrigation.
 Landlord and tenant.
 Legislative.
 Magistracy.

Marine (Central subject).
 Miscellaneous Judicial heads.
 Passports.
 Police including Criminal Investigation Department.
 Press and registration of books.
 Publicity including Editors' Table.
 Railways.
 Report on matters of political and administrative importance.
 State prisoners.
 Translators to Government.

Ministers.

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

Adulteration of foodstuffs.
 Local.
 Medical.
 Municipal.

Light-feeder Railways and Tramways within municipal areas.
 Public Health.
 Religious and Charitable Endowments.

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

Education.
 Excise.

Public Works.
 Registration.

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

Agriculture.
 Co-operative Societies.
 Fisheries.

Industries.
 Veterinary.
 Weights and Measures.

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Mr. M. RUTHNASWAMY, M.A., Barr-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. SATAGOPI ACHARIYAR AVARGAL, B.A.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abdul Hye Sahib Bahadur ...	Ceded Districts, M. Rural.
2. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, M. Rural.
3. Abdulla Ghatala Sahib Bahadur, Khan Bahadur (Council Secretary).	North Arcot <i>cum</i> Chingleput, M. Rural.
4. Adinarayana Chettiyar, T. ...	North Arcot, N.-M. Rural.
5. Anjaneyulu, P. ...	Guntur, N.-M. Rural.
6. Ankinedu Prasad Bahadur, S. R. Y.	Northern Landholders II, Landholders.
7. Appavu Chettiyar, D. ...	Salem, N.-M. Rural.
8. Ari Gowder, H. B. ...	Nilgiris, N.-M. Rural.
9. Arpudaswami Udayar, S. (Council Secretary).	Tanjore, Trichinopoly <i>cum</i> Madura, Indian Christian.
10. Arumuga Nadar, P. K. S. A. ...	NOMINATED for Nadars.
11. Bhanoji Rao, A. V. ...	Vizagapatam, N.-M. Urban.
12. Biswanath Das Mahasayo, Sriman	Ganjam, N.-M. Rural.
13. Boag, I.C.S., G. T. ...	NOMINATED. (Secretary to Government, Finance Department.)
14. Campbell, C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	EX-OFFICIO.
15. Chambers, G. W. ...	Madras Chamber of Commerce.
16. Chidambara Nadar, A. ...	Madura, N.-M. Rural.
17. Cotterell, C.I.E., I.C.S., C. B.	NOMINATED.
18. Cruz Fernandez, Rao Bahadur.	Ramnad <i>cum</i> Tinnevelly (Christian), Indian Christian.
19. Davis, J. A. ...	NOMINATED for Anglo-Indians.
20. Devendrudu, N. ...	NOMINATED for Adi-Andhras.
21. Ellappa Chettiyar, Rao Sahib S.	Salem, N.-M. Rural.
22. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
23. Gangaraju, M. ...	Kistna, N.-M. Rural.
24. Ghouse Mian Sahib Bahadur, Muhammad.	Central Districts, M. Rural.
25. Gopala Menon, C. ...	Southern India Chamber of Commerce, Commerce and Industry.
26. Gopalan, Rao Sahib P. V. ...	NOMINATED for Mukkuvans or Fishermen.
27. Guruswami, L. C. ...	NOMINATED for Arundhateyas.
28. Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abdulla (Chairman).	South Kanara, M. Rural.
29. Hegde, J. Naganna ...	South Kanara, N.-M. Rural.
30. Heggade, D. Manjappa ...	Do.

Name of member.	Name and class of constituency.
31. Kesava Pillai, C.I.E., Diwan Bahadur P. (Deputy President).	Anantapur, N.-M. Rural.
32. Khadir Mohiddin Elyas Khan Sahib-Bahadur.	East Coast Muhammadan.
33. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura <i>cum</i> Trichinopoly, M. Rural.
34. Koti Reddi, K. ...	Cuddapah, N.-M. Rural.
35. Krishnan Nayar, Diwan Bahadur M.	Malabar <i>cum</i> Anjengo, N.-M. Rural.
36. Krishna Rao Pantulu, Rao Bahadur A. S.	Nellore, N.-M. Rural.
37. Krishnama Achariyar, C.I.E., Rao Bahadur V. T.	NOMINATED. (Secretary to Government, Law Department.)
38. Krishnaswami Nayudu, Rao Bahadur K.	North Arcot, N.-M. Rural.
39. Kuppuswami, J. ...	Guntur, N.-M. Rural.
40. MacDougall, Kt., Sir Alexander.	European.
41. Madanagopal Nayudu, R. ...	Madras, N.-M. Urban.
42. Madhava Raja, V. ...	Malabar <i>cum</i> Anjengo, N.-M. Rural.
43. Madurai, Hony. Lt. ...	NOMINATED for Adi-Dravidas.
44. Mallesappa, T. ...	NOMINATED for Lingayats.
45. Marakkayar Sahib Bahadur, Khan Bahadur V. Hamid Sultan.	Tanjore, M. Rural.
46. Marjoribanks, C.S.I., C.I.E., I.C.S., The hon. Mr. N. E.	EX-OFFICIO.
47. Marthandam Pillai, P. N. ...	Tinnevelly, N.-M. Rural.
48. Maruthavanam Pillai, C. ...	Tanjore, N.-M. Rural.
49. Meera Sahib Bahadur, Muhammad.	Madura, Trichinopoly <i>cum</i> Srirangam, M. Urban.
50. Moidu Sahib Bahadur, T. M. ...	Malabar <i>cum</i> Anjengo, M. Rural.
51. Moir, C.S.I., C.I.E., I.C.S., The hon. Mr. T. E.	EX-OFFICIO.
52. Moosa Sait Sahib Bahadur, Muhammad.	Madras, M. Urban.
53. Muhammad Sahib Bahadur, T. N.	Ramnad <i>cum</i> Tinnevelly, M. Rural.
54. Muniswami Nayudu, Rao Bahadur B.	Chittoor N.-M. Rural.
55. Murugappa Chettiyar, Diwan Bahadur A. M.	Nattukottai Nagarathars' Association, Commerce and Industry.
56. Muttayya Mudaliyar, C. ...	Chingleput, N.-M. Rural.
57. Muttayya Mudaliyar, S. ...	Tanjore, N.-M. Rural.
58. Muttu Chettiyar, P. C. ...	Ramnad, N.-M. Rural.
59. Narasimhacharlu, Rai Bahadur T. M. (Chairman).	Cuddapah, N.-M. Rural.
60. Narasimha Raju, Rao Bahadur C. V. S.	Vizagapatam, N.-M. Rural.
61. Narayanan Nambudiripad, Rao Bahadur O. M.	NOMINATED for Nambudiris.

Name of member.	Name and class of constituency
62. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural.
63. Natesa Mudaliyar, Rao Bahadur C.	Madras, N.-M. Urban.
64. Nicholson, L. C. ...	Madras Trades' Association, Commerce and Industry.
65. Obalesappa, B. ...	NOMINATED for Maruthuvakulars (Barbers).
66. Pandrang Rao, I.C.S., V. ...	NOMINATED. (Secretary to Government, Development Department.)
67. Patro, Kt., The hon. Rao Bahadur Sir A. P. (Minister).	Ganjam, N.-M. Rural.
68. Peddiraju, P. ...	Kistna, N.-M. Rural.
69. Ponnuswami Nayudu, C. ...	Madura, N.-M. Rural.
70. Ponnuswami Pillai, K. S. ...	NOMINATED for Protestant Christians.
71. Prabhakaran Tampan, K. ...	West Coast Landholders, Landholders.
72. Premayya, G. ...	NOMINATED for Adi-Andhras.
73. Raghuchandra Ballal, K. ...	NOMINATED for Jains.
74. Raja, Rao Bahadur M. C. ...	NOMINATED for Depressed Classes.
75. Raja of Panagal, K.C.I.E., The hon. the (Minister).	North Central Landholders, Landholders.
76. Raja of Ramnad ...	Southern Landholders, Landholders.
77. Rajan, P. T. ...	Madura, N.-M. Rural.
78. Rajappa Tevar, P. S. ...	NOMINATED for Kallars.
79. Ramachandra Reddi, B. ...	Nellore, N.-M. Rural.
80. Ramalinga Chettiyar, Rao Bahadur T. A.	Coimbatore, N.-M. Rural.
81. Ramalinga Reddi, C. ...	Chittoor, N.-M. Rural.
82. Raman, Rao Bahadur P. ...	NOMINATED for Tiyyas.
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.
91. Sarabha Reddi, K. ...	Kurnool, N.-M. Rural.

Name of member.	Name and class of constituency.
92. Sarvarayudu, K. ...	Kistna, N.-M. Rural.
93. Sasibhushan Rath Mahasayo, Sriman (Chairman).	Ganjam, N.-M. Rural.
94. Satyamurti, S. ...	Madras University, University.
95. Sesha 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, Kt., 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 Palamecottah, 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. Tulasiram, 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, Kt., Rai Bahadur Sir K.	Do.
123. Virappa Chettiyar, Rao Bahadur P. K. A. Ct.	Ramnad, N.-M. Rural.
124. Windle, Capt. E. G. ...	Madras 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. Sadasiva Ayyar, Kt., Sir T.	NOMINATED for the Madras Hindu Religious Endowments Bill.
132. Varadachariyar, Rao Bahadur S.	NOMINATED for the Madras Irrigation Bill.
133. Venkataramana Rao Nayudu, P.	NOMINATED for the Madras Hindu Religious Endowments Bill.

PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL.

OFFICIAL REPORT.

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

VOLUME XXXI.

Wednesday, the 25th August 1926.

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

PRESENT:

Marjoribanks, The hon. Mr. N. E.	Murugappa Chettiyar, Diwan Bahadur A. M.
Usman Sahib, The hon. Khan Bahadur Muhammad.	Muttayya Mudaliyar, Mr. C.
Moir, The hon. Mr. T. E.	Muttayya Mudaliyar, Mr. S.
Campbell, The hon. Mr. A. Y. G.	Narasimhachari, Rai Bahadur T. M.
Raja of Panagal, The hon. the.	Narasimma Raju, Rao Bahadur C. V. S.
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.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Pandurang Row, Mr. V.
Adinarayana Chettiyar, Mr. T.	Peddiraju, Mr. P.
Anjaneyulu, Mr. P.	Ponnuswami Pillai, Mr. K. S.
Ankinedu Prasad, Mr. S. R. Y.	Prabhakaran Iampam, Mr. K.
Ari Gowder, Mr. H. B.	Premayya, Mr. G.
Arpudaswami Udayar, Mr. S.	Raja, Rao Bahadur M. C.
Bhanoji Rao, Mr. A. V.	Rajan, Mr. P. T.
Biswanath Das Mahasayo, Sriman.	Raman, Rao Bahadur P.
Boag, Mr. G. T.	Ramalinga Chettiyar, Rao Bahadur T. A.
Chambers, Mr. G. W.	Ramaswami Mudaliyar, Mr. A.
Chidambara Nader, Mr. A.	Ram-swara Rao, Mr. G.
Cotterell, Mr. C. B.	Ranganatha Mudaliyar, Mr. A.
Davis, Mr. J. A.	Rencontre, Mr. A. E.
Ellappa Chettiyar, Rao Sahib S.	Sadasiva Ayyar, Diwan Bahadur Sir T.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Sagaram, Mr. P.
Ganga Raja, Mr. M.	Saldanha, Mr. J. A.
Gopal Menon, Mr. C.	Sami Venkatachalam Chetti, Mr.
Gopalan, Rao Sahib P. V.	Samuel, Mr. J. D.
Guruswami, Mr. L. C.	Sarvarayudu, Mr. K.
Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-lah.	Sasibhushan Rath Mahasayo, Sriman.
Hegde, Mr. J. Naganna.	Satyamurti, Mr. S.
Heggade, Mr. D. Manjappa.	Sitarama Reddi, Mr. K.
Kesava Pillai, Diwan Bahadur P.	Sitayya, Mr. M.
Khadir Mohiddin Alyas Khan Sahib, Mr.	Srinivasa Ayyangar, Mr. R.
Krishnan Nayar, Diwan Bahadur M.	Srinivasan, Rao Sahib R.
Krishna Rao Pantulu, Rao Bahadur A. S.	Subbarayan, Dr. P.
Krishnama Achariyar, Rao Bahadur V. T.	Subrahmanya Pillai, Mr. Chavadi K.
Krishnaswami Nayudu, Rao Bahadur K.	Tanikachala Chettiyar, Diwan Bahadur O.
Kuppuswami, Mr. J.	Tulasiram, Mr. L. K.
MacDougall, Sir Alexander.	Uppi Sahib Mr. K.
Madanagopal Nayudu, Mr. R.	Veerian, Mr. R.
Madhava Raja, Mr. V.	Venkatachala Padayachi, Mr. K.
Madurai, Honorary Lieutenant.	Venkatapati Razu, Mr. P. C.
Mallesappa, Mr. T.	Venkatarama Ayyar alias V. Pantulu Ayyar.
Marthandam Pillai, Mr. P. N.	Venkataramana Ayyangar, Mr. C. V.
Meera Sahib, Mr. Muhammad.	Venkataramana Rao Nayudu, Mr. P.
Moidu Sahib, Mr. T. M.	Venkatarama Sastriyar, Mr. T. R.
Maniswami Nayudu, Rao Bahadur B.	Venkataramana Nayudu, Mr. C.
	Venkatareddi Nayudu, Rai Bahadur Sir K.
	Virappa Chettiyar, Rao Bahadur P. K. A. Ct.
	Wood, Mr. C. E.
	Zamindar of Mandasa.

[25th August 1926]

I

NEW MEMBERS.

The following new Members were sworn in:—

1. Mr. CECIL BERNARD COTTERELL, C.I.E., I.C.S.
2. Diwan Bahadur Sir T. SADASIVA AYYAR, Kt.
3. M.R.Ry. P. VENKATARAMANA RAO NAYULU Garu.

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.

Assignment of Lands.

• Disafforested land in Kudiramoli reserve in Tinnevely.

* 2275 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Member for Revenue be pleased to state—

(a) when the disafforested land in Kudiramoli reserve in Tinnevely district will be disposed of;

(b) whether the Government have come to any final settlement as to the method of disposal—either by auction or under darkhast rules;

(c) whether any petition has been recently submitted to the Government on the matter by the village panchayat of Kachinavelai, and

(d) whether the petition submitted by the Hakudar of Tiruparant-eeswarar temple as to the land on which palmyra trees belonging to the temple are standing has been disposed of?

A.—(a) The Government are not in possession of the information.

(b) The method of disposing of the land is under the rules within the discretion of the Collector, and the Government do not propose to interfere in the matter.

(c) A petition was received by Government. It was transferred to the Collector for disposal.

(d) No petition has been received from the Hakudar of Tiruparant-eeswarar temple.

25th August 1926]

Mr. R. VEEBRIAN:—"With reference to clause (a) may I know whether the Government will be pleased to call for the information as several inhabitants are interested in the affair?"

The hon. Mr. N. E. MARJORIBANKS:—"The information that I can now give is that it will be disposed of. But I hardly think that that is what the hon. Member wants."

Public Services.

Increments to unpassed clerks.

* 2276 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) the number of applications for exemption from unpassed clerks received after the issue of G.O. No. 1478, Law (Education), dated 25th August 1925;

(b) the number of unpassed candidates previously exempted by the Government for promotion above Rs. 20 in the old scale who drew increments but were affected by G.O. No. 773, Law (Education), dated 3rd May 1926;

(c) the number exempted by the heads of departments under the powers delegated to them under G.O. No. 722, Law (Education), dated 13th June 1922; and

(d) the circumstances under which the unpassed clerks were allowed to draw increments till the end of 1925?

A.—(a) The question is not understood. The Government would not have received applications for exemption as heads of departments had then the power to exempt. The power was withdrawn only in G.O. No. 773, Law (Education), dated 3rd May 1926.

(b) If a candidate was exempted from the Public Service Notification by Government, he is not affected by G.O. No. 773, Law (Education), dated 3rd May 1926. If he was exempted only up to a specified limit in the old graded scale of pay, it is only paragraph 3 (i) of G.O. No. 773, Law (Education), dated 3rd May 1926, that will affect him. The number is not known.

(c) The number will not be known till the Government get the lists called for in paragraph 3 (iii) of G.O. No. 773, Law (Education), dated 3rd May 1926.

(d) The Government are not aware that unexempted clerks have been allowed to draw increments after the issue of G.O. No. 164, Law (Education), dated 4th February 1925.

Mr. A. RANGANATHA MUDALIYAR:—"When the Government issued the order in August 1925, were they not aware that Collectors had reported that certain unexempted clerks had been permitted to receive increments?"

The hon. Mr. N. E. MARJORIBANKS:—"Not after the issue of G.O. No. 164, Law (Education), dated 4th February 1925."

Mr. A. RANGANATHA MUDALIYAR:—"Was it not with regard to that Government Order that representations were received from the Collectors that there were some difficulties with regard to its interpretation, and was it not subsequent to that that G.O. No. 1478, dated 25th August 1925, was issued?"

[25th August 1926]

The hon. Mr. N. E. MARJORIBANKS:—"There were differences in interpretation regarding the drawing of increments before the Government Order of 4th February 1925 but not after that date."

Rai Bahadur T. M. NARASIMHACHARLU:—"Was there any Government order at any time specifically prohibiting the grant of increments to unpassed clerks?"

The hon. Mr. N. E. MARJORIBANKS:—"In the sense that we did not prohibit the grant of anything to any person not entitled to it?"

Rai Bahadur T. M. NARASIMHACHARLU:—"No, Sir. I wish to know whether there was any Government order instructing heads of departments not to give increments to unpassed clerks at any time?"

The hon. Mr. N. E. MARJORIBANKS:—"Sir, when you are not empowered to give any increment to unpassed clerks it is not necessary to say that you should not do so."

Rai Bahadur T. M. NARASIMHACHARLU:—"Is there any rule which prevents heads of departments granting increments to unpassed clerks who have been exempted from the examination rules?"

The hon. Mr. N. E. MARJORIBANKS:—"If they are exempted, the bar is removed. I do not follow the question."

Rai Bahadur T. M. NARASIMHACHARLU:—"Exempted from passing the examinations?"

The hon. Mr. N. E. MARJORIBANKS:—"If the man is exempted, the bar is removed and he is entitled to get any promotion just as any passed clerk."

Mr. A. RANGANATHA MUDALIYAR:—"What about clerks appointed at the time when no exemption was needed at all?"

The hon. Mr. N. E. MARJORIBANKS:—"I am not aware of any such period."

Mr. A. RANGANATHA MUDALIYAR:—"There was a time when the rule that unpassed clerks should be exempted before being appointed was not in operation?"

The hon. Mr. N. E. MARJORIBANKS:—"That is information to me, Sir."

Village Establishments.

Instructions regarding restoration of village officers.

* 2277 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) whether instructions have been issued to all District Collectors with reference to the restoration of village officers and, if so, whether a copy of the instructions will be placed on the table; and

(b) how many village officers have been re-registered and reappointed (till the end of May 1926)?

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A.—(a) & (b) The Madras Village Officers' Restoration Act became law on the 6th July 1926. The action taken to divide villages grouped and to restore abolished offices will be published in due course.

Mr. J. A. SALDANHA:—"Sir, the answer is 'the action taken will be published in due course'. May I know whether action will be taken by the end of this official year?"

The hon. Mr. N. E. MARJORIBANKS:—"We hope so, Sir. But as the hon. Member is aware, the Act provides several periods of notice and appeal and so we cannot say it will be completed before the end of the year. We will do it as soon as possible."

Rai Bahadur T. M. NARASIMHACHARLU:—"Did the Government issue any order with reference to monigars and assistant karnams who were thrown out of employment by the regrouping? There seems to be some doubt in the minds of the Collectors as to whether they should be restored or not. I wish to know whether the matter was brought to the notice of the Government and whether they have issued orders with reference to monigars and assistant karnams?"

The hon. Mr. N. E. MARJORIBANKS:—"I should like to have notice."

Village officers' power of making endorsements on darkhast petitions.

* 2278 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the question of withdrawing the power of making endorsements from the village officials, viz., monigars and karnams, on darkhast petitions with reference to several resolutions passed and submitted to the Government in several districts by the depressed classes; and

(b) if not, why not?

A.—(a) Yes.

(b) The Government do not think that reports from the village officers in darkhast cases can be dispensed with.

Mr. R. VEERIAN:—"With reference to clause (b) may I know whether there is any harm in asking for particulars only from the village officials as far as darkhast petitions are concerned?"

The hon. the PRESIDENT:—"Order, order. That is a question asking for no information."

Mr. R. VEERIAN:—"Are the Government aware that village officers do not generally recommend the grant of darkhast lands unless they are paid something?"

The hon. the PRESIDENT:—"That question is out of order."

Mr. R. VEERIAN:—"May I know if there is any harm in taking away the power of making endorsements on darkhast petitions by village officers since there are other officials above them?"

The hon. Mr. N. E. MARJORIBANKS:—"The village officer is in the best position to give the necessary information on the matter."

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Administration Reports.*Administration reports of departments under the hon. the Home Member.*

* 2279 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to specify—

(a) the various reports of the administration of the departments under his control published by Government;

(b) in which months the several reports for the years 1921-22, 1922-23, 1924-25, or for 1922, 1923 and 1924 (according to the financial or calendar year) were published;

(c) what the causes there were for the delay, if any of them were published more than six months after the year of report;

(d) whether attempts have been made to publish the several reports for the previous year at least a month before the budget estimates are placed before the Council; and

(e) what steps are being taken to ensure earlier publication of the reports?

A.—(a) & (b) A statement * is appended.

(c), (d) & (e) The attention of the hon. Member is invited to the answer to question No. 2316.

Mr. J. A. SALDANHA:—"With reference to the answer drawing my attention to question No. 2316, may I enquire whether it is not possible for Government to publish reports of major departments so that they may be placed before the public before the budget discussion?"

The hon. the PRESIDENT:—"Order, order. That is a suggestion for action, and not a question for information."

Forests.*Enhanced rate of permits for grass, etc., in Udumalpet taluk.*

* 2280 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Home Member be pleased to state whether it is a fact that the forest contractors in Udumalpet taluk issue now permits for headloads of grass and bamboo at one anna and four annas respectively while the previous rates were enhanced rates are being collected?

A.—The permit fee for headloads of grass was raised from 3 pies to 6 pies in 1920-21 and to one anna in 1923-24. The permit fee for headloads of bamboos was raised from 1 anna to 2 annas in 1915-16 and to 4 annas in 1922-23. These increases were due to increased demand and were made by the contractors under the authority of the agreements executed by them.

Forest exploitation by firms or companies.

* 2281 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state—

(a) how many companies or firms there are in the Presidency, which have applied for permission to undertake forest exploitation;

* Printed as Appendix I on page 94 infra.

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(b) which of them have been allowed to exploit forests at their own cost, and on what conditions;

(c) whether they have been granted any facilities by way of roads and otherwise for carrying out forest exploitation; and

(d) whether the Government have carried out or propose to carry out any scheme of roads and bridges in order to encourage forest exploitation by private agency?

A.—(a), (b) & (c) No company or firm has applied for permission.

(d) Government are prepared to consider any applications which may be received. Meanwhile they are working certain forests experimentally.

Government Press.*Alleged complaints against the Superintendent, Government Press.*

* 2282 Q.—Mr. R. MADANAGOPAL NAYUDU: Will the hon. the Home Member be pleased to state whether the cases of Ayyaswami Pillai, accountant, who has been severely punished by the Superintendent, Government Press, and of Krishnaswami Ayyangar, store-keeper, Sadagoparamanujam, time-keeper, and Rangaswami, a mechanic, dealt with by the Superintendent, Government Press, have been examined by Government and with what results?

A.—S. R. Sadagoparamanujam, late time-keeper, and A. Rangaswami, late mechanic, in the Government Press submitted memorials to Government against the orders of the Superintendent, Government Press; the Government examined these cases and decided that the orders of the Superintendent, Government Press, were justified. The other persons mentioned in the question made no representation to the Government.

Grant of leave to employees in the Government Press.

* 2283 Q.—Mr. R. MADANAGOPAL NAYUDU: Will the hon. the Home Member be pleased to state whether it is a fact that if the employees fall sick and apply for leave for a few days only on the strength of medical certificate, the Superintendent, Government Press, treats the employees as being absent, and, if so, why?

A.—The production of a medical certificate does not in itself confer upon a Government servant any right to leave, the grant of which is in the discretion of the Superintendent, Government Press. If an employee absents himself after leave has been refused, the period of absence will be treated as absence from duty.

Rao Bahadur C. NATESA MUDALIYAR:—"May I know, Sir, if the production of a medical certificate does not confer upon a Government servant any right to leave, what else can?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"It is clearly stated that the production of a medical certificate does not in itself confer . . ."

Rao Bahadur C. NATESA MUDALIYAR:—"Then what else does, Sir?"

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Mr. R. MADANAGOPAL NAYUDU :—"Supposing, Sir, a man is too ill to get out of his house and sends a medical certificate, ought not that to be sufficient in itself?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"That is a hypothetical question."

Rao Bahadur C. NATESA MUDALIYAR :—"Do the rules allow that in spite of the production of a medical certificate, a man may be treated as absent from duty?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Then there are other factors also to be taken into consideration. In this case, the head of the department came to the conclusion that the medical certificate was not sufficient."

Mr. R. MADANAGOPAL NAYUDU :—"May I know what the other factors are which guide the heads of the departments?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I want notice."

Mr. A. RANGANATHA MUDALIYAR :—"Do the Government make a distinction between a certificate granted by a registered medical practitioner and a certificate granted by a practitioner not so registered?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I suppose so."

Mr. A. RANGANATHA MUDALIYAR :—"Is the certificate granted by a registered medical practitioner always accepted?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Not in all cases."

Alleged dismissal of sweepers in the Government Press.

* 2284 Q.—Mr. R. MADANAGOPAL NAYUDU : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that sweepers and messengers in the Government Press, numbering about a dozen, were dismissed summarily by the Superintendent; and

(b) if so, what are the charges against them and what are their explanations, and what is the reason on which their appeal petitions have been rejected?

A.—(a) Yes.

(b) The services of the individuals were dispensed with for misconduct. They preferred no appeal to Government.

Mr. R. MADANAGOPAL NAYUDU :—"Are the Government aware that the appeals preferred by these people through the head of their department were not forwarded to the Government?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The Government are not aware of it."

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Jails.

Treatment of prisoners in Alipuram Jail, Bellary.

* 2285 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state—

(a) the number of prisoners in the Alipuram Jail at Bellary who are still confined in the nights by chain;

(b) whether every one of the prisoners so confined is given a pot and an earthen plate for use when he has to attend to calls of nature in the night; and

(c) whether any scavengers are employed to remove the vessels soon after their use by the prisoners during the night?

A.—(a) Four thousand and fourteen prisoners now confined in the jail.

(b) Yes.

(c) No.

Mr. A. RANGANATHA MUDALIYAR :—"Do the Government think that it is wholesome for the prisoners to lie by the side of night-soil and other discharge in the nights?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Sir, the Government realize the awkwardness of the situation and have already planned the improvement of the Alipuram Jail so that this practice may be done away with as soon as possible."

Mr. A. RANGANATHA MUDALIYAR :—"Until that time, do the Government intend to employ scavengers to remove night-soil as early as possible instead of allowing the prisoners to lie by the side of it?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"It is not possible to do so in the night time."

Mr. A. RANGANATHA MUDALIYAR :—"Is it impossible for the scavengers to do the work in the night?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"They cannot enter the jail in the night time."

Mr. A. RANGANATHA MUDALIYAR :—"Even employees in jails?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Yes."

Labour.

Labour schools in Trichinopoly district.

* 2286 Q.—Mr. R. VEERIAN : Will the hon. the Home Member and the hon. the Minister for Education be pleased to state—

(a) how many labour schools there are in the Trichinopoly district;

(b) how many untrained teachers are employed in each labour school, giving the name of the school or the place of the village and taluk together with the general educational qualifications of those untrained teachers;

(c) when they were appointed in each case;

(d) how many applications were received for the past one year for appointments in labour schools from the trained Adi-Dravida teachers by the District Labour Officer, Trichinopoly;

(e) how many of them were appointed;

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- (f) who is the appointing authority ;
 (g) whether the petition submitted through me by the trained teacher S. Arokiam on the 24th May 1926 to the Secretary to Government, Law (Education) Department, Ootacamund, has been received by him; and
 (h) if so, what steps have been taken in the matter and with what results?

- A.—(a) Seventy-five.
 (b) & (c) A statement* giving the information is laid on the table.
 (d) Seventeen.
 (e) Seven. The rest have been asked to produce the trained teachers' certificates.
 (f) The District Labour Officer.
 (g) Yes.
 (h) The petitioner is not a trained teacher. He was appointed a teacher on probation for six months from 1st June 1926.

Mr. R. VEERIAN :—"With reference to the answer given to clause (d), may I know whether the Government appoint only Adi-Dravida teachers in all the labour schools or whether others also are being appointed?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Others also."

Mr. R. VEERIAN :—"May I know why out of seventeen applications received from the Adi-Dravida trained teachers only seven were appointed?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"Because only seven were found fit."

Archæology.

Monuments in South Kanara.

* 2287 Q.—Mr. K. RAGHUCHANDRA BALLAL : Will the hon. the Member for Finance be pleased to state—

(a) what are the ancient monuments in South Kanara in respect of which the Government have made any repair or taken any other measures for their preservation ;

(b) whether such monuments have been used for any public purposes such as schools, etc. ;

(c) whether it is a fact that the portion of the Mudabidri Palace which is brought under the Act is being used as a board secondary school ; and

(d) if the answer to the above be in the positive, whether any rent is paid by the Board for the occupation of the said building and, if so, what it is and who receives it?

- A.—(a) A list of the ancient monuments in the South Kanara district was supplied in answer to clause (a) of question No. 2163. Of these 11 monuments, items (2), (4), (6) and (7) in the list belong to private persons, and agreements have been entered into with the owners of the monuments for their preservation. All the monuments are being maintained by the Archæological department at the cost of the Government of India.

* Printed as Appendix II on pages 95-96 infra.

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- (b) So far as the Government are aware, only the Chowtar's Palace at Mudabidri is used for any public purpose.
 (c) & (d) Yes. The District Board pays a monthly rent of Rs. 8 to the owner of the building.

Car Festivals.

Inspection of temple cars.

* 2288 Q.—Mr. S. R. Y. ANKINEDU PRASAD : Will the hon. the Law Member and the hon. the Minister for Education be pleased to state—

(a) whether any Superintending Engineer other than that of the Madras Circle has reported regarding the insufficiency of time caused by temple trustees in applying for the inspection of cars ;

(b) if not, the reasons why a general order was issued affecting the other parts of the Presidency ;

(c) whether the Government took the views of the temple trustees before the recent G.O. Mis. No. 1132 was issued ;

(d) whether the Government are aware that cars constructed with palmyra posts and coir rope are used in connexion with car festivals of some temples in the Northern Circars ; and

(e) whether this order will be applied to such cases also?

A.—(a) No.

(b) The previous orders on the subject related to the Presidency as a whole, and the further instructions were also made applicable to the whole Presidency after certain District Magistrates had been consulted.

(c) No.

(d) No.

(e) Yes. It is not however necessary that every car should be inspected by the Public Works Department. If the order causes inconvenience, the District Magistrates will no doubt report to the Government accordingly.

Civil Justice.

Appointment of Acting District Judges.

* 2289 Q.—Mr. K. SARVARAYUDU : Will the hon. the Law Member be pleased to state—

(a) how many appointments of Acting District Judges have been made since the beginning of this official year ; and

(b) whether it is a fact that Mr. Fazl-ud-din Sahib was compelled to take leave ; and if so, on what grounds ; and if it is on the ground of his shortness of hearing whether there are any other District Judges with the same defect serving the Government?

A.—(a) Eight.

(b) The answer to the first part of the question is in the negative.

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Electricity.*Cost, etc., of the Hydro-electric scheme.*

* 2290 Q.—Mr. K. SARVARAYUDU: Will the hon. the Law Member be pleased to state—

- (a) in what stage the Hydro-electric scheme is;
- (b) whether the detailed estimate for a scheme has been prepared and whether the necessary approval of those possessing technical knowledge of the subject has been obtained;
- (c) what is the estimated cost of the scheme;
- (d) how much of electrical power is calculated to be developed in this scheme;
- (e) what are the detailed proposals for the utilization of such power;
- (f) (1) how much money has so far been expended on the investigation of the scheme;
- (2) what are the details of such expenditure;
- (3) what money has been expended on the actual carrying out of the scheme so far;
- (g) whether the sanction of the Finance Department and the approval of the Finance Committee have been obtained before any portion of the lump provision made in the budget has been appropriated specifically for the above scheme;
- (h) whether it is a fact that the railway authorities have not given their approval to the utilization of the power by them;
- (i) whether the Secretary of State's sanction has been finally obtained for the execution of this scheme; and
- (j) what are the qualifications of the technical officers appointed by the Government for carrying out this scheme?

A.—Reports on three schemes for the development of hydro-electric power, with sources at Pykara, Pinjikavi and Papanasam have been submitted to Government by the late Chief Engineer. These schemes have been discussed with railway and other parties interested, and the co-operation of the Railway Board has been secured. The schemes are estimated to cost altogether something in the neighbourhood of 5½ crores, and a sum of Rs. 10 lakhs has been provided this year for preliminary operations. This sum was voted by the Legislative Council in the usual course. The reports are now under the scrutiny of a firm of consulting engineers.

Irrigation.*Conversion of dry land in Cumbum valley into wet.*

* 2291 Q.—Mr. A. CHIDAMBARA NADAR: Will the hon. the Law Member and the hon. the Minister for Local Self-Government be pleased to state—

- (a) the total extent of dry land in Cumbum valley which can be converted into wet by the Periyar water;
- (b) whether Government propose to take any steps to convert them into wet lands in the near future; and
- (c) whether the Government are aware of the difficulties felt by the people for drinking water in Cumbum and Coodalore villages?

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- A.—(a) The Government have no information.
- (b) The question whether the future extension of irrigation under the Periyar system should be in Madura and Melur taluks or in the Cumbum valley is under consideration.
- (c) The need for an improved water-supply in these villages has been brought to notice more than once, but no scheme has yet been devised which is financially practicable.

Mr. R. VEERIAN:—"With reference to the answer given to clause (c), may I know whether the Government have had any scheme at all till now?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, but no scheme has yet been devised which is financially practicable. That is a matter for the local board concerned."

Progress in the schemes of pumping.

* 2292 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the undertaking given at the Legislative Council meeting of 21st March 1924, will the hon. the Law Member be pleased to state the progress made in the deliberations as to the relative values of the two alternative schemes of pumping referred to therein and the conclusions, if any, arrived at as the result of those deliberations?

A.—The question of irrigation by pumping and of well irrigation with electric power is still under consideration by the Chief Engineer for Irrigation and the Director of Agriculture, and no final decision has yet been reached. The attention of the hon. Member is invited to paragraph 11 of the note by the Chief Engineer for Irrigation which was laid on the Council table on the 3rd November 1925 along with the preliminary report of the Ceded Districts Irrigation Committee.

Mr. A. RANGANATHA MUDALIYAR:—"In the answer given to this question, it is stated that the question of irrigation by pumping, etc., is still under consideration. In the meanwhile, will Government give facilities to private individuals to undertake such work?"

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

Mr. A. RANGANATHA MUDALIYAR:—"I want to know whether Government have afforded facilities."

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of this question."

Investigation of the Hagari scheme.

* 2293 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the statement of the hon. the Law Member in his speech printed at page 281 of Volume 29 of the Proceedings of the Legislative Council, dated 19th March 1926, that the question of appointing a staff for the investigation of the Hagari scheme has been referred to the Revenue Department for remarks and that orders will be passed thereon immediately after the receipt of the report, will the hon. the Law Member be pleased to state whether the report has been received and the necessary establishment has been sanctioned?

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A.—The remarks of the Board of Revenue on the question of detailed investigation of the scheme have just been received and the matter is under consideration.

Police.

Police precautions in Nellore during the Hindu procession on 15th March.

* 2294 Q.—KHADIR MOBIDDIN ELYAS KHAN SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) how many constables, Agency Special Police and Police officers were brought down from other districts for preserving order at the Hindu procession on the 15th March at Nellore and what was the total strength of the said armed escort; and

(b) what was the total cost incurred by the Government in order to provide the escort?

A.—(a) Seven European Inspectors and Sergeants, one Subadar, 57 men of the East Coast Special Police, 19 head constables and 193 constables were brought from other districts.

The total strength of the armed escort was 7 European Inspectors and Sergeants, one Subadar and 345 Indian ranks.

(b) Rs. 4,462-8-9.

Religious and Charitable Endowments.

Temples of depressed classes brought under the operation of the Religious Endowments Act.

* 2295 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state how many temples belonging to depressed classes, barbers and washermen have been brought under the operation of the Religious Endowments Act, together with the names of such temples and places in the Presidency?

A.—The Jagannath temple for Tiyyas at Tellicherry in Malabar and the Pilichamundy devastana for fishermen at Ullal in South Kanara are the only two temples of the kind which have been brought under the operation of the Act.

Village Panchayats.

Honorary organizers of village panchayats.

* 2296 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many honorary organizers have been already appointed to the village panchayats from among the depressed classes, giving the names and their addresses, by the Registrar-General of Panchayats with the approval of the Local Government;

(b) how many honorary organizers have been appointed already to the village panchayats from among the non-depressed classes up to date giving their names and places;

(c) what are the remunerations and other allowances given; and

(d) what is the nature of their work?

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A.—(a) & (b) A list showing the names of honorary organizers is placed in the Council Library. Information as to their caste is given wherever available.

(c) No allowance or any other kind of remuneration is at present given to honorary organizers.

(d) The hon. Member is referred to the circular memorandum of the Registrar-General of Panchayats containing hints to honorary organizers, a copy of which is placed in the Council Library.

MR. R. VEERIAN:—'With reference to the answer given to clause (c) may I know why, when the Government allow travelling allowance to honorary assistant registrars of co-operative societies, they do not allow the same privilege to honorary organizers of village panchayats?'

The hon. the RAJA OF PANAGAL:—"The question is under consideration."

Education.

Age-limit for admission into Secondary schools.

* 2297 Q.—MR. K. ABDUL HYE: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Director of Public Instruction has issued proceedings recently that boys over 20 years of age should be refused admission into secondary schools; and

(b) the reasons for this age-limit?

A.—(a) & (b) No proceedings were issued that boys over 20 years of age should be definitely refused admission into secondary schools. Heads of schools were, however, advised not to admit grown-up pupils. The intention of the circular has since been clearly explained to subordinate officers. The circular was merely advisory. The Director's intention was that if, for example, a man of 25 applied for admission to the fourth form the application should be rejected. A boy who has already entered the Secondary School-Leaving Certificate course would of course be permitted to finish his course. No definite age-limit has been prescribed by the Director in regard to the admission or promotion of pupils in secondary schools and the matter is therefore one left to the discretion of heads of institutions.

Promotion of Mr. Velan as Deputy Inspector.

* 2298 Q.—MR. R. VEERIAN: With reference to question No. 1732, dated 23rd March 1926, will the hon. the Minister for Education be pleased to state—

(a) why Mr. Velan's claim referred to in the Proceedings of the Director of Public Instruction Dis. No. 2610/23, dated 23rd July 1923, for promotion to Deputy Inspector's cadre was not considered though there was a vacancy in 1923 and another in 1925 to which two non-Mappilla candidates possessing the same qualifications as Mr. Velan were appointed; and

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(b) whether these two gentlemen who were not Mappillas were appointed in Mappilla ranges or elsewhere?

A.—(a) & (b) During the years 1923 and 1925 there were no suitable vacancies in non-Muhammadian ranges for which M.R.Ry. N. Velan could be appointed. The two non-Mappilla officers referred to were appointed in short vacancies as they were senior to M.R.Ry. N. Velan. The latter has since been appointed as a Deputy Inspector, junior grade.

Appointment of Sub-Deputy Inspectors of Schools.

* 2299 Q.—Diwan Bahadur P. C. ETHIRAJULU NAYUDU: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that a new cadre of Sub-Deputy Inspectors has been created by him and if so, what is the strength of the cadre and how many are being recruited during the current year;

(b) whether he has fixed any qualifications of the candidates to be recruited or promoted;

(c) whether the department has been following the policy and the instructions contained in G.O. No. 658 of 1922 for adequate representation of unrepresented communities in the educational service both in the subordinate and in the superior services;

(d) whether the said Government Order is being applied in the case of recruitment of Sub-Deputy Inspectors and whether the list of appointments will be placed on the table of the House;

(e) whether the secondary trained headmasters of elementary training schools are taken into the Sub-Deputy Inspectors cadre;

(f) whether the policy enunciated by the Government is that the officers of Government shall be appointed or posted to the language area to which they belong; and

(g) whether such arrangements have been followed in superior and subordinate educational service?

A.—(a) The Government have sanctioned the creation of a new agency of junior grade of Deputy Inspectors. The number of officers in the cadre is 71, all of whom will be recruited during the current year.

(b) No qualification has been prescribed by Government. It is understood that the Director of Public Instruction has taken as the minimum qualification for appointment as Junior Deputy Inspectors the possession of a secondary grade trained teachers' certificate.

(c) The instructions contained in G.O. No. 658, Public, dated 15th August 1922, are borne in mind when making appointments.

(d) The Government Order is being applied in the case of recruitment of Junior Deputy Inspectors. The Government consider

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that no useful purpose will be served by placing on the table the list of appointments made. The statement below shows the communities to which the officers so far appointed belong:—

	Recruited.	Promoted.	Total.
Brahman	3	30	33
Non-Brahman Hindu ...	6	10	16
Christian	1	4	5
Muhammadian	...	4	4
Depressed classes ...	...	2	2
	10	50	60

(e) There are no secondary trained headmasters of elementary training schools. The secondary trained assistants, however, in such schools are being appointed as junior grade Deputy Inspectors when considered fit.

(f) Yes.

(g) Yes; as far as possible.

Excise.

Opening of distilleries in South Kanara.

* 2300 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

(a) whether Government have received representations from any persons in South Kanara requesting that distilleries for the production of liquor may be allowed to be opened in South Kanara; and

(b) what action Government have taken or propose to take on them?

A.—(a) Yes.

(b) The Government do not propose to take any action on the petition as the petitioners have not approached the local or controlling authority in the first instance as required by the Memorial Rules.

Administration Reports.

Administration reports under the hon. the Minister for Development.

* 2301 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to specify—

(a) the various reports of the administration of the departments under his control published by Government;

(b) in which months the several reports for the years 1921-22, 1922-23, 1924-25, or for 1922, 1923 and 1924 (according to the financial or calendar year) were published;

(c) what the causes there were for the delay, if any of them were published more than six months after the year of report;

(d) whether attempts have been made to publish the several reports for the previous year at least a month before the budget estimates are placed before the Council; and

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(e) what steps are being taken to ensure earlier publication of the reports?

A.—(a) & (b) A statement * is appended.

(c), (d) & (e) The attention of the hon. Member is invited to the answer to question No. 2316.

Fisheries.

Purchase of fishing trawler.

* 2302 Q.—Mr. J. A. SALDANHA: With reference to the answer given to my question No. 1674 on 19th March 1926, regarding the purchase of the fishing trawler, will the hon. the Minister for Development be pleased to state—

- (a) whether the fishing trawler in question has arrived in India;
- (b) its dimensions, conditions, uses to which it can be put and when it can be set to work;
- (c) its total cost up to date;
- (d) the cost of setting it for its use in India; and
- (e) what the working staff will be and what the approximate annual recurring cost beginning with this year?

A.—(a) Yes.

(b) The dimensions of the vessel are—

Length from the forepart of the stem under the bowsprit to the aft side of the head	...	...	125	feet.
Breadth	...	...	23'50	"
Depth	...	...	14'42	"
Round of beam	...	...	0'58	"
Length of the engine room	...	...	33'0	"
Register tonnage	...	...	177'44	"

The vessel is intended for the conduct of deep sea fishing experiments. It can, however, be used for the following purposes when not actually engaged on that work:—

- (1) Research as regards shoals of fish, migrations of fish, etc.
- (2) Towing pearl-fishing boats to pearl banks on occasions of pearl fisheries.
- (3) Supplying fish to all the fish-curing yards on both the coasts of the Presidency.
- (4) Transport of salt to the fish curing yards on the West Coast from Tuticorin.

The vessel can probably be set to work in September next. The trawl and seine net gear have to be refitted and the vessel has to be provided with a laboratory room and some well-ventilated cabins before she could be commissioned for deep sea fishing and research.

(c) Rs. 1,04,453.

(d) Estimates are under preparation.

(e) The question of staff is still under consideration. The annual running expenses of the trawler are estimated at Rs. 43,700.

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Establishment of the West Coast fishery stations.

* 2303 Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Minister for Development be pleased to state—

(a) the number of (1) clerks, (2) yard officers, (3) assistant yard officers and (4) peons appointed on the West Coast fishery stations and fish-curing yards from April 1924 to April 1926 according to (1) caste and (2) educational qualifications; and

(b) how many fishermen applicants were there for the above posts (for the period) and what were their educational qualifications?

A.—(a) & (b) A statement * is laid on the table.

Rao Sahib P. V. GOPALAN:—“With reference to the statement appended in answer to this question, may I know from the hon. the Minister for Development why out of 18 fishermen applicants for the posts not a single one of them was given a clerk's post?”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—“Mr. Chacco was appointed a clerk to the Assistant Director. A man who knows shorthand was wanted. So a Brahman was appointed who knows shorthand and typewriting. In the case of the post of a cash-keeper, the fishermen applicants were not able to furnish the necessary security. So an Anglo-Indian who was able to furnish the necessary security was appointed.”

Rao Sahib P. V. GOPALAN:—“May I just ask the hon. the Minister for Development whether it is a fact that these fishermen applicants were not able to furnish the necessary security?”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—“I presume they were not.”

Rao Sahib P. V. GOPALAN:—“With reference to the answer given to this question, you will find on page 97 that three fishermen candidates applied for the posts of clerks, and not a single one of them was given the post of a clerk; fully efficient fishermen with the necessary qualifications applied for the post, and they were rejected although the department is intended for the amelioration of the fishermen class.”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—“Special reasons are enumerated for the appointment of clerk's post in the Fisheries department, and exigencies of public service required that the appointment should be given to a candidate belonging to another caste. In the case of appointment of Mr. Chacco, he was appointed because he was considered suitable for the post.”

Rao Sahib P. V. GOPALAN:—“Did the subordinate officer who made the appointment think that a Secondary School-Leaving Certificate candidate would be preferable to a graduate? Was there anything extraordinary with the latter?”

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—“The appointment was made by the Director of Fisheries.”

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Rao Sahib P. V. GOPALAN :—"Is not the Director of Fisheries a subordinate officer to the hon. the Minister for Development? Has he not got control over the Fisheries department?"

The hon. the PRESIDENT :—"Order, order. Why this cross-examination?"

Rao Sahib P. V. GOPALAN :—"I have not finished my question. In the case of petty yard officers and peons, 30 applications came from fisher folk and Government appointed only 6 of them. I want to know why Government did not appoint more number of men from fisher folk?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—"I have given my reasons already."

Rao Sahib P. V. GOPALAN :—"I am just asking about petty officers and peons. The reasons given by the hon. Minister apply to only yard officers and clerks. I am asking why out of 30 applications received from fishermen only 6 were appointed as petty yard officers and peons although the department is mainly intended for fishermen."

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—"In the exigencies of public service it was found necessary to appoint people from outside the caste of fishermen also."

Rao Sahib P. V. GOPALAN :—"With reference to the appointments of yard officers where was the special necessity for the Government to appoint an S.S.L.C. in preference to a graduate?"

The hon. the PRESIDENT :—"Exigencies of public service says the Minister."

Rao Sahib P. V. GOPALAN :—"Thank you, Sir."

Selection of pupils for training in the Fisheries Institute at Calicut.

* 2304 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Minister for Development be pleased to state—

(a) the number of stipendiary pupils selected for training in the Fisheries Institute at Calicut in 1925;

(b) whether any of the above students has been dismissed from the Institute, and, if so, for what reasons;

(c) whether any of the dismissed students has been re-admitted; and

(d) whether there are any more students not re-admitted and, if so, for what reasons?

A.—(a) Seventeen.

(b) Four were discharged as they were found not to have made sufficient progress during their probationary period of six months.

(c) Two have been re-admitted and their probationary period has been extended for a further period of six months.

(d) One of the two who have not been re-admitted is weak in all subjects and the other is very poor in the vernacular.

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Rao Sahib P. V. GOPALAN :—"With reference to the answer given to clause (d) of this question, may I ask the hon. the Minister for Development whether he is aware that one of the two candidates whom they have rejected has not appeared for the examination on account of his having suffered from typhoid fever?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—"I am not aware of that, Sir."

Rao Sahib P. V. GOPALAN :—"May I ask the hon. the Minister for Development whether in certain cases stipends were not given to stipendiary students and that they were not therefore able to purchase the necessary books and to study for the examination and that as a result of this they failed in the examination?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—"It is a news to me. I should like to have notice of the question."

UNSTARRED QUESTIONS.

Administration Reports.

Administration reports of departments under the hon. the Member for Revenue.

2305 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to specify—

(a) the various reports of the administration of the departments under his control published by Government;

(b) in which months the several reports for the years 1921-22, 1922-23, 1924-25, or for 1922, 1923 and 1924 (according to the financial or calendar year) were published;

(c) what the causes there were for the delay, if any of them were published more than six months after the year of report;

(d) whether attempts have been made to publish the several reports for the previous year at least a month before the budget estimates are placed before the Council; and

(e) what steps are being taken to ensure earlier publication of the reports?

A.—(a) & (b) A statement ^a is appended.

(c), (d) & (e) The attention of the hon. Member is invited to the answer to question No. 2316.

Irrigation (Minor Works).

Water-supply in Anantapur district.

2306 Q.—Diwan Bahadur P. KESAVA PILLAI : Will the hon. the Member for Revenue and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it has been brought to the notice of Government, the Collector and other authorities that the people in Anantapur district have

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solely to depend on the wells in their tank-beds for water-supply during the summer and that the orders of the revenue authorities issued for filling up the wells and levying penalty for not filling up the wells as ordered might be cancelled; and

(b) if so, what action the Government have taken in the matter to find out the actual state of things and modify the Standing Orders where the wells in tank-beds are the main or the only sources of water-supply to the people?

A.—(a) A representation to that effect has been received by Government.

(b) The matter is receiving the attention of Government.

Land Revenue.

Reduction in the scale of ground-rent.

2307 Q.—Mr. N. DEVENDRUDU: Will the hon. the Member for Revenue be pleased to state—

(a) whether local authorities have suggested to him that the scale of ground-rent is very high when compared with market value; and

(b) whether he intends to move for a reduction of the scale of ground-rent of porambokes in municipal areas to the scale published in Board's Standing Order No. 24?

A.—The questions are not understood. By market value of land is usually meant the price land will realize if sold subject to a given rate of ground rent. The higher the rate of ground rent therefore the less the market value is likely to be and vice versa. No complaints on the subject have been received from local authorities.

Forests.

Grant of manure leaves to ryots in North Arcot district.

2308 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the question of allowing green manure leaves being granted to ryots at the rate of 6 annas per cart load from reserves in the district of North Arcot, has been disposed of;

(b) if so, how;

(c) if not, what are the reasons for the delay;

(d) the names of the members of the committee, if any, appointed to report on the matter and whether the committee examined any ryots; and

(e) if the committee has sent in its report, whether it will be laid on the table of this House?

A.—(a) & (b) The matter has not yet been disposed of.

(c), (d) & (e) The Government are awaiting a report from the Chief Conservator of Forests on the enquiry held by the District Forest Officer, South Vellore, on the subject. The names of persons to be consulted are not known as the District Forest Officer has not yet completed his enquiry.

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Supply of hay for the Military Department.

2309 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) the quantity of hay required by the Military Department from the forests of the Bellary district for the year 1925-26, together with the names of the forests concerned;

(b) the total quantity actually obtained from the forests referred to above; and

(c) if the actual quantity is in excess of that needed by the department, how the difference was disposed of and by whom?

A.—The names of reserves in which the Military Grass Farms Department exploited grass, were given in the statement appended to the answer to clauses (b) and (c) of Legislative Council Question No. 1488 put by the hon. Member and answered on 2nd March 1926. The Government have no information on other points.

Administration Report.

Administration reports of departments under the hon. the Law Member.

2310 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to specify—

(a) the various reports of the administration of the departments under his control published by Government;

(b) in which months the several reports for the years 1921-22, 1922-23, 1924-25, or for 1922, 1923 and 1924 (according to the financial or calendar year) were published;

(c) what the causes there were for the delay, if any of them were published more than six months after the year of report;

(d) whether attempts have been made to publish the several reports for the previous year at least a month before the budget estimates are placed before the Council; and

(e) what steps are being taken to ensure earlier publication of the reports?

A.—(a) & (b) A statement ^a is appended.

(c), (d) & (e) The attention of the hon. Member is invited to the answer to question No. 2316.

Irrigation.

Waterfall at Bajpae.

2311 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) whether the use of the waterfall at Bajpae near Mangalore is regulated by any rules made by local officers or any local authority;

(b) what precautions are taken for ensuring that the springs and the course of the water are kept clean;

(c) whether any special baths have been constructed for men and women separately;

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(d) whether the water from the waterfall is used for irrigation purpose and whether there are any rules regulating the use of the water for that purpose; and

(e) whether there are sufficient number of bungalows and rest-houses for accommodating those who visit the waterfall and what the annual income from them is?

A.—The Government have no information.

Local Boards.

Utilization of grants for water-supply.

2312 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any local boards have applied for permission to utilize next year the special grants made for village water-supply, in view of the impracticability of carrying out those works in an efficient manner in the current year; and

(b) if so, which local boards have done so and what orders have been passed in each case?

A.—(a) & (b) In view of the representations received from a number of local boards the Government have now reallocated to all local boards the unspent balances of the grants sanctioned to them during 1925–26 for the improvement of village communications and of the water-supply in rural areas.

Utilization of grants for village roads, etc.

2313 Q.—Rao Bahadur A. S. KRISHNA RAO PANTULU: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any local boards have applied for permission to utilize next year the special grants made for the village roads, in view of the impracticability of carrying out those works in an efficient manner in the current year; and

(b) if so, which local boards have done so, and what orders have been passed in each case?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 2312.

Classification of the Bantwal-Charmudi road as a trunk road.

2314 Q.—Mr. J. A. SALDANHA: With reference to the debate in this Council on 26th March 1926 on the question of treating the Bantwal-Charmudi road as a trunk road will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether a committee has been appointed to consider the question, and if not, when it will be appointed; and

(b) whether a representation has been received from several coffee planters and merchants of South Kanara on the subject, and if so, what action Government have taken or are going to take thereon?

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A.—(a) Yes.

(b) Yes; the representation will be placed before the Committee.

Village Fairs.

Change of the day of the village fair, Monnupeedika village.

2315 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Government have received a representation of January 1926 from Rev. F. Mathew, Vicar of the Parish Church of Vallappad, Ponnani taluk, Malabar district, in connexion with the prayer of the Christians of the village of Monnupeedika for the change of the day of the village fair from Sunday to some other day;

(b) whether Government have ordered an enquiry into the matter as requested by that priest; and

(c) if so, with what results?

A.—(a) Yes.

(b) The remarks of the President, Taluk Board, and the President, District Board, were called for and considered.

(c) It was reported that the market day was changed from Monday to Sunday in April 1924 at the request of the public, that there were not many Christians in the neighbourhood and that even they had not made any representation in the matter since March 1924. In the circumstances the Government did not consider it necessary to interfere.

Administration Reports.

Administration reports of departments under the hon. the Minister for Education.

2316 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education and Excise be pleased to specify—

(a) the various reports of the administration of the departments under his control published by Government;

(b) in which months the several reports for the years 1921–22, 1922–23, 1924–25, or for 1922, 1923 and 1924 (according to the financial or calendar year) were published;

(c) what the causes there were for the delay, if any of them were published more than six months after the year of report;

(d) whether attempts have been made to publish the several reports for the previous year at least a month before the budget estimates are placed before the Council; and

(e) what steps are being taken to ensure earlier publication of the reports?

A.—(a) & (b) A statement^a is appended.

(c), (d) & (e) The time taken for the preparation and publication of a report depends to a large extent on the size and contents thereof. In the case of major departments, such as Revenue,

^a Printed as Appendix VII on page 99 infra.

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Education, Police, Administration of Civil and Criminal Justice, Jails, etc., the statistical and other information required for the preparation of the report has to be collected from a large number of subordinate officers. To enable Heads of Departments to do this, sufficient time in some cases extending to about six months after the close of the year to which the report relates has to be allowed. The statements have to be consolidated and the report has to be prepared and printed before submission to Government. All this necessarily takes time. Every endeavour is being made to bring out the reports as expeditiously as possible without sacrificing accuracy and completeness.

Public Works.

Strength of Assistant Engineers in the Madras Engineering Service.

2317 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education be pleased to state—

- (a) the sanctioned strength of the Assistant Engineers, Madras Engineering Service, before the last retrenchment;
- (b) the same after retrenchment;
- (c) the number of vacancies in it, which have not yet been permanently filled up;
- (d) the number of officiating Assistant Engineers at present in the service;
- (e) the number of Assistant Engineers who have been officiating for over three years;
- (f) whether the Government have under consideration proposals to increase the present sanctioned strength of Assistant Engineers and if so, to what extent; and
- (g) whether the increments hitherto given to the officiating Assistant Engineers have been stopped and if so, when and for what reasons?

A.—(a) 106.

(b) 75, which has since been increased to 76.

(c) 11.

(d) 64.

(e) The Government have no information on the point.

(f) Yes; to increase the strength from 76 to 77 to provide for a Subdivisional officer for the new River Conservancy division.

(g) Government have not issued any orders to the effect.

III

COMMUNICATIONS TO THE COUNCIL.

The Secretary then laid on the table—

(a) Copies of the proceedings^a of the first and second meetings of the Finance Committee for 1926-1927 held on the 11th and 16th July 1926, respectively;

(b) G.O. No. 866^b, dated 14th June 1926, recording the accounts of the Kerala Soap Institute, Calicut, for the quarter ending 31st December 1925.

^a Printed as Appendix VIII on pages 99-125 infra.

^b Printed as Appendix IX on pages 125-136 infra.

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

IV

PETITION TO THE COUNCIL.

* Mr. R. VEERIAN:—"As per Standing Order No. 71, I present this petition in connexion with the Madras Hindu Religious Endowments Act praying for admission of representatives of Adi-Dravidas not only to the Committee but also on the Board of Commissioners constituted under the Act, with a view to protect their interests. As the petition is a short one may I request you, Sir, to kindly ask the Secretary to read it?"

* The hon. the PRESIDENT:—"The hon. Member will hand over the petition."

The Secretary then read the abstract of the petition to the Council.

V

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1926-27.

Grant IX—General Administration.

The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I beg to move
'that the Government be granted an additional sum of Rs. 3,100 under
"Grant IX—General Administration—Legislative Bodies—Reser-
ved" for providing funds for the House Committee of the Madras
Legislative Council during 1926-27.'

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I second it."

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

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move
'that the Government be granted an additional sum of Rs. 1,53,400
under "Grant IX—22. R.B. (b) General Administration—Legis-
lative Bodies—Elections for Indian and Provincial Legislatures".'

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I second it."

Mr. A. RANGANATHA MUDALIYAR:—"Surely, Sir, when the Government come in for additional grants, it is up to them to tell us a little more about the necessity for such additional grants, the items on which they propose to spend this money and why it was not foreseen at the time of the budget."

* The hon. the PRESIDENT:—"Is there no explanatory memorandum?"

* The hon. Mr. T. E. MOIR:—"Attention is invited to paragraph 2 of the explanatory memorandum circulated in connexion with this grant. It is purely a formal motion. The Accountant-General states that the minor head 'Elections—Indian and Provincial Legislatures' is intended to exhibit all charges on account of elections and that all the items referred to in the explanatory memorandum should be recorded under that head. Therefore it is necessary to obtain the vote of the House for this purpose. This is purely a formal matter and it is explained in paragraph 2 of the memorandum."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"May I request the hon. the Finance Member to let us know what was the amount sanctioned last time for this purpose? I hope he will let us have some explanation."

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* The hon. Mr. T. E. MOIR :—" I am afraid that the information is not contained in the papers which I have in my hand, but I can let him know if he will kindly remind me."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU :—" In this connexion, I should like to bring to the notice of the Council that last time the arrangements that were made for the conduct of elections were inadequate. Many of the voters had to return home without giving their votes, for they had no time to wait until the polling officers were able to attend to them and record their votes. That was due to want of sufficient number of polling officers. It is absolutely impossible for anybody to record more than 200 or 300 votes. So, Government should issue instructions to Collectors to make proper arrangements and to appoint a sufficient number of polling officers. Otherwise the money spent will be a mere waste. So, I request the hon. the Finance Member and the Member in charge of elections to give their consideration to this aspect of the question."

11-30 a.m. * Mr. J. A. SALDANHA :—" I beg also to lay stress on the point raised by my hon. Friend. An assurance was given during the last meeting that the number of polling stations would be increased and care would be taken to see that no polling station was more than four or five miles from the residence of the voters. I find, Sir, that no orders have been issued to that effect and there is no prospect of any such orders being issued in the near future. In some places the polling station is about ten or fifteen miles from the residence of the voters and the reason given in that case is that those places are on the frontier of a taluk and that the nearest polling station belongs to a different taluk. I hope, Sir, that Government would issue orders in this respect. I may in this case refer to a village of Suda in the Karkal taluk. The nearest polling station in the same taluk is at a distance of ten or fifteen miles from that village whereas the villagers can go to a polling station not more than three or four miles but situated in the adjoining Udipi taluk.

" Government have not also notified the date of the next elections ; that is a matter of some importance and so it should be notified as early as possible."

* Sriman BISWANATH DAS Mahasayo :—" Mr. President, Sir, I beg to move

‘ that the allotment of Rs. 1,53,400 be reduced by Rs. 10.’

" In commending this resolution to the sense of the House, I should like to place certain facts before it. Our Presidency and the Bombay Presidency have got the system of plural voting. The Bombay Government have provided some means to get over the difficulty caused by the presence of illiterate voters. Very often they come under the influence of influential and wealthy agents. In order to avoid that, the Bombay Government have adopted a different system of ballot papers from ours. The candidates are represented in the ballot papers both in writing and also by means of certain symbols or colours. While the literate voters are guided by reading the names of the candidates, the illiterate ones are guided by the colour of the paper and by the respective symbols. In the Bombay system, all are practically regarded as illiterate voters. The result is that there is a free exercise of the franchise without any undue influence from the agents. The

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secrecy of the ballot is preserved. But in Madras, the illiterate voter has to go to the polling officer and declare the name of the candidate of his choice before the polling officer and in the presence of all the agents. Practically, the benefits of the secret ballot are denied to him. The disadvantages accruing from such a system are numerous. The illiterate voter is brought under the influence of very able and influential agents. In the second place, even the literate voter is made to declare before the polling officers that he is illiterate so that he might declare the name of the candidate of his choice before the agents. Thus the agents secure all the benefits of open voting. Unfortunately, more than 60 per cent of the voters are illiterate and if we take into consideration the results of this forced system of open voting we can almost say that almost 90 per cent of the voters have to vote openly. Therefore, Sir, the benefits of a secret ballot are denied here and thus the constituencies are made pocket boroughs. In order to put an end to this system, certain members of the Legislative Council made a representation to the hon. the Law Member to change the system of voting. My recollection is that there were members from both sides of the House. The hon. the Law Member promised to appoint a committee and take necessary action. I would therefore request the Government to inform us whether any action has been taken in the matter.

" Secondly, Sir, I have to refer to a matter which is purely a local one concerning my district. The polling stations in Ganjam are situated at the headquarters of zamindars. Some zamindars serve as agents of the parties and thus their influence is brought to bear upon the voters who go to those polling stations. Practically, there is no free voting in such places. Therefore, I would request the hon. the Law Member to instruct the Collector to shift the polling stations from the headquarters of the zamindars. There are many convenient places near the headquarters of the zamindars which are easily accessible to the voters. For instance, near Khallikote there is Keshapore, near Mandasa there is Haripore. If the Government remove the polling stations from the headquarters of the zamindars, then alone will there be the free exercise of the franchise. With these remarks, I commend the motion for the acceptance of the House."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, so far as the district of Malabar is concerned, I associate myself entirely with the remarks made by my hon. Friend Mr. Biswanath Das. I know, Sir, that there is difference of opinion on this subject and probably my hon. Friends coming from the other districts have reasons to be satisfied with the existing system. Probably, in these districts, the system works well. But I confine my remarks exclusively to the district of Malabar. I happened to be a member of the committee to which reference was made by Mr. Das. The hon. Sir C. P. Ramaswami Ayyar proposed to hold a meeting to consider this question ; but since there were many differences of opinion amongst the members of the committee, I believe the meeting was not held. As regards Malabar, the illiterate voters are allowed to go before the polling officers and openly declare the names of the candidates for whom they want to vote. What happens is this. In Malabar there are always more than two candidates though there are only two seats. Some of these candidates are supported by very influential persons, say the janmis who have a number of tenants under them. These janmis possess immense influence and power over the tenant voters. In what I am going to say I do not want to be understood as referring to any

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particular individuals. I am only referring to the existing practice. For instance, a particular candidate has got the support of very influential janmis. Consequently, the tenant voters who may happen to be literate are made to declare by the janmis before the polling officers that they are illiterate so that they may declare aloud the names of the candidates for whom they vote and thus ensure that the tenants vote only for the candidates supported by their janmi masters. Thus the agents of the candidates are in a position to ascertain to whom a particular voter voted. I confine myself for the time being only to Malabar. Personally, I know of cases where even schoolmasters were made to say that they were illiterate." (Laughter.)

* Mr. K. PRABHAKARAN TAMPAN :—" Was that due to the influence of the janmis ? "

* Diwan Bahadur M. KRISHNAN NAYAR :—" I am prepared to name the janmis."

* The hon. the PRESIDENT :—" Order, order. It is not necessary."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Such people were made to say that they were illiterate. Of course the polling officers have no power to hold an enquiry. But certain polling officers, on representations being made to them that particular schoolmasters have declared themselves to be illiterate, made enquiries and the voters stood perplexed. I refer to these circumstances only for the purpose of showing that the object of free voting can be secured so far at any rate as the Malabar district is concerned only if the present system is dispensed with. I associate myself with all that fell from my hon. Friend Mr. Biswanath Das.

" In this connexion, I wish also to mention one or two matters so that if it is not too late the hon. Mr. Campbell might take steps to rectify them. Some hon. Members referred to the inadequacy of the number of polling stations. As a matter of fact, in Malabar some voters have to walk 12 or 13 miles to go to the polling stations. It is a great hardship both to the voters and the candidates. To remedy this defect, the number of polling stations has to be increased. I believe this Council will be prepared to vote the necessary amount to rectify these defects.

11-45 a.m. " Another thing that I wish to bring to the notice of the hon. Member is that there are polling stations in Malabar very inconveniently situated. To take a particular instance just to illustrate my point, there are two polling stations known by the names of Mankarai and Parli in the taluk of Palghat. Persons, whose amsams or villages are attached to the latter polling station, Parli, sometimes have to walk over a distance of over 12 miles, whereas the other polling station, namely, Mankarai, is only two miles off. If greater care is taken in the arrangement of the villages which are attached to these different polling stations,—I know there is considerable difficulty in arranging these different villages satisfactorily, I believe however it is possible to arrange them more satisfactorily than at present—it will serve the interests of all concerned.

" Then, Sir, I wish to know whether it is possible for the hon. Member to give information as to the approximate date, if not the exact date, of the elections. The Viceroy has said in his opening speech to the Legislative bodies in Simla the other day that the elections would be held in November. If it is possible for the hon. Member to enlighten us more accurately, as to the date when the elections will be held, we shall feel obliged."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, I sympathise with the hon. Members who have spoken before and I rise to point out certain difficulties in the way. I hope they will not mistake me.

" There are two reasons why it will cause great inconvenience to some of us if anything like a general revision either of the polling stations or of the methods of polling were to be introduced at this stage. Sir, I think there is a saying in English that eternal vigilance is the price of liberty, and if eternal vigilance is the price of liberty, I think eternal vigilance is also required in matters like these. If these suggestions were made two or three months ago, the Government would have been in a position to look to them and remedy the grievances."

* Sriraman BISWANATH DAS Mahasaya :—" Just for information, Sir, I must say these suggestions were made four or five months back."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I have no quarrel with my hon. Friend. So far as the requisition is confined to a particular district or a particular polling station, certainly I have nothing to say. Take, for instance, my own case. I have 80 polling stations in my constituency, and I have issued letters which cost me from two to three hundred rupees, and I have to give the names of the polling stations and the villages attached to them so that, if anything like a general revision is made, the result will be that I have to repeat the process.

" Again, Sir, if a system like the one obtaining in Bombay is to be introduced, we have to appoint agents, who would be in a position to explain to the voters the method of voting. And if, for instance, a coloured system, or whatever it may be, is introduced, it will take some time for the voters to understand the system, not that I object to the system at all. I was myself a member of the committee to which reference has been made by the hon. Member for Malabar. It did meet once, and because we could not come to any definite conclusion or even a reasonable agreement, we had to put it off. Well, Sir, that is another matter.

" Then there is a second point which I should like to impress upon the hon. Members of this House. I would prefer them not to lay much stress upon these matters. The question, for instance, that literate voters are brought forward and made to say that they are illiterate, on account of certain influence worked upon them, would have a very mischievous result indeed. I do not deny there may be cases in this district or that district, individual and rare cases, but remember, if you are to press that point that your voters are so ignorant or so much subject to extraneous influences, a plea may be made three years hence, when the Royal Commission comes in, that your voters are not fit to be voters. Just fancy for yourself what the consequence of that would be. We have been often told from responsible quarters in Parliament that our further progress and reforms would depend upon the education of the electorate, and here we are telling in this House that our voters do not know how to vote. I refuse to believe it. I know there will be some cases, but they are so rare that undue importance need not be attached to them. By all means use your local influence, extend the education, and see that these practices are not allowed, but, for goodness sake, do not give too much importance to them lest they should take advantage of such instances as these."

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* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I had not the remotest idea of intervening in this debate, but certain statements made by my hon. Friend, Mr. Krishnan Nayar, regarding the janmis that they used their influence and made a schoolmaster say that he was illiterate and so on have to be commented upon. I have heard that story myself. It seems he is under the impression that any stick is good enough to beat the janmi with."

* Diwan Bahadur M. KRISHNAN NAYAR :—" No, no, certainly not."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, it is not a janmi alone that has done it. A vakil has done so. A medical practitioner has done worse things. I am prepared to give their names, if necessary. There are abuses among all classes of people. But this is a different matter."

" So far as the suggestion itself is concerned, I am perfectly unconcerned. If the Government want to adopt such a system, they are welcome to do so. Neither my constituency nor myself have the least objection."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, hon. Members of this House will, I am sure, realize that the Government are as anxious as any of them are, that all the electors should have full opportunity of recording their votes and of recording them freely and subject to no undue influence. Some of the hon. Members who have spoken have referred to the arrangements for polling stations in certain districts as inadequate. That question was, I believe, discussed in this House some time ago and the Government promised to issue orders directing that more polling stations should be provided. Instructions have been already issued enclosing copies of the remarks of the members of this House. Should any member be dissatisfied with the arrangements made, he should draw the attention of the Collectors concerned to the inconvenience caused. The speeches that have been made here will be communicated to the Collectors. But, as has been pointed out by the hon. Member for East Godavari, it will probably cause a considerable amount of inconvenience if much change is made in the number of polling stations."

" The hon Member for Malabar also asked for some information as to the date on which elections are likely to be held. We can make no definite announcement on that point until we have heard from the Government of India on which date they wish the elections to the Legislative Assembly to be held. But, so far as we can forecast at present, it is likely that the elections will take place somewhere in the neighbourhood of the 8th of November."

" The hon. Member for Ganjam referred to two points. I will take his second point first, viz., that some of the polling stations in Ganjam should be shifted from the headquarters of the zamindars' estates. That, again, is a matter for the Collector. I feel sure that hon. Members realize that the Government cannot interfere with the discretion of the Collectors in such details. We can only issue general instructions. The remarks I made in dealing with the number of polling stations apply equally here also."

" The last and most important matter with which I have to deal is the question of the voting by illiterate voters. Now, we are, of course, most anxious as I have already remarked, that the voters should not be subject to

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any undue influence in recording their votes. The present rule, so far as the Madras Presidency is concerned is as follows :

' If the elector is unable to read the ballot paper and applies for assistance in doing so, the Presiding Officer shall read it for him. If required by the elector to mark the ballot paper the Presiding Officer shall mark it according to the directions of the elector and give it back to him to be put into the ballot box.'

' In the case of every elector whose ballot paper is marked in this manner by the Presiding Officer, a note shall be made on the corresponding counterfoil, form III-A, by the Presiding Officer of the reason why it was so marked.'

" For the conduct of the elections in 1923, the following instructions were issued by the Government :

' Returning Officers are requested to point out to all Presiding Officers that marking of incapacitated votes under Regulation 24 should be done by the Presiding Officer at his own table and in the presence of the candidates or their polling agents ; and these have the right to hear the voters' request and to watch the Presiding Officer when he marks the ballot paper.'

" The reason for the presence of the candidates or their agents is, of course, to prevent charges against the Presiding Officer that he has abused his power to mark the paper on behalf of the illiterate voters."

" Now, Sir, this question was discussed in this House last March. Then, there was considerable difference of opinion as to the desirability of adopting the Bombay system or any other system suggested. The Bombay system of giving each candidate a symbol was objected to on the ground that some symbols would be regarded as lucky. Objection was taken to the use of colours on the ground that some electors may be colour-blind. Well, Sir, I think that at this stage it is too late to make any change for the coming elections. The matter has been considered by a Committee, and as no agreement was come to among the members of the Committee, the Government decided that the present system should be continued during the ensuing elections. It is possible to issue more detailed instructions that the elector shall if possible record his vote himself. Although he may be colour-blind or illiterate, most electors, I think, are able to count. The names of the candidates are placed one below the other and it is possible for the Presiding Officer to explain to the elector, ' the first candidate is so-and-so, the second candidate is so-and-so, and the third candidate so-and-so. If you want to vote for the first candidate, you must put the cross against his name,' and so on. I propose to consider the desirability of issuing instructions on these lines :

' If an elector is illiterate and asks the Presiding Officer to read out the ballot paper, the Presiding Officer shall, in the presence only of the candidates, or their agents after telling the elector to give no indication for whom he is going to vote, read the ballot paper to the elector and explain to him the order in which the candidates are arranged and the method of voting. The Presiding Officer shall then direct the elector to proceed to one of the compartments of the polling station and act as prescribed in rule 23. If the elector expresses his inability to mark the ballot paper himself and if the Presiding Officer is satisfied that the elector is unable to do so, the Presiding Officer shall, in the presence only of the candidates or their agents, note in the counter-foil the reason for his inability, ask the elector for whom he wishes to vote, mark the voting paper accordingly and give it to him to be deposited in the ballot box '."

12 noon.

Rai Bahadur T. M. NARASIMHAACHARLU :—" Mr. President, Sir, with reference to the proposed instructions just now read by the hon. Member, I think there will be some difficulty. These instructions are intended for the vote being given properly by illiterate persons. The Presiding Officer tells the voter that No. 1 is so-and-so, No. 2 is so-and-so and that he can mark the votes. Being an illiterate man, as the paper is given to him he may

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turn it upside down and if he wants to vote for the second man from the top, he would certainly vote for the second man from the bottom. There will be this danger which will have to be considered by the Government."

The motion was by leave withdrawn.

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

Grant XV.

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move, Sir,

that the Government be granted an additional appropriation of Rs. 14,816 under "Grant XV—Police—Reserved" on account of the employment of a temporary additional staff of one Deputy Superintendent of Police, one sub-inspector, eight head constables and twenty-six constables for work connected with the reclamation of Kallars in the Tanjore district, viz., 26-C.—Police—District Executive Force—1. District Police—Police Force—General—Temporary.

Item of expenditure.	Ultimate cost per annum.	Cost during 1926-27, eight months' charges.
	Rs.	Rs.
1 Deputy Superintendent (Rs. 300)	3,600	2,400
1 Sub-Inspector (Rs. 60)	720	480
8 Head constables (Rs. 27)	2,160	1,728
26 Constables (Rs. 17)	5,304	3,536
<i>Allowances.</i>		
Uniform allowances—84 (Rs. 1)	408	272
Travelling allowances	9,000	6,000
Honoraria (Rewards)	750	500
Contract contingencies	750	750
Supplies and services—General—Miscellaneous.	1,200	800
Total ..	24,824	16,216

I deduct cost of one Inspector (Rs. 175) for eight months who will not be employed and for whom provision has been included in the Civil Budget Estimate—Rs. 1,400.

Net extra cost during 1926-27 is Rs. 14,816.' "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"I second the motion."

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

VI

ANNOUNCEMENT REGARDING DAYS ALLOTTED FOR NON-OFFICIAL BILLS.

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

VII

A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1923.

* The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I beg to move *that the Bill to re-enact the Madras Hindu Religious Endowments Act, 1923, be read in Council.*"

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[The Raja of Panagal]

"The sanction of the Governor-General in Council has been obtained for the introduction of the Bill and the Bill has been duly published "in the Fort St. George Gazette. It has been considered that the introduction of the Bill is urgently due.

"With your permission, Sir, I shall briefly refer to the circumstances which necessitate the immediate introduction of the Bill. Many of the hon. Members might be aware that ever since the enactment of the Hindu Religious Endowments Act of 1863 there have been repeated instances of corruption and mismanagement in the administration of several well-known religious institutions in this Presidency and that men of light and leading thought that the recurrence of these instances was due to the defects in the existing law. Eminent men like the late Mr. Vembakam Rama Ayyangar, Sir T. Muthuswami Ayyar, Sir V. Bhashyam Ayyangar, Sir Subrahmanya Ayyar, Diwan Bahadur Rajaratna Mudaliyar, Diwan Bahadur Raghunatha Rao, etc., thought that it was their duty to bring about improvement in the law relating to the administration of the Hindu religious endowments in this Presidency. From time to time they made attempts to improve the law but unfortunately, owing to circumstances beyond their control, their attempts proved infructuous. After the introduction of Minto-Morley Reforms too, vigorous attempts were made by various members in the Provincial Council and in the Imperial Council. Those attempts too shared the fate of their predecessors.

"It is within the knowledge of the hon. Members of this House that, after the introduction of the Montagu-Chelmsford Reforms, this Council interested itself in introducing a Bill to improve the law, that a committee was appointed and that that committee was presided over by the hon. the Raja of Ramnad. As a result of the deliberations of the committee, a Bill was drafted and the Bill was later on introduced in the Council. The Bill then went through the required stages; it was referred to a Select Committee and, it was considered and finally passed by the Council. Later on, the then Governor, Lord Willingdon, however, returned the Bill for consideration of some amendments recommended by him. The Council passed the Bill as amended and in January 1925 the Bill received the assent of His Excellency the Viceroy. Of course, there was opposition at the various stages of the Bill, but the opposition was confined to a small section of this Council.

"Sir, after the Bill was passed and became Act I of 1925, the Board of Commissioners was constituted to carry on the administration as required by the Act. The Board has been doing good work as the result of which the management of many of the temples has considerably improved.

"Of late, however, some of the trustees filed suits questioning the validity of the Act and the constitution of the Board. These suits are engaging the attention of the High Court. On account of the institution of the suits and the stay orders obtained by the plaintiffs in the suits, the Board finds itself handicapped in its administration. The contributions due to the Board are in many cases withheld.

* Vide Part IV of the Fort St. George Gazette, dated 10th August 1926.

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"The Government have, in the circumstances referred to, been advised to introduce a Bill to re-enact the Act I of 1925 so as to remove any doubts that may exist regarding the validity of that Act.

"Questions have been raised as to the necessity for the introduction of the Bill at this perhaps final sitting of this Council. If it is not introduced immediately, large sums of money belonging to the temples will be wasted on litigation. After all, the litigation is merely one of academic interest. If the law laid down in Act I of 1925 is necessary, it is bound to be legislated sooner or later; nothing substantial will be gained by carrying on the litigation. It is understood that commissions have been asked for to examine Lord Willingdon in Canada and Lord Reading in England. The grant of these commissions would mean the depletion of the endowment funds. As Minister in charge of religious endowments in this Presidency, I feel it my duty to prevent waste of endowment funds. The trustees who carry on this wasteful litigation do not seem to feel the pinch of this wastefulness. They spend not from their pockets but from endowment funds. If it is possible to put a stop to the wastage of money in this direction, why not we do it? I hope and trust that the hon. Members will agree with me in thinking that it is time to legislate for the re-enactment of the Act of 1925 and vote on the motion."

The hon. Rao Bahadur Sir A. P. PATRO:—"I second the motion."

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move, Sir,

'that the consideration of this Bill be adjourned to the next sitting of the Council.'

"I advisedly use the word 'sitting' because on a former occasion when this Bill was considered, it was contended that the Council was one even though there might be general election once in three years. I think you were then the President; you will remember that point. (Voices:—No, no.) Even though it was not in your time, it was in the time of your predecessor. I submit that the consideration of this Bill may be adjourned to the next sitting of the Council, i.e., to the new Council."

* The hon. the PRESIDENT:—"There is difficulty about the word 'consideration.' The hon. Member will use some other word."

Rai Bahadur T. M. NARASIMHACHARLU:—"I move

'that the discussions of this Bill may be postponed to the new Council.'

"My reasons are these. . . ."

* Diwan Bahadur M. KRISHNAN NAYAR:—"On a point of order, Sir. My hon. Friend's motion is that the discussion of this Bill be postponed to the next meeting of the Council which, according to him, is the next Council. There is a rule which says that the Bills will lapse with the life of the Council so that my hon. Friend is out of order."

Rai Bahadur T. M. NARASIMHACHARLU:—"I rely on Standing Order 34. A motion that a subject be adjourned can be moved at any stage and if the hon. Member from Malabar thinks that there is the danger of this Bill lapsing we welcome it. That is my purpose. My hon. Friend need not be anxious that we do not want that this Bill should lapse. Therefore my

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point is that I am in order and I shall proceed to give my reasons for the adjournment of the discussion of this Bill. It is well-known—and nobody will misunderstand me for stating it—that from the very beginning when this Bill was introduced in this Council I have been opposed to the provisions of this Bill.

"Withal my experience of these six years in this Council, I have 12-1 not been able to change my view on the usefulness of this Bill. I began P-11 with objections and will continue to object to the provisions of this Bill as long as I am a Member of this Council, so that no one will take objection or exception to my attitude with reference to this Bill. In the first place"

* The hon. the RAJA OF PANAGAL:—"May I know, Sir, whether it is a general objection to the consideration of the Bill itself?"

Rai Bahadur T. M. NARASIMHACHARLU:—"I have got objection from every point of view and I shall now premise by stating that the Bill itself is very objectionable from every point of view and in every aspect. Why I want that the consideration of this Bill be adjourned is this; that from the very beginning, unfortunately for this Bill, its progress has always been characterized by an undue haste and I want to deprecate any undue haste with reference to this particular stage of the measure as well. It is that haste which has brought about this disaster, of bringing in as a Bill for re-enactment, a measure which has been already passed. Now, Sir, originally, instances of haste are patent in this very business. On the 3rd of this month, the Bill was published in the *Fort St. George Gazette*, and again on the 10th we find another Bill has been published. Well, what is it, if it is not an instance of haste? (Hear, hear.) Then, Sir, we had to conduct our business on the 18th instant and perhaps, it was because that only on the 10th instant this Bill was published, and that we would have had just six clear days' notice of it as we all get the *Gazette* only on Thursdays in the mufassal, that an adjournment of this Council was considered necessary to-day. I do not know what was working in the mind of the Government.

"Now, another thing is that this Bill, if it was merely sought to be reintroduced, there would have been no objection at all. But, we find new changes. A few days' notice has been given that your assistance will be invoked for suspending the Standing Order and for enacting this Bill into law in this very sitting. Well, Sir, I appeal to the Members in the same way as the hon. Minister has done to consider whether this is such a trifling Bill, or such an unimportant measure that we can at one sitting of this Council dispose of it without due consideration being given to its elaborate provisions. I submit, Sir, the same fate will ultimately come to this Bill as it has encountered till now. On account of undue haste we are now brought to the present state of things, and I submit, Sir, therefore, that as it is intended that this Council should take up the further consideration of this Bill and will go to the length of passing it into law, this is not such an unimportant matter which can be disposed of at one sitting.

"Further, I understand, Sir, that the Governor-General in Council has given his consent to the Act of 1923. He has given his consent expressing the hope that certain amendments would be carried out. I find, Sir, no

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indication is expressed by Government that these amendments have been either incorporated in this Bill or that they would be brought forward hereafter for being incorporated in this Bill."

* The hon. the RAJA OF PANAGAL :—" I say, Sir, they have been incorporated."

Rai Bahadur T. M. NARASIMHACHARLU :—" Anyhow, Sir, this is another instance of haste. Generally, if there is a change in the language or in the intention of the Bill, it will be set in *italics*, and it will be referred to in the Statement of Objects and Reasons. Now, Sir, we find no italics in the revised Bill. We find no mention of the changes in the Statement of Objects and Reasons. No doubt the hon. Minister will say, 'you are expected to compare and contrast'. We have not got time to go through each and every word of the Bill. The Government have not indicated the changes in the revised Bill, so that Members may at once see and then concentrate their attention upon those provisions. Be that as it may. I submit, Sir, that we have not had sufficient notice of the changes that the hon. Minister says that have been incorporated in this Bill. Therefore, we want time to consider these things.

" Again, Sir, most of us have been under the impression that this Bill will be introduced and that it will undergo the usual procedure, that there will be a Select Committee, the report of the Select Committee, publication of the Bill as amended by the Select Committee and consideration of amendments brought forward by the Members for the Bill as amended by the Select Committee. We have had no reason whatsoever to suppose that this will be brought forward and passed into a measure all at once in this sitting, and therefore, we did not think of amendments at all and we were taken by surprise. These are the general considerations. In the first place, this is not an unimportant Bill. In the second place, the changes made by the Government have not been incorporated in the Bill. In the third place, we have had no time given to us to formulate our amendments to this Bill. Apart from these general considerations, I have got objections to the important provisions in this Bill, especially with regard to the inclusion of maths. I am very glad, Sir, that the hon. Sir T. Sadasiva Ayyar is here. It is well known how these maths are managed."

* The hon. the PRESIDENT :—" I am afraid, the hon. Member is going into the merits of the Bill. He has moved a motion for adjournment of the discussion of this Bill. I would ask him to confine himself to the motion."

Rai Bahadur T. M. NARASIMHACHARLU :—" Now I shall only briefly refer to some of the points mentioned by the hon. Minister. He said that one great object for hastening this Bill and getting it passed into law was that the Commissioners were unable to do their work now, because the several institutions had not contributed their quota to their proper working, and consequently he wanted to prevent the institutions from spending large sums of money over the litigation that was pending in the High Court. I submit, Sir, that the latter is a very laudable idea indeed . . . (Hear, hear.) Laudable, because it is the object of the people also that the trustees shall not waste their money upon litigation. But I submit that it does not come with a

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good grace from the Government or the Board of Commissioners who are the defendants in the suit. If this point had been raised before the suit had been instituted, there would have been very great force in that argument, but as it comes now, Sir, now that the suit had been instituted and that the Government are the defendants, the Government do not consider litigation necessary. The Government do not want that we should spend a lot of money over these litigations. The point is no doubt very laudable by itself, but it does not come with good grace from Government at this juncture. This is my answer to that point. It was stated that the Commissioners have not had sufficient funds to carry on their work and that they were prevented by several institutions not paying their contributions. I am always one who thinks that every one is an honest person and every one believes in what he says. If the institutions think that they are bona fide and think that there is some illegality in this Act, that it is not a valid law and that they are not bound by it, Sir, are we not bound to give them the benefit of it and assume that they are acting bona fide in refusing contributions and litigating the question? That is my attitude with reference to their not paying their contributions. Sir, there are two sides to every question. The Government of course are bound to consider every point of view, to consider both sides of the question. But unfortunately, somehow or other, the Government think that they are the saviours of this province in the matter of religious institutions. I entertain a different view from the Government on this matter, and I think on a most important question like this, the hon. Minister himself has said that sooner or later, this Bill is bound to become law. If it is sooner or later bound to become law, why should it be sooner done than later. A few months' pause will not bring us to ruin and the institutions will not misappropriate or mispend the money. I therefore submit, Sir, that there is no hurry at all at present on an important question of this kind. Even if a good thing is done precipitately and hastily, it is not likely to be received in good grace by the people. Therefore, in the good name of the Government and for the good name of the hon. Minister himself, whom I always hold in high esteem and veneration, if I may be permitted to say so, I say that we ought to postpone the further discussion of this Bill to the next meeting of the Council. I have no doubt that he will be returned and that he will be the Chief Minister once more. Therefore I say, Sir, let him have implicit faith in Providence for whom he is now legislating and that Providence will not fail him in the hour when he most needs His help. Therefore, let him wait patiently, let him place implicit faith in the people for whom he is doing good work. Then, Sir, he will be able to carry the Council with him when the next Council sits and he will earn the gratitude of the millions of the Hindus for whom he is working. With these words I appeal to him not to hasten the matter now."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I wish to second the motion. In doing so, I should like to make my position clear. I come with more or less a definite mandate from my constituency. There are about 230 voters in my constituency and with the exception of eight or nine Muhammadans, all the rest are trustees of temples. My family itself own about 14 endowed temples and 32 unendowed temples. Therefore, Sir, you can easily understand why I am anxious to have a fair and reasonable measure. Sir, my point

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is that the Act has been before us for too short a time and we are not now in a position to know in what all ways it is defective. It is a curious thing that the Board of Commissioners, which is the most competent authority to say anything on the working of this Act, has kept silent till now. I thought they would have publicly stated in what ways the Act worked to the detriment of the temples. Sir, the Statement of Objects and Reasons incorporated in the Bill does not represent the opinion of the Board. It was said, that the measure was only a validating Bill. That is what is stated in the Statement of Objects and Reasons. But now we find that the suggestions made by His Excellency the late Viceroy, Lord Reading, have been incorporated into the Bill. It was only this morning that I heard about it. As a matter of fact, some of us do not remember what the suggestions of the Viceroy were. I have only a hazy idea of the specific recommendations made by the Viceroy and I feel that I am incompetent at this stage to help the Council with my opinion about them. Sir, now that an opportunity has been given to re-enact the Bill, it is up to us to thoroughly overhaul the measure and to get rid of the unsatisfactory features in it. I personally believe, Sir, that in the whole Bill the Board of Commissioners is the most unsatisfactory feature. Speaking for Malabar, I cannot understand how the personnel of the Board . . .

* The hon. the PRESIDENT :—"Order, order. I am afraid the hon. Member is wandering into the merits of the Bill. He must speak on the motion for adjournment of the discussion of this Bill."

* Mr. K. PRABHAKARAN TAMPAN :—"May I not point out, Sir, in what way the Bill is defective? You will allow me to do that."

* The hon. the PRESIDENT :—"This is not the stage."

* Mr. K. PRABHAKARAN TAMPAN :—"Well, Sir, then I will confine myself to only one aspect of the question. The Bill has been before the public only for a short time and sufficient notice has not been given to the constituents to help the Members with their opinion. This is a matter which affects the very existence of the Hindu community. This is the fag-end of the life of this Council and anything done haphazardly will not be improving it, but would only injure it. There is no urgency about it and if this is put off now, we will be in a position to go to the constituents and come back with specific instructions to the Council, and then deal with the Bill properly. Until then, Sir, I am afraid that I personally will not be doing my duty to my constituency if I do not support the motion."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, I am sorry I cannot see eye to eye with the hon. Members who have preceded me. They have, to my mind, misunderstood the situation in which we are at the present moment. We are not at the present moment trying to legislate a fresh measure for the administration of the religious endowments of this Presidency. We have done that already. Sir, for a long time this question of legislating for the better administration of the religious endowments in this Presidency was before the country and the consensus of opinion on all sides, official, non-official and of persons belonging to the various communities were directed to find some means of bettering the administration of these bodies. It was as a result of that, that the Government themselves made several attempts to introduce legislation. As soon as

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the new reformed Council came into existence, Sir, I gave notice of a motion to have legislation introduced on certain lines. That resolution could not be taken up, but it was in consideration of that resolution that a committee was appointed to draw up a Bill with reference to this matter. That committee sat, and in that committee as well as in the Select Committee which sat on the Bill as introduced in this Council, there were differences of opinion of a serious kind with reference to one or two important matters. Of course, it is the case with almost every measure; and in the case of no big measure can it be said that all the provisions are accepted by any one person. There will be some difference of opinion with regard to some provision or other. For instance, when this question of the Board of Commissioners was proposed by my hon. Friend Mr. Muttayya Mudaliyar,—he happened to be on the Committee—I and some others objected to it. But seeing the form which the Bill took in the Select Committee, we thought that there was no way out of it. We had to agree to this Board because we thought with reference to the other provisions made in the Bill we could not do without the Board. Similarly, Sir, with regard to the maths it was thought that outside interference will have to be objected to. There again, Sir, the same difficulty arose. There was difference of opinion and some of us . . .

* Sriman SASIBHUSHAN RATH Mahasaya :—"Is that not going into the merits of the Bill, Sir?"

* The hon. the PRESIDENT :—"The hon. Member is developing the point that no Bill can be completely satisfactory."

* Mr. S. SATYAMURTI :—"What has that got to do with the adjournment motion?"

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"If my friend will wait for a minute or two, I think he will find what it has to do with this motion. As I said, Sir, no Bill can satisfy anybody in every portion. There will be difference of opinion with reference to particular portions of the Bill on one side or the other. But what was done in this Council was that the Bill was passed by a very large majority. We find, Sir, that an unsatisfactory procedure was followed by the Government, by the Viceroy and by the Governor. Some of us thought that the procedure was wrong and we showed our displeasure in an emphatic manner by leaving the Council and thereby showed to the Viceroy that the procedure adopted by him was in our opinion wrong. If that objection that we raised had been heeded to at that time and this Bill was then revised and the revised Bill introduced at once, Sir, there would have been no difficulty whatever. Unfortunately our view of the matter was not accepted by the Government and we are now in this position, namely, that that illegal procedure was adopted and the Bill was passed under that illegal procedure to which at the present moment objection is being taken. Well, Sir, what is now sought to be done is only to re-enact the measure as it was passed by a very large majority in this Council. We are not concerned now, I beg to submit, with the details of the measure. There will be time enough to consider them later . . . (Voices: Why not?) We are now in this position that we have got to see that the procedure in passing it is regularised. Some cloud is being raised with reference to the binding nature of the Act and its provisions. Are we justified in leaving

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that matter in that position? If the Bill had not become an Act, I can well understand the position of the hon. Members of this Council that we will have to go into it in detail. We will then have to change things here and there according to our own desires; but now we have got an Act about whose validity there is some doubt cast. It is in operation now and the administration of the endowments under that Act is going on. Now, what is the position of the hon. the Minister and what is the step that the Government should take in a matter like this? It seems to me, Sir, in my humble judgment, that it is the duty of the Government, as soon as they thought that there was some reasonable doubt, as soon as they thought that there was some reasonable chance of argument on the other side, they ought to have come up and put this matter on a proper basis. My complaint against the hon. the Minister is that he has not come to this Council soon enough. He has allowed a long time to pass. It will be almost criminal folly on his part to leave this matter unsettled at this time. This Council is coming to an end. It may be, I do not know, that in spite of what my hon. Friend Mr. Narasimhachari said,—I do not occupy the advantageous position he does, and I have no right to prophesy,—it is possible that the hon. the Minister who is in charge of this Bill may not be in charge of the same Bill again. What will become then? (Voices: 'Heavens will not fall') Heavens will certainly fall. (Voices: 'You will be in charge of this Bill.') If I am in charge of the Bill, then I will tell you what I will do. Now, Sir, we have to take things as they are. The position will simply be this: if there was no Act, certainly I will agree with those who want an adjournment of the discussion of this matter; but when there is an Act, when that Act is being administered and when a Board is constituted, supposing in each munsif's court and sub-court points are raised in suits that the particular trustee who was appointed has no power to go on with his work because he has been appointed by the Board or by a committee appointed under this Act, what is to be the position? The elections, Sir, under this Act are to take place soon. What will be the position then? The Board's orders will be invalid. Anybody can raise an objection as regards the validity of the orders of the Board or of the committee or of the trustee. Are we to be in that chaotic condition? I beg to submit, Sir, that to my mind it seems that it will not be dealing with the people properly. So far as the Government are concerned, they will not be doing their duty if they are going to leave matters in that chaotic condition. So, Sir, it will be the duty of the Government as well as of this Council to pass this measure by a very large majority and to put the legislation and the trusts under the Act which has come into force on a sure foundation without any flaw and without any question of attack on this side or that. Well, Sir, there is a point that may be raised, I may mention, with reference to the fact that suits are pending in courts. What is the position? If it is a matter where private vested interests are concerned, it will not be fair for the Government to enact a measure whereby you can take away vested rights, but it is a matter of administration of public institutions. Such being the case, I beg to submit, Sir, the sooner all doubts are cleared, the better it would be for the country and for the interests of these maths themselves. It is on these considerations, Sir, that I think we ought to re-enact this measure without any loss of time.

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"I have to say just a word about the revised Bill that has been published. The safer course that suggests itself to me is to re-enact this measure as it was passed in the old Council, because that Bill was passed by a large majority in this Council and we are bound to pass it in this Council without raising any question. If anybody wants any change, the proper course will be to have the changes to be made embodied in an amending Bill; but now we find one or two changes have been made by the hon. Minister. I would ask him, Sir, in view of the fact that these changes are made, that he would allow some time, a few days, to consider these changes which he has made, especially after what Mr. Prabhakaran Tampan said, that he was not aware of the changes made. If, for instance, Sir, you will agree to have the attention of the Members drawn to the particular changes he has made and you will allow a few days for the consideration of those particular changes, I think it would be proper for the Council to pass it as introduced. Otherwise, I will strongly advise him to confine himself to the original Act that was passed. Therefore, Sir, for the good name, as well as for the security of the country, it is absolutely necessary that we should pass this measure at the present moment and see that this re-enactment is passed without any loss of time. It is for these reasons that I oppose the motion."

* Mr. R. SRINIVASA AYYANGAR:—"Mr. President, Sir, it has become the normal feature of this Ministry to rush through Bills of a far-reaching and important character at the rag-end of its life or when its life is fast ebbing. 12-45 p.m.

(The hon. Rao Bahadur Sir A. P. PATRO:—'Question').

"You may question it, Sir, but that is my opinion. The House will perhaps remember that in April 1923, just on the eve of the last Council, a Bill that subsequently became an Act was rushed through in the teeth of strong and legitimate opposition that was presented to it on this side of the House. It fell to my lot to point out what I characterized as the important storm centres of this Bill. The bulk of the members, more than once, attempted to steer clear of the storm centres, but so far it has not been successful. But on coming to the statement made by His Excellency the Viceroy so early as February 1925—we are now in August 1926—we find the following. His Excellency stated there as follows:—

'His Excellency has given most careful attention to the representations which have been made to him in regard to the provisions of the Act. He cannot shut his eyes to the fact that there is a large amount of dissatisfaction and apprehension in regard to some portions of the Act and he himself has doubts as to the suitability of some of its provisions. In particular, he is unable to regard as satisfactory the procedure laid down for the modification of schemes already settled or deemed to have been settled under the Act. The measure, however, is one which was passed by a majority of the local Council of the Presidency, which included, in fact, a majority of the members of the community primarily affected. It was not to be expected that a measure of this importance would be enacted in the first instance in an unimpeachable form, and there would be no reflection on the action either of the Minister who was responsible for the measure or of the Council which passed it if an amending Bill were to be introduced at an early date to remedy the defects which have been made apparent as the result of the exceptionally close examination which the measure has been subjected to.'

"I, for my part, have carefully compared clause by clause of the Bill with the provisions of the old Act and I have not been able to perceive any tangible difference. Here and there, some of the original sections have been split up into two sections and then the old Bill has been made to

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appear before us in a new form, with fresh fetters with the sole idea of rendering legal certain illegal acts and making wrongs look right. We all know that 'Haste makes waste', and this hasty legislation on the part of the Government has landed it in a quagmire from which the present Ministry tries to wriggle itself out. I entirely sympathize with the Ministry. It is their own making, their own seeking. They turned a deaf ear to all criticisms and now at the last psychological moment when we are on the eve of dissolution, a measure of this momentous character is sought to be rushed through. Now, there is absolutely no warrant for a Bill of this character. Two main reasons have been advanced, if I understood the arguments of the hon. the Chief Minister, in support of the position that he has chosen to take. The first reason was that he wanted to prevent unnecessary waste of trust funds. As regards that, I may, in passing, tell you and other members of the House that it is open to the court in awarding costs to release the trust property from all obligation and make the trustee liable to pay costs out of his estate if it is satisfied that the action was vexatious and is not *prima facie* in the best interests of the institution. Such a provision does exist and I cannot understand why the Minister though the Government is not a party, its machinery the Board is a party as defendant should be very anxious about the interests of the plaintiff. That is the position which I am unable to understand. Let me turn to the Statement of Objects and Reasons. To me it looks that, so far as the Minister and the Government are concerned, no such doubts have been entertained by them and we do not want them, however, to go to the rescue of the doubters who have taken the matter before the highest tribunal in the land. It looks very much as if the Government, unwilling to sustain a defeat at the hands of the judiciary, want to forge a new weapon with a view to paralyse the functions of the highest judicial tribunal of the land or, in other words, they want to cover all their mistakes by rushing through a legislation of this character knowing full well that their action is not proper. Moreover, as has been pointed out by the hon. the Mover, this Bill was published only about two weeks ago. We got a copy only on the 12th. We had no time to put ourselves in communication with the electorate and to ascertain their views on the matter. Some of us may hold individual views, but we here are the trustees and guardians of the people whose views and opinions we are bound to reflect and represent and therefore it seems to me that more time is necessary. There is absolutely no fear of the world coming to an end in these two or three months. This Bill may be held up for another three months because we are on the eve of elections. I hope and trust that the next Council will meet somewhere about the end of November or December and nothing will be lost by granting time or by withdrawing this Bill, whichever course suggests itself to the hon. Minister. There is a large amount of feeling in this country that the Ministry is trying to rush this Bill—I don't want to attribute any motives—more with a view to avoid the possibility and I may say the certainty of a defeat at the hands of the judiciary."

* Mr. P. ANJANEYULU :—"Mr. President, Sir, I am rather surprised that my Friend from Coimbatore should have lent his support to the introduction of this Bill at this stage. He reminds me of an old bishop who, when the new world, America, was discovered, sent out deep sighs saying 'Lo!

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behold! there are a number of persons here who cannot reach Heaven because they are not Christians and are not baptised.' Even so, my Friend from Coimbatore seems to think that if the hon. the Raja of Panagal will not introduce this Bill and will not have it made law before the close of this Council and before the new Council comes into being, he fears he may not be there again to introduce this Bill. I do not know whether it is extending a personal courtesy to the hon. the Chief Minister, or whether . . ."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I do not know if it can be said that a personal courtesy was extended to the hon. the Chief Minister. I said it would be criminal folly on his part if he did not do it because he knew that there were certain doubts and it was his duty to introduce the Bill as early as possible."

* Mr. S. SATYAMURTI :—"Why did he not do it?"

* Mr. P. ANJANEYULU :—"It is more than 18 months since the receipt of the Bill from the Governor-General with all the suggestions that he was capable of making. We are now on the eve of the dissolution of this Council and he comes forward with a revised Bill. The Bill was published in the Gazette by the 16th August, Sir, and it was translated into one vernacular (only Telugu) on the 17th of this month. There was hardly time for the people who are affected by this Bill to go through the provisions of this Bill and to understand it intelligently. It is not merely we, Sir, that are sitting here that are interested in the Bill, but there is a very large majority in the outside world for whom it is intended to be enacted, to save them from all the folly and all the trouble into which they have been sunk all these long years. The hon. the Chief Minister says many attempts to introduce a Bill of this nature were made, I think, beginning with Sir T. Muthuswami Ayyar and ending with him. For all these many years, people are sunk under the disadvantages everywhere for want of a Bill like this. Cannot they remain where they are for a little longer, three months more? Well, Sir, the dangers are many. Already this portion of the House, on the 3rd April 1924, protested and protested in vain, and they showed their protest by walking out and not taking any part in the discussions of the Bill as it was returned by His Excellency Lord Willingdon with the amendments that he suggested, when we had only to discuss those amendments and not the whole Bill. Now the whole Bill comes, and it is but right that it should come, but what we ask is why we should not be given some little breathing time. It is not proper to have an imprint of indecent haste on the face of this Bill. Where is the necessity of introducing this Bill when some suits are pending in the High Court? You say that doubts have been thrown as to its validity. Who has thrown the doubts? It is not the law court; it is not the public. The doubts were thrown much earlier than now, and when the doubts were thrown and protests were made, the hon. the Chief Minister was not pleased to extend a little more breathing time. He is not prepared to extend a breathing time now. Well, Sir, I am not able to prophesy as much as my hon. Friend from Cuddapah who assures us that the hon. the Chief Minister will again pilot this Bill in the new Council. Well, with those assurances I shall not be able to prophesy whether he or any one will be here. But this much I shall prophesy, namely, what appears as a speck on the political horizon to-day may develop if time is not given, if opportunity is not taken by the protest

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we make here, may develop into what I may call the 'Hindu Khilafat' agitation. And what has been done till now may repeat itself. And what is being done just to rectify mistakes? One Bill is being published on the 3rd August and again a revised Bill on the 10th August. Surely, that is not the way. It will take long years before a better Bill is introduced. Much of bad blood will crop up in the meanwhile in rushing this measure with a view to see that the expenses that may be incurred in the law courts are averted. Expenses have already been incurred and a little more money possibly will not matter so much as compared with the bad blood that the hon. the Chief Minister may wittingly or unwittingly be the cause to create.

1 p.m. "In these circumstances, Sir, both the Members of this House and the large outside public make this request to the hon. the Chief Minister. Among the Members of this House there are various religionists. The question of the Khilafat moved the whole world. If a measure of this nature affecting Christianity is brought up, it will certainly move those hon. Members who follow that religious faith. The Hindu element here cast a majority vote last time also that that Bill should not be accepted in the form in which it was introduced. That being the case, I think there is nothing lost if a little time is given for the consideration of this Bill, and if this Bill is introduced after fresh Members have come in after the elections. I therefore appeal to all sides of this House that this being a religious question, we in religious India ought not to rush with this post-haste legislation. We are legislating religion, religion which is higher than all earthly things—a question which in this land, even in these degenerate days, appeals itself most to everybody. In the name of religion, as I once remarked, many atrocities are committed and for the sake of religion many a noble life has been sacrificed. That being the case in this essentially religious land, I hope time will be given for consideration of a measure of this kind."

* Mr. C. B. COTTERELL:—"Sir, I do not wish to deal with any question of the Khilafat (laughter). I may refer to two points which have been raised by hon. Members who preceded me. The first point was that they had not time to consider the provisions of this Bill. Now, Sir, the Bill simply seeks to make three small changes which I shall refer to shortly. It is almost the same as the old Act which they had an opportunity of studying for a year and a half.

"It was complained, Sir, that no information was given as to what the Viceroy and Governor-General wished to amend in the original Act as passed by this Council, and it was asked what amendments have actually been made in the Bill to carry out his wishes. I may now refer to the clauses to which amendments are suggested; they are clauses 57, 65 and 67. The only difference between these clauses and the old clauses of the Act is in the direction of greater freedom to trustees and interested persons to move the courts in the matter of schemes settled by the Board."

* Mr. S. SATYAMURTI:—"Mr. President, Sir, we are all just now so full of elections, of our own chances or hopes, or the chances or hopes of our party—I submit I am speaking for everybody here—we are too full of elections just now to deal with a first class legislative measure with that calmness, detachment, and impartiality which we ought to apply to the consideration of such measures. That is the reason why, Mr. President, in really self-governing

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countries, the party in power forecasts in advance, in the speech from the Throne, first-class measures of legislative importance which they propose to introduce in the ensuing session, and I challenge my hon. Friend, the Chief Minister, to say whether in the whole history of English parliamentary life, after which we are trying to pattern our own parliamentary institutions, there is any case of any single measure which is introduced just before the dissolution of the Parliament. The majority here introduces a measure of first-class legislative importance, and the notice which is given to the House seeks to ask the speaker thrice to suspend the Standing Order, thus smothering the rights of the minorities and forcing through legislation at breakneck speed. It seems to me that there can be no greater negation of democracy by which we swear at the hustings, but which we forget the moment we enter this House, assured of a majority and of the support from the Government, My hon. Friend the Minister may have read—I hope he read with profit—the speech of the Viceroy and Governor-General in welcoming the Central Legislature. His Excellency Lord Irwin expressed his keen regret that he was compelled to summon the members of the legislature in August, while the elections were impending in November, and said that his only reason was that some of them would have to suffer the inexorable fate of the ballot box and that he wanted to see them all before that event. I do not think there is any other reason except the one which Lord Irwin gave, and that does not apply to our being summoned here to consider a measure of first-class importance. Lord Goschen has seen all of us. My hon. Friend the Chief Minister in his usual way made a short speech. One thing which he manages to do is to make a series of categorical statements in a definite manner as if statements by themselves were arguments. He said its immediate introduction was absolutely necessary. He has not advanced one single argument to show that its immediate introduction is absolutely necessary. He should have added not only its introduction, but the immediate passing thereof into law. I should like the House to realize that by this motion we are now seeking to rush through not only the first reading of this Bill, but also the second reading, the Select Committee stage and the third reading and the passing into law, all of which the hon. the Minister wants to rush in this House within as few hours as he can manage it. Then, he went into the history of the reasons for this Bill and told this House with pontifical authority that there was corruption and mismanagement in many of the institutions. I challenge him to prove that statement (The hon. the Raja of Panagal: 'Some institutions'.) I am sorry, Sir, I heard him say 'many'. The official report will be handed over to us when we can verify it. However, I take his word. He added that such mismanagement and corruption was due to defective legislation. I want to join issue with him there and say that man never is and never will be made moral by legislation. If our institutions are not so well managed as they ought to be, the remedy is not in a salaried Central Board or in multiplying litigation and hanging the sword of Democles over trustees and heads of institutions but by educating the religious conscience of the people. Instead of doing that, my hon. Friend the Chief Minister with childlike faith in the efficacy of legislation in making men moral seeks to enact this measure. Legislation is no doubt easy so long as he can command votes. Let him repeat this Bill again and again, even fifty times, and so long as he does not take real public opinion with him, so long as he ignores even orthodox

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public opinion, I challenge him to say whether he will succeed by mere legislation. I hope he will profit by the experience of the world that social and religious legislation much in advance of the times, or not in consonance with prevalent public opinion, is bound to be a failure, and he who ignores history ignores it at his own peril. We were told that this Bill became law in January 1925. The suits referred to by my hon. Friend were instituted long ago. Why then this delay on his part to remove the doubts raised? He says this consciousness suddenly dawned upon him. I ask him, did it or did it not dawn on him after the Government was refused to be made a party to the suits by the High Court? Till then, Government thought that they could pay out of the taxpayers' money for this costly litigation. Where had all his present solicitude for the trust moneys then gone? Till then he perhaps thought that the poor taxpayer could be made to defend the suits on this Bill. But the moment the High Court took that view, suddenly my hon. Friend's conscience is aroused, and he says 'we shall not spend trust money on that litigation'. Why did he not bring this Bill earlier? Then, he added that the opposition to this Bill was a very small opposition. In that case, Sir, may I ask the hon. the Minister what is the extent of the opposition which he will consider valid before he consents to this adjournment motion? (The Raja of Panagal: 'A majority.') Because he is in a majority he is there. If he is in a minority, he would not be there. It is because we are in a minority we have to make this motion. If he and his party are in the minority he will have to ask for the adjournment. If he is in a minority, there will be the need for an adjournment and we will willingly grant it. (Laughter.) Therefore, let him realize this: while he has got the strength of a majority, he has got to consider that we are building up an infant legislature. So I appeal to him to consider that the majority are here to protect the minority in the enjoyment of our rights and privileges. I ask the European Members of this House whether they are really helping us by their being abettors to this act of merely using a majority to rush through legislation of this kind. The Local Self-Government Secretary—I gladly welcome his presence here—contributed his speech, and he said that this Bill had been on the Statute Book for a year and a half and that therefore there was nothing new about it. May I tell him that it is a human fact that all of us are not studying the law on the Statute Book all the time, and it is only when a Bill is sought to be placed on the Statute Book we begin to study it? The fact that the Bill was there for a year and a half does not raise any presumption whatever. It is not until we get notice that this Government intends to introduce a re-enacting Bill that we can be presumed to have studied that law. That argument is at best irrelevant.

"Then, Sir, my hon. Friend contrary to all precedent—I expected you, Sir, to call him to order; probably you did not follow him—commented upon the proceedings in the highest court of the land. He said the delay in the disposal of these suits was solely caused by the plaintiffs, a statement which I question. He said that commissions had been asked for to examine Lord Willingdon in Canada and Lord Reading in England, and why not? Are Lords Willingdon and Reading above the law? Why should they not be examined? Is the Chief Minister going to come here and say to the High Court, 'Thus far, and no further'. That is an aspect . . ."

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* The hon. the RAJA OF PANAGAL:—"I merely mentioned that the appointment of the commissions would mean heavy expenditure. I never said that Lord Willingdon and Lord Reading should not be examined by the commission. My complaint was that these appointment of commissions would cost lakhs of rupees. I understand a large number of suits are instituted and if every plaintiff in these suits should insist on a commission examining Lord Willingdon in Canada and Lord Reading in England the amount that may have to be spent upon this legislation would be enormous."

* Mr. S. SATYAMURTI:—"I appreciate the argument, especially as it comes after the judgment of the High Court declining to make the Government a party. But the point is this: the High Court is the highest judicial tribunal in this province, as we are the highest legislative authority in this Presidency. If we, humbler men, are trying to do anything in advance of High Court judgments, we shall be guilty of contempt of court. Are we to take undue advantage of the statutory protection given to us and tell the High Court and all possible litigants: 'We are in a majority and therefore whatever suits you may file in the High Court we will pass a law and say to the High Court, you shall not decide that matter'? I challenge my hon. Friend to give one instance in any self-governing country where anticipating the judgment of the highest tribunal in the land the legislature passed a law—anticipating their judgment and saying that whatever the judgment may be, it will not be binding on us. We know the instance of the famous Osborne judgment and the Trade Union legislation that followed upon it. There, the Government took the case to the highest court in the realm, and when they were defeated, then they brought legislation in order to remedy the defects. The obvious course for a Government which believes in the majesty of law and order by which we swear at all times, is to await the verdict of the High Court, if necessary even then to take it to the Privy Council, and then to bring up legislation to remedy what they consider an obvious defect."

"It seems to me that here the whole process is reversed. What is there to prevent to-morrow this very party bringing in a Bill that decrees against the members of it shall not be executed? The Civil Procedure Code will stand amended and they will say, 'we shall not allow decrees to be executed against the members of our party'. Is this the way you are going to educate the country to respect law and order? The High Court is there and the suits are pending there. Are we here to say: 'You shall not decide the matter, because we shall take it out of your hands?'"

"My hon. Friend says: 'The board is handicapped and contributions are withheld.' Well, it is either due to the fear that the law is not valid or due to unwillingness on the part of the trustees to co-operate with the Board. Whatever it is, you will not by re-enacting the Bill make things better. Does my hon. Friend think that because he rushes this Bill through, there will not be litigation again? He is very much mistaken if he thinks so. If there is litigation and if it goes on, how will it improve matters? Unless you pass a Bill saying that there can be no suits filed in the High Court relating to the Hindu Religious Endowments Bill . . ."

* The hon. the RAJA OF PANAGAL:—"I dare say it is necessary to amend the law so as to prevent waste of endowment funds on unnecessary litigation."

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* Mr. S. SATYAMURTI :—"I should not be surprised. This party is so full of the consciousness of its own powers that if they continue in power they will by and by interfere with the private life and private finance of not only trustees but of other people also. My hon. Friend has made it clear. His mentality and the mentality of his party seem to be that they are going to be so paternal in their administration of charitable endowments that they are going to tell the trustees 'if you spend money on litigation which we consider frivolous, you shall pay for it.'"

* The hon. the RAJA OF PANAGAL :—"Sir, I did not object to trustees spending endowment funds for necessary litigation. I objected to funds being wasted on unnecessary litigation. If the trustees are anxious to undertake such litigation let them spend from their own pockets."

* Mr. S. SATYAMURTI :—"My point is this: Trustees are interested in preventing inroads on the trust property or on their rights over that property. The idea that trustees cannot have vested rights will not commend itself to any lawyer. The trustees have vested rights as much as heads of religious maths have got vested rights. They do not have them in their personal capacity, but they have them in their public capacity. The whole point of my hon. Friend has been that he wanted to prevent the wastage of money on what he considers frivolous litigation. Are we going to be a party to a measure of this kind just in order to tell the trustees not to waste money on litigation? I say it is impossible. I say it is futile. You cannot by legislation prevent these things."

"Regarding my hon. Friend on the front opposition bench, I hope some means will be found by which the metaphorical crossing of the floor will be soon followed by the physical also."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"May I say at once that I have not crossed the floor and joined the other party? I am as much in the opposition as my Friend the hon. Member for the University."

* Mr. S. SATYAMURTI :—"But it is not the business of the Opposition to support any business of the Government."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"It is neither the business of the opposition to oppose everything." (Ministerialist cheers.)

* Mr. S. SATYAMURTI :—"I shall explain my point. When you are in the opposition you oppose bad measures because they are bad, and good measures because when you are in power you can introduce better measures."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"When I want to take lessons, I will go to him."

* Mr. S. SATYAMURTI :—"If the hon. Member knew he wanted lessons, he would have done so long ago."

"My hon. Friend repeated the same arguments of Mr. Cotterell that this is not the first attempt at legislation. I ask him not only as a matter of form, but in substance, whether a Bill is not a Bill. This is a Bill placed before the House and is not this House entitled to consider it on its merits? Are we bound by the acts of our predecessors, in which case it will mean that every time the Council passes a Bill the subsequent Councils have

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nothing to do with it whatever? I consider and claim that this is a new Bill and a fresh Bill and, as such, we have a right to have all the privileges of this House when a new Bill is introduced and to consider it on its merits at every stage.

"My hon. Friend asked us not to be concerned with the defects of the Bill. Then what are we here for? Are we merely to enact a Bill which is placed on the table of the House without looking into the defects or otherwise of it? That is not my conception, Mr. President, of the duties and privileges of the members of this House."

"I should like, Sir, to just advance one or two arguments why nothing will be lost by agreeing to the adjournment of this business. Whatever people may say, the Act is in force. The Act is on the Statute Book. By putting this Bill off for three months, you lose nothing. On the other hand, you gain this thing: We place this Bill before the electorate. Why should the hon. the Chief Minister be afraid of facing the electorate? Why should it happen that again and again, he should introduce the Bill just before a general election? It was introduced in March or April of 1923 and again, it is introduced this time in August. Why this fatal fascination for the fag-end of a Council? Why not wait till November? What will happen? I am told the heavens will fall. The heavens will never fall. Even assuming that something serious will happen, is it expected to be so serious that three months' adjournment will fatally affect the Bill? I am yet to hear any such argument. What is going to happen in these three months if this is adjourned? The High Court proceedings can wait and will wait. Sir Kumaraswami Sastri the other day adjourned a suit, pending this legislation. So, if by a resolution of this House this Bill is adjourned for three months, nothing will happen. The Board will function. The Act is in force and to the extent to which you can exercise your powers you are exercising it. On the other hand, we shall be able to educate the electorate on the merits or otherwise of this Bill and come back to this House with a clear mandate one way or the other. And, moreover, the Government are interested in this matter. If they are serious, why not postpone the elections till December or January and give some more time to consider this Bill? If you think that we ought to face the electorate, put off the elections and let this Bill be considered after we have got the clear opinion of the people whom we represent or are supposed to represent here. Moreover, Sir, although this is not the stage, I want you to realize that your exceptional powers to suspend the Standing Orders will have to be exercised thrice before the hon. the Raja of Panagal can get this Bill through this sitting. Is that going to be done?"

* The hon. the PRESIDENT :—"We shall consider that later, not now." (Laughter.)

* Mr. S. SATYAMURTI :—"I apologise. I did not mean to forecast your judgment. What I wanted to know was, is it going to be asked that you should suspend the Standing Orders thrice at the fag-end of the Council in order to rush through a measure of this kind?"

"When we come to the preamble, Sir, we are told that

'Whereas diverse doubts have been raised . . . it is expedient to remove those doubts . . . Therefore, . . .'

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"What follows? When we pass a Bill, if some people file suits against us in the High Court, we are then be called upon to re-enact a Bill. Is that the position to which you want to reduce this Council? I submit it is a position of contempt. Because, litigation would go on although this House solemnly sits and says we have re-enacted this Bill. It would have been far better if the hon. Minister had consulted his legal advisers and said that this Act is invalid and therefore we ought to re-enact it. I can understand it, but on the other hand, from the vigour with which they are fighting the suits, I see they think that it is perfectly valid. Why then this legislation now, except for the reason that there are suits pending in the High Court? Then what is the precedent you are establishing? You are establishing a precedent that the moment there are suits against any legislative measure of this House, you ought to ask this House to solemnly re-enact that Bill. It seems to me that for these reasons nothing will be lost by agreeing to this motion for adjournment of this business to the next Council, but a great deal will be gained which will be in consonance with public opinion. It will enable all sections of this House to bring an unbiassed and well educated mind on this subject and to enact a measure, if need be, which will really carry out the objects which the hon. the Raja of Panagal and those who are in his confidence say they have. I have great pleasure in supporting this motion and I appeal especially to the non-Hindu Members of this House to realize our position and to imagine what their feelings would be if Christian and Muhammadan endowments are sought to be affected in this manner and at least to remain neutral, if they cannot vote with us."

* The hon. the RAJA OF PANAGAL:—"Mr. President, I have indeed little to reply because those who opposed the motion have not denied the two main facts upon which my case rests. One of them is that the administration of the Board is handicapped and the other is that in name of litigation which I maintain to be one of mere academic interest large sums of money are being spent by the trustees from out of trust funds. These are the two things which I thought it was my duty as the Minister in charge of religious endowments to prevent. Some of the hon. Members questioned as to why I should rush with this legislation at this stage of the Council. My reason is that the Government are advised that a Bill of the kind should be immediately introduced to remove all doubts regarding the validity of the Act I of 1925 and that if the Act be not re-enacted the litigation questioning the validity of the Act will continue to the great detriment of the trusts."

* Mr. S. SATYAMURTI:—"By whom?"

* The hon. the RAJA OF PANAGAL:—"By the advisers of Government (Laughter)."

"Then, Sir, some hon. Members opposite took me to task for not introducing this Bill earlier. I could only introduce a Bill when its validity is questioned. These suits were instituted, it is true, a few months back. But there are steps to be taken before a Bill can actually be introduced in the Council. Time is required for taking these steps. That accounts for the delay. One of the Members stated that I had not the mandate of the electorate to take up this legislation. In reply to this all that I can say is that I had no mandate to the contrary either. I have to use my discretion. Either the Bill is desirable or not; if it is desirable it ought to be

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introduced and if it is not I take the risk. We have the general elections staring us in the face. If I am the author of a Bill which is considered to be undesirable I will not get support in the coming elections. (Hear, hear). It is more my concern not to introduce an undesirable measure. I cannot understand why the opposition should show so much concern at my taking the risk by introducing the Bill at the fag-end of the Council's life.

"Then, it is argued that the Members have not been given sufficient time to consider the various clauses of the Bill. In fact, as has been pointed out by the Hon'ble Mr. Cotterell except in two or three minor matters the clauses of the Bill are identical with the sections of Act I of 1925 which was passed after a great deal of consideration, consideration *ad nauseum*. Under the circumstances I do not see any reason why I should accept the motion that has been moved by my hon. Friend from Cuddapah."

The motion for adjournment was put and declared lost.

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

Ayes.

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| 1. Mr. K. Prabbakaran Tampan. | 16. Mr. P. Anjaneyulu. |
| 2. " D. Manjaya Heggade. | 17. " Muhammad Meera Sahib. |
| 3. " V. Madhava Raja. | 18. " V. Pantulu Ayyar. |
| 4. " B. Obalesappa. | 19. S. R. Y. Ankinadu Prasad Bahadur. |
| 5. Rao Bahadur C. V. S. Narasimha Razu. | 20. Mr. Chavadi K. Subrahmanya Pillai. |
| 6. Mr. J. A. Saldanha. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. Sriman Hiswanath Das Mahasayo. | 22. Rai Bahadur T. M. Narasimha Chari. |
| 8. Mr. A. Chidamabara Nadar. | 23. Sriman Sasibhushan Rath Mahasayo. |
| 9. " M. Gangarazu. | 24. Mr. Sami Venkatachalam Chetti. |
| 10. " C. Gopala Menon. | 25. " R. Srinivasa Ayyangar. |
| 11. " S. Muttayya Mudaliyar. | 26. " L. K. Tulasiram. |
| 12. " P. Peddiraja. | 27. " K. Uppi Sahib. |
| 13. " M. Sitayya. | 28. " C. V. Venkataramana Ayyangar. |
| 14. " B. Venkatapathi Raja. | 29. " J. Naganna Hegde. |
| 15. " S. Satyamurti. | 30. " C. Venkatarangam Nayudu. |

Noes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 26. Rao Sahib P. V. Gopalan. |
| 2. " Mr. T. E. Moir. | 27. Mr. J. Kuppuswami. |
| 3. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 28. " R. Madanagopal Nayudu. |
| 4. " Mr. A. Y. G. Campbell. | 29. " T. Mallesappa. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 30. " P. N. Marthandam Pillai. |
| 6. " Rao Bahadur Sir A. P. Patro. | 31. Rao Bahadur B. Muniswami Nayudu. |
| 7. " the Raja of Panagal. | 32. Mr. M. Murugappa Chettiar. |
| 8. Mr. T. R. Venkatarama Sastryar. | 33. " C. Muttayya Mudaliyar. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 34. " K. S. Ponnuswami Pillai. |
| 10. Mr. G. T. Boag. | 35. " G. Premayya. |
| 11. " V. Pandrang Row. | 36. " P. Sagaram. |
| 12. " C. B. Cotterell. | 37. Diwan Bahadur M. Krishnan Nayar. |
| 13. Diwan Bahadur Sir T. Sadasiva Ayyar. | 38. " P. Kesava Pillai. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 39. Rao Bahadur T. A. Ramalinga Chettiar. |
| 15. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 40. Dr. P. Subbarayan. |
| 16. Mr. S. Arpudaswami Udayar. | 41. Mr. P. T. Rajan. |
| 17. " A. E. Rencontre. | 42. Rao Bahadur P. Raman. |
| 18. " J. A. Davis. | 43. Mr. J. D. Samuel. |
| 19. " B. Ari Gowder. | 44. " K. Sarvarayudu. |
| 20. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 45. Rao Sahib R. Srinivasan. |
| 21. Rao Bahadur C. Natesa Mudaliyar. | 46. Mr. K. Sitarama Reddi. |
| 22. Mr. A. V. Bhanaji Rao. | 47. " B. Veerian. |
| 23. Rao Sahib S. Ellappa Chettiar. | 48. " K. Venkatachala Padayachi. |
| 24. Mr. A. Ramaswami Mudaliyar. | 49. Rao Bahadur P. K. A. Ct. Virappa Chettiar. |
| 25. Diwan Bahadur P. C. Ethirajulu Nayudu. | 50. Mr. Haji Abdulla Sahib. |
| | 51. " T. M. Moidu Sahib. |
| | 52. " Quadir Muhideen Sahib. |

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Neutral.

1. Mr. Chambers, G. W.
2. Sir Alexander MacDougall.

3. Mr. A. Ranganatha Madaliyar.

Ayes 30. Noes 52. *Neutral* 3.

The motion was lost.

The Council then adjourned for lunch at 1-30 p.m.

After Lunch (2-30 p.m.)

* Mr. J. A. SALDANHA :—" Mr. President, Sir, the main reason given for the introduction of this Bill is to remove all doubts that might exist as to the validity of the old Act, certain actions taken under it and certain things done in pursuance of it. The best way to remove all doubts which the hon. Minister has characterized as frivolous doubts is not this. The hon. Minister's characterizing the litigation as frivolous might amount to a contempt of court if the word was used outside this House."

* The hon. the PRESIDENT :—" The courts have nothing to do with that."

* The hon. the RAJA OF PANAGAL :—" My hon. Friend from South Kanara has misunderstood me altogether. I never intended any contempt to the High Court. The courts are there and there are cases on their files. Does it not happen that some of the cases that go before courts are frivolous; it is an admitted fact that there are such cases filed in courts."

* Mr. J. A. SALDANHA :—" To say that any litigation is frivolous and to give that as a reason for this is not at all the proper way of doing things; but I am not going to lay stress on that point. On the other hand, the best way to put an end to this costly litigation would be for the hon. Minister and for the Government to abolish the Board which is the cause of all this trouble. The whole machinery of this Board and the costly paraphernalia must be put an end to. We must wait until the elections are over and then a new Bill must be introduced after very careful consideration. At this stage the provisions of the Bill are entirely new to me and to so many of us. We have not gone through the whole thing on its merits. We have hardly had the time to consider the fundamental principles underlying the Bill. After going cursorily through the various provisions of the Bill, I put the question to myself as to what would be my attitude as a Catholic Christian if such a measure was brought forward in relation to our religious endowments. (Mr. S. Satyamurti: 'Hear, hear'). No one who has read the history of the struggles between the Church and the State from the ancient times and also what takes place in Mexico and other places in modern times will fail to see how we, Christians especially Catholic Christians, have contended with all our might against the interference of the State with the religious endowments. There have been men who died as martyrs for the cause. The struggle was intense in the middle ages and much blood was shed during the period of the Reformation. The principle for which we stand is that the Church should be autonomous in the administration of the religious endowments and should not be interfered with by the Civil power. But here the

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Board is created by the Government and the President is appointed by the Government or by the Governor with the advice of the Ministers. They are salaried servants of the Government and herein lies the fundamental defect of the Bill. So far as religious endowments are concerned there is a very simple provision for checking maladministration. There is no costly litigation. The Religious and Charitable Trusts Act XIV of 1920 provides an effectual machinery for checking maladministration of religious endowments. This Act is not very much known and I have not heard of any applications under the Act. It is not a costly process and probably because of that, pleaders have not resorted to that. The process consists in simply putting an application on a stamp paper of 12 annas before the District Court and to ask the Court to call upon the trustees of a temple or even of a math to give a detailed statement of the trust property and place the accounts of the trust before it. If on examination it is found that a prima facie case of mismanagement has been made out, the Court is empowered to order an audit at the expense of the institution or endowment. The Court then would suggest a scheme for the management of the temple or the endowment, and if the scheme is not adopted within a certain period a suit would be allowed to be filed at the expense of the institution itself. Under the circumstances, I am sure that most of the trustees will be very unwilling to run the gauntlet of such a process and would set right matters immediately they come to know that an application has been filed or is going to be filed in the Court regarding the endowments under their charge. They would finally accept the scheme proposed by the District Judge and mend their ways. With this provision we can check all mismanagements, however big the institution may be and however large the endowments. So far as the Muhammadans are concerned we have got an Act providing for the better management of the Wakf properties."

* The hon. the PRESIDENT :—" May I remind the hon. Member that we are dealing with the Hindu Religious Endowments Bill?"

* Mr. J. A. SALDANHA :—" I am just coming to that, Sir. I am only saying that we have got ample provisions in the existing Wakfs Act to meet the needs of the situation; whereas we are having before us a most complex Act which will lead to costly litigation and much more mismanagement so far as Hindu endowments are concerned. This is a very unworkable piece of legislation—the Hindu Religious Endowments Bill. A more simple and workable Bill has been brought forward by Sir H. S. Gour in the Legislative Assembly on the lines of the Wakf Act. I do not know what has become of it. Of course there are abuses in a large number of endowments, even in some Christian endowments. But we have got a machinery, especially among the Roman Catholics to check such abuses. We have got the Canon laws, the Bishops and the Holy See to interfere in case of mismanagement or wrongful alienation. We have got a thorough organization to meet the needs of the situation arising out of mismanagement of any of our endowments."

"I think the Hindus must have an organization which is to be worked according to the principle of the Dharma Shastras. The State, if it finds that there is no proper organization, must make use of the high principles laid down in the Dharma Shastras for establishing an organisation which must be autonomous. What I say is that the State should help our Hindu

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brethren in establishing an autonomous organization, a kind of self-government or what I would call swaraj among the Hindus themselves for managing their endowments. This can be done very easily, I think. If we require a central body for advice, and for giving directions let it be a body elected by the electors."

* The hon. the PRESIDENT :—" Order, order. I am afraid the hon Member is outlining the elements of a new Bill. May I ask him to confine himself to the Bill before the House ?"

* Mr. J. A. SALDANHA :—" I am outlining a new Bill, for by outlining a new Bill, I am pointing out that this Bill is wrong altogether. This Bill ought not to be passed by this House. There should be another Bill. The skeleton might remain, but I would change the flesh and blood and the spirit of it entirely. If I had time for it, but there is very little time for it, I am afraid, I would prepare a Bill more or less keeping the wording of the present Bill but change it in flesh and blood and animate it with a higher spirit that must keep the organization on an autonomous basis for looking after great Hindu religion. Neither this Legislative body nor the Ministers should have anything to do with the details of the administration of temple properties and endowments, except in enabling the Hindu religious bodies to look after their institutions, give them a legal or a statutory sanction and to establish them on an elective basis. You cannot go and interfere with them as the Mexican Government does with the religious endowments of Catholics in their country.

" This Bill, I consider, is of a confiscatory character which interferes with the endowments of a religion to which all of us do not belong. But, I speak for a general principle. My opposition to the Bill is based on a cardinal constitutional principle. I speak for a principle for which our Church has fought for nearly twenty centuries. What applies to us, Sir, I think, should apply to the Hindus, to the great body or bodies of the Hindus in this country. Surely, the Hindu religion must contain fundamental principles for the administration of their religious endowments. There are principles, which, if I had time, I would quote word for word from the Dharma Shastras. We should find an autonomous body, a swaraj, from the Hindus themselves."

* The hon. the RAJA OF PANAGAL :—" I should like to know what my hon. friend is going to quote from."

* Mr. J. A. SALDANHA :—" I can quote from the Dharma Shastras themselves. Unfortunately our library contains only English books. You want to carry the Bill in a hurry. I know there are authorities and can find them. It is only ignorance on the part of our Chief Minister of his own religious laws that has made him bring a Bill of this character, which is interfering with the religious autonomy of his own religion. My principle is this, Sir; no autocracy of the civil power but autonomy of the religious organization to which they belong. That is the formula on which this Bill must be amended.

" There has been no time to go through the sections of this Bill. I, therefore, say that with the ample power in the Civil Procedure Code and

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in Act XIV of 1920, if this Council is called upon to establish an organization to look after the Hindu religious endowments, it should be of an autonomous character, and not of this autocratic character. That is my formula. I think the House will see that the principle underlying this Bill is of a character which this House cannot and ought not to sanction. With all respect we ought to have for our religion and that of every one, I think we should condemn this Bill. If no Muhammadan or Christian could stand the principle of this Bill, how can a Hindu ?

" My suspicion is that if you can pass the Hindu Religious Endowments Bill to-day, there will come a time when you will bring a Bill for the Christian endowments. (A voice : ' Hear, hear. ') That is the way the State has been interfering in France, in Italy and elsewhere with religious endowments. That is the way the State interferes in Mexico with religious autonomy, and our Catholics are fighting there against such interference. If I stand against this Bill, I am sure therefore it is on a fundamental principle of independence of religion, and I hope I shall not be misunderstood by my co-religionists. Because I am a Christian, I have not ceased to be an Indian. What I respect in my own religion, I respect in principle in other religions. I hope I stand for the principle, and the principle for which I stand will be accepted by this hon. House."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, it was not my intention to take part in this debate. But a few remarks that have fallen from the hon. Member from South Kanara make it necessary that I should say a few words on this subject.

" The hon. Member said that in the Christian church, in the Roman Catholic church, there is a perfect organization, that the canon law is the customary law, the law recognized and enforced by the church, that the bishop is the custodian and administrator of all ecclesiastical property and answerable to the sovereign pontiff as to the way in which the income and the revenue of that property is utilized. In other words, as he himself admits, there is an organization, and because there is an organization, there is no justification whatever for Government interference in regard to Christian endowments. The Government are pledged to observe neutrality. They are not obliged to interfere in religious matters, they never do, nor will they ever do, nor can they be said to interfere in religious matters here, because they co-operate with the majority in this Council in passing a measure of this nature. My friend, the hon. Member from the University, himself admitted, in a speech which he made on a former occasion in regard to this very Hindu Religious Endowments Bill, that he was in favour of a Hindu Endowments Bill, but not in favour of this present Bill. There is a demand therefore for legislation. So here the question arises of the lack of organization or of the lack of authority in a certain body, authority, perhaps, latent but not operative. Hence, there are misunderstandings and large sections of the Hindus, who see that the trust property and endowments are not properly managed or devoted to the ends and purposes for which they were intended, want a legislation. They may not agree with all the points in this particular legislation but they are in favour of legislation. Therefore, Government merely co-operate with this large body and consent to a measure introduced by it, in order to see that funds, which have been set

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apart for religious purposes, are properly managed and are used for the purposes for which they were originally intended. This interference is with trustees and purely financial. This does not mean that Government may bring any measure affecting Indian Christian endowments. In that case, it will be interfering directly in religious matters. There is no authority for Government to do that. They know very well that there is an efficient organization existing in the church, that the church authorities are sufficiently vigilant, and the moment the property is badly handled or mismanaged, those church authorities are promptly dealt with, are liable to the most severe ecclesiastical censures such as excommunication and other severe measures. Should this Council or Government bring any legislation of that nature which should interfere with religion, certainly there will be occasion for not only my hon. Friend from South Kanara but for every member professing Christian religion in this Council to stoutly oppose that measure, and even go to the length of sacrificing, as my hon. Friend said, his life for it. But no such case arises, nor can ever arise, and therefore, I think, my hon. Friend is labouring under an illusion."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"This House must, indeed, be grateful to the hon. Member from South Kanara for his having placed before this House clearly some of the issues underlying this Bill. If any one in this House had any doubts about some of the features of this Bill, those doubts must have been dispelled after hearing the remarks of the hon. Member Mr. S. Arpudaswami Udayar. He has told us that because in the Christian church there is a well-recognized and well-organized institution, and because the Government are pledged to a policy of strict neutrality, any attempt made by the Government or this House to legislate so as to interfere with any of the institutions would be stoutly opposed and persons will be even prepared to shed their blood.

8 p.m. "Sir, may I point out that if this aspect of the question affecting the feelings and sentiments of a large number of persons professing the Hindu religion had been kept in view and if persons of other religions had kept themselves neutral, it would have been much fairer. It may be that so far as the Government are concerned, apart from the religion which the several Members of the Government profess, there are conventions requiring them to vote in a particular manner. Regarding others, I think that it would have been much fairer if this question had been left for consideration by the Hindu Members themselves. Other hon. Members are perfectly entitled to vote; it is not a question of their right to vote. I cannot congratulate the hon. Minister upon the attitude which he has adopted in dealing with this Bill at the end of the sitting. What do the figures of voting indicate? They are 30 against 52.

"I understand that so far as the elected Hindu Members are concerned, 26 hon. Members voted for the motion and 24 against it. I mention it to show that though the vote of this House was in favour of the action of the Government—even the hon. the Minister thought that sufficient consideration should be shown to the feelings of hon. Members who are in a minority but who are a respectable minority representing as they do a large portion of the elected Members of the Hindu religion—he should have considered it twice before he thought it fit to proceed with this Bill through all its stages

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at this session of this House. Since he has chosen to adopt the other course of rushing this Bill, I felt that I should have no hesitation in opposing the introduction of this Bill, whatever might have been my views on a former occasion. When the Bill was introduced in December 1922, as I am reminded by the hon. Member from Chingleput, I began by saying that I rise to support the introduction of the Bill and the main provisions which it embodied. No one in this House would advocate that there was no scope for the reformation of these institutions; nobody would state that there are no evils to be remedied. But the question for consideration will be 'What is the act which would really solve the problems involved, in a satisfactory manner?' We have been told just now by our hon. Friend Mr. Arpudaswami Udayar that where institutions were well managed and conducted, there ought to be no interference so far as these institutions were concerned. Temples, maths and other institutions coming within the scope of this Bill are so many in number and there has been no enquiry in any regular organized manner with regard to the history of each one of these institutions. They say that all these institutions are ill-managed; let us clutch jurisdiction for dealing with the institutions. As was done when similar Bills were passed in England, if enquiries had been made regarding the history of the various institutions and if it was found that there was a clear case of mismanagement to remedy which some legislation was necessary, and steps were taken to that end, it would have been a different thing altogether. Without a regular enquiry to find out what institutions are well managed and what institutions are not, and whether interference is necessary or not, to have a legislation like the one suggested so as to give jurisdiction to various bodies to deal with all of them in this manner is, I think, not a proper step to be taken. If, notwithstanding the fact that I feel that there are some provisions in this Bill which require consideration and that this Bill should be proceeded with through its different stages, I have decided that I should oppose the introduction of this Bill, it is because of the long history of this Bill from the stage when it was first introduced. It will be within the recollection of the House that the Select Committee introduced several radical changes which were not in the original Bill. The provisions relating to the Board of Commissioners were introduced by the Select Committee. So far as maths were concerned, provisions were introduced at that stage. I do not wish at this stage to go in detail to the various provisions. Suffice it to point out that after the Bill was introduced, various amendments were made by the Select Committee and the hon. Minister, with the majority in this House of which he is proud, was able to carry these and other amendments introduced at the later stages of the Bill. Subsequently, we find that there was a discussion which took place in this House when a message was received from the Governor and when there was a further opportunity of discussing further amendments, and the Bill was passed into law. It is in view of these various circumstances which took place since then that I thought it was better to review the position I took up on a former occasion.

"Another point for consideration is this. The Board of Commissioners have been doing work for the last one year and when there is an opportunity for us to consider whether the Bill has worked satisfactorily or not, is it not reasonable for us to ask whether any account of the work done by the

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Commissioners has been placed before the House for consideration? Are we in a position to find out what work they have been doing and what difficulties and obstacles they have encountered? We have nothing of that sort. It is true that the President of the Board of Commissioners has been appointed as an expert Member. It may be that in course of time we will have his valuable advice during the further stages of this Bill. But we are entitled to ask for the account of the work done by the Board of Commissioners during this period and to ponder over it before we are asked to give our assent to the provisions of this Bill. If it had been possible for us to have before us the reports not merely of the Board of Commissioners but also of the other subordinate hierarchy of officials, Inspectors and others who have been going from village to village, from place to place and inspecting some of these institutions, we will be in a position to obtain information regarding them, and our views regarding the provisions of this Bill might be entirely different. We have not got the benefit of that. Even in the Statement of Objects and Reasons there is no information whether the Commissioners encountered any difficulties. There was no reference to that fact even in the speech of the hon. Mover. Now, to say that we should re-enact the provisions communicated by the Government of India without a knowledge how the Act has been working and what has been done during the interim period is, I think, very unreasonable.

"Having stated so far regarding some general aspects of this Bill, may I ask whether it is fair that we should not have additional time to consider the provisions and to find out whether it is possible to come to a satisfactory understanding regarding those questions; or, are we going to be taking votes and divisions, we know with what result? Even now it is not too late, if the hon. Minister is really satisfied that there is wide difference of opinion regarding the main principles of this Bill, to see if he cannot further wait and take the opinion of the country during the next few months. The hon. the Minister in introducing this Bill referred to the history of this measure and referred to the various committees appointed during the previous four or five decades; he finally referred to the latest committee, of which the hon. the Raja of Ramnad was Chairman, as a result of whose deliberations this Bill was introduced. I may point out to this House that the Chairman of that committee whose deliberations were responsible for the introduction of this Bill made observations on the motion in this House on 2nd April 1924 that the consideration of the message of His Excellency the Governor do stand adjourned to a date in March 1925. While supporting that motion, he made these remarks which I would read to this House so that it would at least be clear as to the impression created in the country even after the Bill was passed into law subject to further steps being taken—

"In the case of matadhipathis, as against three courts to which they were subjected, they are now going to be subjected to four courts, the Board, the court of first instance, the High Court and the Privy Council. Is that an advantage, I ask? Then, again, Sir, the hon. the Raja of Panagal was claiming for his Bill that it would prevent costly litigation. Does he still say that because the matter is not going to rest with three courts, now, but with four courts, it is going to prevent costly litigation?

"I personally think, Sir, that the Bill contains very many good provisions and that those provisions must be passed into law and come into force very soon. I have personal experience of the working of several devasthanams, being myself a member of the committees of more than one devasthanam and a hereditary trustee of a large number of devasthanams. I have stated my conclusions very clearly in the earlier stages of the Bill."

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"One who entertained such views and who was the Chairman of the committee whose labours led to the introduction of this Bill has put it so. He then goes on to state as follows:

"But somehow there is the fact that public opinion is unanimous that this Bill is not to their advantage; there is no denying that fact. It may be that the vested interests are rebellious, or it may be that people are ignorant of the provisions of the Bill, or it may even be that they really apprehend some danger which the Bill does not provide for. Probably some of my Brahman friends think, Sir, that it will spell their extinction, or it may be that some of the orthodox Brahmans fear that they may be made non-Brahmans. Whatever may be the merits or the demerits of the Bill, there is no denying the fact that it has evoked a universal opposition from all quarters. Are we to pass a Bill which has such unanimous opposition? That is my point."

"The hon. Member himself has been managing several devasthanams and has had better experience of them. He thought that some remedial measures were necessary and he acted as the Chairman of the committee which led to the introduction of this Bill. He expressed that there was universal opposition to it. Now, I ask Sir, if there is such a feeling, is it not a case in which the hon. Minister should certainly wait, collect public opinion on the eve of the next elections and fortify himself by the decision of the people before he rushes to legislation which cannot be denied to have opposition from various quarters? This is a matter affecting the religious sentiments of the people and there is difference of opinion. The minority have expressed themselves against it and without making attempts such as are necessary for the purpose of allaying the rumour in this respect, I think it is not reasonable for the hon. Minister to take the present step.

"Having stated generally my objections to the Bill, I wish to refer to three or four portions of this Bill. In the first place, I would point out that there ought to be no difficulty in excluding maths from the operation of this Bill. The hon. Mover referred to Sir T. Muttuswami Ayyar's Bill in the course of his remarks. May I point out that that committee while sending up its report . . .

* The hon. the RAJA OF PANAGAL :—"May I know if the hon. Member is referring to Sir T. Muttuswami Ayyar's first or second Bill?"

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I am referring to his Bill of 1893. The report says:

"One way in which we have endeavoured to limit the scope and application of the proposed Act is by placing matams outside the field of its operations. It may be stated here that matams were to a greater or less extent brought under control by the Bills of 1878 and 1886. The considerations that weighed with us in proposing the exclusion of matams from the operation of the Act are—

- (1) That matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character.
- (2) That Regulation VII of 1817 was not applied to them, nor was Act XX of 1863.

"Disciples who receive spiritual instruction are the persons directly interested in the welfare of these matams. Such disciples constitute bodies of different sects, and to them belongs the right, as far as such right exists, of securing a proper administration of the funds of the matam. The extent to which a matadhipati can be held to hold in trust the funds of the matam and his amenability to render an account of his stewardship of such funds are points involved in doubt and difficulty. Though the committee is far from being convinced that the manner in which matam funds are administered is such as to render check and supervision unnecessary, it is still strongly of opinion that the wisest policy is to leave each sect to take care of its own matams. It seems undesirable to subject matams to the control and scrutiny of committees of a general character, with no special sectarian leanings and no motive to pay the heads of matams that deference which their position of high priests makes them feel they are entitled to."

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"He gave also other reasons.

9-15 p.m. "That is the first point to which I wish to draw the attention of this House. I think that if they (maths) are taken from the scope of this Bill, it will remove a volume of opposition to this Bill which has been generally evoked in this country when this Bill was taken up. Another provision to which I wish to make a reference is the provision relating to finance, rather a taxation clause in this Bill.

Clause 69.—(1) Every math and temple shall pay annually for meeting the expenses of the Board such contribution not exceeding one and a half per centum of its income as the Board may determine. (2) Every temple other than an excepted temple shall pay annually for meeting the expenses of the committee such contribution not exceeding one and a half per centum of its income as the committee may with the approval of the Board determine. (3) Religious endowments the administration of which is governed by a scheme settled under section 92 of the Civil Procedure Code, 1908, shall, notwithstanding anything to the contrary contained in such scheme, be liable to pay the contribution under this section.

"It will be remembered that, so far as this provision is concerned, it does not apply only to cases of maths which are not managed properly, it does not apply to cases of maths or temples which on enquiry have been found to neglect their duties; but it applies to all maths and temples, even those which have not got adequate means to properly look after the work entrusted to them, and to those which have been administering their affairs properly without any objection and without any sort of complaint whatever. Such a taxation measure is, I submit, Sir, one of the gravest objections to this Bill. If the Government are so solicitous as to take a keen interest in the management of all these institutions or that they should be managed properly, whether they are working properly or not properly, it might be well for them to consider whether they have sufficient funds or otherwise.

"The taxation of even an institution which has not got sufficient funds to manage its affairs properly is, I think, one of the most objectionable portions of the Bill. I cannot understand the reasons for the provision. It is because they wanted to pass the Bill the Government thought it necessary to have a costly machinery for running the administration of such endowments. That is the real reason for this taxation. The temple committees are doing their respective work in the districts. There is the Board of Commissioners created under the Bill. They have got to make provision for expenditure on that account. For the purpose of defraying the expenses of this costly machinery, this Bill is introduced in the teeth of strong opposition. It was noticed even by the Select Committee at a late stage that it was necessary to introduce provision for taxing these institutions, irrespective of their nature or character, irrespective of the service they render irrespective of the question whether they manage their affairs well or not. This taxation clause is therefore inserted in this Bill in order to introduce a costly machinery for the purpose of managing these affairs and to justify the measures the Government have taken. There are some other objections also. But I do not wish to enter into details as there are further amendments to be considered.

"I wish now to make a reference to another clause of the Bill and that is clause 67. This is how the clause stands:

Application of Endowment Funds.—The Board may, after holding an enquiry in such manner as may be prescribed, by order, declare that the purpose of a religious endowment has from the beginning been, or has subsequently become, impossible of realization or that the

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machinery for effectuating the original purposes of the endowment has failed or no longer exists, or that after satisfying adequately the purposes of the endowment and after setting apart a sufficient sum for the repair and renovation of the buildings connected with the math or temple or the endowments attached thereto there is a surplus which is not required for such purposes; and may, by such order, direct that the amount of the endowment or such surplus as is declared to be available, as the case may be, be appropriated to religious, educational or charitable purposes not inconsistent with the objects of such math or temple.

"Later on, there is provision for modification of the order and for the trustee having to file a suit in a court to set aside or modify such an order. While considering this question, Sir, it is necessary to bear in mind the principles which were applied in dealing with similar matters in other countries where such questions crop up. We find that wherever it is found necessary to make provision for diversion of funds in this manner, it was found desirable to obtain the consent of the persons whom these institutions affect or to give a specific reference in the provision itself to the needs of the locality. I find, Sir, that as early as 1840, when the Court of Directors had to consider this question, they expressed themselves as follows:

"We are of opinion that all grants and endowments should be, in the first instance, appropriated if possible to their original purposes; when the funds are more than adequate to that end, instead of allowing them to accumulate without limit, they should be applied to purposes of general utility, taking care that the particular district in which the endowments are situated should derive full benefit from the new appropriation of the surplus."

"I am placing before this House for consideration the principles which were applied in passing similar measures in other places and on other occasions, but here is a general provision given solely for a specific purpose. That is a different matter altogether. If you take into account the provisions of the Endowed Schools Act of 1869, we find a provision corresponding to this. It is to this effect:

"By section 30, the charity commissioners are empowered with the consent of the governing body by scheme to devote to educational purposes endowments for any of the following purposes, viz., dotes in money or kind; marriage portions; redemption of prisoners and captives; relief of poor prisoners for debt; loans; apprenticeship fees; advancement in life; or any purposes which have failed altogether, or have become insignificant in comparison with the magnitude of the endowment, if originally given to charitable uses, or before the year 1800."

"I will ask the House to remember the words 'with the consent of the governing body' which are contained in section 30. But the provisions of this Bill are generally vague, indefinite and have even given them discretion without any specific restriction as to the mode in which this amount is to be diverted and without any specific direction on that behalf. The Board is given the power to modify and to institute a suit for the purpose of setting aside that order. The Court may very well say, 'Discretion is vested in the Commissioners and therefore we do not know what view the Court may take.' I think that, so far as this clause is concerned, this is also one of the objectionable portions of this Bill.

"These are some of the main objections that I wished at this stage to make. There will be occasion for placing before this House some more objections. There are many such grave objections to this Bill and I would ask this House to consider whether it is desirable to allow the introduction of this Bill at this stage when we are going to close our labours of this Council and when we are on the eve of the next elections. If the House is satisfied that there are various clauses which deserve a very careful consideration, I would ask it to pause before rushing it through and to give a next chance for the introduction of this Bill."

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* **MR. A. RAMASWAMI MUDALIYAR** :—" Mr. President, so much has been said in regard to the introduction of this Bill and so many hon. Members spoke on either side and for such a long time, that I think I should crave your indulgence if I were to take a little more than the usual time allotted, on a matter of this kind. The hon. Member, Mr. Saldanha, was one of those who rushed in where many of us, who believe to be devout Hindus and know a little of Dharma Shastras and have tried to understand something of our own religions, hardly ventured to tread. I do not wish to quarrel with him, because that is the usual temperament which he displays in this House.

"Let us now turn to the political issues that were raised by my hon. Friend representing the University. My hon. Friend said that a political programme is first issued in the King's speech detailing the subjects that were going to be taken up for discussion during the next session of the Parliament. My hon. Friend completely forgets that by no stretch of imagination could it have been possible for the hon. the Chief Minister to have known at the stage when this Council first began its sittings that there was a possibility of doubts being raised on the validity of this measure. It was not an Act; it was passed by the Council, but did not receive the assent of the Governor, and was not sent to the Governor-General. My hon. Friend knows little of the history of this measure and I am not surprised at his ignorance. I ask him in what manner it could have been possible to prophesy things that have subsequently taken place, to have thought of the difficulties that have been as a matter of fact encountered in the administration of these trusts and to have foreseen that a suit would be launched with regard to the points of doubtful legality with reference to the procedure that was adopted in connexion with this Bill. My hon. Friend . . ."

* **MR. J. A. SALDANHA** :—" Doubts were raised a year ago."

* **THE HON. THE PRESIDENT** :—" Order, order. I would ask the hon. Member to rise only to a point of order or to a point of personal explanation."

* **MR. A. RAMASWAMI MUDALIYAR** :—" My hon. Friend, the Member for the University, said that most of the Members had not read the Bill, they could not have time to read the Act, though it has been in force for the last one and a half years. Surely, my hon. Friend is doing an injustice to himself. Does he forget the fact that this is a very momentous Bill? The hon. Member for the University will remember the Bill by which he sought to set aside this Bill. He wishes to repeal the very Act that has been put on the Statute book. My hon. Friend sought to introduce a private measure, had given notice of it, I believe it was balloted on one occasion, that he was going to repeal the Hindu Religious Endowments Act, but what on earth are his reasons for the repeal of the Endowments Act, the measure which we seek to re-enact? Are not the issues identical? Are not the members, who are supposed to know the facts with reference to the repealing measure, supposed to know the facts also when a re-enacting measure is brought into force? Did the hon. Member for the University think that when he introduced a repealing measure, every Member of this House would be full to the brim with knowledge regarding the provisions of the Bill and that they would have followed the working of the measure,"

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* **MR. S. SATYAMURTI** :—" On a point of personal explanation, I did not then intend to rush my Bill at one stage by asking you to suspend the Standing Order. I gave notice of it, and if I got permission of this House it would have been published and referred to a select committee and things would have been considered most carefully and anxiously."

* **MR. A. RAMASWAMI MUDALIYAR** :—" I leave it to you, Sir, to decide the relevancy of this explanation which does not explain anything. My hon. Member says it is a personal explanation. Let him explain his personal explanation if he chooses. Now, Sir, the point is that my hon. Friend says that no Member of this House is thoroughly posted with the provisions of the Act, and that the law requires every citizen to have a knowledge of this Act. My hon. Friend has been doing nothing since October 1923 except going about the country haranguing on a hundred platforms against the Hindu Religious Endowments Bill. Surely, he does not take sufficient credit for himself when he says that the country is not well posted with the measure and he surely does not give sufficient credit for other members, when he feels that we are coming to this Council knowing nothing of this Act and knowing nothing of the provisions of the amending Bill. My hon. Friend for Coimbatore introduced an amending measure to exclude from the scope of the Act, the maths. My hon. Friend for Tinnevely introduced a measure as early as more than a year ago regarding certain amendments and they have now been incorporated in the amending measure. With all these facts before the hon. the Member for the University, it is futile to suggest that either he or those who are sitting with him or that part of the country which is supposed to be furious with agitation over this measure do not know what its provisions were. My friend asks 'why on earth take up the measure on the eve of the elections?' The hon. the Chief Minister has already explained this. If there is any inconvenience at all, if there is any danger and if there is anybody who is damaged by introducing a measure of this vital importance, which according to my hon. Friend is so keenly controversial in nature it is the sponsors of the Bill, who have decided to support this measure and not my hon. Friend. We are giving you a priceless advantage on this occasion and we are putting on the Statute Book a measure which is so unpopular, so opposed to public opinion, so opposed to all canons of Hindu law and the rest of it that we are bound to suffer at the coming elections which is not very far off.

"My hon. Friend on another momentous occasion quoted the Ides of March. I do not know what the corresponding day is; but November is fast approaching and my hon. Friend can take this measure before the country as he is going to do. I say that he, as a publicity officer for his party, will find this as one of the invaluable materials for him regarding which to issue pamphlets . . ."

* **MR. S. SATYAMURTI** :—" What about the nominated Members, the official Members?"

* **MR. A. RAMASWAMI MUDALIYAR** :—" He will point out, Sir, that the nominated Members and the official Members voted with the party and the measure was placed on the Statute Book. But, Sir, we are prepared to face the country with this Bill passed by this Council. We take the risk, as I said, and we allow every fair chance to our friends on the other side, to

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make what use they like, to exploit as best as they can this measure at the coming elections. I know how some of them exploited this source on the last occasion in my district. When I was standing for the last election, a pamphlet was issued a day before the election and circulated by three motor-cars—I know who sent these motor-cars—and in the pamphlet it was stated that Mr. Ramaswami Mudaliyar voted for a measure by which the temple funds were going to be utilized for the purpose of a drainage scheme for the City of Madras. Misrepresentation cannot go further and a grosser case of misrepresentation, I have not come across. Those invaluable chances are still open to those who are prepared to issue anonymous pamphlets in connexion with the coming elections.

“Sir, my hon. Friend, Mr. Saldanha, I am sorry I have yet to do something to do with him, speaks about this measure . . .”

Mr. J. A. SALDANHA :—“I am also sorry.”

* Mr. A. RAMASWAMI MUDALIYAR :—“Yes, I am sorry because of his ignorance in this matter. He speaks of this as a great Governmental measure interfering with religion. My hon. Friend, I am perfectly certain on this occasion, does not know even the elements about the history of this question. He does not know how these institutions have been conducted in the past. He does not know the history of the last 15 years, at least with reference to these religious institutions. And for his delectation, if not for his knowledge and information, I should like to place the history of this question before this House. With reference to these religious institutions, anybody who has gone through the history will realize that it has been the solemn duty of every Hindu Raja—and it is still so in every Native State—to look after the temples. That duty was cast on them from time immemorial. It has its origin in the Dharma Sastras which my friend can so eloquently quote if he has got the chance of quoting. Those who have followed the history of the temples will know that the Hindu Rajas at any rate looked after these temples and later on, dynasty after dynasty of foreign rulers thought it was their kingly duty and their privilege—not merely privilege but their absolute duty—to look after the temples. We hear a good deal about the Muhammadan rulers of those days and a host of others. In the case of the Muhammadan rulers, with rare exceptions, who forgot the very tenets of their religion just to wreak their vengeance upon a foreign aggressor, even in those days the Muhammadan rulers were conspicuous for the part they played in regard to the Hindu temples. For instance, Tippu Sultan was one of the greatest of such rulers; but to this day you can see the standing monument in his fort, in his very capital of Srirangapatam, where facing the Daria Daulat there is a Hindu temple where the presiding deity, God Sri Ranganatha, is being worshipped to this day.”

* Mr. S. SATYAMURTI :—“But did he manage that temple himself?”

* Mr. A. RAMASWAMI MUDALIYAR :—“Yes, he managed it and most efficiently managed it through those agents of his, just as any Hindu king or any king of Mysore would have done in those days. My friend should know a little of the history of the Mysore State if he wants to know how Tippu Sultan managed that temple. And when the British East India Company came there, they found it was their privilege and their duty to

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look after those temples. From the year 1775 up to the year 1842 they took hold of any temple whenever they found there was mismanagement. In Southern India, at any rate, most of the Hindu temples were in the hands of the East India Company and the East India Company were managing all those temples through their officers, the tahsildars and the revenue inspectors. They did not go to the temples themselves, though the orthodox Hindu of these days allow them to go into the temples unlike the orthodox Hindu of that day who would not allow them into the temples, because they were foreign. That is not the way in which they understood respect of orthodoxy in those days. The East India Company managed for them through Hindu Dharmakarthas and through their Hindu officers. In 1817, they passed a special regulation, the Regulation VII of 1817, by which they wanted to regulate more effectively the management of these institutions and a change came about only because Hindu sentiment was for it. I beg my Friend Mr. Saldanha to look at the history of these temples. There is a beautiful book called ‘Dissociation of idols and forms of worship,’ a book of about 500 pages. My friend would not read the Dharma Sastras, but I dare say he will understand a little if he will but read this particular book. My Friend, Mr. Saldanha, will then know more to the point as to how the Hindu temples were managed in those days. Then an agitation arose, not from the orthodox Hindus or social reformers, but from Christian Missionaries who were interested in proselytising and said that their capacity to get converts was poor so long as a foreign Government, a Christian Government, was associated with managing and reinvigorating the Hindu temples. What, after all, has been the secret of the success of Hinduism which has withstood a series of dynastic invasions when wave after wave of dynasties came to rule over us? I venture to think it is not your Vedas, it is not your puranas, it is not all that old system of Hindu philosophy which we are never tired of praising, and justly too, but it is the temples in the land, the temples managed by the foreign Government which maintained Hinduism when there were then living thousands and thousands of illiterate Hindus who never looked at the Vedas and never knew what philosophy meant. Therefore, Sir, those temples were maintained by the Government and the Christian Missionaries agitated in this country against the action of a British Government, a Christian Government, in encouraging idolatrous forms of worship. They, however, did not succeed in this country. The Governor-General in those days was against it, the Local Governors were against it and the Civilians of those days, the old Civilians who were nominated to the Indian Civil Services, almost to a man, Collector after Collector, the Collector of Chingleput, the Collector of Trichinopoly, the Collector of South Arcot, the Collector of North Arcot and the Collector of South Kanara, of which we are going to hear so much from Mr. Saldanha later, all these gentlemen were against the idea of the Government dissociating themselves from the management of these temples. They said it was the supreme duty of the Government, it was incumbent on them as the supreme rulers of the land, to see that their connexion was not severed. Then, the Christian Missionaries carried their agitation into the floor of the House of Commons where they could not have a Hindu opinion against them, where they were not even opposed by the Collectors who were associated with the daily life of the people and who knew the troubles which these temples would

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come to if the disconnexion was given effect to. And in Parliament the Secretary of State who was bound to carry out the opinion of the majority there, even as the Ministers here are bound to carry out the opinion of the majority, came down on the East India Company, on the Board of Directors and the Governor-General and said that by the 1st of December 1842 the Government must disconnect themselves with every single Hindu temple or Muhammadan temple with which they were connected for a long time. That is the history, Sir, of how the British Government came to be disconnected with these temples. My friend does not know a bit of that."

* Mr. J. A. SALDANHA :—"I know that." (Laughter.)

* Mr. A. RAMASWAMI MUDALIYAR :—"Perhaps he knows it now, after I have told him. In 1842, the Government went about offering men, whoever they might be, every Tom, Dick and Harry, and whoever came in, the management of these temples. I shall show several instances where the Government had approached people to be trustees and when anybody asked to be excused, they gave the trusteeship to whomsoever they liked. When Government published that conclusion, a cry came up from the Jeer of Tirupati, the Thathacharya of Conjeeveram, the Thirthakar of Srirangam and other orthodox people of most undoubted character for whom even the mover must have the greatest of respect. But the order did come from the headquarters, from England. There was no question of the 'man on the spot' theory propounded in those days, and therefore the Government had no other alternative but to give up all connexion with those temples. For 20 years, it went on like this and then even the British Government felt that the things were going from bad to worse, that there was no control, no sort of scrutiny, that temple funds were being squandered and wasted; and in 1863 they came with the Endowment Act XX of 1863. Within seven years of the passing of the Act, men began to say that the 1863 Act was a farce, that it was an unworkable thing and that no guarantee could be given to any of the temples in the land. The most orthodox of men came forward then. My hon. Friends know the hon. Mr. V. Rama Ayyangar's Bill of 1871 and subsequently for every ten years at least there was a committee appointed to consider this question. It was succeeded by Robinson's Bill which was itself later succeeded by Sullivan's Bill. That, in its turn, was succeeded by Sir T. Muttuswami Ayyar's second Bill. In previous Bills, the very same doubt was expressed as has been expressed in this Bill, that is, that these temples have to be brought under control. My hon. Friend knows that in previous measures, at least Sir T. Muttuswami Ayyar's and Robinson's Bills, this very point was raised as to whether maths should be brought under control. As regards the later measure, the second Bill of Sir T. Muttuswami Ayyar, from which an extract was read, there again the Government of India came in the way. They thought that being a British Government, being a foreign Government, a Government which did not understand the Hindu sentiments, a Government which was easily unnerved at the cry that the religion was in danger—a little boy had only to cry 'boo, religion is in danger' in those days, and the history of the greased cartridges was fresh in their minds—they should lay an embargo on the measure that maths should be included and said to the Local Government 'Please see that its scope is as narrow as possible'. Fortunately, Sir, we are

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living in better days, we are living at a time when we can safely take such measures in our own hands and have them passed by the elected voice of the people themselves, passed through one of our own elected Ministers, and therefore the Government, that portion of it which was nervous need not be nervous any more.

"It was asked 'how is it that a Bill is being brought to-day'? My hon. Friend has forgotten the whole history of this Bill. It is not that we are trying to enact a measure anew. My hon. Friend wants it to be placed before the country. He says it is a new Bill; but it is not, it is not one on which the country has not expressed an opinion nor had any opportunity of discussing the details. My hon. Friend wants this Bill to be published, certainly for opinion; but what is there in an Act which has been passed by the Council, what is there that they do not know on this subject? It is the same thing that has been going on for a long time; a select committee sat at which evidence was taken, at which responsible gentlemen from all parties came and gave evidence, and I think the whole country has been discussing this subject. I submit it is a futile suggestion to make now that it should be placed before the public again.

"My hon. Friend goes into the details of the Bill and when we go into the details, I shall have many arguments ready for him. He however refers to one detail. Sir, I have heard a great deal, Sir, said of the *Cypres* doctrine. My hon. Friend seems to forget that after all the *Cypres* doctrine is not one of those things that are quoted in the Dharma Sastras as my hon. Friend has discovered, but it is a doctrine which has been propounded by English Courts of Law, who knew nothing of the Hindu customs and manners. Sir, in every Bill that was passed before this time, this very question of application of surplus funds has found a place. I ask you again, Sir, whatever may be the opinion now, has Hindu opinion been so unanimous after all against the doctrine of *Cypres* and its application? What is the hon. Mr. Seshagiri Ayyar's view? Before I go to that, may I draw my hon. Friend's attention to the Tirupati case which went up to the Privy Council? On both sides (very eminent lawyers and barristers were engaged: on one side was Sir V. Bashyam Ayyangar, the late Mr. Krishnaswami Ayyar and several other men of eminence in the legal line; and on the other side there were equally brilliant lawyers. On the presiding Bench was that great Hindu jurist, Sir Subrahmanya Ayyar. The question came up as to how surplus funds of the great Tirupati temple were to be applied, and the scheme that they proposed in those days, in 1905, and the fate of that scheme will show what the Hindu opinion of those days was and I am trying to tell you that all this exploitation of the *Cypres* doctrine to-day will not hold water because Hindu opinion has been against it. In the course of the judgment, Sir Subrahmanya Ayyar says:

'Proceeding on the *cypres* principle, the following are the objects on which both sides'—

"I have tried to tell you who the both sides were—

'are agreed that the surplus funds may be appropriately spent'.

"They then quote examples:

'1. The establishment of a college in Lower Tirupati for the promotion among Hindus of a knowledge of the Hindu religion and sastras, such college to be styled, "The Sri Venkateswara Vidyasala" with a library attached and with suitable buildings inclusive of residential

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quarters for the teaching staff as well as hostel accommodation for students who may be permitted to remain in the premises of the college, the annual expenditure in the upkeep of the college not exceeding, until further orders, the sum of twenty-four thousand rupees.

2. The distribution of prizes annually to persons possessing proficiency in the one or other of the various Hindu Sastras, to an extent, until further orders, not exceeding rupees twelve thousand. Rules for the management of the college and the award of prizes shall be made by the trustees from time to time subject to the approval of the District Court.

3. The foundation and maintenance of a hospital on the hill for the relief of the numerous pilgrims and worshippers visiting the place.

4. The construction and maintenance of a choultry or rest-house in the same place for the use and accommodation of all classes of pilgrims visiting the shrine.

5. The introduction of good water-supply on the hill.

6. The improvement of the road communications to the shrine.

3-48 P.m. "These were the objects, Mr. President, which a real Hindu Judge did not feel inconsistent with the institutions either according to the tenets of religion or according to the principles regarding the Hindu religion which my hon. Friend from South Kanara expounded. These were the objects that both the sides felt were not alien to the endowment. Subsequently, of course, in England, in that far off land, in the Privy Council, when the case came up undefended, the other side not being represented, four European Judges, ably assisted no doubt by another European barrister, none of whom had ever seen India or known anything about the Hindu religion, stated that the whole scheme should be scrapped. What happened later? A few schools had been established, schools not of the description which was given there, not Hindu Mathas, not Hindu Universities, not schools which encourage Hindu Sastras but a school in Vellore and a school in Tirupati, the type of schools which a 'Satanic' Government is pleased to encourage. For these schools a Bill was passed by the preceding Legislative Council, sponsored by Mr. T. V. Seshagiri Ayyar, the then High Court Judge, sponsored by Mr. V. S. Srinivasa Sastri, now the Right Honourable Member of the Privy Council, sponsored by Mr. L. A. Govindaraghava Ayyar, sponsored by all the Hindu orthodox opinion of the day and tacitly proposed, perhaps overtly accepted by my hon. Friend from Nellore, because I know in those days also he was as eloquent as he is to-day. (Laughter.) The Bill was passed for those schools by this very Legislative Council, Sir, after doubts had been thrown on the validity of spending sums from temple funds. Those doubts were set at rest by an Act of this Legislature invalidating the Tirupati Devasthanam School at Vellore. Where was that Hindu opinion which my hon. Friend says is now represented here? Now my hon. Friend finally winds up by saying 'do not depend upon your majority'. My hon. Friend in one breath talks of democracies and in the other says that it is incompatible for him to suggest that the majority should not have their way. I fail to understand where democracy comes in and where it steps out. In considering the case with reference to my hon. Friend, so long as the Legislature or any particular body accepts his views in the matter, democracy is safe but so long as it differs from him democracy is in danger if it has not been buried five fathoms deep—to use the phrase which my hon. Friend used in another place. . . . (Mr. S. Satyamurti: I used that phrase while referring to the Justice Party). My hon. Friend has bitter recollections of the recent past that I do not wish to refer to that phrase again.

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"I have only one word to say, Sir, and I have done. I know that it would have been a simpler method, it would have been a more easy task, if following the lines of least resistance, my hon. Friend, the leader of my party, the hon. the Chief Minister had allowed things to drift, had not introduced this measure to-day, had not taken the pains to put us all to that severe discipline of attending the Council, at a time when we are busy with the work elsewhere and taking part in the Legislative Council meeting. But, Sir, there are people who rise above personal inconveniences and my friend, I do not wish to say, more especially in his presence, is one of those who feels that if he is convinced that a certain thing has to be done it must be done. My hon. Friend there took courage in his hands to come forward to this Legislative Council, placed the Bill before you and asked you to pass it through saying that the very administration is in danger, that temples will not be properly looked after if this sort of things should continue. What is the present position, Mr. President? The legality of this Act is being questioned in courts of law. It is a new Act which we are for the first time trying to enforce. Parties are non-co-operating with the Endowments Board. They raise the excuse that things are in a state of chaos with reference to the legal position. The old Act has been annulled, you cannot go back to the old provisions. The new Act is in a state of suspended animation and what is the position of the Hindu temples, what is the position of the Minister and of the duties that he has to perform as a member in charge of the Religious Endowment Bill? Is he to suggest that it has become a failure? When the Government apparently advanced monies to the Hindu Religious Endowment Board and when the Finance Member pulls the strings of the purse a little more tight, should he allow the temples to go to rack and ruin? Is that the position which my friend suggests? My hon. Friend let the cat out of the bag at a very inconvenient moment. He said he should be prepared to see this position, that the hon. Member should not bring in this Bill until the High Court had given its decision, and if the decision was against the Board, until the Privy Council's decision had been obtained. The hon. the Raja of Panagal has already said there is nothing which militates against the doctrine, that matters *sub judice* should not be discussed on the floor of this House. My hon. Friend the Raja of Panagal quite legitimately stated that commissions were being sought to be applied for and probably given, by which witnesses far away would have to be examined. What will be the length of time taken in these commissions being sent out, in these commissions being returned? Apart from the cost involved what would be the delay—two years, perhaps three years? My hon. Friend on other occasions will say that one or two years is a great delay. May I ask him what is the position of these temples and maths? If, after two or three years, you have the High Court decision that the law is invalid, is not the Minister in charge of this Endowment Bill, unless he thinks that the whole Act should be repealed, bound to take up the position that at least after the lapse of those two or three years he should come again with a re-enactment to this Council? What is the position of the Minister? Is he to wait for these two or three years and say that the Board costs additional expenses and that the temple trustees squander money in any way they like and that they were exactly in the place where we are to-day on the 25th of August 1926? That is the sort of administrative efficiency which my friend with his large ideals of Swaraj tries to import into

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the discussion. We, Sir, are not such advanced politicians. (Hear hear.) We are content to take up the position that everyday a man has to take up what he considers as his duty. Therefore, it is in that spirit that this Bill has been brought forward and I appeal to every section of the House to throw prejudice aside and try to pass this measure unanimously, if possible."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, the motion of my hon. Friend the Chief Minister is that this Bill be read in Council. This is the stage, Sir, at which this House has got to deal with the main principles of the Bill and state its objections thereto. Before I do so, I want to remove one possible misapprehension. I was not a party to the Hindu Religious Endowment Board Act as it was passed in 1923. This House has every right when the Bill comes before it for the first time, to examine it on its merits, and offer its criticisms thereon, and oppose the introduction of this Bill. It seems to me that the Ministerialists cannot afford to have the cake and eat it too. Either it is a valid Act or it is not. If it is a valid Act, there is no need for this Bill. If it is an invalid Act, this Bill comes before us. It is a Bill and you cannot with one breath say there is no Act, therefore have this Bill and in another say that this Bill, is a mere formality, there was an Act already and therefore go merely through the formal processes. I therefore suggest to every hon. Member of this House to look at this Bill as if it were a measure, consider it on its merits and then vote upon it one way or the other. My first objection to this Bill, Mr. President, is that it violates the well-known principle of religious neutrality, which all modern Governments have observed and must observe. One knows that it was through a painful process of quarrels and wars between States and Churches, Christians and non-Christians, that the modern conception of the State has been evolved when the State as such has nothing to do with the Church. Where the State is a mere secular State and rules over people belonging to different religions, it leaves those religions to follow their own tenets, manage their own institutions and arrange their religious places and customs as they like, and especially in a country like India where you have got at least three great religions, Hinduism, Islam and Christianity, I suggest that it will be a fatal blunder on the part of Government to enact any Bill which goes beyond the minimum required for securing the proper administration of the finances of these institutions. I concede, Mr. President, at the very outset that if this Bill were confined to one or two financial provisions, say, that there should be a budget, that there should be an audit by auditors appointed by Government, and that these and other similar things should be provided for, I for one, would not object to this Bill. But what I do object to, is and I believe, all enlightened public opinion objects to is the attempt on the part of the secular Government to interfere with the details of management of religious institutions. My hon. Friend from Chingleput referred to the fact that the hon. the Chief Minister being a Hindu to-day is proof positive that the foreign Government which was obsessed by the fear of interfering with religion was wrong and that this Government is right. He forgets, and quite rightly forgets, for six years is a long time, that in that place a Christian may sit, a Muhammadan may sit, or an Englishman may sit and is it suggested, that because he is the Chief Minister he ought to have that right and that a Hindu Religious Endowment Bill ought to be enacted by a Hindu Chief Minister, and a

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Muhammadan Religious Endowment Bill by a Muhammadan Chief Minister? No, Sir, conceptions of the relation of the State and the church are governed not by the caste or the religion to which the members of Government happen, for the time being to belong, but on well-recognized undoubted principles, the most important of which is that it is good neither for the State nor for the church—for the State to interfere with the details of management of the church. That is my first and foremost objection to this Bill. On that matter I desire to point to this House the authoritative commitments given by the Government of this country to the people of this country. I need hardly remind this House of the famous Proclamation of Queen Victoria who said: 'We do strictly charge and enjoin on all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure'. Do you know, Mr. President, that this Bill contains extraordinary provisions, about dittams of temples, how many coconuts should be broken, how many seers of oil are to be used for abhishekam purposes and how much panchamrutham has to be made? Should these be decided by a secular board, which may consist of heterodox people who do not believe in these things, who have a contempt for them? Is that not interfering with the religious beliefs, and the religious forms of worship of Hindus to whom religion is dearer than life?

"Then Sir, we have section 22 of the Imperial Act XX of 1863 which 4 p.m. says:

'It shall not be lawful (after the passing of this Act) for any Government in India, or for any officer of any Government in his official character to undertake or resume the superintendence of any land or other property granted for the support of, or otherwise belonging to, any or other religious establishment, mosque, temple . . . etc.'

"Is it suggested that because we have got a kind of Transferred half, a kind of simulacrum of self-government called Diarchy, that we can go back upon all those principles and empower officers of Government called Members of the Central Board—they are officers appointed by this Government, subordinate to them and removable by them—to interfere with the internal management of temples and muath properties?

"Then, Sir, coming to much more recent times we have in the famous, report of Mr. Montagu and Lord Chelmsford—I am reading from page 124 of that report—the following:

'We have of course no intention of interfering with questions of a religious nature or bound up with religious beliefs, which it is the duty of Government so far as possible to respect and to leave alone'.

"Are these creatures of the very Montagu-Chelmsford Reforms which gave them these powers going to tear to tatters the words of authority of those authors of the Reforms? It is the imperative duty of the Government so far as is possible to leave religious questions and religious beliefs severely alone. On this very matter, when this question was being agitated in this country and when a deputation waited on Lord Reading, the then Viceroy and Governor-General of India, said:

'The Governor-General's duty is not, as you well know, merely to give effect to the views of the majority; a particular exception is in relation to Bills which contain provisions affecting religion or religious rites. And no doubt, the reason is because the policy of the British Government and of the Government of India is not to interfere with religion or with the religious

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rites, but allow them full liberty to carry on their own religion in their own way according to their own belief. That is, I believe, one of the essential principles of British rule which has caused it to be regarded as a just and liberal administration.

"Concluding the Viceroy said:

'There is the fundamental principle of the British Government in India which the British Parliament has taken care should be preserved the freedom of religion from interference. You will remember—these are my final words—that the provisions of our constitution make it imperative, as it seems to me, upon the Governor-General to consider not only whether the Bill affects religion but how far it affects it and what its consequences may involve.'

"I may mention in this connexion that under the Reservation of Bills Rules governing our legislative business, the Governor is bound to reserve for the consideration of the Governor-General all Bills 'affecting the religion or religious rites of any class of British subjects in British India'. Unfortunately, the rules are defective, in that it leaves the matter to the Governor, and we cannot take it to a court of law. I am mentioning this to show the particular care that the British Government has taken in order to preserve the doctrine of religious neutrality intact. I ask the Chief Minister and his supporters whether they accept the continuity of policy of the British Government or not. Do they suggest that because this subject is a 'Transferred one they are free, and they are entitled, to give the go-by to all principles of religious neutrality and say 'they are mere scraps of paper and we care a two pence for them' and drive a coach and pair through them? I want a definite answer from the Chief Minister with regard to those solemn pledges of the Government of India and of the British Government.

"Then, Sir, there is a continual obsession on the part of those who support this Bill against those who oppose it, as if there is no remedy existing at present against mismanagement of trusts and charitable properties. It is a fallacy, and I do not know if it is deliberate or otherwise. It certainly betrays ignorance of law. It is not as if even to-day the worshippers of temples are helpless in the matter of correcting mismanagement or breach of trust in the case of any public temples. They have remedies enabling them to go to a court of law. The courts of law have ample powers in that matter. Apart from private parties, my hon. Friend the Advocate-General, whom I do not see here, has got power to file suits to compel temple managements to be brought under schemes. I should like to know in what respect this remedy is defective. Why should not the temples be allowed to be conducted subject to the well-known safeguard of action by courts of law at the instance of relators or the Advocate-General in this province, by means of which suits may be instituted against the trustees or managers of temples and schemes framed in order to bring the temples and their trustees under proper control? I should like to know from the Chief Minister and his supporters the reason why this remedy is considered defective, and why they want to substitute for the courts of law, their own machinery which is bound to be dominated by the views of the party in power, however eminent the Members of the Board may be otherwise.

"Then, Sir, in this Bill itself, there is a most mischievous provision—and I speak with full authority on it—which has been sought to be used for party advantage already, viz., the right of arbitrary exemption of temples vested in the hands of Government. Either all these temples want this control, or they do not. If you think this Bill ought to be enacted,

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enact it. Why keep in your hands the sword of Democles which you may hang over various people whom you may reward if they please you, and punish when they are against you, and which you may use by either exempting or not certain temples according to the measure of loyalty of the trustees or managers of these temples to your party? I should like to know the reason for this unjust, arbitrary provision. I should like to ask the expert Member, the President of the Religious Endowments Board, who was an eminent High Court Judge himself, whether he can support this doctrine, viz., that the Local Government which is allied to a political party whose exigencies know no bounds should have this power of exemption of this temple or that temple according to the sweet will and pleasure of the Minister. It is not intended with a view so much to take control over temples and maths but to create a political electoral machinery from Berhampur to Tuticorin, to act as agencies who will get votes for the party, to reward those who work with them and for their candidates and punish people who work against them and their party. It is therefore very clear that it is not in the interest of the temples for which they profess profuse anxiety, but it is rather in the interests of a party which is dying and which wants some prop or other to keep it in life.

"Now, Sir, I very strongly object to a Central salaried Board. I know that in that matter I have the high authority of the hon. the Development Minister who as a non-official Member of this House and as a Member of the Select Committee on this Bill wrote a dissenting minute against a Central salaried Board. I have yet to hear from him any reason why he changed his mind, except that he has transferred his seat from another place to the Treasury Bench. I should like to ask his Colleagues for what reasons they want a salaried Board, except that you want thereby to oust the jurisdiction of the civil courts and substitute an agent of your policy, and you want on that Board only people professing Hinduism. You must have people on that Board, if you must have that Board, only people who not merely profess but follow Hinduism. I am sorry I have to refer here to one person, who is present here, viz., to the President of the Endowments Board, who is not an orthodox Hindu but who holds peculiar views . . ."

* The hon. the RAJA OF PANAGAL:—"On a point of order, Sir. The speaker is indulging in personal remarks against an hon. Member of this House. I think the Member should have the protection of the chair."

* The hon. the PRESIDENT:—"He is only asking whether one of the members of the Endowments Board is an orthodox Hindu or not, and as the hon. Member concerned is present in the House I am sure he can take care of himself."

* Diwan Bahadur Sir T. SADASIVA AYYAR:—"I do not want the protection of the chair." (Laughter.)

* Mr. S. SATYAMURTI:—"I have the honour of knowing the President of the Endowments Board. If he holds any views, he is strong enough to express them. He does not hold orthodox views, but he holds peculiar and peculiarly strong beliefs on these matters. Are you going by means of this Board to try and introduce into our religious temples beliefs to which orthodox Hindus may be opposed—they may be right or wrong, they may be reasonable or not? Are you going to allow them to continue under their

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old orthodox views, or are you going to allow a secular Government whose composition may vary from day to day to appoint *ad hoc* committees on which men of orthodox or heterodox views or of no religious beliefs whatever may find a place?

"Then, the powers of the Board are extraordinary. They can settle schemes; they can do anything with reference to the management of the religious institutions; they can deal with cypres application of endowment funds and I will come presently to this matter of cypres application. Before I do so, may I suggest that a mere perusal of the sections of this Bill leaves a bad taste in the mouth of one who believes in courts of justice? There is throughout this Bill a very deliberate and a very conscious suspicion of courts of law. Wherever anything has got to be decided, the Board has got to decide it first. Then you can go to a court and then the court may decide the matter. Why this continual suspicion of courts of law, may I ask? It is not as if you avoid litigation, because you may take it, Mr. President, human nature being what it is, most of the decisions of the Board will be taken to courts, so that you will be multiplying litigation. First of all, the Board gives notice to the parties who appear through pleaders, an elaborate enquiry is held, and the Board comes to a decision. If it happens to be adverse to the parties concerned, they again go to a court of law. I therefore object very strongly to this ouster of the jurisdiction of the courts. That is a tendency, Mr. President, not only in this country, but in several other countries including England, to constitute *ad hoc* special tribunals to take the place of regular courts of law. I appeal to this House not to allow this tendency to substitute for the decisions of constituted courts of law the judgments of an *ad hoc* tribunal appointed by the Executive Government, removable by them and subordinate to their control. We talk continually of the majesty of law in this country, and my friends on that side every morning pray to God for the continuance of law and order maintained by the British Government in this country. Why then make this wanton attack on law and order, which is maintained and which is administered by courts of law? Why do you create this distrust of the courts of law by saying that, so far as you are concerned, you prefer the judgment of your own servants to the judgments of the courts of the land?

"With regard to the doctrine of cypres application, Sir, my hon. Friend from Chingleput, who is probably so tired after his speech that he has gone out, suggested that that cypres doctrine was completely justified because of a judgment of an eminent Judge of the Madras High Court. He waxed eloquent over the supremacy of the Madras High Court. I should like to know from him since which date he began to treat with contempt the Judicial Committee of the Privy Council. Those of us who subscribe to the cypres doctrine do not object to the specific application of specific endowments for specific purposes, if such matters are particularly brought before this House or before courts of law. I do not object if legislation is brought with regard to any particular temple on those lines. To take the Tirupati temple for example, it will be considered on its merits. If anybody sues for the framing of a scheme for a temple, I have no objection. But I object to the very wide, arbitrary power of declaring that so much of temple or math funds are quite enough for their legitimate purposes and that the Board

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can then specify or direct that the remaining funds may be applied to any of the purposes not inconsistent with the original object of the trust or charity. Moreover, Sir, if you look at that section carefully, you will find that it ought to lead to a situation by which in no temple or math there will be funds for the application of the cypres doctrine. If the temples are to be maintained in the manner in which orthodox Hindus love and if all those festivals are to be conducted in the manner in which we believe they will be for our spiritual and religious well-being, I do not think we shall have funds left for any cypres application. But the secular Board can interfere with those things and say 'you must have a school here or a hostel there', which you may perchance ask the Viceroy to open, and then you will say 'Look at the effect of our Endowments Bill. I have built this school here or that hostel there'.

"We say that doctrine of the cypres application should not be applied to our temples or maths because there are purposes connected with these temples or maths for the correct and complete service of which alone funds will be always less than sufficient. But, assuming for the moment that there are funds, why should this Board be given authority to do what it pleases subject of course to an appeal again in a court of law? Again, these are the words 'not inconsistent with'. What do they mean? The Advocate-General or the expert member will kindly explain it. What is the purpose which is not inconsistent with the foundation of our temples or maths? Nothing will be inconsistent: schools, hospitals, music classes, fireworks, nothing will be inconsistent. If you teach people how to make fireworks, they will be able to let them go during the festivals of the Gods. If you teach carpentry, you can have vahanams, etc., constructed. Where is it to stop, this cypres doctrine? It seems to me that if you want this you must say, 'purposes wholly alike or akin to the purposes for which the temples are founded'. But I object to this cypres application altogether.

"Now, so far as the maths are concerned, I entirely agree with my hon. Friend from Nellore who pleaded for their exclusion from the Act. A good deal of confusion is sought to be created in this Presidency by the suggestion that the opposition to this Bill is purely Brahman and that the non-Brahmans are all united on this matter. The vote on the motion this morning showed the falseness of that suggestion, and the vote on this motion will show it again. Brahman maths are being, one after another, excluded from the operation of this Act. It is the non-Brahman maths which are sought to be brought under the operation of this Act. So, if the Brahmins were merely to sue the Raja of Panagal and ask him to exclude the Brahman maths, I am sure they will succeed. So, the opposition is not based on the Brahman-non-Brahman question as it is continually misrepresented to be in the press and on the platform. It is really an objection to State interference with maths. With regard to maths, Mr. President, I want to tell you one thing. I do not know if the heterodox Hindus and the heterogeneous non-Hindus had appreciated it. If I go to my Acharya, the head of the Kumbakonam math, I must go with bated breath and in whispering humbleness, fall at his feet and stop there until he directs me to take my seat. You may laugh at it, but that is the position. All those who come from the Tamil Nadu are in the same position, viz., that with regard to our Acharyas we look upon them as our spiritual heads and gurus. I object

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very strongly to the proposition that they should be compelled to send an accurate and verified statement of accounts saying: 'I, so and so, swear that this thing is quite correct'. And when he sends it up, my hon. Friend the President of the Board will make an enquiry and correct it and send it back to him. I object strongly to that. I feel it an insult to my religion. My Friend, owing to party exigencies and Brahman-non-Brahman controversy in this province, thinks that the religious susceptibilities of the people are not sufficiently excited over the matter. But let this Act remain in force for some time more and then he will find that the religious conscience of the Hindu public is roused and people will see the inequity of this measure. We are betimes warning this Government of the dangerous steps they are taking in violating what the Hindus consider most sacred—the rights of the heads of the maths, the heads whom they look upon as their spiritual gurus.

"With regard to maths there are extraordinary powers taken, but with regard to them there is a series of judicial decisions. Let us consider the opinion of eminent publicists here and elsewhere. They hold that these maths are not public trusts and that they ought not to come under the control even of courts. Speaking for myself, I am perfectly willing to have financial control. But I object to the supervision by the Board. I object to the cypres doctrine. I object to the continuous, meticulous, detailed interference of the secular *ad hoc* Board in the administration of these great maths. I hope Members of this House will realise the position which we occupy with regard to these maths and not allow the Government to lay very light-heartedly their profane hands on these sacred maths.

"Then, we are told that one of the main objects of this Bill is to prevent litigation. Past experience has shown and let me warn, future experience will show that this hastily drafted, ill-conceived and indecently hastily rushed Bill is going to be the father of much greater litigation than is ever dreamt of. Therefore it is not going to achieve that object. Secondly, may I repeat what I said on another occasion this morning, that social and religious legislation of this kind should not be undertaken by a party on the mere strength of its majority?

"My hon. Friend from Chingleput waxed eloquent a few minutes ago over the rights of the majority. I am willing to accept that challenge. If this House consisted, as it ought to consist, only of elected members, this morning you would have had to give your casting vote one way or the other as to whether this Bill is to be passed or not. And if you gave the casting vote, I should hope, in favour of keeping the *status quo ante*, that motion would have been defeated. If, on the other hand, the non-Hindu elected Members of this House were chivalrous enough to stay their hands and did not interfere in a matter which does not concern their religion, this morning you would have found, Mr. President, that by a majority of two this House would have accepted the motion for adjournment. Therefore, there is no use throwing challenges knowing all the time that there is a solid block of votes behind you which knows only to vote as you vote.

"My hon. Friend the Raja of Panagal and his lieutenant the hon. Member from Chingleput told me that they took the risk of the general elections. I would have admired their courage had they added: 'we will

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either introduce this Bill or keep it back according to the votes of the elected members of this House'. Where does the courage come in otherwise? When in spite of that every one or some of them come back again relying upon the votes of persons whom neither I nor anybody else can replace as they are permanent fixtures, and turn round and say, we will pass this measure, I would only appeal to their chivalry to fight a square and clean fight. I will face them and say: Do not depend on non-elected members and then say 'please take this challenge'.

"My hon. Friend from Chingleput said that they entertained no possibility of doubt about this Bill and therefore they did not bring forward this Bill early enough. I want to refresh his memory. When Lord Willingdon sent this Bill with his recommendation, almost all the points of law raised in these suits were raised on the floor of this House by my humble self and by many others, but they fell on deaf ears. My complaint against the Government is that they were badly advised by their legal advisers or that they did not take their advice. I find that time after time when points of law are raised, they either brush aside the advice of their legal advisers—I hope the hon. the Chief Minister will profit by the experience of the last three years—or they have no competent legal advisers. They should abide by the advice of the legal advisers and not compel them to advise according to political exigencies. I say this that any lawyer, had he been merely asked to advise on this matter, apart from political exigencies, would have advised this Government that this Bill was wrong and was bound to be declared invalid by reason of serious flaws in the procedure in regard to the passing of that Bill and yet, in spite of that we are told that they were not responsible for the delay in bringing this Bill. My hon. Friend from Coimbatore said that Lord Willingdon sent back this Bill and that the Minister was not responsible for it. May I remind this House that the Raja of Panagal said that the Bill was returned by Lord Willingdon with his consent and on his advice? All the amendments which were sent by Lord Willingdon were sent by Lord Willingdon with the advice of the Chief Minister. Therefore that procedural defect was again due either to wrong advice given to the Minister or to his not accepting the right advice given and relying merely upon his party majority.

"Sir, my hon. Friend also waxed eloquent over my repealing Bill and said that therefore I must know the Bill and everybody else must know the Bill. I take a more serious view of the responsibilities of hon. Members in this House. On such highly controversial measures I am here not only to give my views ex-cathedra, but also the opinions of those whom I seek to represent. My complaint this morning was and my complaint now is that no sufficient time has been given to the Hindu public affected by this Bill to consider it in all its aspects and to give its opinion on the Bill to this House. There is also another fallacy, Mr. President. To say that a Bill is on the Statute Book and is therefore before the public is a far cry from saying that a Bill is before this House and is going through various stages and the public themselves are invited to be alert and give their suggestions. I appeal to human experience. I ask my friends the lawyers with whom many cases are lying for months together, whether they make a detailed study of all of them as soon as they are received. Is it not the case that only a few days before they are expected to come up in the court that they

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study them? If they are told, you filed your vakalat two years ago, unless they have the memory of a Ramesam, they may not be able to know the particulars of the case. It seems to me, to say that the Bill has been on the Statute Book and therefore the public are presumed to know all about it, is merely begging the question. My complaint is that after the Bill is brought before the House, sufficient time has not been given to the public as provided for by our own rules and standing orders for the consideration of this Bill in view to the discussion on the floor of the House of the various clauses of that Bill.

"Then his Parthian shot was, 'we as a party are determined to go on with this Bill. Go and do your worst. Go to the country and fight us.' If I were as irresponsible as he, I would accept that challenge. I believe that we are here not to score mere party advantage, but that all of us are here to do our best according to our humble lights to serve the interests of the people of this Presidency. May I ask the Government whether they are going to allow the strength of the majority to be used to destroy the opposition? They say: 'We have the power. Go and destroy us in the public eye'. You and I are fighting. Are all these temples and maths to be used as pawns on the chess-board of party warfare? It seems to me that the remarks of my hon. Friend are most light-hearted ones and I regret to have to say it in his absence. But I repeat, no responsible Member of this House can answer a serious objection to a serious Bill by saying 'I care a tuppence for your objections. I will go on with this Bill because I have a majority. If you are dissatisfied, go out and fight me.' Then why are we here? We may as well stay outside, watch the proceedings of this House and expose them. We come here to offer our suggestions, our criticisms and our advice, and, although my hon. Friend may feel impatient and may not like all these processes and may like to have a three minutes' sitting to have the Bill read, considered and passed into law, everybody singing halleluajs. But some of us take a more responsible view of the functions of a chamber like this. We believe that there is a place for the Opposition in this Council. We believe that responsible governments are not to pass legislative measures on the strength of a majority party. I want them to consider on their merits the objections of the Opposition. That is why we offer the opposition we are offering to-day.

"I regret to note the cynical and supercilious tone in which the hon. the Minister spoke on the matter and the obvious acquiescence of the party in the matter. Remember it is a game at which two can play.

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"On a historical occasion, your predecessor said 'I cannot take notice of interruptions made by Members sitting in their places'. - So, I leave it to you, Mr. President, to say whether interruptions such as these made by hon. Members sitting in their places can be allowed. But Mr. President, I do hope that all sections of the House will consider this Bill on its merits, and will not allow it to be read in Council, but will vote against it, and thus teach the party in power that in a complex piece of legislation like this they must not be too hasty, but that they must take public opinion along with them and also assure the temples, maths and matadhipathis and the vast orthodox Hindu public that this Council is not going to be a party to confisqatory legislation forcing into our temples traditions of the heterodox

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usages and traditions, traditions which are not consistent with the traditions of the British Government or of any decent secular Government, viz., that the State and the Church shall remain apart for all time for the mutual good of both."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Sir, arguments have been advanced just now, arguments which are intended to go to the very root of the Bill, and arguments which were intended to induce this House to reject this Bill which was twice accepted by this House, not merely in the first Legislative Council of the Reforms but also in the second Legislative Council. One would have expected something in the nature of a convincing kind, something new, something appealing which would show that times have changed since the Act was passed. That would have been in order to change the minds of the Legislative Council. But what are we told? What are the arguments that were advanced? The first is of course the red rag which every one of those who have spoken against the Bill and those who have supported them has always shown, namely, the red rag of religion in danger. We are told, very seriously told, that the religious neutrality so solemnly promised to us in the famous Magna Charta, the Queen's Proclamation, has been violated. Forsooth! Violated! How? It has been violated as it was violated when Sati was abolished. There were men in those days who said that religion was in danger, because women were not allowed according to that Act to go to the funeral with their husbands. When again the Widow Remarriage Act was passed, it was said 'religion was in danger' and there were orthodox men in those days like the hon. Member for the University who would throw off their threads and take off their clothes and cry 'Hindu religion is in danger'. What do you find to-day? You find to-day a few of those happy women who were originally condemned to a life-long misery, have chosen the path of happiness about which, I take it that the hon. Member for the University will not be sorry to-day. Again, Sir, when the Age of Consent Bill was passed quite recently, we heard the same cry from orthodox sections 'religion is in danger', 'religious neutrality has been violated', 'Queen's Proclamation has not been honoured'. How, I ask? These alarms will always be raised and these arguments will always be advanced, let me hope with the same result which they had when Sati was abolished.

"But, Sir, I ask, after all, have we violated any religious neutrality in this Bill? I ask in all seriousness whether hon. Members who put forward these arguments really and honestly believe that there is any question of religious neutrality involved in this Bill. Is it not purely a matter of secular nature? Is it not purely a matter concerning the management of the properties of temples and maths? My hon. Friend the Member for the University referred to the Act of 1868 and drew our attention to a clause therein where they said they would not interfere in actions which were purely religious. Have we not got a similar provision in this Bill? Is it not possible that sections 79 and 80 of the Act have not attracted the attention of the hon. Member for the University? There, you will find that sufficient protection has been given when it came to a question of religion proper. Certainly, religious liberty this Council should not interfere with. But if the hon. Member for the University should consider that employment of dancing girls in temples is also a religious matter, I, for one,

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let me hope every free thinking man in this House, will not believe that. If that be religion, woe be to it. References have been made to certain other things, namely, the manufacture of fire-works, etc., and it was added that this Bill would interfere with Hindu religion. Sir, in this land, Hindu religion is mixed up with so many other matters, social and secular, that, sometimes, at least in foreign circles, we have become a laughing stock. Let not another thing be added to it to-day to show to the world at large that we are considering these secular matters to be part of Hindu religion. Sir, I conceive Hindu religion to be of a superior kind. I place it on a higher plane and would prefer not to mix it with social and secular matters. Let me assure this House that there is not a single provision in this Bill or in the Act which seeks to violate anything which we have accepted as religion.

"The next thing we are told is that we should have waited till the next Council came. We are asked to consult our voters. I admit that a mandate from the voters in our constituencies would unquestionably be a very good thing indeed to proceed on. But may I ask again, have we not had the mandate of the people? When the Bill was passed we know that many pamphlets were issued and was not the agitation as great then as it is to-day? I would only refer the hon. Members of this House to the amount of ink that must have been spent by the numerous newspapers at that time in Madras which (by the by I may say) practically with a single exception opposed the Bill, trumpeted to the electorate that heavens came down because we legislated in this Council the Religious Endowments Act and that the wicked Ministry which was responsible for this legislation had no right to sit in the Council? And yet, in spite of our passing this Act, have we not been returned to this Council? I can assure the hon. Member for the University even if we go to the country we will come here in as strong numbers as we are to-day."

* Mr. S. SATYAMURTI :—"A pious hope."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"The question of mandate from the electorate comes with some ill-grace from my Friends on the other side. These men when they withdrew from the Council and when they walked out did not care to go to the electorate and consult them. They walked out of the Council, not because they had a mandate from the electorate, but because they had a mandate from a higher authority, i.e., the All-India Congress Committee, which has nothing to do with the electorate. But what is more I ask, who is the electorate? Our masters are the electorate. Your masters are the All-India Congress Committee. When these members left the Council they never took care to inform their constituencies. Under the mandate policy, had they consulted the electorate perhaps they would not have allowed them to walk out? Now they come to us and say 'you go and consult the electorate'. I ask with whose permission the members on the other side came back to the Council? I say not with the permission of the electorate, but with the permission of an *ad hoc* body, the All-India Congress Committee. So they have no right to ask us to go to the electorate. We have got every right; we have come into this Council after the passing of this Act.

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"Then, again, Sir, the hon. Member for the University was not satisfied with the President of the Religious Endowments Board. When he said that, it fell very harsh in my ears. There were occasions when I differed from that gentleman with regard to his principles, and creed on certain matters. We differed very widely. But I thought he would earn his laurels as well as those of the people of this Presidency when he was placed as the President of the Religious Endowments Board especially adorned as he did once the bench of the highest tribunal in the land. If my hon. Friend the Member for the University is not satisfied with him, I do not know who else can satisfy him. It is impossible for any Minister, even a Swaraj Minister, if ever he happens to be on this side, to find a more honourable man whose integrity, whose sincerity of purpose and whose conscientiousness of judgment can ever be surpassed by any one."

* Mr. S. SATYAMURTI :—"On a point of personal explanation. I never questioned the honour or the integrity or the conscientiousness of the President of the Religious Endowments Board."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am exceedingly glad and I accept the statement of my hon. Friend the Member for the University. I have already said that I hold no brief for that gentleman but I really thought that it was unfair that any reference should be made derogatory to his position.

"Now, Sir, the next objection that was put forward was that this Bill showed a kind of disrespect to the authority of the courts. We are told that there is a continual suspicion in the Act about the courts, exhibited both by the Bill itself and its advocates. To me it is a kind of surprise coming from the other side. Four or five years ago we had known hon. Members sitting on the other side saying 'Why all these courts of law?' I know of non-co-operating lawyers unwilling to go to courts, and to wear foreign cloth. They said they would never be going to courts. No doubt at a later stage most of them applied for regular sanads. May I ask how this wonderful solicitude for the courts has been developed now by the Members of the Swaraj party? After all, this Act is an attempt on the part of the Legislative Council and of the Ministry to see that a simpler machinery is invented which would decide the cases with the least delay—for, we know, Sir, delay in law courts is so proverbial now.

"Under the Estates Land Act when the jurisdiction of the civil courts was ousted and jurisdiction was vested in the revenue courts, similar objections were raised. But experience has shown that we have not been the worse for it; on the other hand, cases which took years for disposal in the district courts were disposed of in days or months in the revenue courts. I think, Sir, by the creation of this machinery we have added something to the advantage and the benefit of those that are directly concerned in this matter. We are told that the existing provisions of law, especially those contained in the Civil Procedure Code and the powers conferred on the Advocate-General are quite sufficient. After three years of discussion in the press, the platform and the Legislative Council, to say that the existing provisions of law are quite sufficient, betrays a lamentable ignorance of the state of affairs. As soon as the Act of 1868 was passed, responsible men who had something to

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do with the administration of temples told us that that Act was found wanting in many respects. It is why so many attempts have been made in this Province and elsewhere for the amendment of this Act. How else can you explain the existence of the numerous committees whose reports were placed on the table of the House? Sir T. Muttuswami Ayyar and Mr. K. Rama Ayyangar have had to tackle this problem and gave it up; but when the Reformed Councils came, there was one man who took courage in his hands and tried to do what others had failed to do. Therefore, these objections fall flat upon us now and do not carry conviction to our minds. There is enough evidence to show that the existing law is quite insufficient to meet the growing needs of an advanced age.

"We have been told that State interference in religious matters is not desirable. But I take it that it is now recognized in all civilized countries that what is called Church property is really the property of the State. The hon. Member for the University must be aware that almost all these properties were endowed by the ancient Rajas who were the rulers of the country in those days. Endowments made by them must have come from State property. They belong to the Nation.

"Reference has been made to the Cypres Doctrine. I cannot understand why it is referred to here, except because it is found in the margin of one of the sections of the Bill. An erudite lawyer, not a Member of this Council, has in an article in a well-known journal also referred to this. All the arguments advanced by him have been practically repudiated in this House. The one great blunder committed here is that what is said in the margin of an Act is not part of the Act. These shrewd lawyers ought to have been aware of it. Even the preamble is not part of the Act; only what is contained in the body of the Act is part of the Act. So far as the body of the Bill is concerned, there is no mention of the Cypres Doctrine at all. It is mentioned in the margin only for the purpose of indicating what the section is aiming at. We in this country are not in any way bound by the Cypres Doctrine of England. English Judges in this country have so often imported into this country the notions of the laws of their own country, as for example the laws relating to the relation between the janmi and the tenant in Malabar. They have introduced English principles where they could not find corresponding principles in this land. They have blundered very badly.

"We know that some of these endowments were founded centuries ago. Even the Inam Commissioners were not able to find out what the object of certain endowments was. To-day we find disputes in courts of law, the arohaka contending that the property was given to him, the trustees contending that it was God's property. Let us pause for a moment and see whether the intention can be discovered at all in many cases. Day after day you will find devotees coming to the Tirupati temple about whose scheme reference was made in this House, and giving their offerings—women offering whatever they might have had on their person while they were suffering and praying to be cured of the illness and children offering all their jewels and praying that they might be saved. For which purpose they made their offerings never occurs to their minds at all. They never think of the Cypres Doctrine. You cannot by any stretch of imagination say that the offerings

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were made only for the purpose of certain objects. They never thought of the hospital at Tirupati or the Sanskrit school there. How can you say what their intentions were? Once you recognize that these offerings were made to God and that God's property is Nation's property, the Nation will have a right to deal with it just as it pleases.

"We are told that this Legislative Council cannot do that simply because of the weight of the majority; we are told that because the 'wicked Justice party' is now larger in numbers they should not pass confiscatory legislation, confiscation forsooth? It was not confiscation when the head of a religious institution for whom the money was not meant squandered it on women of questionable character; it was not squandering the money when thousands and thousands of rupees were paid to vakils; it was not diverting the money for other purposes when thousands and lakhs of rupees were spent for election purposes just to meet this very Bill. We are told in all seriousness that it is diverting the funds from its original purposes if it is given to a hospital and if a few sheds are built on those hills where no shelter could be had. I wonder how the gentlemen who oppose this measure got this idea of confiscation of the properties of the temples. Is it seriously denied that for years past, aye for ages past, the funds of these temples and of these maths have been squandered on unreasonable and indefensible purposes. Have we not known and seen temples allowed to deteriorate with walls fallen down, with flagstaves broken down and cars burnt down and yet the temple authorities appropriating or misappropriating every pie of the funds for their own purposes without spending a tenth of that money for the purpose of the temple? Therefore when once we see that reform is necessary I fail to see why the Bill should be objected to.

"We are told that in matters like this it is not usual to introduce Bills at a very late stage. We are asked to provide for more time. For four years they have been thinking over this matter. If four years are not sufficient it would be futile to say that four months more would be enough. Gentlemen who have put forward their own measures, hon. Members who wanted to repeal the Act or amend it in various ways, are the very gentlemen who now come forward and say that sufficient time is not given for the consideration of this Bill; and that the provisions of this Bill are entirely new to them and that their minds are just like clean sheets as regards this Bill. I say, Sir, there must be something wrong and something rotten in the State of Denmark. It would serve no useful purpose to allow this Bill to be dragged on to the next Council. The question whether this Bill can be taken up at the next Council or not is not free from doubt. I believe, Sir, that you must have been acquainted with a certain rule that the Government of India have recently made in connexion with the transaction of business in the Assembly and the Council of State. If I am not mistaken it is to the effect that if a Bill was not passed into law during the life-time of a Council it must be considered as a new measure when it comes before the next Council. If that is so, any attempt now made on the part of the Opposition in this Council can only be interpreted as a device for allowing the Bill to die a natural death. We have set our hearts on this measure not because we are in a majority, not because there are temples in the possession of Brahmans, but because we feel that our gods are being degraded by these

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archakas and temple trustees, because our conscience dictates to us that the existing state of things is a disgrace, a national disgrace to the temples and those that surround them. That disgrace must be wiped out and something must be done to regain the lost honour so that we might be held in respect amongst the other nations and in the meanwhile prevent the profiting of interested persons engaged in defending these things."

The House then adjourned at 5 p.m. to meet again at 11 a.m. the next day.

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

APPENDIX I.

[Vide answer to question No. 2279 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 14 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on the administration of the Stamp Act.	Official year	1921-22 1922-23 1924-25	August 1922. October 1923. August 1925.
2. Report on the administration of the Labour Department.	Do.	1921-22 1922-23 1924-25	January 1923. October 1923. September 1925.
3. Report on the working of the Planters Labour Act.	Calendar year	1922 1923 1924	March 1923. " 1924. " 1925.
4. Report on the administration of the Jail Department.	Do.	1922 1923 1924	July 1923. June 1924. " 1925.
5. Report on the administration of the Forest Department.	Official year	1921-22 1922-23 1924-25	December 1922. March 1924. " 1925.
6. Report on the administration of the Cinchona Department.	Do.	1921-22 1922-23 1924-25	" 1923. April 1924. March 1925.
7. Report on the working of the Indian Factories Act.	Calendar year	1922 1923 1924	July 1923. " 1924. June 1925.
8. The Administration Report of the Government Press.	Official year	1921-22 1922-23 1924-25	January 1923. December 1923. October 1925.
9. Report of the Chief Inspector of Steam Boilers.	Do.	1921-22 1922-23 1924-25	September 1922 July 1923. March 1925.

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APPENDIX II.

[Vide answer to question No. 2286 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 25th August 1926, page 18 supra.]

List of untrained teachers in the Labour Elementary schools,
Trichinopoly district.

Taluk and village.	Educational qualifications of the untrained teachers.	Date of appointment.
Karur—		
1. Punganbadi (East).	Read up to V standard	1st June 1925.
Kulittalai—		
2. Pongaihatti ..	Studied IV standard	1st July 1925. Two teachers, one untrained.
3. Vengaikurichohi ..	Secondary School-Leaving Certificate ..	Do.
4. Kallappalli ..	Headmaster—Passed II form and III class in the Army School, Quetta division.	1st June 1924.
Do. ..	Second teacher—Studied IV standard ..	16th December 1925.
5. Kottawedu ..	Headmaster—Studied III form	1st December 1924.
Do. ..	Assistant—IV standard	10th December 1925.
6. Nandankottai ..	Studied IV standard	1st April 1926.
Lalgudi—		
7. Pallivada ..	Sessional School Certificate	1st July 1923.
8. Kiramangalam ..	Do.	8th May 1926.
9. Kulur ..	No certificate	1st July 1923.
10. Tinniyam ..	Do.	1st January 1924.
11. Edayathamangalam.	Do.	20th April 1925.
12. Narasingamangalam.	Sessional School Certificate	2nd July 1925.
13. L. Abishegapuram.	No certificate	1st March 1925.
14. Manakkal ..	Elementary School Leaving Certificate-holder.	1st February 1926.
15. Pirakambi ..	Sessional School Certificate	1st January 1924.
16. Maranareddipalem.	Do.	Do.
17. Pambaramuttu ..	No certificate	1st July 1925.
18. N. Sirupattur ..	Elementary School-Leaving Certificate ..	2nd September 1925.
19. Kil Ambil ..	Do.	1st January 1924.
20. Kamanore (Malvayi).	Passed Primary Examination	15th March 1924.
21. Ulundangudi ..	Sessional School Certificate-holder ..	1st February 1924.
22. Mela Siddevimangalam.	No certificate	1st January 1924.
23. Kuttur ..	Elementary School-Leaving Certificate ..	15th January 1924.
24. Kariyamanikkam.	Do.	1st April 1924.
25. Kallagudi ..	Sessional School Certificate	22nd August 1924.
26. Tiravasi ..	Ex-army man	23rd November 1925.
27. Derimangalam ..	Elementary School-Leaving Certificate ..	1st July 1925.
28. Kannagudi ..	Sessional School Certificate	3rd December 1925.
29. Tiruvallurai ..	Studied IV standard	1st March 1926.
30. Peruvallanallur ..	Sessional School Certificate-holder ..	2nd May 1926.
Musiri—		
31. Erugudi ..	Sessional School Certificate-holder ..	1st January 1924.
32. Adanur ..	Do.	1st May 1925.
33. M. Kalathur ..	Do.	1st May 1924.
34. Uppiliyapuram ..	Do.	1st April 1924.
35. Kattupattur ..	Undergone training, but failed	1st July 1925.
36. Melamanjamedu ..	Studied III form	1st March 1925.
37. Ohturai ..	Training school, failed in three subjects ..	1st December 1925.
38. Sipthattur ..	Studied IV standard	3rd January 1926.
39. Chittur ..	Special second-class certificate of Ceylon ..	1st April 1924.
40. Ariyanampettai ..	Undergone training, but failed	1st December 1925.

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*List of untrained teachers in the Labour Elementary schools,
Trichinopoly district—cont.*

Taluk and village.	Educational qualifications of the untrained teachers.	Date of appointment.
Trichinopoly—		
41. Arasangudi ..	Sessional School Certificate	1st January 1924.
42. Vengur ..	Studied IV standard	9th August 1924.
43. Sholamadai ..	Studied I form	1st November 1923.
44. Manganam ..	Headmaster—Studied II form	Do.
Do.	Assistant—IV standard	Do.
45. Veedivadangan ..	Studied IV standard	20th June 1924.
46. Alattur ..	No certificate—Military Pensioner having taught recruits for 15 years.	1st July 1925.
47. Pappakurichohi ..	No certificate	15th June 1925.
48. Kalligudi K. ..	Do.	1st July 1925.
49. Kuttappar ..	Studied IV standard	1st November 1923.
50. Ramanathanallur ..	Assistant—Read IV standard	28th January 1925. Two teachers.
51. Sathinadhapuram ..	Secondary School-Leaving Certificate	1st September 1925.
Udaiyarpalaiyam—		
52. Pukkuli hamlet of Silambur.	Studied IV standard	1st January 1926.
53. Vadaveekam (hamlet of Tandakal).	No certificate	1st September 1925.
54. Muttuservaimatam.	Studied IV standard	1st January 1926.
55. Amirtharoyankottai (hamlet of Sholamadevi).	Do.	Do.
56. Vettiaryavettu ..	Sessional School Certificate	Do.
57. Puduppalaiyam (hamlet of Adanakurichohi).	Studied V class	Do.
58. Palayappady (hamlet of Annimangalam).	Training School Certificate, but failed in Mathematics.	1st March 1926.

APPENDIX III.

[Vide answer to question No. 2301 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 26 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on Agriculture	Official year ..	1921-22 1922-23 1924-25	October 1922. November 1923. September 1925.
2. Report on the working of the Co-operative Department.	Year ending 30th June.	1921-22 1922-23 1924-25	February 1923. April 1924. February 1926.
3. Report on the Veterinary Department.	Official year ..	1921-22 1922-23 1924-25	September 1923. October 1923. " 1925.
4. Report on the working of the Fisheries Department.	Year ending 30th June.	1921-22 1922-23 1924-25	November 1922. " 1923. April 1926.
5. Report on the working of the Industries Department.	Official year ..	1921-22 1922-23 1924-25	November 1922. January 1924. October 1925.
6. Report on Weights and Measures ..	Do. ..	1921-22 1922-23 1924-25	September 1922. " 1923. October 1925.

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APPENDIX IV.
[Vide answer to question No. 2303 asked by Rao Sahib P. V. Gopalan at the meeting of the Legislative Council held on the 25th August 1926, page 27 supra.]

Statement showing details of appointments made from April 1924 to April 1926.

Designation of appointments.	Number of applications from fishermen and their qualifications.		Number of appointments made; caste and educational qualifications of those appointed.								
	Num-ber.	Qualification.	Brahmans. (4)	Non-Brahman Hindus.					Muham-madana. (9)	Christians. (10)	Anglo-Indians. (11)
				Mayars, etc. (5)	Thiyya. (6)	Fishermen. (7)	Others. (8)				
Clerks	3	{ 2 S.S.L.C. to 1 read up IV form.	{ S.S.L.C. Shorthand Higher, 1 < Type-writing, etc.	1 S.S.L.C.	..	..	..	..	..	1 European High School examination.	
Yard officers ..	15	{ 3 Graduates. 1 Intermediate. 9 S.S.L.C. 2 Unpassed.	{ ..	Do.	..	{ 2 Grada-ates. 6 { 1 Inter-mediate. 3 S.S.L.C. 6	1 S.S.L.C.	..	4 { 1 Graduate 3 S.S.L.C.	..	
Petty yard officers and peons.	30	..	..	6	6	6	1	6	4	..	

Note.—Assistant yard officers' appointments were abolished on 1st April 1924.

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APPENDIX V.

[Vide answer to question No. 2305 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 29 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on the Settlement of Land Revenue in the Presidency (Jama-bandi Report).	Fasli year (July to June).	1921-22	May 1923.
		1922-23	" 1924.
		1924-25	August 1926.
2. Report on the administration of the Court of Wards.	Do.	1921-22	April 1923.
		1922-23	March 1924.
		1924-25	April 1926.
3. Report on Survey, Settlement and Maintenance of Revenue records and Registry.	Official year ..	1921-22	October 1922.
		1922-23	" 1923.
		1924-25	December 1925.
4. Report on the administration of the Agency tracts.	Do. ..	1921-22	" 1922.
		1922-23	October 1923.
		1924-25	Ganjam, May 1926.
			East Godavari, May 1926.
			Visagapatam, May 1926.

APPENDIX VI.

[Vide answer to question No. 2310 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 31 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on the administration of the Police Department.	Calendar year ..	1922	August 1923.
		1923	September 1924.
		1924	October 1925.
2. Statistics of Criminal Courts ..	Do. ..	1922	January 1924.
		1923	December 1924.
		1924	November 1925.
3. Report on the administration of Civil Justice.	Do. ..	1922	" 1923.
		1923	" 1924.
		1924	" 1925.
4. Report on the working of Village and Panchayat courts.	Do. ..	1922	October 1923.
		1923	" 1924.
		1924	September 1925.
5. Report on the administration of the Public Works Department (Irrigation).	Official year ..	1921-22	February 1923.
		1922-23	" 1924.
		1924-25	April 1926.
6. Report of the Electrical Inspector to Government.	Do. ..	Report for the years prior to 1924-25 were being embodied in the administration report of the Public Works Department, Part I. A separate report was published for the first time in respect of 1924-25. The report was issued in August 1926.	

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APPENDIX VII.

[Vide answer to question No. 2316 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 25th August 1926, page 33 supra.]

Subject matter of the report.	Whether for official or for calendar year.	Month of publication of report.	
		Report for	Published in
1. Report on Public Instruction ..	Official year ..	1921-22	April 1923.
		1922-23	February 1924.
		1924-25	March 1926.
2. Report on the working of the Government Museum and the Connemara Public Library.	Do. ..	1921-22	August 1922.
		1922-23	" 1923.
		1924-25	" 1925.
3. Report of the Commissioner for Government Examinations.	Do. ..	1921-22	November 1922.
		1922-23	October 1923.
		1924-25	" 1925.
4. Report on the administration of the Public Works Department.	Do. ..	1921-22	February 1923.
		1922-23	December ..
		1924-25	January 1926.
5. Report on the administration of the Excise Department.	Do. ..	1921-22	October 1923.
		1922-23	January 1924.
		1924-25	December 1925.
6. Report on the administration of the Registration Department.	Calendar year ..	1922	July 1923.
		1923	May 1924.
		1924	" 1925.

APPENDIX VIII.

[Vide item III 'Communications to the Council' on page 84 supra.]

(1)

Proceedings of the first meeting of the Finance Committee for 1926-27 held on Sunday the 11th July 1926 at 12-30 p.m. at the Cabinet Chamber, Fort St. George.

PRESENT:

The hon. Mr. T. E. MOIR, C.S.I., C.I.E., I.O.S. (Chairman).

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

" K. PRABHAKARAN TAMPAN AVARGAL, M.L.C.

" Diwan Bahadur K. SUBRAMANIAMURTI NAYUDU GARU, M.L.C.

Khan Bahadur P. KHALIFULLAH SAHIB Bahadur, M.L.C.

G. T. BOAG, Esq., I.O.S., M.L.C.

[25th August 1926]

A.—SCHEMES FOR INTRODUCTION IN THE CURRENT YEAR.

I.—SCHEME INVOLVING LOSS OF REVENUE.

Amendment of rule 92 of the Madras Educational Rules so as to levy fees at half the rates in the case of all girls irrespective of the question of poverty.

Abstract of the proposal.—The proposal that rule 92 of the Madras Educational Rules may be so amended as to provide that half the standard rates may be levied from girls irrespective of the question of poverty was placed before the Finance Committee at the meeting held on the 5th February last and the Committee made the following observation:—

'The Committee were of opinion that the present rules place an unfair burden on the parents and on the authorities who are under the existing rules empowered to grant certificates. Before any retrograde measure is adopted the question should be considered whether the responsibility for giving the certificates should not be transferred to the headmasters or the management of the schools concerned.'

The Director of Public Instruction to whom this suggestion was referred pointed out that the initial responsibility in regard to these certificates rests upon the headmasters and managers of the schools concerned, and it is only in cases where the headmaster is in any doubt as to the circumstances of the parent that he should insist upon the production of a certificate of poverty. The Director's remarks were communicated to the Finance Committee and their opinion was again asked in regard to the main question as to the levy of fees at half the standard rates in the case of all girls irrespective of the question of poverty.

Recommendation of the Committee.—The Committee was of opinion that no case had been made out for restoring the general concession and considered that the present provision for reduction of fees in cases of poverty was sufficient.

II.—SCHEMES TO BE MET BY REAPPROPRIATION.

(1) Permanent retention of the temporary clerk in the District Munsif's Court, Razam.

Abstract of the proposal.—The clerical staff of the District Munsif's Court, Razam, consists of six permanent clerks including the head clerk and one temporary clerk, whose employment was first sanctioned in August 1920. The work of the court has considerably increased, the number of original suits instituted having been 705 in 1923, 984 in 1924 and 963 in 1925. Each of the other courts in the district has an establishment of 7 clerks which is the minimum ordinarily required. It is not therefore possible to transfer a clerk from any of the other District Munsifs' courts in the district to Razam. It is recommended that the temporary clerk should be made permanent. Provision exists in the budget estimate for the temporary clerk.

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance.

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(2) Appointment of an additional upper division clerk in the office of the Director of Public Instruction.

Abstract of the proposal.—The establishment sanctioned for the office of the Director of Public Instruction in connexion with the scheme for the control of expenditure consists of a junior superintendent, one upper division clerk and two lower division clerks. It is found that this establishment is not adequate to deal with the work which involves control over the expenditure of over two crores of rupees. The work done by this staff falls generally under the following heads:—

- (1) Consolidation of the accounts of the subordinate officers and their transmission to the Accountant General.
- (2) Watching the rate and correctness of expenditure.
- (3) Audit of accounts of the subordinate offices with reference to powers, funds, etc.
- (4) Rectifying wrong classification, adjustments and correspondence.
- (5) Supplying figures for the Public Instruction Report; and,
- (6) Supplying figures for the budget in its various stages.

The staff is working at a high pressure sacrificing many holidays, and the experience of the last eleven months has proved that with the present staff efficient scrutiny and concurrent check of the subordinate controlling officers' accounts and other cognate matters relating to it cannot be satisfactorily performed without further clerical help and that an additional upper division clerk on Rs. 65—4—125 is absolutely necessary.

	<i>Extra cost.</i>	
	1926-27. RS.	Ultimate cost. RS.
Recurring	455	1,200

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(3) Additional staff for the Government Victoria College, Palghat.

Abstract of the proposal.—The Director of Public Instruction has recommended that the following additional staff will be necessary in connexion with the opening of the senior B. A. class in 1926-27 in the Victoria College, Palghat:—

- (i) One Assistant Lecturer in the Subordinate Educational Service for the English department.
- (ii) An additional School Assistant for the High School department.
- (iii) A library attender.

The Assistant Lecturer is required owing to the anticipated increase in the strength of the college on the opening of the senior B. A. class. The appointment of an additional school assistant in the high school department is necessitated by the fact that the Assistant Lecturer in Mathematics and the Demonstrator in the college department have hitherto been doing the work in the high school in addition to their work in the college classes, and that this arrangement will not be feasible when the senior B. A. class is

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opened. As regards the library attender he is required to help the librarian who finds it impossible single-handed to maintain the necessary registers, to see to the general upkeep of books and to attend to the demands for books from the students of the college and members of the staff. The extra cost in the current year can be met by reappropriation from the provision under "31. Education—Voted".

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	1,696	3,902

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(4) Appointment of an additional Sub-Judge to the Sub-Court, Cuddalore.

Abstract of the proposal.—The pendency on the file of the superior courts of the South Arcot district was found on the 15th February 1926 to be 119 ordinary suits of which 43 were over one year old and 453 appeals of which 273 were over six months old. There were also 190 references under the Land Acquisition Act. There has been a fall in the disposals in 1925 as compared with the figures for the two previous years. The decline is attributed to more days having been spent in criminal work, to an increase in the number of land acquisition cases as a result of acquisition of lands for the Villupuram-Trichinopoly Railway, to the trial of two long and complicated cases, each of which occupied more than three months and to the filing of contested land acquisition cases and election petitions. The arrears are sufficient to occupy a Sub-Judge for about two years. The appointment of an additional Sub-Judge, with the usual establishment of 3 clerks and 3 peons, for one year is therefore recommended. The extra cost in the current year will be met by reappropriation from the existing provision under "24. Administration of Justice".

Extra cost.

	1926-27.	1927-28.
	RS.	RS.
Non-recurring	5,932½	3,559½

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(5) Appointment of an additional Sub-Judge to the Sub-Court, Nellore.

Abstract of the proposal.—On the 16th April 1926 there were pending on the files of the District Court and Sub-Court, Nellore, 133 original suits of which 56 were over one year old and 291 appeals of which 169 were over six months old. Besides, there were 41 original petitions, 98 execution and 9 insolvency petitions pending disposal. On the criminal side, 7 sessions cases were reported to be pending trial, while a large number of cases filed during the recess will be ready for trial after the courts reopen, including one

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exceptionally big case with about 60 accused, 67 prosecution witnesses and more than 100 defence witnesses. The disposals have been somewhat below the standard outturn, but the institutions have been above the standard. It is recommended that an additional Sub-Judge with the usual establishment may be appointed for five months, i.e., until the Christmas holidays, the question of further retention being considered with regard to the state of arrears at the end of November 1926. The extra cost in the current year will be met from the existing provision under "24. Administration of Justice."

Extra cost.

	1926-27.
	RS.
Non-recurring	3,955

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(6) Permanent retention of the temporary clerk in the office of the Inspector-General of Prisons.

Abstract of the proposal.—In connexion with the transfer of the control of Reformatory and certified schools from the Director of Public Instruction to the Inspector-General of Prisons and the new scheme for the control of expenditure, the Government sanctioned the employment of a temporary clerk on Rs. 35 a month in the office of the Inspector-General to the end of February 1926 and the sanction was subsequently extended up to the 31st July 1926. The Inspector-General states that the work in his office has considerably increased with the transfer of the administration of Reformatory and certified schools, the receipts and disposals for the period August to December having risen from 7,354 and 5,247 in 1924 to 8,459 and 6,628 respectively in 1925. It is therefore recommended that the clerk should be retained permanently from the 1st August 1926. Provision has been made in the budget estimate for the temporary clerk for a full year.

Extra cost

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	245	570 per annum.

Recommendation of the Committee.—The proposal was recommended for acceptance, the expenditure in the current year being met by reappropriation.

(7) Permanent retention of the Government Muhammadan High School, Guntur, and the employment of additional staff therein.

Abstract of the proposal.—The Government Muhammadan High School, Guntur, was started on a temporary footing in the year 1918 as a middle school and has since been continued from year to year, the present sanction expiring on the 30th June 1926. During this period the school has

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developed into a complete high school. The strength on the 31st March 1925 was 142 and on the 1st December 1925 was 158. The Director of Public Instruction considers that the strength which is steadily increasing is satisfactory for a Muhammadan High school and that, taking into account the fact that this institution is the only one of its kind for the districts in the north of the Presidency, the permanent retention of the school with effect from the 1st July 1926 is justified. The Director also recommends the employment of a Telugu pandit on Rs. 40 a month for a period of one year and a laboratory attender on Rs. 12—18 a month. The employment of a Telugu pandit is recommended on the ground that Telugu is the language of the courts and other public offices and that the absence of provision for instruction in this language will retard the further progress of the school. The services of a laboratory attender are essential as physics is taught as one of the optional subjects for the S.S.L.C. course, and the only peon in the school cannot attend to the laboratory in addition to his work. The existing temporary posts will be made permanent and included in the appropriate cadres. There is provision in the budget estimate for the current year on account of the temporary staff and the extra expenditure in the case of the Telugu pandit and the laboratory attender will be met by reappropriation from the existing provision under "31. Education—Transferred".

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	9,436	11,642

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(8) Permanent retention of the temporary staff employed in the office of the Deputy Inspector of Schools, the Nilgiris Range.

Abstract of the proposal.—In 1928 the office of the District Educational Council, the Nilgiris, was amalgamated with that of the Deputy Inspector of Schools, Nilgiris Range, the office of the latter being strengthened by the employment of a temporary clerk on Rs. 35—60 and a temporary peon on Rs. 12—18. The arrangement was sanctioned as an experimental measure. The President of the District Educational Council now reports that it is not possible to suggest any other course than the present amalgamation of the office in the interests of elementary education in the district, and recommends that the present arrangement may be made permanent. The alternative will be to have a separate establishment for the council which will entail heavier cost. There is provision in the budget for the staff under "Temporary."

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	370	900
		per annum.

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

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(9) Permanent retention of the additional Sub-Assistant Inspectress and establishment, West Godavari.

Abstract of the proposal.—Last year it was brought to the notice of Government that the additional Sub-Assistant Inspectress of the Kistna Girls' range had 165 girls' schools to inspect against the standard of 100 schools. An additional Sub-Assistant Inspectress with the usual establishment consisting of two clerks on Rs. 35—60 each and two peons on Rs. 12—18 each was sanctioned as a temporary measure for one year. The Kistna range was also divided into Kistna and West Godavari ranges with 79 and 86 schools respectively. The Director of Public Instruction now reports that the number of schools in the two ranges has increased to 114 and 101 respectively and that it is proposed to open 38 more schools in the West Godavari range. He has accordingly recommended that the post of additional Sub-Assistant Inspectress with the establishment may be retained permanently with effect from the 4th July 1926 on which date the current sanction expired. There is provision in the current year's budget on account of the staff under "Temporary."

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	3,900	3,420

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(10) Appointment of an additional District Munsif in each of the District Munsifs' courts of Narasapur and Tanuku.

Abstract of the proposal.—The pendency on the 1st April 1926 on the files of the District Munsifs of Narasapur and Tanuku were 308 and 528 original suits respectively, of which 143 and 147 were over one year old. The disposals in the two courts during 1925 fell below the standard outturn but this decline in outturn is attributed to the tendency of parties to adduce a large body of oral and documentary evidence, to there being more title suits than money suits and to the courts having been presided over by acting and inexperienced District Munsifs. In order to clear the arrears it is proposed to appoint for five months from the 23rd July up to the commencement of the Christmas holidays two additional District Munsifs with the usual establishment of three clerks and three peons for each officer. The extra cost in the current year will be met from the appropriation under "24. Administration of Justice".

Extra cost.

	1926-27.
	RS.
Non-recurring	4,410

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

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(11) Permanent retention of the temporary staff in the Madras Trades School.

Abstract of the proposal.—When the Madras Trades School was placed on a permanent basis in 1924 its teaching staff was strengthened by the appointment of a senior lecturer on Rs. 200—20—500 and an Instructor on Rs. 60—4—100 for a period of two years. The staff was further augmented in 1925 by the appointment of an Assistant Lecturer on Rs. 100—5—150 and a peon on Rs. 15 up to the 31st March 1926. The school with its branch at Perambur had 530 students on the rolls in 1923 and the number has now risen to 750, while the teaching staff has been increased by three from seven to ten. It is therefore recommended that the temporary staff referred to above may be made permanent. The extra cost in the current year will be met from the provision made for temporary establishment.

Extra cost.

	1926-27.	Ultimate.
	Rs.	Rs.
Recurring	7,160	7,196

Recommendation of the Committee.—The proposal was recommended for acceptance, the extra cost in the current year being met by reappropriation.

(12) Additional establishment in the office of the Forest Panchayat Officer.

Abstract of the proposal.—According to the reclassification of forests made by Mr. Whitehead, an area of 4,186 square miles of reserved forests has been marked as fit to be handed over for panchayat management and an additional establishment of ten Special Deputy Tahsildars has been sanctioned for the purpose of forming panchayats for this area. Six of these Deputy Tahsildars have already been appointed. The work in the Forest Panchayat Officer's office has therefore been nearly doubled and, when the remaining four Special Deputy Tahsildars are appointed during the next official year, the work will increase still more. The Board of Revenue has accordingly recommended that an additional establishment, consisting of one Upper Division clerk on Rs. 65—4—85, one Lower Division clerk on Rs. 40—65 with Shorthand allowance and a peon on Rs. 15—20, should be appointed in the Forest Panchayat Officer's office. The Government have, in anticipation of the approval of the Finance Committee, sanctioned the employment of the establishment for a period of three months. The expenditure in the current year will be met from the appropriation of Rs. 31,000—vi. Panchayat officer".

Extra cost.

	Cost in 1926-27.	Ultimate cost per annum.
	Rs.	Rs.
Recurring	1,282	1,986

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra cost in the current year being met by reappropriation.

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(13) Appointment of an Accountant for the Logging Engineer, Forest Department.

Abstract of the proposal.—At present one Extra Assistant Conservator, six Rangers, one Surveyor, 12 permanent and 15 temporary foresters and four temporary peons work under the Logging Engineer. To meet the pay and allowances of this staff, the Logging Engineer passes their bills and sends them to the District Forest Officers of the districts in which they are working for disbursement and for inclusion of the expenditure in their accounts. This system causes confusion when comparing the actuals with the budget appropriation and involves frequent transfers of funds from the Engineering Branch to the respective districts. And there is also considerable delay in the disbursement of pay and allowances to the staff and in effecting recoveries of over-payments disallowed in audit. It is therefore proposed to make the Logging Engineer an independent disbursing officer and to constitute his charge into a separate division for the purpose of rendering accounts to the Accountant-General. This change will result in increased work in the office of the Logging Engineer and it is recommended that an Accountant on Rs. 40 per mensem may be employed temporarily up to the 28th February 1927. The expenditure will be met from the existing appropriation in the budget estimate for 1926-1927 under 8. Forest.

Extra cost.

	1926-1927.
	Rs.
Non-recurring	280

Recommendation of the Committee.—The Committee recommended the proposal for acceptance, the extra expenditure in the current year being met by reappropriation.

(14) Re-engagement of the Chief Forest Engineer.

Abstract of the proposal.—With the approval of the Secretary of State for India, the Government appointed with effect from the 14th August 1923 Mr. C. S. Martin as the Chief Forest Engineer for a period of three years on a salary of Rs. 3,000 per mensem. The Engineering branch under the control of Mr. Martin came into existence from October 1923. Although a considerable amount of work has already been done in the Forest Engineering branch there is yet scope for further development of exploitation and consequently increased utilization of the timbers in the forests of the Presidency. When Mr. Martin was first appointed it was hoped that it would be possible to select and train specially chosen officers in the handling of modern lumbering machinery and in up-to-date methods of exploitation with a view to create in the Forest department itself a staff capable of preparing and carrying out schemes without the aid of imported specialists. The proposal was not, however, accepted by the higher authorities on the ground that there were already in India officers who had received the requisite preliminary training. At the instance of this Government an

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officer who was serving in the North Western Province was transferred to Madras but he has not joined duty. There is consequently no officer in the department at present capable of taking over the control of the Engineering branch when Mr. Martin's term of contract expires in August 1926. Even if an officer trained in America were to be transferred to Madras, it will be undesirable to entrust him with the charge of the Engineering branch until he has had the benefit of a considerable period of service under Mr. Martin. It is therefore proposed to retain the services of Mr. Martin for a further period of three years. As Mr. Martin wishes to go to the United States after the termination of the present agreement, he will be reappointed for a further period of three years from February 1927 on the same terms as those contained in his present contract. The extra expenditure in the current year will be met by reappropriation from the appropriation under "8-A. Forest Capital outlay charged to revenue".

Extra cost.

	1926-27.	Ultimate.
	RS.	RS.
Recurring	11,400	39,600
Non-recurring	..	14,000

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra cost in the current year being met by re-appropriation.

(15) Formation of a new temporary Forest Utilization Division.

Abstract of the proposal.—At present the various forest depots in the Presidency are in charge of different forest officers with the result that the prices of the same material in different depots vary and the customers have to write to several officers concerning large orders. This not only entails great delay in complying with orders but also prevents the marketing of forest produce to the best advantage. It is therefore essential, especially in view of the large development of sales anticipated, to have an authoritative Central Agency with which the consumers of forest produce can deal direct, instead of writing to individual Conservators and District Forest Officers. The Forest Utilization Officer has recently returned after a course of training in the United States of America and he is most suitable to assume control of such an Agency. With the transfer of all forest depots to his control, the work in his branch will increase considerably and he will have to undertake frequent tours in connexion with the inspection of depots, the periodic sales of timber in the depots and the passing of the sleepers and other timbers for the Railways. It is therefore proposed to sanction the appointment of an assistant who will be an officer of the Indian Forest Service with headquarters at Madras and a Presidency allowance of Rs. 150 per mensem, an Accountant on Rs. 65 for the audit of travelling allowance bills of the staff, payment to coolies on muster rolls, keeping detailed commercial accounts and attending to other accounts work of the branch, a clerk and two peons. The

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staff will be sanctioned temporarily from the 1st August 1926 to the 31st March 1927. The extra cost in the current year will be met by re-appropriation within the head '8. Forest.'

Extra cost.

	1926-27.	1927-28.
	RS.	RS.
Non-recurring	2,520	360

Recommendation of the Committee.—The scheme was recommended by the Committee for acceptance, the extra cost in the current year being met by re-appropriation.

(16) Training of apprentices in the Government Industrial Institute, Madras.

Abstract of the proposal.—The Government Industrial Institute, Madras, is now engaged in the manufacture of ink including printers' ink. It is also proposed to undertake experiments in the manufacture of jars. The results of the experiments already made indicate that the manufacture of ink in Madras on a commercial scale will be a success. But before transferring the manufacture of ink to private enterprise the Government consider that a few apprentices should be trained in the art. The apprentices will be of 18 to 21 years of age and a completed Secondary School Leaving Certificate with Chemistry as optional subject will be prescribed as the minimum qualification for admission, preference being given to those who are connected with the industry or are likely to be able to utilise the knowledge gained in an existing factory or in starting new factories. The period of training will be two years and the students will be required to pay a fee of Rs. 100 per session or Rs. 200 for the whole course. It is proposed to take four apprentices and to utilize the laboratory attached to the Leather Trades Institute for the purpose of training the apprentices. The extra cost will be met from the revenues of the concern which is a commercial undertaking.

Extra cost.

	1926-27.	1927-28.	1928-29.
	RS.	RS.	RS.
Recurring	532	300	68
Non-recurring	75	..	..

There will be receipts from fees to the extent of Rs. 400 in each of the years 1926-27 and 1927-28.

Recommendation of the Committee.—The Committee agreed to the proposal being given effect to in the current year.

(17) Loans to fishermen co-operative societies on the West Coast for the purchase of boats and nets.

Abstract of the proposal.—The fishermen on the West Coast borrow money from local sowcars or middlemen at ruinously high rates of interest for the purchase of boats and nets and discharge the amount during the fishing months by the sale of fish to these middlemen at the price dictated

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by the latter. Ordinary co-operative societies are of no help to them and the Malabar District Co-operative Bank has refused to advance the loan on the ground that the security available, viz., boats and nets, is inadequate. It is therefore proposed to organize in the West Coast two fishermen co-operative societies for the purpose of purchasing and owning fishing boats and nets for the use of the members who will exclusively be men actually engaged in fishing and to advance a sum of Rs. 1,500 to each of these societies during the current year. The amounts will be repaid by the societies in three years with interest at 7½ per cent per annum. It is considered that, if the experiment succeeds, the Banks themselves will agree to advance similar loans. The expenditure will be met by reappropriation from the provision of Rs. 6 lakhs in the current year's budget for "Loans to Co-operative House Building Societies."

Recommendation of the Committee.—The Committee recommended the proposal for acceptance, the amount being met by reappropriation.

(18) Employment of additional staff in the Government School of Indian Medicine.

Abstract of the proposal.—The existing clerical staff of one clerk-accountant and one typist-librarian for the School of Indian Medicine was sanctioned in 1924 on the basis of the maximum number of admissions to the school being fixed at 90 per annum for all the three sections. Since then the maximum number of admissions to the school has been increased to 120 per annum. A hospital and a dispensary have also been attached to the school from the 1st July 1926. The hospital and the dispensary will be open in the mornings and evenings while the school hours are from 10-30 a.m. to 4-30 p.m. It will therefore be impossible for the existing staff to work both in the school and in the hospital. It is accordingly proposed to sanction an additional staff of one steward-accountant and one typist-clerk, each on Rs. 40--65. The establishment will be sanctioned temporarily during the current year and its permanent retention will be considered in connexion with the budget estimates for 1927-28. The extra expenditure in the current year will be met by reappropriation from the existing provision under "32. Medical".

Extra cost.

	1926-27.
Non-recurring	Rs. 640

Recommendation of the Committee.—The Committee recommended the proposal for acceptance the extra cost in the current year being met by reappropriation.

(19) Employment of a shroff in the Deputy Tahsildar's office, Addanki, Guntur district.

Abstract of the proposal.—The Deputy Tahsildar's office at Addanki in the Guntur district which has a sub-treasury attached to it has three clerks in the lower grade. The head clerk has heavy work on the administrative side and cannot cope with the work of shroffing coins and issuing stamps which is ordinarily done by a shroff. The cash transactions at the sub-treasury are heavy and it is necessary to employ a shroff on Rs. 20-1-35.

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for the office. It is accordingly proposed to sanction permanently a shroff on Rs. 20-1-35. The extra cost in the current year will be met by reappropriation from the existing provision under "22. R. E. General Administration—District Administration."

Extra cost.

	1926-27.	Ultimate.
	Rs.	Rs.
Recurring	150	345

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra expenditure in the current year being met by reappropriation.

(20) Excavation of a new high level channel from the Kumukkumanniar for irrigation of sanded areas in the Tanjore district.

Abstract of the proposal.—The question whether the excavation of high level channels for the irrigation of sanded areas in the Tanjore district is a cheaper solution than the purchase of tramway plant for their reclamation is being considered by the Board of Revenue. Meanwhile it is proposed to excavate a new high level channel from the Kumukkumanniar for the irrigation of about 384 acres of sanded areas in the Kadalangudi and Mudikondavallur villages in the Tanjore district. The estimated cost of the work is Rs. 9,900 and it is reported that if the channel is not excavated the loss in revenue will be Rs. 3,000 a year. The ryots have promised to contribute towards the cost of the new channel, but the Board of Revenue is not inclined to recommend a contribution in any case in which the work will be remunerative without it. It is therefore proposed to carry out the work entirely at the cost of Government. As the work will increase the capital value of the Cauvery Delta system, its cost will be charged to the open capital account of the system under the head "55. Irrigation—Capital outlay not charged to revenue". The expenditure in the current year will be met by reappropriation from the grant for the Thippayyalayam project under '55' and from the grant for the Buckingham Canal under "XIII. Maintenance and Repairs".

Extra cost.

	1926-27.
	Rs.
Non-recurring	9,900

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the expenditure in the current year being met by reappropriation.

(21) Permanent retention of a school assistant in the secondary training class attached to the Training College, Rajahmundry.

Abstract of the proposal.—The staff of the secondary training section attached to the Training College, Rajahmundry, consists of a headmaster and an assistant with a temporary school assistant on Rs. 75 plus Rs. 18½—

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temporary addition to pay. The temporary assistant was sanctioned in 1920 in order to cope with the increased work consequent on the introduction of a two-year course for secondary training in place of the one-year course that had been in force previously. The training class has been working in two sections since 1920 and the number of students trained in the class was 90 in each of the years 1924-25 and 1925-26 and the same number of students is expected in 1926-27 also. It is therefore recommended that the additional assistant may be retained permanently with effect from the 23rd September 1926 when the present sanction for his employment expires and that the post may be included in the cadre of school assistants. Provision has been made in the budget estimate for the current year for the school assistant under "Temporary".

Extra cost.

Recommendation of the Committee recommended the proposal for acceptance, the expenditure in the current year being met by reappropriation.	Ultimate.
Recurring	RS. 1,472

Recommendation of the Committee.—If in the year recommended the proposal for acceptance, the expenditure in the current year being met by reappropriation.

(22) Permanent retention of the temporary post of Assistant Lecturer in History in the Government Arts College, Rajahmundry.

Abstract of the proposal.—In 1923-24 Group V-B Economics was introduced in the Government Arts College, Rajahmundry, for the B.A. Degree Pass Course. An additional post of Assistant Lecturer in History in the Subordinate Educational Service, Collegiate Branch, was sanctioned temporarily for a period of one year from the 1st July 1924 and the post is being continued year after year. The Director of Public Instruction points out that the strength of the classes has been increasing from year to year and that 57 hours of work (inclusive of six in the library) are being done by the staff of the History Department, which consists of one officer of the Madras Educational Service, and three officers of the Subordinate Educational Service including the temporary assistant. It is considered that the Economics Department has come to stay, and that it is necessary that at least one college in the Telugu districts should have courses in Economics. The figures reported by the Director of Public Instruction show that the course is popular. It is therefore proposed to retain the temporary assistant permanently. Provision has been made in the budget estimate for the current year for the assistant under "Temporary."

Extra cost.

	1926-27.	Ultimate.
	RS.	RS.
Recurring	1,300	2,250

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra expenditure in the current year being met by reappropriation.

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(23) Appointment of two clerks in the Temporary Sub-Court at Devakottai.

Abstract of the proposal.—The establishment of the Sub-Court, Devakottai, consists of 7 clerks including the head clerk. The District Judge, Ramnad, reports that unless the court is given a staff of 10 clerks, arrears will accumulate in all branches of work. The High Court supports the recommendation of the District Judge and requests that the establishment may be further strengthened by 2 clerks on Rs. 35-60, thus raising the total number to 9. An examination of the files of the other Sub-Courts in the district shows that the work in the Sub-Court at Devakottai is heavy, and that the proposal of the High Court is justified. The extra expenditure in the current year will be met by reappropriation from the existing provision under "24. Administration of Justice."

Extra cost.

	1926-27.	Ultimate.
	RS.	RS.
Recurring	490	1,140

Recommendation of the Committee.—The Committee recommended the proposal for acceptance, the expenditure in the current year being met by reappropriation.

(24) Payment of contribution to the Corporation of Madras for clinical instruction of students in acute infectious diseases at the new Isolation Hospital, Tondiarpet.

Abstract of the proposal.—The existing arrangement for giving clinical instruction in infectious diseases to the students of the Madras Medical College are very unsatisfactory. The teaching in this subject is now confined to short courses of lectures illustrated by diagrams and to such clinical instruction as is possible on the few cases of infectious fever which are treated at the General Hospital. According to the resolution adopted by the General Medical Council of Great Britain in May 1922, a course of instruction in acute infectious diseases has to be included as part of the University course in Medicine and the revised regulation of the Madras University giving effect to it will come into force from the academic year 1926-27. The only institution where efficient clinical instruction in infectious diseases can be given to medical students is the Isolation Hospital at Tondiarpet. This institution is now under the immediate charge of a Sub-Assistant Surgeon while the Health Officer, Madras Corporation, exercises general supervision and control. Neither of these persons is suitable for giving clinical instruction to the students of the Medical College and the appointment of a medical graduate to be in charge of the Isolation Hospital is therefore essential. The Corporation of Madras which maintains the hospital at Tondiarpet cannot be expected to employ at its own cost an officer of a higher grade for the professional charge of the institution merely in the interests of the education of medical students. It is anticipated that the Corporation will agree to the proposal, if the Government are willing to pay a contribution equal to the

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difference between the pay of the assistant and that of the sub-assistant surgeon. The extra cost in the current year will be met by reappropriation from the existing provision under "32. Medical".

Extra cost.

	1926-27. RS.	Ultimate. RS.
Recurring	1,400	2,400

Recommendation of the Committee.—The Committee recommended the proposal for acceptance, the extra expenditure in the current year being met by reappropriation.

(25) Additional staff for the Chief Conservator of Forests.

Abstract of the proposal.—The existing staff which was sanctioned in 1922 consists of a manager on Rs. 200-250 and a head clerk on Rs. 125-175, six Upper Division clerks on Rs. 65-125, five Lower Division clerks on Rs. 40-80 and three typists on Rs. 40-80. Since then work has considerably increased owing chiefly to the following causes:—

- (1) The additional details now required in connexion with the preparation of the budget;
- (2) Creation of the Engineering Branch;
- (3) Introduction of commercial accounts;
- (4) Curtailment of the powers of the Chief Conservator in the matter of sanctioning temporary establishment;
- (5) The increased attention now devoted to the preparation of working plans.

The introduction of the scheme for the control of expenditure is another item of work which has added to the work of the office. There are at present only two drafting sections, one under the manager and the other under the head clerk and the work of the manager is already so heavy that it gives him very little time to exercise general control over the office. It is therefore proposed to form another section consisting of a Superintendent on Rs. 125-175 and three Upper Division clerks on Rs. 65-125. The extra expenditure in the current year will be met by reappropriation from the existing provision under "8. Forest".

Extra cost.

	1926-27. RS.	Ultimate. RS.
Recurring	2,240	5,500

Recommendation of the Committee.—The Committee recommended the proposal for acceptance, the extra expenditure in the current year being met by reappropriation.

(26) Permanent retention of the middle school department of the Government Islamiah Secondary School, Trichinopoly.

Abstract of the proposal.—The Islamiah School, Trichinopoly, was taken over under Government management from the Muhammadan Educational Association, Trichinopoly, in the year 1919. Till last year the school was a

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middle school with forms I to III and classes 4 and 5. The IV Form was opened in the school in June 1925 and orders have been issued for the opening of the V Form in the current year. The school is on a temporary footing and the present sanction expired on the 30th June 1926. The strength of the school during 1925-26 was 154. As the middle school department of the institution has been on a temporary basis for nearly seven years, it is proposed to retain it permanently. The post of headmaster will be included in the cadre of school assistants carrying time-scale of pay while the other posts are already on incremental scales of pay. Provision has been made in the budget for the staff under "Temporary".

Extra cost.

	1926-27. RS.	Ultimate. RS.
Recurring	3,664	5,466

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the expenditure in the current year being met by reappropriation.

(27) Equalization of pay of the Deputy Superintendent of Police attached to the C.I.D. with that of the Assistant Commissioner of Police.

Abstract of the proposal.—The Deputy Superintendent of Police attached to the C.I.D. now draws pay in the time-scale for Deputy Superintendents, viz., Rs. 250-800, including selection grade, with a special pay of Rs. 75. The headquarters of the officer are at Madras and his sphere of work covers the whole presidency. He is the chief of the executive staff employed in the C.I.D. for securing regular information of the operations of organized crime and for inter-district and inter-provincial intelligence and co-operation. His work is very important and far more onerous than that of other Deputy Superintendents. Its efficient performance requires special aptitude and only officers of special qualifications are selected for the work. It is therefore proposed that the Deputy Superintendent, C.I.D., should be placed on the same footing as the City Assistant Commissioner, who draws pay in the scale of Rs. 440-800 with a conveyance allowance of Rs. 75 and a house-rent not exceeding Rs. 160 per mensem. The Deputy Superintendent will not, however, be eligible for the conveyance allowance of Rs. 75 per mensem and the special pay of Rs. 75 per mensem now admissible to him will be abolished. The extra expenditure in the current year will be met by reappropriation from the existing provision under "26. Police."

Extra cost.

	1926-27. RS.	Ultimate. RS.
Recurring	875	3,660

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra expenditure in the current year being met by reappropriation.

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(28) Permanent retention of the secondary training classes attached to the training school for masters, Guntur, and of the higher elementary training school for masters, Masulipatam.

Abstract of the proposal.—In 1920 the Government sanctioned the opening of training institutions in a number of centres as a temporary measure and it is now proposed to retain permanently two of them with effect from the 1st August 1926—

(i) Secondary training class attached to the Government training school for masters, Guntur.

This is the only secondary training class for masters in the Guntur district. The number of teachers trained in the class during each of the three years ending 1925-26 was 70, 55 and 63. The District Educational Officer recommends the permanent retention of the class, and the recommendation is supported by the Director of Public Instruction.

(ii) Training school, Masulipatam.

The number of teachers trained in this school during the last three years was as follows:—

	1923-24	1924-25	1925-26
Higher elementary	71	75	76
Lower elementary	77	77	87

There is a large number of untrained teachers in the elementary schools in the Kistna district and this school is the only Government training school in the district. It is therefore proposed to retain it permanently.

The headmaster and four licentiate assistants and two secondary grade teachers are drawing fixed scales of pay and with the permanent retention of the institutions, it will be necessary to include them in the appropriate cadres. The extra expenditure in the current year will be met by reappropriation from the provision made for the two schools under "Temporary".

Extra cost.

	1926-27.	Ultimate.
	RS.	RS.
Recurring	5,900	9,822

Recommendation of the Committee.—The proposal was recommended by the Committee for acceptance, the extra cost in the current year being met by reappropriation.

(29) Additional staff for the Madura Industrial Institute.

Abstract of the proposal.—The present syllabuses of the metal-working and wood-working sections in the Madura Industrial Institute were framed to provide for boys who had only passed standard IV, but the recruits now coming forward possess much higher qualifications. It is therefore proposed to revise the syllabuses of studies in these sections so as to eliminate all provision for instruction in general educational subjects and to provide for a fuller training than has been possible hitherto in the theory of mechanical engineering, machine-drawing and mathematics. The revised courses of

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studies will enable apprentices to work full time on productive work in the workshop except for six hours per week in the first three years and four hours per week in the last two years set apart for class instruction. To provide for this improved training, the institute requires two additional assistant superintendents, one on Rs. 200—10—300 and the other on Rs. 100—5—150. It is proposed to sanction these appointments for a period of one year in the first instance. It is also proposed to increase the special pay attached to the post of superintendent from Rs. 50 to Rs. 75 per mensem. The extra expenditure during the current year will be met from the personal ledger account of the Institute *cum* workshop.

Extra cost.

	1926-27.	Ultimate.
	RS.	RS.
Recurring	2,600	5,000

Recommendation of the Committee.—The proposal was recommended for acceptance.

III.—SCHEMES FOR WHICH PROVISION EXISTS IN THE BUDGET.

(1) Employment of a Demonstrator in the Government College, Coimbatore, from year to year.

Abstract of the proposal.—In 1924 the Government College, Coimbatore, was affiliated to the University in group ii (Natural Science, Physics and Chemistry). In August 1925 the Director of Public Instruction reported that 238 students had to be engaged in the Physics, Chemistry and Natural Science classes and that the practical work of the students could not be efficiently supervised by the lecturers who had also to attend to the correction of note-books and to work in the laboratories. The employment of a demonstrator on Rs. 65 a month was accordingly sanctioned till the end of the college year 1925-26. It is reported that the work in the science section continues to be heavy. It is therefore proposed to authorize the employment of a demonstrator from year to year without reference to Government. Provision for the continuance of the post has been made in the budget estimate for 1926-27.

Recommendation of the Committee.—The proposal was accepted by the Committee.

(2) Permanent retention of 30 temporary pupil nurses sanctioned for the General Hospital, Madras.

Abstract of the proposal.—Owing to a strike among the ward boys in the General Hospital, Madras, the Government directed in 1919 that the number of ward boys should be reduced from 66 to 22 and that 20 additional pupil nurses should be recruited as an experimental measure. In 1920 the training of Indian nurses in the General Hospital, Madras, was started as an experiment. Ten Indian pupil nurses were recruited for training. These have

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passed their period of training successfully and have obtained diplomas as fully trained nurses and their conduct and work have been certified to be satisfactory. It is recommended that the arrangements referred to above should be made permanent. This question was considered by the Government in 1925, but a decision in the matter was deferred pending consideration of the proposals of the Special Retrenchment Officer for the reduction of the nursing staff of the General Hospital. The Government have since decided that no reduction of the staff is possible. On the other hand, they have found it necessary to sanction an addition of 12 pupil nurses to provide a leave reserve for the nursing staff. It is accordingly proposed to sanction the permanent retention of the 30 temporary pupil nurses referred to above. Provision has been made to meet this expenditure in the current year's budget.

Recommendation of the Committee.—The proposal was recommended for acceptance.

IV—SCHEMES TO BE MET BY SUPPLEMENTARY DEMANDS.

(1) Nominal appropriation for the construction of an approach road to the Uppar Odai bridge, Tuticorin.

Abstract of the proposal.—The construction of the bridge across the Uppar Odai was completed last year the cost being borne equally by the Tuticorin Port Trust Board and the Government. The bridge cannot be brought into use without an approach road and an estimate amounting to Rs. 34,400 has been approved. The whole cost has to be borne by the Government. The Tuticorin Port Trust, the Collector of Salt Revenue and the Harbour Engineer to Government urge the very early execution of the work on the ground that the bridge serves no useful purpose without the approaches. The expenditure during the current year will be met by reappropriation from the provision of Rs. 2 lakhs for the reconstruction of the Iritty bridge on the Tellicherry-Coorg Road. As this is a new major work not provided for in the budget it is proposed to ask the Legislative Council for a supplementary grant of a nominal sum of Rs. 100 under Grant XXX. Civil Works—Transferred.

Recommendation of the Committee.—The proposal to move a supplementary demand for a nominal sum of Rs. 100 in the current year was recommended by the Committee.

(2) Nominal appropriation for the construction of a new Sub-Jail at Cochin.

Abstract of the proposal.—The Collector of Malabar has reported that the sub-jail building is very old and that in its present condition it is not a secure place of custody. The question of the construction of a new sub-jail along with offices for the Deputy Collector, Sub-Magistrate and Sub-Registrar has been under consideration for sometime but the proposal has been kept in abeyance for five years from January 1925. Meanwhile owing to the condition to which the existing building has been reduced, the

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construction of a new sub-jail has become a very urgent necessity. The work is estimated to cost Rs. 10,100. A sum of Rs. 6,000 will be required in the current year and will be met by reappropriation within the budget provision under "41. Civil works—Transferred." As, however, this is a new major work not provided for in the budget it is proposed to move a supplementary demand for a nominal sum of Rs. 100.

Recommendation of the Committee.—The Committee recommended that a supplementary demand may be moved for a nominal sum of Rs. 100.

(3) Nominal appropriation for the employment of a District Detective staff as an experimental measure in Salem and Anantapur.

Abstract of the proposal.—The Inspector-General of Police has represented that there is a considerable number of cases of grave crime, chiefly dacoity or robbery and burglary, which by reason of their being the work of organizations extending over a considerable area, often including two or more districts, cannot be adequately investigated by the ordinary staff of a Police station. To deal adequately with such cases, special officers should pursue the investigation for several weeks at a time. There being no special staffs in districts, criminal organizations obtain too long a lease of life before being broken up and cases increase and go undetected. It is therefore proposed to create District Detective staffs for the detection of grave crime which, side by side with investigation, will collect and compile information regarding criminals and criminal organizations which will be of general use in its own district and other districts concerned. An experiment will be commenced in the districts of Salem and Anantapur for three years in the first instance with the following additional staff for each district:—

One inspector.
One sub-inspector.
Two head constables and
Six constables.

As the work will be exacting and calls for picked men, special pay will be attached to the posts as follows:—

	Per mensem.
	Rs.
Inspector	25
Sub-Inspector	15
Head constables	5
Constables	3

It is proposed to introduce the scheme with effect from the 1st August 1926 and to meet the extra expenditure during the current year by reappropriation within the Police budget. As it is a scheme of new service not contemplated in the budget, it is proposed to move a supplementary demand for a nominal sum of Rs. 100.

Recommendation of the Committee.—The proposal to move a supplementary demand for a nominal sum of Rs. 100 in the current year was recommended by the Committee.

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(4) Additional appropriation for the temporary Police staff for Kallar reclamation in the Tanjore district.

Abstract of the proposal.—Proposals have been sanctioned by Government for the extension of activities in connexion with the reclamation of Kallars in the Tanjore district and provision has been made in the budget estimate for the purpose. The work was supervised by a temporary Police staff consisting of one inspector, one sub-inspector and two constables. Consequent on the proposals for the extension of the Kallar reclamation scheme, the Inspector-General of Police asked for an increased staff of one deputy superintendent, 3 sub-inspectors, 8 head constables and 29 constables in lieu of the then existing staff. The Finance Committee, however, recommended the addition of one sub-inspector and 2 constables only. This additional staff was sanctioned by the Government with effect from the 1st April 1926. The Inspector-General of Police has now brought to notice that the staff originally recommended by him is absolutely necessary and that without this addition the work of reclamation could not be properly carried out. The Government have accepted the necessity for the extra staff and, in view of the urgency of the scheme, sanctioned its employment till 28th February 1927. It is proposed to move a supplementary demand for Rs. 14,816 under "Grant XV. Police—Reserved". An equivalent amount will be resumed from the existing provision of Rs. 3,11,000 under "37. Miscellaneous Departments—Miscellaneous—Commissioner of Labour—Kallar Reclamation" for the current year.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 14,816 in the current year under "Grant XV. Police—Reserved" was recommended by the Committee.

B.—SUPPLEMENTARY DEMANDS.

(1) Appropriation for election charges.

Abstract of the proposal.—In the budget estimate for 1926–27, a provision of Rs. 72,000 has been made for the charges in connexion with the ensuing general elections under the head "22. R.B. b. General Administration—Legislative bodies—Elections for Indian and Provincial Legislatures". In addition, provision has also been made under various other heads aggregating Rs. 1,53,400 on account of temporary establishments in the Secretariat and in Collectors' offices, travelling allowances of village officers and stationery and printing charges. It has been held that all charges on account of elections should be shown under the head "Elections for Indian and Provincial legislatures". It is accordingly proposed to move the Grant IX "General Administration—Legislative bodies". The amounts provided under the various other heads will be resumed.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 1,53,400 under Grant IX was recommended by the Committee.

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(2) Appropriation for meeting the expenditure on the House Committee of the Legislative Council.

Abstract of the proposal.—A sum of Rs. 5,000 was voted by the Legislative Council on the 7th November 1925 for expenditure on the House Committee. A sum of Rs. 1,555 only was spent during 1925–26. A further sum of Rs. 350 has been placed at the disposal of the House Committee during the current year by reappropriation. The House Committee has thus so far incurred a total expenditure of Rs. 1,905. It is now proposed to grant the balance of Rs. 3,100 and to move the Legislative Council for a supplementary demand for that amount. The amount will be met from savings under other grants.

Recommendation of the Committee.—The proposal to move a supplementary demand for Rs. 3,100 under Grant "IX. General Administration—Legislative bodies—Reserved" was recommended by the Committee.

C—PAPERS PLACED ON THE TABLE.

(1) *Purchase of bicycles for the Police Department.*—Note explaining that the war office pattern bicycle is a very strong machine, well suited for rough work and that it is cheaper in the long run than any other make of bicycle available through local agency.

(2) G.O. No. 559, Public, dated 7th June 1926, sanctioning the training of two Sub-Inspectors of the Criminal Investigation Department for a period of nine months in the various processes by which currency notes are forged under the Printing and Photographic Expert of the Survey Department and fixing the pay and allowances to be drawn by them during the period of their training.

(3) G.O. No. 622, Public, dated 19th June 1926, sanctioning the appointment of an additional Sessions Judge with the powers of a Subordinate Judge for a period not exceeding three months from 1st July 1926 for the Bellary Sessions division and the employment of a temporary establishment for the same period.

(4) G.O. No. 608, Public, dated 16th June 1926, raising the rate of hill allowance now drawn by attenders, muchis, harkaras and other inferior servants of the Secretariat offices and of the Government House establishment from Rs. 5 to Rs. 8 per mensem with effect from the 1st April 1926.

(5) Note regarding the re-engagement of the Logging Engineer on a pay of Rs. 1,500 per mensem for a period of 2 years from the 22nd February 1926.

(6) Note on the progress made by the Boy Scout Movement in the Madras Presidency with reference to the desire expressed by the Committee when considering the question of sanctioning a grant of Rs. 10,000 for the Association in the current year.

(7) G.O. No. 139, Law (Legislative), dated 26th April 1926, sanctioning a revised scale of pay of Rs. 350—30—500 for the Assistant Secretary to the Legislative Council and granting the present incumbent two advance

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increments in the scale from the 1st April 1926 and G.O. No. 162, Law (Legislative), dated 7th May 1926, sanctioning the permanent employment of an upper division clerk on Rs. 70—175 in the library attached to the Legislative Council Office in place of the temporary upper division clerk on Rs. 70 per mensem and the employment in the library of an attender on Rs. 35— $\frac{1}{2}$ —40 a month.

(8) Note regarding the purchase of an ice-making machine for the General Hospital, Madras, at a cost of Rs. 4,165.

(9) Note regarding the purchase of testing apparatus for the Chief Inspector of Boilers at a cost of Rs. 1,900, the amount being met by reappropriation from the following sources:—

	RS.
(1) 37-R.k. Miscellaneous Departments—Expenditure in England—Stores	1,300
(2) 37-R.b. Miscellaneous Departments—Inspector of Steam Boilers—Customs duty—Voted ..	200
(3) 37-R.g. Miscellaneous Departments—Loss or gain by exchange—Stores—Voted	400

(10) G.O. No. 925, Development, dated 29th June 1926, sanctioning a grant of Rs. 1,500 to the Madras Agricultural Students' Union towards the expenditure in connexion with the celebration of the Jubilee of the Agricultural College, Coimbatore, from the 12th to 17th July 1926, with a note explaining the necessity for the grant.

FORT ST. GEORGE,
15th July 1926.

T. E. MOIR,

(2)

Proceedings of the second meeting of the Finance Committee for 1926—27 held on Friday the 16th July 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.B.Ry. Diwan Bahadur K. SURYANARAYANAMURTI NAYUDU Garu, M.L.C.

„ K. PRABHAKARAN TAMPAN AVARGAL, M.L.C.

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

MUHAMMAD GHOUSE MIAN SAHIB Bahadur, M.L.C.

Khan Bahadur P. KHALIFULLAH SAHIB Bahadur, M.L.C.

G. T. BOAG, Esq., I.C.S., M.L.C.

25th August 1926]

SCHEMES FOR INTRODUCTION IN THE CURRENT YEAR.

I.—TO BE MET BY SUPPLEMENTARY DEMANDS.

(1) Additional appropriation of Rs. 3,300 under Grant “XX. Medical—Transferred” to meet the expenditure in connexion with Sir Norman Walker's visit to India.

Abstract of the proposal.—A proposal has been made that Sir Norman Walker should visit India sometime in October 1926 to inspect the Medical Colleges with a view to ensuring that the standard of medical education and training required by the General Medical Council is maintained in the Indian Universities. An officer will be deputed by the Government of India to accompany Sir Norman Walker throughout his tour and each Local Government will depute one medical officer and two non-official medical practitioners to accompany and assist them if and when they visit their respective Provinces. The total expenditure involved in the proposal is estimated at about Rs. 23,000. The Government of India consider that as the expenditure is in the interests of the Provincial transferred subject of medical education it should be borne by Provincial Governments. The share to be paid by the Madras Government will be about Rs. 3,300. It is proposed to move a supplementary demand for this amount under Grant “XX. Medical”.

Extra cost.

	1926-1927
	RS.
Non-recurring	3,300

Recommendation of the Committee.—The Committee accepted the proposal and recommended that the expenditure should be met by reappropriation.

(2) Nominal appropriation of Rs. 100 towards a further advance to the Board of Commissioners for Hindu Religious Endowments.

Abstract of the proposal.—The Board of Commissioners for Hindu Religious Endowments began its work on the 15th April 1925, and an advance of Rs. 50,000 was sanctioned to the Board towards its initial expenditure, the amount to be repaid in five equal annual instalments at 5 $\frac{1}{2}$ per cent per annum. When demands were issued by the Board under sections 65 and 66 of Act I of 1925 to the Trustees of temples and maths for contributions due by them, the response was very slow as various issues were raised by the trustees and a decision thereon had to be arrived at before they could meet the demands. It was therefore found necessary to sanction a further advance of Rs. 1,15,000 during 1925-26. The President of the Board has now reported that, owing to a large number of suits having been filed in the High Court and other courts questioning the validity of the Act, contributions are not forthcoming as anticipated. Besides, the rules under the various sections of the Act were actually confirmed only in G.O. No. 2934, L. & M., dated 10th June 1926. The Board has accordingly asked for a further advance of Rs. 1,00,000 to enable it to meet its expenditure in the current year.

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It is proposed to sanction an advance of Rs. 60,000 to the Board in the current year subject to the same conditions as those on which the previous advances were made. The amount can be met by reappropriation from the anticipated savings under loans to municipalities for water-supply schemes. In order to obtain the approval of the Legislative Council to the proposal, a supplementary demand will be moved for a nominal sum of Rs. 100.

Recommendation of the Committee.—The Committee recommended the moving of a supplementary demand for a nominal sum of Rs. 100 on the understanding that only such amount will be spent as is absolutely necessary to enable the Board to pay its way. At the same time the Committee desired to know the reasons for the delay in publishing the rules and the date on which they are likely to come into effect.

II—TO BE MET BY REAPPROPRIATION.

(1) Opening of the sixth standard in the Reformatory School, Chingleput.

Abstract of the proposal.—The Reformatory School, Chingleput, has at present classes up to and inclusive of the fifth standard of an elementary school. It often happens that boys in the school who have completed the course in the fifth standard have to remain in the school for some years to complete their period of detention. The Director of Public Instruction and the Inspector-General of Reformatory Schools consider that facilities should be provided in the school for the further education of such boys and that for the present the sixth standard may be opened in the school. There are at present twelve boys who are fit for promotion to the sixth standard. It is proposed to appoint an additional trained teacher of the secondary grade on Rs. 35–60 with effect from the 1st August 1926. The extra expenditure in the current year can be met by reappropriation.

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	245	570

Recommendation of the Committee.—The Committee accepted the proposal, the extra expenditure in the current year being met by reappropriation.

(2) Permanent employment of an Inspector of Police for the Government House.

Abstract of the proposal.—Since 1919 a temporary appointment of Inspector of Police is being sanctioned from 15th October to 15th April of each year to work as a liaison officer between the City Police and the Military Secretary to His Excellency the Governor. Besides acting as liaison officer he has to make arrangements at places where His Excellency has public or semi-public engagements. It has now been represented that the additional Inspector doing duty at the Government House will be required there throughout the year and that the present system of obtaining temporary sanction from year to year is unsatisfactory and causes inconvenience. It is therefore proposed to make a permanent addition of an Inspector to the Intelligence branch of the Madras City Police with effect from the 15th October 1926 or the date of expiry of the present sanction for the employment of a temporary Inspector, whichever is earlier. The Inspector will draw

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the pay and special pay admissible to Inspectors of the Intelligence branch and will draw, in addition, house-rent of Rs. 40 per mensem in lieu of free quarters and hill allowance of Rs. 100 per mensem for the six months of the Inspector's stay at Ootacamund with His Excellency the Governor. The expenditure during the current year can be met by reappropriation within the appropriation under 26. POLICE.

Extra cost.

	1926-27.	Ultimate cost.
	RS.	RS.
Recurring	1,417½	5,113½

Recommendation of the Committee.—The proposal was accepted by the Committee, the extra expenditure in the current year being met by reappropriation.

FORT ST. GEORGE,
17th July 1926.

T. E. MOIR.

APPENDIX IX.

[Vide item III b 'Communications to the Council' on page 34 supra.]

G.O. No. 866, Development, dated 14th June 1926.

READ—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, Madras), dated the 15th March 1926, No. 28-E.

I have the honour to forward herewith the balance sheet with the other relative accounts of the Kerala Soap Institute, Calicut, for the quarter ending the 31st December 1925 received from Messrs. Fraser & Ross with their letter, dated the 4th March 1926 (copy enclosed), from which it will be observed that the Institute has earned a net profit of Rs. 7,041-6-3 during the quarter under reference. My remarks on the accounts will be submitted to Government separately.

ENCLOSURE

Letter from Messrs. FRASER & ROSS, Chartered Accountants and Auditors, to the Director of Industries, dated 4th March 1926.

[The Kerala Soap Institute, Calicut.]

We have the honour to hand you herewith in duplicate the balance sheet of the above as at 31st December 1925 duly certified together with the relative manufacturing, trading and profit and loss accounts for the quarter ending that date, receipt of which please acknowledge. Please forward one copy of the accounts to the Secretary to Government, Development Department.

[illegible]

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(ii)

Manufacturing Account for the quarter ending 31st December 1925.

	Vegetol soap.	Washwell soap.	Toilet soap.	Yellow bar soap.	Shaving soap.	Experimental bar soap.
(1)	(2)	(3)	(4)	(5)	(6)	(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.	..	16,198 12 5	928 3 4	12,587 2 10	42 8 0	639 6 10
.. Raw materials, scraps of other soaps and firewood.	4,530 1 10	11,349 1 1	1,731 13 8	12,745 13 5	7 6 0	1,709 2 8
.. Wages ..	72 5 2	515 9 2	154 10 7	502 0 11	..	43 10 3
.. Factory overheads ..	572 8 10	1,557 12 5	151 6 2	1,645 6 8	..	257 14 3
Total ..	5,174 15 10	29,621 3 1	2,966 1 9	27,480 7 10	49 14 0	2,650 2 0
By Scraps, etc., used for other soaps.	583 15 3	..	80 0 0	680 0 0	..	..
.. Finished soaps sent to stores.	4,375 15 2	14,686 11 4	1,921 10 7	23,287 5 10	24 2 2	1,730 14 2
.. Stock in process of manufacture.	215 1 5	14,934 7 9	964 7 2	3,513 2 0	25 11 10	919 3 10
Total ..	5,174 15 10	29,621 3 1	2,966 1 9	27,480 7 10	49 14 0	2,650 2 0

	Textile soap.	Fish-oil soft soap.	Fish-oil rosin soap.	Glycerine.	Total.
(8)	(9)	(10)	(11)	(12)	
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock in process of manufacture.	..	304 0 0	..	2,109 2 0	32,809 3 5
.. Raw materials, scraps of other soaps and firewood.	831 10 10	4,589 8 3	386 12 7	359 10 0	38,241 0 4
.. Wages ..	3 5 0	83 6 9	3 0 3	94 1 6	1,472 1 7
.. Factory overheads ..	87 8 11	1,313 12 11	85 3 10	..	5,671 5 0
Total ..	922 3 9	6,290 11 11	475 0 8	2,562 13 6	78,193 10 4
By Scraps, etc., used for other soaps.	..	..	..	..	1,343 15 3
.. Finished soaps sent to stores.	154 0 3	6,244 10 9	475 0 8	1,918 14 6	54,819 5 5
.. Stock in process of manufacture.	768 3 6	46 1 2	..	643 15 0	22,030 5 8
Total ..	922 3 9	6,290 11 11	475 0 8	2,562 13 6	78,193 10 4

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(iii)
Trading Account for the quarter ending 31st December 1925.

(1)	Vegetol soap.	Washwell soap.	Toilet soap.	Yellow bar soap.	Shaving soap.	Deepa brand soap.	Experimental bar soap.
	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
To Stock on hand ..	1,639 0 10	6,543 14 11	494 0 5	26 10 2	24 1 6	0 8 0	472 4 3
.. Cost of soaps received from factory	4,375 15 2	14,686 11 4	1,921 10 7	23,287 5 10	24 2 2	..	1,730 14 2
.. Packing charges, etc.	195 15 2	1,115 4 2	1,035 12 4	1,398 11 0	55 15 6	..	106 3 9
.. Perfumes and essential oils	..	..	1,372 2 9	6,168 7 0	..	..	..
.. Gross profit ..	1,108 9 4	6,373 10 2	1,975 14 1	..	4 12 6	..	583 10 7
Total ..	7,319 8 6	28,819 8 7	6,799 8 2	30,881 2 0	108 15 8	0 8 0	2,893 0 9
By Sales less returns ..	5,793 6 6	24,946 13 6	5,804 10 6	30,817 1 8	73 5 2	..	2,657 8 10
.. Free samples	2 5 4	28 0 5	267 9 4	2 9 4	8 2 2	..	2 0 1
.. Soaps issued for reboiling	849 13 5	9 10 3	..	..	27 8 4	0 8 0	233 7 10
.. Stock on hand ..	673 15 1	3,835 0 5	727 4 4	61 7 0	108 15 8	0 8 0	2,893 0 9
Total ..	7,319 8 6	28,819 8 7	6,799 8 2	30,881 2 0	108 15 8	0 8 0	2,893 0 9

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Trading Account for the quarter ending 31st December 1925—cont.

	Textile soap. (9)	Fish-oil soft soap. (10)	Fish-oil rosin soap. (11)	Cheap bar soap. (12)	Glycerine. (13)	Total. (14)
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
To Stock on hand .. ..	.. ..	768 11 4	358 11 0	0 10 8	.. ..	10,423 9 1
Cost of soaps received from factory	154 0 3	6,244 10 9	475 0 8	.. ..	1,918 14 6	54,819 5 5
“ Packing charges, etc.	18 4 0	488 9 9	20 10 1	.. ..	74 1 7	4,509 7 4
“ Perfumes and essential oils .. ..	.. ..	1,271 1 3	475 12 7	.. ..	132 11 11	1,872 2 9
“ Gross profit	215 1 9	.. ..	.. ..	.. ..	.. ..	18,349 11 2
Total	387 6 0	8,768 1 1	1,330 2 4	0 10 8	2,125 12 0	39,434 3 9
By Sales less returns	387 2 0	4,827 5 0	1,180 3 5	.. ..	2,075 1 0	78,562 10 7
“ Free samples	0 4 0	0 6 2	0 7 2	.. ..	50 11 0	362 7 2
“ Soaps issued for reboiling .. ..	.. ..	133 9 0	.. ..	.. ..	.. ..	938 0 8
“ Stock on hand .. ..	.. ..	3,806 11 11	149 7 9	0 10 8	.. ..	9,516 1 4
Total	387 6 0	8,768 1 1	1,330 2 4	0 10 8	2,125 12 0	39,434 3 9

(iv)

Profit and Loss Account for the quarter ending 31st December 1925.

	Rs. A. P.	Rs. A. P.
To expenses—		Rs. A. P.
Establishment charges	2,745 9 1	.. ..
Rates and taxes	13 4 0	.. ..
Advertisement charges	1,268 5 11	.. ..
Printing and stationery	120 11 11	.. ..
Postage and telegram	118 0 6	.. ..
Discount and exchange	0 12 0	.. ..
Despatching charges	3,283 11 3	.. ..
Sundry office and factory expenses	171 0 7	.. ..
Laboratory experimental work	36 3 10	.. ..
Free sample issues	362 7 2	.. ..
Legal expenses	114 4 0	.. ..
Travelling allowance	90 1 0	.. ..
Trade bonus (reserve)	927 0 9	.. ..
Fire insurance	246 11 9	.. ..
To Depreciation—	9,502 3 9	.. ..
On office buildings	89 0 0	.. ..
On laboratory apparatus	360 0 0	.. ..
On office furniture	67 0 0	.. ..
To Reserve for expenses credited to Government—	516 0 0	.. ..
Director's supervision charges	583 0 0	.. ..
Audit fee	356 0 0	.. ..
Leave and pension contributions	562 8 0	.. ..
To Net profit .. ..	.. ..	1,501 8 0
Total .. ..	.. ..	7,041 6 3
Total	18,561 2 0	18,561 2 0

N.B.—Interest on capital has not been included in the Profit and Loss Account. Interest on the capital of Rs. 3,51,873 at 6-08 per cent is Rs. 5,348.

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II

Letter from L. B. GREEN, Esq., M.B.E., Director of Industries (in charge), to the Secretary to Government, Development Department (through the Accountant-General, Madras), dated Madras, the 3rd April 1926, No. 28-E/26.

In continuation of my letter No. 28-E/26, dated the 15th March 1926, I have the honour to offer the following remarks on the accounts of the Kerala Soap Institute, Calicut, for the quarter ending the 31st December 1925.

2. *Book Debts—Good*.—Of the amount of Rs. 88,879-5-11 shown under “Book Debts—Good”, Rs. 45,154-1-0 represents the value of yellow bar soap and soft soap supplied to the Army Department. This amount is reported by the Superintendent to have been since collected.

Book Debts—Doubtful—Rs. 10,151-6-6.—This amount comprises the following items:—

	RS.	A.	P.	RS.	A.	P.
(1) A. S. R. Moorthy & Sons	..	..	..	2,053	11	0
(2) Ananthanarayana Brothers	..	..	..	1,029	13	0
(3) A. Kasipathi	..	..	..	5,892	10	2
Less Deposit	..	..	..	2,000	0	0
				3,892	10	2
(4) C. Erasa Menon	..	..	..	1,733	8	3
(5) Legal expenses	..	..	..	1,115	7	0
(6) S. N. V. Ayyar	..	..	..	40	6	0
(7) K. S. K. Ayyar	..	..	..	25	9	1
(8) M. Sawmi & Sons	..	..	..	191	8	0
(9) N. Gulam Moideen	..	..	..	68	14	0
Total	..	..	..	10,151	6	6

The position of items (1) to (4) has already been explained in detail in my letter No. 252-E/25, dated the 18th November 1925, in connexion with the audit report for the quarter ending the 30th June 1925. There is no change to report in respect of these items with the exception of item (4). As Mr. Erasa Menon has failed to pay the sixth instalment of the decree amount, a warrant has been issued by the Court for his arrest and that of his surety. There seems to be little prospect of recovering the amounts covered by the other items. The amounts covered by items (6) to (9) have already been written off as reported in my letter to Government No. 383-E/25, dated the 12th February 1926, on the audit report for the quarter ending the 30th September 1925. The amount covered by item (5) (Legal expenses) will be recovered if and when the decreed amounts are recovered. I therefore consider that, as suggested by

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the Auditors, these debts, which relate to the period before the concern was commercialized, should be adjusted against the accumulated profits instead of being carried over in the accounts from quarter to quarter. Every effort and all necessary steps, however, will be taken to recover the amounts and the realizations as and when effected will be shown in the Profit and Loss Accounts.

3. I request that early orders may be passed on the question of resuming a portion of the accumulated profits to cover the bad and doubtful debts of the Institute as it is necessary to arrive at a decision in the matter before the final accounts for the year ending 31st March 1926 are prepared.

III

Endorsement of the Accountant-General, Madras, No. H.A. Comml. 7-1837, dated 17th May 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. 392-7-0 as against Rs. 318-15-0 entered in the Profit and Loss Account (after taking into account Rs. 37-1-0 under-charged in the Profit and Loss Account of the previous quarter). The Commercial Auditors have been asked to adjust the difference in the accounts of the next quarter.

3. The balance of Rs. 53-10-0 under ‘Advances to workmen’ represents the amount remaining to be recovered in respect of advances made last July on the occasion of a local festival. The proposals of the Director of Industries for the regularization of such advances have been forwarded separately with my comments—vide my endorsement No. H.A. Comml. 7-1836, dated 17th May 1926.

4. The doubtful debts amounting to nearly Rs. 10,000 which it is now proposed to adjust to Government capital account, were considered to be quite good at the time of the full commercialization of the Institute, and were first classified as doubtful only in last June. The policy of the Madras Government in respect of book debts of their commercial concerns, has been to debit the Profit and Loss Account by credit to bad debt reserve account of the concern in full for such debts as and when they are found to be bad or doubtful, and not to create a general reserve at a percentage on the total of the book debts. Apparently for this reason, they did not agree to the proposal of the Auditors, in the last sentence of paragraph 11 of their report on page 4 of G.O. No. 2001, Development, dated 21st November 1924, to form an additional reserve provision of about Rs. 1,750 to meet the possibility of any of the

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debts then considered good proving later on to be doubtful. In the circumstances, there does not appear to be any reason for transferring the much larger amount of nearly Rs. 10,000 to a bad debt reserve by reduction of the Government capital account. The proper procedure would be to debit the Profit and Loss Account of 1925-26 (when the debts were first considered doubtful) with the amount of debts either finally written off or reserved for in the course of that year.

R. L. McKERNAN,
Accountant-General.

To the Secretary to Government, Development Department.

Order—No. 866, Development, dated 14th June 1926.

Recorded.

2. Paragraph 2 of the Auditor's letter, paragraph 2 of the Directors' letter, dated 3rd April 1926, and paragraph 4 of the Accountant-General's endorsement.—The Government agree with the Accountant-General that there is no reason for transferring the doubtful debts to a bad debt reserve by reduction of the Government capital account. The amount of debts, written off or reserved for during the year 1925-26, should be debited to the Profit and Loss account of the year.

(By order of the Government, Ministry of Development)

V. PANDRANG ROW,
Secretary to Government.

To the Director of Industries.
" the Accountant-General (through Finance Department).
" Messrs. Fraser & Ross.
" the Finance Department.
" the Auditor-General (with C.L.).
" the Secretary, Legislative Council.

THE MADRAS LEGISLATIVE COUNCIL.

Thursday, the 26th August 1926.

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

PRESENT:

Marjoribanks, The hon. Mr. N. E.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
Moir, The hon. Mr. T. E.
Campbell, The hon. Mr. A. Y. G.
Raja of Panagal, The hon. the.
Patro, The hon. Rao Bahadur Sir A. P.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.
Adinarayana Chettiyar, Mr. T.
Anjaneyulu, Mr. P.
Ankineda Prasad Bahadur, S. R. Y.
Ari Gowder, Mr. H. B.
Arpudaswami Udayar, Mr. S.
Bhanoji Rao, Mr. A. V.
Biswanath Das Mahasayo, Sriman.
Boag, Mr. G. T.
Chambers, Mr. G. W.
Chidambara Nadar, Mr. A.
Cotterell, Mr. C. B.
Davis, Mr. J. A.
Devendruds, Mr. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Gangaraju, Mr. M.
Gopala Menon, Mr. C.
Gopalun, Rao Sahib P. V.
Guruswami, Mr. L. C.
Haji Qasim Sahib Bahadur, Khan Bahadur, Haji Abdullah.
Hegde, Mr. J. Nagauna.
Heggade, Mr. D. Manjappa.
Kesava Pillai, Diwan Bahadur P.
Khadir Mohiddin Elyas Khan Sahib, Mr.
Koti Reddi, Mr. K.
Kriahnan Nayar, Diwan Bahadur M.
Krishna Rao Pantulu, Rao Bahadur A. S.
Krishnama Achariyar, Rao Bahadur V. T.
Krishnaswami Nayudu, Rao Bahadur K.
Koppaswami, Mr. J.
MacDougall, Sir Alexander.
Madanagopal Nayudu, Mr. R.
Madhava Raja, Mr. V.
Madurai, Honorary Lieutenant.
Malleappa, Mr. T.
Marthandam Pillai, Mr. P. N.
Meera Sahib, Mr. Muhammad.
Moida Sahib, Mr. T. M.
Muniswami Nayudu, Rao Bahadur B.
Murugappa Chettiyar, Diwan Bahadur A. M.

Muttayya Mudaliyar, Mr. C.
Muttayya Mudaliyar, Mr. S.
Narasimbachariu, Rai Bahadur T. M.
Narasimha Raju, Rao Bahadur C. V. S.
Natesa Mudaliyar, Rao Bahadur C.
Obalesappa, Mr. B.
Pandrang Row, Mr. V.
Pantulu Ayyar, Mr. V.
Peddiraju, Mr. P.
Ponnuswami Pillai, Mr. K. S.
Prabhakaran Tampan, Mr. K.
Premayya, Mr. G.
Raghuchandra Ballal, Mr. K.
Raja, Rao Bahadur M. C.
Rajan, Mr. P. T.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.
Raman, Rao Bahadur P.
Ramalinga Chettiyar, Rao Bahadur T. A.
Ramaswami Mudaliyar, Mr. A.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Sadashiva Ayyar, Diwan Bahadur Sir T.
Sagaram, Mr. P.
Saidanba, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Samuel, Mr. J. D.
Sarvarayudu, Mr. K.
Sasibhushan Bath Mahasayo, Sriman.
Satyamurti, Mr. S.
Sitarama Reddi, Mr. K.
Sitayya, Mr. M.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib B.
Subbarayan, Dr. P.
Subrahmanya Pillai, Mr. Chavadi K.
Tanikachala Chettiyar, Diwan Bahadur O.
Tulasiram, Mr. L. K.
Uppi Sahib, Mr. K.
Veerian, Mr. R.
Venkatachala Padayachi, Mr. K.
Venkatapati Raju, Mr. P. O.
Venkataramana Ayyangar, Mr. C. V.
Venkataramana Rao Nayudu, Mr. P.
Venkatarama Sastriyar, Mr. T. R.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkatarreddi Nayudu, Rai Bahadur Sir K.
Virappa Chettiyar, Rao Bahadur P. K. A. St.
Wood, Mr. C. E.
Zamindar of Mandasa,

[26th August 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.

Appointment of the Principal of the Agricultural College.

* 2318 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the answer given to question No. 387 asked at the Legislative Council meeting of 8th February 1924, will the hon. the Minister for Development be pleased to state whether any senior or seniors were overlooked when Mr. Norris was appointed to be Principal of the Agricultural College, Coimbatore, and if so, how many were overlooked and for what reasons?

A.—The appointment of Mr. Norris as acting Principal from 11th July 1920 to 18th February 1921 and again from 13th April 1922 to 22nd May 1922 was purely provisional and temporary, and it did not involve the permanent supersession of his seniors, four in number.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I find that Mr. Norris was appointed first from 11th July 1920 to 18th February 1921, and then for another equally long period. I want to know the criterion by which these appointments are considered provisional and temporary, and not permanent."

The hon. Sir T. N. SIVAGNANAM PILLAI:—"The arrangement was not to be continued, but it was meant to be temporary and provisional."

Defalcation in the office of the Deputy Director of Agriculture.

* 2319 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to question No. 1147 and answer thereto given on 12th November 1924, will the hon. the Minister for Development be pleased to state—

(a) whether the investigation regarding the defalcation of Rs. 1,930 in the office of the Deputy Director of Agriculture (Livestock) has been completed; and

(b) if so, with what results?

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A.—(a) Yes.

(b) The total amount misappropriated was Rs. 2,013-5-9. Of this a sum of Rs. 579-3-10 was recovered from the head clerk and he was dismissed from service. The head clerk was also prosecuted and convicted in the Sessions Court and as a result a further sum of Rs. 1,650 was collected from him by way of fine. The Inspector of Agricultural offices who failed to detect the defalcation was reduced to a clerical post.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, are these the only people who are deserving of blame in this matter? I deprecate the punishment of subordinates where the heads of departments are liable."

The hon. the PRESIDENT:—"Order, order. There is no question of this kind."

Mr. A. RANGANATHA MUDALIYAR:—"I prefaced it, Sir, by a question whether these were all the people concerned."

The hon. Sir T. N. SIVAGNANAM PILLAI:—"The Deputy Director of Agriculture (Livestock) was also punished."

Mr. A. RANGANATHA MUDALIYAR:—"May I know how?"

The hon. Sir T. N. SIVAGNANAM PILLAI:—"His increment for one year was stopped."

Education.

Exemption of depressed classes boys from examination fees.

* 2320 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) the total number of boys belonging to the depressed classes who appeared in each district this year and last year for the Secondary School-Leaving Certificate Examination;

(b) how many of them were exempted from remitting examination fees in each district last year and this year owing to poverty;

(c) the considerations on which such exemption is granted; and

(d) how many non-depressed classes were exempted from paying or remitting examination fees in each district last year and this year as far as Secondary School-Leaving Certificate Examination is concerned?

A.—(a) The following statement gives the number of Adi-Dravida and Adi-Andhra candidates who appeared for the examination in 1925 and 1926. Similar figures for the other classes and communities included under the term 'depressed classes' are not available:—

District.	Number of candidates.	
	1925.	1926.
Vizagapatam	1	1
East Godavari	4	7
West Godavari	1	1
Kistna	1	2

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District.	Number of candidates.	
	1925.	1926.
Nellore	1	1
Anantapur	1	4
Madras	...	2
South Arcot	2	4
Tanjore	2	...
Trichinopoly	1	1
Madura	...	1
Tinnevely	...	1
South Kanara	...	...
Total ...	14	25

- (b) The statement below shows the number of pupils belonging to the depressed classes to whom remission of examination fees was sanctioned in 1925 and 1926 :—

District.	Number of fee remissions sanctioned.	
	1925.	1926.
Ganjam	...	1
East Godavari	...	2
West Godavari	1	...
Kistna	2	4
Guntur	40	36
Nellore	3	6
Kurnool	1	1
Anantapur	...	2
Chittoor	...	2
North Arcot	...	9
Madras	...	10
South Arcot	15	...
Trichinopoly	2	...
Madura	1	2
Tinnevely	7	5
Salem	1	...
Malabar	...	1
Total ...	78	81

- (c) The concession is allowed to those who produce a certificate of poverty.
- (d) The concession is not available for pupils belonging to classes other than the depressed.

Mr. R. VEERIAN :—“ With reference to clause (b) I find that 154 students of the depressed classes were exempted from remitting the examination fees in 17 districts. I want to know how many of them applied on the whole.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ No information is available now.”

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Mr. R. VEERIAN :—“ May I know whether any announcement was made through the Department of Labour or through the regular agency of the Educational Department to the effect that on the production of a poverty certificate, such a remission of fees will be given to the members of the depressed classes ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ Wide publicity is given to the rule, by sending copies of the rules to the head of each school for publication.”

Mr. R. VEERIAN :—“ Many of them are ignorant of these rules. I want to know if the hon. the Minister for Education will kindly see that such announcement is made widely ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ If the hon. Member suggests any other method by which greater publicity could be given, I am prepared to consider it.”

Rai Bahadur T. M. NARASIMHACHARLU :—“ Is there anything to prevent the hon. Member Mr. R. Veerian from giving such wide publicity ? ”

The hon. the PRESIDENT :—“ Order, order. That is not within the cognizance of the hon. Member.”

Concessions to Jesuit and Mill-Hill Fathers.

* 2321 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education be pleased to state—

(a) what and through whom inquiries were made before concessions were granted under Rule 14 of the Madras Educational Rules (1924) to Jesuit and Mill-Hill Fathers as to teacher's qualifications ;

(b) whether any inquiry was then made as to the educational qualifications of the Indian secular clergy and the pastors of the Kanarese Evangelical Missions for granting them similar concessions ;

(c) whether Government consider after due enquiry that their educational qualifications coupled with teaching training qualify them for some concessions and, if so, to what extent ; and

(d) what is the training they receive in various subjects in the seminaries and thereafter, as ordained catechists, evangelists and preachers, as well as during their course in the seminaries ?

A.—(a) The courses of studies adopted by the Societies were examined by the Director of Public Instruction.

(b) No.

(c) & (d) The question will be considered if found necessary.

Mr. J. A. SALDANHA :—“ Sir, with reference to clause (b), may I enquire why no enquiry was made as to the educational qualifications of the Indian secular clergy and the pastors ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ The Government found it unnecessary to make such an enquiry.”

Mr. J. A. SALDANHA :—“ Are the Government aware that a large number of secular clergy and pastors of the Mission are in charge of schools and manage schools ? ”

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The hon. Rao Bahadur Sir A. P. PATRO :—"They are aware of it."

Mr. J. A. SALDANHA :—"And are the Government aware that these secular clergy and pastors have long training in teaching?"

The hon. the PRESIDENT :—"Order, order. The hon. Member is imparting information rather than asking for it."

Mr. J. A. SALDANHA :—"What I enquire is whether Government are aware of this fact."

The hon. the PRESIDENT :—"What is the point?"

Mr. J. A. SALDANHA :—"The point is whether they are aware or not of the fact that these clergy and pastors are given charge of a school, and although having long training . . ."

The hon. the PRESIDENT :—"I must again point out that the hon. Member is imparting information rather than asking for information. The hon. Member knows the pastors undergo training before they are given charge of a school. What is the point about asking the question?"

Mr. J. A. SALDANHA :—"I submit that it is for the public. It is a point of great interest to the public to know whether the Government are aware of a certain fact or not. I may know very well, but it is not for my private consumption that the question is asked."

The hon. the PRESIDENT :—"The object of a question is to find information, which the hon. Member may not be in possession of. But why ask for information which the hon. Member is in possession of?"

Mr. A. RANGANATHA MUDALIYAR :—"If the Government are aware of this and have not yet taken action, it follows that they have considered the question and have not taken any action. But if they are not aware of it, it is for us to draw the attention of the Government to it, so that they may take such action as they may consider necessary."

Mr. J. A. SALDANHA :—"With reference to clauses (c) and (d), may I know, Sir, what is the significance of the word 'necessary' and under what circumstances would they consider it 'necessary'?"

The hon. Rao Bahadur Sir A. P. PATRO :—"There is no need at present to go into the matter at all. Until fresh circumstances are brought to light, they will find it unnecessary to go into it."

Alleged disabilities of Indian Christians in the Educational Department.

* 2322 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Education be pleased to state—

(a) whether representations have been received from anybody in South Kanara as to the Indian Christians' disabilities in the Educational Department; and

(b) what action Government have taken or propose to take on them?

A.—(a) & (b) Yes, the representations related to—

(i) fee concessions to Indian Christian pupils belonging to communities other than those classed as depressed;

(ii) recognition of the Indian Secular clergy of South Kanara and the Pastors of the Kanarese Evangelical Mission as secondary trained teachers; and

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(iii) the grant of increased stipends to Indian Christian mistresses undergoing training.

As regards item (i), the Government have ruled that a pupil belonging to any of the classes recognized as *backward* who is in receipt of the half fee concession or a scholarship should not be deprived of it if he becomes a Christian while holding the concession or scholarship. The attention of the hon. Member is invited to Notification No. 183, published at page 250 of Part I-B of the *Fort St. George Gazette*, dated the 15th June 1926. As regards the suggestion contained in item (ii) above, the hon. Member is referred to the answer to question No. 2321. The Government have considered the point raised in item (iii) and have come to the conclusion that an increase in the rate of stipend is not called for.

Mr. J. A. SALDANHA :—"As to clauses (a) and (b) and the explanatory note issued as regards sub-clause (i), it is stated that "the Government have ruled that a pupil belonging to any of the classes recognized as *backward* should not be deprived of it if he becomes a Christian while holding the concession or scholarship." I want to know whether this means that an individual of a community,—let us suppose the community is called backward and the member of that community becomes a convert to Christianity,—is entitled to the concession as in the case of a member of the depressed classes. I understand from the answers given that a member of the depressed classes, if he becomes a convert, is entitled to the concession. Does the same concession apply to the backward communities?"

The hon. Rao Bahadur Sir A. P. PATRO :—"The answer is clear."

Mr. J. A. SALDANHA :—"I would not have asked the question if it was clear at all. I want to know whether it belongs to an individual who holds a concession and then becomes a convert or whether it is given to him as the member of the particular community?"

The hon. the PRESIDENT :—"The answer clearly says that member of the depressed classes 'who is in receipt of the concession'."

Mr. J. A. SALDANHA :—"I want to know whether if he is not in receipt of the concession, he would receive it as a member of a community. Supposing he is not in receipt of the concession, but he becomes a convert and goes to a school, is he entitled to the concession? Yes or no, a direct answer, that is all I want."

The hon. the PRESIDENT :—"Does the hon. Member feel any doubt about the meaning of the word?"

Mr. J. A. SALDANHA :—"Yes, I feel doubtful."

The hon. Rao Bahadur Sir A. P. PATRO :—"I cannot add any further information to what has been already furnished in the answers."

Mr. R. VEERIAN :—"May I know what has become of the decision of the Education Committee that met last month in the hon. the Education Minister's room with reference to the granting of concessions . . ."

The hon. the PRESIDENT :—"To whom?"

Mr. R. VEERIAN :—"To members of the depressed and backward classes."

The hon. the PRESIDENT :—"That is a separate question."

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Medium of instruction in Government girls' schools.

* 2323 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Educational Rules insist upon instruction being given in all subjects in the vernaculars alone up to Third Form in all Government girls' schools in the Presidency; and

(b) whether it is a fact that contrary to those rules instruction in the Government Girls' School at Mangalore is being imparted in English only from the First Form onwards?

A.—(a) Under rule 60 of the Madras Educational Rules, managers of schools should, unless they have obtained the permission of the District Educational Officer to do otherwise, adopt the vernacular of the pupils as the medium of instruction up to and including the Third Form. Under rule 62, the Director may relax the above rule in the case of Secondary schools for girls.

(b) In the Government Girls' School, Mangalore, English is used as the medium of instruction as the majority of the pupils in the school speak either Konkani or Tulu, which are not written languages, in their homes and therefore find it difficult to study Kanarese.

Mr. K. RAGHUCHANDRA BALLAL:—"May I know if there are any classes below the First Form in Government girls' schools?"

The hon. Rao Bahadur Sir A. P. PATRO:—"I want notice."

Mr. K. RAGHUCHANDRA BALLAL:—"Sir, in answer to clause (b), outside that majority of pupils in the classes who are speaking Konkani or Tulu, may I know if the pupils are taught in the same language or in any different language?"

The hon. Rao Bahadur Sir A. P. PATRO:—"Konkani is different from Tulu."

Mr. K. RAGHUCHANDRA BALLAL:—"Evidently, then, there is a third language. Of all the groups, which forms the biggest group?"

The hon. Rao Bahadur Sir A. P. PATRO:—"My hon. Friend can get information from the Census Report."

Mr. K. RAGHUCHANDRA BALLAL:—"The Census Report is not likely to furnish the information with respect to a particular school."

The hon. the PRESIDENT:—"The Minister wants time."

Mr. K. RAGHUCHANDRA BALLAL:—"May I ask one more question as to what the vernacular of the district is?"

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

11-15 a.m. Mr. A. RANGANATHA MUDALIYAR:—"If Kanarese is the vernacular of the district, why is it that it is not taught in the Government schools?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The answer is given in clause (b)."

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Excise.*Inspection of toddy and arrack shops.*

* 2324 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state whether the inspecting staff of toddy and arrack shops see to the convenience of all classes of people frequenting them and whether they have brought to the notice of Government any invidious distinction made as regards the manner of vending toddy and arrack to caste Hindus and depressed classes in the rural areas of Tanjore, Tinnevely, Salem, North Arcot, Madura, South Arcot, Chingleput, Chittoor and Coimbatore?

A.—No.

Mr. R. VEERIAN:—"May I know whether the Government are aware of the fact that the depressed classes are made to stand outside the premises of the toddy and arrack shops . . ."

The hon. the PRESIDENT:—"The hon. Member is imparting information."

Mr. R. VEERIAN:—"I want to know whether the Government are aware . . ."

The hon. the PRESIDENT:—"The Government will be aware now as the hon. Member has imparted the information."

Mr. R. VEERIAN:—"Have the Government made any rules to provide suitable accommodation to the members of all communities without making any distinction whatever, so that liquor will not be sold to the depressed classes through the holes in the shops for fear of pollution?"

The hon. Rao Bahadur Sir A. P. PATRO:—"It is the look-out of the shopkeepers to see that all the customers are treated properly so that they may have very great sale and roaring business."

Mr. R. VEERIAN:—"Do the Government contemplate to make rules so as not to make any distinctions between depressed and non-depressed classes even in liquor shops?"

The hon. Rao Bahadur Sir A. P. PATRO:—"The Government do not want to make the place comfortable so that people will be attracted to it. The Government want to discourage drink as much as possible."

Opening of sugar factories in South Kanara.

* 2325 Q.—Mr. J. A. SALDANHA: With reference to the debate on the excise policy of Government on 9th February 1926 (XXVII, pages 239-240 et seq.), will the hon. the Minister for Education and the hon. the Minister for Development be pleased to state—

(a) whether Government have received applications with a view to facilities being offered for the opening of sugar factories and distilleries in South Kanara; and

(b) what action Government have taken on them?

A.—The hon. Member's attention is invited to the answer to question No. 2300.

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Action taken on resolutions regarding closure of toddy shops.

* 2326 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Education be pleased to state—

(a) whether any steps were taken or effect was given to the resolutions accepted by the Madras Legislative Council some months ago regarding excise policy in removing all the existing toddy, arrack or beer shops from the localities of the Adi-Dravidas two furlongs away;

(b) whether new licensing boards as contemplated in the resolution were created already in all the districts and the members appointed, due care being taken to see that nomination is given to a member of the depressed classes on that board; and

(c) if nothing has been done as per queries (a) and (b) the reason for not giving effect to them?

A.—The subject is under the consideration of the Government.

Mr. R. VEERIAN:—“May I know when the Government are likely to come to a decision and how long it will take them?”

The hon. Rao Bahadur Sir A. P. PATRO:—“It is a very important matter involving reference to several members of the Government and also to the Finance Committee. It is not possible to jump at any conclusion from the facts available.”

Local Boards.*Travelling allowances to presidents of district boards.*

* 2327 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the answer to question No. 319 asked in the Legislative Council on the 8th February 1924, will the hon. the Minister for Local Self-Government be pleased to state—

(a) the district boards whose presidents drew travelling allowances at rates higher than they were eligible for;

(b) whether the excess amounts so drawn have since been recovered; and

(c) the orders passed by the Government after consideration of the whole question?

A.—(a) & (b) Complete information is not available.

(c) The attention of the hon. Member is invited to G.O. No. 517, L. & M., dated 26th February 1924 (published in Part I-A of the *Fort St George Gazette*, dated 4th March 1924).

Mr. A. RANGANATHA MUDALIYAR:—“When I asked this question in February 1924 the matter was old enough. Now I am repeating that question. The answer is that complete information is not available. Will the hon. the Minister be so good as to give the information so far as it is collected?”

The hon. the RAJA OF PANAGAL:—“The Government have no objection to give the information that is available.”

Mr. A. RANGANATHA MUDALIYAR:—“With reference to the answer to clause (c), I beg to bring to your notice that it refers to an issue of the *Fort St. George Gazette*. I wish to know whether the gazette is available here for reference by any hon. Member who may have to put a supplementary question.”

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The hon. the RAJA OF PANAGAL:—“I think it is not a question put to me.”

Mr. A. RANGANATHA MUDALIYAR:—“It was a question put to you, Sir. I think the rule is that, when the questions are laid on the table of the House, the references quoted in the answers should be available on the Secretary's table. I want to know whether that has been complied with.”

The hon. the PRESIDENT:—“There is no suggestion in the question that any particular way of publication should be resorted to by the Government. The hon. Member asks only for the orders passed by the Government after the consideration of the question and the Government refer the hon. Member to the *Fort St. George Gazette*. If he had asked that the orders passed should be placed on the table of the House the Government would surely have complied with the request.”

Mr. A. RANGANATHA MUDALIYAR:—“I think that it is the practice that the references quoted in the answers should be available on the Secretary's table. You will kindly consider the question.”

The hon. the PRESIDENT:—“It has never been the practice that, when reference is made to previous answers, those answers are placed on the table of the House.”

Mr. A. RANGANATHA MUDALIYAR:—“My recollection is that the question was considered and orders were issued that when such references are given, copies of them should be made available.”

Encroachments and damages to country tracks.

* 2328 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the answer given at the meeting of the Council on 19th August 1925 to question No. 96, will the hon. the Minister for Local Self-Government and the hon. the Member for Revenue be pleased to state the result of their consideration of the steps to prevent encroachments on and damage to the country tracks?

A.—The matter is still under the consideration of the Government.

Mr. A. RANGANATHA MUDALIYAR:—“May I know at what stage the matter is? I understand that people are put to considerable inconvenience. The question is addressed to the hon. the Minister for Local Self-Government and the hon. the Member for Revenue. May I know from either of them as to when this matter will be disposed of?”

The hon. the RAJA OF PANAGAL:—“As early as possible.”

Representation of depressed classes in certain local boards.

* 2329 Q.—Rao Sahib R. SRINIVASAN: With reference to the answer to question No. 1767 at the meeting of the Legislative Council held on the 24th March 1926, will the hon. the Minister for Local Self-Government and the hon. the Law Member be pleased to state—

(a) whether any of the Indian Christian members of the Mayavaram Taluk Board and of the Tranquebar Union Board have been nominated to represent the depressed classes; and

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(b) whether the Government propose to appoint members of the depressed classes of the Hindu faith only to represent their classes in the Legislative Council, Local Boards, Municipalities and such other institutions?

A.—(a) M.R.Ry. V. D. Gnanaratnam and M.R.Ry. Isaac Athisayam have been nominated as members of the Mayavaram Taluk Board and Tranquebar Union Board, respectively, to represent the depressed classes. The latter is a Christian Adi-Dravida and the Government have no information whether the former is a Christian or not.

(b) As to appointments to local boards, municipalities, etc., the Government do not propose to lay down any hard and fast line. Appointments to the Legislative Council are made by His Excellency the Governor.

Rao Sahib R. SRINIVASAN:—"May I know whether an Adi-Dravida who becomes a Muhammadan would be called a Muhammadan Adi-Dravida?"

The hon. the RAJA OF PANAGAL:—"What is meant is that a Christian has been nominated to represent the community of the depressed classes."

Rao Sahib R. SRINIVASAN:—"Where members of the depressed class are converted to another faith, say, the Christian faith,—the Christians have a separate electorate—they become members of a separate community. Do the Government still want to recognize them as members of the depressed classes?"

The hon. the RAJA OF PANAGAL:—"The question of nominating a particular individual depends upon the condition of the candidate. If the condition of the candidate is depressed, he is nominated."

Mr. R. VEERIAN:—"With reference to the latter part of the answer to clause (a) I want to know whether the appointing authorities do not call for the particulars before they nominate the candidates. The appointing authorities are the presidents of the district boards in the case of taluk boards, and the presidents of the taluk boards in the case of union boards."

The hon. the PRESIDENT:—"The hon. Member is putting the question to the Government and not to the presidents of district or taluk boards."

Mr. R. VEERIAN:—"Where is the difficulty for the Government getting the information? Why don't they get the information? Have they made any attempts to get the particulars?"

The hon. the PRESIDENT:—"Order, order. The hon. Member is making a speech."

The hon. the RAJA OF PANAGAL:—"The list of members is available. But the particular information wanted by the hon. Member is not available."

Mr. A. RANGANATHA MUDALIYAR:—"Till now, we understood by the words 'depressed classes', particular communities. In the light of what the hon. the Raja of Panagal said, am I to understand that it does not depend upon the communities to which they belong but on their present condition whether they are depressed or not?"

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The hon. the RAJA OF PANAGAL:—"Where a suitable Adi-Dravida candidate is available for nomination, he would be preferred. Where such ones are not available, Adi-Dravidas who have embraced other persuasions will be given a chance of being nominated."

Municipal Councils.

Alleged cancellation of the licence for the ginning and decorticating factory at Kurnool.

* 2330 Q.—Mr. K. SARABHA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the licence for ginning and decorticating factory of Gunda Narasimhayya and Bijanapalle Rosayya of Kurnool has been cancelled by the Government, and if so, for what reasons;

(b) whether the licence for the said factory had been granted by the Municipal Council of Kurnool; and

(c) whether the Government propose to compensate the factory owners Gunda Narasimhayya and Bijanapalle Rosayya?

A.—(a) In exercise of the powers conferred upon them under section 36 (i) of the Madras District Municipalities Act, 1920, the Government have cancelled the execution of the resolution of the Kurnool Municipal Council, No 349, dated 14th November 1925, in which permission was granted to Messrs. Gunda Narasimhayya and Bijanapalle Rosayya to erect a ginning factory in the Rissala, Kurnool municipality, as in the opinion of the Government its execution was likely to cause danger to the health of persons residing in the locality.

(b) The municipal council granted permission for the construction of the factory on 14th November 1925, but long before that date the factory had been built and the machinery had been installed.

(c) No.

Public Health.

Preservation and issue of anti-smallpox vaccine.

* 2331 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what were the results of the new method of the preservation and issue of anti-smallpox vaccine in the year 1925-26; and

(b) what further improvements have been introduced or are in contemplation?

A.—(a) The information required by the hon. Member is embodied in the annual vaccination report, and the annual administration report on the working of the King Institute, Guindy. The vaccination report for 1925-26 has been received by the Government and will be issued shortly. The report on the

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working of the King Institute has not yet been received. Copies of both the reports will be furnished to the hon. Member as early as possible.

- (b) Experiments are constantly being devised to improve the methods of preserving vaccine lymph. Proposals for the construction of a new vaccine theatre are now under consideration which will make it easier to keep the calves under conditions favourable to securing an efficient vaccine, and to carry out the mixture of vaccine with glycerine under strictly aseptic conditions.

Mr. J. A. SALDANHA :—"With reference to the answer to clause (b) of the question, may I know what defects have been found in the vaccine used at present?"

The hon. the RAJA OF PANAGAL :—"It is considered that glycerine lymph is more effective than the canoline lymph."

Mr. J. A. SALDANHA :—"The answer implies that the vaccine that is issued at present is not of an effective nature or that it is not prepared under aseptic conditions. In spite of the attempts that are being made, I want to know what defects are still found in carrying out the mixture of vaccine with glycerine."

The hon. the RAJA OF PANAGAL :—"There are methods of preparing and carrying the vaccine from place to place. Unless it is carried under aseptic conditions efficiency will be lost."

Mr. J. A. SALDANHA :—"The Government must have been aware of these defects for a long time. Why have the Government not taken any steps to have a proper vaccine theatre and equip the institution with all the necessary machinery to mix vaccine with glycerine?"

The hon. the RAJA OF PANAGAL :—"The former theatre was intended for the preparation of canoline lymph and the conditions that satisfy the preparation of that lymph do not satisfy the preparation of glycerine lymph. The theatre has to be adjusted according to the requirements of the present method of preparation."

Mr. J. A. SALDANHA :—"We are dealing with a serious matter, small-pox vaccine. More than a year ago we were informed that vaccine was mixed with glycerine. I want to know why no provision was made and no measures taken to have a proper and new theatre up to this time."

The hon. the RAJA OF PANAGAL :—"It was considered that that theatre was quite good for the preparation of glycerine lymph. But experience has shown that it is not quite suited for the preparation of that kind of lymph."

Mr. J. A. SALDANHA :—"In a matter of serious importance, are we to expect the Government to be carrying on experiments eternally to the great detriment and sufferings of the people?"

The hon. the RAJA OF PANAGAL :—"It is only by experience that we gain knowledge."

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Village Panchayats.***Alleged collection of illegal taxes by the President of Therkupatti Village Panchayat.***

* 2332 Q.—Mr. CHAVADI K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any steps have been taken to refund the illegal taxes collected by the President of the Village Panchayat in Therkupatti village, Tinnevely taluk;

(b) what was the total amount ordered to be refunded to the parties; and

(c) what steps were taken to relieve the people from such unjust and unsympathetic assessment of taxation?

A.—(a) The hon. Member is apparently referring to the taxes levied from dealers in sheep and goats referred to in clause (e) of the answer given to question No. 1660 on 19th March 1926. The refund of these taxes is engaging the attention of the Registrar-General of Panchayats.

(b) The amount, the refund of which is under consideration, is Rs. 42-7-0.

(c) The attention of the Registrar-General has been invited to the matter and he has been asked to take such action as he considers necessary.

Mr. CHAVADI K. SUBRAHMANYA PILLAI :—"With reference to the answer to clauses (b) and (c) may I know whether any order has been communicated to the President of Therkupatti Village Panchayat?"

The hon. the RAJA OF PANAGAL :—"The matter is engaging the attention of the Inspector of Local Bodies."

Irrigation.***Proposal for cutting a channel to irrigate silted land in Murungapet.***

* 2333 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether the Government intend cutting a high level channel so as to irrigate the silted up land in Murungapet and Muttarasallur area; and

(b) whether they have invited the opinion of the villagers regarding the feasibility and usefulness of the scheme?

A.—A scheme of this nature in the Tanjore district has just been sanctioned, and will be carried out at Government cost, though the ryots are prepared to contribute if necessary. The result of this experiment will be awaited before dealing with the further areas mentioned in the question, and the views of the cultivators affected will be ascertained before any action is taken.

Mr. R. G. Stoney's report on the working of the Kattalai Right Bank Canal.

* 2334 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to place on the table Mr. R. G. Stoney's report on the working of the Kattalai Right Bank Canal and the proposed Bed Regulator?

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A.—The attention of the hon. Member is invited to the answer to question No. 2274.

Repair of breaches on the banks of the Conolly canal.

* 2335 Q.—Diwan Bahadur M. KRISHNAN NAYAR: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that, by reason of their not repairing the banks of the Conolly canal which connects the *Keranallur* river with the *Poorapparamba* river in *Ullanam* amsam, *Ernad* taluk, *Malabar* district, the adjacent cultivable lands are often rendered waste; and

(b) whether the owners of such lands are obliged to repair the breaches on the banks of the canal at their own cost to protect those lands?

A.—The Government have received no representation from the owners of the lands.

Diwan Bahadur M. KRISHNAN NAYAR:—"Having regard to the importance of the subject and to the fact that it affects both the Government and the people, may I know whether the Government have any intention of calling for information on this subject from the District Collector?"

The hon. Mr. A. Y. G. CAMPBELL:—"On a representation received from the Railway Company regarding the effect of floods on their line, certain proposals have been made and they include provision for the protection of the cultivable lands referred to in the question. These proposals have been referred to the Collector and the Chief Engineer for Irrigation and their reports are awaited."

Government Press.

Acting head examiner of the Government Branch Press, Mount Road.

* 2336 Q.—Mr. R. MADANAGOPAL NAYUDU: With reference to question No. 948 answered at the meeting of the 16th October 1924 regarding the appointment of an outsider aged 40 on Rs. 100—5—150 as acting head examiner of the Government Branch Press at Mount Road, Madras, will the hon. the Home Member be pleased to state—

(a) whether it is a fact that he is still acting in the permanent vacancy of Rs. 100—5—150 and has not yet passed the prescribed technical examination, "Proof-reading in the Higher grade," essential for holding the post;

(b) whether it is a fact that the Superintendent, Government Press, approached the Government for exempting him from the technical examination and the Government declined to do so; and

(c) if the answer to clause (a) is in the affirmative, how the Superintendent, Government Press, can keep an aged and unqualified man still in the service?

A.—(a) & (b) Yes.

(c) The individual has been allowed to continue to act in the appointment and directed to appear for the prescribed examination in December.

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Vacancies in the Government Press.

* 2337 Q.—Mr. R. MADANAGOPAL NAYUDU: With reference to question No. 504 answered at the meeting of the Legislative Council of, the 28th October 1925, regarding vacancies in the Government Press, will the hon. the Home Member be pleased to state—

(a) whether the three posts of readers on Rs. 60—4—100 said to be vacant have since been filled up; if so, when and how; and

(b) whether in filling up vacancies, the Superintendent, Government Press, takes into consideration the services and qualifications of the employees to be promoted?

A.—(a) Two of the posts have been filled from 1st September 1925 and the third from 1st April 1926, by promotion from among the readers in the lower grade of Rs. 30—2—60.

(b) Yes.

Madras Planters' Labour Act.

Cost of police under the operations of the Madras Planters' Labour Act.

* 2338 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state what was the approximate cost in connexion with the police required under the operations of the Madras Planters' Labour Act during the years 1924—25 and 1925—26 for the following purposes:—

- (1) the arrest and detention of the accused until and during trial;
- (2) the despatch to prison of the labourer accused sentenced to imprisonment; and
- (3) the despatch of the labourer prisoners on release?

A.—The attention of the hon. Member is invited to the answer given to question No. 2214.

Mr. J. A. SALDANHA:—"So far as I recollect, the Government have not collected information separately. May I enquire whether a person who is arrested in a place in South Kanara is taken all the way to some Magistrate in Wynad or some other distant place?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"This is a hypothetical question."

Mr. J. A. SALDANHA:—"I am asking whether this is not the practice."

The hon. the PRESIDENT:—"That question does not arise."

Mr. J. A. SALDANHA:—"Enormous expenditure is incurred on account of this very extraordinary procedure of arresting a person in one part of the world and sending him to another part of the world. May I know whether this expenditure cannot be avoided?"

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

Unemployment.

Progress made by the committee on unemployment.

* 2339 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to state what progress has been made by the committee appointed to investigate the problem of unemployment?

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A.—The committee has issued a questionnaire to the public and has asked that answers may be sent not later than the 15th August 1926.

Assignment of Lands.

Darkhast lands set apart for assignment to Adi-Dravidas.

* 2340 Q.—Mr. R. VEERIAN : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the resolutions of the Madras Presidency Adi-Dravida Conference held at Madras on May 1926, as well as the resolution of the Tiruvannamalai Conference and the Vikravandi Conference ;

(b) whether any steps have been taken to withdraw the power from the village officials of making recommendations on darkhast petitions ;

(c) whether it is a fact that in the lists of lands as per Board of Revenue Proceedings No. 1187, dated 5th March 1925, only lands which are unfit for cultivation and rocky soil are included in the lists set apart for Adi-Dravidas ;

(d) whether any orders have been issued to include some darkhast lands useful for cultivation ; and

(e) if not, why not ?

A.—(a) Copies of the Resolutions passed in the first two Conferences have been received by Government.

(b) The attention of the hon Member is invited to the answer to question No. 2278.

(c), (d) & (e) The rules provide for the reservation of cultivable land including valuable land. The Government have no reason to believe that only lands unfit for cultivation are being reserved.

Mr. R. VEERIAN :—" With reference to the answers to clauses (c) to (e) I have brought to the notice of the Revenue Secretariat several specific instances where lands unfit for cultivation and rocky soil are included in the lists set apart for Adi-Dravidas. I want to know what action was taken on those representations."

The hon. Mr. N. E. MARJORIBANKS :—" I am very glad to hear that the hon. Member has brought such cases to the notice of the Government. If he will give notice of his question we will tell him what action has been taken on the representations."

Deputy Collectors.

Additions to the cadre of Deputy Collectors.

11-30 a.m. * 2341 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to the answer of the Government to questions Nos. 215 and 216 of 7th February 1925, will the hon. the Member for Revenue be pleased to state—

(a) whether the question of adding to the permanent cadre of Deputy Collectors to meet the increased demand has been examined and, if so, with what results ;

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(b) the number of acting and temporary Deputy Collectors now in service ; and

(c) if the present number is more than 22, the average number of temporary and acting posts with reference to which a permanent addition was made to the cadre in 1911, and also more than 43, the average number of similar posts, during the three years ending December 1924, the steps that have been taken to add to the cadre of Deputy Collectors and reduce the period of acting service as Deputy Collectors ; and, if no steps have been taken, why not ?

A.—(a) The question was examined last year and it was considered that the increased demand was temporary and would not justify a permanent addition to the cadre.

(b) 64.

(c) The whole question is again under examination.

Mr. A. RANGANATHA MUDALIYAR :—" If the hon. the Revenue Member is in a position to say, may I ask him how long it will take to pass orders ? "

The hon. Mr. N. E. MARJORIBANKS :—" It is very difficult to say. As the hon. Member will see, the question was taken up last year and a conclusion was arrived at. But it seemed to me, on the figures, that the question should be examined again. I have not yet seen the results of the re-examination."

Strength of the cadre of Deputy Collectors.

* 2342 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the strength of the cadre of Deputy Collectors has still further been reduced from 160 in 1921 and 136 in 1924 and, if so, to what extent ; and

(b) the number of permanent vacancies in the cadre of Deputy Collectors which are yet unfilled and the date from which they have been left vacant with reasons therefor ?

A.—(a) The present strength of the cadre is 126.

(b) There are now six permanent vacancies. One of them arose in January last, another in June, three in July and the sixth in August. They will be filled very shortly.

Mr. A. RANGANATHA MUDALIYAR :—" The present strength of the cadre is 126. It was 136 in 1924. May I know the reasons for the reduction, while on the other hand there was every reason to add to the strength."

The hon. Mr. N. E. MARJORIBANKS :—" If the hon. Member wants a fuller statement, I must ask him to put down a separate question. As far as I can recollect, the chief reason was the abolition of the leave reserve as a measure of retrenchment."

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Famine.*Suitability of task tables for breaking stones.*

* 2343 Q.—**Mr. A. RANGANATHA MUDALIYAR**: With reference to replies given at the meeting of the Legislative Council on 2nd April 1924 to Question No. 859 and supplemental questions thereon, will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have actually made any experiments to satisfy themselves of the suitability of the task tables for breaking stones of hard and medium quality and what the result of such experiments was; and

(b) the inquiries they made, and the persons of whom they made them and the replies they got?

A.—(a) & (b) No. To check the assumptions made in calculating the task tables with the data obtained as a result of experience, the Government have instructed the Chief Engineer in September last to collect figures for a fixed period, each time the tables are used, when relief works are in operation. The tables will be altered if experience proves that they are wrong.

Mr. A. RANGANATHA MUDALIYAR:—"The task tables are prescribed with reference to the work turned out in normal times. Eighty per cent of the normal outturn is taken or some percentage of them is taken as task for famine coolies. If that is the case, I do not know whether there is any necessity for another famine to gain experience, which God forbid."

Indian Civil Service.*The question of amelioration of the depressed classes at the Collectors' Conference.*

* 2344 Q.—**Mr. R. VEERIAN**: Will the hon. the Member for Revenue and the hon. the Home Member be pleased to state—

(a) whether any discussions took place or points were raised with reference to the amelioration of the depressed classes at the Collectors' Conference held recently at Ootacamund, especially on the following points:—

(i) denial of rights by the caste Hindus to the depressed classes when they pass through public pathways, roads, public offices, wells, tanks, etc.;

(ii) the relative spheres of activity of the Members of the Legislative Council especially the members representing the depressed classes and the District Officials in their relations with the depressed classes;

(iii) any measures adopted or suggested by the District Collectors to improve the status of the depressed classes at the conference; and

(b) whether the District Collectors inspect the Adi-Dravida cheris whenever they go on jamabandi with a view to understand the economic and other conditions personally?

A.—(a) (i), (ii) & (iii) The attention of the hon. Member is invited to the Press Communiqué, dated the 17th June 1926. The answer is in the negative.

(b) The Government have no reason to suppose that District Collectors do not inspect cheris when there is any reason why they should inspect them.

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Minor Irrigation Works.*Auction of fish in the tank of Poovanipattu big eri.*

* 2345 Q.—**Mr. R. VEERIAN**: Will the hon. the Member for Revenue be pleased to state whether it is a fact that the tank fish in the tank of Poovanipattu big eri, Jayankondacholapuram, Trichinopoly district, was auctioned only for Rs. 2 to caste men though the fishes would fetch about Rs. 10 on account of not announcing properly about the auction among all classes of people near by?

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

Survey and Settlement.*Reduction of work at re-surveys and re-settlements.*

* 2346 Q.—**Mr. A. RANGANATHA MUDALIYAR**: With reference to the answer to question No. 116 given at the meeting, dated 19th August 1925, of the Legislative Council, will the hon. the Member for Revenue be pleased to furnish now the suggestions received so far for the reduction of work at re-surveys and re-settlements to minimize the cost thereof?

A.—The hon. Member's attention is invited to the paper placed on the Council Table on the 12th February 1926 (page 478 of the Legislative Council Proceedings, Volume XXVII, dated 12th February 1926).

Village Establishments.*Travelling allowances to amsam menons in Malabar.*

* 2347 Q.—**Diwan Bahadur M. KRISHNAN NAYAR**: Will the hon. the Member for Revenue be pleased to state whether it is a fact—

(a) that the amsam menons in Malabar (Village Accountants) are often directed to be present at the taluk offices on duty; and

(b) that they are not paid any travelling or halting allowance on such occasions?

A.—(a) Menons (karnams) are required to attend the taluk offices for jamabandi for closing their accounts and sometimes in connexion with inquiries relating to their villages. The Government have no reason to think that they are unnecessarily summoned to the taluk offices on duty.

(b) Under the rules now in force, village officers are not eligible for any travelling or halting allowance for their attendance at taluk offices.

Diwan Bahadur M. KRISHNAN NAYAR:—"Having regard to the fact that many of these karnams are poor people, may I know from my hon. Friend the Member for Revenue whether the Government have any intention of revising these rules and providing for some allowance to these poor people."

The hon. Mr. N. E. MARJORIBANKS:—"I am not aware of any such intention or proposal."

Diwan Bahadur P. KESAVA PILLAI:—"Seeing the hardship to which these people are subjected to, will the Government be pleased to see the justice and charity of granting some allowance to them?"

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The hon. the PRESIDENT :—" I am afraid, it is a suggestion for action."

Diwan Bahadur P. KESAVA PILLAI :—" I am asking the Government whether they have the justice and charity to deal with these poor public servants in an equitable manner ?" (Laughter)

II

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

DISCUSSION REGARDING THE MADRAS IRRIGATION BILL.

* Mr. J. A. SALDANHA :—" May I know whether it is a fact that the Irrigation Bill will not be taken up in this sitting ?"

The hon. the PRESIDENT :—" We shall come to that when the Irrigation Bill is taken up."

* Mr. J. A. SALDANHA :—" My enquiry is whether we will come up to it at all."

The hon. the PRESIDENT :—" It is on the agenda and we must come up to it."

III

A BILL TO RE-ENACT THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1923—cont.

* Mr. R. SRINIVASA AYYANGAR :—" Mr. President, Sir, the House may perhaps remember that in April 1923 when the hon. the Chief Minister introduced the third and final reading of the Bill, he appealed to every section of this House to give whole-hearted support to the Bill. I was the first to stand up and raise my voice of protest and to strike a discordant note. This Bill has been on the Statute Book for over 20 months and I see no reason to change my strong conviction, which I may submit in all humility, has been growing with time. There are very many obnoxious sections in this Bill: The creation of a Board of Commissioners which I feel bound to characterize as a white elephant costly and expensive, and investing it with large and extensive powers, without any finality in certain cases and the provision made in regard to the diversion of funds in consonance with the idea of introducing, what is known as the Cypres doctrine, seems, in my humble judgment, to make this Bill reactionary and highly unpopular. It was said in the course of this debate that the contributions were not being received as rapidly as the Board or the Government expected. I submit with a certain amount of experience, being a member of the South Arcot Devasthanam Committee, that there is a feeling of discontent in my district. The trustees refuse to submit the register contemplated by section 38 of the present Bill. The mathadhipathis have raised a voice of protest. The mere fact that a number of suits have been filed and are awaiting decision by the High Court shows that, more than anything else, the Bill does not find favour in the country. We also notice a tendency on the part of the Ministers to rush the Bill through, retaining the old obnoxious provisions. All I can say is, that in this Bill, at every stage, we see the steel-frame not of the Indian Civil Service, but of a Ministerial bureaucracy, by association or otherwise and our Ministers have become far worse bureaucrats than the white bureaucrats themselves. I see, therefore, absolutely no reason for the creation of this body known as Board of

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Commissioners at all. We have been fighting for autonomy; we have been clamouring strongly for the transfer of power from the bureaucracy. The moment we get some transfer of power, however inadequate and shadowy it may be, we find a disposition on the part of the Ministers to use that power with a certain amount of vengeance and a certain amount of irresponsibility. So far as this Government is concerned, they have done absolutely nothing in the way of endowing these maths and the Ministers who have been sitting for the past six years, have done nothing by way of endowing these maths. We have noticed a tendency on the part of the Ministers to set their faces against any attempt made by this section of the House to raise these tasdik allowances which were fixed by Government 60 or 70 years ago in accordance with the then prevailing prices of commodities or in consonance with the value of the produce of the lands which the Government took from temples. This is the kind of solicitude which the hon. the Chief Minister has evinced in respect of these maths. We are clamouring for autonomy in every direction and when we come to the domain of religion, the Chief Minister wants to kill it by refusing to give religious autonomy. That is exactly what the Bill comes to, and that is exactly what the Bill aims at. Once the prestige of these mathadhipathis is visualized, once their status in the religious hierarchy is recognized and viewed in its true perspective, the danger of subjecting them to the jurisdiction of secular bodies and reducing them to a position of humiliation, will become quite apparent. My friends may differ as regards our conception of these religious heads. We regard them as gods on earth and look up to them for salvation. So far as these religious heads are concerned, we go before them with reverence and I for one, being an orthodox Hindu myself, must decline to give my assent to this Bill which overlooks their status in this country and which wants to reduce them not merely to the position of tin-gods, but to something much lower by making them mere toys, nothing more and nothing less. It is more or less a domestic matter. There may be some mathadhipathis who are not administering properly and there are a certain number of maths in which the administration may be regarded as thoroughly efficient, but to tar all of them with the same brush is something which I cannot understand. If there is epidemic in some quarter will the Government be justified in taking the medicine to unaffected places, force the medicine upon them and make them pay for it? The attitude of Government in this matter is akin to it.

" So far as private endowments are concerned, I for one must deprecate the idea of bringing them under the provisions of this Bill. What has the Minister done? Has he made any endowment? Absolutely none. In that state of things the proper course would be to leave the matter to the religious disciples. This is a matter to be settled between the disciples and their spiritual heads altogether. You want to bring under Government control temples and trustees, maths and mathadhipathis and endowments and the founders thereof. This is a very serious thing, and I for one am inclined to think that if this Bill is passed, it will be a serious blot upon the administration of this province. It is true that it is a transferred subject, but all the same, in the earlier stages, these Ministers are supposed to care for public opinion and act with a feeling of responsibility. I believe, it was yesterday that my honourable and esteemed friend, the Member for Chingleput, took us into the history of this Bill and told us that some years ago the Thathacharis

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of Conjeeveram and the Stalathars of Srirangam and some other interested sections were against the Government divesting themselves of control. I want to know from him whether the opposition was not confined to a few interested sections, and whether the Government before committing themselves to a particular line of action issued a referendum and whether time was given for public opinion being formed on this question. In the absence of these indications, there is absolutely no force in that contention. My other friend Sir K. V. Reddi was, as usual, more hysterical and less historical while the hon. Member for Chingleput was more historical and less hysterical, unlike my hon. Friend Sir K. V. Reddi. He threw a fling, as it were, on the Indian National Congress which is really a representative body enjoying in a larger measure the confidence of the people than the party of which he claims to be a chief protagonist. Let us wait and see, but there are some people who, though they might be disposed to wait till eternity or till the Greek kalends, will not care to see."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Two more months."

* Mr. R. SRINIVASA AYYANGAR:—"I may say that the recent by-elections have given us an idea of the direction in which the wind is blowing. There is one section of the Bill to which I must take strong objection and it is this. The trustees are required by sub-section (2) of section 38 to submit a register of the temple property, not only to sign the register, but also to verify the particulars, proxies being excluded. These religious preceptors are put to the necessity of applying their minds to every particular indicated in clauses (a) and (e) of sub-clause (1) of clause 38 with the result that if they commit a mistake by oversight or otherwise they will be hauled up before a court under section 193 of the Indian Penal Code unless the Government in the exercise of its discretion sees fit to interfere, and drop the prosecution.

"And then, Sir, as regards the contribution, I cannot understand why a math should be called upon to pay 1½ per cent of its income, as the Board may determine. That provision we come across in section 69. What is the kind of help which the other side, in return, renders to the math which is called upon to pay this contribution? It is something like legalised robbery, if I may say so with respect. You have no right to ask me to pay any contribution. As regards the endowments, if I make a vow and if I promise to hand over certain jewels to an institution which also comes under this category of endowments, or if I set apart a portion of land for the purpose of performing, say the sixth or seventh day festival of the temple, my idea is that the whole income should go to the temple and not 1½ per cent less which the hon. the Chief Minister tries to rob me of and to rob the institution of. I submit, Sir, that it is absolutely necessary to knock out the provisions referring to maths and finance and also to do away with this body which was ushered into existence somewhere about April 1925 and which has been functioning for the past one year. Has it submitted any account, you or published in the gazette? So far as its work is concerned, Sir, we, the representatives of the people, have not been taking it into account. I want to know whether the Board exists or has been brought into existence only to be sustained by these contributions. It seems very much as if the Government want to levy contributions for the purpose of

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maintaining these Boards and other institutions. Is there any justification for that? Have we come across a legislation of this character in any province or in any country? Therefore, Sir, I think this is a matter affecting us, affecting particular communities, and it should have been left to be settled among the communities, between the heads of maths on one side and their disciples on the other. Their disciples are too many in number.

"Their conscience is being roused now and we for our part will not allow our heads of maths to fritter away the money or to spend it on useless objects. There are many mathadhipathis on the one side and a large number of enlightened disciples on the other. I submit that the State has no business to interfere in these things, and I hope and trust that wiser counsels will prevail and that the hon. the Minister will see his way to take out the Bill for the time being. (Voice; Still you expect it). Somebody says 'still you expect that?' I am conscious that I am fighting a battle; but I will express what I strongly feel. And, Sir, as I began I will end by saying that I look upon this Bill as the most mischievous, pernicious and obnoxious piece of legislation."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, it seems to me futile to neglect the fact that we are not considering this Bill for the first time now. It was considered in this House, it may be in the last Council, and for some reasons, it has come up again before us for being re-enacted. At the same time, it does appear *prima facie* objectionable for the Ministry to try and rush this Bill through all its stages in one sitting. We cannot help feeling—and I have no inside knowledge of all these things—that this measure might have been brought up much earlier before this House. Even now he has got the assistance of expert legal advisers in the person of the Advocate-General and the other law officers of the Crown; he is assisted by a Board of Commissioners and there is the President, an eminent and distinguished lawyer and judge—at any rate he was. It is up to us that, taking possession of all the difficulties in the working of this Act, the suits which are filed—and in fact the difficulties must have been experienced some months ago if the Board was doing its duty properly—we should have been formally informed of the difficulties with which we are faced from day to day. I think the Minister should have come up before this House with this Bill much earlier than he has done. But let us assume for a moment that he had good reasons for not bringing this before the House earlier, that he did not know of the difficulties and that it is only now that he comes to know of them. Even then, Sir, I say that it is not fair either to himself or to others to try to rush this Bill at one sitting. I would suggest, Sir, that he must allow this Bill to pass through all the usual stages which a Bill would ordinarily pass through. I think that after all there is some force in the arguments advanced by the hon. Member for the University that some of the provisions are new in this Bill. They were not present at the last Council when this measure was enacted. I think we owe it to them to give them an opportunity to give us their opinions in the matter and to give them the necessary time for it. I would suggest, Sir, if I may do so, that an adjournment may be made after leave to introduce the Bill is granted and the hon. the Chief Minister must take time to bring it again before the Council. Let there be an interval of a fortnight, I won't say more than that. Let there be a Select Committee including the Advocate-General, the President of the

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Board and such other people whose advice the Minister considers is essential. There is nothing to prevent him from coming before the Council a fortnight hence and finishing with this Bill in the course of two or three days. If he does not do that, Sir, I do not think he can escape the reproach of having used his strength to rush an important Bill like this with undue haste. That is the suggestion I would like to make. If he accedes to that request, I am sure, Sir, he will be doing a service to the cause which he has at heart and to the Council whose traditions he wants to uphold. He will then carry the House with him. That is the point. He may give an interval and that is the only thing that matters now. I think it is necessary that he must take the opinion of representative people on all sides and see if the Bill cannot be improved. What is the position now? You have got an old Bill and because he wants to have the Bill passed in one sitting, he cannot introduce any modifications in it which he may himself think are very necessary. If, on the other hand, he goes through the usual stages of the Bill, it will be open to him and to the other Members of this Council to suggest such alterations as are necessary. After all, the Board has been working only for a year and they must have come across some difficulties in its working and they may have some suggestions to make in course of time. All these things will be possible if the hon. the Minister would accept the course I have suggested."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Mr. President, Sir, I wish to move an amendment to this motion that 'the Bill be read in Council', namely, that it be referred to a Select Committee."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Can such a motion be moved at the present stage before the principles of the Bill are accepted? We are now discussing the introduction of the Bill, and the only course that is now open to the Council according to me is the discussion of the main principles which we are now doing."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Rule 20-A says :

'No motion that a Bill be referred to a Select Committee be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.'

"We know, Sir, that the Member in charge of the Bill has indicated that he is not willing to move that the Bill be referred to a Select Committee. He has said so in the notice given by him to this Council. There is a section which wants the Bill to be referred to a Select Committee. The rule clearly shows that such a motion might be brought forward by any Member of this House as an independent motion. It might be brought forward as an amendment to the motion moved by the Member in charge. The motion made by the Member in charge now is that the Bill be read in Council. The next stage is that he has to request you under Order 39 of the Standing Orders to suspend the standing orders and proceed with the second reading of the Bill. Even Standing Order 39 really says that he has to apply to you when any motion for referring the Bill is made or was made and defeated. I therefore have not got any other stage at which I can make a motion to that effect except at this stage."

The hon. the PRESIDENT :—" Why not after the member in charge of the Bill has made his motion that the Bill be taken into consideration? If the

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hon. Member in charge of the Bill does not move that the Bill be referred to a Select Committee, it is open to any hon. Member of the House to move then that it be referred to a Select Committee."

* Diwan Bahadur M. KRISHNAN NAYAR :—" As far as I know, Sir, the only motion that can be made in the middle of a discussion of another motion is that the matter under discussion be adjourned; but that will be under Standing Order 34 and that, I believe, is the only standing order which allows interruption of a discussion that it is actually going on. We are actually interrupting a discussion that is actually taking place in the Council. I believe the only standing order or the rule under which such a motion of interruption is allowed is that standing order. After this particular discussion is over, my hon. Friend will be at liberty to move his motion."

* The hon. the PRESIDENT :—" Not only that. If we are accepting the hon. Member's suggestion, we will be assuming that the Bill will be read in Council and that permission will be given to read the Bill in the Council. He is anticipating the decision of the House, because it is only after the Bill has been read in the Council that the further stages can be taken up."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" The only difficulty I realize is this: no doubt we are anticipating in a way the decision of the House and perhaps we are rightly anticipating the decision of the House . . ."

The hon. the PRESIDENT :—" Order, order. I do not think any Member is justified in doing so."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" My only suggestion is that you will put my amendment and the principal motion as two separate parts. In that case, if the first motion is carried, then there will be occasion to put the second motion; otherwise, it will be dropped. Now, as regards the suggestion made by you, Sir, that I may move the amendment at the stage when the Bill is taken into consideration, i.e., the stage that will be reached after you suspend the Standing Orders under Standing Order No. 39, I should like to say this: That Standing Order No. 39 does contemplate the referring stage to a Select Committee previous to the application of that order. The wording of Standing Order No. 39 is clear when it says that that stage is reached only after the stage of referring the Bill to the Select Committee is passed. If that motion is defeated and then application is made to you under Standing Order No. 39, to say that I should move that this Bill be referred to a Select Committee after that stage, is, I think, putting the thing in advance. My submission, Sir, is that when once you give permission under Standing Order No. 39, the stage of referring the Bill to a Select Committee is passed. Standing Order No. 39 clearly says :

'If no motion for referring the Bill to a Select Committee is made under clause (4) of the preceding standing order or if a motion is made and negatived, the Member in charge shall not move that the Bill be taken into consideration until the expiration of fifteen clear days from the date on which the Bill was read under clause (2) of the preceding standing order; provided that the President may, in his discretion, suspend this standing order and allow the motion to be made at once or before the expiration of fifteen clear days.'

"He does not make any motion that this should be suspended. If that be the case, I will be right in moving it as an amendment to that motion; but he has simply to make a request to you that the standing order should be suspended. When the stage of referring to the Select Committee is passed,

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you will be requested to suspend the standing order. I will not then be in a position to move my amendment. That is the difficulty, Sir. That is why, Sir, I have to approach you at this stage to allow me to move the amendment. I believe there is no other stage. If you think there is any other stage at which you can allow me to move it, I shall be glad to do so."

The hon. the PRESIDENT:—"Even assuming that the President is going to suspend the standing order, as there is no decision of the Council in regard to the matter whether the Bill should be referred to a Select Committee or not, I think it is open, even after my suspension of the standing order, to a Member of the House to move that the Bill be referred to a Select Committee; because we would then not be going back upon the decision of the Council, but going back upon a decision of the President."

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"It is immaterial, Sir, for me at what stage I move it. I do not propose to move it now."

12 noon. * Mr. K. PRABHAKARAN TAMPAN:—"My chief objection to the Bill is that the special conditions of Malabar have not been recognized and provided for in the revised Bill. The one fundamental thing that this House should bear in mind in regard to the temples of Malabar, is that they form a separate class by themselves. Sir, the very idea of communal ownership is foreign to people in Malabar except in some parts of Palghat. Each tarawad is a self-contained unit. It has got its own tanks, its own burial-grounds, its own temples and everything that is absolutely necessary for the ordinary wants of the members of the tarawad. As is seen in other parts of the presidency, we have not got a common burial-ground or a temple or a threshing-ground or anything like that. People live separately from one another and you don't find the custom of living in streets. Practically in the whole of Malabar there are no streets except as I said in Palghat. Each tarawad lives quite detached and removed from others. Therefore, it is necessary for each tarawad to have its own temple and such institutions. It was also necessary to endow the temple of the tarawad with property and every tarawad that had the least pretensions to respectability endowed some property for the maintenance and management of its temples. It always exercised absolute control over such properties and treated them as if they were more or less the same as tarawad properties. Mr. Logan makes a reference to that in his report as Special Commissioner of Malabar. In his report he said that 'In former times it was considered to be incumbent on every family of any position to endow one or more temples. I have reason to think also that these endowments were also largely increased in a way not unknown in Europe, where the Church reaped the benefits of such endowments and in return guaranteed the safety of the endower against the might of some powerful adversary'"

The hon. the PRESIDENT:—"Before the hon. Member continues his speech, may I remind him that at this stage we are concerned only with the general principles of the Bill? The hon. Member is referring to one of the details of the Bill, namely, the exemption of Malabar. I must ask him to confine himself to the general principles of the Bill."

* Mr. K. PRABHAKARAN TAMPAN:—"I am aware that the House is anxious to get through the business as soon as possible. Yesterday, my

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Friend, Mr. A. Ramaswami Mudaliyar, traversed the whole of the historic ground and so I must be given a chance to show that the temples of Malabar are of a quite different character"

The hon. the PRESIDENT:—"If you give an amendment regarding the exclusion of Malabar."

* Mr. K. PRABHAKARAN TAMPAN:—"There is no amendment for the exclusion of Malabar. I am anxious to show that in Malabar most of the temples are private and that Bill as drafted is going to be injurious to such institutions and that radical alterations will have to be made before it can be accepted."

The hon. the PRESIDENT:—"I must say that it is a very detailed question."

* Mr. K. PRABHAKARAN TAMPAN:—"Then do you prohibit me from entering into the details of the question, Sir?"

The hon. the PRESIDENT:—"Yes."

* Mr. K. PRABHAKARAN TAMPAN:—"Very good, then I will not trouble you, Sir, with the historical reference but I must say that so far as Malabar is concerned the authorities, both judicial and executive, have been treating its temples altogether on quite a different footing. We have got the report of Mr. Green in the year 1817 and then many District Officers who were asked to give their opinions on the proposals for the introduction of the Regulation of 1817 and subsequently that of 1862 have reported that Malabar temples were more or less of a private character. There were decisions of the High Court that those regulations did not apply to Malabar. Those Civilians were as my Friend, the hon. Member for Ohingleput, said of the Hailbury institutions; Messrs. Green, Vaughan, Conolly, Ballard, Sharp, Logan and others. If importance has to be attached to the opinion of the Hailbury Civilians, as he said yesterday, I maintain that the Hailbury Civilians of Malabar should also be treated with equal regard and their opinions must receive due weight. The endowments were made by the tarawad concerned on the distinct belief and intention that the family should manage the properties uncontrolled by any outside agency. I will refer as a typical instance to one of the institutions in which I am interested. Sir, in the year 1817 when Mr. Green took paimash of all temple properties, a particular temple had only nine acres of paddy lands under it, and now the same institution has got as much as 200 acres of paddy lands. The properties were of"

The hon. the PRESIDENT:—"May I ask the hon. Member what general principle of the Bill he is dealing with at the present moment?"

* Mr. K. PRABHAKARAN TAMPAN:—"Private endowments and the way in which the Board is dealing with such properties. From the phraseology employed"

The hon. the PRESIDENT:—"In what clause?"

* Mr. K. PRABHAKARAN TAMPAN:—"Clause 2. This Act extends to the whole of the Presidency of Madras except the Presidency-town and applies, save as hereinafter provided, to all Hindu public religious endowments. Now, the Board treats all trusts as public endowments. It does not realize that it is the character of the trust that has to be reckoned with. In certain

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cases the beneficiaries of the trust concerned may be one's own family. In others they may be the community or the public at large. That is the test. The decision of the President of the Board is that once a property becomes God's property, it is always public property. I have got here with me copies of two orders of the Board. If you permit me, Sir, I would read extracts from them. In one of the orders, viz., that of Puthugramam in Palghat, this is what the President says :

'I agree every temple is God's property and cannot be owned by private persons. In another case I have observed as follows : "We might also add that the very word devaswom means property belonging to God" and a devaswom therefore can never be or become private personal property of any individual, however pious, orthodox or holy he may be.'

"This is what he said in the case of one of the temples. He sets at naught the decisions of Munsifs, Sub-Judges and even the High Court. This particular temple under reference was the subject-matter of a suit in the Munsif's Court at Alattur and it was held that 'the temple belongs to the plaintiff as well as the other members of the community and it forms their joint property.' In O.S. No. 9 of 1881 on the file of the Sub-Judge at Palghat it was held that the same temple 'was the private property of the village and was not a public temple to which the public had a right'. Sir, this temple of Puthugramam which was held to be private by two judicial courts of the land has been declared by the Board as public on the wonderful ground that God's property is always public. So, there is no escape or salvation for any kind of private temple so long as this view holds good. The procedure generally adopted by the Board in deciding whether a temple is public or private is this : There is an inspector who goes about collecting affidavits saying that certain temples are public temples. I know the instance of a temple which the inspector reported was a public temple on the ground that he managed some 10 or 15 people to give affidavits to that effect. He got together his nearest relations, his nephews and people who had *sambandam* in his house and made them give affidavits that a temple which was situated 15 miles away from the houses of these people was a public temple. They were all men of no social standing. Affidavits given by respectable persons to the contrary were ignored by the Board. Even the affidavit of the Zamorin Maharaja does not count and has not been given any weight, but the affidavits of penniless people who are out to see that all temples in Malabar are brought under the control of the Board are implicitly relied on. There is section 80 of the Act which provides that whenever a dispute arises it is the Board that has to decide. It is revolting to all sense of equity, fairplay, jurisprudence and justice that the Board should sit in judgment and decide that any particular temple is public or private because the Board is an interested party and plays the part of the plaintiff. Have you heard anywhere in the world of the plaintiff being the judge also? The idea is obviously ridiculous. It is said that any aggrieved person should go to the court for a declaration within one year. If the stani or karanavan of a Malabar tarwad who owns a temple fails to do so, the family loses its properties for ever. So, I say all these defects have to be revised in the Bill before it can be accepted by the House. If the Board continues as it has been doing during the last twenty months no private temple will escape from its grip. Sir, another aspect regarding the Board is that, so far as Malabar temples are concerned, the Board, constituted as it is now, can never discharge its duties satisfactorily. I chanced to find a circular letter

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issued by the President calling upon all trustees not to cut trees in the parambas belonging to the devaswom or to give melcharths or to give renewals and restricting the rights of the trustees in several other ways also. There is a section, viz., section, 40 which provides that the trustees should have full liberty and powers to manage these institutions prudently and beneficently as if they were their own property. If the Board is interested in the endowments it must be recognized, the trustee is also equally interested, if not more, because it is he or his family that has endowed the properties. How can the Board sitting in Madras without any Malayali in it be competent to control our temples? There was an order calling upon a trustee not to perform a *Kalasam ceremony* in connexion with the renovation of a dilapidated temple. The President of the Board wrote to the trustee of the temple to do away with the *Ganapathi Homam*. How is he competent to decide whether the *Ganapathi Homam* is necessary or not? Has the Board any right to decide that question? He also said that no Brahman should be fed and money should not be wasted on feeding Brahmans. (Laughter.) You may laugh, but it is a fact and I have seen the letter with my own eyes. (Laughter.) To you and me it may seem ridiculous that men of one community alone of all Hindus should be fed but there is the fact there are millions of people who piously believe that it is the only way to salvation. Why should the Board prevent such people from doing it? How is this Board competent to thrust its opinion on people and say that Brahmans ought not to be fed and that money should not be spent on such things? I for one cannot comprehend it. Another thing the Board did was this: the trustee of a temple had a surplus of Rs. 5,000, and the Inspector of the place ordered the trustee to deposit it in the Imperial Bank. Why should the trustee be prevented from using his discretion even in such small matters? Does this Act provide for such interferences, Sir?"

12-15 p.m.

Raj Bahadur Sir K. VENKATAREDDI NAYUDU :—"The Indian Trust Act does."

*MR. K. PRABHAKARAN TAMPAN :—"We are not speaking of the Indian Trust Act. We are here dealing with the Religious Endowments Act. The trustees, who have not been interfered with hitherto, know their business well. The result of this kind of unnecessary interference will be that the moment the Board declares a particular temple to be public the trustees concerned will go to the court. Notices have been issued to a thousand trustees of temples in Malabar. So long as my revered Friend, Sir Sadasiva Ayyar, continues as the President of the Endowments Board, I am sure he will go on applying his pet theory that all God property is public. All those thousand trustees, you may depend, are sure to go to the court to establish that their temples are private. They will not part with their property so easily. So a very good crop of litigation is assured to the vakil profession. If the hon. the Chief Minister wants to avoid unnecessary litigation, the best thing for him to do is to provide remedies for such contingencies. Now that the Bill is going to be amended, it is only fair and proper that all these aspects of the question are fully considered, instead of merely passing a validating Act.

"Another thing which I want to say is this, that this Bill will only help to foster a class of dishonest auditors. There is a provision to audit the

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accounts of the temples and the auditors are authorized to report on all irregularities and mismanagement. So, if the trustees are found maladministering temple properties, the auditors are sure to make hay while the sun shines. You are giving a premium on cheating and instead of the trustees eating temple funds, it will be the auditors that will be fattening. So, what I say is that the Central Board ought to be done away with in the new Bill. What is sufficient is that the trustees of public temples must be made to publish annually an account showing the income and the expenditure of the trusts concerned, and anyone who is interested in the trust property may sue for altering or introducing a new scheme. That will serve, to my humble mind at any rate, all reasonable purposes. I am speaking only for Malabar, and I am not speaking for other places, as I am not competent to do so. If, however, you propose to continue the Board, I should urge that a special Board for Malabar should be constituted. These are vital matters, and unless proper amendments are made in the Bill to provide for them, I am bound to oppose it."

* Mr. R. VEERIAN:—"Sir, in considering the general principles of this Bill, we should consider how the Adi-Dravidas and other depressed classes of the Hindu faith actually feel their present position in society. Though we are classified as Hindus belonging to the Hindu society, there is no mention of them whatever, and there is no place for them in this Bill. Sir, is it owing to *karma* that we are kept outside the pale of Hinduism, I want to ask?"

The hon. the PRESIDENT:—"That is not the question before the House." (Laughter).

* Mr. R. VEERIAN:—"I am going to deal with the general principles of this Bill. I am coming to them. In sub-clause (12) clause 9, I find the definition of the word 'temple' given as follows:

"'Temple' means a place, by whatever designation known, used as a place of public religious worship and dedicated to, or for the benefit of, or used as of right by, the Hindu community

and so on. Well, Sir, 'Hindu community' means any section of the Hindu community. It is very vague and ambiguous. What I want is that there should be a separate clause defining 'Hindu community.' It should be defined in such a manner that Hindu community means all those including Adi-Dravidas, Adi Andhras and other depressed classes who embrace the Hindu faith. Then, it will be all right.

"Then, there is no provision whatever in this Bill for our representation either on the committee or on the Board of Commissioners constituted under the Act. I am sure, Sir, that if our requests are granted it will only strengthen the hands of the hon. the Chief Minister, so that he will have an unanimous vote from the Members representing the depressed classes. There is no doubt about it, and I can assure him that. But there is no such provision whatever in the Bill, we are kept outside the pale of Hinduism, and we have no chance of having the *darsan* of God. What is the use of beating our breasts when the members of the depressed classes leave the fold of Hinduism? If the hon. Members representing the different sections of the Hindu fold really feel for the Adi-Dravidas, there should be some provision in the Act, so that they may not leave the fold of Hinduism, which is considered a most sacred religion in this religious land

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of India. I am sure, Sir, that if the Adi-Dravidas have free entry into the temples, the sky will not come down, the ocean will not rise up, and the earth will not go down."

The hon. the PRESIDENT:—"How can a free entry for Adi-Dravidas into Hindu temples be provided for in the Religious Endowments Bill?"

* Mr. R. VEERIAN:—"I am only appealing to the sense of this House."

The hon. the PRESIDENT:—"The hon. Member must speak on the question before the House."

* Mr. R. VEERIAN:—"I want that such a provision should be included, so that there will be no trouble at all from the members of the depressed classes. So I appeal to this House to provide for free admission of Adi-Dravidas into temples and enable them to have the *darsan* of God. Of course, it is left to the option of this House to make or insert a provision as suggested by me. I appeal to this House again because they feel so much for the members of the Hindu society, and in order that the depressed classes may not leave the fold of Hinduism. Therefore, I think this is the proper opportunity for doing it in the interest of the Adi-Dravida community of Hindu faith."

The hon. the RAJA OF PANAGAL:—"May I point out that there is no clause in the Bill prohibiting the Adi-Dravidas from exercising their rights?"

* Mr. R. VEERIAN:—"As at present the Hindu society is constituted, it must be interpreted to mean all those including the Adi-Dravidas. If there is such a specific provision, there will be no trouble at all; it will only strengthen the hands of the hon. the Chief Minister by securing all our votes if our requests are granted. We have already presented a petition to the effect that we should be represented not only on the committee but on the Board of Commissioners also. After all, there is not much difficulty in enlarging that Board by having a few more members. One may be very sympathetic towards the members of our community, and if you lose this best opportunity to do them a good, you cannot have any other. I hope, Sir, that if the hon. Members really feel for Hinduism, this request of a Member representing the depressed classes who is also embracing Hinduism will be accepted without any hesitation whatever, so as not to make devotion to God the special monopoly of a section of the Hindu community."

Sriman SASISUBHAM RATH Mahasaya:—"Sir, we are legislating in haste and repenting at leisure. That has been amply demonstrated in connexion with this Bill from the very beginning when it was introduced and rushed through at the fag end of the Council in 1923. We objected to it then, and yet it was rushed through in the Council. Then a specious plea was advanced by the hon. the Minister that the elections were coming on and that it was possible that the trust moneys would be utilised for purposes of those elections to defeat the party that was sponsoring the Bill. It was the hon. the Chief Minister that said so in 1923, and I can quote him. But what has happened? The result has been very disastrous to him. On account of the haste with which the legislation was passed, there was the reservation of the Bill, there was the re-committal of it to the Council, there was the litigation in the courts, and all that. Now, again, we are legislating in haste, and I am sure we will have to repent for it at leisure."

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"Then, there is no provision whatever in this Bill for our representation either on the committees or on the Board of Commissioners constituted under the Act. I am sure, Sir, that if our requests are granted it will only strengthen the hands of the hon. the Chief Minister, so that he will have an unanimous vote from the Members representing the depressed classes. There is no doubt about it, and I can assure him that. But there is no such provision whatever in the Bill, we are kept outside the pale of Hinduism, and we have no chance of having the *darsan* of God. What is the use of beating our breasts when the members of the depressed classes leave the fold of Hinduism? If the hon. Members representing the different sections of the Hindu fold really feel for the Adi-Dravidas, there should be some provision in the Act, so that they may not leave the fold of Hinduism, which is considered a most sacred religion in this religious land

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The hon. the PRESIDENT :—" How can a free entry for Adi-Dravidas into Hindu temples be provided for in the Religious Endowments Bill?"

* Mr. R. VEERIAN :—" I am only appealing to the sense of this House."

The hon. the PRESIDENT :—" The hon. Member must speak on the question before the House."

* Mr. R. VEERIAN :—" I want that such a provision should be included, so that there will be no trouble at all from the members of the depressed classes. So I appeal to this House to provide for free admission of Adi-Dravidas into temples and enable them to have the *darsan* of God. Of course, it is left to the option of this House to make or insert a provision as suggested by me. I appeal to this House again because they feel so much for the members of the Hindu society, and in order that the depressed classes may not leave the fold of Hinduism. Therefore, I think this is the proper opportunity for doing it in the interest of the Adi-Dravida community of Hindu faith."

The hon. the RAJA OF PANAGAL :—" May I point out that there is no clause in the Bill prohibiting the Adi-Dravidas from exercising their rights?"

* Mr. R. VEERIAN :—" As at present the Hindu society is constituted, it must be interpreted to mean all those including the Adi-Dravidas. If there is such a specific provision, there will be no trouble at all; it will only strengthen the hands of the hon. the Chief Minister by securing all our votes if our requests are granted. We have already presented a petition to the effect that we should be represented not only on the committees but on the Board of Commissioners also. After all, there is not much difficulty in enlarging that Board by having a few more members. One may be very sympathetic towards the members of our community, and if you lose this best opportunity to do them a good, you cannot have any other. I hope, Sir, that if the hon. Members really feel for Hinduism, this request of a Member representing the depressed classes who is also embracing Hinduism will be accepted without any hesitation whatever, so as not to make devotion to God the special monopoly of a section of the Hindu community."

Sriman SASIBHUSHAN RATH Mahasayo :—" Sir, we are legislating in haste and repenting at leisure. That has been amply demonstrated in connexion with this Bill from the very beginning when it was introduced and rushed through at the fag end of the Council in 1923. We objected to it then, and yet it was rushed through in the Council. Then a specious plea was advanced by the hon. the Minister that the elections were coming on and that it was possible that the trust moneys would be utilized for purposes of those elections to defeat the party that was sponsoring the Bill. It was the hon. the Chief Minister that said so in 1923, and I can quote him. But what has happened? The result has been very disastrous to him. On account of the haste with which the legislation was passed, there was the reservation of the Bill, there was the re-committal of it to the Council, there was the litigation in the courts, and all that. Now, again, we are legislating in haste, and I am sure we will have to repent for it at leisure.

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"Sir, the hon. the Minister said that there were temples and maths which were badly managed, and that in order to stop that maladministration he had brought forward this Bill. I also agree with him that there has been maladministration of temples and misappropriation of temple properties in some cases. But that is not a general complaint. There are temples and maths in our country which are so very well managed that there can absolutely be no complaint whatever. I could have understood this haste if the people having an interest in these temples and maths, or the trustees, or the disciples of maths had all come forward and asked the Government to interfere in this matter and legislate. There is nothing of that kind.

"I consider, Sir, that every endowment has got two aspects, viz., the property aspect and the religious aspect. Well, there is some show of reason for interfering with the management of the property belonging to temples, but there is absolutely no reason to interfere with the religious beliefs which these temples signify. This Bill which has been placed before us seeks to interfere with the religious beliefs and enables the Board to dictate what shall be the procedure to be adopted in a certain temple or math, how much of rice should be boiled, how the prasadam should be distributed in the temples, and all those things connected with religious worship. Of course, the custom is there. Yet section 80 provides for such an interference. There is absolutely no guarantee that the proper customs would be established and continued with the help of the staff of the Endowments Board. It is always feasible, it is always possible that the maths and temples have got enemies, enemies in the so-called educated class who seek a rational religion, enemies who want to have trust property for themselves, enemies in a Government that does not want to have all those old forms of worship continued and enemies in reformers. All these things may happen.

"Therefore, I say that, while there is some show of reason for your interfering with the properties, there is absolutely no reason for your interfering with the beliefs and modes of worship.

"Much has been said about the kingly duty exercised by our kings in the past with regard to these religious endowments. It has been said that the kings in the past interfered with the religious endowments, and why then do you now object to the interference of the State as at present constituted? The very constitution of the State will show the difference. Our kings in the old days, the Hindu kings, endowed properties for temples and maths. They appointed trustees or constituted themselves as trustees. That is how they exercised the kingly duty of interfering with the temple properties. But what is the case now? The Government which has got an Ecclesiastical department for itself has nothing to do with the endowments of properties of the Hindus, but yet wants to interfere with the religious institutions.

"Again, Sir, it was stated that Tippu interfered with the Hindu endowments. Now, what did Tippu do? If we read history aright, we will know that he did not interfere with the Hindu endowments at all. Far from it, we have the Seringapatam temple which, due to his tolerance, was allowed to remain. He said: 'Here is a deity which is receiving the homage and allegiance of a number of people and I shall not interfere with it.' What does it show? Does it show that Tippu interfered with religious

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beliefs? No. It shows that he was tolerant. It shows that the Tippu who was regarded as an enemy of Hindus was really not so at all. Now, it falls to the kingly duty of the Raja of Panagal, the king of Panagal, to interfere with religious matters as his kingly duty. In contravention of the idea now prevalent in all modern countries that the Church shall remain separate from the State and so shall not be touched by the State, here comes the Raja of Panagal with a new theory that the State shall interfere with religious beliefs. May I know, Sir, in what country have you got Religious Endowments Acts—the State controlling the religious endowments? I would like to be enlightened on this matter. I would like to know if any country in the world at present allows interference with religious beliefs. In spite of the declarations of Kings and Sovereigns that this Government shall not interfere with the religious beliefs, we are now legislating for and interfering with these very religious institutions. If really interference is necessary and if really temples and maths are in such a condition that they require immediate interference of the Minister, I say in all seriousness, why should there be provision for excepted temples and maths. Why should certain classes of temples be excepted? Is it because that the hon. Minister is convinced of their good management, or is it because that a certain class of people who own them have promised to support the Minister in party matters? If really there is need for legislation for the maths and temples, let there be legislation for all alike. Why this exception? That shows the motive behind.

"My hon. Friend Mr. Veerian speaking for the depressed classes, raised the point whether in the term 'Hindu community' the depressed classes were included or not. (Mr. Veerian: Hear, hear.) If you read item (b) of sub-clause (9) of clause 9 the intention will be clear. It says:

'(b) in the case of a temple, a person who is entitled to attend at the performance of worship or service in the temple or who is in the habit of attending such performance or of partaking in the benefit of the distribution of gifts thereat.'

"The Raja of Panagal in reply to Mr. Veerian said that there is absolutely nothing prohibiting the depressed classes from entering the temples or maths. Probably he forgot section 79 which speaks of the established practice. That means, in effect, the depressed classes who have now no admission to a temple will not also be admitted hereafter. So, Mr. Veerian and those that think with him should not run away with the hope that the hon. Minister has made every provision for them in the Religious Endowments Act. The hon. Minister is not so bold as to take that responsibility. Therefore Mr. Veerian and those that think and act with him will do well to see that they do not go with the wrong impression that they have gained every advantage in the Endowments Bill. By one stroke of the pen the hon. Minister cannot do any such thing and therefore he has left them where they are. He will perhaps stand up and say: 'Well, there is the election to the committees. There is nothing to prevent an Adi-Dravida coming in'. Suppose an Adi-Dravida gets elected to a committee, what will happen? According to section 79 he will not have admission to the temples and he is not a person having any interest. The Adi-Dravida committee member will therefore not be admitted to the temples and then there will be trouble. He will at once write against the trustee complaining of mismanagement and so on. What is the position there? He is kept

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outside. Therefore there is that difficulty also. You cannot have it both ways. If you want to exclude the depressed classes, do so, or, if you want to include them, do so boldly.

"I do not understand why no mention has been made of the work so far done by the Board and the staff created by the Religious Endowments Bill. Nothing has been stated so far. Probably the President of the Board who is our expert member here will do that and give us an idea as to how the Act has been working up to now. Speaking of the staff of the Board, Sir, I may say that the staff working in my district has become very unpopular. In going to interfere with matters which are not within his domain, a certain inspector unnecessarily got into deep waters and got a beat by the disciples and beneficiaries of a math. The beneficiaries know that these people are interfering too much and that is why the inspector was subjected to blows. I think they then went to the criminal court and the case is now pending. Unless and until you make the disciples and beneficiaries the sole authority in these matters, the rub will come in. What *will* happen can be seen from what *has* happened till now. The trustees will have no respect hereafter for those that endowed properties. They will not care for the original intention of the donor. They will not care for the disciples and devotees that come to the temple, but will care only for the inspector and the assistant commissioner. If they satisfy them, they satisfy everybody. That is the position which this Bill has created and is going to create. If there are committees elected on the basis of religious faith and devotion and they are allowed to manage the affairs of the temples and maths, the matter would have been different. But here we have created a department of the Government to control them. We have given scope for increased litigation. While in the old Act the Board was all in all, you have now made provision enabling the trustees to go to a court of law. This means added litigation. In this way, the Bill is not welcome to us. Instead of stopping litigation it increases it and the trust properties will be utilised for the purpose of litigation and for the fees of pleaders.

"Much has been said about the surplus money. There has been much tall talk about it. If surplus moneys have remained with Mahants and Mathadhipathis, it is because they are not doing the work properly. They are not devoting all their attention to the rights of the temples or maths.

"They are not utilizing all the money for that purpose. These temples were not endowed now. They were endowed centuries ago when the price of things needed for the temple was very much lower than what it is now. If a scheme was then prepared by the donor that so much of rice shall be cooked and that such and such things shall be purchased for the worship of the deity, it will be impossible now, with the income from that endowment, to carry out that scheme. Such being the case, where will you have a surplus? Why make provision for it? But then you want to show a surplus by curtailing those schemes. You have an idea, 'why should so much rice be cooked and distributed, etc. A smaller quantity will do.' It is your idea because you do not believe in idol worship. You have no belief in the intentions of the original donor and that is why you want to curtail the expenditure in the temples and create a surplus. As a matter of fact there will be no surplus if you make the trustees spend in accordance with the scheme by the donors and with the practice followed in olden days.

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"Then again this Bill seeks to bring all the temples within its scope. Even temples in villages whose income is more than Rs. 250 will be brought within the purview of this Bill. I want to know whether with an annual income of Rs. 250 or in other words Rs. 20 or Rs. 22 per month an archaka can be appointed and all the process of elaborate worship can be gone through. This is a very great defect in the Bill. Why should you take away any money from a temple which cannot make both ends meet. You cannot provide even one archaka for Rs. 20 per month. You want that every temple should be taxed, and pay you their share. You take away their money but you do not give them any. Have you got any provision anywhere in the Bill that a temple which has been neglected will be helped with funds from the Board? There are some people enjoying the lands belonging to the temples or a temple is there without a deity or a deity is there in a temple without worship. Have you made any provision that such temples would be renovated. You take away the money but you do not utilise it for the purpose for which it was intended. I suppose this very Government must be spending a lot of money on the ecclesiastical department. I want to know how much they are spending for Hindu temples. From the very beginning to the end this Bill seeks interference with the institutions which it is not called on to interfere. There has not been a demand, a universal demand, for such State legislation. That there are some temples and maths which are very well managed, is well known to everybody. It cannot be gainsaid that the transference of allegiance to a secular body like the Board created by the Bill is not desirable in the interests of religion. You may be a rationalist or a nationalist but I say that rationalism or nationalism in politics should not be allowed to have its influence on the properties of maths and temples which were endowed not by a body of nationalists or rationalists but by a class of people that understood religion in a particular way. It is only for the preservation and for the maintenance of that peculiar idea, peculiar to those ancestors that these religious endowments were made. It is not for the nationalization or rationalization of this party or that party that these religious endowments were intended. The Act has not operated properly so far because of the many loop-holes contained in it. If the Bill is allowed to pass, as it is, it will hamper its actual working. The creation of a Board—a department of Government—to supervise our temples is quite undesirable. With these words, I strongly oppose the motion."

Rao Bahadur C. NATESA MUDALIYAR :—"Mr. President, Sir, I am really touched by the appeal made by my hon. Friend Mr. Veerian. Certainly I am not at one with the previous speaker for telling the Adi-Dravidas not to trust the hon. the Raja of Panagal. I assure the Adi-Dravidas that it was the hon. the Raja of Panagal that was responsible for the creation of the depressed classes mission."

* Mr. S. SATYAMURTI :—"On a point of order, Sir. What has that to do with the admission of the depressed classes into temples?"

The hon. the PRESIDENT :—"Previous speakers seem to have impugned the interest taken by the hon. the Raja of Panagal."

Sriman SASIBHUSHAN RATH Mahasayo :—"I never said anything, Sir, about the interest taken by the hon. the Raja of Panagal towards the

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depressed classes. So far as the Bill is concerned, I was referring to the admission of the Adi-Dravidas into the temples."

Rao Bahadur C. NATESA MUDALIYAR :—"It was the hon. the Raja of Panagal that brought about the increased representation to the depressed classes."

* Mr. S. SATYAMURTI :—"On a point of order, Sir. May I ask whether the Raja of Panagal having given representation to them has anything to do with the admission of the Adi-Dravidas into temples."

The hon. the PRESIDENT :—"I think Mr. Natesa Mudaliyar is leading up to that."

* Mr. S. SATYAMURTI :—"I hope he will lead up to it soon."

Rao Bahadur C. NATESA MUDALIYAR :—"It is the rationalist party, the party of the hon. the Raja of Panagal that are looking to the interests of the depressed classes people. If there is any discontent, I hope my hon. Friend Mr. Veerian will bring it to the notice of the hon. the Raja of Panagal. Sir, it is the Raja of Panagal's party to-day that is doing propaganda work to admit Adi-Dravidas into temples. Sir, ere long I assure my hon. Friend Mr. Veerian and his people that our propaganda work will succeed and if the other party that are trying to destroy us will not succeed, we will see that all the Adi-Dravidas enter into temples as early as possible. Sir, with this assurance I hope my hon. Friend Mr. Veerian will rest satisfied to-day. As to our Friend from Ganjam who stated that this Bill is being rushed through, I will ask him to remember that we discussed this Bill for many days. There were 600 amendments tabled and we went through all these amendments sitting in this Council day after day. I want to know in what way we are rushing this Bill. Because a little bit has to be added to the existing Bill, can it be said that we are rushing the Bill? The public had enough of time all these two years and they could have very well said whether the Bill was right or wrong within that time. So I say that we are not rushing the Bill at all."

"It was said that this Bill would interfere with religion. Sir, I ask, does this Bill want to convert Vaishnava temples into Saivite temples or vice versa? It may be that this Bill deals with the funds of the temples and of the various religious institutions. To manage the temples, there is a committee of members. In bringing forward this Bill the Raja of Panagal is not a revolutionary but he is only safeguarding the interests of the temples and maths so far as their finances are concerned."

"Then again, the hon. Member from Ganjam said that the inspectors of religious endowments would not care for the temple authorities. But such cases will be those where people do not care for law. Does my hon. Friend from Ganjam not know of cases where police inspectors were assaulted by the disciples of Mathadhipathis, does he not know of cases where Mathadhipathis have been murdered by their disciples? Why should he gloat over these small instances instead of resenting at them. I am only sorry for it."

"Various speakers who have spoken in support of the Bill have mentioned long ago that Government did not want to interfere with the religious endowments. It is the people who protested against the inaction of the Government and begged of them to legislate. Then, Sir, various responsible

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statesmen have tried their best to bring these endowments under the control of the Government. I want to ask my hon. Friend Mr. Satyamurti, the Member for the University, if Government's interference should not be allowed, if he thinks that Government's interference is pollution, if he thinks that religious neutrality should be preserved, why did they tolerate that section--Section 92--in the Civil Procedure Code, if it is a direct violation of the principles of religious neutrality. . . ."

* Mr. S. SATYAMURTI :—"On a point of personal explanation, Sir. Section 92 does not invest Government with any such power. I would ask my hon. Friend to read that section."

Rao Bahadur C. NATESA MUDALIYAR :—"That section invites the Government or the Courts to interfere with religious endowments. So it is a pollution. I ask, why did they tolerate it? They tolerated it because it served their purpose. Why did they tolerate a self-constituted organization called the Dharma Rakshana Sabha. They intended this section as an instrument for the people and as many hereditary trustees evaded the court. Now they are telling that Government's interference is pollution. When it serves their purpose, when it serves the pockets of their favourites, they allowed it to go on. Sir, this Bill is only a Bill to systematize the action taken by many people against maths and Mathadhipathis. This Board is the Board that prevents mismanagement. The Board contemplated in this Bill keeps a watch over the management of the various temples and maths. So, we welcome this Bill. If you think like the hon. Member for the University and allow people to quarrel, to go to this court or to that court and enrich the pockets of the vakils, we cannot help it. I am sure if the hon. the Raja of Panagal goes to the electorate with this Bill he will come out with brighter colours in this election, because I am sure all parties in this House have lent our support to this Bill and have welcomed it. If we take lessons from the hon. Member for the University, there will be no end to it. Let him know that prevention is better than cure."

* Diwan Bahadur M. KRISHNAN NAYAR :—"On behalf of the people who have sent me here I welcome this measure. I had no intention whatever to participate in the debate on this Bill. But certain observations made by my hon. Friend, Mr. Prabhakaran Tampan, have made it necessary for me to state in this Council what the opinion of the people of Malabar is with reference to the general principles of the measure. My friend went into all sorts of details regarding the various decisions given by the Board and the various questions that came before them. I am not going to follow him in that respect, and try to answer my friend *seriatim*. We are not now concerned with the details of the working of the Board. What we are concerned with is about the necessity of having a Board like that and it is perfectly irrelevant to this debate to go into the details of the working of the Board, which has been in existence for the past 24 months or so. My friend stated that he had a mandate from a body of 267 voters who sent him here to oppose this Bill in a very constitutional way. I am glad that the mandate given to him restricted his position to constitutional ways. Even without having heard my hon. Friend Mr. Prabhakaran Tampan on this point, I could have judged what his attitude with reference to this measure would have been. For, I know the mentality of the body of people

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who have sent my hon. Friend, the janmi mentality. My Friend said that the passing of this measure would throw Malabar into convulsions and there would be litigation after litigation in that land, if this Bill be passed. And what was the foundation on which my friend based his point? It was clause 2 of the Bill. I think clause 2 would go against his contentions. What that clause says is that this Bill, when it becomes law, shall apply to Hindu public religious endowments

1 p.m.

"It does not apply to private endowments. The contention of my hon. Friend is that practically, if not all, the religious institutions in Malabar are private ones. I join issue with him. I shall quote one or two instances. The family of Olenat Nair became extinct three quarters of a century ago and all the properties were escheated to the Government. Government sold all the lands and kept only a few forests to themselves. But there were eighteen temples which had been endowed by the family; these temples were handed over by the British Government for management to the Raja of Palghat. I know it personally and I should like the House also to know how those temples are managed. If this Bill is not passed the state of these temples which is already bad will be growing worse. The sooner the Bill is passed the better. I want to know whether the temples of an extinct family whose property was escheated to Government would be called private temples by the hon. Member."

* Mr. K. PRABHAKARAN TAMPAN:—"May I read a line from the *cowl nama* given by the Sirkar to the Zamindas of Calicut in connexion with the Vettath Raja's temples? I have got a copy here and it distinctly says that they are to be treated as private temples and that no accounts of the property need be kept or be given to the Sirkar."

The hon. the PRESIDENT:—"Is it a point of personal explanation?"

* Mr. K. PRABHAKARAN TAMPAN:—"The hon. Member asked me whether I would call them private temples."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Anyhow, Sir, the answer is to the effect that the hon. Member regards such temples as private temples. I do not agree with him there. The temples of an extinct family which were handed over by the Government for management to another person cannot be called private temples. I regard them as public temples and not private ones. The family of Vathathna Raja became extinct in 1793 and the family property was escheated to the British Government and the temples of that Raja were handed over by the British Government for management to the Zamorin. These temples, I deliberately state this from my place here, are not managed well to-day. The sooner the Bill becomes law the better for these temples and those who go to worship there. I really cannot understand why my hon. Friend is so very anxious about . . ."

* Mr. K. PRABHAKARAN TAMPAN:—"The tenants' mentality is very slow to understand."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am very sorry that my remarks have apparently gone home to my friend. However, I shall leave

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him there. This measure is in many ways very beneficial. Clause 2 of the Bill concerns itself only with public temples. If my hon. Friend is so very positive that the temples he refers to are private temples, he need not be anxious about them at all. Even with reference to the public temples this Bill concerns itself only with the important ones among them. It does not at all concern itself with public temples whose annual income is very small and with other excepted temples. Practically the Bill does not also deal or interfere with the internal management of the temples in any way. All that the Bill says is that the trustees should submit to the Board yearly accounts and that those accounts should be audited once a year. If the trustees manage the temples in the interests of the deity and in the interests of the worshippers, there can be no objection whatever to the submission of a statement of accounts for audit. If, on the other hand, the trustees misappropriate the funds and mismanage the institution, it is very necessary and desirable that accounts should be submitted and audited. The Board should be empowered to frame schemes. The trustees of the temples which are well managed have nothing to fear from the Bill.

"So far as the public character of the temples in Malabar is concerned—this again I say deliberately from my place here—most of the important temples are public temples. But I do not deny the existence of private temples. My Friend referred to certain temples; of course, his family is an important one and possesses certain private temples. But I daresay there are many important temples which are purely public temples. Mr. K. R. Krishna Menon, one of the greatest authorities in Malabar law, stated 35 years ago that it was high time for the Government to interfere in the management of the temples in the interests of the temples themselves and in the interests of the worshippers also. Sir T. Muttuswami Ayyar also said that the Bill then under contemplation should be so framed so as to include the temples in Malabar also. My Friend Mr. Prabhakaran Tampam stated that the Act of 1863 was not applicable to the temples in Malabar. My Friend is perfectly right in stating that the Act does not operate in Malabar. A greater administrative blunder than that could not have been committed by the Government. As a matter of fact, if the subject of Religious Endowments had not been transferred to the charge of the Ministers and had remained a reserved subject, that blunder would have been perpetuated. I am glad that it has been a transferred subject. This Bill is very necessary in respect of the temples in that part of the country from which I come. At this stage of the Bill, I do not wish to go further into the details. I would request my hon. Friend the hon. the Raja of Panagal to give reasonable amount of time, say four or five days, for the Members of the Council to digest the various provisions of the Bill and be prepared for the discussion of the various clauses. So far, at any rate, as the Members of the Council who had not been Members here during the last Council when this Bill was discussed, that time is necessary.

"I have gone through the various provisions of the Bill and compared them with the provisions of the existing Act. As my hon. Friend Mr. Cotterell said, only three sections—sections 57, 65 and 67—have been altered and the only other provision that is newly introduced and that was not found in the old Act is section 7 which validates certain things about which doubts have arisen. Therefore for such of the Members as were present here when

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the Bill was first passed into an Act no further time is necessary; but I know there are Members of this Council who had no opportunity to consider the various provisions of the Bill on a former occasion and have a bona fide desire to examine the details of the measure with a view to submit to the Council their own views of it. To enable them to do so, I hope the hon. Minister will accede to my request to allow a reasonable amount of time, say four or five days, before the Bill is finally discussed."

* The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, a great deal, relevant and irrelevant, has been stated in the course of the debate on this motion. I am not going to reply to every statement made in the speeches opposing the motion. The learned Member for the University took me to task for having been brief in my introductory remarks. I admit I was brief; I was brief because my case is strong and I did not think it necessary for me to varnish my arguments. The hon. Member said that I should have brought the Bill before the Council much earlier. I could not do so since the suits were filed only a few months back and it was hoped that the questions raised in the suits which were merely technical questions could be decided by the High Court without delay. But unfortunately on account of the obstructive tactics of the plaintiffs, the High Court could not do so. The litigation is likely to be lengthy. Hence it was found necessary to introduce the Bill. I have already stated that if the Bill is not introduced and passed at this stage and the doubts regarding the validity of Act of 1925 removed, there is the risk of the trustees indulging in wasteful litigation. That statement is not questioned; nor did the Opposition make out a case that at this stage of the Council the Bill cannot be introduced under Standing Orders."

"Now, Sir, coming to the other objections, my hon. Friend from South Kanara claimed to be a great authority on Dharma Sastras. I do not propose to dispute his claim; but at the same time let me say that his dicta on the principles of Dharmas are not binding upon me or upon those who think with me. The hon. Member for the University referred to the proclamation of the Great Queen Victoria and said that we are contravening the terms of that great proclamation and that we are not observing religious neutrality promised in that proclamation. Interfering with the endowments is quite different from interfering with the religious beliefs. There is a great deal of confusion as to the scope of the Bill. The Bill is not intended to interfere with the religious beliefs. It only aims at safeguarding the interests of the endowments. The hon. Member from Nellore objected to the Board levying contribution from the institutions. The Board requires funds to carry on its work. It must be remembered that even prior to the enactment of Act I of 1925 committees used to be constituted under the Act of 1863 and they were levying contributions from the institutions and the new Act has not made any new departure in this respect. The Board has to get the audit work of the temples and maths. It is only fair that the Board should levy contributions to meet its expenditure. Sir, the hon. Member from Nellore objected also to the introduction of the Bill on the ground that the Bill contemplates the inclusion of the maths. The question of bringing maths within the scope of the Bill was considered at length previously when the Bill was taken up for consideration in 1923. It cannot be said that the inclusion of maths is a new idea. Almost every Bill

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that was drafted before the introduction of the Reforms did contemplate the inclusion of maths. I do not see any reason why objection should be taken to their inclusion. There is no idea at all that the Board should interfere with the religious beliefs of the mathadhipatis.

"The mathadhipatis are perfectly at liberty to carry on the administration of the maths. They are only expected to submit accounts and to have them audited. These safeguards are necessary. It is only in such cases where mismanagement is proved that the Board can interfere."

"My Friend from Ganjam district observed that because Panchamas were not allowed to enter the temple, the Bill must not be introduced. There is no clause in the Bill which lays down that Adi-Dravidas or Adi-Andras should not enter. If they are otherwise entitled to enter them, no clause of the Bill prevents them from doing so."

"Sir, some of my neutral friends, while agreeing to the necessity of the introduction of the Bill, thought that time might be given. I am quite prepared to give time. The Members from Coimbatore and Bellary desired that time should be given. I have no objection to give a few days' time, and as this is only a Bill to re-enact an existing Act an adjournment of four days or five days I think will be quite sufficient. I appeal to the House to accept the motion."

The motion was then put to the vote and declared carried. A poll was demanded and the House divided thus:—

Ayes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 27. Rao Bahadur K. Krishnaaswami Nayudu. |
| 2. " Khan Bahadur Muhammad | 28. Mr. J. Kuppuswami. |
| 3. " Uman Sahib Bahadur. | 29. The Zamindar of Mandasa. |
| 4. " Mr. T. E. Moir. | 30. Mr. K. Madanagopal Nayudu. |
| 5. " Mr. A. Y. G. Campbell. | 31. Honorary Lieutenant Madurai. |
| 6. " Diwan Bahadur Sir T. N. | 32. Mr. T. Mallesappa. |
| 7. " Sivagnanam Pillai. | 33. " P. N. Marthandam Pillai. |
| 8. " Rao Bahadur Sir A. P. Patro. | 34. Rao Bahadur B. Muniswami Nayudu. |
| 9. " the Raja of Panagal. | 35. Diwan Bahadur A. M. Murugappa |
| 10. Mr. T. R. Venkatarama Sastriyar. | 36. Mr. C. Muttayya Mudaliyar. |
| 11. Rao Bahadur V. T. Krishnama Achariyar. | 37. " K. S. Ponnuswami Pillai. |
| 12. Mr. G. T. Boag. | 38. " G. Premayya. |
| 13. " V. Pandrang Row. | 39. Diwan Bahadur P. Kesava Pillai. |
| 14. " C. B. Cotterell. | 40. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 15. Diwan Bahadur Sir T. Sadasiva Ayyar. | 41. Dr. P. Subbarayan. |
| 16. Mr. P. Venkataramana Rao Nayudu | 42. Diwan Bahadur M. Krishnan Nayar. |
| 17. Khan Bahadur Abdulla Ghatala Sahib | 43. Mr. P. T. Rajan. |
| 18. Bahadur. | 44. Rao Bahadur P. Raman. |
| 19. Mr. S. Arpudaswami Udayar. | 45. Mr. K. Sarvarayudu. |
| 20. " J. A. Davis. | 46. Rao Sahib K. Srinivasan. |
| 21. " H. B. Ari Gowder. | 47. Mr. K. Sitarama Reddi. |
| 22. Rai Bahadur Sir K. Venkataraddi Nayudu. | 48. " R. Veerian. |
| 23. Rao Bahadur C. Natesa Mudaliyar. | 49. " K. Venkatachala Padayachi. |
| 24. Mr. A. V. Rhanoji Rao. | 50. Rao Bahadur P. K. A. Ct. Virappa |
| 25. " N. Devendrudu. | 51. Chettiyar. |
| 26. " A. Ramaaswami Mudaliyar. | 52. Khan Bahadur Haji Abdulla Haji Qasim |
| 27. Diwan Bahadur P. C. Ethirajulu Nayudu. | 53. Sahib Bahadur. |
| 28. Rao Sahib P. V. Gopalan. | 54. T. M. Moidu Sahib Bahadur. |
| 29. Mr. L. C. Guruswami. | |

[26th August 1926]

Noes.

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|---|---|
| 1. Mr. K. Prabhakaran Tampan. | 15. Mr. G. Rameswara Rao. |
| 2. „ V. Machaya Raja. | 16. S. R. Y. Ankineedu Prasad Bahadur. |
| 3. Rao Bahadur C. V. S. Narasimha Raju. | 17. Rao Bahadur A. S. Krishna Rao |
| 4. Mr. J. A. Saldanha. | Pantulu. |
| 5. Sriman Biswanath Das Mahasayo. | 18. Bai Bahadur T. M. Narasimhaobharlu. |
| 6. Mr. M. Gangarazu. | 19. Sriman Sasibhushan Rath Mahasayo. |
| 7. „ S. Muttayya Mudaliyar. | 20. Mr. Sami Venkatachalam Chetti. |
| 8. „ P. Peddiraju. | 21. „ R. Srinivasa Ayyangar. |
| 9. „ M. Sitayya. | 22. „ L. K. Tulasiram. |
| 10. „ P. G. Venkatapati Razu. | 23. Mr. K. Uppi Sahib. |
| 11. „ S. Satyamurti. | 24. Mr. C. V. Venkataramana Ayyangar. |
| 12. „ P. Anjanayulu. | 25. „ B. Venkataratnam. |
| 13. Muhamad Meera Sahib Bahadur. | 26. „ J. Naganna Hegde. |
| 14. Mr. V. Pantulu Ayyar. | 27. „ C. Venkatarangam Nayudu. |

Neutral.

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| 1. Mr. K. Raghuechandra Ballal. | 4. Mr. A. Chidambara Nadar. |
| 2. „ D. Manjappa Heggade. | 5. „ K. Kotireddi. |
| 3. „ A. Ranganatha Mudaliyar. | 6. „ B. Ramachandra Reddi. |

Ayes 52. Noes 27. Neutral 6.

The motion was carried.

The Secretary then read the title of the Bill.

*The hon. the RAJA OF PANAGAL:—“Now, Sir, I request you to suspend the operation of the Standing Order No. 39. My reasons are that the Bill is more or less a formal Bill and seeks to remove certain technical difficulties and the Bill has been considered at length when it was taken for consideration before. It does not seem to me necessary to go through all the stages, especially because it is only a formal Bill.”

*The hon. the PRESIDENT:—“The only consideration which weighs with me in regard to this matter is that this Bill is a re-enacting Bill, the provisions of which have been before the Council and the country for a considerable time. This very Council was called upon to deal with amendments to it very early in its life. I therefore suspend the operation of Standing Order No. 39.”

*The hon. the RAJA OF PANAGAL:—“I now move that the Bill be taken up for consideration.”

The hon. Rao Bahadur Sir A. P. PATRO:—“I second it.”

*Rao Bahadur C. V. S. NARASIMHA RAJU:—“I now move, Sir, that the Bill be referred to a select committee. It has been said that the Bill has been dealt with by this Council on a previous occasion, that it is within our knowledge, and that some portions of the Bill were remitted to this Council for reconsideration. An attempt was made by certain Members of this Council to put their own amendments at that stage. Those amendments were, however, ruled out of order on the ground that the rules did not permit.

“Therefore, it cannot for a moment be said that the whole Bill was under the consideration of this Council. No doubt some portions of the Bill were under consideration, and even regarding them the amendments with which the Bill was returned were put to this Council and they were discussed. It cannot be said that the whole Bill was under consideration.

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“Regarding the previous Bill, this Council has nothing to do. Most of the Members of the present Council, nearly 50 per cent of the elected Members, are new Members, and they did not deal with the old Bill, and every clause of this Bill is to be put to this Council clause by clause and it has to be passed; and I am told that notice of more than 300 amendments are given. I do not know how many of them will be allowed by you under the strict rules of time required. Even there we have to make our own submission as to the shortness of notice and the exercise of your discretion in favour of moving these amendments. But that is at a different stage.

“But to say that we shall be prepared to go through this Bill without reference to the Select Committee is an extraordinary procedure, having regard to the importance of the Bill and the various questions that were raised during the course of the debate on the previous occasion. It may be the object of the Government to re-enact the Bill as it is, but we know that this Bill, whether it is ultra vires or otherwise, has been worked for more than twenty months, and there is some experience gained as to how the provisions of the Bill did work. We Members of this Council have got every right to put forward our views on the various provisions of the Bill, and it is better that the provisions are better examined by a select committee instead of the whole House going into a committee stage and discussing it.

“There is practically much difference between a select committee sitting and the Council examining the Bill clause by clause with various amendments. Here, Sir, we are always under strict discipline of the Standing Orders, such as the right of reply, etc. But in the select committees such difficulties do not arise. Each member can speak on a motion any number of times—of course regard being had to the ordinary limits of decorum—and thrash the questions well. If some amendments are agreed to they may be well worded and adopted. But if we are to take up the Bill as it is and go through the amendments it may cause much delay and we will be subjected to unnecessary restrictions as to the various procedure to be adopted. We have the advantage of having two expert Members nominated for the purpose of considering this Bill. If it is a question of re-enacting the provisions of the Bill already passed, I am not able to understand why the Government should take the trouble of appointing expert Members. Was it intended to add to the voting strength which is already large? They are expected to give their advice, their experience and their own knowledge of the working of the provisions of the Act, and it would be an advantage to this House and the country. If such an advantage is not derived, I think it will be a great loss to the institutions themselves especially when we have such eminent gentlemen as Sir Sadasiva Ayyar who is well respected and who has a high reputation. If he is not to assist us in considering the Bill in the Select Committee, I think the country would be put to a great disadvantage. If the object of the Government really is that we should re-enact the provisions of the old Act, it is not a position they can take up at this stage. The Bill does contain some alterations. This Council has nothing to do with the question by whom these alterations have been suggested. It cannot, for a moment, be said that we are re-enacting the provisions of the Bill that has already been passed. The Bill has introduced some changes and those changes have to be examined.

1-30
p.m.

[Mr. C. V. S. Narasimha Raju] [26th August 1926]

"Again, Sir, I find that there are alterations in the wording of clauses 2, 3 and 4. The intention of the Government may be to recast them. We have read the clauses and we find that they produce quite a different result. They have to be examined very closely, and that can only be done in the Select Committee. I therefore submit, Sir, that there are very great reasons why this Bill should be referred to a select committee instead of being rushed through the Council causing much delay and sometimes leading to confusion. We can always be at a great advantage if a select committee examined the provisions of this Bill and submitted its report. If select committees are not to be resorted to with regard to a measure of this magnitude, I do not see any reason why we should have select committees at all with regard to other Bills. There are 200 or 300 amendments, and if they are not to be considered by the select committee we can always say that no Bill need be referred to a select committee, and that the whole House may sit as a committee and deal with the Bill clause by clause. But even after the amendments are carried we find some difficulty in seeing how the amendments give effect to the other provisions of the Bill. All this work can conveniently be done in the select committee. Therefore I move as an amendment

'that the Bill be referred to a select committee'."

* Mr. S. MUTTAYYA MUDALIYAR:—"Mr. President, Sir, the hon. the Leader of the Opposition has moved the motion that the Bill be referred to a select committee and in supporting this motion I am ready to adduce more reasons than one and they are . . ."

The hon. the PRESIDENT:—"Will the hon. Member be making a long speech? If so, the hon. Member may resume after lunch."

The House then adjourned for lunch at 1-30 p.m.

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

* Mr. S. MUTTAYYA MUDALIYAR:—"Mr. President, Sir, at the time we rose for lunch, I wished to second the motion made by the Leader of the Opposition about referring the Bill to a Select Committee. Whatever other reasons there may be for referring the Bill to a Select Committee, I think the procedure that has been adopted in this Council as regards the first introduction of the Bill is itself sufficient to make it absolutely necessary that the Bill should be referred to a Select Committee; and I wish to refer to one or two incidents that have taken place during the motion for the first reading of the Bill. Sir, this is a measure of first-class importance. It is true that this has occupied the attention of the last Council for a number of days, but as the hon. the Leader of the Opposition as well as some other Members have pointed out, some members here were not in the former Council. They have now come to this Council. But, that is only a ground for saying that this matter requires full consideration at the hands of this House. Under the Government of India Act, the Government have the right to nominate two expert members for the purpose of considering any Bill before the House and the Government of Madras have exercised that right and we have now two expert members in our midst. One of them is the President of the Religious Endowments Board and another is a vakil, a learned vakil of the High Court who is defending the litigation now pending in the High Court.

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On a matter of such importance, where a Bill is brought forward to remedy legal defects we naturally expect some advice in regard to the working of the Act from the hon. the President of the Religious Endowments Board and the hon. the expert member who has been appointed to defend the suit in regard to the legal matters concerning the Bill. Naturally we did expect something from them. If things are like this, is it not natural to expect greater freedom to be allowed to Members of this Council in the discussion to express what they have got to express on the first reading of the Bill itself. I may probably draw your attention to the fact that soon after Mr. Tampan or the previous speaker finished, before the hon. the Raja of Panagal was called upon, myself, Mr. Madhava Raja, Mr. Narasimha Raju and some others, and I am told Mr. Biswanath Das also, rose and wanted to speak. I put it to you, Sir, first as a matter of right, and secondly as a matter of policy, that even supposing the President has a right to apply closure at any moment, I put it to you, Sir, as a matter of expediency, as a matter of policy, as a matter of decency . . ."

The hon. the PRESIDENT:—"Order, Order. I thought the hon. Member resumed the discussion. I thought he was speaking on the motion that the Bill be referred to a select committee."

* Mr. S. MUTTAYYA MUDALIYAR:—"I am submitting this as one of the reasons that we have not discussed the Bill sufficiently during its first reading. If we, every one of us had expressed all that we had to say, probably there would be no necessity to refer the Bill to a select committee. Now our mouths have been gagged; we have not had the right to speak and I think what I am now speaking is in order. What I am now submitting is that just before you called upon the Raja of Panagal many of us, including myself, got up to speak and you called upon the hon. the Raja of Panagal, probably rightly because there is nothing to prevent other Members continuing the debate after the hon. the Raja of Panagal has spoken on this matter."

The hon. the PRESIDENT:—"When the President calls upon a Member of Government to speak, unless the Government Member has raised new points, the President is not expected to call upon other members to speak."

* Mr. S. MUTTAYYA MUDALIYAR:—"I quite agree, but before you called upon the hon. the Raja of Panagal, other hon. Members, Mr. Rath, Mr. Narasimha Raju and probably other Members rose to speak and the hon. the President called upon the hon. the Raja of Panagal to speak. Common decency requires . . ."

The hon. the PRESIDENT:—"Order, order. I am afraid the hon. Member ought to be more careful in regard to the expression he uses and it is not merely hon. Members' rising in their places that makes the President call upon them to speak. They must also catch the eye of the President."

* Mr. S. MUTTAYYA MUDALIYAR:—"I believe, Mr. President, we were conspicuous enough and if we did not catch your eye it is unfortunate. Probably I was so insignificant as to be not seen."

* The hon. Mr. T. E. MOIR:—"Order, order. Is the hon. Member speaking on the motion before the House or rising to a point of order or questioning the President's ruling?"

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* Mr. S. MUTTAYYA MUDALIYAR :—" I thought, Mr. President, when the question was put by you, you allowed me to proceed further without ruling it out of order. I think I am in order."

* The hon. Mr. T. E. MOIR :—" If the hon. Member desires to make any suggestion to the Chair, ought he not to have done so at the time? It is presumably a speech on a motion not before the House."

* Mr. S. MUTTAYYA MUDALIYAR :—" Mr. President, ordinary rules of decorum require that an hon. Member should not intervene when the hon. the President is on his legs. There is a specific rule to this effect. Otherwise I would have done it and I mentioned it to the hon. the Leader of the Opposition also."

* The hon. Mr. T. E. MOIR :—" The President sat down."

* Mr. S. MUTTAYYA MUDALIYAR :—" I may tell you, Mr. President, that many of us were disappointed either rightly or wrongly and have only to submit that we must have freedom of speech. I submit that the President has under the Standing Orders and rules no power to close a debate when there is no motion for closure from any side of the House."

"I would only wish to call your attention to Standing Order 33 :

'At any time after a motion has been made, a member may move "that the question be now put", and unless it shall appear to the President that such motion is an abuse of the rules of the Council or an infringement of the rights of reasonable debate, the question "that the question be now put" shall be put forth and decided without amendment or debate'

The hon. the PRESIDENT :—" Order, order. I must ask the hon. Member whether he is speaking on the motion before the House or rising to a point of order."

* Mr. S. MUTTAYYA MUDALIYAR :—" I think, Mr. President, I am speaking on the motion."

The hon. the PRESIDENT :—" I must ask him to confine himself to the terms of the motion, namely, that the Bill be referred to the select committee."

* Mr. S. MUTTAYYA MUDALIYAR :—" If you, Mr. President, had ruled it out of order, I would not have referred to this. As you did not rule it as out of order, I thought it was in order."

The hon. the PRESIDENT :—" I can rule a Member out of order at any time."

* Mr. S. MUTTAYYA MUDALIYAR :—" I quite appreciate that the President has got the power, but I may tell you that I was induced to proceed further on this line by the conduct of the President which made me believe that I was in order."

The hon. the PRESIDENT :—" Will the hon. Member kindly speak on the motion before the House, which is that the Bill be referred to a Select Committee?"

* Mr. S. MUTTAYYA MUDALIYAR :—" I shall confine myself to the motion before the House that the matter be referred to a Select Committee. My reasons for moving that the Bill be now referred to a Select Committee are that we have not had sufficient time to discuss the Bill in the first reading and that we have not had sufficient opportunity to discuss the Bill, not

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because that Members were not ready to speak, but because of some mistake. I do not know if the President thought that he had a right to close the debate and put the motion before the House. My second point is that as we have not had sufficient opportunity to discuss this Bill on the merits and on the general principles during the first reading of the Bill, we must be given an opportunity to discuss these in the Select Committee and I consider that it is absolutely necessary that the matter should be referred to a Select Committee. It has been urged by the hon. the Raja of Panagal that this Bill was before the previous House and was again before this House when certain amendments were remitted to this Council by His Excellency Lord Willingdon, but at that time many of the Members of the Opposition took the attitude that this House had no power to discuss the amendments and did not deal with the merits of the Bill and walked out and there was absolutely no discussion in the Council as regards details. So far as the Members of the Opposition are concerned, they did not take part in the proceedings and they did not discuss the Bill, as they thought these amendments were out of order and ought not to have been introduced in the Council. We had therefore no opportunity of discussing the Bill on its merits. This is a matter which ought to weigh with the Council whether the Bill should be referred to a Select Committee or not. We have to consider whether every hon. Member of this House and whether every person who has a right and who is affected by this Bill has had an opportunity to consider this Bill and we, as representing the electorate, are sent here to safeguard their interests. This matter requires further consideration and the matter ought, therefore, to be referred to a Select Committee. It may be said that it will be open to us to move as many amendments as we please which the House will consider. I must remind the hon. the President and the Members of this House that, instead of our moving amendments in the Council with restricted opportunities of speech, the right procedure would be to discuss the measure in the Select Committee in proper form and reduce it to an agreeable shape. If it is referred to a Select Committee, I dare say many more amendments will be introduced and the Bill will be more satisfactory and as the hon. Member Mr. Rath said we shall not be legislating in haste and repenting also in haste. With these few words, I commend to this House that the matter may be referred to a Select Committee."

* The hon. the RAJA OF PANAGAL :—" Sir, I oppose the motion. I have 2-46 already pointed out that the Bill is more or less a formal one and proposes p.m. to re-enact an existing Act. As such, it does not appear to be necessary to refer it to a Select Committee. By referring it to the Select Committee, we will be unnecessarily taking up the time of the hon. Members. The hon. Members are aware that the general election is coming off soon. Now, if the Bill is referred to the Select Committee, it is possible that the Committee may insist upon the publication of the report, and after the publication of the report, time may be asked for giving notice of amendments. If these formalities are to be gone through, it will not be possible to take up the consideration of the Bill before the end of this month; and if the Bill is not taken up for consideration before the end of this month, there is no chance of its being taken up at all in this Council. It is proposed to have the elections early in November and if the elections take place early in

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November, there must be sufficient time for the candidates to canvass. There would be no chance for the Council to meet again. In other words, we will be shelving the Bill altogether so far as the present Council is concerned. I have already told the Council that by shelving the Bill we will be exposing the trusts to heavy expenditure on litigation. For these reasons, Sir, I think it is not necessary to refer the Bill to a Select Committee."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I support this motion, and I just want to say a few words. Although I am one of those who would support some Bill of this nature dealing with the religious endowments in this Presidency, I think that it is not after all such a formal measure as has been represented by the hon. the Chief Minister. The one important point which we have to deal with is as to whether this is a validating Bill or a new Bill. A validating Bill means an insult to the whole Council, it will be an insult to the Government, an insult to the Governor and an insult to the Viceroy. The very same objections that have been recently raised in regard to the validity of the Act were raised both on the floor of this House and in the Government Houses when various deputations met Their Excellencies. It is therefore too much to suppose that all those persons were wrong, that this Council was also wrong, that your predecessor was also wrong in his rulings and now that the advisers of the Government were wrong when they gave that advice then. Over and over again it was repeated that the objections raised by Members in the Opposition were not at all reasonable. Therefore, Sir, it is not fair to say now at this late hour that all that we have done both in this House and outside is illegal, and that all those objections that were then thrown aside as untenable are now proved to be correct. I do not want to go further, Sir. The question now is as to whether all that has been done is wrong or illegal. If the Government think that they were all legal, let them fight it out in the courts of law and say that after all there is nothing to show that those things were illegal. If, on the other hand, the Government are convinced now that all that had been done is wrong, that the Act was illegally passed, that the legal advisers then gave the wrong advice and misjudged the Act, that the legal advisers . . . "

* The hon. the RAJA OF PANAGAL :—" May I say, Sir, that I never said that what has been done is illegal. I only said that certain doubts have been held regarding validity of Act I of 1925."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am presently coming to the question of doubt, Sir. But there is no doubt that the Government are now convinced that what all they have done so far is illegal according to the advice now given to them—of course it is only a doubt. Then, why not have a clear decision? Why should you say that this Council has wasted . . . "

* The hon. the RAJA OF PANAGAL :—" I have already mentioned that if doubts regarding the validity are not removed trust funds will be wasted on litigation. If these doubts are not cleared immediately, expenditure on litigation will go on merrily."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I shall be coming to the question of that waste presently, Sir; but the hon. Minister told us yesterday

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that the advice of the legal advisers was that it was rather a little doubtful whether it was legal, and therefore the Government have now been advised to bring this measure . . . "

* The hon. the RAJA OF PANAGAL :—" He is misrepresenting my statement. I never said that the legal advisers of the Government expressed an opinion about the illegality of the Act. They only advised us about the necessity for the introduction of this Bill to remove any doubt that may exist."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" That is exactly what I said. The present legal advisers . . . "

* The hon. the RAJA OF PANAGAL :—" They advised us that a Bill might be introduced to remove possible doubts regarding the validity of Act I of 1925."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" What does it mean? It means that the present expenditure is illegal, that the waste of money is illegal, that the Act under which such money is spent is illegal. (Laughter.) Yes, that is the logical conclusion. What I say, Sir, is that the Government have no business to presume that it is illegal. If they have serious doubts in this matter, I mean the Government, this is not the proper position for them to take. It is a serious matter to say that the Council, the Governor and the Governor-General were all wrong and to say that all that has been done all these three years and the money spent in that period was a mere waste of money. We have been all along doing something which is doubtful in its legality. But supposing, for argument sake, the whole thing is illegal, that the advice probably given by the legal advisers of the Government is illegal, although they did not venture to say so, it is clear now that what the Government have stated in their written statement is not quite correct. In the High Court, the Board have put in a statement to the effect that all that has been done is legal and I suppose they were advised by the legal advisers of the Government to put in such a statement. They had to put in a statement there . . . "

* The hon. Mr. T. E. MOIR :—" On a point of order, Sir. Is the Board's statement which the hon. Member refers to before the House? If not, is he right in discussing it?"

The hon. the PRESIDENT :—" The motion before the House is that the Bill be referred to a Select Committee. May I ask Mr. Venkataramana Ayyangar to confine himself to the terms of the motion?"

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, I was trying to show that the Bill in section 7 or so contains a very important and controversial matter, viz., as to whether this is a validating Bill. The very fact that this is a validating Bill assumes that there is something illegal in the previous Act. I say it is wrong. The Government should not proceed on that presumption. That is the point I am now developing. I say that the Government must make up their mind, with an expert paraphernalia of legal advisers, to say whether the old Act is legal or illegal. If it is legal, let them fight it out to the end; there is no one here to throw any doubt on it. If it is legal, certainly the country will be behind them when they fight it out and try to maintain that all that has been done is legal. But, Sir, if it

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is illegal, we expect the Government to say so and we also expect them to pay for costs. What is the position of the people who believed that it was illegal and rushed to the courts on that suspicion? In spite of all that, the Government now say that it is illegal. We admit that what we did was illegal and we admit that the people who brought this illegality to the notice of the country have shown that it was so much waste of money and have also satisfied the Government as to the illegality of the Bill. You now pass a validating Act which means that all this expenditure will fall on the trustees. The Government say that they do not want the trust funds of these endowments to be wasted, what will be the result? The Government, the Council, the Governor and the Governor-General, all of them have committed mistakes, and the tax-payers whom our friends represent here do not want to pay the cost of this litigation. Then it is these endowments that will have to pay from the money contributed by pious people and it is those pious people that will have to bear the cost. The High Court will to-morrow say 'Well, the Council has passed another validating Act. We do not go into the question of the validity of the old Act and therefore these suits are dismissed with costs'. Probably, the Board will claim their costs too. Therefore, Sir, if it is legal, let the Government fight it out; but if it is illegal, let the Government admit that, and ask for a decree against them. We have committed a mistake for some reason or other, and it will be more straightforward and more honest to say so instead of coming here and saying, 'Serious doubts have been thrown, therefore, let me pass this Bill validating all that has been done in these three years'. I think it will be more straightforward to say, 'We have passed an illegal Act; we will pay for it. Let us forget all that has been done up to now and let us have another Bill'. Instead of doing that, instead of telling the people who have brought us to our senses, as it were, that we have passed an illegal Act, we want to burden them with the costs of the litigation. Therefore, Sir, my first point is that this validating Bill is very unfair. We must omit that portion. It is of such a controversial nature that we should avoid similar things being done hereafter. If once we give room for such a validating Act, what will be the result? The Members of this Council will come and sit with their hands in their pockets, because if there is anything wrong, there will be a validating Act next year. We can ourselves pass an Act to-morrow saying that all the things that were done illegally will be validated. Therefore, Sir, I submit that it is a wrong precedent to say that any validating Act can be passed in such an easy way. It is of such a controversial nature that it is not fair for us to rush it through in this House without sending it to the Select Committee.

"One other point and it is this: I am one of those that would gladly support some Bill dealing with the religious endowments, and when this old Act was in the stage of a Bill, I supported it and at the same time I remarked, just like several other hon. Members, that the Bill as it passed out of this Council had several defects, had several wrong clauses, wrong sections and several omissions. It was said, then, I believe on behalf of the Government, that experience might probably show where the defects lay and there was a general hope expressed—I cannot say whether it was correct, but that was the general impression—that after the experience of two or three years, some amending Bill might be brought in to remedy the defects. I believe, Sir, that when some amending Bills were actually brought, it was

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said 'it has hardly been given a trial, it came into operation only a few months ago, and we shall wait to see if any defect should be remedied'. Well, Sir, this Act has been working for the past 20 months and now we have got a Bill dealing with the whole question. It cannot be said that this Bill deals with this aspect or that aspect of the endowments question. It deals with the whole question. Then, why not you take up the necessary amendments? I am told—and I speak subject to correction—that the Commissioners of the Board have themselves suggested a large number of amendments, which they have found necessary to bring forward for the satisfactory working of this Act. I believe the Government also must have received a lot of information that the Act has shown some defects and that they should be remedied. If that is so, Sir, why should not those amendments, if there are any, in the hands of the Government received from the Board of Commissioners or from other leading persons in this Presidency, be taken into consideration? Why should we waste all our time and money and still have only that law which was passed two or three years ago? I therefore suggest, Sir, that it is unfair to ask us now to come and go, simply saying that what we did two years ago was incorrect and we have nothing more to do than to validate it.

"Sir, it may be said that after all a few days' or a few weeks' delay or, for the matter of that, a few months' delay will bring down the Heavens. I do not know whether the Heavens are so light as to come down in a few days or in a few months; but after all, this Act has been in existence for the last two years. Even the hon. the Finance Member has been liberal enough to agree to large grants being given to the Board of Commissioners . . ."

* The hon. Mr. T. E. MOORE :—"On a point of order, Sir, I would point out, that it was the Council that sanctioned the amounts."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Exactly, Sir; but with all respect I may submit that even the hon. the Finance Member—and I take it if my memory serves me—did not raise his voice against such grants. I therefore say that even the hon. the Finance Member—and I repeat it—who is very strict in cutting all these grants, *even* he, agreed to give a large grant to the Board of Commissioners. And I suppose there will be no objection to stretching the point that even the hon. the Finance Member would have given a few thousands more, if necessary. After all, there is nothing in the way of a limitation Act for a validating Bill to be passed. If the validating Act should be passed two years after the original Act was passed, there is nothing to prevent the validating Act being passed 26 months after the old Act.

"If the Government are so sure of their position, if the Government are so sure of the reasonableness of their action, why should they entertain apprehensions about the next Council? They are sure of having a majority. My friend, Mr. Narasimhachari, assured them, if any assurance was required from this side, that the hon. the Chief Minister would be returned in the next Council. They can fairly and thoroughly consider the Bill at the next Council. We do not want further litigations. I am not one of those, Sir, who want litigations to be encouraged under this Act. I want to

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avoid as much litigation as possible. Why should all those defects continue without being remedied? There are a number of points on which we feel strongly. I believe that the hon. the Chief Minister was present in the last Council. On some points there were very small majorities and in certain cases there were strong minorities. I think one of them was with regard to the appointment to the Board of Commissioners. These are points which should be further discussed. Certainly, the hon. the Chief Minister will have a large majority and without any fear he can have this Act going on. Therefore, from any point of view, it is absolutely desirable and necessary that it should go before the Select Committee and the matter should be discussed and disposed of. I made an analysis of the members and I believe, I am not wrong, if I say that more than 50 per cent of the members of this Council were not in the old Council. What was the fate of this Bill in the old Council? How many days did it take, how many members of the Select Committee were there and how many papers were printed? We thought that all that was necessary should be printed for the elucidation of the facts by the members of the Select Committee as well as by the members of the Council. If that is so, is it not necessary, Sir, that the new members of this Council and old members of this Council, like myself, who have not a very strong memory (laughter) should be given an opportunity to go through these provisions carefully and come to some satisfactory conclusion? We want some satisfactory conclusion, we want some Bill, some Act which cannot be easily questioned again in courts of law, and for that, it is better that the matter is considered carefully. I am at one with Mr. Narasimha-charlu that the hon. the Chief Minister will be here again in the next Council, but personalities do not count, and individualities do not count. So far as these big matters are concerned, whether the Opposition is the same, whether the Government is the same, whether the Chief Minister is the same, it does not matter. If it is different, it will be all the more welcome. If a different set of Cabinet Members, if a different set of Ministers and a different Opposition all agree upon a new Bill, it will be much more satisfactory. It may not give room for objections in courts of law. Therefore, I appeal to the House to consider the matter carefully. Nothing is lost by postponing the matter for a few days. Everything is gained in the way of consulting public opinion and bringing it in favour of this measure, if it is delayed for a few months. Therefore, I appeal to the hon. the Chief Minister not to rely upon the majority but take the ordinary common-sense public point of view and then see whether it is desirable or not to agree to the adjournment of this Bill. I thought he would adjourn it for 4 or 5 days. It is necessary that we should have 4 or 5 days more for further consideration. It may be that 4 or 5 months are necessary—but in any case I should strongly urge that this matter comes to the Select Committee. The Select Committee may consider the details and then it is better to pass it at another sitting, after the Bill emerges out of the Select Committee. Sir, the hon. the Chief Minister fears that somebody may give notice of amendments. Does he want to shut out amendments? Why is he so anxious to shut out amendments? He should, in fact, welcome people who would propose amendments."

* The hon. the RAJA OF PANAGAL :—" Sir, I did not say that. I only said that time will be taken up."

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* MR. C. V. VENKATARAMANA AYYANGAR :—" What does it mean? If you do not want time to be wasted, I said you shut out amendments. It means the same thing and it is the logical argument. Nothing more and nothing less. I submit, Sir, it is not the question of voting, it is not the question of appealing to this House, but it is the question of appealing to the hon. the Chief Minister to take these things into consideration. The Select Committee will only take 4 or 5 days and it will be left to him to rush through into the matter in the Select Committee rather than here. Therefore, I rise strongly to support the motion that is before the House, namely, that the Bill be referred to a Select Committee."

Rai Bahadur T. M. NARASIMHACHARLU :—" Mr. President, Sir, I have got only a very few words to say in support of this motion, to refer this Bill to a Select Committee. The object of the Bill is to re-enact the old Act. I can understand that there will be no Select Committee if only section 7 is brought as a Bill under this Act. We have the old Act but we only wish to clear the doubts by enacting section 7 as a separate Act. Then, there need be no consideration of the several provisions of the Hindu Religious Endowments Act of 1923. The only question before the Council would then be whether the old Act was validly passed or not, whether there are any reasonable doubts about the validity of that Act and whether there is any risk of the High Court or the Privy Council decision running against the validity of that Act. That will be the only question and we can dispose of it quickly. Instead of bringing only that section, that one single section in that Bill, I do not know why the Government have thought of introducing all the old provisions in the new Act and then try to get them re-enacted. Is the distinction which I pointed a mere distinction without substance? Is it a mere distinction only in form? I submit, Sir, that when the Government wanted to introduce the old provisions again to be re-enacted, there must be something at the back of their minds; they wanted to legalize not only the doubts that they have expressed but also to get this matter completely through. I submit, Sir, from that aspect of this question, it is a point for consideration whether you should introduce all the provisions of the old Act in this revised Bill instead of confining yourself to enacting a single provision like section 7 of the present Bill. If it is necessary that the old provisions should be re-enacted, then, Sir, I submit, there is the question of the necessity of these provisions being considered by the Select Committee in the usual course of things. I am not at all convinced, I do not mean any disrespect to you, Sir, that because the same provisions have been passed, have been considered by the previous councils, that therefore there is no necessity to consider that again. If so, why at all introduce the old provisions again? What is the real object? I still honestly tell you, Sir, that I am unable to find out any reason, any distinction at all why the old provision should be brought over again for the so-called discussion. Therefore, I say that we should get through the provisions of this Bill with a Select Committee. It may be said 'well, all these amendments can be considered in this Council, the whole Council sitting in committee' but, I submit, it is not easy. In the Select Committee, those few persons that are selected can sit, calmly and deliberately consider every aspect of the case, taking into consideration the experience that has been gained during the working of the existing Act in the last few months, making suitable modifications and the Bill may be brought forward for the consideration of the

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Council when it will be able to say what it is that has really to be considered. They may suggest amendments later on. I submit, Sir, that is not at all a matter of mere form. I know, Sir, that in the last Council, when this matter was referred to the Select Committee, I can assure you, Sir, people who advanced views opposed to this Bill were not included in the Select Committee. You can count the number and find that very many people, in fact, most of them, were excluded from that Select Committee. (Laughter.) You should have invited their views and opinion even if they had not been in the Select Committee. It would have been fair to the Government to have invited their opponents to their parlour. (Laughter.) That was the nature of the constitution of the Select Committee. When the Bill was again committed to this new Council by His Excellency, well, we were not at all allowed to put forward any amendments except to consider the amendments put forward by the Government. Therefore, our hands were tied, and now, Sir, you have brought forward the old provisions again. Why? You ask at the same time 'Don't consider this matter in the Select Committee, don't pursue the matter in the usual course, close your mouths and whether you vote for it or not we will pass it.' I submit that the attitude of the Government is not fair and they should give us every opportunity of discussing the Bill at length. The hon. the Chief Minister says that as the elections are closely approaching we would be employed elsewhere, and that therefore we should precipitate the passing of this Bill. I submit, Sir, that it is not fair at all. If the elections are approaching, it approaches you as well as me. I therefore submit that we shall consider this Bill leisurely.

"Then, the hon. the Minister says he wants to avoid the large expenditure of trust moneys. What about the expenditure here on account of this validating Bill? Every day a thousand rupees is being spent for the Members, including the Members who are residing in Madras. (Laughter.) Then, the Chief Minister was kind enough to agree to adjourn it for four or five days. Is it a great boon to this Council? I would rather that we did not have those four or five days, lest it should be said that ample time was given to the Council for consideration of this Bill. It will be said that Government have made that generous, grand concession of adjournment for four or five days, and that therefore it was amply and fully considered. I would rather that it is disposed of to-day than five days hence, so that we might tell afterwards to His Excellency the Governor-General, 'Well, Sir, this is the way in which things are being done so far as our religion is concerned. A Government which is pledged to religious neutrality is placing in the hands of a secular Board all our endowment properties.' After all, it all depends on the way in which you work the Act; it all depends on the personnel of the Board of Commissioners. So, it cannot be merely said that it is only the secular aspects of the religious endowments that we are concerned with. All that will not do. It all depends on the Board of Commissioners with which they work its constitution, its sweet will and pleasure, and the views that the individual Commissioners hold about the forms of worship. Mr. Prabhakaran Tampan has given several instances in which the Board has interfered where they should not have interfered. Instances can be multiplied. I am not concerned with them. In the light of what has been expressed in this Council, in the light of the past experience, in the face of the facts that we are re-enacting the old provisions, I submit that it is but fair that this Bill should go to the Select Committee. Whether I am

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included in the Select Committee or not, I do not care (Laughter). Let the Select Committee calmly and deliberately consider the several aspects of the question, we shall have a meeting of this Council in September or October, and then we can pass it. I say we have September and October, two full months, before the elections, and therefore we can achieve wonders in the meanwhile. If everything is done in the usual course, the hon. Minister will have the satisfaction of advising His Excellency the Governor that we have been given ample opportunity for considering this Bill, and therefore he will be considerably strengthened in his position in getting the sanction of the Governor and the Governor-General. I do not see why he should object to the usual course which the Bill should take. I shall not go to the length of saying that it is an illegality. But I submit that this is a very unfair procedure that has been adopted in this case. I therefore submit that this matter should go to the Select Committee."

* Mr. A. RAMASWAMI MUDALIYAR :—" Mr. President, Sir, I wish to take this Council back, if I may, to the actual reality of the situation for the third time during the last two days, when identical issues were seriously raised by hon. Members on the other side, viz., the issue whether this Bill should be re-enacted in this Council or whether the Bill may be taken up for consideration in the next Council. The motion looks as if it is a very reasonable motion, a motion merely that the Bill, a Bill of such complex nature, may go to the Select Committee. But the speeches made clearly and amply justify my supposition that the motion is really one of those blocking motions by which this Bill might be choked here, by which a seal might be put on the jurisdiction of this Council over this Bill. Before going into that question, I should like to deal with the curious and interesting point that my hon. Friend Mr. Narasimhacharlu has raised with reference to the legality of this Bill. This Bill has been propounded by Government. If he had been in charge of the Bill, he would have framed only two sections (Rai Bahadur T. M. Narasimhacharlu : 'Only one'). He is bound to have at least two sections, because the first section must declare the title of the Bill and he can have the operative portion only in the second section. So, I said he would have only two sections. (Rai Bahadur T. M. Narasimhacharlu : 'You save time'). So far as I am concerned, Sir, I wait so much more time to attend to other work. But joking apart, what is the real difficulty in connexion with this Bill that was passed last time? The question is not whether that which was done by this Legislative Council when it passed the Bill through the three stages was itself legal or illegal. All our actions before April 1923 are beyond cavil or question. We passed the first reading; then we had the Select Committee; we had a number of members on the Select Committee. But unfortunately Mr. Narasimhacharlu was left out. It is a most curious misfortune. That is all I will say on it. Then, we had the Select Committee report republished; we had a long session over this Bill; we considered about 900 amendments, and we went through all of them, and nobody has questioned the legality of all that was done then. Now, as regards the question of legality that has arisen it is with reference to some procedure that was applied after that stage, some extraneous authority other than this Council having intervened in the course of its working with reference to this Bill. Now, that sort of illegality, if it is an illegality, cannot be cured by any validating Act of this

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Council, and therefore it is that a re-enactment of the measure is necessitated. If the Governor did not give his assent at the proper time, if the Governor-General did not assent to it at the proper time, then those questions of doubtful legality cannot be dealt with here in order to validate them, but they can only be done by the Imperial Parliament and not by any Assembly or Council in this country. But Mr. Narasimhachari will have a Bill of two sections to validate all that. But that will be of some doubtful legality."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I believe the present Act seeks to validate all those Acts that were done under the old Act."

* Mr. A. RAMASWAMI MUDALIYAR :—" All the actions done, not acts. No action done by the Legislative Council of this Province is in question. Any act, which is of doubtful value caused by extraneous circumstances which have nothing to do with this Council, cannot be validated by any Act of this Council. If the Governor-General has not done his duty at the proper time, this Council is not seized of any jurisdiction over this matter, and it cannot validate a measure which is found to be of doubtful legality. Therefore, it is, that instead of a validating Bill, a re-enactment has been necessitated, so that the Bill may go once more through the Council through its several stages and become part of the law (Mr. S. Satyamurti : ' Several stages, Hear, hear '). My hon. Friend is curiously understanding me."

" Now, as regards the validating portion of it, the point is this. Certain actions have been done under the belief that the old Act was a good Act, and if doubts are expressed as to the legality of those actions then it stands to reason that the different bodies or persons who have done those things under the belief that this Council has authorized them to do under that Act, should be saved. Their actions should be validated. They should not be at the risk of being taken to courts of law for all those actions. This Council which was responsible for the first Act takes upon itself to validate those actions that have been done by public authorities under that very Act."

" Now, I come to the question of referring this matter to the Select Committee. It looks very reasonable that a measure of this large complexity should go before a Select Committee. But, in essence, as has been pointed out already, this is merely a re-enacting measure, with absolutely no changes except two small changes which have been directed to be made or which have been suggested to be made by the Viceroy, and which have been incorporated in this measure. Apart from that, the whole of yesterday and the greater part of this morning we were discussing this very question, viz., whether this Council should take up this Bill now or whether it should be considered in the next Council, and the two votes that have already been taken show quite clearly that the House is anxious to take up this Bill and get through this Bill by itself, that this Council is anxious to take up this Bill and to do its duty by this Bill. Now, if that is accepted as the decision, on two distinct occasions, given by this House, then any proposal at this stage with reference to the procedure to be adopted must be consistent with that decision. I ask for no more reasonable consideration from the hon. Members of this House than this : that their amendments regarding the procedure, regarding the adjournment and other things should be consistent with the decision twice repeated by this House that this Council should

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itself go through the several stages in connexion with this Bill. Now, where does the motion to refer this matter to a Select Committee really lead us? Some hon. Member suggested that the Select Committee might be directed to report within a few days ; that is, a time-limit might be fixed. Granting that it is done, you cannot get through it with the shortest time limit, say even a week or a fortnight as somebody suggested, where you have a Select Committee not merely to register the Bill as it has been issued by Government. You must allow the Select Committee time to consider the amendments now proposed, besides the amendments that might be found necessary in the Select Committee, and then they should report the matter to the Council. Now in a matter of this vital importance, many amendments of a far-reaching nature might be incorporated. It may be that they are most reasonable. It may be that I personally may accept the amendments. But what is the result? The result is that the Select Committee is bound to suggest that the Bill as amended must be republished, republished not merely for the information of the Members of the Council but republished for the information of the world at large. That republication necessarily again takes us on to several weeks, and then again they may recommend that the republished Bill must be translated into different vernaculars and republished in the Gazette. After that stage, when it comes before the Council, we cannot take it up directly as the Select Committee reported on it, and hon. Members must be given time again with reference to the republished Bill to send in their amendments. All that will take you on to January or February next, that is to say the next Council. An indication has already been given here by the hon. the Law Member that the elections will be held somewhere in the neighbourhood of November 8th. We take it for all reasonable purposes that the elections will be on the 8th of November. The nomination day for the elections must come off a month earlier, somewhere about the 8th of October. Therefore, the Council will have to be dissolved some weeks before that date, probably by the 15th of September. Between to-day the 26th of August and the 15th of September, devise any methods you like, constitute any Select Committee you like to report by any particular date you like. With all those possibilities, nay certainties, ask the House to accept the motion that you are making. Otherwise, come out with a frank statement that you do not want this Bill to go through this Legislative Council, that you want it to be taken up in the new Legislative Council. Let us not beat about the bush, let us not try to circumvent, let us not try to over-reach each other in these matters. Either you are for passing this Bill in this Council, or you are not. I say that this motion to refer the Bill to the Select Committee is nothing more than, or nothing less than, letting the Bill be shelved for a long time to come. On the other hand, what is the attitude taken up by the Government?

" The Government say the amendments are there. We will take up the measure next Tuesday and in the open Council let us go through every one of them by sitting day after day until we finish them. Perhaps it may take five or ten days. That does not matter. Give ample opportunities for everybody and take the decision of the Council on every one of these amendments and let us have the measure as it emerges after that state. Is that unfair ; is that unreasonable? If you have this one idea in view, that the Bill must be got through this Council, then I have nothing to say. You

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accept the decision of this House taken twice in this sitting and act according to it loyally. If you do that, you will not vote for the Select Committee. The object of this motion is to defeat the very purpose of the Bill.

"My hon. Friends may say, we have already received 300 amendments and it is impossible to consider those amendments and that it would be very much better to allow it to go to a Select Committee. I can assure them that in the case of a Bill of this nature, Select Committee or no Select Committee, the amendments are not going to be any the less in number. I told you, Sir, on the last occasion there was a large Select Committee of over 35 members sitting over the Bill for several days, with that Committee taking evidence *in extenso*—what was the result? After the Select Committee's report came, there were 900 amendments. Are you going to suggest that the number of amendments depends upon whether the Bill goes to a Select Committee or not? That has not been our experience in connexion with any measure of legislation in this House. In fact, Select Committee or no Select Committee, the number of amendments which individual members have given have always been according to the importance of the measure and not according to the consideration whether the question had been fairly well threshed out in the Select Committee or whether there had been a distinct majority there or not. Therefore, I venture to suggest that there is nothing gained by this amendment to refer the Bill to the Select Committee. I think it is really an amendment which in effect says, throw out this Bill at this stage."

MR. P. ANJANEYULU:—"I have listened with a great amount of care and attention to my hon. Friend the Member for Chingleput. He has attempted to show that this motion to refer the Bill to a Select Committee means to postpone this Bill to the next Council. I turn round and repeat the argument which comes to this: That not referring this Bill to a Select Committee and requesting the President thrice to deny the normal procedure of the rules that guide the proceedings of this House before this Bill blooms into an Act is an abnormal procedure. It was suggested, Sir, that this Council had considered this Bill. It is a mistake. The Council now sitting is not the same Council which sat in 1923. This Council has had no opportunity of expressing its opinion on this Bill at all. When His Excellency recommitted this Bill, only portions of it were sent for reconsideration and this side of the House then took objection that a Council which never considered the original Bill would never reconsider it and certainly not portions of it that were sent back as amendments. This side of the House then protested that the Bill must not be referred to this new Council. But by a legal quibble it was said that the new Council was only an extension of the old Council. Therefore on 3rd April 1924, if I am correct, a portion of this House having failed to impress itself on the majority of the Members of this House left the hall. Thus, it is not right to say that this House or at least a portion of the Opposition discussed even those amendments. Now it comes to this: that we are asked simply because a Council, not the present Council, discussed this Bill once upon a time and voted for it and it became an Act not in any illegal way, but of doubtful legality, because the hon. the Chief Minister is unwilling to use the word 'illegal' but says only 'doubtful legality', the hon. Minister comes before this Council and asks us to give our votes for it. Now, my hon. Friends on the other side say, 'the thinking was once done for you by your predecessors

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who were sitting in your place. You can take it on trust. They did everything in the Select Committee. They took evidence and voted thereon and there was a majority vote and only then it became an Act. Only there was an extraneous voice crying against it recently. Therefore, take everything in trust and only hold up your hands to say 'Yes' when we say an Act should be passed, and 'No' whenever we say 'No'. Is it right? Is it fair to the new Members? Is it taking the country into your confidence? Is it giving an opportunity to the Opposition Members who are representing large areas and who have been sent here with a mandate to tell the House and the Government what they think of this Bill? We are not to-day what we were six years ago. Some of us might have grown wiser and some of us the other way, but all have grown six years older. We might have changed our attitude. The Councils were boycotted by some portion of the politically minded public of this country. Now it is otherwise. They have changed their views even, as those who voted for this Bill six years ago might not vote for it now. The ideas prevalent six years ago might not be the ideas of to-day. The Bill that was enacted twenty-four months ago and has been in operation may have revealed as an Act certain defects and discrepancies and certain jarring principles might require some amendment. Therefore it is that we have sent up a number of amendments. Is it right, I ask the hon. Member for Chingleput who holds a brief for the Ministerial party to say that because this Council once discussed the Bill and because it passed all the stages in this Council once, we should for ever vote for it blindly? Can we say that if an Act is passed, it is passed for ever and that this Council has no more voice on it? Can it be said that Councils may come and Councils may go but the Act is there and no one dare introduce an amendment, dare express an opinion on it and dare vote against it because it was once discussed? His argument comes to that."

* MR. A. RAMASWAMI MUDALIYAR:—"On a point of personal explanation Sir. Does the hon. Member really suggest that I said anything like that?"

* MR. P. ANJANEYULU:—"I only said it comes to that. My friend said: We took evidence. I did not take any evidence. A number of my friends did not take any evidence. We did not vote even. This Council refused to sit in this Chamber because the whole Bill was not sent back by His Excellency, but only portions of it. We even denied ourselves the privilege of sending amendments. The hon. the President was here then and he might recall to memory what happened then. We walked out as we had instructions from our constituencies to do so. I hope that the other side will give us credit for that just as we give them for acting according to the instructions of their constituencies. The other day it was that a number of representatives were present before His Excellency on a deputation. That shows that just at present people are learning to know what the Act is, what it contains and so on. They had not fully grasped the whole thing then."

"The arguments of the Ministerialists both yesterday and to-day come to this: Time will be lost. Money will be wasted because commissions are being asked for and suits are filed in the High Court. Suppose some one undertakes that no commission will be asked for for three months from to-day and that no more expenditure will be incurred, will the hon. the Chief Minister be satisfied and agree to postpone this Bill for three months? If they are fair, I use their own words, if they are fair to this country, if they

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are fair to this Council, if they are fair to generations yet unborn, if they are fair to the endowments, let them agree to this. No more expenditure will be incurred. It can very easily be done if both the plaintiffs and the defendants in the High Court request their Lordships the Judges of the High Court that time might be granted for four or five months during which time no more expenditure will be incurred and no more commissions will be asked for. Supposing such an undertaking is given, is the hon. the Minister going to withdraw this and bring it only in the next Council? That seems to us to be fair and frank as this side of the House has always been. Sir, psychological moments have been many in the history of this Bill; it was at first passed by an overwhelming majority in this House and for fear that it might not be passed by the new Council, they seem to be anxious that they should rush it through while there is yet time and opportunity. It comes to that. Otherwise, there is nothing lost. It is only a bogey to say that commissions are being asked for and that endowment funds are being wasted on commissions. It is very easy for both sides that are fighting in the High Court to ask for time, and time, as I have told, has already been granted. Their Lordships are waiting to see this legislation as it emerges from this Council. Therefore, there is no fear of any money being wasted or any time being lost. If time is given, the country's mind will be exercised on this and the Bill as it emerges from the Council will not be under a cloud of suspicion. If really it is a Religious Endowments Bill, in the name of that very religion, let us not do an irreligious act.

"Now, as it is, a barrister of England or Ireland, or an advocate of Scotland may be a president over my revered Guru whom we worship as a God on earth and this is nothing less than sacrilegious in the opinion of some of my constituencies. That is a fact and there are other things.

"My hon. Friend from Godavari waxed eloquent on the question of the presence of Devadasis in the temples. That is not a question which ought to have been discussed in the Council. However, I may say that he tried to exhibit some of these unfortunate sisters not before the gods in the temples, but before the Wembley Exhibition."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"On a matter of personal explanation. It is absolutely untrue. On the other hand, when a suggestion was made by some others, I set my foot on it and condemned that practice. I have never in my life encouraged it and I hope I shall never encourage it."

Mr. P. ANJANEYULU :—"I am very glad to be told that and if I am wrong, I am very much indebted to him for the correction. At any rate, it was never denied in those days. It appeared in the papers and being an old friend of his, though as a Minister he might not recognize me, I followed everything that appeared in the papers in those days about him. But I am sure he did not deny it then."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"A word of personal explanation, Sir. I could not have given the lie to all those false allegations that appeared in the newspapers at that time. I was holding a place of responsibility and while it was open to others to have rushed to the press, I did not think that any Minister having responsibility should take that course of going to the press and deny them. I appeal to the Members of Government

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to refer to the documents wherein they will find my severest condemnation of any suggestion that was made to send those unfortunate people to Wembley.

"As for forgetting my hon. Friend, Sir, even though he is accusing me here."

The hon. the PRESIDENT :—"That is not a matter of personal explanation." (Laughter.)

Mr. P. ANJANEYULU :—"I am glad. No appeal need be made to hon. Members on the Treasury bench. There is the hon. Gentleman himself saying that he opposed the idea and I accept it. I am glad to be corrected. It was only the Raja of Parlakimedi, who with some Members of the Government thought it may be done at somebody's expense, the Government only encouraging it and took care to see that some were sent. That is another matter."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I had nothing to do with the offer or the undertaking of the Raja of Parlakimedi. As matters have gone so far, I assure my hon. Friend that the offer was not made to me nor accepted by me. I had nothing to do with it."

Mr. P. ANJANEYULU :—"I am not very much interested in pursuing that matter further than to draw the attention of the Council to this one thing, viz., that the Devadasis are now recognizing their position in life and seeing what an unfortunate position they have come to they are unwilling to lead that life. And associations are being formed and memorials are being sent."

* The hon. the RAJA OF PANAGAL :—"May I know what the Devadasis have to do with the Endowments Bill being referred to a Select Committee?"

3-45 p.m.

Mr. P. ANJANEYULU :—"I have not finished my sentence, Sir. What I was saying was that those who are interested in this matter should be heard and that their consideration should be taken into account. That is the point I am urging. Dancing girls are unwilling to go to temples and serve on occasions, to dance and sing there. There are a number of associations; conferences have been convened and resolutions have been passed. I dare say that copies of those resolutions passed in these conferences have already been submitted to the hon. the Chief Minister and if he has not already received them, perhaps they will be on their way. Again, Sir, we want that a large number of the trustees should be called on to give their evidence in respect of this measure. We have to go in detail into this part of the Bill because it forms a large portion of it. They have got a number of suits and in some suits they have succeeded and in some they have lost. So the position of the trustees has to be determined. Nothing is said about their position in the Bill. The archakas who were given lands and whose lands are being taken away from their possession say that their rights are being invaded. So there is a wholesome fear that their rights are being interfered with. Their position has to be examined. It is rather an irony of fate that the hon. the Raja of Panagal belonging to a distinguished aristocratic family should be considered to be interfering with the rights of families to whom were given lands in the name of God and which they have been keeping in the name of God for a very, very long time, and enjoying whatever remains in the income from such lands after making Doops, Deepa and Niyedya.

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The yield in those days from lands was very small but it might have increased a little more just at present, but they have to pay Government kist. They might have also expended a lot of money on waste lands, dry lands, in order to bring them under wet cultivation."

The hon. the PRESIDENT:—"Is it intended to show that the interest of these communities should be defined and safeguarded in the Select Committee by amendments?"

Mr. P. ANJANEYULU:—"Not merely by amendments. What I say is that all these things may be disposed of at more leisure in the Select Committee and their opinions may be taken in the meantime. I am only saying that these are all vested interests, interests which have been vested for thousands and thousands of years, and which, according to them, have been invaded. I say their fears will have to be allayed and their cases will have to be taken into consideration. It is not a question of obstructing the passing of this Bill. Surely, the representatives of maths and mathadhipatis are watching the proceedings sitting over those galleries."

The hon. the PRESIDENT:—"Reference to person in the galleries is entirely out of order."

Mr. P. ANJANEYULU:—"Some of them have sent their representatives and they are sitting there. I have already explained that mathadhipatis cannot be dissociated from maths. There is no math without a mathadhipati and there is no mathadhipati without a math. The two are inseparable. But the Act says that a math is different from a mathadhipati. We are not obstructing the whole thing. Of course, it is true that you are not going to convert a Vaishnavite temple into a Saivite temple and vice versa. But a Saivite Commissioner may preside over the destinies of a Vaishnavite temple which is stoutly resented by a certain section of the people. The math which is an institution peculiar to this Presidency may devote all the income from its properties to matters of religion."

The hon. the PRESIDENT:—"I am afraid the hon. Member is speaking on the general principles of the Bill."

Mr. P. ANJANEYULU:—"I only very generally refer to these things. I am referring to some important interests which are intimately involved in connexion with this discussion. Therefore it becomes absolutely necessary for me to refer to them before the hon. the Chief Minister can request the hon. the President to deny the rights of ordinary procedure."

The hon. the PRESIDENT:—"We are now on the question of referring the Bill to a Select Committee. I wish the hon. Member would refrain from referring to other extraneous matters."

Mr. P. ANJANEYULU:—"Sir, within the very little time that is granted to us for speaking, it is rather difficult not to refer to matters not exactly connected with the matter under discussion. There are many interests involved in this Bill and it becomes absolutely necessary that the Bill should go through all the stages in the normal ways possible. The only argument which I may say could be avoided by an understanding between both sides that no money might be expended for three or four months. In these circumstances, I appeal to the other side of the House not to support the motion that the Bill be not referred to a Select Committee."

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Mr. J. D. SAMUEL:—"I move that the question be now put."

The motion for closure was put and declared carried.

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

Ayes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 30. Honorary Lieutenant Madurai. |
| 2. " Khan Bahadur Muhammad Usman Sabib Bahadur. | 31. Mr. T. Mallesappa. |
| 3. " Mr. T. E. Moir. | 32. " P. N. Marthandam Pillai. |
| 4. " Mr. A. Y. G. Campbell. | 33. Rao Bahadur B. Muniswami Nayudu. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 34. Diwan Bahadur A. M. Murugappa Chettiar. |
| 6. " Rao Bahadur Sir A. P. Patro, the Raja of Paragel. | 35. Mr. C. Muttayya Mudaliyar. |
| 7. Mr. T. R. Venkatarama Sastriyar. | 36. " B. Chalesappa. |
| 8. Rao Bahadur V. T. Krishnama Achariyar. | 37. " K. S. Ponnuswami Pillai. |
| 9. Mr. G. T. Boag. | 38. " G. Premayya. |
| 10. " V. Pandrang Row. | 39. " K. Raghuchandra Ballal. |
| 11. " C. B. Cotterell. | 40. " P. Sagaram. |
| 12. " P. Venkataramana Rao Nayudu. | 41. " D. Manjappa Heggade. |
| 13. Khan Bahadur Abdulla Ghatala Sabib Bahadur. | 42. Diwan Bahadur P. Kesava Pillai. |
| 14. Mr. S. Arpudawami Udayar. | 43. Rao Bahadur T. A. Ramalinga Chettiar. |
| 15. " K. Prabhakaran Tampan. | 44. Dr. P. Subbarayan. |
| 16. " J. A. Davis. | 45. Diwan Bahadur M. Krishnan Nayar. |
| 17. " H. B. Ari Gowder. | 46. Mr. P. T. Rajan. |
| 18. Bai Bahadur Sir K. Venkatreddi Nayudu. | 47. Rao Bahadur P. Raman. |
| 19. Rao Bahadur C. Natesa Mudaliyar. | 48. Mr. J. D. Samuel. |
| 20. Mr. A. V. Bhanaji Rao. | 49. " K. Sarvarayudu. |
| 21. " N. Devendrudu. | 50. Rao Sahib R. Srinivasan. |
| 22. " A. Ramaswami Mudaliyar. | 51. Mr. K. Sitarama Reddi. |
| 23. Diwan Bahadur P. C. Ehirajulu Nayudu. | 52. " R. Veerian. |
| 24. Rao Sahib P. V. Gopalan. | 53. " K. Venkatachala Padayachi. |
| 25. Rao Bahadur K. Krishnaswami Nayudu. | 54. Rao Bahadur P. K. A. Ct. Virappa Chettiar. |
| 26. Mr. J. Kappuswami. | 55. Mr. B. Ramachandra Reddi. |
| 27. The Zamindar of Mandasa. | 56. " Muhammad Haji Abdulla Haji Kasim Sahib. |
| 28. Mr. E. Madanagopal Nayudu. | 57. Mr. T. M. Moidu Sahib. |
| | 58. " Khadir Mohidin Sahib. |

Noes.

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| 1. Mr. V. Madhava Raja. | 16. Mr. P. Anjaneyulu. |
| 2. Rao Bahadur C. V. S. Narasimha Raja. | 17. " Muhammad Meera Sahib. |
| 3. " J. A. Saldanha. | 18. " V. Pantu Ayyar. |
| 4. Mr. A. Ranganatha Mudaliyar. | 19. " G. Rameswara Rao. |
| 5. Sriman Biewanath des Mahasayo. | 20. " Chavadi K. Subrahmanya Pillai. |
| 6. Mr. A. Chidambaram Nadar. | 21. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. " M. Ganguraju. | 22. Bai Bahadur T. M. Narasimha Chari. |
| 8. " C. G. Pala Menon. | 23. Sriman Sasibhushan Nath Mahasayo. |
| 9. " K. Kati Reddi. | 24. Mr. Sami Venkatachalam Chetti. |
| 10. " S. Muttayya Mudaliyar. | 25. " R. Srinivasa Ayyangar. |
| 11. " P. Pedduraju. | 26. " L. K. Lulasingam. |
| 12. " M. Sitayya. | 27. " K. Uppi Sahib. |
| 13. " P. C. Venkatapati Raju. | 28. " C. V. Venkataramana Ayyangar. |
| 14. " S. Satyamurti. | 29. " C. Venkatarangam Nayudu. |
| 15. " T. Adinarayana Chettiar. | |

Ayes 58. Noes 29.

The motion for closure was carried.

The motion that the Bill be referred to a Select Committee was then put to the House and declared lost.

[26th August 1926]

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

4 p.m.

Ayes.

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| 1. Mr. K. Prabhakaran Tampao. | 18. Mr. P. Anjaneyalu. |
| 2. " V. Madhava Raja. | 19. " Muhammad Meera Sahib. |
| 3. " D. Manjappa Heggade. | 20. " V. Pantala Ayyar. |
| 4. Rao Bahadur C. V. S. Narasimha Raju. | 21. " G. Rameswari Rao. |
| 5. Mr. J. A. Saldanha. | 22. " S. B. Y. Ankinesu Prasad. |
| 6. " A. Ranganatha Mudaliyar. | 23. " Chavadi K. Subrahmanya Pillai. |
| 7. Sriman Biswanath Das Mahasayo. | 24. Rao Bahadur A. S. Krishna Rao Pantalu. |
| 8. Mr. A. Chidambara Nadar. | 25. Rai Bahadur T. M. Narasimhaiah. |
| 9. " M. Gangaraju. | 26. Sriman Sasibhushan Rath Mahasayo. |
| 10. " C. Gopala Menon. | 27. Mr. Sami Venkatachalam Chetti. |
| 11. " K. Koti Reddi. | 28. " R. Srinivasa Ayyangar. |
| 12. " S. Muttayya Mudaliyar. | 29. " L. K. Tulasiram. |
| 13. " P. Peidiraaju. | 30. " K. Uppi Sahib. |
| 14. " M. Sitayya. | 31. " C. V. Venkataramana Ayyangar. |
| 15. " P. C. Venkatapati Raju. | 32. " B. Venkataratnam. |
| 16. " S. Satyamurti. | 33. " C. Venkatarangam Nayudu. |
| 17. " T. Adinarayana Chettiyar. | |

Noes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 28. The Zamindar of Mandasa. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 29. Mr. R. Madanagopal Nayudu. |
| 3. " Mr. T. E. Moir. | 30. Honorary Lieutenant Madurai. |
| 4. " Mr. A. Y. G. Campbell. | 31. Mr. T. Mallesappa. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 32. " P. N. Marthandam Pillai. |
| 6. " Rao Bahadur Sir A. P. Patro, the Raja of Panagal. | 33. Rao Bahadur B. Muniswami Nayudu. |
| 7. Mr. T. R. Venkatarama Sastriyar. | 34. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 8. Rao Bahadur V. K. Krishnama Achariyar. | 35. Mr. C. Muttayya Mudaliyar. |
| 9. Mr. G. T. Boag. | 36. " B. Obalesappa. |
| 10. " V. Pandrang Row. | 37. " K. S. Ponnuswami Pillai. |
| 11. " O. B. Cotterell. | 38. " G. Premayya. |
| 12. Diwan Bahadur Sir T. Sadasiva Ayyar. | 39. " P. Sagaram. |
| 13. Mr. P. Venkataramana Rao Nayudu. | 40. Diwan Bahadur P. Kesava Pillai. |
| 14. Khan Bahadur Abdulla Ghatala Sahib. | 41. " M. Krishnan Nayar. |
| 15. Mr. S. Arpudawami Udayar. | 42. Mr. P. T. Rajan. |
| 16. " J. A. Davis. | 43. Rao Bahadur P. Raman. |
| 17. " H. B. Ari Gowder. | 44. Mr. J. D. Samuel. |
| 18. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 45. " K. Sarvarayudu. |
| 19. Rao Bahadur C. Natesa Mudaliyar. | 46. Rao Sahib R. Srinivasan. |
| 20. Mr. A. V. Bhanoji Rao. | 47. Mr. K. Sitarama Reddi. |
| 21. " N. Devendruda. | 48. " R. Veerian. |
| 22. " A. Ramaswami Mudaliyar. | 49. " K. Venkatachala Padayachi. |
| 23. Diwan Bahadur P. C. Ethirajulu Nayudu. | 50. Rao Bahadur P. K. A. Ct. Veerappa Chettiyar. |
| 24. Rao Sahib P. V. Gopalan. | 51. Mr. B. Ramachandra Reddi. |
| 25. Rao Bahadur K. Krishnaswami Nayudu. | 52. " Muhammad Haji Abdulla Sahib. |
| 26. Mr. J. Kuppuswami. | 53. " T. M. Moidu Sahib. |
| | 54. " Qadir Muhi-ud-din Sahib. |

Ayes 33. Noes 54.

The motion was lost.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Sir, I now move

'that the further consideration of the Bill be adjourned till Tuesday next'."

* Mr. S. SATYAMURTI :—" Why? "

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Because hon. Members expressed a desire to that effect. (Voices : 'No, no'.) If hon. Members do not want it, I have not the slightest objection."

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* Mr. S. SATYAMURTI :—" Then the hon. Member need not appeal to the whole House, he may appeal to his party."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I move that the further consideration of this question be postponed till Tuesday next."

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

The hon. the PRESIDENT :—" Does the hon. Member want to postpone the consideration of the question that the Bill be taken into consideration? "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Even that may be postponed and taken up on Tuesday. There has been no closure motion on this motion. Many of us want to speak on that motion. The postponement motion of Sir K. V. Reddy Nayudu is perfectly in order now. It has been moved and seconded. We will adjourn at this stage and take the further consideration of the motion that the Bill be taken into consideration, on Tuesday."

* The hon. the RAJA OF PANAGAL :—" That presumes that the motion that the Bill be taken up for consideration is accepted by the House."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" No, no. Only the discussion on the question is postponed. The motion may be withdrawn or lost afterwards."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Sir, when the last vote was taken, I was under the impression that the question that the Bill be taken into consideration was settled. It is only on that impression that I moved this adjournment motion. If you think that I was wrong I am perfectly ready and willing to make it afterwards. I was purely under a misapprehension."

The hon. the PRESIDENT :—" I am not called upon to decide whether it is right or not. It is for the hon. Member to do so. The motion that the further consideration of a question may be postponed may be moved by any hon. Member."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Then, I shall withdraw the motion for the present."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Are we playing, Sir? " (Cries of, 'Yes, playing; Order, order'.)

* The hon. the PRESIDENT :—" Has the hon. Member the leave of the House to withdraw the motion? (After a pause.) The motion is by leave withdrawn."

* The hon. the RAJA OF PANAGAL :—" Sir, I now move 'that the consideration of the Bill be taken up'."

The hon. the PRESIDENT :—" That has been moved already."

* Mr. S. SATYAMURTI :—" There has been no closure on that motion, Sir, and may I speak on it."

The hon. the PRESIDENT :—" Yes."

* Mr. S. SATYAMURTI :—" Sir, the present motion . . ."

The hon. Rao Bahadur Sir A. P. PATRO :—" Sir, there was first a motion and on that an amendment, and the discussion was closed. (Several voices : 'On the amendment'.) First the amendment was put to vote and then the original proposition should be put to vote."

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The hon. the PRESIDENT:—"The closure motion referred only to the motion made by the hon. Member Mr. Narasimha Raju."

* Mr. S. SATYAMURTI:—"The motion made by the Chief Minister that the Bill be taken up for consideration comes under our Standing Orders relating to the exceptional powers vested in you, which you have exercised this morning and which enables him now to say that the Bill be taken up for consideration. The vote of this House just a few minutes ago to the effect that the Bill be not referred to a Select Committee makes it incumbent upon me now to point out to this House what the exact scope of this motion is. I may say at once that this House has taken upon itself a very serious responsibility of discussing this Bill clause by clause on the floor of this House without any reference to a Select Committee. It ought to be open to the House to give reasons as to why this Bill should be considered at this stage. A great deal of eloquence characteristic of my hon. Friend below the gangway, the hon. Member for Chingleput, who always excels in making the worse appear the better, was wasted upon showing that this Bill is merely a formal Bill, a kind of validating Bill, although it was not formally so for reasons which he stated. They are re-enacting the Bill only in form. I do not happen to be in the confidence of the hon. the Chief Minister or of the Madras Government; but I should like to have some information if the Opposition is entitled to legal advice from the Advocate-General—he is not a paid counsel only of the Government, he is here to assist the Council—as to whether or not this Government originally wanted a validating Bill with only two clauses, viz.,

'Be it enacted that the Madras Hindu Religious Endowments Act, 1923, be declared to be valid in spite of the objections, etc., raised—'

"And whether it was not the Government of India which turned that proposal down and pointed out to this efficient local Government that they had no power to pass any such Act validating an Act of that kind, and that it was open only to the British Parliament to validate certain things done under the Act, and therefore advised them to re-enact the Bill. What fell from your lips, Mr. President, when you were pleased to suspend the operation of the Standing Order lends also colour to the view. You were pleased to observe that this Act has been before the country and the Council for two years and therefore you felt strengthened in suspending the Standing Order. I do not of course question your ruling. But I refer to the consciousness which seems to prevail in several quarters of this House including yourself that because this Bill is said to be a re-enacting Bill, to that extent, the privileges of this House can be curtailed. I join issue, not with you, but with that section of the House which believes that it is re-enacting the Bill while it is preventing us from dealing with it clause by clause. My hon. Friend let fall the phrase, 'through its several stages'. But all the several stages are passed over by means of blocking motions which prevent us from speaking on the different aspects of the Bill. This is not going through the several stages of the Bill. I hope the Governor of Madras and the Government of India will take note of this and understand that while the Ministerial Party is conforming formally with the requirements of the Government of India and the Government of Madras to re-enact this Bill, they are using their tyrannical majority strength to stifle discussion at each stage and then to go and tell the Governor and the Government of India, 'we have re-enacted this

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[Mr. S. Satyamurti]

Bill'. I hope the authorities will realize the farce that it is played here in passing this Bill through its several stages. Throughout, it has been said, 'This is a re-enacting Bill, do not apply your brains to it, merely say, "Yes or No"'. I therefore suggest that we are not really passing this Bill through its several stages; we are really marking time so long as the Ministerialist Party feels itself bound to go on with this process. We were told by the hon. the Chief Minister and by his lieutenant the hon. Member for Chingleput that they were determined to have this Bill through the Council at this sitting. Others are not so determined. Yesterday you were pleased to rule me out of order, when I impliedly anticipated that you might suspend the Standing Order and I gladly accepted the correction. You were entitled to do so. May I ask in all humility with what authority and seeming knowledge they stated that they were going to pass the Bill at this sitting which amounts to anticipating the fact that you are going to suspend the Standing Orders twice, once in accepting the amendments without the ten day's notice and secondly allowing the third reading of an amended Bill without the lapse of three days as provided in the Standing Order? I submit, Sir, that they ought not to presume or anticipate what you may or may not do. I suggest, Sir, that the continual assumption that this House is going to agree to the passing through all the stages of the Bill is based not only on the strength of the majority, but also on the anticipation of your decision, which I strongly deprecate. We were told by the hon. Member for Chingleput that we were opposing all motions and that we were indulging in blocking motions. I am not afraid of the phrase: It is the duty of the Opposition to oppose. It is not the duty of the Opposition to help my hon. Friend. If it should chance that he and I change places, I trust he will as a member of the Opposition discharge his duty not as he likes us to do but as he would like himself to do it. Let us not imagine that it is the duty of the Opposition to co-operate with the Ministry throughout in carrying out this measure and stifling discussion. The hon. Member for Chingleput made an elaborate calculation and said that there were three months before the general election.

"The Government also knew the difficulties in the way. Why did they not bring this Bill before? They have made their bed, and they must sleep on it. There is no other course. They come to this House and say 'We have taken our own time. We come to you at the last moment and for our laches this Council shall stand deprived of all its normal rights and privileges of discussion on a Bill of this kind.' 4-15 p.m.

"Then, Sir, we were told that this Bill introduces only very small changes, and therefore, it can be disposed of at once. I do not know what the connotation of the word 'small' is in my hon. Friend's dictionary, but may I suggest that the new provision with regard to schemes already settled or deemed to be settled under this Act is a very glaring departure from the earlier Act? I would ask the experts to deny it. Is it not an important matter which has got to be discussed carefully before we rush this Bill through at this stage? Then with regard to the jurisdiction of law courts over all these matters, there have been very important changes introduced in the new Bill. Is not that a matter to be considered carefully? Moreover, section 7 is a very curiously worded section, which validates all defects and remedies all things, but may I suggest that, to my knowledge, for the first time in

[Mr. S. Satyamurti]

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the Madras Legislative Council we are asked to validate all acts and things done, to validate the proceedings taken, to guarantee remedies under an Act, whose validity is doubtful, whose authority has been questioned in courts, and whose soundness has not been pronounced upon by any court of law?

"These are some of the important matters on which the Select Committee would have done well to ponder. But the hon. Member says 'Let us proceed with the Bill.' The hon. the Chief Minister's heart bled when he thought of costly and wasteful litigation, but may I suggest to him, and I would ask him to consult my expert friends here, the hon. Mr. T. R. Venkatarama Sastriyar and Mr. P. Venkataramana Rao, as to whether a hastily drafted Act, a word here, a phrase here, a definite article there, and a conjunction there have not given rise to costly and wasteful litigation? Are we going to have this Bill, which affects vested interests, which establishes new laws, which alters vested rights, creates new rights, rushed through at break-neck speed, when you talk of preventing or at least checking litigation? Are not the words of the Bill to be carefully considered and has our experience of legislation in this province been so pleasant that we should rush through it? Why should you not examine this Act carefully? Why not examine its wording carefully?"

"Mr. President, let us not forget we are here first and foremost to legislate. Legislation is our most prime duty and yet, on a legislation of first-class importance my hon. Friend interjected my hon. Friend Mr. C. V. Venkataramana Ayyangar, and said that we were playing. Yes, we are playing! But, may I suggest to him in all humility that I cannot help saying that when the majority party goes on legislating at break-neck speed, they are playing with their powers of legislation? They do not know what they are doing. They find a new toy, and like children, must needs play with it, even if it burns their fingers. They will not hesitate; they will not think; no, they will not even pause. But, I would suggest to this House, that we must evolve certain legislative formalities, certain legislative procedure, which must be consistent with the dignity and the privileges of this House.

"Mr. President, I should like to submit to you in all humility that even in the Mother of Parliaments, there is no procedure analogous to this whatever. There is no question of any Bill coming for the third reading except after reference to a select committee, or at least to a standing committee. Had I time, I would read from May's 'Parliamentary Practice' and satisfy this House that this procedure, impliedly contemplated in our Standing Orders, is a procedure not sanctioned by the usage of the Mother of Parliaments. And, secondly, Sir,—I think I am right, I speak subject to correction,—even in Indian legislatures, no Bill of a controversial nature, no Bill of such a large scope as the Madras Hindu Religious Endowments Bill has been passed without reference to a Select Committee. There have been some non-contentious Bills which have been taken through the several stages at one sitting. But this is the first time in the Madras Legislative Council when a measure of first-class importance, with nearly a hundred clauses, with nearly two or three hundred amendments is being introduced, and we are asked to consider this Bill without being given time for considering it.

"There is a last point on which I should like just to say a word or two before resuming my seat. Assuming this motion is passed, that the Bill be

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taken into consideration at once, what follows? What is the position with regard to those who want to give notice of amendments? My hon. Friend below the gangway, Sir K. Venktareddi Nayudu, has made a generous offer: 'We shall adjourn it to Tuesday next.' We shall sit to-morrow, Sir, considering other business; sit on Saturday doing other business; Sunday and Monday are public holidays and on Tuesday we shall take this Bill. Speaking for myself and for others who have talked over this matter, we shall be walking into the parlour of the hon. the Chief Minister if we accept this adjournment. It is a camouflage to impress the outside public and the Government of India that we have been given time enough to consider this Bill. I suggest that we cannot have time enough because, Mr. President, until this morning you did not suspend the Standing Order. We had every right to presume that you might not suspend the Standing Order. Therefore, if you had not, this Bill would have come up some fifteen days later from now. But it has not been so; that was, of course, your right and you have exercised it.

"The hon. the Chief Minister said 'I am willing to give five days.' I may submit, Sir, that it was open to you when you suspended the Standing Order to have directed the Bill to be taken up five days later."

* The hon. the PRESIDENT :—"The intention of the Standing Order is that the Bill may at the discretion of the President be taken up before the expiry of fifteen days."

* Mr. S. SATYAMURTI :—"That is for you to direct, Sir."

"Provided the President may, in his discretion, suspend this Standing Order and allow the motion to be made at once or before the expiration of fifteen clear days."

"That is the Standing Order. You have the power. Had you done it, of course, you would have been free from all partisan bias. It would have been your discretion, and we would have been obliged to accept it cheerfully and make the best of it. The hon. the Chief Minister has not even asked you to take up the Bill ten days from now or five days from now. We keep our eyes and ears open. We cannot forget these things. After that stage has passed, the Ministerial party says 'We will give you five days.' No, thanks. It means you are making a pretence of giving time, when you are not really giving time. There is no time, and I would earnestly beg of the hon. Members of this House that they shall not walk into the parlour of the Chief Minister and play his game of making it appear to the public and the Government that they were fair when they have not been fair. They want to use their power like a giant. Let them do so. If this Bill is carried in spite of us, we will take it like sportsmen. But we are not going to allow you to make a pretence of having given us time.

"I ask this House to consider and pause, before they agree to this extraordinary procedure of considering this Bill which they have not had time to consider. It is possible to do anything by votes, except making a man a woman, and a woman a man. But in the name of the millions for whom you are legislating, whose interests you are supposed to safeguard, whose rights you are supposed to guarantee, I appeal to this House not to accept this motion, which is a negation of every right of free speech, of free debate and of honourable legislation and free expression of the views of the party in opposition."

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Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Mr. President, Sir, we have been told that we are using the strength of the majority of this House, tyrannising over the minority, that we are oppressing them. We are told we are stifling free speech, stifling public opinion and we are told we are trampling down the principle of the protection of the minorities. Sir, it was our unfortunate experience in this land of not finding any oppression of the minorities by the majorities but the oppression of the majorities by the minority. It has been the long curse of this country, a long, long existing curse, about which we have not complained."

* Mr. S. SATYAMURTI :—" Order, order. I did not refer to any oppression of the minorities by a majority. I would request the hon. Member not to return to the too familiar controversy of Brahman and non-Brahman."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Like some well-known character in one of Dickens' novels, the head of Charles will always appear before him. If the Brahman and non-Brahman question is appearing before my hon. friend, it is not my fault. I was only referring to a point that has been raised by my esteemed friend, the Member for the University of Madras, that we, on this side of the House, have never been accustomed to the oppression of the minorities by the majority, but our experience has been the other way."

"Let us see if the word 'farce' is applicable to that side or this side. An offer has been made in consequence of the numerous complaints made that time was not sufficient, and, when an offer has been made of adjournment for four or five days, that has been rejected. Now, Sir, I earnestly ask this House to seriously consider whether the position of the opposition is not one of obstruction, a device invented solely for the purpose of putting off this Bill, for gaining time by referring it to a select committee. Why then ask for time? Why then ask for the publication of the report of the committee? Why ask for its publication in the vernaculars, while there is the country against it? Is it not a farce, I ask? If it be their honest intention that this Council should not decide upon this Bill, why not honestly and frankly say 'We do not want that this Council should pass this Bill'?"

VOICES :—" We have said so."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" You have not said that. You are now trying to circumvent by some means; you are going round and round: you want by some device to get it done. Is it not due to this House, for its loyalty and allegiance, that Members of this House should abide by the majority. Complaints have been made about the wickedness of majorities. Democracies, I suppose, legislative institution and parliaments will have to be guided by majorities. I do not suppose it needs any defence from me, nor need I quote Blackstone for the purpose of showing that the majorities are nearer the will of the total population than the minorities."

"When the majority have come to a conclusion in a particular manner that this Bill has got to be passed in this Council, you are now putting forward this plea in some way to gain time. If not, why reject the offer of five days' time? If you are really earnest, if you are serious, if you really want to take time for the purpose of considering the various provisions of the Bill, if some of the hon. Members are new to this Bill and therefore they require time for the consideration of the Bill,

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for the study of the Bill and for formulating their own amendments of the Bill, why refuse this offer of time, I ask? In all honesty, are you really asking for time or are you really putting obstacles to the passage of this Bill? That one circumstance ought to convince this House that the sole object, the only object and the real object of this motion objecting to the further consideration of the Bill is nothing more than what I have stated. This House has on two successive occasions yesterday and to-day declared in unmistakable terms its will to go on with this Bill by a division vote. Now it has been said that this offer of time was intended"

The hon. the PRESIDENT :—" The question before the House is that the Bill be taken into consideration. The hon. Member will kindly confine himself to it."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am coming to it. My remark regarding the offer of time made is relevant to the motion before the House in this sense. One side says that the Bill should be taken for consideration at once. The other side says that it should not be taken up. They tell us they had no time. We say we have offered time and they put an interpellation"

* Mr. S. MUTTAYYA MUDALIYAR :—" On a point of order, Sir. May I know who made the offer? The hon. the Minister in moving that the Bill be taken into consideration offered to give us five days."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I do not know if the hon. Member is short of hearing. The hon. the Leader of the Opposition has stated in this House and the hon. Member for the University of Madras has stated that the offer came from the hon. the Chief Minister but that he did not put it in the form of a motion. I think that ought to suffice. Is there any doubt about the matter?"

"I have one point to submit and it is this. This offer was not made in any spirit of caprice. It was honestly meant to give time if really they were prepared to study the Bill. But we are told that we wanted to show to the Government of India and to the country that we were appearing to be fair in giving time, and that it was meant more or less for the purpose of deceiving the people. I ask whether it is not the motive of the other side to explain to the country why they refused the offer. We honestly believe that they want to gain nothing by time. If they are not prepared with their amendments, I think that the time that is offered will suffice for that purpose. The Bill may be taken up for consideration now."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I am afraid that the discussion on this Bill is drifting far from relevant questions, and we are considering questions which have no proper place in this Bill. It is unfortunate that while discussing the previous motion for referring the Bill to a Select Committee—the rejection of which has led to the opposition to the present motion—different views have been expressed as to whether it was a blocking motion. It is also unfortunate that the closure having been applied, some hon. Members on this side of the House who were prepared to give expression to their feeling that the Bill should be considered by the Select Committee had no opportunity of doing so. The hon. Member from Chingleput himself considered that the question of reference to the Select Committee was a simple and reasonable one. On account of the fear

[Mr. A. S. Krishna Rao Pantulu] [26th August 1926]

that it may tend to delay the passage of the Bill in this Council, he would not give assent to it. If we consider the various provisions, the standing orders and the power given to you to suspend the operation of Standing Order 44 (1), even after the publication of the report of the Select Committee it would have been possible to devise a means by which effect could be given to the intentions of this House to make a reference to the Select Committee. Not having done that, I feel we cannot assent to this question of taking the Bill into consideration at once. One main question for consideration is whether it is a mere formal measure. The hon. the Chief Minister has told us—and it is on that ground that he intends to ask you to suspend the Standing Order—that it is a case of re-enacting a measure and that it should be deemed as a formal measure. The main arguments advanced are that the Bill has been before the House for a sufficiently long period, that it is merely intended to re-enact the existing measure and that it need not go through all the formalities. May I draw the attention of the House to the fact that soon after the first Session of this Council, notice of a motion was given by the hon. Member Mr. Venkatachalam Chetti that a message be delivered to His Excellency the Governor to withhold his assent to the Religious Endowments Bill on the ground that it was against the opinion of the country? What took place then? Notice of motions was given in alternative forms suggesting expressly that His Excellency the Governor might take into account the feeling in the country about the Endowments Bill and withhold his assent. While dealing with those motions, your predecessor in office gave his ruling against the admissibility of those motions pointing out at that time that the more legitimate course was for the new Council to bring in an amending or repealing Bill than to invoke the help of His Excellency the Governor for the purpose of withholding his assent to the Bill. It would show that soon after this Council began its work there was a strong feeling in the House to ascertain the views of the people regarding the Religious Endowments Bill passed into law just at the close of the previous Council. Those motions were not allowed to be moved; it was on the ground that a more reasonable course was to bring an amending Bill. Owing to various causes at work which are already before the House, it has been necessary to bring forward this Bill to re-enact all the provisions of the Bill that has already been passed. If this Council had, at its very first sitting, thought it necessary to ascertain the sense of the Council and the country regarding the reasonableness or the validity of the provisions of the Bill and if the suggestion was made that the Bill be modified by the Council, it might be considered. Is it or is it not necessary for those who do not see eye to eye with the sponsors of the measure, to take full advantage of the opportunity and point out the defects even if they agree with the main principles? We ask whether the mere fact that it is a re-enacting measure can lead to the conclusion that it is a formal measure. We must consider all the facts before we can call it a formal measure. If it is not a formal measure—as I contend it is not—it is open to the Council to ask whether full opportunity should not be given to go through the various stages of the Bill.

* Mr. A. RAMASWAMI MUDALIYAR :—“ A point of order, Sir. I hear the same set of arguments advanced by some hon. Member or by the same set of Members and sometimes at the same stage of the Bill.”

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The hon. the PRESIDENT :—“ I must ask hon. Members not to repeat either their own arguments in former debates or the arguments of other hon. Members in the same debate.”

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I am giving my reasons for opposing this motion. If the previous motion had been accepted, it would not have been necessary to oppose this motion. What is the result of this motion being carried. I would draw your attention to Standing Order No. 45 that ‘ when a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill.’ Then sub-clause (1) of Standing Order 46 says :

‘ If notice of a proposed amendment has not been sent to the Secretary six clear days before the sitting of the Council at which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail unless the President in the exercise of his power to suspend this order, allows the amendment to be moved.’

“ Then sub-clause (2) runs as follows :

‘ The Secretary shall cause every notice of a proposed amendment to be printed, and a copy shall be made available for the use of each member.’

“ Sub-clause (3) says :

‘ if any member is unacquainted with English, the Secretary shall also, if the President so directs, cause every such notice to be translated into a vernacular language for his use.’

“ Till you gave your ruling suspending the Standing Order and allowed the motion for consideration to be made at once, no one would have anticipated that he should give notice of amendments. It is perfectly legitimate for persons—there are already 200 or 300 amendments—to give notice of amendments. Suppose, taking advantage of the Standing Order notices were given by hon. Members of amendments to this Bill. What follows? Under Standing Order 46, unless the President in the exercise of his power to suspend the Standing Order allows the amendment to be moved, there will be no chance to these persons who could not have anticipated the suspension of the Standing Order to move them. It may be that in the exercise of your power, you will suspend the Standing Order; that is a different matter altogether. It may be that the President would not suspend the Standing Order. It follows that without knowing whether the President would or would not suspend Standing Order No. 39, some hon. Members would not have given notice of amendments. We have arrived at the stage that the Bill be taken into consideration and persons would lose the opportunity of moving amendments unless in the exercise of your power, you suspend the Standing Order. I submit, Sir, that it is not desirable to come to a stage when hon. Members should, after the passing of this motion, rely upon the discretion and favour of the hon. the President for any amendment to be moved. It is not a desirable state of things. I do not want to anticipate your ruling. No one in this House, when he cannot by the procedure which is adopted be at liberty to bring in amendments, will be entitled to move them unless you suspend the Standing Order. That is the stage at which we would arrive if the motion is passed in the House. Taking into consideration the fact that it is not a mere formal measure but one of vital importance, and taking into consideration the effect of the ruling that would be given, there will not be proper opportunity for persons who are interested in moving amendments to the various provisions in the Bill to do so. I therefore think that it is not reasonable that this motion should be accepted by the House.”

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Diwan Bahadur O. TANIKACHALAM CHETTIYAR :—" I beg to move for a closure."

* Mr. S. SATYAMURTI :—" In considering this question, you will have to exercise your judgment."

The hon. the PRESIDENT :—" I always do so."

Mr. SAMI VENKATACHALAM CHETTI :—" Sir, I beg to move

' that the further consideration of this subject be adjourned to a fortnight from this date.'

" My reasons are these : No doubt, an offer, almost a final offer, has been made by the hon. Member Sir Venkatarreddi Nayudu for adjourning the discussion of this subject for five days. I submit that a period of five days is too short for the consideration of this subject. Sir, being a new Member, I cannot go through the large amount of discussion that took place in the last Council. It is not possible for me even if I could possibly devote all my time to this subject"

Mr. R. MADANAGOPAL NAYUDU :—" Is the hon. Member in order after the motion for closure has been moved."

The hon. the PRESIDENT :—" It was not agreed to."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I submit that this motion may be moved after the motion before the House is put. I myself want to bring it after this motion is carried. It would come more properly after the House decides on the question whether this Council should proceed with the Bill or not. I am putting forward this point for your consideration."

The hon. the PRESIDENT :—" Any hon. Member can move an adjournment at any stage."

Mr. SAMI VENKATACHALAM CHETTI :—" The amendment could have been moved more conveniently by the party in power. It is quite proper for it to move it."

4-45
p.m.

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am not objecting to his moving it. Assuming for a moment that the House is not prepared to proceed with the Bill, there is no object in moving this adjournment motion now."

Mr. SAMI VENKATACHALAM CHETTI :—" I have been too long in this Council to hope against this result. Sir, five days are too short a period, at any rate, for new members like me to digest the various important provisions of this Act. During the next two days we will be engaged with the Irrigation Bill and after these two days there are two public holidays. I am afraid there can be no time to study this question. I therefore request, Sir, that the House will concede this concession to the Opposition to adjourn the discussion of the subject for a fortnight. After all, the inconvenience will not be great. I am sure the Bill will be passed, all the same. After all, it does not much matter, if it is passed now or ten days hence. You will be giving a fair opportunity for the Members if some time is given. This will perhaps be the least that the party in power can give us."

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Mr. P. ANJANEYULU :—" We have to attend the meeting of the Andhra University Senate on Monday. Thus, five days means that we shall have to start here on Saturday and reach there on Sunday, and after attending the function on Monday we have to start again on that day and run back to Madras. Thus, there will be hardly time even supposing we take it into our heads to read the Bill even in the train. Therefore, I second the proposition for adjournment for 15 days."

The hon. the PRESIDENT :—" It has been moved that the further discussion of the Bill be adjourned by a fortnight from to-day."

The motion was put to the House and was declared lost.

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

Ayes.

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| 1. Rao Bahadur O. V. S. Narasimha Raju. | 13. Mr. V. Pantulu Ayyar. |
| 2. Mr. J. A. Saldanha. | 14. " G. Rameswara Rao. |
| 3. " A. Ranganatha Mudaliyar. | 15. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 4. Sriman Bawanath Das Mahasayo. | 16. Rai Bahadur P. M. Narasimhecharlu. |
| 5. Mr. A. Chidambara Nadar. | 17. Sriman Sasibhushan Rath Mahasayo. |
| 6. " M. Gangaraja. | 18. Mr. Sami Venkatachalam Chetti. |
| 7. " K. Koti Reddi. | 19. " R. Srinivasa Ayyangar. |
| 8. " S. Muttayya Mudaliyar. | 20. " L. K. Talasirani. |
| 9. " P. O. Venkatapati Raju. | 21. " K. Uppi Sahib. |
| 10. " S. Satyamurti. | 22. " O. V. Venkataramana Ayyangar. |
| 11. " T. Adinarayana Chettiyyar. | 23. " J. Naganna Hegde. |
| 12. " P. Anjaneyulu. | |

Noes.

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| 1. The hon. Mr. N. E. Marjoribanks. | 26. Mr. A. Ramaswami Mudaliyar. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur | 27. Diwan Bahadur P. O. Ethirajulu Nayudu. |
| 3. " Mr. P. E. Moir. | 28. Rao Sahib P. V. Gopalan. |
| 4. " " A. Y. G. Campbell. | 29. Rao Bahadur K. Krishnaswami Nayudu. |
| 5. " Diwan Bahadur Sir T. N. Sivaganesam Pillai. | 30. Mr. J. Kuppuswami. |
| 6. " Rao Bahadur Sir A. P. Patro. | 31. Rai Bahadur Sir K. Venkatarreddi Nayudu. |
| 7. " the Raja of Patagal. | 32. Diwan Bahadur O. Tanikachalam Chettiyyar. |
| 8. Mr. T. B. Venkatarama Sastriyar. | 33. Rao Bahadur O. Natesa Mudaliyar. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 34. Mr. A. V. Bhanaji Rao. |
| 10. Mr. G. T. Boag. | 35. " N. Devendrudu. |
| 11. " V. Pandrang Row. | 36. Diwan Bahadur P. Kesava Pillai. |
| 12. " C. B. Cottrell. | 37. " M. Krishnan Nayar. |
| 13. Diwan Bahadur Sir P. Sadasiva Ayyar. | 38. Mr. P. " P. Rajan. |
| 14. Mr. P. Venkataramana Rao Nayudu. | 39. Rao Bahadur P. Raman. |
| 15. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 40. Mr. J. D. Samuel. |
| 16. Mr. S. Arpudaswami Udayar. | 41. " K. Sarvarayudu. |
| 17. " K. Baghuohandra Ballal. | 42. Rao Sahib E. Srinivasan. |
| 18. " P. Sagarani. | 43. Mr. K. Sitarama Reddi. |
| 19. " O. Muttayya Mudaliyar. | 44. " R. Veerian. |
| 20. " K. S. Ponnuswami Pillai. | 45. " K. Venkatachalam Padayachi. |
| 21. " G. Premayya. | 46. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| 22. " R. Madanagopal Nayudu. | 47. T. M. Moidu Sahib Bahadur. |
| 23. " T. Malleappa. | 48. Khadir Muhi-ud-din Elyas Khan Sahib Bahadur. |
| 24. Rao Bahadur B. Muniswami Nayudu. | 49. Mr. J. A. Davis. |
| 25. Diwan Bahadur A. M. Muragappa Chettiyyar. | |

Ayes 23. Noes 49.

The motion was lost.

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Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I move that the question be now put."

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

The hon. the PRESIDENT:—"I now put the main motion. The question before the House is that Bill No. 5 of 1926 (revised) be taken into consideration."

The motion was put to the House and declared carried.

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

Ayes.

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|--|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 27. Mr. J. Kuppaswami. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 28. The Zamindar of Mandasa. |
| 3. " Mr. T. E. Moir. | 29. Mr. B. Madanagopal Nayudu. |
| 4. " " A. Y. G. Campbell. | 30. " T. Mallesappa. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 31. Rao Bahadur B. Muniswami Nayudu. |
| 6. " Rao Bahadur Sir A. P. Patro, the Raja of Panagal. | 32. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 7. " Mr. T. R. Venkatarama Chettiyar. | 33. Mr. C. Muttayya Mudaliyar. |
| 8. Rao Bahadur V. T. Krishnama Achariyar. | 34. " K. S. Ponnuswami Pillai. |
| 9. Mr. G. T. Boag. | 35. " G. Premayya. |
| 10. " V. Pandrang Row. | 36. " K. Baghuchandra Ballal. |
| 11. " C. B. Cotterell. | 37. " P. Sagaram. |
| 12. Diwan Bahadur Sir T. Sadasiva Ayyar. | 38. Diwan Bahadur P. Kesava Pillai. |
| 13. Mr. P. Venkatarama Rao Nayudu. | 39. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 14. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 40. Dr. P. Subbarayan. |
| 15. Mr. S. Arpudawami Udayar. | 41. Diwan Bahadur M. Krishnan Nayar. |
| 16. " J. A. Davis. | 42. Mr. P. T. Rajan. |
| 17. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 43. Rao Bahadur P. Raman. |
| 18. Diwan Bahadur O. Tanikachala Chettiyar. | 44. Mr. J. D. Samuel. |
| 19. Rao Bahadur C. Natesa Mudaliyar. | 45. " K. Sarvarayudu. |
| 20. Mr. A. V. Bhanoji Rao. | 46. Rao Sahib R. Srinivasan. |
| 21. " N. Devendradu. | 47. Mr. K. Sitarama Reddiyar. |
| 22. " A. Ramaswami Mudaliyar. | 48. " R. Veerian. |
| 23. Diwan Bahadur P. C. Ethirajulu Nayudu. | 49. " K. Venkatachala Padayachi. |
| 24. Rao Sahib P. V. Gopalan. | 50. " B. Ramachandra Reddi. |
| 25. Rao Bahadur K. Krishnaswami Nayudu. | 51. Khan Bahadur Haji Abdulla Haji Qasim Sahib Bahadur. |
| | 52. T. M. Moidu Sahib Bahadur. |
| | 53. Khadir Mohiddin Elyas Khan Sahib Bahadur. |

Noes.

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| 1. Mr. K. Prabhakaran Tampan. | 14. Mr. V. Pantulu Ayyar. |
| 2. Rao Bahadur C. V. S. Nerasimha Raju. | 15. " G. Rameswara Rao. |
| 3. Mr. J. A. Saldanha. | 16. S. B. Y. Ankinedu Prasad Bahadur. |
| 4. " A. Banganatha Mudaliyar. | 17. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 5. Sriman Bawanath Das Mahasayo. | 18. Rai Bahadur T. M. Narasimhaachari. |
| 6. Mr. A. Chidambara Nadar. | 19. Sriman Sasibhushan Rath Mahasayo. |
| 7. " M. Gangaraju. | 20. Mr. Sami Venkatachalam Chetti. |
| 8. " K. Koti Reddi. | 21. " R. Srinivasa Ayyangar. |
| 9. " S. Muttayya Mudaliyar. | 22. " L. K. Tulasiram. |
| 10. " P. C. Venkatapati Raju. | 23. " K. Uppi Sahib. |
| 11. " S. Satyamurti. | 24. " O. V. Venkataramana Ayyangar. |
| 12. " T. Adinarayana Chettiyar. | 25. " J. Naganna Hegde. |
| 13. " P. Anjaneyulu. | |

Ayes 53. Noes 25.

The motion was carried.

26th August 1926]

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Mr. President, I now 5 p.m. move my original proposition, namely—

'that the further consideration of this Bill be adjourned to Wednesday, the 1st of September.'

* Diwan Bahadur M. KRISHNAN NAYAR:—"I second the motion, Sir."

* Mr. R. SRINIVASA AYYANGAR:—"I rise to a point of order, Sir. An almost identical motion was moved by Mr. Sami Venkatachalam Chettiyar and he wanted 15 days' time. The proper time to bring an amendment like this was that. He should have stated that he wanted to bring in an amendment that instead of the word 'fifteen' substitute 'five'. That stage has been passed and therefore it seems to me that it is not permissible for the hon. Member to bring in an amendment of this kind at this stage. The legitimate occasion for bringing such an amendment was when that motion was under discussion and my friend should have brought in his amendment to that motion and raised a debate thereon. This is not the proper time for it and I therefore submit with all respect, Sir, that this motion is legally inadmissible."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"Sir, my answer is simple. I thought that the motion itself was at the time inopportune and I did not want to make further complications by bringing in another motion in the wrong place. I wanted that an amendment should be moved only at this stage. I would have moved it then; but I was under the impression that I could make it clear to you, Sir, that the proper stage at which an amendment or motion of this kind should be made was only after the House consented to consider the Bill itself. I therefore did not move the amendment at that time."

* Mr. R. SRINIVASA AYYANGAR:—"We have nothing to do with the impressions of the hon. Member here. We are governed by the Standing Orders and Rules of Debate."

The hon. the PRESIDENT:—"Any motion for the adjournment of any business can be made at any time in the course of the debate."

* Mr. J. A. SALDANHA:—"Sir, I oppose this motion; because I consider that the procedure under which we are acting at present is a farce and the sooner that farce is ended the better it is for all of us. If the Standing Orders admit of such farce being enacted, I hope we shall take the earliest occasion to amend the Standing Orders to the effect that no such farce should be repeated. Such a farce is, however, going on and I am anxious to see that that farce is ended as early as possible. Four or five days are not enough and that question has already been argued. We are all very busy at present. The Irrigation Bill is coming before the Council as also the Malabar Tenancy Bill; and we have got to prepare amendments in regard to those Bills. On Sunday and Monday I will be fully engaged and I propose to go to Beswada to attend the inauguration of the Andhra University. Really, I do not wish to waste time but the Bill is an important one and if really we are going to pass the Bill, it is better that we ponder over it deeply and move the necessary amendments. In fact, there are many points in it which we shall have to consider. There is one point especially on which our position in India has to be made clear and that is the question of what is called in European politics as the separation of the Church and the State. That is a point

[Mr. J. A. Saldanha] [26th August 1926]

which we shall have to very carefully study with regard to the Bill. I am not, however, going to discuss that point; but to understand a point like this in a Bill of paramount importance and to clear the way for that important distinction, it will take us several days of study. Therefore, Sir, as we have not been given sufficient time to consider the Bill and as the Standing Orders have been suspended—which is so much to the prejudice of the Bill—I would appeal to the House to have this farce ended to-day or to-morrow."

* The hon. the RAJA OF PANAGAL :—"Sir, I have no objection to accept the motion proposed by Sir K. Venkatareddi Nayudu."

Mr. A. RANGANATHA MUDALIYAR :—"Sir, evidently, opinion seems to vary as regards the date to which the discussion of this Bill should be adjourned. Some say it may be adjourned to the 1st, and some say to the 2nd . . ."

The hon. the PRESIDENT :—"The motion is that the discussion of this Bill be adjourned to Wednesday the 1st of September."

Mr. A. RANGANATHA MUDALIYAR :—"What I beg to submit to you, Sir, is that opinion varies on this point. I understand that the municipal elections are coming off shortly and obviously the adjournment of this debate to the 1st or 2nd September is likely to interfere with the elections. So, I suggest, Sir, that this discussion may be taken up to-morrow or on some day convenient to all people."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, His Excellency has allotted three non-official days during the sitting of the Council this time; and we have not been informed, Sir, what those days are. Previously we were made to understand that even the dates are fixed by His Excellency and it is not left to the Government to fix the dates for non-official business. We should first of all know if really it is the intention of the Government to treat to-morrow, the day after and Tuesday as non-official days. Sufficient time has not been given to the Council to consider this Bill. It is now 5 o'clock, Sir, and we would naturally have to adjourn with this motion. It is in the hands of the Government to adjust their work as they like. They could put off this business to Wednesday; but in order to make a show that they have given three or four days' time for the consideration of the Bill by the Council, they want to adjourn this debate and it comes as a bad grace. That is my point."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, there was a complaint that sufficient time has not been given for the consideration of the measure, and in reply it has been stated that this Bill might be taken up on the 1st. As the intervening three days might be taken up for non-official work, practically no time will be allowed for the study of this Bill by the Members. Sir, as stated by the hon. Member for Bellary, it seems in Madras things are a bit excited at the present moment and up to the 3rd or the 4th of September, people will be busy with the elections to the Corporation. I think there ought to be some sort of grace allowed by the Government to the other side for the consideration stage. Under these circumstances, Sir, I would appeal to the hon. the Minister to consider whether he could not agree to the postponement of the further consideration of the Bill to the 6th September. In that view, Sir, I will move an amendment to the proposition moved by Sir K. Venkatareddi Nayudu that the further consideration of this Bill be adjourned to the 6th September."

26th August 1926]

Dr. P. SUBBARAYAN :—"I second it, Sir."

Mr. A. RANGANATHA MUDALIYAR :—"I am afraid, Mr. President, that it would be most inconvenient to have a longer adjournment at this stage than was first thought of. One of the reasons for adjournment to the 1st September is that anyhow the Council will have to be sitting throughout the intervening days. They are non-official days allotted by His Excellency; to-morrow, the day after and Tuesday will be taken up for non-official work. It will be practically impossible for the Members to go back and then to come again for another session. It practically amounts to this that the further consideration of this Bill will be postponed to the 6th September. The Irrigation Bill cannot possibly take more than a day, and there is no hope of the Council lasting up to the 6th of September. I think we must come to consider this matter on the 1st. Sir, at this time of the year it will be most inconvenient to break up now and again to meet on the 6th. It will practically be denying to many of us the privilege of taking part in the discussion of this measure. Therefore, Sir, I would earnestly appeal to my hon. friend not to press his motion, but to accept the suggestion that the Bill may be taken up on the 1st September. They have given us sufficient time to consider the amendments and also engaged us during the interval with the other work, the agenda for which is ready for disposal."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Sir, if the Government are not prepared to give more time, I do not want to press my motion. I only thought, seeing the opinion on either side of the House, that it would be better to arrange for some date suitable to all. I do not want to press my motion."

The motion was by leave of the House withdrawn.

The motion that "the further consideration of this Bill be postponed to the 1st September" was put to the House and carried.

IV

DISCUSSION REGARDING BUSINESS BEFORE THE HOUSE

The hon. the PRESIDENT :—"I think the House would like to know from the Leader of the House what would be the nature of the business during the intervening period."

* The hon. Mr. N. E. MARJORIBANKS :—"Sir, three days have been allotted for non-official business by His Excellency and His Excellency's intention was that it should be left to the President of the House to decide which days would be most convenient for the purpose. That is why His Excellency did not specify the dates. If the House thinks generally that to-morrow, Saturday and Tuesday—because I believe Monday is a public holiday and I also understand that many Members of this House wish to attend the inauguration of the Andhra University at Bezawada—are convenient, those days may be taken as non-official days, if it suits the House."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"What about the Irrigation Bill, Sir? There are some rumours that the Bill will be adjourned for the present."

* The hon. Mr. N. E. MARJORIBANKS :—"When it comes up, we shall say that."

[Mr. S. Satyamurti]. [26th August 1926]

* Mr. S. SATYAMURTI :—"The point is this, Sir. The party in power and the Government—that is the rumour which we heard in the lobbies—have agreed to a friendly motion that this Bill should be adjourned. Are you going to waste our time in drawing up the amendments and are we to have the Bill adjourned behind our backs and then come here to find that we have wasted our time over the Bill? If there is any such understanding, let the hon. the Leader of the House say it and if there is no such understanding, let him deny it."

* The hon. Mr. N. E. MARJORIBANKS :—"If the House is willing, it may take up the Bill now."

* Mr. S. SATYAMURTI :—"That is no answer to my question, Sir. Is there any understanding between the Government and the party in power that by a collusive friendly motion, this Bill is to be adjourned? That is my question."

* The hon. Mr. N. E. MARJORIBANKS :—"I do not remember any such understanding, and I do not propose to answer the question."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Why should we not take the Irrigation Bill, Sir, the first thing to-morrow; and if it is not pressed, go on with the other business on the agenda. We do not know, Sir, how long we will have to remain here. Certainly I think the Government side should take us into consideration. We do not know the urgency and we do not know if the Irrigation Bill is going to be taken up at all. If it is not taken up, it will mean another four days; and we will be saved a large amount of business. If there is any understanding, there is no reason why we should not be informed of it; or why not they let us know the fate of the Irrigation Bill? We here from the mufassal, especially in these election days, must also be taken into consideration."

* The hon. Mr. N. E. MARJORIBANKS :—"I merely suggested that to-morrow, the day after and Tuesday would be suitable for non-official business; but if the House wishes to take up the balance of official business to-morrow morning, I do not object to it."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Then, what is the balance of official business?"

The hon. the PRESIDENT :—"The Irrigation Bill, etc. I take it that it is the general wish of the House that the balance of official work should be taken up to-morrow."

The House signified its assent.

The hon. the PRESIDENT :—"I have just an announcement to make. Now that the detailed consideration of the Hindu Religious Endowments Bill has been adjourned to Wednesday the 1st September, I would request hon. Members of the Council to be so good as to send in any amendments to the various clauses of the Bill which they may wish to move before 5 p.m. the day after to-morrow, Saturday, as my office would require some time to consolidate and arrange the amendments. I have no doubt that the Members of the Council, both the Members on the Treasury Benches and the other Members, would require some notice of the amendments to enable them to make up their minds on them."

The House then adjourned to meet again at 11 a.m. the next day.

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

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 27th August 1926.

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

PRESENT:

Marjoribanks, The hon. Mr. N. E.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.
Moir, The hon. Mr. T. E.
Campbell, The hon. Mr. A. Y. G.
Raja of Panagal, The hon. the Patro, The hon. Rao Bahadur Sir A. P.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.
Adinarayana Chettiyar, Mr. T.
Anjaneyulu, Mr. P.
Ankinedu Prasad Bahadur, S. B. Y.
Ari Gowder, Mr. H. B.
Arpudawami Udayar, Mr. S.
Bhanoji Rao, Mr. A. V.
Biswanath Das Mahasayo, Sriman.
Boag, Mr. G. T.
Chidambara Nadar, Mr. A.
Cotterell, Mr. C. B.
Davis, Mr. J. A.
Devendrudu, Mr. N.
Gangaraju, Mr. M.
Gopala Menon, Mr. O.
Gopalan, Rao Sahib P. V.
Guruswami, Mr. L. C.
Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-Ja.
Hegde, Mr. J. 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.
Krishnama Achariyar, Rao Bahadur V. T.
Krishnaswami Nayudu, Rao Bahadur K.
Kuppuswami, Mr. J.
Madanagopal Nayudu, Mr. R.
Madhava Raja, Mr. V.
Madurai, Honorary Lieutenant.
Malleappa, Mr. T.
Marthandam Pillai, Mr. P. N.
Meera Sahib, Mr. Muhammad.
Moidu Sahib, Mr. T. M.
Muniswami Nayudu, Rao Bahadur B.
Murugappa Chettiyar, Diwan Bahadur A. M.
Muttayya Mudaliyar, Mr. O.

Muttayya Mudaliyar, Mr. S.
Narasimha Chariu, Rai Bahadur T. M.
Narasimha Raju, Rao Bahadur O. V. S.
Narayanan Nambudiripad, Rao Bahadur O. M.
Natesa Mudaliyar, Rao Bahadur O.
Obalesappa, Mr. B.
Pandurang Row, Mr. V.
Peddiraju, Mr. P.
Ponnuswami Pillai, Mr. K. S.
Prabhakaran Tampan, Mr. K.
Premayya, Mr. G.
Raghuchandra Ballal, Mr. K.
Raja, Rao Bahadur M. O.
Rajan, Mr. P. T.
Ramachandra Reddi, Mr. B.
Raman Menon, Mr. K. P.
Raman, Rao Bahadur P.
Ramalinga Chettiyar, Rao Bahadur T. A.
Ramaswami Mudaliyar, Mr. A.
Rameswara Rao, Mr. G.
Ranganatha Mudaliyar, Mr. A.
Sagaram, Mr. P.
Saldanha, Mr. J. A.
Samuel, Mr. J. D.
Sarvarayudu, Mr. K.
Sasibhusan Kath Mahasayo, Sriman.
Satyamurti, Mr. S.
Sitarama Reddi, Mr. K.
Sitayya, Mr. M.
Siva Rao, Mr. P.
Srinivasa Ayyangar, Mr. B.
Srinivasan, Rao Sahib E.
Subbarayan, Dr. P.
Subrahmanya Pillai, Mr. Chavadi K.
Tulasiram, Mr. L. K.
Uppi Sahib, Mr. K.
Veerian, Mr. B.
Venkatachala Padayachi, Mr. K.
Venkatapati Razu, Mr. P. O.
Venkataramana Ayyangar, Mr. O. V.
Venkatarama Sastriyar, Mr. T. B.
Venkatarangam Nayudu, Mr. O.
Venkataratnam, Mr. B.
Venkataratnam, Mr. B.
Venkataratnam, Mr. B.
Venkataratnam, Mr. B.
Virappa Chettiyar, Rao Bahadur P. K. A. Ct.
Wood, Mr. O. E.
Zamindar of Mandasa.

[27th August 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.

Assignment of Lands.

Assignment of land in Korattur rantham.

* 2348 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that a pensioned Col.-Havildar, No. 1353, by name Pakianathan, an Adi-Dravida, late 1/1st, Madras Pioneers, (K.G.O.) Pension Line, Arni, petitioned for the assignment of land, Survey No. 34, in the village of Korattur rantham, Arni jagir, and that the assignment was not made; and

(b) whether the village monigar has permitted a portion of the said land to be cultivated by three caste Hindus who have not served in the Military; if so, why?

A.—(a) & (b) A petition containing these allegations was received through the hon. Member on 3rd July 1926. It was transferred to the Board of Revenue for disposal and the hon. Member was informed of this. The Government have no information about the truth or otherwise of the allegations made.

Mr. R. VEERIAN:—"With reference to clauses (a) and (b), may I know if the Government have issued instructions to the Board of Revenue for the early disposal of the matter?"

The hon. Mr. N. E. MARJORIBANKS:—"I am afraid I have considerable difficulty in understanding the question. I do not see that the hon. Member is in a position to tell me that the matter has not been disposed of."

[27th August 1926]

Alleged petitions from the Adi-Dravida ex-Military men of Chintadripet.

* 2349 Q.—Mr. R. VEERIAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the petitions dated 18th July 1926 submitted by the Adi-Dravida ex-Military men, residing at Mukkiamman koil street, Chintadripet, through me, have been received by the Chief Secretary, Government of Madras, Revenue Secretary, Government of Madras, and the Commissioner of Labour;

(b) if so, what steps have been taken to assign the darkhast lands specified in their petitions;

(c) why their previous petitions were not considered favourably;

(d) whether it is a fact that all their petitions are being rejected on the ground that the lands applied for by them are lands the assignment of which is objectionable; and

(e) whether the authorities have sent them a list of darkhast lands specially set apart for assignment for depressed classes?

A.—(a) & (b) The petitions have not been received by the Government.

(c) No petition was received previously.

(d) & (e) The Government have not the information.

Mr. R. VEERIAN:—"With reference to the clauses (a) and (b) may I know to whom these ex-military men should make their applications for darkhast of lands? Is it to the Chief Secretariat Department or to the Commissioner of Labour or to any other authority?"

The hon. Mr. N. E. MARJORIBANKS:—"If the application is addressed to Government, it will be received by some department of the Government."

Mr. R. VEERIAN:—"I only want to know to whom these applications for the darkhast of lands should be made? Is it to the Chief Secretary, or to the Revenue Secretary or to the Commissioner of Labour or to the District Collector of Madras?"

The hon. Mr. N. E. MARJORIBANKS:—"To the Collector of the district where the land is situated."

Deputy Collectors.

Deputy Collectors on foreign service.

* 2350 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Deputy Collectors whose services have been lent for foreign service for more than three years; and

(b) whether their lien on the previous posts has been suspended and their places permanently filled up subject to the right on the part of the officers on deputation to revert; and if not, why not?

A.—(a) Three.

(b) One of the three vacancies has been permanently filled up and another has been set off against the reduction of a post in the cadre. The third vacancy occurred on the 8th July 1926 and has not yet been filled up.

[27th August 1926]

Indian Civil Service.*Collectors' Conference at Ootacamund.*

* 2351 Q.—MR. J. A. SALDANHA: Will the hon. the Member for Revenue, the hon. the Law Member and the hon. the Minister for Local Self-Government be pleased to state what orders Government have passed on the several points raised and discussed at the Collectors' Conference held recently at Ootacamund especially on the following points:—

(a) redrafting the existing rules for the levy of ground-rent in urban areas;

(b) the administration of plague measures; and

(c) the relative spheres of activity of the Members of the Legislative Council and the District Officials in their relations with the people?

A.—The question indicates a misapprehension of the nature and object of such conferences. They are not intended to present subjects for the orders of Government but by discussion and interchange of views to promote a better understanding by Government of the difficulties of district officers and by district officers of the existing orders of Government. Occasionally the issue of further orders may result from the discussions; but this has not been the case regarding the three matters specified in the question.

MR. A. RANGANATHA MUDALIYAR:—“The question is what orders Government have passed on the several points raised and discussed at the Collectors' Conference. In the answer it is said ‘the issue of further orders may result from the discussions; but this has not been the case regarding the three matters specified in the question.’ May I know, Sir, if orders have been issued in regard to the other subjects?”

The hon. Mr. N. E. MARJORIBANKS:—“That covers a very wide field, Sir, and I must ask for notice.”

Number of posts in the superior scale of the Indian Civil Service.

* 2352 Q.—MR. A. RANGANATHA MUDALIYAR: With reference to the answer of the Government to question No. 1106, dated 16th December 1925, will the hon. the Member for Revenue be pleased to state the posts in the superior scale of the Indian Civil Service abolished and newly created by them since the introduction of the Reforms, and whether all the posts in excess of those abolished have been listed for and permanently filled up by members of the Provincial Service?

A.—A statement^a showing the posts in the superior scale of the Indian Civil Service abolished and newly created since the Reforms is subjoined. Six posts have been ‘listed’. Permanent appointments have been made to five of the six additional posts. The appointment to the sixth post is under the consideration of Government.

^a Printed as Appendix I on page 298 infra.

[27th August 1926]

MR. A. RANGANATHA MUDALIYAR:—“May I know how many of the six posts abolished were listed for Provincial Civil Service officers? In the appendix, six are said to have been abolished and twelve newly created. I wish to know how many of these six abolished posts were reserved for Provincial Service men?”

The hon. Mr. N. E. MARJORIBANKS:—“I do not understand the question, Sir.”

MR. A. RANGANATHA MUDALIYAR:—“I shall make it clear, Sir. Among those appointments in the superior scales of the Indian Civil Service, some posts are reserved for Provincial Service people. Six of them were abolished since the Reforms. I wish to know whether any, and if so, how many of these posts were treated as listed appointments?”

The hon. Mr. N. E. MARJORIBANKS:—“I think the hon. Member is assuming, Sir, that six specific posts have been abolished irrespective of whether they were listed or not. It is only so many superior posts that have been abolished but the number has not been diminished.”

MR. A. RANGANATHA MUDALIYAR:—“The appointments are given here: one Member of the Board of Revenue, one Agency Commissioner and two Secretaries to the Board of Revenue, one of which is a listed appointment.”

The hon. Mr. N. E. MARJORIBANKS:—“Those posts were abolished but the number of the listed appointments remain undiminished in any way on account of the abolition of any particular post.”

MR. A. RANGANATHA MUDALIYAR:—“They have been added to by six since.”

The hon. Mr. N. E. MARJORIBANKS:—“Yes.”

Malikhana Allowances.*List of temples and mosques receiving tasdik.*

* 2353 Q.—MR. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Revenue be pleased to state—

(a) with reference to question No. 2008, clause (a), answered on the 13th July 1926, whether a complete and up-to-date list of temples and mosques receiving tasdik or other allowances may be placed on the table of the House; and

(b) with reference to clauses (b), (c) and (d) of the same question, whether the Government will be pleased to call for the information and place it on the table of the House or publish it in the *Fort St. George Gazette*?

A.—(a) The question of the publication of the list will be considered as soon as the list shall have been prepared.

(b) If the hon. Member can assure the Government from his personal knowledge that there are such cases, enquiry will be made.

[27th August 1926]

- A.—(a) A copy of the report submitted to the Government of India by the Committee has been received by the Government of Madras;
- (b) & (c) The question of publication of the report is one for the Government of India;
- (d) The question is not clear. The total number of Mappilla prisoners transported to the Andamans since 1922 is one thousand three hundred and twenty-six. The number transported under the Colonization scheme is one. As regards the families of the convicts, the attention of the hon. Member is invited to the answer given to question No. 442-A, clause (i), on 26th August 1925.
- (e) It is believed that the condition of their health is satisfactory.

Mr. J. A. SALDANHA :—“ With reference to clause (e) the answer is ‘ it is believed that the condition of their health is satisfactory ’. May I know on what grounds it is believed so ? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ From the reports received, Sir.”

Pensions.

Applications for commutation of pensions.

* 2359 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Finance be pleased to state—

(a) the number of pending applications for commutation of pensions from (1) menials, (2) Non-gazetted officers, (3) Provincial Service officers and (4) Imperial Service officers, and the date of the longest pending application in each of the four classes;

(b) the provision made in the budget for commutation of pensions and how it has been distributed among the various classes of pensions;

(c) whether it is a fact that before the official year had hardly run three months, there were no funds for the Provincial Service men;

(d) whether it is a fact that the Imperial Service officers are treated differently from the Provincial Service officers, the former being allowed the concession as a matter of course, while the latter are not; and

(e) whether the Secretary of State has given it as his view that commutation should not ordinarily be deferred or refused, except on medical grounds and, if so, the steps taken by the Government to give effect to the above view and dispose of the pending applications?

A.—(a) Of the applications for commutation of pensions received up to 15th July 1926, the number pending final disposal under each of the four classes, together with the dates of the longest pending applications, is given below :—

Class.	Number.	Date of the longest pending application.
Menials	Nil.	...
Non-gazetted officers ...	455	1st April 1925.
Gazetted officers	46	1st April 1925.
All-India Service officers ...	2	23rd March 1926.

These figures exclude cases in which the commutation of pension is inadmissible.

[27th August 1926]

(b) Rupees 6 lakhs.

Excluding the provision for expenditure in England, and payments to be made to other Governments, the existing allotment has been provisionally distributed as follows :—

	Rs.
All-India Services	76,000
Gazetted officers	1,16,700
Non-gazetted officers	2,70,000

The distribution of allotments between gazetted and non-gazetted officers has been made in proportion to the amounts required to meet their demands.

(c) The allotment of Rs. 1,16,700 for gazetted officers was sufficient only for the applications received up to 10th November 1925. In all these cases medical certificates have been called for; and if any of the applications under reference is rejected or withdrawn, fresh cases of gazetted officers covering the amounts released, will be taken up for disposal. A demand for a supplementary grant for Rs. 8.50 lakhs to enable all pending cases to be disposed of this year will be placed before the Legislative Council.

(d) The commutation of pensions of officers who are not governed by the Civil Pensions (Commutation) Rules framed by the Secretary of State, is subject to the condition imposed by the Local Government that the expenditure can be met from the sanctioned budget grants. The Secretary of State's Rules, which apply to All-India Services, contain no such condition.

(e) The views quoted in the question have not been communicated to this Government. But as stated in the answer to clause (c), the Government are asking the Council to vote an additional grant of Rs. 8.50 lakhs which it is hoped will be sufficient to dispose of all pending applications.

Mr. A. RANGANATHA MUDALIYAR :—“ When is the supplementary demand for Rs. 8.5 lakhs going to be made, Sir ? ”

The hon. Mr. T. E. MOIR :—“ It is proposed to do so in the present meeting of the Council.”

Civil Justice.

Upper grade posts in the Judicial department, North Arcot district.

* 2860 Q.—Mr. R. VEERIAN: Will the hon. the Law Member be pleased to state whether it is a fact that all posts in the upper grade, Rs. 60—4—80 and above in the North Arcot district, Judicial Department, unlike other districts, have been filled by Brahmans?

A.—The facts are as stated as regards the North Arcot district.

Mr. R. VEERIAN :—“ May I know why the communal Government Order was not given effect to especially in the Judicial Department in the North Arcot district ? ”

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The hon. Mr. A. Y. G. CAMPBELL :—" As regards that department, the District Judge writes that there have been no non-Brahman clerks in his district so well qualified as to justify their being given a rapid promotion over the heads of their seniors."

Mr. A. RANGANATHA MUDALIYAR :—" Have not the Government issued an order that the two chief ministerial posts in the district offices should not be held by members of the same community ?"

The hon. Mr. A. Y. G. CAMPBELL :—" There is such an order in the Revenue Department, but I am not aware of any such order as regards the Judicial Department."

Mr. A. RANGANATHA MUDALIYAR :—" Well in that case, assuming, as the hon. the Law Member says that there are no qualified people in that district, what is there to prevent their transferring qualified people from other places to restore the existing inequality ?"

Mr. R. VEERIAN :—" May I know whether the Government have called for the reports stating the names of persons, the services they have put in, the educational qualifications and other tests they have passed so as to find out whether there are actually suitable persons or not belonging to other communities . . ."

The hon. the PRESIDENT :—" That is a separate question."

Mr. R. VEERIAN :—" I wanted to know if the statement of the District Judge was verified or not by the Government ?"

The hon. the PRESIDENT :—" Order, order. That must be put as a separate question."

Mr. A. RANGANATHA MUDALIYAR :—" May I ask the hon. the Law Member if the vacancy should necessarily be filled up by suitable postings of subordinates of the same office or district ?"

The hon. Mr. A. Y. G. CAMPBELL :—" Generally, appointments are made from the same district but there is no rule to prevent the appointment of persons from outside the office or district."

Irrigation.

Submersion of lands due to the change of the Cauvery left flood bank.

* 2361 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether the left flood bank of the Cauvery at Kambarasampettai was thrown hundreds of yards to the south of the original flood bank;

(b) whether in consequence a number of acres became part of the river bed of the Cauvery;

(c) whether the Collector originally published a declaration that all the lands submerged would be acquired;

(d) whether the Government subsequently changed it and limited the acquisition only to the lands actually covered by the new flood bank;

(e) whether there have been numerous representations claiming damages and compensation for the lands submerged; and

(f) whether the Government propose to pay such compensation and damages?

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4.—(a) & (b) What is referred to is apparently the right and not left flood bank. An estimate for diverting the Cauvery right flood bank from the Municipal Pumping station to the Kodamurti bridge was approved by Government in October 1925; but the exact distance between the original flood bank and the proposed flood bank is not known.

(c) to (f) The question whether the construction of a new flood bank entails on the Government a liability to compensate the holders of lands between the old and the new flood banks is under examination.

Repairs to the Manur channel in Tinnevely taluk.

* 2362 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: With reference to question No. 2180 [clauses (a) to (c) and (e) to (g)], regarding complete repairs to the Manur channel in Tinnevely taluk of the Tinnevely district, which is under contemplation for many years, and answered at the meeting held on 16th July 1926, will the hon. the Law Member and the hon. the Member for Revenue be pleased to state—

(a) whether any report has been received from the departments concerned of the Government on the subject; and

(b) if so, to place the same on the Council table at its next meeting to be held in August 1926?

A.—Yes. The Government have received a report. The facts are as follows. As a result of investigation by the Tank Restoration Scheme Party in 1916, an estimate for general improvements to the Manur channel amounting to Rs. 62,000 was prepared in 1917. Owing to the fact that the ayacut under the channel is partly Government and partly estate land, it was necessary to distribute the cost and the Collector was asked to arrange for a contribution from the proprietors concerned, viz., the Zamindar of Uthumalai and the Inamdar of Kokkupraikulam.

At that time (1918) the Collector did not regard the matter as urgent, and the proposals were shelved. The matter was taken up again in 1923, at the instance of the then Collector and it was reported that the estimate would, at current rates, come to Rs. 85,000. Meanwhile the question of contribution has become complicated by the fact that the Uthumalai Estate is now in the hands of a Receiver appointed by the District Court, and doubts have arisen regarding his capacity to bind the Estate in the matter. This question is still under correspondence between the Collector and the Public Works Department. Steps are also being taken to assess the shares to which each party is liable, which have been provisionally put by the Executive Engineer at—

	PER CENT.
(i) Uthumalai	22.28
(ii) Kokkupraikulam	4.08
(iii) Government	73.74

In the meantime, the Executive Engineer has, in the exercise of his powers, sanctioned estimates for silt clearance and repair of breaches from time to time as required. No estimate has been sanctioned in the current year.

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11-15
a.m.

Mr. Chavadi K. SUBRAHMANYA PILLAI :—" With reference to the statement in the answer given that doubts have arisen regarding the capacity of the Receiver to bind the Estate in the matter, will the hon. the Member for Revenue be pleased to state whether the Government have obtained the necessary legal opinion, viz., the opinion of the Advocate-General, on the matter ? "

The hon. Mr. N. E. MARJORIBANKS :—" I do not quite catch the hon. Member. I am not quite sure on what point legal opinion should be obtained."

Mr. Chavadi K. SUBRAHMANYA PILLAI :—" Regarding the power of the Receiver to bind the Estate in the matter of contribution to the repairs of the Manur channel, etc. ? "

The hon. Mr. N. E. MARJORIBANKS :—" I do not understand to what question he is referring."

Mr. Chavadi K. SUBRAHMANYA PILLAI :—" It is stated in the answer to this question :

' At that time (1918) the Collector did not regard the matter as urgent, and the proposals were shelved. The matter was taken up again in 1923, at the instance of the then Collector and it was reported that the estimate would, at current rates, come to Rs. 85,000. Meanwhile the question of contribution has become complicated by the fact that the Uthumalai estate is now in the hands of a Receiver appointed by the District Court, and doubts have arisen regarding his capacity to bind the Estate in the matter.'

" Have Government taken legal opinion on the matter, Sir ? "

The hon. Mr. N. E. MARJORIBANKS :—" Then, I would ask the hon. Member to go on to the next sentence in the answer, which says that the matter is still under correspondence. So far as that is concerned, legal opinion can be taken only after a decision is arrived at."

Closing of breaches in the banks of the Tambraparni river.

* 2868 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI : With reference to question No. 2180 [i and ii, (a) to (n)], regarding the closing of certain breaches in the banks of the Tambraparni river, and answered at the meeting held on 16th July 1926, will the hon. the Law Member be pleased to lay on the Council table any report received on the subject from the departments concerned at the next meeting of the Council in August 1926 ?

A.—The report* of the Executive Engineer dated 2nd July 1926 is laid on the table.

Appointment of a Special officer for coolies working in the Mettur Project.

* 2864 Q.—Mr. R. VEERIAN : Will the hon. the Law Member be pleased to state—

(a) whether any Special officer was appointed to look after the coolies, who are working in the Mettur Project as far as sanitation, house accommodation, wages, etc., are concerned ;

* Printed as Appendix III on pages 295-297 infra.

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(b) what would be the approximate number of coolies who are now working ; and

(c) if no Special officer was appointed, the reason for not appointing such an officer ?

A.—(a) Yes. A Health Officer has been appointed to look after the coolies so far as sanitation is concerned. The Executive Engineer in charge of Construction attends to the house-accommodation, wages, etc., of the coolies.

(b) About 800.

(c) Does not arise.

Mr. R. VEERIAN :—" With reference to the answer to clause (b), may I know how many of the 800 coolies employed in the Mettur Project belong to the depressed classes ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice."

Mr. R. VEERIAN :—" I want to know why a Special officer from the Labour department was not deputed to look after these 800 coolies, since the Health Officer and the Executive Engineer in charge have already got too many activities to do ? "

The hon. the PRESIDENT :—" Order, order, that is a separate question."

Mr. R. VEERIAN :—" May I know whether Government are at least contemplating to appoint a special officer to look after those coolies ? "

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

Mr. R. VEERIAN :—" May I know whether any school has been opened there ? "

The hon. the PRESIDENT :—" That is a separate question."

Local Boards and Municipal Councils.

Representation of the barber's community in local boards and municipalities.

* 2865 Q.—Mr. B. CHALESAPPA : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have taken any steps on the observation made by me in my speech on the 5th March 1925 during general discussion on the budget regarding the representation of the barber's community by nomination to every local board and municipality ; and

(b) if so, whether the Government will be pleased to lay on the table the names of persons of that community that were nominated since 1st April 1925 ?

A.—(a) & (b) The claims of members of the barber community are considered with the claims of other communities when suitable persons are available for appointment. M.R. Ry. M. P. Sornam Pandithar was recently nominated as a member of the Palamcottah Municipal Council.

Mr. R. VEERIAN :—" With reference to the answer to clauses (a) and (b), may I know whether the Adi-Dravidas and other depressed classes will be deprived of the seat meant for them whenever a member of the barber community or washerman community would get that seat ? "

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The hon. the RAJA OF PANAGAL :—" It does not follow, Sir, from the answer given, that wherever these members are appointed the Adi-Dravida community will be deprived of their seats."

Mr. R. VEERIAN :—" May I know whether they represent only the backward communities? I mean the barbers and washermen, as apart from the depressed classes."

The hon. the RAJA OF PANAGAL :—" Wherever a particular community is considered to be more important than another, a member is nominated from that community."

Mr. R. VEERIAN :—" May I know whether they take the population of the community into consideration when they make such nominations to local boards?"

The hon. the RAJA OF PANAGAL :—" All those things are taken into consideration before nominations are made."

Appointment of one Madon to Kayalpatnam Union Board.

* 2366 Q.—Mr. R. VEERIAN: With reference to question No. 521, answered before the meeting of 28th October 1925 will the hon. the Minister for Local Self-Government be pleased to state whether the Adi-Dravida by name Madon of Kayalpatnam was already appointed as a member to represent the depressed classes to the Kayalpatnam Union Board, Tinnevely district, if not, why not?

A.—No. The Government understand that there has been no vacancy among the nominated members of the Kayalpatnam Union Board since they advised the appointment of an Adi-Dravida.

Nominations to the South Kanara District Board.

* 2367 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased—

(a) to place before the House a statement of the names of Indian Christians on the District Boards and Taluk Boards of South Kanara, Malabar, Coimbatore, Nilgiris and Salem districts as they stood on 1st April 1926 showing their religion and sect—Catholic, Protestant or Syrian Christian; and

(b) to state (i) whether the Indian Christian Civic League of South Kanara recommended in 1925-26 the name of a Protestant as well as a Catholic for a likely vacancy of a seat of an Indian Christian and (ii) why two Roman Catholics were nominated by Government while there was already a Catholic elected member on the Board in preference to the Protestant candidate?

A.—(a) A statement * furnishing the information required is placed on the table.

(b) (i) No such recommendation is traceable.

(ii) The hon. Member is referred to the answer to clause (d) of question No. 1934.

* Printed as Appendix IV on pages 297-298 infra.

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Mr. J. A. SALDANHA :—" Sir, with reference to the table which is printed on pages 297-298 of the answers, will the hon. the Chief Minister be pleased to explain why in the taluk boards of Coimbatore, Gobichettipalayam, Erode, Pollachi and Kollegal, where there are so many highly cultured and advanced Indian Christians, there are no Indian Christians in any of those boards?"

The hon. the RAJA OF PANAGAL :—" The appointments of members of taluk boards are made by presidents of district boards."

Mr. J. A. SALDANHA :—" This Council is perfectly aware of that fact. But when there is a clear omission on the part of the district board president to nominate a single member of the Indian Christian community in all those taluk boards, will the hon. the Minister explain why they were not appointed?"

The hon. the RAJA OF PANAGAL :—" It is a matter left to the discretion of the president of the district board."

Mr. A. RANGANATHA MUDALIYAR :—" Is it not laid down in the statute that these minority communities must find representation on the local bodies?"

The hon. the RAJA OF PANAGAL :—" What is laid down in the provisions of the Act is that regard must be had to representation of minority communities."

Mr. A. RANGANATHA MUDALIYAR :—" When the president of the district board is deliberately disobeying such a provision, is not the hon. the Minister competent to enquire into such a matter?"

The hon. the RAJA OF PANAGAL :—" From time to time, the Government have been issuing instructions to the presidents of district boards."

Mr. J. A. SALDANHA :—" When the presidents persistently disobey, as in the case of Coimbatore and some other districts, does it not behove on the part of the Government to take serious notice of this neglect of the rule?"

The hon. the RAJA OF PANAGAL :—" Government take notice of those things. But there is no provision in the Act to enable the Government to inflict punishment on them. It is for the electorate to take these things into consideration."

Mr. J. A. SALDANHA :—" Why should not the Government make necessary legislation when experience has shown this defect?"

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

Amendment of the Madras Municipalities Act.

* 2368 Q.—Rao Sahib P. V. GOPALAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have consulted the opinion of all the municipal councils in this Presidency regarding the amendment to the Madras Municipalities Act in regard to making the Revenue Officer responsible to Government and independent of the councils;

(b) how many municipal councils are in favour of the proposal as a whole, how many for a portion of the proposal and how many are against the proposal; and

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(c) whether the Government have finally decided the question, whether final orders have been issued to the municipalities and, if so, which municipalities are going to have the Revenue Officers?

A.—(a) & (b) The Bill was published and thereafter 37 municipal councils expressed their views on the amendment. Two of them were for the amendment and the rest against it.

(c) The final decision of the question will rest with the Legislative Council, when the Bill is introduced in the Council.

Nomination of an Indian Christian to Trichinopoly District Board.

* 2369 Q.—Mr. J. A. SALDANHA: With reference to his answers to several points in connexion with question No. 1735 given on 23rd March 1926, will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether an Indian Christian has been nominated to any vacancy on the District Board of Trichinopoly; and

(b) if not, for what reasons?

A.—(a) The answer is in the negative.

(b) Since March last no suitable opportunity has occurred for the nomination of an Indian Christian.

Mr. J. A. SALDANHA:—“Here is another instance of a district board, and I want to know why Government have made no nominations of Indian Christians to the Trichinopoly District Board. It is well known that Trichinopoly has got two first-grade colleges belonging to Indian Christians. Why was not a single Indian Christian appointed to the district board?”

The hon. the RAJA OF PANAGAL:—“The answer has already been given. No suitable vacancy has occurred.”

Mr. A. RANGANATHA MUDALIYAR:—“May I know if it is a fact that no vacancy has occurred in the district board?”

The hon. the RAJA OF PANAGAL:—“It does not mean that there was no vacancy. There was no suitable vacancy.”

Mr. J. A. SALDANHA:—“May I know whether there was no Indian Christian vacancy during the last three years on the district board? If there was a vacancy, why no Indian Christian was appointed?”

Mr. A. RANGANATHA MUDALIYAR:—“I ask for more light as regards the suitability. I do not really follow what the hon. Minister means by saying ‘suitable vacancy’.”

The hon. the RAJA OF PANAGAL:—“The fact of the matter is that there was a vacancy, and it was filled up by a retired president. By convention we have been appointing retired chairmen or presidents as members of the board when vacancies arise.”

Mr. J. A. SALDANHA:—“May I inquire who is a retired president? Is it a fact that he generally refuses or is reluctant to be on the board?”

The hon. the RAJA OF PANAGAL:—“Government have no information, Sir.”

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Diwan Bahadur P. KESAVA PILLAI:—“May I know if the communities concerned made any representation to the Government that they were not represented on the board and that no nominations were made out of their communities?”

The hon. the RAJA OF PANAGAL:—“I do not remember anything except the representation made by my hon. Friend.”

Mr. J. A. SALDANHA:—“There was a representation made in this Council by some hon. Member or other, and in this case it is to the credit of a Muhammadan gentleman that he made this complaint. I myself complained of it.”

Mr. R. VEERIAN:—“May I know whether there is any rule that the president of the district board should take the initiative in recommending persons belonging to the Indian Christian community as well as the Muhammadan community and the Adi-Dravida community, because they come under the category of backward and depressed classes for purposes of nomination?”

The hon. the RAJA OF PANAGAL:—“I do not quite follow the hon. Member.”

Mr. R. VEERIAN:—“Of course, it is the district board president that recommends the nominations. I want to know whether the president of the district board is vested with any power in making recommendations regarding members belonging to the minority communities, viz., Indian Christians, Muhammadans and depressed classes.”

The hon. the RAJA OF PANAGAL:—“They generally make recommendations according to the claims of the respective communities.”

Mr. R. VEERIAN:—“Then, has the president made any recommendations in this particular affair?”

The hon. the RAJA OF PANAGAL:—“No.”

Mr. R. VEERIAN:—“In that case, why did not the Government ask the president of the district board to recommend the name of an Indian Christian gentleman?”

The hon. the RAJA OF PANAGAL:—“Because the president has recommended the next occasion for it.”

Constitution of Udipi as a municipality.

* 2370 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what action has been taken on the proposal to convert the town of Udipi into a municipality or union board;

(b) whether there are proposals before Government to convert any other towns in South Kanara and Malabar with a population over 10,000 into municipalities or union boards and, if so, what action has been taken on them; and

(c) whether Government have laid it down as a principle that towns with a population of over 10,000 should have a municipality or union board to manage the town affairs?

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- A.—(a) & (b) So far as Udipi and other towns in the South Kanara district are concerned, the position has been explained in the answer to question No. 2273 to which the attention of the hon. Member is invited. There is no proposal to constitute any town in the Malabar district a union or municipality.
- (c) No.

Public Health.

Control and provincialization of the services of vaccinators.

- * 2371 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 Taluk Health Inspector and vaccinators are the employees of the local boards concerned;
- (b) whether it is a fact that treble control is exercised over vaccinators by local boards, District Health Officers and Taluk Inspectors and, if so, what the reasons are; and
- (c) whether the Government propose to provincialize the services of vaccinators?

- A.—(a) Vaccinators are employees of local boards while Health Inspectors are Government servants whose services are placed at the disposal of local boards.
- (b) The appointment and punishment of vaccinators rest with the presidents of local boards but no vaccinator should be appointed or punished except in consultation with the District Health Officer. Their work is controlled by Health Inspectors who are subordinate to the District Health Officer. The services of the District Health Officer are also placed at the disposal of the president, district board.
- (c) The answer is in the negative.

Water scarcity in rural parts.

- * 2372 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—
- (a) whether the petitions dated 15th July 1926 submitted through me to the Secretary to Government, Local Self-Government (Public Health) Department, Madras, have been received regarding water scarcity in different villages in several districts where the depressed classes live; and
- (b) if so, what steps have been taken to provide water?

- A.—(a) Yes.
- (b) The hon. Member was informed that the matter was one for consideration by the Labour Commissioner or the local board concerned and it was suggested that he should address them direct.

Mr. R. VEERIAN:—"Sir, may I know whether the Government have contributed any free grants to local bodies with reference to providing water-supply in the rural parts for the depressed classes, because they suffer very much?"

The hon. the RAJA OF PANAGAL:—"Yes."

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Mr. R. VEERIAN:—"If so, when and how much, Sir?"

The hon. the PRESIDENT:—"It is a separate question."

Mr. R. VEERIAN:—"May I know whether Government have issued any instructions to local bodies to give preference so as to see that wells for depressed classes should be provided since they suffer very much?"

The hon. the PRESIDENT:—"They were requested to consider the claims of the depressed classes."

Mr. R. VEERIAN:—"May I know whether Government are aware that local bodies are asking for half the amount of contribution for sinking wells from the depressed classes in the locality in which the well is wanted?"

The hon. the RAJA OF PANAGAL:—"The general condition laid down was that, whenever a grant is made to local bodies, the local bodies concerned should make a contribution of 50 per cent of the grant. That was the case in regard to this grant of Rs. 12½ lakhs for water-supply."

Mr. R. VEERIAN:—"I am only asking the hon. Minister why the local boards are demanding half the amount for sinking wells for the depressed classes if they wanted wells in any locality. Is it not the duty of the local boards to sink wells for them whether they contribute or not?"

The hon. the RAJA OF PANAGAL:—"The local bodies have to pay an equal amount, and it is left to local bodies to finance water-supply either themselves or to get a portion from others."

Mr. R. VEERIAN:—"In that case, no wells can be sunk for the use of the depressed classes. May I know whether the Government will sympathetically consider the matter and issue instructions not to take any contributions from the depressed classes since they have no funds at all?"

Religious and Charitable Endowments.

Communal representation in the appointment of Commissioners to the Religious Endowments Board.

2373 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state whether communal representation is observed in the appointment of Commissioners to the Religious Endowments Board?

A.—The attention of the hon. Member is invited to the answer to his question No. 2024.

Roads and Communications.

Toll-gates on Alur-Guntakal road.

* 2374 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the total length of the Alur Goods Shed road and the Kasapuram road, Anantapur district, respectively, on each of which a 'Main' toll-gate is said to be established;

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(b) whether the toll-gate on the Alur Goods Shed road is situated on the road within the local fund limits or on property belonging to the railway authorities;

(c) if the toll-gate is situated on the railway land, the authority under which the toll-gate is established on private land and tolls are levied there; and

(d) if the two gates are gates independent of each other and situated on entirely different roads, why, in the latest sale notification published in the supplement to the *Anantapur Gazette*, dated 5th February 1925, they are described as situated at 0.2 and 0.5 furlongs of Alur-Guntakal road?

A.—(a) The length of the Alur Goods Shed road is 5 furlongs and that of the Kasapuram road, 3 miles.

(b) & (c) There is no toll-gate on the Alur Goods Shed road, but there is one at the fifth furlong of the Alur-Guntakal Feeder road where a vanka crosses it. The road up to this crossing belongs to the local board and beyond it to the railway company. The Government understand that the toll-gate was first fixed near the vanka on the local fund side of the road but that in July 1924 for convenience' sake it was removed to the railway side of the vanka under a misapprehension that that side also belonged to the local board. The toll-gate was again moved to a local board road in April 1926.

(d) The president states that in the notification referred to the sites of the toll-gates were wrongly described and that the mistake was rectified at the time of the sale. One gate is on the Alur-Guntakal Feeder road and the other on the Kasapuram road.

Mr. A. RANGANATHA MUDALIYAR :—"With reference to the answer to clause (a) that the Alur Good Shed road is only 5 furlongs, may I know whether Government are satisfied as to the location of a main toll-gate in that road?"

The hon. the RAJA OF PANAGAL :—"The location of the toll-gate is left to the discretion of the local board."

Mr. A. RANGANATHA MUDALIYAR :—"Is not the notification of the president to be submitted to the Government?"

Trunk roads in Malabar and South Kanara.

* 2875 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to place before the House a statement showing the number of trunk roads from each of the districts of Malabar and South Kanara to over the Western Ghats with their respective mileage till the frontier of each district, how they are classified and the amount spent in the last two years on each road on the average per mile?

A.—The appended statement* shows the trunk roads passing over the Western Ghats in the Malabar and South Kanara districts, by whom they are maintained, their mileages and the average cost of maintenance per mile of road. In addition to these trunk

* Printed as Appendix V on page 299 infra.

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roads there are a number of second-class roads which are maintained partly from district board and partly from Government funds.

Mr. J. A. SALDANHA :—"With reference to the statement published on page 299 in the appendix to the answer to this question, will the Government explain why South Kanara should have only one trunk road while Malabar has got five trunk roads?"

The hon. the RAJA OF PANAGAL :—"That depends on the traffic of the district."

Mr. J. A. SALDANHA :—"Does the hon. Minister mean that traffic in South Kanara is so little that it deserves only one trunk road while you have in the adjoining district of Malabar five roads?"

The hon. the RAJA OF PANAGAL :—"I cannot help it. One trunk road serves the traffic in South Kanara what five roads serve in Malabar."

Mr. J. A. SALDANHA :—"What does he mean by saying 'I cannot help it'? Is it that Government cannot help it?"

The hon. the PRESIDENT :—"The hon. Minister can only speak for the Government."

Mr. J. A. SALDANHA :—"Should not Government help themselves to help us (laughter) in providing us with the necessary number of trunk roads?"

The hon. the PRESIDENT :—"But there is no traffic."

The hon. the RAJA OF PANAGAL :—"I said that there was greater traffic in Malabar, and therefore there were more trunk roads there."

Mr. J. A. SALDANHA :—"Let Malabar have five. According to our representation South Kanara deserved three roads, at least two. Have Government considered this proposal? Are they going to refer it to any committee?"

The hon. the RAJA OF PANAGAL :—"The authorities will consider the suggestion."

Education.

Staging of dramas in boys' and girls' schools.

* 2876 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) whether dramas are included in the curricula of studies in boys' and girls' schools and whether they are actually enacted in such schools; and

(b) whether this is intended for the purpose of physical training or for any other reason?

A.—(a) No.

(b) Does not arise.

Mr. R. VEERIAN :—"May I know whether the boys and girls are allowed to enact dramas according to their own choice which will tell upon their morality and character (laughter)?"

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The hon. the PRESIDENT :—" That is asking for opinion."

Mr. R. VEERIAN :—" I only ask whether the educational authorities allow boys and girls to enact any kind of dramas."

The hon. the PRESIDENT :—" Is it the information of the hon. Member that they are allowed to enact dramas ?"

Mr. R. VEERIAN :—" With a view to collect funds, or for *tamash*, or for some reasons of their own which I cannot say, the boys and girls enact dramas. I want to know whether they are allowed to do like that, and whether the Government or the educational authorities do not take any notice of it or merely allow them to have their own choice."

Fisheries.

Alleged migration of fishes from the West Coast.

* 2377 Q.—Rao Sahib P. V. GOPALAN : Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the two most industrially important fishes—sardine and mackerel—have been migrating from the West Coast during the last two years ;

(b) whether he has any scheme under preparation (1) to find out the causes of migration of the above fishes, (2) to locate the feeding and breeding places of these fishes ; and

(c) whether he proposes by any means to relieve the fisherfolk of the West Coast from the famine and distress caused by the migration of the above fishes and, if so, to place on the table of this House copies of such proposals or schemes ?

A.—(a) Large shoals of sardines and mackerel appear at irregular intervals on the West Coast. Mackerel was abundant in 1925 though scarce in the year previous. Sardine has been scarce during the last two years.

(b) (1) & (2) Yes.

(c) The Government are keeping a close watch on the situation which is at present not so serious as to justify their intervention.

Rao Sahib P. V. GOPALAN :—" May I just ask the hon. the Minister for Development to tell me what his schemes are under (1) and (2) of clause (b) of this question ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" An officer will soon be deputed to go and find out these things. As soon as his report is received we will do the needful."

Rao Sahib P. V. GOPALAN :—" May I just ask the hon. the Minister for Development whether he is aware that the hon. the Finance Member in answering a certain question of mine clearly indicated that the trawler intended for deep-sea fishing cannot be utilized for these purposes ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" When it is not engaged in deep-sea fishing, it can be used for other purposes."

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Rao Sahib P. V. GOPALAN :—" May I just ask him whether the Research Institute at West Hill is purely intended for the purpose of making scientific experiments to find out the breeding places of fishes which have migrated from the coast ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" The answer is in the affirmative."

Rao Sahib P. V. GOPALAN :—" With reference to clause (c), may I ask whether the hon. Minister is aware that one of the hon. Judges of the High Court of Madras, one District Judge of North Malabar, one District Medical Officer of Malabar, some English clergymen, the President of the District Board of Malabar, and Chairmen of every so many municipalities in Malabar have signed a memorandum admitting the migration of fishes from the West Coast and under the circumstances will not his intervention will be justified ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" It is a fact that those gentlemen have signed some such memorandum. But the fact of it is that what they intended doing was some sort of philanthropic work. From the information we have from the Collector we find that although the situation requires help of a philanthropic nature, it does not require the taking up of famine relief operation."

Rao Sahib P. V. GOPALAN :—" Am I to presume that the Collector is of opinion that there is no necessity for departmental intervention for giving relief to the distressed people in the West Coast ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" There is no necessity for taking any action as contemplated in the Famine Code."

Rao Sahib P. V. GOPALAN :—" May I know how he will account for his subordinates being on the committee specially organized to collect funds for relieving the distress caused to the fisherfolk when I am told that his subordinates are sending official reports saying that there is practically no distress ?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" There is difference between action of a philanthropic kind and otherwise."

Rao Sahib P. V. GOPALAN :—" Am I to understand that his subordinates have got the amorphous capacity ? In one capacity they say that there is distress and in another capacity they say that there is no distress."

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" That is a matter of opinion."

Mr. J. A. SALDANHA :—" I am quite surprised. I want to know whether the Government have no philanthropic obligations to the people at all ?"

UNSTARRED QUESTIONS.

Forests.

Steps to abate ravages of fields by wild animals in South Kanara.

2378 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member and the hon. the Member for Revenue be pleased to place before the House the reply given by Government on 10th April 1926 to my letter forwarding the

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resolutions passed at the meeting of the Wargadars held at Sullia in October 1925 about their forest grievances and to state—

(a) what steps have been taken by the Chief Conservator of Forests to make the cultivable area in reserved forests available for the purpose of cultivation and what is the area so made available in South Kanara;

(b) whether, as to protection from wild animals, it is a fact that shooting licences under the Arms Act are given to very few landowners and cultivators and that very few of them are well-to-do enough to purchase guns in the district; and

(c) what steps Government have taken to stop or abate the ravages of fields and gardens by wild animals from reserved forests in the district?

A.—A copy * of the reply referred to is appended.

(a) An area of 159.99 acres of reserved forest has been disforested and a further area of 167.36 acres has been admitted by the Chief Conservator as enclosures under section 18 of the Forest Act. The total area thus made available for cultivation is 327.35 acres.

(b) Licences for the possession of arms and ammunition for the destruction of wild animals that do injury to—

- (1) human beings or cattle and
- (2) to crops or cattle

are issued respectively in forms XVIII and XIX prescribed by the Indian Arms Rules, 1924. The numbers of such licences in force during the last five years in the South Kanara district were—

Year.	Licences in form XVIII.	Licences in form XIX.	Total number of licences.
1921	19	3,451	3,470
1922	16	3,407	3,423
1923	13	3,538	3,551
1924	13	3,546	3,559
1925	11	3,737	3,748

The Government have no reason to suppose that only very few of the landowners and cultivators are rich enough to purchase guns in the district.

(c) The hon. Member's attention is invited to the answer given to clause (b) of Legislative Council question No. 854 asked by Mr. Manjappa Heggade on 2nd November 1925.

Religious and Charitable Endowments.

Application of the Hindu Religious Endowments Act to certain areas.

2879 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that some religious institutions within the territories to which the Madras Act I of 1925 applies own properties in places outside the purview of the said Act, and also that some maths and temples situated outside such territories derive considerable income from landed property or otherwise from within them; and

(b) if so, how the Act I of 1925 has been applied to such endowments in order to ensure their proper management?

* Printed as Appendix VI on pages 299-300 infra.

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A.—(a) Yes.

(b) The Madras Hindu Religious Endowments Act, 1923 (Act I of 1925) gives jurisdiction only over institutions situated within the area to which the Act applies. All property of such institutions however, whether lying within or without such area is subject to the control and supervision of the Board. Conversely institutions situated outside the area to which the Act applies are free from the jurisdiction of the Board even in respect of property which lies within such area.

Agriculture.

Persons trained in Agricultural Colleges in this Presidency.

2380 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of persons who received their training in Agricultural Colleges in this Presidency, and were qualified for appointment as Demonstrators of Agriculture;

(b) how many of them are employed (i) in Government service, and (ii) in private service; and

(c) how many are without any employment?

A.—(a) The following are the figures for the past five years:—

Holders of Proficiency certificates	...	...	...	165
Diplomates (L.Ag.'s)	...	...	...	140
B.Sc. Ag.'s	...	...	...	87
(b) (i) Holders of Proficiency certificates	...	...	...	102
Diplomates (L.Ag.'s)	...	...	...	110
B.Sc. Ag.'s	...	...	...	88
(b) (ii) & (c) The Government have no definite information.				

Deputation of Mr. R. W. Littlewood to study dairy farming.

2381 Q.—Mr. B. RAMACHANDRA REDDI: Will the hon. the Minister for Development be pleased to state—

(a) whether it is proposed to depute Mr. R. W. Littlewood, Deputy Director of Agriculture, Livestock, to Europe to study dairy farming and the latest methods of manufacture of condensed milk;

(b) if so, what is the probable cost that will be incurred by the Government and how many years he is going to take to complete the course;

(c) whether the Government have made enquiries to find out if competent Indians are available who have made a special study of dairy farming, etc., at their own cost in foreign countries; and

(d) what is the age of Mr. Littlewood and how long he is expected to serve in India?

A.—(a) Mr. Littlewood has applied for study leave in continuation of ordinary leave to study the latest methods of dairying. The grant of leave is still under consideration.

(b) The grant of leave will involve an additional cost of Rs. 2,500 approximately; seven months.

(c) Yes.

(d) 38 years. For at least 15 years more.

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II

COMMUNICATION TO THE COUNCIL.

With reference to the Legislative Council resolution passed at its meeting of the 13th December 1921, and G.O. No. 42, Finance, dated the 11th January 1922, the Secretary laid on the table copies of statement of posts on Rs. 500 per mensem and above that have been created during the quarter ending June 1926.

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

III

THE MADRAS IRRIGATION BILL.

* The hon. the PRESIDENT :—“ I have to communicate to the House the following messages of His Excellency the Governor :—

I

His Excellency the Governor of Madras with the consent of His Excellency the Governor-General returns the Madras Irrigation Bill for further consideration by the Legislative Council with the recommendation that the Council shall consider amendments to sections 4 (5) (a), 4 (6) (d), 8 (a), 8 (b), 16, 20, 21 (2), 23, 46 (1), (3) and (4), 63 (1), 64, 65 (2) (a), 74, 78 (1), 79, 85, 109 (1) and 111.

6th January 1926.

II

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendments to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section 2 of section 81-A of the Government of India Act. The reasons for these amendments are explained in the note appended to each of them.

8th January 1926.

III

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendment to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section (2) of section 81-A of the Government of India Act :—

Section 46 (3).

Omit this section.

28th June 1926.

IV

His Excellency the Governor recommends that the Madras Legislative Council do consider and pass the following amendments to the Madras Irrigation Bill which has been returned by him with the consent of His Excellency the Governor-General under clause (a) of sub-section (2) of section 81-A of the Government of India Act. The amendments are consequent on the omission of section 46 (3) recommended to the Madras Legislative Council in His Excellency's message of 28th June 1926.

Section 46.

Sub-section (3).

For the existing sub-section substitute the following :—

“ The Government may prescribe from time to time the rules under which and the rates at which cess shall be levied under this section and different rates for different irrigation or drainage works or different areas may be prescribed.”

Section 62.

For the first sentence substitute the following :—

“ An annual charge in respect of such scheme may be levied according to rules to be made by the Local Government under the provisions of section 111 on the owners of all lands which shall, in the manner prescribed by such rules, be determined to be so chargeable.”

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In the second sentence for the words “ such rate or rates . . . limits ” substitute the following :—

“ The rate or rates at which such charge shall be levied shall be fixed as nearly as possible so as not to exceed either of the following limits.”

Section 111.

Sub-section (1).

Between the words “ from time to time ” and “ make ” insert the words “ after previous publication.”

Sub-section (2).

New items after item (e).

Add the following as new items and re-letter the rest :—

“(f) declaring the rates of water-cess leviable under the Act;

(g) declaring the annual rates payable under section 62.”

Sub-section (3).

Omit this sub-section.

29th June 1926.

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Mr. President, may we know the reason for this enormous delay in communicating to us on the floor of the House this message of His Excellency the Governor? We know that copies have been communicated to us. But are we to understand that you will communicate to us on the floor of the House messages of His Excellency when the Government propose to put their measures on the agenda or are we to understand that you are expected to communicate messages to us yourself independently without any reference to the agenda? The first communication was about 6th January 1926, the second and the third about the end of June. The Council met on so many occasions and no opportunity was taken by you to communicate those messages to us on the floor of this House.”

* The hon. the PRESIDENT :—“ I believe these messages were communicated to hon. Members of the House.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ But my submission is that they were not communicated to us on the floor of the House. Copies of messages were sent to us. If they were not to be communicated to us on the floor of the House, what is the necessity for you to formally make this communication now on the floor of the House?”

* The hon. the PRESIDENT :—“ The object of communicating these messages of His Excellency the Governor is to see that the amendments recommended by him are discussed and disposed of by the House. And so, the President in taking time to deliver these messages has naturally to consult the Government as to whether they are prepared to get days allotted for the disposal of the amendments consequent on those messages.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ It is exactly to clear that position I have raised this point. The moment they are sent to you, the Standing Orders do contemplate that you shall put those motions from the Chair. The Act says that when a Bill which has been returned by the Governor in Council for reconsideration, the points referred to for reconsideration shall be put before the Council by the President and shall be discussed and voted upon in the same manner as amendments to a Bill. Sir, the spirit of the Standing Order is to treat it as neither official nor non-official business. The very fact that you are expected to put the amendments of His

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Excellency clearly shows that you shall have to put them not as an official or non-official item, but directly as an item of His Excellency. He not being a Member of this House you are expected to be his mouthpiece and present it. The Government is not the mouthpiece of His Excellency as far as these motions are concerned. That is the reason why the Standing Orders require you to put those motions. Otherwise, if it is really a Government business, one of the Members of the Government would have been expected to put those amendments to the House. The very fact that you are expected to be the mouthpiece of His Excellency the Governor in the matter of putting these amendments to the House shows that there is no choice left to the Members of the Government to arrange for that work."

[* The hon. the PRESIDENT:—"I am sorry to interrupt the hon. Member. Is there anything in Standing Order 51 which binds the discretion of the President as to when he shall put these amendments to the Council?"

* Rao Bahadur C. V. S. NARASIMHA RAJU:—"Then, I refer you to section 81 of the Government of India Act. There are two stages. A Bill may be returned while the Council is in session and it may be returned when the Council is not in session. When the Council is not in session, it must be taken up immediately after the Council meets. 81 (c) (ii) clearly lays down:

'in the case of the Council not being in session, a notification has been published of an intention so to return the Bill at the commencement of the next session'.

"That means at the commencement of the next session, a notification will be issued. In this case, the first portion of the Bill was returned to the House when the House was in session. When some portions of the Bill were returned in January the Council was in session but when the later amendments were sent, the Council was not in session and the very intention that it is to be communicated at the commencement of the next session clearly indicates that you shall have to put them as soon as the Council sits and not leave it to the Government to decide when to put them."

11-45
a.u. * Mr. T. R. VENKATARAMA SASTRIYAR:—"Sir, my submission to the House is that the Bill concerned is still official Bill. It was taken into consideration by the House and was passed. It went to the Governor and the Governor returned it. In one case he may return it either in whole or in part according to sub-section (1) of section 81-A, and in the other he may return the Bill to the House under sub-section (2) for further consideration with a recommendation that amendments may be considered thereto, i.e., to the Bill. Clause (a) of sub-section (2) says that specific amendments may also be suggested as part of the returned Bill. The Bill, so far as the message of the Governor is concerned, has been returned under that section and if any amendments are suggested by the Governor they will have to be put under Standing Order 51 in the manner suggested by the hon. Member who preceded me, namely, by the President and not by a Member of the Government. But there may also be amendments that may be made not only to the amendments that may be suggested by the Governor, but also to those made by private members to other parts of the Bill that are returned to the House or to the whole Bill when it is returned for further consideration. When it comes back with the amendments to be put to it, it comes back as the official Bill that it originally was. The particular form in which the amendments are to be put to the House according to Standing Order 51 applies only so far as amendments that are suggested by His Excellency the Governor in

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his message are concerned. Other amendments which may be put forward by private members will be considered, on their motion, in the usual form in which amendments of which notices might have been given by private members are considered. When the message has to be delivered, it has to be delivered for the purpose of taking the Bill into consideration and in the absence of any definite direction either in the rules or in the Standing Order or in the Act it is not inappropriate to give the message to the House at the time when the Bill has to be taken into consideration. As far as I recollect we never reached a stage, on any previous occasion, of considering the Bill and the amendments of His Excellency the Governor and those of the private members who subsequent to the message that was communicated to them had given notice of their amendments. I submit therefore that the stage at which the messages were delivered is not improper. When the Bill with amendments are taken up for consideration, the messages might without impropriety be delivered. It is a proper stage and we can proceed to deal with the amendment suggested by the Governor and by Members. I do not find any distinct direction either in the Act or the Standing Order calling upon the President to deliver the message of His Excellency the Governor at a particular time."

* Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I rise to a point of order. It will be remembered that four messages have now been delivered by you to this House and the dates of the messages are important. One is dated 6th January, another 8th January and two in June 1926. I may submit that under section 81-A of the Government of India Act, there is a specific provision that His Excellency can return a Bill or portions of it for consideration of such amendments as he thinks fit within six months after he reserved the Bill for the consideration by the Government of India."

* The hon. the PRESIDENT:—"I am sorry to interrupt the hon. Member. What is the point of order that he is raising?"

* Rao Bahadur A. S. KRISHNA RAO PANTULU:—"My point of order is that, so far as the message of June is concerned, it was delivered more than six months after the period fixed for the reservation of the Bill for the consideration of the Government of India and I say that it cannot come up before the House."

* The hon. the PRESIDENT:—"I have delivered the message."

* Rao Bahadur A. S. KRISHNA RAO PANTULU:—"My point is that the House cannot consider the amendment contained in that message. It is open to you either to accept my objection or to rule it out of order."

"Sir, I would refer this House to section 81-A of the Government of India Act. This is what it says:

'Where a Bill has been passed by a local Legislative Council, the Governor, Lieutenant-Governor or Chief Commissioner may, instead of declaring that he assents to or withholds his assent from the Bill, return the Bill to the Council for reconsideration either in whole or in part, together with any amendments which he may recommend, or, in cases prescribed by rules under this Act, may, and, if the rules so require, shall reserve the Bill for the consideration of the Governor-General'."

* The hon. the PRESIDENT:—"I am sorry to interrupt the hon. Member. May I ask him to raise his point of order when that particular amendment comes before the House?"

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* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"My point is that, so far as these messages are concerned, they cannot be placed before the House."

* The hon. the PRESIDENT :—"When the amendments are placed before the House, the hon. Member may raise his point of order. The amendments are not before the House. Only the messages of His Excellency the Governor have been delivered. These amendments will be taken up in their order. When those amendments to which the hon. Member objects come up before the House, then it will be time for him to raise the point of order."

Mr. A. V. BHANOJI RAO :—"I beg to move

that the consideration of the Madras Irrigation Bill may be adjourned sine die.

"In this session we have got to consider the Madras Hindu Religious Endowments Bill and also the Malabar Tenancy Bill. The Irrigation Bill is a very important Bill and we should like to know, and the country also likes to know, what are the amendments that have been sent back to the Council. In view of these considerations, I move that the consideration of the Madras Irrigation Bill may be adjourned *sine die*."

* Mr. Chavadi K. SUBRAHMANYA PILLAI :—"I beg to second it, Sir. The reason for my seconding this motion is this. There are two reactionary provisions suggested, viz., those amending sections 46 and 111. The Government wish to keep the power of taxation in the hands of its Executive, while the power of the purse and of taxation should be vested in the Legislature. There are also some other defects in the Bill."

* The hon. the PRESIDENT :—"I am afraid the hon. Member is going into the merits of the amendments. He must show why it is necessary that the discussion should be adjourned."

* Mr. Chavadi K. SUBRAHMANYAM PILLAI :—"I am coming to that point, Sir. I say the matter I referred to above should be placed before the electorate in the coming election and their verdict obtained. Hence it is necessary that the discussion should be adjourned."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I am sorry I have to oppose this motion. It is possible the Government may accept it. From all that we have heard, whatever the view of the Government may be on this point, it is desirable that some of us who have been asked specially by some portions of the electorate to see that the Bill is taken up in this session should place our views before the House. So far as this Bill is concerned, one chief reason why it has been placed before the House for the adjournment *sine die* is that the electorates require time to consider this Bill. You will remember that this similar Bill was under consideration of the previous Council and the Government appointed a special committee to go into the question of this Bill and that committee also made a report. Practically all the important questions were raised at that time and all these matters came up clearly before them. A long time was spent by the Select Committee in going through the various provisions of this Bill. It has been said on the floor of the House more than once by the Government that they are not in a position to do anything so far as new schemes are concerned without an Act passed by the House, and in several cases various difficulties have been experienced as this Bill has not been passed into an Act. Taking my own district into

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consideration, though there are plenty of forests and plenty of rivers there, the irrigated area is very small indeed. I believe, so far as irrigation is concerned, it is the last but one in the whole of the Presidency. We have got a special misfortune of having no irrigation on a large scale although we own a very large area of reserve forests and, what is more, a very large number of big rivers rising in our district. One great difficulty that has been felt is that as the law stands at present the Government have no power, as has been recently held by the High Court, of regulating water by turns so far as lands registered as wet are concerned with the result that recently Government have found it difficult in cases where water is scarce to regulate the distribution of that water and the Revenue authorities also have expressed their inability to do anything either by way of penalizing or by way of prosecution of otherwise. Those people who own lands at the top end of the channel and who take water to their lands waste it sometimes to the detriment of people who own lands lower down. That is an important defect about which legislation is required at once, and any further delay will lead to very serious difficulty. There is an irrigation project called Vadakkalur channel in connexion with which this specific point was raised and the people owning lands lower down the channel clearly complained about this defect in the law. They said, whatever may be the fate of other points raised in connexion with the irrigation law in this Presidency, this question must be made clear. There is also another point which has been referred to by the hon. the Law Member more than once on the floor of this House, i.e., that no project could be undertaken unless some provision was made under the Act enabling the Government to come into agreement with the ryots as to the rates to be paid for the various lands to be irrigated. There are a number of schemes so far as our district is concerned where the people are prepared to come to some agreement and pay a much higher rate than what is usually fixed for cultivation provided they get water for their lands. We have no water for purposes of irrigation although we have got plenty of water flowing through our district. So far as our district is concerned, the people are prepared to pay a much higher rate provided there is a law enabling them to come to some agreement with the Government and provided large schemes are launched upon. One great scheme that is now before the Government is the Upper Bhavani project and Government expect to collect Rs. 10 or 11 per acre for cultivation in the area which is going to be irrigated by that. The ryots in more than one conference attended by Members of the Board of Revenue have expressed their willingness to pay that rate if it is found necessary. If this Bill is not passed into law, the result will be that, so far as dry districts like ours are concerned, they will suffer indefinitely. If this Bill is postponed *sine die*, probably it will be thrown into the waste-paper basket; and although probably these districts which are getting sufficiently a large quantity of water may not feel any difficulty owing to the absence of any irrigation law, districts like ours which feel the difficulty now will suffer for ever.

"During the last three or four years our district has gone through famine conditions. Government also recognized this fact and gave some concessions in the shape of reduced grazing fees and other fodder concessions. A district like that would surely have to suffer if this Bill is postponed. noon.

"Now, Sir, if there are certain zamindari areas in other parts of the Presidency which do not want this measure, let them pass a resolution to the effect that this Bill should not apply to those parts and we shall be prepared

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to support them. When they are placed in a favourable position, why should they oppose any measure which is designed to help the other suffering districts?

"With regard to the question of kudimaramat in the villages, to our great misfortune and shame we find that there is no union among the ryots as we used to have. Hence they are not in a position to make all the ryots pay. Even the Revenue authorities have recently held that they have no power to compel any defaulter to pay. I do not know if it applies to all the districts; at any rate, I know it is the case in our district. Therefore when the number of defaulters becomes large, Government are not able to do anything and the money that is paid already is locked up in the Government treasury for years. In the Coimbatore district we had to bring this to the notice of the Executive Engineer during the Irrigation Conference which was held there two weeks ago. When Government refuse to do anything in this case and when the ryots also do not all of them pay the rates, the canals become silted up and sometimes they are closed for a long period for want of repairs. This is one of the instances to show how our people suffer for want of an irrigation law in this Presidency. Therefore any further delay in passing this Bill would only mean more suffering to our people. It will be a cruel act on the part of those who want to carry this motion. I appeal to the Government itself not to delay this matter, whatever their private negotiations might have been and whatever their convenience as regards other circumstances might be. Otherwise they would be sacrificing the interests of the people, the very people who are willing to pay and bear the burden for the benefits conferred upon them. It is quite possible to suppose that the Government have committed a mistake in mixing two subjects together in this measure, i.e., the question of irrigation in the zamindari areas and the question of irrigation in ryotwari areas. We have no objection if, even now, those clauses of the Bill relating to the zamindari areas are removed and the Bill be made applicable only to ryotwari areas. I urge this, because there are districts like Coimbatore where there are very few zamindari areas and there is no question of big rivers passing through them. If the Government want to oblige the zamindars, we have no quarrel with them. But I wish to point out that there are a number of other districts like Coimbatore where the problem of the zamindari areas never occurs. Government will be criminally culpable, I would say, if for any reason, private or public, they agree to postpone the Bill.

"Much was said about the waste of time and money in the consideration of the Hindu Religious Endowments Bill; but no such complaint is made in this connexion. I do not think there is any fear of any court of law declaring this Act to be invalid if this should become an Act. After discussing this matter in more than one meeting of this Council, and spending so much of our time, it would be criminal on our part to throw it into the waste-paper basket and say that we have done all this for nothing and nothing is to come out of it. This would be giving a handle to those who are speaking against the Legislative Council. I appeal to the Government and to the House not to drop this measure; because dropping this measure now means dropping it for years and decades and once for all. I request them to take up this measure now. They may leave out such portions of the Bill as are very controversial in nature and enact the remaining portions. Government knew that there were controversial matters in this Bill; the first Bill

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was thrown out and Government took time to bring forward another measure and pass it in this House. It may be that some of the amendments sent by His Excellency the Governor are objectionable in their nature; but that is no reason why the whole Bill should be postponed. We will have to show to the Government and the Governor that some of the amendments, especially those relating to percolation, on which the Council has practically unanimously expressed its opinion, are not reasonable in their nature. Under the existing practice; charges are levied for percolation; the Council wanted to omit it and now the Governor has sent in amendments to restore it. If we do not now consider the Bill, the old practice will be continued and that would be practically giving effect to the amendments of the Governor. Because there are some objectionable amendments, we should not throw out the whole Bill; we will then be doing a great injustice. Therefore, in the name of the large number of people in the district I come from, I oppose this motion for adjournment and I appeal to the House and to the Government to pass this Bill, especially as it would benefit the various districts to which I have referred."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, this question of an Irrigation law for the Presidency has a long and melancholy tale behind it. It is a performance on which neither the Government nor the House can congratulate itself. After a long deliberation for forty or fifty years, Government introduced a Bill in 1914. This House passed a motion for adjournment even before Sir Alexander Cardew introduced the Bill. Again, Sir, another Bill was thrown out during the time of Sir K. Srinivasa Ayyangar; and as one who believed in what he did, he did not care to continue in office after the Bill was thrown out. But the matter did not stop there. Various conferences were held and committees were appointed and another Bill was introduced on 6th February 1924 and was duly referred to a Select Committee. It was finally passed on 5th December 1924. Then messages were communicated to us at first to the effect that the Bill was reserved for consideration of His Excellency the Governor-General and later on recommending certain amendments to the Bill. The messages were sent on various dates such as 6th January, 8th January, 28th and 29th June, respectively. Now, when we are at this stage we are told that the matter might be shelved and that this Council need not consider the matter. I ask the Government whether they meant serious business when they brought forward this Irrigation Bill before us and said that unless the Council passed an Irrigation law in this Presidency it will not be possible to proceed with large irrigation projects calculated to benefit the agricultural population of the Presidency. When the Government of India were approached in 1905 for a loan in connexion with the Cauvery project they stated that they would not encourage the undertaking of such large irrigation projects unless the Madras Government assumed control over the waters of this Presidency by means of an Irrigation law. Then, Sir, in 1909 when this Government approached the Government of India in connexion with the Tungabhadra project which was intended to benefit the Ceded districts and Nellore they were referred to the old correspondence regarding the Cauvery project. The Local Government had already spent 7 lakhs in the investigation of the project. If this Government, notwithstanding all their protestations are really in earnest in their endeavours to obtain funds for carrying on big

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irrigation projects, it is their duty to take time by the forelock and do their best to place the Irrigation law in this Presidency on a satisfactory footing.

12-15
p.m.

"But what is it that has been done, after all this has been allowed to pass? We find that a motion is made now at the fag-end of the Council session and before it is likely to be dissolved that the Bill should be adjourned *sine die*, in other words, that it shall be shelved for the time being. But, Sir, until there is legislation on these lines, we feel that the fate of the people of many districts, who for years and decades have been depending upon the construction of large irrigation projects to be relieved of their miseries, will be doomed for ever. The Government of India say, 'We cannot sanction the irrigation project.' That is, Sir, a most lamentable state of affairs which this Council ought not to tolerate.

"I am not able to follow my hon. Friend from Coimbatore when he made a suggestion that the sections relating to zamindari areas may be deleted."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I only suggested that as the last alternative."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"It is not possible to do that. It often becomes necessary to take the water through the zamindari areas. Unless powers are given to carry the water through those areas, it is not possible for us to solve the problem. It is, therefore, necessary to consider all the provisions together and arrive at a satisfactory conclusion. In passing this motion for adjournment, are they prepared to go along with my hon. Friend from Coimbatore? I yield to none in feeling that some of the amendments are so objectionable in character and affect our fundamental rights to such a large extent that we cannot consent to them at all. The one amendment to which I attach great importance is that which takes away the power given to this Council to fix the water-rates and drainage charges and have them settled by an Act of the local Legislature. This Council, Sir, said regarding both the points that the water-rates and the annual charges should be determined by the local Legislature. I am glad to state that at the closing speech of the hon. the Law Member, he referred, as if with an air of satisfaction, particularly to this important point, and what he said in connexion with this point was to this effect: 'A notable change has been effected in the Council fixing the rates.' It may be he was presenting his own views, but we find that, so far as this important question is concerned—I do not know whether it is due to the Local Government or the Government of India,—the Government have given a set-back to the salutary principle. We find that a similar attempt was made in the case of the Land Revenue Bill to bring the questions of taxation within the purview of the Legislature. These amendments and other amendments deserve the strongest opposition so far as this House is concerned.

"The amendments brought are so radical in their character that, I think, Sir, but on that account the House should not put off the Bill, because the result is practically to deny all justice to those who are in need of such a measure. I only ask this House to remember whether they will not lend themselves to the complaint, that, while they were eloquent in asking for some schemes of irrigation being taken up, they have now taken a step, the result of which is going to be that we shall have no irrigation project. That is the most retrograde step which we can take. There is nothing in

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which the inhabitants of the rural areas are so much interested as in the question of irrigation. If we, by any act of ours, wish to make them understand that we are parties to a step whereby it is not possible for them to have large irrigation projects, I believe, Sir, we will be miserably failing in our duty. Let us not take that step. Let us make up our mind to have the irrigation projects. Let us consider the amendments which are considered objectionable. Let us have the Irrigation law. But, if we take the other course, I think we will be failing in our duty."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Mr. President, Sir, I am in a somewhat delicate position to-day. I will presently explain as hon. Members are anxious to know the why of it. Hon. Members will remember that during all the stages of this Bill, I was one of those who heartily supported the Bill to the best of my ability. But something tells me that something is wrong somewhere. Arguments were advanced now against the motion made, which were directly contradictory to those that were made yesterday or the day before. (A voice: 'Not at all.') If the hon. Member will bear with me for a moment; I will tell him how. We have been told that this Bill has been hanging fire for three or four years, and that it is time it is taken up and finished. I think yesterday it was said from those benches that the Religious Endowments Bill had been hanging fire, that it was hurriedly passed into an Act, that the present Bill was a re-enacting measure, and that a long time was required for its consideration."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"We said that this House had no time to consider that Bill. But the House had time to consider this Bill, the Irrigation Bill."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"It will be remembered that this very Council considered numerous amendments of the nature of amendments to this Bill. We were also told yesterday that no Bill of such far-reaching consequences as the Hindu Religious Endowments Bill could be discussed at the fag-end of a dying Council, as some one put it. But, to-day 'the dying Council' seems to be perfectly competent, perfectly alive,—very much alive, Sir,—to discuss this Bill and the amendments and alterations proposed by His Excellency the Governor, though every one of us here knows that there are certain provisions to which some of us cannot be a party, for instance, the provision regarding the taxes. (A voice: 'Why not say it?') I do not want to take a lesson from you."

* The hon. the PRESIDENT :—"Order, order. The hon. Members must address the Chair as much as possible."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I am not going to take any cue from Members opposite. I suppose I am perfectly in order now.

"The district which I represent to-day, and represented in the earlier Council, both the districts are districts in which you will find more delta land and more irrigated land than dry land, and the reason why I have to support this Bill in all its stages is because of the advantages which the Bill is expected to confer on the people of many districts.

"It seems to me that there are certain considerations which are very directly concerned with the adjournment of the motion to-day. Not only are they so directly concerned, but there are even certain constitutional issues of a grave character involved in it. You will notice that this Bill was piloted,

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after the Bill of Sir K. Srinivasa Ayyangar was thrown out, by the hon. the Law Member, Sir C. P. Ramaswami Ayyar. To-day, we do not find him on the Treasury Benches. He has gone to the upper regions, beyond the seas." (Laughter.)

* The hon. the PRESIDENT :—" Order, order. The remark is likely to be misunderstood."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" Far be it from my mind. I wish him long life, and I want him to come back here to pilot this Bill. But, what I meant was this when I said there was a constitutional issue involved. My knowledge of constitutional history of other countries is limited,—I admit it is meagre. But, I must mention that this is the first instance in which I have found a Member of a Government giving up his place, when two important Bills were pending in the Legislative Council and going, no doubt, to a superior place. Sir, the only instance that I know of is that of Mr. Montagu, who left England and came over to India. But it will be remembered that he came over to India in the discharge of the duties of his office. Not that I have any objection, Mr. President, in this case, to his having been lifted up to that superior position. It is an honour rightly due, and which, as a member of this Presidency, I am proud of. But that is altogether a different matter from the constitutional question referred to."

Dr. P. SUBBARAYAN :—" On a point of order, I would ask the hon. Member what is the relevancy of all this."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" It is perfectly in order. Without the slightest reflection on those now on the Treasury Benches, I must say that it is a handicap to those who have worked with him to have to fall back upon anything of what he might have said before. But considering that the hon. Member is coming back to this Council again and sit in his place, and that it is only a short vacancy, I should like to know what the objection is to the question being taken up later on. I want to raise a constitutional issue, and the Government to give me an explanation whether they know of any instance in any representative Council wherein a Minister left his place and went to a position like this, and if that is not so, this Council owes it to itself that it should demand the reasons why such a step should be taken."

12-30 p.m. " Sir, there is no other occasion on which I could raise this constitutional issue."

Dr. P. SUBBARAYAN :—" May I ask what the relevancy of this matter is?"

* The hon. the PRESIDENT :—" Raising a constitutional issue is no doubt interesting but I suppose the hon. Member is raising it only as an argument for supporting the motion before the House. I think he has dwelt long enough upon that aspect of the matter and he may proceed to more impersonal issues."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" With your kind permission I may say that I was referring to this matter expecting some answer from the Government. May I suggest to you and may I crave your indulgence to permit me to say this? When a constitutional issue of grave

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importance arises, when there is no other opportunity of mentioning it except by going to the press or to the platform and when such an issue is directly concerned with the administration of the country and with the conduct of the proceedings in the Legislative Council, is it wrong to take an opportunity of this kind"

Dr. P. SUBBARAYAN :—" May I again point out"

* The hon. the PRESIDENT :—" The hon. Member has raised the issue and the Government will answer it, if necessary."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" I am satisfied. The hon. Sir Ramaswami Ayyar is not here and he was in charge of this Bill; he was presiding over the Select Committee and even Mr. Legh who was assisting him throughout is now on leave. I made certain representations to which I received certain replies. How can I ask the present Member to say anything about it? The present Member may say that he wants notice and that he cannot do anything. That is the difficulty we feel. There are many questions of importance as has been admitted by the other side. Taking everything into account, there will be no difficulty to the people if we are to put off the Bill for a few days. I have another reason"

* The hon. the PRESIDENT :—" The hon. Member was not in his place when the motion was made. The motion is that the adjournment be *sine die* and not to a particular date."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—" It does not affect the matter. What I was saying is this: there are certain matters which require very careful consideration, for instance, the issue about taxation, the issue about special contracts. There is the Polavaram project in Godavari district. If this Council should decide contrary to what is intended in the message, it is quite certain that it will be certified. I will be glad to negotiate with the Government if they are willing to condescend to some terms. With reference to the question of taxation the Government are not prepared, at any rate His Excellency is not prepared, to leave it to the Legislative Council but they leave it entirely in the hands of the Government. On that point again, if we drive it to an issue to-day it is possible that we may be able to pass it in the Council but it will be left to His Excellency the Governor to certify the provision as it was sent to us. Would it not be advisable, would it not be feasible, would it not be politic to wait for a few days and try to convince the Government of the justice of our demands so that a sort of compromise might be effected and a measure acceptable by His Excellency, by the Government and by this House might be devised? Would it not require some time? This Bill is not like the Religious Endowments Bill where one party is determined to pass it and the other party to oppose it. This is a case in which the Government are not directly interested and the Council also is not directly interested and therefore this is a case in which it is possible for certain arrangements to come to between us. Some little time is required so that we might wait in deputation on His Excellency or upon the hon. the Revenue Member and place our case before him and show how the amendments work against us and against the interests of the people. I feel that if these amendments are rejected, they will be certified by His Excellency. Some difficulty is felt by the ryots in my district. I cannot either reject the amendments or support them. If I support them

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I will damage the cause of the ryots in my district, and if I reject them they will be certified by His Excellency the Governor. This is a clear case in which some time is necessary for the purpose of carrying on certain negotiations. You will see, therefore, the necessity to wait upon His Excellency and the hon. the Revenue Member and try to convince them of the justice of our demands. No doubt we received copies of the amendments some time ago. Very few of us read them at the time. It must be urged that these are important matters and of grave consequences and I think that we would not be doing our duty if we rush to oppose and reject the amendments. I am very sorry for the use of the words '*sine die*'. But I hope that the Government will consent to bring forward the Bill so that it might be discussed soon after the new Council meets. If that is done, I think we will be satisfied. It will be in the interests of the people themselves to do so. I appeal both to the Government and to the hon. Members opposite that some such arrangement should be made."

Mr. K. KOTI REDDI:—"Sir, I am really surprised why this motion for the adjournment of the consideration of the Irrigation Bill is brought forward. I am not very much enamoured of the Irrigation Bill that has so far been passed, particularly of the obnoxious chapter on Special Contracts in the Bill, on which some of my hon. Friends seem to rely so much for their rights. The Government and the hon. the Law Member have been telling us in season and out of season, whenever we press on them for some irrigation works in our districts, that such schemes could not be taken up for want of a proper Irrigation law. We have all been anxiously waiting for that law being passed and for the benefit which the Government have promised to confer upon us as soon as the law is passed. We are told that the Irrigation Bill could be postponed for ever. We, in the districts which are affected by famine, particularly in the Ceded districts who have been anxiously looking forward for some big schemes to be taken up as early as possible, cannot agree to the postponement of this Bill. We have been told that there are very important provisions in the amendments that have been suggested by His Excellency which require time for consideration. Sir, we were furnished with copies of amendments long before and we have considered them seriously and devoted enough time on them. I do not see why more time and attention is necessary. There seems to be some fear on the part of some hon. Members that even if we do not accept the amendments that have been suggested by the Governor, they will be certified. I am not afraid of such a course of events. The Council must be prepared for it. We must be prepared to give our true opinion; if His Excellency the Governor is prepared to certify the amendments, let him do so and take the chance. With regard to the provision conferring power on this Council for taxation purposes, the Government are exercising that power at present and how are we, in any way, better for postponing this Bill? If we are prepared to reject the amendments suggested by His Excellency the Governor, we shall do so. If the Government are prepared to certify them, let them do so and let us show our own mind."

"The reference regarding the absence of the hon. the Law Member who had been piloting this Bill seems to be quite irrelevant. Law Members might come and Law Members might go. There is always one Law Member who can do the business as well as any other. The previous Law Member

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may not be here; that is no reason why the Bill should be put off for ever. The very fact that His Excellency is not willing to accept the Bill as passed by the Council shows that he is not willing to agree to the negotiations that have taken place between one section of the House and the hon. the Law Member. If it is not so, His Excellency would not have suggested the amendments sent to us. We cannot rely upon those negotiations . . ."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU:—"It is not a matter of right. They will help us."

Mr. K. KOTI REDDI:—"It has been said that we took a different attitude with regard to the Religious Endowments Bill, that we pointed out that the Council was dying or about to die and that that Bill should not be taken up. It is not so. As one hon. Member has already pointed out, the Religious Endowments Bill is quite new to a large section of this House, at least 50 per cent of it; whereas, the Irrigation Bill was discussed during the term of this Council. I appeal to hon. Members to take into consideration the fact that the Government have been putting off large schemes from which some of us expect some benefit, since an Irrigation law has not been passed. Some hon. Members come from parts like Godavari and Kistna where there is plenty of water already. Some consideration should be shown to the people who come from dry parts and who expect some advantage to be gained from this Irrigation Bill, although I personally believe that the Government can do something for these districts apart from the fact whether the Irrigation Bill is passed or not. Taking the Government at their own words I wish to see that the Bill is passed at this sitting of the Council and I therefore oppose the motion before the House."

* The hon. Mr. N. E. MARJORIBANKS:—"Mr. President, Sir, the Government understand that a considerable part of the House favours the course which this motion involves. Therefore they have considered the matter carefully as to the position they should take up with reference to it. The matter is a very difficult one because, although some amendments which have been recommended by His Excellency deal with points which I see from the record of the discussion in this House were well debated, yet there are certain very important points which, so far as I can find, were passed without any discussion whatever. I refer more particularly to the amendment regarding the taxation clause which raises a very large and important issue and the Government feel that it would be well that the matter should come up before the new Council rather than that this House should be called upon to vote on such an important matter on the eve of an election. The reason is very much the same as that which was more eloquently urged by the other side in connexion with another Bill (laughter) except that in the case of this Bill there is not the same consideration of urgency. I do not think that the matter will suffer because there is no likelihood of big projects being delayed or of the Government in any way diminishing their activities in the direction of improving irrigation works on account of the fact that this measure is delayed for a few months longer."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"What about the Mettur Project in the Coimbatore district?" 12-45 p.m.

* The hon. Mr. N. E. MARJORIBANKS:—"If the hon. Member refers to the project which is nearest his heart, that is the Upper Bhavani Project, it is not possible to take any steps for a year or two."

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* Mr. C. V. VENKATARAMANA AYYANGAR :—"I refer to the Mettur Project."

* The hon. Mr. N. E. MARJORIBANKS :—"The Mettur Project is proceeding as it was originally proposed (laughter) and I do not propose to enter into details. Some hon. Members have pointed out that there exists a very strong difference of opinion in connexion with this Bill and it has been pointed out by the hon. Member for East Godavari that it would be well to give time for consideration, so that the Bill might have a chance of becoming an enactment. On these grounds, the Government have on the whole decided to accept the motion. The form of the motion seems to have created some misapprehension. I venture to think that *sine die* does not mean for eternity. (Laughter.) It merely means that the date is not fixed."

* Mr. S. SATYAMURTI :—"On a point of order, Sir. May I ask you, Sir—it is for you to decide the matter—what does adjournment *sine die* mean in Parliamentary practice and in this Council?"

* The hon. Mr. N. E. MARJORIBANKS :—"I would like to say, Sir that if a motion is carried that the House pass on to the next item of business, that would mean that the matter is disposed of finally. So far as this motion is concerned, we are not fixing the date. I say, for the reasons which I have indicated before, it is for the House to accept the motion."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Mr. President, Sir, the new Member for Government who is in charge of the Irrigation portfolio comes forward and says that there is no hurry to pass the Irrigation Bill for any project in the near future. This is rather a very surprising statement from him. I only refer, for his information, to the statement made by the previous Law Member when he introduced this Bill. He said that he could not proceed with the Mettur Project; he said he could not proceed with the Tungabhadra Project and with many other projects and he referred this House to the various despatches of the Secretary of State and the Government of India. Sir, I am only quoting from the speech of the hon. the Irrigation Member. On the 6th February 1924, when he introduced the Bill he said :

"Speaking on this matter in the year 1905, the Government of India said this. They were asked on that occasion for a large loan in regard to the Cauvery Project, and what did the Government of India say? They said :

"The Government of India, as at present advised, are decidedly of opinion that legislation is necessary in Madras in order to secure to Government such power of control over the waters stored for irrigation as will enable it to make the best possible distribution thereof and to prevent embarrassing litigation, although they will be prepared to consider the present scheme when they have received a satisfactory reply. Even in the event of the sanction of the Secretary of State being accorded, they would be reluctant to authorize the commencing of construction until the Irrigation law has been placed on a satisfactory state."

"They said this in 1905. We again approached them with regard to a large irrigation project in 1909. What did they say then? They said :

"I am to invite attention to the correspondence of the Government of India in which the Government of India have expressed their reluctance to authorize the commencing of construction of the Cauvery project until the Irrigation law has been amplified so as to secure for the Government such power of control over water made available for irrigation at public expense as would enable the best possible distribution in the supply of water and to avoid embarrassing litigation. The Government will therefore not be able to recommend the undertaking of such a large and costly scheme as the Tungabhadra project until the necessary legislation has been made."

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"Again, Sir, he referred later on :

"Take again the Mettur scheme. What will it mean? We have an extent of a quarter of a million acres which will become available for irrigation, and irrigation will be on the same lines as in the Cauvery delta. That region will be a garden whereas it is practically barren and desolate to-day. I have only recounted the two most important and largest schemes. There are tens, dozens, and hundreds of schemes awaiting development. Wherever we are handicapped by the lack of legislation, and it is for that reason that successful administrators have failed to achieve a solution of this problem of agricultural depression."

"Again, Sir, he stated :

"The rest will come of its own accord. Shall we contemplate with equanimity the possible delay of a year more? Because so far as the present state of things are concerned, shall we not hope that we can go up to the Government of India before this Budget and ask them for funds for some of our bigger projects? We know Madras is the Cinderella of the provinces. The other provinces are nearer the throne of grace. Bombay and Calcutta can always get money and Madras cannot. Our voice is impotent. Other provinces are able to get more than ourselves."

"With these arguments, Sir, he was able to introduce the Bill."

"Now the Government say that there is no hurry for an Irrigation law and that it can wait for the next Council. I am not able to understand what induced the Government to take this attitude. At every stage of this Bill, when some of us wanted time to consider the most important measure that was put forward by Government, they said that they cannot take up any of the projects, that they cannot proceed with the work, they cannot apply to the Government of India for a loan unless they have got an Irrigation law. Every one of us will clearly remember that I moved a motion that the introduction of the Bill be delayed for at least a month or so. Even then, the argument advanced was that the Government could not wait for any time and that they must proceed with the Bill. Now, Sir, what is the position in which we stand? Immediately after the Irrigation Bill was passed a resolution was tabled by the Law Member that this Council should approve of the Mettur project. On the understanding that the Bill will become law with such modifications as do not affect the provisions of the Irrigation Bill which concerned the Mettur project we gave our consent. As soon as this House voted for the project and the Secretary of State sanctioned it, the Government incurred enormous expenditure. I think this House was intimated that a sum of Rs. 4 lakhs and odd was certified by His Excellency the Governor for expenditure on the Mettur project and on another occasion a motion for 3 lakhs was brought forward and I then raised the question whether we were justified in spending so much money upon this project before the Irrigation Bill became law. I only crave the indulgence of the House to go through the debate when that supplementary grant was brought forward. This was on the 7th November 1925. I raised the question that this project involved the levy of Rs. 15 rate on the new area to be brought under cultivation; and the betterment or the improvement tax to be levied on the existing delta area and various other questions that are involved. Now again, regarding the Polavaram project, they levy a rate of Rs. 11-8-0 per acre for the successful working of the project. It is an admitted fact that a contract was entered into between the Government and the owners of lands, but we were told that such contracts cannot be covenants running with the land and the levy of very high water rates is not possible under the existing law, and a great amount of money was incurred on these projects, on the understanding that we, or rather the general tax-payer, will have on the statute book an Irrigation law. Now,

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it is surprising to hear from the Government that they do not want an Irrigation law for these projects. Is there any consistency in the position which the Government take ? ”

* The hon. Mr. N. E. MARJORIBANKS :—“ I have not said anything of the sort.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ If I understood the hon. the Leader of the House, what he said was that they did not want an Irrigation law at present and that they could wait for some time.”

* The hon. Mr. N. E. MARJORIBANKS :—“ For a few months more.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ And, what is the basis on which they are going to incur expenditure during this year on the Mettur project or on the Polavaram project ? Is not the general tax-payer concerned in the matter ? Is not the general tax-payer assured that there will be an Irrigation law before his money is spent on the projects and these projects pay for the general tax-payer ? Unless there is an Irrigation law which enable Government to levy the high rates of Rs. 15 and Rs. 11-8-0 an acre, what is it that the Government propose to do ? We were made to understand that there is a large section of this House which does not want to proceed further with this Bill. The Government could have taken their advice privately. . . .”

* The hon. Mr. N. E. MARJORIBANKS :—“ I did not say that. I said a considerable section of the House did not want to proceed with the Bill.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ A large section ? ”

* The hon. Mr. N. E. MARJORIBANKS :—“ I did not say, ‘ large ’.”

1 p.m. * Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Now, Sir, he has stated that he was made to understand that a considerable section of this House wanted an adjournment of this subject. What does it mean ? The other side wanted the dropping of this Bill and he has consented or agreed to drop the Bill.”

* The hon. Mr. N. E. MARJORIBANKS :—“ No, Sir.”

* Rao Bahadur C. V. S. NARASIMHA RAJU :—“ Yes, he has agreed to drop the Bill for the present. Can this Bill be put again before this Council ? The Government will have to introduce a new Bill, a revised Bill and go through all the stages. What is the expenditure that has been incurred on account of this Bill and why should they not come to a conclusion early enough ? The first message of His Excellency returning the Bill was dated 6th January 1926 and there was sufficient time for the Government to make up their minds either to proceed with the Bill or to drop it. They waited for more than seven months and now say that they are going to respect the feeling of a considerable section of this House to postpone the consideration of the Bill. This is a very undesirable attitude which the Government are taking after so much waste of public money over the consideration of this Bill and, I may say, waste of public time. More than 42 Members were Members of the Select Committee on this Bill ; they were made to deliberate over the Bill at Ootacamund at an enormous cost for a number of days and again in this House we had to discuss it ; and the Bill was passed in this House unanimously, without a single protesting voice,—if I remember aright, there was not even a division at the third reading of the Bill. The very taxation

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provision which was referred to by the hon. the Leader of the House was suggested by the hon. the Law Member himself during the Select Committee stage. If he does not find any reference to that portion of the Bill in the second stage of the Bill in the Council, the House is not responsible for it. The hon. the Law Member then took the view that a provision in that form was practically giving power to the Legislature to have their own way. We have the satisfaction that as far as the present constitution allows, we have got legislative control over taxation. So long as Irrigation is a reserved subject, the power of certification is there under the present constitution. We expected Land Revenue and Irrigation to be transferred subjects under the Reforms, and that this difficulty of certification would be removed. Supposing the Bill, as it is, was in the form of a taxation Bill ; then what is the effect ? Even when it is a transferred subject, if the Government has got a right to levy taxes, this House will have complete control over the Minister who will be in charge of Irrigation or Land Revenue and to ask him to change the rates. The moment you make it a transferred subject, you make it fit to be controlled by this House. Therefore, even then there would be no difficulty. In this case, perhaps it is accompanied by the ununderstandability on the part of this Government or on the part of the Government of India as to how the provisions would work.

“ Now, Sir, it has been said that the present Member was not in charge of the Bill throughout. Are we to block the Bills because of that ? So far as the Government Members are concerned, the Bill can be proceeded with, whatever might be the change in the personnel of the Government. If really the Government do feel any difficulty in the matter, they can come forward and say ‘ we drop the Bill ’. Why should we take the responsibility of saying that we do not want to proceed with this Bill ? After all, when the ultimate stage is reached, we will have the satisfaction that even the Governor or the Viceroy has consented, on account of its being a reserved subject, to most of the existing provisions of the Bill ; and the only difference would be that of referring the amendments to this House. Sir, those are the points that have to be considered. There will always be some difference of opinion between His Excellency and this Council so far as the reserved subjects are concerned ; but there is no use of this Democles’ sword hanging over us.

“ It has been advanced by the Mover of this motion as an argument that we have got two more Bills—the Malabar Tenancy Bill and the Hindu Religious Endowments Bill—to occupy the time of this House. My first answer to him is that this Bill was the first Bill that was introduced in this Council by the Government. Are we justified in burying it now and taking up a new measure ? My second point is that the Malabar Tenancy Bill may occupy a considerable time. What perhaps he is not aware of or he cannot prophesy with sufficient clearness is that the fate of the Malabar Tenancy Bill will be no better than that of this Bill ; because on many vital matters the Government differ from the Council and the Bill is likely to be returned for consideration. It is clear from what was stated that so far as the executive is concerned, they are prepared to advise the Government not to accept the Bill in the present form. Then, if this House does not consider it, its fate is sealed. Whether His Excellency can give his consent to the Bill after the dissolution of the Council, that is quite a different question ; but if His Excellency wants to return the Bill to this House for consideration, he

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must do so before the dissolution. I see a shake of the head on the part of the Advocate-General, Sir. I shall be happy if the provisions do allow such a return in the case of the Malabar Tenancy Bill. If that be the case, this Bill also may be considered by the next Council. Will he shake his head when I say that this Bill also may be considered by the next Council for the same reasons? (Laughter.) I know the great interest with which the Mover of this motion watches the interests of the zamindars, but I do feel, Sir, that the interests of the zamindars will not suffer if this Council is to deal with this Bill."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, many considerations have been introduced, whether or not they are relevant to the motion under discussion. We are now in this position. An Irrigation Bill has been passed by this Council. This Council by an overwhelming majority and practically unanimously on both sides have laid down that, so far as taxation proposals are concerned, they should be embodied with the consent of this Legislative Council. It has also laid down that in regard to irrigation by percolation of water, it shall not be charged. These are the two main points on which a reference is now made to this Council for reconsideration. The Government of India or the Governor has said that the Council should not have the final authority in the matter but that the executive should have it. The Government have also said that the income from tax on irrigation by percolation is very much and it would therefore be impossible for the Government to consider the Bill as passed by this Council. Now, I ask my friends on the other side whether they are going to yield on this point. (Cries of 'No'.) I am glad for that assurance that they think that this Bill should be passed somehow with a view to set the scheme into operation which is long overdue. Then, would it not be more honest to say 'we will co-operate with you and pass the Bill as suggested by you and you need not certify it; but you will allow me to go on with the scheme'. Otherwise, Sir, it comes to this: I know my friends on the other side are anxious to thwart the work of the Government through the Council. Here is a Council that passed a Bill: here is an executive Government which says 'we shall not accept the Bill except with the amendments that we suggest'. What do my friends gain by refusing to accept these amendments and thus giving a chance to the Governor to certify the Bill. What will be the better thing? Would it not be better to make it impossible for the Governor to certify it? (Cries of 'No'.) My friends have become very keen and alive to the need for a bad law, because they can go to the country and say 'we opposed the Government, here is a Satanic Government which wanted to pass . . .'. (A voice: 'Why not'?) If really they are sincere about what they say, if really they want a Bill, let them co-operate with the Government. Because, if we do not pass these amendments, either the Government will reject it or they will drop it once for all. If they drop it, it will not improve matters; but if they certify it, my friends on the other side would only be helping the Government to certify it. I am very anxious to take up the opportunity, Sir, to say that we will not press this Bill in the Council. I cannot understand why Government should say that this Council should accept the amendments; probably they expected the Council to co-operate with them in passing the Bill with all these amendments. If my friends contemplate that the new Council will somehow or other co-operate with the Government and pass the Bill with these amendments, let them not press for it now but leave it to their friends which will come later. All the same, Sir, one of two courses is open to this

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Council. I am one of those who supported the Bill which was introduced, which took away and confiscated the rights of zamindars. I do not mind whether the zamindars lose anything or not; but so far as the ryots are concerned, their rights also have been taken away. I also said at that time that the Bill provided nothing for improving the relationship between the zamindars and the ryots. I will be the last man to give a chance to the Government to certify the Bill and make it impossible subsequently to modify the provisions. My friends say: 'No, we will allow them to certify it, we will give them the chance of certifying it'. I for my part should say that it is better to leave this legislation alone and let them try their hand again with the second Council and let them also have the chance of getting their co-operation with reference to the amendments than to go ahead with this and give them a chance to certify it."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I must congratulate my hon. Friend from Chittoor on his specious plea that by flying away from the fight he is really fighting. He says that both sides are agreed that certain at least of the amendments recommended by the Governor should be rejected by this House; but what is his advice? 'Do not reject it. Fly away from the fight'. And why? 'You do not thereby give the Governor a chance to certify'. But he forgets the Government of India Act; because if this House turns down all or any of these amendments, the Governor is not bound to certify the Bill. The Governor may, but the Governor may also drop the Bill by not giving his assent to it; and the Bill will lapse after the dissolution of this Council. Therefore, whatever you do, it is still open to the Governor and his advisers if they are reasonable, to see that the Bill is accepted. But, apart from that, Mr. President, whether the Statutory Commission comes in 1929 or earlier, I have no doubt that if they examine the legislative output of the Madras Government either in quantity or in quality, they will consider the Madras Government as it is now constituted is thoroughly unfit for any kind of responsible Government whatever. (Cries of 'Absurd'.) There are three capital legislative measures of this great Government. Take the Hindu Religious Endowments Bill; it was passed, kept in abeyance for months and months, then said to have been reserved, sent up to the Governor-General, sent back here, sent again to the Council with amendments, wrong rulings given here, and finally. . . ."

* The hon. the PRESIDENT :—" What did the hon. Member say ?"

* Mr. S. SATYAMURTI :—" Wrong rulings given here."

* The hon. the PRESIDENT :—" I do not think the hon. Member is justified in characterizing the rulings of the President as wrong. He has to accept the President's rulings whether he considers them right or not. On the floor of the Legislative Council, no Member can be allowed to characterize the ruling of the President as wrong."

* Mr. S. SATYAMURTI :—" May I submit, Sir, that you have yourself ruled otherwise since . . . (The hon. the President: 'What?') I will explain myself, Sir. With regard to the amendments which were sent down by the Governor those, notice of which was given by hon. Members, were ruled out by the then President. You have since ruled, Sir, that . . ."

* The hon. Mr. T. E. MORA :—" I am afraid the hon. Member is raising a discussion which he might have raised on an entirely different Bill but not now."

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* Mr. S. SATYAMURTI :—" I quote, Sir, the wrong rulings, because you have since given . . . "

* The hon. the PRESIDENT :—" A ruling as long as it stands is right."

* Mr. S. SATYAMURTI :—" It does not stand."

* The hon. the PRESIDENT :—" Then the hon. Member ought to say it does not stand."

* Mr. S. SATYAMURTI :—" Rulings which you have not given, Sir, with respect to a similar matter subsequently . . . "

* The hon. the PRESIDENT :—" I must ask the hon. Member to withdraw the expression 'wrong ruling'. (Cries of 'Withdraw')."

* Mr. S. SATYAMURTI :—" I withdraw that expression; but I wish to quote the rulings which you since gave on a similar matter. That is all I am submitting, Sir."

1-15 p.m. "Then we have the Madras University Act with regard to which we have been asked to suggest amendments. Thirdly, we have this Act. Let us look at the melancholy history of this Act. As my Friend from Nellore pointed out, we had a Bill introduced by the late lamented Sir K. Srinivasa Ayyangar; this House turned it down. The then Law Member, Sir C. P. Ramaswami Ayyar, appointed an *ad hoc* committee, spent a lot of the tax-payers' money on having the meetings of that committee at Ootacamund and produced a laborious report. The Bill came again before this House. A select committee was appointed and numerous amendments were moved both in the Select Committee and in this House. At that time, many members on either side of the House vied with one another in pointing out to this House that the Bill was an emergent measure and that no time could be allowed for the amendments. May I just read one extract, Sir, from the speech of the then Law Member, Sir C. P. Ramaswami Ayyar, who referring to the urgency of this measure said :

"I have placed before the House a list of various projects which have been delayed or held up owing to the non-passage of the Irrigation Law. It is not only a complaint of the Government. In certain tracts the want of water is felt so much that the inhabitants of the locality concerned come forward and say to the Government 'We are willing to pay a higher water-rate than the normal and prevailing rate. Will you construct such and such irrigation project, so that you might bring relief and succour to this particular locality?' Our answer has been 'We cannot', because it has been ruled by our legal advisers that such engagements bind only the immediate contracting parties and do not in legal language 'run with the land'. The result has been that where the inhabitants have been solicitous of progress of irrigation, we cannot make such agreements possible according to law."

"The hon. Member, Sir, then indignantly asked this House: 'Shall we contemplate with equanimity the possible delay of a year more?'"

"So he spoke on the 6th February 1924. On the 27th August 1926, we are told by his lineal successor that three months' delay does not matter. What are we speaking about, Sir? Does this Government mean serious business or is it playing with this Council? Was the Law Member right or was he not? When he opposed a similar adjournment motion and said on 16th February 1926 that he could not wait for a year more, his own successor to-day says 'we can wait for three months more'. It seems to me, Mr. President, that there must be some explanation behind it. Yesterday, Sir, when I asked the Leader of the House whether a friendly or a collusive motion was going to be made, he blandly denied it. To-day . . . "

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The hon. Mr. N. E. MARJORIBANKS :—" I did not deny, but I declined to answer."

Mr. S. SATYAMURTI :—" He blandly declined to answer the question, but the result shows that the unwillingness to answer was based upon something behind it. To-day I suggest that the Ministerialist party is on the horns of a dilemma. There are unpopular amendments. If they accept them, they will lose the support of the entire electorate. If they reject these amendments, they will lose the support of the Government, the reserved half and the Governor in whose hands Ministerialist office is vested now. Therefore, they have got to choose between the devil and the deep sea. That they cannot choose, and therefore they come to this House and solemnly tell us 'Oh, no, let us not consider these amendments now!' They have not the courage to vote against the amendments, they have not the courage to vote for the amendments. That is why an obliging Government is willing to accept a friendly motion to the effect that the Bill should be adjourned. May I suggest, Mr. President, that this business should have been omitted out of the agenda of the Government if it did not want it? May I ask why they brought it on the agenda? We have received notice of these amendments, Sir, on the 9th January 1926. It was on the agenda for two sessions and why does the Government keep it on and bring it up on the agenda when, 12 hours before, the Government did not say what they were going to do with it? On the next morning we are suddenly told that the Government does not want it. It seems to me in popular assemblies, if business is to be arranged, the Leader of the Opposition should have been consulted by the Leader of the House or the Leader of the party in power. May I ask why he was not consulted? Is the Government merely anxious to exploit the House to the advantage of the party in power and ensure for them a comfortable situation? If really there was a feeling on the part of the Government that this arrangement is in the interests of the people of the presidency, may I ask why then did they not take the Members into their confidence? Why did they want this Bill to wait, and make some kind of arrangement behind our backs and then present it to the House as a *fait accompli*? Now my Friend from Chittoor says, if you really are against these amendments, why then do you allow these big discussions to take place? He asks what you want the Government to do. I do not know what I want the Government to do. I know what I ought to do as a Member of this Council, representing the rate-payers and the inhabitants of this province. We feel our duty is when a question is brought before us to discuss it dispassionately and to vote upon it. (Voices: 'Dispassionately'.) Yes, dispassionately and vote upon it. That word is unfamiliar to the Members of the Treasury Bench, I know. It ought not to be unfamiliar to others on this side of the House. I say it is not for us that every time a Bill is brought before us to think of possible certification by the Governor and to cloud our judgment with that. The Governor is a statutory authority and certain powers are vested in him. It is for him with a full sense of responsibility to exercise those powers. We are also a statutory body. We have certain powers vested in us. Let us discharge those powers and duties satisfactorily. It seems to me that possible threats of certification may be worthy of the occupants of the Treasury Bench, but is not worthy of one who is still a non-official, although he may hope to be in the Treasury Bench shortly. (Laughter.) I should also say, Mr. President, that I shall be able to answer the challenge that we have been willing to co-operate with the Government. We say this in answer to them: If really

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we are in large numbers, I think the Government here will very much more reasonable than they are to-day and then we shall not be unwilling to co-operate. ('Hear, Hear.') We shall be willing to co-operate on honourable terms, that is the only answer to this gratuitous challenge of my hon. Friend from Chittoor.

"With regard to the amendment, Sir, I heard the Leader of the House, who does not make himself heard on this side of the House—I think he will correct me if I am wrong—say that many of these amendments are very important. But all of them have been discussed very fully on the floor of the House. Why does the hon. the Leader of the House suggest that these are such new amendments that you cannot bring your mind to bear upon them in the remaining few days? Again, Sir, the Leader of the House repeated the argument. I did not expect him to do it although I expected other friends of the party to do it. That on the Religious Endowments Bill, we said, that at the fag end of the Council we ought not to consider that Bill, and that we should consistently with that attitude vote for this motion. I however expect a responsible Member of this responsible Government either to have agreed with that view or not to have agreed with that. If the hon. the Leader of the House agreed, he should have voted with us. Not having voted with us that day, and to-day to say that because you said so this Bill should also be adjourned, is worthy of an exiguous politician but not of a responsible Member of a responsible Government. It seems to me, Sir, he ought to weigh his words more carefully before he used arguments because they seem somewhat plausible.

"My hon. Friend below the gangway—from East or West Godavari I do not remember—just now raised what he considered a very great constitutional question of the absence of the particular occupant of the Law Member's place on the Treasury Bench to-day. I do hope in the interests of good Government in this province such arguments will not be repeated. The Government can never die. Even in my short term of membership, I have seen that bench completely transferred. A Governor or any Member of Government can never raise the plea that he is not responsible for what his predecessors did or did not do, and no Council can tolerate such a plea. As to whether there were negotiations between the Law Member and the Members or not, they are wholly irrelevant. These are amendments sent down by the Governor. These amendments have got to be voted upon on their merits. Let us take each amendment and vote upon it one way or the other. Either this Council will, by a majority, vote for that amendment or will not vote for that amendment. But to say that you have had no time, as my Friend below the gangway stated, to look at these amendments, even though they have been before you for nearly 8 or 9 months and that therefore you cannot consider them to-day is taking a very light-hearted view of the responsibility of a Member of this hon. House. I therefore suggest, Mr. President, that the Government have treated the Opposition most cavalierly in this respect. They have not taken us into their confidence. They have been parties to a collusive motion to adjourn the Bill *sine die*. May I suggest according to the analogous practice of the House of Commons that when a Bill is adjourned even three months or six months from now, the Bill drops? I speak subject to correction and I believe as a result of the new rules which the Government of India have framed or are about to frame, all Bills which are pending at the dissolution of a Council shall be deemed to

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have lapsed. The result of this motion will be that this Bill will lapse. That is the position on which this House has got to vote. I ask every Member of this House to say to himself that he is voting for the dropping of a Bill, on the speedy, if not immediate, enactment of which the Law Member, the Government and the Justice Party have stated times without number that the interests of this province intimately depended. We have got to drop it, leaving it to Government either to bring a new Bill or not. Is that a consistent position for this House to adopt and an honorable position to take? I would appeal to hon. Members to vote against this motion for adjournment which really is a motion to shelve this Bill altogether."

The House then adjourned for lunch at 1-30 p.m.

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

* The hon. Mr. T. E. Moir :—"Mr. President, in the speech of the hon. Member who last addressed the House, there was one interesting question which he put forward on which I felt myself much in sympathy with him. He appealed to the House to endeavour to see that all the effort and the expenditure of time, labour and money in connexion with the Irrigation Bill should not be lost. It may possibly be surprising to him to learn that Members of the Government regard the question from much the same point of view, and that our attitude towards the motion which is now before the House is largely dictated with reference to that very consideration. I might perhaps be more convinced of the hon. Member's sincerity, Sir, if it were not for the recollection of the speeches we listened to yesterday in connexion with another legislative Bill. He was then quite prepared not only to throw away all the advantage that had been gained by an Act that had actually been passed but also by an organisation under that Act which has been in existence and functioning for, I believe, something like eighteen months, and I am afraid that his real attitude towards the Bill now before the House was evident in his taunt to another hon. Member, the hon. Member for Chittoor, that he ought to fight and not run away. Of course, I would admit that the fighting spirit is very contagious, and is not always without influence even on mild men like myself. But, after all, there are other considerations. This Council is not to our mind a mere field of battle. It does not exist merely in order that any particular Member may enjoy opportunities of opposing or defying the views of another, and it has a much larger responsibility upon it than can be included in any spectacular display. To us this Legislative Council is a machine adapted by limited human intelligence to equally human needs, and our responsibility as a Government is, as far as it is possible and as far as it is compatible with our own responsibility, to enable it to function. It does not function properly under political crises or when an appeal to any external method of enabling it to perform its function has to be called in and on this as on any other matter we should be exceedingly unwilling if it could be possibly avoided to call any external aid or external machinery to enable the working of the House to be carried on. I quite admit that circumstances might arise under which we of the Executive Government might feel it incumbent upon us to have recourse to such external means. But I think every Member of the House will agree with me when I say that it is only in case of need of which they are perfectly convinced that the Executive Government ought to appeal to such external motive power. Is there such a case in connexion with the Irrigation Bill? If the motion that is now

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before the House is accepted, so far as we are aware, is there anything that will have happened which it is our duty to prevent, even if we have to resort to other means of having that done which we desire to be done? So far as I know, there is not, and I think, that being so, it concerns us not to offer any opposition, but rather to support any motion which will enable this House to avoid any such external appeal, if it can possibly be done, and I think it can be done in the interest both of the working of the House and of its procedure, and in the interest of those debated questions which form the subject of this Bill and of the amendments to it, and in the interest of those who are concerned in the Bill as it may finally emerge from this Council or from another. But suppose that we insist on forcing this Council to come now in the short time at its disposal to decisions on questions which I admit have been subjected to a very great difference of opinion and that of a very high order. It is true that the material which is at our disposal, as a result of many deliberations on this question will still remain intact. But added to it will be the memory and the recent memory of a further conflict. I do not think that any Member of this House and I have certainly no desire to apportion any blame or to avoid any blame or responsibility but I do not think that any Member of this House can be altogether satisfied with the history of this question of our irrigation legislation. I have no doubt that legislation on that subject must come. But we have to admit that so far in the past its path has been strewn with failure. For myself, I cannot believe that to add or even to give a possibility of further failure on our part, is likely to improve the value of the material at our disposal. But are we not likely to do, what the hon. Member for the University deprecated, that is to say, waste a great deal of valuable material, when feeling is aroused so as greatly to detract from its value? Now, as I said that if there were any real grounds on which in the exercise of our responsibility we were bound to ask this House to come to a decision on certain points, and if we failed to get the House to agree, to seek such other courses as might be open to us, we should have to do so however unwilling and however unpleasant the task may be. But, so far as I am aware, no such reason exists to-day, or is likely to exist in the circumstances which we can now take into our calculation.

"The hon. the Leader of the Opposition made certain references to a speech of the hon. the Law Member who was at that time in charge of this Bill. A considerable amount of water has flowed down the Cauvery since the then Law Member made those remarks."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"He has left his seat."

* The hon. Mr. T. E. MOIR :—"I am speaking from a practical point of view. In case any Member of the House is under a misapprehension in respect of our irrigation schemes, may I say that at present there is only one irrigation scheme with which we are immediately concerned, and that the Mettur scheme. As regards that, I think possibly the hon. the Leader of the Opposition confounded it with another scheme, because, I think I am right in saying that we have been under no necessity to certify any provision in respect of the Cauvery scheme. I think the hon. Member had in his mind the Kattalai scheme."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I did say, Sir, that regarding the expenditure for the Mettur Project, during the vacation, His Excellency certified some expenditure. I do not know whether His Excellency certified because there was no grant from this House or not."

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* The hon. Mr. T. E. MOIR :—"Possibly the hon. Member is referring to something in the last financial year."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Yes, I am referring to the expenditure in 1925 before Mr. Moir took charge of the finances of this Presidency."

* The hon. Mr. T. E. MOIR :—"When the hon. Member referred to the vacation I understood that he was referring to the recent vacation of the House. However, the point is immaterial. What I wished to assure the House was that so far from our being likely to come into conflict with the Government of India over expenditure on the Mettur scheme, we have as a matter of fact in our present budget asked for the sum of a crore of rupees being placed at our disposal as a loan by the Government of India for carrying on operations under the Mettur scheme. And I think I need hardly assure the House that the Government of India would never have placed such a large sum at our disposal and sanctioned the carrying on of the Mettur Project had it not been that they were satisfied that there would be no misunderstanding and that there would be no risk of expenditure on this scale being undertaken and subsequently found to have been wasted because either the constructional or financial conditions which are necessary for the scheme could not be established."

"Further, even supposing, and I think the hon. the Leader of the Opposition anticipated that, in the construction of this scheme and in the carrying out of the distributary works, we were faced with some difficulty which within quite a short period would force us to a standstill and we found that there were some obstacles which we had not taken into consideration, I can only say this: that I know that if under such circumstances when the Government finds it necessary to come to this House and place those difficulties before them, the House would willingly and without reference to such larger considerations which a general Irrigation Bill may involve, give us the necessary legislative powers in order that we should make sure that nothing should happen to the disadvantage of the Mettur scheme or of those ryots and others who are so intimately concerned with it. I think I am perfectly entitled to place that confidence in this House or if need be, in its successor."

"I do not think it necessary to go into the prospect of other possible schemes. Because, important as they are, they are not nearly so far advanced as the Mettur scheme."

Mr. A. RANGANATHA MUDALIYAR :—"West Canal Project?"

* The hon. Mr. T. E. MOIR :—"I think I can say that that scheme also is not so nearly advanced that any action, action as the result of the motion now before the House, is in the least likely to prejudice its prospect or postpone the commencement of its execution. On these grounds, I would ask this House seriously to consider whether a motion such as the one now before us cannot be accepted both in the interests of the House and its own prestige and yet without any prejudice to those interests on which the hon. the Leader of the Opposition quite rightly laid so much stress."

* Mr. R. SRINIVASA AYYANGAR :—"Mr. President, I deem it my duty to oppose this motion which has the effect of consigning the Bill to the limbo of oblivion. To-day, fortunately or unfortunately for us I am unable to say at the present moment, we have the rare spectacle of the mental outlook of a large number of hon. Members of this House having undergone a radical change

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within the past 24 hours. The House will perhaps remember the arguments that were put forward from this side of the House for the postponement of the consideration of the Religious Endowments Bill. Those arguments were brushed aside and we were accused of obstructive tactics and our motive was questioned. It was said that we had come here to act in the most light-hearted fashion. And what is the attitude of the Government to-day? The hon. the Revenue Member repeated almost verbatim the arguments which we advanced in telling, forcible and eloquent terms yesterday but which were regarded as unworthy of consideration and as not entitled to any weight. Those arguments of ours have been requisitioned to-day not only by the hon. the Revenue Member but also by the party in power which practically wrecked our almost identical motion yesterday. That is an attitude which takes one's breath away.

"Now, coming to the merits of this motion, I would like to say a few words. We have been accused of inconsistency. So far as we are concerned, we are perfectly consistent; because, while the Endowments Bill was sought to be forced down our throat at a moment's notice without giving us sufficient time to think over it and consult our electorates about it, the same thing cannot be said of this Bill. It has been hanging fire for nearly two years and it was remitted to this Council as early as January of this year. There had been sufficient time for public opinion to assert itself and for the hon. Members of this House to go about the country and get themselves in touch with the current of public opinion. And, as the hon. Member for the University told us and as every hon. Member of this House knows, this Bill has been on the agenda paper of this Council for some time past and at no time any serious demand was made to deal with it in the manner in which the hon. Mover wants to deal with it now. Clause by clause it was subjected to a minute and, if I may say so, a full dress debate on the floor of the House at the time of its passing. Now, when the Bill is recommitted to this House for the reconsideration of certain vital or pivotal points by this Government independently of or with the advice of the Government of India, objection is taken and postponement urged. We have a strong feeling on this matter. So far, the messages deal only with three main points, points dealing with percolation, taxation power and jurisdiction of civil courts in certain matters. I need hardly state that the necessity of placing irrigation on a statutory basis is being recognized. There is no gainsaying that we the trustees and guardians of the people's rights do not want the things to go on merrily under executive orders and that is the reason why we are anxious that the whole thing should be placed on a statutory basis, public opinion being allowed to play on it as effectively and as fully as possible. So far as these three points are concerned what is the difficulty for this Council, which is familiar with all the various forms and shapes which the Bill has assumed through the several stages, considering it? What is the difficulty in the self-same Council being called upon to pass it?

"I wish to refer to one more point. The hon. Member from Kistna stated as a reason for adjournment that certain negotiations were going on or are about to go on. We are now in August. The message was delivered to us as early as January. Between January and August there is an interval of seven months."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Was the message of June also communicated in January?"

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* MR. R. SRINIVASA AYYANGAR :—"That is not a point of order. I am now on the January message. Taking my stand for a moment on the June message, I suppose two months' time is a sufficiently long period for persons interested in this matter to review the situation and to make up their minds on the fundamental features of the Bill. Instead of doing that, when they knew that this Bill was coming up, seeing that it was on the agenda paper of the last month they have no justification now to come and ask for the adjournment of the matter saying that they have to carry on further negotiations with somebody. Even in a court of law on such a plea we shall not be entitled to take an adjournment much less in a Legislative Council which is a deliberative body charged with the duty of passing necessary legislation.

"Another point was that already we are in charge of two important Bills which are likely to take up a certain amount of time and therefore let us take some rest or let us give a decent burial to this third Bill for the time being leaving it open to us to resuscitate it later on if and when we consider it necessary or when a proper opportunity presents itself. That is not an attitude which can be regarded as fair, much less, reasonable. If the same attitude had been pursued by the other side with regard to the other Bill one can understand it. With regard to the other Bill (The Endowments Bill) in spite of the fact that we had very short notice, they were anxious to rush it through, but with regard to an equally important Bill which has been before the country and before the public for a much longer period they want to go on somewhat leisurely. Therefore, to the charge that was sought to be made against us, I would say, I repel it by casting it in the teeth of the other side and charging them not only with inconsistency but also precipitancy. This is a matter which has been engaging the attention of the public and we are entitled to know where we are and what the mind of the Government is. We do not want that things should go on hereafter in that unsatisfactory way, the whole thing being left to be governed or regulated by Standing Orders. Let us put up a fight on behalf of the people and try to carry it through successfully. Any further delay will be fraught with danger.

"In regard to the absence of the hon. the Law Member about which some reference was made, I do not think it is germane to the subject under discussion. For, if that was to be one of the main planks for those on the other side, I may equally say that I have a right to expect a similar attitude from the party in power in respect of the Malabar Tenancy Bill which is to come up shortly. The hon. the Law Member was equally in charge of the Bill in the sense we understand it. Because as a Member of Government he had to come to certain decisions and therefore his presence is equally necessary so far as the Government is concerned to safeguard and protect the interests of the Government. I am going to wait and see the attitude or line of action which the Government proposes to adopt when that Bill is sought to be taken into consideration. Therefore, without meaning any disrespect either to the Revenue Member or to the Finance Member, I am unable to see eye to eye with them. It seems to me that so much time is wasted in holding over the Bill and I do not think, honestly speaking, that there is any justification for delaying the consideration of this Bill."

MR. A. RAMASWAMI MUDALIYAR :—"Sir, I must confess to a feeling of 3 p.m. utter puzzlement at the way in which the discussion on this motion has gone on. I have waited to hear arguments on the other side against the adjournment and I have come to the conclusion that, after all is said and done, a

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complete change has come over my friends on the other side. I welcome it for the first time and I wish that such an attitude had been adopted many months earlier. The hon. Member from South Arcot and my hon. Friend the Member for the graduates of the University of Madras have both spoken of the coming elections. We are full of the coming elections."

* Mr. R. SRINIVASA AYYANGAR :—" I never said a word about them."

Mr. A. RAMASWAMI MUDALIYAR :—" They are full of this and were so often reminding us that I am glad to find there is a change in their mentality with reference to the coming elections."

* Mr. R. SRINIVASA AYYANGAR :—" I do not think my hon. Friend is entitled to refer to it."

* The hon. the PRESIDENT :—" The hon. Member was not the only Member who spoke on that motion."

* Mr. R. SRINIVASA AYYANGAR :—" He referred to the hon. Member from South Arcot specifically and also to the Member for the University. If he had left me severally alone, I would not have objected."

Mr. A. RAMASWAMI MUDALIYAR :—" The hon. Member for the University told us that we were on the horns of a dilemma and that we were adopting practically a dubious attitude. May I remind the hon. Member for the University that his whole speech revealed the fact that the coming elections had completely changed his whole mentality? He said that he and his party were there to consider questions dispassionately and on the merits of each as it arose. If we know anything of the political history of this country, the promises made by parties, the programmes chalked out by the parties, the conduct pursued by various parties in various Councils—I confine myself for the time being to this Council—we know that members of a certain party at one time said that they did not agree to this Bill. To-day it is this party that says that they want to consider any question dispassionately and on its merits, as it came before the House and that that was their election pledge."

* Mr. S. SATYAMURTI :—" On a point of personal explanation. My hon. Friend referred to the programme and policy of my party. We always support a measure which tends to the improvement of the people and oppose any measure which tends to the benefit of the bureaucracy. We are therefore bound and we have been bound to examine each measure on its merits, as it comes before the House."

Mr. A. RAMASWAMI MUDALIYAR :—" There is hardly a speech of mine which my hon. Friend the Member for the University does not interrupt. I would only refer him to certain newspapers—I have no time to go into details—in which election promises and resolutions passed at party executive meetings are being published from time to time. I say that the election pledges contained in those resolutions are not the same as the statement just now made by the hon. Member for the University. That is my recollection. My hon. Friend cannot so easily contradict that."

* Mr. J. A. SALDANHA :—" What my hon. Friend is saying seems to be quite irrelevant. He is talking about what we are doing outside about the elections. I urge, Sir, that he should confine himself to the point at issue, i.e., about the adjournment. If references to outside pledges are allowed to be made there will be an endless debate."

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* The hon. the PRESIDENT :—" This is not the first time that a reference is made to elections. If one Member makes a reference to elections another Member has to challenge it."

Mr. A. RAMASWAMI MUDALIYAR :—" The hon. Member for the University spoke of considering questions dispassionately. I leave it to the judgment of the hon. Members of this House how far dispassionate the judgment of my hon. Friend has been in considering constitutional questions. I say his whole conduct belies that statement. He said he would consider questions on their merits. I say he has been considering questions not on their intrinsic merits but on the merits of resolutions passed elsewhere. He said he would be a gallant fighter. He is a great authority on that subject and he has discovered the mentality of Sicandies elsewhere. May I ask my hon. Friend as to why he withdrew from the fight once? The best way of fighting is to fight to the last. There are fighting fighters. It is stated that the race is not always to the swift nor is the battle always to the strong. There are fights in which a great deal of fuss may be made in which a good deal of flash and smoke may be evolved but not a single cartridge sent out. There are fighters fighting with blank cartridges. It is said that we are running away from the fight. May I remind my hon. Friend of his own conduct and the conduct of his party? Who ran away from the budget discussion? Who said that it was impossible to remain in the Council any more? Who refused to consider questions on their merits? Who was it that made the statement as the leader of the party that it was impossible to co-operate in the work any longer and why that was not carried out? My hon. Friend the Member for the University says that we want to stay away and do not want to carry on the fight gallantly, and have the strength of the Government tested. May I say it does not lie in your hands either to sit or run away from the Council? May I ask my hon. Friend and his party whether we are here to fight and make a show as if for the delectation of a certain section of people who are merely protagonists of one party or another? My hon. Friend speaks of fight. I know there are people who want to fight. But do you want us to make a pose, do you want us to create a dramatic situation? The hon. the Finance Member rightly said that we are not here merely to make a spectacular show. We are here to represent the ryots and try to do something to alleviate their sufferings. It is from that point of view and from that point of view alone that I and my friends including the Ministerial party—the Justice party—have come into this Council, and have been carrying on our work. If we stop away from the Council it will be for the betterment of those who elected and sent us here. If we are placing ourselves in a dilemma it is with a view to get some more advantage and some greater benefit to our electors, than what we have already secured to them."

"Now what is the point? Apart from all these statements let us come to the merits of the question. My Friend asks what is there in these amendments? A bare perusal of the amendments will show that His Excellency does not accept the Bill as we sent it; and what is more, there is opposition. We are here to fight. Let us fight out the issues. We are in the horns of a dilemma and let us fight. But I ask, what is the dilemma? I say that it is not the dilemma that he pictures but quite a different thing for we cannot reject the amendments or accept them. If we accept them it will be detrimental to the ryots, as I shall presently show. If we reject them, Sir,

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the sword of Damocles is hanging over our heads and we cannot ignore it. I say it is not that a Member of the Government comes forward in the first instance with these amendments so that it will not very much matter either we reject them or accept them. These are recommendations made by the Governor. It is true that we considered the Bill day after day and that we had a full dress debate on the whole Bill. But His Excellency considered it his duty to send back the Bill with these amendments."

* Mr. S. SATYAMURTI:—"Reject them."

Mr. A. RAMASWAMI MUDALIYAR:—"Sir, is it too much to say that the sword of Damocles is very real indeed? It is hanging over us. It is not merely in imagination but it is very real. Are we to shut our eyes to all the consequences and say that we shall reject these amendments? Suppose we do examine them and say that we reject them, then the Governor may probably certify them. My hon. Friend asks what is it that will happen if we reject these amendments. My hon. Friend from Chittoor referred to two instances. I will add one more which will show that it vitally affected our decision at the third reading of this Bill, namely, those amendments that were carried regarding taxation. I ask the hon. Members on the other side if that proposal had not been agreed to, would we have readily passed the third reading? The last instance was that relating to percolation. I know at that stage it was said by members on the other side that if that clause was going to be passed they would not be a party to the Bill. They said 'we do not want an irrigation measure of this kind; we want some Irrigation Bill with some definite provision; we do not want an Irrigation Bill with this percolation clause'. So in this and a number of other instances they wanted to introduce amendments and the hon. the Law Member said that those were all really matters which ought to be done under the rule-making powers of the Government and we dropped them in the first instance. But finally we did not insert the section in our own interests, in the interests of those ryots whom my hon. Friend the Member for the University is supposed to safeguard."

* Mr. S. SATYAMURTI:—"May I know which ryots? There are several ryots in my constituency also."

Mr. A. RAMASWAMI MUDALIYAR:—"That is exactly the difference between me and my hon. Friend. In his constituency there are several ryots. But in our constituency there is only a single ryot. We are considering this Irrigation Bill to safeguard his interests."

"Then, Sir, we made special provision that the rules and by-laws made by the Government under this Act should have the positive approval of the Legislative Council. Now what is the amendment that is suggested by His Excellency the Governor? They say that it is not fair that this sort of subsidiary legislation, legislation by rule-making power, should be taken away from the hands of Government by the Legislative Council. They merely give us another indefinite provision in its place which will not carry us anywhere. In addition to this we want that these rules should be placed before the Legislative Council for its approval two months prior to their being put into force. In these three vital points, we cannot be running away. My hon. Friend asks us to reject the amendments. He is asking us to adopt a course of conduct which will have the positive effect of enacting and certifying a legislation with the fullest approval of the Legislative

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Council. Sir, let us not confuse the issues. Let us not play at things. You may be consistent, you may satisfy your own conscience by being consistent, but it will not satisfy the people. But believe me that consistency is not a virtue with people who adopt this line of conduct (hear, hear). By adopting this line of conduct, i.e., by throwing out these amendments you will be helping the Government to enact a positive piece of legislation in the form in which His Excellency the Governor wants it to be enacted. Then again a great deal was made about this fact that in February 1924 when the hon. the Law Member insisted that this measure ought to be forthwith enacted the members of the Justice party were on their feet. As the hon. the Finance Member said much water has flowed down the Cauvery between the time when these amendments were suggested by His Excellency on the 9th January 1926 and the other day when the hon. the Law Member left for a higher place. It may be asked what we were doing from the 9th January. We had met in February, we had met in March and we had also met in July, and official business was transacted. This Irrigation Bill was on the agenda. It may be asked what we were doing all this time. We say this argument is a mistake. As a matter of fact we knew only on the 9th January and during the succeeding months that there would be many modifications to this Bill. We were certainly not precipitous. We wanted that the Bill should not be enacted in haste."

"The hon. Member suggests that we are not going to gain anything by this adjournment. But I do venture to think that we will gain a great deal. We have told the Government that we are keen on certain things much more effectively, I believe, than we would do if we were to vote down the Governor's amendments. We are requesting the Government to reconsider their position in the light of the views of the Council. Is it too much to hope that the Government will think over the matter again and revise their opinions? We are here, not fighting the Government but fighting for the people and for that it is not always necessary to fight against the Government. My hon. Friend may be under that impression; I am certainly not under that impression. Any way that is of some advantage to the people, and we shall follow. My hon. Friend has got other purposes than that of helping his electorate, and to serve those purposes he may chalk out a line of conduct for himself with which we have nothing to do. This adjournment motion gives the Government another chance of reconsidering its own position and coming to a conclusion as to what points they should insist upon. A great deal has been said as to the collusive understanding between the Government and the party. There was a time when this could be said with greater justification and where the collusion lay. But in this matter everything has been plain and above board. I have all along held that the safety of the ryots and the zamindars and everyone connected with this lay in coming to some understanding with the Government, so that they might bring in some amendments in consonance with public opinion."

"Doubts were raised as to whether many of the irrigation projects taken up now will not be held up if the Bill was not passed. The hon. the Finance Member assured us, none better, that no irrigation project now under contemplation would be endangered by not passing this Bill into an Act. With that assurance we have nothing to quarrel. The Mattur project is going on merrily; a special staff has been appointed, a special Chief Engineer has been appointed; a great deal of money has been spent. We are only in

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doubt as regards the wisdom of certain items of expenditure. There is no doubt that the project will go on whether this Bill is passed or not. Before the Mettur project was taken up, it was said that an Irrigation Law was necessary before it was commenced. But the Mettur project has gone on before any Irrigation Law has been enacted. We hear also rumours that the head-works will have to be shifted a mile up and we do not know what the ultimate cost will be. But whatever the cost may be, whether there is an Irrigation Law or not on the Statute Book, I may say, Sir, that the Mettur project and the Government are in collusion. (Laughter.)

"As regards Coimbatore, Sir, I do not think that the Coimbatore project was ever seriously contemplated; of course, I know that assurances were given and I know what value was attached to those assurances. I have no quarrel with that project, but I do not think that for some little time to come, whether there is an Irrigation Bill or not, it will come up. It may come, and I hope it will come, but not through an Irrigation Bill. My hon. friends doubted whether the Bhavani project would be endangered by not passing this Bill. I ask them to be assured that such is not the case and I ask them to give their votes in favour of this motion so that the rights and privileges to which the ryots are entitled will be secured to them."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Mr. President, Sir, whatever may be the position of the other members of the House, I am at any rate consistent. I do not think there is any reason to burke the Bill now after all the trouble taken during the greater part of a year, as it was sought to be done yesterday in connexion with another Bill. If it was necessary to proceed with that Bill for the reasons then adduced, it is equally necessary to proceed with this Bill for exactly similar reasons. This Bill also was before the Government and the people for a long time but until now it never got through the Council; and very often it was killed soon after it was born. Now, something like an end to all these troubles is in sight after the labours of both sides of the House, and I do not see any reason why we should go back to the position where we were. Is that our duty to the country and to the electors? We have spent probably a lakh of rupees already on this Bill and all that will be wasted, because Government will have to introduce a new Bill in the new Council; they cannot proceed with the old Bill. We do not know when the Government will introduce the new Bill. On the people's side there will be endless agitation. A large amount of public time and money will be wasted. Are we going to put ourselves to all that trouble and expense? and for what purpose? It may be that the Member who introduced the Bill is not here at the present moment. Objection has been taken to his absence and his conduct in going on other duty. But those reasons personal or otherwise have nothing to do with this."

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"Sir, I distinctly stated that there was nothing personal about it; it was purely a constitutional question, and I would have raised it whoever might have been the Law Member, even if my hon. Friend was there or any other Member was there. It was purely a constitutional issue."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"I said, 'personal or otherwise.'"

Rai Bahadur Sir K. VENKATAREDDI NAYUDU :—"I suggest that the word 'personal' need not have been used."

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* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Whatever that is, there is no reason to drop this Bill altogether. If the Member in charge of the Bill is not here, what about the other 127 Members who are here and who have been considering the Bill? If that one Member can come back here after three months and re-introduce the Bill, what about the other Members and how many of them will come back to this Council and take part in the discussion and how many will be new members who will have to consider the provisions of the Bill afresh? Is adjournment, therefore, the proper procedure in the matter? It is curious to find that the Government which were anxious to introduce a Bill and introduced a Bill which was thrown out even at the first reading, and afterwards brought forward a second Bill and passed it through several stages, should now come and say that there is no urgency about it and that they can wait and bring forward another new measure and go through the several stages once more. Does it not show that the Government have changed their views regarding the necessity and urgency of an Irrigation Act? We know that much water has flowed under the Cauvery bridge, but we are entirely in the dark as to what water has flown under the Government bridge. We should like to be enlightened about that change of attitude."

"There is another matter which looked rather strange to me. The hon. Mr. Moir let out one of his cats. (Laughter.) He said that if a special measure was necessary for carrying out the Mettur project, they would come to the Council and have it passed. What does it signify? Does it not show that the Government is afraid of introducing a general measure in this Council and they want to proceed by getting Bills passed with reference to each scheme as it comes up? Is that the idea? Are they afraid of facing the Council with a general Bill? If that is the Government view, that is a departure from their original view and every one here is bound to protest against it."

* The hon. Mr. T. E. MOIR :—"Sir, I may assure the hon. Member that, when I made that statement, I had no such idea at the back of my mind. The suggestion is as new to me as it is to the hon. Member who is responsible for it."

* Rao Bahadur T. A. RAMALINGA CHETTIYAR :—"Now, the hon. the Finance Member may have no such idea; but there is this danger that he may begin to entertain it hereafter with the result that no general Irrigation Bill will be introduced at all in this Council and Government may try to get whatever legislative power necessary for particular schemes with particular or special Acts. If they are going to do that, the rights of the people will be very seriously affected."

"It was said that we are on the horns of a dilemma; whether we pass the amendments or reject them, they will become law. Because in the latter case, His Excellency the Governor would certify them. So far as the rights of the people are concerned, we are convinced that certain provisions should not be introduced. If Government introduce a new Bill, our successors are not likely to give away the people's rights. It is their duty as it is ours to safeguard them. But even with the new Bill there will be the same procedure. After an year's labour probably the question of certification will arise as now. What is gained by the people? We do not on that account want to burke the Bill. We do not want to take the responsibility of accepting the amendments

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sent by His Excellency the Governor, if they are not in the interests of the country acceptable. On both sides of the House, opinion was practically unanimous that some of the amendments suggested by the Governor should be rejected. The proper course for us now is to reject them and leave His Excellency the Governor to take his course. If we do not adopt that course now, the only result would be that a lot of public money and time would be wasted. In these circumstances, I do not think we would fail to do our duty. In any case, this Council, as a Council, will have to express its views and leave the Government to take any step it thinks proper. Therefore, the sooner it is done, the better. Considering the necessity for the Bill, and the stage which it has reached after decades and decades of consideration, to throw it out at the present moment, I think, is quite an improper thing to do, and the only proper course for us to take would be to proceed with the matter."

Rai Bahadur T. M. NARASIMHACHARLU :—"Mr. President, Sir, I am not one of those who would run away either now or before or hereafter. (A voice : 'hear, hear.') Though single-handed, I am fighting my battle. I submit, Sir, that the effect of this motion would be to kill this Bill, if I may use such an expression."

* The hon. the PRESIDENT :—"The hon. Member is fighting, as he said, a battle, and he need not be afraid of using the word 'kill'."

Rai Bahadur T. M. NARASIMHACHARLU :—"I am always afraid that any word I may use might be unparliamentary. I guard myself against such expressions."

"My point is this : after hearing the pros and cons of both sides, I have a shrewd suspicion in my mind that the Government do not want this measure at all. And, no wonder. They have got the executive orders and the executive orders give them ample powers. So, they need not be afraid that by not passing this Bill, they would lose any such powers at all. That is one reason why they so easily and readily accept the motion proposed by the other side."

"The hon. the Finance Member told us that any scheme of irrigation would not lose its prospect of being gone through by the non-passing of this Bill, and not only the present schemes which are before the Government but future schemes which may be brought forward for consideration will not at all be handicapped by the absence of any law or statute like the present one. I submit, Sir, that that statement gives us a clue as to the intention of the Government that they are not very much anxious about having a statutory law like the present one, which . . ."

* The hon. Mr. T. E. MOIR :—"Sir, I have been misunderstood. I carefully pointed out, when dealing with the question, that, for the time being, if this motion were accepted, as far as I can see, nothing was likely to occur, in the absence of an Act of this kind, to the prejudice of the irrigation scheme in the interval between the acceptance of this motion and such next step as may be taken in respect of legislation in regard to irrigation."

Rai Bahadur T. M. NARASIMHACHARLU :—"I quite follow the language used by the hon. the Finance Member. But, I cannot really understand what the Government intends to do hereafter. That is left in doubt. They may bring a fresh Bill or may not, after the present one lapses. Therefore, I cannot at all feel satisfied that the Government will bring any Bill, and that

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when they bring a Bill, it will contain the provisions which the Legislative Council has passed. Therefore, I am not at all sure, Sir, that the Government will bring any Bill after our present experience in this House. That is why I submit I have a shrewd suspicion that the Government do not at all want a statutory law on the subject at present (A voice : 'Hear, hear') because they have already executive orders which give them ample powers,—or, if I may use the expression,—arbitrary powers for irrigation purposes, and they have got the ordinary law, the percolation clause, and therefore they do not seem to be anxious to have a statutory law like this. Now, I find hon. Members of this Council—perhaps from their bitter experience—saying, 'We shall rather have no law than have a law of this kind.' That seems to be their present mentality."

"Now, Sir, one great reason that is assigned by the supporters of this motion is that if we reject the amendments proposed by His Excellency, he will have to certify them, and he will, no doubt, certify them. I, for myself, am not sure whether His Excellency will go the length of certifying the provisions if we reject them. I know, Sir, that His Excellency is a constitutional Governor. I know, Sir, that when we again reject these amendments and stick to our own amendments, that means that we have twice confirmed our view of the law, and I think, Sir, that His Excellency will be the last person in that state of things to veto our will and to enact this Bill, and I will not attribute to His Excellency such arbitrary will. He will consider twice, thrice, and four times before he would exercise the power, and I know instances, when the Legislative Assembly persisted in that course, His Excellency the Governor-General did not at all exercise his powers of veto. I am quite sure that our Governor is so constitutional that he will never exercise that power. Therefore, the fear, which is lurking in the minds of the supporters of this motion that if His Excellency would veto our amendments and certify his amendments, the people will be put to very great hardships and that is a thing which we cannot contemplate with equanimity, ship and that is a thing which we cannot contemplate with equanimity, is baseless. That is their argument, and I can tell them, Sir, that His Excellency will be the last person to reject the considered will of this House, when we tell him, after due consideration, and with due respect, that the amendments made by him are not acceptable and that they are not for the welfare of the people. If we tell him so, I submit, Sir, he will certainly consider our view of the question and will not certify it."

"The only argument that has been advanced on the other side for adjourning the further consideration of this Bill thus falls to the ground. It is a mere nightmare in their minds. They anticipate the decision of His Excellency in favour of certification. I decline to believe that His Excellency will be so very unconstitutional as not to regard the welfare of the people and the wishes of the Members of this Council, and go the length of certifying this Bill. Let them not entertain this fear. It is but a nightmare."

"Sir, it has already been said that but for the absence of an Irrigation law, like the one in question, our Presidency would have been inundated by several irrigation works. (Laughter.) That is the hope which had been held out and all our mouths have already exhausted their water. And, now, when we are at the point of hoping, we are told we shall not have it. Why, Sir, why frustrate our hopes?"

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"So far as the Ceded districts are concerned, they are a famine zone. I will point out to the Member for the Chittoor district—I do not find him here—that part of his district is in the famine zone. Madanapalle and some other taluks are perennially suffering from famine. Yet, he says we shall not have any irrigation law. What have we done? We have recommended that a committee be appointed to investigate into the matter and evolve a scheme that will bring water to these districts. If this Irrigation Bill is stifled or killed, the result will be that our reports will be shelved, and our districts will be suffering from famine for ever and ever. Of course, the hon. Member from Coimbatore always speaks of Coimbatore as the worst afflicted district. I do not grudge him that distinction, but I want him to consider that there are some other districts worse afflicted. The hon. the Finance Member himself has mentioned his experience of those districts. So I submit, Sir, my fear is that, if this Bill is shelved now, there is no prospect of the Ceded districts ever being relieved from the rigorous famine which now and then breaks out there. The question of famine relief in those districts will be postponed till the Greek kalends.

"This is not a Bill which can be postponed. The amendments must be considered and disposed of. And, then, let us leave it to Providence to work out the will of His Excellency to agree or not with our opinion as expressed in this Council.

"I wish, Sir, that we go on with this Bill."

The motion for the adjournment of the consideration of the Bill *sine die* was put and declared carried.

A poll was demanded and the House divided thus:—

Ayes.

3-45
p.m.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 29. Mr. V. Madhava Raja. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 30. Honorary Lieutenant Madurai. |
| 3. " Mr. I. E. Moir. | 31. Mr. T. Mallesappa. |
| 4. " Mr. A. Y. G. Campbell. | 32. " P. N. Marthandam Pillai. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 33. Rao Bahadur B. Muniswami Nayudu. |
| 6. " Rao Bahadur Sir A. P. Patro. | 34. Diwan Bahadur A. M. Murugappa Chettiyar. |
| 7. " the Raja of Panagal. | 35. Mr. C. Muttayya Mudaliyar. |
| 8. Mr. T. R. Venkatarama Sastriyar. | 36. Rao Bahadur O. M. Narayanan Nambudiripad. |
| 9. Rao Bahadur V. T. Krishnama Achariyar. | 37. Mr. B. Obalesappa. |
| 10. Mr. G. T. Boag. | 38. " K. S. Ponnuswami Pillai. |
| 11. " V. Pandurang Row. | 39. " G. Premayya. |
| 12. " C. B. Cotterell. | 40. " K. Raghuchandra Ballal. |
| 13. Khan Bahadur Abdulla Ghatala Sahib Bahadur. | 41. " D. Manjappa Heggade. |
| 14. Mr. S. Arpudaswami Udayar. | 42. Diwan Bahadur P. Kesava Pillai. |
| 15. " K. Frabhakaran Tampan. | 43. Dr. P. Subbarayan. |
| 16. " J. A. Davis. | 44. Diwan Bahadur M. Krishnan Nayar. |
| 17. " H. B. Ari Gowder. | 45. Mr. P. T. Rajan. |
| 18. Rai Bahadur Sir K. Venkatarreddi Nayudu. | 46. Rao Bahadur P. Raman. |
| 19. Rao Bahadur C. Natesa Mudaliyar. | 47. Mr. K. Sarvarayudu. |
| 20. Mr. A. V. Bhanaji Rao. | 48. S. B. Y. Ankinedu Prasad Bahadur. |
| 21. " N. Devendrudu. | 49. Mr. K. Sitarama Reddi. |
| 22. " A. Ramaswami Mudaliyar. | 50. " Chavadi K. Subrahmanya Pillai. |
| 23. Rao Sahib P. V. Gopalan. | 51. " R. Veerian. |
| 24. Mr. L. C. Guruswami. | 52. Rao Bahadur P. K. A. Ct. Virappa Chettiyar. |
| 25. Rao Bahadur K. Krishnaswami Nayudu. | 53. Mr. T. M. Moidu Sahib. |
| 26. Mr. J. Kuppuswami. | 54. " B. Ramachandra Reddi. |
| 27. Zamindar of Mandasa. | 55. Khan Bahadur Haji Abdulla Haji Qasim Sahib. |
| 28. Mr. R. Madanagopal Nayudu. | 56. Mr. Khadir Mohiddin Elyas Khan Sahib. |

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Noes.

- | | |
|---|--|
| 1. Rao Bahadur C. V. S. Narasimha Raju. | 13. Mr. S. Satyamurti. |
| 2. " T. A. Ramalinga Chettiyar. | 14. " T. Adinarayana Chettiyar. |
| 3. Mr. J. A. Saldanha. | 15. " Muhammad Mira Sahib. |
| 4. " P. Siva Rao. | 16. " G. Rameswara Rao. |
| 5. " A. Ranganatha Mudaliyar. | 17. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 6. " A. Chidambara Nadar. | 18. Rai Bahadur T. M. Narasimhachari. |
| 7. " M. Gangaraju. | 19. Sriman Sasibhushan Path Mahasayo. |
| 8. " K. Gopala Menon. | 20. Mr. R. Srinivasa Ayyangar. |
| 9. " K. Koti Reddi. | 21. " C. V. Venkataramana Ayyangar. |
| 10. " P. Peddiraju. | 22. " B. Venkataratnam. |
| 11. " M. Sitayya. | 23. " J. Naganna Hegde. |
| 12. " P. C. Venkatapati Razu. | 24. " C. Venkatarangam Nayudu. |

Neutral.

Mr. L. K. Tulasiram.

Ayes 56. Noes 24. Neutral 1.

The motion was carried.

IV

DRAFT RULES UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920.

I

The hon. the RAJA OF PANAGAL:—"Mr. President, Sir, I beg to move the resolution that stands in my name:—

'that the following draft rule proposed to be made by the Local Government under sub-section (1) of section 201 of the Madras Local Boards Act, 1920, altering rule 10 of Schedule II of the Act be approved:—

Draft rule.

'In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government make the following rule altering rule 10 of Schedule II of the Act:—

'In sub-rule (1) of rule 10, after the words "district gazette" the words "in English and in a vernacular language of the district" shall be inserted.'

"Sir, the present rule contained in Schedule II does not make any provision for the publication of the proceedings of the meetings of local boards in English and any one of the vernaculars. The old Act of 1884 contained the provision. The Select Committee which sat on the Bill of 1920 was asked to consider this question and they omitted it. But they gave no reason for the omission. In the District Municipalities Act we have the languages prescribed, that is, English and the language of the district. The object in introducing this change is to make good the omission and to bring this law into line with the District Municipalities Act."

The hon. Rao Bahadur Sir A. P. PATRO:—"I beg to second the resolution."

The resolution was put to the House and carried.

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II

* The hon. the RAJA OF PANAGAL :—" Sir, I beg to move the next resolution that stands against my name :—

' that the following draft of the rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920, altering rules 1 and 2 of Schedule II of that Act be approved :—

Draft rule.

' In exercise of the powers conferred on them by sub-section (1) of section 201 of the Madras Local Boards Act, 1920, the Local Government propose to make the following rules altering rules 1 and 2 of Schedule II of the said Act :—

' (1) At the end of rule 1 the following words shall be added, viz., " provided that no meeting shall be held on a Sunday."

' (2) In the first sentence of rule 2 between the words " specifies the day " and the word " when " the words " (not being a Sunday) " shall be inserted'.

" Sir, there is no specific provision in the rules in Schedule II to prohibit the holding of meetings on Sundays or holidays and the local boards hold their meetings sometimes on holidays. As hon. Members are aware, holidays are intended for taking rest. If the meetings are held on Sundays and other holidays, it would necessitate the attendance of the whole or part of the office and the object of having these holidays would be frustrated. On the other hand, the local boards think that it would be an advantage to them to hold the meetings on holidays. As a sort of compromise between the two positions it is considered that at least Sundays be left as days of rest which will be of some advantage to the officials. In these circumstances, the change is proposed to be made."

The hon. Rao Bahadur Sir A. P. PATRO :—" I beg to second the resolution."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I have no quarrel with the latter portion of the resolution because when the day is sought to be specified it shall not be a Sunday. But as regards the first portion that no meeting shall be held on Sundays, I submit there is this difficulty. We generally hold meetings on the last Saturday of the month and supposing that several important subjects, such as, budget, administration reports, etc., have to be considered we find it difficult to finish the consideration of those subjects on that day and the members wish that the work left over might be disposed of the next morning so that they might go to their places. It is well known that the members are not paid daily allowances; they are paid only travelling allowances and if they are asked to stay and finish the work on Monday they go away. The work will thus suffer and it has to be postponed for two months. I submit that the provision that no meetings shall be held on Sundays will work great hardship on the administrative side of the local boards.

* p.m. " If the hon. the Chief Minister will see his way to so amend the rule that unless the meeting is continued on that day, with the consent of the members present on Saturday that they are prepared to work on Sunday, I submit, there will be no difficulty. If that is done, we can do the business

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more quickly. I quite see the solicitude on the part of the hon. Minister for the staff of local boards. They also want some rest, but I submit that very few clerks only are required on meeting days. It is only one or two clerks who are in charge of the meeting work that will be called for and if necessary they will be given compensation leave, i.e., if they work on a holiday, generally they are given compensation leave on some other day. We do not lose sight of that fact. Therefore my request to the hon. the Chief Minister is to alter the first portion in such a way as to provide that no meeting shall be held on a Sunday except when the meeting is to be continued on a Sunday with the consent of the members present."

Mr. T. M. MOIDU SAHIB :—" Not only on Sundays, but also on all Government holidays."

The hon. the RAJA OF PANAGAL :—" Mr. President, Sir, I quite see that there is some force in the argument advanced by the hon. Member for Cuddapah, but I think I can easily answer the argument. The difficulty pointed out by the hon. Member is only in the case of meetings held on Saturdays and not on other days or other holidays. But when once a change is made and the boards are acquainted with the change, they will take care that on meetings convened on Saturdays they will not have a heavy programme of work. So, the objection urged by the hon. Member is not a serious one and it is left to the boards themselves to see that on such days there is a light programme. In these circumstances, I am sorry I cannot accept the proposal made by my hon. Friend.

" Again, Sir, the hon. Member for Malabar requested me to extend this to other holidays, but as I stated already, this decision was arrived at as a matter of compromise. I cannot accept his proposal."

The resolution was put to the House and carried.

V

THE MALABAR TENANCY BILL.

* The hon. Mr. N. E. MARJORIBANKS :—" So far as the Government are concerned, there is no objection to proceed with the non-official business if the House so desires."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Three days have been allotted for non-official business. It is now 5 minutes after 4 and we may take it for all practical purposes as 4 o'clock and counting one hour for this day, three days will suffice for non-official business. I suppose, there is no objection to that."

* The hon. Mr. N. E. MARJORIBANKS :—" No objection."

* Diwan Bahadur M. KRISHNAN NAYAR :—" The first thing for consideration is the preamble; section 1, section 2, the definition section, and sections 4 and 5 have then to be considered. We have finished section 3 and we have amendments to clause 1, clause 2 which deals with definitions and clauses 4 and 5. Amendments have already been tabled and we have also some amendments to clauses which have already been passed. I suggest, Sir, that it would be convenient to everybody concerned that we take up clauses 4 and 5 first and then clause 1 and then dispose of the amendments to clauses

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which have already been passed and then go finally to the definition and to the preamble. My friend the hon. Mr. Moir who is in charge of the Bill, I suppose, has no objection to the course."

* The hon. Mr. T. E. MOIR :—"No objection."

Clause 4.

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

that the following clause be substituted for the existing one :—

"Nothing in this Act shall affect kanam holdings of which the kanam amount is more than the aggregate of 12 years michavaram."

"My main argument is this, Sir: It has been said that all kanams that partake the character of mortgage or hypothecation must be excluded. The supporters of the Bill expressed that the kanams in North Malabar were very heavy and are more or less mortgages and on that ground they should be excluded."

* Diwan Bahadur M. KRISHNAN NAYAR :—"May I have a word of personal explanation, Sir? I have not stated that the kanams in North Malabar are heavy and therefore should be excluded. I said that kanams in North Malabar do not partake of the characteristics of kanams in South Malabar and that the kanams in North Malabar are really mortgages and therefore they should be excluded. The exclusion has no relation whatever to the amount of kanam."

* Mr. K. PRABHAKARAN TAMPAN :—"That is exactly what I also meant. If I did not explain myself properly, it was my fault. It is said that kanams that are of the character of mortgages did not require any special treatment and that they might be excluded. We have also got heavy kanams in South Malabar and so I have suggested that the kanam amount which is more than the aggregate of twelve years' michavaram or the annual rent payable to the janmi may be excluded from the provisions of the Act. Even when we purchase janmam property the value that we pay is only twenty years' purchase, and twelve times the michavaram may fairly be taken to indicate a mortgage and treated as a liability or an encumbrance on the property. Therefore I have suggested that such kanams may be excluded from the scope of this Act."

* Mr. V. MADHAVA RAJA :—"I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Now, we are concerned with the kanam amounts in respect of two classes of kanams, those kanams which have been in existence for a long time irrespective of the amount and those kanams which came into existence within seventy-three years. We have included within the scope of the Act persons who are holders of old kanams, i.e., old kanamdars whose kanams came into existence about three quarters of a century ago, and who have occupancy rights and permanent tenure. If the amendment is carried, it is practically taking away with one hand what is given by the other, that is, repealing a major portion of what has been already passed by the Council. So far as the nature of the transactions is concerned, kanams have distinct characteristics, distinct from ordinary mortgages."

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* Mr. V. MADHAVA RAJA :—"It is said that in North Malabar the kanams are heavy and that kanam is only a mortgage there. There are so many kanam holdings with heavy kanams in South Malabar also. Therefore kanam holdings in South Malabar mentioned in the amendment should also be treated in the same way as those in North Malabar. I therefore strongly support Mr. Tampan's amendment."

Mr. K. P. RAMAN MENON :—"It is impossible to support the motion made by Mr. Tampan. As a matter of fact, from the discussions we have had with reference to this measure only two classes of kanams were formulated, that is, kanams which have their origin before 1852 and kanams that have their origin after 1854 without reference to the amounts which were mentioned in the document. A third set is sought to be introduced by Mr. Tampan and we do not know exactly where we would be if, as a matter of fact, this additional category is also introduced. There may be kanams which are a little more than twelve years' multiple of michavaram but which were as a matter of fact created before 1852 and we shall be taking away the rights conferred by section 6 if this amendment is carried. I therefore strongly oppose the amendment moved by Mr. Tampan."

* Mr. K. PRABHAKARAN TAMPAN :—"It has been admitted even by my hon. Friends opposite that for the last hundred years and odd, kanams have been treated only as mortgages whether rightly or wrongly. It was therefore but natural for people in Malabar, to have raised large sums as kanams and treated the transaction purely as a mortgage. That was the law and nothing prevented them from treating them as only ordinary mortgages. There are janmis, even well-to-do janmis, who have raised very large sums as kanams. I referred the other day to a document which I came across which was executed by the Kizhake Kovilagam, the richest janmi in Malabar, raising a kanam of about Rs. 14,000. How it came to be, I cannot say, but it is a fact. A janmi in want only raises a loan on his property before he sells it outright. In many other rich families also owing to adverse circumstances or to meet pressing demands very large sums have been raised as kanams and they are treated only as loans. You will find several cases in my documents. Mr. Krishnan Nayar's complaint was that it was a mistake to have treated these kanams as mortgages. When a janmi and his tenant treated the kanam only as a mortgage, why should it not be excluded from the operation of this Act."

"Sir, in the working of the Act also there will be formidable difficulties. 4-15 p.m.
As an instance, I may point out that the renewal fee provided in the Bill is one year's net produce. Supposing a land fetches 1,000 paras of paddy, one year's net produce. Supposing a land fetches 1,000 paras of paddy. There may be a nominal kanam on that holding, say Rs. 100 or Rs. 150. There may be another case where a land that fetches a thousand paras of paddy might have Rs. 10,000 as kanam. So, both these holdings will have to pay the same rate of renewal fee. The man who has invested a larger amount in the shape of kanam makes only a nominal profit from the holding. In spite of that, he will have to pay the full year's net produce. It is an anomalous position. The Bill does not differentiate with reference to the payment of renewal fee between the man who has paid a nominal kanam on the holding and the man who has advanced a very large amount on the holding. That would be a real grievance and there are several other anomalies in the Bill. I only wanted to explain this aspect of the question. The House is welcome to vote one way or the other."

The amendment was put to the House and lost.

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Paragraph 2.

* Rao Bahadur P. RAMAN :—" I move, Sir,
'after the word "kuzhikanams" the words "or in leases of paddy lands" be inserted.'

"I think, Sir, that leases of paddy lands should be treated on the same footing as kuzhikanams. When nominal kanams over kuzhikanams are not to be treated as kanams for the purpose of section 4, leases of paddy lands should also be treated in the same way. I hope the hon. Member, Mr. Krishnan Nayar, will accept the amendment. The reservation is by way of security for regular payment of rent in most cases."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I accept the amendment Sir."

* The hon. the PRESIDENT :—" As there is no discussion, I will proceed to put the motion to the House."

The amendment was put and carried.

Clause 4 as amended was put, passed and added to the Bill.

Clause 5.

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I move the amendment that stands in my name. It runs as follows :—

'In line 2 after the word "own" insert the words "on the date of the passing of this Act".'

"As it stands, the clause reads :

'Nothing in this Act shall apply to the janmam lands of janmis who own 10 acres or less of such lands under cultivation.'

"With my amendment the clause will read thus :

'Nothing in this Act shall apply to the janmam lands of janmis who own, on the date of the passing of this Act, 10 acres or less of such lands under cultivation.'

"The object of this amendment, Sir, is this : This clause exempts from the operation of the provisions of this Bill the lands of those janmis who are small proprietors who own on the whole only 10 acres or less of janmam lands. In other words, the tenants of those janmis who own only 10 acres and less do not get occupancy right. Now, Sir, I want to fix this ownership of 10 acres as it exists on the date on which this Bill becomes law. Otherwise, anomalous consequences are likely to follow ; for, a janmi may possess on the date of the passing of this Act, say 15 acres. The result will be that all his tenants if not otherwise disentitled to occupancy right, will have occupancy right ; but the janmi may sell after the date on which this Bill becomes law 5 acres of his lands. Then he will have only 10 acres left. The result will be that all those tenants of his who till then had occupancy right in the 15 acres including the 10 acres left to the janmi, will lose their occupancy right. Such a result will lead to all sorts of anomalous consequences. On the other hand, Sir, if a janmi possesses 10 acres of land on the date of the passing of this Act, his tenants will not have occupancy right. If, afterwards he purchases one acre more and thereby becomes the owner of 11 acres, then all those tenants who had no occupancy right till then in these 10 acres will have occupancy right. So, the object of this amendment

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is to fix the ownership of 10 acres as it exists on the date of the passing of this Act and to prevent anomalous consequences for the future. I therefore move it."

Mr. K. P. RAMAN MENON :—" I second the amendment."

* Mr. K. PRABHAKARAN TAMPAN :—" I oppose it Sir. The concession given to the poor janmis is very niggardly, and therefore I object to this motion which aims at whittling down further. I have given amendments later on, Sir, to enlarge the concession ; but that is a different matter. Sir, there is one hardship with regard to the suggestion made by Mr. Krishnan Nayar. Supposing a janmi family has got 100 acres of land on the date of the passing of this Act, they divide after the passing of this Act and that each divided branch of the family has got only 8 or 9 acres of land after the division. There may be 25 or 30 members in each family. Why should we not treat these several new families as coming under this clause, as they will then own only 10 acres and less ? It may be that the original family holds more properties now, but owing the Malabar customs, the tarwad might not have cared to reduce the kanams. We, very often, find, Sir, that in janmi families there are a large number of members. I know of several families which have more than sixty or eighty members ; and when they divide, they find it necessary to redeem their kanam properties and to make them into verumpattam. They must not be prevented from doing that. It will be a real injustice to the poor people. So, Sir, this restriction by way of introducing the date should not be accepted. Mr. Krishnan Nayar said a little while ago 'what is given by one hand is being taken away by the other.' I think it is more applicable here than to the case which he then referred to. I appeal to the House, Sir, that the cause of the poor janmis should be protected more than that of the big kanamdars. It is they that deserve kind protection at the hands of the Legislative Council. I therefore once more appeal to this Honourable House that they should deal generously with the poor janmis."

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I also oppose this amendment. What is given with the right hand is taken away by the left hand. The amendment says : who own 10 acres or less on the date of the passing of this Act. A person purchases janmam lands of 10 acres or leases it after the Act. What is to be his position ? Is that land to be subjected to the incidence of permanent right of occupancy and other calamities which are brought about by this Act ? The real object of this section is to protect small janam holders. If that is so, I do not at all see any reason why it should be restricted to those persons who own 10 acres or less on the date of the passing of this Act. He mentioned another instance, Sir. Suppose a family partitions its property into 3 acres, 4 acres and 5 acres under an agreement among the members thereof. Each man will become a small owner. I fail to see why that small owner should not possess the janmam right, but should be subjected to the disabilities imposed by this Act. If the real object is to protect small holders, you must look to the spirit of it. Mr. Krishnan Nayar was speaking as if he was making a generous concession in the case of small holders. The Bill has gone through several stages, and this idea did not strike him all through. It strikes him only just now at the last moment and he now comes and adds the words 'on the date of the passing of this Act'. I think it is not treating the small holders with the generous spirit to which they are entitled."

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Rao Bahadur B. MUNISWAMI NAYUDU :—"I support the amendment Sir. The object of the Bill is that all persons who are cultivating the lands whether or not they are janmis should have occupancy rights and that the Act should not be applicable to lands which are smaller in extent than 10 acres and which are under the actual cultivation of the janmi. Now, Sir, if the Act is not restricted to janmis other than those who own 10 acres or less on the date of the passing of this Act, the result will be this: supposing a janmi owns 20 acres to-day. All cultivators who are cultivating portions of those 20 acres will have occupancy rights under section 6. By some arrangement between brothers or relatives or friends, the janmi can divide his lands into bits of 10 acres or less and then he can come and say 'Under the Act you have no permanent right of occupancy as the extent of the land is less than 10 acres. I therefore drive you out'. The effect of it will be that every janmi will parcel out all the lands he has got into bits of less than 10 acres and say that the tenants' right of occupancy should be given up. What really section 5 states is: 'who own 10 acres or less of lands under cultivation.'

Rai Bahadur T. M. NARASIMHACHARLU :—"Janmam lands, not all lands."

Rao Bahadur B. MUNISWAMI NAYUDU :—"Yes, janmam lands or lands to which janmis have a right of ownership. What section 5 says is that the Act shall not apply to the janmam lands of janmis who own 10 acres or less."

4-30 P.M. "Even if their lands become subdivided subsequently, the Act will not apply because section 5 simply says 'who own 10 acres or less'. But if you are going to say that the occupancy rights once conferred by this Act shall be taken away merely by the voluntary act of these people either by partition or otherwise, it will mean that what is given with one hand is taken away by the other. Certainly, this is not the object of the Act. My friend says 'purchase them subject to this condition.' I see no reason why one purchaser should get greater rights than what he bargains for. But supposing there is a partition; this Act may not affect it because that does not come under the purview of this Act. So, by partition they would not become lands in respect of which occupancy right can be had. On these grounds, Sir, I say that if you want to make any concession in respect of small janmams, they must be lands which on the date of the coming into force of this Act are 10 acres or less. I therefore support the amendment."

* Mr. V. MADHAVA RAJA :—"I entirely agree with Mr. K. Prabhakaran Tampam. A janmi possessing 20 acres of land may divide it into bits of less than 10 acres. In that case, this section will not apply to such kanams. I think, Sir, the same protection which is afforded to him now should be extended to him then also. So I oppose this motion."

The amendment was put and carried.

Rai Bahadur T. M. NARASIMHACHARLU :—"Now that the previous amendment was passed, and the words 'on the date of the passing of this Act' have been added, I submit that a larger number of janmis should be kept out-side the purview of this Act. I therefore propose, Sir, that

'for the figure "10" the figure "100" be substituted'.

"If it is intended that only people who own a certain number of acres of land for themselves on the date of the passing of this Act should be excluded, I think the extent of lands must be raised at least to 100 acres."

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* Diwan Bahadur M. KRISHNAN NAYAR :—"I oppose that amendment Sir. This clause as it stands now was not in the original draft of the Bill. It was inserted by the Select Committee and in the Select Committee there was a good deal of discussion as to whether this clause as it now stands should find a place in the Bill. Some were of opinion that such a clause should not be put in at all; others were of opinion that if there was such a clause, it should be restricted to 5 acres and should not extend to 10 acres. After a great deal of discussion as a sort of compromise, 10 acres was ultimately adopted. There are those who think that 10 acres are too high and my Friend Mr. Raman's motion which was intended to delete this clause altogether had for its idea that object, but it was not moved. Certainly, anything more than 10 acres will deprive a large number of tenants of the fixity which it is intended to confer upon them. I therefore oppose the motion."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I have great pleasure in supporting the motion of my hon. Friend Mr. Narasimhacharlu. I have also given notice of a similar motion. Ten acres are hardly sufficient for the needs of a small family. My Friend Mr. Raman Menon knows the case of the Kurup's family in Kalladi code which owns extensive properties of cultivable and forest lands. He pays Rs. 700 assessment but gets only an annual income of 175 paras of paddy. The lands in all will fetch more than 1,500 paras of paddy."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I may be excused for this interruption. May I ask whether he pays Rs. 700 or his tenants pay it."

* Mr. K. PRABHAKARAN TAMPAN :—"It may be that the payment is made through the tenants, but it is all his land. What I say is that it is not the extent of the land that should be treated as the standard for our purpose. There may be one acre of paddy and 9 acres of parambas may be attached to it and there may be some garden also in it; and the janmi may get only a nominal income. The janmi may have to pay a large sum by way of the cost of improvement on the holding. Therefore, if you limit the extent of the land to 10 acres it will work as a great hardship on the poor janmis. In this connexion, Sir, I may invite the attention of the House to a report of the late Mr. Krishna Menon. He said in his report that 100 acres of land must be fixed as the minimum. This is what he said:

'That this restriction shall not extend to janmis whose janmam property, inclusive of ulu parambas (dry lands periodically cultivated) and kadu (forest lands), shall not exceed 100 acres.'

"The provision itself does not differentiate between cultivable land and parambas. If a janmi has only 10 acres of parambas this will apply to him. Therefore the limit should be 100 acres and not 10 acres. I appeal to the expert member in the name of his revered father whose opinion I read now to have kind regard for the poor janmis. Another aspect of the question is this: You will remember, Sir, I tabled a motion saying that kanam lands that are more than 25 acres in extent ought to be excluded from the scope of the Bill on the ground that 25 acres are fairly sufficient for supporting a kanamdar's family. Then my friends, both the expert Member and the author of the Bill, said that 25 acres were not sufficient for the maintenance of a kanamdar's family. Now, let me not be misunderstood, with the tongues in their cheeks they are saying that 10 acres are sufficient for a janmi family. They ought to be fair both to the janmi and to the tenant if they want to be reasonable. There is no meaning in saying that in the case of the

[Mr. K. Prabhakaran Tampan] [27th August 1926]

janmi we should restrict it to 10 acres, but so far as the tenant is concerned it may be 100 acres or 1,000 acres. The House has got to consider everything on a fair basis. I leave it to the House to decide Sir."

Mr. K. P. RAMAN MENON:—"I am sorry I have to differ from Mr. Tampan as I have very often to do. The chief argument put forward by him on this point is, first of all, that a janmi family with 10 acres of land as mentioned in this section will be hardly able to maintain itself, i.e., the income would not be sufficient for the family. I am astonished to find, that Mr. Tampan who has good experience of Malabar and who knows Malabar well, should support Mr. Narasimhacharlu, who admits that he has absolutely no experience of Malabar. What does 100 acres of cultivable land, not dry land which is not cultivated at all, mean in Malabar? Hundred acres will mean in Malabar about 1,000 paras of seeds from the land for which according to the rate of assessment now prevalent in Malabar there will be an assessment of Rs. 750. Ordinarily our lands are taxed at Rs. 7-8-0 an acre and on that basis an assessment of Rs. 750 will have to be paid for 100 acres. At the same time, the yield of the land would be, if it is wet land, about 10,000 paras of paddy, i.e., nearly Rs. 10,000 worth of paddy. Now, Sir, I should like to ask Mr. Tampan if Rs. 10,000 will not be sufficient for the maintenance of an ordinary janmi family? I do not, of course, speak of the janmis who belong to the highest class of society but I speak of those janmis who come under the purview of section 5, i.e., indigent janmis who want protection. I may say, Sir, that it was at my instance that this clause was added to the Bill when it was in the Select Committee. At the same time, Sir, Mr. Narasimhacharlu does not know the conditions of Malabar

Rai Bahadur T. M. NARASIMHACHARLU:—"I am glad I never entered Malabar, Sir. Otherwise the contagion will catch me of bringing such measures." (Laughter.)

Mr. K. P. RAMAN MENON:—"We are also glad that he has not been there. Now, Sir, 100 acres of land in Malabar will yield an income of Rs. 10,000. But a janmi holding 10 acres will get an income of about 1,000 paras of paddy according to the rates mentioned by me above, which means Rs. 1,000. Personally, I should think that that is a good income for an ordinary landholder. With regard to the other reasons pointed out but what is the michavaram that is the second reason of Mr. Prabhakaran Tampan

* Mr. K. PRABHAKARAN TAMPAN:—"There are many janmis in Malabar who own a thousand acres of land but who get only a small michavaram."

Mr. K. P. RAMAN MENON:—"It cannot be helped. Their ancestors have been so improvident as to encumber the estates to the hilt. So legislative interference is not . . ."

* Mr. K. PRABHAKARAN TAMPAN:—"Are kanams encumbrances? When did my hon. Friend begin to treat them as such?"

Mr. K. P. RAMAN MENON:—"The owners of all properties saleable or alienable have made themselves victims of their properties on account of improvidence and no legislation can help them. The object of this section is not to protect improvident janmis but to help those janmis who are not guilty of any improvidence and who own only small holdings.

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"Then, my hon. Friend referred to the opinion of my father, and I have certainly great respect for his opinions, and I bow to them. But his opinion does not amount to what Mr. Prabhakaran Tampan says. What he said was that janmis who own cultivated lands and dry lands together to the extent of a hundred acres ought to be excluded. He has not defined what extent of dry lands ought to be there, and since that is the case, I do not think I need bow down to that quotation. If you will please turn to the section and see what is contemplated in the Act, there is absolutely nothing to support my hon. Friend's position. The section says:

"Nothing in this Act shall apply to the janmam lands of janmis who own on the date of the passing of this Act, 10 acres or less of such lands under cultivation."

"So that the 10 acres are not inclusive of 'dry lands or lands not capable of cultivation, but 10 acres which are capable of cultivation and which are being cultivated, and cultivated as defined elsewhere. With reference to dry lands, if the House is not aware of the position of those dry lands in Malabar, I may mention it. Dry lands are not, as a matter of fact, usually cultivated every year. They cannot be regarded as lands under cultivation. They are cultivated once in three or four years. Once a crop of wild paddy is raised on the land, then there are two succeeding crops of millet and gingelly, and then the land is left fallow for three or four years. That is how dry land cultivation goes on there. Then, there are garden lands. They may be classed as dry lands. But we, on the other hand, class them as cultivated land, as land equal to paddy lands. They are so classed for revenue purposes and kanam purposes, so that the dry lands are not taken into calculation at all; and so that ten acres of cultivated land, as apart from other uncultivated dry lands, are quite sufficient to give the necessary protection which my hon. Friend wants under this Act. Hundred acres of land is out of all proportion to the wants of a janmi family there in Malabar, and I would therefore very strongly oppose this amendment."

* Mr. K. PRABHAKARAN TAMPAN:—"May I ask then, Sir, whether he will substitute an income of Rs. 1,000 per year to 10 acres? I will be quite prepared then to accept it. He said that an income of Rs. 1,000 can be got from 10 acres. Then, why not the section be so amended as to exclude janmis with an income of Rs. 1,000 per annum?"

Mr. K. P. RAMAN MENON:—"While my hon. Friend was there in the Select Committee, he did not ask for any such amendment, and I am not prepared to accept any such amendment offhand."

* Mr. V. MADHAVA RAJA:—"I strongly support this amendment. A janmi's family does not consist of one or two members only. Unfortunately, a family has got sometimes twenty members or more. For all these persons together, ten acres is not at all quite enough, as assumed in this Bill. I say it is really most unfortunate if a family of twenty or thirty members is left to get on with ten acres of land.

"Then, there are so many other encumbrances to the janmi. In the garden there will be buildings, and he will have to make improvements. After meeting the expenditure on all those items, he will hardly have anything left for his maintenance, if he has only ten acres. So, I would strongly urge this House to support the amendment of Mr. Narasimhacharlu. I would go to the extent of putting it as hundred acres of cultivable land."

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* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" A perusal of the various minutes of dissent appended to the report of the Select Committee shows that there is very strong feeling that the limit of ten acres is very low, and that it ought to be increased. There is a minute of dissent by my hon. Friend Mr. Sitarama Reddi from South Arcot and Mr. P. T. Rajan, to the effect that the limit ought to be extended to fifty acres, and one or two others have suggested hundred acres, and so forth. My hon. Friend from Cuddapah has suggested an extreme limit of hundred acres; and in view of the opposition which that motion has evoked, I would suggest to the House whether it is not reasonable that the limit of ten acres, which appears to be too low to be accepted as is evident also from the minutes of dissent, should be increased to at least twenty acres. I find other amendments, notices of which have been given, suggesting 20, 25, 30 and 50 acres. My hon. Friend Mr. Narasimhachari, in his eagerness to increase the limit of exemption to as much as possible, has suggested 100 acres. But in view of the divergence of opinion, I ask the hon. Mover of the Bill whether he would still stick to the limit finally settled by the Select Committee, or whether he will consent to an increase to a reasonable extent. If you permit me, Sir, I will move an amendment to this amendment to alter the figure '100' into '20'."

* Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend himself did not express this opinion before. In fact, those amendments for 20, 25 and 30 were not at all moved."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I am taking the lowest of those figures, so that, that at least will be accepted by the Mover of the Bill."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I am not satisfied with those reasons, and I cannot accept any such amendment, Sir."

The amendment was then put and declared lost.

Mr. K. Prabhakaran Tampan demanded a poll and the House divided thus :—

Ayes.

- | | |
|---|---|
| 1. Mr. K. Prabhakaran Tampan. | 4. Dr. P. Subbarayan. |
| 2. " V. Madhava Raja. | 5. Mr. S. Muttayya Mudaliyar. |
| 3. Rao Bahadur O. M. Narayanan Nambudripad. | 6. Rao Bahadur A. S. Krishna Rao Pantulu. |
| | 7. Rai Bahadur T. M. Narasimhachari. |

Noes.

- | | |
|-------------------------------------|--------------------------------------|
| 1. Mr. K. P. Raman Menon. | 11. Mr. J. A. Saldanha. |
| 2. Rao Bahadur G. Natesa Mudaliyar. | 12. " A. Ranganatha Mudaliyar. |
| 3. Mr. N. Devendrudu. | 13. Diwan Bahadur M. Krishnan Nayar. |
| 4. " A. Ramaswami Mudaliyar. | 14. Rao Bahadur P. Raman. |
| 5. " L. C. Guruswami. | 15. Mr. R. Veerian. |
| 6. " R. Madanagopal Nayudu. | 16. " K. Venkatachala Padayachi. |
| 7. Rao Bahadur B. Muniswami Nayudu. | 17. " K. Uppi Sahib. |
| 8. Mr. C. Muttayya Mudaliyar. | 18. " C. V. Venkataramana Ayyangar. |
| 9. " G. Premayya. | 19. " J. Naganna Hegde. |
| 10. Diwan Bahadur P. Kesava Pillai. | |

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Neutral.

- | | |
|---|---|
| 1. The hon. Mr. N. E. Marjoribanks. | 9. Mr. G. T. Boag. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 10. " C. B. Cotterell. |
| 3. " Mr. T. E. Moir. | 11. Khan Bahadur Abdulla Ghatala Sahib Bahadur. |
| 4. " A. Y. G. Campbell. | 12. Mr. S. Arpadaswami Udayar. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 13. " A. Chidambara Nadar. |
| 6. " the Raja of Panagal. | 14. " K. Koti Reddi. |
| 7. Mr. T. R. Venkatarama Sastriyar. | 15. " K. Sitarama Reddi. |
| 8. Rao Bahadur V. T. Krishnama Achariyar. | 16. " B. Ramachandra Reddi. |

Ayes 7. Noes 19. Neutral 16.

The amendment was lost.

Clause 5, as amended, was then put, passed and added to the Bill.

The House then adjourned at 5 p.m. to meet again at 11 o'clock the next day.

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

APPENDIX I.

[Vide answer to question No. 2352 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 27th August 1926, page 222 supra.]

Statement showing the posts in the superior scale of Indian Civil Service abolished and newly created since the Reforms.

Designation of post.	Number	
	Created.	Abolished.
Member of the Board of Revenue	...	1
District and Sessions Judges	...	...
Collectors	3	4*
Agency Commissioner	1	1
Secretaries to Board of Revenue	...	2
Collector of Salt Revenue (provisional)	1	...
Deputy Commissioner, Salt and Abkari	...	1
Deputy Secretaries to Government	2	...
Inspector of Municipal Councils and Local Boards	1	...
Sub-Collector, I grade	...	1
Total	12	6

* Includes two junior Secretaries to Government.

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APPENDIX II.

[Vide answer to question No. 2356 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 27th August 1926, page 225 supra.]

Statement showing revenue and expenditure for 1925-26 in respect of reserves of Bellary division used mainly for grazing and not yet handed over to panchayats.

Serial number and name of reserve.	Revenue from			Expenditure.		
	Grazing.	Other sources.	Total.	B. Conservancy and works.	C. Establishment.	Total.
<i>Bellary Range.</i>						
1. Kupgal	271	450	721	18	499	517
2. Banavasi	50	226	276	11	408	419
3. Uppalagundi	82	73	155	..	555	555
4. Marutla	236	104	340	8	786	794
5. Kodelu	100	39	139	..	243	243
6. Ch. Anthapur	329	55	375	..	331	331
7. Bellary	1,044	1,274	2,318	..	1,926	1,926
8. Mincheri	559	541	1,100	..	760	760
9. Mettilu	566	329	895	20	978	998
10. Moka A and B	208	6,731	6,939	1,529	210	1,739
11. Hospet	275	293	568	..	624	624
12. Bukkasagaram	464	162	626	33	1,267	1,300
13. Joga A and B	34	148	182	8	647	655
14. Daroji	397	996	1,393	11	352	363
15. Thengallu and Extension	193	181	374	..	284	284
16. Rayadurg	190	745	935	14	1,038	1,052
17. Bondanahal	130	159	289	20	425	445
18. Dharmapuri	175	726	901	8	1,011	1,019
19. Mallapuram	51	161	212	..	294	294
Total	5,345	13,435	18,780	1,680	12,641	14,321

Kudligi Range.

20. Bandri	459	866	1,325	125	1,235	1,360
21. Sunkadahal	1,122	1,243	2,365	64	1,194	1,248
22. Chiribi	717	1,389	2,106	63	718	781
23. Nimbalegiri	363	156	519	98	470	568
24. Banvital	554	557	1,111	102	605	707
25. Kariyagiri halli	213	360	573	..	414	414
26. Somalapuram	211	1,227	1,438	10	141	151
27. Sivapuram	790	888	1,678	98	1,175	1,273
28. Chilikanahatti	109	228	337	36	669	705
29. Gunda	155	988	1,143	38	830	868
30. Kalurppi	670	457	1,127	100	980	1,080
31. Chormur	439	439	878	..	306	306
32. Godekota	118	244	362	55	764	764 & 55
33. Gollingammanahalli	..	57	57	..	378	378
34. Thousigiri	55	67	122	..	297	297
35. Appayyanahalli	160	112	272	82	304	336
36. Ramadurgam	226	145	271	..	360	360
37. Hulikunta	425	147	572	..	216	216
38. Thummaraguddi	259	225	484	..	522	522
39. Shedigal	769	356	1,125	80	821	901
40. Gunda Bommanahalli	..	..	..	..	76	76
Total	7,715	10,151	17,866	901	12,475	13,376

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Statement showing revenue and expenditure for 1925-26 in respect of reserves of Bellary division used mainly for grazing and not yet handed over to Panchayats—cont.

Serial number and name of reserve.	Revenue from			Expenditure.		
	Grazing.	Other sources.	Total.	B. Conservancy and works.	C. Establishment.	Total.
<i>Old Harpanahalli Range.</i>						
41. Jittanabatti	1,029	1,396	2,425	92	1,301	1,393
42. Sogi	767	755	1,522	78	774	852
43. Jogikallugutta	1,528	792	2,320	78	869	947
44. Uobengidurgam	206	205	411	5	949	954
45. Hyrada	1,028	1,854	2,882	145	1,415	1,560
46. Thogaribatta	267	186	453	..	469	469
Total	4,825	5,188	10,013	398	5,777	6,175

APPENDIX III.

[Vide answer to question No. 2363 asked by Mr. Chavadi K. Subrahmanya Pillai at the meeting of the Legislative Council held on the 27th August 1926, page 230 supra.]

TRICHINOPOLY CIRCLE—TINNEVELLY DIVISION.

Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works.

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
1. Left flood bank above Marudur anicut, between Kaliyavur tank village and Marudur Kilakal channel head in Tinnevely district for an aggregate length of 810 feet.	Rs. 13,300	The work has been completed and the bank restored to its original condition.
2. Breaches in several places of the bank of the Kaliyavur tank in Tinnevely district.	11,800	All breaches have been closed. Raising the bund in some places remains to be done and is in progress.
3. Breaches in the left flood bank below Sriyaikuntam anicut at 0/1 mile in Tinnevely district.	10,300	Breaches have been closed and the bank restored to its original condition. Graveling the top of bank is now in progress.
4. Breaches in the left flood bank below Sriyaikuntam anicut at 4/4 mile in Appankoil limits in Tinnevely district.	45,900	The breaches have been closed and the bank restored to its original condition.

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Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works—cont.

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
	RS.	
5. Breaches in the left flood bank below the Srivaikuntam at 9/0 mile in Eral limits in Tinnevely district.	21,520	The breaches have almost been closed. The work will be completed before 31st July 1926.
6. Breaches in North Main channel in Appankoil limits in Tinnevely district.	21,000	This is the diversion of the North Main channel by a straight cut. The work has been ordered to be put in hand and necessary preliminary arrangements are being made. Estimate has been prepared and will be got sanctioned as early as possible.
7. Breaches in the North Main channel in Eral limits in Tinnevely district.	61,300	These are partly closed and the work will be completed before the north-east monsoon commences. But that portion of work which is urgently required to be done so as to allow water in the channel from 1st July is nearing completion.
8. Breaches in the right flood bank below the Srivaikuntam anicut at the first mile in Pudukudi limits in Tinnevely district.	64,180	This work has almost been completed. This is also diversion of the right flood bank.
9. Breaches in the right flood bank below Srivaikuntam anicut at 1/5 mile in Alwartirunagari limits in Tinnevely district.	5,690	The breaches have been closed completely.
10. Breaches in the right flood bank below Srivaikuntam anicut at the tenth mile in Chokkapalangarai limits in Tinnevely district.	..	There are no breaches here but the bank has been eroded. Proposals for retreating the bank have been received and submitted to the Superintending Engineer for sanction.
11. Marudur anicut system.—Breaches in the Marudur Kilakal channel and the tanks fed by it in Tinnevely district.	4,150	The breaches in the Kilakal channel have almost been closed. The minor breaches in the tanks under Kilakal channel have also been almost completed.
	8,030	The breaches in Perungulam surplus channel are being closed and will be completed shortly.
12. Srivaikuntam anicut system.—Breaches outside Eral and outside Appankoil limits in North Main channel and the tanks fed by it in Tinnevely district.	13,300	Breaches in North Main channel outside Eral limits have almost been closed and the banks restored. Other minor breaches in tanks under North Main channel are being closed.
13. Breaches below the Sulaivaikal bridge in Tinnevely district.	..	This is the same as item 7 above.
14. Breaches in the Upper Tambraparni anicuts and channels—	..	....
(i) Special repairs to Kodamelalaghian anicut.	1,300	All these works have been completed and the banks raised to their original conditions.
(ii) Special repairs to North Kodamelalaghian channel.	1,300	
(iii) Repairs to Nadhiyunnin anicut.	1,100	
(iv) Closing breaches in Nadhiyunnin channel.	130	

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Statement showing the amounts of estimates sanctioned for closing the several breaches in the Tambraparni river and its branches and also the present stage of these works—cont.

Serial number and name of work.	Amount of estimate sanctioned.	Remarks.
14. Breaches in the Upper Tambraparni anicuts and channels—cont.	RS.	
(v) Repairs to flood damages in Kannadian channel.	980	All these works have been completed and the banks raised to their original conditions.
(vi) Special repairs to the Kannadian channel.	980	
(vii) Special repairs to head sluice in Kannadian channel.	360	
(viii) Ordinary repairs to the Kodagan channel for 1926-27.	4,160	
(ix) Ordinary repairs to the Tinnevely channel for 1926-27.	10,020	
(x) Ordinary repairs to Palayam channel for 1926-27.	4,805	

APPENDIX IV.

[Vide answer to question No. 2367 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 232 supra.]

Indian Christian members on the District Boards and Taluk Boards in South Kanara, Malabar, Coimbatore, Nilgiris and Salem.

SOUTH KANARA.

Name of Board.	Name of member.	Sect.
District Board	1. M.R.Ry. Rai Sahib	Roman Catholic.
	E. C. M. Mascarenhas.	
	2. M.R.Ry. Rao Sahib A. J. Lobo.	Do.
Taluk Board—	3. Mr. B. M. D'Souza	Do.
	Uppinangady	Reverend D. S. F. Coelho
	Udipi	Rev. D. J. D'Souza
	Mangalore	1. Mr. B. M. D'Souza
	Karkal	2. Mr. J. P. Sequeira
	Kasaragod	Mr. A. L. P. Mathias
	Coondapoor	Mr. Christian Theodore
		Rev. Father Peter D'Souza

[27th August 1926]

Indian Christian members on the District Boards and Taluk Boards in South Kanara, Malabar, Coimbatore, Nilgiris and Salem—cont.

SALEM.

Name of board.	Name of member.	Sect.
District Board	... Rev. T. Narasimham	... Protestant.
Taluk Board— Sankari	... M.R.Ry. S. N. Prabalam Pillai Avargal.	Do.

COIMBATORE.

District Board	... M.R.Ry. R. S. Viswasam Avargal, B.A., L.T.	Do.
Taluk Board— Palladam	... M.R.Ry. G. Mariadas Pillai Avargal.	Roman Catholic.
Coimbatore ...	Nil	Nil.
Gobichettipalayam ...		
Erode ...		
Pollachi and ...		
Kollegal ...		

THE NILGIRIS.

Nilgiris District Board.	Mr. S. J. Gonsalves	... Roman Catholic.
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MALABAR.

District Board	... Mr. A. T. George	... Syrian Christian.
Taluk Board— Ponnani	... 1. Mr. T. K. Devasi 2. Rev. Father Mathew Cherunilath.	Do. Do.
Palghat	... Mr. A. J. Fernandez	... Roman Catholic.

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APPENDIX V.

[Vide answer to question No. 2375 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 238 supra.]

Statement showing the mileages, cost of maintenance, etc., of trunk roads in the Malabar and South Kanara districts passing over the Western Ghats.

District.	Name of road.	By whom maintained.	Mileage.		Average cost of maintenance per mile.	
			Miles.	Furlongs.	1924-25.	1925-26.
Malabar	(1) Madras-Calicut road	District Board.	93	5	RS. 388	RS. 395
	(2) Gudalur-Calicut road	Do.	40	5	503	463
	(3) Gudalur-Vaittri-Calicut road.	Do.	19	1	429	764
	(4) Tellicherry-Coorg road.	Public Works Department.	34*	..	1,836	2,737
South Kanara.	(5) Calicut-Mysore road	Do.	73	..	1,344	1,632
	(6) Mangalore-Mercara road.	District Board.	65	7	518	No information.

* Of these 34 miles, 31 miles and 6 furlongs are maintained by the Public Works Department.

APPENDIX VI.

[Vide answer to question No. 2378 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th August 1926, page 242 supra.]

Copy of letter No. 860 I./28-2, dated 10th April 1926, to M.R.Ry. J. A. Saldanha Avargal, M.L.C., "Belmond House," Konkarnady P.O., Mangalore.

With reference to your letter dated 10th March 1926 forwarding a copy of the resolutions passed at a meeting of the Warghardars of Uppinangady taluk held on 25th October 1925, I am to furnish you with the following particulars in respect of the resolutions:—

(i) Assignment of cultivable area in reserved forests:

The Government had already instructed the Chief Conservator to take necessary steps to make the cultivable lands in the reserved forests of the South Kanara district available for cultivation either by disforestation or by the grant of forest leases.

(ii) Setting back of reserve boundary to a mile beyond lands under cultivation.

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The Government have laid down that they are unable to accept the principle that proximity to occupied areas should in itself, justify disafforestation of reserve but that when specific instances are brought to notice, and it can be shown prima facie that proximity causes hardship they will be ready to institute the necessary enquiries and give redress if possible.

(iii) Erection of a substantial wall or fence around reserved forests to prevent forest fires extending to private lands and forests and to prevent wild animals coming from forests.

The Government do not consider that this suggestion is feasible considering the enormous expenditure that would be involved in such an undertaking. They see no reason to believe that forest fires extend to private holdings and cause hardship. As to protection from wild animals, shooting licences can be obtained from District Magistrates.

(iv) Remission of cattle fee from the Warghardars of Uppinangady taluk.

The grazing fee in this district has not been recently enhanced and so there is no reason to complain that the "Cattle fee is increasing year by year."

(v) Giving up of reserved forests of this taluk to prevent excessive rain and devastation of crops by wild animals.

The forests in South Kanara contain very valuable timber and cannot therefore be given up.

2. The resolutions regarding the sale of dead timber and sale of cane to contractors are being sent to the Chief Conservator for such action as he may consider necessary. The resolutions regarding the system of charging seigniorage for trees and resettlement have been sent to the Revenue Department for necessary action.

THE MADRAS LEGISLATIVE COUNCIL

Saturday, the 28th August 1926.

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

PRESENT:

Marjoribanks, The hon. Mr. N. E.	Muniswami Nayudu, Rao Bahadur B.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Muttayya Mudaliyar, Mr. C.
Moir, The hon. Mr. T. E.	Muttayya Mudaliyar, Mr. S.
Campbell, The hon. Mr. A. Y. G.	Narasimhaachari, Rai Bahadur T. M.
Raja of Panagal, The hon. the Patro, The hon. Rao Bahadur Sir A. P.	Narasimha Raju, Rao Bahadur C. V. S.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Narayana Numbudiripad, Rao Bahadur O. M.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Natesa Mudaliyar, Rao Bahadur C.
Adinarayana Chettiyar, Mr. T.	Obalesappa, Mr. B.
Ankinedu Prasad Bahadur, S. R. Y.	Pandrang Row, Mr. V.
Ari Gowder, Mr. H. B.	Ponnuswami Pillai, Mr. K. S.
Arpudaswami Udayar, Mr. S.	Prabhakaran Tampam, Mr. K.
Bhanoji Rao, Mr. A. V.	Premayya, Mr. G.
Biwanath Das Mahasayo, Sriman.	Raghuchandra Ballal, Mr. K.
Boag, Mr. G. T.	Raja, Rao Bahadur M. C.
Chidambara Nadar, Mr. A.	Rajan, Mr. P. T.
Cotterell, Mr. C. B.	Ramachandra Reddi, Mr. B.
Devendrudu, Mr. N.	Raman Menon, Mr. K. P.
Gangaraju, Mr. M.	Raman, Rao Bahadur P.
Ghouse Mian Sahib, Mr. Muhammad.	Ramalinga Chettiyar, Rao Bahadur T. A.
Gopala Menon, Mr. C.	Rameswami Mudaliyar, Mr. A.
Gopalan, Rao Sahib P. V.	Rameswara Rao, Mr. G.
Guruswami, Mr. L. C.	Ranganatha Mudaliyar, Mr. A.
Haji Qasim Sahib Bahadur, Khan Bahadur Haji Abd-ul-lah.	Sagaram, Mr. P.
Hegde, Mr. J. Naganna.	Saldanha, Mr. J. A.
Heggade, Mr. D. Manjappa.	Samuel, Mr. J. D.
Kesava Pillai, Diwan Bahadur P.	Sarvarayudu, Mr. K.
Khadir Mohiddin Elyas Khan Sahib, Mr.	Sasibhushan Rath Mahasayo, Sriman.
Koti Reddi, Mr. K.	Satyamurti, Mr. S.
Krishnan Nayar, Diwan Bahadur M.	Sitarama Reddi, Mr. K.
Krishna Rao Pantulu, Rao Bahadur A. S.	Siva Rao, Mr. P.
Krishnama Achariyar, Rao Bahadur V. T.	Srinivasa Ayyangar, Mr. R.
Krishnaswami Nayudu, Rao Bahadur K.	Srinivasan, Rao Sahib B.
Kuppuswami, Mr. J.	Subbarayan, Dr. P.
MacDougall, Sir Alexander.	Subrahmanya Pillai, Mr. Chavadi K.
Madanagopal Nayudu, Mr. R.	Tanikaachala Chettiyar, Diwan Bahadur O.
Madhava Raja, Mr. V.	Tulasiram, Mr. L. K.
Madurai, Honorary Lieutenant.	Uppi Sahib, Mr. K.
Mallesappa, Mr. T.	Veerian, Mr. R.
Marthandam Pillai, Mr. P. N.	Venkatachala Padayachi, Mr. K.
Maruthavanam Pillai, Mr. C.	Venkatapati Raju, Mr. P. C.
Meera Sahib, Mr. Muhammad.	Venkataramana Ayyangar, Mr. C. V.
Moidu Sahib, Mr. T. M.	Venkatarama Sastriyar, Mr. T. B.
	Venkataramangam Nayudu, Mr. C.
	Venkataramnam, Mr. B.
	Venkatareddi Nayudu, Rai Bahadur Sir K.
	Wood, Mr. C. E.
	Zamindar of Mandasa.

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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.

Facilities for acquiring agricultural knowledge, etc., in South Kanara.

* 2382 Q.—MR. J. A. SALDANHA: Will the hon. the Minister for Development be pleased to state so far as the South Kanara district is concerned—

(a) whether it is a fact that for want of a regularly open public enquiry office and other facilities in a convenient locality and decent room, those keen in acquiring knowledge of agricultural improvements or wanting seeds, manures or implements are disappointed; and

(b) whether Government have in contemplation any measures for improving the facilities required?

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

MR. J. A. SALDANHA:—"May I know what establishment there is at Mangalore for the sale of manure, seeds, etc., to the people of the locality who are inclined to purchase them?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"We have no establishment at Mangalore for the sale of manure."

MR. J. A. SALDANHA:—"In the absence of the demonstrator on duty outside his headquarters, the public find it difficult to get the seeds or manure they require."

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"If my hon. Friend would look at page 31 of the Villagers' Calendar which can be had for one anna, he will find the information he wants."

MR. J. A. SALDANHA:—"I know that by timely intimation things can be had. But my difficulty is that before we can order a thing we must have a look at it and satisfy ourselves. I wish to know whether Government

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will be pleased to make arrangements, to have some sort of shop in the district and thus enable its people to go and see things for themselves and then purchase?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"The question has been fully answered."

Co-operation.

Application for a loan from the Muttarasanallur Land Reclamation Society.

* 2383 Q.—MR. T. M. NARAYANASWAMI PILLAI: Will the hon. the Minister for Development be pleased to state—

(a) whether the Muttarasanallur Land Reclamation Society has applied for a loan for land reclamation;

(b) whether it has been sanctioned, and if not, why not; and

(c) whether the Government are aware that the work is not progressing in the area for want of funds?

A.—(a) Yes.

(b) & (c) 1. Applications for loans to the extent of Rs. 21,196 required by the society for complete clearance of silt from their lands have been forwarded by the Registrar of Co-operative Societies to the Collector for sanction.

2. The loans required by the society for clearing part of their lands with the idea of depositing cleared sand on other portions are under the consideration of Government.

3. Applications for a loan of Rs. 3,565 are under enquiry by officers of the Co-operative department.

Co-operative society for the Depressed classes of Mambakkam.

* 2384 Q.—MR. R. VEERIAN: Will the hon. the Minister for Development be pleased to state—

(a) whether the petition of the depressed classes, dated 14th July 1926, submitted, through me, to the Secretary to Government, Development Department, Madras, on the subject of starting a co-operative society for them at Mambakkam, Tirukkoyilur taluk, has been received;

(b) whether any enquiries have been made with reference to allegations contained in clauses (a) and (b) in the petition; and

(c) if so, with what results?

A.—(a) Yes.

(b) & (c) The petition was transferred to the Registrar of Co-operative Societies for disposal as that officer is competent to deal with the matter.

MR. R. VEERIAN:—"With reference to clause (a), may I know whether the honorary assistant registrars can take the initiative in organizing co-operative credit societies of their own accord or with the help of the inspector of co-operative credit societies?"

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI:—"They can organize, but the societies can be registered only by the Assistant Registrar."

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Mr. R. VEERIAN :—" May I know if there is any minimum fixed for the number of persons who should apply to have a co-operative credit society and if so, what is the required number ? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" Not less than 10."

Mr. A. RANGANATHA MUDALIYAR :—" In clause (b), some information is asked for in regard to the allegations contained in clauses (a) and (b) of the petition. Inasmuch as those allegations are not reproduced in the question, I find it difficult to pursue it. I want to know what the allegations are."

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" Allegations of corruption."

Mr. R. VEERIAN :—" May I know why only twelve honorary assistant registrars have been appointed for the whole Presidency instead of appointing at least one for each district from the members of the depressed classes ? "

The hon. the PRESIDENT :—" That is a separate question."

Mr. R. VEERIAN :—" May I know whether there is a member of the depressed classes as honorary assistant registrar at least in this particular district or in the particular taluk ? "

The hon. the PRESIDENT :—" The question refers only to a place in the Tirukkoyilur taluk."

Land mortgage banks in South Kanara.

* 2385 Q.—Mr. D. MANJAYYA HEGGADE : Will the hon. the Minister for Development be pleased to state—

(a) the number of land mortgage banks started in South Kanara hitherto; and

(b) whether the Government have started or propose to start in Uppinangadi, Karkal and Kundapur taluks the land mortgage banks, and if not, why not?

A.—(a) Nil.

(b) There is no proposal to start a bank in the South Kanara district. No applications have yet been received from the people in the district.

Fisheries.

Arrival of the fishing trawler.

* 2386 Q.—Mr. J. A. SALDANHA : With reference to the answer given to my question No. 1674 on 19th March 1926, will the hon. the Minister for Development be pleased to state—

(a) whether the fishing trawler in question has arrived;

(b) if so, when and where it is and what it has cost altogether over and above or below the estimated cost; and

(c) what use it has been put to?

A.—(a) & (b) The trawler arrived at Tuticorin on the night of the 21st April 1926. It is now lying at Pamban. The entire cost of the vessel was Rs. 1,04,454 against the estimated cost of Rs. 1,45,466.

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(c) The hon. Member's attention is invited to the answer to clause (b) of Legislative Council question No. 2302.

Rao Sahib P. V. GOPALAN :—" May I know if the hon. the Minister for Development has any proposal to take duly qualified fishermen for the purpose of being trained in deep-sea fishing ? "

The hon. the PRESIDENT :—" This question is only about a trawler and not about training."

Rao Sahib P. V. GOPALAN :—" I am asking whether there is any proposal for the purpose of imparting the knowledge of deep-sea fishing. . . ."

The hon. the PRESIDENT :—" That is a separate question."

Mr. J. A. SALDANHA :—" In clause (c) I have asked 'what use it has been put to' and the answer is 'The hon. Member's attention is invited to the answer to clause (b) of Legislative Council question No. 2302'. Thus attention is invited to a number of uses to which the trawler has been put to. Naturally, my hon. Friend's question follows. I ask, whether it is contemplated that fishermen should be employed for the purpose of being trained in deep-sea fishing ? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" The answer is with the hon. Member already."

Rao Sahib P. V. GOPALAN :—" May I know whether the hon. Minister would see that deep-sea fishing is introduced on the West Coast ? "

The hon. Diwan Bahadur Sir T. N. SIVAGNANAM PILLAI :—" The question has been already answered."

Rao Sahib P. V. GOPALAN :—" May I know whether it does not necessarily follow that some young men ought to be trained in the art ? "

The hon. the PRESIDENT :—" The question is only about the use to which the trawler has been put."

Rao Sahib P. V. GOPALAN :—" The purpose for which the trawler has been purchased is for the purpose of deep-sea fishing and so the question necessarily follows whether there is any proposal to train some youngsters in deep-sea fishing. I see the hon. the Minister is anxious to train people in soap manufacture; fish canning and other things."

Education.

Age-limit for admission in secondary schools.

* 2387 Q.—Mr. R. VEERIAN : Will the hon. the Minister for Education be pleased to state—

(a) whether any restrictions were imposed recently by the Director of Public Instruction with reference to age-limit of boys belonging to all classes in secondary schools;

(b) if so, whether a copy of such a rule or circular will be placed on the table of this House;

(c) whether such restrictions with reference to age-limit for admission apply in the case of depressed classes boys also; and

(d) what is the principle involved in imposing such restrictions?

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A.—The hon. Member is referred to the answer to question No. 2297.

Mr. R. VEERIAN :—“ Sir, in the answer to this question, I am asked to refer to the answer to question No. 2297. There, I find that ‘heads of schools were, however, advised not to admit grown-up pupils. The intention of the circular has since been clearly explained to subordinate officers. The circular was merely advisory. The Director’s intention was that if, for example, a man of 25 applied for admission to the fourth form, the application should be rejected.’ In the case of the depressed classes, as they have not free access to the elementary schools managed by the public bodies, they are reluctantly obliged to keep their boys and girls at home until they grow old. May I know why there should be age restriction in the case also of admission into schools ? ”

The hon. the PRESIDENT :—“ How does age improve their position ? ”

Mr. R. VEERIAN :—“ We keep our boys at home until they grow older than the average school-going boys. Here there is an age restriction that pupils should be admitted into secondary schools only if they are below a certain age. On account of this, grown-up boys are refused admission.”

The hon. the PRESIDENT :—“ What is the hon. Member’s point ? ”

Mr. R. VEERIAN :—“ I want to know whether the hon. Minister in charge will kindly issue liberal orders so that, in the case of the depressed classes seeking admission to schools, there may be no age restriction.”

The hon. Rao Bahadur Sir A. P. PATRO :—“ Liberal orders have already been issued and there is no difficulty whatever for depressed classes pupils being admitted at the discretion of the headmasters or managers of the schools.”

Mr. R. VEERIAN :—“ When the discretion is left in the hands of the managers or headmasters, we are undergoing difficulty. May I know whether there is any difficulty for the hon. Minister in issuing such circulars in a liberal manner taking away the discretionary powers given to the headmasters or managers ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ A very liberal circular has been issued explaining the order of the Director of Public Instruction.”

Rao Bahadur C. NATESA MUDALIYAR :—“ I see a number of boys denied admission to the lower classes as they are aged 13. Because they come to the sixth form in their 20th year, they are prevented from entering the lower classes at 13. May I know what the explanation is for this ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ There is no positive prohibition. It is purely advisory and it is left to the discretion of the headmaster or manager of the institution whether it is advisable in the case of young men of 20 or 25 that they should be admitted in the first or second form. It is purely advisory, and it does make no restriction in the admission of pupils of any particular community.”

Rao Bahadur C. NATESA MUDALIYAR :—“ Why should not that advice be withdrawn ? They say that students in the sixth form should not be above 20 years. It means that boys of 14 or 16 will not be admitted into the lower classes now.”

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Excise.*Licensee of European liquor shop.*

* 2388 Q.—Mr. J. A. SALDANHA : With reference to the answer to my question No. 1980 given on 12th July 1926, will the hon. the Minister for Education be pleased to give the name, position, antecedents and whereabouts of the licensee of the European liquor shop who has the privilege of renewal of his licence ?

A.—The Government have called for the information.

Mr. J. A. SALDANHA :—“ Now that the Council is going to be dissolved soon, if the information is obtained will it be supplied to me demi-officially ? ”

The hon. Rao Bahadur Sir A. P. PATRO :—“ It is a suggestion for action. However, the matter will be considered.”

Appointment of Sub-Inspectors in the Excise Department.

* 2389 Q.—Mr. R. VEERIAN : With reference to question No. 2244 answered at the meeting dated 17th July 1926, will the hon. the Minister for Education be pleased to state the number of applications that were received for the post of Excise Sub-Inspectors from the members of the depressed classes while only four were appointed ?

A.—The attention of the hon. Member is invited to the answer to clause (a) of question No. 2244 given on 17th July 1926.

Corporation of Madras.*Alleged use of cremation ground at Otari as a place of public resort, etc.*

* 2390 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the burial and cremation ground at Otari, a suburb of Madras, is used as a place of public resort by its neighbouring people and their clothes are washed on grave stones ;

(b) whether it is a fact that all burial and cremation grounds within the boundary of the Madras Corporation are opened for people to trespass and cattle and pigs to tread on graves and cremation yards ;

(c) whether the Government propose to build parapet walls around the burial-grounds and high walls around the cremation yards within the boundary of the Madras Corporation ; and

(d) whether burial-grounds set apart for depressed classes are not congested with graves ?

A.—(a), (b) & (d) Information has been called for.

(c) There is no such proposal.

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Local Boards.*Clerical appointments in the union and taluk boards.*

* 2391 Q.—MR. A. CHIDAMBARA NADAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the rules under the Madras Local Boards Act relating to the appointment of clerks were framed with due regard to the present minimum pay of clerks in the service; and

(b) whether it is a fact that under the present system of salary for clerks almost all the clerical appointments in the union and taluk boards have to be made with the approval of the president of the district board?

A.—(a) The hon. Member is apparently referring to the rules issued under G.O. No. 1926, L. & M., dated the 31st August 1923. The rules were framed with reference to the scales of salary prevailing in 1923.

(b) Each local board can sanction its own scale of pay for its establishment. If it sanctions a scale corresponding to the Government minimum time-scale, then the President, District Board's approval is required for clerical appointments.

Concessions to Adi-Dravida boys in the Board High School, Tiruchengode.

* 2392 Q.—MR. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the following Adi-Dravida boys who are reading in the Board High School, Tiruchengode, Salem district, are paying school-fees though they are poor and applied for remission of school-fees;

(b) what amount of fees they pay—

A. Sundaram, III Form,
A. Arunachalam, III Form,
S. Muttuswami, II Form,
Kuppuswami, I Form,
S. Natesan, V Form;

(c) how many non-depressed classes are given school-fee concession, whether half or full; and

(d) why no remission of school-fee is given in the case of Adi-Dravida boys according to rule 92?

A.—(a) to (d) A report has been called for from the President, District Board, Salem, on a communication received from the hon. Member on the subject.

MR. R. VEERIAN:—"May I know whether it is not obligatory on the part of the President of the Salem District Board to give concession of school-fee?"

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The hon. the RAJA OF PANAGAL:—"That question does not arise. The question has been answered to the effect that the information is called for."

MR. R. VEERIAN:—"There is already a rule in the Educational Rules to the effect that the members of the depressed classes should be given half-fee concession. I want to know why they do not allow this concession unasked. There is already a rule laying down that they should be given half-fee concession and that being so, why should the Government wait for requisitions from the pupils?"

The hon. the RAJA OF PANAGAL:—"I have already stated that the information was called for. The other question does not arise."

Village Panchayats.*Utilization of taxes collected by the Therkupatti Village Panchayat.*

* 2393 Q.—MR. CHAVADI K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what is the total collection of taxes of the Therkupatti Village Panchayat, Tinnevely taluk, up to date;

(b) what improvements have been done out of the taxes so collected since the date of its constitution; and

(c) if no improvements were done, how the funds have been utilized?

A.—(a) The total collection of taxes by the panchayat is Rs. 193.

(b) & (c) The panchayat has purchased books and opened a library. The panchayat proposes to utilize the balance for the construction of an office building, and the matter is under consideration.

Refund of illegal taxes collected by the President of the Village Panchayat of Therkupatti.

* 2394 Q.—MR. CHAVADI K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state with reference to answer (e) of question 1660 answered on 19th March 1926—

(a) whether the illegal taxes collected were refunded and, if so, how much;

(b) if so, when;

(c) how much was collected on sheep and goat estimated as sold by the villagers; and

(d) if the tax or a portion of it has not been refunded, why it has not been so refunded by the President of the Village Panchayat of Therkupatti?

A.—(a), (b) & (d) The refund of the taxes in question is engaging the attention of the Registrar-General of Panchayats.

(c) The amount collected was Rs. 42-7-0.

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Utilization of taxes collected by the President of the Village Panchayat, Therkupatti.

* 2395 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the actual amount collected from the villagers by the President of the Village Panchayat at Therkupatti in Tinnevely taluk from the date of formation of the panchayat up to this date;

(b) how much of the amount has been utilized for the benefit of the villagers and in what ways; and

(c) whether the balance of the amount has been deposited by the President of the Village Panchayat of Therkupatti in any local Post Office Savings Bank (as required by rules) or at least lodged in any bank or in the local Co-operative Society with the Registrar-General's approval and, if not, why not; and whether it is a fact that the President has been keeping with him the panchayat funds unauthorizedly and, if so, how long?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to his question No. 2393.

(c) The attention of the hon. Member is invited to the answer to clauses (c) and (d) of question No. 1660 answered in the Council on 19th March 1926. The funds of the Panchayat are in the custody of its President.

Criminal Justice.

Alleged arrest of two bailiffs of the Madras Small Causes Court.

* 2396 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that on 4th May 1926 two bailiffs of the Madras Small Causes Court were obstructed near the Body-guard Lines in Mount Road by the driver of a bullock cart which they attached in execution of a warrant and, on a fight ensuing between them, the bailiffs were arrested by police constable No. 81 and another; and

(b) what action the Government propose to take against the police constables in question?

A.—(a) On the 4th May 1926 two bailiffs of the Court of Small Causes applied to the Triplicane Police for assistance in distraining a cart. A constable (No. 1106) was accordingly sent. This constable and another constable (No. 81) who was on beat checking duty on Body-guard Road found the bailiffs, the carter and a number of persons near the Willingdon Bridge. The carter refused to go with the bailiffs. The men who were with the bailiffs complained that they were assaulted by the carter. Thereupon the constables (Nos. 81 and 1106) produced the parties at D-1 Police station and, after making an entry of the facts in the Station General Diary, persuaded the

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carter to go with the bailiffs. No arrest was made, nor did the bailiffs complain to the head constable on duty at the station of any ill-treatment.

(b) Does not arise.

Mr. L. K. TULASIRAM:—"May I ask whether the Government are aware of a certain high-handed act committed by a police constable in the city of Madura in arresting and handcuffing. . . ."

The hon. the PRESIDENT:—"Order, order. This question refers to something which took place in the city of Madras".

Mr. L. K. TULASIRAM:—"I am only referring to a high-handed act committed by a constable. . . ."

The hon. the PRESIDENT:—"High-handed acts not in general, but only by the police constable in the city of Madras. This question refers to the acts committed by the Madras Police, and any supplementary question must be directed against that act only".

Irrigation.

Closing of the breaches at Koranjar.

* 2397 Q.—Mr. Chavadi K. SUBRAHMANYA PILLAI: With reference to question No. 2267 (a) to (d), regarding the closing of the breaches in the Koranjar between the Maruthuvaneri and Elundrakondan anicuts in Srivilliputtur taluk, Ramnad district, and answered at the meeting held on 17th July 1926, will the hon. the Law Member be pleased to place on the Council table at its next meeting in August 1926 any report received on the subject from the departments concerned?

A.—The report is still awaited from the Chief Engineer who has called for further particulars from the Superintending Engineer.

Marine.

Motor boats, etc., in use regarding development of the port of Cochin.

* 2398 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state—

(a) how many motor or steam launches, dredgers, and boats are in use in connexion with the development of the port of Cochin;

(b) when they were purchased, at what cost, what repairs and improvements have been made and at what cost, what establishment is employed for each and at what expenditure; and

(c) what uses they have been put to?

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4.—The following statement gives the particulars:—

Vessels in use in connexion with the development of the port of Cochin.	Year in which the vessel was purchased or obtained for work at Cochin.	Cost of purchase.	Cost of repairs (yearly average) and improvements effected at Cochin.	Number of men employed on each vessel.	Cost per man per month of establishment given in column (5).	Purposes for which the vessel is used.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Launch "Vasco".	Transferred from Public Works Department in 1920.	Rs. ..	Rs. 420	2	Rs. 70	General service.
2. Do. "Malabar"	1926	13,000	..	4	100	
3. Dredger "Seetief".	Vessel belongs to the Government of India, obtained for Cochin in 1922.	..	25,800 ; 10,700	53	3,300 + rations.	Dredging.
4. Dredger "Lord Willingdon".	1926	11½ lakhs*	..	53	3,900 + rations.	
5. Tug "Kerala".	1926	1½ lakhs*	..	9	503	Towing and laying anchors; the vessel was also used for the pearl fisheries of 1926 and for salvage work.
6. Ten Stone boats.	1921	235 each.	70 each.	Nil.	..	
7. Two Dinghies ..	1921	850 each.	100 each.	Nil.	..	Marine Surveys.
8. Two Anchor boats.	1921	1,400 each.	112 each.	Nil.	..	

* Excludes Customs duty.

Note.—Of the figures in column (4) the sum of Rs. 25,800 shown against item 3 represents the cost of improvements effected to the dredger "Seetief". The other figures in column (4) represent the average annual cost of repairs.

Mr. J. A. SALDANHA:—"In the statement furnished there is an item of expenditure for Rs. 25,800 and Rs. 10,700. It is stated that the average annual cost of repairs came to Rs. 25,800, and the improvements effected came to Rs. 10,700. May I ask when these improvements were made?"

The hon. Mr. A. Y. G. CAMPBELL:—"I want notice of that question".

Mr. J. A. SALDANHA:—"It is stated that Rs. 10,700 were spent for repairs. It looks that this is an extraordinarily large sum to be spent annually for repairs. So I want to know whether that is correct".

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Archæology.

Protected monuments in South Kanara.

* 2399 Q.—Mr. K. RAGHUCHANDRA BALLAL: Will the hon. the Member for Finance be pleased to state—

(a) with reference to question No. 2163, clause (d), answered on 16th July 1926, whether both the court and the courtyard referred to have been declared protected, and if so, when and under what conditions; and

(b) whether the Jain statue of Gomateshwara at Venoor of the Karkal taluk in South Kanara has not been declared so protected, and if so, what the reasons are?

4.—(a) The inner courtyard of the palace alone has been declared protected under the Ancient Monuments Preservation Act. This declaration was made in 1921 since the courtyard contained beautifully carved wooden pillars, a coffered wooden ceiling and a fine carved wooden door, which the Government wished to save from decay. A copy^a of the agreement executed by the owner of the building is appended.

(b) No. Objections were raised against the proposal to declare the statue protected and the trustee was unwilling to enter into an agreement with Government for its preservation.

Depressed Classes.

Alleged obstruction to depressed classes from passing through the public pathway of Killanur.

* 2400 Q.—Mr. R. VEERIAN: Will the hon. the Home Member be pleased to state—

(a) whether the petition of the depressed classes, dated 14th July 1926, sent to the Chief Secretary, Government of Madras, through me, regarding the obstruction caused to them in their passage through the public pathway in the village of Killanur, Tirukkoyilur taluk, on 1st June 1926, has been received; and

(b) if so, what steps have been taken in the matter and with what results?

4.—(a) Yes.

(b) The Government have not taken any action in the matter. The hon. Member has already been informed that the matter is one for the local authorities to deal with.

Mr. R. VEERIAN:—"With reference to the answers given in clauses (a) and (b), may I know whether Government have not taken any action in the matter at least of announcing the G.O. No. 2666, dated 24th September 1926, with reference to allowing all classes of people without any distinction whatever to pass through public roads and pathways without any obstruction from anybody?"

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur:—"It is a matter for the local authorities concerned."

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Mr. R. VEERIAN :—" May I know whether they have announced that Government Order which was accepted by them ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Naturally the Government Order must have been communicated."

Mr. A. RANGANATHA MUDALIYAR :—" May I take it that they have not forwarded the petition referred to in this question to the local authorities concerned ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" That is a matter for the local authorities. The hon. Member might himself bring it to their notice."

Alleged disabilities of depressed classes in certain villages of North Arcot district.

* 2401 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that the depressed classes in the villages of (1) No. 37, Uthirampatti, Arkonam taluk, North Arcot district, (2) Melnaickenpolliem village, Wallajah taluk, Vellore division, North Arcot district, and (3) Annanallur village, Wallajah taluk, North Arcot district, suffer very much for want of public pathway to carry their dead bodies to the burial ground for burial;

(b) whether it is a fact that the caste Hindus object strongly to their ('depressed classes') passing through their ('Hindus') patta lands to go to the burial ground carrying their dead bodies;

(c) whether any steps have been taken on the petitions submitted by the depressed classes of those villages on 15th July 1926 through me to the Commissioner of Labour, Madras; and

(d) if so, what is the result of the enquiries made by the Commissioner of Labour?

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

Mr. A. RANGANATHA MUDALIYAR :—" Sir, here is a complaint that the people suffer very much for want of public pathway to carry the dead bodies to the burial ground for burial. It seems to me to be a sufficiently important matter to call for the information."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I have no objection. I shall consider the suggestion."

Forests.

Regeneration and exploitation of forests.

* 2402 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased—

(a) to place before the House a brief account of the methods, ways and means, and official staff employed for five years closing with the year 1925 in connexion with the preparation of working plans and with the regeneration and exploitation as well as the conservation of forests; and

(b) to state what are the schemes in that connexion adopted for the year 1926-27?

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4.—(a) Full information will be found in the annual administration reports of the department which are placed on the Editors' Table. It is not possible to allocate the staff to the various branches of work with any accuracy.

(b) During 1926-27 there will be nine officers employed on working plans, nine employed under the Chief Forest Engineer and the rest employed on regeneration and conservancy which will include among other duties, the construction of buildings and roads as well as the demarcation of fuel coupes, the extraction of timber and fuel, maintenance of boundaries, the collection of revenue and protection. It is not however possible to give within a reasonable compass the exact details of the work to be done.

Mr. J. A. SALDANHA :—" With reference to the answer given in clause (a) that full information will be found in the annual administration reports of the department which are placed on the Editors' table, I may say I have read all these administration reports. This department is a puzzle to me. I think it was one of the Secretaries of the Forest Department that said on a previous occasion that this regeneration work and that of working plans were done very badly or perfunctorily. I want to know what this department is. It is a puzzle to the public. That is the reason I have asked this question again. We cannot find anything in the administration report. Can I get a more definite information ? "

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" There is no puzzle about it. If the hon. Member reads the administration report, he will have a clear idea."

Mr. J. A. SALDANHA :—" I say I read it and I did not get a clear idea."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I am very sorry."

Mr. J. A. SALDANHA :—" During the budget debate, the Government admitted all this and gave their reasons for appointing a number of officers and treating their pay as non-votable or untouchable. They said that everything was done badly or perfunctorily in the past and a new staff had been created at an enormous cost of Rs. 50,000, or so."

Mr. V. PANDRANG ROW :—" I remember saying that it was not quite satisfactory."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" If it is a puzzle to the hon. Member for South Kanara, I am sorry I cannot help it."

Jails.

Prisoners suffering from chronic complaints in the Alipore Jail.

* 2403 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member and the hon. the Law Member be pleased to state the number of prisoners in the Alipore Jail, Bellary, suffering from chronic complaints of one kind or another and the reasons, if any, for their non-discharge from the prison?

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A.—It is reported that 105 prisoners come under the classes referred to in rules 513—515-B of the Jail Manual. Thirty-six of these are under observation. The release of the remaining 69 prisoners was considered undesirable on grounds of public safety.

Mr. A. RANGANATHA MUDALIYAR :—“ As many as 105 prisoners are suffering from some kind of chronic disease or other. Obviously their detention must appear rather unnecessary. It is said that 36 of these are under observation, and that the release of the remaining 69 prisoners was considered undesirable on the grounds of public safety. I want to know whether they were required to furnish security for good behaviour but they declined to do so, or whether the hon. Member is unable to find people who will undertake to stand security for their good conduct? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ They are all prisoners who have been convicted by courts ”

Mr. A. RANGANATHA MUDALIYAR :—“ I am quite aware of it. In view of the fact that they are suffering from chronic diseases and in view of the existing provision that such people might be released on suitable guarantees, I want to know whether such guarantees are not forthcoming. ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ So many people outside the jails are suffering from chronic diseases. That is not a sufficient ground for releasing the prisoners. ”

Mr. A. RANGANATHA MUDALIYAR :—“ May I know the reason why the 36 prisoners are under observation. They are also convicts? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I suppose so. ”

The hon. the PRESIDENT :—“ Perhaps their case is a very bad case. ”

Mr. A. RANGANATHA MUDALIYAR :—“ That is what I want to know. He has not answered my question. Why is it that a distinction is made between those 36 prisoners and others? ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ Perhaps their diseases might have been more acute than those of others. ”

Mr. A. RANGANATHA MUDALIYAR :—“ May I suggest that the hon. the Home Member may be so good as to satisfy himself on all these points. If he does so, I think he will be able to do something in the matter. ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ I do not think I can do anything in the matter. ”

Mr. A. RANGANATHA MUDALIYAR :—“ The answer given to the question does not make a distinction on the relative complaints or the diseases from which these prisoners have been suffering. But it says that on grounds of public safety, it was considered that the release of the remaining 69 prisoners was undesirable. ”

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ After all, they are suffering from such chronic diseases, as diabetes, colic, etc. ”

Mr. A. RANGANATHA MUDALIYAR :—“ Tuberculosis? Some of them are suffering from tuberculosis. ”

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The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—“ We have special arrangements for the treatment of such cases. ”

Labour.

Staff of the District Labour offices in Guntur, etc..

* 2404 Q.—Mr. R. VEERIAN : Will the hon. the Home Member be pleased to state—

(a) the names of the candidates employed, the communities to which they belong, and the substantive appointments they hold in various capacities in the District Labour offices of Guntur, Nellore and Vellore ;

(b) how many applications were received for various appointments in the Labour department, opened recently in the Nellore district as well as in Vellore, North Arcot district ; and

(c) whether all appointments, including those of the District Labour Officers, Nellore and Vellore, were solely and finally made by the District Collectors of the respective districts?

A.—(a) & (b) Statements A and B giving the information required are placed on the table.

(c) The appointments of District Labour Officers are made by Collectors subject to the approval of the Commissioner of Labour, while the other appointments are made by Collectors themselves.

Unemployment.

Report of Committee on Unemployment.

* 2405 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Home Member be pleased to state—

(a) whether the Government have received the report of the committee appointed to enquire into the question of unemployment among the educated middle classes of Madras Presidency ;

(b) if not, whether they are aware of any reasons for the delay in the submission of the report ; and

(c) if received, whether copies of the report will be placed on the table of the House at the August meeting?

A.—(a) No.

(b) The attention of the hon. Member is invited to the answer given to question No. 2339.

(c) Does not arise.

Economic conditions (including prices and wages).

Control over the price of rice, ragi, etc.

* 2406 Q.—Mr. R. VEERIAN : Will the hon. the Member for Revenue be pleased to state—

(a) why there is no control over rice, ragi, cholam, cumboo, chamai and other Indian grains now ;

a Printed as Appendix II on pages 369-370 infra.

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(b) whether the Government propose to have control over these grains now; and

(c) if not, why not?

A.—The question is not understood.

Mr. R. VEERIAN:—"Sir, it is mentioned that my question has not been understood. What I wanted to raise in my question was that there must be some control over the price of rice, ragi, etc., so that poor people may get the right quantity."

The hon. the PRESIDENT:—"The hon. Member might have said in his question 'control over the price'."

Mr. R. VEERIAN:—"I am explaining my question."

The hon. the PRESIDENT:—"Then the hon. Member will kindly send another question corrected."

Mr. R. VEERIAN:—"I wanted to know whether Government would be pleased to have control over the price of rice, ragi, etc."

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

Mr. R. VEERIAN:—"May I know whether Governments of other provinces have control over food stuffs?"

The hon. the PRESIDENT:—"Order, order. That question does not belong to the Madras Government."

Irrigation (Minor Works).

Water-supply to arecanut gardens in Kasaragod taluk.

* 2407 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that a great number of arecanut gardens in Kasaragod taluk and elsewhere in South Kanara district are very much affected by scarcity and failure of water-supply during the last dry season; and

(b) if not, whether the Government have held or propose to hold a detailed enquiry in order to ascertain all cases of damage caused?

A.—(a) The Government are not aware that the case is as stated.

(b) The answer is in the negative.

Mr. D. MANJAYYA HEGGADE:—"With reference to clause (b) of the question, I want to know whether Government propose to hold an enquiry."

The hon. the PRESIDENT:—"The answer given is 'The answer is in the negative'."

Mr. D. MANJAYYA HEGGADE:—"I want to know whether the Government will institute an enquiry for ascertaining all cases of damage caused."

The hon. Mr. N. E. MARJORIBANKS:—"I do not think that any advantage will be derived from holding such an enquiry."

[28th August 1926]

Land Revenue, Survey and Settlement.

Kumki rights of landholders in South Kanara, etc.

* 2408 Q.—Mr. D. MANJAYYA HEGGADE: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that the Special Settlement Officer, No. IV Party, has written a letter to the Commissioner of Land Revenue and Settlement in which he has proposed to take away the Kumki rights of the landholders in South Kanara and elsewhere;

(b) whether the Government have asked the opinion of the landholders on this matter; and

(c) whether the Collector has sent any report on that, and if so, whether the Government will be pleased to lay it on the table?

A.—The question of the regulation of Kumki privileges will doubtless be considered in connexion with the resettlement of the district; but no definite proposals have yet been made so far as the Government are aware.

Mr. J. A. SALDANHA:—"The question asked in clause (a) practically gives information to the Government. I can strongly assert that a letter has been communicated practically to all deputy collectors and other officers asking them to take away the Kumki rights of landholders in my district. I want to know whether this was done?"

The hon. Mr. N. E. MARJORIBANKS:—"I think it is very possible that the settlement officer has been discussing this matter with local officials and landlords. But no proposals have been formulated so far as the Government are aware nor is it incumbent on the Government to accept such proposals if made."

Public Service.

Increase in the number of listed posts.

* 2409 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the orders passed on the recommendation of the Lee Commission to raise the number of listed posts to 20 per cent of the superior posts and the action taken in pursuance of such orders, if any?

A.—Final orders have not yet been received.

Attendance of clerks on holidays and Sundays.

* 2410 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Revenue be pleased to state—

(a) what orders there are as to attendance of clerks on Sundays and holidays; and

(b) whether any clerks are compelled by overwork to attend office on such days, and if so, what steps are taken to distribute the work evenly or to increase the establishment required?

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A.—(a) G.O. No. 917, Public, dated 16th September 1902, contains the orders about Government servants attending offices on Sundays and holidays, and is placed ^a on the table.

(b) The Government have no reason to suppose that clerks are compelled by overwork to attend office on such days.

Mr. J. A. SALDANHA :—"My enquiry is whether the hon. Member is aware that clerks attend office on Sundays and holidays. On a day on which I happened to go here, I found a number of clerks working including the hon. the Revenue Member."

The hon. Mr. N. E. MARJORIBANKS :—"There is nothing in the answer to show that they do not attend. The question was whether they were compelled by over work to attend."

Mr. J. A. SALDANHA :—"I want to know whether they will attend, if they are not overworked."

The hon. Mr. N. E. MARJORIBANKS :—"Certainly, they might."

Reversions and reductions in the Secretariat.

* 2411 Q.—Mr. J. A. SALDANHA : Will the hon. the Member for Revenue be pleased to state whether there has been any abnormal number of reversions and reductions in any department of the Secretariat, and if so, the reasons therefor?

A.—The answer is in the negative.

UNSTARRED QUESTIONS.

Industries.

Representation from the Kanara Indian Christian Civil League.

2412 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Development be pleased to state whether Government have received a representation from the Kanara Indian Christian Civil League as to aid to Industries, training of apprentices, coconut pest, etc., and what action has been taken on it?

A.—A representation from the League has been received and it will receive due consideration.

Local Boards.

Observance of holidays in aided schools.

2413 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Local Self-Government be pleased to state with reference to the answer to my question No. 1326 given on 3rd December 1924, as to the observance of holidays in aided schools (including local board schools)—

(a) whether it is a fact that all or several local board schools under the control of the Ponnani Taluk Board were kept open on Good Friday in April last;

(b) whether under the Madras Educational Rules Good Friday and other Easter holidays are not observed in the board schools in the Ponnani taluk;

^a Printed as Appendix III on pages 371-372 infra.

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(c) whether any other local holidays have been substituted in their place;

(d) whether gazetted holidays—which are Bank holidays and are observed by the Post Offices also—are at least obligatory in local board schools; and

(e) whether any representation has been received from any Christians of the Ponnani taluk complaining of the grievances referred to above and, if so, what action has been taken by Government thereon?

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

(d) The attention of the hon. Member is invited to clauses (i) and (ii) of rule 77 of the Madras Education Rules giving the holidays to be allowed in elementary schools under public management including institutions under local bodies.

(e) No representation has been received.

Floods.

Replacement of the embankment at Raykutta.

2414 Q.—Mr. J. A. SALDANHA : With reference to the answer given to my question No. 2272 on 17th July 1926 as to the replacement of the embankment at Raykutta, Mangalore taluk, washed away by a flood, will the hon. the Member for Revenue and the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the district board does not wish to undertake the repairs required on the ground that it is for the Government in the Revenue Department to re-construct the embankment in question;

(b) whether the embankment in question was used as a public road;

(c) if it was not a public road, whether Government have decided to replace the embankment in question;

(d) whether on a petition from Sebastian D'Souza, holder of the neighbouring land affected by the breach in the embankment, he was informed in 1923 by the President of the District Board of South Kanara that the board had nothing to do in the matter as the bund was reported to be a private one;

(e) whether the said Sebastian D'Souza was obstructed by Government from filling up the breach and converting it into cultivable land;

(f) whether the Collector has received a notice from the said Sebastian D'Souza of a suit for damages for default of Government replacing the embankment in question; and

(g) what action Government have taken thereon?

A.—(a) The Government have no reason to suppose that this is the case.

(b) & (c) The greater portion of the embankment is registered as path poramboke and it is reported to have been used by the public as a road.

(d) The Government have no information on this point.

(e) No. The Collector reports that Sebastian D'Souza removed the materials and the villagers complained to the Tahsildar against D'Souza's action.

(f) & (g) No. A suit notice was received for damages alleged to be due to the breach in the embankment.

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

II

THE MALABAR TENANCY BILL—cont.

New clause after clause 5.

11-30 a.m. * Mr. K. PRABHAKARAN TAMPAN :—“ Sir, I move that the following be added as a new clause after clause 5 :—

‘ 6. *Nothing in this Act shall apply to lands purchased in janmam right after the year 1852.*’

“ It is said that after the year 1852, the law regarding land tenures in Malabar has undergone a radical change. Since 1852 many janmam lands have changed hands. They have been purchased on the distinct understanding that they (the purchasers) would be able to redeem the kanam holdings and reduce the janmam lands they purchased into verumpattam. The lands that were demised to verumpattam tenants were also purchased on the understanding that they would be able to recover from the tenants not only the same rent as they were fetching at the time of the purchase, but also a competitive rent, if possible. The purchase value was paid on the basis of the annual rent; generally it was 20 or 25 times the annual rent. Now, under section 14 if a land is let after the passing of the Act, the tenant need pay only one-third of the net produce and the Government assessment on the land. Therefore those janmis who purchased the lands and paid their value on the basis of the rents they were then fetching would be put to material loss. For instance, if a man paid Rs. 20,000 in the hope that it would fetch him 1,000 paras of paddy, now he will have to be content with 500 paras of paddy only; because one-third of the net produce will be only about 500 and nothing more. This is all he would get on the sum of Rs. 20,000 he invested. The purchaser will, therefore, be hard hit. It is the duty of the legislature to protect the interests of the people who had advanced large sums of money relying on the custom and the law of the land. But instead of doing that, the legislature is injuring them. That is not the real function of the legislature. I therefore submit that those purchasers of janmam lands after the year 1852 should be protected. The late Mr. Justice Sundara Ayyar also made a suggestion like that in his report on the working of the Compensation for Tenants' Improvements Act. He said that the situation had become much more complicated than it was thirty years ago as many persons had purchased janmam lands in the belief that they would be able to evict the kanam tenants. It would be unfair to expropriate them except on payment of compensation. I would therefore urge that the rights of these new janmis should be protected.”

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

* Diwan Bahadur M. KRISHNAN NAYAR :—“ Sir, I oppose the amendment for obvious reasons. My hon. Friend dealt with both kanam tenures and verumpattam tenures. I shall just give one illustration of a sale to show why I oppose the motion. There is a very rich janmi family, called Elaya Chanidam . . . in Palghat taluk. They sold some of their lands to another rich janmi family thirty or forty years ago. Long before the sale, at the time of the sale and subsequent to the sale, the lands which were sold were held on kanam tenures. We do not know how long they have been so held;

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[Mr. M. Krishnan Nayar]

probably for hundreds of years. It was only the janmam right that was sold, whereas the kanam right remained with the kanamdars. Under clause 7, since these kanam tenures came into existence before the year 1852, the date mentioned in the amendment, the kanamdar would be entitled to permanent rights of tenure. The result of this amendment will be to deprive the large number of kanam tenants who have been holding the lands for hundreds of years in this case, of the benefits conferred by the passing of clause 7. But this is only one instance; there are many other instances where the result of the amendment would be to deprive the kanamdars holding lands even before 1852 of the right of occupancy which has been granted by this Council. It would amount to nullifying clause 7 as passed by the House.

“ With reference to verumpattam tenants, that is, the actual cultivators, the objection is all the stronger. The argument put forward by my hon. Friend in support of his amendment was that the purchasers of janmam rights with verumpattam tenures under them calculated that they would be getting a certain rate of rent. Again, Sir, this Council has in clause 14 come to the conclusion that verumpattam tenures coming into existence after the passing of the Act, whether holding under janmis or kanamdars are liable to pay only one-third of the present rent. The Council has deliberately adopted that policy whether wisely or unwisely. That applies to kanam lessors as well as janmi lessors. It does not matter whether it applies to lands purchased before 1852 or since 1852. There is no reason why a particular class of janmis alone who came into existence after the year 1852 should be freed from the operation of the Act. That was not the policy of the Council. I submit there is absolutely no reason whatever for accepting the amendment with reference to verumpattam tenures also. This Council has deliberately laid down that in respect of all leases whether existing now or made hereafter, all cultivating tenants should have permanent rights of occupancy. The result of the amendment will be to deprive a large number of cultivating tenants of the rights of occupancy which they would otherwise get.”

* Mr. K. PRABHAKARAN TAMPAN :—“ Sir, my hon. Friend waxed eloquent about the rights of the kanamdars who had been long in possession; but not a word did he say about the purchaser who had to shell out large sums of money in the hope that he would get a sufficient return for it. He relied on the existing law and custom of the country, and he should be protected by the State. My hon. Friend, Mr. Krishnan Nayar, did not at all refer to that aspect of the question. Are the vague interests of the kanamdars to be preferred to those of the man who has invested large sums of money on the land? Mr. Krishnan Nayar stated that the deliberate policy of the Council was to protect the actual cultivator. Sir, if you will not rule me out of order, I will say that the policy of the Council has been not to protect the actual cultivator but to vote with my hon. Friend, Mr. Krishnan Nayar, without any regard to the merits of the question. (Diwan Bahadur M. Krishnan Nayar: Order, order.) The House is welcome to do what it likes, but as the janmi representative in the House I am bound to do my duty and point out all aspects of the question. If the House decides against me, I do not stand in its way.

Rai Bahadur T. M. NARASIMHACHARLU :—“ Sir, the hon. Member, Mr. Krishnan Nayar, wants to be consistent in his policy of depriving other people's rights. That is very good; even there to be inconsistent is not very laudable. The point under consideration is this. Subsequent to 1852, on a

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certain understanding of the law and the rights of the janmis, many people purchased janman rights in the land by paying large sums of money. In the present Act it is proposed to give permanent occupancy rights to all tenants. But Mr. Krishnan Nayar says, 'We have provided for renewal fees.' Not only subsequent to 1852 but even prior to that the vendor has been getting renewal fees."

* Diwan Bahadur M. KRISHNAN NAYAR:—"May I ask what is the relevancy of this to the matter under discussion?"

11-45 a.m. Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, it is said that the purchasers of janmam rights after 1852 do not lose anything. I say, there is a loss to the purchaser. I say, the renewal fees existed both before 1852 as well as subsequent to that date. Therefore, it is not a new thing. The question is 'What is to become of the money we have paid in purchasing the janman right?' We get all the rights of the janman holder. By virtue of this Act, with a stroke of the pen, you have deprived him of the rights he has thus acquired not only to the land but to the money also. The question, therefore, is 'Can you do so without compensating him for it?' If this legislature is just, it will pay him the money he has paid. If it wants to be unjust, it will affirm the reply given by Mr. Krishnan Nayar."

Mr. J. A. SALDANHA:—"We are always coming back to the point of compensation. My friend, the representative of the janmis . . ."

* Mr. K. PRABHAKARAN TAMPAN:—"I never said a word about compensation."

Mr. J. A. SALDANHA:—"I refer to the last speaker. The people are suffering. There was no doubt some sort of law laid down by the High Court. The question is whether that law was acquiesced in by the people. They have persistently protested against this law, and the result is that the Government had to interfere and appoint commission after commission to investigate into their grievances, and reports have been issued. Whether this law was right or wrong, the masses never acquiesced in it; they said, if I may repeat, what an Irishman once said, 'Your law is an ass, Sir, and it deserves to be kicked.' I use the strong language to convince you that the law is wrong. I will give a parallel instance where such a law was considered to be no law, and Government in legislating on the matter did not think such legislation confiscatory. Take, for instance, the Bengal Tenancy Act. It took Government 50 years and more to recognize the great injustice done to the tenants. But, at last, the Government did recognize the injustice and passed the Bengal Tenancy Act. There a tenant who had been 12 years in possession of a particular piece of land was recognized as a permanent tenant. They passed a further amendment to prevent the zamindars outwitting the tenants, and the amendment was to this effect, that a cultivator who had been continuously in possession and had been cultivating any piece of land within the same village was also entitled to permanent tenure."

* The hon. the PRESIDENT:—"But, this proposal applies to janmam rights. The hon. Member is speaking on behalf of the tenants."

Mr. J. A. SALDANHA:—"Like King Charles' head the idea of compensation crops up again and again. I want to show, Sir, that these people purchased their rights with open eyes as to the state of the law. That law was questioned by the people. There had been persistent agitations by the people, who never acquiesced in it. But, if they purchased with their eyes

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open to all this state of things, why should these purchasers be now compensated? Why should they be treated differently and be paid a special sort of compensation?"

* The hon. Mr. T. E. MOIR:—"What does the hon. Member mean by 'open eyes'? I do not understand his expression."

Mr. J. A. SALDANHA:—"To paraphrase it, it means 'eyes wide open'."

* The hon. Mr. T. E. MOIR:—"To what, Sir?"

Mr. J. A. SALDANHA:—"To the agitation of the majority of the cultivators and the masses of the people in Malabar. They were agitating for an amendment of the law, whatever it might have been, and that has been going on for the last fifty or sixty years. The janmis must have known from the agitation by the people, that they had grievances, and that they were struggling rightly against this state of things, and trying to get the law amended. They knew that the people were not estopped from questioning the state of things, because there was some law. The view of the High Court and other courts was questioned by the people. All this they knew, but they were blind or made themselves blind."

* The hon. the PRESIDENT:—"I think the hon. Member said that their eyes were wide open,—the hon. Member has thrice asserted it!"

Mr. J. SALDANHA:—"I would just refer to another instance, where a tenancy law was passed and no compensation was given because the law as it existed was questioned by the tenant class. That was in Bombay in 1881. The Bombay Legislature passed an Act called the Khoti Settlement Act, an Act very much similar to this. There, a tenant who had been cultivating a land for a certain period was recognized as a permanent holder without any compensation being paid to the landlord. As a matter of fact the Bombay Government had committed the same mistake as the Bengal Government, with the result that a large number of tenants were evicted. But in spite of all that an enactment was passed which recognized these people as permanent tenants without compensation. In this case also, therefore, I hope this point of compensation will not be urged and as I pointed out already there is ample compensation already provided for any loss or damage suffered. We give only a permanent occupancy right and the right of renewal without liability to a renewal fee. And the renewal fee has been so increased that it will provide ample compensation for any sort of loss."

* Rao Bahadur A. S. KRISHNA RAO PANTULU:—"I am unable to follow my hon. Friend from South Kanara when he advances the proposition to the effect that, because there was an agitation and people did not acquiesce in the law and because they purchased with eyes open, they deserve no consideration. I believe, Sir, that these are arguments which cannot be accepted in the consideration of the question which has been raised before the House. My hon. Friend from Cuddapah has made the position quite clear that in a case of this description, it is not safe or desirable to allow the provisions to remain, without the payment of an adequate compensation. That is a question which ought to be considered by this House. I am not able to understand why the representative of the janmis at once jumped up when the question of compensation was referred to, and asserted that he did not suggest compensation."

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* Mr. K. PRABHAKARAN TAMPAN :—"If compensation was allowed in this Bill, there was no necessity to move my amendment. Simply because it was not allowed I am doing all these."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"The hon. Member in charge of the Bill, in opposing the amendment, has not considered the possibility of meeting the claim put forward by any suggestion of compensation. If he was in a position to consider that, that would have been more satisfactory. While dealing with the amendments, he has stuck fast to his gun and opposed almost every amendment. It would be better he considers if some modifications cannot be introduced in these provisions."

Mr. K. P. RAMAN MENON :—"Mr. President, Sir, I did not think of intervening in this debate. I think this is a minor matter, which does not deserve so many speeches on either side. With reference to the purchases made after 1852, they have paid money and Mr. K. Prabhakaran Tampan very plausibly says that having paid for them, they must be compensated. He says, 'How can you deprive them of their rights?' That is going back to the question of compensation, which had been before the House for two or three days. If compensation is to be given to one particular class of janmis, why should it not be given to other classes as well? This House, by a very strong vote, passed that no compensation is to be given to any class of janmis."

"The question of the right of possession arises here. That will be going back upon the vote that has been recorded. That is certainly not possible."

12 noon. "Then looking closer into the actualities of the case, with regard to the purchase of lands after the year 1852, what is the basic principle you have laid down with regard to permanency right to the actual cultivators? It is not a question whether they have been in possession for twenty years, twelve years or six years; this House has been very tender to verumpattamdars and has always said that all the actual cultivators, whether they are in possession to-day, whether they will be in possession hereafter or whether they have been in possession for one hundred years, are put under the same category for the reason that they spend labour on the land. That is the basic principle on which this House has given occupancy right to the actual cultivator. How the accident that the land was purchased after 1852, affects that principle, I ask. The principle laid down is sought to be given the go-by when there is the accident of purchase in 1854 or any other year. With reference to this principle there was a very strong debate in the Select Committee and the principle that was upheld by the Select Committee and by this House is that the actual cultivator, whether he is a kanamdar or verumpattamdar or any other tenant, deserves protection without any reference to the question as to when he got possession. That position has been made abundantly clear. I affirm there is no reason to go back on that."

"Then again, with reference to the verumpattamdar and the kanam tenants in occupation of the land, this question of the actual cultivator comes in. What is the reason for the difference made between clauses 6 and 7? It will be found that there is considerable difference between an actual cultivating kanamdar and a kanam tenant not in actual cultivation. The reason for the difference is the same as in the case of verumpattamdar. He is the man who spends labour on the land. I ask whether the question

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when he purchased the land comes in if he is the actual cultivator. Certainly not. The proposition of the hon. Member, Mr. Prabhakaran Tampan, negatives that position altogether. Therefore it cannot be accepted."

"Then again with reference to the non-cultivating kanam tenants, what is the position taken in clause 7? The decision in clause 7 is that a non-cultivating kanam tenant, if his tenancy dates back to 1853, is entitled to certain rights. If you say that the lands purchased after that date should be exempted, are you not going back upon the provision in clause 7? The practical result would be this. Every clause that has already been passed could be re-agitated and the question of compensation thrashed out again."

* Mr. K. PRABHAKARAN TAMPAN :—"I gave notice of this amendment not after clause 7 was passed, but long before that."

Mr. K. P. RAMAN MENON :—"That fact strengthens my hands further. The hon. Member should not have moved this amendment having known the sense of the House. The House has negatived impliedly this amendment of his when clauses 6 and 7 were passed. Therefore the hon. Member should not have moved this amendment. That is due to the House from the hon. Member. If not, are you not going back on the provisions of clauses 6 and 7? Looking at the question from the point of view of the actual cultivating kanamdar or verumpattam tenant or non-cultivating verumpattam tenant, there is absolutely no case made out for the tenants who have come into existence after the year 1852. I submit therefore that this House should negative this motion."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"Sir, the proposition laid down by the hon. Member, Mr. Prabhakaran Tampan, is that in the case of janmis who purchased the janmam rights subsequent to the year 1852, the Act should not be made applicable. I think it is inconsistent so far as the purchase of janmams after 1854 and the verumpattam tenants are concerned. He himself stated at the several stages of the Bill that so far as he was concerned, the verumpattam tenants might have rights of occupancy and I do not see any reason why . . ."

* Mr. K. PRABHAKARAN TAMPAN :—"May I explain myself? I did not say so unqualifiedly. I said that I was willing to give occupancy rights to the actual cultivators subject to certain conditions. I did not make any unqualified statement as the hon. the Leader of the Opposition thinks."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"I do not remember anything about the qualifications he attached to his statement as far as verumpattam tenant was concerned. No doubt, he did attach some conditions regarding the non-cultivating kanamdar. He did not mention any condition as regards the cultivating tenants. He made a statement and he repeated it."

"Regarding verumpattam tenants, the idea presented to this House and the Select Committee was that the rents that are being paid should be presumed to be reasonable rents. Even the amendment of the Government that two-thirds of the rent should be fixed was not acceptable to him. So, the position he has taken so far as the verumpattam tenants are concerned is inconsistent with the position taken by this House."

"Regarding the kanam tenant, I am in perfect agreement with him. It is only a counterpart of the proposition that the assignee kanamdar shall not have the rights of occupancy as against the janmi. They stand on the

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same footing. When we discussed the case of the transferee kanamdar, it was pointed out that the value he pays is the value of the unexpired portion of the kanam and there is no justification to confer occupancy rights to him. What is the element that has to be taken into consideration in fixing the value? Is it the annual income which the janmi gets when he sells the land or the probable increase which he gets when he terminates the kanam? That has to be taken into consideration in fixing the value. It is constantly being asserted by the janmis that the value fixed is the capitalized value of the amount he receives. On the other hand, it is being asserted on behalf of the kanam tenants that no such high value is paid and as far as I know, there is no material before the House to settle which assertion is correct. If the land gets the capitalized value, the janmi is not entitled to compensation. If it gets more, he is entitled to compensation.

"It has been asked by the Expert Member why we should fix the year 1852. We know that in the year 1852 the courts well recognized that a kanam tenure is a redeemable tenure. This point distinguishes the transactions between the janmi and the kanamdar and as to the mentality of the persons who entered into these transactions. Therefore there is much force in adhering to the year 1852. The question is whether the purchaser of a janmam right is paying more than he gets. It is not possible to come to a conclusion on that point. Therefore it is better that the right of the purchaser should be respected but at the same time I may submit that this is only a counterpart of the other proposition that the transferee kanamdar does not stand on a different footing from the kanamdar and, as far as this House is concerned, the vote already cast regarding the case of the transferee kanamdar does, I think, apply to this case."

Sriman BISWANATH DAS Mahasayo :—"Sir, I am sorry I cannot support the motion of my hon. Friend Mr. Prabhakaran Tampan. This hon. House after a lot of consideration has much improved the position of the janmi and has added something more to his rights than what the Select Committee gave them. Looking at section 4 we find that North Malabar has been excluded from the operation of the Bill. Section 5 exempts janmam lands to the extent of 10 acres. Section 3 excludes lands that are given for fugitive cultivation. Not being satisfied with these concessions the hon. Member Mr. Raman Menon moved and the Council exempted lands given to plantations from the operation of the Bill. Even these do not satisfy the land-owning class. My submission to this hon. House is that no amount of concession would satisfy that class who are in enjoyment of rights; they have a sort of vested interest. In enacting tenancy legislation I would request hon. Members of the House to be liberal to the tenants as they are illiterate and ignorant; and are not able to safeguard their interests; in most cases, they do not have the money and the learning to assert their rights in courts of law. Therefore too much importance should not be attached to the year 1852; it is the legitimate duty of the Council to safeguard and protect the tenants' rights. Again, the hon. Member wants to repeat Ramayana without Rama or Sita. If the House accepts this motion, it will take away practically the occupancy rights given to the tenant under clauses 6 and 7. I would therefore appeal to the hon. Member Mr. Prabhakaran Tampan as an enlightened janmi not to pursue the matter further. I think the reply given by the hon. Member from Vizagapatam will satisfy him. I am sorry that he should have brought forward such important amendments in the third reading of the Bill . . ."

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*The hon. the PRESIDENT :—"This is only the second reading of the Bill."

Sriman BISWANATH DAS Mahasayo :—"The question of compensation has come before the Council too soon and too many times than we could think of."

"I fail to see, Sir, why compensation at all times and at all seasons should be harped upon by certain members of this Council. I cannot understand how the position of tenants in Malabar differs very much from the proprietary tenants in the Madras Presidency. I would take back the hon. Members of this House to the discussion on the Estates Land Act of 1908 when the question of the tenants in Malabar was raised and I believe my hon. Friend from Malabar, the author of the Bill, will remember that he was one of the stout opponents of giving the tenants their rights in Malabar under the Estates Land Act. That being the case, I do not find any case has been made out at this stage to deny the tenants of Malabar their elementary rights, that is, the rights of occupancy. No janmi after all cultivates the land, but it is the tenant that cultivates and I do not think we will be justified in denying the tenants of Malabar the rights of occupancy. I would therefore request my friend the janmi representative to withdraw his motion or I would appeal to the hon. Members of this House to reject the motion. I therefore oppose the motion."

*Mr. V. MADHAVA RAJA :—"I support Mr. Prabhakaran Tampan's motion. The very same arguments were used by the hon. the Mover of the Bill when we were considering the case of kanamdars and cultivators of lands before 1852. When that question was discussed, he said that the permanent occupancy rights should be given not only to the hereditary old tenants but also to the assignees and purchasers. Now when the question of janmis who have purchased janmam rights after 1852 comes, the very same argument is urged that those janmis should not get the real value for the money they have invested. When the question of purchasers of lands before 1852 comes, the very same Mover stated that those tenants had invested a lot of money and that it would be a great hardship if they were not allowed their rights. He also stated that the janmi had no business to purchase the land after knowing that there was agitation in the country, but he has invested a lot of money on the purchase of janmam lands. He does not even get the actual rent. Although while purchasing the land he was made to understand that the land would give a thousand paras of paddy he gets only 10 to 15 per cent less. Suppose a janmi purchased a land worth about Rs. 20,000. If a Bill of this kind is passed, the land will not fetch a price of even Rs. 2,000 or Rs. 3,000, and the janmi who has invested money becomes a loser. Even if we are to accept this amendment, only a minor portion of the evil will be remedied."

The amendment was put to the House and lost.

Clause 1.

Sub-clause (1).

*Diwan Bahadur M. KRISHNAN NAYAR :—"We may perhaps now go to clause 1. We have finished all except clauses 1 and 2. Before we go to Mr. Uppi Sahib's amendment, may I, with the permission of the House, move amendment No. 4 which stands in the name of the permanent Law Member the hon. Sir Ramaswami Ayyar? (The hon. the President : 'Yes'.)"

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"I beg to move that this Act may be called the Malabar Tenancy Act of 1926."

Mr. K. P. RAMAN MENON :—" I second the motion."

The motion was put to the House and carried.

Sub-clause (2).

* Diwan Bahadur M. KRISHNAN NAYAR :—" Before the hon. Members Messrs. Uppi Sahib and Tampau move their amendments, viz., Nos. 5 and 6, I rise to a point of order. My friend's amendment is :

'For the existing sub-clause, substitute the following :

"It extends to Calicut, Ernad, Walluvanad, Ponnani and Palghat taluks of Malabar district and British Cochin, Anjengo and Tangasseri."

"My friend says that it should extend only to the taluks of Calicut, Ernad, Walluvanad, Ponnani and Palghat, which means the whole of South Malabar. In other words, it extends to South Malabar and exempts North Malabar completely. That is my friend's amendment. My point of order is this: clause 4 which has already been passed by this Council acts as a bar to the moving of this amendment."

* Mr. K. PRABHAKARAN TAMPAN :—" My hon. Friend cannot anticipate what Mr. Uppi Sahib has got to say. He has not moved it formally. When it is done so, you can allow Mr. Krishnan Nayar to rise to a point of order. I do not think he can now do so."

Mr. K. UPPI SAHIB :—" I thought I could hear the hon. Member Mr. Krishnan Nayar before I move my amendment."

"Sir, I move that for the existing sub-clause the following be substituted :

'It extends to Calicut, Ernad, Walluvanad, Ponnani and Palghat taluks of Malabar district and British Cochin, Anjengo and Tangasseri.'

"My reason for this amendment is that, as Mr. Krishnan Nayar has already told this House, it practically means to exclude North Malabar from the operation of this Bill."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Clause 4 which has already been passed by this Council is this: 'Nothing in this Act shall affect lands in North Malabar held on kanam tenure' meaning thereby, a necessary implication, that it affects all other lands in North Malabar, except those that are held on kanam tenure. I go further: paragraph 2 of that clause says: 'Nominal kanams which are charged over kuzhikanams shall not be deemed to be kanams for the purpose of this section' That makes it specifically clear, even positively and affirmatively, that these kuzhikanams generally in North Malabar are governed by the provisions of this Act. That is the meaning of clause 2. So, under that clause which is already accepted by this Council, kuzhikanam lands in North Malabar and leases of paddy lands according to the amendment carried yesterday are all governed by the provisions of this Act; so that practically this clause already makes the provisions of this Act applicable to lands in North Malabar, except of course certain kanam lands. I, therefore, submit that we are not in a position to consider this amendment which is directly against the clause that has already been passed by this Council."

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* The hon. the PRESIDENT :—" Are there any lands held on any other tenure except those mentioned in clause 4 ?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" Generally, lands are held either on kanam tenure or kuzhikaram or leases. I do not think there are lands held on any other tenure. Of course, there are lands which are held on pure mortgages. This Bill does not deal with mortgages. It is, therefore, inconsistent now to consider this new provision."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—" This is a matter of considerable importance which frequently crops up in dealing with amendments to sections in a Bill. That is the reason why I rise on this occasion to discuss the question of point of order which the hon. the Mover of the Bill has raised to the moving of amendment to the first clause. Clause 4, the Mover of the Bill says, has declared that the Act applies to certain transactions in North Malabar. We must realise that that clause simply says that nothing in this Act shall affect kanams in North Malabar. If somebody stood up and proposed another amendment saying that nothing in this clause shall apply to kuzhikanams in North Malabar it will be a perfectly legitimate amendment. I say that the meaning of section 4 is not that in other cases this Act shall apply, but it ought to be confined to this: that kanams shall not be affected. If somebody chooses to raise an amendment of the kind it ought to be permitted to be raised. I remember the point arose in the case of the Andhra University Bill, when an amendment was moved to omit some taluks of Bellary or Anantapur. At that time a question was raised as to whether a previous amendment which had been passed by the Council did not really make it impossible to make such an amendment. At that time it was pointed out that if one amendment was proposed that nothing in the Act shall apply to one taluk of Anantapur, there is nothing to prevent another motion to remove another taluk. The passing of the first amendment is not a decision that the Act shall apply to the other taluks. In fact the meaning of clause 4 that the Act shall apply to other transactions than kanam really flows only from clause 4 being taken along with clause 1 which has not yet been passed. Clause 1 says it shall apply to the whole of Malabar, i.e., both North and South Malabar. If you add another section that kanam transactions in North Malabar shall be outside this Act, the necessary result is that it will apply to North Malabar but that the kanam transactions of North Malabar will be outside the Act. So that, unless you pass clause 1 saying that it applies to the whole of Malabar the only meaning to import in clause 4 is that it shall not apply to kanam transactions. So, until we pass clause 1, the meaning which my hon. Friend Mr. Krishnan Nayar imports into clause 4 is not its legitimate meaning. Therefore, Sir, clause 1 is still open to consideration and anybody may move that it shall apply to only one taluk in the whole of Malabar. Such an amendment is in order and it ought to be considered."

* The hon. the PRESIDENT :—" My difficulty is that this amendment moved by Mr. Uppi Sahib is absolute and says that none of the provisions of this Act shall apply to certain parts of Malabar. Taking the amendment as it is, I am afraid we shall be partially at least going back upon a decision."

* Mr. T. R. VENKATARAMA SASTRIYAR :—" So far we have not voted on the question as to which part of the country this Act shall apply to. If clause 1 had been taken in the regular order as the first matter to be dealt with, and we had accepted the whole of Malabar as coming under this Act no vote

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contravening that could be taken subsequently. For the sake of convenience and for reasons unconnected with the things that have now arisen, we decided to take the later sections first and then to come back to the question relating to the scope of the Act. Therefore, the scope of the Act still remains to be considered. If we decide now that it shall apply only to South Malabar it is not going back upon any decision already come to. This clause comes only for the first time for consideration before the Council and anybody may propose that it shall apply to some parts of Malabar and not to others. On this amendment they may move amendments to the effect that particular taluks should be excluded from the list of taluks specified in this amendment."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" I may submit, Sir, that amendments are mainly intended to be moved only to matters of this kind. Suppose we discuss now the question of the extent and area of the application of this Act and settle that North Malabar is to be excluded, then in the third reading stage we can correct clause 4 and omit the relevant portion because it is only a consequential thing as a result of the amendments carried with regard to the other sections. Therefore, to be allowed at this stage to discuss really the area to which the Act should apply and to have anything passed now is not inconsistent in any way. If clause 4 is inconsistent with the present decision, naturally a consequential amendment may be moved to clause 4. That is the main purpose with which this provision is made that in the third reading stage consequential amendments of this nature may be moved. I therefore submit, Sir, that you will be pleased to consider this proposition to be in order."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I entirely associate myself with what the hon. the Leader of the Opposition has stated. The main question involved in this amendment is that of the extent of this Act. That has not been discussed till now by the House. It is only now under this clause, i.e., clause 1 that the extent of this Act is being discussed. These particular amendments have been before the House ever since amendments were given notice of by the Members. The question as to what all places the Malabar Tenancy Act should apply has never come up for consideration till now. It is only the question of nominal kanam prevailing in North Malabar that was disposed of. Therefore, Sir, you will be entirely right in allowing this amendment for discussion. It is a pity that aware as he is of this amendment this thing was not referred to by Mr. Krishnan Nayar earlier. Everybody knows that Mr. Uppi Sahib is not a lawyer. He is only a layman. If he was told, as he ought to have been told by his friends, he would have raised this point even yesterday, at the time when the other clause was taken up. We all knew that this amendment was on the agenda and would be taken up in due course. In fairness to Mr. Uppi Sahib I think, Sir, you will allow him to go on with this."

* The hon. the PRESIDENT :—" The consideration which weighs with me is that we have been taking up clauses out of their natural order, and if clause 1 had been taken in its proper order, then we need not have discussed this question at all."

Mr. K. UPPI SAHIB :—" Mr. President, the reasons that urged in favour of tenancy legislation in Malabar are : the closing up of lands in janmis, the want of circulation of lands in Malabar, the Mappilah trouble, etc. All these are some of the main causes for this legislation. But I challenge the Mover or any Member from Malabar to say whether these causes exist in North

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[Mr. K. Uppi Sahib]

Malabar. There has not been a single Mappilah outrage in North Malabar. Land is not entrusted to a few janmis; but lands in the greater portion of North Malabar are held by peasant proprietors. According to the statistics placed before this House by the Government, it seems that in some of the villages where there are very big janmis, the average possession per head of the population works only to 7 acres, 5 acres and 4 acres. The circulation of land is going on every day in North Malabar. One of the difficulties in South Malabar is that the janmis are Nambudris, Nayars and Mappillas and the other lower class men among the Hindus are the tenant classes. In North Malabar beyond Calicut there is no such class as tenant class. A man is the janmi of his own land in North Malabar and he is also the tenant i.e., a janmi is a tenant and a tenant is a janmi. There is no separate class of tenants as such in North Malabar. If the Act is going to protect any class in South Malabar, it is not going to do that in North Malabar. Apart from all these considerations, Sir, I say that we have to a very great extent failed to take into consideration the conditions obtaining in North Malabar. Mr. Thorne in his report has said that there is no homogeneous Malabar; in fact, if there was any Malabar, there were two Malabars—the North and the South. He has rightly said that the physical conditions of North and South Malabar greatly differ. The greater portion of North Malabar is hilly and the greater portion of the revenues there are from the gardeners. In South Malabar, you may have noticed, Sir, that the value and the rent are calculated on what is called paras of paddy. In North Malabar, we calculate it on money, i.e., rent; because we cannot collect the rent in kind. The main produce of North Malabar is coconut and pepper. Another thing that has been urged before the House is that land is not in circulation and that there is janmi oppression and other social difficulties. I say, Sir, that most of the janmis in North Malabar—at least the greater number of them—are Nayars and Mappillas. There are a very few—about three or four—Nambudri janmis, and there is no social difficulty in North Malabar . . ."

* Mr. K. PRABHAKARAN TAMPAN :—" My idea is that there are more than fifteen Nambudri janmi voters in North Malabar. (Diwan Bahadur M. Krishnan Nayar : 'Hear, hear'.)"

Mr. K. UPPI SAHIB :—" Mr. T. V. Anandan Nayar in his report in 1887 said that the dealings in regard to land tenure in North Malabar were more or less on a commercial basis. Each man invests his money, calculating the interest that he will be able to get out of the land and the tenant takes the land on a commercial basis. In North Malabar, you will find, Sir, that the tenants take the land and cultivate them themselves. If the land is paying, they will continue to cultivate; but if it is not, they will simply surrender the land to the janmi. In South Malabar it is not so. The land of the janmi is the place where his tarwad lives and if he is evicted from the land, he is evicted from the country; and he has to go out of the country. In North Malabar, however, all the tenants—or at least 90 per cent of them—have a house and a compound with parambas appurtenant thereto. Therefore, if a man is evicted, he need not go out of his country and he need not fear, for he can get a land from another janmi. My own village, Sir, is a place where a very big janmi, the Raja of Kottayam, lives and I can say that I have never heard of oppression by the Raja. The very adjacent paramba or piece of land belongs to a private owner who possesses only that piece of land. As a matter of fact, I also belong to a janmi tarwad and the paramba

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that edges into the yard of my house belongs to a very small holder and he has got only that paramba. Still, he is not molested. You will find, Sir, the same condition everywhere and the average area of a janmam land in North Malabar comes to only 4 or 5 acres. Therefore, the gist of my argument is that there is no social trouble in North Malabar and the class of people who are benefited by this legislation does not exist in North Malabar. The land is not closed up with a few janmis and the circulation of land is going on. The land is also held on a commercial basis, and I do not see any justification for crushing the commercial dealings by a legislation of this House. With these few words, Sir, I move my motion."

12-45
p.m.

* Mr. V. MADHAVA RAJA :—" Sir, it is seen from the arguments brought forward by my Friend, Mr. Uppi Sahib, that there is no Mappila rebellion in North Malabar and there is no janmi oppression there. There was some Mappila rebellion but not due to oppression of the tenants by the janmis. Everyone will have to admit that there was no sort of trouble in North Malabar. The conditions are similar in Palghat taluk and I beg to move that Palghat may also be deleted. The amendment then will read: 'It extends to Calicut, Ernad, Walluvanad and Ponnani taluks of Malabar district and British Cochin, Anjengo and Tangasseri'."

* Mr. K. PRABHAKARAN TAMPAN :—" I second it, Sir."

* The hon. the PRESIDENT :—" It is an important amendment and notice should have been given."

Rao Bahadur P. RAMAN :—" Mr. President, Sir, I oppose this motion of my hon. Friend Mr. Uppi Sahib which in effect is to exclude North Malabar wholly from the benefits of the Bill. As to kanams we have accepted clause 4, and therefore I have nothing to say on it now. The other important tenures are kuzhikanam and verumpattam. The question is whether the Bill should not be made applicable to these tenures of North Malabar. The problem of Malabar Tenancy has been before the authorities for more than half a century now. Officers of various grades, some with large experience of the whole Malabar district, have handled the subject and that at different times and from different standpoints. To my knowledge none of them made any distinction between the tenantry of North Malabar and South Malabar in so far as improvement leases were concerned and they are kuzikanam and verumpattam leases. That is my first point.

" In 1887 the authorities came to the conclusion that a legislative measure for securing to the tenants adequate value of improvements before eviction should be immediately passed, and they accordingly passed The Compensation for Tenants Improvements Act I of 1887. In 1900 the Government considered that further legislation was required, and after a great deal of discussion they passed Act I of 1900 amending the first Act. I would invite the special attention of this hon. House to these two Acts. They were passed for the protection of the tenants of the whole of Malabar district and not for North Malabar solely or for South Malabar solely. No distinction was ever made between the two parts. If North Malabar tenants were happy and their relations with landlords were smooth and there were no agrarian grievances these Acts, which were the subjects of hot discussion, would not have applied to North Malabar.

" Again the rules for, and the method of, valuation of improvements are not different, and courts award compensation in North and South Malabar

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on identical principles. From my personal experience as a High Court Vakil who had practised in North and South Malabar from 1887 to 1896 and had worked as a Judicial officer from 1896 to 1911, I can state with confidence that no party, vakils or Court had ever made any distinction between the kuzikanam and verumpattam leases of North Malabar and South Malabar. I am confident that the lawyer-members from Malabar will bear me out on this point.

" The wealth of North Malabar consists chiefly in coconuts and pepper and that of South Malabar in paddy, ginger, etc. In North Malabar garden lands predominate and a traveller will be struck with the luxuriant and enchanting view of the coconut palms. All this is the work of kuzikanam tenants. In the process of converting barren lands into fertile fields and planting and converting them into beautiful gardens the janmis' share is practically nil. The planting and rearing of coconut trees is a laborious task for a number of years in the beginning. The seed-nuts should not be dropped from the top. They should be lowered by means of rope and then planted and when they put out two or three leaves they should be transplanted into pits one yard square and one yard deep. They should be watered for five or six years. They begin to bear fruit generally between ten or twelve years. To say that the tenants require no protection is an intolerable injustice which no good janmi will countenance.

" Next as to the agitation the hon. Member stated there was no tenancy agitation. As a matter of fact, I am told that the agitation first arose in North Malabar. In 1924 there was a very largely attended conference of tenants in Badagara, North Malabar, presided over by the hon. Member for Godavari, Sir K. V. Reddi Nayudu. I admit that there were no head breakings as the people were loyal and had faith only in peaceful and constitutional agitation, and this there was."

Mr. K. UPPI SAHIB :—" May I know from the hon. Speaker whether before 1923 there were no meetings in North Malabar?"

Diwan Bahadur M. KRISHNAN NAYAR :—" Mr. Appu Nedungadi presided over a meeting of the tenants held in 1918 in North Malabar at Tellicherry."

Rao Bahadur P. RAMAN :—" Coming to my subject, Sir, tenants in various parts of North Malabar have held meetings and prayed for fixity of tenure and protection against landlords. In North Malabar alone—composed only of three taluks—we have ten Munsifs' Courts, one Sub-Court and one District Court for itself. Why this large number of courts if there be no grievance?

" I may also mention a new factor. The electoral rules give the right of voting to many tenants. Are they allowed to vote according to their choice and conscience? Any one who has had any acquaintance with the manner of voting in North Malabar must be familiar with the pressure to vote according to the dictates of the landlord. Woe to the tenant who votes otherwise.

" On the whole, I submit that North Malabar has a preferential claim to fixity of tenure in so far as kuzikanam and verumpattam leases are concerned and that it should be included in the protection the Bill may ultimately give to such tenants in South Malabar."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I oppose this amendment as vigorously as I can. Now, the chief tenures with which we have been

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dealing in this House are kanams, kuzhikanams, verumpattams, simple leases and so on. They practically fall under two classes—kanams and other tenures. Kanam carries with it a pecuniary interest. Now, so far as these kanams are concerned it is admitted by both the janmis and the tenants of North Malabar that they do not want legislation in respect of kanam in North Malabar. It is in accordance with the joint wishes of both the janmis and the tenants that this clause has been enacted exempting kanams in North Malabar from the operation of this Act."

* Mr. K. PRABHAKARAN TAMPAN:—"I question it, Sir."

* Diwan Bahadur M. KRISHNAN NAYAR:—"The hon. Member may question it, Sir, but it is a fact. I represent both the janmis and the tenants of North Malabar. In fact, a janmi wrote a letter . . ."

* Mr. K. PRABHAKARAN TAMPAN:—"May I point out, Sir, that what my Friend, Mr. Krishnan Nayar, says is news to me though I represent the janmis of Malabar?"

* The hon. the PRESIDENT:—"Is it as a matter of personal explanation? The hon. Member has misunderstood the argument. He only said 'A janmi wrote'. Mr. Prabhakaran Tampam is not the only janmi in Malabar."

* Mr. K. PRABHAKARAN TAMPAN:—"In the Council, I am the only janmi, Sir."

* The hon. the PRESIDENT:—"He did not refer to it."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I submit, Sir, it was at the joint request of the janmis and the tenants of North Malabar that North Malabar kanams were exempted from the operation of this Bill. So far as the kanams are concerned, North Malabar does not want, and South Malabar very much wants it, and it is therefore in the Bill. But so far as the other classes are concerned, viz., actual cultivating class, whether they are cultivators of paddy lands on kanam tenure or other tenures, it is North Malabar that wants occupancy right very much more than South Malabar. This question of the necessity for granting occupancy right to actual cultivators is not a crying need in South Malabar, but it is a crying need in North Malabar; and, so far as kuzhikanams are concerned, they exist mostly in North Malabar, and it is only in portions of South Malabar, Chowghat and Calicut that we hear of them."

1 p.m. "It is for this reason that there is more necessity for granting fixity of tenure or occupancy right to cultivating tenants, to persons who are in actual occupation of the land in North Malabar than to those in South Malabar. I am very sorry that my hon. Friend, Sir K. V. Reddi Nayudu, is not here. He had the goodness to preside at a Tenants' Conference in North Malabar, which was held in Badagara, which is in the middle of North Malabar, and which is a chief place of kuzhikanams, and if he were here he would have borne testimony to the enthusiasm of the huge mass of tenants that were assembled in that hall there, and there was only one cry, viz., the need for occupancy right, so far as kuzhikanam tenants or actual cultivators were concerned. In fact, North Malabar wants occupancy right for kuzhikanams or for simple leases, and in fact if a choice had to be made between North Malabar and South Malabar as to the grant of occupancy right, so far as actual cultivating tenants are concerned, I would certainly vote for giving occupancy right to cultivating tenants in North Malabar and not in South Malabar."

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"Then the effect of what my hon. Friend, Mr. Uppi Sahib, said—of course, I do not think he himself has that motive; certainly Mr. Uppi Sahib is too noble minded for it—comes to this: 'I am myself a janmi and belong to a janmi family'—and he belongs in fact to one of the most important Mappilla janmi families in Malabar—'if a law is necessary, have it for South Malabar, but do not have a law for my place and for my lands'. That is the effect of my hon. Friend's amendment, though I am sure—I do not want to be misunderstood—that my hon. Friend is not so base or mean as to say so. But the effect of what he says is 'let all the janmis in South Malabar be ruined, let them have this law giving occupancy right to cultivating tenants and let us janmis in North Malabar be not burdened with it'."

"Then, my hon. Friend said that there was no Mappilla rebellion in North Malabar and therefore this law need not be enacted for that tract. It is not for the purpose of quelling Mappilla rebellions alone that this legislation is carried out. No doubt that will be one of the effects of this Bill if it ultimately becomes law, namely, it will act as a check, as an incentive to prevent frequent occurrences of Mappilla rebellions. But it is not to prevent that alone that this legislation is undertaken. There are so many reasons why this legislation should be undertaken, and the prevention of Mappilla rebellion's is one of those reasons."

* Mr. K. PRABHAKARAN TAMPAN:—"There were rebellions also in North Malabar, in Mattanur for instance."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I thank my hon. Friend for reminding me of it and historically my hon. Friend is right. As a matter of fact, in the Mattanur Tangal family in Kottayam, i.e., in one of the most important Nambudiri families, many heads of Nambudiris were chopped off by Mappillas. That is recorded in Mr. Logan's Malabar Manual. In fact, Mappilla rebellion has occurred more often in South Malabar than in North Malabar. But North Malabar also has had its share."

Mr. K. UPPI SAHIB:—"Such occasional uprisings were common all over the world."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am not concerned with the uprisings throughout the world. My hon. Friend says that because there have been Mappilla outbreaks in South Malabar, legislation for South Malabar is necessary, and that so far as this aspect is concerned there have not been any outbreaks in North Malabar and that therefore no legislation is necessary for North Malabar. An inspection of the historical records will disprove his argument."

"Then, my hon. Friend Mr. Raman, who comes from the middle of North Malabar, and who spoke with a wide personal experience extending over many years both as a leading practitioner in the Courts in Malabar and as a judicial officer, as a District Munsif and Subordinate Judge, says that there is need for this legislation to a much larger extent in North Malabar than in South Malabar. As he rightly pointed out, the Tenants Improvement Act, which was the only Act that the Madras Government has so far enacted in favour of the tenants, has only touched the fringe of the problem. I am not concerned with that Act, but I may say that the Tenants Improvement Act, both the Acts, the original Act of 1887 and the amending Act or consolidating Act of 1900, both those Acts did not exempt North Malabar in their application. The Act is applicable to the whole

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of Malabar, both North and South Malabar, so that that is another argument showing that if tenancy legislation is undertaken it should be both for North Malabar and South Malabar.

"Then, my hon. Friend said that social oppression did not exist in North Malabar. Here again, social oppression is only one of the evils which are sought to be prevented by this legislation, and it is not for the sole purpose of preventing social oppression that this Bill is brought. Again, my hon. Friend is wrong in saying that social oppression does not exist in North Malabar. It exists in North Malabar as well. Mr. Kunhi Raman Nayar, who was a judge in the Madras Presidency, a native of Chirakkal in North Malabar—he is now dead—he was on the side of janmis—said, in his note on Mr. Logan's memorandum, that for certain purposes legislation was necessary, and one of those purposes that he mentioned was the prevention of social oppression. He says that in Chirakkal taluk in North Malabar there is great social oppression, and a reference is made to a well-known janmi of North Malabar, and I do not want to mention his name here. In fact, acts of social oppression in that neighbourhood are well known in Malabar. As a matter of fact, there also my hon. Friend, Mr. Uppi Sahib, is wrong. I very strongly oppose this amendment."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I support this motion as strongly as I can. On the merits of the question alone, it has to be accepted by the House. The conditions in North Malabar are certainly different from those in South Malabar. Reference has already been made to it by those people who have had intimate knowledge of the conditions there: Mr. Innes has said so, Mr. Thorne has said so, and Mr. Logan has said so. In fact, all those who have had anything to do with the question of land tenure in Malabar have recognized the difference between the two parts of the district. But, Sir, there is another aspect, which as a representative of the janmis I am bound to point out. This is the most confiscatory measure, so far as janmis are concerned, that has ever been passed by a legislature. Sir, honestly speaking, I believe that, even if one taluk or one village or one tarwad is exempted from the operation of this Act, they at least would be saved, and representing as I do the janmis of North Malabar, I strongly appeal to the Council to relieve at least those janmis."

"Then, Sir, I must not fail to refer to the attitude of my hon. Friend Mr. Uppi Sahib. He has been a staunch supporter of the Bill in its application to South Malabar but at the same time wanted to exclude North Malabar from its operation. He ought to have realized what the Council would infer from his attitude—as the hon. Member, Mr. Krishnan Nayar, rightly drew his inference. Because he does not own any property in South Malabar he has no objection to damn the . . ."

Mr. K. UPPI SAHIB :—"On a matter of personal explanation, Sir. I have made my position clear from the very beginning, that though I am a janmi I am prepared to support the Bill, even at the expense of North Malabar. But I said that the conditions obtaining in North Malabar should be taken into consideration in introducing any provisions in this Bill, and necessary suitable provisions ought to be introduced. I may again repeat that I am prepared to support this Bill right through all its stages provided only that the conditions of North Malabar are taken into consideration. And as the Bill has so far failed to take into consideration those conditions, I have brought forward this amendment."

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* Mr. K. PRABHAKARAN TAMPAN :—"Hon. Members here have got their own eyes to see and ears to hear. Mr. Uppi Sahib is a janmi and should have taken a definite attitude and joined us in opposing this measure from the very beginning. Had he done so, he would not be in this unsafe position. All the same, I am strongly of opinion that this amendment should be accepted by the House."

* Mr. K. UPPI SAHIB :—"Mr. Raman in opposing this amendment said that had it not been for the social oppression also in North Malabar the Malabar Tenants Improvement Act would not have been extended to North Malabar. I may point out that Mr. Logan, a great supporter of the tenants, himself said that compared to the complaints he had received from the tenants of South Malabar the complaints he received from those of North Malabar were nil. But why all that. As a matter of fact, we do not want that the tenants should be evicted, and we want that the tenants' rights should be protected. It may be that the Tenants Improvement Act has given very very great protection for the tenants. But I may bring to the notice of Mr. Raman, who is famous for his conscientiousness and fairmindedness, that the price paid by us to the tenant for his improvement is far greater than the value of the improvement itself, and thus the tenant is already protected. But I should say that the only evil that is obtaining in North Malabar is melcharth. If that could be stopped, there will be no other evil. In a small conference held in North Malabar some four or five months ago, at which one of the hon. Members of this House, Mr. Satyamurti, was also present, the supporter of the tenants from Chirakkal taluk said, 'if only you stop the right of giving melcharth, we will be satisfied and no other remedy is required'. All the other remedies will bring about trouble in North Malabar instead of any advantages. With these few words, I press my amendment."

The amendment was put and declared lost.

Mr. K. Uppi Sahib demanded a poll and the House divided thus :

1-15
p.m.

Ayes.

- | | |
|---|---|
| 1. Mr. K. Prabhakaran Tampam. | 11. Mr. B. Ramachandra Reddi. |
| 2. " V. Ma'hava Raja. | 12. Khan Bahadur Haji Abdulla Haji Kasim Sahib. |
| 3. Rao Bahadur O. M. Narayanan Nambudripad. | 13. Mr. Muhammad Ghouse Mian Sahib. |
| 4. Mr. K. Raghuchandra Ballal. | 14. Sriman Sasibhushan Rath Mahasayo. |
| 5. Rao Bahadur C. V. S. Narasimha Raju. | 15. Mr. R. Srinivasa Ayyangar. |
| 6. Mr. S. Muttayya Mudaliyar. | 16. " T. M. Moidu Sahib. |
| 7. " P. C. Venkatapati Razu. | 17. " L. K. Tulasingam. |
| 8. " Muhammad Meera Sahib. | 18. " K. Uppi Sahib. |
| 9. " Chavadi K. Subrahmanya Pillai. | 19. " D. Manjappa Heggade. |
| 10. Rai Bahadur T. M. Narasimhaachari. | |

Noes.

- | | |
|--|---|
| 1. Mr. K. P. Raman Menon. | 10. Rao Bahadur K. Krishnaswami Nayudu. |
| 2. " H. B. Ari Gowder. | 11. Mr. R. Madanagopal Nayudu. |
| 3. Rai Bahadur Sir K. Venkatereddi Nayudu. | 12. Honorary Lieutenant Madurai. |
| 4. Rao Bahadur C. Natesa Mudaliyar. | 13. Mr. T. Malleappa. |
| 5. " M. C. Raja. | 14. " P. N. Marthandam Pillai. |
| 6. Mr. N. Devendrudu. | 15. Rao Bahadur B. Muniswami Nayudu. |
| 7. " A. Ramaswami Mudaliyar. | 16. Mr. K. S. Ponnuswami Pillai. |
| 8. Rao Sahib V. Gopalan. | 17. Diwan Bahadur P. Kesava Pillai. |
| 9. Mr. L. C. Guruswami. | 18. Rao Bahadur P. A. Ramalinga Chettiar. |
| | 19. Mr. P. Siva Rao. |

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Noes—cont.

20. Sriwan Biswanath Das Mahasayo.
 21. Mr. M. Gangaraju.
 22. „ C. Gopala Menon.
 23. Diwan Bahadur M. Krishnan Nayar.
 24. Mr. P. T. Rajan
 25. Rao Bahadur P. Raman.

26. Mr. J. D. Samuel.
 27. „ K. Sarvarayudu.
 28. Rao Sahib R. Srinivasan.
 29. Mr. K. Sitarama Reldi.
 30. „ R. Veerian.

Ayes 19.

Noes 30.

The amendment was lost.

Clause 1.

Sub-clause (2).

* Mr. K. PRABHAKARAN TAMPAN :—“ Sir, I beg to move that at the end
 1-15 the words
 P. m. ‘ except the Wynad and Attapadi ’
 be added.

“ The conditions in Wynad are altogether different from those obtaining in other parts of Malabar. With regard to Wynad there is again what is called the Nilgiri Wynad and the Malabar Wynad. Malabar Wynad does not differ very much from the Nilgiri Wynad. In both places Government own extensive janmam properties. There is no janmi monopoly as alleged in Malabar. The tenants can easily get any extent of land from the Government on quit-rent or on other kinds of tenure. There the janmis are very limited in number. On account of the physical conditions of the place the tenants do not stick to their cultivation for a long time. The place is highly malarial and full of forests. There is no competition among them such as exists in other parts of Malabar. It often happens that the tenants cultivate the land for some time and then run away. The population is scarce. If the Bill is made applicable to these places, even the tenants will suffer in this way : they would be held responsible for the rent even after they come away from the place. The janmi will not let in a tenant hereafter. So either from the point of view of the janmis or from the point of view of the tenants, there is no necessity to extend the operation of this Bill to Wynad. Many of the holdings there are coffee, tea, rubber and such kind of European plantations. Those plantations have been excluded from the operation of this Bill. Coolies are engaged in large numbers in those plantations and they get higher wages there with the result that indigenous cultivation is neglected. At page 51 of his report, Mr. Innes has dealt with the conditions of Wynad which I am sure every member has read. On these grounds I submit that the Bill should not be made applicable to Wynad. Then, with regard to Attapadi, Sir, I may say the same conditions apply. Attapadi is a portion of Walluvanad taluk adjacent to Wynad. Except for administrative jurisdiction they are one and the same. I therefore move that Wynad and Attapadi may be excluded from the operation of this Bill.”

* Diwan Bahadur M. KRISHNAN NAYAR :—“ So far as Wynad is concerned I have no objection to accept the amendment. But as regards Attapadi conditions are different. The conditions prevailing there are not the same as those in Wynad. Even Mr. Innes in his report does not say that Attapadi should be excluded. The conditions in Wynad are that it is on a high level and very malarial. Attapadi is not a very large area. My hon. Friend, Mr. Raman Menon knows Attapadi more than myself and even more than

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Mr. Prabhakaran Tampam himself. I understand that there are only a few Goundan tenants there. My hon. Friend has not said one word about the conditions existing in Attapadi, and I do not think any case has been made out for excluding it. It is a place which is situated midway between two hills, in a valley in the corner of Walluvanad.”

Mr. K. P. RAMAN MENON :—“ With reference to Attapadi valley I do not think the conditions there necessitate its exclusion from the operation of this Bill. Attapadi valley is very sparsely populated and I do not think whether there is an Act or no Act anybody will be materially affected by these provisions. There are some patches of cultivation there and there is no reason why persons who cultivate the soil there under very many adverse circumstances should not be given the protection contemplated in the Bill. The Attapadi valley is just to the south of the Nilgiri district and north of the peak which separates Coimbatore district from the Palghat taluk of the Malabar district. It is a very hilly region and there are some Goundans permanently inhabiting the place.”

* Mr. K. PRABHAKARAN TAMPAN :—“ I am glad the author of the Bill has accepted my amendment so far as it relates to Wynaad. But I am sorry I must press the exclusion of Attapadi also for acceptance. The Expert Member said that Attapadi is a hilly tract. One trouble if we make it applicable to Attapadi will be that in future the janmis will not allow the tenants to clear the forests and cultivate lands. In the interests of the cultivators themselves we should exclude Attapadi valley. I have not gone there myself nor do I own one inch of land there. Therefore I am not personally interested in its exclusion, but as a janmi Member I am bound to safeguard the interests of all janmis in my constituency. Therefore I cannot withdraw the case of Attapadi. I do believe that the conditions there necessitate the same treatment as meted out to Wynaad. There are not many who have settled down there. It is also highly malarial and full of forests. As the hon. Mover of the Bill does not want to exclude Attapadi, but only wants to exclude Wynaad, Wynaad and Attapadi may be separately voted upon.”

* The hon. the PRESIDENT :—“ Is the hon. Member himself moving an amendment to that effect ? ”

* Mr. K. PRABHAKARAN TAMPAN :—“ I move that Attapadi and Wynaad may be put to the House separately.”

The hon. the PRESIDENT :—“ In the hon. Member's amendment they hang together and if the hon. Member wants that Wynaad and Attapadi should be put separately, he must move an amendment that the words ‘ and Attapadi ’ may be omitted from his amendment.”

Mr. S. ARPUDASWAMI UDAYAR :—“ I move, Sir, that in the amendment now before the House, the words ‘ and Attapadi ’ be omitted.”

The motion for omission was put and carried.

The amended motion, viz., to add at the end of sub-clause (2) of clause 1, the words ‘ except the Wynaad ’ was then put to the House and carried.

The House adjourned for lunch at 1-30 p.m.

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

Rai Bahadur T. M. NARASIMHACHARLU:—"I beg to move that the following be added as a new sub-clause:

'(3) This Act shall come into force on the 15th March 1931 or such other later date as the Local Government may notify on this behalf'.

"At first sight it may appear that this is a kind of blocking motion intended to obstruct the enforcement of this Act, but a little consideration will show that it is not so. It is conceded that the law for the last 71 years was such that a kanam was a redeemable demise, that no tenant has got any right of occupancy in the land, and that the land entirely belonged to the janmi. Some went to the length of saying that even the Government had no right in the unoccupied lands. That being so, this Bill if it is enacted into law will revolutionize the existing state of things. It will, from the date of the passing of this Act, confer occupancy rights on many people who have not hitherto been in enjoyment of those rights and deprive many of those rights which they have been hitherto enjoying. That is to say, those who have been vested with certain rights in the past will be deprived of them as soon as the Act comes into force. My point is, let not this revolution be brought about at once. Let some time be given to those who will be deprived of their rights so that they may adjust their future according to the provisions of this Act. In fact there may be many contracts which may terminate within the end of 5 years, and let that relationship which has arisen out of the contract between the parties continue till the end of 5 years. If we do this, we will be doing the least mischief, because in the course of 5 years things may be so altered that the people whose rights we are now depriving of may find sufficient time to console themselves of the loss that might entail to them by the passing of this Act. My submission is that this amendment should not be considered as an obstructive one. It is a well considered one and we may minimise the evil which the passing of this Bill might bring about if the Act is to be brought into force as soon as it is passed or soon after it has received the assent of His Excellency the Governor. As already submitted, the janmis may well think, within a period of 5 years as to how best they can dispose of their properties, and it is with a view to give them the least loss that I suggest this amendment. Without elaborating the point further, I submit that some time might be given to the janmis to adjust themselves. When I mentioned the year 1931 my idea was that a period of 6 years should be allowed for this Act to come into force. But this Bill has been going on for several months so that the period I propose comes very nearly only to 4½ years. It was therefore that I suggested such other later date as the local Government may notify on this behalf, so that it may be left to the local Government to fix the date. It may even extend to 12 years, within which time the rights will adjust themselves and the janmis might have had ample time to adjust their rights with their kanamdars and verumpattamdars. I submit that a law which is so revolutionary in character should not be brought into force at once. Let it at least be said that before we hang a man we have given him some respite to think of the other world. I submit when a man dies his body is not taken at once to the cremation ground. We do not hang a man as soon as the death sentence is passed. Some time elapses during which his people and friends come and console him. So, let some time be given to the janmis to console themselves

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so that they may adjust themselves and see how best they can live hereafter. I submit we should not precipitate such a revolutionary measure on the unwilling janmis. I move my motion."

* Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, the best answer to my friend's amendment has been furnished by himself. He was very often repeating that it was not a blocking motion. I do not think that any member of this House who has understood the provisions of this Bill will for a moment hesitate to consider my hon. Friend's motion as anything other than a blocking motion pure and simple. My Friend's attitude has been a curious one. My hon. Friend Mr. Prabhakaran Tampan, the representative of the janmi in this House, is prepared to concede many things. Whereas my hon. Friend Mr. Narasimhacharlu who comes from the forests of Cuddapah is not prepared to make any concession in favour of any tenant at any time."

Rai Bahadur T. M. NARASIMHACHARLU:—"On a point of personal explanation. I do not know anything either about the janmi or the tenant of Malabar. I am an impartial observer and I am convinced that this legislation is a very bad piece of legislation, and therefore I oppose everything contained in it. I am not at all concerned with either the janmis or the tenants."

* Diwan Bahadur M. KRISHNAN NAYAR:—"I am glad my hon. Friend from Cuddapah has made this very sad confession, namely, that he knows nothing about the janmis or the tenants of Malabar and that he knows only that this Bill which concerns the janmis of Malabar is a bad one. I do not think that elaborate arguments are necessary to oppose this diehard amendment of my hon. friend." 2-46 p.m.

Mr. K. P. RAMAN MENON:—"Sir, I am surprised at the levity with which my hon. Friend has moved his amendment."

Rai Bahadur T. M. NARASIMHACHARLU:—"I must protest against this statement, Sir."

* The hon. the PRESIDENT:—"I do not think any hon. Member can accuse the hon. Member from Cuddapah of levity."

Mr. K. P. RAMAN MENON:—"That is why, Sir, I said, I was surprised at it. The hon. Member says that the Act might come into force after the midnight of the 14th of March 1931. To my mind, Sir, it seems very strange and I hope the House will not accept it."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I do not quite see how objectionable this proposal is. It only gives the janmis a kind of notice to quit. Such of those who do not want to keep their janmam lands can sell away all their properties and shift for themselves. This is the most revolutionary measure that has ever been passed by this Council and before bringing this measure into operation people should be given some time to adjust themselves to the new conditions and surroundings. To my mind, it does not seem to be such a bad proposal as the Mover of the Bill and his supporter have characterized it to be. Candidly speaking, it did not strike me; otherwise I myself would have brought this motion. I am thankful to the hon. Member from Cuddapah for having brought this amendment. I have great pleasure to support the motion."

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* Mr. V. MADHAVA RAJA :—" Sir, I support the hon. Member Mr. Narasimhacharlu. It gives the janmis a breathing time to adjust themselves to the new conditions. The poor janmis who find it difficult to make both ends meet might sell away their property and go to other places. Under these conditions no one will buy the lands; perhaps the tenants will buy the lands. Therefore I urge that at least 6 years' time should be given."

* The hon. the PRESIDENT :—" Does Mr. Narasimhacharlu want to reply? "

Rai Bahadur T. M. NARASIMHACHARLU :—" Nothing to reply, Sir. The hon. Member has advanced no arguments "

The amendment was put to the House and lost.

Clause 1 as amended was put to the House and carried.

Clause 2.

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, clause 2 deals with definitions. I suggest, and I hope the hon. Mr. Moir will agree to this, that we may deal with this clause and the preamble after disposing of the amendments to clauses of the Bill already passed. However, I am amenable to any course that is adopted."

* The hon. Mr. T. E. MOIR :—" I think, Sir, the course is entirely suitable."

* The hon. the PRESIDENT :—" I suppose they are only consequential amendments."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Some are not; others are."

* Mr. K. PRABHAKARAN TAMPAN :—" I also think that it is a suitable course; but I do not know whether the Standing Orders allow it. I think that amendments to clauses already passed can be taken up only at the third reading."

* The hon. the PRESIDENT :—" I think it would be more regular to follow the usual course."

Item (d).

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I beg to move that 'after the word, "kanamdar" the words, "for agricultural purposes" be inserted.'"

"Sir, the author of the Bill introduced this legislation for improving the lot of the agriculturists. There are many holdings which are not intended for agricultural purposes. I think it is therefore better to make the definition clear enough so that it might apply to holdings used for agriculture only."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I oppose the motion. My hon. friend himself has always held the opinion that occupancy rights should be given to the holders of homesteads also. He has also given notice of an amendment to the effect that occupancy rights should be given also to the holders of homesteads. If we accept his present amendment, it would rule out holders of homesteads. Why should we exclude a class of persons who more than others require the grant of occupancy rights? I oppose the amendment; probably the hon. the Mover himself has not seen the consequences of it."

The amendment was put to the House and lost.

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Item (e).

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I beg to move that before the word 'adds' the word 'materially' be inserted. The definition as it stands runs thus: 'Improvement means any work or product of a work, which adds to the value of the holding . . .'. Anything may be said to be an addition to the value of the holding; it is very vague. Unless there is a material addition to the value of the holding it cannot be called an improvement. I therefore think that the addition of the word is necessary."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I oppose the amendment. This definition has been bodily taken from the definition of the same word in the Malabar Compensation for Tenants Improvements Act. This Act has been in operation for a long time and no difficulty has been experienced for the last forty years. I think it is better to adopt it bodily."

Mr. K. P. RAMAN MENON :—" Sir, may I also add that the proposed addition of the word instead of diminishing the chances of ambiguity would add to the ambiguity. What can be said to be a material addition? That will be a matter for discussion in the courts and it will add to the confusion rather than remove it."

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, I am not convinced of the reasons advanced for inducing me to withdraw my amendment. Because in another Act passed several years ago the same definition occurs, it is no reason why we should not adopt a new definition now. If there is ambiguity in the original definition, the addition proposed will at least remove a portion of it. It goes a step further. It is not that any additions made can be called an improvement; the addition must be substantial and material. I press the motion."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, I wish to support the motion before the House. In the Bengal Tenancy Act and in some other Acts also where compensation is provided for the improvements effected by the tenants the word, 'materially' occurs. The definition found in the Compensation for Tenants Improvements Act is not the last word on the subject. We need not borrow that definition here. For instance, suppose there is no material improvement at all in a holding which the janmi wants to redeem. If the tenant is frivolous enough to apply for compensation it will take a long time to decide the point and thus frustrate the object of the janmi. Eviction is restricted to a few cases now and it is only fair that there ought to be no further obstacles in those limited cases. The addition proposed is highly necessary."

* Diwan Bahadur M. KRISHNAN NAYAR :—" With your permission, Sir, because I am not allowed to speak again, may I draw your attention and the attention of my hon. friends to clause 29 already passed by the House which says that the provisions of Madras Act I of 1900 shall apply to all cases of eviction under this Act, which provides for eviction under certain contingencies. This definition has been borrowed from the Madras Act I of 1900 which applies to cases of eviction. Therefore if we have one definition here with the addition of the word 'materially' and another definition in the Madras Act I of 1900 there would be difficulties in practical application. I would rather omit the definition of the word 'improvement' from this Bill, because nowhere in the body of the Bill does the word occur. Otherwise there would be difficulty for the courts in construing the exact scope of the definition."

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3 p.m. Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, may I point out that there is the word 'improvement' in section 27?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" Then I would certainly object to the inclusion of the word 'materially'."

The amendment was put to the House and lost.

* Mr. K. PRABHAKARAN TAMPAN :—" I beg to move that
'in clause 2, item (e), in line 4, the word "demised" be substituted for the word "mortgaged".'

"The definition of the word 'improvement' was bodily borrowed from the Malabar Compensation for Tenants Improvements Act. That Improvements Act had done the greatest harm to certain classes of people. It allows compensation even for mortgagees. A man takes a usufructuary mortgage, and it is open to him to put up substantial buildings and other things and remove the janmi out of the holding altogether. That is a real disservice done to the landlords in Malabar. And I think, Sir, that if there is an opportunity to revise that state of affairs, it is highly necessary to see if that evil could be remedied through this Bill. I know instances where mortgagees were recently putting up huge buildings, planting coconut trees, jack and other trees, with the result that the mortgagor was absolutely helpless to redeem the land. I can understand a kanamdar or an ordinary lessee, who has an interest in the land doing this, but to allow a mortgagee to do all these things is really bad. I do not know if in any other part of the world such a system exists,—I think not. I think it is desirable that mortgagees should not be allowed to make improvements on the holding and make it impossible for the mortgagor to resume his land."

* Diwan Bahadur M. KRISHNAN NAYAR :—" This is a reproduction of the definition of the word 'improvement' found in the Improvements Act. My friend's argument in effect is this; he wants to take this opportunity to amend that Act. I do not admit that there is any mistake which has to be amended, and I do not think we can do it."

The amendment was then put to the House and lost.

New item after item (h).

Mr. J. A. SALDANHA :—" Sir, I beg to move that
'in clause 2, after item (h) the following be added as a new item and the rest re-lettered :—

" 'Kuzhikanam tenant' includes assignee and representative in interest of such person."

"I propose the addition, Sir, simply with a view to keep it in line with the definition of the word 'kanamdar.' Kanamdar includes the assignee and representative in interest of such a person. I want a similar provision so far as kuzhikanam tenants are concerned to avoid difficulties and confusion, and to show that the word includes the assignee and representative in interest of such a person."

* The hon. the PRESIDENT :—" Why do you not add that to item (h)?"

Mr. J. A. SALDANHA :—" I have no objection. But it would necessitate a change in the wording of (h). I do not think there can be any objection to my proposal. It makes the thing clear."

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* Diwan Bahadur M. KRISHNAN NAYAR :—" I have no objection to accept the substance of the amendment, but the proper place and way of inserting it are not clear. The hon. Member has an amendment to item (n), and it deals with the definition of the word 'tenant,' and it is this :—

" 'Tenant' means a lessee and includes a verumpattam tenant."

Mr. J. A. SALDANHA :—" I wish to clear a misapprehension in the mind of my hon. friend. 'Tenant' includes a verumpattam tenant. If you include under the word 'tenant' a kuzhikanam tenant it would make things clear. You agree with the substance of my proposition . . ."

* The hon. the PRESIDENT :—" Why do you not include it under the item (n) dealing with 'tenant'?"

Mr. J. A. SALDANHA :—" I will accept the form in which my hon. friend Mr. Krishnan Nayar will put it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" The hon. Member may put it under item (n)."

Mr. J. A. SALDANHA :—" I have no objection to take it later."

Item (i).

* Mr. K. PRABHAKARAN TAMPAN :—" I beg to move that the following words may be added at the end of item (i) in clause 2 :—

'and includes every person entitled to collect michavaram or rent.'

"Then the definition will read thus :—

" 'Landlord' means a person under whom a tenant or kanamdar holds, and includes every person entitled to collect michavaram or rent."

"This was borrowed from the definition of the word 'landlord' in the Estates Land Act. My idea is this: sometimes, Sir, the landholder mortgages his right and then it is the mortgagee who is entitled to collect the michavaram or rent. We have provided that wherever the landholder has got his granary, the rent has to be measured in that granary. There are several obligations due from the tenant and when we mortgage our properties to a third party, that third party steps into the shoes of the landlord. Whatever the law allows to the landlord must be allowed to the mortgagee also. Otherwise, it will be very difficult for the landlord to raise loans on his land. Therefore, it is highly necessary that all these provisions made applicable to the landlord are made applicable to his representative also. Otherwise, the definition will be incomplete."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, to accept this amendment will lead to considerable difficulty and confusion. With reference to the difficulties pointed out by my hon. friend, there is absolutely no difficulty at all. When a janmi or any other landlord transfers his right to any other person, the transfer deed or the power-of-attorney, if there be any, may specify if that power to collect rent is also delegated. But, there is considerable difficulty in changing the definition. Now, take the case of a purchaser in court auction of the rents due to the landlord; then he will, under the amendment suggested by my hon. friend, be a person entitled to collect the rent. But a purchaser in court auction of the rents alone due to the janmi will not be entitled to take a surrender from the tenant of the holding itself. So also, there are other provisions relating to eviction. Landlords

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under certain circumstances, as for instance under clause 27, are given the power of evicting the tenant. But, if this amendment is accepted, then, it will lead to considerable difficulty and confusion. The apprehension of my friend is unfounded and there is no need for the amendment."

The amendment was put to the House and lost.

Item (e).

3-15 p.m. Rao Bahadur A. S. KRISHNA RAO PANTULU :—" Sir, amendments Nos. 36 and 38 may be taken together. The definition given in the Bill is "michavaram" means what is agreed to be paid annually to a janmi by a kanamdar." If these amendments are accepted it would read 'whatever is agreed to be paid or delivered annually to a janmi by a kanamdar.' I think this omission causes difficulty when we deal with rent delivered in grain or kind and not in cash. In item (f) 'kanam' is defined as "the consideration, in money or in kind, or partly in money and partly in kind, paid to the janmi by a kanamdar for his holding." Item (m) runs thus "rent" means what is payable or deliverable annually to the landlord by the tenant in money or in kind or partly in money or partly in kind in respect of his holding." With these words I beg to move the amendments standing in my name:

'In item (l) for the word "what" substitute the word "whatever" and after the word "paid" insert the words "or delivered".'

Rai Bahadur T. M. NARASIMHACHARLU :—"I second the amendments."

Diwan Bahadur M. KRISHNAN NAYAR :—"I accept the amendments, Sir."

The amendments were put to the House and carried.

New item after item (l).

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I beg to move the amendment standing in my name :—

'After item (l) insert the following and re-letter the subsequent items :—

"(m) 'Renewal fee' means a fee or fees payable by a kanamdar or tenant to his landlord on renewal of his holding".

"That is only a consequential amendment. In the original Bill as it was introduced we had made provision for the payment of renewal fee on the renewal of a holding. The Select Committee cut out all provisions in the original Bill relating to renewal of the holding and to the renewal fee after the term has expired. So this amendment is necessary."

Mr. K. P. RAMAN MENON :—"I second the motion."

The amendment was put to the House and carried.

Mr. J. A. SALDANHA :—"With your permission, Sir, I shall move my amendment on net produce later on. The hon Member Mr. Raman Menon has given notice of an amendment to define the words 'net produce' in a separate item after item (n). I think that would be the proper place to move my amendment."

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Item (m).

* Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Sir, I move the amendment standing against my name, with regard to the definition of the word 'rent'. The definition as it stands says: "'Rent" means what is payable or deliverable . . .'. The alteration suggested by me would define the word 'rent' as 'whatever is lawfully payable or deliverable . . .'. I would submit that the insertion of the word 'lawfully' is quite necessary as we find a corresponding provision in the Madras Estates Land Act; a comparison of other statutes dealing with this question necessitates the insertion of the words. With these words I move that

'for the words "what is" substitute the words "whatever is lawfully".'

Rai Bahadur T. M. NARASIMHACHARLU :—"I second the amendment."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I accept the amendment."

The amendment was put to the House and carried.

Rao Bahadur P. RAMAN :—"Sir, I beg to move the following amendment :—

'After the word "annually" substitute the words "or periodically".'

"Coming from the Malabar district I wish to point out that rent is payable in some cases every sixth month. The definition should include such cases also. Therefore I request that the amendment may be accepted."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I accept the amendment."

* The hon. the PRESIDENT :—"Periodically' includes 'annually'. Therefore 'periodically' may be substituted for 'annually'."

Rao Bahadur P. RAMAN :—"I have no objection, Sir, to move the amendment in the following form :—

'For the word "annually" substitute the word "periodically".'

The amendment was put to the House and carried.

Item (n).

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

'Add the following at the end of the item :

"but does not include a mortgagee."'

"My object is to make the meaning clear. I think that mortgagees should not be treated as tenants. Obviously, it is not the intention of the Council to give occupancy rights to mortgagees. If my amendment is accepted, the definition would read like this: 'Tenant' means "a person who, as lessee, or in good faith believing himself to be lessee, of land, is in possession thereof, and includes a verumpattam tenant but does not include a mortgagee." I recommend that this amendment be accepted."

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

* Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I have no objection. But it is better to accept the amendment of the hon. Member Mr. J. A. Saldanha."

The amendment was by leave withdrawn.

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Mr. J. A. SALDANHA :—"My amendment is 'Tenant' means a person who, as lessee, or in good faith believing himself to be lessee, of land, is in possession thereof, and includes a verumpattam tenant, kuzhikanam tenant and assignee and representative in interest of such tenant but not a mortgagee. Therefore I beg to move that

'the following words be added at the end:

"Kuzhikanam tenant and assignee and representative in interest of such tenants but not a mortgagee"."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I beg to second the amendment."

The amendment was put to the House and carried.

New item after item (n).

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, I think there is no necessity to move the amendment regarding the definition of the word 'Janmapattam'. I gave notice of it in anticipation of the Council accepting my proposal for the revision of rents. For the same reason, the definition of the word 'interest' does not arise. But the words 'land revenue' must be defined. I beg to move that

'the following be added as a new item:

"Land revenue includes all public dues leviable on the land.""

* Diwan Bahadur M. KRISHNAN NAYAR :—"May I ask my hon. Friend one question? Will he point out where the words 'land revenue' occur in the Bill. Of course, the word 'revenue' occurs in clause 25 which has these words 'save arrears of revenue due to the Government'. We are trying to be accurate and therefore we can drop the word 'land'."

* Mr. K. PRABHAKARAN TAMPAN :—"Land revenue' must include every kind of cess, local fund cess, educational cess etc. It may be argued that all those kinds of cesses are not included in the word 'revenue'. Therefore I am anxious that the word 'revenue' should be defined. Anyhow, we may omit the word 'land'. My amendment would then run as follows:—

"Revenue" includes all public dues leviable on the land."

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

* Diwan Bahadur M. KRISHNAN NAYAR :—"I have no objection to the amendment."

The amendment was put to the House and carried.

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, there is no necessity to define the words 'net income'. But 'net produce' has to be defined. I have divided lands into two categories, paddy lands and garden lands. This classification has been accepted by Sir T. Madhava Rao's Committee and by Mr. Logan. I move that

'the following be added as new items:

"Net produce' of paddy lands means the estimated annual yield or gross produce of any land cultivated less the usual quantity of seed sown and an equal quantity for expenses of cultivation and 20 per cent of hay gathered."

"Net produce' of garden lands means three-fourths of the annual yield."

2-30
p.m.

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"Sir, we find that the old custom was to allow a definite quantity for seed and an equal measure for cost of cultivation also; and that is the present custom also. For sowing one acre of land $6\frac{1}{2}$ paras of paddy are required and an equal quantity is necessary for expenses of cultivation. It was on that basis that even in the old days the net produce was fixed. Therefore after the harvest is over, it is seen how many paras of paddy the land has yielded and from that the seed required for sowing and the expenses of cultivation are deducted. There is hay also. The landlord takes only 20 per cent of the hay, because it is considered that the tenant has a right to 80 per cent of it. That has been the custom followed in the past and therefore it is better that the old custom is adopted. The definition is given in view of the fact that the renewal fee has been fixed at one year's net produce. I therefore recommend the adoption of my definition for 'net produce'."

"As regards garden lands, the definition that I have given has also been adopted from the draft Bills submitted by Sir T. Madhava Rao's Committee and Mr. Logan. I therefore recommend the adoption of this definition for net produce of garden lands."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Before I submit my observation to the Council I wish to say something on this amendment of my hon. Friend Mr. Tampan. I submit, Sir, that a definition of the same expression 'net produce' has been given by my friend the hon. the Expert Member Mr. K. P. Raman Menon. He has given it as an explanation to one of the clauses that have already been passed. But, probably, it may be said afterwards that if he does not move it now he will not have the right of moving it again, so that, I submit, that that definition may also be considered now. It is in the printed amendment (copies of which, I believe, have been distributed to the Members) It runs thus:

'Clause B.—After clause B, add the following as explanation:—

"Net produce means the total produce of a holding after allowing for cost of cultivation and the Government revenue and other public charges."

"Either it may be taken as an explanation there or it may be omitted there, and taken over here. The hon. Member Mr. Raman Menon will give his reason for his amendment."

Rai Bahadur T. M. NARASIMHACHARLU :—"We had no notice that he was going to move that amendment."

Mr. K. P. RAMAN MENON :—"With reference to this amendment there is an asterisk there and a foot-note which says:

'The hon. Member desires these amendments to be made either here or under clause 2.'"

Rai Bahadur T. M. NARASIMHACHARLU :—"I am perfectly satisfied with the explanation."

Mr. K. P. RAMAN MENON :—"Sir, in moving my amendment it is necessary to explain what 'net produce' means. As far as I can see, there is not much difference between the definition I give and what Mr. Tampan gives, except with reference to determining the amount of expenses of cultivation. With reference to the definition I give, 'net produce' means the total produce of a holding after allowing for cost of cultivation and the Government revenue and other public charges, so that, I excluded Government revenue and public charges from net produce and I also excluded cost

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of cultivation. Whereas, Mr. Tampan says, 'net produce' means the estimated annual yield of any land cultivated less the usual quantity of seed sown and an equal quantity for expenses of cultivation, so that he includes both the cost of seed and other charges incidental to cultivation. In some areas, the wages of cultivators are high and in some other places they are less. Especially in places where labour is not cheap the wages would be higher than the seed capacity of land and that is why I want to leave it to particular places and to particular localities to adjust themselves to the conditions. If you lay down a hard-and-fast rule, that the cost of cultivation, i.e., the wages which are paid to labourers for actually tilling and sowing the land, is equal to the cost of seed sown, it will work as a great hardship in very many places. I know of places where wages for labour are high and I myself cultivated lands in places where labour was not cheap and I had to pay much, and where labour was cheap and I had not to pay so much. So that, it is not desirable to cut down the expenses of cultivation to a figure equal to the cost of seed. That is why I have given notice of this amendment.

"With reference to hay, so far as kanam tenants are concerned, this question does not arise. As a matter of fact, I think my hon. Friend Mr. Tampan would agree with me that in most kanam deeds there is no provision for any delivery of hay. Michavaram no doubt provides for payment of oil, for payment of milk, for payment of banana and for payment of paddy. These are the chief things that we find in ordinary kanam deeds. So far as verumpattam tenants are concerned, they are asked to deliver paddy and hay, but kanam tenants are very rarely asked to deliver hay except in a very few cases. In my experience I have not found any such provisions in kanam deeds. But taking the value of hay also, it naturally belongs to the cultivator and nobody intends, at any rate, so far as kanamdars are concerned, that the janmi has a right to it. That will be too hard on the tenant. I therefore say, why not concede this concession which was a concession made by the janmis. My hon. Friend Mr. Tampan objected to it at the outset. I need not labour this point. I may state that on another occasion in calculating renewal fees I moved for the omission of the 25 per cent of the kanam and 15 per cent of the additional kanam and the substitution of one year's net produce for the renewal fee so that it may be standardized in all cases. In some cases, the renewal fee will be much higher than 25 per cent; that is why I said that according to the provision already made in the Bill, under chapter II-A it would be much higher than the renewal fee now leviable. That is why I say it is a concession. With these words I put my amendment to the Council."

* Diwan Bahadur M. KRISHNAN NAYAR:—"There is also another amendment, or rather another definition of the word 'Net produce' by Mr. Saldanha."

Mr. J. A. SALDANHA:—"I beg to move at this stage my amendment:

'Add the following as a new item after item (n):—

"'Net produce' means the total produce of a holding after allowing for cost of cultivation and the Government revenue and other public charges; or, if the parties concerned are not agreed as to its value, three times the annual revenue payable to Government in respect of the holding."

[28th August 1926] - [Mr. J. A. Saldanha]

"I am quite open to correction, but the principle may be accepted. We will know what the net produce will be, when the Government revenue and public charges are also known. In order to avoid dispute, let the net produce be fixed at three times the assessment and I am even quite prepared to make it five times the assessment. I would ask the House to accede to the latter portion as it would avoid unnecessary litigation and dispute. It runs thus: 'If the parties concerned are not agreed as to its value, three times the annual revenue payable to Government in respect of the holding'."

* The hon. the PRESIDENT:—"I think all the three definitions being taken up together?"

* Diwan Bahadur M. KRISHNAN NAYAR:—"I wish to point out the difference, according to my lights between these definitions: The difference between Mr. Raman Menon's definition of 'net produce' and that of my hon. Friend Mr. Tampan's 'net produce' is this. My Friend Mr. Raman Menon includes in his definition the cost of cultivation, Government revenue and other charges. My Friend Mr. Tampan does not include in his definition Government revenue and other charges. That is the main difference. In other respects, substantially, with certain exceptions that I will give presently, the two are identical. With reference to Mr. Tampan's definition, I think it will be extremely difficult to work it out in practice. What he says is that net produce of paddy lands means the estimated annual yield or gross produce of any land cultivated, less the usual quantity of seed sown and an equal quantity for expenses of cultivation, etc. In fact, this is a very indefinite expression. As a matter of fact, the quantity of seed varies according to the fertility of the soil, the area being the same and also with different localities, so that there is no such thing as the usual quantity of seed for a particular area. Then my hon. Friend says 'an equal quantity for expenses of cultivation' which again is more objectionable. It is well known that in less fertile lands the cost of cultivation is very much higher than in fertile lands, so that the quantity that is necessary for wages is not always equal to the quantity of seed. Then, Sir, my Friend says '20 per cent of hay gathered'. With reference to that, my hon. Friend Mr. Raman Menon has stated his objection that as a matter of fact the hay or straw is not referred to generally in kanam documents. As I understand it—and those who have gone to England will corroborate me—this word 'hay' means a sweet-smelling plant. What my Friend probably means is 'straw'. But that is only an objection to the word; and it is certainly better to use the word 'straw' instead of the word 'hay'."

"With reference to the definition of my Friend Mr. Raman Menon, it is a reproduction of the definition of which my Friend Sir C. P. Ramaswami Ayyar had given notice, i.e., amendment No. 40, which runs thus: "'Net produce' means the total produce of a holding after allowing for the expenses of cultivation." I would certainly prefer, for various reasons, the definition suggested by Mr. Raman Menon to that suggested by Mr. Prabhakaran Tampan."

"The definition suggested by my Friend Mr. Saldanha is also practically the same as the Government amendment and the one suggested by Mr. Raman Menon. Only he makes an alteration in the wording and he wants to fix the net produce at three times the annual revenue. He says: 'Or if the parties concerned are not agreed as to its value, three times the annual revenue payable to Government in respect of the holding'."

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* The hon. the PRESIDENT:—"Does Mr. Saldanha wish to press his amendment?"

Mr. J. A. SALDANHA:—"I do not think there is any other alternative; because we will have a lot of litigation. To avoid litigation, I have no objection to fix it at three times. If there is a dispute, we feel that the net produce should be fixed at three times or five times the Government revenue; because, Sir, from my calculation of rents of several holdings and of the assessment which they pay to the Government, I think, the rent paid by the tenants is three times the assessment. Out of the net produce, two-sixths go to the landholder, two-sixths to the Government and two-sixths go to the tenant. The assessment is therefore one-third the net produce. Sometimes it also happens that the net produce is five times the assessment. But I would fix it at three times. There is no trouble or dispute in that case, and the janmi or landlord will be kind enough, in order not to waste his time over litigation, to accept three times assessment. I would therefore press my motion, as it is very reasonable and will avoid litigation."

* Mr. K. PRABHAKARAN TAMPAN:—"Sir, I suppose I have to speak on the three amendments together?"

* The hon. the PRESIDENT:—"Yes."

* Mr. K. PRABHAKARAN TAMPAN:—"It is a very difficult task, Sir."

* The hon. the PRESIDENT:—"The hon. Member may speak on one after the other."

* Mr. K. PRABHAKARAN TAMPAN:—"I shall first deal with Mr. Raman Menon's amendment, then with Mr. Saldanha's and then finally with mine. Mr. Raman Menon says that he practically accepts my definition, but he wants that the public charges should be deducted. It is the first time I hear that public charges should be made a charge on the net produce. What has the produce to do with the public charges, with the michavaram of the land or with any other thing? Produce means the yield. The cost of cultivation is always the exact quantity of the seed required for such cultivation. Of course in some places it will be varying; but we should not allow it for the courts to settle. I have no objection to lay down the maximum if the Council is satisfied and agrees with me that generally the cost of labour is equal to the seed required. In extreme cases, I am prepared to provide double the cost, but never allow the courts to settle the 'cost of cultivation'. There are many ryots here who have practical knowledge of cultivation. I am myself a cultivator, Sir, and I have always found that the cost of cultivation does not exceed the cost of the seed required. With regard to the seed also, one acre of land does not require more than six paras of seed for sowing. In Malabar we say an acre is ten paras and in certain places it may be eight paras of seed sowing land. It is not a reliable standard and one acre may not require more than six paras of paddy. Generally, the cost of cultivation is only that. Therefore, Sir, the safest method is to lay down the exact quantity required. If, however, the Council thinks that the cost of labour should be increased a little bit, I have no objection; but the best thing is to put down what it should be, and to prescribe a maximum also beyond which the courts cannot go. Otherwise, there will always be trouble."

"The other aspect of Mr. Raman Menon's suggestion is that the revenue should be deducted from the produce. I am against it. The Council was good enough to allow a renewal fee of one year's net produce. When the

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question of compensation came up, my hon. Friend Mr. Krishnan Nayar said: 'One year's net produce is quite sufficient.' Now, after going home and thinking over it, my Friend says that it is too much. So, he wants to reduce it a little bit. I think that that is at the back of the minds of my friends."

Mr. K. P. RAMAN-MENON:—"I refer to 'net produce' under chapter -II-A, clause B."

* Mr. K. PRABHAKARAN TAMPAN:—"Yes, I also refer to that. It was not in their minds then to deduct the public charges from the net produce."

Mr. K. P. RAMAN MENON:—"Sir, it was I that introduced that particular clause, and if my hon. Friend turns to the speech that I delivered in supporting that proposition, I mentioned distinctly that net produce meant the total yield of the land, minus the public charges and the cost of cultivation."

* Mr. K. PRABHAKARAN TAMPAN:—"No, it was the other way, Sir. I very well remember that he did not deduct the public charges. Therefore, Sir, what you have given with one hand should not be taken away with the other. When I went to Malabar, I was taken to task by my friends, who said that what I suggested, namely, four years' net produce as the renewal fee, was insufficient. I told them that in the opinion of this House the renewal fee fixed was very favourable to the janmi. Many a poor janmi is receiving two or three times what the Council has fixed as renewal fee; and it will practically be reducing his income now. On that ground also, I object to this."

"So far as the definition of my hon. Friend Mr. Saldanha is concerned, namely, that 'net produce' should be three times the assessment, I may say that it helps to reduce the renewal fee to a very nominal rate. I was surprised to find that Mr. Krishnan Nayar had no objection to accept it. It is entirely left to the Council to accept this amendment and reduce the renewal fee already provided by means of this definition."

Mr. J. A. SALDANHA:—"May I ask my hon. Friend what multiple he would fix for a reasonable definition of 'net produce' from his point of view, whether he will fix it at 5 times, 10 times or 100 times?"

* Mr. K. PRABHAKARAN TAMPAN:—"If the Council is prepared to reduce the fees further, it is entirely in their hands. I don't stand in the way. I must object to the two suggestions made by my hon. Friends."

Mr. J. A. SALDANHA:—"I would only ask him, Sir, what would be the proper multiple from his point of view?"

* The hon. the PRESIDENT:—"He is not bound to say that. He is only dealing with the amendment before the House."

* Mr. K. PRABHAKARAN TAMPAN:—"I cannot say that off-hand. I must consider it, Sir. I have explained my proposal in dealing with Mr. Raman Menon's amendment and I request that my definition of the term may be accepted."

Sriman BISWANATH DAS Mahasayo:—"Mr. President, Sir, I am sorry my friend has given an amendment to define 'net produce' which, I submit, is not capable of definition. He wants to fix the maximum. I think that no maximum could be fixed for cultivation expenses or for the sowing of paddy, for various reasons which I will give one after another. All that we can do is to fix a minimum of cultivation expenses, if possible. My friend stated

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that he is a cultivator. I am also one of the biggest cultivators in my district with over 500 acres of land under my own cultivation. So, I know where the shoe pinches. In the first place, Sir, we have got rich and poor soils which require different quantities of paddy for sowing. The sowing of paddy depends also on monsoonic conditions. Supposing we have a flood and all the paddy that we have sown is washed away, then we have to sow a second time; or suppose we do not get rains for a long time after we have sown paddy. We will then have to lose all that we have sown and sow a second time, which means an additional quantity of paddy for sowing purposes. It may also mean additional labour. If you fix the quantity of paddy to be sown and an equal quantity of paddy for labour, I do not know how you can meet the difficulties of the tenants who will be always governed by monsoonic conditions. The fertility of the soil, the conditions of the monsoon, the migration of labour and the prevalent prices—all these will go a great way to add to the expenses of cultivation. Under these circumstances, Sir, I find it is not at all possible from any point of view to fix the maximum expenses for the cultivation of the soil. I believe, Sir, it is bad economy and it is most undesirable to fix it under a statute, because these are elastic, these are things which change very often, year after year and which are governed by monsoonic conditions. It is therefore desirable, Sir, that this should be left as elastic as possible. Secondly, Sir, I was surprised to see that my Friend Mr. Prabhakaran Tampam wanted to have a portion of the hay. I may inform him that in my district these are things unknown to us. I lease every year about one and a half thousand acres of land, I know of no case wherein we get a portion of hay, and I know of other inamdars and other landowners who lease large extents of lands, who get no hay. Supposing you get a portion of the hay, then what about the breeding and maintenance of cattle and buffaloes of the cultivator who cultivates the land? It will be an unfortunate day if you allow the land owner to take a portion of the hay as a matter of right and that under a statute. Under these circumstances, Sir, I request the Council to leave the definition as elastic as possible so that no injustice would be done to the landholder or to the tenant. Therefore, Sir, I oppose the motion of my hon. Friend, Mr. Prabhakaran Tampam."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, before you put it to vote, I have to point out the incongruity that will arise if my Friend Mr. Raman Menon's suggestion is accepted. Under section 14 you will find '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.' There, the term 'net produce' occurs but it does not contemplate that the revenue should be deducted because, over and above the net produce a tenant must pay the Government assessment also. Further down in section 17 (c) you will find 'that the rent payable by a verumpattam tenant exceeds two-thirds the net produce'. It is contemplated that the Government assessment should be out of the two-thirds of the net produce. If the phrase 'net produce' covers the Government assessment also, then there is no meaning in all these things. So, it has never been the idea that the net produce should cover the Government assessment."

Mr. K. P. RAMAN MENON :—" On a point of personal explanation, Sir. That is exactly the reason why I mentioned in my letter to the Secretary that this may go in either as an explanation in chapter II-A or as a definition under section 2. In view of section 14 and the new section which was introduced at the instance of Mr. Prabhakaran Tampam, I say that there was

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this difficulty with reference to defining net produce. So, I said, in calculating renewal fee, it may be added as an explanation to that section. That is why I put it like that. I leave it to the House to settle whether it should be an explanation or a definition."

* The hon. the PRESIDENT :—" If it is going to be operative, what does it matter where it comes? It would govern only that section and not the other sections of the Act."

* Mr. K. PRABHAKARAN TAMPAN :—" For the purpose of section 14 you must have one definition, for section 17 you must have another definition and yet for another section, namely, the one dealing with renewal fees you must have yet another definition. That is all the absurdity."

* The hon. the PRESIDENT :—" Even if Mr. Raman Menon withdraws his amendment at this stage and introduces it as an explanation, there will be practically two definitions of 'net produce'."

Mr. K. P. RAMAN MENON :—" No new definition of net produce for the calculation of rent . . ."

Mr. K. PRABHAKARAN TAMPAN :—" We want a definition, Sir, for the purposes of calculating rent and determining the renewal fee."

Mr. K. P. RAMAN MENON :—" For the purposes of renewal fee, it is clear as to what is meant under that section. I have not suggested any definition of net produce."

Mr. K. PRABHAKARAN TAMPAN :—" We do want a definition at least for the purpose of rent."

* The hon. the PRESIDENT :—" So, Mr. Raman Menon, I suppose, wants to withdraw his amendment . . ."

Mr. K. P. RAMAN MENON :—" I would move my amendment as an explanation to the other section."

The motion was, by leave of the House, withdrawn.

Mr. J. A. SALDANHA :—" I would press my amendment, Sir. I would simply say that net produce means five times the revenue payable to Government. I will stop there. I find here three gentlemen who are big landholders raising all sorts of difficulties."

* The hon. the PRESIDENT :—" The terms of the amendment are 'three times' and not 'five times'."

Mr. J. A. SALDANHA :—" Very well, Sir, I will stick to 'three times'. Whatever it is, it has got some definiteness, so I would press my amendment that net produce standing by itself means three times the annual revenue, etc."

Mr. C. V. VENKATARAMANA AYYANGAR :—" If it is agreed on all sides of the House that it should be five times, I think it may be fixed at five times. It may be a new one but I think you will allow it."

Mr. K. PRABHAKARAN TAMPAN :—" I really cannot understand the intentions of my hon. Friend, Mr. Saldanha."

Mr. J. A. SALDANHA :—" I think I have got the permission of the House to make it three times to prevent further confusion."

* The hon. the PRESIDENT :—" The hon. Member wants to omit also the intervening portion . . ."

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Mr. J. A. SALDANHA :—" I would draw the attention of the House to section 17 (c). There the following sentence occurs: 'that the rent payable by a verumpattam tenant exceeds two-thirds the net produce'."

Mr. C. V. VENKATARAMANA AYYANGAR :—" If you have no objection, Sir, I will formally move that the words 'five times' be substituted for the words 'three times'. It seems to be agreeable to a large portion of the House. To put an end to the trouble, I think you will permit it, Sir."

* Mr. K. PRABHAKARAN TAMPAN :—" I object, Sir."

The hon. the PRESIDENT :—" I must uphold the objection."

* Mr. J. A. Saldanha's motion was, by leave of the House, withdrawn.

* Diwan Bahadur M. KRISHNAN NAYAR :—" The hon. Member Mr. Raman Menon has withdrawn his amendment to be moved as an explanation later on. I may say this with reference to Mr. Prabhakaran Tampam: but I do not know if he will agree to it. As submitted before, it seems to me that the Government amendment is better than his. The Government amendment No. 40 says: 'Net produce means the total produce of a holding after allowing for the expenses of cultivation'. That seems to me to be a better definition. Then I would suggest to my friend that instead of having 'hay', it is better to use the word 'straw'. I do not know if he is going to insist on keeping the word 'hay'."

Mr. K. PRABHAKARAN TAMPAN :—" Why not? "

Diwan Bahadur M. KRISHNAN NAYAR :—" At least for the reputation of a Council which passes this."

Mr. J. A. SALDANHA :—" I suggest, Sir, some Malayalam word may be used."

* The hon. the PRESIDENT :—" So, there is only Mr. Prabhakaran Tampam's amendment before the House."

Mr. K. PRABHAKARAN TAMPAN :—" I have no objection to insert 'straw' in place of 'hay'. I really did not know the difference."

The amendment was put to the House and declared lost. A poll was demanded and the House divided thus:—

Ayes.

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| 1. Mr. S. Arpudawami Udayar. | 5. Dr. P. Subbarayan. |
| 2. " K. Prabhakaran Tampam. | 6. Mr. G. Rameswara Rao. |
| 3. " V. Madhava Raja. | 7. S. R. Y. Ankinedu Prasad Bahadur. |
| 4. Rao Bahadur O. M. Narayana Nambudripad. | 8. Rai Bahadur T. M. Narasimacharlu. |

Noes.

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| 1. Mr. K. P. Raman Menon. | 9. Honorary Lieutenant Madurai. |
| 2. Rao Bahadur C. Natesa Mudaliyar. | 10. Mr. T. Mallesappa. |
| 3. " M. C. Raja. | 11. " P. N. Marthandam Pillai. |
| 4. Mr. N. Devendrudu. | 12. Rao Bahadur B. Muniswami Nayudu. |
| 5. " L. C. Guruswami. | 13. Diwan Bahadur P. Kesava Pillai. |
| 6. Rao Bahadur K. Krishnaswami Nayudu. | 14. Sriman Biswanath Das Mahasayo. |
| 7. Mr. J. Kuppuswami. | 15. Mr. A. Chidambara Nadar. |
| 8. " B. Madanagopal Nayudu. | 16. " C. Gopala Menon. |

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Noes—cont.

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| 17. Diwan Bahadur M. Krishnan Nayar. | 22. Sriman Sasibhushan Rath Mahasayo. |
| 18. Rao Bahadur P. Raman. | 23. Mr. T. M. Moidu Sahib Bahadur. |
| 19. Rao Sahib K. Srinivasan. | 24. " L. K. Tulasiram. |
| 20. Mr. R. Veerian. | 25. " K. Uppi Sahib. |
| 21. " K. Venkatachala Padayachi. | |

Ayes 8, Noes 25.

The amendment was lost.

The other amendment of Mr. K. Prabhakaran Tampam, viz.,

" *'Net produce' of garden lands means three-fourths of the annual yield*" 4-15 p.m.
was then put and lost.

Clause 2, as amended, was then put, passed and added to the Bill.

Preamble.

Rai Bahadur T. M. NARASIMHACHARLU :—" Sir, I move amendment No. 2, which stands in my name, viz.,

'In line 1, for the word "define" substitute the word "repeal".'

Then, it will read :

'Whereas it is expedient to repeal in certain respects, amend and declare the law relating to landlord and tenant in the Malabar district: It is hereby enacted as follows :—'

* The hon. the PRESIDENT :—" Is there a law relating to Malabar? "

Rai Bahadur T. M. NARASIMHACHARLU :—" Yes, Sir. The court-made law. It is recognized by jurisprudence. Just as we have Hindu Law, Muhammadan Law, we have with reference to Malabar a law. What we want now to do is to repeal that law, and if so let us be straightforward and honest to put it so, instead of saying that you are defining the law."

* The hon. the PRESIDENT :—" I feel a difficulty in regard to this matter. The hon. Member speaks of judge-made law evidently, and how can the legislature repeal a judge-made law? "

Rai Bahadur T. M. NARASIMHACHARLU :—" Yes, that is the law now in force. The law may be a statutory law, judge-made law, or customary law. Custom is recognized as law; that is so far as Malabar law is concerned, the courts have declared that this is the law with reference to kanams, and what we are now to do is to repeal that law, and say, 'Hereafter the High Court will not follow any precedent.'"

* The hon. the PRESIDENT :—" This Council has no jurisdiction over judge-made law. Generally when a legislative body repeals an enactment, it repeals its own laws. I must rule the hon. Member's amendment out of order."

* Mr. K. PRABHAKARAN TAMPAN :—" Sir, my amendment, viz.,

'In line 2, after the word "tenant" insert the words "and to give permanent right of occupancy to the cultivating tenants and holders of homesteads".'

requires a little alteration in view of the sections that we have already passed. Therefore, I will suggest that instead of the words 'and to give permanent right of occupancy to the cultivating tenants and holders of homesteads', the words 'to give permanent right of occupancy to certain classes of tenants' be inserted there, if you will permit me, Sir."

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* Diwan Bahadur M. KRISHNAN NAYAR :—" That is a new amendment, and I object to it."

* Mr. K. PRABHAKARAN TAMPAN :—" That is not a new amendment. The Bill proposes to give occupancy right to cultivating kanamdars and certain other classes of noncultivating tenants. There are two or three categories of tenants to whom occupancy right has been given in this Bill, under clauses 6 and 7. So, I wish to make my amendment consistent and say 'to give permanent right of occupancy to certain classes of tenants', instead of saying 'to give permanent right of occupancy to the cultivating tenants and holders of homesteads.' I think my amendment is perfectly all right."

* The hon. the PRESIDENT :—" Is that a consequential amendment to the amendments made in clauses 6 and 7 ?"

* Diwan Bahadur M. KRISHNAN NAYAR :—" It may or may not be consequential. But my hon. Friend had ample opportunities of giving notice of his amendment after clauses 6 and 7 were passed. Clauses 6 and 7 were passed on the 15th of July and we rose on the 17th. It was only after that that my hon. Friend, Mr. Prabhakaran Tampan, gave notice of certain amendments to the clauses already passed; so that, my hon. Friend had ample opportunity to give notice of his new amendment, if he was serious about it; and instead of doing that, because he now finds that the amendment of which he has given notice cannot be moved as it stands on the notice paper, viz., 'to give permanent right of occupancy to the cultivating tenants and holders of homesteads', he brings forward this new amendment, as a substitute for his original amendment."

* The hon. the PRESIDENT :—" It does not exclude the clauses provided for."

* Diwan Bahadur M. KRISHNAN NAYAR :—" That may be or may not be. We must have some time to think of those things, and I believe that the preamble of an enactment is not a trifle to be altered by any amendment thrown in the face of the Council at any time. I take it as a serious part of the whole Bill. I want ample notice of it, and I object very seriously and strongly to it."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—" Sir, I cannot understand the objection to this motion. The Mover himself says: 'I am moving the amendment which stands in my name but having regard to the events that occurred some alteration might be necessary'. Suppose, the Mover did not recognize the alterations in the sections and insists on moving his original amendment, and then somebody else in the Council did stand up and say 'It requires an alteration having regard to the amendments already passed in Council', then the matter will have to be considered. I do not see any objection to the moving of the amendment, by reason of the fact that certain tenants have got occupancy right."

* Mr. K. PRABHAKARAN TAMPAN :—" My amendment was on the agenda paper so early as in February last. It is a substantive amendment, and so I thought there was no need to send in any notice. It does not affect the clauses that have already been passed by the Council. I really cannot appreciate his point when Mr. Krishnan Nayar says that he objects to this."

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A matter of fact, the essential principle of the original amendment is not in the least affected. It is only a kind of consequential amendment, and consequential amendments are made at any stage."

* The hon. the PRESIDENT :—" Then, why not leave it to the third-reading stage ?"

* Mr. K. PRABHAKARAN TAMPAN :—" I have no objection. If, on the other hand, you now want me to move my amendment as it is on paper, I will do it."

* The hon. the PRESIDENT :—" There is no objection to moving it."

* Mr. K. PRABHAKARAN TAMPAN :—" Then, I move the amendment :

'In line 2, after the word "tenant" insert the words "and to give permanent right of occupancy to the cultivating tenants and holders of homesteads".'

"Sir, the preamble as it emerged from the Select Committee reads thus :

'Whereas it is expedient to define in certain respects, amend and declare the law relating to landlord and tenant in the Malabar district; It is hereby enacted as follows':

"That is not what you are doing. What you are doing is introducing a radically new measure. Giving occupancy right is not covered by the words that you are amending or declaring the law in Malabar in relation to landlord and tenant. You are doing a new thing unheard of and undreamt of in Malabar. Then, why don't you be honest and straightforward and say what you are doing in the preamble itself? Instead of saying so, you say you are simply amending or declaring the law. The best thing and the honest way of doing things is to declare in the preamble itself what you are doing. If the Council thinks that it is expedient to give occupancy right to certain tenants, why not say so? Why all this insidious way of doing things? I think it is seriously objectionable. There is no harm in saying to the world what you are doing. You may perhaps say that janmis' rights are restricted. What you are going to do must be set out in the preamble itself, instead of saying vaguely that you are defining or declaring the present law. Therefore, say plainly that you propose to give occupancy right to certain classes of tenants. It is with that object, I brought forward this amendment, and I move it."

Mr. V. MADHAVA RAJA :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend himself when he wanted to substitute another amendment for this amendment admitted that it did not fit in with the clauses contained in the Bill. As a matter of fact, with this amendment, the preamble will read thus :

'Whereas it is expedient to define in certain respects, amend and declare the law relating to landlord and tenant and to give permanent right of occupancy to the cultivating tenants and holders of homesteads in the Malabar district: It is hereby enacted as follows':

"But we have right of occupancy to other tenants also, besides cultivating tenants and holders of homesteads. Obviously, my hon. Friend himself felt, and felt rightly that the preamble as it would stand would be inconsistent with the clauses of the Bill, and I have nothing more to say on it."

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Mr. K. P. RAMAN MENON :—" Mr. President, Sir, it has been the consistent attitude of the hon. Member representing the janmis to make it appear that he belongs to an injured class, that is, that this House is a body of spoliators (Mr. K. Prabhakaran Tampan: 'Hear, hear') that, this House without any regard to the justice of their claims is depriving them of their rights, and this amendment is on a par with the other pieces of manoeuvre which he has been making on the floor of this House all these days."

Mr. K. PRABHAKARAN TAMPAN :—" Is manoeuvre ' parliamentary, Sir? "

* The hon. the PRESIDENT :—" Oh, yes. Very parliamentary."

Mr. K. P. RAMAN MENON :—" From the very stage in the Select Committee when there was a most dramatic exit of the janmi representatives to the present moment, his attempt has been to make out that we have deprived them of their rights without any thought. The preamble simply says to 'amend and declare the law relating to landlord and tenant', a declaration which is wide enough to include anything and everything that is contained in the Act. By introducing those words in his amendment, he thinks he can pose before the public and before the Government as a martyr, as a victim of circumstances, as a victim of the tactics of the tenants, a victim of persons in this House who are absolutely reckless, who are absolutely thoughtless of other people's rights. It is with a view to expose this manoeuvre on his part that I rose to speak on this occasion, Sir."

Mr. L. K. TULASIRAM :—" Sir, in a conflict between janmis and tenants, it is only proper that I should explain why I am obliged to stand up now. It is because the preamble is the portion which gives as a summary what the Act contains. Perhaps the representatives of janmis want to make it appear that the sting lies in giving permanent occupancy right to tenants. In all preambles relating to any law, naturally we find only a statement saying that it is a law governing such and such a matter. They do not include all the headings of the chapters in the enactment. So far as giving permanent right of occupancy to cultivating tenants is concerned, it is only a very small portion of the law relating to the landlord and tenant in Malabar."

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" I do not see any reason except the malicious pleasure—I hope my learned Friend will excuse me—of pointing out to the world that these janmis have scored a victory by getting permanent rights of occupancy to the cultivating tenants and appealing to the sympathy of the kanamdars and see that the Bill is not passed into law. We, as Members of this hon. House, are responsible for the wording of the preamble. No doubt in a fight between the janmis and the tenants I could have left them alone, but as a Member of this House I should protest that these words are superfluous and unnecessary and that they are purposely introduced there with some object to which I object."

* Mr. V. MADHAVA RAJA :—" I support Mr. Prabhakaran Tampan's amendment, because he simply wants the House to add in the preamble of the Bill what has been provided for in the Bill as passed by the Council so that any one can understand by reading the preamble what the Council has done. It is nothing but fair to add these words in the preamble. To say simply 'declare the law relating to landlord and tenant in the Malabar district' is misleading. It may be all right if there is now no law in Malabar relating to this. But that is not the case. There is already a law in force. When the Bill was being framed, lots of people said that this is a Bill

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intended to give permanent rights of occupancy to the ryots. Instead of stating that in the preamble, it is simply stated, 'declare the law relating to landlord and tenant . . .'. I think it is really unfair. I therefore strongly support the amendment now before the House and request the House to pass it."

Mr. K. PRABHAKARAN TAMPAN :—" Sir, I shall deal with malicious pleasure ' and ' manoeuvring ' later. The only arguable point was the one advanced by Mr. Krishnan Nayar that it does not cover all classes of tenants. But as I said in the beginning, I may be given an opportunity when consequential amendments are moved to improve that position. No reason has been adduced why this amendment of mine cannot be accepted."

The motion was put and lost.

The preamble was then put to the House and passed.

* Diwan Bahadur M. KRISHNAN NAYAR :—" There are certain amendments to clauses that have been already passed."

* The hon. the PRESIDENT :—" The hon. Member will have to move that the Bill be passed into law."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I shall move that. But may I know from you the order that you wish to lay down for the guidance of the House? "

* The hon. the PRESIDENT :—" After the hon. Member moves his motion and it is seconded, the consequential amendments will be taken up."

* Rao Bahadur C. V. S. NARASIMHA RAJU :—" Before my hon. Friend moves the third reading of the Bill, may I suggest to him as a piece of advice that if he now moves for the third reading of the Bill and if any Member objects, you, Sir, will have to suspend Standing Order 49 (3), or in case you uphold the objection, then it is to be put off for three days and thereafter when the Bill is taken up the amendments can be moved. If my hon. Friend wants to proceed with the Bill to-day, he can have the third reading but we cannot take up the amendments at this stage to-day. Because, Standing Orders do not provide for any amendment being introduced to-day if the motion for the third reading is made by him and you disallow the objection."

* The hon. the PRESIDENT :—" We have only half an hour more for the House to adjourn. We might take up the Bill on Tuesday."

* Diwan Bahadur M. KRISHNAN NAYAR :—" I wish to have the kind attention of my Leader the hon. the Raja of Panagal also to what I am going to say and of course the attention of my hon. Friend, Mr. Moir. There is the possibility, as my hon. Friend Mr. Narasimha Raju stated, that any Member may object to the motion for the third reading being made immediately after the second stage is over because some amendments have been carried. If objection is raised, unless you are prepared to suspend the Standing Order 49 (3), this can be brought forward only three days after the second reading is over. So, on Wednesday this can be taken up for the third reading when no Member will have any right to object. On Wednesday, the hon. the Leader of the party in power has requested you and you have arranged for the consideration of the Endowments Bill, and by Wednesday morning three days will have also elapsed. So that, if my hon. Friend the Raja of Panagal and, my Friend the hon. Mr. Moir will kindly consent to

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this suggestion, namely, that this Bill may be taken on Wednesday for third reading, it will remove all legal obstacles from my way in respect of the third reading of the Bill. The whole thing, I think, will be over in about two hours' time."

* The hon. the PRESIDENT :—"What about the allotment of non-official days? There are only three days."

* Diwan Bahadur M. KRISHNAN NAYAR :—"Only one day is over now."

The hon. Mr. T. E. MOIR :—"Perhaps I may say that so far as the technical objection that any Member may take to this motion being taken up on Tuesday on the ground that three days should elapse after the previous stage of the Bill is concerned, the Government, though they cannot ask other Members of the House to do so, have no desire to use that privilege, and we certainly have no desire to lay any obstacle of that kind in the way. I may add, as far as our influence extends, we will appeal to other Members of the House to treat the matter in the same way, so that there will be no difficulty in that case about the further progress of this Bill being taken on Tuesday."

* Mr. K. PRABHAKARAN TAMPAN :—"On behalf of myself and my friends, I may say that we have no objection to the Bill being taken up on Tuesday."

* The hon. the PRESIDENT :—"The Leader of the Opposition can give such a consent?"

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"There is no question of consent. If you want to move any amendment during the third reading the hon. Member shall have to make the motion for the third reading to-day and request you to suspend the Standing Order."

* The hon. the PRESIDENT :—"Only if any Member objects?"

* Rao Bahadur C. V. S. NARASIMHA RAJU :—"As soon as the objection is made, the motion can only be taken up on Wednesday and not on Tuesday. There is that technical difficulty."

* The hon. Mr. T. E. MOIR :—"I wish to intimate that the Government have no intention of opposing the suspension of the Standing Order to take the third reading on the same day."

The hon. the PRESIDENT :—"So, what is the proposal now?"

* Diwan Bahadur M. KRISHNAN NAYAR :—"I did not of course mean to say that the Government had any intention of putting any obstacle; on the other hand, I know they have given an undertaking already that they would facilitate the third reading of the Bill. But what I am anxious about is this: that there should not be any doubt cast upon the validity of this Bill after it is ultimately passed by this House. What Standing Order 49 (3) says is:

'Where the objection prevails, the Bill shall not be brought forward earlier than three days from the day on which the consideration of the Bill was concluded in Council; and may then be passed with or without further amendment.'

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p.m.

"My Friends have given notices of some amendments. These amendments will not take much time, and they will have to be moved and the earliest time at which they can be moved is Wednesday. If my hon. Friend, the Raja of Panagal, and my hon. Friend, Mr. Moir, agree to this, these amendments can be taken up as the first thing on Wednesday and finished before lunch time."

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* The hon. the PRESIDENT :—"There is also the other difficulty, i.e., that the House had adjourned the consideration of the Hindu Religious Endowments Bill."

* Diwan Bahadur M. KRISHNAN NAYAR :—"This Bill may be taken up on Wednesday before that. I understood the hon. the Raja of Panagal to say that he had no objection."

* Mr. T. R. VENKATARAMA SASTRIYAR (*Advocate-General*) :—"Standing Order No. 49 permits of a third reading of a Bill at the same sitting and the President may be asked to suspend the Standing Order which requires that three days should be given for that motion to be made. Ordinarily if the Bill is passed without any amendment or with very unsubstantial amendments and there is no necessity to move any further amendments, it can be moved at once, and the President may be asked under that Standing Order to waive the necessity for three days' notice. In such a case at the third reading there is no question of moving any further amendments consequential or otherwise. But if objection is taken and if amendments have to be passed the last portion of that Standing Order 49 says that the Bill can be brought up three days later and passed with or without further amendments, so that if further amendments have to be moved they will have to be moved after the lapse of three days mentioned in the order. There is some doubt as to what three days means. Three days' notice is quite different from three clear days' notice. Three days' notice may be satisfied if the Bill is taken up on Tuesday but I am not quite clear about it. My recollection is that there is distinction between three days' notice and three clear days' notice. Three clear days' notice excludes the day on which the proceedings were closed so that three clear days must elapse after the day on which the proceedings were closed and before the Bill is taken up again. So that three days must elapse and you cannot move the motion earlier. But it is not good perhaps to rely on doubtful points at a stage at which you can rectify them without giving any room for doubt. It is perhaps safer to take the matter on Wednesday as amendments have to be moved."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I shall formally move my motion in one word now. I shall make my speech in about ten minutes on Wednesday and amendments may then be moved. If we adopt this procedure there is no possibility of doubt as to whether the Bill will be valid or not."

* The hon. Mr. N. E. MARJORIBANKS :—"It has already been arranged that the Hindu Religious Endowments Bill should be taken up as the first item on Wednesday. I am not so optimistic as my hon. Friend, Mr. Krishnan Nayar, as to the length of time the third reading of his Bill will take up. I think it is possible it will take one day judged from the time that has been taken hitherto. To avoid any irregularity in the matter, I would suggest that it might be taken up after the Hindu Religious Endowments Bill has been disposed of. Tuesday is a non-official day, and if it is thought desirable I submit that the Malabar Tenancy Bill may wait till the next non-official day."

* Diwan Bahadur M. KRISHNAN NAYAR :—"I want to be frank to the hon. the Leader of the House and also to my other friends. It is now clear that the law will throw obstacle in my way. My motion has to be brought in on Wednesday or Tuesday. There are many gentlemen on the opposite side

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AND WHEREAS with a view to preserve the protected monument in its present condition, the Collector of South Kanara with the previous sanction of the Madras Government conveyed in G.O. No. 81, Law (Education), dated 17th January 1921, proposed to the owner that he should enter into an agreement with the said Secretary of State for the preservation of the protected monument and the said owner has accepted the proposal.

AND WHEREAS the terms of the said agreement so proposed and accepted are embodied in these presents.

AND WHEREAS these presents by G.O. No. , dated have been approved by the Government of Madras. NOW THESE PRESENTS witness that it is hereby mutually agreed by the owner and the said Secretary of State as follows:—

(1) That the said Secretary of State shall have the right to maintain the protected monument in proper condition and repair and to take any measures necessary for that purpose.

(2) That the protected monument shall be under the immediate control of the owner.

(3) (a) That the owner shall not either himself or through his agents or lessees or tenants destroy, remove, alter or deface the protected monument or any part thereof.

(b) And in particular, in addition and without prejudice to the foregoing conditions that the owner shall not without the previous consent in writing of the Collector of the district construct or give permission to construct huts or other buildings on the site within the walls of the protected monument, and shall not without such consent cultivate the said site or any part thereof.

(4) That the owner shall render such facilities to the public or any portion of the public to have access to the protected monument and at such times and in such manner as the Collector of South Kanara for the time being shall appoint.

(5) That the owner shall render all facilities of access to the protected monument to the Archaeological Department and such other persons deputed by the Collector of South Kanara for the time being to inspect or maintain the protected monument.

(6) That the said Secretary of State shall pay all expenses which may be incurred in connexion with the preservation and repair of the protected monument.

(7) That in respect of the whole or any part of such expenses the said Secretary of State shall have a charge on the protected monument and on effects a sale.

(8) That before offering the protected monument for sale either by public auction or private treaty, the owner shall give to the Government of Madras six months' previous notice in writing of his intention to do so.

(9) That the said Secretary of State shall have the first right to purchase the protected monument or such part of it as the said Secretary of State shall deem fit at its market value.

IN WITNESS WHEREOF the said Dharma Samraja and the Collector of South Kanara on behalf of the Secretary of State for India in Council, have hereunto set their respective hands.

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The schedule above referred to.

Name of the district, taluk and village.	Description—wet or dry with survey or paimash number.	Name of the owner.	Boundaries				Extent.
			North.	East.	South	West.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
South Kanara district, Karkal taluk, Marpadi village.	Dry, survey No. 121-2.	Dharma Samraja.	S. No. 121-1.	S. No. 121-2.	S. No. 121-2.	S. No. 121-2.	2 69

APPENDIX II.

[Vide answer to question No. 2404 asked by Mr. R. Veerian at the meeting of the Legislative Council held on the 28th August 1926, page 317 supra.]

STATEMENT A.

Statement giving information regarding the persons employed in the District Labour offices, Guntur, Nellore and North Arcot.

Serial number and designation.	Name of officer.	Community.	Substantive appointment.
<i>Guntur.</i>			
1. District Labour Officer.	M.R.Ry. C. Singaravelu Mudaliyar.	Non Brahman ..	Tahsildar, Repalle.
2. Special Inspector.	M.R.Ry. D. Suryanarayana.	Brahman ..	Clerk, Taluk office, Ongole.
3. Do.	M.R.Ry. V. Venkatasubbiah.	Do. ..	Clerk, Taluk office, Bapatla.
4. Do.	M.R.Ry J. Raghaviah ..	Non-Brahman ..	Clerk, Taluk office, Ongole.
5. Do.	M.R.Ry. M. R. Samuel	Depressed classes Christian.	Accountant, Treasury Deputy Collector's office, Guntur.
6. Do.	M.R.Ry. T. Chakrapani..	Non-Brahman ..	Clerk, Taluk office, Palnad.
7. Do	M.R.Ry. M. Narayana Rao.	Brahman ..	Clerk, Taluk office, Vinakonda.
8. Special Overseer.	A. Raja Rao	Do. ..	Nil.
9. Deputy Surveyor.	Ch. Ranga Rao	Do. ..	Nil.
10. Clerk (60—4—80).	Annappa Sastri	Do. ..	Upper Division Clerk, Taluk office, Bapatla.
11. Clerk (35—60) ..	G. Raja Rao	Non-Brahman ..	Nil.
12. Do. ..	Abdul Karim	Muhammadian ..	Nil.

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Statement giving information regarding the persons employed in the District Labour offices, Guntur, Nellore and North Arcot—cont.

Serial number and designation.	Name of officer.	Community.	Substantive appointment.
<i>Nellore.</i>			
1. District Labour Officer.	Janab Muhammad Khaza Abdul Khaddir Khan Sahib.	Muhammadan ..	Stationary Sub-Magistrate, Nellore.
2. Special Inspector.	G. Devadanam	Indian Christian.	Head Clerk, Revenue Divisional office, Kavali.
3. Do.	K. Venkatanarasiah ..	Non-Brahman ..	Revenue Inspector.
4. Do.	Muhammad Rahimtulla Sahib.	Muhammadan ..	Head Clerk, Stationary Sub-Magistrate's office, Kavali.
5. Do.	B. V. Barnabas	Indian Christian.	Clerk, Taluk office, Udayagiri.
6. Special Overseer ..	S. L. Narasimham	Brahman ..	Minor Irrigation Maistri.
7. Deputy Surveyor.	P. Rutchiah	Do. ..	Deputy Surveyor, No. I Party.
8. Clerk (60—4—80).	U. Bhima Rao	Do. ..	Clerk, Accounts Branch.
9. Clerk (35—60) ..	A. Guruviah	Erukula ..	Nil.
<i>North Arcot.</i>			
1. District Labour Officer.	Mr. R. D. Paul	Indian Christian	Deputy Tahsildar and Sub-Magistrate.
2. Special Inspector..	P. Ethiraj	Adi-Dravida ..	Revenue Inspector.
3. Do. ..	V. S. Ratnavelu Pillai ..	Non-Brahman, Karnam.	Do.
4. Do. ..	S. Margesahaya Pillai ..	Do.	Clerk, Taluk office, Cheyyar.
5. Do. ..	B. J. Williams	Indian Christian.	Accountant, Collector's office.
6. Clerk (60—80) ..	<i>Vacant.</i>		
7. Clerk (35—60) ..	T. Ethirajulu Nayudu ..	Non-Brahman, Balija.	Clerk, Taluk office, Arkonam.
8. Special Overseer ..	Raja Ramachandar ..	Kshatriya ..	Nil.
9. Deputy Surveyor..	<i>Vacant.</i>		

STATEMENT B.

Statement showing the number of applications received for various appointments in the District Labour offices, Nellore and North Arcot.

Name of the appointment.	Number of applications received.	
	Nellore.	North Arcot.
District Labour Officer	Nil	1
Special Inspectors	2	1
Clerks	2	1
Special Overseer	4	1
Deputy Surveyor	Nil	1

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APPENDIX III.

[Vide answer to question No. 2410 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 28th August 1926, page 320 supra.]

G.O. No. 917, Public, dated 16th September 1902.

In supersession of previous orders on the subject, His Excellency the Governor in Council resolves to prescribe the following rules relating to the observance of holidays in public offices, including holidays notified under the Negotiable Instruments Act:—

(1) All public offices will be closed on days notified as holidays under the Negotiable Instruments Act.

(2) The grant of every holiday is subject to the condition that arrangements will be made for the despatch of emergent business.

(3) A Government servant who is called on to attend office on a holiday except as a punishment, should be granted another day in its place when opportunity offers. If possible, a Government servant of the religious persuasion which observes a holiday should not be called upon to work on that day.

(4) The closing of public offices in the Presidency town, in the case of holidays which are not notified under the Negotiable Instruments Act, will be subject to the condition that the Sea Customs office and the Reserve and Currency departments of the Accountant-General's office shall remain open for the transaction of commercial business. In the General Stamp office the rule will be that, except when more than two holidays under the Negotiable Instruments Act occur consecutively, the office shall never be wholly closed for more than two consecutive days. Whenever, therefore, a holiday not notified under the Negotiable Instruments Act precedes or follows or falls between two or more holidays under that Act, including Sundays, the Stamp office will be opened on that day from 11 a.m. to 1 p.m. In the case of the two gazetted office holidays at Christmas which are both preceded and followed by holidays under the Negotiable Instruments Act, the effect of this rule will be that the Stamp office will be opened from 11 a.m. to 1 p.m. on each of those two days.

(5) The Christmas holidays will extend from the 24th December (or from the 23rd if the 24th is a Sunday) to the 1st January (or to the 2nd if the 1st is a Sunday). Of these days, the 24th December and the 1st January are already holidays under the Negotiable Instruments Act. The remaining days to be notified under the Act will be the 26th, the 27th, the 30th and the 31st December.

(6) The Easter holidays will extend from Good Friday to Easter Monday. Good Friday is already a holiday under the Negotiable Instruments Act, and the Saturday before Easter and Easter Monday will in future be notified as holidays under the Act.

(7) Whit Monday and the Tuesday following will no longer be holidays in public offices or under the Negotiable Instruments Act.

(8) The day to be notified as a holiday under the Act in honour of the birthday of His Majesty the King will be fixed each year by the Government of India.

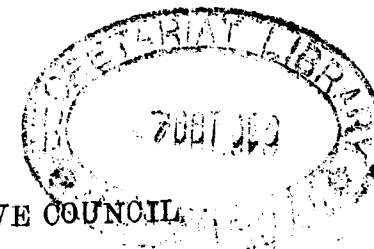
[28th August 1926]

2. A statement* of the holidays to be observed in public offices and to be notified under the Negotiable Instruments Act is appended to this order. All heads of offices will be authorized to grant, in addition, two half-holidays in the year, either for the whole of their establishments or for particular sects. The grant of other holidays or half-holidays without the permission of Government is prohibited.

* Not attached.

(True extract)

G. S. FORBES,
Acting Chief Secretary



THE MADRAS LEGISLATIVE COUNCIL

Tuesday, the 31st August 1926.

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

PRESENT:

Marjoribanks, The hon. Mr. N. E.	Muhammad Sahib, Mr. T. N.
Usman Sahib Bahadur, The hon. Khan Bahadur Muhammad.	Muttayya Mudaliyar, Mr. C.
Moir, The hon. Mr. T. E.	Narasimhaachari, Rai Bahadur f. M.
Campbell, The hon. Mr. A. Y. G.	Narayanan Nambudiripad, Rao Bahadur O. M.
Raja of Pausgal, The hon. the.	Natesa Mudaliyar, Rao Bahadur C.
Patro, The hon. Rao Bahadur Sir A. P.	Pandrang Row, Mr. V.
Sivagnanam Pillai, The hon. Diwan Bahadur Sir T. N.	Peddiraju, Mr. P.
Abdul Hye Sahib, Mr.	Prabhakaran Tampan, Mr. K.
Abdulla Ghatala Sahib Bahadur, Khan Bahadur.	Premayya, Mr. G.
Adinarayana Chettiyar, Mr. T.	Raghuachandra Ballal, Mr. K.
Appavu Chettiyar, Mr. D.	Raja, Rao Bahadur M. C.
Ari Gowder, Mr. H. B.	Rajan, Mr. P. T.
Arpudaswami Udayar, Mr. S.	Raman, Rao Bahadur P.
Biswanath Das Mahasayo, Sriman.	Ramaswami Mudaliyar, Mr. A.
Boag, Mr. G. T.	Ranganatha Mudaliyar, Mr. A.
Chidambara Nadar, Mr. A.	Sagaram, Mr. P.
Cotterell, Mr. C. B.	Saldanha, Mr. J. A.
Devendrudu, Mr. N.	Sasibhushan Rath Mahasayo, Sriman.
Gopalan, Rao Sahib P. V.	Seturatnam Ayyar, Mr. M. B.
Guruswami, Mr. L. C.	Sitayya, Mr. M.
Hegde, Mr. J. Naganna.	Srinivasan, Rao Sahib B.
Heggade, Mr. D. Manjappa.	Subbarayan, Dr. P.
Kesava Pillai, Diwan Bahadur P.	Sobrahmanya Pillai, Mr. Chavadi K.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Tanikaachala Chettiyar, Diwan Bahadur O.
Krishnan Nayar, Diwan Bahadur M.	Tulasiram, Mr. L. K.
Krishnama Achariyar, Rao Bahadur V. T.	Veerian, Mr. R.
Kuppuswami, Mr. J.	Vellingiri Gounder, Mr. V. C.
MacDougall, Sir Alexander.	Venkataratnam, Mr. B.
Madurai, Honorary Lieutenant.	Wood, Mr. C. E.
	Zamindar of Mandasa.

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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.

Assignment of Lands.

Grants for cultivating land set apart for Adi-Dravidas.

* 2415 Q.—Mr. R. VEERIAN: With reference to question No. 2149 answered at the meeting, dated 16th July 1926, will the hon. the Member for Revenue be pleased to state whether the Government propose to give special grants for cultivating the 322.40 acres of land said to be set apart by the Collector for assignment to Adi-Dravidas?

A.—No such proposal is under the consideration of the Government.

Mr. R. VEERIAN:—"Sir, will the Government be pleased to consider any proposal to grant in addition to darkhast lands some grants of money? For, merely giving lands does not improve the lot of the depressed classes at all."

The hon. Mr. N. E. MARJORIBANKS:—"As to the general question, I am not sure that loans are not given; the matter will be examined."

Mr. R. VEERIAN:—"May I know, Sir, whether Government intend to give free grants, or loans repayable within a certain period?"

The hon. Mr. N. E. MARJORIBANKS:—"Much more likely to be the latter. Anyhow, the matter will be examined."

Forests.

Forest building at Adoni.

* 2416 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to the answers furnished to question No. 9, dated 18th August 1924, and question No. 415, dated 21st August 1924, at the respective meetings of the Legislative Council, will the hon. the Home Member be pleased to state—

(a) how the two statements made, viz., (1) that the building in question was let temporarily to the Mission on a monthly rental of Rs. 10 and (2) that the building was rented temporarily for hospital purposes, can be reconciled with each other;

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(b) whether in any case the period for which the building was at first temporarily let has expired and, if so, when; and

(c) the steps taken to give the building for use by the Government or quasi-public departments that may be in need of it?

A.—(a) The Conservator of Forests permitted the Pastor of the Telugu Village Mission, Adoni, to occupy the building temporarily for hospital purposes.

(b) No. A month's notice to vacate the buildings has been given.

(c) The question of its future occupation is under the consideration of the Chief Conservator of Forests.

Enforcement of Forest Panchayat Rules in South Kanara.

* 2417 Q.—Mr. J. A. SALDANHA: With reference to the answer given to the question sent by Mr. Raghuchandra Ballal at the last meeting as to the Forest Panchayat rules enforced in South Kanara, will the hon. the Home Member be pleased to state—

(a) whether the concession granted to the cultivators of South Kanara to take green and dry leaves from reserved forests free of payment is subject to the restrictions and conditions mentioned in those rules as to the lopping of unclassified trees of green leaves and removal of green and dry leaves from reserved forests;

(b) whether the concession in question is confined to the cultivators of lands contiguous to the reserved forests or may be extended to cultivators of neighbouring lands who have no reserved or other forests close by for manure purposes; and

(c) what orders Government or the Forest authorities have issued for allowing cultivators to take green and dry leaves free of payment from reserved forests and subject to what restrictions and conditions, if any?

A.—(a) & (c) The following concessions are allowed as an experiment to ryots by the Chief Conservator:—

North Mangalore.

- (1) Free removal of green leaves of unclassified species and dry leaves of all species from all reserves;
- (2) Clearing of undergrowth of all unclassified species not above 6 feet in height in all reserved (except those near the Coast) to a distance of half a mile from the limits of their private holdings and to a distance of 200 yards in the case of reserves near the Coast; and
- (3) Free removal of dead fuel from all reserves without any restriction.

South Mangalore.

- (1) Clearing of undergrowth, i.e., of unclassified species in all reserves (with the exception of three reserves worked for fuel).
- (2) In the case of the three excepted reserves, clearing of undergrowth is allowed only to a distance of 200 yards from the limits of private holdings.

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- (3) Clearing of undergrowth in all areas sown with *Hopea*.
 (4) Free removal of green leaves of unclassified species and dry leaves of all species.

The above concessions are allowed subject to the condition that if they are abused they will be withdrawn.

North Mangalore.

- (b) The concessions referred to are allowed to cultivators of neighbouring lands also.

South Mangalore.

Cultivators of neighbouring lands also may avail themselves of the concessions subject to the condition that they use the materials for their own lands in the village in which they were cut.

Mr. J. A. SALDANHA :—"Sir, my question was whether those rules do not restrict the right of the ryots to remove dry and green leaves for the purposes of manure. Their right is subject to so many conditions, i.e., that they should protect the forests from fire, etc."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The concessions allowed are given here in the answer."

Mr. J. A. SALDANHA :—"Sir, I am sorry I have not made myself clear. There are concessions, I admit; but where the Forest Panchayat rules are not enforced those concessions are freely enjoyed and where they are enforced there are a number of restrictions. The forest panchayats lay down many restrictions which are not warranted."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I may say, Sir, that there are no regular forest panchayats in South Kanara."

Mr. J. A. SALDANHA :—"Certain Forest Panchayat rules were published in reply to the question put by Mr. Raghuchandra Ballal."

Mr. V. PANDRANG ROW :—"Those rules do not relate to Forest Panchayats proper."

Mr. J. A. SALDANHA :—"Proper or not, those rules were published *in extenso* in answer to Mr. Raghuchandra Ballal's question. These forest panchayats are liable to perform so many duties and therefore they lay certain restrictions on the removal of green leaves which amounts to taking away with one hand what is given with the other."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The point is that the Forest Panchayat rules are not applicable to all forests in South Kanara."

Mr. J. A. SALDANHA :—"The answer given to Mr. Raghuchandra Ballal was in connexion with the forest panchayats established by the Forest department in South Kanara. I refer to those rules and if I am given a minute or two I shall put my finger on the exact page of the proceedings where these rules are published."

The hon. the PRESIDENT :—"Yes."

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Mr. J. A. SALDANHA :—(After a pause) "I am not able to trace the reference; I think I have made myself clear. With reference to the question put by my hon. Friend Mr. Raghuchandra Ballal, a series of rules was published and it is with reference to those rules I ask whether they do not restrict the privilege given to take green leaves for manure."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"The hon. Regular forest panchayats do not exist in South Kanara. If my hon. Friend wants any more information, I shall be glad to give him if he comes to my room."

Mr. J. A. SALDANHA :—"They were published in the proceedings. I refer to those rules and not to other rules."

The hon. the PRESIDENT :—"I think the controversy might be settled out of the Council."

Government Press.

Disbandment of compositors in the Government Press.

* 2418 Q.—Rao Bahadur C. NATESA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the services of a number of compositors in Settlement section of Government Press were dispensed with;

(b) whether it is a fact that some of them were on permanent staff; and

(c) whether it is a fact that many of them have put in long service?

A.—(a) Yes. As a consequence of the transfer of the printing of settlement registers from the Government Press to private presses the temporary establishment engaged on this work in the Government Press has been disbanded.

(b) No.

(c) The men whose services have been dispensed with have put in service ranging from eleven years downwards.

Rao Bahadur C. NATESA MUDALIYAR :—"Sir, with reference to the answer to clause (c), may I ask whether it is not a hardship to dispense with the services of people who have put in eleven years' service?"

The hon. the PRESIDENT :—"It is a matter of opinion."

The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—"I suppose it is a matter of opinion as you have said."

Local Boards.

Alleged disabilities of Mr. A. Muthusaveri of the Kurumbalur Union Board.

* 2419 Q.—Mr. R. VEERIAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Adi-Dravida Union Board member by name Mr. A. Muthusaveri of the Kurumbalur Union Board, Perambalur taluk, Trichinopoly district, has been asked to stand outside the Union Board Office during the time of the meeting instead of allowing him to sit along with other members for fear of pollution by the present President or Chairman of the Union Board;

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(b) whether the written statement of the Adi-Dravida member has already been received by the Local Self-Government Department with my letter of the 15th July; and

(c) what steps have been taken in the matter and with what results?

A.—(a) & (c) A report has been called for from the President, District Board, Trichinopoly.

(b) Yes.

Mr. R. VEERIAN:—"Sir, the report referred to in clause (a) was communicated to me by the Secretary to the Local Self-Government Department. It is stated there that the Adi-Dravida Member came there 15 minutes late and took his seat outside. May I ask whether it is not the duty of the President to ask the Member, even though he came late to ask him to sit along with the other Members so that he could also take part in the debate?"

The hon. the RAJA OF PANAGAL:—"If the Member himself was anxious to sit outside, I do not think the President can compel him to sit inside."

Mr. R. VEERIAN:—"May I know whether Government made any enquiries as to whether the Member himself voluntarily took his seat outside, or whether he was threatened that he would be the cause of pollution and therefore was obliged to take his seat outside? May I ask whether the report of the President is true or whether the report of the Adi-Dravida Member which I already submitted is true?"

The hon. the RAJA OF PANAGAL:—"Government have to accept the report of the President as submitted by him."

Mr. R. VEERIAN:—"May I know whether they are not going to accept the report of the Adi-Dravida Member; are they going to take that statement as untrue?"

The hon. the PRESIDENT:—"That does not follow."

The hon. the RAJA OF PANAGAL:—"If the statement of an individual member is contradicted in the report of the President of the Board and the latter is approved as correct, it follows that the statement of the Member is incorrect."

Mr. R. VEERIAN:—"Was any circular issued to the effect that no distinction should be made between member and member and no one should be forced to sit outside?"

The hon. the RAJA OF PANAGAL:—"The issue of a circular does not appear to be necessary. In every case, members are expected to take their seats in the meeting hall."

Industries.

Enquiry into the condition of industries like tile-making and weaving.

* 2420 Q.—Mr. J. A. SALDANHA: With reference to the answer given to my question No 2237 on 17th July 1926, will the hon. the Minister for Development be pleased to state what steps Government are taking for enquiring into the condition of the old industries like tile-making and weaving and for aiding the same by way of relief?

A.—The matter is still under consideration.

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UNSTARRED QUESTIONS.

Forests.

Road projects for forest exploitation in South Kanara and Malabar.

2421 Q.—Mr. J. A. SALDANHA: Will the hon. the Home Member be pleased to place before the House a statement showing the number and mileage of new roads made and projected for forest exploitation in South Kanara and Malabar, the directions they take or are proposed to take, and their approximate cost?

A.—Information has been called for.

Reserved forests in Salem district.

2422 Q.—Mr. V. C. VELLINGIRI GOUNDER: Will the hon. the Home Member be pleased to state—

(a) what are the portions of unreserve in Salem district, which were declared as reserved forests from the year 1901, with their extent;

(b) under what class those forests have been brought;

(c) what is the position of these reserved forests before and after reservation as regards grazing of cattle;

(d) if restrictions are made in grazing in those forests what provisions have been made to afford grazing facilities affected by reservations;

(e) whether it is a fact that villagers near the Kurichi reserve and its continuation on the southern portion of Velambatti reserve, have been deprived greatly of their grazing facilities on account of that reservation of long enjoyed grazing area; and

(f) whether it is a fact that coupe work in the latter reserve could not be carried on this year on account of poor growth and useless trees?

A.—(a) & (b) A statement* furnishing the information is appended.

(c) The only differences are that grazing fees are collected except for goats which are not allowed to browse and coupes under regeneration are closed to grazing.

(d) Sufficient areas of unreserves have been left in all the surrounding villages for grazing.

(e) Kurichi and Velampatti reserves are open to grazing on permits.

(f) Fuel fellings in the Velampatti reserve were stopped in 1921-22 pending revision of the working plan. A scheme for continuing fellings is at present engaging the Conservator's attention.

Marine.

Representation from the Kanara Indian Christian Civic League.

2423 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state whether Government have received a representation from the Kanara Indian Christian Civic League as to the reconstitution of the administration of the Port of Mangalore and other minor ports and what action has been taken on it?

A.—The representation has been received; but the Government do not propose to take any action on it at present.

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

NON-OFFICIAL BUSINESS.

II

THE MADRAS CITY TENANTS' PROTECTION ACT (AMENDMENT) BILL.

11-15 a.m. Mr. L. C. GURUSWAMI :—" Mr. President, Sir, I beg to present the Report * of the Select Committee on the Bill to amend the Madras City Tenants' Protection Act, and move that the Bill, as amended, be taken into consideration."

Rao Bahadur M. C. RAJA :—" I second it."

The motion was put to the House and carried.

Mr. L. C. GURUSWAMI :—" I now move that the Bill be passed into law."

Rao Bahadur M. C. RAJA :—" I second it."

The motion was put to the House and carried, and the Bill as amended by the Select Committee was passed into law.

III

THE MADRAS LOCAL BOARDS ACT (AMENDMENT) BILL (OF MR. R. VEERIAN).

* Mr. R. VEERIAN :—" Sir, I beg to present the Report ^b of the Select Committee on the Bill to amend the Madras Local Boards Act, 1920, and move that the Bill be taken into consideration."

"It has been held in the judicial decisions of the High Court that all classes of persons can use the public roads and pathways without any obstruction whatever. In spite of these, doubts have been expressed as to the rights of all people to use the public roads and pathways, as for instance, in Kamalapuram and in Rasipuram in Salem district, in Singanallur in the Coimbatore district, and in Aruppukottai in the Ramnad district. We are well aware that, on the recommendation of this hon. House, the Government were pleased to pass a G.O. No. 2660 to the effect that all classes of persons can have free access to the public wells, tanks, roads, etc., without any obstruction whatever. But, it seems, no effect has been given to that Government Order. Unless effective steps are taken by allowing the local boards to deal in an effective manner in the case of obstruction to public roads and pathways, it is not at all possible to give effect, not only to the Government Order passed, but to the decisions of the High Court also."

"Therefore, Sir, it is sought in my Bill to penalize the offence by a fine, and I am glad to point out that the public markets have also been included in my Bill. There are instances where members of the depressed classes have no access to the public markets to purchase things that they may need, and I am very anxious, Sir, to give them some status, and to make other communities regard them at least as human beings, if not as their own brethren. I am very glad that the members of the Select Committee were kind enough to accept my Bill, as far as the use of public roads and pathways are concerned. With reference to wells, it has become a controversial point, and I do not want to press it just now. I am sure that time alone can rectify matters,

* Published in the *Fort St. George Gazette*, dated 24th February 1925, Part IV.
^b Printed as Appendix II on pages 493-498 infra.

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and am glad that Members of the Select Committee have accepted my proposal to that extent. My community and I will be thankful for the mercies shown, though they be small. Taking the aspirations and the feelings of the depressed classes into consideration, I hope that this Bill will be passed unanimously. And the members of my community will feel thankful not only to the Members of the Select Committee but also to the hon. Members of this House for their benevolence, kindness and political sagacity."

Rao Bahadur M. C. RAJA :—" I second it."

* Mr. J. A. SALDANHA :—" I rise to support this motion with all my hearts and, in doing so, I wish to congratulate Mr. R. Veerian on the crowning glory of his very self-sacrificing and noble activities on behalf of the depressed classes inside and outside this Council for the last three years. I have known him, and I know his travels and his correspondence are wide and of substantial benefit to his community. In every Meeting he has brought to the notice of this House the grievances of his community. There are papers like the *Madras Mail* which disapprove of the large number of questions in the Council, but considering the disabilities of the Adi-Dravidas in India, and notably in this province, I think the questions we put are not too many. They help to throw the search light on . . ."

* The hon. the PRESIDENT :—" But, how is all this relevant to the point at issue? The question is not that Mr. R. Veerian be taken into consideration, but that his Bill be taken into consideration?"

* Mr. J. A. SALDANHA :—" What I wished to say was that this was the crowning act of his activities."

The motion was then put to the House and carried.

* Mr. R. VEERIAN :—" I move that the Bill be passed into law."

Rao Bahadur M. C. RAJA :—" I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—" May I know if each of the clauses, will be taken up separately, or the Bill as a whole? I only suggest that as there are no amendments the whole Bill may be passed."

The motion was then put to the House and carried, and the Bill was passed into law.

IV

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (OF MR. J. A. SALDANHA.)

* Mr. J. A. SALDANHA :—" Mr. President, Sir, I beg to present the report of the Select Committee on my Bill to amend the District Municipalities Act and the Madras Local Boards Act. The Select Committee's Report has been published in an extraordinary issue of the *Fort St. George Gazette*, for which I have to offer my thanks to my hon. Friend, the Secretary to the Local Self-Government Department. As all the hon. Members are in possession of the report, I need not read it. It may be taken to have been read."

"The Select Committee, I may mention, have decided to confine my Bill to the District Municipalities. But, originally, it was rather more comprehensive, and I intended that it should cover a wider ground by being applied to

* Published in the *Fort St. George Gazette*, dated 27th August 1926.

[Mr. J. A. Saldanha]

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private roads also to which any public funds were applied even for lighting. But the Select Committee thought it best to run my Bill parallel to that of Mr. R. Veerian, and confine it to roads vested in or maintained by local bodies (municipalities) only, and to roads only because I had confined it to roads and not extended it to tanks and market places. The principle of the civic right of all citizens to the use of all roads which might be private, but which, since they are maintained by the municipalities, are public roads, is made clear by this Bill. The civic right of all citizens, without distinction of caste or religion, to the use of roads is well recognized by this House, though, in practice, it has been denied to thousands and millions of our citizens.

"From what has come to my knowledge, the Government have paid some regard to the vote of this House and to the cry of the Depressed classes. Now, I propose, along with my hon Friend, Mr. R. Veerian, to legalize and give a statutory basis to the resolution of the Government, so that all classes will have free use of the roads.

11-30 a.m. "From a personal point of view I may also mention, Sir, that there are a large number of people—and as the House is aware, a good number are still considered as depressed classes—who are excluded from the use of public roads in certain parts of the Presidency, for instance, in Palghat. I was, therefore, obliged to bring a Bill of this nature, and I hope this House will accept this measure as reported by the Select Committee.

"I beg to move that this Bill be taken into consideration."

* Mr. R. VEERIAN:—"Sir, I beg to second it. In doing so, I wish to state that there are difficulties in municipal areas also, and I am sure that this Bill will help a good deal in removing them. A Bill of this sort is also very essential. In fact, my hon. friend, by bringing this Bill has become a regular liberator of the so-called depressed classes, and the credit does not go entirely to the Members of the Select Committee: for, a part of it is also due to the hon. the Chief Minister and to the Mover of this Bill. With these few words, Sir, I beg to second the motion."

Rai Bahadur T. M. NARASIMHACHARLU:—"Sir, I have not had a copy of the report or the requisite papers for considering this question. Just now we considered the Bill of the hon. Mr. Veerian. From the speech which I heard from the hon. Mr. Saldanha, I think it is a different measure."

* Mr. J. A. SALDANHA:—"No, no."

* The hon. the PRESIDENT:—"The one applies to Local Boards and the other applies to District Municipalities."

Rai Bahadur T. M. NARASIMHACHARLU:—"It says: 'All streets vested in or maintained by a municipal council shall be opened to persons of whatever caste or creed'."

* Mr. K. PRABHAKARAN TAMPAN:—"On a point of order, Sir. As I understand the speech of my hon. friend, he objects to the merits of the Bill. I take objection to it on a point of order. Members have not been provided with the Select Committee's report and, under Standing Order 44, I, as a Member, object to the reading of the Bill to-day. We have not been given sufficient time to go through the Bill."

* The hon. the PRESIDENT:—"I understand the report has been sent to all the Members."

(Voices:—"No, no.")

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* Mr. K. PRABHAKARAN TAMPAN:—"The Select Committee report was signed by the Members only on the 27th August and the people concerned have not been given an opportunity to know what the import of the Bill is. Nor are we, Members of this Council, in a position to give notice of amendments. Therefore, Sir, under Standing Order 44, I beg to take objection to the introduction of this measure now."

Rai Bahadur T. M. NARASIMHACHARLU:—"That is my very complaint, Sir. We have not had a copy of this Bill. In respect of important Bills like this, it is better that Members are provided with copies and the usual time allowed by the Standing Orders should also be given to us for consideration."

* Mr. J. A. SALDANHA:—"Sir, this Bill was published in an extraordinary issue of the *Fort St. George Gazette* on Friday. It was placed on the library table, and I find many Members have also received copies yesterday from the Secretary of the Legislative Council. I received a copy and several others have also received it. I would point out to my hon. Friend Mr. Narasimhacharlu and to the other Friend who objected, Mr. Prabhakaran Tampam, that this measure does not go a bit beyond Mr. Veerian's Bill. Mr. Veerian's Bill says that everybody should have free right to use roads which are maintained by or are vested in local boards. It also goes a little further and includes public markets. But my Bill is narrow and is confined to roads which are vested in or are maintained by municipalities. Most of the troubles which have arisen and which have come to the notice of the public by riots, etc., were in municipalities. If this House is disposed to pass the other Bill which is confined to roads vested in local boards . . ."

* The hon. the PRESIDENT:—"Order, order. This is all on the merits of the Bill."

* Mr. J. A. SALDANHA:—"I only say that no notice was necessary. There has been a formal notice in the Government Gazette and after all, this Bill does not require more than a minute or two to be read through. I think the hon. Members will not raise what is after all a mere technical objection. They have understood that the purport is more or less the same as that of the previous Bill that has been passed. It is only carrying technicality to unnecessary lengths if we are to object to this Bill which I believe will be a credit to this Council, if passed. It will be one of the few Bills that stand to the credit of this House. I hope my hon. Friend who has always got sympathy, both in theory and in practice, for the Adi-Dravidas and the hon. Mr. Prabhakaran Tampam on the other side who knows the conditions in Malabar, will not raise this technical objection just because by some mischance the publication of the Bill was delayed. If really there was anything more complex in this Bill than in the other one which has already been passed, I should have said: 'Very well, let us put it off'. But as we are at the fag end of the Council, this cannot be put off, and I would earnestly entreat my hon. Friends to waive their objection."

* Mr. A. CHIDAMBARA NADAR:—"Sir, I rise to object to the point of order raised by my hon. Friend, Mr. Prabhakaran Tampam. I may say that the Bill was published in English on the 29th September 1925 and in Tamil, Telugu, Kanarese and Malayalam on the 20th October 1925. So, sufficient notice has been given to all the Members. They were aware of the existence

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of such a Bill and as such, they ought to have expected that the Bill would come before this Council. At the same time, I find no meaning in the objection; for, as stated by my hon. Friend, Mr. Saldanha, this Bill is more or less on the same lines as the Bill introduced by my hon. Friend, Mr. Veerian. When no objection has been raised with regard to that Bill which relates to roads maintained by local boards, I do not see why this Bill should be objected to, when it relates to roads maintained by the municipalities. In towns and big places we do not raise so much objection to these depressed classes passing along the public roads; but it is only in the villages that such objections are raised. Perhaps there may be one or two recent cases in the minds of the Members who object to the Bill; but still, Sir, so far as I can see I do not think there is any reason for objecting to this Bill. With these few words, I oppose the point of order raised by Mr. Prabhakaran Tampan."

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"I have got a doubt with regard to this matter, Sir. I see from the papers that it has been published on the 27th August 1926. I would like to know from the hon. the President if there is any objection to the Bill being passed into law to-day at such short notice. If I remember aright, there is some rule which requires 15 days' time. If the Bill does not transgress any rule, and if the legality of this Bill will not be questioned later on, I should very much like the Bill being taken up at once; but if there is to be any doubt on that ground, I should suggest the postponement of the Bill till such time as is prescribed by law."

* The hon. the PRESIDENT:—"The President has the discretion to suspend the Standing Order 'if the report has not been available for the use of Members for 15 days'. My difficulty is not about the number of days, but as to whether the Bill as amended by the Select Committee actually came into the hands of Members. A fairly large number of Members say that the Bill as amended has not come into their hands, though still it has come into the hands of the Council."

* Mr. K. PRABHAKARAN TAMPAN:—"It was signed only on the 27th of this month."

Rai Bahadur T. M. NARASIMHACHARLU:—"I can say positively that I never got any copy of this Bill. Even one such complaint is enough. The question is whether the Secretary posted it to reach the Members in time. That may be a safe test. You can ascertain it, Sir, from the Secretary as to whether he posted them in time to all Members. For my part, I have not received a copy of this Bill at all."

* Mr. K. PRABHAKARAN TAMPAN:—"If my memory is right, Sir, the original Bill of my Friend was to amend both the District Municipalities Act and the Local Boards Act. I think the Select Committee amended it in such a way that it now applies only to the District Municipalities Act. The very fact that the Select Committee thought it desirable to publish the Bill as amended shows that radical alterations have been made in the Bill by the Select Committee. It is therefore highly necessary that all Members must be acquainted with the Bill as passed by the Select Committee. I for one would take time to send in the necessary amendments. If you do not adjourn the

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Bill, Sir, I will be handicapped. Therefore, as a matter of right, I request you to be good enough not to exercise the discretion that is vested in you and allow the Bill to be proceeded with."

Rai Bahadur T. M. NARASIMHACHARLU:—"There is one other thing, Sir. In the other Bill the word 'roads' was used; but here the word 'streets' is used. There is great difference between a road and a street, and there is a difference also as between the municipalities and the local boards. In the municipality, all the streets within the municipal limits are vested in the municipality, whereas in the case of the local boards, it is only the roads that are vested in the local boards and not the streets, lanes or anything of the kind. Therefore, Sir, the question of streets in the municipality is a very big question and it is visited with all sorts of difficulties. I submit, Sir, the question is not so very formal as the hon. Member, Mr. Saldanha, puts it. If the word 'roads' is used here, perhaps we might not have any objection; but the word 'streets' is used here and 'streets' include every lane in a municipality. I therefore submit, Sir, that it is a very big question and request you not to suspend the operation of the Standing Order."

* Mr. J. A. SALDANHA:—"Sir, the formal objection raised by hon. Members that copies of the Bill have not been received by them may be met by the fact that the Bill has been read to-day. Hon. Members who have not received copies have had the benefit of the Bill being read to-day before it is taken into consideration." 11-45 a.m.

"Sir, my hon. Friend raised the objection that the words 'road' and 'street' are used indiscriminately, and that there was much distinction between the two terms. The word 'road' is used in the Local Boards Act, while the word 'street' is used in the District Municipalities Act. In fact, there seems to be no distinction at all between the two. In the one case the term 'public road' is used, and in the other 'public street' is used. Evidently what is a road in a village becomes a street in a town; perhaps it is an honorific term used in the case of towns. Apart from this, I find no distinction between the two. Again, look at the definition of the term 'street'. It includes roads, alleys and everything. So that, this objection is but a formal one."

"As for sufficient time being given for hon. Members to send in their amendments, I think, Sir, a day may be given for the purpose. There is the Malabar Tenancy Bill to come up again, and this may be taken on the same day. I do not think more than a few minutes will be taken for hon. Members to settle any objections that may be raised. And my hon. Friends who are so particular about this formality will have ample time to send in their amendments, if you are pleased to suspend the Standing Order, so as to allow of amendments being brought on Thursday. I think my hon. Friend will have no objection to this course. If however my hon. Friend wants to put me up (pointing to Mr. Prabhakaran Tampan who made some sign) for other reason, I should point out that this measure is not the less important so far as he is concerned. Surely, Sir, I do not think such signs as my hon. Friend now made are permitted."

* The hon. the PRESIDENT:—"Signs are not within the cognizance of hon. Members. Only speeches are."

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* Mr. J. A. SALDANHA :—"I should point out, Sir, that this measure affects the district represented by my hon. Friend more than it affects South Kanara. The restrictions imposed in regard to the use of roads in my district are not so strict as in Malabar. In a town like Palghat, even Christians are prohibited from using some roads. I think Mr. Tampan should know better than myself in this matter. And he should be the last person to cut me up. It will not be to his own credit to oppose the motion on a technical ground and make a sign to cut me up. It is not such an easy matter to cut me up. My spirit, at any rate, cannot be cut up."

* The hon. the RAJA OF PANAGAL :—"Sir, personally, however much I may be in sympathy with the object of the hon. Mover in introducing this Bill, since objection has been raised by hon. Members I leave it to you, Mr. President, as to what should be done. There is no doubt that there has been a change in the form of the Bill after consideration by the Select Committee."

* The hon. Mr. N. E. MARJORIBANKS :—"I am sorry not to be able to speak more definitely but I am informed that the sanction of the Governor-General has not been obtained for the Bill in its present form. It was obtained to Mr. Veerian's Bill and, I presume, it will be necessary for this Bill also. I am told—I am sorry I cannot speak more definitely—that sanction has not been obtained for this Bill."

* Mr. J. A. SALDANHA :—"Sir, I remember that sanction has been obtained. I was asked to obtain the sanction. I applied for sanction and the Bill went to the Governor-General. I have not got the papers here."

* The hon. the PRESIDENT :—"If that is certain, it is a very serious objection. In the case of other Bills you find the preamble stating, 'whereas the previous sanction of the Governor-General has been obtained.' Here no such thing occurs. In view of this serious difficulty, I do not think we can proceed with this Bill."

* Mr. J. A. SALDANHA :—"Sir, I submitted two Bills. My original Bill covered a wider ground and sought to affect the definition of the term 'public road' as given in the General Clauses Act. Then, Sir, objection was raised by the Law Department that the sanction of the Governor-General should be got if the Bill was to cover such a vast ground. I think, my hon. Friend, the Law Secretary, will bear me out when I say that. I thereupon applied to the Governor-General for sanction. In my later Bill as I confined the provisions to a narrow ground, the Department thought that no sanction was necessary. They said that, if I was going so far as to change the definition in the General Clauses Act, the sanction was necessary. And I obtained the sanction in that case. But my present Bill is narrower in scope and is not so complex."

* The hon. the PRESIDENT :—"We are here on the question of fact whether sanction has been received or not. May I suggest to the hon. Member that he may postpone bringing up this question till after he has ascertained from the Government whether the sanction of the Governor-General has been obtained?"

* Mr. J. A. SALDANHA :—"My point is whether it is necessary at all since my later Bill is confined to narrow limits."

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* The hon. the PRESIDENT :—"That is necessary; there is no doubt about it."

* Mr. J. A. SALDANHA :—"I remember of some correspondence whether sanction was necessary in the case of my second Bill."

* Mr. A. RANGANATHA MUDALIYAR :—"Now that you have thrown out a suggestion, will it be too much to expect the Government or the Law Department to say whether or not sanction has been received?"

* The hon. the PRESIDENT :—"They are finding it."

Rai Bahadur T. M. NARASIMHACHARLU :—"I think there is one penalty clause in the Bill which requires the sanction of the Governor-General."

Diwan Bahadur M. KRISHNAN NAYAR :—"I think the Law Secretary who is here will tell us what has happened."

* The hon. the PRESIDENT :—"Yes; the hon. Member has sent word to the Department."

* The hon. the RAJA OF PANAGAL :—"The real difficulty is that the Bill as it has emerged from the Select Committee has taken a different shape. I take it that the objection which my hon. Friend (referring to the hon. Mr. Marjoribanks) raised was that in its present form the Bill had not received the sanction of the Governor-General."

* Mr. J. A. SALDANHA :—"In the circumstances, I beg to move
'that the consideration of the Bill be postponed till after the rest of the non-official business has been done.'"

* Mr. A. RANGANATHA MUDALIYAR :—"I second it."

* Mr. K. PRABHAKARAN TAMPAN :—"Sir, my objection has not yet been answered."

* The hon. the PRESIDENT :—"We need not consider that, if it is ascertained that the Governor-General's sanction has been got."

The motion to postpone consideration of the Bill was put and carried.

V

THE MADRAS ELEMENTARY EDUCATION ACT (AMENDMENT) BILL OF MR. J. A. SALDANHA

* Mr. J. A. SALDANHA :—"I beg to move

'that the leave of the House may be granted to introduce the Bill to amend the Madras Elementary Education Act, 1920.'

"I think, Sir, I may be allowed to read the Bill for hon. Members. I have sent copies of the Bill. But that was long ago. With your permission, Sir, I shall read the provisions."

* The hon. the PRESIDENT :—"The hon. Member has to explain the Bill, only in case it is opposed. If the Bill is not opposed, there is no need to make a speech."

The hon. Rao Bahadur Sir A. P. PATRO :—"At this stage, I do not want to oppose the Bill though it is a highly controversial measure. It is purely intended to advertise a particular class in regard to which my hon. Friend is

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The motion that leave be granted to introduce the Bill was put and carried.

* The hon. the PRESIDENT :—" It is too late to raise the point of order."

VI

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—“ Mr. President, I beg leave to introduce the Bill ^a to declare the Kirlampudi B and C estates, and Dontamuru and Rayavaram Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

'The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.'

'that the Bill be read in Council'."

*Sriman BISWANATH DAS Mahasaya:—"I object to the introduction of the Bill being read in the Council. Sir, it has been the desire of the landholders of Madras, as in the case of landholders of other provinces, to have their estates being declared by statute as impartible and inalienable. In 1893, the Madras Landholders' Association applied to the Government of Madras to declare by a statutory enactment that some estates should be declared impartible and inalienable. The Government of Madras were not willing to take such a measure and there were a number of litigations pending in the High Court and in various other mufassal courts for partition of

these estates. However, the Government in course of time, we do not know, changed their mind and recommended the petition of the landholders of Madras for enactment of an Act. I am sorry, Sir, that such a measure should have been undertaken by this Government, which is wholly opposed to the spirit of Permanent Settlement Regulations of 1802. The idea underlying a declaration, by statutory means, of the rights of impartibility and inalienability was that these estates were held as military fiefs by certain zamindars, whatever may have been the original nature of the grant. But, since the advent of Britain, these zamindaris changed hands from time to time. In fact, it is a well-known fact that during the regime of the East India Company these zamindaris were sold or put to auction, and, as such, the highest bidder got the estates. In many cases, the old families have disappeared and new families became zamindars. It has been also admitted, in introducing the Bill in 1902 by the hon. Mr. Thomson who says:

‘The answer is given in the first part of the papers put into the hands of hon. Members and is, briefly, that while impartibility and succession by primogeniture were the essence of the ancient zamindari tenure these attributes are wanting in modern zamindaris, and they are subject to the ordinary law of partition and succession.’

"Continuing, hon. Mr. Thomson says :

“Continuing, hon. Mr. Thomson says :
 ‘ From impartibility and single succession to the negation of alienation at the will of the holder is less than a step : the *corpus* of the property had to remain sole if the purpose of the grant was to be duly effected ; and this quality was only another form of the restraint imposed by the superior, and was bound to continue while the superior was able or cared to maintain his relative position.’ ”

"Sir, I would again refer the Members of this hon. House to the Permanent Settlement Regulations, section 8, wherein it has been clearly defined that

that

' Proprietors of land shall be at free liberty to transfer without the previous consent of the Government, or of any other authority, to whomsoever they may think proper, by sale, gift or otherwise, their proprietary right in the whole or in any part of their zamindaris; such transfers of land shall be valid, and shall be respected by the courts of judicature and by the officers of Government.'

“Sir, in direct contravention to the provisions of the Permanent Settlement Regulation, which the landholders so much applaud, an Act has been enacted in 1904 declaring certain estates, I take it, at first it was 184, to be impartible and inalienable. However, Sir, the pendency of the suits was left out of account under section 8 of the Act and, in course of time, the courts have rightly declared that the estates are alienable and partible and so leaving these estates out of account, we have now 127. This schedule was embodied in the Act, after a close examination by the Government of Madras extending for over two years. They appointed a special officer to study the condition and to study the nature of every zamindari, and arrived at the conclusion. After 1904 till 1920, that is, till 16 years have elapsed, the Government of Madras did not find it necessary to bring any amendment either to the Act or to the schedule. Now, Sir, in this reformed Council, of course, with very great respect to my hon. Friend from Madras, I should say that he has for the first time come forward with an amending Bill to add one more estate to the schedule. Sir, if the hon. Members of this House are to take such steps, that is, to add to the schedule a number of zamindaris by making them impartible and inalienable, I think, there will be no end. The schedule will have to be swelled in course of time. I beg to submit that this is a legislation which I call, and do deliberately call, anti-social and anti-democratic: anti-social in the sense that the landholders make no provision

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whatsoever for their brothers. Of course, I, as a tenant and as a ryot, do lose very little whether an estate is alienable or inalienable. But, it is a very great and a standing grievance that no provision whatsoever has been made for the brothers of the landholders. A very great agitation was set afoot in the year 1902 when the Impartible Estates Act was being enacted. Referring to the agitation, the hon. the Maharaja of Bobbili, father of the present incumbent whose estate is proposed to be made impartible and inalienable, made this observation in the Council: I quote from his speech:

'Though there was a great deal of criticism on this legislation, the Government should not, I think, attach much weight to it, because, in some cases it was paid for, and in other cases it came from uninterested persons. I have got no brother to deprive him of his right in my estate by this legislation. But, on the other hand, I have two sons whose interests are objects of my solicitude equally. I should like more that my younger son and his children draw handsome allowances from the estate than get a portion of it, after perhaps a tremendously expensive suit for which he may have to sell the most part of what he may get or his children become nameless tenants.'

"The Maharaja goes further and says:

'If the estate remains impartible, and therefore inalienable, all members of the family will ever look for help to the holder of the estate on all occasions for help such as marriages.'

"I beg to submit, Sir, that this hope was never realized. The result is that the brothers of these ancient aristocratic families, who first lived a rich and luxurious life come out as penniless vagrants after the death of their father. That has been the state of affairs and that has been the effect of the Impartible Estates Act of 1902 and 1904. Again, Sir, I, as a tenant and as a man of this province, have also to record my protest both against the Act and against the amending Bill on the ground that the zamindars after the inclusion of a certain estate in the schedule lose their right of alienating any portion either as gift or even for a lease without the permission of the Board of Revenue under certain conditions. And then, Sir, if to-day we, the hon. House, pass the Bill, to-morrow some other hon. Gentlemen may come forward with another Bill proposing addition to the schedule. We, in the Ganjam district, have four or five estates which have not been included in the schedule. If this is included, I do not find any reason why other zamindaris like Tekkala, Nandigama, Attagada, Tarala in Ganjam and the proprietary estates of Barua and Aska and some other estates should not be included. We, in Madras also, may be attracted by the idea of establishing the principle of primogeniture in our families. There will thus be no end to all this. In the above circumstances, I very strongly and vehemently oppose this Bill. I do hope that my hon. Friend, a democrat of democrats, will not press his motion. With these words I oppose the Bill."

* The hon. Mr. N. E. MARJORIBANKS:—"Mr. President, Sir, I am sorry that the Government on the Reserved side are unable to support this Bill. The Bill is not in accordance with the principles which underlie the Madras Impartible Estates Act, 1904. The main principles of that Act, if I may put them broadly, are:

- (1) that ancient zamindaris and estates of like nature which have descended impartible continuously from 1802, i.e., from the date of the Permanent Settlement Regulation and of which no partition since that date could be proved, are impartible; and
- (2) that the powers of the estate for the time being should be those of the managing member of a Hindu family governed by the ordinary law of succession.

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"The first of these principles was strictly followed in framing the schedule to the Act and that schedule excluded estates which though in existence before 1802 had subsequently passed out of the hands of the ancient proprietary family, or had been partitioned under judicial decrees or otherwise. An exception was made only in the case of the estates or portions of estates which, though temporarily out of the hands of the hereditary family, had subsequently been restored to their possession by purchase or otherwise. Ancient estates, or portions of ancient estates which had been alienated and had subsequently come into the hands of the holder of a scheduled estate which was not a portion of the estate, were not included in the scope of the Act. The original estate of which the Kirlampudi, Dontamaru and Rayavaram estates are portions was the Peddapur estate. That estate was the subject of litigation so long ago as 1810, and a portion of it was divided from the estate for the satisfaction of a claim in that year. This might raise the question, which I do not think it is necessary to go into, whether this estate will not be regarded as outside the Act, as it has not been impartible since the date of the permanent settlement in 1802. Further, of course, the present holder is not a descendant of the original family, although he no doubt belongs to a very distinguished zamindari family. That is the main reason why we feel that we cannot support this Bill. At the same time, it is obviously not open to many objections I have heard expressed, for example that if this Bill be passed anybody else can come forward with similar proposals. There are of course considerable differences between an auction purchaser and the descendant of a zamindari family. The Government, therefore, cannot vote for the Bill. But they do not wish to put any pressure on any official Members of the Council, and leave them to vote as they may think fit."

* Mr. K. PRABHAKARAN TAMPAN:—"I wish to support the motion that is before the House. In this matter, we have to consider only three points, whether the property which is proposed to be brought under the Act of 1904 is new to the incidence of impartibility. It has been said in the Statement of Objects and Reasons of the Bill that the property was originally impartible. Then, secondly, Sir, those who are involved in the estate stated that they were willing to include this under the Act. The Maharaja of Bobbili and his son, the Raja of Bobbili, and then the proprietor of the estate and his son have all expressed their eagerness and desire to include it under the Act. I am told, Sir, that the property is without any encumbrances, there are no claimants to dispute the validity of the enactment. Then the second son of the proprietor, is said to have been adopted by a rich family in Hyderabad. So, all those people who have got any interest in the estate have expressed their willingness to make this property inalienable. Then, thirdly, Sir, it also appears it is a very rich estate. It is in the interest of the community that the estates of some families are made inalienable and properties conserved in their hands, and I may say also it is not so much in the interest of the estate itself as in the interest of the community at large that the property should be made impartible. We have often found in times of adversity and national calamity, landholders willingly come forward with their assistance to the relief of the poor people and the State. A healthy State therefore must have rich people among its subjects, and therefore it is highly necessary that some at least should be allowed to conserve wealth in their hands."

"Sir, objection has been raised by my hon. Friend (Mr. Biswanath Das) that this is an anti-socialistic and anti-democratic measure, anti-socialistic in

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the sense that the junior members of the family are not given any property, and he quoted the authority of the Maharaja of Bobbili himself. If there are any mistakes in the Act of 1904, it is open to this House to amend the Act and to redress the grievances of junior members. But this is not the occasion or place to raise that question. It is said that the measure is anti-democratic. The zamindar takes only a nominal income from the ryots, and this Bill does not affect the rights of the ryots. The ryots can transfer their rights to other people and deal with their rights as they choose."

* Sriman BISWANATH DAS Mahasaya :—"On a matter of personal explanation, Sir, I have already made it clear in my speech that this has nothing to do with the ryots."

* Mr. K. PRABHAKARAN TAMPAN :—"That was one of the questions he raised when he said that it was an anti-democratic measure. Sir, I am one of those who think that this House should not hesitate to pass this Bill. I therefore heartily support this measure."

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur :—"Mr. President, Sir, my hon. Friend, Mr. Biswanath Das, said that strong, vehement objection should be taken by all democrats to this measure. I am personally a ryot myself. I do not think my hon. Friend will deny that I am also a democrat, though not a democrat among democrats. Here, I would simply quote the instance of Great Britain in this matter. That is a country which is most democratic in the world, and even there, these impartible estates have been perpetuated, and not only perpetuated but as a matter of fact there is a regular House of Peers, a separate House of Peers sitting in that most democratic of governments."

"So far as the general principle is concerned, I am in perfect agreement with my hon. Friend. But I would say that each case must be viewed on its merits, and no case should be made to suffer on general principles."

* Sriman BISWANATH DAS Mahasaya :—"I am sorry for the interruption, since I have no opportunity to reply. May I remind my Friend that in Britain brothers get the personal property of the father, and the real property goes to the eldest brother. But in the present case, in our zamindaris, the brothers get nothing."

* Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur :—"As regards the merits, to continue what I have said, I understand that there is not one single person that suffers by this proposed legislation. My hon. Friend Mr. Prabhakaran Tampan has explained to us giving details as to how there is not a single individual who will suffer by this legislation. So, I strongly support the measure that has been placed before us, because I hope that a few such estates found in a democratic country are certainly forces for the progress and improvement of the nation as a whole."

* Mr. A. RANGANATHA MUDALIYAR :—"Will I be in order, Sir, if I ask for an adjournment of this question?"

* The hon. the PRESIDENT :—"Oh, yes."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, with your permission, I move 'that the discussion of this question be adjourned sine die.'"

"My reason is that this is a private measure, and not a Government measure, on which it can be said that very much depends. The matter is not so urgent

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that it should be disposed of immediately. After all, I do deprecate the use of the machinery for legislation reserved for extraordinary occasions for the benefit of a private individual, however high he may be in social scale. We have all heard of the reasons urged for the adjournment of a more important matter a few days ago, and I think all those reasons apply with even greater force in regard to this matter. After all, the delay, if any, would be only a matter of two months, and I do not understand why we should be in such great haste as to rush this measure through to-day. I also appeal to the Members on the Treasury Bench. They are here to establish proper traditions for us, give us good precedents, to follow in similar circumstances, and I do wish that they will take a broader view of the matter than they may perhaps at first be inclined to take, and look at the question from all points of view and see whether really they cannot allow this matter to be adjourned to the next Council. After all, Sir, the measure is a controversial one, and we have heard from hon. Members from all sides that there are some difficulties connected with it. I am afraid there was a promise given some time ago that no more estates will be added to the list of impartible estates; I do not know how far it is true and I am not concerned with it now. On the face of it, it does look to me rather surprising that the extraordinary provisions of legislation should be put at the disposal of practically a private individual for an enactment of a Bill like this."

* Mr. J. A. SALDANHA :—"I beg to second this motion. In adding to the reasons of my hon. Friend, Mr. Ranganatha Mudaliyar, I may express my surprise that my hon. Friend on the other side, Mr. Prabhakaran Tampan, should be supporting this measure and feel anxious to carry this measure through all the stages at one sitting. He raised a sort of technical objection to a very careful measure, because it was not precise, and his reasons in the one case stand in contrast with those in the other. I for one do not see any reason why a private measure like this should be rushed through at one sitting, especially when it involved an important matter of personal interest. I have very great respect for the family. But the measure involves certain general principles, whether this Legislature should be responsible for measures like this, and whether in these days when you are passing a transitional stage, when we are happening spell-bound by wonderful things in England about primogeniture and other things. It is considered as one of the great stumbling blocks from an economic point of view . . ."

* The hon. the PRESIDENT :—"The hon. Member is going into the merits of the question. He must speak on the motion that the question be adjourned *sine die*."

* Mr. J. A. SALDANHA :—"I do not know if we are to be carried away by false analogies of that sort. But we should with patience discuss the point from the broad social, economic and political point of view which it deserves, and I therefore think that there will be nothing lost by postponing the consideration of this measure to the next Council."

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, I beg to oppose this motion for adjournment *sine die*. So far as I am concerned with reference to this Bill, I applied to the Government for permission for its introduction as early as September 1925, and then the sanction from His Excellency the Viceroy through the Madras Government was received on the 1st of June last. Immediately I applied, having regard to the short time at

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the disposal of the Council, for leave to introduce the Bill and for its publication under rule 18. It was not taken up last time at the July sitting of the Council. Therefore, it has become all the more necessary for us to consider it now.

"So far as principles are concerned, they are crystallised in certain general principles which are well known, and I do not think I need take any length of time to go into them. Therefore, I do submit that no case has been made out for the postponement of the measure."

* Mr. K. PRABHAKARAN TAMPAN :—"May I also oppose the motion for adjournment? My hon. Friend Mr. Tanikachalam Chettiayar has said enough on the merits of it, and I want only to give an answer to what has been observed by Mr. Saldanha. He asked the question why I objected to his Bill being taken up to-day. The simple answer to that is that it was published only the day before yesterday, while this Bill was published long ago, and all people had ample time to go through its provisions. Therefore, I think that absolutely no case has been made out on that analogy that we should not proceed with this Bill to-day."

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* Sriman BISWANATH DAS Mahasayo :—"I support the motion of my hon. Friend Mr. Ranganatha Mudaliyar. In the first place, we have now only a very thin House of about 32 or 33 Members out of a strength of 127. In the second place, Sir, the Government in 1903 took two years to enquire and bring in estates under the schedule of the Impartible Estates Act. In the present case we have only the statements of one or two hon. Members to proceed with the measure and we know nothing more than that. I may also submit in this connexion that the hon. the Leader of the House has stated some things which go against the letter and spirit of the Bill itself. This is a very important measure. I think my hon. Friends will agree that it should not be rushed through in an hour and passed by a thin House. Surely the desire to rush through an important legislative measure like this in one brief hour, finishing the first reading, the second reading and the third reading, is very unfair and is opposed to the custom and practice prevailing in other parliaments. On all these grounds I request my hon. Friends to support the motion."

The motion was put and declared lost.

Mr. Ranganatha Mudaliyar demanded a poll and the House divided thus :

Ayes : 5.

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| 1. Mr. J. A. Saldanha. | 4. Sriman Biswanath Das Mahasayo. |
| 2. " A. Ranganatha Mudaliyar. | 5. Mr. A. Chidambara Nadar. |
| 3. " Abdul Hye Sahib. | |

Noes : 32.

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| 1. The hon. Mr. N. E. Marjoribanks. | 10. Mr. U. B. Cotterell. |
| 2. " Khan Bahadur Muhammad Usman Sahib Bahadur. | 11. " K. Prabhakaran Tampan. |
| 3. " Mr. T. E. Moir. | 12. " C. E. Wood. |
| 4. " Mr. A. Y. G. Campbell. | 13. Sir Alexander MacDongall. |
| 5. " Diwan Bahadur Sir T. N. Sivagnanam Pillai. | 14. Diwan Bahadur O. Tanikachala Chettiayar. |
| 6. " Rao Bahadur Sir A. P. Patro. | 15. Rao Bahadur C. Natesa Mudaliyar. |
| 7. " the Raja of Panagal. | 16. Mr. N. Devendrudu. |
| 8. Mr. G. T. Boag. | 17. Rao Sahib P. V. Gopalan. |
| 9. " V. Pandrang Rao. | 18. Mr. L. C. Guruswami. |
| | 19. Honorary Lieutenant Madurai. |

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Noes : 32—cont.

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| 20. Mr. C. Muttayya Mudaliyar. | 27. Rao Bahadur P. Raman. |
| 21. " B. Obalesappa. | 28. Rao Sahib R. Srinivasan. |
| 22. " G. Premayya. | 29. Mr. Chavadi K. Subrahmanya Pillai. |
| 23. " K. Raghunandra Ballal. | 30. " R. Veerian. |
| 24. " D. Manjappa Heggade. | 31. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 25. Dr. P. Subbarayan. | 32. Rao Bahadur M. C. Raja. |
| 26. Diwan Bahadur M. Krishnan Nayar. | |

Neutral : 3.

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| 1. Mr. V. C. Vellingiri Gounder. | 3. Mr. T. N. Muhammad Sahib. |
| 2. Rai Bahadur T. M. Narasimhaachari. | |

The motion was lost.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—"Mr. President, Sir, I am thankful to the hon. the Leader of the House for having stated what was the principle which was in the minds of the Government when they passed the Impartible Estates Act in 1904. I may be permitted, however, to remind him that there have been additions to the Schedule of that Act of various estates such as the Vuyoor, Doddappanayakkanoor, etc. In some of these cases the principle which the hon. the Leader of the Opposition has referred to has not been kept in view and has been deviated from. For instance, in the case of Doddappanayakkanoor I am told that it has changed hands several times. It is not the members of the same family that have ultimately acquired it, but on account of its ancient history and the importance of the estate, it has been added to the list of impartible estates in spite of the fact that the person at whose instance or in whose time action was taken was not a descendant of the ancient zamindari family. In the case of Vuyoor also I am told it was part of the Peddapur estate and that it has changed hands. But the principle has been recognized and it has been permitted to be on the list. In this case, as has been pointed out by the hon. the Leader of the House, the estate originally formed part of the Peddapur principality whose history goes as far back as the 16th century. Though it has changed hands and though the principle recognized by the Government is that if it comes back into the hands of the member of that ancient family in whose family there has been this principle of primogeniture acknowledged, I do not see why in the family of Ranga Rao Garu where the principle of the law of primogeniture prevails, the principle of the Impartible Estates Act should not be applied and his estate made inalienable. No injustice is done to anybody such as to an outside creditor or to any child of the owner. Because there is only one child, the other child having been given away in adoption to the zamindar of Jetprole not being a member of the family. There is absolutely no impediment so far as one can see to this desire of the members of that family as expressed by the Maharaja of Bobbili and by his eldest son who is heir to his estate, viz., the Raja of Bobbili and by the present successor's eldest son to have the estate declared impartible. I do not see any reason why the desire of the Maharaja that his second son who cannot be heir to his estate may not be prevented from enjoying the estate. Moreover, Sir, I think having regard to the fact that there has been no objection on point of principle and, as has been pointed out by my hon. Friend from Trichinopoly that primogeniture or succession to only one heir is the characteristic feature of the English tenure, I do not see any reason why this tenure

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which is in existence in all ancient families should not be extended to the present case so that no encroachment is made on the family property. I therefore beg to move that the Bill be read in Council."

The motion was put and carried.

The Secretary read the title of the Bill.

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"Sir, I request that you will kindly exercise in my favour your discretion to suspend Standing Order No. 39 to enable me to move that the Bill be taken into consideration. There are only a few verbal amendments."

* Mr. K. PRABHAKARAN TAMPAN:—"I second it."

* Mr. A. RANGANATHA MUDALIYAR:—"I object to it."

* The hon. the PRESIDENT:—"May I know on what ground objection is taken?"

* Mr. A. RANGANATHA MUDALIYAR:—"On the same ground which I advanced earlier."

* The hon. the PRESIDENT:—"I am not concerned here with the question of principle. It is for the House to deal with it. I have only to see whether there is any serious objection to the Bill being taken up immediately. I see none and therefore I suspend the operation of Standing Order No. 39."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I now beg to move that the Bill be taken into consideration."

Mr. A. RAMASWAMI MUDALIYAR:—"I second it."

Rai Bahadur T. M. NARASIMHACHARLU:—"I wish to know as a matter of information whether the person in whose favour this measure is being passed has any sons."

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"I have mentioned it already. He has two sons, one of whom has been given away in adoption to the Raja of Jetprole and has therefore only one now."

Rai Bahadur T. M. NARASIMHACHARLU:—"I suppose that he has not yet lost the capacity for bringing forth other children (laughter). What I am going to say is that we are now transforming an estate into an impartible one. If there are sons already born or in the womb, I submit this will lead to difficulties as it would affect their vested rights. I wish to know therefore whether if this measure is passed it will affect the interests of persons who have not been represented by properly constituted guardians. I think before we take away one's right in this manner we ought to be sure that it will not do any such thing."

12-45 p.m. * Sriman BISWANATH DAS Mahasayo:—"Sir, my hon. Friend from Cuddapah has raised a very pertinent objection. One need not go to think whether there are sons or no sons. In fact, the zamindar who is concerned in this matter is himself present in the galleries . . ."

* The hon. the PRESIDENT:—"Order, order. I have ruled more than once that reference to the galleries is entirely out of order."

* Sriman BISWANATH DAS Mahasayo:—"I am sure and pray that God may bless him with a number of children. I wish that the aristocracy of our land be blessed with a number of children to whom could be given proper

[31st August 1926], [Sriman Biswanath Das Mahasayo]

education and thus light and learning be brought to this country. Sir, in Bengal where the law of primogeniture is not taken as an accepted principle and where the Government have not safeguarded the interests of landholders with such an Impartible Estates Act, there we would find men of light and learning among Zamindars. In our country, owing to the Impartible Estates Act no provision has been made for brothers and second and succeeding sons of the zamindars who are not cared after. It is only two years back that we had a conference of the Kshatriyas of Ganjam and I know many zamindars who gave very big promises, which resulted in nothing, regarding their educational possibilities, and I know not even of one zamindar who came forward with any contribution whatsoever. Now, Sir, my hon. Friend representing the light and learning of the province comes forward to add one more estate to the schedule of the Impartible Estates without making any provisions for the brother and the other sons of the landholders either living or prospective children. I am sorry, therefore, Sir, to have to oppose this motion."

* Mr. J. A. SALDANHA:—"Sir, I also join with my hon. Friend in opposing this motion. We are concerned not only with the present existing members who are adults but also with minor children who are not represented in this Council and the progeny of the Maharaja. The future progeny has to be borne in mind by this Council as well as by the present Maharaja in the matter of their maintenance and education. The system of primogeniture obtains in England as a precedent and a very ancient precedent. I do not know if all Englishmen are very proud of this institution. In fact, there are very eminent authorities who condemn the system altogether as uneconomical and not only as undemocratic but as uneconomical and against the interests of the people and the nation. It has been done away with in France, it does not exist in the great and progressive country, the United States of America, it does not exist in Switzerland and in so many other countries, it has been done away with in Russia. I do not hold Russia for the purpose of imitation, but surely the wisdom of the United States of America, I think, might be borne in mind by us instead of copying again and again a system which is prevailing in England. We are at the parting of the ways in this country. In passing a measure like this introducing the law of entail which will bind all future progeny, I think this House will have to be very careful. I would, therefore, oppose this motion for the Bill being taken into consideration by this House."

The motion was put and carried and the Bill was taken into consideration.

Preamble.

Diwan Bahadur O. TANIKACHALA CHETTIYAR:—"Mr. President, there are only a few verbal amendments. In fact, after the Bill was drafted and sent out, the sanction of the Governor-General was obtained. Therefore, I beg to move

"that after the words "unrestricted powers of alienation in respect thereof" the words "and whereas the previous sanction of the Governor-General has been obtained" be added."

Mr. A. RAMASWAMI MUDALIYAR:—"I second it, Sir."

The motion was put and carried and the amendment was made.

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Clause 2.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" Mr. President, Sir, I beg to move

'that before the word "Godavari" the word "East" be added.'"

Mr. A. RAMASWAMI MUDALIYAR :—" I second it, Sir."

The motion was put and carried and the amendment made.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" Sir, I beg to move—

'that for the words "their respective present owners as well as of their" the words "the present owner as well as of his" may be substituted.'"

Mr. A. RAMASWAMI MUDALIYAR :—" I second it."

The motion was put and carried and the amendment made.

Diwan Bahadur O. TANIKACHALA CHETTIYAR :—" I beg to move that the Bill as amended be passed into law."

Mr. A. RAMASWAMI MUDALIYAR :—" I second it, Sir."

The motion was then put and carried and the Bill as amended was passed into law.

VII

THE JAIN SUCCESSION BILL (OF MR. D. MANJAYYA HEGGADE).

Mr. D. MANJAYYA HEGGADE :—" Mr. President, Sir, I beg to move for leave of the House to introduce a Bill to amend the law of intestate succession among Jains governed by Aliyasantana law of inheritance."

* Mr. J. A. SALDANHA :—" I beg to second it, Sir."

The motion was carried and leave was granted to introduce the Bill.

VIII

A BILL TO AMEND THE MADRAS VILLAGE COURTS (AMENDMENT) ACT, 1919 (OF MR. R. VEERIAN).

* Mr. R. VEERIAN :—" As per Standing Order No. 37, I beg to move, Sir, for leave to introduce a Bill to amend the Madras Village Courts (Amendment) Act, 1919."

Rao Bahadur M. C. RAJA :—" I second it, Sir."

The motion was put and carried and leave granted.

IV—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920—cont.

* Mr. J. A. SALDANHA :—" After lunch we will take this up, Sir."

The hon. the PRESIDENT :—" I think it is a fact, whatever may happen in regard to the original Bill, the Bill as amended in a very serious particular by the Select Committee has not received the sanction of the Governor-General. I do not know how we can proceed with it."

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* Mr. J. A. SALDANHA :—" May I point out, Sir, that from the very beginning I was opposed to the penal provisions? Even in the case of Mr. Veerian's Bill I pointed out that I was against providing for a special penalty apart from the penalty under Section 841, Indian Penal Code, of one month's simple imprisonment or a fine of Rs. 100 or both. Therefore, I would drop with your leave and with the leave of the House clause (3) altogether. Then, the Bill will require no sanction of the Governor-General. That is the reason why in my original Bill no mention was made to the penal provisions."

" But now in the Select Committee this penal provision has been introduced. Personally I was opposed to it. My intention has been to define what is meant by a public street and for this purpose I wanted to introduce the clause thus: 'Any street heretofore levelled, paved, metalled, flagged, channelled, drained, conserved, or lighted out of any municipal or other public funds' so that whatever may be the caste or creed of a person, he has got a right to pass through a public street if that street is defined as 'public' in the manner I have suggested above, and if a person obstructs him from passing through such a street, then he is naturally punishable under the Indian Penal Code."

* The hon. the PRESIDENT :—" I am sorry to interrupt the hon. Member. With regard to the point raised by him, namely, that he is willing to drop clause 3, I do not think we can do it except by a resolution of this House. Here is a report of the Select Committee and we have to deal with that report, and it is only the House that by a vote can delete this clause and for that we cannot proceed unless we are satisfied that the sanction of the Governor-General has been received. The hon. Member cannot of himself drop in part a Select Committee's Report."

* Mr. J. A. SALDANHA :—" I would ask for the permission of the hon. the President as well of the House. If they give me permission, then we can consult our legal advisers as to whether and how we can delete that clause."

* The hon. the PRESIDENT :—" The question is whether we can proceed with the Bill at all."

* The hon. the RAJA OF PANAGAL :—" The question of obstruction has been reintroduced in the Bill as amended by the Select Committee. The right which the Bill confers is a right which interferes with the vested rights of the people and, unless there is previous sanction of the Governor-General, I do not think this Council can take up the Bill for consideration. The Bill has been amended by the Select Committee and it has not been sanctioned by the Governor-General."

* Mr. A. CHIDAMBARA NADAR :—" I want to know whether no sanction was given by the Governor-General to the Bill as introduced by Mr. Saldanha."

* The hon. the PRESIDENT :—" Not as amended."

* Mr. A. CHIDAMBARA NADAR :—" How is it that Government did not object to the Bill being introduced in the beginning itself?"

* The hon. the PRESIDENT :—" Now they object because some fundamental changes have been made by the Select Committee and Government do not agree to them."

[31st August 1926]

* Mr. J. A. SALDANHA :—"I shall read the original Bill. It reads thus :
'Whereas it is expedient to amend the Madras District Municipalities Act, etc., it is hereby enacted as follows :—'

"Clause 2 reads this :

"Insert the following sub-clauses below sub-clause (c) of clause (21) of section 3 of the Madras District Municipalities Act after omitting the word 'and' from sub-clause (b) :—

'(d) any street heretofore levelled, paved, metalled, flagged, channelled, drained, conserved, or lighted out of any municipal or other public funds; and

'(e) any street which under section 179 or any of the other provisions of this Act is declared by the Municipality to be a public street.'

"Clause 3 provides :

"Insert the following sub-clause below sub-clause (c) of clause (18) of section 3 of the Madras Local Boards Act after adding the word 'and' to that sub-clause and omitting the same word from sub-clause (b) :—

'(d) any road heretofore levelled, paved, metalled, flagged, channelled, drained, conserved, or lighted out of any board's funds or other public funds'.

"Thus, it will be seen, if this Bill is passed, that any street or road maintained out of municipal funds will become a public street or road. In fact, I introduced a comprehensive clause but it has been altered. On account of the comprehensive nature of the provision that I wanted to introduce in this Bill, I also had an intention to modify that portion of the Madras General Clauses Act which relates to this subject. I did not want to introduce a penal provision at all. I would point out that, according to the law as it stands at present, under the Indian Penal Code the punishment follows as a matter of course. The only thing that is required is you will have to declare a certain street or road as 'public', because the difficulty comes in in certain cases where streets or roads are considered as private, although they are maintained by municipal funds, and access to a class of people is prevented by other classes of people saying that such roads or streets are intended for the exclusive use of the latter. What happened in Palghat and other places was that streets or roads were laid from municipal funds and they were supposed to be private. When the question of definition of a 'public' street arose, it was found that such streets were private streets. There is no provision in the District Municipalities Act declaring such streets as 'public'. In order to make the law clear on this point I wanted to introduce this Bill. Along with this Bill I submitted a Bill to amend the General Clauses Act in this way namely, that when the word 'public' is used with reference to people it shall include any class of people, or when it is used in connexion with a road or a tank or a market place, such places shall be accessible to any classes of people without distinction of race or religion. Then, objection came from the Law Department that as I wanted to introduce this Bill side by side with the sanction of the Governor-General. But never did the Law Department object to my original Bill. I have consulted some of the private practitioners and they have all told me that, as long as I do not introduce any penal clause in the Bill, it does not require the previous sanction of the Governor-General".

31st August 1926]

* The hon. the PRESIDENT :—"But was it to this clause? Not to this clause I believe. The original Bill referred to definitions. That is quite a different matter. Here it is a definite clause affecting the civil rights of His Majesty's subjects. For that certainly the sanction of the Governor-General would be required."

* Mr. J. A. SALDANHA :—"Because it is a penal provision?"

* The hon. the PRESIDENT :—"Apart from the penal provision, here it is a clause affecting the civil rights of His Majesty's subjects"

* Mr. J. A. SALDANHA :—"I simply want to declare what is a 'public' road or street. As soon as a person obstructs another from entering that street or road which we declare as 'public', the former becomes punishable under the Indian Penal Code. Here I do not want to change the Penal Code. For amending the General Clauses Act certainly the sanction of the Governor-General is required. Here I simply want to declare certain streets or roads 'public' which were considered as 'private' and provide that if anybody obstructs a person from passing through such streets or roads, he comes under the penal provisions of the Indian Penal Code. So, to introduce a Bill declaring that such and such streets are 'public' does not require the previous sanction of the Governor-General."

* The hon. Mr. N. E. MARJORIBANKS :—"I submit that is exactly what is required."

* Mr. J. A. SALDANHA :—"I really wonder why the Law Member or anybody on behalf of Government did not raise this objection previously. At this stage, I think that objection cannot hold water. The Bill has been delayed unnecessarily in the Select Committee and it was sticking fast somewhere and was disappearing for a long time. I do not want to repeat the same arguments which I once used before. I have done my utmost and if these technical objections which I consider not at all right, are raised at this stage, I am not to be blamed."

* The hon. the PRESIDENT :—"If the sanction of the Governor-General is not obtained it will affect the validity of Mr. Saldanha's Bill."

* Mr. A. CHIDAMBARA NADAR :—"It is only when a penal clause is introduced that the sanction of the Governor-General is required."

* The hon. Mr. N. E. MARJORIBANKS :—"The sanction of the Governor-General would be required not only for the introduction of a penal clause but for the introduction of other clauses which affect the civil rights of the people. It is not for me to apportion the blame as to who is at fault. The fact remains that the sanction of the Governor-General has not been obtained. However, Sir, I submit the matter to your ruling."

* The hon. the PRESIDENT :—"I am also of the opinion that the first clause requires the sanction of the Government of India. I am afraid we cannot proceed with the consideration of the Bill."

The Bill was accordingly dropped.

The House then adjourned to meet again at 11 a.m. the next day.

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

[31st August 1926]

APPENDIX I.

[Vide answer to question No. 2422 asked by Mr. V. C. Vellingiri Gounder at the meeting of the Legislative Council held on the 31st August 1926, page 379 supra.]

Statement showing the portion of unreserves declared as reserved forests in the Salem district from 1901.

Name of reserve.	Area in acres.	Classification according to Mr. Whitehead.
<i>North Salem division.</i>		
Denkanikota Extension	980	II
Hudaiadurgam	11,412	I
Aiyur Extension	3,922	I
Marandahalli Extension	8,098	I
Kempakarai	6,474	I
Thouluvabetla Extension	1,168	I
Nyamasabbiram Agraharam	424	I
Panai	17,387	I
Sanamavu	4,794	I
Do. Extension	9	II
Ubbarani	11,940	II
Urigam	7,984	I
Hullibanda	8,010	I
Pennagaram Extension	18	I
Kesarguli Extension	110	I
Eeevanurmalai Extension	203	I
Do. II Extension	5	I
Varadanapalli Extension I to III	42	I
Naralapalli	3,760	II
Total	86,740	or 136 sq. miles.

Central Salem division.

Badanavadi Extension	425	I
Tirumanur and Extension	4,462	I
Mallur part	5,148	I
Bonniyampatti	1,814	I
Kanjeri Extension	247	I
Kavaramalai Extension	334	I
Gonur	2,410	I
Sholapadi A and B Block	3,513.80	II
Do. Extension A	175	II
Jarugumalai	7,110	II
Mallur part	720	II
Veppampatti Extension	4,254	III
Chitlingi Extension	3,069	I
Kotlapatti Extension	13,436	I
Karungal	5,388	I
Nochikuttai Extension	4,122	I
Kalnad extension	1,585	I
Kurichi	3,409	I
Velampatti	4,839	I
Pallipatti Extension	3,692	I
Kallavi	4,042	I
Thirthagiri	1,887	III
Arana	1,903	Not classified.
Total	77,654.14	or 121 sq. miles.

[31st August 1926]

Statement showing the portion of unreserves declared as reserved forests in the Salem district from 1901—cont.

Name of reserve.	Area in acres.	Classification according to Mr. Whitehead.
<i>North Salem division.</i>		
Shelur	13,425	I
Asiyur Shola	1,090	I
Gundur	2,464	I
Shelur Extension	532	I
Vengamudi	212	I
Periasholai	838	I
Vengarai	327	I
Vedambiyam	3,102	I
Veppadi	3,447	I
Paithur	13,145	I
Atur-Manmalai	3,726	I
Bailnad	13,427	I
Adukkam-Pudukombai	4,452	} Not classified.
Pernamalmalai	4,503	

APPENDIX II.

[Vide item III on page 380 supra.]

I

BILL No. 8 OF 1925.

Report of the Select Committee on Mr. Veerian's Bill to amend the Madras Local Boards Act, 1920 (Act No. XIV of 1920).

To

THE HONOURABLE THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

We, the members of the Select Committee appointed to consider Mr. Veerian's Bill to amend the Madras Local Boards Act, 1920 (Bill No. 8 of 1925), have the honour to submit the following report.

2. The Bill was published in the *Port St. George Gazette* in English on the 5th May 1925, in Tamil on the 12th May 1925, in Telugu, Malayalam and Kanarese on the 19th May 1925 and in Oriya on the 2nd June 1925.

3. The Committee met on the 10th February and 19th March 1926. The following are the main changes made in the Bill.

[31st August 1926]

4. *Clause 2.*—The Committee considered that a substantive provision should be made to declare the right of all members of the public irrespective of caste or creed to the use of public roads constructed or maintained at the cost of local funds and that a penalty should be provided for obstruction of the user of such roads. The proposed section 157-A has been redrafted accordingly.

5. *Clause 3.*—This has been omitted as the Committee considered that the Bill should be confined for the present to public roads and markets.

6. *Clause 4.*—The proposed addition to section 167 has been slightly modified so as to conform to the wording of proposed section 157-A.

7. *Clause 5.*—Necessary amendments have been made in this clause with reference to the alterations in clauses 2 to 4.

8. The Committee have made some verbal alterations in the form of the Bill.

9. A copy of the Bill as amended by the Select Committee is appended. The Committee do not consider that the Bill has been so altered as to require republication.

P. RAMARAYANINGAR.

K. V. REDDI.

A. CHIDAMBARA NADAR.

T. R. V. SASTRI.

T. M. MOIDOO.

J. A. SALDANHA.*

M. KRISHNAN NAIR.

M. C. RAJAH.

R. VEERIAN, M.L.C.

SAHIB MEHRBAN-I-DOSTAN SRI
RAMACHANDRA MARDARAJA DEO,
Zamindar of Kallikota.

R. SRINIVASAN.*

A. RAMASWAMI MUDALIYAR.

* Subject to a minute of dissent.

31st August 1926]

MINUTES OF DISSENT.

I

I am against any special penalties for obstruction in the use of a public road or market for which there is provided a punishment under section 341, Indian Penal Code, up to one month's simple imprisonment or a fine of Rs. 500 or both. I cannot trace any provision in the Municipal or the Local Boards Act which duplicates penalties in the case of offences punishable under the penal code:—

(2) Besides it seems to me that the proper place for the additional section as to roads under clause (2) would be in or after section 60 of the Local Boards Act which vests all public roads in local bodies. The provision as to public markets appears superfluous.

1st June 1926.

J. A. SALDANHA.

II

I regret I cannot agree to the omission of the clause (3) of the Bill dealing with springs, tanks, wells, etc. The object of the Bill being to bring the provisions contained in the G.O. No. 2660, L. & M, of the 25th September 1924, published in the *Fort St. George Gazette* to be definitely accepted and announced as the policy of the Government, and make them into law, the breach of which would be punishable under the Madras Local Boards Act, 1920, the omission goes not only to neglect the recommendation of the Legislative Council and the policy of the Government, but it will give an inference to the public that the public springs, tanks and wells are not accessible to any person belonging to the Depressed classes. Since the publication of the above Government Order several tanks and wells were made accessible to the members of the Depressed classes. There will be a reaction by the omission of the clause (3) of the Bill. In the interest of the Depressed and other similar communities, I think that the tanks and wells also should be included in the Bill as provided for in clause (3) aforesaid.

POONAMALLEE,
14th June 1926.

R. SRINIVASAN.

[31st August 1926]

II

Appendix.

BILL No. 8 OF 1925.

A

BILL

TO

Amend the Madras Local Boards Act, 1920 (Act No. XIV of 1920).

(As amended by the Select Committee.)

WHEREAS it is expedient to amend the Madras Local Boards Act, 1920; It is hereby enacted as follows:—

1. This Act may be called the “Madras Local Boards (Amendment) Act, 1926.”

2. After section 157 of the Madras Local Boards Act, 1920 (hereinafter referred to as the said Act), the following section shall be inserted, namely—

“157-A. All roads vested in or maintained by the local boards shall be open to persons of whatever caste or creed.”

3. In section 167 of the said Act, after the words “public markets,” the following words shall be added, namely—

“and such markets shall be open to persons of whatever caste or creed.”

4. In Schedule VIII to the said Act—

(1) after the item relating to section 157, the following item shall be inserted, namely—

157-A. Obstructing a person in the use of roads. One hundred rupees.

(2) after the item relating to section 166, the following item shall be inserted, namely—

167. Obstructing a person in the use of public markets. One hundred rupees.

[31st August 1926]

APPENDIX III.

[Vide item VI on page 388 supra.]

BILL No. 4 OF 1926.

A Bill to declare the Kirlampudi B and C Estates, Dontamuru and Rayavaram Estates to be impartible within the meaning of the Madras Impartible Estates Act, 1904.

WHEREAS it is expedient to declare that the Kirlam- Preamble.
pudi B and C Estates, Dontamuru and Rayavaram Estates, are impartible and that their proprietors cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows:—

1. This Act may be called ‘The Kirlampudi B and C Estates, Dontamuru and Rayavaram Impartible Estates Act, 1926’. Short title.

2. Notwithstanding any decision of Courts, rule of law or enactment to the contrary, the Kirlampudi B and C Estate, except the village of Kirlampudi, Kirlampudi C Estate, Dontamuru and Rayavaram Estates in the Godavari district, are hereby declared to be impartible estates within the meaning of the Madras Impartible Estates Act, 1904, and shall in the hands of their respective owners as well as of their heirs and successors be subject to the provisions of that Act. meaning of the Madras Impartible Estates Act, 1904.

3. This Act shall not affect any alienation made or debt incurred before the commencement of this Act. Savings.

STATEMENT OF OBJECTS AND REASONS.

Raja Sri Ravu Ramakrishna Ranga Rao Bahadur Garu, son of Maharajah Sri Ravu Sir Venkata Swatachalapati Ranga Rao Bahadur Garu, G.C.I.E., C.B.E., Maharajah of Bobbili, obtained by a Deed of Settlement, dated the 6th November 1916, from his father the Maharajah of Bobbili the Estate of Kirlampudi B, the undivided half of the Estate of Kirlampudi C, Dontamuru and Rayavaram Estates. The said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur has purchased the other undivided half of the Estate of Kirlampudi C under Deeds of Sale, dated 6th February 1917 and 31st August 1918.

[31st August 1926]

The said several estates were comprised in and formed part of the ancient, impartible and inalienable, principality of Peddapur, running as far back as the 16th century. The descendants of the ancient family which held the zamindari were governed by custom and the law of primogeniture. It was with one of the descendants of this ancient family that the permanent settlement was made by the British Government.

The Maharajah of Bobbili was the holder of the ancient impartible and inalienable estate known as 'The Zamindari of Bobbili' which partook of the nature of Raj or principality and the family of the said Maharajah of Bobbili is governed by the custom and law of primogeniture.

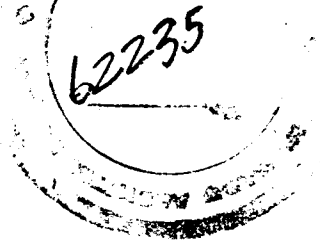
The Maharajah of Bobbili conferred upon his said second son Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu the abovementioned estates for the purpose of the said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu maintaining the status of the family.

The said Kirlampudi B and C Estates, Dontamuru and Rayavaram Estates, which formed part of the ancient, impartible and inalienable estates governed by the custom and law of primogeniture have thus passed into a family governed by the same custom and law and are held by a member of an ancient family.

The said estates yield an annual income of Rs. 1,06,516-6-7 odd paying a peishkash of Rs. 18,168-13-8 to Government. The said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur Garu, who is the sole owner of the properties, has expressed his desire and intention that the estates should be held as an impartible and inalienable estate, governed by the law of primogeniture, that they should not be dismembered and that the family custom, status, dignity should be upheld in his line, and the present case falls within the principles underlying the enactment of the Madras Act II of 1904 and the Maharajah of Bobbili and the present Rajah of Bobbili approve of and consent to the said Kirlampudi B and C Estates, Dontamuru and Rayavaram being treated as impartible and inalienable to enable the family of the holder to preserve the dignity, status and sphere of usefulness. The said Rajah Sri Ravu Ramakrishna Ranga Rao Bahadur has at present only one son, his second son has been given away in adoption to the Rajah of Jetprole and thereby ceased to belong to the family; as there is no legal impediment in the way of a Legislative Declaration, it is desirable that these estates should be included in Annexure (1) to the Schedule to the Impartible Estates Act II of 1904.

3rd June 1926.

O. THANIKACHELLA CHETTY.



V211.32 N26
N26-3135