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PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FOURTH SESSION OF THE THIRD LEGISLATIVE COUNCIL

Vol. L (Nos. 1 to 15)

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency Sir NORMAN EDWARD MARJORIBANKS, K.C.I.E., I.O.S.
Took his seat on 29th June 1929.

Members of the Executive Council.

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

I.—Provincial Subjects.

- | | |
|--|--|
| 1. Police, including Railway
Police and C.I.D. | 12. Government Houses, Staff and
equipment of His Excellency
the Governor. |
| 2. Regulation of betting and
gambling. | 13. Stationery and Government
Presses. |
| 3. Prevention of cruelty to
animals. | 14. Elections for Indian and
Provincial legislatures. |
| 4. Control of poisons. | 15. Industrial matters included
under the following heads :— |
| 5. Control of vehicles. | (a) Factories. |
| 6. Control of dramatic per-
formances and cinemato-
graphs. | (b) Settlement of labour
disputes. |
| 7. Control of newspapers,
books and printing
presses. | (c) Boilers. |
| 8. Laccadives. | (d) Gas. |
| 9. European vagrancy. | (e) Smoke nuisances. |
| 10. European and Anglo-Indian
education. | (f) Welfare of labour
including depressed
classes. |
| 11. Regulation of medical and
other professional quali-
fications and standards. | 16. Criminal tribes. |

II.—Central Subjects.

- | | |
|--|--------------------------------|
| 1. Control of petroleum and
explosives. | 3. Arms and ammunition. |
| 2. Central police organization. | 4. Emigration and immigration. |
| | 5. Pilgrimage to the Hedjaz. |

2. The hon. Sir THOMAS MOIR, K.C.I.E., C.S.I., I.C.S., Finance Member. Took his seat on 27th April 1925 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|------------------------|---|
| 1. Provincial finance. | 4. Preservation and translation of ancient manuscripts. |
| 2. Pensions. | 5. Central Record office. |
| 3. Local Fund audit. | |

II.—Central Subjects.

- | | |
|--|---|
| 1. (a) Defence of India. | 9. Public debt of India. |
| (b) Naval and Military works and cantonments. | 10. Savings banks. |
| 2. External relations, including naturalization and aliens and pilgrimage beyond India except to the Hedjaz. | 11. Indian Audit Department. |
| 3. Relations with States in India. | 12. Commerce, including banks and insurance. |
| 4. Political charges. | 13. Trading companies and other associations. |
| 5. Communications. | 14. Opium (central questions regarding—). |
| 6. Posts and telegraphs and telephones, including wireless installations. | 15. Central research. |
| 7. Sources of all-India revenues. | 16. Ecclesiastical. |
| 8. Currency and coinage. | 17. Archæology. |
| | 18. Regulation of ceremonials, titles, order of precedence and civil uniform. |
| | 19. Subjects not allocated elsewhere. |

3. The hon. Diwan Bahadur M. KRISHNAN NAYAR, Law Member. Took his seat on 25th April 1928 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|--|---|
| 1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province. | 6. Treasure trove. |
| 2. Provincial law reports. | 7. Non-judicial and judicial stamps. |
| 3. Administrator-General and Official Trustees. | 8. Prisons and prisoners. |
| 4. Escheats. | 9. Industrial matters included under the following head: Electricity, including hydro-electric schemes. |
| 5. Coroners. | 10. Forests (including cinchona) except panchayat forests. |
| | 11. Minor ports. |

II.—Central Subjects.

- | | |
|----------------------------|--|
| 1. Civil law. | 6. Shipping and navigation. |
| 2. Inventions and designs. | 7. Lighthouses. |
| 3. Copyright. | 8. Port quarantine and marine hospitals. |
| 4. Criminal law. | |
| 5. Major ports. | |

4. The hon. Mr. A. Y. G. CAMPBELL, C.S.I., C.I.E., C.B.E., V.D., I.C.S., Member in charge of Revenue. Took his seat on 29th June 1929 and is in charge of the following portfolios :—

I.—Provincial Subjects.

- | | |
|---|--|
| 1. Land Revenue administration as described under the following heads, namely :—
(a) Assessment and collection of land revenue.
(b) Maintenance of land records; survey for revenue purposes; records of rights.
(c) Laws regarding land tenures; relations of landlords and tenants; collection of rents.
(d) Court of Wards, encumbered and attached estates.
(e) Land improvement and agricultural loans.
(f) Colonization and disposal of crown lands.
(g) Management of Government estates.
(h) Panchayat forests. | 4. Inland waterways including shipping and navigation thereon. |
| 2. Yeomias, inams and hereditary pensions. | 5. Economic condition including wages and prices and famine-relief. |
| 3. Water-supplies, irrigation and canals, drainage and embankments; water storage and water power. | 6. Land acquisition, excepting notifications under subsection (1) of section 4 and declarations under subsection (1) of section 6 of the Land Acquisition Act, 1894, where the public purpose referred to in the said subsections appertains to a transferred subject. |
| | 7. Development of mineral resources. |
| | 8. Protection of wild birds and animals. |
| | 9. Pounds and prevention of cattle trespass. |
| | 10. Provincial Gazetteers. |
| | 11. Agency tracts. |
| | 12. Fortnightly reports and preliminary special reports to the Government of India. |
| | 13. General service questions. |
| | 14. Office procedure. |
| | 15. Secretariat. |
| | 16. Matters of a general nature not allocated elsewhere. |

II.—Central Subjects.

- | | |
|---------------------------|---|
| 1. Geological survey. | 8. Territorial changes. |
| 2. Mineral development. | 9. Immovable property in possession of the Governor-General in Council. |
| 3. Botanical survey. | 10. All-India services. |
| 4. Survey of India. | 11. Public Services Commission. |
| 5. Zoological survey. | 12. Reforms. |
| 6. Meteorology. | |
| 7. Census and Statistics. | |

Ministers.

1. The hon. Dr. P. SUBBARAYAN. Took his seat on 4th December 1926 and is in charge of the following portfolios :—

- | | |
|---|--|
| (1) Education (other than European and Anglo-Indian education). | (3) Light and feeder Railways and Tramways within municipal areas. |
| (2) Libraries, Museums and Zoological Gardens. | (4) Local Self-Government including village panchayats. |
| | (5) Religious and Charitable Endowments. |

2. The hon. Mr. S. MUTHIAH MUDALIYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

- | | |
|--|--|
| (1) Adulteration of foodstuffs and other articles. | (5) Pilgrimages within British India. |
| (2) Excise. | (6) Public health and sanitation and vital statistics. |
| (3) Registration. | (7) Weights and measures. |
| (4) Medical administration. | |

3. The hon. Mr. M. R. SETURATNAM AYYAR. Took his seat on 16th March 1928 and is in charge of the following portfolios :—

- | | |
|----------------------------------|---|
| (1) Agriculture. | (4) Development of industries. |
| (2) Civil Veterinary Department. | (5) Public Works (buildings, roads, ferries, ropeways, etc.). |
| (3) Co-operative societies. | (6) Fisheries. |

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Rao Bahadur C. V. S. NARASIMHA RAJU GARU, B.A., B.L.

Deputy President.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI.

Panel of Chairmen.

Mr. J. A. SALDANHA.

Mr. T. C. SRINIVASA AYYANGAR.

Rao Bahadur B. MUNISWAMI NAYUDU.

Khan Bahadur P. KHALIFULLAH SAHIB Bahadur.

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. D. K. VENKATARAGHAVA VARMA GARU, B.A., B.L.

ALPHABETICAL LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1. Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2. Abdul Hye Sahib Bahadur, K.	Ceded Districts, Muhammadan Rural.
3. Abdul Razack Sahib Bahadur, Khan Bahadur S. K.	North Arcot <i>cum</i> Chingleput, Muhammadan Rural.
4. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, Muhammadan Rural.
5. Adinarayana Chettiyar, Bar.-at-Law, T.	North Arcot, N.-M. Rural.
6. Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Ramnad <i>cum</i> Tinnevelly, Muhammadan Rural.
7. Anjaneyulu, P.	Guntur, N.-M. Rural.
8. Appavu Chettiyar, C. D. ...	Salem, N.-M. Rural.
9. Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
10. Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts (Indian Christian).
11. Arpudaswami Udayar, S. ...	Tanjore and Trichinopoly <i>cum</i> Madura (Christian).
12. Basheer Ahmad Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
13. Bhanoji Rao, A. V.	Vizagapatam City, N.-M. Urban.
14. Bheemayya, J.	NOMINATED.
15. Biswanath Das Mahasayo, Sriman.	Ganjam, N.-M. Rural.
16. Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	EX OFFICIO.
17. Chidambaranatha Mudaliyar, T. K.	Tinnevelly, N.-M. Rural.
18. Cotterell, C.I.E., I.C.S., C. B. ...	NOMINATED.
19. Davis, J. A.	Anglo-Indian.
20. Dorai Raja, S. N.	NOMINATED.
21. Ellappa Chettiyar, Rao Bahadur S.	Salem, N.-M. Rural.
22. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
23. Foulkes, R.	NOMINATED.
24. Gangadhara Siva, M. V. ...	NOMINATED.
25. Gnanavaram Pillai, P. J. ...	NOMINATED.
26. Gopala Menon, C.	Southern India Chamber of Commerce.
27. Govindaraja Mudaliyar, C. S. ...	Madras City, N.-M. Urban.
28. Gray, O.B.E., I.C.S., J. ...	NOMINATED.
29. Guruswami, Rao Sahib L. C. ...	NOMINATED.
30. Hampayya, Rai Sahib M. ...	NOMINATED.
31. Harisarvottama Rao, G. ...	Kurnool, N.-M. Rural.
32. Hearson, H. F. P.	Madras Chamber of Commerce.
33. Hilton Brown, I.O.S.	NOMINATED.

Name of member.	Name and class of constituency.
34. James, F. E.	Madras Planters—Planting.
35. John, V. Ch.	Northern Districts (Indian Christian).
36. Kaleswara Rao, A.	Kistna, N.-M. Rural.
37. Kameswara Rao Nayudu, V. ...	Ganjam, N.-M. Rural.
38. Karant, K. R.	South Kanara, N.-M. Rural.
39. Kesava Pillai, C.I.E., Diwan Bahadur P.	Anantapur, N.-M. Rural.
40. Khadir Mohidin Sahib Bahadur, Muhammad.	East Coast, Muhammadan Rural.
41. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.
42. Koti Reddi, Bar.-at-Law, K. ...	Cuddapah, N.-M. Rural.
43. Krishnan, K.	NOMINATED.
44. Krishnan Nayar, The hon. Diwan Bahadur M.	EX OFFICIO.
45. Krishnaswami Ayyar, Mr. Alladi.	NOMINATED.
46. Krishnaswami Nayakar, K. V.	Chingleput, N.-M. Rural.
47. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagunya Kumara Krishnayachendra Bahadur Varu).	Nellore, N.-M. Rural.
48. Kumaraswami Reddiyar, Diwan Bahadur S.	Tinnevelly, N.-M. Rural.
49. Kuppuswami, J.	Guntur, N.-M. Rural.
50. Leach, I.C.S., A. G.	NOMINATED.
51. Leech, A. J.	European.
52. Madhavan Nayar, K.	Malabar, N.-M. Rural.
53. Maharaja of Jeypore (Maharaja Sri Ramachandra Deo).	NOMINATED.
54. Maharaja of Pithapuram, C.B.E. (Maharaja Sahib Meharbani-dostan Sri Maharaja Ravu Venkata Kumara Mahipathi Surya Rao Bahadur).	Northern Landholders, II.
55. Maharaja of Venkatagiri, K.C.I.E., Capt. Sir the (Raja Velugoti Sri Govinda Krishna Yachendrulavaru).	North Central Landholders.
56. Mahmud Schamnad Sahib Bahadur.	South Kanara, Muhammadan Rural.
57. Mallayya, B. S.	Madras City, N.-M. Urban.
58. Manikkavelu Nayakar, M. A. ...	North Arcot, N.-M. Rural.
59. Marudavanam Pillai, C. ...	Tanjore, N.-M. Rural.
60. Meera Ravuttar Bahadur, K. P. V. S. Muhammad.	Madura <i>cum</i> Trichinopoly, Muhammadan Rural.
61. Moidoo Sahib Bahadur, Khan Sahib T. M.	Malabar, Muhammadan Rural.
62. Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	EX OFFICIO.
63. Muniswami Nayudu, Rao Bahadur B.	Chittoor, N.-M. Rural.

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Name of member.	Name and class of constituency.
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2. Abdul Hye Sahib Bahadur, K.	Ceded Districts, Muhammadan Rural.
3. Abdul Razack Sahib Bahadur, Khan Bahadur S. K.	North Arcot <i>cum</i> Chingleput, Muhammadan Rural.
4. Abdul Wahab Sahib Bahadur, Munshi.	Northern Circars, Muhammadan Rural.
5. Adinarayana Chettiyar, Bar.-at-Law, T.	North Arcot, N.-M. Rural.
6. Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Ramnad <i>cum</i> Tinnevelly, Muhammadan Rural.
7. Anjaneyulu, P.	Guntur, N.-M. Rural.
8. Appavu Chettiyar, C. D.	Salem, N.-M. Rural.
9. Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
10. Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Central Districts (Indian Christian).
11. Arpudaswami Udayar, S.	Tanjore and Trichinopoly <i>cum</i> Madura (Christian).
12. Basheer Ahmad Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
13. Bhanoji Rao, A. V.	Vizagapatam City, N.-M. Urban.
14. Bheemayya, J.	NOMINATED.
15. Biswanath Das Mahasayo, Sriman.	Ganjam, N.-M. Rural.
16. Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	EX OFFICIO.
17. Chidambaranatha Mudaliyar, T. K.	Tinnevelly, N.-M. Rural.
18. Cotterell, C.I.E., I.C.S., C. B.	NOMINATED.
19. Davis, J. A.	Anglo-Indian.
20. Dorai Raja, S. N.	NOMINATED.
21. Ellappa Chettiyar, Rao Bahadur S.	Salem, N.-M. Rural.
22. Ethirajulu Nayudu, Diwan Bahadur P. C.	Guntur, N.-M. Rural.
23. Foulkes, R.	NOMINATED.
24. Gangadhar Siva, M. V.	NOMINATED.
25. Gnanavaram Pillai, P. J.	NOMINATED.
26. Gopala Menon, C.	Southern India Chamber of Commerce.
27. Govindaraja Mudaliyar, C. S.	Madras City, N.-M. Urban.
28. Gray, C.B.E., I.C.S., J.	NOMINATED.
29. Guruswami, Rao Sahib L. C.	NOMINATED.
30. Hampayya, Rai Sahib M.	NOMINATED.
31. Harisarvottama Rao, G.	Kurnool, N.-M. Rural.
32. Hearson, H. F. P.	Madras Chamber of Commerce.
33. Hilton Brown, I.C.S.	NOMINATED.

Name of member.	Name and class of constituency.
34. James, F. E.	Madras Planters—Planting.
35. John, V. Ch.	Northern Districts (Indian Christian).
36. Kaleswara Rao, A.	Kistna, N.-M. Rural.
37. Kameswara Rao Nayudu, V.	Ganjam, N.-M. Rural.
38. Karant, K. R.	South Kanara, N.-M. Rural.
39. Kesava Pillai, C.I.E., Diwan Bahadur P.	Anantapur, N.-M. Rural.
40. Khadir Mohidin Sahib Bahadur, Muhammad.	East Coast, Muhammadan Rural.
41. Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.
42. Koti Reddi, Bar.-at-Law, K.	Cuddapah, N.-M. Rural.
43. Krishnan, K.	NOMINATED.
44. Krishnan Nayar, The hon. Diwan Bahadur M.	EX OFFICIO.
45. Krishnaswami Ayyar, Mr. Alladi.	NOMINATED.
46. Krishnaswami Nayakar, K. V.	Chingleput, N.-M. Rural.
47. Kumara Raja of Venkatagiri (Raja Velugoti Sarvagaya Kumara Krishnayachendra Bahadur Varu).	Nellore, N.-M. Rural.
48. Kumaraswami Reddiyar, Diwan Bahadur S.	Tinnevelly, N.-M. Rural.
49. Kuppuswami, J.	Guntur, N.-M. Rural.
50. Leach, I.C.S., A. G.	NOMINATED.
51. Leech, A. J.	European.
52. Madhavan Nayar, K.	Malabar, N.-M. Rural.
53. Maharaja of Jeypore (Maharaja Sri Ramachandra Deo).	NOMINATED.
54. Maharaja of Pithapuram, C.B.E. (Maharaja Sahib Meharbani-dostan Sri Maharaja Ravu Venkata Kumara Mahipathi Surya Rao Bahadur).	Northern Landholders, II.
55. Maharaja of Venkatagiri, K.C.I.E., Capt. Sir the (Raja Velugoti Sri Govinda Krishna Yachendralavaru).	North Central Landholders.
56. Mahmud Schamnad Sahib Bahadur.	South Kanara, Muhammadan Rural.
57. Mallayya, B. S.	Madras City, N.-M. Urban.
58. Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
59. Marudavanam Pillai, C.	Tanjore, N.-M. Rural.
60. Meera Ravuttar Bahadur, K. P. V. S. Muhammad.	Madura <i>cum</i> Trichinopoly, Muhammadan Rural.
61. Moidoo Sahib Bahadur, Khan Sahib T. M.	Malabar, Muhammadan Rural.
62. Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	EX OFFICIO.
63. Muniswami Nayudu, Rao Bahadur B.	Chittoor, N.-M. Rural.

Name of member.	Name and class of constituency.
64. Muniswami Pillai, V. I.	NOMINATED.
65. Muppil Nayar of Kavalappara alias Kumaran Raman.	West Coast Landholders.
66. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
67. Muthiah Mudaliyar, The hon. Mr. S. (<i>Minister</i>).	Tanjore, N.-M. Rural.
68. Muthulakshmi Reddi, Dr. (Mrs.) (<i>Deputy President</i>).	NOMINATED.
69. Muthuranga Mudaliyar, C. N.	Chingleput, N.-M. Rural.
70. Nagan Gowda, R.	NOMINATED.
71. Nanjappah 'Bahadur', Subadar- Major S. A.	NOMINATED.
72. Narasimha Raju, The hon. Rao Bahadur C. V. S. (<i>President</i>).	Vizagapatam, N.-M. Rural.
73. Narayana Raju, D.	Godavari West, N.-M. Rural.
74. Narayana Rao, Mothay	Godavari West, N.-M. Rural.
75. Narayanan Chettiyar, Al. Ar....	Nattukkottai Nagarathars' Associa- tion.
76. Narayanan Nambudripad, Rao Bahadur O. M.	NOMINATED.
77. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural
78. Natesa Mudaliyar, Rao Baha- dur, C.	Madras City, N.-M. Urban.
79. Obi Reddi, C.	Anantapur, N.-M. Rural.
80. Parasurama Rao Pantulu, A. ...	Cuddapah, N.-M. Rural.
81. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
82. Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
83. Premayya, G. R.	NOMINATED.
84. Raja of Kallikota (Sri Raja Ramachandra Maradaraja Deo).	Northern Landholders, I.
85. Rajan, P. T.	Madura, N.-M. Rural.
86. Ramachandra Padayachi, K. ...	South Arcot, N.-M. Rural.
87. Ramachandra Reddi, B.	Nellore, N.-M. Rural.
88. Ramamurti, I.C.S., S. V.	NOMINATED.
89. Raman Menon, K. P.	Malabar, N.-M. Rural.
90. Ramanath Goenka	NOMINATED.
91. Ramasomayajulu, C.	Cocanada City, N.-M. Urban.
92. Ramaswami Ayyar, U.	Trichinopoly cum Srirangam, N.-M. Urban.
93. Ramjee Rao, V.	NOMINATED.
94. Ranganatha Mudaliyar, A.	Bellary, N.-M. Rural.
95. Ratnasabhapati Mudaliyar, Rao Bahadur C. S.	Coimbatore, N.-M. Rural.
96. Robertson, R. J. C.	Madras Trades Association.
97. Sahajanandam, Swami A. S. ...	NOMINATED.
98. Saldanha, J. A.	West Coast, Indian Christian.
99. Sami Venkatachalam Chetti ...	Madras City, N.-M. Urban.
100. Sarabha Reddi, K.	Kurnool, N.-M. Rural.
101. Satyamurti, S.	Madras University.

Name of member.	Name and class of constituency.
102. Seturatnam Ayyar, The hon. Mr. M. R. (<i>Minister</i>).	Trichinopoly, N.-M. Rural.
103. Shetty, A. B. ...	South Kanara, N.-M. Rural.
104. Sitarama Reddi, Rao Bahadur K.	South Arcot, N.-M. Rural.
105. Siva Raj, N. ...	NOMINATED.
106. Siva Rao, P. ...	Bellary, N.-M. Rural.
107. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural
108. Soundarapandian, W. P. A. ...	NOMINATED.
109. Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
110. Srinivasa Ayyangar, T. C. ...	Ramnad, N.-M. Rural.
111. Srinivasan, Rao Sahib R. ...	NOMINATED.
112. Subbarayan, The hon. Dr. P. (Zamindar of Kumara- mangalam) (<i>Minister</i>).	South Central Landholders.
113. Subrahmanya Moopnar, S. ...	NOMINATED.
114. Subrahmanya Pillai, Chavadi K.	Tinnevely cum Palamcottah, N.-M. Urban.
115. Swami, Bar.-at-Law, K. V. R.	East Godavari, N.-M. Rural.
116. Tajudin Sahib Bahadur, Syed ...	Tanjore, Muhammadan Rural.
117. Thomas, Daniel ...	Ramnad cum Tinnevely, Indian Christian.
118. Tulasiram, L. K. ...	Madura City, N.-M. Urban.
119. Uppi Sahib Bahadur, K. ...	Malabar, Muhammadan.
120. Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad.	EX OFFICIO.
121. Vanavudaiya Goundar, S. V. ...	Coimbatore, N.-M. Rural.
122. Venkatapati Raju, P. C. ...	Vizagapatam, N.-M. Rural.
123. Venkatarama Ayyar, K. R. ...	Madura, N.-M. Rural.
124. Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
125. Venkatarangam Nayudu, C. ...	North Arcot, N.-M. Rural.
126. Venkataratnam, B. ...	East Godavari, N.-M. Rural.
127. Venkiah, S. ...	NOMINATED.
128. Watson, I.C.S., H. A. ...	NOMINATED.
129. Wood, C. E. ...	Madras Chamber of Commerce.
130. Zamindar of Mirzapuram (Mirza- puram Raja Garu alias Venkataramayya Appa Rao Bahadur Garu).	Kistna, N.-M. Rural.
131. Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Pandiya Tevan Avargal).	Madura, N.-M. Rural.
132. Zamindar of Singampatti (T. N. Sivasubramaniya Tevar Thirthapathi).	Southern Landholders.

Name of member.	Name and class of constituency.
64. Muniswami Pillai, V. I.	NOMINATED.
65. Muppil Nayar of Kavalappara alias Kumaran Raman.	West Coast Landholders.
66. Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.
67. Muthiah Mudaliyar, The hon. Mr. S. (Minister).	Tanjore, N.-M. Rural.
68. Muthulakshmi Reddi, Dr. (Mrs.) (Deputy President).	NOMINATED.
69. Muthuranga Mudaliyar, C. N.	Chingleput, N.-M. Rural.
70. Nagan Gowda, R.	NOMINATED.
71. Nanjappah 'Bahadur', Subadar- Major S. A.	NOMINATED.
72. Narasimha Raju, The hon. Rao Bahadur C. V. S. (President).	Vizagapatam, N.-M. Rural.
73. Narayana Raju, D.	Godavari West, N.-M. Rural.
74. Narayana Rao, Mothay	Godavari West, N.-M. Rural.
75. Narayanan Chettiyar, Al. Ar....	Nattukkottai Nagarathars' Associa- tion.
76. Narayanan Nambudripad, Rao Bahadur O. M.	NOMINATED.
77. Narayanaswami Pillai, T. M. ...	Trichinopoly, N.-M. Rural
78. Natesa Mudaliyar, Rao Baha- dur, C.	Madras City, N.-M. Urban.
79. Obi Reddi, C.	Anantapur, N.-M. Rural.
80. Parasurama Rao Pantulu, A. ...	Cuddapah, N.-M. Rural.
81. Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
82. Patro, Kt., Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
83. Premayya, G. R.	NOMINATED.
84. Raja of Kallikota (Sri Raja Ramachandra Maradaraja Deo).	Northern Landholders, I.
85. Rajan, P. T.	Madura, N.-M. Rural.
86. Ramachandra Padayachi, K. ...	South Arcot, N.-M. Rural.
87. Ramachandra Reddi, B. ...	Nellore, N.-M. Rural.
88. Ramamurti, I.C.S., S. V. ...	NOMINATED.
89. Raman Menon, K. P. ...	Malabar, N.-M. Rural.
90. Ramanath Goenka ...	NOMINATED.
91. Ramasomayajulu, C. ...	Cocanada City, N.-M. Urban.
92. Ramaswami Ayyar, U. ...	Trichinopoly cum Srirangam, N.-M. Urban.
93. Ramjee Rao, V.	NOMINATED.
94. Ranganatha Mudaliyar, A. ...	Bellary, N.-M. Rural.
95. Ratnasabhapati Mudaliyar, Rao Bahadur C. S.	Coimbatore, N.-M. Rural.
96. Robertson, R. J. C.	Madras Trades Association.
97. Sahajanandam, Swami A. S. ...	NOMINATED.
98. Saldanha, J. A. ...	West Coast, Indian Christian.
99. Sami Venkatachalam Chetti ...	Madras City, N.-M. Urban.
100. Sarabha Reddi, K. ...	Kurnool, N.-M. Rural.
101. Satyamurti, S. ...	Madras University.

Name of member.	Name and class of constituency.
102. Seturatnam Ayyar, The hon. Mr. M. R. (Minister).	Trichinopoly, N.-M. Rural.
103. Shetty, A. B. ...	South Kanara, N.-M. Rural.
104. Sitarama Reddi, Rao Bahadur K.	South Arcot, N.-M. Rural.
105. Siva Raj, N. ...	NOMINATED.
106. Siva Rao, P. ...	Bellary, N.-M. Rural.
107. Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural
108. Soundarapandian, W. P. A. ...	NOMINATED.
109. Srinivasa Ayyangar, R. ...	South Arcot, N.-M. Rural.
110. Srinivasa Ayyangar, T. C. ...	Ramnad, N.-M. Rural.
111. Srinivasan, Rao Sahib R. ...	NOMINATED.
112. Subbarayan, The hon. Dr. P. (Zamindar of Kumara- mangalam) (Minister).	South Central Landholders.
113. Subrahmanya Moopnar, S. ...	NOMINATED.
114. Subrahmanya Pillai, Chavadi K.	Tinnevely cum Palamcottah, N.-M. Urban.
115. Swami, Bar.-at-Law, K. V. R.	East Godavari, N.-M. Rural.
116. Tajudin Sahib Bahadur, Syed ...	Tanjore, Muhammadan Rural.
117. Thomas, Daniel ...	Ramnad cum Tinnevely, Indian Christian.
118. Tulasiram, L. K. ...	Madura City, N.-M. Urban.
119. Uppi Sahib Bahadur, K. ...	Malabar, Muhammadan.
120. Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	EX OFFICIO.
121. Vanavudaiya Goundar, S. V. ...	Coimbatore, N.-M. Rural.
122. Venkatapati Raju, P. C. ...	Vizagapatam, N.-M. Rural.
123. Venkatarama Ayyar, K. R. ...	Madura, N.-M. Rural.
124. Venkataramana Ayyangar, C. V.	Coimbatore, N.-M. Rural.
125. Venkatarangam Nayudu, C. ...	North Arcot, N.-M. Rural.
126. Venkataratnam, B. ...	East Godavari, N.-M. Rural.
127. Venkiah, S. ...	NOMINATED.
128. Watson, I.C.S., H. A. ...	NOMINATED.
129. Wood, C. E. ...	Madras Chamber of Commerce.
130. Zamindar of Mirzapuram (Mirza- puram Raja Garu alias Venkataramayya Appa Rao Bahadur Garu).	Kistna, N.-M. Rural.
131. Zamindar of Seithur (Vadamalai Tiruvanatha Sevuga Pandiya Tevan Avargal).	Madura, N.-M. Rural.
132. Zamindar of Singampatti (T. N. Sivasubramaniya Tevan Thirthapathi).	Southern Landholders.

SPECIAL MEMBERS.

133. Rowlandson, E. J. NOMINATED for the Bill to suppress Brothels and Immoral Traffic and for the Bill further to amend the Madras City Police Act, 1888.
134. Sankaran Unni, E. NOMINATED for the consideration of the Malabar Tenancy Bill.
135. Achutan, A. Do.
136. Rutherford, T. G. NOMINATED for the consideration of the Bills to amend the Madras District Municipalities Act and the Madras Local Boards Act.
137. Govinda Nayar, Bar-at-Law, C. Do.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF
MADRAS.

OFFICIAL REPORT.

*Fourth Session of the Third Legislative Council under the
Government of India Act, 1919.*

VOLUME L.

Tuesday, the 24th September 1929

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

- | | |
|---|---|
| Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad. | Kaleswara Rao, Mr. A. |
| Moir, <i>K.C.I.E.</i> , <i>c.s.i.</i> , <i>I.C.S.</i> , The hon. Sir Thomas. | Kameswara Rao Nayudu, V. |
| Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, <i>c.s.i.</i> , <i>c.i.e.</i> , <i>o.b.e.</i> , <i>v.d.</i> , <i>I.C.S.</i> , The hon. Mr. A. Y. G. | Kesava Pillai, <i>c.i.e.</i> , Diwan Bahadur P. Khadir Mohidin Sahib Bahadur, Muhammad. |
| Subbarayan, The hon. Dr. P. | Koti Reddi, Mr. K. |
| Muthiah Mudaliyar, The hon. Mr. S. | Krishnan, Mr. K. |
| Seturatnam Ayyar, The hon. Mr. M. R. | Krishnaswami Ayyar, Mr. Alladi. |
| Abdul Hameed Khan Sahib Bahadur. | Krishnaswami Nayakar, Mr. K. V. |
| Abdul Hye Sahib Bahadur, K. | Kumara Raja of Venkatagiri. |
| Abdul Razaek Sahib Bahadur, Khan Bahadur S. K. | Leach, <i>I.C.S.</i> , Mr. A. G. |
| Achutan, Mr. A. | Leech, Mr. A. J. |
| Adinarayana Chettiyar, Mr. T. | Madhavan Nayar, Mr. K. |
| Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumantbakudi Mustafa. | Maharaja of Pithapuram. |
| Anjaneyulu, Mr. P. | Mahmud Schammad Sahib Bahadur. |
| Ari Gowder, Mr. H. B. | Mallayya, Dr. B. S. |
| Arogyaswami Mudaliyar, Diwan Bahadur R. N. | Manikkavelu Nayakar, Mr. M. A. |
| Arpudaswami Udayar, Mr. S. | Meera Ravuttar Bahadur, K. P. V. S. Muhammad. |
| Basheer Ahmad Sayeed Sahib Bahadur. | Muniswami Nayudu, Rao Bahadur B. |
| Bhemayya, Mr. J. | Muniswami Pillai, Mr. V. I. |
| Cotterell, <i>c.i.e.</i> , <i>I.C.S.</i> , Mr. C. B. | Muppil Nayar of Kavalappara alias Kumaran Raman, The. |
| Davis, <i>o.b.e.</i> , Mr. J. A. | Muthulakshmi Reddi, Dr. (Mrs.) S. |
| Dorai Raja, Mr. S. N. | Muthuranga Mudaliyar, Mr. C. N. |
| Ethirajulu Nayudu, Diwan Bahadur P. C. | Nanjappa Bahadur, Subedar-Major S. A. |
| Foulkes, Mr. R. | Narayana Raju, Mr. D. |
| Gangadhara Siva, Mr. M. V. | Narayanan Nambudripad, Rao Bahadur O. M. |
| Gnanavaram Pillai, Mr. P. J. | Narayanaswami Chetti, <i>c.i.e.</i> , Diwan Bahadur G. |
| Gopala Menon, Mr. C. | Natesa Mudaliyar, Rao Bahadur C. |
| Govindaraja Mudaliyar, Mr. C. S. | Obi Reddi, Mr. C. |
| Gray, <i>o.b.e.</i> , <i>I.C.S.</i> , Mr. J. | Parasurama Rao Pantulu, Mr. A. |
| Guruswami, Rao Sahib L. C. | Parthasarathi Ayyangar, Mr. C. R. |
| Harisavottama Rao, Mr. G. | Patro, <i>Kt.</i> , Rao Bahadur Sir A. P. |
| Hearson, Mr. H. F. P. | Premayya, Mr. G. R. |
| Hilton Brown, <i>I.C.S.</i> , Mr. | Raja of Kallikota. |
| James, Mr. F. E. | Rajan, Mr. P. T. |
| John, Mr. V. Ch. | Ramachandra Padayachi, Mr. K. |
| | Ranamurti, <i>I.C.S.</i> , Mr. S. V. |
| | Raman Menon, Mr. K. P. |
| | Ramanath Goenka, Mr. |

[24th September 1929]

PRESENT—cont.

Ramasamayajulu, Mr. C.	Srinivasan, Rao Sahib R.
Ranganatha Mudaliyar, Mr. A.	Subrahmanya Mooppanar, Mr. S.
Katnasabapathi Mudaliyar, Rao Bahadur C. S.	Tajudin Sahib Bahadur, Syed.
Robertson, Mr. R. J. C.	Tulasiram, Mr. L. K.
Rowlandson, Mr. E. J.	Uppi Sahib Bahadur, K.
Nahajanandam Swami, Mr. A. S.	Vanavudaiya Gonndar, Mr. S. V.
Saldanha, Mr. J. A.	Venkatapati Raju, Mr. P. C.
Sami Venkatachalam Chetti, Mr.	Venkatarama Ayyar, Mr. K. R.
Sankaran Unni, Mr. E.	Venkataramana Ayyangar, Mr. C. V.
Satyamurti, Mr. S.	Venkataramangam Nayudu, Mr. C.
Shetty, Mr. A. B.	Venkataratnam, Mr. B.
Siva Raj, Mr. N.	Venkiab, Mr. S.
Siva Rao, Mr. P.	Watson, I.C.S., Mr. H. A.
Soundara Pandian, Mr. W. P. A.	Wood, Mr. C. E.
Srinivasa Ayyangar, Mr. R.	Zamindar of Seithur.

I

NEW MEMBER.

M.R.Ry. Rao Bahadur C. NATESA MUDALIYAR Avargal made the prescribed affirmation of allegiance to the Crown and then took his seat.

II

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Action taken on the recommendations of the Agricultural Commission.

* 403 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon the Minister for Development be pleased to state—

(a) whether the recommendations of the Agricultural Commission have been considered by the Government;

(b) what the recommendations are that this Government have accepted; and

(c) how far those recommendations have been carried out in practice?

A.—(a), (b) & (c) The Agricultural Advisory Committee are considering the recommendations of the Royal Commission and the Government propose to take action in accordance with the Committee's decisions.

Copies * of G.O. No. 416, Development, dated 8th March 1929, appointing the Committee, and of the minutes of the meetings of the Committee held on the 14th February, 14th May and 15th June are placed on the table.

* Mr. G. HARISARVOTTAMA RAO:—"May I know, Sir, from the hon. the Minister for Development with reference to the answer to clauses (a), (b) and (c), whether the decisions of the Committee will be final?"

* Printed as Appendix I on pages 97-105 infra.

[24th September 1929]

The hon. Mr. M. R. SETURATNAM AYYAR:—"Not final. Its functions are only advisory."

* Mr. G. HARISARVOTTAMA RAO:—"It is stated here, Sir, that the Government propose to take action in accordance with the Committee's decisions . . . ?"

* The hon. the PRESIDENT:—"That is cross-examination."

* Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister, with reference to the note of the Appendix I which states and restricts that the main functions of the Committee will be to examine the recommendations of the Royal Commission more especially those affecting more than one department, etc. What is being done in regard to other recommendations that do not concern other departments?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"They are being considered by the Development Department in the first instance."

* Mr. G. HARISARVOTTAMA RAO:—"May I know if the Development Department have come to any decision on any of these recommendations?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"If the hon. Member will refer to the minutes of the proceedings printed in the Appendix, he will see whether they have come to any decision or not."

* Mr. G. HARISARVOTTAMA RAO:—"In the first sentence of the Appendix it is stated that the Government have had under their consideration certain things and that proposals based on them should be submitted to the Government for consideration. I want to know which Government it is that considered them in the first instance, which Government it is that is now considering, and which Government it is that is going to submit them for the consideration of the Government."

The hon. Mr. M. R. SETURATNAM AYYAR:—"There are three statements there containing the recommendations. One is giving the recommendations with regard to the Government of India and our Government; the second is the recommendations to be considered by our Government only; and the third is with regard to things not concerning us at all. Therefore the main considerations that are being taken now are about the recommendations to be considered by our own Government."

Constitution and recommendations of the Madras Agricultural Advisory Committee.

* 404 Q.—Mr. G. R. PREMAYYA: Will the hon. the Minister for Development be pleased to state—

(a) the names of the members of the Madras Agricultural Committee appointed to consider the action to be taken on the recommendations of the Agricultural Commission;

(b) how many times they met since the Committee had been constituted;

(c) what are the important subjects discussed at each meeting;

[24th September 1929]

- (d) what are the final recommendations of the Committee; and
 (e) what is the expense incurred by the Government on account of the Agricultural Advisory Committee since it was constituted?

A.—(a) The following are the members of the Committee which is presided over by His Excellency the Governor:—

- (1) Hon. the Minister for Development.
- (2) Hon. the Finance Member.
- (3) Secretary to Government, Development Department.
- (4) Director of Agriculture.
- (5) Director of Veterinary Services.
- (6) Registrar of Co-operative Societies.
- (7) Director of Industries.
- (8) Director of Fisheries.
- (9) Director of Public Instruction.
- (10) Director of Public Health.
- (11) M.R.Ry. Rao Sahib V. Krishna Menon Avargal, Calicut.
- (12) „ B. P. Sesha Reddi Garu, Bethamcherla, Kurnool district.
- (13) „ Rao Bahadur K. S. Venkatarama Ayyar Avargal, Negapatam.
- (14) The Raja of Parlakimedi.

(b) The Committee met three times since it was constituted.

(c) & (d) The information is contained in the minutes of the meetings of the Committee. Minutes of the May and June meetings were placed on the Council table in reply to question No. 51 asked by Mr. K. R. Karant.

The minutes^a of the meeting held in August are placed on the table.

(e) The only expense involved is on account of the travelling allowance of the members. Information regarding the travelling allowances drawn by the officials is not available with the Government. As regards the non-official members a sum of Rs. 694-12-0 has been so far claimed and paid.

Co-operative Societies

Number and location of land mortgage banks.

* 405 Q.—MR. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) the number of land mortgage banks now working;
- (b) where each of them is situated; and
- (c) the work done by each?

A.—(a) to (c) A statement^b furnishing the information is appended.

^a Printed as Appendix II on page 106 infra.

^b Printed as Appendix III on page 107 infra.

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Development of Industries

Bone-grinding factories in the Presidency.

* 406 Q.—MR. G. R. PREMAYYA: Will the hon. the Minister for Development be pleased to state—

- (a) how many bone-grinding factories there are in the Province;
- (b) how many bone-grinding factories there are in Andhra desa; and
- (c) if there are none in the Andhra desa whether he proposes to establish any therein?

A.—(a) & (b) The attention of the hon. Member is invited to Statement II appended to the Administration Report of the Indian Factories Act for the year 1928 published in G.O. No. 1087, Development, dated 27th June 1929.

(c) The Government have no such proposal under consideration at present.

Fisheries

Investigations done by the trawler 'Lady Goschen.'

* 407 Q.—DR. B. S. MALLAYYA: Will the hon. the Minister for Development be pleased to state—

(a) what class of vessel the 'Lady Goschen' is, auxiliary, transport or otherwise;

(b) whether it is specially adapted for the purpose of deep-sea fishing and plankton investigation;

(c) the purposes for which the trawler was employed since April 1928 and the income and expenditure in connexion therewith;

(d) how many officers and men have been employed on the trawler—

(i) for working it, and

(ii) for investigation purposes;

and what has been the cost each year;

(e) how many miles of the sea coast has this trawler so far investigated and how many miles yet remain to be investigated;

(f) at the rate at which this investigation is going on, in how many years is the investigation likely to be completed and what will it ultimately cost to the tax-payer; and

(g) what the object of this investigation is and how it is likely to benefit the fisherfolk?

A.—(a) The vessel is of the trawler type.

(b) Certain alterations and additions are now being carried out at Bombay in order to make her better fitted to conduct deep-sea fishing experiments and research.

(c) From April 1928 to end of June 1929 the vessel was employed on the following duties:—

Salt transport work; experimental dredging of pearl banks; and

Deep-sea fishing and research; and inspection of the Laccadive and Amindivi islands.

The income and expenditure during the period were Rs. 19,339 and Rs. 1,00,734 respectively.

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- (d) (i) 1 and 22 respectively.
(ii) One Captain and one Inspector.

The establishment charges were in—

	RS.
1926-27	20,193
1927-28	22,259
1928-29	23,902

- (e) The area of available fishing grounds in the sea adjoining this Presidency is estimated to be 468,750 square miles. Forty thousand square miles have been investigated so far.
- (f) Approximately 21 years; the ultimate cost is estimated at about Rs. 17.18 lakhs.
- (g) The object of the investigation is to prepare a fishing chart in which each fishing ground will be located with information as to the principal varieties of marketable fish found there, the months in which they are found, the depth of the grounds, the nature of the bottom and its suitability for purposes of trawling and for anchorage, etc. With the aid of such a chart fishermen who have knowledge of their profession will be able to utilize their time and effort to the best advantage.

Dr. B. S. MALLAYYA :—" May I know, Sir, whether it is the purpose of this Government to go on at this rate, wasting public funds, when the income is only Rs. 19,000 and odd and the expenditure is a lakh and odd on this trawler ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I cannot consider this a waste. Waste is being eliminated as far as possible."

Dr. B. S. MALLAYYA :—" May I know, Sir, whether it is a fact that the useful life of this trawler is at an end, that any amount of repairs to it would be a waste and that she may break down at any moment? Already we are told that there was a break in the boilers, that the boilers burst ? "

* The hon. the PRESIDENT :—" The hon. Member is already on the point of making a speech."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" In the answer to clause (b), it is stated that certain alterations and additions are now being carried out. Do they include the equipment of a refrigerator, Sir ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No, Sir."

Mr. J. A. SALDANHA :—" May I enquire with regard to (a), if the vessel is of a trawler type, whether it has been or will be ever used for trawling purposes ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Of course."

Mr. F. E. JAMES :—" Will the hon. the Minister for Development be pleased to state the number of working days put in by the trawler during the year ending June 1929 ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I want notice."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know when and from whom this trawler was purchased ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice."

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Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Do the Government mean having a biologist on the trawler to assist the master seaman ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Not yet, Sir."

Dr. B. S. MALLAYYA :—" If the Government think that 21 more years are required for completing this investigation, will the trawler last till then, Sir ? "

* The hon. the PRESIDENT :—" That is a hypothetical question."

Dr. B. S. MALLAYYA :—" My question is this, and I put it straight to the hon. the Minister. The trawler is finished, it is dying out nearly, and in such a case are they going to waste public money on it, or are they going to buy a new one? If they are going to take 21 years for investigation itself, how do they expect to go on with this ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We still think, Sir, that the trawler is not dying but that it is useful."

Mr. J. A. SALDANHA :—" Have the Local Government asked the Government of India whether they would undertake this survey and research work which appears to be more an All-India concern rather than a work of the Local Government ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No, Sir."

Transport of salt by the trawler 'Lady Goschen.'

* 408 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Development be pleased to state—

(a) whether the fishing trawler 'Lady Goschen' is employed for the transport of salt from Bombay;

(b) whether the Government consider it necessary to employ this vessel for that purpose, and if so, for what reasons;

(c) what percentage of salt used for curing fish is supplied by this means;

(d) whether the salted fish is manufactured in other places than the West Coast, and if so, whether the Government are supplying salt to those places also;

(e) at what rate salt is selling on the West Coast and at what rate it is sold by the Government agency;

(f) when this system of supplying salt to the curers of the West Coast was begun, why it was begun and who was supplying the salt till then;

(g) how this system helps the curers and whether there is a progressive increase in the number of fishermen buying salt at the hands of Government; and

(h) if not, why not?

A.—(a), (b) & (c) The trawler 'Lady Goschen' has never been used for the transport of salt from Bombay. The hon. Member apparently refers to the employment of the vessel for the transport of salt from Tuticorin to the fish-curing yards on the West Coast. The vessel was employed on this work during the years 1926-27 and 1927-28 with the object of effecting a reduction in transport charges. The Government have recently directed that, for the present, the vessel should not be

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utilized for this work but used solely for conducting fishing experiments and research. As regards the quantity of salt transported by the trawler during the years 1926-27 and 1927-28 the hon. Member's attention is invited to Appendix III appended to the Administration Report of the Fisheries department for the year 1927-28 which has been placed at the disposal of the Press and is also available in the Council Library.

- (d) Fish is cured in some other coastal districts also and fish-curing yards have been opened in these districts and salt is supplied from them for curing purposes.
- (e) The present bazaar price of salt on the West Coast ranges between Rs. 2 and Rs. 2-2-0 per maund while the price at which salt is sold at the fish-curing yards is Rs. 1-4-0 per maund.
- (f) In 1874, the object being to supply to curers duty-free salt for manufacture of wholesome fish on sanitary and hygienic lines and at the same time prevent such salt being used for consumption to the detriment of salt revenue. Till then, the fish was cured mostly with salt-earth.
- (g) & (h) The system has helped the curers not only to the extent of saving the difference in price between the bazaar salt and the salt which is sold in the fish-curing yards but also to improve the trade in salt fish and develop their business. There is a progressive increase in the number of fishermen resorting to the fish-curing yards.

Dr. B. S. MALLAYYA :—" May I know from the hon. the Minister whether the boilers broke down year before last ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes, Sir. "

Dr. B. S. MALLAYYA :—" And at that time we were told by the Government that the boilers were unfit and that it was not advisable to spend any more money on this trawler ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We can repair it if it is out of order. "

Dr. B. S. MALLAYYA :—" If the boilers were to break down again, what is the use of spending lakhs on it? What is the use if it is not going to work . . . "

* The hon. the PRESIDENT :—" That is arguing. "

Dr. B. S. MALLAYYA :—" Is the Minister aware that this trawler was sold as unserviceable, to our Government by a fishermen's firm in Scotland ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I do not know, Sir. "

Dr. B. S. MALLAYYA :—" May I know whether for 30 years before the War this vessel was being used for trawling in the German sea ? "

* The hon. the PRESIDENT :—" The hon. Member is furnishing very useful information. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know how the salt is being transported to the yards ? "

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The hon. Mr. M. R. SETURATNAM AYYAR :—" By means of contractors. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know what the charges are for this salt being delivered on the West Coast ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir. "

* Rao Bahadur C. NATESA MUDALIYAR :—" In the answer to clauses (a), (b) and (c) it is stated that the Government have recently directed that for the present the vessel should not be utilized for this (salt transport) work. Is it a fact that this trawler is the only trawler powerful enough to tow boats loaded with salt ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I believe so. "

* Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Is it a fact, Sir, that sometimes fish are obtained in such large quantities in the West Coast that the salt stored there is not enough, and the salt should be transported as quickly as possible? Then if this trawler is not used for transport of salt, what are the Government going to do ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It is now sent for repairs, and when it returns the matter will be considered. "

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Will the trawler, when it comes back, be used for transporting salt ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" When it has no other work. "

Dr. B. S. MALLAYYA :—" When it has no other work, it is under repair. For how many days in the year is it under repair, and how long are the Government going to spend money on a vessel that is always under repair ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That is not always under repair. It is now under repair. "

Mr. P. ANJANEYULU :—" Is this trawler christened ' Lady Goschen ' by this Government or by the original firm ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I am not aware of it, Sir. "

Veterinary

Betterment of the pay and prospects of Veterinary Surgeons.

* 409 Q.—Mr. K. R. KARANT : Will the hon. the Minister for Development be pleased to state with reference to my question No. 159, dated 9th August 1929, regarding improvement of the pay and prospects of Veterinary Surgeons, whether any, and, if so, what decision has been come to by Government in the matter ?

A.—The question is still under the consideration of Government.

Betterment of the pay and prospects of Veterinary Surgeons.

* 410 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to state whether the Government have come to any decision regarding the question of bettering the pay and prospects of Veterinary Assistant Surgeons ?

A.—The attention of the hon. Member is invited to the answer given to question No. 409.

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Mr. A. B. SHETTY :—"How long has this question been under the consideration of the Government? Have the Government come to any decision on the matter?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"It will be decided at the time the budget is considered."

Mr. J. A. SALDANHA :—"May I enquire whether the Government is finding it difficult to attract students to the Veterinary College on account of the poor conditions of this service?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"No, Sir. This year we find that a larger number of students have applied for admission into the college."

Adulteration of food stuffs

Extension of the Prevention of Adulteration of Food Act to Municipalities.

* 411 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state in which municipalities the Prevention of the Adulteration of Food Act has been brought into operation?

A.—The provisions of the Act were extended with effect from the 1st July 1929 to the City of Madras and the following mufassal municipalities :—

- | | |
|-----------------|-------------------|
| (1) Calicut. | (6) Nellore. |
| (2) Coimbatore. | (7) Ootacamund. |
| (3) Guntur. | (8) Rajahmundry. |
| (4) Karaikudi. | (9) Trichinopoly. |
| (5) Madura. | (10) Vizagapatam. |

Mr. A. B. SHETTY :—"May I know why this Act has not been brought into operation in the other municipalities?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The municipalities have to make contributions towards the cost of the analyst and one municipality after another is being asked if it is willing."

Mr. A. KALESWARA RAO :—"May I know whether the Government asked the municipalities to pay exorbitant sums before this Act was extended to them, and several municipalities said that they could not bear the cost?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I do not know whether the amount asked for is exorbitant. It depends on the financial resources of the municipalities; some are able to pay and some cannot."

Mr. J. A. SALDANHA :—"May I enquire whether this Act has been enforced at all with any effect?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"That question has been answered. The Act was extended only in July."

* Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—"May I know the rate of contribution collected from each municipality to meet the pay of the analyst?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I think Rs. 720 is the minimum."

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* Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—"In view of this exorbitant rate of contribution, will the Government be pleased to extend the Act to more municipalities so that the charges on account of the analyst may be reduced?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"These analysts are to be paid by the Government. The Government cannot pay for services rendered by them to the municipalities. A larger number of analysts will be trained when there is need."

Excise

Representation from the Prohibition League, Malabar, to the Excise Licensing Board, Calicut.

* 412 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Public Health be pleased to place on the table of the House the representation of the Prohibition League, Malabar, to the Excise Licensing Board, Calicut, the report called for on the same and the orders of Government thereon as promised in their reply to question No. 1105-B answered on 28th January 1929?

A.—The papers * are laid on the table.

Mr. S. SATYAMURTI :—"May I know if the policy of the Government is enunciated or reflected in the order on this representation, i.e., that the Board do not accept the recommendations contained in the representation?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I do not think any question of policy arises in passing this order."

Mr. S. SATYAMURTI :—"May I ask if it is the policy of the Government to continue locating an arrack shop at a place disapproved of, and which is admitted to be unsuitable for such location?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The Licensing Board has been invested with the authority of deciding themselves on this matter. They say that for the present year it is not possible to remove the shop elsewhere."

Mr. S. SATYAMURTI :—"What about the location of the shop during the next year?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"We are now concerned about this year."

Dr. B. S. MALLAYYA :—"May I know whether on that Licensing Board men with considerable influence, representatives of the liquor vendors, are present, and their opinions prevailed but not the opinions of the more respected persons?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Perhaps the hon. Member knows Calicut more than I do. I cannot answer that question."

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Medical

Alleged location of a Nursing Home in the residential quarters of the Principal, Medical College.

* 413 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Principal of the Medical College is given residential quarters within the Medical College compound;

(b) whether the said gentleman is maintaining a nursing home for his private practice;

(c) whether the said nursing home is located in a portion of the residential quarters of the said Principal; and

(d) if the reply to (c) is in the affirmative, the action taken or proposed to be taken to put a stop to this course of action?

A.—(a), (b) & (c) No.

(d) Does not arise.

Dr. B. S. MALLAYYA:—“May I know if this officer is provided with quarters in the Government Maternity Hospital?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Official quarters are provided, but not in the Medical College.”

Dr. B. S. MALLAYYA:—“Government Maternity Hospital also contains a portion of the Medical College, as midwifery is taught there, and I want to know whether this officer has or has not free quarters in that compound.”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“There are no free quarters. Every officer has to pay rent.”

Dr. B. S. MALLAYYA:—“May I know whether a portion of that quarters is occupied as a nursing home where private patients are confined and treated?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Every doctor, wherever his quarters may be, can see and treat his private patients.”

Dr. B. S. MALLAYYA:—“In this case he is treating them in a place set apart as a nursing home. This is different from consulting practice.”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I have said there is no nursing home.”

Dr. B. S. MALLAYYA:—“There is no nursing home in the Medical College. He is technically right. The portion of the quarters which the doctor is occupying now is being used as a nursing home. I want to know whether the Government are aware . . .”

* The hon. the PRESIDENT:—“This is not the opportunity to furnish information.”

* Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—“The hon. the Minister has said that inasmuch as the doctor is paying rent, he is at liberty to treat his patients in his house. May I know if the quarters are intended only for residential purposes of the occupant, or is the occupant at liberty to use any portion as a nursing home?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“In fact there is no nursing home.”

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Public Health

Grants to Maternity and Child Welfare Centres.

* 414 Q.—Dr. (Mrs.) S. MUTHULAKSHMI REDDI: Will the hon. the Minister for Public Health be pleased to state—

(a) the number of maternity and child welfare centres in the Presidency that are already receiving Government grants; and

(b) the number that have applied for grants?

A.—(a) & (b) The question of grants to maternity and child welfare centres in the Presidency was considered and dropped by the Government in December 1927. It was again taken up in July 1928 and the Government have since provided during the current year grants for the following works:—

(1) The Health and Welfare Association, Tellicherry, Rs. 2,000 for the construction of a maternity ward.

(2) The Health Week Maternity Ward Committee, Arkonam—Rs. 5,196 for the construction of a maternity ward.

They have also under consideration the application of the District Health Association, Trichinopoly, for a grant for the construction of a building.

Reduction of the fees for preparing vaccine for lepers.

* 415 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Public Health be pleased to state—

(a) what the fees are for the preparation of the vaccine for leper patients;

(b) whether there is any proposal to reduce the fees or to provide vaccine free of cost in the case of poor leper patients treated in charitable dispensaries; and

(c) whether Government have decided in favour of such reduced fees or free treatment?

A.—(a) to (c) The question is not understood. The Government are not aware of the issue of any such vaccine.

Mr. J. A. SALDANHA:—“May I inquire whether the vaccine is being used for leper patients in the Government Leper Hospital?”

* The hon. the PRESIDENT:—“It has been answered, ‘The Government are not aware of the issue of any such vaccine.’”

Mr. J. A. SALDANHA:—“I am asking, Sir, whether Government intend to provide any vaccine?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“So far, the Government are not aware of the issue of any such vaccine.”

Dr. B. S. MALLAYYA:—“Are the Government using any other drug for the cure of this disease, and are the patients made to pay for it?”

* The hon. the PRESIDENT:—“The question does not arise.”

11-16
a.m.

Registration

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Absence of the Inspector-General of Registration from the headquarters in Madras on other duty in 1928-29.

* 416 Q.—Mr. P. ANJANEYULU: Will the hon. the Minister for Public Health be pleased to state—

(a) for how many months the Inspector-General of Registration has been absent from the headquarters in Madras in the years 1928 and 1929 on other duty;

(b) whether his main duty is to inspect and supervise sub-registration and district registration offices and keep them in efficient condition;

(c) for what special reasons and for what special qualifications this officer is deputed to the Legislative Assembly to represent Madras Government;

(d) how many months he spent in Delhi, Simla and Ootacamund since 1928;

(e) (i) for how many days and weeks in the year his predecessor toured in the districts and for how many days or weeks the present Inspector-General of Registration toured in the districts and (ii) how many offices he inspected;

(f) how many offices and districts that are approachable and not approachable by motor-car still remain to be inspected in all; and

(g) the dates and offices inspected by him in detail during the last ten months?

A.—(a) One month in 1928 and two months and three weeks in 1929.

(b) Yes.

(c) He was not nominated to Legislative Assembly for any special reason or in consequence of the possession of any special qualifications.

(d) One month in Simla and 52 days in Ootacamund in 1928; and two months and three weeks in Delhi and 57 days in Ootacamund in 1929.

(e) (i) The year for which the comparative figures are required is not stated. During 1928 the present Inspector-General toured for 147 days.

(ii) The number of offices inspected during 1928 is 119; and 36 offices have been inspected up to 27th July 1929 this year.

(f) All the thirty District Registrars' offices were inspected in 1928. They will all be inspected in 1929. The question of inspecting sub-offices is left to the discretion of the Inspector-General.

(g) A list^a of the offices inspected by the Inspector-General during the ten months ending 30th June 1929 with dates of inspection is appended.

Mr. P. ANJANEYULU:—"So far as the answer to clause (c) is concerned, the Government have been pleased to say that there was no special reason for his nomination. May I know why he was nominated in that case?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Government had to nominate somebody, and he was nominated."

^a Printed as Appendix V on pages 109-110 infra.

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Mr. A. RANGANATHA MUDALIYAR:—"Did he apply for nomination?"

* The hon. Mr. S. MUTHIAH MUDALIYAR:—"Applications are not received for this place."

* Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Is it a fact that any officer of the Government ought to be appointed for this place and that it is not on account of favouritism that this officer has been nominated?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"One officer has to be appointed, and he was appointed."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. Minister whether the Government thought that this officer would do better work in the Assembly than he would otherwise do here?"

* The hon. the PRESIDENT:—"What the Government thinks is a matter of opinion."

Dr. B. S. MALLAYYA:—"May I know whether when this officer was holding the Commissionership of the Corporation of Madras, there were a number of defalcations at the time?"

* The hon. the PRESIDENT:—"The question is not admissible."

* Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Is it not a fact that his absence from Madras does not affect the discharge of his duties as Inspector-General of Registration?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"It is on that presumption that the officers are selected and sent to the Assembly."

Mr. A. RANGANATHA MUDALIYAR:—"Does the hon. Minister say that his absence from Madras for three months did not affect his work in this province?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"So far as I am aware, it did not affect his work here."

* Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Is it not a fact that the papers were sent to him as if he were on tour and the work was carried on?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"That was so."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether Government consider that by sending him to the Assembly it would be a relief to the local administration?"

Number, etc., of the registration districts of Palghat, Calicut, Tellicherry and South Kanara.

* 417 Q.—Mr. A. B. SHETTY: With reference to my question No. 129 answered on 8th August 1929, will the hon. the Minister for Public Health be pleased to give the information received in regard to the registration districts of Palghat, Calicut, Tellicherry and South Kanara?

A.—A statement^a containing the information asked for is appended.

Mr. A. B. SHETTY:—"May I invite the attention of the hon. Minister to the figures in the Appendix and ask him why the number of registration

^a Printed as Appendix VI on page 111 infra.

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offices is so small in South Kanara, while the average area of jurisdiction per office and the average population per office are so large as compared with the registration districts of Calicut, Palghat and Tellicherry?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"These offices are based on the number of registrations they have to deal with. Probably the number of registrations in the offices of the South Kanara district is less."

Mr. A. B. SHETTY:—"In view of the fact that the surplus of the income in South Kanara is so much larger than in the neighbouring registration districts, will the hon. Minister consider the desirability of opening new offices in South Kanara?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"It is being considered."

Observance of the six years' service limit for promotion as District Registrars.

* 418 Q.—Mr. C. VENKATARAMAN: Will the hon. the Minister for Public Health be pleased to state—

(a) whether there is a Government Order to the effect that persons who were recruited to the upper grade of Sub-Registrars may be promoted as District Registrars only after they have completed six years' service;

(b) whether there was any limit fixed by any Government Order as to the total number that could be promoted as above and if so what the limit is;

(c) whether two such recruits were appointed as District Registrars after the completion of only 3½ and 5 years' service respectively;

(d) what were the reasons for making these two promotions in direct contravention of the Government Order referred to in (a); and

(e) what guarantees there are that such evasions of the above Government Order will not be allowed to occur again?

A.—(a) It was originally laid down as six years; but it was subsequently decided in 1926, that the six years' rule need not be adhered to and persons found fit may be appointed even earlier.

(b) No.

(c) Yes.

(d) & (e) Do not arise in view of the answer to clause (a) above.

Education

Opening of a supplementary section for the School Final students in Government Madrasa-i-Azam.

* 419 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state if the Government has made necessary arrangements to open another section of the School Final class in the Government Madrasa-i-Azam, to enable supplementary students of the same school to continue their studies?

A.—No. The opening of an additional section in the Madrasa-i-Azam is not possible owing to the limitation of accommodation.

* Mr. ABDUL HAMEED KHAN:—"May I know from the hon. Minister whether he is aware that two or three years ago another section of the IV form was opened, and as a consequence of that it has become necessary to open a new section of the School Final class this year?"

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The hon. Dr. P. SUBBARAYAN:—"It is a question of building accommodation. It is impossible to open a new section until the new building of the Government Muhammadan College is complete."

* Mr. ABDUL HAMEED KHAN:—"May I know why the Government did not foresee this contingency?"

The hon. Dr. P. SUBBARAYAN:—"The question whether the Muhammadan College should be made permanent or not was decided only a year ago. Now, no other buildings are available. So, we shall have to wait till the new buildings are completed."

Number of over-aged Muslim boys sent out of the Madrasa-i-Azam.

* 420 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state how many Muslim boys have been sent out from the High School classes in the Government Madrasa-i-Azam on account of the age-limit rule?

A.—About six boys who were elderly and failed to get promotion were refused readmission. Considerations of character and conduct influenced the decision in some cases. There is no rule laying down any specific age limit for pupils in secondary schools.

* Mr. ABDUL HAMEED KHAN:—"May I know from the hon. Minister what is the character and conduct of the boys that was responsible for the Principal or the Headmaster taking such a drastic step?"

The hon. Dr. P. SUBBARAYAN:—"In matters of discipline, the Government leave it to the heads of institutions to decide what the punishment should be."

* Mr. ABDUL HAMEED KHAN:—"May I know whether it is a fact that because some of those boys wanted the school to be closed on account of Ramadan, the Principal took that action?"

The hon. Dr. P. SUBBARAYAN:—"As far as I am aware, I do not think so."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Minister will make an enquiry into the matter, if that was not the case?"

The hon. Dr. P. SUBBARAYAN:—"I do not think at this late hour any useful purpose will be served by such an enquiry."

Instruction in schools and colleges regarding the existence and ends of the League of Nations.

* 421 Q.—Mr. F. E. JAMES: Will the hon. the Minister for Education and Local Self-Government be pleased to state what steps are being taken in schools and colleges throughout the Madras Presidency to familiarize students with the existence and ends of the League of Nations, and the terms of the covenants in pursuance of the resolution adopted by the Fourth Assembly of the League of Nations in September 1923?

A.—A summary of the measures taken to familiarize students in the existence and aims of the League of Nations and the terms of its covenant is given below.

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In 1923 the Director of Public Instruction brought to the notice of subordinate officers and managers of schools the resolution in question adopted in September 1923 by the Fourth Assembly of the League of Nations and subsequently drew their attention to the existence of standard works on the League and of the publication entitled "the Survey of the League of Nations from January 1920 to June 1925". Copies of a pamphlet entitled "League of Nations" put together by Mr. Mackenzie (Director of Public Instruction, United Provinces) were distributed among District Educational Officers, Inspectresses of Schools and Government secondary and training schools. A book entitled "League of Nations Manual" published by Messrs. Macmillan & Co. has been prescribed for the Training School-Leaving Certificate Examination. A special cinema exhibition was given at the Elphinstone Picture Palace in December 1925 for the benefit of high school students in the City, when Professor F. S. Marvin exhibited his "League of Nations" film and lectured on the subject. In 1927 six lectures on the League were delivered by Mr. G. D. Watkins of the Madras Christian College under the auspices of the University of Madras.

Miss Nallamuthu Ammal, Lecturer, Lady Willingdon Training College, Madras, who had been granted a scholarship for post-graduate study in the United Kingdom was granted facilities by Government to visit Geneva before her return to India during the annual session of the Assembly of the League of Nations held in 1928, with a view to enabling her to obtain a knowledge of the organization and activities of the League.

In November 1927 the recommendations of the sub-committee of experts appointed by the International Committee on Intellectual Co-operation were communicated to the Director of Public Instruction and the Madras and Andhra Universities for further action.

Mr. A. KALESWARA RAO:—"May I know, Sir, whether the United States of America has refused to join the League of Nations?"

* The hon. the PRESIDENT:—"The question does not arise."

Mr. A. KALESWARA RAO:—"May I know whether the League of Nations is not at all advantageous to India?"

* The hon. the PRESIDENT:—"That is asking for an opinion."

Mr. J. A. SALDANHA:—"Do not the Government consider that it is not worth while for India joining the League of Nations, considering the status granted to India in the League of Nations in the matter of bringing home questions relating to India in the League?"

Mr. F. E. JAMES:—"May I ask the hon. Minister whether he will consider the question of educating the Members of the Legislative Council, as to the work of the League of Nations?"

The hon. Dr. P. SUBBARAYAN:—"That matter will be taken into consideration."

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Mr. A. KALESWARA RAO:—"May I know whether the adverse criticisms levelled against it by great authors like H. G. Wells and Keynes will be published in this country and in schools and colleges?"

Diwan Bahadur H. N. ARGYASWAMI MUDALIYAR:—"May I know if education of Members of the Legislative Council comes within the portfolio of the Minister for Education?"

The hon. Dr. P. SUBBARAYAN:—"I believe it has that value all education has."

Agricultural education in higher elementary and secondary schools.

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

(a) when the Director of Public Instruction appointed the Committee to work out proposals for the teaching of the elements of agriculture in higher elementary and secondary schools;

(b) what its personnel is;

(c) how often the Committee subsequently met, and on what dates;

(d) the business transacted on each occasion the Committee met;

(e) whether the Committee submitted any report embodying its proposals, and, if so, when;

(f) the nature of their proposals; and

(g) the orders of the Government thereon?

A.—(a) In August 1927.

(b) Mr. R. D. Anstead, M.R.Ry. C. Tadulinga Mudaliyar, Mr. H. Champion and Mr. W. C. Douglas.

(c) & (d) The Government understand that the Committee met on several occasions but have no information as to the dates on which the Committee met and the business transacted at each meeting.

(e), (f) & (g) An interim report of the Committee and the orders of Government on it are placed on the table.* The final report is awaited.

Mr. A. RANGANATHA MUDALIYAR:—"With reference to paragraph 4 in the appendix, may I know whether the Director of Public Instruction has sent in his detailed proposals?"

The hon. Dr. P. SUBBARAYAN:—"No, Sir. The interim report of the Committee was considered by the Government. The final report is awaited."

* Mr. S. SATYAMURTI:—"With reference to the remark in paragraph 17 of the letter of the Director of Public Instruction (at page 115) in the appendix, 'Your Committee, therefore, request that definite orders may be issued to them on what basis Government desire them to further consider this scheme,' may I ask if Government have issued any further orders on the two or three references which the Committee made to them, without which the Committee thinks that they cannot go on with the work?"

The hon. Dr. P. SUBBARAYAN:—"Yes, Sir."

* Mr. S. SATYAMURTI:—"May I know the nature of the orders?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

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* Mr. G. HARISARVOTTAMA RAO:—"I may refer to page 118 of the appendix where it is stated that the Government have accepted some of the recommendations of the Committee. The Government also consider that classes for the training of teachers may be established in the different language areas and that farms may be opened for teaching purposes. May I know whether the Government have made any provision in the coming budget for the purpose?"

The hon. Dr. P. SUBBARAYAN:—"That will be considered as a part of the whole scheme."

* Mr. G. HARISARVOTTAMA RAO:—"May I know whether any provision is going to be made in the next budget, so far as those recommendations are concerned?"

The hon. Dr. P. SUBBARAYAN:—"That depends on the proposals the Director of Public Instruction makes with regard to the matter."

Agricultural education in select elementary schools.

* 423 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the committee appointed to consider the question of imparting agricultural education in select elementary schools has submitted its report; and

(b) if it has, what the report is?

A.—(a) & (b) The hon. Member is referred to the answer to question No. 422.

Local Boards

Nomination of public prosecutors to local boards.

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

(a) whether it is a fact that some of the gentlemen nominated to local bodies who are also public prosecutors are members of communities or castes who are duly represented in those bodies by election;

(b) what special grounds there were for such nominations; and

(c) whether it has been held by legal advisers of Government that election or nomination of a public prosecutor or official receiver as member of a municipal council or district board is not valid according to law, and whether such opinion has been accepted by Government?

A.—(a) Yes, in a few cases.

(b) It was thought that they would be useful members of the local bodies.

(c) Government have been advised—and they have accepted the advice—that a Public Prosecutor is, and an Official Receiver is not, eligible to stand for election to a local body. But there is no legal bar to their being nominated.

Mr. J. A. SALDANHA:—"May I inquire whether Government are aware that these gentlemen never attend the meetings of the local bodies to which they are nominated?"

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The hon. Dr. P. SUBBARAYAN:—"As far as I am aware, I believe they do attend the meetings."

* Mr. S. SATYAMURTI:—"With reference to the answer to clause (c), may I know by whom the Government were advised and whether the Advocate-General was consulted in the matter?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Religious and Charitable Endowments

Introduction of the Bill to amend the Hindu Religious Endowments Act.

* 425 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Bill to amend the Hindu Religious Endowments Act is ready; and

(b) if so, when it will be introduced in the Council?

A.—(a) & (b) The hon. Member's attention is invited to answer to Mr. A. Ranganatha Mudaliyar's question No. 67.

* Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister for Local Self-Government whether the final scrutiny of the draft Bill was completed since August last?"

The hon. Dr. P. SUBBARAYAN:—"No, Sir."

* Mr. G. HARISARVOTTAMA RAO:—"May I know when it is likely to be finished?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give any definite statement."

* Mr. S. SATYAMURTI:—"May I know if it is intended to be introduced before the life of this Council expires?"

The hon. Dr. P. SUBBARAYAN:—"I cannot say anything definitely."

Criterion for determining the jurisdiction of Temple Committees.

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

(a) whether any order was issued by the Government to the effect that the Temple Committee's jurisdiction over temples depends on the gross and not on the net revenue of the temples in their respective areas of jurisdiction and if so, when; and

(b) how many temples whose net annual income is below Rs. 250 have, as a result of such orders, now been brought within the jurisdiction of Temple Committees and whether such temples are also required to pay their contribution to the Board and the Committees on their gross income?

A.—(a) I would refer the hon. Member to section 4 of the Hindu Religious Endowments Act II of 1927, under which the criterion for applicability or otherwise to a temple of the provisions of the Act is its gross income.

(b) Government have no information—and it will involve an undue amount of labour to collect—regarding the number of temples whose net annual income was less than Rs. 250 but which have still been brought within the scope of the Act. Such temples have, unless specially exempted, to contribute the prescribed

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payments to the Board and to the committees. The practice has, however, been in such cases to exempt them from these payments.

* Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. Minister whether the Hindu Religious Endowments Board does not keep a list of such of the temples whose income is below Rs. 250, which have been brought under the operation of the Act ? "

The hon. Dr. P. SUBBARAYAN :—" I believe they do."

* Mr. G. HARISARVOTTAMA RAO :—" Then, Sir, may I know what difficulty there is in giving such a list ? "

The hon. Dr. P. SUBBARAYAN :—" It is very difficult to have a list prepared for publication."

Mr. A. RANGANATHA MUDALIYAR :—" In answer to clause (b), it is said, ' The practice has, however, been in such cases to exempt them from these payments.' Have the Committees been instructed to that effect ? "

The hon. Dr. P. SUBBARAYAN :—" As a matter of course, all the temples with an income of Rs. 250 and less have been exempted from the payment of the contribution."

Mr. A. RANGANATHA MUDALIYAR :—" On application made by the temple trustees ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I am aware, it was done without any application from them."

Preference to resident candidates in nominations to temple committees.

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

(a) whether it is a fact that, under the Madras Hindu Religious Endowments Act II of 1927 as amended by Act I of 1928, Endowment Committees should give, in appointing trustees to temples under its jurisdiction, preference to candidates residing in the village concerned and belonging to the religious denomination for whose benefit the temple concerned is chiefly maintained ;

(b) if the answer is in the affirmative, whether the Government will be pleased to lay on the table of this House a statement in the undermentioned form showing the cases in which a departure from this provision of law has been made with reasons which necessitated such a departure and scrutinise the same ;

District.	Taluk.	Village.	Name of the temple.	Whether Saivite or Vaishnavite denomination.	Trustees.				Remarks as to the cause of departure.
					Name.	Denomination whether Saivite or Vaishnavite.	Place of residence.	Distance from the village in which the temple is situated.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

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(c) if such scrutiny should disclose that the departure made is not justified, whether the Government will be pleased to issue instructions to the Endowment Board to see that the mistakes committed are rectified and are not allowed to recur ?

A.—All that is prescribed in the Act is that in appointing non-hereditary trustees, committees shall have due regard to the claims of persons belonging to the religious denomination for whose benefit the temple concerned is chiefly maintained—vide section 51 (2) of the Act.

Preference to resident candidates in nominations to Temple Committees.

* 427-B Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education and Local Self-Government be pleased—

(a) to state whether they have issued any instruction that in appointing trustees to temples under its jurisdiction, an Endowment Committee should give preference to candidates residing in the village concerned and belonging to the religious denomination for whose benefit the temple concerned is chiefly maintained ;

(b) to lay on the table of the House a statement in the undermentioned form showing the cases in which a departure from this principle has been made with reasons which necessitated such a departure ; and

District.	Taluk.	Village.	Name of temple.	Whether Saivite or Vaishnavite denomination.	Trustees.				Remarks as to the cause of departure.
					Name.	Denomination whether Saivite or Vaishnavite.	Place of residence.	Distance from the village in which the temple is situated.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

(c) to state whether in view of such departures, the Government propose to issue instructions to the Endowment Committees through the Endowments Board to see that they do not recur ?

A.—No ; since under section 51 (2) of the Hindu Religious Endowments Act, the appointment of trustees is a matter solely for the committees.

* Mr. S. SATYAMURTI :—" May I know, Sir, if the Government are satisfied that in appointing these non-hereditary trustees the Committees have paid due regard to the claims of persons of religious denominations who are connected with the temples ? "

The hon. Dr. P. SUBBARAYAN :—" As the Act stands at present, it is entirely for the Committee to discharge this function of nomination of trustees, and I believe that as far as possible persons belonging to the religious denomination for which the temple has been constructed, are appointed."

Estates Land Act

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Alleged increase in the rental of the Sicayanga estate.

* 428 Q.—Sriman BISWANATH DAS Mahasaya: With reference to Question No. 105, answered on the 8th August 1929, will the hon. the Member for Revenue be pleased to state—

- (a) the reasons for the abnormal increase in the rental of the estate;
- (b) whether the Government have enquired into the fairness or otherwise of the rent agreed upon by the ryots;
- (c) whether any officer independent of the Estate Manager was appointed to examine the fairness of the rent and rate of rent fixed;
- (d) whether the Collector of the district has taken any interest in the collection of rent and arrears of rent in the district; and
- (e) whether Government have considered the desirability of appointing members of the I.C.S. as Managers in proprietary estates?

A.—(a) The hon. Member is referred to note (2) to the statement appended to the answer given to question No. 105 on 8th August 1929.

(b) & (c) The rates were sanctioned by the Estate Collector whose work throughout was supervised by the Court of Wards. The Government have no reason to believe that the rates are not fair.

(d) Yes.

(e) The Government appoint such officers as Estate Collectors when they consider that it is desirable in the public interest to do so.

Land Revenue*Alleged levy of high ground-rent in Trichinopoly Municipality.*

* 429 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that at present a ground-rent of Rs. 425 per acre is levied and collected from the house-owners in the Butterworth Road extension in the Trichinopoly municipality;

(b) whether in 1926 and 1927 ground-rent was levied and collected at As. 3-4 per site and whether for the same years this rate of Rs. 425 was levied and collected again in 1928;

(c) whether in any part of the Presidency that rate is collected;

(d) whether numerous complaints have been received from the rate-payers requesting the Government to reduce it to Rs. 6-4-0 an acre, the rate adopted in G.O. No. 436, dated 8th March 1927;

(e) whether the Trichinopoly Municipal Council has passed a resolution dated 7th December 1928 adopting a rate of Rs. 6-4-0 per acre; and

(f) whether Government have accorded sanction thereto; and if not, why not?

A.—(a) & (b) The Government have no definite information and are calling for a report.

(c) Prior to the issue of G.O. No. 436, Revenue, dated the 8th March 1927, the ground-rent in mufassal towns was fixed with reference to the scale of standard rates laid down in Appendix XXIV to Board's Standing Order No. 21. The rates ranged

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from Rs. 12-8-0 per acre to Rs. 500 per acre. Rupees 425 per acre was one of the rates prescribed and was not peculiar to the Butterworth extension.

(d) The Government have received no such complaints.

(e) Yes.

(f) The matter is under consideration

Cost of labour for baling water for irrigation in Godavari and Kistna deltas.

* 430 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to the answer given to question No. 1749 on 15th March 1929—

(a) what was the cost of labour for baling water for irrigating an acre in 1861;

(b) what is the present cost of labour for baling water for irrigating an acre; and

(c) whether the Government would consider the desirability of increasing the deduction rate for baling?

A.—(a) & (b) The Government have not the information.

(c) The question is one that is considered at every resettlement of a district.

Introduction of a Land Revenue Bill.

* 431 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state—

(a) whether this Government intend to introduce a Land Revenue Bill and if so, when;

(b) whether this Government has recently received any communication from the Government of India on the subject;

(c) whether there was a conference, on the question of Land Revenue legislation, of members representing several Provincial Governments and of the Government of India;

(d) what were the results of the deliberations of that conference?

A.—(a) The attention of the hon. Member is invited to the answer to clauses (a) and (b) of question No. 111 answered on 4th September 1928.

(b), (c) & (d) There has been no such communication as is referred to in clause (b) but the attention of the hon. Member is invited to the answer to clauses (b) and (c) of question No. 218 answered on 10th August 1929.

* Mr. S. SATYAMURTI:—"With reference to the answers given the other day in the Legislative Assembly by Sir Frank Noyce to the questions of Mr. A. Rangaswami Ayyangar on the Land Revenue Bill, may I know if this Government can give any further information than what is contained in the answer to this question?"

* The hon. Mr. A. Y. G. CAMPBELL:—"I am not in a position to give any further information."

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[24th September 1929]

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- (b) whether the Government have enquired into the fairness or otherwise of the rent agreed upon by the ryots;
- (c) whether any officer independent of the Estate Manager was appointed to examine the fairness of the rent and rate of rent fixed;
- (d) whether the Collector of the district has taken any interest in the collection of rent and arrears of rent in the district; and
- (e) whether Government have considered the desirability of appointing members of the I.C.S. as Managers in proprietary estates?

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(b) & (c) The rates were sanctioned by the Estate Collector whose work throughout was supervised by the Court of Wards. The Government have no reason to believe that the rates are not fair.

(d) Yes.

(e) The Government appoint such officers as Estate Collectors when they consider that it is desirable in the public interest to do so.

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- (a) whether it is a fact that at present a ground-rent of Rs. 425 per acre is levied and collected from the house-owners in the Butterworth Road extension in the Trichinopoly municipality;
- (b) whether in 1926 and 1927 ground-rent was levied and collected at As. 3-4 per site and whether for the same years this rate of Rs. 425 was levied and collected again in 1928;
- (c) whether in any part of the Presidency that rate is collected;
- (d) whether numerous complaints have been received from the rate-payers requesting the Government to reduce it to Rs. 6-4-0 an acre, the rate adopted in G.O. No. 436, dated 8th March 1927;
- (e) whether the Trichinopoly Municipal Council has passed a resolution dated 7th December 1928 adopting a rate of Rs. 6-4-0 per acre; and
- (f) whether Government have accorded sanction thereto; and if not, why not?

A.—(a) & (b) The Government have no definite information and are calling for a report.

(c) Prior to the issue of G.O. No. 436, Revenue, dated the 8th March 1927, the ground-rent in mufassal towns was fixed with reference to the scale of standard rates laid down in Appendix XXIV to Board's Standing Order No. 21. The rates ranged

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from Rs. 12-8-0 per acre to Rs. 500 per acre. Rupees 425 per acre was one of the rates prescribed and was not peculiar to the Butterworth extension.

- (d) The Government have received no such complaints.
- (e) Yes.
- (f) The matter is under consideration

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- (b) what is the present cost of labour for baling water for irrigating an acre; and
- (c) whether the Government would consider the desirability of increasing the deduction rate for baling?

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(c) The question is one that is considered at every resettlement of a district.

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- (b) whether this Government has recently received any communication from the Government of India on the subject;
- (c) whether there was a conference, on the question of Land Revenue legislation, of members representing several Provincial Governments and of the Government of India;
- (d) what were the results of the deliberations of that conference?

A.—(a) The attention of the hon. Member is invited to the answer to clauses (a) and (b) of question No. 111 answered on 4th September 1928.

(b), (c) & (d) There has been no such communication as is referred to in clause (b) but the attention of the hon. Member is invited to the answer to clauses (b) and (c) of question No. 218 answered on 10th August 1929.

* Mr. S. SATYAMURTI:—"With reference to the answers given the other day in the Legislative Assembly by Sir Frank Noyce to the questions of Mr. A. Rangaswami Ayyangar on the Land Revenue Bill, may I know if this Government can give any further information than what is contained in the answer to this question?"

* The hon. Mr. A. Y. G. CAMPBELL:—"I am not in a position to give any further information."

[24th September 1929]

Alleged representation from the Coimbatore District Ryots' Sangam regarding the collection of kist.

* 432 Q.—Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received any representations from the Coimbatore District Ryots' Sangam "that the kist collections made up of 8 annas in the rupee in March every year may be changed into 4 annas in March and 4 annas in May every year"; and

(b) if so, what action Government have taken on the representations?

A.—(a) Yes.

(b) The Government examined the question, and they considered that, in the interests of both the Government and the ryots, the change proposed by the Coimbatore District Ryots' Sangam was neither advisable nor necessary. The Coimbatore District Ryots' Sangam has been informed accordingly.

* Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—"With reference to the answer to clause (b), that 'in the interests of both the Government and the ryots, the change proposed by the Coimbatore District Ryots' Sangam was neither advisable nor necessary', may I know whether any ryots of Coimbatore have at any time objected to the change proposed by the Sangam?"

* The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice on that point."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—"May I know whether the ryots were consulted when the Government examined the question?"

The hon. Mr. A. Y. G. CAMPBELL:—"Notice, Sir."

Public Service

Appointments made by Mr. Henderson in Ganjam.

* 433 Q.—Mr. G. R. PREMAYYA: Will the hon. the Member for Revenue be pleased to state—

(a) who are the officers that organized tea parties in honour of Mr. Henderson, Collector of Ganjam, and issued invitations;

(b) whether the said District Collector filled up certain vacancies and confirmed certain officers just after these functions;

(c) whether any of those who organized these functions were so confirmed;

(d) whether in filling up these the recent communal Government Order has been followed; and

(e) the number of vacancies filled up and officers confirmed by Mr. Henderson in Ganjam with the community to which they belong?

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

* Mr. M. V. GANGADHARA SIVA:—"Will the Government be pleased to call for the information?"

* The hon. Mr. A. Y. G. CAMPBELL:—"I do not think it is necessary to call for the information."

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Orders passed on the list of unpassed clerks in the High Court.

* 434 Q.—Mr. A. RANGANATHA MUDALIYAR: With regard to the second part of the answer to the question No. 76, dated 7th August 1929, will the hon. the Member for Revenue be pleased to state whether the Government have since passed any and, if so, what orders on the list of unpassed permanent clerks and examiners furnished to them by the High Court on 27th June 1928?

A.—The matter is still under consideration.

Mr. A. RANGANATHA MUDALIYAR:—"May I know when orders will be passed?"

* The hon. Mr. A. Y. G. CAMPBELL:—"I am unable to say when they will be passed. The matter is under consideration."

Civil Justice

Appointment of gazetted officers in the Judicial department.

* 435 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state the various gazetted appointments in the Judicial department that have been made in the Presidency during the last year and six months, and the names of the officers so appointed?

A.—The hon. Member is referred to the Quarterly List of Gazetted Officers in the Judicial department as also to the Monthly List of Gazetted Officers in this Presidency.

Appointment of a Muslim as the Chief Judge, Court of Small Causes.

* 436 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state whether the Government will consider the desirability of appointing a Muslim as the Chief Judge, Court of Small Causes?

A.—Khan Sahib Muhammad Ibrahim Sahib Bahadur has been appointed as the Chief Judge.

Criminal Justice

Combination of the posts of public prosecutor and local board member.

* 437 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased—

(i) to place before the Council a statement showing the cases in which the appointment of Public Prosecutor is combined with that of nominated membership of local bodies like municipal council and district or taluk board;

(ii) to state whether it has been brought to the notice of Government that such combination is incompatible with public convenience or efficient disposal of public business; and

(iii) to state whether any of the gentlemen so nominated to a local body had been elected as its president and what special reasons there were for his being appointed as Public Prosecutor?

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A.—(i) A statement^a showing the cases in which a Public Prosecutor is also a nominated member of a district board or of a municipal council is laid on the table. The Government have no information in respect of appointments made to taluk boards which vest in the presidents of the district boards concerned.

(ii) No.

(iii) Yes. The appointment was made on the recommendation of the District Magistrate and the District Sessions Judge.

Mr. J. A. SALDANHA:—“May I inquire, Sir, whether Government are aware that the combination of appointments cannot do justice to both their capacities and that one or the other of their work will suffer?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Government are not so aware.”

* Mr. S. SATYAMURTI:—“May I know whether the Government have considered or propose to consider the desirability of not nominating Public Prosecutors to local bodies, unless nobody else is available?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“So far as I am aware, the Government have not considered that question till now. As to whether the matter will be considered hereafter, it is left to my hon. Colleague.”

* Mr. S. SATYAMURTI:—“May I ask his hon. Colleague, Sir, whether Government will consider the desirability of not nominating Public Prosecutors to local bodies unless nobody else was available?”

* The hon. the PRESIDENT:—“The hon. Member will do well to put a separate question.”

Enactment of a Probation of Offenders Act.

* 438 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state whether the Local Government intend to enact a Probation of Offenders Act and if not, why not?

A.—The question of undertaking legislation regarding the probation of offenders is now under the consideration of the Government of India. The Madras Government have decided that legislation in the matter should be undertaken by the Central Government rather than by the Local Government.

Enhancement of the sentence passed on Mr. White.

* 439 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state, with reference to question No. 1676, dated 11th March 1929, regarding punishment given to Mr. White for shooting a coolie in the harbour, whether the petition presented by the Crown Prosecutor for the enhancement of the sentence was simply for the enhancement of the fine?

A.—The Government have no information.

^a Printed as Appendix VIII on page 119 infra.

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Forests

Construction of a public road connecting Hebri and Albadi.

* 440 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether in the village of Belve in the Coondapoor taluk of South Kanara district the people have at great cost and trouble constructed a public road that runs through a reserved forest, connecting Hebri and Albadi;

(b) whether the Forest department have charged a sum of Rs. 10 annually for a lease of this road; and

(c) whether the copy of the order to that effect has not been given to the concerned applicant in spite of a request in writing therefor?

A.—(a) & (c) Permission has been sought by the people of certain villages to make a road through the Tenkabole Reserved Forest but an agreement drawn up for the purpose by the District Forest Officer in February last (of which a copy was supplied to the concerned applicant), has not been signed and the road has not been made.

(b) One of the conditions originally proposed was a rent of ten rupees a year. But this was subsequently reduced to five rupees.

Concessions to the ryots in South Kanara to remove leaves, etc., from the reserved forests.

* 441 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether the period of the forest concessions granted to the ryots in South Kanara to remove leaves, etc., from the reserved forests has already expired and if so, when;

(b) whether the same concessions have been extended for the future; and

(c) whether any notification has been issued, and to what effect, and when, if not, why not?

A.—(a) The period of the forest concessions last expired on 30th June 1929.

(b) They have been extended up to 31st December 1929 except in the case of the Herur reserve of Coondapoor taluk.

(c) Two notifications dated 12th June 1929, one extending the forest concessions up to 31st December 1929 (published in the Forest Supplement to the District Gazette on 24th June 1929) and the other withdrawing the same for Herur reserve of Coondapoor taluk were published in the *South Kanara District Gazette*. The concessions were withdrawn in the case of Herur reserve as the villagers had grossly abused the concessions to the detriment of the forests.

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Alleged transfer of one forest guard named Rama.

* 442 Q.—MR. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether a forest guard called Rama working in the Herur block of the reserved forests of the Coondapoor taluk (South Kanara) has been recently transferred; and

(b) if so, when, and for what reasons?

A.—(a) Yes.

(b) In March 1929. The transfer was made in the public interest, the person in question having shown himself unfit for his previous charge.

Reserved forests in the district of South Kanara.

* 443 Q.—MR. K. R. KARANT: Will the hon. the Law Member be pleased to lay on the table a statement showing—

(a) the names of the various reserved forests in the district of South Kanara;

(b) the year or years in which each was constituted;

(c) its extent;

(d) the class to which it belongs; and

(e) the village or villages in which each such reserve is situated with the taluk and division?

A.—(a) to (e) The required statement^a is appended.

High Court Judges*Appointment of a Muslim as a Judge of the High Court.*

11-30 a.m. * 444 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Law Member be pleased to state whether he has communicated to the Secretary of State the representations of the Muslim community for the appointment of a Muslim as a Judge of the High Court of Judicature, Madras?

A.—No.

MR. ABDUL HAMEED KHAN:—"May I know from the hon. the Law Member why he did not send those representations to the Secretary of State?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Because neither the Law Member nor the Local Government have any power to make recommendations to the Secretary of State regarding those appointments."

MR. BASHEER AHMED SAYEED:—"May I know from the hon. the Law Member whether the Governor in Council can make recommendations to the Secretary of State?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

^a Printed as Appendix IX on pages 120-126 infra.

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Budget*Action taken on the motions passed during the last budget sittings of the Council.*

* 445 Q.—SRIMAN BISWANATH DAS Mahasayo: Will the hon. the Member for Finance be pleased to state the action taken on each of the motions passed during the last budget sittings of the Council reducing demands for grants?

A.—A statement^a showing the action taken by Government on the reduction motions passed during the last budget sittings is placed on the table.

MR. S. SATYAMURTI:—"Referring to the Appendix, may I know whether, apart from the Survey Department, any other department of Government has observed the principle of Swadesi in the purchase of stores?"

The hon. Sir THOMAS MOIR:—"Notice, Sir."

MR. S. SATYAMURTI:—"With reference to the motion for reducing stamp duties to the pre-Reform level, may I know when the Government expect to be in a position to pass orders?"

The hon. the Finance Member was referring to the Appendix which occasioned some delay in answering, on which

MR. S. SATYAMURTI:—"I am referring to Appendix X on page 41. I see Government Members do not read these answers before they are given here."

* The hon. the PRESIDENT:—"They prepare the answers; therefore they need not read them again."

MR. S. SATYAMURTI:—"Some clerks in the Secretariat may do it."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I strongly protest against that remark. All the answers are prepared by Members of Government themselves."

* The hon. the PRESIDENT:—"I join the hon. the Law Member in that."

MR. S. SATYAMURTI:—"Why not join me also? My question is this: With regard to the question of reducing stamp duties to the pre-Reform level, may I ask when the Government will be in a position to reach a conclusion and pass orders on this matter?"

The hon. Sir THOMAS MOIR:—"I suppose by the next budget time."

MR. S. SATYAMURTI:—"With regard to the motion regarding the forest policy, may I know when the Government propose to appoint the committee?"

The hon. Sir THOMAS MOIR:—"That has to be addressed to my hon. Colleague (the Law Member)."

MR. S. SATYAMURTI:—"The question on the agenda is 'Will the hon. Member for Finance be pleased to state the action taken on each of the motions passed during the last budget sittings of the Council reducing demands for grants?' When the question was sent to him he ought to have submitted to your office that the question ought to be split and sent to the various departments."

^a Printed as Appendix X on pages 127-128 infra.

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* The hon. the PRESIDENT:—"The question on the agenda is what action is taken on each of the motions passed, and the hon. Member now wants to know when the committee will be appointed."

Mr. S. SATYAMURTI:—"That is a supplementary question."

* The hon. the PRESIDENT:—"That is not within the province of the Finance Member."

Mr. S. SATYAMURTI:—"That is a matter on which I want your ruling, Sir."

* The hon. the PRESIDENT:—"I agree with the Finance Member."

Finance

Expenditure on account of the pay of non-gazetted officers from 1920—22.

* 446 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Finance be pleased to state the expenditure incurred on pay and special pay of all officers who are not gazetted officers of the whole province in each of the years from 1920—21 to 1927—28?

A.—A statement^a is placed on the table.

Number, pay and pension of officers for the last twenty years.

* 447 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Finance be pleased to state—

(a) the total number and pay of gazetted officers in each of the last 20 years;

(b) the total number and pay of non-gazetted officers including the menials for the same period;

(c) the total number of persons receiving pension and the total pension received by them, among the above classes of officers in each of the last 20 years; and

(d) the commutation allowances paid during the period in lieu of pensions under each class?

A.—The Government have not the information and do not consider that the labour involved in collecting the figures asked for would be justified.

Emigration

Alleged ill-treatment of travellers to Ceylon at Mandapam and Tuticorin.

* 448 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether the Government have received any complaints recently about the treatment meted out to the travellers from India to Ceylon by the medical authorities at Mandapam and Tuticorin;

(b) what steps the Government have taken or propose to take to guarantee good treatment being meted out to the said travellers; and

(c) whether there is any agent of this Government at these places to watch over the interests of the Indian travellers and if not, why not?

^a Printed as Appendix XI on page 179 infra.

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A.—(a) & (b) The Government have recently received a copy of a resolution said to have been passed at a meeting held under the auspices of the Indian Muslim Association in Ceylon and have called for a report.

(c) The Protectors of Emigrants at Dhanushkodi and Tuticorin are Agents of this Government on behalf of emigrants. The Government do not think that the interests of other travellers require a special agent.

Alleged sufferings of Indian passengers to Penang from Negapatam.

* 449 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether his attention has been drawn to the sufferings of Indian passengers by sea to Penang from Negapatam, especially with regard to food, accommodation and medical treatment;

(b) if so, whether he proposes to take steps to remedy the same; and

(c) if not, why not?

A.—(a), (b) & (c) Emigration is a Central subject under the Government of India. No complaints have been made to this Government.

Mr. ABDUL HAMEED KHAN:—"Sir, may I know whether there is any officer under the Madras Government who is looking after the emigrants?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Yes; the Commissioner of Labour."

Mr. ABDUL HAMEED KHAN:—"May I know if the Government have drawn the attention of the Commissioner of Labour to the sufferings of these people?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"We have received no complaint. If any complaint has been received, it would have been referred to him."

Labour

Action taken on the report of the Unemployment Committee.

* 450 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Home Member be pleased to state—

(a) what the Government are doing to solve the unemployment problem in the province; and

(b) what action the Government have taken upon the report of the Unemployment Committee?

A.—The hon. Member is referred to the answer given to question No. 203 at the meeting of the Council held on the 10th August 1929.

Mr. ABDUL HAMEED KHAN:—"May I know from the hon. the Home Member whether he remembers the promise made by him in February last, and whether he proposes to issue early orders in the matter?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Most of the recommendations of the Committee pertain to the departments under the charge of my hon. Colleagues, the Education Minister

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and the Minister for Agriculture. In those circumstances, it is not possible for me to take any action unless and until I receive the reports from the departments on the points raised in the Unemployment Committee report."

Mr. ABDUL HAMEED KHAN:—"May I know whether, so far as labour is concerned, he has no jurisdiction over these matters?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"It is not a question of jurisdiction. The Unemployment Committee's report deals among other things with Agriculture and Education; and unless and until I receive notes or suggestions from the departments concerned, it is not possible for me to take action."

Mr. S. SATYAMURTI:—"May I know whether he has invited his Colleagues who are in charge of Agriculture and Education to send their suggestions so that he may carry out the recommendations of the Committee's report?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I have done that."

Mr. S. SATYAMURTI:—"May I ask when?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"About two or three months ago."

Mr. ABDUL HAMEED KHAN:—"May I know when we can expect action of some sort taken?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"It is not possible for me to say."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether he has sent any reminders to the Ministers?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I shall consider the suggestion."

Police

Action taken on the report regarding the question of Mr. B. Sambamurti.

* 451 Q.—Mr. G. HARISARVOTTAMA RAO: With reference to the answers to questions Nos. 1879 to 1882, answered on 26th March 1929, will the hon. the Home Member be pleased to state—

(a) whether he has perused the records in the case of Mr. B. Sambamurti;

(b) whether he has considered the question of the propriety of the police launching proceedings in such cases without reference to Government or its legal advisers; and

(c) what action he intends taking?

A.—(a) Yes.

(b) Yes.

(c) None.

Mr. G. HARISARVOTTAMA RAO:—"With reference to clause (b) of the question, may I know from the hon. the Home Member what were the considerations which led him to hold that it was proper for the Police to have taken action in this case in the manner they have done?"

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The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Under the law they have got that power."

Mr. G. HARISARVOTTAMA RAO:—"The specific question is this: whether he has considered the propriety of the Police launching proceedings in such cases without reference to Government or its legal advisers. What were the considerations which led him to endorse that action taken by the Police without reference to Government or its legal advisers?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The Police has the power and we cannot interfere."

Mr. G. HARISARVOTTAMA RAO:—"May I know what were the considerations for which he looked into the records?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"To examine the question and see whether Government can interfere. I find there is no necessity for interference."

Mr. S. SATYAMURTI:—"May I know the reasons why he says there is no necessity for interference?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"As I have said, the power is vested in the Police by law?"

Mr. S. SATYAMURTI:—"Why then should the Government examine the records? Do Government take orders as to what they should do without consulting their legal adviser or have they no conception of law?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"We have every conception of law."

Mr. A. KALESWARA RAO:—"May I know whether the hon. the Home Member has considered the propriety of arresting a gentleman without warrant and that in the dark hours of an early morning?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Notice."

Mr. A. KALESWARA RAO:—"We thought that the question had been considered by the hon. the Home Member?"

The hon. the PRESIDENT:—"The hon. Member wants notice of the question."

Mr. K. KOTI REDDI:—"May I know what are the considerations on which they would interfere?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"We do not want to interfere."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. the Home Member has examined the question as to the right of the Government to issue instructions to the subordinate Police officers in regard to matters that come under section 108, Criminal Procedure Code?"

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

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Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Home Member whether he has been advised by the legal advisers that he cannot issue instructions in this case ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The Government came to the conclusion that in matters of this sort no interference on their part is necessary."

Mr. S. SATYAMURTI :—" May I know the reasons on which that conclusion was come to ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The law vests the power in the Police."

Mr. P. ANJANEYULU :—" In coming to their conclusion, have the Government taken the advice of their legal advisers ? "

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

Mr. G. HARISARVOTTAMA RAO :—" I definitely ask the hon. the Home Member whether he has taken legal opinion on this question, namely, that he cannot issue instructions to the subordinate Police in matters like this ? "

The hon. the PRESIDENT :—" The Home Member says that he does not propose to issue instructions. The law vests the power in the Police and he does not propose to interfere with that power."

Mr. A. KALESWARA RAO :—" May I know whether the hon. the Home Member will look into the records and also consider the question of the propriety of the District Magistrate of Kistna, asking security from Mr. Sambamurti when there was no speech made at all by Mr. Sambamurti in the Kistna district itself ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I should like to have notice of that question."

• *Alleged difference in quarters given to Sergeants and Sub-Inspectors in the City.*

* 452 Q.—Mr. C. N. MUTHURANGA MUDALIYAR : Will the hon. the Home Member be pleased to state—

(a) whether there is any difference between the quarters given to Sub-Inspectors of Police in the City and those given to Sergeants ;

(b) whether there is any difference in the house allowance allowed to Sub-Inspectors and that allowed to Sergeants ;

(c) whether any representation has been made by Sub-Inspectors about the insufficiency of their quarters ; and

(d) whether any Sub-Inspectors have petitioned the authorities that the house allowance should be paid to them so as to have their own quarters ?

A.—(a) Yes. The Government quarters provided for European, Anglo-Indian and Indian Sub-Inspectors were designed to suit their different habits of living.

(b) No. When Government quarters are not available, houses are rented for them by the Commissioner of Police. The maxima up to which houses can be rented in both cases is Rs. 40.

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(c) It was reported by the Commissioner of Police that the type-design for Indian sub-inspectors was unpopular. The proposal to revise the type-design was given up as the expenditure involved was excessive and it was decided to continue to rent houses where necessary.

(d) The Government have no information.

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I know from the hon. the Home Member whether a two-storied building was unsuited to the style of living of an Indian sub-inspector ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I do not know ; I must ask for notice."

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I know whether the Indian officers have to pay for their uniforms while the Europeans get it for nothing ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Notice, Sir."

Mr. S. SATYAMURTI :—" May I know what is the relative cost of the buildings for European, Anglo-Indian and Indian sub-inspectors ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I have no idea. As regards the rent, I think we pay them equally, i.e., Rs. 40 each. If my hon. Friend wants me to examine that question, I shall do it."

Mr. S. SATYAMURTI :—" As regards clause (a), the Government say : ' The Government quarters provided for European, Anglo-Indian and Indian sub-inspectors were designed to suit their different habits of living '. I am asking what is the relative cost to the Government in providing quarters for these people of different habits."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I have no information ; I should like to have notice."

Mr. S. SATYAMURTI :—" With reference to answer to clause (b), may I know what is the average rent which is fixed by the Commissioner of Police for the various classes of Police servants for whom quarters are not available, and whether there is any difference in the average as fixed between Europeans and Indians ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I am not able to answer ; I shall examine it, if the hon. Member wishes."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c) of the question, may I know what the expenditure involved was in each case ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I have no information ; I am prepared to examine it."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know if, in the opinion of the hon. the Home Member, the Indian sub-inspector is not fit to live in a building designed for an Anglo-Indian ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is a matter of opinion."

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Mr. SAMI VENKATACHALAM CHETTI:—" May I know the opinion of the hon. the Home Member in this matter ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" It is not my personal opinion that is invited ; it is the opinion of the Government."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know what is the opinion of the Government ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" Notice, Sir."

Mr. P. ANJANEYULU:—" May I know, with reference to the answer to clause (d), whether the Government are prepared to offer money in the form of rent to the sub-inspectors, so that they may provide their own quarters ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" I should like to have notice of the question."

Mr. S. SATYAMURTI:—" I want to know whether in a department under the portfolio of an Indian this racial distinction should be perpetuated—even in these small matters ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" As far as I can see, there is no racial discrimination."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know if a building designed for Anglo-Indians could be offered to Indian sub-inspectors ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" I will examine the question."

UNSTARRED QUESTIONS

Excise

Propaganda against the use of toddy and liquor.

453 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Public Health be pleased to state whether, in view of the auction sales of toddy and liquor shops, the public are informed that the Government are undertaking propaganda against the use of toddy and liquor ?

A.—The Government do not think that any such announcement is necessary.

Local Boards

Nomination of retired Indian Military Officers to local bodies.

454 Q.—Subadar-Major S. A. NANJAPPAH Bahadur: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether seats by nomination have been allotted to the retired Indian Military Officers in the municipalities and in the local boards as was represented to Government by me (as a Military Member in the Council) during the budget discussion on 28th February 1929 ; and

(b) if not, why ?

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A.—(a) No.

(b) No nominated seats are allotted to any particular community or class and in any case the number of retired Indian Officers of the Indian Army is too small in this Presidency to justify considering them as a separate community.

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

III

ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

The hon. the PRESIDENT:—" I have to announce that the undermentioned Acts which were passed by the Council received the assent of His Excellency the Governor-General on the dates noted against each:—

The Madras Medical Registration (Amendment) Act, 1929	...	...	...	24th June 1929.
The Mirzapuram and Pedagogunnur Impartible Estates Act, 1929	...	...	...	5th July 1929.
The Ellamarru and Penjendra Impartible Estates Act, 1929	...	...	...	5th July 1929."

IV

ACT ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

The hon. the PRESIDENT:—" I have to announce that the Madras Services Commission Bill, 1929, which was passed by the Council received the assent of His Excellency the Governor on the 31st August 1929."

V

ELECTION TO THE SENATE OF THE ANDHRA UNIVERSITY.

The hon. the PRESIDENT:—" I have to announce that the following three members have been declared duly elected to the Senate of the Andhra University by the non-official members resident within the University area:—

M.R.Ry. P. C. Venkatapathi Raju Garu.
" P. Anjaneyulu Garu.
" K. V. R. Swami Garu.

VI

A BILL TO AMEND THE MADRAS CITY POLICE ACT.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—" I beg to present the Report * of the Select Committee appointed to consider the Bill (No. 4 of 1929) to amend the Madras City Police Act and move that the Bill as amended by the Select Committee be taken into consideration."

The hon. Sir THOMAS MOIR:—" I second it."

The motion was put and carried.

Clause 1.

* The hon. the PRESIDENT:—" Clause 1 is for the consideration of the House."

* Printed as Appendix XII on pages 129--142 infra.

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Mr. F. E. JAMES :—" Sir, I move—

'to omit the letter and brackets "a" in sub-clause (a) and omit sub-clause (b).'

"This sub-clause seeks to vest power in the Government to bring the Act into force on such date as they may, by notification, appoint. In the Bill, as it was originally introduced, there was a clause empowering the Government to frame rules and for the purpose of enabling them to do so, a provision of that kind was found necessary. Now, if the amendments of the hon. the Home Member are accepted there is no reason why the Act should not come into force early. Therefore, I feel that this particular sub-clause is not necessary."

The MAHARAJA OF PITHAPURAM :—" I second it."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I have no objection to accept the amendment."

The amendment was adopted.

Clause 1, as amended, was put, passed and added to the Bill.

Clause 2.

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Sir, I beg to move—

'For the definition of "gaming" and the explanation thereto substitute the following :—

"Gaming" does not include a lottery but includes wagering or betting on a horse race except when such wagering or betting takes place

(i) on the date on which such race is to be run, and

(ii) in an enclosure, room or place, which the stewards or other authority controlling such race have, with the sanction of the Local Government, set apart for the purpose.'

"By this definition we have tried to minimize the evil that is now existing in Madras. We have now got about 215 bucket shops in Madras. I may say that the Government will be very careful in giving any sanction required under this provision. Anyhow, the bucket shop nuisance in Madras will certainly disappear."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the amendment."

* The hon. the PRESIDENT :—" The Maharaja of Pithapuram will move his amendment as an amendment to that of the hon. the Home Member."

The MAHARAJA OF PITHAPURAM :—" Sir, I beg to move—

'Omit the words "except when such wagering or betting takes place

(i) on the date on which such race is to be run, and

(ii) in an enclosure, room or place, which the stewards or other authority controlling such race have, with the sanction of the Local Government, set apart for the purpose''

in the amendment of the hon. the Home Member. My object in moving this amendment is to do away entirely with gambling in any place at any time. I thank the Government for going so far as they have done, but I

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most humbly, yet earnestly, request them to go a step further in the interests of the country. They have been pleased to admit in effect that betting is an evil. When it is an evil in one place, I fail to see how it ceases to be an evil in another place. (Mr. S. Satyamurti : 'Hear, hear'.) The Government, though they want to do away with betting, yet would go only to the extent of licensing this evil and placing it under some authority. I say that such licences should not be given at all whether it be in the city, outside the race course or within the premises of the Race Club. Now within the city of Madras there are no races run at all although there was a time when races were run within the city municipal limits on the Island grounds or what is known as the Gymkhana. Sir, there is nothing to prevent the municipal limits of Madras being extended beyond the race course at Guindy. So, my amendment is really necessary. Even poor people go and bet there and lose heavily, and many poor families, as many of us know, are ruined. To avoid this danger and to save the poor people as well as the rich and middle class people, I consider it of the utmost importance that gaming should be abolished in the race course as well as outside it. I request the Government most humbly to be graciously pleased to accept my amendment, and appeal to the House to rise to the occasion and support this amendment."

Mr. L. K. TULASIRAM :—" I second it."

Mr. P. ANJANEYULU :—" Sir, I have given notice of a similar amendment and I take this opportunity of endorsing every statement made by the Maharaja of Pithapuram in his usual inimitable and most sincere style. He has brought home to the Government the absolute need for accepting this amendment. Without that amendment, I take it, Sir, that what has been a diffused evil would only be concentrated in one place and what has been existing in many places would only be localized. Further, what has been possibly a monthly occurrence would be limited to a number of days in the year. In other words, those that are given to this sort of gambling will be permitted to go to certain favoured licensed persons at Saidapet or Madras, and thither the rich ladies and gentlemen who take part in this sort of gambling would go as to a temple on festive occasions."

"Sir, in the amendment of the hon. the Home Member, the Government admit the absolute necessity for an amendment of the sort proposed by the Maharaja of Pithapuram, but he says that as we are human beings let us indulge in this weakness once upon a time and in a particular place. The hon. Member accepts the principle involved in this amendment, but he only wants to make an exception—a very big exception. This is the pivot on which the whole Bill revolves. If the object of the Bill is to put an end to gambling, then the amendment of the Maharaja should be accepted; but if we are only to put the soothing unction to our conscience and to say 'Oh, once in a way let us enjoy this gambling', then the very purpose of this Bill would be frustrated. Without adding any more observations at the present juncture, I earnestly commend the amendment of the Maharaja of Pithapuram for the acceptance of the House."

* Mr. ABDUL HAMEED KHAN :—" Sir, I support this amendment for this reason. We must remember that it is the Madras City Police Act that we are seeking to amend. I do not see any reason why we should take into consideration any area or territory outside the limits of the Madras City. Sub-clause (ii) of the amendment of the Home Member would mean that the

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racers are run in the City of Madras. As far as we know it is absolutely impossible for any class of people to find a race course and indulge in betting in the City of Madras. There is not sufficient space for that purpose in the city. The Gymkhana grounds which was sufficient some years ago is not sufficiently extensive now. Therefore every one will agree with me that hereafter it will not be possible to run a horse race within the city. There is no necessity for sub-clause (ii). Sub-clause (i) is only a consequential clause, which, if sub-clause (ii) goes, should also go. I do not see any reason why the Government should be anxious to retain these sub-clauses. The implication of sub-clause (ii) is that instead of having these enclosures alongside the race course in Guindy, it permits the stewards to open such rooms or enclosures even within the city limits. I certainly object to it and see no reason why the Government should not come forward and accept the amendment of the Maharaja of Pithapuram. Therefore, Sir, on considerations of this nature I have no doubt that the Government will accept the amendment."

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noon.

Mr. SAMI VENKATACHALAM CHETTI:—"The amendment of the hon. the Maharaja of Pithapuram is undoubtedly an unexceptionable amendment, but it seems to me that this is one of those instances where the zeal gets the better part of our judgment. In the Select Committee we have discussed all aspects of the question, and having regard to the objects of the Bill, namely, the suppression of bucket shops, we could not go further than what was really the original object of the Bill. We are not concerned with the rich magnates and men in affluent circumstances who are betting in a sportsmanlike spirit on horse racing. We are not concerned with the question whether betting is a matter which ought to be encouraged among noble men and men of affluent circumstances. It is a matter which requires the further consideration of the House. What we are concerned with in this Bill is to prevent credulous and ordinary poor people being swindled by the so-called bucket shop-keepers who offer big rewards for very small sums of money. Having that object in view, it seems to me to be necessary that we should confine our attention to that object only, viz., the suppression of bucket shops as mentioned in the original Bill. That concession too has not been extended to us. The hon. the Home Member proceeded on the assumption that certain bucket shops were necessary and made provision to enable at least the Commissioner of Police to license some of these bucket shops. That amounted to only legalizing the evil and when it was pointed out that the object of introducing the Bill was to check the growth of bucket shops and also to prevent swindling of the poor and credulous people, it seems that wiser counsels have prevailed on the Government with the result that we have the amendment now proposed by the hon. the Home Member. We must be satisfied for the present if these bucket shops are closed and if the gaming of betting and wagering on horse racing is confined to the day of the races and to an enclosure where the race is run. To achieve that object my hon. Friend, Mr. C. S. Govindaraja Mudaliyar, has given notice of an amendment that such licences should be issued to a place immediately adjacent to the race course. If that amendment is carried, it would certainly obviate the further growth of these bucket shops. My hon. Friend, Mr. Hameed Khan Sahib, is under the impression that there is no possibility of any race course being run in the City of Madras because the Island ground is small. Evidently he forgets the topography of Madras, and if the enterprising authorities of the race course take it into their head to have a race course in Madras, they will go in and around Madras City and

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find one. There are larger Island grounds than Mr. Hameed Khan had ever seen in Madras. The present amendment is for the purpose of making a provision for checking the growth of bucket shops. In case a horse race is to be run in the City of Madras, if my hon. Friend Mr. Govindaraja Mudaliyar's amendment, which states that licensing of any wagering should be limited to select places, viz., the enclosure in which the race is to be run, is carried, our object will be achieved. That was what was really existing before the bucket shops came into existence. We never wanted that betting should be stopped. It was only when a number of bucket shops sprang into existence in Madras and when every honest man turned out to be dishonest by expecting large sums of money for small investments, we grew conscious of this evil, and we wanted to suppress these bucket shops altogether. It seems to me that to attempt to stop betting altogether is a very difficult question, and I do not think the House would be well advised in introducing that question now and thus complicating the present issue and frustrating the very object of the Bill."

* Rao Bahadur C. NATESA MUDALIYAR:—"I support the amendment of the Maharaja of Pithapuram. The hon. Member is to be thanked for introducing this amendment. The hon. the Home Member's amendment is an improvement upon the suggestion of the Select Committee and the amendment proposed by the Maharaja of Pithapuram is an improvement on the hon. the Home Member's amendment. As observed by previous speakers, if the race course authorities care to have race courses in Madras, they can very well do so. It is our intention to see that families in Madras are not ruined. Sir, we have got a number of bucket shops, and we know that thousands of people are going there and wasting their money. The hon. the Home Member deserves all our thanks for bringing in this amending Bill to the Madras City Police Act. But, what I submit is that this is not of much avail. All these people will go to Guindy and bet there and thus waste their money. So, I wish very much that the hon. the Home Member not only accepts this amendment but also immediately introduces a Bill to amend the District Police Act. We are not for temperance. We want prohibition. Those who are rich may lose their money, and they may make up their loss in other directions. But poor people, if they are allowed to bet, lose everything in their possession. I know of instances where innocent and poor people have been ruined. Houses are mortgaged, and even the very clothes are pawned. So, I request the hon. the Home Member to accept this amendment and once for all do away with gaming in the City of Madras. There is no use of saying 'you don't have bucket shops in the City of Madras' and at the same time allowing the authorities of the race course with the sanction of the Government to have gaming houses instead. This is only to encourage those that want to bet to go to one bucket shop authorized by the race course authorities with the sanction of the Government instead of hanging on a number of scattered bucket shops. I, therefore, commend of hanging on a number of scattered bucket shops. I, therefore, commend of this amendment for the acceptance of the House, and I hope every one who is interested in the welfare of the people of the city and who sees their miserable condition will support the amendment."

* The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur:—"Mr. President, Sir, I entirely agree with the remarks of my hon. Friend, Mr. Sami Venkatachalam Chetti. ('Hear, hear'.) We must consider the

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practical difficulties in accepting this amendment. We must remember that when I introduced this Bill to suppress the bucket shops I stated in the Statement of Objects and Reasons as follows :—

‘ It has come to the notice of Government that what are popularly known as “ bucket shops ” have sprung up in the city of Madras for the purpose of facilitating betting in connexion with horse-races. These bucket shops have led to much fraud and the deceit practised by them on the general public has been extensive.’

“ Thus the object of this Bill is not to penalize all kinds of betting or gaming, but it is only to suppress the bucket shops. By accepting the amendment I have proposed, what will happen is that the evil will be minimised to a very very great extent. Betting will be allowed only on the day on which the race is to be run in a place or a room which will have to be sanctioned by the Government. Government will think thrice before they give their sanction. And further if the amendment of the Maharaja of Pithapuram is accepted and carried by this House, nothing will prevent people from resorting to other forms of betting than horse-race. Therefore, I think it is much better that we should allow the Government amendment to be passed. In view of the practical difficulties in the working of the Act if this amendment is carried, I would ask you to reject the amendment of the Maharaja of Pithapuram.”

* MR. S. SATYAMURTI :—“ Sir, whether zeal outruns discretion or caution outruns courage, the House will presently decide. I would ask the House to decide whether, when a particular course is decided on, we ought not to give logical effect to it by accepting the amendment of the Maharaja of Pithapuram. Sir, I only want to dwell for a few minutes on the legal aspect of the question, since my hon. Friend, the Home Member, has brought in the name of the Advocate-General. I should like to know what this amendment exactly means. Does it mean that the local Government by way of an amendment to the Madras City Police Act can license enclosures, rooms or space which the stewards of the Guindy Race Course or authorities controlling such race may set apart for such purpose? Is it suggested by the Government that the object of the Bill is to enable the Government of Madras by legislation to license these bucket shops outside the city limits, that is to say, in and about the Guindy Race Course? If that is not the object, may I ask whether the scope of the amending Bill is limited, as it must be, to control the Police in the City of Madras? You will notice that the object of amending the Police Act of 1888 was this. The preamble begins thus :—‘ Whereas it is expedient to amend and consolidate the provisions of law for regulating the Police of the City of Madras.’ Of course, if it is claimed that this amendment will permit the Government to license these bucket shops outside the city, he will have to address a different set of arguments. I suggest that so far as this amendment goes this amending Bill is intended to gain certain statutory powers for the Police within the city of Madras. If the object of my hon. Friend, the Home Member, is to make it possible for the Government to license certain enclosures, rooms or places with the consent of the stewards in the City of Madras, the result will be that whereas now the bucket shops are at least run with some sense of moral turpitude, hereafter they will be run with a dignified sense, because they will have the licence of the Government of Madras and the sanction of the stewards of the Guindy Race Course. They can put in their notice boards that these places, like arrack shops and toddy shops, are also

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places which the Madras Government in the exercise of their humanitarian functions have licensed for the citizens of Madras. I should like to know, if the object of the Bill is to suppress the bucket shops. If that is so, then I cannot understand why the hon. the Home Member should object to this amendment. If one who is a Government Member says that he will think thrice before granting such licences, we on this side of the House equally urge that in the exercise of these powers which always involve a discrimination there is a liability to be abused. I need not say more. When you are tackling an evil, I should like to know why we should now say, that we ought not to interfere with individual liberty. As my hon. Friend, the Member for the City of Madras, pointed out, we are out for prohibition. Only the other day it was resolved in the Assembly that nobody should marry his daughter before she is fourteen. All arguments based on custom or religion were flouted by the Government of India, and as a whole the Government walked into the lobby against it. It is then somewhat too late to suggest that we ought not to interfere with the liberty of individuals to ruin himself and his family. My hon. Friend, the Member for Madras, has painted in very glowing colours the pitiable condition of many families. It is not a partisan question; it is a human question, the question of the poor who are ruining themselves, by this unnatural ambition to get rich quickly without earning it. One in a thousand may get rich in this way; the other 999 get ruined. I do not think that we ought to play with this evil, and allow it to exist in some form or other.

“ As for the theoretical position that races may sometimes come to Madras and therefore you must accept the position of the Government, I have two answers. At the rate at which the City of Madras is growing, I do not think there is any possibility of any very large ground being made available for races and spectators within the municipal limits; and even assuming that such race courses may spring up in the City of Madras, there will be time enough to introduce a Bill for the purpose of controlling such races. But if the amendment of the Maharaja of Pithapuram is accepted by the House, it comes to this; that even when such races are run, there can be no betting or wagering, either here or anywhere else. It seems to me that the amendment of the Maharaja of Pithapuram is necessary, in order to provide for the absolute suppression of these bucket shops.

“ But, Sir, legislation in this country is rarely original; these words are at least 60 years old. In 1867 the Bengal Gaming Act said that ‘ gaming includes wagering or betting on a horse-race except when such wagering or betting takes place on the date on which such race is to be run and in an enclosure room which the stewards have, with the sanction of the Local Government, set apart.’ Sixty-two years have elapsed, and my hon. Friend suggests that our civic conscience and our general moral feeling should express itself in the same phrase, in which they expressed themselves 62 years ago. I do suggest that even in the slow moving Cooum, much water has flowed since; and I think the time is come when we should take courage in both hands and put down these gambling houses and bucket shops. The hon. the Home Member pleaded ‘ why not trust this Government? We are not going to license unnecessary shops’. May I ask him ‘ why not trust the Legislative Council? We are people representing thousands and millions of people in this House. If this House says that gaming shall not be allowed,

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why do you want to take upon your head the unenviable responsibility of having to license some bucket shops here or there? Every time you do it, it is bound to be misunderstood by one party or other. There will be always people asking for these bucket shops; the hon. the Home Member's room will be besieged or his assistants' or the Commissioner's room will be besieged by applicants. Every man who is not obliged will begin to attribute motives, and this will add to the unpopularity of the Government which is already great. The Government of Madras is not so wonderfully popular as to add this very unpleasant function of licensing bucket shops. I think it is better that the Government fall into line with us, and accept this amendment which prohibits gaming altogether.

"My last point is this; what are the practical difficulties in enforcing this law? You prohibit the manufacture of salt, anywhere over the wide coasts of this country. My hon. Friend said 'practical difficulties' thrice; but he did not mention one of them. What are the practical difficulties? Echo answers 'what'. It seems to me, Mr. President, that the only sensible way of dealing with the question is by suppressing these shops completely in the City of Madras and by taking on hand another Bill to amend the District Police Act in order to prohibit this gambling even outside the city. Even if this amendment is accepted and these bucket shops go out, they may be a source of nuisance from outside the toll-gates. They are already making arrangements. A great deal was said about the rich going there and ruining themselves. In these days of special Guindy race buses and trains, of return tickets, of seasons tickets, of quick and cheap methods of conveyance, the ruin of these poor families will be rendered greater, not only by the loss actually on wagering, but also by the additional loss of the tram, train or bus fare; the result will be these unfortunate men and women will spend not only upon the actual wagering, but they will lose into the bargain, the money they have to spend for going to and fro. In these circumstances, it is a matter of humanity, it is a matter of practical statesmanship to accept the amendment of the Maharaja of Pithapuram. I should like to point out to the hon. the Home Member—I have no experience of Government—as a layman I can certainly say that there are many more practical difficulties in the way of the Government's amendment than in the amendment of the Maharaja of Pithapuram. I therefore commend very earnestly to the unanimous consent of the House the amendment of the Maharaja of Pithapuram."

* Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, at one stage I was feeling a little sympathy for the amendment of the hon. the Home Member. On the old Bill that he desired to give us, this Bill is really an improvement. But his arguments against the amendment of the Maharaja of Pithapuram are not convincing. He is out to destroy bucket shops; before the bucket shops existed, there were no substitutes for them. The city got on without either the present bucket shops or substitutes for them. In the amendment the hon. the Home Member has suggested, there is a substitute for these bucket shops; this new substitute is 'licensed bucket shops'; they may be licensed by the Government or they may be approved by the stewards; yet they are there. Gambling is as bad as drinking. The hon. the Home Member may be prepared to give licence to these bucket shops. I think these places will be as bad as the places licensed by the Excise Department. I am sure there will be licensing fees; there will be

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questions of revenue; there will be questions of bias and prejudice. As my hon. Friend, the Member for the University, put it, the hon. Home Member will make himself more unpopular than he is to-day; he is sufficiently unpopular. I therefore feel, Sir, that there is nothing in the suggestion made by the amendment of the Maharaja of Pithapuram that invades against the original intention of this Bill. The Maharaja of Pithapuram wants to prohibit horse-races. Such horse-races are not to-day run in the city of Madras; they are run elsewhere. He wants to prohibit without any substitute being provided for what did not exist hitherto and what has come into existence in the meanwhile. I think that is the right attitude to be taken. I am surprised that the hon. the Home Member has not been able to accept this amendment. If there was the least attempt on the part of the Maharaja of Pithapuram to disturb the great equanimity of the horse-race goers—there may be many people in this House—there would have been some cause for the anxiety of the hon. the Home Member. Still they can go on; they can still bet and wager; they can lose their money. As was pointed out by the Maharaja of Pithapuram, though it may be immoral in principle, still people have this liberty; nothing is cut short. To introduce in the city of Madras, under the cover of this new suggestion, licensed bucket shops is to extend the immorality to a larger sphere than the sphere now existing. I therefore feel without any hesitation that the amendment of the Maharaja of Pithapuram should be supported."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"Sir, I support the amendment of the Maharaja of Pithapuram because I feel there cannot be or should not be any compromise with regard to this evil; we know that this gambling in the city of Madras deprives poor men of their earnings and makes the rich men richer. By this evil families are ruined, and as we do not have sufficient number of homes for such destitute people, their wives and children are helplessly stranded. The amendment of the Government says that the race can be run in an enclosure, room or place which the stewards can set apart with the sanction of the Local Government. I think that it is necessary and imperative that this evil should be completely stopped and not licensed or encouraged. With these words, I heartily support the amendment of the Maharaja of Pithapuram."

* Mr. F. E. JAMES:—"Sir, with regard to this matter there are two attitudes which can be taken up. If betting is considered to be a social evil, it can be prohibited by legislation. That, I take it, is the view which is accepted by several Members of the House on the other side. If you take that view, you must vote for the amendment before the House. I would point out however that, if you accept the amendment and definitely prohibit any sort of gaming or wagering in the city of Madras, you must be prepared to extend, later on, the same prohibition to the whole province. (Voices:—yes.) A small section of the House appears to be prepared to do so, but I should like to point out that it means the abolition of racing of any kind. Any one who is interested in horse-breeding and horse-racing knows perfectly well that it is not possible without prizes and stakes. The view of the Members of this bench is they do not accept the position that betting and wagering should be prohibited altogether. Mr. Satyamurthi is, apparently a prohibitionist in this matter. He certainly did not take the same attitude on the child Marriage Bill; perhaps he has learnt wisdom! In any case, I trust he will take up the same attitude when the Brothels Bill comes up.

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"Perhaps I may explain in this connexion the real purpose of this particular amendment. We have all along expressed the desire that the question of dealing with bucket shops should not be confined not merely to the City of Madras but should extend to the whole Presidency. We urged that point from the very beginning. But, we feel that inasmuch as the Government have introduced a Bill to amend the City Police Act, we should support it as a first step; and that Government should take, as early as possible, whatever steps are necessary to extend the provisions of the Bill to the Presidency. I hope the hon. Member will give us some indication with regard to this point when he speaks later on. This particular amendment of the Maharaja of Pithapuram does away with betting or gambling altogether. I may say in the first place that, as far as I am able to understand their view, the authorities in Guindy have absolutely no intention of taking undue advantage of the provisions of sub-sections (1) and (2). The reason for the inclusion of this clause is this: during the meetings of the Select Committee, it was made quite clear to me by various members of the Committee that we should not rule out the possibility of horse-racing in the City of Madras. Another Syndicate might wish to establish a race-course. Therefore, it was agreed that we were all willing to extend to such potential race enclosures those privileges which the race club at Guindy would continue to enjoy after the present Bill became law.

"There is only one other thing which I should like to refer to, and that is this: Mr. Satyamurti has dealt with the legal aspect of the question; but I should like now to deal with the practical aspect of the matter before the House. If you vote for the amendment now before the House, it will mean that you are entirely shutting out gaming on horse races in any part of the Presidency of Madras. That means that you will abolish racing altogether. If that is not your intention, and if you take the view that betting can be allowed under suitable control on the conditions laid down by the Home Member's amendment, then you must vote against the amendment."

MR. RAMANATH GOENKA :—"Mr. President, Sir, when I came into this House this morning, I was of opinion that I would have to support the amendment of the hon. the Home Member; but after going into the matter in detail, I find that the Bill, on the basis of which this amendment has been drafted, is one very like the Bengal Gambling Act of 1913. In that Act, however, it is provided 'an enclosure which the stewards controlling such a course may, with the sanction of the Local Government, set apart for the purpose . . . etc.' But here we have the words 'in an enclosure, room or place set apart . . . etc.' It naturally means bucket shops. In the Bengal Act, they have no alternative for the word 'enclosure' but here you have got 'room or place', which would only mean bucket shops. Surely, no race can be run in a room or place. The hon. the Home Member in the beginning of his speech said that the Government will sanction only one or two. What will they sanction? They will sanction one or two bucket shops! What does it mean then? It means that after killing these fifty or sixty bucket shops and putting those people to a lot of trouble, you will allow the stewards of the Guindy Race Club to come and open in the City of Madras one or two shops. If the Government simply said 'enclosure', then I would agree with them; but when they put in the alternative words 'room or place' and allow thereby a shop to be opened in the city with the sanction of the race club authorities, I must certainly object to that. It is very

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[Mr. Ramanath Goenka]

likely that the Guindy Race Club will apply for sanction to open a shop here and the Government who have got the power will sanction it. Therefore, Sir, as at present, I have no alternative but to support the amendment of the Maharaja of Pithapuram. I can support the Government amendment if it simply said 'enclosure' but as the words 'room or place' also are introduced, I am inclined to support the amendment of the Maharaja of Pithapuram."

* Rao Bahadur Sir A. P. PATRO :—"Sir, I feel it difficult at this stage to understand the amendment of the hon. the Home Member as it stands on the paper. The object of this Bill is to suppress the growth of bucket shops in the City of Madras. This City Police Act has no jurisdiction beyond the City of Madras. The race-course is run at Guindy, and it is controlled by the stewards of the race club at Guindy. The fact is that the race club has no concern whatever with the bucket shops in the City of Madras or any relation to betting. Government is now introducing in this Bill by the amendment of the hon. the Home Member a clause which authorizes the race club to open or recommend the opening of a bucket shop in the City of Madras under its control. The object of this Bill is a very commendable one, that is, to suppress all the bucket shops existing at present in the City of Madras and to put down the evil prevalent in the city on account of this trade. Whilst that is a very laudable object, that the Government should authorize any particular body or encourage anybody to recommend the opening of a place or room or enclosure in the City of Madras for the purpose of this very gambling which is sought to be put down by the present Bill, is not quite clear. It seems to me, Sir, that there is something wrong either with the wording of the amendment of the hon. the Home Member or with the object of the Government in regard to this Bill, whether the intention is to license certain places, enclosures or rooms in the City of Madras to the exclusion of certain others. I have therefore this difficulty to understand why a place or room is included in the Government amendment. It has been explained to us by the hon. Member Mr. James that it is not the intention of the Government amendment that race clubs should recommend the licensing of any room or place or enclosure for the purpose of gambling. But we have no authoritative statement on behalf of the Government as to what their intention is, whether it is to be left to the option of the race club to open any licensed house in the City of Madras. It may be that the race club may not have any such intention now; but in course of time, the personnel of the stewards may change and the intention—which is now a very good one—of not opening a shop in the city may also change. Therefore, we would like to have a definite statement on the amendment; I hope the hon. the Home Member will consider this aspect of the matter, with a view to prevent any abuse of the power given to the Race club to open shops in the City of Madras. The enclosure of the race club is quite sufficient. I am sure if that point is made clear, the House will be in a better position to appreciate the amendment of the hon. the Home Member. My difficulty is, as I said, whether the Government can authorize the management of the race club to open or to recommend the opening of any gaming house in the City of Madras. If that is not so, I shall be perfectly satisfied and I shall vote for the amendment of the hon. the Home Member. But until that point is made clear, I feel doubtful whether it will be an advantage to accept the Government amendment and thereby give the power of opening such shops to particular bodies. I feel another difficulty also, Sir. The words used are 'which the stewards or other authority controlling such

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race, etc.' Of course the stewards are responsible men and if they ask for licence being granted, it may be granted to them at the race course. But what is meant by 'or other authority.' What that authority is, is not explained. The hon. the Home Member must tell the House what that 'other authority' is. These matters, require fuller explanation, and until that explanation is given, I am afraid we will not be in a position to vote on this motion."

* Mr. ALLADI KRISHNASWAMI AYYAR :—“ Mr. President, so far as I could gather, the object of the Government is not certainly to permit the Guindy race-course authority to have enclosures or rooms or places within the City of Madras and to sanction betting being carried on in those rooms or places. I shall explain why exactly these words were put in by the Government. The Government are not committed, so far I can see, to the general principle that betting in every place must be prohibited, though they have an idea of extending the provisions of this Bill to the entire mufassal (Hear, hear). When once the Government recognize the principle that betting at any place even with the licence of the race-course authorities, or with the sanction of the Local Government, is to be prohibited the Government would necessarily be committed to that principle outside the city also. The Government were not prepared to take up such a position. (Mr. S. Satyamurti: Why not?) To the extent to which I was asked to explain, I am stating it. (Laughter.) Therefore you cannot have one kind of Bill for the mufassal and another kind of Bill for the City of Madras. If you are going to take up the position that betting in any form and in every place must be prohibited, such provision must occur as much in any Bill relating to the mufassal as in a Bill relating to the town of Madras. Inasmuch as it is the intention of the Government, when extending the provisions of this measure to the mufassal, to permit betting within enclosures sanctioned by the race-course authorities and not to prohibit anybody carrying on business at every place, this amendment is introduced in this form in the present Bill.

“ One of the hon. Members referred to the Bengal Act. I might at once point out that this Bill goes much further than legislation in any other part of India; because under the Bill as it stands, you are prohibiting betting itself, not merely the keeping of houses for the purpose of betting. There is a drastic provision, as hon. Members would observe later on in which it is stated that betting on horses itself is punishable except in particular places. Even that does not obtain in Calcutta, Bombay or any other place; it is only gaming in a common gaming house that is punished in other places. So far as this Government are concerned, they have to that extent gone much further than legislation in other places in that this legislation punishes gaming, while also punishing the person who keeps the gaming house. The object of the saving clause is merely to recognize the principle that in a particular place sanctioned by the Local Government and recommended by the race course authorities, betting may go on. I am not now on the moral principle involved—I for myself never indulge in any betting or gaming. (Mr. S. Satyamurti: Then why do you want others to do that?) In my opinion, so far as the general laws are concerned, in no country, either on the continent or in England (A voice: Which continent?)—I refer to Europe—is gaming *per se* an offence. It may be that the Madras legislature may go a little further. There is nothing wrong in going further; but in matters of legislation of this kind, you must have some regard for the legislation obtaining in other countries. The Madras Government have gone one step further than the

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other Governments. The question is whether you are going to adopt the principle of abolishing betting of every kind. So far as I am concerned, I regard betting on every kind of game as immoral. Therefore, unless a comprehensive legislation of that kind is going to be introduced, punishing betting of every kind, there is no point in saying that we have got rid of one evil by punishing betting in respect of horse races. So long as the legislature is not prepared to punish betting of every kind in clubs and in other places, there is no point in the argument that there is as much immorality in one kind of betting as in other kinds of betting. Some limit will have to be necessarily placed, and the Government have thought that the limit is to be the limit of sanction by the Local Government and also its being run under the authority of the race-course.

“ This Council must definitely make up its mind. If you are going to delete this clause, you must be prepared to take such steps as to prohibit betting of every kind in any enclosure not only here but in Guindy. By merely passing this amendment you will not be prohibiting betting within the Guindy race-course, because this Act does not apply to the Guindy race-course, that being outside the City of Madras. 12-45 p.m.

“ You will have also to take up the general principle of betting, and the Madras legislature will have to undertake legislation prohibiting betting of every kind. So far as I know, the law in England has not as yet made gaming an offence.” (Mr. S. Satyamurti: It is a backward country)

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ Mr. President, Sir, coming from the mufassal, I may be thought of taking only academic interest in the matter, as this Bill is applicable only to the City of Madras. Many of us were anxious that the Select Committee might make some provision giving power to the Local Government, as in the case of the Brothels Bill, to extend the provisions of the Bill to the mufassal also. But the words that have fallen from the hon. Member Mr. James and the hon. the Advocate-General make people from the mufassal to be a little more careful about this Bill and to speak out their views. Mr. James seems to think that if the Maharaja of Pithapuram's amendment is passed there will be no betting in any race-course at all. I may once for all say that it is the earnest desire of many of us that there should be no betting on races even anywhere in this Presidency. We fought for some such principle when the Entertainment Tax Bill was under consideration here. But, apart from that, Mr. James is evidently making a confusion between the two things. If this provision of the hon. the Home Member is accepted and made applicable to the mufassal also, Sir, in Coimbatore, next year there will be half a dozen licensed bucket shops under the sanction of some race-course even in Bombay.

“ The provision is wide enough. Even in regard to the Guindy races, the amendment of the hon. the Home Member will enable half a dozen bucket shop people in Coimbatore getting licences or sanction from the Government or from somebody conducting race-courses in Bombay, Calcutta or even the Derby race-course. It is not confined to any race-course anywhere. I think the hon. the Finance Member may well congratulate himself if these bucket shops are let into auction as is done in the case of toddy shops and arrack shops, with the result that the bucket shops will not only be thriving, but they will be run with licences after paying large bid amounts, and we know the consequences. Our main and the sole object is that betting on the whole should be prohibited both in the city and in the mufassal.

[Mr. C. V. Venkataramana Ayyangar] [24th September 1929]

"But, on the other hand, if Mr. James is very anxious, along with his colleagues, to have some betting, why not confine it to the race-course itself? It would have been much more reasonable if the hon. Member Mr. James and his colleagues, who care so much for our welfare, would suggest an amendment to the hon. the Home Member's amendment, namely that such betting might take place inside the race-courses themselves. That would be something. As it is, at present, we know how poor men go to Guindy and inside the race-course bid for the races. (Mr. Abdul Hameed Khan:—It will develop.) Of course, as my hon. Friend suggests, the race-courses will develop themselves and the limits extended even into the city. As it is, the amendment gives wide powers, apart from the intentions of the Government. Of course, nobody can say what the intentions of the Government will be to-morrow. I am sure the hon. the Home Member cannot bind his successor to his present intentions. When a comprehensive Bill comes into this Council prohibiting similar things in the mufassal, then probably this Council may consider the advisability of having a provision that within the race-course such kind of betting may be allowed. I must warn my hon. Friend Mr. James that he has not convinced us of his arguments. People who take an interest in races may come forward with subscriptions, certainly the European Association and its Members might pay very liberally and pay the various stewards and jockeys when the races take place; and certainly many of us also will be very glad to subscribe our mite if such a subscription list is opened. That is far from saying that even poor people can be encouraged and asked to come and take part in these lotteries. It is from that point of view and having much interest both in the mufassal as regards the prospective Bill and also having an interest in the city, I feel we must oppose the hon. the Home Member's amendment, and we would ask him to accept the amendment proposed by the Raja Sahib which will be very useful if this Bill is to be made useful at all. Let us not create a good thing and create an exception which in many cases will prove more dangerous than the present evil does."

* Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, I think we should have no objection to accept the amendment if certain words or clauses are added to restrict betting. I believe the hon. Member, Mr. Sami Venkatachalam Chetti, has referred to an amendment of which notice has been given by Mr. Govindaraja Mudaliyar restricting betting only to the racing ground. If some such amendment is adopted, I think the ambiguity or the danger lurking in this amendment will be removed. As it is, it makes all betting an offence, and gives rise to unnecessary, unwarranted interference with the liberty of the free citizen."

"Then, as regards the other question, namely that betting like drink is an evil, I most emphatically state that betting is not an evil in itself. I think my hon. Friend the Member for the University knows it. (Mr. S. Satya-murti: He never bets.) Nor, do I, and I know that thousands of Indians, that the vast majority of people anywhere avoid every kind of betting. This shows that they are able to take care of themselves without the aid of legislation. As regards betting in the race-course, to make a law to put a stop to it, is really to make what is not intrinsically an evil, what is in itself a harmless and a legitimate and innocent amusement with small stakes and carried on with proper safeguards and on a restricted scale, a criminal offence punishable by fine, imprisonment or both. Sir, what we must aim at is that this bill has to be restricted to sportsmen who will take the trouble to see that the races are conducted in a really sportsmanlike manner."

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"I am glad that my hon. Friend Dr. Natesa Mudaliyar spoke very eloquently of the ruin wrought by bucket shops in the city. Certainly he has much larger experience than myself. If, for instance, stewards are authorized in close proximity to the race-course to have one or two rooms, I think that there will be no inducement or facility afforded to the middle or poorer classes to go and ruin themselves by betting. Therefore, Sir, I do repeat that betting is not intrinsically an evil. If there is an abuse of it, if what is harmless and legitimate is by perverse ingenuity turned to harmful, immoral purpose, then certainly it becomes an evil. Legislature can come in only when such things are abused by people to such an extent as to call for a drastic remedy. There might of course be very many persons who have not got the strength to resist all these attractions and when their number increases, in consequence of which this evil spreads, then of course, the legislature will be justified in interfering with the liberty of the people. In other words, interference with the liberty of a reasonable being is justified only when he is incapable of any strength of will, or of a right use of reason. If, on the other hand, my hon. Friends are going to put a stop to every kind of betting, though by itself betting is not an evil, then I must cry 'halt'. Therefore, I do not approve of the arguments of my hon. Friend based on ethical or moral grounds. If the hon. the Home Member would adopt some such amendment as that which is going to be moved by my hon. Friend Mr. Govindaraja Mudaliyar. . ."

* The hon. the PRESIDENT :—"I am afraid, the hon. Member is anticipating too much."

* Mr. S. ARPUDASWAMI UDAYAR :—"If some such amendment is adopted, we may do well to support it and avoid a prurient and dangerous piece of legislation."

* Mr. MAHMUD SCHAMNAD :—"Mr. President, Sir, I do not agree with my hon. Friend Mr. Udayar, especially with the statement that he does not consider betting as an evil in itself. If that is the case, then he seems to think that drinking also is not an evil in itself. I think that all thinking men will be satisfied that both are evils, and as a Muhammadan, I am bound to support any measure that will put down this kind of betting, because, Islam regards betting and drinking as of the same kind of vice. The holy Koran has mentioned them in the same verse, placing them in the same category. (Mr. Abdul Hameed Khan: 'What about the Home Member?') Although the hon. the Home Member is a Muslim, yet as he is a Member of the Government he is not giving his own opinion, but the opinion of the Government, as the mouthpiece of the Government, as regards this matter. The Government perhaps don't consider it practicable to go the whole length of saying that betting should be put down altogether. The opinions of the Members on the other side is to restrict betting to the enclosures where racing is going on not only in the city of Madras but to enforce it in such other places outside the Madras town. I also feel some doubt as the hon. Sir Patro felt in understanding the intentions of Government and if this is made clear, I think all will be able to make up their minds."

* The hon. the PRESIDENT :—"I understand that Mr. Wood wants to move for the omission of the words 'room or place', and 'stewards or other'. Before he proposes to do that, I think the consideration of the amendment of the Maharaja of Pithapuram has to be postponed."

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* The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I move that the consideration of the present amendment be deferred till the amendment now proposed by Mr. Wood is considered and disposed of."

Mr. S. SATYAMURTI :—" On a point of order, Mr. President. This motion of the hon. the Education Minister is out of order, and there can be no postponement of a matter pending disposal. Moreover, the motion is not yet before the House. I think it must not be moved."

* The hon. the PRESIDENT :—" Notice of the amendment has been given to me and the consideration of the present amendment may be postponed till that amendment is disposed of. We have got into the practice of postponing one item in the agenda before another item is disposed of, though that other item has not been moved. This is an item of which I have received notice. The amendment is 'In the amendment of the hon. the Home Member omit the words "room or place", and "stewards or other".'"

1 p.m. * The hon. Dr. P. SUBBARAYAN :—" I now move that the consideration of the amendment be deferred till the consideration of the amendment, Mr. President, which you just now read out."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I do not think the hon. the Minister had given us any reason as to why this motion should be preferred to the amendment of the Maharaja of Pithapuram. I am afraid by this motion the hon. the Minister is making matters worse. We are now dealing with an important question. The whole thing is, apart from the question of enclosure, room or place, whether Government or stewards should have the power of licensing the new bucket shops. There is no use of discussing the present amendment first and then disposing of the amendment of the Maharaja of Pithapuram. I am afraid unless some very good reason is given as to why the Maharaja's amendment should be given up we cannot agree to this amendment. When we have proceeded so far with the discussion on the amendment of the Maharaja of Pithapuram, it is better to straightway discuss that question and vote on it once for all, in preference to the question regarding the general power of instituting new bucket-shops anywhere, even thousands and thousands of miles away from the race-course, that should be given to the Government or to the stewards. I am afraid Mr. Wood has not explained to us whether the term 'enclosure' excludes 'rooms.' I do not think it necessary or desirable that we should give room for such vagueness, and I hope it will be cleared by bringing an amendment if necessary to the betting being permitted within the limits of the race compound."

* Mr. S. SATYAMURTI :—" Sir, I rise to enter my strong protest at the way in which an amendment is introduced in this House at this stage, when we are discussing the amendment of the Maharaja of Pithapuram, by way of compromise to bring round possibly a few hostile votes. I think there is nothing to warrant this procedure on the part of the Chief Minister, to spring upon this House at this stage an amendment like this, except the fact that he is pained to see the support given to the amendment of the Maharaja of Pithapuram from unexpected quarters like Mr. Schamnad and Mr. Arpudawami Udayar, usually advocates of the Government cause. Sir, to bring

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forward this amendment as a compromise and thus refuse the House an opportunity to straightway vote on the amendment of the Maharaja of Pithapuram, I submit, Sir, is unfair to the House. I think the power of selection is best left in the hands of the hon. the President, because otherwise it comes to this: the majority of the House can always, by entering into a pact with cross-benchers, prevent straight votes. I think it ought to be left to the hon. the President to choose the order in which the amendments should be placed. I still venture to submit that you will see that there is a point in what I say, and see that the amendment of the Maharaja of Pithapuram is put to vote. Now, Sir, what is the object of the motion for the adjournment of the consideration of this amendment? The only object I can see is to conciliate the Opposition. And, after all, how far does he succeed? The amendment merely answers one point of my hon. Friend, Mr. Ramanath Goenka, that these words are not found in the Bengal Code. Tweedledum and tweedledee! This is not the way of meeting the Opposition. This is more like treating us like children who are satisfied with some imitation fruit when they cry for milk or food. Therefore I wish the House is allowed to give a straight vote on the amendment of the Maharaja of Pithapuram."

* Mr. F. E. JAMES :—" Sir, I should like to explain why this procedure should be adopted. During the course of the discussion some misapprehension arose in the minds of the hon. Member and those who share his views as to whether the power of opening new bucket-shops should be vested in the Government and whether they could be established outside the actual racing enclosure. Now I may say, as far as we are concerned, we have no intention that bucket-shops should be opened apart from the actual race enclosure, nor, I think, have the Government any such idea. If the amendment is amended in the sense that no betting or wagering in a horse-race is permissible except in the racing enclosure on the day of racing, we certainly have no objection whatsoever to it. I believe that it was with this intention that the Government brought forward their amendment."

* Mr. A. KALESWARA RAO :—" Mr. President, Sir, the adjournment motion should not be supported, because it is not at all necessary at this stage. Now we are concerned, as Mr. James has put it, with the general principles whether wagering or betting at a horse-race also should be altogether prohibited or not, whether wagering and betting are evils in themselves and as such require to be suppressed altogether, and whether that should be first in the City and in the mufassal later on. If we believe that they are evils and that they are ruining not only the poor people but also the rich who deserve as much sympathy at our hands as the poor, because the rich people suddenly become poor and extremely miserable, then wagering and betting at horse-races deserve to be suppressed, and we ought to give our votes straightway to the amendment of the Maharaja of Pithapuram. But if the gambling and wagering are not great evils as some hon. Members believe, but are only innocent pleasures that can be exercised under certain control . . ."

* The hon. the PRESIDENT :—" I am afraid the hon. Member is not speaking on the postponement of the consideration of the amendment . . ."

* Mr. A. KALESWARA RAO :—" Yes, Sir. I am coming to that."

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The hon. the **PRESIDENT** :—" I request the hon. Member to come at once to the point."

* **Mr. A. KALESWARA RAO** :—" If they are innocent pleasures that can be allowed to go on either on a licence from the Government or in a particular place and that near a race-course, then those people who believe in that ought to defeat the amendment of the Maharaja of Pithapuram. Therefore, we have first to take that decision. On the general principle, if the motion of the Maharaja of Pithapuram is carried in this House, then there will be no question of compromising with the evil. But, if his motion is lost, then Mr. Wood's amendment will come in. Therefore, the greater is the reason why we should proceed with the amendment of the Maharaja of Pithapuram, which concerns with the general principles. Therefore, I submit the House ought to decide that first, and then if it is lost we may go on with the consideration of the amendment of Mr. Wood."

* **Mr. J. A. DAVIS** :—" Mr. President, many of us on this side of the House feel that this cannot give a straight vote unless the amendment is made clear as suggested in Mr. Wood's amendment. We are anxious to have bucket-shops in Madras closed, but we are not prepared to go the length of putting a stop to all race betting on a race-course to achieve this object. Mr. Wood's amendment helps us to do this, and therefore I think it a timely amendment and that it should be dealt with before the Maharaja's amendment is put to the vote. I therefore support Mr. Wood's amendment being taken into consideration first."

* The hon. the **PRESIDENT** :—" I feel some technical difficulty in putting these amendments. Really the intention of the Maharaja of Pithapuram is to omit certain words—and it appears to me a certain section of the House is in favour of retaining the amendment with certain omissions—and therefore the better course will be, after allowing the Government to make a statement regarding their attitude on the amendment of Mr. Wood, to put the amendment of the Maharaja of Pithapuram to vote. When once it is disposed of (if that portion is retained), I shall give permission to Mr. Wood to move his amendment. I think that will remove all difficulties. I give an opportunity to the hon. the Home Member to make a statement so far as the attitude of the Government is concerned regarding the proposed amendment of Mr. Wood."

1-15 p.m. The hon. Khan Bahadur Sir **MUHAMMAD USMAN SAHIB** Bahadur :—" I am willing to accept Mr. Wood's amendment, Sir."

The motion for postponement was not pressed.

* The hon. the **PRESIDENT** :—" I will now put the amendment of the Maharaja of Pithapuram to the vote of the House."

"The question is—

In the amendment of the hon. the Home Member, to omit the words 'except when such wagering or betting takes place (i) on the date on which such race is to be run, and (ii) in an enclosure, room or place which the stewards or other authority controlling such race have, with the sanction of the Local Government, set apart for the purpose'."

[24th September 1929]

The amendment was declared carried. A poll was demanded and the House divided thus :

Ayes :

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| 1. Dr. (Mrs.) S. Muthulakshmi Reddi. | 23. Mr. C. Obi Reddi. |
| 2. Diwan Bahadur P. Kesava Pillai. | 24. " A. Parasurama Rao. |
| 3. Mr. V. I. Muniswami Pillai. | 25. " T. Adinarayana Chettiyar. |
| 4. " S. V. Vanayudaiya Kavandar. | 26. " Ahmed Meeran Sahib. |
| 5. Rao Sahib R. Srinivasan. | 27. " A. Kaleswara Rao. |
| 6. Mr. K. Ramachandra Padayachi. | 28. " K. Uppi Sahib. |
| 7. " G. R. Premayya. | 29. " V. Kameswara Rao. |
| 8. Swami A. S. Sahajanandan. | 30. " C. N. Muthuranga Mudaliyar. |
| 9. Mr. P. C. Venkatapathi Raju. | 31. " K. V. Krishnaswami Nayakar. |
| 10. " K. Koti Reddi. | 32. " Muhammad Meera Ravuttar. |
| 11. " R. Srinivasa Ayyangar. | 33. " C. Venkatarangam Nayudu. |
| 12. " S. Satyamurthi. | 34. " B. Venkataratnam. |
| 13. " C. V. Venkataramana Ayyangar. | 35. " A. Ranganatha Mudaliyar. |
| 14. " J. A. Saldanha. | 36. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 15. " G. Harisaravottama Rao. | 37. Mr. K. P. Raman Menon. |
| 16. " Basheer Ahmed Sayeed. | 38. " C. R. Parthasarathi Ayyangar. |
| 17. " C. S. Govindaraja Mudaliyar. | 39. " K. R. Venkatarama Ayyar. |
| 18. " Abdul Hameed Khan. | 40. Maharaja of Pithapuram. |
| 19. " L. K. Tulashiram. | 41. Mr. C. Gopala Menon. |
| 20. " D. Narayana Raju. | 42. Rao Bahadur C. Natesa Mudaliyar. |
| 21. " K. Madhavan Nayar. | |
| 22. " P. Anjaneyulu. | |

Noes :

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 23. Mr. K. Krishnan. |
| 2. " Sir Thomas Moir. | 24. " N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 25. " M. V. Gangadhara Siva. |
| 4. " Mr. A. Y. G. Campbell. | 26. " W. P. A. Soundara Pandian. |
| 5. " Dr. P. Subbarayan. | 27. " S. Subrahmanya Moopanar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 28. Diwan Bahadur G. Narayanaswami Chetti. |
| 7. " Mr. M. R. Seturatnam Ayyar. | 29. Mr. E. J. Rowlandson. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 30. " C. E. Wood. |
| 9. " Hilton Brown. | 31. " A. J. Leech. |
| 10. " H. A. Watson. | 32. " F. E. James. |
| 11. " A. G. Leach. | 33. " R. J. C. Robertson. |
| 12. " J. Gray. | 34. " H. F. P. Hearson. |
| 13. " C. B. Cotterell. | 35. " S. N. Dorai Raja. |
| 14. " V. Ch. John. | 36. " S. Arpudaswami Udayar. |
| 15. " M. A. Manikkavelu Nayakar. | 37. Raja of Kallikota. |
| 16. " Syed Tajudin Sahib. | 38. Mr. Ramanath Goenka. |
| 17. " A. B. Shetty. | 39. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 18. " J. Beemayya. | 40. Rao Bahadur Sir A. P. Patro. |
| 19. " J. A. Davis. | 41. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 20. " R. Foulkes. | 42. Mr. P. T. Rajan. |
| 21. The Muppil Nayar of Kavalappara. | 43. Khan Bahadur S. K. Abdul Razaq Sahib Bahadur. |
| 22. Subadar-Major S. A. Nanjappa Bahadur. | |

Neutral :

1. Mr. H. B. Ari Gowder.
2. Mr. Sami Venkatachalam Chetti.
3. Kumara Raja of Venkatigiri.

Ayes 42. Noes 43. Neutral 3.

The amendment was negatived.

* **Mr. C. E. Wood** :—" Sir, I beg to move the following amendment to the amendment of the hon. the Home Member :—
*'Substitute for sub-clause (ii) in the amendment the following :—
 "in a place or places within the race enclosure which the authority controlling such race has, with the sanction of the Local Government, set apart for the purpose"'*

[Mr. C. E. Wood]

[24th September 1929]

"In proposing this amendment, Sir, I wish to say a few words. I do so in order to meet the objections which have been raised by several hon. Members on the other side of the House and by some hon. Members on this side of the House also. I am told that in introducing this Bill there was no intention whatever to prevent betting on race-courses under the control or authority of the stewards. It was a Bill introduced with the idea of abolishing all bucket shops, which have been recognized as a very great evil in the city; and it was intended to permit within a race-course enclosure all betting. Certain hon. Members have raised objections to the Bill on the ground that under it there is still some possibility of the establishment of bucket shops. It is only to make it quite clear that this is not so, that I propose this amendment, and I hope that Mr. Goenka, Mr. Venkataramana Ayyangar, Mr. Satyamurti and others will all be in agreement with this amendment, and that it will be passed."

The hon. DE. P. SUBBARAYAN :—"I second the amendment."

* Mr. J. A. SALDANHA :—"I am at a loss to see, Sir, what object this amendment will serve. At present we have got races at Guindy, outside the limits of the Corporation of Madras. Now, the object of this amendment is to allow the race-course authorities to get licence from the Government so as to have enclosures for betting within the premises of the race-course. But, we have got no race-course within the city. . . ."

* The hon. the PRESIDENT :—"We are legislating for the future as well."

* Mr. J. A. SALDANHA :—"I move, Sir, the motion I have already handed over to you—

'that consideration of this Bill be adjourned till after the Government brings in a comprehensive Bill on the subject to cover the whole Presidency including the City.'

1-50

P.M.

"From the speeches of the hon. the Advocate-General and of the other Members supporting the amendment of the Government, it is clear that there is an attempt by which a system of licensed betting is to be allowed. That is to say, they do not want a prohibition of betting altogether. But they want to allow betting within certain limits, i.e., within the premises of the race-course, under a licence. At present, the Bill is brought only for the purpose of stopping betting within the municipal limits. At the same time, there are provisions in the Bill which will have to be covered by another future Act. The intentions of the Government are now indicated by implication, and there is no express provision in this Act as to what the Government will do for betting outside the municipal limits. The hon. the President himself said that it was a matter for the future. Then, where is the hurry? Why not wait and bring before us later on a comprehensive Bill, a scientific Bill, after consulting the Advocate-General and the Advisory Committee, so that we will have something tangible, something clear, something definite before us, in order that this evil of betting may be put down once for all? Why should we imply in this Bill the intention of the Government of doing something in future, and what is the use of our going on with an imperfect Bill of this sort? I see a most scandalous state of things to-day, Ministers and Members going here and there"

* The hon. the PRESIDENT :—"Those remarks are not relevant to the consideration of the adjournment motion."

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* Mr. J. A. SALDANHA :—"It is relevant in this way, Sir. That only shows that there is a conflict of opinions in this Council among the Ministers and the Members of Government and the Advocate-General and other Members of the Council. They speak of the intentions of the Government to come forward with an improved Bill in the future. That shows that we have a very imperfect Bill at present. Then, why force it down our throats now? The Bill is clumsily drawn up, and it is not comprehensive. The Government have got their drafting authority and they can very well draft a comprehensive Bill on the lines on which they want to take action, and bring it before this House at the earliest possible opportunity. I, therefore, think that this Bill should not be considered by the Council at present."

Mr. BASHIR AHMED SAYEED :—"I second it."

* The hon. the PRESIDENT :—"The question is that the consideration of this Bill be adjourned till after the Government brings in a comprehensive Bill on the subject to cover the whole Presidency including the City."

The adjournment motion was put and negatived.

* The hon. the PRESIDENT :—"I will now put the amendment of the hon. Member, Mr. Wood, to the House, namely—

'in the amendment of the hon. the Home Member for sub-clause (ii) substitute the following :—

"In a place or places within the race enclosure which the authority controlling such race has, with the sanction of the Local Government, set apart for the purpose"

* Mr. S. SATYAMURTI :—"Mr. President, on the scope of this amendment, I should like to know what the legal opinion is. As there is no race-course in the city of Madras, the amendment is capable of being understood to mean that gaming will be absolutely prevented in Madras until a race-course is established in the City. Is that the scope of the amendment, Sir?"

Mr. ALLADI KRISHNASWAMI AYYAR :—"That is the effect of the Bill as it stands at present. Every kind of betting within the city is punishable under this Bill."

* The hon. the PRESIDENT :—"I will now put the amendment to the House."

The amendment was put and adopted.

The amendment of the hon. the Home Member, as amended by Mr. Wood, was put and adopted.

The House then adjourned for lunch.

After lunch (2-35 p.m.)

* The hon. the PRESIDENT :—"It is not necessary for Mr. Govindaraja Mudaliyar to move his amendment. The question is that clause 2, as amended, shall stand part of the Bill."

The motion was adopted and clause 2, as amended, was added to this Bill.

Clause 3.

* The hon. the PRESIDENT :—"The question is that clause 3 shall stand part of the Bill."

The motion was negatived, and the clause was deleted.

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Clause 4.

* The hon. the PRESIDENT :—"The question is that clause 4 shall stand part of the Bill."

The motion was negatived, and the clause was deleted.

Clause 5.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I beg to move the following amendment :

Re-number clause 5 of the Bill as clause 3 and for clause 3 as so re-numbered substitute the following :—

3. Section 37 of the said Act shall be re-numbered as sub-section (1) of section 37 and to that section as so re-numbered the following sub-sections shall be added, namely :

(2) *Whoever opens, keeps or uses, or permits to be opened, kept, or used any enclosure, room or place for the purpose of gaming on a horse race shall be liable, on conviction, to a fine not exceeding five hundred rupees for every day on which such enclosure, room or place is so opened, kept or used.*

(3) *Whoever is found gaming on a horse race shall be liable, on conviction, notwithstanding any provision to the contrary in this Act, to a fine not exceeding five hundred rupees or to imprisonment not exceeding one month."*

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The following amendment stood in the name of Mr. C. S. Govindaraja Mudaliyar :—

"In the proposed new sub-clause (3) given notice of by the hon. the Mover, insert at the end after the word "used" the words "or with imprisonment of either description not exceeding three months or with both".

Mr. C. S. GOVINDARAJA MUDALIYAR :—"Mr. President, Sir, my amendment is to sub-clause (2). By inadvertence it was put down as amendment to sub-clause (3). Again, instead of the word 'with' before the words 'imprisonment' and 'both', the word 'to' should be used. That would be more grammatical. So, if my amendment is passed, the penalty will be distinct and separate. My real point is that while the person who is found betting on a race-horse is liable to imprisonment, the person who lures him to destruction and gains thereby is not liable, under the proposed clause 3, to the same penalty. The punter is placed in a worse position than the person who lures him to destruction. The Government have inadvertently lost sight of this inconsistency or perhaps the fine of Rs. 500 for each day loomed so large before them that they thought that it was a sufficiently deterrent punishment. There seemed to be some doubt or confusion in this matter. That is why I tabled my amendment, so that the imprisonment clause may come after the word 'used'. I say advisedly Rs. 500 for every day or in the alternative a period of imprisonment or in a bad case, both. I should think that the Government would see their way to accept this amendment, because it is logical and it is also justified by reason. I formally move this amendment for the acceptance of the House."

Mr. BASHEER AHMED SAYEED :—"I second it."

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* The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—"Sir, the Government have accepted the recommendation of the Select Committee in this matter. It seems to me that the punishment proposed by my hon. Friend is rather severe. Government consider that what we have accepted is enough to meet the situation. I therefore oppose the amendment."

* Mr. S. SATYAMURTI :—"May I appeal to Government to reconsider the question? According to sub-clause (2) whoever opens, keeps or uses, etc., a room or place for the purpose of gaming on a horse-race shall be liable to a fine of Rs. 500; but if a man goes about gaming on a horse-race he becomes, according to sub-clause (3), liable both to fine and to imprisonment. It seems to me quite illogical that a man who actually disobeys the law and opens a room for gaming on a horse race should be let off with a fine only, whereas a man who is found gaming on a horse-race should be fined or imprisoned. Certainly the former is more guilty than the latter. Moreover, the present Bill, as it is, practically prohibits gaming within the City of Madras until a race course is opened in Madras, and the effect of my hon. Friend's amendment would be that until a race course is opened in Madras, there shall be no betting or wagering. If a man disobeys that law and opens a place for the purpose of wagering or betting, I submit his crime may well be visited with something much more than a fine of Rs. 500. I submit that unless the Magistrate has got powers to give deterrent punishment to a man who disobeys the law, it may well happen that he would go on paying this fine Rs. 500 every day, and yet profit by his business. I think the object of the Bill will be rendered nugatory, and the whole thing will become a farce unless the Government accepts the amendment."

"May I also say one thing? After all, this clause merely gives the Magistrate power to inflict a fine or imprisonment or both. I am sure we can trust the Magistrates not to abuse this power and inflict the extreme penalty in the case of first offenders. It is only in hard cases where people disobey the law and go on disobeying that the extreme penalty would be inflicted. It seems to me that this amendment ought to be accepted by the Government and by the House."

* The hon. Sir. THOMAS MOIR :—"I do not think the Government would object to imprisonment being provided as an alternative punishment in this clause. But there is one difficulty. As the clause reads at present it has cumulative effect. It may mean imprisonment for three months for each day. (Cries of no, no.) If this amendment is accepted, I am afraid that would be the interpretation put upon it when the matter goes to a court. It seems to me that there must be some limit to the punishment of imprisonment which may be inflicted."

* Mr. ALLADI KRISHNASWAMI AYYAR :—"Mr. President, apart from the question that there should be a deterrent punishment, I feel some difficulty. It may lead to some complication. If the hon. Member's amendment is accepted it will read like this: 'or imprisonment not exceeding three months.' You have provided for cumulative punishment in the case of fine. It may be susceptible to the interpretation that for each day he will be liable to three months imprisonment. (Cries of: Make it clear.) That is true. We may make it clear. I am merely pointing out the difficulty. You may make a change to the effect 'Whoever keeps . . . ' (A voice: Draft it properly.)"

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Preamble.

Mr. F. E. JAMES :—" Mr. President, I move

'in lines 2 and 3 of the preamble for the words "for the purpose herein-after appearing" substitute the words "for the purpose of controlling, betting and wagering on horse races".'

"Sir, it is an accepted principle of statute law that the preamble should define in general terms the purpose of the Bill and that is what I have aimed at in moving this amendment."

Mr. S. ARPUDASWAMI UDAYAR :—" I second it."

3 p.m. * The hon. the PRESIDENT :—" The question is that in lines 2 and 3 of the preamble for the words 'for the purpose hereinafter appearing' the words 'for the purpose of controlling, betting and wagering on horse races' be substituted."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I beg to accept the amendment."

The amendment was put and adopted. The preamble, as amended, was put, passed and added to the Bill.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I now move that the Bill, as amended, be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The motion was adopted and the Bill, as amended, was passed into law.

VII

THE MALABAR TENANCY BILL (BILL No. 9 OF 1929).

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I beg to present the Report^a of the Select Committee appointed to consider the Malabar Tenancy Bill and move that the Bill, as amended by the Select Committee, be taken into consideration."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The hon. the PRESIDENT :—" The question is that the Malabar Tenancy Bill, as amended by the Select Committee, be taken into consideration."

The motion was adopted.

The following motion standing in the name of Mr. Basheer Ahmed Sayeed was, with the permission of the House, withdrawn :—

'That the consideration of the Report of the Select Committee on the Malabar Tenancy Bill be adjourned to the next meeting of the Council and that in the meanwhile, the Bill, as reported upon by the Select Committee, be republished in order to enable the Members to study the Bill.'

* The hon. the PRESIDENT :—" Clause 1 is for the consideration of the House."

* Mr. K. UPPI SAHIB :—" Mr. President, Sir, I beg to move

'that in clause 1, sub-clause (2) for the words "whole of the district of Malabar", the words "taluks of Palghat, Walluvanad, Ernad, Ponnani and Calicut of the Malabar district" be substituted.'

^a Printed separately.

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[Mr. K. Uppi Sahib]

"My reason for moving this amendment is that there are very distinct differences between the land tenures of North Malabar and those of South Malabar. The framers of the Bill seemed to have in their mind the conditions of South Malabar when they framed the scheme of the Bill. First of all the physical condition of North Malabar and that of South Malabar differ very much. North Malabar is a land of gardens, whereas South Malabar is mostly a land of paddy fields. The incidence of land tenure is very different. First of all let me take the kanam. What is called kanam in South Malabar is a tenure, but kanam as a tenure is unknown in North Malabar. Kanam in North Malabar is nothing but mortgage. In South Malabar, generally the tenants approach the janmis for renewal or for lease of a kanam, but in North Malabar the janmi when he is in need of money goes in search of a monied man to borrow money on the security of his property. This mortgage is called kanam there. He goes whenever he is in need of money. He takes the records relating to his property and requests the monied man to give him money on the security of the land. Generally it is the big janmi that takes the property on kanam and it is the middle class janmi of North Malabar that gives it on kanam. Generally in such cases money is given for a fixed rate of interest, the usual rate being 5 per cent. In South Malabar the kanamdar is a tenant, but in North Malabar the kanamdar is a mere mortgagee. In South Malabar the janmi considers it an honour to have a number of kanam tenants under him, but in North Malabar to say that a janmi has leased out his property on kanam is considered to be a degradation because when he leases out his property on kanam he will be considered to be insolvent. In North Malabar if a man goes to the janmi and asks him to give him a property on kanam, the janmi will consider it highly insulting to him and I am afraid that such a man will be even severely dealt with because the man whom you ask for kanam demise will be considered insolvent by the public and he will lose his prestige among the public. Generally the property on the security of which the janmi received money will be given possession of to kanamdar and the rent of the land will be adjusted to cover the interest of the money advanced. Very often the janmi himself agrees to be the tenant under his kanaree. That is when a property is given on kanam and when the janmi finds that the income from the land is higher than the interest on the money he received, he takes the land back on lease as a tenant under the kanamdar on condition that he will pay interest on kanam in cash. No janmi in South Malabar will agree to be a tenant under a kanamdar. In South Malabar kanam demises are always for a period of twelve years. It is one of the incidents of kanams of South Malabar. In North Malabar kanams are given for 5 or 6 or 12 or 36 years. In North Malabar in almost all the documents you will find there is a provision for the sale of property, because it is necessary for realizing the mortgage money by sale of the property in cases of usufructuary mortgages. In South Malabar kanam deeds we cannot find such a provision. In North Malabar you will not find a single document in which there is an express or implied provision for renewal of a kanam. Renewal of kanam is foreign to North Malabar, and North Malabar kanam is resorted to only on a commercial basis, and not as a system of tenure. Michavaram is never heard of in North Malabar.

"For these reasons I say any kind of permanency given to North Malabar kanam and thus making it irredeemable will be a brutal violation of the most

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salutary and well-known legal maxim, 'once a mortgage always a mortgage'. In North Malabar it will be absolutely unfair to the mortgagor to prohibit him from redeeming his property, which he mortgaged when he was in need of money and it will be equally unfair to prevent the kanaandar (the mortgagee) from realizing his money when he requires the same after the expiry of the term.

3-15
p.m.

"Then, as regards certain provisions in the Bill regarding the kuzhikanamdar, kuzhikanam is a term which is unknown in South Malabar. Kuzhikanam tenant means a tenant of garden lands. It is stated by all people who have studied the conditions of North Malabar that in North Malabar big janmis are exceptional. There are only some ten or fifteen janmis who pay more than Rs. 1,000 or Rs. 2,000 as assessment. The rest are peasant proprietors, that is to say, janmis owning 10 or 15 acres of land. So there is a free circulation of land there. There is no class of people called the tenant class in North Malabar. In South Malabar the Nayars and Mappillas are called kudian class. In North Malabar there is no separate class as kudian class. All are peasant proprietors. Certainly the provisions under this Act will work very hard against these peasant proprietors. I must say that this Act will drive within 12 or 15 years the peasant proprietors of North Malabar to the field as mere labourers. This Act provides that the janmi or the landlord of the garden land will be entitled to certain fair rent with regard to his trees and with regard to tenant's trees. But he is not allowed to receive it. If the rent now existing falls short of the fair rent the landlord cannot enhance the rent to the extent of the fair rent. The enhancement of rent can be done only by $12\frac{1}{2}$ per cent of the existing rent at renewal after a period of twelve years. Suppose an ordinary janmi in North Malabar has got ten tenants under him. The provision in the Bill is that the janmi will be bound to give when only the tenant applies. The tenant cannot be compelled to take a renewal. Suppose a janmi owning 10 acres of land has got ten tenants under him. They are paying rent which may not be fair rent; say six of them pay more than fair rent. These people will go to the court and apply to the court to have the rent payable by them, fixed, according to this Act. In that case the janmi's income will be reduced by at least 20 per cent. The remaining four tenants find that the existing rent is favourable to them; if they go to court they will have to pay higher rent; therefore they will stand aloof and the janmi has no means of compelling them to take renewal, except by filing an eviction suit. The only course left open to the janmi is to go to court and to file a suit for eviction. The tenant can compel the janmi to go even up to the High Court. After tedious and costly litigation, what is the advantage to the janmi? The janmi will have to pay the value of compensation and evict the tenant. Even then the tenant can refuse to take a renewal. Naturally, the tenant will ask himself 'can he evict me?'. If he finds that the janmi is impecunious, he can very well say to him 'I do not want renewal; I shall take the value of my improvements'. Generally the value of the improvements is very high and the interest on the money in cases of such eviction does not come up even to 2 per cent. What is the alternative for this impecunious janmi? Either he must pay the value of compensation decreed by the court or he must give a melcharth or apply to the court to sell his property and get the balance if anything remains after setting off the value of tenant's improvement. As I have told the House, the ordinary janmis of North Malabar are mostly peasant proprietors. These peasant proprietors will not

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be able to pay the value of compensation decreed by the court and redeem the property. The other alternative is to give the land on melcharth. I assure the House and the tenants' representatives in this House will agree with me that nobody will take a melcharth hereafter under the provisions of this Bill. I do not know the conditions in South Malabar. In North Malabar melcharth is generally taken for three purposes, viz., to cultivate, to build a house or to spite an enemy. Under the provisions of this Act, the melcharthdar cannot evict the tenant for the first two reasons, i.e., for building a house or for cultivation by himself. If it is only to spite the enemy, the existing tenant can very well go to the court and say that he is prepared to take renewal. Then the melcharthdar will have to walk away taking the renewal fee paid by him; he can snap his fingers at the melcharthdar. So nobody will take melcharth under these conditions. The only alternative for the peasant proprietor is to sell away his property. In this way this Bill will be working very hard upon the middle class of North Malabar. You will all admit the middle class is the backbone of every society. The middle class of North Malabar will be ruined in the course of another 20 years. The object of this Bill is to protect the middle class people of Malabar; but in fact it is going to annihilate the present middle class people of North Malabar.

"Then the provision regarding kudiyruppus also is going to work very hard on the peasant proprietors of North Malabar. It is a land of gardens; there are very few gardens which extend to more than two or three acres. They are mostly half or one acre less in extent. In the middle of such gardens there will be a small house; in that house the tenant may have been living for the last ten years. In such cases the tenant can purchase the kudiyruppu. He can after this Act comes into force get the site of house sold by a court. When the central portion of such a garden is sold the rest of the land, that is, the margin round the house will be quite useless to the janmi, because nobody will take up a land where he has no accommodation, where he cannot live and where the house will be at the disposal of another person who lives there. What is the remedy? Generally the property of these peasant proprietors is not round their houses but is away from their villages. It will be in the possession of a tenant. In North Malabar not even one big janmi has got more than 15 acres concentrated in one amsam. Usually each janmi possesses two or three acres in an amsam. More than five acres nobody will have in one amsam or village. If the tenant gets this kudiyruppu, if the central portion of the paramba is sold, no other tenant will come to take the rest of the paramba. The result is the existing tenant can get the rest of the land for a song.

"Another unfair and confiscatory provision of the Bill is this. North Malabar is a land of gardens. Mostly they are gardens of pepper and coconut; these are the chief produce of North Malabar. Nothing can be levied for pepper grown in coconut gardens hereafter under the Act. I have in my possession gardens whose chief produce is coconut; I get from them more than Rs. 200 or 300 out of pepper grown in them; that is the minor produce of the paramba. What I realize from coconut is about Rs. 300. There are some parambas where the yield from pepper is higher than that from coconut; but at the same time it cannot be said that pepper is the chief produce of that paramba. If anybody goes to North Malabar he will find only mixed gardens; you cannot find a single garden whose chief produce is pepper within 15 miles from the coast. To

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deprive the janmi of such a big source of income is really confiscatory. Why should the janmi lose? Why should he be deprived of the yield of his own trees, which he might have paid for or which he might have planted? The Bill explicitly says that the janmi shall not be entitled to get anything out of gardens where pepper is not their chief produce.

"Another injustice done to the janmis of North Malabar by the provisions of this Bill is they are allowed to collect certain fair rent but they are not entitled to receive it. If you look at the proceedings of the conference of janmis and tenants convened by His Excellency, you will find that the fair rent is fixed after deducting all expenses, even the interest on the renewal fee. But it is provided in the Act that proprietors of garden lands shall not receive this fair rent if the existing rent is less than fair rent. The enhancement shall be only at the rate of two annas in the rupee. The result will be the janmi of garden land in North Malabar will never get his fair rent. Because, supposing the rent of a land was Rs. 20 when I leased it five years ago and by the time the Act comes into operation the gross produce of the pambha has reached Rs. 100, I am entitled to get, according to the Bill, Rs. 40. One provision of the Bill says that I shall be entitled to get only Rs. 20 plus two annas per rupee for twenty rupees. Why should the janmi be deprived of Rs. 17½? In the case of paddy lands you allow fair rent; fair rent is allowed after 12 years. In the case of gardens, why should the janmi be penalized like this? Coconut trees live for 60 or 70 years only. According to the example I have put before the House to reach this sum of Rs. 40 it will take six renewals or 72 years. Neither my trees, nor my tenant nor myself will be there then. Why should I be deprived of my share for 72 years which may be Rs. 1,000? I should say that the framers of this Bill had in mind only the conditions of South Malabar, where janmis do not attach importance to garden lands. The people of South Malabar attach much importance to paddy lands. So we have no quarrel with regard to the arrangements that have been made about customary verumpattamdars. In the case of garden lands certain provisions of the Bill are confiscatory. Regarding fair rent, it is allowed, but the janmi is not allowed to receive it. The provisions of the Bill not allowing any share out of the produce from pepper are really confiscatory.

"In North Malabar the kudiyan class and the janmi class are the same. There is no particular class called kudiyan class. Mr. Pate said that the problem in North Malabar is due to the ambition of Tiyyas to become janmis. There is Mr. Krishnan here. I am sure he is going to oppose me very vehemently. He is also a janmi. There are many big Tiyya tenants there. It is always open to them to become janmis. Mr. Krishnan was telling me a few minutes ago about a person who was a non-entity in Malabar a few years ago and who has now become a big janmi, because he is a merchant and he could buy janmi properties. If one has got money in North Malabar he can purchase lands. Every day lands are sold; gardens are sold; paddy lands are sold. If you take the statistics of registration offices, you will find that a large number of janmam lands are being sold and bought every day in North Malabar. The land in North Malabar is not closed up in a few hands as in South Malabar. In South Malabar it is impossible in certain areas to get even half an acre of land for lakhs of rupees; janmis are not prepared to part with their lands. In North Malabar janmis do not hold lands for holding

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purpose but for making money. The possession of land is done only on commercial line. Therefore there is no necessity for a Bill of this kind for North Malabar.

"Sir, if I could get very high value for a piece of land which belongs to me, I would sell it and buy another two pieces of land in another place. Lands are available in Malabar, only money is wanted. Therefore, I am not against any tenancy legislation. Let me make my position clear. I am not speaking now in the interests of the janmis of North Malabar; perhaps they will be able to withstand the effects of this Bill. But I say the peasant proprietors are abounding in North Malabar and I say that their interests should be protected. You are going to drive those people out into the fields and you are trying to make them labourers, so that they will be nowhere within the next twenty years. With these words, Sir, I move my amendment for the consideration of the House."

3-30 p.m.

Mr. BASHEER AHMED SAYEED:—"Sir, I second the amendment."

* The hon. the PRESIDENT:—"The question is.
'for the words "whole of the district of Malabar" substitute the words "taluks of Palghat, Walluvanad, Ernad, Ponnani and Calicut of the Malabar district".'

* Mr. K. KRISHNAN:—"Sir, I am not surprised that my hon. Friend from Malabar has made a second attempt in a matter that he lost some years ago. Last time when this Bill came before the House, the very same arguments were advanced by my friend Mr. Uppi Sahib for excluding the whole of North Malabar from the provisions of the Bill, and his arguments did not find favour with the then House; and I am sure I will be able to convince this House that every argument that has been advanced by him for excluding North Malabar from the provisions of this Bill is unsound.

"I may, for your special information, read to you, gentlemen . . ."

* The hon. the PRESIDENT:—"Order, order. The hon. Member will have to address the Chair."

* Mr. K. KRISHNAN:—"Excuse me, Sir. I am sorry. I may read for your information, the evidence of a respectable pleader of North Malabar before the Raghavayya Committee. (Hon. Members: "We have not got copies, Sir.")

* The hon. the PRESIDENT:—"Are not copies of the evidence supplied to the Members?"

Hon. MEMBERS:—"No. They have not been placed on the table."

* The hon. the PRESIDENT:—"Hon. Members complain that copies of the evidence have not been supplied to them. Perhaps Mr. Krishnan, being a Member of that Committee, got a copy."

Mr. K. KRISHNAN:—"I would request the hon. the Revenue Member at least to give such copies as are now available to the Members, because I want to show that my hon. Friend, Mr. Uppi Sahib, is incorrect in saying that North Malabar . . ."

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* The hon. the PRESIDENT :—" Order, order. Generally, a private Member can refer to a book unpublished or not circulated; but in this case, I understand that Members have applied to the Government to supply them with copies; and when they are not supplied, I do not think I can allow it. The publication is a Government publication and when one section of the House or one Member has received the same from the Government and other Members have not received it, I have to shut out the reference to it. The hon. Member cannot quote from the book until such books are supplied to all other hon. Members."

* Mr. K. KRISHNAN :—" Sir, I am sorry that on account of circumstances over which I have no control, I am not able to quote from the book. But I may, Sir, still request you to consider one question; and that is, that so far as I know, copies have been made available by the Government for sale. I do not know whether that point has been taken into consideration by you and is covered by your ruling."

* The hon. the PRESIDENT :—" Order, order. Every Member of the House is entitled to get every publication of the Government without paying any price therefor."

Mr. S. SATYAMURTI :—" On a point of order, Sir. Will you not give a direction to the Government to supply copies to every hon. Member of the House? Otherwise, you will be depriving the House of the very valuable evidence collected by the Raghavayya Committee. I think the House ought not to be deprived of the advantage of looking into the evidence tendered before that Committee."

* The hon. Mr. A. Y. G. CAMPBELL :—" I shall be glad to have copies supplied, as far as they are available, Sir. But I am not sure how many copies will be available."

* The hon. the PRESIDENT :—" Will the hon. Member be able to tell me how many copies are available?"

* The hon. Mr. A. Y. G. CAMPBELL :—" I will have to find out, Mr. President."

* The hon. the PRESIDENT :—" If the hon. Member gives me an assurance that he will supply hon. Members with that book, I shall allow Mr. Krishnan to go on with the quotation."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I speak subject to correction, Sir; but I believe copies will be available to all the Members. As a matter of fact, the Members of the Select Committee have already been supplied with copies of the book, and therefore the number of copies necessary for the other members may perhaps be available. But I speak subject to correction, Sir."

* Mr. K. KRISHNAN :—" In that case, Sir, may I request you to reconsider your ruling and allow me to quote the evidence of a few witnesses?"

* The hon. the PRESIDENT :—" If the Government give me an assurance that they will supply copies, I am prepared to allow it."

* The hon. Mr. A. Y. G. CAMPBELL :—" I shall certainly place copies in the Library, Sir, if sufficient number of copies are not available for supply to all hon. Members."

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* The hon. the PRESIDENT :—" The hon. Member may now go on with the quotation."

* Mr. K. KRISHNAN :—" Sir, in answer to the questionnaire that was issued by the Raghavayya Committee, this vakil, a graduate in Law, a pleader of the District Munsif's Court at Kuttuparamba within whose jurisdiction the whole of the properties of my friend Mr. Uppi's tarwad are situated, and who has considerable experience of the Muhammadan janmis of North Malabar, gives a few instances of janmi oppression. I will quote one or two of them which will convince the House as to the reasons why my friend Mr. Uppi is so strong with regard to the exclusion of North Malabar :
'Kottal is a very rich janmi tarwad in the Kottayam amsam of Kottayam taluk.'

I need not tell you that my friend Mr. Uppi representing the Muhammadan constituency of North Malabar is a member of that tarwad.

'A member of the tarwad wanted a tenant of theirs Cheruvary Kunhambu who had a decent position in life and who and whose karnavan were holding several parambas and lands under Kottal tarwad and the relations of Kottal tarwad, to assign a paramba to a nominee of that member. The tenant refused to do so unless consideration money was paid at once. This irritated the janmi and the result was series of civil and criminal actions by and against the tenant and almost all the lands and parambas in the possession of the family of the tenant were recovered through court or otherwise and the once well-to-do tenant has been ruined.'

'That is the Kottal tarwad. Here is a second instance :
'Erinjai Karvanta Valappil Kunhi Mayan Haji.'

Who is the direct brother-in-law of my friend Mr. Uppi—

'is a big janmi of Punnat, a place in Kottayam taluk. He is the son of the present karnavan of Kottal tarwad and owns several properties in and around Kottayam amsam. A kariyasthan of Kottal tarwad filed a money suit against a tenant Rayaroath Velandi Kelappan who held properties both under Kottal and Haji.'

Mr. K. UPPI SAHIB :—" Mr. President, as a matter of personal explanation, Sir. Will the hon. Member kindly read the whole of the oral examination of this particular gentlemen whom he is quoting? The witness broke down in oral evidence and he had to admit that what he said in his written evidence was not true at all (Laughter)."

Mr. A. KALESWARA RAO :—" Sir, I want to raise a point of order. He may read the evidence, but it will be very indelicate to mention the names of those who are connected with the Members of this House. He can simply say 'A' or 'B'."

Mr. K. KRISHNAN :—" I shall abide by the ruling of the President."

* The hon. the PRESIDENT :—" I think that in order to avoid much heat in the debate, the best thing will be not to make any reference to the personal relationship of the Members of this House with the various witnesses that appeared before the Raghavayya Committee; no useful purpose will be served by that. There will also be a lot of personal explanations if names are mentioned."

Mr. K. KRISHNAN :—" I bow to your ruling, Sir."

* The hon. the PRESIDENT :—" It is not a ruling, it is only a suggestion."

Mr. G. HARISARVOTTAMA RAO :—" On a point of order, Sir. Since the copies of the evidence have not been supplied to us, we are not in a position to understand what the hon. Member is reading. He may also misread."

[Mr. G. Harisarvottama Rao] [24th September 1929]

Unless we have the books, we cannot be in a position to know what he reads. Therefore, until the copies are supplied and placed on the table of the House, I request you not to allow such quotations being read."

* The hon. the PRESIDENT:—"Regarding quotations, the practice is that the book from which the quotations are made, is generally supplied; or in its absence, an undertaking to supply the book is given. At the same time, I would request the hon. Member Mr. Krishnan not to exhaust the House by exhaustively quoting the whole of the evidence."

* Mr. K. KRISHNAN:—"I will accept your suggestion, Sir, and proceed. I am only quoting these, Sir, to show that so far as North Malabar is concerned, Mappillas are real janmis. I do not say the Mappillas exhaust what we call the janmis; but the rich classes of janmis in North Malabar are the Muhammadans; and I dare say they will stand to lose some prestige if the Bill is made applicable to them also. I shall address myself now to a few of the points brought to the notice of this House."

"It was first suggested, Sir, that there was no agitation for tenancy reform in North Malabar. My friend is not correct in that statement. If I remember aright—and I believe I had some hand in it—from the year 1918, the North Malabar tenants have been keeping up an agitation. And if I remember aright, the very first draft Bill that was submitted to the Government of this province in regard to the tenancy problem, was the one submitted by the North Malabar tenants. Ever since that time, they have been keeping up the agitation. Ultimately about 44 tenants who were hardly able to earn a living, travelled all the way to Madras in order to present their case before the Justice party then in power, at the South Indian Liberal Federation. It is therefore not correct to say, that in North Malabar, there has been no agitation for tenancy reform."

"Then, my friend Mr. Uppi brought to the notice of this House several instances in which this Bill would work hardship to the janmis of North Malabar. That is a question, Sir, which will have to be decided as each section is being considered by this House. My friend has said that in North Malabar there is a difference in kanam. Surely, when this question of the kanam comes up, the point as to how far the kanams of Malabar should be included or excluded will have to be considered. But it is too much to say that by one stroke of the pen the whole of the tenants of North Malabar numbering over 10 lakhs should also be excluded from the provisions of this Act, merely because the kanam of North Malabar is different from the kanam of South Malabar. The kanam of North Malabar is as much the same as the kanam of South Malabar except that it has been indiscriminately used in some documents where the word 'hypothecation' ought to have been used. I shall discuss this point at the appropriate place; but I only point out now that no confusion need be made on account of the fact that there is some difference between the kanams of North Malabar and those of South Malabar."

"Then my friend, Mr. Uppi, said that there is some difference in the Kudiiruppu and that it would work hardship. By all means, when the section is taken up, let my friend bring in an amendment that kudiiruppu so far as North Malabar is concerned shall be viewed differently from that in South Malabar. Let us by all means discuss that question at the proper

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time; but to say that because there is a provision in this Bill by which the tenant is given a right to purchase kudiiruppu, therefore the whole of the North Malabar should on that account be excluded, surely does not stand to reason."

"Then, Sir, my friend said that there are not many janmis in North Malabar enjoying large number of acres of land. My friend probably had in mind the fields in the amsam in and around his place. But if my hon. Friend will go with me to Chirakkal taluk, I will show him miles and miles of land under one janmi. If he will kindly go with me to the Kurumbranad taluk, I shall show him miles and miles of land belonging to one particular janmi. It is not therefore correct to say that in North Malabar there are no janmis and that there is no tenancy problem there, which the tenants have so far taken notice of."

"Next, Sir, my hon. Friend said that in the Act, the lands where pepper is being cultivated have not been taken into consideration. I say, by all means let him press that point in the shape of an amendment when the relevant section is taken up for consideration. But to say that because pepper lands have been excluded in the Bill therefore the provisions of the Bill should not apply to the whole of North Malabar, is certainly not fair; and it is not open to my friend to say so."

"Then again, Sir, he said something about fair rent, and he probably wants to delete by a stroke of the pen the provisions relating to fair rent. By all means let him bring forward an amendment when that question is taken up for consideration by the House. Then the House will be in a position to decide on the question in a proper perspective. But to say that on that account North Malabar should be excluded from the operation of this Act is tantamount to imposing great injustice on the tenants who are clamouring for some relief from the oppression of the janmi in North Malabar."

"Sir, although I do not want to make any personal remarks, I may say that Mappilla janmis as a class in North Malabar are related to each other. All big janmis in North Malabar are in some way or other related to each other; so that the Mappilla janmis as a class will have common interests which fact also I request the House to seriously consider when discussing this question about the exclusion of North Malabar from the provisions of this Bill. Then, Sir, it is said that the janmis in North Malabar consider it *infra dig* to hold lands. Probably my hon. Friend has forgotten his own district. There again he is making a great mistake. Probably, he has not travelled beyond his own taluk and so may not know his entire constituency. If he goes to Chirakkal, he will find hundreds of kanam tenants under the Raja who are still tenants and pay what they call janmibhogam. My friend is not right when he says that the North Malabar janmis consider it *infra dig* to hold kanam lands. After all, all are cultivators and if any class of tenants require protection more than any other, it is the cultivator of the garden lands. It is probable that very many of us are not acquainted with the cultivation of coconut gardens. It takes fifteen years in certain places before the trees bring forth fruits. When first the tree is planted, there are various obstacles in the way. For instance, cattle eat away the plants; there is the season that dries up the tree and it takes about four years for the tenant to bring up the tree to a stage."

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Then, look at the amount of money that is spent and the capital expenditure incurred during the first five years; and also the interest on the amount has to be considered. Then, it is only after fifteen years that the tenant reaps his fruit and it is then that the landlord comes in and deprives the tenant of the fruit of his labour, for which he took fifteen years for rearing up the tree in the hope of getting some fruit. I ask my hon. Friend to consider whether when you bring up a child or any close relation and afterwards you are told 'I will give you thousand rupees for the child, will you give the child back to me' he would comply. After all, what is it that he gives? Is the full value given as compensation for the tenant when he is evicted of his holding? I say that my Friend is exaggerating the position too much when he says that compensation for improvements is a sufficient guarantee against non-eviction. If statistics are examined, you will find that North Malabar stands first in the number of original suits and that 75 per cent of those original suits are eviction suits. As a matter of fact it was on the advisability of introducing tenancy law that statistics were collected. On seeing the statistics it was found that it was one of the reasons why tenancy law was necessary for Malabar, because eviction seems rampant in Malabar. As melcharth was rampant in North Malabar, it was necessary to relieve the tenants against the oppression of the janmis. I, therefore, submit that the taluks which my hon. Friend wants to exclude should under no circumstances be excluded."

Mr. A. ACHUTAN :—"Sir, speaking on behalf of the tenants of Malabar, especially of North Malabar, who are kuzhikanamdars I may say that if there is any class of tenants who are entitled to legislative protection, it is the kuzhikanamdars, because they are a class of tenants who occupy a very important place in the scheme of agricultural system in Malabar. They have spent immense amount of capital; they have spent years of labour in improving and cultivating the soil; they have converted the sandy places into smiling gardens: and it is they who have made North Malabar so beautiful to look upon. If there is any class of tenants who require protection, it is such a class of kuzhikanamdars more than any other class. I have myself given notice of an amendment (No. 15 in the list) not to limit the scope of this Bill to the agricultural tenants alone, but I have tabled the amendment advisedly to extend the operation of this legislation to non-agricultural tenants as well. When I come to move that amendment, I will submit my views upon that subject in detail. But, as far as the kuzhikanamdars of North Malabar are concerned, to say that this legislation should not be made applicable to them, is not warranted by facts. If there is any class of tenants who are entitled to protection, it is the kuzhikanamdar through whose labours and through whose sweat of the brow the coffers of the janmis are filled. It is they who have helped the janmis to swell their coffers and to leave them out of consideration and to deny them the benefit of this legislation will prove very uncharitable and will be mischievous. Now, my Friend Mr. Krishnan has met all the important points raised on behalf of janmis. All that I wish to say is that there can be no distinction made between North Malabar and South Malabar. The tenants of Malabar are entitled to be protected against the landlords whose exorbitant demands have crushed them almost. When I come to deal with my amendment, I will have to say something more with regard to that. As regards this amendment, I can only say that the kuzhikanamdars are more entitled to this beneficial legislation than any other class of people."

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* Mr. K. P. RAMAN MENON :—"Mr. President, I am not able to support this amendment. I am afraid the hon. Mover has not examined the various points that arise from it. With his amendment, no doubt he has tried to elucidate all aspects of the question; he has tried to show that kanam in North Malabar is different from the kanam in South Malabar. He has also tried to show that kuzhikanamdar does not merit protection. But, I am afraid, Mr. Uppi has forgotten the fact that the great protagonist of the janmi class in North Malabar was a member of the Raghavayya Committee. There was Mr. Krishnan who was a representative of the tenants as a member of the Raghavayya Committee and their combined deliberations have been recorded in the report they have submitted to the Government. They say that if there is any class of tenants who merit protection, it is the kuzhikanamdar. With your permission, Sir, I may be allowed to quote one passage from that report on page 51—Paragraph 107: It is as follows:—

'In making Malabar pre-eminently the land of the coconut the part played by the kuzhikanam tenant has not been inconsiderable, and with the growing increase in the trade in copra and the consequent extension of garden cultivation, his services are likely to be required in an increasing measure by the owners of land, especially in North Malabar. In many cases, the present tenants or their sires are or were the persons who converted barren land into smiling gardens; in other cases they have come in after paying considerable sums of money to those who did so, and in not a few instances it is the owner of the garden that has inducted them into it not being able to take care of it himself. Anything which would make such an useful class of tenants economically more stable and efficient, requires careful consideration.'

"That is the opinion which was endorsed by Diwan Bahadur Narayana Kurup and that is the opinion arrived at by strangers like Messrs. Desikachari and Raghavayya who have no interest in Malabar."

Mr. BASHEER AHMAD SAYEED :—"Have you read paragraph 108?"

* Mr. K. P. RAMAN MENON :—"You can read it if you want. There are very many other passages. As a matter of fact, kuzhikanamdar is responsible for the prosperity of North Malabar."

"Now, Sir, with reference to garden lands, anybody who has experience of Malabar and who has seen Malabar must be aware of the fact that coconut gardens lie along the sandy tracts adjoining the sea-coast and will frankly admit who is responsible for the planting of those trees. It is the kuzhikanamdar and nobody else. Again with reference to forest lands, that is the high-dar and nobody else. About seven miles from Badagara, it is the kuzhikanamdar that has made those forests. If you go along the coast, it is completely covered with those forests. Who has done all that? Is it the coconut gardens beautiful and splendid. Who has done all that? Is it the janmis that have done this? I have not heard that said of any janmi as yet. I will await what Mr. Uppi has got to say about it. If you go to the other parts of North Malabar, to Taliparamba where pepper is grown, you will find that the kuzhikanamdar has planted them. It is not the janmi that has planted those things. (Mr. K. Uppi Sahib: The janmi also.) Perhaps he has done it only in the wake of the kuzhikanamdar and that is only very rare. The janmi has no inclination to do it. So, if there is any class of tenants who require particular protection, it is the man who really worked in the land, who has made the land what it is and who has converted the barren lands into lands which can yield by the sweat of the brow and that is the kuzhikanamdar. To say that the kuzhikanamdar does not require protection, is monstrous I submit; nothing more monstrous can be imagined."

[Mr. K. P. Raman Menon]

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"Then again, with reference to pepper gardens, in the course of the enquiry by the Raghavayya Committee, it was elicited both from the landlords and the tenants that so far as pepper gardens were concerned nobody wanted any protection. That is probably the reason why pepper gardens have been omitted from the scope of this Bill. I do not want to traverse the ground covered by Mr. Krishnan. I agree with all the matters that have been mentioned by him. I will only add that so far as my personal experience goes in the Kurumbranad taluk, three-fourths belong to the Kadathanad Raja and there are similar three or four janmis in North Malabar. Is it correct to say that there are no janmis there? I do not know if there are small proprietors elsewhere in the Kottayam taluk. There also so far as I am aware there are big Mappilla janmis, who own immense lands in those parts. So that, it is idle to say that in North Malabar there are a number of small janmis who are going to be adversely affected by this Bill. It is quite proper that Mr. Uppi should try to exclude small janmis by bringing forward an apt provision in the Bill. That will be the proper direction in which Mr. Uppi's activities are to be made, but not to exclude the whole of this district of North Malabar.

"Then again, where would you draw a line as regards North Malabar. There is already the official line drawn between North Malabar and South Malabar. For purposes of civil jurisdiction, North Malabar is supposed to be the district of North Malabar. So far as revenue jurisdiction is concerned, there is only one Collector for the whole district, North Malabar and South Malabar. Then, so far as divisional officers are concerned, Calicut and Kurumbranad are clubbed together. So far as revenue administration is concerned also it is the same. There are so many affinities between these taluks and how can you draw a line and say that Kurumbranad should be excluded and not Calicut? Now as regards the Calicut taluk itself, the conditions in the northern portion of the taluk are akin to those of North Malabar. It is therefore practically impossible to draw a line and it will lead to endless confusion to differentiate one portion from the other. If there are any particular aspects of the Bill or any particular principles of the Bill with reference to any particular tenure, which are perhaps detrimental to the interests of both the tenant and the landlord in North Malabar, then with reference to these, I submit, there will be time enough for him to see that these defects are corrected and the Bill amended. It is absolutely impractical to exclude the whole of North Malabar from the scope of the Bill and I would join in the protest against the exclusion of North Malabar."

* Mr. C. GOPALA MENON :—"I oppose this motion of Mr. Uppi Sahib that Malabar should be divided for the tenancy legislation into two halves, North and South Malabar. The arguments put forward by him can be met, when we come face to face with the very many amendments under the different clauses, of which the hon. Member has given notice and we can meet them by suitably amending those clauses. If the janmi representatives are to get themselves exempted from the operation of this Bill, because there are several contentious points on which they differ, it should not be their idea that a certain portion of the district should be exempted from the operation of the provisions of this Bill, but the right course should be that the clauses are to be so amended as to make them suitable to all parts of Malabar. With these remarks I oppose the motion."

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* Mr. E. SANKARAN UNNI :—"Mr. President, it is not very surprising that Mr. Uppi Sahib should rise and ask this House to exclude North Malabar from the operation of this Bill. Those who know anything about this matter, know that the conditions prevailing in North Malabar are vastly different from the conditions prevailing in South Malabar. Mr. Uppi Sahib has given strong reasons in support of his case. It may be true that here and there in North Malabar a janmi owns extensive properties; but the majority of janmis are very poor. Their poverty and helplessness have been recognized by the Raghavayya Committee. Under the Improvement Act, heavy compensation has to be paid in respect of kuzhikanam lands. In the Bill drafted by the Raghavayya Committee as also in the present Bill there is a clause which allows the janmi to sue for renewal fees on the specific ground that the value of improvements is so high that the kuzhikanamdar could defy the janmi and challenge him to redeem. In North Malabar which is the land of coconut gardens the tenant requires no special protection. If you allow the provisions of this Bill to operate in respect of the kanams of North Malabar, the result will be to take away the janmi's right altogether. The rate of interest prescribed for kanartham is so high that nothing will be left for calculating the renewal fee.

"Now it may sound a little awkward to ask you for the exclusion of a large portion of the district. But since the Bill has very little relation to the actual condition prevailing in the district, it has become necessary to ask for this relief."

* Mr. K. MADHAVAN NAYAR :—"Mr. President, Sir, I think in matters relating to Malabar Tenancy Legislation, we shall come across several difficult situations which are not quite easy of solution. I sincerely sympathise with my friend Mr. Uppi Sahib in some of the arguments which he advances for excluding North Malabar. My only submission is that the remedy he suggests is not the proper one. I agree with him when he says that the kanams of North Malabar are different in character from those of South Malabar. The Kanam in South Malabar is a tenure while the kanam in North Malabar is a mortgage. The word 'Kanam' means mortgage in North Malabar while the word 'kanam' is never used to denote mortgage in South Malabar. My friend, Mr. Achutan, the expert member nominated by Government, has himself given an amendment that the kanams of North Malabar ought to be excluded from the operation of this Bill. If my friend, Mr. Uppi Sahib had confined himself to those defects I would certainly have voted with him. But he has prescribed a very sweeping remedy for the evils that he finds in the Bill. There are few classes of people who are given protection under the Bill. There is the actual cultivator of paddy lands, who is called verumpattamdar, then there is the kuzhikanamdar, the cultivator of the garden land; the kudiiruppu holder, the occupier of the homestead; and there are the kanamdars who are tenure holders and not mortgage holders. The kanams of North Malabar, especially Chirakkal and Kottayam do not partake of the character of the kanams of South Malabar, and from the analysis made by the Raghavayya Committee with regard to the acreage that is cultivated by the kanamdars in the South and North Malabar it will be seen that it is a tenure in South Malabar but not so in North Malabar. It is very rarely that mortgages comprise an appreciable proportion of cultivated area in any country. In South Malabar a very large portion of the cultivated area is held under kanam tenure and they have been

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left unredeemed for centuries. On page 150 of the report the percentage of cultivators and cultivated area is given. And if you study the figures you will see that more than half of the land that is actually cultivated is cultivated by kanam tenants. In North Malabar, in Chirakkal it is $\frac{1}{4}$, in Kottayam it is $\frac{1}{5}$, in Wynad it is $\frac{1}{4}$, and as we come south to Kurumbanad it increases to $\frac{1}{3}$, in Calicut it is $\frac{1}{2}$, in Ernad it is $\frac{2}{3}$, and in Ponnani it is $\frac{1}{2}$. Thus you can see the kanams of North Malabar comprise comparatively small acreage, while they cover half or more than half the cultivated area in South Malabar. I can understand an amendment to exclude kanams of North Malabar, especially those of Chirakkal and Kottayam taluks. There may be a few kanams here and there which may be akin to the kanams in South Malabar but in a legislation like this, we shall have to ignore such exceptions. So far as the boundary of North and South Malabar is concerned, we may safely fix the Murad river as the line of demarcation. I know some of my tenant friends will not agree with me and I am sure Mr. Raman Menon does not see eye to eye with me on this point. So far as kanams are concerned that is my position. So far as kudiiruppu holders are concerned, there is no difference between North and South Malabar."

4-15 p.m. Mr. K. UPPI SAHIB :—"A word of personal explanation, Sir. I am not against giving permanency to holders of kudiiruppus, but I only told the House how this Bill would work against the middle class people in North Malabar."

* Mr. K. MADHAVAN NAYAR :—"You cannot possibly make a distinction between homesteads of North Malabar and homesteads of South Malabar. They are the same. Now, Sir, if you are to give protection by means of this Bill to homesteads in one place, you have to give that protection both to North Malabar and to South Malabar. The difficulty mentioned by my hon. Friend on this point was this. If there is a house in a small garden, say in the middle of it, and if you allow the owner of the homestead to purchase it, that will be a breaking up of the holding altogether. He said that there would be many difficulties. I think he is not right. You will see from the provisions of this Bill there are two classes of homesteads, (1) separate kudiiruppus and (2) separable kudiiruppus which can be separated from the holding and which are not essential for the enjoyment of the remaining portion. Suppose there is a big garden and there is a small house in the middle. The middle portion is always necessary for the enjoyment of the remaining portion. Hence such a kudiiruppu will not be separable. But suppose on the other hand there is a paramba with a house in the middle and the whole of the paramba is necessary for the enjoyment of the holding; that is what is called separate kudiiruppu. In the case of a separate kudiiruppu there is not an inch of ground more than what is absolutely necessary or essential for the enjoyment of the holding by the owner of the homestead. Such a separate kudiiruppu holder can apply for the purchase of the property. He has to give the full market value to the landlord. In such a case how does the landlord suffer? Only the man who has been occupying it for a long time loses his property, but if the tenant buys the property, the landlord gets the full market value of it. The man who has been in possession of the property and who built a house therein is given the option or the right to purchase the land. Therefore the janmi is not injured in any way. If on the other hand there are other properties also in the holding which

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cannot be enjoyed without the particular place where the homestead stands, then that man has no right to purchase at all under this Bill. So that the janmi is not deprived of his property.

"Then, I come to cultivating tenants. My friend said nothing on that. He did not say that the paddy lands in North Malabar should be excluded. The tenants of such lands are called customary tenants. Then, we come to kuzhikanam. It is with reference to this that he raised the argument that the middle classes would be ruined and wiped away. Many of the difficulties mentioned by him are not difficulties that are really in existence. My friend says that most of these people are holders of small items of property. I understand Mr. Raman Menon to say that the remedy lies not in moving this amendment but in excluding owners of small acreages of janmi lands from the operation of this Act. If you exclude the kuzhikanams of North Malabar from the operation of this Bill, I think you will be doing a very great disservice to the tenants of North Malabar. The only difficulty that my hon. Friend mentioned was that it will be impossible for the janmi to evict these tenants on payments of high value for improvements. But may I say, Sir, that no janmi has come forward up to now stating that he had such a difficulty and that legislation should be passed to remedy it? We have never heard of janmis coming forward and saying that they want legislation. Only the tenants have been crying aloud. What has existed till now, will exist hereafter also. Some protection is given to the janmi also under this Bill. I mention this simply to remove the fears of Mr. Uppi Sahib. Now, the renewal fee and rent are made a charge upon the property. When he brings a suit for eviction and when he obtains a decree and finds himself unable to deposit the value of improvements and recover the property, he has the right of sale. He can apply for the sale of the property and then sell the tenant's interest and thereby solve the problem. Once a janmi files a suit for eviction and the tenant applies for renewal and a renewal is granted then every twelfth year afterwards the janmi is entitled to file a suit for renewal fee. Could he do that now? Till now, the North Malabar janmis could not have dreamt of recovering the renewal fee alone by a suit. Now the janmi can sue for renewal fee alone without being driven to a suit for eviction. That is another advantage

"There is another matter referred to by Mr. Uppi Sahib. Mr. Kotieth Krishnan has not correctly understood it, if I may say so, and that is about fair rent and kuzhikanam fee. That I will explain on another occasion as it will be out of place to explain it now."

* The hon. the PRESIDENT :—"With all these reservations, if the hon. Member takes up one hour now, and then if he reverts to these matters to-morrow, I am afraid much time will be taken up in the discussion of this Bill."

* Mr. K. MADHAVAN NAYAR :—"I think, Sir, in a matter like this, it is better to explain. I bow to your ruling, Sir, and shall . . ."

* The hon. the PRESIDENT :—"I am most disinclined to stop any speech, but at the same time I leave it to hon. Members to see that the Bill is finished at least in ten days."

[24th September 1929]

* Mr. K. MADHAVAN NAYAR :—"Therefore it is that I do not elaborately argue about that aspect now. I thought it essential to refer to these points because a good deal of misunderstanding exists on the matter. Therefore, I submit, Sir, that the amendment moved by my friend Mr. Uppi Sahib to exclude North Malabar from the operation of this Bill cannot be accepted."

* Mr. MAHMUD SCHAMNAD :—"Sir, in spite of all that has been said by my hon. Friends Mr. Raman Menon and Mr. Kotieth Krishnan, there is a good deal of difference between North Malabar and South Malabar. Only people who have been living there for a long time can realize the differences that actually exist. It was stated by Mr. Raman Menon that he deprecated the idea of dividing the district into two parts, and make this law applicable only to one part. I say the district is already treated as two districts. Except the Department of Revenue, all the other departments have got two district officers. There are two district judges, two district superintendents of police, etc. In the matter of physical features, land tenure and every other thing there is vast difference between the two districts. So, there is vast difference in all these things. Some words used by the Members in speaking on this motion may look to most of the Members here like a mantram or word of enchantment, I mean words like kuzhikanam, etc. I may say there is nothing extraordinary about them. Kuzhikanam tenant means a tenant as any other tenant in any other district who has been permitted to make improvements in gardens. The term only means a man who improves the garden. If kuzhikanam tenants require protection, similar protection must be given in other districts also. But there is this one difference. The tenant is in a much better position in Malabar. The tenant of a garden gets under the Malabar Tenants Compensation for Improvements Act a much more liberal compensation than the tenants in other districts of the Presidency. Therefore, he in no way requires better treatment than the tenants in other parts of the Presidency. Another word that was many times repeated and which many Members might not have understood is the word kanam. Kanam means simply a mortgage with possession, a transfer by way of mortgage or a usufructuary mortgage and in North Malabar the kanams are usufructuary mortgages just as you have in any other district or any other place. In South Malabar the kanam is an advance made by the tenant to the landlord perhaps by way of security for the rent. In the case of a land yielding a thousand rupees, the kanam amount will be about ten or twenty rupees. It may have been taken as security for the due payment of rent by the tenant; so it is not at all a mortgage. It has been admitted by Mr. Madhavan Nayar that there is vast difference between the kanam tenure in North Malabar and that in South Malabar. In many other respects also there is vast difference, and I do not see why they should not be treated as separate districts. So I think it will be quite necessary, in order to do justice to the tenants and janmis of North Malabar to exclude the three taluks of Chirakkal, Kottayam and Kurumbranad from the operation of this Bill."

* The hon. the PRESIDENT :—"The question is that in clause 1 for the words 'whole of the district of Malabar', the words 'taluks of Palghat, Walluvanad, Ernad, Ponnani and Calicut of the Malabar district' be substituted."

The amendment was declared lost.

24th September 1929]

Mr. K. Uppi Sahib demanded a poll, and the House divided thus :—

4-30
p m.*Ayes.*

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|--|--|
| 1. Mahmud Schamnad Sahib Bahadur. | 7. Abdul Hameed Khan Sahib Bahadur. |
| 2. The Muppil Nayar of Kavalappara. | 8. Mr. L. K. Tulasiram. |
| 13. Rao Bahadur O. M. Narayanan Nambudripad. | 9. " C. Obi Reddi. |
| 4. Mr. E. Sankaran Unni. | 10. Ahmed Miran Sahib Bahadur. |
| 5. " G. Harisarvottama Rao. | 11. K. Uppi Sahib Bahadur. |
| 6. Basheer Ahmed Sayeed Sahib Bahadur. | 12. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur. |

Noes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 25. Rao Sahib R. Srinivasan. |
| 2. " Sir Thomas Moir. | 26. Mr. A. Achuthan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 27. " K. Ramachandra Padayachi |
| 4. " Mr. A. Y. G. Campbell. | 28. " G. R. Premayya. |
| 15. Mr. Hilton Brown. | 29. Swami A. S. Sahajanandam. |
| 6. " H. A. Watson. | 30. Mr. P. C. Venkatapathi Raju. |
| 7. " A. G. Leach. | 31. " K. Koti Reddi. |
| 8. " J. Gray. | 32. " D. Narayana Raju. |
| 9. " S. V. Ramamurti. | 33. " K. Madhavan Nayar. |
| 10. " C. B. Cotterell. | 34. " T. Adinarayana Chettiyar. |
| 11. " V. Ch. John. | 35. " A. Kaleswara Rao. |
| 12. " M. A. Manikkavelu Nayakar. | 36. " A. Ranganatha Mudaliyar. |
| 13. " A. B. Shetty. | 37. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 14. " J. Bheemayya. | 38. Mr. K. P. Raman Menon. |
| 15. " J. A. Davis. | 39. " C. R. Parthasarathi Ayyangar. |
| 16. " R. Foulkes. | 40. " C. Gopala Menon. |
| 17. Subadar-Major S. A. Nanjappa Bahadur. | 41. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 18. Mr. K. Krishnan. | 42. Rao Bahadur Sir A. P. Patro. |
| 19. " N. Siva Raj. | 43. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 20. " M. V. Gangadhara Siva. | 44. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 21. Rao Sahib L. C. Guruswami. | 45. " B. Muniswami Nayudu. |
| 22. Mr. V. I. Muniswami Pillai. | 46. Mr. F. E. James. |
| 23. " W. P. A. Soundara Pandian. | |
| 24. " S. Subrahmanya Mooppanar. | |

Neutral.

- | | |
|---|----------------------------------|
| 1. The hon. Mr. M. R. Seturatnam Ayyar. | 8. Mr. R. Srinivasa Ayyangar. |
| 2. " Mr. S. Muthiah Mudaliyar. | 9. " S. Satyamurti. |
| 3. " Dr. P. Subbarayan. | 10. " J. A. Saldanha. |
| 4. Syed Tajudin Sahib Bahadur. | 11. " A. Parasurama Rao Pantulu. |
| 5. Mr. S. Venkiah. | 12. " C. Venkatarangam Nayudu. |
| 6. " S. Arpudaswami Udayar. | 13. The Zamindar of Seithur. |
| 7. The Raja of Kallikota. | |

Ayes 12. Noes 46. Neutral 13.

The amendment was negatived.

* The hon the PRESIDENT :—"As regards amendment No. 2 of the Muppil Nayar to sub-clause (3), I do not think I can select it, because I think it is unnecessary and unimportant."

* The MUPPIL NAYAR OF KAVALLAPPARA :—"Amendment Nos. 2 and 3 should be read together, Sir. That is my amendment. That was also the amendment which the Government wanted to introduce."

* The hon. the PRESIDENT :—"I have said that the amendment No. 2 need not be moved. The hon. Member may move the next amendment for the omission of the proviso to sub-clause (3)."

[24th September 1929]

* The MUPPIL NAYAR OF KAVALAPPARA :—" I move—

'That the proviso to sub-clause (3) be deleted.'

"The object of my amendment is that the Act should not be made applicable to suits which have been already filed, i.e., on or before 30th July 1929. Because many janmis have filed suits not knowing that this Bill would be passed; otherwise it would be a great hardship to them after having spent money for court-fees and other expenditure connected with suits. Therefore, it will be a real grievance to the janmis to give retrospective effect to this clause as it stands."

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, in seconding this amendment, it strikes me that there is really no case made out for giving retrospective effect to this Bill. There was no evidence before the Select Committee, which made the alteration, to show that any considerable number of suits had been filed. The Government themselves did not think it was necessary to have such a provision when they brought forward their Bill. It is true that there have been suits between landlord and tenant in Malabar for half a century. That is no reason why people who have acquired rights and who are trying to put those rights into operation should be deprived of their opportunity. If it is suggested that the people who have gone to the court have done so with the idea of defeating the objects of this Bill, my answer is this: considering the history of this legislation in the last Council, I think people were perfectly justified in believing that the Government were not quite serious as they say they are. A Bill that had been passed by the Council was vetoed. The Government have come out with another Bill. One does not know whether it will be passed. The Bill is exactly on the same lines as the one vetoed, and it was quite natural if the people of Malabar did not take the Government seriously. I think, therefore, that to apply the provisions of this Bill to suits already filed is to inflict an injury which is not at all justified.

"Now, retrospective legislation may be justified under very exceptional circumstances. No valid reason has been suggested for taking so unusual a step. The conditions in Malabar are much the same as before the publication of this Bill. Is it suggested that there has been a considerable number of melcharths or eviction suits? It may be that a certain number of suits have been filed. But even these might have been filed under compelling necessity. Now, are you going to say that because you are introducing an Act now, the new provisions shall apply to all those suits which are pending? I think it will work a great hardship. There are many provisions in this Bill which will turn Malabar upside down. Do not go back and strike at people who had not contemplated such a disaster as this."

* Mr. A. ACHUTAN :—" Sir, as regards this amendment, I may say that retrospective effect is given to the enactment not on extraneous circumstances, not on account of grounds that are outside the scope and intent of the Act; but, generally, retrospective effect to an enactment is given on account of the fact that the legislation contemplated has in itself elements to justify the giving of retrospective effect. There are enactments which are expressly stated to be retrospective in effect, and there are enactments which are expressly stated to be not retrospective. Those enactments which are expressly stated to be retrospective are enactments which are in their character explanatory and declaratory of the rights and liabilities of the parties affected by the

[24th September 1929]

[Mr. A. Achutan]

legislation, and those enactments which are not stated to be retrospective are enactments which created for the first time some new right or liability which was unknown before that particular legislation. Now, here we have to consider whether this legislation is fundamentally different from enactments to which retrospective effect is given. To my mind, this legislation is declaratory and explanatory of the rights and liabilities of the parties affected by this legislation. It only declares and explains what the relations between the landlord and tenant have been, and are now, and are destined to be hereafter. It does not create as regards those rights and liabilities a new status, or introduce a new right. But it only explains the rights and liabilities of the parties concerned. If it were otherwise, and if the legislation aimed at creating new rights and liabilities, then there might be some substantial reason for not giving retrospective effect.

"For the reason that I have already submitted, namely, that this Bill is only declaratory of the existing rights, I say that giving retrospective effect to this Bill need not violate any principles of sound legislation.

"I, therefore, oppose the amendment."

* Mr. K. MADHAVAN NAYAR :—" Now, without making a long speech, I shall mention one circumstance, which the House may consider before voting upon this amendment. The whole object of this legislation can be defeated by every janmi spending a few rupees between the time of the publication of the Bill and that of the Act coming into force by getting certain documents of the melcharth, created and registered in the meanwhile. That is why this provision was introduced by the Select Committee. As a matter of fact, in Cochin in a place called Vadukancheri, what happened was that within fifteen days of the passing of the Cochin Tenant Regulation about 600 suits were filed. A melcharth has simply to be created by spending two rupees before the Act comes into force, and then by filing a suit they can recover the property. It is only to defeat that, this proviso was introduced. It is very, very essential that this proviso should be retained. I, therefore, strongly and vehemently oppose this amendment."

* Mr. K. P. RAMAN MENON :—" Now, Sir, I have to oppose this amendment. No doubt, it is against ordinary procedure to give retrospective effect. But, as Mr. Achutan remarked, when the legislation is supposed to be declaratory of existing rights, then there is no harm being done to anybody. Then, again, turning to the report of the Raghavayya Committee, it will be observed that eviction suits have been filed with a view to defeat the provisions contemplated in a Bill of this kind.

"As a matter of fact I cannot take it seriously when Mr. Unni said that this Bill was not wanted by the janmis or tenants of Malabar. Seeing the grave situation in Malabar, Government came to the rescue of the tenants and appointed a committee at huge expense, and their final recommendation are now before us in the nature of a Bill. To say that all this trouble and expense was a huge hoax would be rather straining the language too far. When as a matter of fact evidence was being collected and there was apprehension that the janmis might be deprived of their rights, they rushed to courts, and there has been inrush of litigation in all the courts. So at least from the date of the publication, the Bill should have effect."

The amendment was put and negatived.

[24th September 1929]

The Muppil Nayar of Kavalappara demanded a poll and the House divided thus:—

Ayes.

- | | |
|---|--------------------------|
| 1. The Muppil Nayar of Kavalappara. | 3. Mr. E. Sankaran Unni. |
| 2. Rao Bahadur O. M. Narayanan Nambudripad. | |

Noes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 29. Rao Sahib R. Srinivasan. |
| 2. " Sir Thomas Moir. | 30. Mr. A. Achutan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 31. " C. E. Wood. |
| 4. " Mr. A. Y. G. Campbell. | 32. " S. Arpudaswami Udayar. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 33. " G. R. Premayya. |
| 6. " Mr. S. Muthiah Mudaliyar. | 34. Swami A. S. Sahajanandam. |
| 7. " Dr. P. Subbaravan. | 35. Mr. P. C. Venkatapathi Raju. |
| 8. Mr. Hilton Brown. | 36. " K. Koti Reddi. |
| 9. " H. A. Watson. | 37. " R. Srinivasa Ayyangar. |
| 10. " A. G. Leach. | 38. " S. Satyamurti. |
| 11. " J. Gray. | 39. " J. A. Saldanha. |
| 12. " S. V. Ramamurti. | 40. " G. Harisarvottama Rao. |
| 13. " C. B. Cotterell. | 41. Basheer Ahmed Sayeed Sahib Bahadur. |
| 14. " V. Ch. John. | 42. Mr. C. S. Govindaraja Mudaliyar. |
| 15. " M. A. Manikkavelu Nayakar. | 43. Abdul Hameed Khan Sahib Bahadur. |
| 16. " Syed Tajudin Sahib. | 44. Mr. L. K. Tulasiram. |
| 17. " A. B. Shetty. | 45. " D. Narayana Raju. |
| 18. " J. Bheemayya. | 46. " K. Madhavan Nayar. |
| 19. " J. A. Davis. | 47. " C. Obi Reddi. |
| 20. " R. Foulkes. | 48. " A. Parasurama Rao. |
| 21. " K. Krishnan. | 49. " T. Adinarayana Chettiyar. |
| 22. " N. Siva Raj. | 50. " A. Kaleswara Rao. |
| 23. " M. V. Gangudhara Siva. | 51. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 24. Rao Sahib J. C. Guruswami. | 52. Mr. K. P. Raman Menon. |
| 25. Mr. V. I. Muniswami Pillai. | 53. " C. R. Parthasarathi Ayyangar. |
| 26. " W. P. A. Soundara Pandian. | 54. Rao Bahadur Sir A. P. Patro. |
| 27. " S. Subrahmanya Moopanar. | 55. " C. Natesa Mudaliyar. |
| 28. " S. Venkiah. | 56. " B. Muniswami Nayudu. |

Ayes 3. Noes 56.

The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL:—" Mr. President, I beg to move that in the proviso to sub-clause (3) of clause 1—

'For the words and figures "provided that in all original suits for eviction instituted after the 30th July 1929 and pending on the date when this Act comes into force" substitute the following words and figures:—

"Provided that in all suits for eviction instituted after the 30th July 1929 and pending in the court of first instance on the date when this Act comes into force"

"Sir, this amendment is intended to bring out more clearly the intention of the Select Committee's amendment. I understand that there may be some doubt as to whether the amendment passed by the Select Committee would apply to cases which are pending in an appellate court. It was our intention that it should not apply to such cases, because it would turn the appellate court into a court of first instance with a restricted power of appeal. I beg to move this amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

[24th September 1929]

* The hon. the PRESIDENT:—"Mr. Saldanha has to move his amendment in a slightly amended form."

* Mr. J. A. SALDANHA:—"The present amendment of the Revenue Member is practically putting correctly what was intended. But my amendment is for excluding appeals as well as execution petitions. I beg to move my amendment:—

'Substitute for the words "provided that in all original suits for eviction instituted after this 30th July 1929" the words "provided that in all suits for eviction with appeals thereon or applications for execution of decrees thereon, instituted before or after the 30th July 1929".'

"I shall give the reasons for this amendment very briefly. The legislation as to the Malabar tenants has been due for a long time. For the last fifty years agitation has been going on for tenancy legislation, and all the commissions appointed by Government, independent of individual opinions, have been for some legislation in favour of the tenants. The object of the legislation was to give fixity of tenure. Suits for eviction have been increasing. At last a Bill was brought for the first time and passed by this Council to give relief to the tenants. This Bill is unique in the whole history of India. It was vetoed by His Excellency the Governor and for reasons which I consider were inadequate. The principle of that Bill has been accepted by Government and is embodied even in this Bill. That principle would be accepted by all fair-minded men. Such legislation should come one day or other, because the world force is too great to be resisted even by the mighty janmis or even by the mighty British Empire. Things are moving rapidly all round and Malabar is also moving with the times. Suits as shown from the figures in the report have been increasing rapidly, and a number of suits just at present have been filed and have come to my notice. I can give the names and figures to-morrow. There cannot be any doubt that a large number of tenants have already to face litigation for eviction, and their condition is very parlous and perilous. There are suits just now which are filed before the 30th July, the date on which this Bill is published and they are pending in the courts. In their case it is but fair that the new legislation should be enforced. I admit, Sir, that in the case of an ordinary legislation which would affect the rights of parties seriously retrospective effect should not be given. But there are cases in which when legislation had been under consideration for a long time such retrospective effect had been given. When appeals are pending the action is pending, and therefore the cause of action is pending (laughter). This Bill is only a continuation of the previous Bill, and the appeal is also a continuation of the action and the cause of action brought about by it. Therefore, when an appeal is pending or application for execution is pending, I think the substantive rights which are declared by this Act should also be enforced. It is a natural right which the tenants are entitled to. People in Malabar have suffered somewhat too long on account of what I may call over-landlordism, on account of the unheard of domination of the janmis. Therefore, in these cases, the new law as to substantive rights should be applied. I do not dwell upon this point. 5 p.m. I hope the House by a majority will pass this."

Mr. ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I find it difficult to appreciate how the rights and obligations of parties can be governed in the course of execution proceedings. I can understand the provision being

[Mr. Alladi Krishnaswami Ayyar] [24th September 1929]

extended to appeals. If the hon. Member wants it he may extend it to appeals, but it is very difficult to see how the rights and obligations could be regulated with reference to execution proceedings. There is a decree passed and the court is giving effect to it. It is not called upon to adjudicate the rights and obligations of the parties at the execution stage."

* The hon. the PRESIDENT:—"Does the hon. Member, after the advice of the Advocate-General, confine himself to appeals?"

* Mr. J. A. SALDANHA:—"Yes, Sir."

* The hon. the PRESIDENT:—"Then his amendment would be appropriate in the following form: 'To insert after the word "eviction" the words "and appeals against decrees in such suits" and omit the words "in the court of the first instance"'. That will be the proper form of his amendment."

* Mr. J. A. SALDANHA:—"I propose the question in that form."

* The hon. the PRESIDENT:—"And the debate will be resumed to-morrow."

"Before the House is adjourned, as I had to select the amendments to-day, I wish to inform hon. Members that any amendment that is sent after 3 p.m. the previous day would not be selected by me under Standing Order 32 (6). Therefore, I suggest that those who want to send notices of amendments for consideration on a particular day must do so so as to reach the Secretary's Office before 3 p.m. the previous day. Of course I have no objection to make exceptions in special cases whenever an amendment represents a compromise between the parties. This course would give me time to select the amendments to be moved in order."

"The Council will now adjourn and re-assemble to-morrow at 11 a.m."

VIII

PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *Communication to the Council regarding the written evidence tendered before the Committee on Co-operation, Madras [vide answer given to clause (f) of question No. 650 (starred) at the meeting of the Legislative Council held on 26th November 1928].^a*

2. *Statement showing the number of teaching grant cheques that were to be issued to the managers of aided schools and those issued to the teacher-managers before the 31st March, during the years 1926-27, 1927-28 and 1928-29 (vide answer to question No. 58 answered on 7th August 1929).^b*

3. *G.O. No. 1430, Development, dated 17th August 1929, recording the audit report of the Industrial Engineering Workshop for the quarter ending 30th September 1928.^c*

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

^a Printed as Appendix XIII at page 143 infra. ^b Printed as Appendix XIV at page 143 infra.

^c Printed separately.

24th September 1929]

APPENDIX I.

[Vide answer to question No. 403 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 24th September 1929, page 12 supra.]

G.O. No. 416, Development, dated 8th March 1929.

READ—the following paper:—

G.O. No. 1600, Development, dated 24th September 1928.

Order—No. 416, Development, dated 8th March 1929.

The Government have had under their consideration the recommendations of the Royal Commission on Agriculture and the manner in which these recommendations may most conveniently be examined and proposals based on them submitted to Government for consideration with reference to existing conditions, their comparative degrees of urgency and the financial resources at the disposal of Government. A marked feature of the report and its recommendations is the extent to which it is recognized that there are many matters affecting the improvement and advancement of agriculture which imply or necessitate the co-ordination of the work of more than one department both as regards their technical and scientific aspect and in respect of the practical considerations which would influence or determine any concrete proposals for carrying them into effect. It is mainly on the departments which are at present administratively controlled through the Development Secretariat that the responsibility of devising measures for giving effect to the recommendations of the Royal Commission will fall and it is in respect of these departments that problems of co-ordination and joint action will principally arise. There are also important problems which will involve the co-operation of the departments of Public Instruction and Public Health. Questions in which other departments of the administration are concerned may arise from time to time, but for the present the problem which the Government have had under examination is whether means could not be adopted to bring the special departments referred to above into closer contact and collaboration in the task of examining the proposals of the Royal Commission in the light of conditions in this Presidency with special regard to matters in which more than one department is concerned.

2. After full consideration Government have decided to constitute a Committee on the following lines:—

His Excellency the Governor—*President*.
The hon. the Minister for Development.
The hon. the Finance Member.
The Secretary to Government, Development Department.
The Director of Agriculture.
The Director of Veterinary Services.
The Registrar of Co-operative Societies.
The Director of Industries.
The Director of Fisheries.

[24th September 1929]

The Director of Public Instruction.

The Director of Public Health and four non-officials to be nominated by His Excellency the Governor.

The Secretary to Government, Development Department, will be the Secretary to the Committee.

3. The headquarters of Government for the time being will be the headquarters of the Committee and non-official members will be eligible for travelling allowance at the following rates for attending the meetings of the Committee:—

Railway journeys—One first-class and one third-class fare.

Road journeys—Mileage at 12 annas a mile.

Halts at headquarters—Rs. 7-8-0 a day.

The grant of travelling allowance will be subject to the provisions of the ordinary Madras Travelling Allowance Rules.

The expenditure will be met from the provision under the head "22. R.C. a. General Administration—Civil Secretariats—v. Development Department—Allowances—Voted—Travelling allowances".

4. The Government will now proceed to lay down the scope and functions of the Committee—

(1) The Committee will be a purely advisory and consultative body.

(2) It will not be concerned with questions affecting the internal administration, personnel, discipline or terms of service in any department.

(3) Its main functions will be to examine the recommendations of the Royal Commission, more especially those affecting more than one department and to place before Government its suggestions as to the manner and extent to which these recommendations are applicable to the Madras Presidency and the measures by which effect may be given to them.

(4) Proposals affecting the revenues of the Government will not be within its scope and should any issue affecting these revenues incidentally arise it will be at once referred to the department which is responsible for safeguarding and collecting these revenues.

5. As regards the procedure of the Committee it will normally be regulated on the following lines. The meetings will be held from time to time on such dates and at such places as His Excellency the President may determine. The agenda for each meeting will be prepared by the Secretary to the Committee with the approval of His Excellency the President. Each item on the agenda will be taken up for discussion and with reference to such preliminary general conclusions as may be arrived at the Committee will decide the points on which further information is required whether in the form of statistics or a statement of facts or of the past history of any particular question under discussion. It will be the duty of the Secretary to procure the necessary information and lay it before the Committee. Such notes will be of a non-controversial nature and designed solely to give all information that may be required. With reference to the information supplied and the results of its own deliberations the Committee will then frame its recommendations to be transmitted to the Government by the Secretary to the Committee. It will be open to the Committee at any stage to form sub-committees of its own members for the examination of particular recommendations or points and to co-opt other officials or non-officials to assist either the main Committee or a particular sub-committee in its discussions.

[24th September 1929]

6. When non-officials are so co-opted they will come under the rules governing the travelling allowance of the non-official members of the Committee itself.

(By order of the Government, Ministry of Development)

A. McG. C. TAMPOE,
Secretary to Government.

To the Director of Agriculture.

" Director of Public Instruction.

" Director of Fisheries.

" Director of Veterinary Services, Madras.

" Director of Public Health.

" Registrar of Co-operative Societies.

" Accountant-General (through Finance Department).

" Finance Department.

" Departments of the Secretariat.

*Minutes of the Meeting of the Madras Agricultural Advisory Committee
held on 14th February 1929 at 5-30 p.m. at Government House.*

PRESENT :

His Excellency the Governor—*President*.

The hon. the Minister for Development.

The hon. the Finance Member.

The Director of Veterinary Services, Madras.

The Chief Conservator of Forests.

The Director of Agriculture.

The Director of Industries.

The Director of Fisheries.

The Director of Public Health.

The Secretary to Government, Development Department.

Agenda.

(1) Proposal for standardizing forest grazing fees and improving the grazing facilities generally.

(2) Proposal by the Director of Veterinary Services, Madras, that all cattle breeding and cattle work should be transferred to the Veterinary Department from the Agricultural Department.

(3) To consider the recommendations made in Chapter IV of the Royal Commission's report—particularly the following:—

(3) The collation and publication of all the available information regarding the composition and characteristics of Indian soils (paragraph 76).

(5) and (6) The necessity for the appointment of a Soil Physics Expert (paragraphs 77 and 78).

(12) The expansion of subsidized manurial experimental stations on the lines of that now being started at Marteru (paragraphs 80 and 81).

(24) The necessity for the establishment of activated sludge plants (paragraph 84).

(29) The possibility of remission of water charges for growing green dressing crops (paragraph 86).

[24th September 1929]

(31) The possibility of extending the oil crushing industry (paragraph 87).

(36) An investigation of the economics of the bone crushing industry (paragraph 91).

(39) Railway concessions on fertilizer transport (paragraph 95).

(42) Hybridization work (paragraph 97).

1. It was resolved to drop the first item on agenda—Proposal for standardizing forest grazing fees, etc.

The Director of Agriculture also suggested the formation of a sub-committee to examine items (1) and (2) which had much in common, in a comprehensive manner.

As it was considered both possible and desirable to consider item (2) by itself, and without recourse to any assistance from departments other than the three concerned, namely, Forests, Agriculture and Veterinary, it was decided to take up the consideration of item (2) by itself.

For this purpose, the Director of Veterinary Services, Madras, and the Director of Agriculture were requested to forward to the Secretary to the Committee memoranda giving such previous history of the proposal as was available in the official records of their respective departments, and the grounds on which they would urge for or against the proposal.

When the main issue, as to which of these two departments is best equipped to undertake the duties pertaining to cattle breeding and live-stock generally, has been settled, it is proposed to take up the question of grazing which is the only aspect of this question in which the Forest Department is concerned.

2. Recommendations contained in Chapter IV of the Royal Commission's report—

(3) Collation and publication of information, already available, regarding composition and characteristics of Indian soils.

The Director of Agriculture pointed out that a very considerable amount of work had already been done on this subject, but that the results of this work had never been collected and published.

The hon. the Finance Member then drew attention to the very comprehensive classification of soils available in the settlement reports of districts and observed that to collect all this into one treatise dealing with the subject, would entail an amount of work rather out of proportion to its value.

The hon. the President held that publication of the results of Research was part of the duties of any Central Committee for Research and that this question may wait the formation of such a committee.

(5) and (6) As this item—the appointment of a Soil Physics Expert—had already been included in the scheme of reorganization submitted by the Director of Agriculture, it was resolved not to consider it now.

(12) Subsidized Manurial Experimental Stations—

The Director of Agriculture explained briefly the nature of such stations, which would be under the control and in the charge of the Agricultural Department. The collaborating firms would pay for the actual cost of the trials on a *pro rata* basis. The only cost to Government would be in connexion with staff. An extra assistant would be needed on each such station opened. The firms participating in the scheme were desirous, partly to

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improve their own manures by the help of local expert experience with them, but chiefly to market manures with a definite and authoritative recommendation behind them.

The hon. the Finance Member thought that there was no objection to the scheme from any financial point of view, as Government was not asked to pay for the manure used. It was resolved that the formation of such stations might with advantage be encouraged by Government.

(29) Postponed.

(31) The Director of Industries was asked to submit a memorandum relating to the previous history of this question.

The Director of Agriculture agreed to collaborate in its preparation, as the question had an agricultural as well as a purely industrial aspect.

(36) The Director of Industries was asked to prepare a note on this.

(39) As railways had already offered concessions, and as the question of Railway Transport was really a central subject, it was resolved not to go further into the question.

(42) *Hybridization work*.—Briefly discussed.

The following questions were discussed in connexion with grazing:—

(1) Whether the Forest Department had ever made any efforts to improve grazing in forests by the introduction either of fresh varieties of grass, or by improving the strains of existing grass.

The Chief Conservator referred to attempts made in the Silent Valley and in Tinnevely (Tirukurangudi Hills, near Mancholai and Navalkadai) to introduce Guinea grass. He was asked to submit a brief memorandum containing such information as was available in his department on that subject.

The Forest Panchayat Officer informed the Committee that apart from improvement of water facilities in panchayat reserves, and the preservation of existing grass-supplies by a more judicious system of regulating grazing in such reserves nothing had hitherto been done.

(2) With regard to certain departmental objections that had been raised regarding the status of this Committee reference was made to the fact that its functions were purely of an advisory nature, as had been indicated in its Resolution No. 7, dated 11th January 1929.

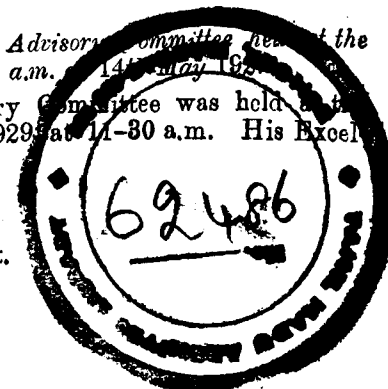
The President further pointed out that no information should be asked for from other departments of Government until such information was essential with reference to some specific question before the Committee. The Development Department had committed an error in procedure in asking for information from other departments, merely on the basis of the Commission's recommendations, before such information was really needed for the purposes of the Committee.

Minutes of the meeting of the Agricultural Advisory Committee held at the Secretariat, Stonehouse Hill, at 11-30 a.m. 14th May 1929.

A meeting of the Agricultural Advisory Committee was held at the Secretariat, Stonehouse Hill, on 14th May 1929 at 11-30 a.m. His Excellency the Governor presided.

PRESENT:

The hon. the Finance Member.
The hon. the Minister for Development.
The Director of Agriculture, Madras.



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The Director of Veterinary Services, Madras.
 The Director of Public Instruction.
 The Chief Conservator of Forests.
 The Director of Industries.
 The Director of Public Health.
 The Secretary to Government, Local Self-Government Department.
 M.R.Ry. Rao Sahib V. Krishna Menon Avargal.
 M.R.Ry. B. P. Sessa Reddi Garu.
 M.R.Ry. Rao Bahadur K. S. Venkatarama Ayyar Avargal, B.A.
 The Under Secretary to Government, Development Department.

Agenda for the meeting—

(1) Proposal of the Director of Veterinary Services that all cattle-breeding and cattle-work should be transferred from the Agricultural Department to the Veterinary Department.

(2) *Grazing*.—Whether the Forest Department has ever made any efforts to improve grazing in forests by the introduction either of fresh varieties of grass or by improving the strains of existing grass.

(3) The establishment in all provinces of regulated markets on the Berar system as modified by the Bombay legislation is recommended.

The system of regulated markets should be extended to products other than cotton.

Regulated markets should only be established under provincial legislation.

[(Paragraphs 329 and 330 at pages 390 to 392 of the Royal Commission's Report.)]

(4) The desirability of appointing an officer of the grade of Deputy Director of Agriculture to work under the Registrar of Co-operative Societies as recommended by the Madras Committee on Co-operation might be examined. (Chapter XIII—Recommendation No. 38, based on paragraph 388 at pages 472–473 of the Report of the Royal Commission on Agriculture.)

(5) Agenda for the June meeting—

His Excellency the President called upon Mr. Ware to open discussion on the first subject on the agenda. After a detailed discussion, in which most of the members present took part as to the merits of the proposal, the Committee were finally of opinion that for the present there was no case for changing the system now existing.

The second subject on the agenda was then taken up for discussion. Mr. Richmond stated that nothing effective had been done so far in the Forest department to improve the quality of grass grown in grazing areas. He challenged the note submitted by the Director of Agriculture and said that he thought that the note could not be considered as accurate. Mr. Anstead admitted his note was subject to correction and that it was meant to help the Chief Conservator with such facts as would be useful to him in drawing up the note submitted by him. After some discussion it was decided to call upon the Forest department to prepare a note for the Committee showing how the existing grazing areas could be better utilized than at present for grazing purposes.

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The third subject was then taken up and it was decided that a draft Bill should be prepared to introduce a general Act for examination by the Committee and that if such an Act be introduced its application should be confined to cotton in the first place.

The fourth subject, as it was not ready for discussion, was postponed to the next meeting.

It was decided that the next meeting should be held on Monday, the 17th June 1929.

Minutes of the meeting of the Agricultural Advisory Committee held at the Secretariat, Stonehouse Hill, at 12 noon on 15th June 1929.

A meeting of the Agricultural Advisory Committee was held at the Secretariat, Stonehouse Hill, on 15th June 1929 at 12 noon. His Excellency the Governor presided.

P R E S E N T :

The hon. the Finance Member.
 The hon. the Minister for Development.
 The Director of Agriculture.
 The Registrar of Co-operative Societies.
 The Director of Public Instruction.
 The Director of Industries.
 The Director of Veterinary Services.
 The Director of Public Health.
 M.Ry. B. P. Sessa Reddi Garu.
 " Rao Sahib V. Krishna Menon Avargal.
 " Rao Bahadur K. S. Venkatarama Ayyar Avargal.
 " The Under Secretary to Government, Development Department.

The first subject on the agenda was—

Item 1—Grazing in forests—

Continuation of the discussion at the May meeting. Consideration of further points on which notes were called for at that meeting.

This subject was adjourned as the note called for by the Committee from the Chief Conservator was not ready.

Item 2.—The desirability of appointing an officer of the grade of Deputy Director of Agriculture to work under the Registrar of Co-operative Societies, as recommended by the Madras Committee on Co-operation, might be examined (Chapter XIII, recommendation No. 38, based on paragraph 388 at pages 472–473 of the Report of the Royal Commission on Agriculture).

It was agreed that a Deputy Director of Agriculture may be lent to the Co-operative department for a period of two years as an experimental measure, that his activities should be confined to cotton in the first instance and that at the end of the two years a full report on both the purely agricultural side of his activities and on the problem of marketing should be submitted to the Committee.

Item 3.—Seeds, seedling plants and cuttings of exotic varieties of indigenous species imported for experimental sowing or planting should be exempted from import duty.

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The Director of Agriculture was for removing the duty on barley to start with. The hon. the Finance Member pointed out that it would be better to get the exemption for all seeds.

The necessity for exemption from duty was agreed upon. It was suggested that the matter may be taken up with the Council of Agricultural Research. As this is a subject in which almost all the provinces, if not all Simla, was asked to ascertain at Simla and report as to the procedure to be adopted in cases like this.

Item 4.—No new variety should be put out unless it has been thoroughly well established that it possesses marked advantages over those already grown.

The Committee emphasized the importance as recommended by the Royal Commission on Agriculture of not introducing new varieties unless it has been thoroughly well established that it possesses marked advantages over those already grown and also that improved varieties should be thoroughly tested in the conditions under which they would be grown by the cultivator, a policy which the Madras Agricultural department has already adopted and desires to extend.

Item 5.—In all provinces in which pumping and boring operations are in progress on a considerable scale, the engineering section should be divided into two branches, one for work on agricultural machinery and implements and the other for pumping and boring.

Before taking up this item, His Excellency the President wished to know whether immediately after the Industries department had finished their work in boring operations the Agricultural department were stepping in and developing further the improvements effected by the former department. The Director of Industries said that this was not being done and that in future this would be carried out.

As action on these lines is being taken at present in this province no further action is considered necessary on these two items.

Item 6.—The preparation of suitable text-books for use in primary schools in rural areas is a matter of the greatest importance. It is essential that Text-Book Committee should be so constituted as to command confidence.

The Director of Public Instruction explained the functions of the Text-Book Committee and stated that there were very few books of the kind contemplated. A special officer would be required to prepare books of the kind contemplated.

Finally the Committee were of opinion that it was undesirable to attempt teaching agriculture to pupils who usually would be below twelve years and that no action need be taken on the recommendation.

Item 7.—The only method by which the advantages of the supply of combined nitrogen available in the large groups of oil seeds grown in India can be secured is by the natural development of the oil-crushing industry and the possibilities of an extension of the industry should be investigated.

The Director of Industries pointed out that the only way to retain the oil-seed manure would be to supply better methods of extracting oil so that the export of the by-products would be discouraged. The hon. the Finance

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Member stated that about twenty years ago the groundnut crop was practically unknown and that it was because there was foreign demand for the same that the ryots have taken to its cultivation on a large scale. If export was discouraged, it would induce the ryots to abandon this cultivation.

It was finally decided that it was best to leave the matter alone.

Item 8.—A thorough investigation of the economics of the bone-crushing industry is required before the establishment of bone-crushing factories at suitable centres can be recommended.

Mr. Venkatarama Ayyar instanced the case of the industry at Shiyali which turned out to be a failure.

The Director of Agriculture stated that, while about twenty years ago the price of bone-meal was Rs. 56, it is now about Rs. 120. He pointed out that if the price could be reduced to Rs. 85 there would be a ready demand for it from the ryots who could only then consider it as an economic proposition.

The Registrar of Co-operative Societies said that it was possible for some of the societies to purchase bones and sell them as bone-meal for about Rs. 85. The difficulty he found was in obtaining a demand for the same. The Director of Agriculture suggested raising export duty on these so that it may be prevented from leaving the country. He also pointed out that the price was being raised by the middlemen who were really being benefited by the high price obtained outside.

Hon'ble Finance Member pointed out that it would be difficult to prevent a ryot from selling the bone outside for Rs. 125 and compel him to utilize it for manure locally. He pointed out the fallacy in the remedy suggested inasmuch as it would be not Rs. 85, but Rs. 125 worth of manure that is used and accordingly cannot be considered an economic proposition.

It was agreed that nothing could be done to establish bone-crushing factories so long as the price of the bone-meal remained high.

Mr. V. Krishna Menon enquired whether all the members of the Committee, including the non-official members, were permitted to suggest subjects for discussion. This was agreed to.

Before the Committee adjourned, Mr. K. S. Venkatarama Ayyar on behalf of the Committee thanked His Excellency the Governor, who is shortly leaving the Presidency, for the great interest he has evinced in the agricultural development of this province, one of the results of which was the formation of this Committee.

His Excellency the President thanked the speaker and said that he was really glad to have been able to do something for agriculture in this province.

The meeting then terminated.

M. C. B. KOMAN.

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APPENDIX II.

[Vide answer to question No. 404 asked by Mr. G. R. Premayya at the meeting of the Legislative Council held on the 24th September 1929, page 13 supra.]

Minutes of the meeting of the Agricultural Advisory Committee held on the 15th August 1929.

A meeting of the Agricultural Advisory Committee was held at the Committee room, Secretariat, Fort St. George, on 15th August 1929. His Excellency the Governor presided.

PRESENT:

The hon. the Finance Member.
 " the Minister for Development.
 The Director of Agriculture.
 The Registrar of Co-operative Societies.
 " Director of Public Instruction.
 " Director of Industries.
 " Director of Veterinary Services.
 " Director of Public Health.
 M.R.Py. B. P. Sesha Reddi Garu.
 " Rao Sahib V. Krishna Menon Avargal.
 " Rao Bahadur K. S. Venkatarama Ayyar Avargal.
 The Secretary to Government, Development Department.

[SUBJECT 1.—Proposals of the Director of Agriculture for increasing the number of breeding bulls in the Presidency.]

The scheme of the Director of Agriculture is generally approved. Enquiry will be made of the Collector of Guntur whether there will be administrative difficulties in trying as an experiment the proposals made by the Deputy Director of Agriculture, Livestock, for the control of breeding among cattle grazing in the reserved forests of the Palnad taluk of the Guntur district.

[SUBJECT 2.—Agricultural demonstrations.]

The system under which the cultivator's land is used for demonstration was agreed to be the better one. Discussion of the subject was not however concluded when the meeting adjourned.

17th August 1929.

S. V. RAMAMURTI.

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APPENDIX III.

[Vide answer to question No. 405 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 24th September 1929, page 14 supra.]

Serial number and district.	Place where situated.	Share capital paid up.	Debitures.		Advances for debentures.	Reserve fund.
			A. series.	B. series.		
1. Arcot, North	Amber	Rs. 1,800	Rs. 3,000	Rs. 3,000	Rs. 3,736	Rs. A.
2. Do.	Changan	725	Started work only on 27th May 1929.			7 0
3. Do.	Sholingur	900				4 15
4. Do.	Tiruvanamalai	980				
5. Arcot, South	Kallakurichi	140				
6. Do.	Kattumannargudi	870	50,000	60,000	410	583 0
7. Chingleput	Chingleput	14,410			10	
8. Do.	Conjeevaram	1,040			30,000	
9. Do.	Kilcheeri	3,060				
10. Do.	Madurantakam		Started work on 4th April 1929.		3,700	71 0
11. Coimbatore	Bharani	5,160	10,000	10,000		
12. Do.	Coimbatore	7,960	30,500	30,500		109 0
13. Do.	Kambhampati		Not yet commenced work.			
14. Do.	Perundurai	6,270	50,000	50,000	14,200	
15. Godavari, East	Alamuru	2,080	50,000	9,000		
16. Do.	Pithapuram	27,810	50,000	1,97,000		1,444 0
17. Kistna	Godavalluru	6,930			20,000	
18. Do.	Vadlamannada	1,640			1,800	18 11
19. Tanjore	Tanjore		Not started.			
20. Tinnevely	Tinnevely		11,000	11,000		
21. Trichinopoly	Kalittalai	8,930	10,000	10,000	2,360	134 10

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APPENDIX IV.

[Vide answer to question No. 412 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 24th September 1929, page 21 supra.]

Copy of letter from M.R.Ry. R. Suryanarayana Rao, Honorary Joint Secretary, Prohibition League, Calicut, to the President, the Excise Licensing Board, Calicut, dated the 25th November 1928.

I understand that the Board is meeting on the 29th instant to consider objections for the sites settled for the arrack shops. I have the honour to bring to your Board's kind notice the fact that the arrack shop situated in the Robinson road is located on a very objectionable site. I may beg leave to point out that its location violates all the rules governing the location of liquor shops. There are two factories, the Standard Silk Weaving Factory and Mr. M. N. Nair's Weaving Factory, very near to it. The Radha Picture Palace is not very far from it, the distance being even less than a furlong. Besides, the main market of the town is within a distance of a few yards. I also understand, there is a bus-stand just opposite to the arrack shop. If I have rightly understood the policy of the Government, no liquor shops should be located within a distance of two furlongs from any cheri. The scavengers' quarters where the poor live can certainly be called a cheri, though all the dirt, etc., associated with the cheris may not be seen.

In these circumstances, I request your Board to change the site of the arrack shop and locate it in any other place without violating the rules governing the location of liquor shops.

Copy of letter from the Third Member, Board of Revenue and Commissioner of Excise, D. No. 576 Abk., dated 21st March 1929.

Proceedings.—At its second meeting held on 29th November 1928 under rule 13 (1) (b), the Licensing Board for the Calicut Municipality considered the objections put forth by the Honorary Secretary of the Prohibition League but decided to make no change in the location of arrack shop No. 3 in view of the fact that no better site could be secured within the notified limits and that a police man would be standing 'on point duty' within 20 yards of the shop. The objection of the Secretary to the Prohibition League is to the proximity of the shop to two factories, a picture palace, a bus-stand, a market and cheri. There is no recognized bus-stand just opposite to the shop as alleged by the Secretary to the Prohibition League though buses occasionally halt there to pick up passengers; the factories and the picture palace are situated on other roads and the site of arrack shop No. 3 is not in any way so close to them as to be considered objectionable. The market also is on a different road, while the so-called cheri is only a scavengers' line consisting of ten small huts.

2. The site of arrack shop No. 3 cannot be considered an ideal one for the location of an arrack shop. But that is not to be expected, for, in towns, places of public resort are generally spread over the whole area. Proximity to such places can be avoided only as far as possible. In this case the difficulty felt is that the boundaries approved by the Excise Licensing Board for the current lease are so narrow that they do not admit of the selection of a more suitable site. The Honorary Secretary to the League suggests the closure of the shop. The shop pays a monthly rental of Rs. 6,000 and is the

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most important one in the municipality. The sales in it being considerable, its closure will lead to very heavy congestion in some of the other shops in the municipality if not to unlicensed sales in the localities the demand in which is now being met from arrack shop No. 3. For these reasons and also in view of the final decision of the Licensing Board to make no change in the number of shops, at the meeting under rule 13 (1) (b) of the rules, the Collector has been directed to retain the shop for the current lease and to take steps in consultation with the Excise Licensing Board to have wider limits prescribed for the shop so as to enable the selection of a better site for the lease 1930-31.

G.O. Mis. No. 781, Revenue, dated 12th April 1929.

Read—the following papers:—

From the Prohibition League, Malabar, dated 9th December 1928.

From the Commissioner of Excise, Proceedings D. No. 576, Abk., dated 21st March 1929.

Order—Mis. No. 781, Revenue, dated 12th April 1929.

Recorded.

(By order of the Government, Ministry of Public Health)

H. R. PATE,
Secretary to Government.

To the Honorary Joint Secretary, Prohibition League, Malabar, Calicut,
" Commissioner of Excise.

APPENDIX V.

[Vide answer to question No. 416 asked by Mr. P. Anjaneyulu at the meeting of the Legislative Council held on the 24th September 1929, page 24 supra.]

List of the offices inspected by the Inspector-General during the ten months ending 30th June 1929 with dates of inspection.

Date of inspection.	Office inspected.
1928.	
26th October	Registrar's Office, Tellicherry.
29th do.	Sub-Registry Office, Valappadi.
29th do.	Registrar's Office, Salem.
5th November	Do. Tinnevely.
5th do.	Sub-Registry Office, Thisayanvilai.
6th do.	Do. Manamadurai.
7th do.	Do. Vallam.
7th do.	Registrar's Office, Tanjore.
8th do.	Do. Negapatam.
9th do.	Sub-Registry Office, Gingee.
13th do.	Do. Pyapalli.
13th and 14th November ...	Registrar's Office, Kurnool.
14th November	Sub-Registry Office, Nandikotkur.

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List of the offices inspected by the Inspector-General during the ten months ending 30th June 1929 with dates of inspection—cont.

Date of inspection.	Office inspected.
15th November ...	Sub-Registry Office, Uravakonda.
15th do. ...	Registrar's Office, Bellary.
16th do. ...	Do. Anantapur.
16th do. ...	Sub-Registry Office, Kalyandrug.
22nd do. ...	Do. Tamarasseri.
22nd and 23rd November ...	Registrar's Office, Calicut.
23rd November ...	Sub-Registry Office, Kondotti.
27th do. ...	Do. Sholinghur.
7th December ...	Do. Conjeeveram.
15th and 16th December ...	Registrar's Office, Vizagapatam.
16th December ...	Sub-Registry Office, Bimlipatam.
17th do. ...	Do. Aska.
17th do. ...	Registrar's Office, Ganjam.
18th do. ...	Sub-Registry Office, Viravalli.
18th do. ...	Do. Anakapalli.
19th do. ...	Registrar's Office, Madras-Chingleput.
20th do. ...	Do. Madura.
21st do. ...	Do. Ramnad.
21st do. ...	Sub-Registry Office, Karungalakudi.
22nd do. ...	Do. Melur.
1929.	
16th April ...	Sub-Registry Office, Sriperumbudur.
16th do. ...	Do. Sholinghur.
17th do. ...	Do. Palmaner.
16th and 17th April ...	Registrar's Office, Chittoor.
18th and 19th do. ...	Do. North Arcot.
20th April ...	Do. Erode.
21st do. ...	Sub-Registry Office, Annur.
8th May ...	Do. Sankaranarayana.
8th do. ...	Do. Coondapoor.
9th do. ...	Do. Mudabidri.
9th do. ...	Registrar's Office, South Kanara.
10th do. ...	Sub-Registry Office, Uliyil.
10th and 11th May ...	Registrar's Office, Tellicherry.
11th and 12th do. ...	Do. Calicut.
13th May ...	Do. Palghat.
29th do. ...	Sub-Registry Office, Dharapuram.
29th do. ...	Do. Vadasandur.
30th do. ...	Do. Turaiyur.
30th do. ...	Registrar's Office, Trichinopoly.
31st do. ...	Sub-Registry Office, Melnilidanallur.
31st May and 1st June ...	Registrar's Office, Palamcottah.
31st do. ...	Do. Tinnevely.
19th and 20th June ...	Do. Salem.
24th June ...	Sub-Registry Office, Palladam.
24th do. ...	Do. Kangayam.
21st, 22nd, 24th and 25th June.	Registrar's Office, Coimbatore.
26th June ...	Sub-Registry Office, Punjaipuliyampatti.

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APPENDIX VI.

[Vide answer to question No. 417 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 24th September 1929, page 25 supra.]

	Calicut.	Palghat.	Tellicherry.	South Kanara.
1. The number of registration offices ..	22	24	32	18
2. Average area of jurisdiction per office ..	74	58.21	61	217.19
in square miles ..	sq. miles.	sq. miles.	sq. miles.	sq. miles.
3. Average population per office ..	50,627	47,556	30,276	69,067
4. The number of registering officers ..	23	24	34	18
5. Average area per officer ..	71	58.21	58	217.19
sq. miles.	sq. miles.	sq. miles.	sq. miles.	sq. miles.
6. Average populations per officer ..	48,426	47,556	28,494	69,067
7. Average of receipts, etc., during the last three years.				
(a) Receipts ..	RS. 97,249	RS. 1,39,817	RS. 4,47,797	RS. 1,15,881
(b) Expenditure ..	1,14,386	1,24,457	4,37,100	71,156
(c) Surplus (+) or deficit (-)	- 17,137	+ 15,360	+ 10,697	+ 44,726

APPENDIX VII.

[Vide answer to question No. 422 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 24th September 1929, page 29 supra.]

Copy of letter from the Director of Public Instruction, R C. No. 231-F/26, dated the 28th April 1928, to the Secretary to the Government of Madras, Law and Education Department.

[SUBJECT.—Alternative course in Agriculture in select Higher Elementary and Middle schools—Interim Report of the Committee submitted.]

With reference to Government Memorandum No. 2530-B-2, dated 3rd December 1927, requesting me to expedite the submission to Government of proposals for the introduction of agriculture as an alternative course in selected higher elementary and middle schools in this Presidency, I have the honour to submit herewith a copy of the Committee's Interim Report and to request that Government will be pleased to favour me with early orders on the issues raised therein.

2. I support the views of the Committee on the points raised in the report. It is also significant that as a result of experience the policy in the Punjab is changing.

[24th September 1929]

3. In paragraph 9 of the report, references are made to the latest syllabus of work prescribed in Bombay for standards V to VII and to Mr. Statham's note—copies of which are enclosed for reference.

4. The problem in Madras seems to me to be complicated as compared with the Punjab as in the latter there is not the same diversity of cropping systems and languages.

Interim Report.

Your Committee have made a tentative selection of ten higher elementary schools where the experiment might suitably be tried.

2. Before proceeding further, we should like an authoritative pronouncement on the following question :—

I. Whether the elements of agriculture are to be studied and practised in a school garden or on a school farm.

The decision in this regard will affect materially the details of the scheme, e.g., the initial and recurring cost of the scheme, the number of teachers that can be trained at a time, the syllabus of work. This applies both to the schools themselves and to the training course at the Agricultural College, Coimbatore. The views of your Committee on this subject are as follows :—

3. If agriculture *qua* agriculture, as a form of vocational training, is to be taught, the land acquired for the purpose must be sufficient in extent to make it an economic proposition, the aim being *inter alia* to show that farming by enlightened methods can be carried on at a profit. It is an accepted fact that an economic holding should not be less than five acres (except possibly in the case of paddy where it may be put at three acres) and that below this figure the holding is uneconomic. The evils of the existing fragmentation of farming land are too well known to need reiteration here, and we are of opinion that such fragmentation should be carefully avoided in school farms, if agriculture is to be taught and practised as technical agriculture. When it is considered that ordinarily more than one crop will be grown in each school, e.g., in the Board Higher Elementary school, Avanashi, Coimbatore district, one of the schools selected, cotton, sugar, chillies and tobacco would probably be cultivated—it will be realized that the amount of land needed for agriculture as a practical economic proposition will be more than can be managed by a teacher and the pupils of the higher standards of an elementary school (the strength of pupils in the Board Higher Elementary school, Avanashi, is Standard VI-12, Standard VII-14, Standard VIII-14).

4. There is also the fact that certain operations—ploughing, mhoting, harvesting—are beyond the physical capacity of school children. A considerable amount of casual labour will be required, which, apart from the expense involved, will be difficult to secure at seasons when labour is generally in demand on the fields.

5. Another difficulty also arises if practical agriculture is to be taught on a school farm. The school master is at once placed at a disadvantage with the ryots, the parents of his boys. They are skilled and very practical farmers, the school master is not. All he has had is a short course at the

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Agricultural College. He is not likely to be able to conduct a model farm and the ryot will criticize his methods and his yields. If, on the other hand, the school master is teaching nature study and the principles underlying agriculture, then he is on his own ground and cannot be criticised in the same way, for the ryot knows nothing about this. One of us who has recently paid a visit to the Punjab understood from conversations he had with the Director of Agriculture and the hon. Minister for Development that this difficulty has already been realized in that Province and that in consequence they are turning from the idea of school farms to school gardens in that Province.

6. On the other hand, it is possible to teach the *elements of agriculture* within the smaller limits of a school garden. A school garden would be divided into plots, one plot being assigned to each pupil. On this plot would be grown such garden vegetables as tomatoes, radishes, melons, brinjals, beans, yams, onions, etc., and flowers. It would also be possible to teach the *principles* underlying the raising of such field crops, as cotton, chillies, tobacco, cholam, fodder, grasses, etc., while not possible to actually raise these crops on an economic scale. Garden work of this kind has the advantage that it can be done by means of such simple tools as the mamutty, rake, etc., thus dispensing with the need of cattle ploughs and casual labour.

7. Our proposals in outline are that each pupil should be provided with a plot of land not less than 15' x 9' with extra plots for nurseries and demonstration purposes, plus a school orchard of about 1 acre for the cultivation of fruits, which would be worked not in plots but by the class as a whole.

8. The advantages attaching to this scheme are—

(1) The assignment of a particular plot of ground to each pupil ensures the personal and continued attention of the pupil to each plant grown on the plot throughout its life. This we believe to be the first essential in any scheme of practical work on the land, whether regarded from the educational or agricultural standpoint. Individual work of this kind would not be so easy to secure on a school farm worked by a class of pupils as a whole and—as would have to be the case—by different classes of pupils alternately.

(2) It dispenses with the need for outside labour and this ensures that the work is actually done by teacher and pupil.

(3) School gardens are far less costly than school farms and can be developed to a far greater extent throughout the Presidency than is possible in the case of farms.

9. A reference to the latest syllabus of work prescribed in Bombay will show that the practical work done in standard V consists in the cultivation of vegetables and flowers and one field crop on a guntha plot (576 square feet) per pupil, in standard VI as in standard V plus seed selection, in standard VII as in standard VI plus simple carpentry and smithy work if possible. Agriculture as agriculture appears to be largely a class room study. In the Punjab the scheme is one of 'practical agriculture'. This, however, is a vague definition, but nothing more definite is discoverable in the connected papers as to its scope and details. However, Mr. Statham, points out that the Educational Department of the Punjab does not claim to

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be teaching scientific agriculture as a vocation. We also note that in the Punjab there are approximately 27 middle schools with farms and 76 with gardens. It may, therefore, be reasonably implied that in Bombay the whole, and in the Punjab the larger part, of practical school work on the land is garden work and not farm work. We are of opinion that the scheme for Madras should be confined to school gardens, and request that an authoritative decision be given on this point.

II. Training of teachers.

10. It would appear to be the intention that teachers of higher elementary or secondary grade should be trained at the Government Agricultural College, Coimbatore. If this is the case, the instruction must be imparted through the medium of one language—English or a vernacular language. If English, the course should be confined to teachers of the secondary grade and those teachers of the Higher Elementary grade whose knowledge of English is sufficient to enable them to receive instruction in that language.

11. If a vernacular language is to be the medium of instruction, admission to the training course must be confined to teachers speaking one particular language, for it is not possible to make arrangements at Coimbatore to teach through the medium of more than one vernacular language at a time. Up to the present we have proceeded on this assumption, and have made a tentative selection of 10 schools in the Tamil country. The selection, however, may not be acceptable to Government in which case the only alternative is to teach the course in English.

12. The nature and scope of the course which it is proposed to provide for the training of teachers at the Agricultural College, Coimbatore, necessarily depends upon the decision arrived at on the points raised in paragraphs 2 to 8 of this report. If school gardens are to be adopted with the object of teaching nature study and merely the principles underlying agriculture, which is what your Committee recommends, then the course to be given at the Agricultural College, Coimbatore, can be a general course for everybody and it can be taught in English. This simplifies matters very considerably. The teachers will be given a course which will include the management of such school gardens, and the handling of garden crops such as vegetables, the rudiments of plant physiology, entomology, botany, etc., with an indication of how these can be developed and their application to the general principles of agriculture.

13. If, on the other hand, a system of school farms is to be adopted implying as it does farming practice and the raising of particular crops on an economic basis, difficulties at once arise. Such a course is much more difficult to teach. In the first place, it cannot be taught entirely in English and four separate vernaculars will have to be catered for. These four vernacular courses cannot all be taught at the same time and the objection foreshadowed in paragraph 10 arises. Again teachers from different areas will require instruction in different crops and the course can no longer be a general one common to all, e.g., the teacher from the west coast area will not require instruction in cotton, a crop he never sees, while a teacher from the Tinnevely area will require instruction in cotton as well as paddy and so on.

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14. Consequently, it will be very difficult to devise a course for a number of teachers drawn from different localities, and in all probability it would be necessary to teach one course one year and a different course the next year over a cycle of years. More staff will be needed to cope with this and it will be much more expensive. Moreover, we very much doubt whether sufficient instruction could be imparted in a year to teachers, who will presumably know little or nothing about farming practice to begin with to enable them to teach their pupils how to raise a field crop successfully and economically. In fact, this is an added argument for school gardens and not school farms.

15. If the school farm system is to be adopted, it will be necessary to consider whether training centres should not be opened in each of the main language centres of the presidency in order to impart an intensive course of teaching and whether this should not be undertaken by the Educational Department and not the Agricultural Department.

16. It is perhaps worth mentioning that in the Punjab there is not that diversity of languages and cropping systems which is characteristic of Madras.

17. Your Committee, therefore, request that definite orders may be issued to them on what basis Government desire them to further consider this scheme as it is impossible for them to proceed further with an estimate of costs or to draw up a syllabus for a training course until the main principles put forward in this report are quite definitely decided upon.

Extract from Mr. Statham's note dated 9th June 1927.

* * *

I should like next to bring into prominent notice the fact that the Education Department of the Punjab does not claim even now to be teaching scientific agriculture as a vocation or to be turning out trained farmers and this in spite of the fact that there are regular classes for agriculture with examinations and certificates. This point was made clear in an order of the Punjab Government (C.M. No. 77, dated the 19th February 1919), and circulated to all Commissioners, Deputy Commissioners and Inspectors of Schools in the Punjab. This order states that "it was decided to include and to provide for teaching in agriculture in the ordinary vernacular middle schools rather than to start separate agricultural schools of a special type. In the first place, separate agricultural schools are expensive; in the second place, specialized training for boys below the age of 17 is premature and, above all, a sound and suitable measure of general education should be the basis of all specialized and vocational training. The aim of the Punjab Government is, therefore, to enrich the middle school course in rural areas by the inclusion of agricultural training and thus to bring it more in keeping with the environment of the pupils. And the object is to use agriculture as a means of mental discipline and training and as an important accessory to the general subjects taught in those schools."

In an order of the Government of the Punjab (C.M. No. 1125 G.S.), dated the 20th September 1923, C.M. No. 77, was reviewed and it was stated that "the Minister is also of opinion that the school courses

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should be reviewed. The Committee has recommended that the present teaching of agriculture might well be expanded into a new subject of rural science which would include the existing course in agriculture, theoretical as well as practical, would substitute agriculture for pure science and would embrace subjects such as elementary civics, hygiene, sanitation, physical geography and the principles of co-operation. A revised course along this general curriculum is under consideration." The non-vocational aspect of the teaching of agriculture in the Punjab is further borne out by the use that is being made of school gardens. Owing to the expense involved, the Punjab Government were not prepared to finance more than a limited number of school farms, but they were prepared to encourage the development of comparatively large school gardens in a large number of schools. There are, I believe, at the moment, approximately 27 middle schools with farms and 75 middle schools with gardens, in all cases the farms and the gardens being used as basis for the teaching of rural science and as a means of keeping the pupils in touch with their rural environment. A further important point to note is that the majority of the instructors teaching agriculture in the schools in the Punjab come themselves from the agricultural class.

* * * *

Detailed curriculum for Standards V to VII in Bombay.

Standard V.

Agriculture and Geography—

(a) Lessons on (1) soils, including classification, physical properties and defects.

(2) Agricultural implements including, details in design and comparisons between simple deshi implements and improved or new implements.

(3) Tillage operations—including preparation of a Seed Box, methods of sowing and their suitability to different crops and conditions. Tilt—its meaning, production and importance. Soil improvement.

(b) The principal features of Sind agriculture, including the distribution of crops, the money crops and exports. The irrigation system. Transport in Sind.

Practical work and nature study—

(a) Growing to maturity two or more kinds of vegetable on a guntha plot per student and one field crop on guntha plot, to be done in both the kharif and rabi seasons. Flower gardening.

(b) An insect—its description—stages in insect life (by actually rearing).

Notes of observation to be made in (a) and (b).

Standard VI.

Agriculture and Geography—

(a) (1) The Plant—types of roots and functions thereof, the stem—the leaf—the flower—the seed—methods of propagation.

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(2) *Seed selection in different crops.*—Germination (nature of and conditions necessary for), depth of sowing different kinds of seeds.

(3) *Water lifting.*—Indigenous and improved methods and machines.

(4) *Crop pests.*—The principal insects and other pests and diseases injurious to crops—combative measures—weeds.

(b) As in Standard V but applicable to the whole of India. The industries based on agricultural products. Climate.

Practical work and nature study—

(a) As in Standard V.

Seed selection at time of maturity.

Preparing produce for market.

(b) (1) Seed testing and germination tests.

(2) Characteristics of the families to which the following plants belong :—

(i) Citrons, lemons and oranges.

(ii) Gram and matar.

(iii) Cucumber, gourd and melon.

(iv) Cotton and bhindi.

(v) Onions.

(3) Knowledge of qualities and uses of common timber trees.

With special reference to agricultural implements, in (a) and (b) notes of observations.

Standard VII.

Agriculture and Geography—

(a) (1) *Crops.*—The principal kharif and rabi crops of Sind, including improved varieties—their method of cultivation, irrigation outturn and value—storage of produce.

(2) *Rotations.*—Their meaning and value. Fallows. Restorative crops.

(3) *Manures.*—The preservation of farm manure—top dressing.

(4) *Cattle.*—The principal crop in Sind—the qualities of draft and milch—the importance of breeding, feeding and care of cattle. Diseases and treatments.

(b) Revision of work in Standards V and VI.

Practical work and nature study—

(a) As in Standard VI.

(b) Study of the characteristics of the families to which the following plants belong :—

(1) Potato, tobacco and brinjals.

(2) Sunflower.

(3) Rape and jamboo.

(4) Rice, wheat, jowar and bajri.

(c) Simple carpentry and smithy work if it can be arranged. In (a) and (b) notes of observation.

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G.O. Mis. No. 1455, Education, dated 9th July 1928.

Read—the following:—

G.O. No. 1619, Education, dated 25th August 1926.

From the Director of Public Instruction, R.C. No. 231-F./26, dated 28th April 1928.

Order—Mis. No. 1455, Education, dated 9th July 1928.

With his letter read above the Director of Public Instruction submits a copy of the interim report of the Committee appointed by him to frame detailed proposals for the introduction of instruction in the elements of agriculture in higher elementary and middle schools in this Presidency and requests the orders of Government on certain issues raised therein.

The questions raised by the Committee are—

(1) whether the elements of agriculture should be studied and practised in a school garden or on a school farm, and

(2) whether the teachers to be trained for imparting instruction in Agriculture should be taught through the medium of English or the vernacular.

The Government are pleased to pass the following orders on these questions:

2. *Question (1)—School gardens or school farms to be provided.*—The Government agree generally with the committee that school gardens would suffice for the purpose in view. They however consider that farms of about three acres each may be opened as is the case in the Punjab in places where the establishment of such farms is feasible.

3. *Question (2)—Training of teachers.*—The teachers to be trained are to be employed in higher elementary and middle schools where the medium of instruction is the mother-tongue of the pupils. It is therefore desirable that these teachers should receive their training through the medium of the vernacular. To this end the Government consider that classes for the training of teachers may be established in the different language areas.

4. The Director of Public Instruction is requested to proceed with the framing of the detailed proposals called for in G.O. No. 1619, dated 25th August 1926, and submit them to Government as early as possible.

(By order of the Government, Ministry of Education and Local Self-Government)

P. SITARAMAYYA,
Secretary to Government.

To the Director of Public Instruction.

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APPENDIX VIII.

[Vide answer to question No. 437 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 24th September 1929, page 37 supra.]

Name of Member.	Local body to which nominated.	Public Prosecutor for the district of
1. Muhammad Yahya Ali Sahib Bahadur.	Nellore District Board ..	Nellore.
2. M.R.Ry. T. S. Jegaraja Pillai Avargal.	Salem District Board ..	Salem.
3. M.R.Ry. Rao Sahib C. Krishnan Nayar Avargal.	Madura District Board ..	Madura.
4. M.R.Ry. Rao Sahib M. Manikka-vasagam Pillai Avargal.	Ramnad District Board ..	Ramnad.
5. M.R.Ry. Rao Sahib B. Mahabala Hegde Avargal.	Mangalore Municipal Council.	South Kanara.
6. M.R.Ry. B. Narayanaswami Nayudu Garu.	Kistna District Board ..	Kistna

APPENDIX IX.

[Vide answer to question No. 443 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 24th September 1929, page 40 supra.]

Statement showing the list of Reserved Forests in the South Kanara district with their extent, classification, year of constitution and the village and taluks in which they are situated.

SOUTH MANGALORE DIVISION.

Serial number.	Name of reserves.	Year in which they were constituted as reserved forests.	Extent.	Classification.	Villages in which they are situated.	Taluk.	Division.
1	Dharmastala Mundaje ..	1891	Acs. 4,320-00	I Class.	Chibidre Hosamogaru Hiriadka Mallarmad and Dharmastala.	Pattur	Pattur.
2	Dharmastala Mundaje Extension I.	1907	1-14	Do.	Charmadi	Do.	Do.
3	Dharmastala Mundaje Extension II.	1908	636-80	Do.	Puduvettu	Do.	Do.
4	Dharmastala Mundaje Extension III.	1908	690-08	Do.	Dharmastala	Do.	Do.
5	Dharmastala Mundaje Extension IV.	1908	867-20	Do.	Neriya and Puduvettu	Do.	Do.
6	Charmady-Kanandy ..	1898	13,864-40	Do.	Bail, Totatadi, Charmadi, Chibidre Kanapadi and Kadurudyaward.	Do.	Do.
7	Naravi	1910	28,338-50	Do.	Malavantige, Savanala Laila, Nada and Navur.	Do.	Do.
8	Naravi Extension I	1905	28-20	Do.	Malavantige	Do.	Do.
9	Do. II	1905	20-90	Do.	Do.	Do.	Do.
10	Do. III	1906	13-90	Do.	Do.	Do.	Do.
11	Do. IV	1908	9-60	Do.	Savanal	Do.	Do.
12	Miyar	1900	14,496-88	Do.	Miyar, Sisla, Navale, Shibaje and Nidgal ..	Do.	Do.

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13	Nidle	1900	3,258-00	Do.	Nidle, Porkala, Kalanji, Navale, Futtige, Piltinja, Kakkada and Patrame.	Do.	Do.
14	Dondalarabi	1905	1,016-30	Do.	Koyyur	Do.	Do.
15	Mundajekap	1906	476-20	Do.	Mundaje	Do.	Do.
16	Dedanthamale	1908	2,342-40	Do.	Dharmastala, Belai Kasba, Bandar and Patrame.	Do.	Do.
17	Shiradi Sisla	1887	21,863-18	Do.	Kombar, Derane, Gudde, Kelagina, Gumtadka and Shibaje-Sisla.	Do.	Do.
18	Shiradi Sisla Extension ..	1900	1,081-60	Do.	Shibaje, Sisla	Do.	Do.
19	Do. No. II.	1908	140-80	Do.	Sisla Kasba	Do.	Do.
20	Do. No. III.	1910	480-40	Do.	Shirady	Do.	Do.
21	Do. No. IV.	1910	230-40	Do.	Do.	Do.	Do.
22	Bhagimale	1887	6,976-00	Do.	Kulgunda, Ainkida Kasba Kidu, Kombar, and Shirivagilu.	Do.	Do.
23	Porkala	1900	4,507-50	Do.	Piltinja, Uttara, Hathiyadka, Sisla, Rekya, and Kombar.	Do.	Do.
24	Kadambila	1900	1,056-00	Do.	Bantru Gumthadka and Yermekaya ..	Do.	Do.
25	Shibaje	1900	3,198-10	Do.	Hathiyadka, Shibaje, Sisla, Rekya, Porkala ..	Do.	Do.
26	Nerankumale	1900	3,164-10	Do.	Patrame, Uttar, Kakkada, Golihatty, Stalamane.	Do.	Do.
27	Kombar	1902	11,186-15	Do.	Kombar, Shirivagilu, Ainkidu, Bilanile, Derane.	Do.	Do.
28	Kida	1901	6,520-00	Do.	Ainkidu Bilanile, Kasbakidu, Kulgunda ..	Do.	Do.
29	Mutjur	1901	9,970-60	Do.	Konaje, Derane, Kombar, Shirivagilu, Bilanile, Mutjur, Ainkidu, Nekkiladi, Aththuru, Melkad and Konajeminampadi.	Do.	Do.
30	Konaje	1901	5,823-40	Do.	Nidva, Derane, Konaje, Konajeminampadi, Renjalady.	Do.	Do.
31	Kunthur	1904	3,285-20	Do.	Puduvettu, Ballaya, Paduvannur, Kankrudi Kadaba kasoa, Yermalakandathadka, Perabe and Kunthur.	Do.	Do.
32	Kunthur Extension I ..	1905	17-90	Do.	Kunthur	Do.	Do.
33	Do. II	1908	566-40	Do.	Kutrupadi, Kadaba	Do.	Do.
34	Padnur	1901	4,023-70	Do.	Kankrudi, Kallaya, Ichampadi, Fadnur, Ballaya.	Do.	Do.
35	Narimogor	1905	1,445-10	Do.	Chikkamundur, Bellipadi, Shantigoda, Viramangala.	Do.	Do.
36	Savarnmale	1908	1,481-60	Do.	Konalu, Nelliyadi, Kunturu, Perable and Alanthaya.	Do.	Do.
37	Virakamba Bit I ..	1906	826-60	Do.	Mani, Mudnur, Virakamba, Aarettu, Aran-thodi.	Do.	Do.
38	Do. II	1906	613-00	Do.	Do. do.	Do.	Do.

SOUTH MANGALORE DIVISION—cont.

Serial number.	Name of reserves.	Year in which they were constituted as reserved forests.	Extent.	Classification.	Villages in which they are situated.	Taluk.	Division.
39	Kalanjimala	1907	1,555-30	I Class.	Kolnadi, Padunuru Villa, Alike, Kanyan, Kaspadi.	Puttur	Puttur.
40	Kalanjimala addition	1912	5-60	Do.	Kanyana	Do.	Do.
41	Kilarnale	1909	11,995-52	Do.	Devachalla, Kollamogaru, Kalmakaru, Aranthodu, Madappadi.	Do.	Do.
42	Kilarnale Extension I	1905	5-00	Do.	Kollamogaru	Do.	Do.
43	Do. II	1909	27-50	Do.			
44	Do. III	1909	12-20	Do.			
45	Do. IV	1909	7-00	Do.			
46	Do. V	1909	3-00	Do.			
47	Do. VI	1909	12-40	Do.			
48	Do. VII	1910	87-50	Do.	Madapadi	Do.	Do.
49	Do. VIII	1910	43-10	Do.	Do.	Do.	Do.
50	Kalpatmale	1905	1,076-58	Do.	Peruvaje	Do.	Do.
51	Aivarnad	1906	1,758-00	Do.	Koltige, Bellare kasba, Aivarnad and Padunuru.	Do.	Do.
52	Kaniyarnale	1906	3,056-60	Do.	Ariyadka, Keyyur Koltige and Madnur	Do.	Do.
53	Subramania	1906	7,204-00	Do.	Subramania-Ainakidu	Do.	Do.
54	Subramania Extension	1915	4-80	Do.	Subramania	Do.	Do.
55	Paikadmale	1906	1,382-40	Do.	Charvaka, Muruliya, Dolpadi	Do.	Do.
56	Bantamale	1906	2,384-00	Do.	Kalmadka, Parubathady, Kuthkunja, Kakkinchidige.	Do.	Do.
57	Bantamale Extension I	1906	12-80	Do.	Kalmadka, Parubathady Kuthkunja, Kakkinchidige.	Do.	Do.
58	Do. II	1906	33-30	Do.	Yenekal, Balpa	Do.	Do.
59	Aranhakallu	1906	803-80	Do.	Do.	Do.	Do.
60	Yenekal	1908	2,432-50	Do.	Yenekal and Subramania	Do.	Do.
61	Dolpadi	1906	890-80	Do.	Dolpadi, Kaspady, Barepady	Do.	Do.

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62	Yennuru	1906	2,745-00	Do.	Kenye, Devarballi, Yennuru, Balpa, Yedamangala, Aivaboklu, Yenekal, Nalkur.	Do.	Do.
63	Balpa	1906	2,087-10	Do.	Balpa, Yenekal, Adkar	Do.	Do.
64	Do. Extension	1912	1,478-40	Do.	Balpa, Kuthkunja, Cuttigar	Do.	Do.
65	Sampaje	1908	11,949-56	Do.	Aranthodu, Mudnur, Markanjan, Madapadi, Sampaji.	Do.	Do.
66	Sampaje Extension I	1908	14-00	Do.	Do.	Do.	Do.
67	Do. II	1908	23-00	Do.	Do.	Do.	Do.
68	Kiribag	1907	9,417-02	Do.	Ainkidu, Balagodu, Kalmakar, Kollamogaru, Haribarpallathadka.	Do.	Do.
69	Punnale	1907	4,871-68	Do.	Sulha, Ubradkanithur Nallurkomaraje, Aranthodu and Alethi.	Do.	Do.
70	Thodikan	1907	2,858-88	Do.	Sampaje and Thodikan	Do.	Do.
71	Nalkur	1907	5,795-86	Do.	Nalkur	Do.	Do.
72	Devachala	1908	3,284-00	Do.	Guttigar, Devachalla and Mudnur	Do.	Do.
73	Bellare	1910	676-48	Do.	Bairad, Bettampady, Ullamogaru and Aryapu.	Do.	Do.
74	Parappa	1892	2,184-30	Do.	Delampadi, Adur and Mandekole	Do.	Do.
75	Do. addition No. I	1911	97-28	Do.	Adur kasba	Puttur	Do.
76	Do. No. II	1912	0-74	Do.	Adur	Kasaragod	Do.
77	Karadka	1900	2,853-00	Do.	Mulhar, Karadka and Adur	Do.	Do.
78	Mulhar	1900	2,116-00	Do.	Mulhar	Do.	Do.
79	Mandekole	1907	5,611-68	Do.	Ajjavara and Mandekole	Puttur	Do.
80	Do. addition	1925	0-48	Do.	Do.	Kasaragod	Do.
81	Adur	1906	5,073-00	Do.	Adur and Adur kasba	Puttur	Do.
82	Aletti No. I, West	1907	3,129-60	Do.	Aletti	Do.	Do.
83	Do. No. II, East	1907	5,733-76	Do.	Do.	Do.	Do.
84	Do. addition No. I	1915	3-58	Do.	Do.	Do.	Do.
85	Do. No. II	1914	14-40	Do.	Do.	Do.	Do.
86	Do. No. III	1914	6-40	Do.	Do.	Do.	Do.
87	Medinadka East	1907	611-20	Do.	Do.	Do.	Do.
88	Do. West	1907	2,455-04	Do.	Ajjavar	Do.	Do.
89	Do. Extension	1907	4-18	Do.	Aletti	Do.	Do.
90	Kannadka	1908	1,818-40	Do.	Padavannur and Mudnur	Do.	Do.
91	Bantafe	1910	2,384-00	Do.	Padre, Panaje, Bettampadi, Nidpalli, Badaganur, Padavanur and Nettanige.	Do.	Do.
92	Kanakkamajlu	1901	1,952-00	Do.	Mudnur, Matakamajlu, Jalsur, Bellipadi and Delampadi.	Puttur and Kasaragod.	Do.
93	Jalsur East	1907	807-88	Do.	Mudnur and Sullia	Puttur	Do.
94	Do. West	1907	2,223-36	Do.	Sullia and Jalsur	Do.	Do.
95	Anegundi	1907	3,347-84	Do.	Madnur, Koltige, Aivarnad, Jalsur, Kanakkamajlu and Mudnur.	Do.	Do.

NORTH MANGALORE DIVISION.

[24th September 1929]

Serial number.	Names of reserved forests.	The year or years in which each was constituted.	Extent.	The class to which it belongs.	The village or villages in which each reserve is situated with the taluk.	Division.	
					Villages.	Taluk.	
<i>Coondapoor Range.</i>							
1	Sarpanamane	1896	488-80	I Class.	Shirur and Yedthare	Coondapoor	Coondapoor.
2	Savantagudde	1898	309-10	Do.	Do.	Do.	Do.
3	Kadike	1896	1,569-90	Do.	Yedthare, Baindur and Paduvani	Do.	Do.
4	Karnigudde	1896	824-30	Do.	Yedthare	Do.	Do.
5	Hallumundibare	1899	5,472-00	Do.	Yedthare, Baindur, Taggarshi and Yelajita.	Do.	Do.
6	Baindur	1899, 1913	3,642-20	Do.	Shirur, Yedthare, Paduvani and Baindur.	Do.	Do.
7	Koraticalbare	1899	5,507-20	Do.	Baindur, Taggarsbe, Yelajita, Kollur and Golihole.	Do.	Do.
8	Guruvankote	1897	1,481-60	Do.	Baindur, Taggarshi and Yelajita	Do.	Do.
9	Hulimeshepure	1898	1,975-00	Do.	Golihole and Kallodi	Do.	Do.
10	Kursegudde	1898	2,187-19	Do.	Do.	Do.	Do.
11	Herur	1898	2,735-50	Do.	Ullur, Herur, Kallodi, Golihole and Idurkunjadi.	Do.	Do.
12	Hannarmagne	1899	1,700-80	Do.	Nagodi and Hebbige	Do.	Do.
13	Mensinagudde	1899	397-60	Do.	Nagodi	Do.	Do.
14	Megani valley	1899	13,828-20	Do.	Yelajita, Kollur and Golihole	Do.	Do.
15	Madibare	1899	16,824-00	Do.	Golihole, Kollur, Jadakal and Mudur.	Do.	Do.
16	Murkodihole	1897, 1909	749-45	Do.	Jadakal and Golihole	Do.	Do.
17	Jennalane	1893	666-20	Do.	Idurkunjadi and Hosur	Do.	Do.
18	Korakoppadahole	1893	405-80	Do.	Idurkunjadi, Hosur and Jadakal	Do.	Do.
19	Gundeberu	1894	1,936-60	Do.	Idurkunjadi, Golihole, Jadakal and Hosur.	Do.	Do.
20	Naganikalbare	1898	4,892-80	Do.	Mudur and Halihole	Do.	Do.
21	Mudugulpore	1898	5,813-80	Do.	Hosur, Bellal, Kamalashile, Keradi, Jadakal, Mudur and Halihole.	Do.	Do.
22	Chittoor	1898	1,781-10	Do.	Chittoor, Hosur, Vandse and Bellar	Do.	Do.
23	Nujinane	1898	638-70	Do.	Bellal and Hosur	Do.	Do.
24	Harmannu	1892	596-50	Do.	Bellal and Ajri	Do.	Do.
25	Talaburane	1893	583-00	Do.	Chittoor, Idurkunjadi and Alur	Do.	Do.

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26	Kasarkatte	1892	263-90	Do.	Vandse and Nijadi	Do.	Do.
27	Abbigudde	1896, 1907	1,281-30	Do.	Vandse, Najadi, Alur and Idurkunjadi.	Do.	Do.
28	Mudaregudde	1897	332-80	Do.	Harkur and Kundabarandadi	Do.	Do.
29	Darlegudde	1897	167-00	Do.	Nada and Alur	Do.	Do.
30	Harkur	1893	815-40	Do.	Harkur and Alur	Do.	Do.
31	Honnukodlu	1897	641-40	Do.	Alur, Nada and Harkur	Do.	Do.
<i>Shankaranarayana Range.</i>							
32	Mavinaguli	1898	1,225-60	Do.	Karkunje, Chittoor, Gulavadi, Kodladi and Kavradi.	Do.	Do.
33	Kamradihole	1898	760-90	Do.	Karkunje, Bellal and Kodladi	Do.	Do.
34	Halakthihole	1899	698-90	Do.	Gulavadi, Kavradi, Kodladi and Ampur.	Do.	Do.
35	Balakattehole	1898	339-80	Do.	Ajri, Ampur and Siddapur	Do.	Do.
36	Jarkalane	1899	350-10	Do.	Siddapur and Ullur	Do.	Do.
37	Suraladivi	1897	526-70	Do.	Do.	Do.	Do.
38	Doddinamane	1899	3,321-90	Do.	Edamoge, Hosangadi, Shiddapur and Ajri.	Do.	Do.
39	Mettukalugudde	1899	5,022-80	Do.	Hosangadi, Machattu, Shiddapur and Edamoge.	Do.	Do.
40	Baregundi	1899	7,627-80	Do.	Halihole, Edamoge, Kamalashile, Ajri, Koradi and Bellal.	Do.	Do.
41	Tombettin	1899, 1905	12,254-40	Do.	Hosangadi, Machattu and Amashebbail.	Do.	Do.
42	Bakudihole	1899, 1907, 1910	861-55	Do.	Kalanji, Haladi, Rattadi and Hengavalli.	Do.	Do.
43	Surtiholei	1899	330-20	Do.	Ullur	Do.	Do.
44	Ballimane	1900, 1904, 1905	11,068-40	Do.	Amashebbail, Sheddinana and Madamakk.	Do.	Do.
45	Vadanabaru	1898	359-10	Do.	Ampur, Shankaranarayana and Shiddapur.	Do.	Do.
46	Sabladi	1884	208-00	Do.	Hattiyangadi	Do.	Do.
47	Surikodlu	1899	2,624-60	Do.	Amashebbail, Ullur and Machattu	Do.	Do.
48	Tenkahola	1891, 1905	2,199-28	Do.	Belve	Do.	Do.
49	Dottinabaru	1898	443-50	Do.	Belanje	Karkal	Karkal.
					Shiddapur	Coondapoor	Coondapoor.
50	Chinkramale	1889, 1899, 1909	2,757-10	Do.	Shirlala, Kerebettu, Hermunde and Marne.	Karkal	Karkal.
51	Mavinakodlu	1899	1,416-40	Do.	Albadi and Madamakk	Coondapoor	Coondapoor.
52	Matkalgudde	1899	291-80	Do.	Belanje, Kuchehr and Nadapal	Karkal	Do.
53	Someshwar	1900, 1901	26,655-90	Do.	Chara, Kuchehuru and Hebri	Do.	Do.
					Nadapala, Hebri, Mudradi, Kabbinala and Andar.	Do.	Do.

Udipi Range.

NORTH MANGALORE DIVISION—cont.

Serial number	Names of reserved forests.	The year or years in which each was constituted.	Extent.	The class to which it belongs.	The village or villages in which each reserve is situated with the taluk		Division.
					Villages.	Taluk.	
Udipi Range—cont.							
54	Jettukattumale ..	1899	1,294-70	I Class.	Hebri, Kuchehuru and Nadapala ..	Karkal ..	Karkal.
55	Jarvathu ..	1899	375-00	Do.	Hebri ..	Do. ..	Do.
56	Durgamale ..	1899	1,360-80	Do.	Durga ..	Do. ..	Do.
57	Pilarkhan ..	1885	370-20	Do.	Pilar ..	Udipi ..	Udipi.
58	Nire.. ..	1901	683-70	Do.	Nire and Kanajara ..	Karkal ..	Karkal.
59	Verwadi ..	1905	879-40	Do.	Bommaruhettu ..	Udipi ..	Udipi.
60	Mensinkhan ..	1899	883-80	Do.	Kanajara ..	Karkal ..	Karkal.
61	Naravi ..	1900, 1905	8,065-35	Do.	Pernankile and Kudigrama ..	Udipi ..	Udipi.
62	Andar ..	1891, 1900, 1909	19,746-70	Do.	Durga and Hingana ..	Karkal ..	Karkal.
63	Newsomeshwar ..	1907	2,477-40	Do.	Kervashu and Mala. Nadapala, Andar, Marne, Shirlala, Madanakkki ..	Do. ..	Do.
64	Halesomeshwar ..	1907	2,095-30	Do.	Nadapala ..	Coondapoor ..	Coondapoor.
65	Manaji ..	1888	386-60	Do.	Marne ..	Karkal ..	Karkal.
Mangalore Range.							
66	Todar ..	1890	401-30	Do.	Todar and Hosabettu ..	Do. ..	Do.
67	Hosabettu ..	1888	468-50	Do.	Hosabettu and Puchchamogara..	Do. ..	Do.
68	Mujimale ..	1891	1,429-80	Do.	Kelluputtige, Dargegudde, Panapila, Nellikara and Renjala ..	Do. ..	Do.
69	Panamberi ..	1900	601-60	Do.	Nellikara and Panapila ..	Do. ..	Do.
70	Harabe ..	1899	607-40	Do.	Nuralvothu and Nallur ..	Do. ..	Do.
71	Naravi ..	1900	22,818-15	Do.	Shirlala, Sulkerinogaru, Navara, Sulkeri, Kutluru, Naravi, Idur and Nuralvettu ..	Do. ..	Do.
72	Nananjimale ..	1899	1,443-80	Do.	Pilya, Nalkuru, Nittade and Andinje ..	Do. ..	Do.
73	Kodialmale ..	1905	656-90	Do.	Naravi and Marodi ..	Do. ..	Do.
74	Kodialmale ..	1899	1,108-33	Do.	Kavalpaduru, Devasyapadur, Kaval-muduru and Devashyamuduru ..	Mangalore ..	Mangalore.

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APPENDIX X.

[Vide answer to question No. 445 asked by Sirman Biswanath Das Mahasayo at the meeting of the Legislative Council held on the 24th September 1929, page 41 supra.]

Statement showing the action taken by Government on the reduction motions passed during the last budget sittings.

Serial number.	Motion number.	Demand number.	Amount of reduction.	Object of the reduction motion.	Action taken by Government.
1	1	I. Land Revenue department—Reserved.	Rs. 100	To discuss the necessity for a Land Revenue Law.	For reasons explained in his reply by the hon. Sir Norman Marjoribanks no Bill has been introduced. The reduction was taken against "5.b. Land Revenue—Survey and Settlement—vi. Settlement Parties—Pay of Establishments—Voted—Temporary".
2	56	Do.	100	To recommend to Government the principle of swadeshi in the purchase of stores.	The rules provide that preference should be given to indigenous articles wherever available of sufficiently good quality and at a not prohibitive price. The Survey department has been observing the rules.
3	248	III. Stamps—Reserved.	100	To urge the need for reducing stamp duties to the pre-Reform level.	The question of the reduction of stamp duties is under the consideration of Government.
4	289	IV. Forest—Reserved.	100	To record disapproval of the Forest policy of Government.	The motion referred to the top heavy establishment in the Forest department and the appointment of a committee to examine Forest problems. The question regarding the appointment of a committee will be disposed of after the disposal of the question regarding the reorganization of the Forest department.
5	422	VI. Irrigation—Reserved.	100	To urge the introduction of a satisfactory Irrigation Bill.	The reduction was taken against "XIII. A. Irrigation works—Productive—Working expenses—Maintenance and Repairs—Kistna Delta system". The suggestions made by the hon. Members in the course of the debate were dealt with by the hon. the Revenue Member in his reply. The question of legislation with a view to removing the obstacles arising out of vested interests to the expansion of irrigation is still under the consideration of Government.

APPENDIX

Statement showing the action taken by Government on the reduction motions passed during the last budget sittings—*cont.*

Serial number	Motion number.	Demand number.	Amount of reduction.	Object of the reduction motion.	Action taken by Government.
6	557	X. General Administration—Legislative Bodies—Reserved. Do.	Rs. 100	To impress the necessity for not extending the term of the Provincial Legislative Council.	The reports of the debates on these motions were duly brought to the notice of His Excellency the Governor. The power to dissolve or extend the term of the Council and to allot days for non-official business vests in His Excellency the Governor and not in the Government. The various points raised by the hon. Members during the debate were answered by the hon. the Finance Member and with reference to the undertaking given that Local Fund Audit department would answer any legitimate requests from local bodies for advice on doubtful points, necessary instructions have been issued. A copy of the budget debates on the cut motion has been forwarded to the High Court for such action as the hon. the Judges may deem fit to take. The matter is under the consideration of Government.
7	556		100	To urge the need for more non-official days for the Council sittings.	
8	558	XII. General Administration—Miscellaneous—Reserved.	100	To discuss the unsatisfactory way in which audit is carried on by the Local Fund Audit department.	
9	741	XIV. Administration of Justice—Reserved.	100	To express dissatisfaction at the Administration of Civil Justice.	
10	833	XV. Jails—Reserved.	100	To draw attention to the bad treatment meted out to political prisoners in jails.	The matter is under the consideration of Government and no final decision has been reached. The fact that the quantity and quality of the food supplied to the prisoners are good is borne out by the fact that the prisoners generally gain weight after they have been in jail for sometime. Government therefore consider that no action is necessary. The constitution of a Rural Development Fund is under the consideration of Government and local bodies have been addressed in the matter.
11	842	Do.	100	To recommend the supply of khadder clothing to convicts.	
12	845	Do.	100	To draw attention to the bad food supplied in the jails and to the need for improving the same.	
13	1,200	XXII. Public Health and Vital Statistics—Transferred.	100	To urge the necessity for providing necessary funds for improving the sanitation of villages.	

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APPENDIX

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APPENDIX XI.

[Vide answer to question No. 446 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 24th September 1929, page 42 supra.]

Statement showing the expenditure on pay including special pay, of establishments (both Voted and Non-voted), incurred during the years 1920-21 to 1927-28.

Year.						Expenditure on establishment (Voted and Non-voted).
						LAKHS.
1920-21	...	...	...	...	..	447.19
1921-22	...	...	...	...	..	480.14
1922-23	...	...	...	...	...	490.29
1923-24	...	...	...	...	...	503.36
1924-25	...	...	...	...	...	500.24
1925-26	...	...	...	...	...	502.82
1926-27	...	...	...	...	...	505.76
1927-28	...	...	...	...	...	516.88

APPENDIX XII.

[Vide item VI "A Bill to amend the Madras City Police Act" at page 49 supra.]

BILL No. 4 OF 1929.

A Bill further to amend the Madras City Police Act, 1888.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to consider the Bill further to amend the Madras City Police Act, 1888 (Bill No. 4 of 1929), have the honour to submit the following report.

Statement showing the action taken by Government on the reduction motions passed during the last budget sittings—*cont.*

Serial number.	Motion number.	Demand number.	Amount of reduction.	Object of the reduction motion.	Action taken by Government.
6	557	X. General Administration—Legislative Bodies—Reserved. Do.	Rs. 100	To impress the necessity for not extending the term of the Provincial Legislative Council.	The reports of the debates on these motions were duly brought to the notice of His Excellency the Governor. The power to dissolve or extend the term of the Council and to allot days for non-official business vests in His Excellency the Governor and not in the Government.
7	566		100	To urge the need for more non-official days for the Council sittings.	
8	662	XII. General Administration—Miscellaneous—Reserved.	100	To discuss the unsatisfactory way in which audit is carried on by the Local Fund Audit department.	
9	741	XIV. Administration of Justice—Reserved.	100	To express dissatisfaction at the Administration of Civil Justice.	The various points raised by the hon. Members during the debate were answered by the hon. the Finance Member and with reference to the undertaking given that Local Fund Audit department would answer any legitimate requests from local bodies for advice on doubtful points, necessary instructions have been issued.
10	833	XV. Jails—Reserved.	100	To draw attention to the bad treatment meted out to political prisoners in jails.	
11	842	Do.	100	To recommend the supply of khaddar clothing to convicts.	A copy of the budget debates on the cut motion has been forwarded to the High Court for such action as the hon. the Judges may deem fit to take.
12	845	Do.	100	To draw attention to the bad food supplied in the jails and to the need for improving the same.	
13	1,200	XXII. Public Health and Vital Statistics—Transferred.	100	To urge the necessity for providing necessary funds for improving the sanitation of villages.	The matter is under the consideration of Government and no final decision has been reached. The fact that the quantity and quality of the food supplied to the prisoners are good is borne out by the fact that the prisoners generally gain weight after they have been in jail for sometime. Government therefore consider that no action is necessary. The constitution of a Rural Development Fund is under the consideration of Government and local bodies have been addressed in the matter.

[24th September 1929]

24th September 1929]

APPENDIX XI.

[Vide answer to question No. 446 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 24th September 1929, page 42 supra.]

Statement showing the expenditure on pay including special pay, of establishments (both Voted and Non-voted), incurred during the years 1920-21 to 1927-28.

Year.	Expenditure on establishment (Voted and Non-voted).				
	LAKHS.				
1920-21	...	...	...	...	447.19
1921-22	...	...	...	...	480.14
1922-23	...	...	...	...	490.28
1923-24	...	...	...	...	503.36
1924-25	...	...	...	...	500.24
1925-26	...	...	...	...	502.82
1926-27	...	...	...	...	505.76
1927-28	...	...	...	...	516.88

APPENDIX XII.

[Vide item VI "A Bill to amend the Madras City Police Act" at page 49 supra.]

BILL No. 4 OF 1929.

A Bill further to amend the Madras City Police Act, 1888.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to consider the Bill further to amend the Madras City Police Act, 1888 (Bill No. 4 of 1929), have the honour to submit the following report.

[24th September 1929]

2. The Bill was published in the *Fort St. George Gazette* in English on the 22nd January 1929, in Tamil on the 22nd January 1929, and in Telugu on the 29th January 1929.

3. The Select Committee met on the following days, viz., 15th, 16th and 27th February 1929, to consider the provisions of the Bill.

4. We are of opinion that the provisions of the Bill are generally suitable for the purpose of carrying out the object of the Bill, namely, the suppression of 'bucket shops' in the City of Madras, and we have, therefore, not made any drastic changes in the Bill.

5. *Clause 2.*—We have thought it necessary to impose on the permitted class of wagering and betting with a book-maker referred to in sub-clause (b) of the definition of 'gaming' in clause 2 of the Bill, the further restriction that the wagering or betting shall take place in a licensed enclosure in the same way as wagering or betting referred to in sub-clause (a) of the same definition. This has necessitated the insertion in sub-clause (b) of an item similar to item (ii) of sub-clause (a). The provision in sub-clause (b), which restricts the issue of a licence by the Commissioner of Police only to a book-maker who holds licence from the authority having control of the race in respect of which the wagering or betting takes place, has been inserted as a proviso to clause 3, and consequently it has been omitted in clause (b).

6. *Clause 3.*—As section 36 of the Madras City Police Act, 1888, provides for the issue of licences by the Commissioner upon such conditions as subject to the control and direction of the Governor in Council, he may prescribe and as clause 4 of this Bill makes that section applicable to the new section 35-A inserted in the Act by this Bill, we have deemed it unnecessary to retain the words 'except in accordance with the conditions of a licence issued for the purpose by the Commissioner'. In their place, we have, following the language of sections 34 and 35, inserted the words 'without a licence from the Commissioner'. As according to the scheme of the Bill it is the place of betting or wagering that is licensed and not wagering or betting itself, we have substituted for the words 'no such licence shall be issued except for such wagering or betting as would not be gaming as defined in

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section 3' the following words, namely, 'provided that no such licence shall be issued so as to authorize any enclosure, room or place being opened, kept, or used for such wagering or betting as would be gaming as defined in section 3'. The reason for the addition of the second proviso has already been explained.

7. *Clause 4.*—We have deleted paragraph 2 of this clause as we consider it to be redundant.

8. *Clause 5.*—This clause, as at present worded, has the effect of fixing for the opening, keeping or using of an enclosure, room or place without licence under the new section 35-A, the same penalty as for using an enclosed place or building requiring a licence under section 34 or 35 without such licence. We consider that an offence against the provisions of section 35-A is very much more serious than one against the provisions of section 34 or 35 and that a fine of Rs. 50 *per diem* in respect of an offence under section 35-A will not be sufficiently deterrent. We accordingly fix a fine of Rs. 500 as the punishment for which a person guilty of an offence under section 35-A shall be liable for every day of use of premises without a licence for the purpose of gaming on horse races.

9. Clauses 11, 12 and 14 provide for penalties respectively for opening, keeping or using a common gaming house or for gaming or being found in a common gaming house or for gambling in a public street, place or thoroughfare. As this Bill is intended only to deal with the particular evil of gaming in respect of horse races and is not intended to affect other kinds of gaming already dealt with by the Madras City Police Act, we have not considered it necessary to touch those sections of the Act. Clauses 11, 12 and 14 have therefore been omitted.

10. Clause 15 of the Bill has the effect of raising the maximum fee leviable under section 77 of the City Police Act for a licence from Rs. 2 to Rs. 20. While we consider it unnecessary to enhance the fee leviable by the Commissioner of Police on licences other than those issued under the new section 35-A, we consider that a fee of Rs. 20 for a licence under that section will be quite inadequate and have provided that the maximum fee leviable for a licence under the section should be Rs. 100.

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11. A copy of the Bill as amended by us is appended. We consider that the changes introduced by the Committee are not of such importance as to necessitate the republication of the Bill in the Gazette.

ABDUL HAMEED KHAN.
 MUHAMMAD USMAN.
 N. E. MARJORIBANKS.
 A. KRISHNASWAMI.
 C. GOPALA MENON.
 R. N. AROGYASWAMI MUDALIYAR.
 P. C. ETHIRAJULU NAYUDU.
 C. S. RATNASABHAPATI.
 G. NARAYANASWAMI CHETTI.
 F. E. JAMES.*
 C. B. CUNNINGHAM.†
 S. N. DORAI RAJAH.*
 C. S. GOVINDARAJA MUDALIYAR.†
 C. D. APPAVU.†
 S. VENKATACHALAM CHETTI.*
 RAMANATH GOENKA.†

*. Subject to a note.

† Subject to a minute of dissent.

NOTE.

I am not wholly in favour of the system of licensing established in this Bill, and am of the opinion that, owing to its restriction to municipal limits, bucket-shop operations will merely be transferred to areas immediately beyond the City boundaries if the Bill becomes Law. I would have preferred a Gaming Bill applicable to the whole presidency, somewhat on the lines of the Bengal enactments. As this committee was appointed, however, to consider a Bill to amend the Madras City Police Act, its scope was limited, and within that scope, and accepting the principle of licensing for the sake of compromise, I consider the amended Bill as satisfactory.

F. E. JAMES.

8th March 1929.

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MINUTE OF DISSENT.

On further reflection I have serious doubts as to whether Bill No. 4 of 1929 as revised in the Select Committee will serve to carry out effectively its purpose of suppressing bucket-shops in the City of Madras.

2. The plan of construction of the framers of the original draft amending Bill is clear from section 2 thereof. This section differentiates between such wagering or betting relating to a horse race as it is proposed to permit subject to licence, viz., (a) wagering or betting in an enclosure, room or place on the date on which the race is run directly between one individual in person and another and by a contrivance (totalizator) and (b) between persons wagering and a bookmaker authorized by the Race Club (authorized bookmaker), from all other forms of wegering or betting relating to a horse race (bucket-shops). The section brings the operations of the bucket-shops and the bucket-shop touts under the definition of 'gaming' and excepts the licensed totalizator and the authorized bookmaker therefrom. The intention, therefore, clearly was to bring the bucket-shops within the definition of a 'common gaming house' the keeping or the using of which is punished by section 45 of the existing City Police Act, and the customers thereof by section 46 of the existing City Police Act, and to make the bucket-shop street touts liable to the penalty prescribed in section 72 of the existing Act which penalizes 'gaming' in any public street, road or thoroughfare.

The defect in the original draft Bill, as I read it, was that the definition of a 'common gaming house' in section 3 of the existing Act, which requires the concerned enclosure, room or place to be kept or used *for the profit or gain of the person owning or occupying, using or keeping it*, was left unaltered. The City bucket-shops describe themselves as clubs and they have rolls of membership in which each customer is entered as a member and nominally at least, his membership is acquired by payment of a membership subscription. The bucket-shop keepers pose as mere agents of other turf operators and as accepting and carrying out betting transactions without profit to themselves and for the benefit of the so-called club members. This is as they make things appear, but the facts are known to be otherwise. They are actually making profits out of the club transactions, but it is

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impossible to adduce satisfactory proof of this in the criminal courts. Having defined bucket-shop business as 'gaming' therefore, it was still necessary by amendment of the definition of 'common gaming house' to bring the bucket-shops definitely and clearly under that definition. Some such words as the following added at the end of the existing definition of 'Common gaming house' would, I think, meet the case:—"Or which is kept or used for such wagering or betting relating to a horse race as is gaming under the following definition of 'gaming'."

3. It was taken for granted in Committee that the penalties in sub-sections 37 (2) and 40 (2) would apply to bucket-shops, but these sub-sections apply in fact only to places or premises *requiring licences under the new sub-section 35 (a)*, whereas bucket-shops in which wagering and betting which is 'gaming' are carried on are imperatively and expressly precluded from being licensed under sub-section 35 (a). It seems more than doubtful whether the courts will be prepared to hold that places *expressly precluded from obtaining licences* are places 'required to take out licences,' and the obvious intention of the definition of 'gaming' in section 2 of the Amending Act would be directly against any such interpretation. My doubt whether the new sub-sections 37 (2) and 40 (2) could be used for the prosecution of bucket-shop keepers and their customers is very strong indeed.

As regards the bucket-shop street touts, it was assumed in Committee that they also would be punishable under section 37 (2) inasmuch as any particular place in the public streets, etc., is 'a place' as specified in the new section 35 (a). It seems again a matter for serious doubt whether a 'place' as specified in section 35 (a) does not signify a *particular place* in contra-distinction to the placeless business of a moving tout who does not restrict himself to a particular place, and the fact that the punishment of such an itinerant tout is specifically provided for in section 72 of the Act, goes strongly to fortify this doubt. Whether the courts would be legally justified in punishing or willing to punish such itinerant offenders by straining the language of section 35 (a) with this object, when the offences concerned are specifically penalized under another section, viz., 72, is also a matter to be considered.

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4. It has been suggested to me that the difficulty as regards the prosecution of the bucket-shop keepers under sections 37 (2) and 40 (2) could be met by substituting in the proposed section 37 (a) for the words 'requiring a licence under section 35 (a) without having obtained the licence as required therein' the words 'without a licence.' My doubt as regards this is that section 35 (a) and sub-sections 37 (2) and 40 (2) were obviously designed to deal respectively with unlicensed betting and wagering such as do not come within the new definition of 'gaming' and with irregularities by licence-holders, and it would therefore be contrary to the whole design and intention of the Bill to use these sections for dealing with other forms of betting and wagering which are clearly intended to be excluded by careful definition from their scope. Moreover, such use of these sections would surely render nugatory and irrational the careful definition of 'gaming' which precedes them in section 2 of the Amending Bill.

5. As the Bill stands revised, the street tout would be punishable under section 72 of the existing Act, but it has to be pointed out that the provision in section 14 of the original draft Bill subjecting him to enhanced penalties—the section considered necessary to make the law effective—has been exercised by the Select Committee.

6. If the new law is to prove effective in carrying out its object, the definition of 'common gaming house' in section 3 of the Madras City Police Act should, I think, be amended on the lines indicated by me above and sections 11, 12 and 14 of the draft Amending Bill which have been excised in Select Committee should be restored. This would be in conformity with the structure of the Amending Bill and would fulfil the design and intentions of its framers.

10th March 1929.

C. B. CUNNINGHAM

NOTE.

Though the Bill is professedly for suppression of bucket-shops, in point of fact, it provides for regulation, which is all to the good, seeing that so long as races flourish, betting is bound to exist and to regulate an evil

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and keep under control is better than driving it underground and allowing it to run amok outside the city limits without any control whatever.

8th March 1929.

S. N. DORAI RAJAH.

MINUTE OF DISSENT.

The Statement of Objects and Reasons sets out that the Government have accepted the views of the committee appointed by it to the effect that mere control of bucket-shops is not practicable and that the object of legislation shall be to suppress them altogether. The Bill as now brought and considered by the Select Committee is not designed to suppress the bucket-shops altogether but makes provision for exercising control over them and to vest in the Commissioner of Police discretionary power. It is presumed that the Commissioner will have regard to the views set out in the Statement of Objects and Reasons and refuse to grant the licences provided in the Bill to bucket-shops. It is unwise to depend upon the discretion of a particular official however eminent he may be and however imbued a particular holder of the office at any point in time with a perfect sense of responsibility, may be.

Under the Bill the present bucket-shops will masquerade under the name of book-maker and the mischief will continue with a gained status and thrive thereby.

An amending Bill containing a comprehensive definition of bucket-shops and an interdictory clause while operating as a direct legislative mandate for their suppression will avoid loopholes by way of construction and interpretation of lengthy provisions proposed in the present Bill.

If any drafting difficulty stands in the way which does not obviously exist, in amending the Police Act, a separate short Bill may be introduced to serve the intended object of suppressing bucket-shops whatever form it may take, after exercise of ingenuity.

C. S. GOVINDARAJA MUDALIYAR.

8th March 1929.

[24th September 1929]

MINUTE OF DISSENT.

I agree to the minute of dissent of Mr. C. S. Govindaraja Mudaliyar.

12th March 1929.

C. D. APPAVU.

NOTE.

I sign this report as I fear even this measure to control wagering and betting might not be given effect to. I would like complete and entire suppression of wagering and betting in respect of horse-races outside the City of Madras. This, I think, can be done by defining the common gaming-house so as to include the bucket-shops. This nomenclature is, I now see, easily definable.

12th March 1929. S. VENKATACHALAM CHETTI.

MINUTE OF DISSENT.

I have carefully perused the report signed by my hon. Colleagues on the Select Committee and I regret I have to differ from them on vital matters concerning the Bill.

It is common knowledge and is accepted on all hands that, within the last few years, what are known as 'bucket-shops' have sprung up in very large numbers in the City of Madras and the result has been disastrous from the point of view of the public. These bucket-shops have been the cause of the ruin of thousands of poor persons, who unable to resist the temptations afforded by these gambling houses, have been led to waste all their money and even borrow from money-lenders at heavy rates of interest and get steeped into debts. It is unnecessary to dilate this point any further.

The Madras Legislative Council has been agitating for the last several years and questions were frequently asked on the floor of the House, urging the abolition of these bucket-shops. The Government appointed a Committee under the Chairmanship of Mr. P. L. Moore to enquire into the question of how best to extinguish this evil. The Committee reported that "mere control of bucket-shops was not practicable and that the object of legislation should be to suppress them altogether."

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But what is the effect of the present Bill, which according to the Statement of Objects and Reasons published with the Bill is designed 'to carry out the recommendations of the Committee?' In my opinion the Bill will be quite ineffective to deal with the evil in question—in fact what has been done is to legalize gambling in horse-racing through the medium of these bucket-shops, provided the keeper of a bucket-shop obtains a licence from the Commissioner of Police. This Bill does not in any way extinguish the evil; it does not help the poor man, who falls a victim to the temptation. The Bill, therefore, will be quite useless in effect, if the object of legislation is to root out the evil.

The divergence between the Statement of Objects and Reasons and the principle of the Bill will be quite obvious, on a mere reading of the two. It is stated in the Statement of Objects and Reasons that the Bill is designed to 'suppress' these bucket-shops, but the provisions of the Bill go no further than to regulate their working, under a licence from the Commissioner of Police. If I understand the meaning of the word 'suppression' as it is generally used, it means putting down or extinguishment; and while the object of the Bill is declared to be the suppression of the bucket-shops, it really gives them *statutory recognition*.

I am unable to understand how the present Bill will even have the effect of *restraining* the activities of the persons who run these bucket-shops. Every person who declares himself to be the keeper of a bucket-shop and pays the licence fee is entitled to obtain a licence from the Commissioner of Police. What are the checks imposed by the Bill in order to ensure that fraud and deceit will not be practised on the public, the existence of which is recognized in the Statement of Objects and Reasons? I fail to see any. I cannot, therefore, agree with my colleagues that this Bill will be effective to check, much less to root out, this evil.

For the above reason, I am strongly of opinion that these bucket-shops should be *abolished* altogether. Any legislation which only tries to lop off the branches without cutting up the roots of the tree, will not have the desired effect of extinguishing its growth. I, therefore, feel that it is bad enough that gambling on race horse is allowed within the race course; it need not, it ought not, in the

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interests of the public, to be allowed to go on outside it, in every street of the City of Madras. Hence it is my opinion that section 35-A should be restricted in its scope only to the race course and it should be made a penal offence for any person to open, keep or use any place, other than that set apart for the purpose by the stewards of a race club, authorized by the Local Government to conduct horse races. The Bengal Public Gaming (Amendment) Act of 1913 contains such a provision and, though Calcutta is a larger and richer city than Madras and though the horse races there are of a higher order, the Bengal Legislature has thought it fit to penalize all kinds of betting and gambling including horse race, outside the precincts of the race course. Why should we not copy the law in Bengal in this matter?

I desire to make in the next place the following suggestion:—

The Bill should be made applicable to a radius of 10 miles from the limits of the City of Madras. There are provisions in the District Municipalities Act preventing the existence of slaughter-houses within 3 miles from the limits of a municipality. I cannot understand why a similar provision should not be incorporated in this Bill. There is nothing to prevent any number of bucket-shops coming into existence in places like Saidapet, Aminjikarai, and Tiruvottiyur and, with the existence of facilities for quick transport by motor buses, it will not be difficult for people to go and gamble at the bucket-shops in these places. As a matter of fact, many of them have already sprung up. And, remembering that distance and discomfort are no obstacles to a gambler's course, I do not see how the Hon'ble the Home Member can assert that the bucket-shops outside the City limits will not thrive. Nor do I see any constitutional difficulty in making such a provision in this Bill. If the local legislature has power to legislate for the area outside the City limits, then there is nothing to prevent its laying down that for purposes of this Bill, the City of Madras shall extend from Ennore to St. Thomas' Mount.

These are then the conclusions that I have come to. I would only conclude by reiterating what I have said before, namely, that unless drastic measures are taken by legislation, no object worth the name can be achieved.

12th March 1929.

RAMANATH GOENKA.

[24th September 1929]

BILL No. 4 OF 1929.

[As amended by the Select Committee.]

A Bill further to amend the Madras City Police Act, 1888.

Preamble

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. (a) This Act may be called the Madras City Police (Amendment) Act, 1929.

Commencement.

(b) It shall come into force on such date as the Local Government may, by notification, appoint.

2. In section 3 of the Madras City Police Act, 1888 (hereinafter referred to as the said Act), after the definition of 'common gaming-house', the following definitions shall be inserted, namely:—

'Gaming' does not include a lottery but includes wagering or betting except when such wagering or betting relates to a horse-race and takes place—

(a) (i) on the date on which such race is to be run;
(ii) in an enclosure, room or place set apart for the purpose under a licence issued by the Commissioner to a person specified in such licence in respect of such enclosure, room or place, and

(iii) between such licensee on the one hand and any individual in person acting entirely for himself on the other hand in such manner and by such contrivance as may be permitted by such licence, or

(b) (i) in an enclosure, room or place set apart for the purpose under a licence issued by the Commissioner, to a book-maker specified in such licence in respect of such enclosure, room or place, and

(ii) directly between the person wagering or betting and the book-maker holding the licence.

Explanation.—Any transaction by which a person in any capacity whatever employs another or engages for another in any capacity whatever to wager or bet whether with such licensee or book-maker or with any other person, even if it only be for the purpose of saving time or cost shall be deemed to be gaming, provided however that such licensee or book-maker may employ

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servants and any person may accept service with such licensee or book-maker for wagering or betting in such manner or by such contrivance as may be permitted by such licence:

'Instruments of gaming' include an article used as a subject or means of, or for the purpose of carrying on or facilitating, or in connection with gaming and any books, lists, tickets, forms or other documents used or intended to be used as a register or record or evidence of gaming.

3. After section 35 of the said Act, the following section shall be inserted, namely:—

"35-A. No enclosure, room or place, whether public or private, shall be opened, kept or used for wagering or betting upon a horse-race without a licence from the Commissioner:

Provided that no such licence shall be issued so as to authorize any enclosure, room or place, being opened, kept or used for such wagering or betting as would be gaming as defined in section 3:

Provided further that no such licence shall be granted by the Commissioner to a book-maker other than one holding a licence from the authority having control over the race in respect of which the wagering or betting takes place; nor shall any such licence have force beyond the time of the expiration of the latter licence."

4. In section 36 of the said Act for the words "the last two preceding sections", the words and figures 'section 34, 35 or 35-A' shall be substituted.

5. (1) Section 37 of the said Act shall be re-numbered as section 37(1).

(2) The following shall be added as sub-section, 37(2):—

"(2) Whoever opens, keeps or uses or permits to be opened, kept or used any enclosure, room or place requiring a licence under section 35-A without having obtained a licence as required therein

'Instruments of gaming.'

Insertion of a new section 35-A in Madras Act III of 1888.

Places used for wagering or betting upon horse-races to be licensed.

Amendment of section 36, Madras Act III of 1888.

Amendment of section 37, Madras Act III of 1888.

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shall be liable on conviction to a fine not exceeding five hundred rupees for every day on which such enclosure, room or place is so opened, kept or used."

Amendment
of section 38,
Madras Act
III of 1888.

6. In section 38 of the said Act, for the words 'closed place or building' the word 'place' and for the word and figures 'or 35' the word and figures '35 or 35-A' shall be substituted.

Amendment
of section 39,
Madras Act
III of 1888.

7. In section 39 of the said Act, for the word and figures 'and 35' the figures and word '35 and 35-A' shall be substituted.

Amendment
of section 40,
Madras Act
III of 1888.

8. Section 40 of the said Act shall be re-numbered as sub-section (1) of that section and to the same section, the following sub-section shall be added, namely:—

- "(2) Whoever having been convicted of an offence
(a) punishable under sub-section (1) and
(b) relating to the places referred to in section 35-A or the licences granted under that section

is again guilty of such offence shall be liable on conviction for every such subsequent offence to imprisonment not exceeding six months or to fine or to both."

Amendment
of sections 42
and 43,
Madras Act
III of 1888.

9. In sections 42 and 43 of the said Act, for the words "enclosed place or building" wherever they occur, the word 'place' shall be substituted.

Amendment
of section 44,
Madras Act
III of 1888.

10. In section 44 of the said Act, after the word 'wager' the word 'bet' shall be inserted.

Amendment
of section 51,
Madras Act
III of 1888.

11. In section 51 of the said Act, after the word 'wagers' the word 'bets' and after the word 'wagering' the words 'or betting' shall be inserted.

Amendment
of section 77,
Madras Act
III of 1888.

12. In section 77 of the said Act—

(1) after the words "this Act" the words "other than a licence under section 35-A" shall be added; and

(2) after the words "Governor in Council" at the end of the words "and for every licence under section 35-A the Commissioner shall levy a fee of Rs. 100" shall be added.

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APPENDIX XIII

[Vide item VIII "Papers laid on the Table of the House" at page 96 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to clause (f) of question No. 650 (starred) at the meeting of the Legislative Council held on 26th November 1928, one set of copies of the written evidence tendered before the Committee on Co-operation, Madras, is placed in the Council Library. The record of oral evidence of important witnesses taken by the Committee is not accurate and cannot now be corrected, and so it is not placed in the Council Library.

S. V. RAMAMURTI,
Secretary to Government.

APPENDIX XIV.

[Vide item VIII "Papers laid on the Table of the House" at page 96 supra.]

LAW (EDUCATION) DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to question No. 58 at the meeting of the Legislative Council held on 7th August 1929, the following report is laid on the table.

Statement showing the number of teaching grant cheques that were to be issued to the managers of aided schools and those issued to the teacher-managers before the 31st March, during the years 1926-27, 1927-28 and 1928-29.

Name of district.	The number of teaching grant cheques that were to be issued to the managers of aided schools.			The number of teaching grant cheques issued to the teacher-managers before the 31st March.		
	Year. 1926-27.	Year. 1927-28.	Year 1928-29.	Year. 1926-27.	Year. 1927-28.	Year. 1928-29.
Ganjam	1,610	1,800	1,935	1,381	Nil.	Nil.
Vizagapatam	1,574	1,605	2,003	Nil.	Nil.	Nil.

A. F. W. DIXON,
Deputy Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 25th September 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sabib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad.	Kumaraswami Reddiyar, Diwan Bahadur S. Leach, I.C.S., Mr. A. G.
Moir, <i>K.C.I.E.</i> , <i>C.S.I.</i> , I.C.S., The hon. Sir Thomas.	Leech, Mr. A. J.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>O.B.E.</i> , <i>V.D.</i> , I.C.S., The hon. Mr. A. Y. G.	Madhavan Nayar, Mr. K.
Subbarayan, The hon. Dr. P.	Mahmud Sahamnad Sahib Bahadur.
Muthiah Mudaliyar, The hon. Mr. S.	Mallayya, Dr. B. S.
Seturatnam Ayyar, The hon. Mr. M. B.	Manikkavelu Nayakar, Mr. M. A.
Abdul Hameed Khan Sahib Bahadur.	Meera Ravattar Bahadur, K. P. V. S.
Abdul Rasack Sahib Bahadur, Khan Bahadur S. K.	Muhammad.
Achutan, Mr. A.	Moidoo Sahib Bahadur, Khan Sahib T. M.
Adinarayana Chettiyar, Mr. T.	Myniswami Nayudu, Rao Bahadur B.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Maniswami Pillai, Mr. V. I.
Anjaneyulu, Mr. P.	Muppil Nayar of Kavalappara <i>alias</i> Kumaran Kaman, Mr.
Appavu Chettiyar, Mr. C. D.	Muthulakshmi Reddi, Dr. (Mrs.) S.
Ari Gowder, Mr. H. B.	Muthuranga Mudaliyar, Mr. C. N.
Arogyaswami Mudaliyar, Diwan Bahadur B. N.	Nanjappa Bahadur, Subadar-Major S. A.
Arpudaswami Udayar, Mr. S.	Narayana Raju, Mr. D.
Basheer Ahmed Sayeed Sahib Bahadur.	Narayanan Nambudripad, Rao Bahadur O. M.
Bhesmayya, Mr. J.	Natesa Mudaliyar, Rao Bahadur C.
Chidambaranatha Mudaliyar, Mr. T. K.	Obi Reddi, Mr. C.
Ootterell, <i>C.I.E.</i> , I.C.S., Mr. C. B.	Parasurama Rao Pantulu, Mr. A.
Davis, <i>C.B.E.</i> , Mr. J. A.	Parthasarathi Ayyangar, Mr. O. R.
Dorai Raja, Mr. S. N.	Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Premayya, Mr. G. R.
Foulkes, Mr. E.	Rajan, Mr. P. T.
Gangadhara Siva, Mr. M. V.	Ramachandra Padayachi, Mr. K.
Gnanavaram Pillai, Mr. P. J.	Ramamurti, I.C.S., Mr. S. V.
Gopala Menon, Mr. C.	Raman Menon, Mr. K. F.
Govindaraja Mudaliyar, Mr. C. S.	Ramanath Goenka, Mr.
Gray, <i>C.B.E.</i> , I.C.S., Mr. J.	Ranganatha Mudaliyar, Mr. A.
Guruswami, Rao Sahib L. C.	Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Harisarvottama Rao, Mr. G.	Robertson, Mr. E. J. O.
Hearson, Mr. H. F. P.	Sahajanandam, Swami A. S.
Hilton Brown, I.C.S., Mr.	Saldanha, Mr. J. A.
James, Mr. F. E.	Sami Venkatachalam Chetti, Mr.
John, Mr. V. Ch.	Sankaran Unni, Mr. E.
Kaleswara Rao, Mr. A.	Satyamurti, Mr. S.
Kameswara Rao Nayudu, Mr. V.	Shetty, Mr. A. B.
Karant, Mr. K. B.	Sitarama Reddi, Rao Bahadur K.
Kesava Pillai, <i>C.I.E.</i> , Diwan Bahadur P.	Siva Raj, Mr. N.
Khadir Mohidin Sahib Bahadur, Muhammad.	Soundarapandian, Mr. W. P. A.
Koti Reddi, Mr. K.	Srinivasa Ayyangar, Mr. B.
Krishnan, Mr. K.	Srinivasa Ayyangar, Mr. T. C.
Krishnaswami Ayyar, Mr. Alladi.	Srinivasan, Rao Sahib R.
Krishnaswami Nayakar, Mr. K. V.	Subrahmanya Moopanar, Mr. S.
	Tajudin Sahib Bahadur, Syed.
	Thomas, Mr. Daniel.
	Tulasiran, Mr. L. K.
	Uppl Sahib Bahadur, K.
	Vanavudaiya Gounder, Mr. S. V.

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PRESENT—cont.

Venkatapati Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.

Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Seithur.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Labour

Compensation to the families of the deceased workmen reported by the Chief Inspector of Factories.

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

(a) the number of cases out of the 12 fatal accidents referred to in the report of the Chief Inspector of Factories for 1928, in which compensation was granted to the families of the deceased;

(b) the total amount so paid; and

(c) why no compensation was granted in the remaining cases, if any?

A.—(a) Compensation was granted in 11 cases.

(b) Rs. 4,123-4-0.

(c) In the remaining case no application for compensation was filed before the Commissioner by a dependent of the deceased and so the Commissioner could take no action.

Amelioration of the condition of depressed classes in Malabar plantations.

* 456 Q.—MR. A. B. SHETTY: With reference to my question No. 352 answered on 12th August 1929, regarding the condition of depressed classes working in plantations, will the hon. the Home Member be pleased to state—

(a) whether the Government have called for information in regard to clauses (a) and (b) of the question and if so, what it is; and

(b) whether the Labour Department proposes to do anything to ameliorate the condition of the Adi-Dravidas in the plantations?

A.—(a) The Government have not considered it necessary to call for information.

(b) The Labour Department has no jurisdiction in Coorg and Mysore.

Police

Alleged shadowing of Congress leaders and workers in Kistna and other districts.

* 457 Q.—MR. A. KALESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) whether it is not a fact that policemen are engaged in shadowing Congress leaders and workers and following the latter whenever they go to other places;

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(b) what is the total additional expenditure to the Government from 1st January 1929 till 30th June 1929 on account of the police being employed for this purpose;

(c) the names of persons who are thus shadowed and followed for political reasons by the police in Kistna, Guntur, West Godavari and East Godavari districts; and

(d) whether the Government have issued any general instructions in this matter to the various District Superintendents of Police or whether they have left the whole of this business to the discretion of the latter?

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

(d) The Government have issued no instructions. The hon. Member is referred to the answer given to question No. 204 asked at the meeting of the Legislative Council held on the 10th August 1929.

MR. A. KALESWARA RAO:—"May I know, with reference to clause (b) of this question, whether the Government are not aware of the extent of the additional expenditure involved in engaging police for the shadowing business?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There is no additional expenditure involved and therefore there is no information."

MR. A. KALESWARA RAO:—"May I know, Sir, whether by posting the police who are engaged in this shadowing business on some other duty, the expenditure incurred on that other business could not be saved?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir."

MR. A. KALESWARA RAO:—"With reference to question No. 204 referred to in the answer to clause (d) of this question, may I know what sort of persons are allowed to be shadowed by the police?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There are no fixed principles laid down by the Government."

MR. A. KALESWARA RAO:—"May I know whether it is left to the discretion of the police officers in the districts?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"To a great extent, I suppose."

MR. D. NARAYANA RAJU:—"May I know whether the Government will be pleased to call for the information asked for in clauses (a) to (c) of this question?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There is no information."

MR. D. NARAYANA RAJU:—"Will the Government be pleased to call for the information from the Superintendents of Police in the districts concerned?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I shall consider the suggestion, Sir."

MR. P. ANJANEYULU:—"May I ask whether the Government are aware that the police are not only shadowing political workers, but they actually go and interfere with them and ask them where they are going, what meetings they are attending and how long they would stay at particular places?"

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The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"The Government are not aware of this. If specific instances are brought to my notice, I shall enquire."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know whether the Government have looked into the question whether, if this shadowing is given up, there will be a number of hands whose services can be dispensed with?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"No, Sir."

Mr. G. HARISARVOTTAMA RAO :—"May I know what the hon. Member meant when in reply to a question whether any person is shadowed he said that the discretion of the police officer is used in shadowing?"

The hon. the PRESIDENT :—"That is cross-examination."

Mr. G. HARISARVOTTAMA RAO :—"May I know whether any principle has been laid down for the guidance of local officers in the matter of shadowing?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"These questions have been answered last time."

Mr. A. KALESWARA RAO :—"With reference to question No. 204 it was stated that those who directed their activities to the subversion of the British Government are shadowed by the police and that the police have discretion. May I know whether the members of the Economic Enquiry Committee also come under that class and whether the Government are aware that they were also watched when they visited the Kistna district?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I do not know. I shall enquire into the matter."

Mr. K. KOTI REDDI :—"May I know if it is not a fact that the Secretary of every Congress Committee is being watched?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I have no information."

Mr. K. KOTI REDDI :—"May I request the hon. the Home Member to call for the information whether this is a fact or not from the District Superintendents of Police?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"Yes, Sir. I shall consider the suggestion."

Mr. R. SRINIVASA AYYANGAR :—"Is it the information of the Government that Congress leaders and workers are not at all shadowed?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"We do not know anything either way."

Mr. P. ANJANEYULU :—"In view of the suggestions now put forward, will the hon. the Home Member make enquiries?"

The hon. the PRESIDENT :—"That has been already answered."

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Alleged failure to frame a charge-sheet in Manoranjan Gupta's case.

* 458 Q.—Mr. P. ANJANEYULU: Will the hon. the Home Member be pleased to state—

(a) whether the Government is aware that the police failed to frame a charge-sheet against Manoranjan Gupta after his arrest at Bezwada before the Magistrate even after several adjournments;

(b) the causes for such failure on the part of the police;

(c) whether it is not a fact that they had no materials to frame a charge-sheet against him;

(d) what led the police to arrest him in the first instance; and

(e) what steps the Government have taken or propose to take against the concerned policeman who thus behaved in this episode?

A.—(a) Yes.

(b) & (c) An investigation had to be made. It is not true that the police had no materials against him. The position was that such material as the police had required to be supplemented before a case could be proved. This was the object of the investigation. As at the end of the investigation the police considered that they could not completely prove their case, they very properly dropped the proceedings.

(d) The arrest was made under section 151 of the Code of Criminal Procedure.

(e) None.

Mr. G. HARISARVOTTAMA RAO :—"With reference to clause (d), may I know what the information was in the possession of the police when they made this arrest?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"It has been answered in clause (a) of question No. 459 that he was found in suspicious circumstances on the railway line just before the Statutory Commission were due to pass through Bezwada."

Mr. G. HARISARVOTTAMA RAO :—"May I know what those suspicious circumstances were?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"The suspicious circumstances were that the police thought that some violent action would be taken."

Mr. G. HARISARVOTTAMA RAO :—"May I know whether the suspicious circumstances included any details of possession of material in the hands of Mr. Manoranjan Gupta?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"It is not necessary that there should be any material in the hands of Mr. Gupta. The police had suspicion of their own."

Mr. G. HARISARVOTTAMA RAO :—"May I know if the hon. the Home Member knows on what facts that suspicion was based?"

Arrest of Mr. Manoranjan Gupta.

* 459 Q.—Mr. A. KALESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) whether he has received information from the police of the Kistna district as to what offence was intended to be prevented by the arrest of

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Mr. Manoranjan Gupta at Bezwada in March last under section 151, Criminal Procedure Code;

(b) whether there was any evidence in the possession of the police before arresting him to presume that he was going to commit that offence, and, if so, what it was;

(c) why he was not discharged from bail and sureties as soon as the so-called commission of the offence was prevented;

(d) whether it is a fact that several adjournments were taken by the police saying that they would file a charge-sheet against him under section 124-A from the materials said to have been found with him on search after arrest and how many adjournments were taken by the police;

(e) whether he has been finally discharged in July by the Sub-divisional Magistrate, Bezwada, as the police could not file any case against him;

(f) which particular police officer or officers are responsible for his arrest without warrant; and

(g) whether the Government propose to take any action against the police officer or officers concerned for arresting and troubling Mr. Gupta without any materials?

A.—(a) He was found in suspicious circumstances on the railway line just before the Statutory Commission were due to pass through Bezwada.

(b) The police had information justifying their action under section 151 of the Code of Criminal Procedure.

(c), (d) & (e) He was kept on bail during an investigation under section 124-A. Seditious documents in Bengali were found in his possession. These had to be sent to Calcutta for translation. After the translations were received the question had to be examined whether their publication and dissemination could be proved. All this naturally took time. Finally the police decided that they could not prove the case against him and he was discharged from bail on 13th June 1929.

(f) & (g) The hon. Member is referred to the answers to clauses (k) and (l) of question No. 460.

Mr. A. KALESWARA RAO:—"May I know what the exact offence was that was attempted to be prevented by arresting him and under what section of the Penal Code was it done?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I have already said what the suspicious circumstances were; that the police thought that some violent action might be taken by him."

Mr. A. KALESWARA RAO:—"What sort of action was it, may I know?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I have already answered that question."

Mr. P. ANJANEYULU:—"May I know whether the Government got any information from the police and whether they are satisfied that the police had sufficient reason to arrest him?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Yes, the Government are satisfied."

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Mr. G. HARISARVOTTAMA RAO:—"May I know whether the fact that the Statutory Commission was due to pass through Bezwada was sufficient reason for his arrest?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"And also the past activities of Manoranjan Gupta."

Mr. A. KALESWARA RAO:—"May I know why he was not released as soon as the Simon Commission passed Bezwada and, if his arrest was due only to certain suspicious circumstances, why was bail continued?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"It was a matter for the police."

Arrest of Mr. Manoranjan Gupta.

* 460 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Mr. Manoranjan Gupta who was arrested on 12th March 1929 was eventually released and when;

(b) how long he was under remand;

(c) how many times adjournments were taken by the prosecution;

(d) whether any charge-sheet was filed, if not, why not;

(e) what was the information on which he was first arrested;

(f) what were the offences which he was apprehended to commit;

(g) whether any and, if so, what action was taken by the Government to determine the responsibility for this abortive proceeding;

(h) whether any legal advice was taken before the arrest was made;

(i) what was the amount of expense which this particular proceeding involved;

(j) whether any reparation was made by the Government to Mr. Gupta for the annoyance and inconvenience caused to him by reason of this protracted and abortive proceeding; if not, whether the Government intend to make any such reparation;

(k) who was the officer who effected the arrest; and

(l) what corrective action has the Government taken as regards the officer or officers responsible for this arrest?

A.—(a) Mr. Manoranjan Gupta was released on bail on the morning of the 13th March 1929 and his bail bond was cancelled on 13th June.

(b) The hon. Member is referred to the dates given in the answer to clause (a).

(c) The Government have no information of the exact number of adjournments.

(d), (e) & (f) The hon. Member is referred to the answers given to clauses (a) to (d) of question No. 458 and to clauses (a) and (b) of question No. 459.

(g) The Government consider that no action is necessary in a matter in which the police were discharging their ordinary duties.

(h) Not so far as the Government are aware.

(i) The Government have no information.

(j) No.

(k) The Inspector of Police, Bezwada.

(l) None.

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Mr. G. HARISARVOTTAMA RAO :—" May I know whether materials for the arrest were collected during the period of three months from 18th March to 18th June 1929 ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The materials the police had were being examined."

Mr. A. KALESWARA RAO :—" May I ask whether under section 151 a man can be arrested by the police without warrant and also detained even after the particular incident was over ? "

The hon. the PRESIDENT :—" That is asking for an opinion."

Mr. G. HARISARVOTTAMA RAO :—" May I ask whether this sort of action under section 151 is the ordinary duty of the police ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Not the ordinary duty, but one within their powers."

Mr. A. KALESWARA RAO :—" May I know whether without the sanction of the Government under section 124-A a man can be arrested and released on bail by the police ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is a matter for lawyers, Sir."

The hon. the PRESIDENT :—" It is asking for an opinion."

Mr. G. HARISARVOTTAMA RAO :—" In reply to clause (i) of this question the Government say that they have no information. May I know whether the Government will get the information on that point ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I shall consider it."

Mr. S. SATYAMURTI :—" With reference to clause (h) may I know why no legal advice was taken before the arrest was made ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is not necessary that the police should take any legal advice."

Mr. D. NARAYANA RAJU :—" May I know, with reference to (j), whether the Government are prepared to grant any reparation to Mr. Gupta for having detained him in custody ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No, Sir."

Mr. G. HARISARVOTTAMA RAO :—" In view of the answer given to a supplementary question, may I ask who examined the materials at the disposal of the police during three months ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The police and their legal advisers."

Mr. S. SATYAMURTI :—" May I know the reason why the Government do not propose to pay any reparation to Mr. Gupta for annoyance and inconvenience caused to him ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The reason is, as I have already stated, the police, taking into consideration his antecedents and activities, thought that his presence in suspicious circumstances on the railway line might lead to some violent action and therefore they were justified in arresting him."

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Mr. S. SATYAMURTI :—" I am not asking about the arrest. I am asking for the reasons why the Government do not propose to pay any reparation to this unfortunate young gentleman who was arrested and detained for three long months and the police dropped the case ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" He must thank himself for being at 1 a.m. on the railway lines at Bezwada."

Mr. S. SATYAMURTI :—" Is it the policy of the Government to arrest all people found on railway lines at 1 o'clock in the morning ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The circumstances were that the Statutory Commission was to have passed through Bezwada at that time."

Mr. D. THOMAS :—" May I ask whether the subsequent three months were for the offence for which he was arrested or for some other offence ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" For the offence for which he was arrested."

Mr. S. SATYAMURTI :—" What was the offence for which he was originally arrested ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It was suspected that some violent action might be committed."

Mr. S. SATYAMURTI :—" Is it the policy of the Government to arrest all people found on the railway lines at 1 o'clock in the morning ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, it is the policy of the Government to do so if they have got sufficient materials to arrest a man."

Mr. G. HARISARVOTTAMA RAO :—" Who was the legal adviser that was consulted by the police ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" They have got their own prosecuting staff."

Local Fund Audit

Alleged annoyance caused by the Local Fund Audit Department.

* 461 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Finance be pleased to state—

(a) whether he has received any complaints that the work of the Local Fund Audit Department is causing unnecessary annoyance and hardship to the heads of local bodies ; and

(b) if so, whether he proposes to enquire into the matter ?

A.—(a) No specific complaint has been received by Government against the work of the Local Fund Audit Department.

(b) The question does not arise.

Mr. G. HARISARVOTTAMA RAO :—" With reference to clause (a), may I ask the hon. the Finance Member whether there have been any general complaints that the Local Fund Audit subordinates are unnecessarily interfering and recommending surcharges ? "

The hon. Sir THOMAS MOIR :—" There have been no complaints of the kind addressed to me."

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Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—"May I ask whether this was not specifically brought to the notice of the Government at the time of the budget?"

The hon. the PRESIDENT:—"The hon. Member must be aware whether it was brought to the notice of the Government or not."

Mr. S. SATYAMURTI:—"May I know whether the Government are aware that these Audit officers very often decline to assist heads of local authorities on matters connected with their work?"

The hon. Sir THOMAS MOIR:—"That question was already raised in this Council and as a result of instructions issued, they have been told that whenever assistance is necessary, they should render such assistance."

Electricity

Powers of the Electrical Inspector regarding scrutiny of contracts for electrification of towns.

* 462 Q.—Dr. B. S. MALLAYYA: Will the hon. the Law Member be pleased to state—

(a) whether the Electrical Inspector is given permission (1) to draw out plans and estimates for municipalities on a scale of fees recently enhanced, (2) to scrutinize these very plans and estimates and approve the same on behalf of the Government for the granting of loans, (3) to scrutinize tenders and grant contracts to his own nominees, (4) to supervise the work of contractors so selected and (5) to take remuneration for all these acts; and

(b) whether the Government have information as to whether similar permission has been given to Electrical Inspectors in any other Presidency in India?

A.—(a) (1) & (4) The attention of the hon. Member is invited to the orders in G.O. No 1619 W., dated 30th June 1928, which was placed on the Editors' Table.

(2) The Electrical Inspector to Government is not required to make a further scrutiny of plans and estimates prepared by him.

(3) The following is the procedure prescribed in article 334-A of the Municipal Account Code in regard to tenders for municipal electrical works—

"On the date fixed for the opening of the tenders, the Chairman shall open all the tenders and make sure by a preliminary examination that each tender satisfies the conditions specified. He shall reject any which is defective in any respect. The tenders which have not been rejected shall be forwarded to the Electrical Inspector to Government who will certify on each tender whether it is in accordance with the approved estimate, specification and design and recommend whether the tender is acceptable. In cases where the Electrical Inspector certifies a tender to be in order but does not recommend it, he shall record his general reasons for not recommending it. The Municipal

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Council shall immediately reject all tenders which have not been certified to be in order and shall make a selection from the remaining tenders having due regard to the recommendations of the Electrical Inspector to Government in regard to them. It is open to the Chairman of the Municipal Council to address the Government for obtaining a second opinion if he wishes to press the merits of any particular tender which has not been recommended by the Electrical Inspector."

The Electrical Inspector to Government does not himself grant contracts to any tenderer.

(5) No. The fees realized from local bodies for the services rendered by the Electrical Inspector are credited to Government.

(b) The Government have no information.

Dr. B. S. MALLAYYA:—"May I know what made the Government enhance the fees and what are the qualifications of this Electrical Inspector?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Notice, Sir."

Dr. B. S. MALLAYYA:—"I want to know what made the Government enhance the fees inasmuch as he had the same qualifications only?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The reason was this: it was represented to the Government that opportunities should be given to private persons skilled in electrical engineering to give advice to municipalities and others. It was also represented to the Government that according to the system then prevailing the Electrical Inspector was the only person authorized to give advice. Therefore, to give opportunities to private persons and encourage them the fees which were then levied by the Government through the Electrical Inspector were enhanced."

Dr. B. S. MALLAYYA:—"Was that the only way of doing things, viz., by Government enhancing the fees in order to encourage private bodies? Why not the Government do it free?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"For, that is not feasible."

Scrutiny of the work done by the Electrical Inspector to Government.

* 463 Q.—Dr. B. S. MALLAYYA: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that at present the Electrical Inspector to Government is not subject to the control of any superior or revising authority in regard to his professional work as Consultant Engineer to municipalities; and

(b) whether in case a municipality does not approve of his recommendations for selection, he is empowered to enforce his selection on the municipality?

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A.—(a) Professional work done by the Electrical Inspector to Government for municipalities is not scrutinized by any other Government authority.

(b) No.

Dr. B. S. MALLAYYA :—“ May I know why the professional work done by this Inspector is not open to scrutinization by other officers? Is it because the Government take him as the supreme authority in these matters? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because he is the supreme authority in his department and all others are subordinate to him.”

Dr. B. S. MALLAYYA :—“ Is there any authority to check the plans and estimates prepared by him or is he to pass them himself? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because he is the supreme authority in his department nobody checks them.”

Mr. S. SATYAMURTI :—“ May I know whether the Government are aware that the system they follow has produced suspicion among the public of abuse of power by the electrical inspector in the exercise of patronage in respect of contracts? ”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if the Electrical Inspector has no assistants? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Yes.”

Mr. G. HARISARVOTTAMA RAO :—“ Is there any difficulty in asking the assistant to prepare the estimates and the Electrical Inspector being asked to supervise that work.”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ It is left entirely to the head of the department, the electrical inspector, to issue such instructions as he likes to his subordinates.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know from the hon. the Law Member whether he is prepared to issue instructions that the preparation of plans and estimates by a single individual is harmful to the public? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ No useful purpose will be served by the issue of such instructions.”

Remuneration received by the Electrical Inspector for scrutiny of electrification schemes.

* 464-A Q.—Dr. B. S. MALLAYYA : Will the hon. the Law Member be pleased to state—

(a) what are the amounts received by the Electrical Inspector and from whom, during the three years 1926–27, 1927–28 and 1928–29 for the professional services rendered by him;

(b) what portion of this amount went to the Government, how much went to his staff and how much was appropriated by him for his own;

(c) what the total amount of expenditure incurred by the Government is for maintaining the temporary staff working under him;

(d) the names of the municipalities during the last three years that went in for electrification schemes;

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(e) to whom did the fees charged for by the Electrical Inspector to the Government go regarding electrification schemes of the various municipalities for which the Electrical Inspector prepared the plans, estimates, specifications, etc.; and

(f) if the fees go to him and his staff, in what proportion it is divided?

A.—(a) Government have in special cases permitted the Electrical Inspector to render professional assistance to private parties and to receive fees. Particulars of the fees received by him are given in the attached statement.*

(b) A portion of the fees was given by the Electrical Inspector to his staff for helping him in the work out of office hours; no portion was credited to Government.

(c) No expenditure is incurred by Government for the temporary staff working under the Electrical Inspector as the staff is employed on municipal schemes and the charges are recovered from the local bodies concerned.

(d) The municipal councils who have proposed to take up electrical schemes or who have actually taken up schemes are Anakapalle, Bezwađa, Bellary, Cocanada, Conjeeveram, Coonoor, Erode, Hindupur, Kurnool, Masulipatam, Palacole, Pollachi, Salem, Tanjore and Vizagapatam.

(e) & (f) The fees realized from the municipal councils are wholly credited to Government.

Dr. B. S. MALLAYYA :—“ Sir, the particulars of fees are given in the appendix. They are abnormal sums and I should like to know whether it is the intention of the Government, in the case of a full-timed man, to allow him to have private practice and permit him to get such large sums of money from the Tirupati Devasthanam and other quasi-Governmental bodies such as the University and other private bodies, or whether they would encourage private persons? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ These full-timed officers are allowed to have practice only after office hours.”

Mr. G. HARISARVOTTAMA RAO :—“ If the Government have fixed any scale of fees for different kinds of work that the Electrical Inspector has to perform, may I know whether he restricts himself to that scale? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Notice, Sir.”

Mr. S. SATYAMURTI :—“ With reference to clause (a), may I know what are the special causes for this Inspector being allowed to do private work? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The reason is that private bodies are not satisfied with the work executed by other persons.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know for what work which the Electrical Inspector is doing fees are charged? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ For giving opinions for drawing plans and estimates, etc.”

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Mr. G. HARISARVOTTAMA RAO :—" I am asking what was the nature of work that this individual was doing ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" This was the nature of the work, viz., of drawing plans and estimates, etc. "

Mr. K. KOTI REDDI :—" Have the Government pledged themselves to a policy of allowing this Electrical Inspector to do all kinds of private work and thus get vast sums of money to the detriment of private practitioners ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" All the money paid by local bodies and municipalities are credited to Government. Only in the case of other private bodies for whom he does the work he gets the remuneration for himself. "

Dr. B. S. MALLAYYA :—" Will the Government put an end to this pernicious system ? "

The hon. the PRESIDENT :—" The question is disallowed. "

Mr. A. KALESWARA RAO :—" May I know whether in view of the fact that the fees charged by the Electrical Inspector go to Government, the latter are prepared to reduce the scale of fees charged ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government do not compel local bodies to take opinions from the Electrical Inspector. "

Remuneration received by the Electrical Inspector to Government for scrutiny of electrification schemes.

* 464-B Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to state—

(a) what is the amount of remuneration received by the Government Electrical Inspector and from whom during the three years 1926-27, 1927-28 and 1928-29 for the professional services rendered by him;

(b) what portion of this amount went to the Government, how much went to his staff and how much was appropriated by him for his own; and

(c) what is the total amount of expenditure incurred by the Government for maintaining the temporary staff working under him?

A.—(a), (b) & (c) The attention of the hon. Member is invited to the answers to clauses (a), (b) & (c) of question No. 464-A.

Distribution of the remuneration received by the Electrical Inspector from municipalities.

* 464-C Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to state—

(a) to whom did the fees charged for by the Electrical Inspector to the Government go regarding the electrification schemes of the various municipalities for which the Electrical Inspector prepared the plans, estimates, specifications, etc.; and

(b) if the fees go to him and his staff, in what proportion it is divided?

A.—(a) & (b) The attention of the hon. Member is invited to the answers to clauses (e) & (f) of question No. 464-A.

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Applications from municipalities for electrification schemes.

* 465 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to state—

(a) the names of the municipalities during the last three years that went in for electrification schemes as well as the names of applicants for electric licences during this period; and

(b) the names of applicants whose applications for licence were rejected by the Government and the grounds on which they were so rejected?

A.—(a) The Municipal Councils which propose to take up electrification schemes or have actually taken them up are Anakapalle, Bellary, Bezwada, Cocanada, Conjeeveram, Coonoor, Erode, Hindupur, Kurnool, Masulipatam, Palacole, Pollachi, Salem, Tanjore and Vizagapatam. The names of applicants for electric licences during this period are given in the annexed statement.*

(b) The application of the Conjeeveram Co-operative Electric Supply Corporation for a licence to supply electric energy in Conjeeveram was rejected because it was proposed to give a licence to the Municipal Council of Conjeeveram and there was not room for two licensees in the same area.

Alleged interference of the Electrical Inspector in municipal electrification schemes.

* 466 Q.—Dr. B. S. MALLAYYA: Will the hon. the Law Member be pleased to state—

(a) whether any municipality has complained of the exorbitant fees charged by the Electrical Inspector for his scrutiny of the plans and estimates submitted to him for securing Government loan;

(b) whether it is a fact that the Electrical Inspector to Government advises heads of municipalities not to permit their Electrical Engineers to take up consultation work for other municipalities for remuneration and if they do, they will be surcharged;

(c) whether it is a fact that the Electrical Inspector to Government advised the Chairman, Madura municipality, not to permit his Engineer to take up consultation work on remuneration for the Bezwada Municipal Council; and

(d) whether it is a fact that the Electrical Engineer, Madura municipality, was appointed consultant adviser by the Bezwada municipality with the knowledge and consent of the Chairman, Madura municipality, and whether later on, he was not permitted by the same Chairman on the advice of the Electrical Inspector to Government who had visited the Madura municipality in the meantime, to take up this consultation work?

A.—(a) One municipal council protested against the fees levied. In certain special circumstances of the case, the Government reduced the fees.

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

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Dr. B. S. MALLAYYA :—"There is an Inspector to the Government for electrical work. There is also an electrical inspector to the Madura municipality and that man is approached by other municipalities for giving them advice. Is it a fact that this Government Inspector who is more powerful than the Government themselves prevented the Inspector of the Madura municipality from taking up other works?"

The hon. the PRESIDENT :—"That is giving an opinion."

Mr. G. HARISARVOTTAMA RAO :—"May I know whether the Electrical Inspector monopolises the advice that is to be given to municipalities and local boards?"

Diwan Bahadur M. KRISHNAN NAYAR :—"I have specifically stated that these bodies are allowed to take advice from anybody they like."

Alleged interference of the Electrical Inspector in municipal electrification schemes.

* 467 Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Law Member be pleased to state—

(a) whether any municipalities have complained to the Government of the exorbitant fees charged by the Electrical Inspector for his alteration of schemes submitted to him; and

(b) whether the Government have received any complaints from the municipalities against the constant and unnecessary interference of the Electrical Inspector with them?

A.—(a) The attention of the hon. Member is invited to the answer to clause (a) of question No. 466. The fees charged for the services of the Electrical Inspector to Government are fixed by Government and are credited to Government, not to the Electrical Inspector.

(b) The chairman of one municipal council complained of delay due to the Electrical Inspector's revision of plans. The Government after investigating the complaint found that the revision of the plans had been in the best interests of the council.

Forests

Objects of the proposed reorganization of the Forest Department.

* 468 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state what are the objects and purposes of the proposed reorganization of the Forest Department?

A.—The object is to determine future forest policy and to increase, if possible, the efficiency of the department.

Mr. K. R. KARANT :—"May I know how this reorganization of the Forest department is going to be of any help to determine the future forest policy of the Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Necessarily, the future forest policy depends upon this reorganization."

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Mr. K. R. KARANT :—"May I know whether reorganization is going to take place before any forest policy is laid down or the forest policy is going to be laid down first and then reorganization is going to take place?"

The hon. the PRESIDENT :—"That is not asking for information."

Reorganization of the Forest Department.

* 469 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) whether the Government have now arrived at any conclusions regarding the question of the reorganization of the Forest Department; and

(b) if so, what they are?

A.—(a) & (b) The question is under consideration.

Jails

Alleged ill-treatment of Mr. M. S. Subrahmanya Ayyar in Madura jail.

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

(a) whether it is a fact that Mr. M. S. Subrahmanya Ayyar who is undergoing simple imprisonment in the Coimbatore jail is kept in practically solitary confinement though not in a 'solitary cell';

(b) whether he is treated with extra harshness on account of his political views;

(c) whether Mr. Subrahmanya Ayyar had recently a fit of blood-vomiting and was in an unconscious and precarious condition;

(d) whether the hospital assistant refused or neglected to attend on him when informed of his condition;

(e) whether Mr. Subrahmanya Ayyar has, since admission, lost 36 lb. in weight;

(f) what is the present condition of Mr. Subrahmanya Ayyar's health; and

(g) why Mr. Subrahmanya Ayyar should be kept in a separate place apart from other prisoners in the jail?

A.—(a) He is confined in the European yard and is allowed to move about freely about the yard all day. He is shut up in the cell only at nights. He has been alone, except for a short time when a European prisoner was in the jail.

(b) to (d) No.

(e) He has lost in weight by about 12 lb. in the jail.

(f) His health is reported to be good.

(g) It is considered expedient to keep this class of prisoner separate from others.

Alleged ill-treatment of Mr. M. S. Subrahmanya Ayyar in Madura jail.

* 471 Q.—Mr. A. KALESWARA RAO: Will the hon. the Law Member be pleased to state—

(a) whether Mr. M. S. Subrahmanya Ayyar, a political prisoner in Coimbatore jail, has been ailing for some time;

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- (b) whether his weight has been reduced by 32 lb. ;
 (c) whether he recently vomited blood ;
 (d) whether he once swooned in jail ;
 (e) whether the jail doctor treated him with indifference ;
 (f) whether his condition is precarious, and if so, whether the Government are prepared to consider about releasing him from jail ; and
 (g) what is the exact condition of Mr. Subrahmanya Ayyar ?

A.—(a) Yes.

(b) He has lost weight by about 12 lb. in the jail.

(c) to (f) No.

(g) His health is reported to be good.

Mr. G. HARISARVOTTAMA RAO :—“ May I know what was the original weight of this gentleman when he was sent to prison ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ About 129 lb.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know whether medical opinion has been taken as to the decrease of 12 lb. in his weight. Is not the decrease in weight a fairly serious symptom ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The report specifically says that he was not suffering from any serious disease.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if a specific question has been asked of the medical officer whether this reduction in weight is not indicative of bad health ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Such a question was not asked.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if that enquiry would be made ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I do not think it is necessary, because this gentleman, as I believe, has now been released.”

Mr. ABDUL HAMEED KHAN :—“ May I know why he was kept away from other political prisoners ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The object was to give him ample room to move about.”

Mr. ABDUL HAMEED KHAN :—“ At the time when this gentleman was in prison he was the only prisoner there and may I know why he was kept with the European prisoners ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because the space there was more ample.”

Mr. T. ADINARAYANA CHETTIYAR :—“ May I ask the hon. the Law Member why this gentleman was given more ample room than others who were treated as prisoners of the same category ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because prisoners who are educated sufficiently are treated with some special consideration. (Laughter.)”

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Number and treatment of political prisoners in jails.

* 472 Q.—Mr. A. KALESWARA RAO : Will the hon. the Law Member be pleased to state—

(a) how many persons who are convicted of offences of a political character or have refused to furnish security under section 108, Criminal Procedure Code, are in the various jails of the Madras Presidency now, and what are their names with castes and creeds ; and

(b) whether since 19th March 1929 when the out motion to give better treatment to political prisoners was passed, any arrangements have been made to give them better food, clothing and bedding and to exempt them from any rigorous work in the jails and if so, what the improvements are ?

A.—(a) The Government have no information but have called for it.

(b) The matter is under the consideration of Government.

Mr. A. KALESWARA RAO :—“ May I know what are the steps which the Government have taken so far in the matter of giving better treatment to political prisoners after the budget session was over ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ It is under consideration.”

Mr. A. KALESWARA RAO :—“ May I know what steps have been taken ? ”
 The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The Government are considering what steps should be taken.”

Mr. A. KALESWARA RAO :—“ They have not commenced correspondence even with the jail authorities ? ”

Mr. S. SATYAMURTI :—“ May I know when the Government expect to be in a position to pass orders on this matter ; may I know how much longer they will take to finish consideration ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I am sorry I am not in a position to give any definite undertaking on that point.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if there are any definite proposals in the matter ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ There are proposals before the Government and these proposals have now to be modified in the light of the communiqué issued by the Government of India.”

Mr. S. SATYAMURTI :—“ May I know whether any steps have been taken by means of a letter or a note or nothing has been done ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The Government are considering it.”

Mr. S. SATYAMURTI :—“ May I know, with reference to the answer given to clause (a), if the Government will place the information on the table as soon as it is received ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I will consider the suggestion.”

Mr. A. KALESWARA RAO :—“ May I know whether the death of Jatin-dranath Das owing to hunger strike has influenced Government's minds in any way in the matter of treatment of political prisoners ? ”

* The hon. the PRESIDENT :—“ The question is not admissible.”

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Changes in the dietary rules for political prisoners.

* 473 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) whether any change has been introduced in the dietary rules applicable to those that are popularly known as 'political prisoners' after the expression of the clear opinion of this House during the discussion of the last budget on 19th March 1929;

(b) if so, what changes have been introduced; and

(c) if not, why not?

A.—(a) No.

(b) Does not arise.

(c) The matter is under the consideration of Government.

Mr. S. SATYAMURTI:—"May I know the reasons why no change has been introduced in the dietary rules?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"They are under consideration."

Mr. S. SATYAMURTI:—"May I know whether the Government realize how these people are suffering when the Government are considering over the matter?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir. They are not suffering (Laughter)."

Mr. BASHEER AHMED SAYEED SAHIB:—"May I know when the consideration will be over especially in view of the fact that a month has elapsed since the question was answered?"

Mr. G. HARISARVOTIAMA RAO:—"May I know whether the hon. the Law Member will issue transitory instructions so that these political prisoners spoken of in this question may be well treated pending Government coming to a definite decision on the matter?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Irrigation*Progress of the Appapuram project.*

* 474 Q.—Mr. P. ANJANEYULU: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have been pleased to move in the matter of the Appapuram project in the Guntur district; and

(b) at what stage the matter is?

A.—(a) & (b) The hon. Member's attention is invited to Question No. 1150-A answered on 30th January 1929. The Government have sanctioned a Special Public Works Division which will consider the Appapuram project along with others in connexion with the extension of irrigation in the Kistna delta.

Mr. P. ANJANEYULU:—"With reference to the answer given to this question that a special Public Works Division has been started, may I know when this was started?"

The hon. Mr. A. Y. G. CAMPBELL:—"It was sanctioned from the 1st April this year."

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Progress of the Gundlakamma project.

* 475 Q.—Mr. P. ANJANEYULU: Will the hon. the Member for Revenue be pleased to state—

(a) whether any report has been received in the matter of the Gundlakamma project in the Guntur district; and

(b) if so, when the project will be undertaken?

A.—(a) Yes. The hon. Member's attention is invited to the reports printed in G.O. No. 1352 I., dated 2nd May 1929, which has been published.

(b) No decision can be taken until the results of the gauging are known.

Mr. P. ANJANEYULU:—"As regards answer to clause (b), may I know for what period the Government are going to collect the results of gauging?"

The hon. Mr. A. Y. G. CAMPBELL:—"The period is mentioned in the Government Order referred to in answer to clause (a); the discharges are to be observed for five years."

Investigation of the high flood channel from Kistna river and the Vempadu project.

* 476 Q.—Mr. A. KALESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) at what stage the investigation of the high flood channel from the Kistna river at or near Mulapad is; and

(b) at what stage the construction of the Vempadu project in Gannavaram taluk in Kistna district is?

A.—(a) The hon. Member's attention is invited to questions Nos. 523 and 1252 answered on 12th October 1928 and 1st February 1929 respectively. The gauging staff has been sanctioned and, as already stated, gaugings have to be taken for three years.

(b) The Government have approved of an estimate amounting to Rs. 1,05,066 for the Vempad project and it will be brought forward for consideration with the budget estimates for 1930-31.

Expenditure on the Divi pumping projects.

* 477 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

(a) when the Divi pumping projects in Kistna commenced to work;

(b) what the total capital cost is; and

(c) what the annual working cost of the same is?

A.—(a) In 1907.

(b) Rs. 25.63 lakhs to end of 1927-28.

(c) The working expenses vary from year to year. The figures for the five years ending 1927-28 were—

	RS.
1923-24	1,48,528
1924-25	1,57,893
1925-26	1,58,513
1926-27	1,36,842
1927-28	1,19,716

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Supply of water from the Divi pumping project.

* 478 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

- (a) when water was first supplied in each of the years since the Divi pumping project was started and till what time the same was continued;
- (b) the area for which the water was supplied in each year; and
- (c) the total revenue derived from the project in each year?

A.—(a), (b) & (c) A statement* giving the information required is laid on the table.

Loans

Modification of rules regulating grant of loans under the Land Improvements and Agriculturists' Loans Acts.

* 479 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

- (a) whether the Government propose to make the rules regarding the grant of loans under the Land Improvements Loans Act and the Agriculturists' Loans Act more liberal and elastic; and
- (b) if so, when the new rules will come into force?

A.—(a) & (b) No such proposals are under the consideration of the Government. The Government have recently ordered that the rate of interest charged on advances to cultivators should be reduced from $7\frac{1}{4}$ per cent to $6\frac{1}{4}$ per cent per annum with effect from 1st April 1929. Further, as regards the levy of penalty on outstanding arrears of loans, they have directed that no penalty should be charged when the amount of arrears does not exceed Rs. 10 and that when the arrears exceed that figure, it should be left to the discretion of the officer to impose, or not to impose the penalty. The loan rules have been amended in accordance with these orders.

Reduction of the rate of interest under the Land Improvement Loans Act.

* 480 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state, with reference to Question No. 1721, dated 14th March 1929, regarding reduction of rate of interest under the Land Improvements Loans Act—

- (a) whether the Government have arrived at any decision;
- (b) if so, what the decision is; and
- (c) what the present rate is?

A.—(a) Yes.

- (b) & (c) The rate of interest was reduced from $7\frac{1}{4}$ per cent to $6\frac{1}{4}$ per cent per annum with effect from 1st April 1929 by G.O. No. 422, Finance, dated 1st June 1929. The Government Order was placed at the disposal of the Press.

* Printed as Appendix III on page 232 infra.

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Education

Opening of a secondary school for Muslim girls in Georgetown.

* 481 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether he has taken any steps to open a secondary school for Muslim girls in Georgetown?

A.—The question is under consideration.

Mr. ABDUL HAMEED KHAN:—"May I know from the hon. the Minister ^{11-30 a.m.} how long it will take for the school to be established?"

The hon. Dr. P. SUBBARAYAN:—"Impossible to give any definite time."

Mr. ABDUL HAMEED KHAN:—"May I ask whether the matter has been under consideration for the last $2\frac{1}{2}$ years?"

The hon. Dr. P. SUBBARAYAN:—"I am as well aware as the hon. Member of it."

Appointment of Mr. Verghese to the Madras Education Service.

* 482 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether one Mr. Verghese was appointed directly to the Madras Education Service;
- (b) what degree or degrees he has taken in Madras or elsewhere;
- (c) what is the rank and the class taken by him in the respective examinations; and
- (d) whether it is a fact that Mr. Verghese was appointed District Educational Officer though he had no previous teaching or administrative experience and what are the special reasons for such an appointment?

A.—(a) Yes.

(b) B.A. (Honours) in Philosophy of the Madras University and B.A. (Honours) in History of the Oxford University.

(c) Third class in both.

(d) The Selection Committee and the Director of Public Instruction recommended that he would make an efficient District Educational Officer. He has also taken the Diploma in Education at Oxford.

Mr. ABDUL HAMEED KHAN:—"May I know who are the members of the Selection Committee?"

The hon. Dr. P. SUBBARAYAN:—"The Selection Committee has varied from time to time. I cannot definitely give information on the point who were the members of the Committee when this particular gentleman was selected."

Mr. ABDUL HAMEED KHAN:—"Who are the members now?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Selection Committee and the Director of Public Instruction made this recommendation jointly or separately?"

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The hon. Dr. P. SUBBARAYAN :—"The Selection Committee first approved of this candidate and the Director of Public Instruction recommended that he may be appointed."

Rao Bahadur C. NATESA MUDALIYAR :—"May I know by whom this Selection Committee was constituted?"

The hon. Dr. P. SUBBARAYAN :—"The Selection Committee was of course constituted by the Local Government."

Mr. S. SATYAMURTI :—"May I know, with reference to answer (d), whether this gentleman's name was sent up by the Selection Committee and the Director of Public Instruction or whether the Government consulted these two officers or bodies for their opinions on the proposals of the Government to appoint this gentleman?"

The hon. Dr. P. SUBBARAYAN :—"The Selection Committee and the Director of Public Instruction recommended the gentleman."

Proposed additional appointments to the Madras Educational Service.

* 483 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether the Government propose to make any more direct appointments to the Madras Education Service during the course of this year;
- (b) if so, the names and qualifications of the candidates;
- (c) whether there are any applications pending with the Director from other candidates, specially Muhammadans, for appointment in the Madras Education Service and what are their names and qualifications; and
- (d) who is the person making these appointments and whether he is assisted by any committee?

- A.—(a) & (b) It cannot be stated at present whether any more direct appointments will be made to the Madras Educational Service.
- (c) The Government do not consider it desirable to furnish the information called for.
- (d) Appointments to the Madras Educational Service are made by the Government from among the lists of candidates recommended by a Selection Committee which has been constituted to advise the Government on the selection in India of candidates for direct appointments to the higher branches of the Educational services.

Mr. ABDUL HAMEED KHAN :—"With reference to answer (b), may I know whether it is the policy of the Government to appoint all those people who have got diplomas in teaching as they have done in the case of Mr. Verghese?"

The hon. Dr. P. SUBBARAYAN :—"It is not a question of every person possessing a diploma getting an appointment."

Mr. S. SATYAMURTI :—"With reference to answers (a) and (b), may I know when the Government expect to make up their minds on this question of recruiting directly to the Madras Educational Service hereafter?"

The hon. Dr. P. SUBBARAYAN :—"Certain number of men for certain places will certainly have to be recruited directly for the Educational Service. What proportion of them will be so recruited will soon be decided."

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Mr. S. SATYAMURTI :—"When will it be decided?"

The hon. Dr. P. SUBBARAYAN :—"I expect soon."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—"With reference to answer (d), may I know if the Selection Committee selects candidates from the whole of India?"

The hon. Dr. P. SUBBARAYAN :—"Selection in India as far as this province is concerned."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—"May I know if the hon. the Minister or the Government issued circulars to these Selection Committees how they should proceed when selecting candidates?"

The hon. Dr. P. SUBBARAYAN :—"No instructions have at all been given to the Committee."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—"Will the Government be pleased to issue circulars that the committees should select candidates according to communities provided there are candidates available?"

The hon. Dr. P. SUBBARAYAN :—"The final authority being vested in the Government with regard to appointments, the Government did not think it necessary to give any such instructions."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—"With regard to these appointments, may I know whether they are appointed on probation in the first instance or permanently?"

The hon. Dr. P. SUBBARAYAN :—"I am sorry I cannot give an answer to that question; I want notice."

Mr. ABDUL HAMEED KHAN :—"May I know whether the Committee invites applications or merely selects from those who have applied?"

The hon. Dr. P. SUBBARAYAN :—"They consider all applications that are sent up to the Selection Committee and people know that the Committee are going to select candidates."

Mr. BASHEER AHMED SAYEED :—"With regard to these appointments, may I know whether they are advertised in the papers before selection is made?"

The hon. Dr. P. SUBBARAYAN :—"Notice, Sir."

Appointment of Mr. I. N. Menon as Professor of Philosophy.

* 484 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether Mr. I. N. Menon has been appointed Professor of Philosophy in the Presidency College;
- (b) whether it is a fact that he has never taught Honours classes previously;
- (c) whether he has ever before taken the Intermediate or the B.A. classes and if so, in what colleges and how long; and
- (d) what are the special reasons for appointing him in supersession of a senior and experienced Professor?

A.—(a) Yes.

(b) No.

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- (c) Yes; the Intermediate classes in the Government Brennen College, Tellicherry, for about one year and eight months and the Government College, Coimbatore, for about a year and a half. Before joining Government service he did work with the B.A. and B.A. (Hons.) classes in the Christian College.
- (d) There has been no supersession. Mr. I. Narayana Menon was selected for the post as having the most suitable qualifications.

Service of the Superintendent of the Government Hobart School for Girls.

* 485 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) for how many years the present Superintendent of Government Hobart School for Girls has been holding this appointment; and
- (b) the number of years each one of her predecessors held the same appointment?

A.—(a) Three years and three months since 8th June 1926.

Name of officer.	Period.		
	YRS.	M.	D.
(b) (1) Miss F. Schofield from 3rd January 1920 to 18th December 1920	0	11	16
(2) Miss E. Ryan from 19th December 1920 to 2nd July 1922	1	6	14
(3) Miss T. Lazarus from 3rd July 1922 to 27th August 1923 and from 28th June 1924 to 7th June 1926	3	0	26
(4) Miss M. T. Tomlinson from 28th August 1923 to 27th June 1924	0	10	0

MR. ABDUL HAMEED KHAN:—"May I know why this Lady Superintendent is allowed to continue for a longer period than her predecessors? What is the special reason?"

The hon. Dr. P. SUBBARAYAN:—"I do not know whether there are any special reasons."

MR. ABDUL HAMEED KHAN:—"Is it not a rule that an officer is generally moved after a certain period?"

The hon. Dr. P. SUBBARAYAN:—"I am aware of no such regulation."

Service of the acting and permanent Deputy Directresses of Public Instruction.

* 486 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the respective periods of service of the permanent and acting Deputy Directresses of Public Instruction;

(b) the reason why the acting Deputy Directress has not been made permanent; and

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(c) how long the permanent Deputy Directress has been on leave?

Officer.	Service on 1st August 1929.					
	Total.			In the I.E.S. alone.		
	YRS.	M.	D.	YRS.	M.	D.
A.—(a) Permanent Deputy Directress ...	7	4	12	7	4	12
Officiating Deputy Directress ...	20	7	0	8	4	0
(b) For want of a permanent vacancy.						
(c) For seven months from the 3rd April 1929.						

Local Boards

Construction of the Srisaïlam road.

* 487 Q.—MR. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the negotiations between the Government and the District Board, Kurnool, in regard to finding funds for the Srisaïlam road have been completed;

(b) whether the railway-cess fund collections have been suggested by the Government for utilization; and

(c) when the road is likely to be sanctioned?

A.—(a) Yes.

(b) No.

(c) The proposal to construct the road was indefinitely postponed as the Kurnool District Board was unable to meet its share of the cost from its funds and was unwilling to take a loan for the purpose.

MR. G. HARISARVOTTAMA RAO:—"May I know whether the district board was not prepared to consider the question of asking for a loan after the quota to be made had been once settled?"

The hon. Dr. P. SUBBARAYAN:—"It refused to consider the question of quota at all."

MR. G. HARISARVOTTAMA RAO:—"May I know what quota the Government required of the District Board?"

The hon. Dr. P. SUBBARAYAN:—"The Government were prepared to give only half the grant and the district board does not want to proceed on that basis."

Construction of a bridge over the Gundlakamma.

* 488 Q.—MR. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the question of constructing a bridge over the Gundlakamma at Markapur in the Kurnool district has been taken up; and

(b) if so, at what stage the matter stands?

A.—(a) & (b) The President, District Board, Kurnool, reported in February 1928 that the matter was under the consideration of the district board. The Government have no information as to the present stage of the matter.

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Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. the Minister will kindly ascertain what has happened since February 1928 ? "

The hon. Dr. P. SUBBARAYAN :—" I shall call for the information."

Exemption to unpassed men in local board service for appearing for special tests examinations.

* 489 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether men in employment under local bodies hitherto exempted from general qualification for purposes of appearing for special tests are still required to obtain exemption from general qualification even when they have passed the special tests and have full technical qualifications for the posts they hold ;

(b) whether he is aware that such a requirement affects men of very long service ; and

(c) whether he will get the question examined and treat all such men as having been exempted already from the general qualification ?

A.—(a) & (b) Yes.

(c) The question was examined lately and, though it was decided not to exempt the persons in question as a class, certain working principles were laid down which govern the disposal of individual cases of real hardship.

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister for Education what are the working principles that have been laid down in this matter ? "

The hon. Dr. P. SUBBARAYAN :—" Notice, Sir."

Municipalities

Acceptance of tenders by municipal councils for electrical works.

* 490 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the reasons the Government assign for issuing G.O. No. 2013, L. & M., dated 30th April 1929, were brought by them to the notice of the councils concerned and explanations obtained by them ;

(b) whether it is a fact that the Government Order was issued without the knowledge of the councils merely on the strength of the Electrical Inspector's statements ;

(c) whether an enquiry was instituted for finding out the correctness or otherwise of the statement made by the Electrical Inspector regarding the irregularities of a number of municipal councils ;

(d) whether it is a fact that the Cocanada, Bezwada, Kurnool and Tanjore municipalities did not either accept at all or only accepted in part the Electrical Inspector's recommendations in the matter of selection of contractors for their town schemes ; and

(e) whether the Government Electrical Inspector was present in the various places at the meetings when tenders were accepted and did all he could to enforce his recommendations by threatening the councils with surcharge if his recommendations were not accepted ?

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A.—(a) No.

(b) & (c) The Government passed the order after a full consideration of the facts brought to their notice by the Electrical Inspector to Government.

(d) The Cocanada and Bezwada Municipal Councils did not accept at all or accepted only in part the recommendations of the Electrical Inspector to Government in the matter of selection of contractors. The Government have no information about other councils.

(e) The Electrical Inspector to Government was present at some of the meetings of the Cocanada and Bezwada Municipal Councils. The Government have no information on the allegation mentioned in the latter part of the clause.

Dr. B. S. MALLAYYA :—" May I know from the hon. Minister why the Government passed the order on the representation of that perfect gentleman, the Electrical Engineer to Government, behind the back of . . ? "

The hon. the PRESIDENT :—" The hon. Member will not be allowed to use epithets qualifying the Electrical Engineer when putting supplementary questions about him."

Dr. B. S. MALLAYYA :—" I am sorry, Sir. May I ask why the Government preferred the recommendations of the Electrical Inspector against the views of municipalities and local bodies and why they passed this order without giving these local self-governing bodies a chance to explain the matter ? Is it the intention of the Government to deprive them of their rights ? "

The hon. Dr. P. SUBBARAYAN :—" As I said once before, I am taking this whole matter into consideration ; I hope we will be able to arrive at a satisfactory conclusion."

Dr. B. S. MALLAYYA :—" Thank you, Sir."

Selection of contractors for electrical works by the municipalities.

* 491 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Education and Local Self-Government be pleased to state under what law and for what reasons the Government are depriving municipalities of selecting their own contractors for their works ?

A.—The hon. Member apparently refers to the recent instructions issued in G.O. No. 2013, L. & M., dated 30th April 1929, regarding acceptance of tenders by municipal councils for electrical works. These were not issued under any specific provision of the Act but as executive instructions for the guidance of the council. They do not produce the effect suggested by the hon. Member.

Electrification schemes for Cocanada, Bezwada, etc.

* 492-A Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether in the municipalities of Cocanada, Bezwada, Kurnool, Tanjore and Sembiam union electrification has been taken up ;

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(b) what the names are of the companies recommended by the Electrical Inspector to Government in the main for (i) generating plant and (ii) line materials and erection of distribution systems;

(c) in how many of the above cases were his recommendations accepted and in how many rejected by the municipalities;

(d) whether the municipalities and local bodies are bound to obtain the approval of the Electrical Inspector to Government to the appointment of their Electrical Engineers; and

(e) if so, how this power is vested in him and up to what pay it is left to his unfettered discretion?

A.—(a) Yes.

(b) & (c) In the case of the Bezwada electrification scheme the Electrical Inspector to Government recommended the names of Messrs. Mirrless Bickerton and Day, Limited, and Messrs. Callenders Cable and Construction Company, Limited, for generating plant and line materials, respectively. The Municipal Council did not accept either of these recommendations. The names of the same two companies were recommended by the Electrical Inspector in the case of the Tanjore electrification scheme also. The Tanjore Municipal Council accepted the recommendation only for line materials. The Sembiam Union Board has accepted the recommendation of the Electrical Inspector that a bulk supply of energy may be obtained from the Madras Electric Supply Corporation, Limited. The Government have no information in respect of the other schemes.

(d) & (e) No.

Dr. B. S. MALLAYYA :—" May I ask if the Government are satisfied that this gentleman always recommends English firms when other firms quote cheaper and better terms. . ? "

The hon. the PRESIDENT :—" The first portion of the question is certainly admissible ; when he tries to improve it, it becomes inadmissible. "

Dr. B. S. MALLAYYA :—" May I ask if the hon. the Minister is aware that the terms of Swadeshi firms are always favourable ? "

The hon. Dr. P. SUBBARAYAN :—" I am not an electrical expert. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. the Minister is prepared to get information with regard to the other municipalities ? "

The hon. Dr. P. SUBBARAYAN :—" As I said, Sir, the whole question is under review and I shall see what could be done and that these local bodies also have their say in the matter. "

Recommendations of the Electrical Inspector on the electrification schemes of Cocanada, etc.

* 492-B Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what are the names of companies recommended by the Electrical Inspector to Government, in the main for : (i) generating plant, and (ii) line

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materials and erection of distribution system, in the municipalities of Cocanada, Bezwada, Kurnool, Tanjore and Sembiam Union where electrification is taken up ; and

(b) in how many of the above cases his recommendations were accepted and in how many rejected by the municipalities ?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to clauses (b) and (c) of Question No. 492-A.

Approval of the Electrical Inspector to Government to appointment of Electrical Engineers by local boards.

* 492-C Q.—Mr. T. M. NARAYANASWAMI PILLAI: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the municipalities and local boards are bound to obtain the approval of the Electrical Inspector to Government in the appointment of their electrical engineers ?

A.—The attention of the hon. Member is invited to the answer given to clause (d) of Question No. 492-A.

Mr. S. SATYAMURTI :—" In view of the whole matter being put in the melting pot and considered by the Government, may I know if the Government will consider the desirability of giving these appointments to Indian Electrical experts ? "

The hon. Dr. P. SUBBARAYAN :—" That will depend on the municipalities and the Electrical Engineer ; the Government cannot interfere. "

Mr. A. KALESWARA RAO :—" May I ask whether the local bodies will be given greater freedom in the choice of the contractors ? Will the hon. Minister consider this question also ? "

The hon. the PRESIDENT :—" It has been answered that the whole question is under consideration. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether this aspect is under the consideration of the Government, the aspect of making some arrangements to come to a conclusion when the municipalities and local bodies differ from the Electrical Engineer ? "

The hon. Dr. P. SUBBARAYAN :—" That matter will certainly be considered. "

Scrutiny of municipal electrification schemes before granting loans.

* 493 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact as a condition precedent to the grant of a loan by the Government to any municipality, the Government insist upon the scrutiny and sanction by the Electrical Inspector to Government of the plans and estimates of the scheme proposed ; and

(b) whether it is a fact that in the course of such scrutiny, if the Electrical Inspector to the Government offers any suggestion or alteration, or addition to the scheme placed before him, he is permitted by the Government to charge fees therefor ?

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A.—(a) Yes.

(b) Fees are not charged for the Government Electrical Inspector's scrutiny of the estimates or modification of the schemes; but if at the request of the local body concerned the Electrical Inspector himself undertakes the work of revising the plans and estimates, etc., with a view to rectify the defects noticed by him fees are charged according to the time taken and nature of the work.

Electrification of Sembiam union.

* 494 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the attention of the Government has been drawn to the Chingleput District Administration Report regarding the electrification of the union of Sembiam, especially to the scheme originally drawn up by the present Electrical Inspector to the Government (Mr. Greenwood) for which fees were charged by him and paid by the union, and which when forwarded to him by the Local Self-Government Department for the purpose of sanctioning a loan was at first not approved by him; and

(b) whether it is a fact that later, when it was pointed out by the district board that he had drawn up the scheme himself and been paid for it, the same was approved without any modification whatsoever?

A.—(a) Yes; but fees for the Electrical Inspector's services were not charged by him but by Government and were credited to Provincial funds.

(b) The President of the Sembiam Union Board brought to the notice of Government in 1927 that the Electrical Inspector wanted the scheme to be thoroughly investigated before it could be further proceeded with. The Inspector's estimate of 1926 showing a yearly loss of Rs. 5,000 and odd was based on assumptions and technical data not investigated by him and hence his suggestion to have a thorough investigation of the scheme. As, however, the union board was able and willing to provide Rs. 5,000 against the possible loss, the Inspector subsequently agreed to proceed with the scheme without further investigation.

Dr. B. S. MALLAYYA:—"In this case, Mr. President, I should like to know whether the Government are aware that there is a flaw in the estimates prepared by the Inspector himself?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Excise

Amount of compensation to Indian States and French Settlements for loss of excise revenue.

* 495 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Public Health be pleased to state, with reference to question No. 1792, dated 20th March 1929, the compensation paid to each of the Indian States and to the French Settlements in connexion with losses sustained by them with regard to their excise revenue in each of the last 20 years?

A.—A statement^a is annexed.

^a Printed as Appendix IV on page 233 infra.

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Orders of the Government of India on the high consumption of opium in East Godavari.

* 496 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Local Government have received the orders passed by the Government of India on the report of the committee appointed to investigate into the causes of high consumption of opium in East Godavari; and

(b) if so, what the orders are?

A.—(a) No.

(b) Does not arise.

Medical

Report of the Committee on Medical Education and action taken thereon.

* 497-A Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to lay on the table of the House the report of the Committee on Medical Education and the orders passed on it by the Government?

A.—Orders have not yet been passed and the question of placing on the table is under consideration.

Training of specialists for teaching appointments in Medical Colleges.

* 497-B Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Public Health be pleased to state with reference to answer to question No. 308, dated 10th August 1929—

(a) the recommendations of the Committee with regard to the training of specialists for teaching appointments and the future of medical education in the Presidency; and

(b) the decisions, if any, of the Government thereon?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 497-A.

Agriculture

Publication of the bulletin entitled "The work of The Livestock section".

* 498 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) whether the Director of Agriculture has published the bulletin entitled "The work of the Livestock section"; and

(b) if so, whether the same will be placed on the table?

A.—(a) Yes.

(b) A copy of the bulletin is placed in the Legislative Council Library.

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Co-operative Societies*Formation of a Central Weavers' Society.*

* 499 Q.—Mr. A. RANGANATHA MUDALIYAR: With reference to answer to clause (b) of question No. 53, dated 7th August 1929, will the hon. the Minister for Development be pleased to state—

(a) the proposals made by the Registrar of Co-operative Societies regarding the formation of a Central Weavers' Society for the purchase of yarn and sale of finished products, and

(b) the orders, if any, of the Government thereon?

A.—(a) & (b) The Registrar has sent proposals for the formation of such a society and they are under consideration.

Fisheries*Alleged rule fixing the minimum number of teachers in Fisheries Schools.*

* 500 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that in schools maintained by the Fisheries Department the Director of Fisheries strictly adheres to the rule that there shall not be more than one teacher for 40 pupils;

(b) whether he is aware that the rule lays down only a minimum number of teachers required; and

(c) whether it is a fact that the Fisheries Department have applied to the District Educational Council, Malabar, to exempt them from the operation even of this rule in regard to some schools maintained by the department?

A.—(a) & (b) There is no rule that there should not be more than one teacher for 40 pupils. The rule followed by the Fisheries Department in regard to the admission of pupils into the elementary schools maintained by them is the same as that which governs admission in ordinary elementary schools under public management. The rule is that there should be at least one teacher for every 40 pupils and that it is desirable that there should be a teacher for every 30 pupils. The Fisheries Department is following this rule as far as possible.

(c) The rule from which exemption has been sought by the Department of Fisheries was passed by the District Educational Council, Malabar, and is to the following effect:—

"No single-teacher school shall, with effect from 1st April 1929, have more than three standards or an aggregate strength of more than 40 pupils except with the approval of the inspecting officer concerned and that in all other schools not more than two classes, the aggregate strength of which is 40 or less, shall be handled by one teacher."

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Supervision of Fishermen Co-operative Societies by the Assistant Director of Fisheries.

* 501 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Assistant Director of Fisheries, West Coast, has been invested with some of the powers of the Registrar of Co-operative Societies for the effective supervision of co-operative societies for fishermen;

(b) whether such powers have been exercised by him till now;

(c) whether it is a fact that the Malabar District Co-operative Federation requested the Assistant Director of Fisheries (Coast) to supervise the working of the co-operative societies for fishermen;

(d) whether in response to the request of the Federation, he exercised the powers granted to him; and

(e) whether the Assistant Director of Fisheries (Coast) has exercised such powers in respect of societies in South Kanara?

A.—(a) Yes.
(b) Yes.
(c) Yes.
(d) Yes.
(e) No.

Qualifications of supervisors of Fishermen Co-operative Societies.

* 502 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the officers in charge of the fish-curing yards are also required to supervise the working of the co-operative societies for fishermen;

(b) whether these officers have received any co-operative training;

(c) whether sub-inspectors are deputed for training in the Co-operative Institute at Coimbatore; and

(d) what reserve of officers is provided for normal work to depute sub-inspectors regularly for training at Coimbatore?

A.—(a) They are required to help and improve the condition of societies working in the villages served by the yards of which they are in charge.

(b) to (d) Two sub-inspectors were specially deputed to attend the co-operative training classes held at Coimbatore in January 1929. No substitutes were appointed in their places. Other officers have not received any special training.

Veterinary*Survey of cattle of the Kurnool district.*

* 503 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether the work of the survey of cattle of the Kurnool district has been undertaken;

(b) if so, what areas have been so far covered;

(c) what the scope of the survey is;

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- (d) whether the survey extends to sheep and goats; and
 (e) what arrangements have been made for the supply of stud bulls in the Kurnool district?

A.—(a) No.

(b) to (d) Do not arise.

(e) None at present.

Mr. G. HARISARVOTTAMA RAO :—“With reference to answer (a), may I know whether the survey of Kurnool cattle will be taken up?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“I cannot say, Sir.”

Mr. G. HARISARVOTTAMA RAO :—“May I ask if the hon. the Minister is aware that Kurnool suffered worst from rinderpest last year?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“May be.”

Mr. G. HARISARVOTTAMA RAO :—“May I know whether he will make arrangements to have stud bulls stationed at Kurnool?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“If there are good opportunities there for breeding, the question will be considered.”

Mr. G. HARISARVOTTAMA RAO :—“May I know definitely whether he is considering the claims of the Kurnool district in connexion with the question of supply of stud bulls?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“All districts are being considered.”

Loan of buffaloes and bulls to local bodies.

* 504 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) the number of stud bulls and buffaloes sold or lent to the District Board, Village Panchayats or any other bodies or individuals in the Chingleput district and when they were lent or sold; and

(b) where they are serving now and whether their service is reported to be satisfactory?

A.—(a) Four breeding bulls (one Ongole and three Sind) and one buffalo bull were sold to the Chingleput District Board. One Ongole bull was placed at stud in the Veterinary Hospital, Conjeeveram. They were issued in 1928 and 1929.

(b) One Ongole bull at Villivakkam, three Sind bulls at Karlapakkam, Valarpuram and Kattiyampandal and one buffalo bull at Poonamallee.

The Ongole bull at Conjeeveram is serving well. Excepting one Sind bull, about which there is no information, the other bulls have all served cows but the number of services is small. The District Board was requested to see that proper use is made of these bulls. The buffalo bull at Poonamallee refused to serve. It was therefore returned to the Veterinary Hospital, Madras, for testing and is still under treatment.

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

II

ELECTION OF MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

* The hon. the PRESIDENT :—“Under section 15, clause III, sub-clause (3), of the Annamalai University Act, 1929, five members have to be elected to the Senate of the Annamalai University by the Madras Legislative Council from amongst its members according to the principle of proportional representation by means of the single transferable vote. I have directed that the elections should be held in accordance with the regulations made under Standing Order 77. In accordance with these regulations, I fix 3 p.m. on the 26th as the time by which notice of nominations should be sent to the Secretary.

“The Council will now resume the considerations of the Malabar Tenancy Bill.”

III

THE MALABAR TENANCY BILL.

Clause 1.

Proviso to sub-clause (3).

* The hon. the PRESIDENT :—“The question is “in the amendment of the hon. the Revenue Member, insert after the word “eviction” the words “and appeals against decrees in such suits” and omit the words “in the court of first instance.”

Mr. A. KALESWARA RAO :—“I wish to know whether Mr. Saldanha has given up the question of execution of decrees referred to in his amendment, and whether the Council has allowed him to withdraw that part of the amendment”.

* The hon. the PRESIDENT :—“He moved his amendment in a modified form.”

* Mr. C. R. PARTHASARATHI AYYANGAR :—“The proposition, Sir, is that, when this Act comes into force, suits and appeals that may be pending in courts should have the benefit of the provisions of this Bill. This is not a new question. Even in the Madras Estates Land Act there is provision to this effect. Under section 6 of that Act occupancy right can be given even though the landlord has obtained a decree for ejectment. Therefore such a provision as this is not unknown. Retrospective effect being given to such provisions is not unknown. Under the provisions of the Madras Estates Land Act, occupancy rights have been given with retrospective effect. There is nothing extraordinary in giving retrospective effect in such cases.

“There is also another section in the Estates Land Act, section 18, which clearly supports this idea of giving retrospective effect. When the object of this Act is to give a sort of stability to the rights of the tenants, surely there can be nothing improper or inequitable in giving retrospective effect to the provisions. I accordingly support the amendment of Mr. J. A. Saldanha.”

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a.m.

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Mr. A. KALESWARA RAO:—"Sir, I also want to point out that in the case of appeals after the passing of the Madras Estates Land Act, which were pending at the time, the courts held in various decisions like 21, Madras Law Journal, and others that notwithstanding any decree for ejectment passed in favour of the landlords before the passing of the Estates Land Act, the provisions of that Act did apply to the cases in which appeals were allowed. Therefore, it is not a new thing at all to give retrospective effect in the present case. Therefore, Mr. Saldanha's amendment is quite in order and we are not giving by this amendment any out of the way concession to the tenants. After all, we only want that the tenants should not be ejected, that they should have fixity of tenure and that agrarian discontent now prevailing in Malabar should be wiped off, that the lands should become richer through better cultivation by the tenants after they are given fixity of tenure, and that the tenants should command a better status."

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, as I pointed out yesterday, it is not a very usual thing to give retrospective effect to an enactment such as the one before us. In this case, it will really be hard if retrospective effect is made to depend entirely on the quickness with which a Judge disposes of a case. There may be cases instituted after the 30th July 1929 in the court of a very clever District Munsif, and in such cases we may take it that he has already disposed of them; but in the case of a slow-coach of a District Munsif in whose court cases are instituted, the cases may drag on for years together. Therefore the effect of this clause depends largely upon the individual capacity of the District Munsif. I should rather think that it will be dangerous to extend this Act to cases of appeals pending at the time of the passing of the Act, as my hon. friend Mr. Saldanha in his enthusiasm for all good things, has suggested. After all, men have gone to work thinking that they are acquiring certain rights, and if by this amendment, we ask them to give up those rights, certainly it will be very unfair and unjust. It is not always that people know what is going to happen. They may think in all innocence that such an Act may not be passed here; and I do not think there is any equity or justice in inflicting punishments upon people who never expected this kind of trouble to arise. I think, so far as the conditions in Malabar are concerned, whatever the theoretical aspect of the matter may be, it will be quite sufficient to give effect to this Act from the date on which it receives the assent of the Governor-General. There are no facts before the House now, there were no facts before the Select Committee, and apparently there were no facts before the Government either, which could induce them to introduce a provision for giving retrospective effect to this measure. What the Government did not think worth while, the Select Committee did; and yet there were no facts before them. My hon. friend Mr. Saldanha promised this morning that he would give us facts and figures to show that suits have been instituted in large numbers. I should really be delighted to know how many suits have been instituted. I am sure if he had those facts and figures, he would have placed them before the House. I expect however that he has none. If there be a few suits instituted in the Malabar courts, I think we need not take them into consideration and do such a strange thing as giving retrospective effect to a legislation affecting a very large number of people."

Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, I am really sorry that the principle that underlies an appeal is not understood. The Government have by this Bill accepted a change in the law, and they have also

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accepted that original suits can be dealt with under this law. When an appeal is filed, practically the judgment of the lower court is in suspense, and in appeal, points of law and equity might be urged anew. When a new legislation has been undertaken to be enacted, it is really strange how the Government want to restrict its operation to the original suits only. Appeals do partake of the nature of original suits in so far as the law is concerned, and it is wrong that we should restrict the operation of this Act to mere original suits. I feel that the Government will not be doing any violence to the principles of the Bill which we are now accepting on the floor of the House, if they permit appeals also to be included in this clause. I appeal to the Government to realize the necessity for including appeals. I ask, where is the justification for us to allow the operation of this law to original suits and decline it to appeals? Those who have filed original suits and have filed appeals later on are as much entitled to see that they are given full justice as those who have filed original suits. Justice in this case requires that when you have accepted a change in the principle of the law, appeals also should be allowed to come under the law. I therefore suggest that the amendment of my hon. friend from South Kanara should be supported."

* Mr. K. P. RAMAN MENON:—"Sir, I want to have a doubt cleared which I feel as regards this amendment. As I understand the amendment of Mr. Saldanha and several other amendments which follow, there are two ideas involved; one is that in regard to suits in the original court or in the appellate court, whether they were instituted before or after the 30th July, if they are pending either in the original or in the appellate court, the Act will apply. That is one aspect of the matter. Then again, there is another aspect. I want to know what my friend means by 'appeals.' Does he include second appeals also under that term? This is a matter which has not been explained at all. I want to have these doubts cleared before I can resolve to vote upon this amendment."

* Mr. S. SATYANURTI:—"Sir, I regret I cannot support the amendment. Sir, in the original Bill which was introduced by my hon. friend the Law Member, there was no provision at all for retrospective effect being given to the provisions of this Bill even in the case of suits pending in the original court. Even in the Bill as it was referred to the Select Committee, there was no provision at all. But in the Select Committee stage it was pointed out that taking advantage of the possibility of this Bill becoming law, a large number of janmis might file suits which would deprive the tenants of their just rights under this Bill, if the Bill were to become law on the date of the institution of those suits. Therefore, a date was suggested, 30th July of this year—when this Bill was published—and it was provided that in the case of original suits instituted after this date, the rights and liabilities of both the parties should be decided as though this Bill had become law after the 30th July. I think, Sir, that is so far as we can go, and so far we have gone. I think we should protect people from eleventh hour attempts to bring in new amendments, not with a view to solve the question of disputed rights, but merely with a view to deprive people of the rights that they would have had for this Bill. I think to make this Act applicable to appeals pending now is really less than fair or just to those people whose rights are sought to be established by this Bill. Moreover, the point raised by my hon. friend from Malabar in his arguments against the amendment, is a very strong one. There may be first appeals, second appeals, Privy Council appeals and Letters Patent appeals and they will be too many; and it may

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be that appeals may be pending for a long time in one or another place. In such a case, surely we shall be affecting litigation which began seven or eight years ago. I do not think that is a fair proposition, and I would ask the House respectfully to reject the amendment."

* Mr. D. THOMAS :—"Mr. President, there is one word which I should like to submit for the consideration of this House. When original suits are filed, issues are framed, then evidence is adduced on the nature of the case and so many processes have to be gone through. If the new Act is to apply to all appeals, then the issues will have to be framed again on the basis of the new law and the whole thing will have to be recast. Evidence will have to be adduced afresh and an opportunity will have to be given to both parties to adduce further evidence. I submit it will not be a practical proposition, and will lead to great difficulties if this amendment is accepted."

* The hon. the PRESIDENT :—"I take that the House is ready for a vote."

"The question is that in the amendment of the hon. the Revenue Member after the word 'eviction' insert the words 'and appeals against decrees in such suits' and omit the words 'in the court of first instance'."

The amendment was put and declared carried. A poll was demanded by the hon. Diwan Bahadur M. Krishnan Nayar and the House divided thus :—

Ayes.

- | | |
|-----------------------------|-------------------------------------|
| 1. Mr. K. Koti Reddi. | 7. Mr. K. Madhavan Nayar. |
| 2. " J. A. Saldanha. | 8. " P. Anjaneyulu. |
| 3. " G. Harisarvottama Rao. | 9. " C. Obi Reddi. |
| 4. " L. K. Talasiram. | 10. " A. Parusarama Rao. |
| 5. " D. Narayana Raju. | 11. " A. Kaleswara Rao. |
| 6. " K. R. Karant. | 12. " C. R. Parthasarathi Ayyangar. |

Noes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur. | 26. Rao Bahadur O. M. Narayanan Nambudripad. |
| 2. " Sir Thomas Moir. | 27. Mr. N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 28. Rao Sahib L. C. Guruswami. |
| 4. " Mr. A. Y. G. Campbell. | 29. Mr. V. I. Muniswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 30. " S. Subrahmanya Moopanar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 31. " D. Thomas. |
| 7. " Dr. P. Subbarayan. | 32. " S. Venkiah. |
| 8. Mr. Hilton Brown. | 33. Rao Sahib R. Srinivasan. |
| 9. " H. A. Watson. | 34. Mr. E. Sankaran Unni. |
| 10. " A. G. Leach. | 35. " C. E. Wood. |
| 11. " J. Gray. | 36. " S. N. Dorai Raja. |
| 12. " S. V. Ramamurti. | 37. " S. Arpudawami Udayar. |
| 13. " C. B. Cotterell. | 38. " K. Ramachandra Padayachi. |
| 14. " V. Ch. John. | 39. Swami A. S. Sahajanandam. |
| 15. " M. A. Manikkavelu Nayakar. | 40. Mr. G. R. Premayya. |
| 16. " Syed Tajudin Sahib. | 41. " R. Srinivasa Ayyangar. |
| 17. " H. B. Ari Gowder. | 42. " S. Satyamurti. |
| 18. " A. B. Shetty. | 43. " C. V. Venkataramana Ayyangar. |
| 19. " J. Bheemayya. | 44. " K. Uppi Sahib. |
| 20. " J. A. Davis. | 45. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 21. " R. Foulkes. | 46. Mr. T. C. Srinivasa Ayyangar. |
| 22. " P. J. Gnanavaram Pillai. | 47. " K. R. Venkatarama Ayyar. |
| 23. " Mahmud Mohamnad. | 48. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 24. The Muppl Nayar of Kavalappara. | 49. Rao Bahadur Sir A. P. Patro. |
| 25. Subadar-Major S. A. Nanjappah Bahadur. | |

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| 50. Diwan Bahadur P. C. Ethirajulu Nayudu. | 53. Khan Bahadur Syed Abdul Razaek Sahib Bahadur. |
| 51. Rao Bahadur C. Natesa Mudaliyar. | 54. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 52. Mr. T. K. Chidambaranatha Mudaliyar. | 55. Rao Bahadur B. Muniswami Nayadu. |

Ayes 12. Noes 55:

12 noon.

The amendment was negatived.

* Mr. K. MADHAVAN NAYAR :—"Sir, I beg to move that the words 'instituted after the 30th July 1929' be deleted in the proviso. Thereby, the section will read like this :

'Provided that in all original suits for eviction pending on the date when this Act comes into force which would have been governed by the provisions of this Act had it been in force at the time of their institution the rights and obligations of the parties concerned shall be recognized by the provisions of this Act.'

"Thus, you will see that appeals are taken out of the category altogether. We want to give protection to the parties in those suits which are pending in the original courts at the time the Act comes into force. I submit that difficulties in extending the protection of the Act to appeals do not arise in this amendment and when a legislation of this character is passed, the parties in suits which are pending in the original courts must be given protection. Therefore I move the amendment."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment, Sir."

* The hon. the PRESIDENT :—"The question is that in the amendment of the hon. the Revenue Member, omit the words 'instituted after the 30th July 1929 and'."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I am not prepared to accept this amendment. As has already been pointed out yesterday, it is somewhat exceptional to give any law retrospective effect and it is not usual to give laws passed by any legislative body retrospective effect unless necessity is shown. I do not think it has been shown that there is any necessity to give retrospective effect to the provisions of this Act earlier than 30th July 1929, the date on which this Bill was first published."

* Mr. P. C. VENKATAPATHI RAJU :—"Mr. President, Sir, the reasons which the hon. the Revenue Member has advanced for not giving retrospective effect are not at all convincing. It is a fact admitted both by the Government and by the people of Malabar that a tenancy legislation is long overdue. There were not a few attempts made to somehow or other remedy this state of affairs that has been existing for the last one century. Even though attempts were made, unfortunately for the tenants and for the other parties interested in Malabar, no satisfactory tenancy law was made up to now to safeguard the interests of the tenants. And when it is made after such a long time and when there is no practical difficulty in giving them the benefit of this legislation it is but just and right that retrospective effect should be given at least to all pending suits in the courts of first instance. It is not on account of any want of agitation on the part of the people that legislation is delayed, but if we read the history of this legislation, you will find that in many cases, the Government was slack in carrying out this legislation. As a matter of fact, you know that when a Bill was passed by this House, it was vetoed by His Excellency the Governor. Had that Bill been passed, not only those whose cases are pending in the courts, but others also would have derived the benefit

[Mr. P. C. Venkatapathi Raju] [25th September 1929]

of the legislation. So, when you find there is no practical difficulty and especially when you find that this remedy was sought to be effected for a long time, it is but right that retrospective effect should be given at least to all pending suits in the original courts."

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, I was rather surprised to hear the hon. the Leader of the Opposition referring to a century of history in support of a proposition of this character. If a century or more is behind this legislative proposal, there is also exactly the same century which refused to grant that benefit which the present Act proposes to grant. If there was a warning from anybody, I say, it would be fair to the sense of the Government to agree that there should be no Bill of the kind that was vetoed. Now, they bring forward a Bill and ask us to believe that they always intended to give legislative protection. It is not fair. We have not rushed to courts. It is not in the interests of the landlord at all that I am pleading, because I am perfectly certain that there are not many cases of eviction by the janmis. I do not know whether kanamdars have filed suits for eviction. So far as the janmis are concerned, I am in a position to say that very few suits have been filed in the courts in Malabar. If you want to enact legislation, do it by all means, but do it in a reasonable way. It is not fair to ask people who are not responsible for this legislation or for the past, to suffer for the dilatoriness of Government or their unpreparedness or their unwillingness to take legislation on hand. 'What might have been' is always in the land of regrets. If the Government had done so a century ago and if the Government had expropriated all the janmis a century ago, there would not have been this question at all and many other questions would not have come up on the floor of this House if those things had been done. So, let us get on with the present rather than attempt to think and regret in terms of what might have been. I am sure the hon. the Leader of the Opposition will see that it is not at all reasonable to inflict a wrong of this character on people who are not responsible for the present situation or for the circumstances in which they find themselves."

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I rise to point out a practical difficulty in the working of this motion. If this amendment were accepted, the clause will read :

'provided that in all original suits for eviction pending in the court of first instance on the date when this Act comes into force, etc.'

"Therefore the mere accident of the quickness or the dilatoriness on the part of the district munsif or the particular trying judge will determine the suit or suits to which the provisions of this Act will apply. If he goes on disposing of these suits after this Bill is passed by this House, and before it becomes law by the signature of His Excellency the Governor and His Excellency the Governor-General, it will be good for the people concerned to get their suits disposed of. So, if they try to get their suits disposed of on or before the date this Act comes into force, then the provisions of this Act will not apply to them. If there are dilatory district munsifs or other reasons by which you can prolong the agony of trials by issuing subpoenas, making defendants or plaintiffs ill or by putting in affidavits, the result will be you will be encouraging these tactics which will add to delay in litigation, and which will let in a new class of suits depending on personal accidents, to which the provisions of this Act will apply. So, I once more repeat that the clause as emerged from the Select Committee is all that we need,

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and I earnestly appeal to the House to go on with the substantive provisions of the Bill, and not to waste more time on small things."

* Mr. J. A. SALDANHA :—" Mr. President, I am rather surprised at Mr. Satyamurti speaking at this stage with an amount of callousness in regard to the pitiable condition of the people in Malabar. If he had really known their condition, I do not think he would have talked in this sort of style. I was asked whether I had materials to show that there were suits filed recently just before this Bill was published in the Gazette.

"First of all, let me say that I have got details of one case at least filed before this Bill was published and it is a suit filed in the court at Chowghat just a few days before 30th July 1929 and that for the eviction of a tenant from five acres and odd. I also know of several similar suits instituted about that time in other courts against Christians. If this is the case in a small part of the taluk, I am sure there must be several suits in other parts of the district. It is not a pleasant thing for janmis—even kanamdars—often to file suits for eviction. In Malabar the poor are in the hands of janmis or the highest landholders. After all, it is a question of big spiders against flies, who, though very many, are mostly poor. The sympathy of the Government in this presidency has been with these landlords. Whereas, in the neighbouring State of Cochin as also in Travancore they brought forward generous legislation about 50 years ago granting fixity of tenure to kanam tenants. I speak of Ponnani taluk which is contiguous to the Cochin State and also contiguous to the Travancore State, and the conditions are similar. Government have been deliberately delaying legislation which was proposed by more than one commission. Every commission appointed for the last 50 years has proposed some legislation in the interests of the kanamdar—whether they are cultivating kanamdars or not. Now, this legislation has been long overdue. After all, what is it that we are asking for? It is but a very humble and modest request—that in those cases of suits that were filed some time in January . . ."

* The hon. the PRESIDENT :—" We have not come to that amendment as yet. It affects all pending suits."

* Mr. J. A. SALDANHA :—" Whenever filed? So, this legislation has been pending for a long time. After the last Bill was passed by this House, His Excellency the Governor negatived it. Mr. Krishnan Nayar then brought forward a Bill which should have been passed long ago, but the Government have been delaying unnecessarily and if Government had only let this Council its own way, that Bill would have been passed long ago and His Excellency would not have vetoed that Bill for a second time. And so to say that Government gave no warning is, I submit, rather incorrect. I am surprised to find the hon. Member for the University, who 12-15 professes to represent so many people in Malabar, should rise up and say p.m. that we who come from Malabar are ignorant of what is happening there, and what happens is that generally Government look for support to the rich janmis, landlords and aristocrats and do not take into consideration the wishes of the ordinary people. Surely legislation is belated and I am sure there will come a time when they will have to answer for this belatedness. The janmis should thank themselves for the Government having delayed legislation for so long a time. And the janmis should not depend upon Government to bring a Bill which is on the whole satisfactory to them. Anyhow we have to be thankful for the small mercies, and I hope sooner or later drastic legislation will be brought about, and for the time

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being we shall be content with this modest amendment governing all pending suits."

* The hon. the PRESIDENT:—"I take it the House is ready for a vote. (After a pause.) The question is, in the amendment of the hon. the Revenue Member omit the words 'instituted after the 30th July 1929'."

The amendment was put and negatived.

* The hon. the PRESIDENT:—"The question is that the following proviso be substituted for the proviso to clause 1 of the Bill: 'Provided in all suits for eviction instituted after the 30th July 1929 and pending in the court of first instance on the date when this Act comes into force'."

The amendment was put and carried.

* The hon. the PRESIDENT:—"The question is, clause 1, as amended, shall stand part of the Bill."

The motion was carried, and clause 1 was added to the Bill.

Clause 2.

Sub-clause (1).

* Mr. E. SANKARAN UNNI:—"Mr. President, I beg to move—
"that before the word 'lands' insert 'forest or dry', and after
"timber" insert 'land transferred', and at the end add 'for any
other non-agricultural purpose or'."

"The object of this amendment is to exclude extensive forest tracts which are let for purposes of plantations. In Malabar such tracts are let for purposes of planting timber and other trees and also for the raising of buildings such as factories, warehouses, etc. To bring them also within the purview of this Act will, I fear, go against the object of the Bill which relates to agricultural tenancies only. Therefore it is that this amendment is moved."

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD:—"Mr. President, Sir, I have great pleasure in seconding this motion, for any one who is conversant with the conditions obtaining in Malabar will at once recognize that a large extent of forest land is let for building purposes, for raising firewood, for raising timber and plantations. And it is but fair that these should be exempted from the operation of this Bill. Hence I beg to second this motion."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I want to know whether Mr. Sankaran Unni does not want to move the words 'with or without wet'."

* The hon. the PRESIDENT:—"No, he does not move those words."

* Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD:—"Sir, I have given notice of a motion similar to this and it comes later on, and therefore I have great pleasure in seconding this motion. The fundamental principle of the Bill is improvement of agriculture and protection of agricultural tenant. Therefore all engagements for non-agricultural purposes should be excluded from the purview of this Bill. Such kinds of lands are large in Malabar and in my own family there are leases granted for the purpose of building shops, warehouses, etc. We are now legislating in respect of agricultural tenancies and it is with a view to make things clear that this amendment is brought forward."

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Mr. K. R. KARANT:—"May I suggest, Sir, that the several parts of this amendment be put to vote separately?"

* Mr. K. P. RAMAN MENON:—"Sir, I wish to oppose this amendment. The main reason of my hon. Friend is that there are leases granted for the raising of forests, tea plantations, etc. With reference to that, as a matter of fact, large portions of dry land have been leased out to tenants only for a particular purpose and for the use of other lands that are wet including small holdings. This amendment runs against the tenor of section 10, which is to come hereafter. And if there is any apprehension that as a matter of fact the inclusion of large tracts of dry land in leases granted to tenants may be detrimental to the interests of the landlords there is the provision in section 11."

Mr. E. SANKARAN UNNI:—"May I point out, Sir, that section 11 fixes the holdings and does not refer to the limiting of holdings?"

Mr. K. P. RAMAN MENON:—"I think fixing means limiting the holdings. Then turning to the question of warehouse, from sub-clause (3) of section 2, it will be seen that any building owned by a landlord including a house, shop or warehouse, the site thereof, together with the garden or land appurtenant thereto—all these things are excluded from the operation of this Bill. If, as a matter of fact, there are leases granted for factories—I tried my best to recollect instances of leases where factories have been raised and I am unable to pick up any instance, except one, I think it is somewhere in Nilambur—these instances are rare and such an amendment like this will be restricting the enterprising spirit of the people to whom these leases are granted. I submit, therefore, that this amendment should not be accepted."

* The hon. the PRESIDENT:—"I take it the House is ready for a vote. I shall put the three parts separately. The question is, in clause 2, sub-clause (1), in line 1, before the word 'lands' insert the words 'forest or dry'."

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is, in line 2, after the word 'timber' insert the words 'land transferred'."

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is, at the end, insert the words 'for any other non-agricultural purpose or'."

The amendment was negatived.

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD:—"Mr. President, I beg to move—

"in line 3 after 'rubber' insert the words 'or trees such as jack, mango, palmyra, except coconut and arecanut'."

Mr. MUPPIL NAYAR OF KAVALLAPPARA:—"I beg to second it."

Mr. K. P. RAMAN MENON:—"Mr. President, Sir, here again I have to oppose the amendment. I am unable to see any land let out particularly to the cultivation of jack, mango or palmyra alone. No doubt, it happens that in a holding there are dry lands in which jack trees are planted, in which mango trees are planted, in which palmyra trees are planted. But then to say that there are leases granted for the particular purpose of planting mangoes or jack trees or palmyras is not correct. According to my some-what long experience I may submit, Sir, that the insertion of these words

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p.m.

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will be only an insidious attempt to get those portions of a holding which are planted with these trees outside the scope of this legislation. I submit, therefore, that this amendment should not be accepted."

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, the amendment moved by my hon. Friend Mr. Nambudripad is nothing so very strange as that. He has assured us that in his own family there are leases given for the purpose of raising gardens of fruit-bearing trees such as those mentioned in the amendment. Is there any impossibility in such a thing being done at all? I know that my hon. Friend Mr. Raman Menon's experience of the conditions of Malabar is indeed very great and wide, and I always respect him for that. But at the same time I must point out that there are other people also who, in their moderate experience, may have come across instances which might not have come within Mr. Raman Menon's knowledge. My hon. Friend Mr. Nambudripad says that he knows of instances of that kind. Even supposing that there are not instances of that kind now actually in existence, what is there to prevent such leases being given in the future? Are you going to legislate that when leases of that kind are given, the provisions of this Act shall apply to them? What is sought by means of this amendment is that when leases for growing fruit-trees other than coconut and arecanut are given, those leases may not be affected by this Act. Mr. Raman Menon did not try to say that this Act should apply to those leases. But he said that there are no such leases. Supposing there is just one such lease, then I take it that he would be ready to agree to this amendment. Supposing a large number of leases would come into existence, in that case also I take it he will be prepared to accept this amendment."

* Mr. K. KRISHNAN:—"Sir, I oppose this amendment. The implications contained in the amendment are very wide and I request this House to seriously consider this question when they vote on it. Generally, land is not given merely for the purpose of planting coconut or arecanut trees, etc. It is given for the purpose of planting, and if these words are inserted, and if in any garden hereafter it is found that a few jack trees or coconut trees are planted, then many questions will arise and in the law courts the parties will contend that this is not a lease which has been given for the purpose of planting jack trees or coconut trees and therefore that has to be excluded from the provisions of this Act. I submit, therefore, that very serious consequences and endless litigation between the landlord and tenant will be the result if this amendment is accepted."

The amendment was put and negatived.

Sub-clause (2).

Mr. S. ARPUDASWAMI UDAYAR:—"Sir, I beg to move that between the words 'pepper' and 'is', the words 'or cashewnut' be inserted.

"I move this amendment for this reason. There are certain lands in North Malabar, sandy tracts, where it is possible to raise only cashewnut, just as even in the Tanjore district at present large tracts consisting of 80, 40 or even 100 acres are set apart for the cultivation of this tree, which alone grows on the sandy soils. Now, if a janmi or a landlord has allowed such a large tract for the cultivation of cashewnut—the only tree that can be grown thereon—I do not see why that should come under the operation of this Act. For these reasons, I move this amendment."

Mr. E. SANKARAN UNNI:—"I second it."

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* Mr. K. KRISHNAN:—"Sir, I oppose this amendment. The same argument that I put before the House regarding the previous amendment holds good here also. I do not know what experience my hon. Friend Mr. Arpudaswami Udayar has of North Malabar except probably his one day's stay in North Malabar when he came up there. I may say, Sir, that no land is given on lease merely for the purpose of planting cashewnuts or coconuts. Complications will arise therefrom if this amendment is accepted, and I respectfully request that this House be not a party to create such complications when we are trying to avoid such complications as far as possible."

Mr. K. UPPI SAHIB:—"As the motion raises an important question, I wish to speak on it. In South Kanara cashewnut is a very important produce."

* The hon. the PRESIDENT:—"But we are legislating for Malabar."

Mr. K. UPPI SAHIB:—"I am just referring to it as it is adjacent to Malabar. In taluks of Malabar adjacent to South Kanara cashewnut is a very important produce, and the price of cashewnut also is growing high. There are people who have planted 100 and even 200 acres with cashewnut trees, and there are people who are about to begin that cultivation. According to the provisions of this Act, if this cashewnut is not excluded from the provisions of this Act, it will operate very heavily against this new industry in Malabar. Now, for the present it is not going to affect anybody. Mr. Krishnan said there is no lease for mere cashewnut. I think, Sir, that a man who has taken a piece of land for cultivating coconut can very well cultivate cashewnut and can snap his finger at the janmi because he will have to pay only a nominal rent. Therefore, I support this motion."

The amendment was put and negatived.

Sub-clause (3).

* Mr. A. ACHUTAN:—"Sir, I move that sub-clause (3) be omitted. In doing so, I may be allowed to submit that I find myself in this wilderness of amendments and I feel considerable difficulty in locating them at once. My object, Sir, in moving this amendment is to draw the attention of this House to a crying evil that is shaking the foundations of civic and public life in some of the urban areas and municipal towns of Malabar. The warehouses referred to in this sub-clause are mostly to be found in the municipal towns and urban areas and it is with such buildings and the tenants in occupation of such buildings that this amendment deals. And this Bill after it becomes law will confer some benefits only on the agricultural tenants. It is they who for the first time in the history of legislation will be able to enjoy a spirit of independence and individuality. As a result of this legislation, there will be an improvement in the economic position of the tenants of agricultural holdings, and they will enjoy civic and political freedom. Now after conferring such substantial benefits on the agricultural tenants, to deny those benefits to an important section of the population, namely, the non-agricultural tenants, is in my opinion a bar to the country's progress, economically, socially, and politically. Agriculture of course, I admit, is a very important thing. But no less important are industry, commerce and trade. It is the persons who pursue these avocations of trade, industry and commerce that are coldly left out of the beneficent provisions of this legislation. To leave them in the lurch by means

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of this sub-clause and expect them to shift for themselves as best they could is not wise. Now land is taken out of the hands or the ownership of the janmi, and on that principle something like a fixity of tenure is given to a tenant. Well, Sir, houses, shops and warehouses can also be said to be in the absolute ownership of the janmi. After giving fixity of tenure to the agricultural tenant why should you deny such fixity of tenure to the non-agricultural tenants who are the mainstay of the urban population in the municipal towns of most parts of Malabar. In the case of these non-agricultural tenants what I submit is that capricious and arbitrary evictions are more fraught with danger to the tenants and also to the general public than in the case of the agricultural tenant. I can quote instances from my own experience in municipal towns of janmis owning warehouses, buildings, etc., having issued 100 to 150 eviction notices on the industrial and commercial tenants of their holdings as the result of municipal elections. I come from the municipality of Cannanore, and if this House were to institute an enquiry as to the facts and circumstances connected with the recent municipal elections, you will find to what extent the janmi is harassing the tenants. The janmi's oppression is so great that self-respecting non-agricultural tenants had to barter their souls for a mess of pottage as a result of the harassment and oppression of the janmi; and the result is that the municipal elections in my part of the country have become reduced to a farce. (Mr. S. Satyamurti:—'They are the same everywhere') It is specially so in North Malabar. I speak from experience and you can take it from me when I say that an ex M.L.C., a member of this House, had to succumb to the machinations of the janmi and record an open vote as if he was an ignorant and illiterate man who did not know how to read and write. He had to go to the polling officer and say, 'Sir, I do not know how to put my mark on the voting paper, and so I will give my vote by open voting! Why? To satisfy the janmi he had to vote according to the janmi's instructions. If an ex M.L.C. can be reduced to this position, to sell his soul for a song, what do you think would be the condition, the miserable condition, of others who are not so fortunate?

12-45 p.m. "I can quote instances after instances. I will ask the House to institute an enquiry and to appoint a special officer to ascertain and investigate into the history of municipal elections in recent times in North Malabar. You will see a great number of literate and illiterate tenants are under the tender mercy of the janmis and are compelled to give their votes according to the wishes of the janmi. Have you heard of such things in any civilized country except in the land of these harassing and oppressive janmis? Now, I say this again and again to the House that the harassment of these non-agricultural tenants, especially in urban areas, by the janmis is more intensive because the area is limited, and the harassment has become unbearable and intolerable. So long as we exclude from the beneficent provisions of this Bill these non-agricultural tenants, so long, I say, will the elections to local boards and municipalities be a farce."

* The hon. the PRESIDENT:—"I am afraid the hon. Member is repeating himself. The rules do not permit an hon. Member to repeat his own arguments."

* Mr. A. ACHUTAN:—"Therefore, what I submit is that in regard to these non-agricultural tenants the necessity for fixity of tenure of some sort or other is as great as it is in the case of agricultural tenants. There is no

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justification for making fish of one thing and flesh of another. Both stand on the same footing. Both are alike. We have heard of pocket-boroughs in English constitutional history, and I am glad they are dead by now in England. But these pocket-boroughs are very much alive and kicking in my own part of the country. Therefore, I say that if you give fixity of tenure only to the agricultural tenants, you will allow that part of the body politic to grow on healthy lines, but if you exclude the other part and deny fixity of tenure to the non-agricultural tenants, then, the most important part of the body politic will rot, fester, die and decay. Therefore, in the interests of democracy, in the interests of purity of civic and public life, in the interests of commerce and trade, I appeal to this House to take a long and broad view and extend the provisions of this Act to non-agricultural tenants, just as much as they are applicable to the agricultural tenants."

Mr. K. KRISHNAN:—"I second it."

Mr. K. MADHAVAN NAYAR:—"Mr. President, Sir, I am exceedingly sorry that the eloquent arguments of my hon. Friend, Mr. Achutan, have not appealed to me at all. Even a casual reader of this Bill will see that it takes the line of least resistance and, without bringing about any revolutionary change, gives certain classes of tenants protection from arbitrary evictions. To extend the provisions of this Bill and the protection of this Bill to houses which have been hired out yesterday, or the day before yesterday, or last year, or two years ago, by a person who owns it, and give the tenant of such a house fixity of tenure will certainly be a most revolutionary change that anybody can effect in the ownership of lands. I do not think that more arguments are necessary to show that this amendment of my hon. Friend cannot possibly be accepted, either by the tenant or the landlord, either by the janmi or the kanamdar, or anybody whatsoever. I therefore submit that the whole House should vote this down and not give any support to it."

The amendment was put and negatived.

* The hon. the PRESIDENT:—"Amendment Nos. 17 and 18 are for adding new sub-clauses after sub-clause (3). If amendment No. 16 is carried, permission will be given to move the other sub-clauses; if the amendment is voted against, the new sub-clauses cannot be added. I want to know whether the Movers want to move each of the new clauses separately, and then, if necessary, to move the consequential amendment."

The MUPPIL NAYAR OF KAVALAPPARA:—"My amendment No. 16 is only consequential on amendment No. 18."

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

* Mr. K. URFI SAHIB:—"Sir, I move—

'To add the following as sub-clauses (4) and (5):—

"(4) Lands in North Malabar held on 'kanam'—Provided that nominal kanams which are charged over kushikanam or leases of paddy lands shall not be deemed to be kanams for the purpose of this clause.

"(5) Lands given on leases of usufruct."

"I have given yesterday my reasons for excluding kanams in North Malabar. I am afraid the House is prejudiced somehow or other that this matter is put, from the janmi's standpoint. I beg to submit to the House, Sir, that the janmis of North Malabar will not thank me for moving this amendment. In North Malabar, it is generally the big janmis that have big kanams and give their lands on kanam. I told the House yesterday

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that it is the janmi with a small income that demises his property on kanam. When a man is in need of money he goes about in search of a lender and receives money on the security of land. The period of kanam in North Malabar varies from five to thirty-six years, and in the kanam deeds in North Malabar you will not find any stipulations about renewal, such as are found in kanam deeds of South Malabar. And also there are no provisions in kanam deeds of North Malabar to pay michavaram to the janmi. There is a provision in this Bill to exclude kanams if the kanartham is more than 60 per cent of the janm value of the property. This will not serve the purpose as regards North Malabar kanams. In North Malabar, all kanams, except perhaps nominal kanams in the southern part of Kurumbranad taluk, are real mortgages executed when the proprietor was in need of money. I do not understand why the Government is penalizing a man for not borrowing more money than he needed. Take, for instance, a man who has property worth Rs. 1,000, and when he is in need of money he mortgages that property for Rs. 300. According to the provisions of this Bill, i.e. according to clause 17, the janmi who has leased out or given his property on lease for Rs. 300, because it is less than 60 per cent of the janmam value of the property, will not be allowed to redeem it. Why should a man be penalized for not taking more money than he needed? So, I say that if the tenants have any complaint about kanams created in the southernmost part of the Kurumbranad taluk, they must be included under this Act, and that the rest of the kanams in North Malabar must be excluded. I therefore submit my amendment for the consideration of the House."

Mr. BASHEER AHMED SAYEED :—" I second it."

Mr. K. R. KARANT :—" Speaking on this amendment, may I just appeal through you, Sir, to my hon. Friend to withdraw the amendment at this stage and to bring it more appropriately when discussing clause 17, which excludes certain kinds of kanam from the operation of this Bill? There will also be further time to consider this matter, because some of the grievances which really seem to exist in the case of North Malabar are also found to exist in the case of kanams elsewhere. As clause 17 deals with the exclusion of certain kanams, may I just request him, Sir, to withdraw this amendment at this stage and bring it up along with the other amendment to clause 17?"

The hon. the PRESIDENT :—" If any hon. Member objects to the withdrawal, it will be put to the vote."

The hon. Sir THOMAS MOIR :—" I object."

The hon. the PRESIDENT :—" It has not been withdrawn. The question is for the consideration of the House."

Mr. S. SATYAMURTI :—" The Government think that in a question of this kind they can leave it to the parties, because the matter is not so clear as some other matters are. No doubt, the Raghavayya Committee dealt with it in a particular manner, the result of which is embodied in section 17 of the Bill. Sir, looking at the two Bills introduced by my hon. Friend the Law Member, when he was a non-official member, I find the exact words used by him in his Bill. Clause 4 in both the Bills say, 'Nothing in this Act shall affect lands in North Malabar held on kanam tenure. Nominal kanams which are charged over kuzhikanams or lease of paddy lands shall not be deemed to be kanams for the purpose of this section.'

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[Mr. S. Satyamurti]

"Now, the amendment just before the House practically embodies that clause of the Bill which is retained in a different language to make it adaptable to the structure of the clause as it stands. The Raghavayya Committee deals with it at page 50 (paragraph 106) as follows:—

'It is only necessary to add that these proposals as regards the kanamdars should apply, in the opinion of the Committee, only to cases of real kanams. It has been represented that in North Malabar there are few kanams of the sort contemplated in the opening paragraph of this chapter and that recent kanams in South Malabar are mostly of the same description, namely, real mortgages in which mortgage money is so large that the interest thereon is ordinarily equal to the income from the land. Mr. Krishnan Nayar has recognized this in his second Bill and also in his new Bill and has provided that the tenancy legislation that he has sought for should not cover kanams in North Malabar. This, the Committee thinks, is not the correct way of dealing with the situation. For, as stated above, there are similar kanams in South Malabar also. It seems to the Committee that the logical method is to exclude altogether from the scope of its proposals all kanams which are really mortgages, and with that view, it proposes to exclude all kanams both in North and South Malabar, where the kanam amount is more than 60 per cent of the janmam value of the land at the time these proposals come into effect, or, as regards future kanams, at the time such kanams are created.'

"This proposal is embodied in clause 17 of the present Bill where in sub-clause (3) the Bill provides, 'Nothing in this section shall apply to a kanam (1) wherein the kanartham exceeds sixty per cent of the value of the janm's rights in the holding; on the date of the commencement of this Act, or in the case of future kanams on the date on which the kanam is created,' etc."

"That is so far as one part of the amendment just now before the House is concerned. Now, the amendment consists of two parts, namely, 'Lands in North Malabar held on kanam provided that nominal kanams, shall not be deemed to be kanams for the purpose of this clause' and 'Lands given on leases of usufruct'. Therefore, while the Raghavayya Committee deals with cases of real mortgage, although they are called kanams, I submit the points raised in this amendment have got to be met by Government. I am only anxious for information. If really there is nothing in the arguments advanced by my hon. Friends in support of the amendment, I think the House will be prepared to vote it down. On the other hand, it seems to me that there are points in the amendment which have not been met by the Raghavayya Committee. I want to know the position of Government with regard to the kanams in North Malabar, which Mr. Krishnan Nayar's Bill wanted should not be deemed to be kanams for the purpose of this clause, and also lands given on leases of usufruct. So far as North Malabar is concerned, I am prepared to agree with the conclusion of the Raghavayya Committee. I am willing to accept the 60 per cent as a fair test. But as regards the two other points mentioned in the amendment, I should like to know what objection the Government has to accepting them."

Mr. K. KRISHNAN :—" Mr. President, Sir, the question of the exclusion of the kanams my friend elaborated yesterday, and I have also tried to meet some of those points. At the same time I said that at the proper time I would be able to give some explanation in regard to it. As regards the amendment itself, if it is accepted as it stands, there will be considerable trouble in deciding what is a nominal kanam and what is not a nominal kanam. Unless we are able to distinguish the two and unless we give some idea on which the courts can decide cases coming before them, this provision would not be workable. The amendment is too vague to be incorporated as a provision in the Act. I oppose it on that particular point itself."

"Then my friend in elaborating his argument said that the conditions in North Malabar are different from the conditions in South Malabar. I deny

[Mr. K. Krishnan]

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that proposition. Lands are mortgaged as much in South Malabar as they are in North Malabar. There is no special sanctity in the mortgages created in South Malabar as against mortgages created in North Malabar. In ordinary parlance, the word kanam has been used for hypothecation. Therefore some confusion has arisen in North Malabar which probably has not arisen in South Malabar, which after all is only on account of the linguistic differences in technical terms which are used for particular transactions in the two portions of the district. Therefore, when this question was considered, the Raghavayya Committee said that it would not be possible to distinguish the kanams in North Malabar from the kanams in South Malabar. (Mr. Basheer Ahmad Sayeed : Where ?) Then my friend said that in North Malabar there is no michavaram fixed. I am only drawing attention to the definition of the word 'kanam' in the Act. That definition itself excludes such kanams. Therefore the large class of kanams which my friend has in view will not come within the purview of this Act.

"Then my friend drew a distinction between kanams in North Malabar and those in South Malabar and said that there was no question of payment of renewal fees in North Malabar. My friend need have no apprehension whatever that such kanams will be included within the definition of the word 'kanam.' The two points on which my friend argued were considered not only by the Raghavayya Committee but also by the special committee and he need be under no apprehension that such kanams will come within the purview of the Act.

"Then, there is only the real kanam remaining. My friend states there are various portions of Malabar where small kanams are tacked on to the leases for the purpose of recovery of the property on payment of a small fee as court-fee. Within the last few years the janmis have discovered that if they tack on a few rupees of kanam to a lease, then the court-fee that need be paid is only upon the kanam and not on the revenue that is generally payable or the year's rent, as the case may be. Seeing therefore that these kanams have come to stay, and seeing that there are kanams in leases and they are leases of garden lands which have been planted by the tenants, it will not be sought to exclude all these cultivating tenants, who unfortunately have been asked by janmis to tack on a few rupees of kanam to the leases and dignify it by the word kanam. Therefore I ask my friend to agree to the suggestion of my friend from South Kanara and withdraw this amendment, and when we come to discuss section 17, then it may be quite proper for him to make suggestions for improving the section. At present the amendment as it stands can under no circumstances be accepted, because it is so indefinite that no court will be able to act upon it. After all, we are making an enactment for the courts to act upon, and under such circumstances I oppose the amendment."

* "The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, the hon. Member for the University has asked what is the position of Government with reference to these amendments. I take it, Sir, the effect of the first amendment is to exclude from the operation of the Act all lands in North Malabar held on kanam except those nominal kanams mentioned in the proviso—these nominal kanams would be still subject to the provisions of the Act. The position of the Government is that taken up by the Raghavayya Committee, as explained in the passage in the report which the hon. Member

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[Mr. A. Y. G. Campbell]

for the University has read, viz., that it is better not to exclude any particular kanams from the operation of the Act, but to make provisions the effect of which would be that kanams which are really mortgages would be excluded, whether they are in North Malabar or in South Malabar; and the Raghavayya Committee took the figure of 60 per cent which is based upon the figure of 66½ per cent mentioned in the Transfer of Property Act in relation to mortgages.

"As regards lands given on leases of usufructs, I understand that to mean the land on which trees are situated is not leased to the tenant, but the tenant is allowed to have only the use of the fruits of the trees. On the East Coast, we are accustomed to tree pattas, that is to say, to lease of trees either by Government or by landlords apart from the land, and it is usual to talk of the grant of patta for trees as well as patta for land. This Bill relates only to leases of land and not to leases of trees without the land. A tenant is defined as any person who has paid or has agreed to pay rent or other consideration for his being allowed by another to enjoy the land of the latter, etc. The Act would not apply to a lease for the usufruct of trees without the land on which they are situated."

* Mr. E. SANKARAN UNNI:—"Sir, I am sorry the hon. the Revenue Member has deemed fit to oppose the motion. It is a well-known fact that conditions in North Malabar have greatly altered. It has been pointed out by my friend that the janmis in order to facilitate suits have put in small sums as kanams. That is just the reason why we are coming in with this amendment. A few years ago, these kanams were not there. The new definition seeks to bring this class of leases within its scope. No one who knows the facts would have thought of including North Malabar kanams in this legislation. There is another difficulty. Originally it used to be the rule that no michavaram of any sort was payable to the janmi. Now the janmis get two seers of rice, etc., as michavaram. The consequence is the conditions which we have mentioned in regard to kanams are present in these cases. The test of 60 per cent does not really apply. In fact, I have collected a large number of instances to show that the 60 per cent rule will not exclude the kanams of North Malabar. Here is a typical instance. The rent payable in paddy is 1,200 seers. The money value of 1,200 seers is about 130 rupees. Therefore the rent is Rs. 156. The kanam on that holding is Rs. 1,750. Interest on kanam is Rs. 157-8-0 and the Government revenue Rs. 12. The michavaram is Rs. 38. The result is a minus balance of Rs. 51-8-0.

"If the interest on the kanam amount is calculated at the rate specified in the Bill; if you also take into account the michavaram that has to be paid annually and then the Government revenue, there would be nothing left as profit to be taken into account for calculating the renewal fee. That is a real injury. Therefore if you allow North Malabar kanams, whether nominal or otherwise, the difficulty will be that you will be taking away the rights of janmis altogether. Now, if fixity of tenure is given to the rights of janmis altogether, the result will be that the janmi will have to live on the michavaram. It would be tantamount to expropriation. It is therefore desirable to exclude the kanams of North Malabar. I have an amendment lower down in which I have suggested the exclusion of kanams in the taluks of North Malabar and gardens in the taluks of Ponnani and Calicut. I request the House to pass this amendment."

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The amendment was put and declared lost.

A poll was demanded and the House divided thus:

Ayes.

- | | |
|-------------------------------------|---|
| 1. Mr. Mahmud Schamnad. | 13. Mr. D. Narayana Raju. |
| 2. The Muppil Nayar of Kavalappara. | 14. " K. R. Karant. |
| 3. Rao Bahadur O. M. Narayanan Nam- | 15. " K. Madhavan Nayar. |
| budripad. | 16. " C. Obi Reddi. |
| 4. Mr. E. Sankaran Unni. | 17. " A. Parasurama Rao. |
| 5. " S. Arpudaswami Udayar. | 18. " Ahmed Meeran Sahib. |
| 6. " P. C. Venkatapathi Raju. | 19. " K. Uppi Sahib. |
| 7. " S. Satyamurti. | 20. " C. N. Muthuranga Mudaliyar. |
| 8. " C. V. Venkataramana Ayyangar. | 21. " K. V. Krishnaswami Nayar. |
| 9. " J. A. Saldanha. | 22. " C. Venkatarangam Nayudu. |
| 10. " G. Harisarvottama Rao. | 23. Khan Bahadur S. K. Abdul Razaak Sahib |
| 11. " Basheer Ahmed Sayeed Sahib. | Bahadur. |
| 12. " L. K. Tulasiram. | 24. T. M. Moidoo Sahib Bahadur. |

Noes.

- | | |
|---------------------------------------|--|
| 1. The hon. Khan Bahadur Sir Muhammed | 19. Subadar-Major S. A. Nanjappah Bahadur. |
| Usman Sahib Bahadur. | 20. Mr. K. Krishnan. |
| 2. " Sir Thomas Moir. | 21. " N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan | 22. " M. V. Gangadhar Siva. |
| Nayar. | 23. Rao Sahib L. C. Guruswami. |
| 4. " Mr. A. Y. G. Campbell. | 24. Mr. V. I. Muniswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 25. " W. P. A. Soundara Pandian. |
| 6. " Mr. S. Muthiah Mudaliyar. | 26. " S. Subrahmanya Mooppanar. |
| 7. " Dr. P. Subbarayan. | 27. " U. Thomas. |
| 8. Mr. Hilton Brown. | 28. Rao Sahib R. Srinivasan. |
| 9. " H. A. Watson. | 29. Mr. A. Achutan. |
| 10. " A. G. Leach. | 30. " S. N. Dorai Raja. |
| 11. " J. Gray. | 31. " G. R. Premayya. |
| 12. " S. V. Ramamurti. | 32. Swami A. S. Sahajanandam. |
| 13. " C. B. Cotterell. | 33. Mr. A. Ranganatha Mudaliyar. |
| 14. " V. Ch. John. | 34. " C. R. Parthasarathi Ayyangar. |
| 15. Syed Tajudin Sahib. | 35. Rao Bahadur O. S. Ratnasabapathi |
| 16. Mr. H. B. Ari Gowder. | Mudaliyar. |
| 17. " J. A. Davis. | 36. Mr. Khadir Mohidin Sahib. |
| 18. " P. J. Gnanavaram Pillai. | 37. Rao Bahadur B. Muniswami Nayudu. |

Ayes 24. *Noes* 37.

The amendment was negatived.

* The MUPPIL NAYAR OF KAVALAPPARA:—"Mr. President, I beg to move to add the following as sub-clause (4):—

(4) *Lands held by non-cultivating kanamdar, non-cultivating kuzhi-kanamdar, non-cultivating verumpattamdar and non-cultivating customary verumpattamdar.*

"The object of my amendment is to eliminate all classes of non-cultivators. I am at a loss to understand why such a valuable right should be taken away from the jammis and given to non-cultivating people. In every land legislation, all intermediaries are eliminated. We have as a parallel the Estates Land Act where the izaradars are given no occupancy right. This is a similar legislation and as such I think it is highly unjust to confer the right of occupancy on non-cultivating classes. Since the object of all legislation in respect of land should be to avoid multiplicity of proprietors, in this case also it should be done and my amendment should be acceptable to the House."

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Mr. MAHMUD SCHAMNAD:—"I second the amendment."

* Mr. K. MADHAVAN NAYAR:—"My friend Mr. Muppil Nayar could have as well moved an amendment to the effect that this Bill which has been introduced by the hon. the Revenue Member may not be passed into law at all."

The hon. the PRESIDENT:—"That comes at a later stage. I am sure he will make a very interesting speech then."

Mr. K. MADHAVAN NAYAR:—"Two opportunities are taken, one in the beginning and one possibly at the end and this is the opportunity taken at the beginning."

"Sir, I submit that no motion could be more fatal to this Bill than the one which has been just now moved by my hon. Friend Mr. Muppil Nayar. The whole problem in Malabar has been the problem of the kanamdar. The trouble in Malabar all these fifty years has been due to the fact that kanamdars who enjoyed fixity at one time have been by force of circumstances deprived of that fixity. The kanamdars who constitute a very large percentage of tenure-holders were cultivators. But some of them have ceased to be cultivators now whilst others are still actually cultivating. The time when they ceased to be cultivators and the reason why they have ceased to be cultivators have to be considered before the House votes upon this proposition one way or the other and gives a decision whether only cultivating kanamdars can be given the protection this Bill seeks to give. You will see from the reports of the Raghavayya Committee and from the statistics collected by the committee that a very large percentage of the cultivated acreage in Malabar is held by kanamdars. Some of them are cultivators of the whole soil and some of them are cultivators of only a portion; because, as I have stated in my dissenting minute, in recent times there has been a change. On account of certain social troubles in Malabar some of these kanamdars have ceased to be cultivators. I have mentioned in my dissenting minute that all these kanamdars were at one time actual cultivators. With the spread of English education and with the spread of new ideas during recent years, there has been strained relations between the head of a family and the junior members thereof and it is to remedy that evil that another Bill is going to be introduced in this Council called the Marumakkattayam Bill. Formerly the kanamdars were actually cultivating the soil but when the karanavan who is the uncle and not the father of the remaining members of the family neglected the interest of the tarwad and cared more for his wife and children and utilized the surplus income for the aggrandisement of his wife and children, the junior members naturally felt that they were not bound to work for the tarwad and increase his income. The result was that there were very few members in the family to cultivate the soil. Instead of cultivating the soil and increasing the income of the tarwad, what the anandravans did was to arrest their claim to maintenance and get it either through court or otherwise. Naturally, therefore, there were few or none in the tarwad to till the land. As the karanavan had to maintain the family and as the sole income of the tarwad was from the land, he had to let out the land on verumpattam. That is the reason why some of these kanamdars have ceased to be cultivating kanamdars. But whether they have been cultivating or not cultivating, the kanamdars were the persons that were solely responsible for the improvement of the lands."

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1-30 P.M. The verumpattamdars were often changed and as the Raghavayya Committee makes it clear in their report, they had no abiding interest in the lands. Their position of course should be improved. But till now they were only tenants at will. They did not improve the lands because they had not got the necessary money. For centuries the kanamdars were in touch with the lands and they had to spend all the money that is necessary for improving the land."

* The hon. the PRESIDENT:—"The House will now adjourn and re-assemble after lunch at 2-30 p.m."

After lunch (2-30 p.m.)

* The hon. the PRESIDENT:—"Mr. Madhavan Nayar will continue his speech on the amendment of the Muppil Nayar."

* Mr. K. MADHAVAN NAYAR:—"Sir, I have been trying to show you that most of these kanamdars were actual cultivators of the soil and many of them still continue to be the cultivators. Some have ceased to be cultivators of their holdings or portion of their holdings. Sir, this change of cultivating kanamdar into non-cultivating kanamdar and a non-cultivating kanamdar into a cultivating kanamdar is going on day after day, year in and year out. This is seen from the piece of evidence collected by the Raghavayya Committee. On page 113 they quote the example of a cultivating kanamdar who was cultivating his lands till last year and who ceased cultivation and let out his land to a verumpattamdar. For several reasons kanamdars cease to be cultivating kanamdars. It may be that a person who was cultivating his land or the persons with whose help he has been cultivating leave their places for some reason or another and their properties have to be leased on verumpattam lease. Several cultivating tenants thus become non-cultivating kanamdars, so that what I submit is you cannot make a hard and fast distinction between a cultivating kanamdar and a non-cultivating kanamdar. One who is a cultivating kanamdar this year may turn out to be a non-cultivating kanamdar next year and one who is a non-cultivating kanamdar this year may turn out to be a cultivating kanamdar next year. Whether cultivating or non-cultivating these people have been in possession of the land and enjoyed the land for centuries. It is not a case of a few men coming recently into the possession of the lands, e.g., a few Government officials and a few vakils. How absurd that suggestion is will appear from the fact that there are thousands and thousands of kanam families in Malabar. The number of vakils in Malabar are only very few. There are only about 400 vakils and out of these only about 100 hold property. To say that kanamdars are all vakils is absurd. When there are thousands of acres in possession of kanamdars and enjoyed by these kanam families, to say that a few vakils and a few officials enjoy the whole or even an appreciable extent of these lands is, to say the least, ridiculous. Kanamdars are not middlemen. They were in touch with the lands for a number of years. They were cultivating the lands for number of years. They improved the land. The verumpattamdar to whom we propose to give fixity of tenure has not been able to do anything because he was poor. Whatever my friend may blurt from there, the truth is this. The Raghavayya Committee, which consisted of such janmi representatives as the Raja of Kollengode and Mr. T. C. Narayana Kurup, recognized the claims of the non-cultivating

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kanamdar. You will remember with what vehemence and with what intensity of feeling we opposed the constitution of that committee which was composed mainly of reactionaries who had no sympathy with the tenants. That committee went into the country and collected evidence and made enquiries on a large scale. For the first time they recognized the claims of the kanamdar and they realized the justice of making no distinction between a cultivating kanamdar and a non-cultivating kanamdar. The result was that they reported that all the kanamdars without any distinction must be given some protection against unjust and arbitrary eviction.

"Sir, I do not mean to take up the time of the Council by going in detail into the vexed question as to whether they are the proprietors of the soil or not. It might be pointed out that some eminent men have stated that these kanamdars are not co-proprietors of the land at all. I shall confine myself to quoting a passage from the Raghavayya Committee's report when they deal with the historical argument for giving protection to these kanamdars. They say on page 21: 'The documents that were collected by Mr. Logan were also examined by Sir William Robinson who too was in Malabar for a long time.' In the note that Sir William Robinson recorded after this examination he differed in some respects from Mr. Logan and even strongly criticized him. But with reference to the nature of the kanam right, his views are clear and emphatic. Sir William Robinson asserts and repeats the assertion in several parts of his note that the kanakar was an ordinary landholder and that kanam like kaniachi, mirasi or muli of other districts denoted ownership, the ancient ryotwari proprietorship in land of South India. Kanam right according to him was an ancient immemorial, indefeasible and complete hereditary right of property which was recognized and affirmed alike by the common law of the land and popular consensus of ages, had stood severe tests and had been defended no less earnestly than the best titles to land in England. The kanakars in his opinion were a body of influential and peaceful inhabitants, the proprietors and landholders of the country, persons interested in having the common law of the land, the agrarian law of property, the kana-janma maryada maintained and enforced. They often exercised great strength and independence. A mere fugitive right of possession with menace of forfeiture and eviction at will was never a characteristic of the tenure known as kanam. Gentlemen (Ories of 'Order, order') I beg your pardon. To continue my quotation this is what they say—

'The kanakars did not belong to the category of intermediaries and speculators to which it has now become the fashion in some quarters to relegate them.

They were neither mortgagees nor tenants who tolerated change or ouster. The conclusions of Sir William Robinson regarding the ancient land tenures of Malabar are corroborated by the statements of Sir Thomas Munro, Mr. Ellis and other earlier authorities as to the ryotwari character of all landed property throughout the West Coast and especially in Malabar.'

"Sir, I refer to this passage and say that you cannot so very easily dismiss with impunity that assertion. It is perfectly unsustainable to say that these kanamdars are not co-proprietors and that they are only middlemen and speculators. They are not middlemen, they are not speculators, nor is it true that they have come into possession of lands as investors of money."

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"Mr. President, I shall proceed in spite of all the interruption from that side of the House. The House will easily see that it is not a case of kanamdar being a speculator or a middleman, but it is a case of his having proprietary interest in the land. But, Sir, I am not prepared to stand on that ground alone. Whether you recognize him as a proprietor of the soil or not, I do not very much care. I base my argument on economic grounds also. I say the kanamdar is responsible for the improvement of the land. I refer again to the Raghavayya Committee's report of which the Raja of Kollengode has been a Member. On page 47 they say—

'The problem has not been so easy of solution as regards the non-cultivating kanamdar. But the Committee has come to the conclusion that in this matter no distinction need be made between him and the cultivating kanamdar. In the first place a non-cultivating kanamdar has in spite of the fact that the courts have held for over seventy years that the kanam is redeemable in practice been redeemed in very few cases. There are numerous families which have been allowed to hold on kanam the same lands for a century and over and if evictions have attracted special attention it is partly because in spite of the courts' decrees the kanamdars have been believing wrongly it may be that they would be allowed to continue on the land if only they paid the renewal fee and rent regularly' and so on. Then they say 'Apart from this the impression left on us by the evidence is, that in many cases these kanamdars must have materially contributed' mark the words please.

'These kanamdars must have materially contributed during long course of years towards the cost of improving the lands which they hold and often for conversion of waste into cultivable ones and are materially assisting in the cultivation of the lands by advancing to the actual cultivator funds necessary for cultivation. Such services would in the opinion of the Committee be necessary at any rate for a fairly long time to come. The verumpattamdar to whom the Committee is recommending the grant of a qualified fixity is not in the majority of cases likely to find funds' and so on.'

"So that, it will be seen that the person who is responsible for the improvement of the land is the kanakar. It may be mentioned by the janmi representative on the other side that the rent that was fixed in the old days was lower than the rent that might be, actually got from the property at present. How can there be this difference. If as a matter of fact the janmi is the actual proprietor of the soil and if the janmi is entitled to whole rent also and if there has been no improvement in the land, why did the janmi deprive himself of the full rent that can be derived from the property?

2-46
p.m

"Either it must be because the kanamdars are recognized to be the co-proprietors of the soil and that they are entitled to a share of the produce or it must be that the present rent that you collect is the result of improvement by him, the conversion, by the kanamdar, of one crop into two crops, of constructing wells, deepening lands, reclaiming new lands and so on. For all these things the janmi did not contribute even a pie. It is not pretended by the janmis that they contributed to those improvements. If anybody is responsible for that, it is not the verumpattamdar who is too impetuous, but it is the kanamdar; he alone has been in a position to spend money on those improvements. I know it very well and Mr. Unnikrishna knows it also. We know as a matter of fact that Malabar is subjected to heavy rainfall and floods every year. The verumpattamdar goes and reports to the kanamdar about the damages to the land. It is the kanamdar who repairs the breached bund and puts up embankments in the land. Thus you will see that the kanamdar—whether cultivating or non-cultivating—whether he has been in possession of the land or not—was the man who was responsible for the improvement of the land. In Madhava Rao's Bill and in the Bill prepared by Mr. Innes his claims were recognized. The Raghavayya Committee which was constituted by the Government went to the country, collected evidence

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and examined witnesses, and the representatives of the janmis themselves admitted that kanamdars are really entitled to protection. And the Government has now come forward for the first time recognizing the rights of the kanamdars. The janmis may say that they are entitled to compensation. Whether they are entitled to compensation or not will be discussed later on. But do not say that those persons who have been in touch with the land, who have been in possession of the land, and who have been cultivating the land are not entitled to protection. While the janmis who did not reclaim the land, who did not improve the land, who did not spend a pie upon it, say they are entitled to the land and to enjoy the land, why not the kanamdar who is responsible for the improvement of the land, who has been cultivating the land and who has been in possession of the land? He is the sole man who ought to be protected next to the verumpattamdar. I certainly plead that verumpattamdar has to be protected. But secure to the kanamdar also his legitimate rights to which he is richly entitled. Do not drive him away. If you do not protect the kanamdar, you will destroy the backbone of the people of Malabar. The poor kanamdars—52,000 families—have been the cultivators of five lakhs of land; they are the people who ought to be protected. It is for them that we plead; you have to protect them. I submit, Sir, this matter vitally affects the interests of Malabar. Do not be carried away by arguments that kanamdars are middlemen. I do not want protection; some of us need not be protected. But you have to protect the four tenants of Malabar, the real persons who were responsible for the improvement of Malabar, the persons who reclaimed waste lands into cultivable lands, improved them and made them what they are to-day. I therefore submit that you ought not to make any distinction between cultivating and non-cultivating kanamdars. The Raghavayya Committee has recognized this fact and you have to accept it. We do not want that you must give them fresh rights. They have been enjoying certain rights for centuries; let them enjoy them now also. Give the janmis what is their due. It is impossible for some kanamdars to pay the heavy compensation prescribed by the Bill; such people may have to go out; we cannot help it. But those people who are able to pay such a heavy price and who are prepared to retain the land ought to be allowed to enjoy it, for they have been enjoying it for centuries. They are the persons who are entitled to be in possession of the land. Do not deprive them of their right to remain in the land, provided they give whatever compensation that is fixed by the Act. That is our prayer, Sir, and that is what the Bill provides for. Therefore the amendment of my hon. Friend, the Muppil Nayar of Kavalappara, ought to be opposed. The janmis profess sympathy with the verumpattamdar. The amendments that have been tabled by hon. Members on this side to several clauses are really calculated to improve the condition of verumpattamdars. We will support the verumpattamdars; we shall see whether the members on the other side also will do the same."

* The hon. the PRESIDENT:—"I think the hon. Member is anticipating debate."

Mr. K. MADHAVAN NAYAR:—"I realize it myself; therefore I stop there. My submission to you, Sir, is you cannot make any distinction between cultivating and non-cultivating kanamdars. You have to vote down this amendment and support the proposition put forward by the representatives of kanamdars in this House. I therefore appeal to the House to oppose this amendment and to throw it out."

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* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, it is a misfortune to have to follow a speaker like my hon. Friend. (A voice:—A real misfortune.) It is a real misfortune, because I have neither the eloquence nor the extraordinary quickness of perception of my hon. Friend. I belong to a backward tribe. I belong to a class that cannot improve themselves or their land. He belongs to a class of enlightened patriots who, at the expense of their neighbours easily improve themselves and their lands. This, Sir, is a matter in which we should not be carried away by the excitement of the moment. This is a matter that affects us vitally and the House ought to take such an interest in it as would enable it to come to a decision impartially. Excited speeches can break no bones however good; I know they will attract a larger audience in this House than a calm and cautious statement of facts. The hon. Gentleman opened his remarks by entering an apologia for the non-cultivating kanamdars. He told us that kanamdars were cultivators till a few years ago; and that they have ceased to cultivate because there were family quarrels, or because Marumakkathayam law was in force. It is immaterial whether the kanamdar has got a quarrel in his house or not. The only thing that is relevant for consideration is 'is he or is he not a cultivator'. If he says that he is a cultivator, then all this excitement, all this heat, all this tub-thumping is unnecessary. He ought to feel perfectly safe and not oppose this motion. But since he fears so much, I ask the House to draw the only sensible conclusion that he is not a cultivator. He is not speaking for the cultivating kanamdar but speaks for a class that is not in touch with the land. (Mr. J. A. Saldanha:—Are you in touch with the land?) The hon. Member, Mr. Saldanha, asks me if I am in touch with land. Granted, I am not. Why should I be deprived of this land? Why should other people be given this land? The reason is or is alleged to be that I am not a cultivator myself. A man who is not cultivating the land and improving it ought not to hold it. I think, the proposition put in that form has something to be said for it. But why should another man who is not cultivating it get a preference over me. If I am punished for one sort of crime, why should another man be given a reward for exactly the same crime? I do not quite understand the reason. If my hon. Friend wants the House to believe that the kanamdar is the very angel who protects the land in Malabar, I want to disabuse the House of that impression. He said Europeans might say this and their opinions should not count. But the only authority he could cite in his favour was an European. I believe Mr. Robinson was not a Malayalee. Sir, there is considerable advantage in quoting Europeans in this connection, because these men have been officers who have been in touch with the people, who have studied the question sometimes under instructions from the Government, sometimes, because they took an interest in the problem. They have, without any prejudice or bias one way or the other, come to certain conclusions. It is these conclusions that have been canvassed again and again by each party in turn. What is the opinion of the first European who formed a view of the matter after investigation? I may inform the House at once that no one, at any time, has said that kanamdars were co-proprietors with the janmi. The only authority to which my hon. Friend could refer in order to make out a case was the theory of Mr. Logan which has been examined and thrown away by every competent observer who has come into contact with this problem. The theory of co-proprietorship is not relevant in the connection, either for the reason that the Government proceed on the basis of the present legal position of the parties. The relationship that

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exists between the kanamdar and the janmi is the relationship of mortgagor and mortgagee. The janmi is the sole proprietor of the soil and the kanamdar is a mortgagee with a very limited interest, the right of holding the land for a period of twelve years and at the end of which period he is to go out when he is paid his kanam and the value of his improvements, if any. In this piece of legislation with which we are concerned, I think it is absolutely irrelevant to speak of historical grounds. All those historical theories have been taken out of the field. I consider it is not necessary to deal with the question from the point of view of historical arguments. All that we are concerned with is 'should the kanamdar who is not a cultivator get fixity of tenure along with the verumpattamdar'. Let others speak. There are certain people who have studied this question very carefully. It is not the Raghavayya Committee alone that has gone into it. That Committee was particularly asked to bear in mind the existing rights of parties; they were asked to frame a Bill on the basis of the law as it stood. The Government said—in fact they laid an injunction on the Committee—that they should remember that for three-quarters of a century the British courts have held that the kanamdar is only a mortgagee and the janmi the absolute proprietor of the soil. They were asked to take into account another matter also. They were asked to frame proposals which would include reasonable compensation for the janmi for the rights that may be taken away from him. The Raghavayya Committee have gone beyond the instructions given to them.

"Their draft Bill violates instructions issued by the Government. The Government vetoed the Bill of Mr. Krishnan Nayar passed by the Council on the specific ground that it was a confiscatory measure. Now, Sir, here is a Bill which the Raghavayya Committee has prepared which contains not a single element of compensation. How is it, I ask, that the Government have thought it possible to accept a Bill, which is, really vitiated by the same tendencies as those embodied in Mr. Krishnan Nayar's Bill? It is really difficult to explain. I would therefore like to elicit information from the Government as to why this Bill has been accepted by them in view of the protestations they made on the last occasion and have been making for the last three quarters of a century. It is not possible to explain their attitude. If the Government are prepared to say that they have enough justification for doing so, then I shall accept their position. But what is the use? This Bill in providing for fixity of tenure for kanamdars, is doing a great deal of injury to us, a greater injury than the Bill of Mr. Krishnan Nayar sought to inflict on us. In fact, this Bill—I have no desire to elaborate this point—is a great deal more confiscatory than Mr. Krishnan Nayar's Bill, in that it contains provisions which take away the rights, the immemorial right of the janmis in their lands without compensation of any sort. Mr. Krishnan Nayar's Bill gave us a larger renewal fee than what this Bill provides for, and that is the only kind of so-called compensation available to us now. If kanamdars are cultivators, they have nothing to fear; but if they are not, let us examine what they really are. What kind of people are they? Are they the men to whom may be entrusted the destinies of the poor, the impecunious, the hard-working and toiling verumpattamdars; are they the class of people who could be depended upon not to sit tight over the verumpattamdars and to treat them well? Test them properly. Does their character, does their past, justify it? Have they got in them any of the elements which go

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as I am except, of course, in the case of the cultivator—

'Which may limit the powers they now enjoy and curtail their rights and privileges. I doubt if they will object so strongly to my proposals as they did to the recent tenancy legislation in Cochin, for I have been careful to confine.'

"I request the House carefully to listen to this passage:—

'I doubt if they will object so strongly to my proposals as they did to the recent tenancy legislation in Cochin, for I have been careful to confine my proposals mainly to cultivating tenants and have done little for the non-cultivating middleman. But any tenancy legislation must affect vested interests, and as I have already noted, the sentiment of ownership in Malabar is particularly strong. This sentiment will be one ground of objection, but the janmis will also recognize that there is little finality in tenancy legislation and will see that the Bill now proposed will almost certainly be the prelude to further and possibly more stringent legislation.'

"Sir, if a kanamdar who has come into the land after paying a certain amount of money as a mortgagee can acquire so great a love for it, what should be the feeling of a man like myself who has owned the land for several centuries? Sir, whether Parasurama made Malabar or not, we do not know; but I can say this, that the kanamdars did not make it. We have been holding it for a long time, and we have established a title for it. My title is ancestral. There is no use of my friend getting excited over a matter like this, because the kanamdar is a man who has been on the land only for a small number of years, who has not been cultivating it and who has been treating upon helpless people like worms under his feet. Sir Charles Innes then goes on:

'Nor can I hope to have much support from the more influential classes of karamdars, namely, the vakils and the professional men, the men who invest their surplus cash in land, and who, since the janmam rights rarely come into the market, are perforce compelled to take up kanam holdings. It is these men who make most use of the Press.'

"My hon. Friend Mr. Madhavan Nayar was referring to the agitation that has been going on. Let us see who is it that agitates in Malabar—not the class from which I come. In fact they do not know how to agitate effectively."

Mr. K. MADHAVAN NAYAR:—"Your agitation is more effective."

Mr. E. SANKARAN UNNI:—"Is it at all possible? Do you expect my friends the janmis to agitate? Have they got the voice to agitate; have they the Press and the platform at their disposal, all of which are accessible to the class from which my hon. Friend, Mr. Madhavan Nayar comes? I say we do not know how to agitate. We have not got the facilities for such agitation. The Press is with them; the Bar is with them; every public orator is attached to the cause which is against us. That is the reason why we have not been able to agitate. Not more than half a dozen janmis of Malabar can be found as vakils. If there are at least a few men, then I do not think my friend would have had the chance that he has now. Unfortunately, we have not got the facilities, and they have taken advantage of it. We are now not even able to defend our rights, our hereditary rights as against the rights of people who came in yesterday. That is the position, Sir, to which we have been reduced. Now, let me read on:

'It is these men who make most use of the Press, and who are most insistent on the necessity of restoring the kanamdar to the position he once held as a sort of co-sharer with the janmi. From my point of view and in the conditions of the present day, however, these men are mere middlemen, and in my view, they must be left mainly to take care of themselves.'

'I can see no possible justification for Government's interfering to any great extent between them and their janmis.'

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"And that is the view that was advocated by Government through their spokesman, the hon. Sir Thomas Moir, when he opposed Mr. Krishnan Nayar's Bill when it came before this House. I should be delighted to hear Sir Thomas rising in this House and giving his explanation as to why this Bill comes up before this House while the other Bill was vetoed."

Mr. K. MADHAVAN NAYAR:—"What about the Government?"

Mr. E. SANKARAN UNNI:—"Leave it to the Government to answer that. They can take care of themselves much better than you can. I will go on with the quotation:

'It is the cultivating tenants, whether they hold directly under a janmi or under a middleman, whose interests I have most at heart, and it is just this class that is least able to make itself heard by lawful means. Any legislation designed mainly to protect their interests therefore is bound to be difficult and bound to meet with organized agitation, clamour and opposition. Nevertheless I hold strongly that such legislation should be undertaken. I believe the lot of the cultivating tenants in Malabar to be deplorable, and I am convinced that the disabilities under which they lie are unfavourable to the progress and prosperity of the district.'

"Now, Sir, I do not think I need keep you longer. I cannot add to what has been said by Sir Charles Innes. If the House thinks, after having listened to this, that the non-cultivating kanamdar is a person who deserves to be permanently fixed on the land, by all means give him the right and turn out us away if you like."

* Mr. S. SATYAMURTI:—"Sir, I must congratulate my hon. Friend on his eloquence. I think, if I were free to reconsider the whole question, I would abolish all the non-cultivating kanamdars and I would pack all the landlords of this country and send them all away, and leave it to the cultivating tenant to make the best of the land. But, we have got to consider facts as they are, and the whole of the matter is this. Before I go on, let me say at once that I thoroughly agree with my hon. Friend in regard to the various views to which this Government have committed themselves, from time to time. There is no doubt whatever of the vehemence with which Sir Thomas Moir attacked Mr. Krishnan Nayar's Bill. I was so glad that my Friend had attacked the Bill so loudly, which no other Member would have done on any floor of any House. The Government Order rejecting the Bill which was passed by this House entirely supports the point of view of my hon. Friend, the janmi expert. But, we in this House are concerned with the Government which is in charge of the Bill to-day. This Government stands committed to this Bill. We are glad it stands committed. We are also glad that it is inconsistent in that attitude, because our claim has always been that this Government rarely knows its mind and persists in it. While agreeing with my hon. Friend that the Government was so inconsistent, you will excuse me if I prefer the attitude which the Government takes to-day in vetoing the Bill of my hon. Friend the Law Member."

"As far as one effect of this attempted legislation is concerned, Mr. President, I should like to congratulate the cultivating tenants of Malabar and this House on the happiness that is in store for them, because of the conflict between the janmi and the kanamdar, you will notice that in their anxiety to seem fair and just, both the janmis and the tenants will run a race and say 'we are quite all right with the cultivating tenant and I only want this neighbour not to come in and get what I think he should not get'. That is all to the good. I hope that when the House proceeds to discuss the position of the cultivating tenant, the House will take advantage of the

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anxiety of the janmi and of the kanamdar, and of their sympathy with the cultivating tenant, and give him the position which he ought to occupy. ('Hear, hear.') Sir, so far as the point of the non-cultivating kanamdar is concerned, I was a little surprised that neither my hon. Friend from Malabar behind me, nor the janmi expert referred to the other classes of tenants referred to in the amendment which is now under discussion, namely, non-cultivating kuzhikanamdar, non-cultivating verumpattamdar and non-cultivating customary verumpattamdar. That only makes my conviction stronger that the two actors in this legislation are the janmis and tenants and the others are only outsiders. Therefore, both my Friends, while they fought each other, never said a word about the position of the other classes of non-cultivating tenants. Now, Sir, on this matter, I would like to invite my hon. Friend the expert member's attention to two very significant notes as I consider them on pages 95-98 of the report of the Raghavayya Committee. The first note which I refer to is that signed by a friend whom we all know well and this is the Raja of Kollengode, who was for a time the Revenue Member to the Government of Madras. He says: 'In view, however, of the situation created by the circumstances referred to in the Government Order constituting this Committee, I have agreed to the proposals made in the report in a spirit of compromise and expediency'. The report says that you must give the right of renewal. That is not fixity of tenure. We are not giving fixity of tenure to the non-cultivating kanamdars at all. What we are giving is the statutory right to renewal, subject to statutory obligations and subject to the payment of renewal fee. I may state at once that I can understand the janmis' point of view if they claim that the provisions in regard to renewal fees and fair rents are not adequate. When the question of fair rent comes up for consideration, I am sure the House will give their amendments sympathetic consideration. But now, to seek to go back upon the compromise arrived at by the committee is to repeat the very mistake which the Government of Madras has done in this case and incur the same odium. The Raja of Kollengode . . ."

Mr. E. SANKARAN UNNI:—"On a point of personal explanation, Mr. President. The Raja of Kollengode never consented. He is one of the janmis, but not the most important janmi. If you regard his views as a janmi, he is only one of the smaller janmis in Malabar. He never represented our views in the committee. He was invited by the Government. We disown him altogether. It may be that he might have compromised the position. That does not mean that we accept the views to which he committed himself. Let not the name of the Raja of Kollengode be brought in this connexion."

* Mr. S. SATYAMURTI :—"I am thankful for the interruption. But my hon. Friend is also here as a Government nominee. So, the Raja of Kollengode and my hon. Friend are quits on that matter. I know him more than what my hon. Friend the Janmi Expert knows him. I think he has influence in Malabar; I think he is more in touch with the janmis of Malabar than my hon. Friend, and I think he is much more than that, therefore I suggest that the House will not be committing a very serious mistake if it takes the Raja of Kollengode as slightly more representing the janmi . . ."

The hon. the PRESIDENT :—"May I request the hon. Member not to refer to the members of the committee, because they are not here to accept the challenge and answer. It may be unfair to them."

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* Mr. S. SATYAMURTI :—"I quite agree with you, Sir. The point I want to say was this. Because my hon. Friend challenges the authority of a member of the committee on whose report this Bill has been made, I want to draw the attention of the House to the fact that the Raja of Kollengode has said 'I have agreed to the proposals made in the report in a spirit of compromise and expediency.' I therefore suggest that my hon. Friend would stop his fight with the Raja of Kollengode, and agree to the proposals in the same spirit of compromise and expediency. Am I asking too much of my friend when I say that we should also look at this proposal in a spirit of compromise and expediency? Then, Sir, Mr. T. C. Narayana Kurup is also a representative of the janmi class. . . ."

* The hon. the PRESIDENT :—"Order, order. I think it is for the Government to state whether any member of the committee sat on it in his individual capacity or as a representative of any particular interests. When a challenge is thrown by any member regarding the representative character of a particular member of the committee, I think it will be to the advantage of the House to leave it to Government to defend whether a particular member sat on the committee in a representative capacity or not. When there is a challenge for the members of the committee to come into the House and explain the position, I think it will be uncharitable on the part of the Members of the House to attack them regarding their representative character or otherwise. I only suggest that it may be left to the Government to state whether particular members sat in their individual capacity or in a representative capacity."

* Mr. S. SATYAMURTI :—"I am only ascertaining whether he belongs to the janmi class. I was saying that Diwan Bahadur T. C. Narayana Kurup, who belongs to the janmi class, says on page 96 of this report: 'Under these circumstances, I thought it would be safer to indicate the lines on which legislation, if at all undertaken, might, without serious danger, be attempted. The Bill that this Committee has proposed is the result of a series of compromises, and I have signed the report on that basis.' I merely want to quote this to janmi members. The Raghavayya Committee have accepted this Bill as it stands and on their report this present Bill is practically based."

"Now, Sir, as to the various classes of tenants, who are sought to be exempted from the scope of this Bill, so far as the verumpattamdars are concerned, they are the class first dealt with in the Raghavayya Committee report. They say that although they naturally prefer to give the maximum rights to the cultivating verumpattamdar, they say on page 45 of the report:

'The Committee, however, is of opinion that even those who are not actual cultivators but have subleased their lands should have the same option as is granted to those in actual possession. The question may be raised as to why a non-cultivating tenant of these classes, who is only an intermediary, should be shown any consideration at all. But this question is similar to the one which can be raised in regard to all intermediaries in Malabar, and the reasons are nearly the same as those which will be stated hereafter with reference to the Committee's recommendation to give a similar option to the non-cultivating tenant.'

"Then, we go to the most important point of the amendment, namely, that the benefit of this Bill is not to enure to the non-cultivating kanamdar. Now, Sir, I want to address one argument on that point for the consideration of the House. The history of this legislation shows that the kanamdar came within the scope of this legislation first, and that the cultivating tenant came in later, mainly on the suggestion of outsiders like myself. The

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earlier attempts at legislation were merely to confer certain rights on all the kanamdars; and in the first Bill which was introduced by my hon. Friend the Law Member and which was passed by this Council, there was a distinction made between kanamdars and kanamdars, according as the date of their kanams. Sections 6 and 7 of the Bill as passed by the House, which was later on vetoed by the Governor reads thus:

‘6. A cultivating kanamdar or a kuzhikanam or other tenant who is in possession under a demise or lease made before or after the date of passing this Act shall have a permanent right of occupancy in his holding and shall not be evicted therefrom except as provided in this Act.’

‘7. A non-cultivating kanamdar or kuzhikanam tenant of a holding under a demise or lease which was made in or before 1863 and has since been periodically renewed shall have a permanent right therein and shall not be ejected from the same except as provided in this Act.’

“The present Bill, however, is based upon the labours of this Committee, and this Committee having gone into the whole question has suggested as many as six reasons why even in the case of non-cultivating kanamdar, the rights which the Bill confers upon him should be conferred. The reasons are given in pages 47 and 48 of the report. The Committee say that ‘in the first place a non-cultivating kanamdar has, in spite of the fact that the courts have held for over seventy years that the kanam is redeemable, in practice been redeemed in very few cases’. That, I think, is a statement of fact, and so far nobody has challenged that fact.”

Mr. E. SANKARAN UNNI:—“May I say one word, Sir. It has been the consistent cry of kanamdars that they are being evicted. The whole agitation has centred round that, and eviction has become the rule.”

Mr. S. SATYAMURTI:—“I regard that as coming from a partisan of this Bill, and I prefer to take the statement of the Committee as correct, rather than the one coming from a partisan.”

“The second reason adduced is that ‘in many cases these kanamdars must have materially contributed during a long course of years towards the cost of improving the lands which they hold and often for conversion of waste lands into cultivable ones, and are materially assisting in the proper cultivation of the lands by advancing to the actual cultivator funds necessary for carrying on cultivation.’ I submit this is also a reason why the janmis should not get this right. Thirdly, Sir, ‘the verumpattamdar is not in the majority of cases likely to find funds from his own pocket for the improvement of agriculture in the near future’. That seems to me a very strong argument in his favour. After all, we who are outsiders want to see that land becomes more and more prosperous, and it can become prosperous, only if the cultivator is given the time, the labour and energy as also the requisite money to improve the land. I am satisfied, as the Committee is satisfied, that the kanamdar is a necessary unit in the economic and social structure of Malabar. The time may come when we shall have to do away with intermediaries. But as yet the time has not come for that.”

“Then the Committee goes on to say that since the cultivating tenant cannot find money, ‘it would be an ideal state of things if the owner of the soil, the janmi, could advance the necessary funds to him on easy terms. It will not be very wrong, however, to say that in the case of most of the janmis, especially those who have a large number of tenants under them, they would find it difficult to do so. As we have suggested elsewhere, if the grant of fixity to the ordinary verumpattamdar is to result in any real benefit it would be no good to drive him into the hands of the village sowcar.’

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This is another way of saying ‘Give him land, do not give him money, and who will reap the benefit?’ Not the janmi, not the kanamdar and not even the tenant, but somebody else who will come hereafter. That seems to me a goal which we should avoid. The Committee then proceeds thus: ‘It seems to the Committee, in view of the several considerations adverted to above, that any legislation which does not take note of the kanamdar would be truncated and would not bring about that cordial relationship between the landlord and the tenant which it is the object of the Government to bring about.’ Now, Sir, we have had already a committee, a round table conference, then a select committee and now the matter has come before the House and, if we are to reject the whole thing now, we shall have, I fear, to start the whole thing again afresh. I do believe that even though the non-cultivating kanamdar may have to go ultimately for some time, he is an indispensable part in the economic social structure of Malabar.

“The last point I wish to point out is that the Bill does make a distinction between a cultivating tenant and a non-cultivating tenant, to whatever class he may belong, and that is the direction in which the House ought to pilot the Bill. By all means strengthen the hands of the tenant, make the position of the tenant secure and his tenure more secure. But the difficulty comes in when we come to the kanamdars. I think many of the kanamdars are cultivators and therefore the whole question rests on the point as to in whom this right is to vest. My hon. Friend, the janmi expert, speaks as if the kanamdars are going to give fixity of tenure. But I think the right is hedged by a series of well-thought-out restrictions. There is the renewal fee with all its drawbacks; the landlord can evict him on the ground of denial of title or on the ground of adverse claim or on the ground that he wants the land for his cultivation or on the ground that the members of his family require it for building purposes. All these are restrictions on the rights of kanamdars to have fixity of tenure, and it seems to me too late in the day to upset the scheme that is before the House. This Bill has been before this House for a very long time and I appeal to the janmis to take off their hands from this long struggle. The Government have gone into the question, the Select Committee have gone into the question, and therefore let us take the Bill and improve it but not destroy it. Therefore I request that the amendment may be rejected.”

* The hon. Mr. A. Y. G. CAMPBELL:—“Mr. President, this amendment has been treated from the point of view of the intermediary. I need not here repeat the arguments which have been quoted from the report of the Raghavayya Committee. But those arguments show the reasons why the Committee thought it desirable that the intermediaries should be dealt with in the Malabar Tenancy legislation. And those reasons have been accepted by the Government and we regard them as perfectly sound. It seems to me very difficult to imagine how you can possibly introduce legislation relating to tenancy which does not take into account the intermediary landlords. For example, you may have a landlord ‘A’ a janmi, and intermediary ‘B’ a non-cultivating kanamdar, and under ‘B’ a verumpattamdar ‘C’. It is proposed to enact certain provisions to improve the position of the cultivating tenant. It is proposed to give him a modified fixity of tenure and it is proposed to lay down principles for the fixing of fair rent. Are we to neglect the effect which those provisions will have on the intermediary landlord ‘B’? Necessarily it seems to me that we must consider the effect

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they will have upon him and we must consider whether in consequence of this adverse effect on him it is necessary to make any improvement in his relation with the immediate landlord the janmi. It seems to me it is impossible to omit the intermediary in any tenancy legislation.

"There is, however, one point which has not, I think, been touched upon in the discussion of this amendment and to which I should like to draw the attention of the House. I should like the hon. Members of this House to concentrate their attention on one word in the amendment and that is the first word in the clause, namely, 'lands.' The clause runs thus: 'Nothing in this Act shall apply to lands, etc.' Now if this amendment is passed, you will be excluding not only the intermediaries from the operation of this Act, but also the cultivating tenant of any land in respect of which there is a non-cultivating kanamdar, etc.; in respect of such land the customary verumpattamdars will not be able to claim fixity of tenure or any other privileges under this Act."

A Voice:—"Why?"

The hon. Mr. A. Y. G. CAMPBELL:—"Because the amendment is that nothing under this Act shall apply to such lands and not only to the persons mentioned in it."

Mr. K. P. RAMAN MENON:—"Mr. President, all my hon. Friends, Mr. Madhavan Nayar, the janmi expert, Mr. Sankaran Unni and . . ."

The hon. the PRESIDENT:—"I request the hon. Member to address the Chair."

* Mr. K. P. RAMAN MENON:—"What I want to say is that there is no such big flouting on this side as Mr. Sankaran Unni thinks. What is the idea underlying the present Bill? It does not confer any permanent right on any tenant. It first of all recognizes the proprietorship of the janmi and then it goes on to say that steps should be taken to prevent unfair eviction. The Raghavayya Committee have put forward certain proposals and Government have put forward certain proposals, which as a matter of fact do not in any way take away any substantial right of the janmi. Now what are the rights of the janmi? One is absolute proprietorship. I suppose everybody will admit that the janmi is under no obligation to cultivate the land. But whenever he wants to do, is there any obstacle in his way? Absolutely no. The Raghavayya Committee recommended and the Government have accepted that. Then again, not only that, that has been converted into a provision by which he is allowed to cultivate not for himself alone but for the other members of his family who have got a beneficial or a proprietary interest. Here again, there is a complete recognition of the janmi's right. Now, what is the right that is conferred upon the tenant? It is not to hold the land as long as he pleases and snap his fingers at the janmi. What the Act merely says is that he is made to pay certain compensation and pay the whole renewal fee, and then he can hold the land; the amount of compensation is provided for. Compensation was fixed in the Raghavayya Committee's report, page 44. In paragraph 93, the Committee says:—

"The question is what shall be the proper compensation. So far as the hozhu tenants are concerned there is no real difficulty. The landlord is now getting from most, if not all of them, very nearly the rent which he would get if he let the land to the tenant from year to year or a tenant-at-will. Therefore he would be losing very little except the sentiment by being made to accede to the claim of the same tenant to continue on the land, and for any such loss in

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sentiment the usual renewal fee or a year's net produce may be held to be fairly adequate compensation. But to provide for those cases where the present rents are not what the landlord would get if he had a free hand in the selection of the tenant, the Committee thinks that it would be desirable to make the tenant share with the landlord the difference between what would be fair rent which is what the landlord is reasonably entitled to, and the rent which the tenant is now paying. The Committee is of opinion that it is desirable that subject to such payment, these tenants should have fixity not merely for a period of four or five years which they are having at present, but for a period of twelve years which is the customary period of enjoyment in the case of most, if not all, other persons who, not being owners, have some interest in the soil of Malabar. Four or five years is, in the opinion of the Committee, much too short a time both from the economic and the social point of view. The Committee therefore proposes that . . . etc."

"They elaborate those proposals, and at page 45, they go on to state:—

"It may, however, be stated here that the janmis' representatives on the Committee agreed to take only three times the annual difference, because the tenants' representatives agreed to the landlord having the right to eject the tenant if the landlord required the land for his own cultivation or use or that of any member of his family, subject to the condition that if the landlord lets the land again to another tenant within six years after such eviction, the old tenant shall be entitled to recover possession and continue on the land on the same terms as those on which he held the land, etc."

"So that the question of compensation was gone into by the Raghavayya Committee, and the rate of compensation was arrived at as a matter of compromise between the tenants' representatives and the janmis' representatives, and that has been emphasized by the hon. Member for the University in his eloquent speech on this matter. The Raghavayya Committee, therefore, went into this question elaborately. They say that, as a matter of fact, the janmi is not being deprived of any substantial rights which he has in his property, and the janmis still retain all those rights. The Committee recommend compensating him for what the janmi fancies he is deprived of. As a matter of fact, the renewal fee given to the janmi is much more than what the tenant otherwise pays. As regards the renewal fee, even in his dissenting minute the janmis' representative in this House has stated that the renewal fee to be paid by the tenant hereafter will be more than 100 per cent, more than what is being paid by the tenant now. That is adequate compensation, and so I say the janmi has, as a matter of fact, preserved all his rights. He is given adequate compensation for the disturbance of his rights, and now to turn back and say 'we cannot have anything to do with the non-cultivating kanamdars on any land (which to the misfortune of the cultivating tenant is owned by the non-cultivating kanamdar)' is going back on what had been arrived at by the Raghavayya Committee. It is not therefore correct to say that the Government has changed its attitude on this matter. The Government carefully thought over this matter, and the Raghavayya Committee took evidence on the matter, and in taking such evidence they came to the deliberation that any legislation which does not take note of the non-cultivating kanamdar would be ineffective and would not bring about that cordial relationship between the landlord and the tenant which it is the object of the Government to bring about. In the face of all that, how can my Friend, Mr. Unni, say that the janmi is being deprived of his valuable rights and an unmerited and undeserving class of people is going to be given certain rights? No rights are being given. We are allowed to live as we were living. I beg to submit there is absolutely no change, in reality, of attitude on the part of the Government. Then again, several practical difficulties are likely to arise if as a matter of fact this amendment is carried out. For example, suppose there is a kanam holding of 50 acres. As is well known, compact pieces

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of land are owned by very few people in Malabar. It may be that one piece of land is here and another piece of land there, at a distance of half a mile from the former. Suppose such a kanamdar holding 50 acres lets out ten acres to a verumpattamdar, and cultivates the remaining 40 acres himself. Is he to be considered as a non-cultivating kanamdar so far as the ten acres are concerned, and a cultivating kanamdar in respect of the other forty acres? Is he to be deprived of the kanam? Are we to ask him to give up the kanam? Are we to deprive him of that which is not under his actual cultivation? When the janmi is given compensation, why deny him the right over the land?

"Then again, I remember reading with reference to the silk industry that even the much-maligned sowar is supposed by the Government to be useful in the economic field. He, as a matter of fact, finds funds for the silk weavers and therefore he also is not a man who is to be despised. If that is so, and if the Government say that as a matter of fact the sowar who lends money to the silk weavers is a man who is not to be brushed aside, is it too much to suppose that the non-cultivating kanamdar who really does contribute to the economy of the district is an important element? Is he to be deprived of his rights as against the cultivating kanamdars? That, I submit, is a matter which requires anxious consideration at the hands of this House.

"Then, Sir, with reference to the argument which Mr. Unni has placed before the House, what Mr. Unni really did was just to portray in harrowing terms the condition of the cultivating verumpattamdar. In fact all his speech with reference to the cultivating verumpattamdar will not in any way solve this question. Is the non-cultivating kanam tenant, the non-cultivating kuzhikanam tenant, the customary verumpattamdar, to be given occupancy rights under this Bill? That is the question before the House. There is no use confusing the issue and urging arguments in support of verumpattamdar. As the hon. Member for the University has pointed out, it appears that each is running a race in the sympathy with verumpattamdars. We have to see whose sympathy is the greatest. With regard to this principle, hon. Members have been quoting various gentlemen who had to deal with this matter, and the same thing was reiterated by Mr. Unni. That does not add to the strength of the particular argument. For these reasons I oppose the amendment."

* Mr. N. SIVA RAJ :—"Mr. President, if I venture to take part in this debate, it is not because I feel that I am equal in advocacy either to Mr. Sankaran Unni or Mr. Madhavan Nayar or other hon. Members from Malabar in the cause either of the janmi or of the tenant, nor because I feel that I can lay claim to a special knowledge of the land tenures and systems of land-holding in Malabar, but my only justification for taking part in this debate is that I feel that I must support a cause which seems to be just, so far as my reading of the situation goes. And I suppose I am quite in order to explain my position before I can give my vote one way or the other on a question of this kind which involves an irreconcilable conflict of opinions. But as I view the whole question, I feel that it is somewhat simple, and that it is not as complicated as some hon. Members have made it out to be. First of all, I am in favour of the amendment that has been brought forward by Mr. Kavalappara Muppil Nayar for the simple reason that it seems to express and carry out to its logical conclusion the principle that has been propounded in the Bill. It also recognizes the principle that has always

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been accepted in this country so far as the system of land-holding goes. Any student of land tenures either of this Presidency or of any other Presidency in India will at once agree with me when I state that the only class of persons who have been recognised from time immemorial as entitled to any privileges with reference to land-holding are those that are responsible for the produce of the soil. And that is a principle which has been well recognized. (A Voice :—"What about the janmis?"). These other layers of interests that have subsequently grown up have been recognized no doubt for a long time by the British Government from the period of their early revenue administration. And many English writers have conceded this point, namely, that it was a mistake that they should have recognized many layers of interests as they have actually done in the matter of land-holding in this country, and Malabar presents one of those unfortunate problems. We find that, so far as this question is concerned, a Bill ought to grant rights and privileges only to the cultivating verumpattamdars and kanamdars on the principle that only those persons who produce something out of the soil ought to be entitled to those privileges. The Government, as long as it is satisfied that its share of the produce is obtained, whatever their theory may be with regard to vested interests, ought not to wrest privileges from one class of people and try to vest them in another class. Instead of protecting the only people who ought to be protected, namely, the cultivating verumpattamdar it has been stated that the non-cultivating kanamdars are also people who are responsible for the improvements of those lands, and as such ought to get the privileges under the Bill. I think it has been definitely stated at page 142 of the Raghavayya Committee's report that the kanamdars (Calicut taluk) do not spend any money for making improvements on their kanam wet lands when they leased them out to verumpattamdars. One of the witnesses before the Raghavayya Committee stated, in answer to a question by Mr. Kotieth Krishnan whether the kanamdar was not in the habit of getting manure from Japan and other places to help the verumpattam tenant, that the kanamdar has not learned that habit. (Mr. K. P. Raman Menon : Please read Mr. Karunakara Menon's evidence.) Whatever it is, there is evidence to show that the kanamdars are not always interested in helping the verumpattamdar to get the best out of the soil. But he has got the right whenever he is evicted to get the value of his improvements. Even if it is granted that he helps the verumpattamdar to improve the land, in all cases of eviction he gets his rights from the janmi. That apart, there is another reason why this principle that is contained in the amendment ought to be accepted by this House, and that is in the interests of simplicity. To recognize more than one or two layers of interests in land in this country will merely complicate matters.

"As a matter of fact, we have in Madras the Estates Land Act, and 4 p.m. there we find no provision whatsoever which recognizes an intermediary between the landlord and the tenant or the ryot. So also in other tenancy legislations in Bengal and other places, no intermediaries are recognized except in special cases where you find a peculiar kind of tenure holders. Therefore, from the point of view of natural justice, which is certainly in consonance with the accepted custom in this country of recognizing the grant of all privileges only to the cultivating tenant, and from the point of view of simplicity, I support the amendment of my hon. Friend, the Muppil Nayar of Kavalappara."

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* Rao Bahadur Sir A. P. PATRO :—" Sir, the very impressive and eloquent speech of the Expert Member for Janmis is defective in one important respect, in that he failed to notice the most important fact, the social and economic condition of his own society. The fact is the tarwad and the karnavan are responsible for the existence of the kanam and the kanamdars. Because the karnavan is very anxious to make money in order to deprive junior members of their share-like my hon. Friend over there—in order to enrich his own children. He would have a meloharth taken from the kanamdars to the detriment of the junior members of the tarwad, and intermediaries are created from time to time, and the kanam has thus come into existence. The renewal fees go to the sole benefit of the karnavan. So, kanam has become an economic factor, and the kanamdars have become a necessity in the organization of Malabar land tenure. You cannot therefore ignore what has been going on for many years past, all the facts about these kanams and kanamdars. That some kanamdars are actual cultivators is admitted and some are not is also a well-known fact. But the present Bill brought by the Government is based upon enquiries made by a Committee appointed under particular terms, and that Committee after going through all the evidence before them has come to certain conclusions in dealing with these kanams. They have stated that we cannot ignore the existence of the kanamdars and that he has contributed very largely for the reconstruction of society in Malabar. The Bill now before us being prepared on that basis, I should like to know what evidence there is by which you can challenge the accuracy of that statement. So long as we have no evidence to challenge it, we have to accept kanam as a factor.

"There is also another point, which the Expert Member contended, namely, that the Government was strong in support of the cultivating tenant only ignoring all the claims of the non-cultivating tenant. He further stated that the Government have since changed the policy, and that the present Bill has come out in a different form altogether. I do not defend the Government. The Government did not defend themselves, because the hon. the Revenue Member did not answer why this change of policy was necessary. It would have been fair to the House if the Government had stated why they have changed their attitude in regard to this particular matter. We have not heard a word from the Government on the matter. Yet, there remains the fact, that the present economic condition in Malabar is as described in the report of the Raghavayya Committee, and this Bill has been based upon that report. The Bill was improved upon in the Select Committee in order that renewal fee and a fair rent should be given as a compensation to the janmi. Whatever rights are taken away from the janmis, which are of a proprietary character, the absolute right of the janmi as proprietor of the soil is recognized, and what is derogated from that absolute right is sufficiently compensated for in this Bill. Whether that compensation is adequate or not is a different matter that should be discussed. I should consider any appeal to the House that the compensation for the rights taken away is not adequate and that larger compensation should be given either in the matter of renewal fee or fair rent. But to say that we should ignore the existence of the kanamdars even though non-cultivating, who has come into existence all these years owing to the fault of the system in Malabar, is a proposition which we cannot expect. The kanamdars are an economic factor in the family life of Malabar. Yet he says, 'Sweep away all these intermediaries; we will deal direct with the

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cultivating tenant or the verumpattamdar. You must recognize things as they are now in Malabar, as the report of the Raghavayya Committee also says. You find from the illustrations given in the Bill as to the condition of things, that the kanam and sub-kanams extend to six or seven. By a series of transfers you have got five or six intermediaries between the landlord and the cultivator. A is a landlord who demises a kanam to B; B transfers his right to C; C takes a meloharth and gives it again to D; and D has again to pay a renewal fee and he creates a meloharth to E, and so on. In this way, there are numerous intermediaries even between the original kanamdars and the last cultivating tenant. You cannot sweep away the rights of all these people at one stroke. If the renewal fee, which is the compensation for giving fixity of tenure, is not adequate, you can ask for a higher and a larger rate of renewal fee. But it is too late in the day for the janmi to argue that these intermediaries should be swept away. They have come into existence as a result of the economic conditions in Malabar in the past so many years, and so you must face facts as they are, and you cannot say, 'we shall wipe out all these intermediaries and shall only have direct relation with the cultivating tenant.' I wish it were possible but cannot accept."

* Mr. J. A. SALDANHA :—" Sir, I shall only refer to one or two points which have been made by my hon. Friends on the other side. My hon. Friend, Mr. Siva Raj, mentioned the fact that no legislation in India, either in this province or in other provinces, recognizes intermediary tenures. I think he is a Professor of land tenures. But I do not think he would have said the same thing before his boys or students. Because if he only studies land tenancy legislation of Bengal or of Bombay and even of this province, he will find that the legislation does recognize intermediary tenures. They are called tenures or given some other particular name, just as the tenure given to ryots is called the ryotwari tenure. What happened in Malabar, as was eloquently pointed out by my hon. Friend, Sir Patro, was responsible for the coming into existence of the kanam tenure and so you cannot get rid of it. My Friend, Mr. Unni, cannot swallow it or throw it out. Even if he tries to swallow it, it will stick in his throat. You cannot get rid of it in any way. All these intermediaries between the landlord and the cultivating tenant have always been recognized, and the Government themselves have recognized them. It is very easy to quote a number of Collectors, Europeans in order to try to brush aside the existence of those intermediaries. These Collectors have got their prejudices. My hon. Friend, who is a lawyer himself, referred to pleaders, who have become intermediaries. It is true these pleaders have also become landlords. They become landlords because they take an interest in the land. As landlords, they like to be benignant. It is these pleader landlords that have spent large sums of money for the improvement of land. My experience in Bombay as well as in this Presidency has shown that it is only these professional people, more than anybody else, that take great interest in land and spend much money for the improvement of the land. My hon. Friend, Sir Patro, is a professional man, and I know he is also a good cultivator and landlord. He can have fruits on his table from his own garden. My hon. Friend, Mr. Unni, said that a pleader who is also a kanamdars does not spend money and does not take interest in the improvement of the land. That the kanamdars have improved the land is a fact which has been recognized by all the committees appointed till now. My hon. Friend referred to a number of Collectors, and I may refer him to a number of committees and commissions appointed,

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that have recommended the grant of fixity of tenure to kanams. The right word is 'kanam' and not 'kanamdars', as we find in all the committees' reports and in the Cochin State Regulation, and in the Bill prepared by my hon. Friend, Diwan Bahadur Krishnan Nayar.

"Then, my hon. Friend questioned the authority of the Kaghavayya Committee. Of course, there are some extreme statements made there. That Committee has come to certain conclusions, which we cannot now question. Their findings are in favour of legislation giving fixity of tenure to the kanamdars and other intermediaries. The other committees and commissions that went before have also made out a clear case for giving fixity of tenure to old standing kanamdars, and they made no distinction between cultivating and non-cultivating kanamdars.

"With these few words, I appeal to the House to throw out this amendment."

The amendment was then put and declared lost.

Mr. E. Sankaran Unni demanded a poll, and the House divided thus:

Ayes.

1. The Muppil Nayar of Kavalappara.
2. Rao Bahadur O. M. Narayanan Nambudripad.
3. Mr. N. Siva Raj.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. " Sir Thomas Moir.
3. " Diwan Bahadur M. Krishnan Nayar.
4. " Mr. A. Y. G. Campbell.
5. " Mr. M. R. Seturatnam Ayyar.
6. " Mr. S. Muthiah Mudaliyar.
7. " Dr. P. Subbarayan.
8. Mr. Hilton Brown.
9. " H. A. Watson.
10. " A. G. Leach.
11. " J. Gray.
12. " S. V. Ramamurti.
13. " C. E. Cotterell.
14. " V. Ch. John.
15. " M. A. Manikkavelu Nayakar.
16. Syed Tajudin Sahib Bahadur.
17. Mr. J. A. Davis.
18. " P. J. Gnanavaram Pillai.
19. " K. Krishnan.
20. " W. P. A. Soundara Pandian.
21. " S. Subrahmanya Moopanar.
22. " D. Thomas.
23. " A. Achutan.
24. " C. E. Wood.
25. " A. J. Leech.
26. " F. E. James.
27. " R. J. C. Robertson.
28. " S. N. Dorai Raja.
29. " H. F. P. Hearson.
30. " K. Ramaachandra Padayachi.
31. " G. B. Premayya.
32. " R. Srinivasa Ayyangar.
33. " S. Matyamurti.
34. " C. V. Venkataramana Ayyangar.

Ayes 7.

The amendment was negated.

4. Mr. M. V. Gangadhara Siva.
5. " S. Venkiah.
6. Rao Sahib R. Srinivasan.
7. Mr. E. Sankaran Unni.

35. Mr. J. A. Saldanha.
36. " G. Harisarvottama Rao.
37. Abdul Hameed Khan Sahib Bahadur.
38. Mr. L. K. Tulasingam.
39. " D. Narayana Raja.
40. " K. R. Karant.
41. " K. Madhavan Nayar.
42. " C. Obi Reddi.
43. " A. Parasurama Rao.
44. Ahmed Miran Sahib Bahadur.
45. Mr. A. Kaleswara Rao.
46. K. Uppi Sahib Bahadur.
47. Mr. K. V. Krishnaswami Nayakar.
48. " C. Venkatarangam Nayudu.
49. " B. Venkataratnam.
50. " A. Ranganatha Mudaliyar.
51. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
52. Mr. K. P. Raman Menon.
53. " C. R. Parthasarathi Ayyangar.
54. " T. U. Srinivasa Ayyangar.
55. " C. Gopala Menon.
56. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
57. Rao Bahadur Sir A. P. Patro.
58. " C. Natesa Mudaliyar.
59. Mr. T. K. Chidambaramatha Mudaliyar.
60. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur.
61. Khadir Mohidin Sahib Bahadur.
62. Diwan Bahadur S. Kumaraswami Reddiyar.
63. Khan Sahib T. M. Moidoo Sahib Bahadur.
64. Rao Bahadur K. Sitarama Reddiyar.
65. " B. Munieswami Nayudu.

Noes 65.

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Mr. K. UPPI SAHIB :—"Sir, I beg to move—

'Add the following sub-clause to the existing sub-clauses :—(4) Lands belonging to janmis who own 15 acres or less.'

"Mr. President, this provision is found in both the Bills of Mr. Krishnan Nayar. This provision was introduced in order to save the small janmis from being jammed under the operation of the Bill. So far as North Malabar is concerned, I can boldly say to this House that in another 20 years the existing small holders of land will be converted into mere labourers. There seems to be a prejudice against all my motions. I will not come under the operation of this section, nor the big janmis of North Malabar. It is the middle class people, the small janmis who have got big families who will be affected. I only appeal to the House to come to the rescue of small janmis and save them from utter destitution and distress. With these words, I move my amendment."

Mr. A. KALESWARA RAO :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I cannot again accept this amendment, although the Mover referred to such a provision in the hon. Mr. Krishnan Nayar's Bill. The present Bill is based on different principles from those on which the hon. Mr. Krishnan Nayar's Bill was based. It does not follow because a provision was included in the hon. Mr. Krishnan Nayar's Bill, it is therefore suitable for inclusion in this Bill. In this case, if the small janmi wishes to get land for his own cultivation he will be able to do so under the provisions of this Bill. There are clauses included in it which will enable him to evict his tenant if he requires land for his own cultivation or for his family or tarwad or for building in certain cases. He is therefore protected. We must look at the question from the point of view of the cultivating verumpattandar, and it seems to me, Sir, that there is no reason to discriminate between a customary verumpattadar who happens to be under a small janmi and one who happens to be under a big janmi. The one requires as much protection as the other. As I pointed out, the small janmis' interests have been safeguarded in the Bill."

* Mr. E. SANKARAN UNNI :—"Sir, the hon. the Revenue Member pointed out that in the case of a small janmi he could resume the land under the provisions of the Bill. If the provisions introduced in the Bill were so easy, I should at once say 'Yes'. But, considering that very severe and stringent restrictions are placed on the right of resumption, that argument is no solution to the problem. In fact, in Malabar, we have a large number of poor janmis. Let no one suppose that our number is made up of the number of janmi voters, about 236 in number. The number of janmi pattadars is over 220,000. Most of them own lands 4 and 5 acres a piece. If the incidents which this Act proposes to impose upon land generally in Malabar were to be attached to these small holdings, I am sure there will be considerable distress in Malabar. We are anxious to do the right thing by the cultivator. Let no one suppose that in their anxiety to be just and fair to other people, the janmis are anxious to be unjust to themselves. We are as much for the protection of our just rights as we are anxious to protect the rights of the cultivator. Let it not for one moment be believed by anybody that the janmi is going to seek his own ruin in order to help another. What we have been doing for the cultivating tenant others have not done. If

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we stand here to-day and ask for protection, we are doing nothing against the kanamdar or against the verumpattamdar. Small janmis are the class on whose prosperity the prosperity of Malabar depends. Every chance should be given to the janmi to resume his land, because it is these janmis that add to the finances of the Government. If the Government say that they are committed to a different course and they are determined to go forward with the engine of destruction behind them, let it be so. The poor janmis will be simply wiped out."

* Mr. K. KRISHNAN :—" Mr. President, Sir, I oppose this motion. Apart from the arguments advanced by the hon. the Revenue Member, may I put before the House the practical difficulty of accepting this proposition. Supposing out of 15 acres possessed by a janmi, 2 acres pass out of his hands, what would be the position of the tenants who hold the lands and what would be the position of the land? Will the character of the tenure be changed in that case. Take the reverse case. Suppose a janmi who owns more than 5 acres of land sells 2 acres, what will be the position of those who have been holding such lands under the janmi. The practical difficulties in accepting the proposition are so great, apart from the injustice done to the tenant, that I hope the House will reject this motion."

The amendment was declared negatived.

Mr. E. Sankaran Unni demanded a poll.

* The hon. the President asked the Ayes and Noes to stand up in their places and declared "The Noes have it. The demand for a poll was frivolous."

The hon. the PRESIDENT :—" The question is that clause 2 shall stand part of the Bill."

The motion was carried and clause 2 was added to the Bill.

Clause 3.

Sub-clause (c).

* Mr. E. SANKARAN UNNI :—" Sir, I move—

'That in sub-clause (c) of clause 3, the words "members or" occurring in line 6, be omitted.'

" Sir, I am asking that the two words 'members or' may be removed. The object of the amendment is this. As I understand the principle involved in the Bill, it is open to a janmi to take land for the purpose of cultivation by himself or by a member of his family. If land is resumed for that purpose and the janmi himself holds it, I cannot understand why a member of the family should be prevented from having it on any terms he likes. I can understand the objection that it ought not to be given to a third party because it may defeat the very purpose we have in view. As I understand the object of the Bill, it is not opposed altogether to the idea of the members of a janmi's family cultivating the land. If that is so, you need not place unnecessary restrictions on members of the family cultivating on any terms they like as a matter of convenience. In many families, lands are let out to the junior members for maintenance purposes and a portion of the produce is taken by them and the other portion is given to the tarwad. I do not see why we should not allow it or prevent members of a family from cultivating the

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land and sharing the produce from it. I commend this amendment for the acceptance of the House. It will do no harm to anybody."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I do not quite understand why this amendment is necessary in order to carry out the idea which the hon. the Mover has in view. We are here concerned only with the definition of the word 'cultivate'. As far as I know, there is nothing to prevent the janmi from recovering his land for cultivation by a member of his family or tarwad. That is provided for. He may cultivate it himself if a member of his family who cultivates it does not pay him anything. If a member of his family pays him for it, that member will cultivate it and so comply with the conditions of evicting the tenant. I do not see the object of this amendment."

The amendment was put and negatived.

Sub-clause (e).

Mr. K. R. KARANT :—" Mr. President, in line 2, I beg to move for the addition of the word 'the' between the word 'includes' and the word 'redemption'. This is only a verbal amendment."

Mr. K. MADHAVAN NAYAR :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

The amendment was put and adopted.

Sub-clause (j).

Mr. K. R. KARANT :—" Sir, I beg to move for the insertion of the word 'also' in line 3 before the words 'to possession'. The definition of 'intermediary' now stands thus: 'Intermediary means any person who, not being a janmi, has an interest in land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to others.' This means that an intermediary is one who is entitled to possession but has given up possession to somebody else. The intention seems to be that he is entitled also to possession, that is to say, he has got some rights over and above possession of the land and has only parted with the possession to others. I think my amendment makes the intention of the definition more definite."

Mr. J. A. SALDANHA :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think that this is an improvement on the present drafting."

The amendment was put and negatived.

Sub-clause (l).

The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move that in line 2, after the words 'in kind' insert the words 'or in both'. The sub-clause as amended would run thus: 'Kanam means the transfer for consideration in money or in kind or in both by a landlord,' etc. The reason for this amendment is that I understand that in some kanams there is consideration given both in money and in kind."

The hon. Diwan Bahadur M. KRISHMAN NAYAR :—" I second it."

The amendment was put and adopted.

[25th September 1929]

Sub-clause (2), item (4).

Mr. S. ARPUDASWAMI UDAYAR:—"Sir, I move that after the words 'for twelve years' omit the words 'or any other period.' There can only be a question of the period being shorter or longer. It is better to make it specific and it is with that object that I move this amendment."

* The hon. the PRESIDENT:—"For want of a seconder the motion is lost."

* Mr. E. SANKARAN UNNI:—"Mr. President, I move—
for the word 'other' substitute the word 'shorter'."

"Sir, kanams have been recognized to last for a period of twelve years. As such, I do not see why there should be any other period mentioned. It may include even longer periods. We are providing for renewal at the end of twelve years and we are also fixing as one of the incidents of kanam that it shall be of a twelve years' duration. It is very necessary that certain transfers which are sometimes for twenty-four or thirty years should not be included in this. They were never meant to operate as kanam with the incidents which we have attached to kanam as defined here. Those are special cases and are very unusual and therefore ought not to be treated in the way the 12-year kanams are treated. Of course, it is necessary to include shorter kanams. I am anxious that nothing done by us should exclude them, but it is only just that we should not bring under the scope of this Act transactions which were never intended to be brought under the category of ordinary kanams. Further, if you allow transactions of a longer duration to come under this Act you will be legalizing what is really a wrong."

The MUPPIL NAYAR OF KAVALLAPPARA:—"I second it."

The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I am afraid we cannot accept this amendment. We must have one system of law applying to all kanams, and, as the hon. Mover has admitted, kanams have sometimes lasted for longer periods than twelve years; if this amendment is passed, all landlords can grant kanams for longer periods than twelve years and evade the provisions of this Bill."

The amendment was put and negatived.

Sub-clause (2) item (5).

Mr. S. ARPUDASWAMI UDAYAR:—"Sir, I move that—

'for the words in line 3 'for another period of twelve years' the words 'for a further period of twelve years' be substituted.

"This is not only a drafting amendment, but one which makes the period consistently the same."

Mr. S. N. DORAI RAJA:—"I second it."

The hon. Mr. A. Y. G. CAMPBELL:—"I have no objection to accept the amendment, Sir."

The amendment was put and adopted.

Mr. K. Madhavan Nayar rose to move his amendment.

* The hon. the PRESIDENT:—"By an amendment just now carried the House has retained the words 'for a further period of twelve years' and

[25th September 1929] [The President]

therefore, under the Standing Orders, Mr. Madhavan Nayar cannot now move his amendment for the omission he has suggested under item (5) of sub-clause (1)."

Sub-clause (3), item (1).

* Mr. E. SANKARAN UNNI:—"Sir, 'kudiyiruppu' means and includes 'the site of any residential building, the site or sites of other buildings appurtenant thereto, other lands as are necessary for the convenient enjoyment of such residential building, and the easements attached thereto.' I move—

'to omit the words "as are necessary for the convenient enjoyment" and substitute "not exceeding five times the extent"; to omit the word "residential"; and for the word "building" substitute the word "buildings."

"My object is this: I want to take one important item of this Bill out of the courts. We have to go to court for every little thing. This Bill, in fact, looks as though it is a Bill intended to foster litigation in Malabar. If a person wants a kudiyiruppu I shall give him some formula that will cover all the necessary requirements and will meet all the usual needs of a Malayali family. If you have got one or two buildings in a compound, have five times the extent of all the house-sites together, not only of the principal residential house but of all the buildings thereon. For, it is not an uncommon thing in Malabar to have more than one building in one and the same compound. Take the sum of the areas of the two houses and then give five times the extent. That I think would save everybody concerned from vexatious litigation. The people of Malabar ought to be satisfied with that. Of course in up-country places it would be very easy to have big and extensive compounds. But the demand for house-sites will increase. It is better that we introduce this amendment instead of allowing people to have very big compounds and I submit this is an exceedingly fair amendment and it ought to be accepted."

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think I can accept the amendment. The definition of 'kudiyiruppu' means and includes the site of any residential building, the site or sites of other buildings appurtenant thereto, other lands as are necessary for the convenient enjoyment of such residential building, and the easements attached thereto. Presumably 'residential buildings' do not include the other lands as are convenient for the enjoyment of such residential building. I think it is much better to leave the definition as it is and decide each case on its own merits. I therefore cannot accept the amendment."

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I am sorry the hon. the Revenue Member has not seen the point raised by Mr. Unni. The words 'for the convenient enjoyment' cover a wide area. We do not very much care whether it is fixed as five times or six times. The hon. the Revenue Member evidently wants us to go to court in each and every case. We know the people of Malabar are sufficiently litigious and if you leave the definition as it is they will have to go to court in each and every case and if the lower court decides in a certain way they will be appealing against that decision to the higher court and then they will be going up to the Privy Council and there will be no end to the litigation. I think this House ought to decide against such a procedure. Therefore I appeal to the

[Mr. C. V. Venkataramana Ayyangar] [25th September 1929]

representatives of both the janmis and the tenants to come to some understanding and say what is the extent of land that is necessary for the convenient enjoyment of their residential buildings. Of course the vakils and other people who are interested in seeing that litigation goes on as much as possible may approve of the definition as it is. But I would ask the House to define exactly what extent of land is necessary for the convenient enjoyment of these residential buildings."

The amendment was put and negatived.

Sub-clause (n).

* Mr. K. MADHAVAN NAYAR :—" I beg to move that—

' in line 5 for the word " or " substitute the word " and " and in line 6 omit the words " or for both " . '

" Sir, this is a very important amendment. A grievous mistake has been committed. The very idea underlying kuzhikanam, namely, of planting trees, has been taken away by the substitution of the word ' or ' for ' and '. Under the definition made by Raghavayya Committee the definition ran like this : ' All garden lands or all other lands with the fruit-bearing trees shall be transferred for the enjoyment of those trees and for the purpose of planting, etc. ' That word ' and ' has been converted into ' or ' due to a clerical mistake. Kuzhikanam means and includes essentially the idea of planting trees and it is not merely for the enjoyment of trees alone. I think the hon. Revenue Member will himself realize that the word ' or ' is a mistake. In these circumstances I have no doubt that the Government will accept the amendment."

Mr. MAHMUD SCHAMNAD :—" I support the amendment. The kuzhikanam cannot be for the enjoyment of the fruit trees existing at the time of the transfer alone. If that is so then there is no meaning in calling it as kuzhikanam land. It must include the right of improvement, i.e., of planting more trees, etc. I therefore support the amendment."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

The amendment was put and adopted.

* Mr. K. MADHAVAN NAYAR :—" I beg to move—

' that in line 7 of sub-clause (n) after the word " include " insert the number " (1) " and at the end of the clause add " and (2) the liability of the transferee to pay a renewal fee to the transferor, if the transferee is permitted to enjoy the said property for a further period after the termination of the original period " . '

" For kuzhikanam it is essential to have renewal fee and it is omitted here. The idea of renewal fee which applies to customary verumpattamdar and kanamdar must also apply to kuzhikanam. Therefore it is necessary to have this addition."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

The amendment was put and adopted.

Sub-clause (q).

* Mr. E. SANKARAN UNNI :—" I beg to move—

' in line 2 for the word " annually " substitute the word " periodically " . '

25th September 1929] [Mr. E. Sankaran Unni]

" The clause as it stands reads thus ' Michavaram ' means ' whatever is agreed by a kanamdar in a kanam deed to be paid annually in money or in kind to or on behalf of the janmi. ' The word ' annually ' is not quite accurate, as it would not cover cases where payments are made periodically. Sometimes payments have to be made once or twice a year and sometimes in the course of two or three years. So if you substitute the word ' periodically ' it would cover all cases. Supposing there is included in the kanam demise a scrub jungle for which the tenant has to pay michavaram periodically, such cases would not be covered if you retain the word ' annually. ' I therefore propose the amendment for the acceptance of the House."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

The amendment was put and adopted.

* The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move, Sir, that in line 2 of sub-clause (q) after the words " in kind " insert the words ' or in both ' ; as sometimes the michavaram may be paid both in money and in kind."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The amendment was put and adopted.

Sub-clause (t).

* Mr. E. SANKARAN UNNI :—" I beg to move that for sub-clause (t) the following shall be substituted :—

' Renewal fee means a share of the profits accruing for 12 years from a parcel or parcels of land and payable in advance as a lump sum or in instalments by a tenant to his landlord for the renewal of the legal relationship under which the tenant has been holding such land. '

" I am proposing this amendment so that a better and more accurate definition may be substituted for the existing one. It sets out exactly the real character of the renewal fee. Now the definition as we have got it is not in consonance with some of the sections. Renewal fee can be paid in instalments and it has not been referred to suitably in the definition. I do not want that anybody at any time should be in doubt as to what the character of the renewal fee is. I want to be clear. I want this House to understand that when a tenant pays a renewal fee he is paying a portion of the profits derived by him. It is very important in deciding as to what should be the renewal fees that we should know what is the amount of profit that the tenant has derived and what is the portion that goes to the janmi. My definition exactly defines what is meant by renewal fee. In view of the fact that one of the sections lays down that the renewal fee may be paid in instalments, this amendment is necessary."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" I am afraid I cannot accept the amendment. It seems to me that the present definition is better than the proposed one. The proposed definition appears to attempt to enact a substantive provision of law in a definition."

* The hon. the PRESIDENT :—" The question is ' Renewal fee ' means a share of the profits accruing for 12 years from a parcel or parcels of land and payable in advance as a lump sum, or in instalments, by a tenant to his landlord for the renewal of the legal relationship under which the tenant has been holding such land."

[25th September 1929]

The amendment was put and negatived.

Sub-clause (w) (3).

* Mr. K. MADHAVAN NAYAR :—" Sir, I move—

'in line 2, for the word "verumpattamdar" substitute the word "tenant".'

"I want the substitution of the word 'tenant' for the word 'verumpattamdar'. Verumpattamdar has been defined to be a tenant holding paddy lands. Customary verumpattamdars in South Malabar hold both paddy lands and garden lands. A verumpattamdar need not necessarily hold paddy lands alone. According to the definition, a verumpattamdar is a tenant of a holding which includes wet lands and may or may not include other lands. In South Malabar there are also garden lands held by these verumpattamdars. This is a verbal alteration and it is quite essential."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I am afraid I cannot accept this amendment because it affects considerably the extent of the application of this Bill. The Bill is intended to give the right of renewal in the case of a customary verumpattamdar whose holding includes wet lands and not in the case of a customary verumpattamdar whose holding does not include wet lands. That is the intention of the existing definition."

The amendment was put and declared negatived.

Mr. Harisarvottama Rao demanded a poll and the House divided thus :—

Ayes.

- | | |
|-------------------------------|--------------------------------------|
| 1. Mr. K. Krishnan. | 9. Mr. A. Parasarama Rao. |
| 2. " P. C. Venkatapathi Raju. | 10. " A. Kaleswara Rao. |
| 3. " K. Koti Reddi. | 11. " A. Ranganatha Mudaliyar. |
| 4. " J. A. Saldanha. | 12. " K. P. Raman Menon. |
| 5. " G. Harisarvottama Rao. | 13. " O. R. Parthasarathi Ayyangar. |
| 6. " D. Narayana Raju. | 14. Rao Bahadur C. S. Ratnasabapathi |
| 7. " K. R. Karant. | Mudaliyar. |
| 8. " K. Madhavan Nayar. | 15. Rao Bahadur B. Muniswami Nayudu. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 20. Rao Bahadur O. M. Narayanan Nambudiripad. |
| 2. " Sir Thomas Moir. | 21. Mr. N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 22. Rao Sahib L. C. Guruswami. |
| 4. " Mr. A. Y. G. Campbell. | 23. Mr. V. I. Muniswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 24. " W. P. A. Soundara Pandian. |
| 6. " Mr. S. Muthiah Mudaliyar. | 25. " S. Subrahmanya Mooppanar. |
| 7. " Dr. P. Subbarayan. | 26. Rao Sahib B. Srinivasan. |
| 8. Mr. Hilton Brown. | 27. Mr. A. J. Leech. |
| 9. " H. A. Watson. | 28. " S. Arpudawami Udayar. |
| 10. " A. G. Leach. | 29. " S. N. Dorai Raja. |
| 11. " J. Gray. | 30. " K. Ramachandra Padayachi. |
| 12. " S. V. Ramamurti. | 31. " R. Srinivasa Ayyangar. |
| 13. " C. B. Cotterell. | 32. " C. V. Venkataramana Ayyangar. |
| 14. " V. Ch. John. | 33. " T. C. Srinivasa Ayyangar. |
| 15. " M. A. Manikkavelu Nayakar. | 34. Rao Bahadur Sir A. P. Patro. |
| 16. Syed Tajudin Sahib Bahadur. | 35. " Dr. C. Natesa Mudaliyar. |
| 17. Mr. J. A. Davis. | 36. Mr. T. K. Chidambaranatha Mudaliyar. |
| 18. " R. Foulkes. | 37. Khan Bahadur S. K. Abdul Razack Sahil Bahadur. |
| 19. The Muppil Nayar of Kavalappara. | 38. Rao Bahadur K. Sitarama Reddi. |

Ayes 15. Noes 38.

The amendment was negatived.

[25th September 1929]

Sub-clause (x).

* Mr. E. SANKARAN UNNI :—" Sir I beg to move—

'Omit all words after the word "paddy".'

"The definition of 'wet land' as given in the Bill is land which is adapted for the cultivation of paddy and registered as wet land in the registers of the Government. My reason for moving this amendment is this; under Settlement rules, only once in thirty years lands are registered as wet or dry. The hon. the Revenue Member told me that a Board's Standing Order permitted registration on certain conditions if the landlord wanted it. The Revenue Secretary to the Government discussed the matter with us and I was not convinced that the amendment was not necessary. So far as I am aware, Settlement rules do not provide for it. The difficulty that I am feeling is this; if there is no provision for getting lands which are really wet registered as wet during the currency of a settlement, the janmi would suffer a great loss. Lands cannot be registered as wet unless and until a new settlement takes place; therefore dry lands will continue to be dry lands though they have been converted into wet lands. I am told that if an application is made by the pattadar to have the land registered, it can be done. I was also told by a very competent authority that this has seldom been done. We in Malabar know what wet lands mean. Nobody is under a misapprehension. It means land adapted for the cultivation of paddy. In the original Bill the definition was 'land levelled, bunded and adapted for the cultivation of paddy and registered as wet land in the registers of the Government.' If the courts refuse to regard land which is not registered as wet, as wet land, we get into difficulties. It is much better to have the definition as 'land adapted for the cultivation of paddy'. The qualification that the land should be registered as wet in the books of the Government is not necessary. The retention of the words will cause great hardship and it will be unsafe to have such a provision in the Bill."

The MUPPIL NAYAR OF KAVALLAPPARA :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I have no objection to accept the amendment."

* Mr. K. P. RAMAN MENON :—" Sir, I am afraid that my hon. Friend Mr. Unni has not considered the full implication of his amendment. If the definition is amended it will read as follows: Wet land means land which is adapted for the cultivation of paddy. Mr. Unni must be aware that existing dry lands are cultivated with modan paddy—a sort of paddy which is grown in dry lands. With the copious rains that we have in Malabar almost every dry land is cultivated with this paddy. But it is not wet land. Nobody regards it as wet land. If registration is taken away every modan paramba with dry land in which modan paddy is cultivated becomes wet land and all these parambas will be entitled to enhance rent."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, it is really inconvenient that the hon. the Revenue Member should rise up and accept the amendment. I know not what the implication will be. We will feel some difficulty in clause 5 when fair rents have to be fixed in the case of dry lands converted into wet. If the words 'registered in the registers of the Government' are omitted, every dry land converted into wet will be wet land. We have got lands classified in the settlement registers either as dry or wet. If a land is dry

[Mr. B. Muniswami Nayudu] [25th September 1929]

it will continue to be dry so far as the settlement registers are concerned. Dry land will continue to be so in the settlement registers but it will be capable of being used for wet cultivation. Again we have to deal with dry lands converted into wet in clause 5. That clause will be unnecessary. I think, Sir, I must oppose the motion."

* Mr. E. SANKARAN UNNI:—"May I point out, Sir, that we are in the stage of definitions?"

* The hon. the PRESIDENT:—"The question is to omit the words 'and registered as wet land in the registers of the Government' after the word 'paddy'."

The amendment was put and declared lost.

5-15 p.m. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---|
| 1. The hon. Khan Bahadur Sir Muhomad Usman Sahib Bahadur. | 14. Mr. V. Ch. John. |
| 2. " Sir Thomas Moir. | 15. " M. A. Manikkavelu Nayakar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 16. Syed Tajudin Sahib Bahadur. |
| 4. " Mr. A. Y. G. Campbell. | 17. Mr. R. Foulkes. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 18. " Mahmud Sahamnad. |
| 6. " Mr. S. Muthiah Mudaliyar. | 19. The Muppil Nayar of Kavalappara. |
| 7. " Dr. P. Subbarayan. | 20. Mr. V. I. Muniswami Pillai. |
| 8. Mr. Hilton Brown. | 21. Rao Bahadur O. M. Narayanan Namudripad. |
| 9. " H. A. Watson. | 22. Rao Sahib R. Srinivasan. |
| 10. " A. G. Leach. | 23. Mr. S. Subrahmanya Mooppanar. |
| 11. " J. Gray. | 24. " E. Sankaran Unni. |
| 12. " S. V. Ramamurti. | 25. " A. J. Leach. |
| 13. " U. B. Cotterell. | 26. " K. Uppi Sahib. |
| | 27. " K. R. Karant. |

Noes.

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|------------------------------------|--|
| 1. Mr. K. Krishnan | 10. Mr. T. C. Srinivasa Ayyangar. |
| 2. " A. Achutan. | 11. Rao Bahadur Sir A. P. Petro. |
| 3. " K. Koti Reddi. | 12. Mr. T. K. Chidambaramatha Mudaliyar. |
| 4. " G. Harisaravottama Rao. | 13. Rao Bahadur C. Natesa Mudaliyar. |
| 5. " D. Narayana Raju. | 14. Mr. Kadir Muhiuddin Sahib. |
| 6. " K. Madhavan Nayar. | 15. Rao Bahadur B. Muniswami Nayudu. |
| 7. " A. Kaleswara Rao. | 16. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 8. " K. P. Raman Menon. | |
| 9. " C. R. Parthasarathi Ayyangar. | |

Ayes 27. Noes 16.

The amendment was adopted.

Mr. J. A. SALDANHA:—"Sir, I beg leave to withdraw my amendment at the present moment, as I mean to bring it under the proper head, i.e., under 'Miscellaneous.'"

* The hon. the PRESIDENT:—"So, that is not moved.

"I shall now put clause 3 as amended to the vote of the House.

"The question is that clause 3, as amended, shall stand part of the Bill."

The motion was carried and clause 3 was added to the Bill.

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

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

* Add a new sub-clause (g): "(g) Wherever the term 'landlord and tenant' is used, it will include 'assignor or predecessor in title and assignee or representative in title'."

25th September 1929]

APPENDIX I.

[Vide answer to question No. 464-A asked by Dr. B. S. Mallayya at the meeting of the Legislative Council held on the 25th September 1929, page 156 supra.]

Statement showing particulars of the fees received by the Electrical Inspector for services rendered to private parties—vide answer to question No. 464-A (a).

Year.	Name of the party.	Amount received.
		RS.
1926-27	M.R.Ry. M. T. Srinivasan Avargal	300
1927-28	" P. C. Chakravarti Avargal	250
	Tirupati Devasthanam	750
	Sivaganga Collector	160
	University of Madras	419
1928-29	Pudukkottai Darbar	250
	Tirupati Devasthanam	800
	University of Madras	447

APPENDIX II.

[Vide answer to question No. 465 asked by Mr. T. M. Narayanaswami Pillai at the meeting of the Legislative Council held on the 25th September 1929, page 159 supra.]

Statement showing names of applicants who have applied for electric licences during the last three years—vide answer to clause (a) of question No. 465 starred.

- (1) The Bezwada Municipal Council.
- (2) The Cocanada Municipal Council.
- (3) Mr. K. C. Menon of Calicut.
- (4) The Nattarasankottai Electric Supply Corporation.
- (5) The Sri Meenakshi Sundaresveral Electric Power Corporation.
- (6) The Kurnool Municipal Council.
- (7) The Hindupur Municipal Council.
- (8) The Vellore Electric Power Corporation.
- (9) The Coonoor Municipal Council.
- (10) Tanjore Municipal Council.
- (11) Dr. Pattabhi Seetharamayya of Masulipatam.
- (12) The Masulipatam Municipal Council.
- (13) The Tinnevely-Palamcottah Electric Supply Company, Limited, Trichinopoly.
- (14) Messrs. Octavius Steel & Co., Calcutta.
- (15) Messrs. Killick Nixon & Co., Bombay.
- (16) Messrs. Croft Forbes & Ohard, Madras.
- (17) Messrs. Crompton Parkinson, Limited, Calcutta.
- (18) Messrs. Chari & Chari, Madras.
- (19) Sembium Union Board.
- (20) The Madura Electric Company.
- (21) The Conjeeveram Co-operative Electric Supply Corporation.

[25th September 1929

APPENDIX III.

[Vide answer to question No. 478 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 25th September 1929, page 166 supra.]

Diri pumping system.

Years.	Date of commencement of pumping.	Period of irrigation season.			Area irrigated.	Gross revenue.
		Pumping.	Direct supply and rainfall.	Total.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1907-08		DAYS.	DAYS.	DAYS.	ACS.	RS.
1908-09	} Particulars not available.				12,461	38,066
1909-10					16,781	66,901
1910-11					23,721	1,12,982
1911-12					16,762	60,166
1912-13					24,578	1,02,158
1912-18	24th June 1911 ..	145	8	153	25,947	1,16,485
1913-14	3rd July 1912 ..	113	42	155	27,362	1,25,380
1914-15	16th June 1913 ..	146	18	164	26,750	1,17,419
1914-16	29th June 1914 ..	113	38	151	26,643	1,17,582
1915-16	21st June 1915 ..	119	37	156	26,976	1,26,116
1916-17	10th June 1916 ..	116	51	167	32,139	1,68,415
1917-18	15th " 1917 ..	121	48	169	31,443	1,68,864
1918-19	5th " 1918 ..	136	16	152	35,078	1,82,207
1919-20	15th " 1919 ..	125	38	163	38,938	2,18,402
1920-21	24th " 1920 ..	134	20	154	40,136	2,32,105
1921-22	15th " 1921 ..	104	58	162	37,755	2,35,072
1922-23	12th " 1922 ..	125	43	168	35,558	2,02,683
1923-24	5th July 1923 ..	138	10	148	35,628	2,10,899
1924-25	21st June 1924 ..	150	12	162	84,118	2,25,301
1925-26	6th July 1925 ..	143	5	148	36,954	2,27,881
1926-27	3rd " 1926 ..	141	10	151	38,367	2,39,760
1927-28	22nd June 1927 ..	152	8	160		

25th September 1929]

APPENDIX IV.

[Vide answer to question No. 495 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 25th September 1929, page 176 supra.]

Statement showing the Excise compensations paid to the Indian States and French Settlements.

Name of the State.	1903-09.	1909-10.	1910-11.	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.
The French Settlements	..	3,550	3,550	3,550	3,550	3,550	3,550	3,550	3,550	13,737
Indian States—										
Banganapalle	..	33,380	30,820	30,820	30,890	30,820	31,940	33,060	89,714	25,560
Padukottai	..	..	..	..	..	..	563	1,950	..	1,439
Travancore	..	..	..	7,500	8,498	22,500	28,125	54,918	..	31,313
Cochin	..	..	..	..	..	..	..	..	..	..
Sandar	..	400	400	400	400	400	400	400	..	400

Name of the State.	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.
The French Settlements	..	3,560	17,839	16,386	17,303	17,906	16,490	3,550	31,800	19,938
Indian States—										
Banganapalle	..	25,560	93,226	68,355	123,453	73,851	83,289	93,986	81,151	98,406
Padukottai	..	1,350	..	788	600	750	..	1,875	1,800	2,025
Travancore	..	61,875	59,063	151,250	..	34,000	52,700	54,400	313,200	303,500
Cochin	..	..	..	..	..	..	..	..	16,300	10,200
Sandar	..	400	..	..	..	400	400	400	400	400

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 26th September 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur J. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

- | | |
|---|--|
| Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad. | Leech, Mr. A. J. |
| Moir, <i>M.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The hon. Sir Thomas. | Madhavan Nayar, Mr. K. |
| Krishnan Nayar, The hon. Diwan Bahadur M. | Mahmud Schamnad Sahib Bahadur. |
| Campbell, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>O.B.E.</i> , <i>V.D.</i> , <i>I.C.S.</i> , The hon. Mr. A. Y. G. | Mallayya, Dr. B. S. |
| Subbarsyan, The hon. Dr. P. | Manikkavelu Nayakar, Mr. M. A. |
| Muthiah Mudaliyar, The hon. Mr. S. | Meera Ravuttar Bahadur, <i>K. P. V. S.</i> Muhammad. |
| Seturatnam Ayyar, The hon. Mr. M. R. | Moidoo Sahib Bahadur, Khan Sahib T. M. |
| Abdul Hameed Khan Sahib Bahadur. | Muniswami Nayudu, Rao Bahadur B. |
| Abdul Razaack Sahib Bahadur, Khan Bahadur S. K. | Muniswami Pillai, Mr. V. I. |
| Achuthan, Mr. A. | Muppil Nayar of Kavalappara alias Kumaran Raman, Mr. |
| Adinarayana Chettiyar, Mr. T. | Muthulakshmi Reddi, Dr. (Mrs.) S. |
| Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumantakudi Mustafa. | Muthuranga Mudaliyar, Mr. C. N. |
| Anjaneyulu, Mr. P. | Nanjappa Bahadur, Subadar-Major S. A. |
| Ari Gowder, Mr. H. B. | Narayana Raju, Mr. D. |
| Arogyaswami Mudaliyar, Diwan Bahadur B. N. | Narayana Nambudripad, Rao Bahadur O. M. |
| Arpudaswami Udayar, Mr. S. | Natesa Mudaliyar, Rao Bahadur C. |
| Basheer Ahmad Sayeed Sahib Bahadur. | Obi Reddi, Mr. C. |
| Bheemayya, Mr. J. | Parasurama Rao Pantulu, Mr. A. |
| Biswanath Das Mahasayo, Sriman. | Patro, <i>Kt.</i> , Rao Bahadur Sir A. P. |
| Chidambaranatha Mudaliyar, Mr. T. K. | Premayya, Mr. G. R. |
| Cotterell, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. C. B. | Rajan, Mr. P. T. |
| Dorai Raja, Mr. S. N. | Ramachandra Padayachi, Mr. K. |
| Ethirajulu Nayudu, Diwan Bahadur P. C. | Ramamurti, <i>I.C.S.</i> , Mr. S. V. |
| Foulkes, Mr. E. | Raman Menon, Mr. K. P. |
| Gnanavaram Pillai, Mr. P. J. | Ranganatha Mudaliyar, Mr. A. |
| Gopala Menon, Mr. C. | Ratnasabhapathi Mudaliyar, Rao Bahadur C. S. |
| Govindaraja Mudaliyar, Mr. C. S. | Robertson, Mr. R. J. C. |
| Gray, <i>O.B.E.</i> , <i>I.C.S.</i> , Mr. J. | Saldanha, Mr. J. A. |
| Guruswami, Rao Sahib L. C. | Sankaran Unni, Mr. E. |
| Hampayya, Rai Sahib M. | Sami Venkatachalam Chetti, Mr. |
| Harisarvottama Rao, Mr. G. | Satyamurti, Mr. S. |
| Hearson, Mr. H. F. P. | Shetty, Mr. A. B. |
| Hilton Brown, <i>I.C.S.</i> , Mr. | Sitarama Reddi, Rao Bahadur K. |
| James, Mr. F. E. | Siva Raj, Mr. N. |
| John, Mr. V. Ch. | Soundarapandian, Mr. W. P. A. |
| Kaleswara Rao, Mr. A. | Srinivasa Ayyangar, Mr. R. |
| Kameswara Rao Nayudu, Mr. V. | Srinivasa Ayyangar, Mr. T. C. |
| Karant, Mr. K. R. | Srinivasan, Rao Sahib R. |
| Kesava Pillai, <i>C.I.E.</i> , Diwan Bahadur P. | Subrahmanya Mooppanar, Mr. S. |
| Khadir Mohidin Sahib Bahadur, Muhammad. | Tajudin Sahib Bahadur, Syed. |
| Khalif-ul-lah Sahib Bahadur, Khan Bahadur P. | Thomas, Mr. D. |
| Koti Reddi, Mr. K. | Tulasiram, Mr. L. K. |
| Krishnan, Mr. K. | Uppi Sahib Bahadur, Mr. K. |
| Krishnaswami Nayakar, Mr. K. V. | Vanavudaiya Gounder, Mr. S. V. |
| Kumaraswami Reddiyar, Diwan Bahadur S. | Venkatapathi Raju, Mr. P. C. |
| Kuppuswami, Mr. J. | Venkataramana Ayyangar, Mr. C. V. |
| Leach, <i>I.C.S.</i> , Mr. A. G. | Venkataramangam Nayudu, Mr. C. |
| | Venkataratnam, Mr. B. |
| | Venkiah, Mr. S. |
| | Watson, <i>I.C.S.</i> , Mr. H. A. |
| | Wood, Mr. C. E. |
| | Zamindar of Seithur. |

[26th September 1929]

I
QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Manufacture of jaggery in Kurnool district.

* 505 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) what the average sugarcane crop is in the Kurnool district in acreage and quantity for the last ten years;

(b) whether jaggery is manufactured in the district and, if so, where and in what approximate quantities;

(c) whether he has examined the question of demonstrating better methods of jaggery-making in the Kurnool district; and

(d) if he has, what action he proposes to take?

A.—(a) A statement^a furnishing the necessary information is appended.

(b) Jaggery is prepared on a small scale in Cumbum, Nandyal and Kurnool taluks. The ryots prefer to sell their canes for chewing since they realize more profit.

(c) & (d) Improved method of jaggery manufacture was demonstrated in Cumbum, Kurnool and Nandyal some years ago, but this work was discontinued as there was no response from the ryots, who find it easier and more profitable to sell canes for chewing.

Mr. G. HARISARVOTTAMA RAO:—"With reference to the appendix seeing that the area under cultivation of sugarcane has decreased from 1,102 acres in 1918-19 to 187 acres in 1927-28, may I know from the hon. the Minister whether he will be prepared to investigate into the cause of this enormous decrease?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Yes, Sir."

Fisheries

Fishing operations in Prema fish ponds.

* 506 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether he visited Nandyal in the Kurnool district recently;

(b) whether at that time he visited the Prema fish ponds;

(c) whether he has examined on the spot the statement made by the departmental note that he read out in reply to a budget motion on 25th March 1929 to the effect that fish-stocking operations had resulted in an appreciable reduction of malarial infection in the tract;

(d) what the number of Gourami fish was that was stocked in 1927-28, in previous years, in the subsequent period and what the number was on the 30th of June 1929;

(e) whether the further report from the Director that he expected on 25th March 1929 has been received and if it has been received, what it is; and

(f) what action he proposes to take to give the ryots more water-supply?

^a Printed as Appendix I on page 318 infra.

[26th September 1929]

A.—(a) Yes.

(b) & (c) No.

(d) In December 1927 a consignment of 400 Gourami was put into the ponds, but several of these died owing to adverse conditions in the ponds. In March and July 1928, the ponds were stocked with 25 and 126 Gourami breeders respectively. The fish are thriving well. It is not possible to state the exact number of fish on 30th June 1929 as the ponds were not drained and the fish counted.

(e) This was placed on the table of the House on 6th August 1929.

(f) The Revenue Department and Public Works Department are being consulted as to the truth of the allegation made by the ryots and certain alterations, including the lowering of the sill-level of outlets are under consideration which, it is expected, will permit a considerable supply of water to the ryots.

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister, with reference to the answer to clause (d) of the question, whether those adverse conditions referred to there exist even to-day?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I do not think they exist to-day, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know what those adverse conditions are?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The water in the ponds contained sulphurated hydrogen which is not beneficial to the growth of the fish. So, that had to be removed."

Mr. G. HARISARVOTTAMA RAO:—"May I know why the Minister did not consider it necessary to visit the place when he was there?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I had no time to visit it, Sir. I had so many other engagements to attend to."

Industries

Borings done in Malabar and South Kanara.

* 507 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to give the information received in regard to my question No. 140 answered on 8th August 1929 regarding borings done in Malabar and South Kanara?

A.—In Malabar nineteen borings were put down during 1927-28 and 1928-29 and fifteen of them were successful.

Seven borings were put down in South Kanara in 1927-28, of which only two were successful.

The number of successful borings in the Presidency averages about 60 per cent. It is not possible to specify the districts where boring has proved a success and where it has not.

Mr. A. B. SHETTY:—"May I know the reason why the answer given in regard to borings in South Kanara relates only to 1927-28 when my original question asked for information in regard to all borings done so far in Malabar and South Kanara?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I will examine the question, Sir."

[26th September 1929]

Action taken on the report of the Committee on the Madras School of Arts.

* 508 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Government have passed orders on the report of the Committee on the Madras School of Arts; and

(b) if so, whether a copy of the report referred to above and of the orders passed on it by the Government will be placed on the table of the House?

A.—(a) & (b) The Government have not yet passed orders on the report of the Committee.

Mr. P. C. VENKATAPATHI RAJU:—“May I know what are the main recommendations of the Committee?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“The main recommendation is both Arts and Crafts should be transferred to the control of the Education Department.”

Mr. P. C. VENKATAPATHI RAJU:—“May I know whether the Government intend to give effect to the recommendations and whether in connection with the Schools of Arts and Crafts they have called for applications for appointments?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“That is the matter under the consideration of the Government now.”

Mr. P. C. VENKATAPATHI RAJU:—“My question is whether the Government have called for applications from persons who are to be put in charge of the separate sections in accordance with the recommendations of the Committee?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Those things will be considered only after the Government pass orders on the question of bifurcation.”

Mr. P. C. VENKATAPATHI RAJU:—“But have they called for applications?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Not yet, Sir.”

Alleged complaints against the working of the Coconut Pest Act in Tonse and other villages.

* 509 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether complaints have been made to the Collector of South Kanara and other authorities by the people of Tonse and other villages near Udipi in regard to the working of the Coconut Pest Act;

(b) what allegations have been made in these complaints and how long it is since these complaints were received;

(c) whether any inquiry has been made regarding this matter and, if so, when and by whom;

(d) what is the result of the inquiry and how far the allegations have been found to be true; and

[26th September 1929]

(e) what steps have been taken to remedy the grievances complained of?

A.—(a) to (e) The Government have no information but have called for a report.

Mr. A. B. SHETTY:—“May I know, Sir, whether in a matter like this which was sent so far back as the 30th of August, why the Government department concerned could not get the required information till now?”

The hon. the PRESIDENT:—“That is not a supplemental question.”

Excise

Recommendations of excise advisory committees regarding the location of arrack and toddy shops.

* 510 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the local excise advisory committees have been authorized to open, to transfer and to remove toddy and arrack shops in their jurisdiction;

(b) what are the advisory committees that recommended the removal of arrack and toddy shops in their jurisdiction and how many shops were so recommended; and

(c) what are the shops that were recommended for removal by the advisory committees but refused to be abolished by the Excise Commissioner and the reasons for the same?

A.—(a) No.

(b) & (c) As regards the number of shops in respect of which the excise advisory committees recommended withdrawal or change of site and the number of shops in respect of which the recommendations of the committees were accepted, the hon. Member's attention is invited to Statement B annexed to the Annual Excise Administration Report which has been placed on the Editors' Table. The Government have no information as to the particular shops.

Dr. B. S. MALLAYYA:—“May I know, Sir, what are the powers of these committees if they have no right to order the removal of a toddy shop located in an objectionable site?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The Government Order has been published, and the hon. Member may kindly refer to it.”

Dr. B. S. MALLAYYA:—“In that Government Order it is said that these committees can only recommend but that the final authority is the Excise Commissioner. I ask, what is the power these committees exercise over the Excise Commissioner who is all in all?”

The hon. the PRESIDENT:—“The question is not admissible.”

[26th September 1929]

Abolition of arrack and toddy shops in Rasipuram and Namakkal taluks.

* 511 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the ryots of Rasipuram and Namakkal taluks, Salem district, presented a petition requesting him to abolish the arrack and toddy shops in the area;

(b) whether it is a fact that the hon. the Minister promised to abolish such shops that had no bidders in auction sale;

(c) whether it is a fact that toddy shops were sold recently in both these taluks; and

(d) whether it is a fact that some of the shops had no bidders at all and if so, what they are and whether any of them were subsequently resold and if so, why?

A.—(a) Representations to this effect were received from certain inhabitants of the two taluks named.

(b) No. When a deputation waited on the hon. the Minister at Rasipuram in April last, he said that if people in any particular place did not want a shop there and if in consequence there was no bid, the Government would not force a shop on them and attempt to get bidders for a resale.

(c) Yes.

(d) Yes. The shops have not so far been resold. The Government have no information as to which shops had no bidders.

Mr. T. ADINARAYANA CHETTIYAR:—“Sir, is it a fact that the hon. the Minister was approached with a view to the introduction of total prohibition in those two taluks?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Sir, what is referred to in the question is the closing of some toddy shops; I do not know what total prohibition has got to do with this question.”

Mr. T. ADINARAYANA CHETTIYAR:—“I want to know whether memorials have not been sent to him asking for the closure of the shops in those taluks of Namakkal and Rasipuram?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The question asked here is this: ‘whether it is a fact that the ryots of Rasipuram and Namakkal taluks, Salem district, presented a petition requesting him to abolish the arrack and toddy shops in the area’. My answer is ‘Yes’.”

Mr. T. ADINARAYANA CHETTIYAR:—“I want to know whether the Government have referred the matter to the Commissioner of Excise for opinion.”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Which matter, please?”

Mr. T. ADINARAYANA CHETTIYAR:—“The question of the advisability of closing all the shops in those two taluks?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Yes, it has been referred to the Commissioner.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know what his recommendations are?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The recommendation is that they ought not to be closed now.”

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Mr. T. ADINARAYANA CHETTIYAR:—“I want to know whether in that area resale of the shops has been ordered on the score that some of the biddings in the auction were not high?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I am not aware of it at present.”

Mr. T. ADINARAYANA CHETTIYAR:—“Will the hon. the Minister kindly enquire into the matter?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Will the hon. Member kindly repeat his question?”

Mr. T. ADINARAYANA CHETTIYAR:—“I want to know whether resale has been ordered of some toddy shops on the score that the biddings were not high enough to the satisfaction of the authorities?”

The hon. the PRESIDENT:—“The Government will enquire.”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“If the hon. Member has any information that any have been resold, I shall be glad to have that information; but I do not know if such a direction has been issued.”

Mr. T. ADINARAYANA CHETTIYAR:—“Then, Sir, I shall pass on such information to the hon. Minister as I receive it.”

Mr. P. C. VENKATAPATHI RAJU:—“May I know, Sir, if the Commissioner of Excise has recommended that the whole of these shops should not be closed?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The Commissioner has recommended that the shops can be closed when there is no need for these shops.”

Mr. G. HARISARVOTTAMA RAO:—“In reply to clause (d) of the question it is said that the shops have not so far been resold. Do the Government propose to resell these shops?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“That is a matter which the Government will have to consider when they come to know that there is some difficulty about these shops.”

Mr. G. HARISARVOTTAMA RAO:—“May I know if the Government are prepared to order their resale when the matter is brought to their notice?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“No; Government cannot give such offhand replies to questions like that. They will have to consider the circumstances then existing and pass orders.”

The hon. the PRESIDENT:—“In that case, the Government may ask for notice.” (Laughter.)

Mr. P. C. VENKATAPATHI RAJU:—“May I know from the hon. the Minister what he means when he says ‘when there is no need’?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The Government will decide that there is no need when they understand that the people in those places have become so far educated in the evils of drink that they won't resort to it by illicit means.”

Mr. P. C. VENKATAPATHI RAJU:—“Are they going to issue a referendum to the inhabitants of those places to ascertain whether there is any need or not?”

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The hon. Mr. S. MUTHIAH MUDALIYAR :—"There are various means of ascertaining it; and if the Government think that a referendum is necessary, it will be issued."

Mr. T. ADINARAYANA CHETTIYAR :—"Is he aware of any area, the inhabitants of which have put in memorials urging for the retention of the toddy shops? The hon. the Minister said that he had received some memorials."

The hon. the PRESIDENT :—"The hon. Member is requested to confine his supplementary question to these two taluks referred to in the question."

Mr. T. ADINARAYANA CHETTIYAR :—"May I know, Sir, whether in view of the fact that the hon. the Minister is aware that there is a demand for total prohibition at least to some extent, in this area, he will ask the Commissioner of Excise to go sympathetically into the matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"As I have said, the Commissioner did go into the matter and he said that it is not yet time for closing them."

Mr. G. HARISARVOTTAMA RAO :—"May I know on what ground the Minister bases his conclusion that the people in that area are not prepared not to go to the shop?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Because there are the Excise officers and there are the Revenue officers who say that people do want to go to the shops."

Mr. G. HARISARVOTTAMA RAO :—"May I know whether the hon. the Minister relies upon the reports of his Excise officers?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"There are the Excise officers and there are also the Revenue officers."

Medical

Alleged failure of an L.M.P. student for absence on medical leave.

* 512 Q.—Dr. B. S. MALLAYYA : Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that a student from the Gavara community was granted a stipend for the L.M.P. course for the Tanjore Medical School from 1st July 1925;

(b) whether he was an in-patient of the Tanjore Headquarter Hospital from 11th February 1927 to 28th March 1927 being down with enteric fever and was prevented from sitting for the second year's examination;

(c) whether on this ground he was considered as having failed in the examination; and

(d) why he was punished like that?

A.—(a) Yes.

(b) He did not sit for the examination held in April 1927.

(c) Yes.

(d) No question of punishment arises.

[26th September 1929]

Dr. B. S. MALLAYYA :—"With reference to the answer to clause (b) of the question, if a student is in the hospital suffering from enteric fever from the 11th of February to the 28th of March 1927, will he be in a fit condition to sit for an examination on the 1st of April?"

The hon. the PRESIDENT :—"The question is a hypothetical one, and it also asks for an opinion. Therefore, it is inadmissible."

Dr. B. S. MALLAYYA :—"It is not a question asking for an opinion, Sir."

The hon. the PRESIDENT :—"The hon. Member is requested to put the supplementary question."

Dr. B. S. MALLAYYA :—"I should like to know whether the Government consider that a student who was lying ill in a hospital at the time of the examination is to be treated as having failed in an examination?"

The hon. the PRESIDENT :—"Not admissible."

Dr. B. S. MALLAYYA :—"I should like to know whether that student was suffering from typhoid fever and whether it is in the records of the Government that he was so suffering from typhoid fever during this period?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Yes, Sir."

Dr. B. S. MALLAYYA :—"If he was suffering from typhoid fever, will the Government be pleased to say that he was prevented through sickness from appearing for the examination, and not that the student has failed in the examination?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"If the hon. Member will kindly go into the rules, he will find that it is all the same whether he does not sit for the examination or whether he fails after sitting for the examination."

Dr. B. S. MALLAYYA :—"Are the Government not in a position to excuse a student who was prevented through illness from appearing for the examination?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Sufficient latitude has been given in the rules as they are, which also provide for cases of illness."

Dr. B. S. MALLAYYA :—"As he was really ill during that examination, I should like to know from the Minister whether he will be pleased to reconsider his case?"

The hon. the PRESIDENT :—"That question has been already answered."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—"May I know how the student fared in the class examinations during that year?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"It is not in that one examination that he failed, because he did not sit for the examination. But he failed in other examinations which were held."

Rao Bahadur C. NATESA MUDALIYAR :—"Is it a fact that a student loses some privileges if he is said to have failed. Not sitting for the examination is quite different from failing in the examination. So, will the hon. the Minister be pleased to say that he has not failed, as by saying so, the student loses some privileges?"

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The hon. Mr. S. MUTHIAH MUDALIYAR :—"I have said that he did not sit for the examination. I never said that he failed in that examination."

Attitude of the hon. the Minister for Public Health towards the General Medical Council Bill.

* 513 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Public Health be pleased to state—

(a) the attitude he took towards the General Medical Council Bill which the Government of India propose to introduce; and

(b) whether it is a fact that he opposed the introduction of the General Medical Council Bill, and if so, the reasons why he took that attitude?

A.—The Bill and the discussions are confidential.

Proposed changes in the L.M.P. course.

* 514 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Public Health be pleased to state—

(a) at what stage the proposal to abolish the L.M.P. course stands;

(b) whether it is proposed to be abolished, and if so, when; and

(c) if not, why not?

A.—(a) to (c) The Committee appointed to examine the need for a uniform minimum standard of medical education has submitted its report. The report is under consideration. It is not likely that the course will be abolished.

Public Health

Number and treatment of lepers in the Presidency.

* 515 Q.—Mr. J. A. SALDANHA: Will the hon. the Minister for Public Health be pleased to state—

(a) whether steps are being taken for collecting statistics of lepers in this Presidency or whether there is any reliable statistics collected by any private body or association;

(b) whether the Government have ascertained whether leprosy is on the increase in several places in this Presidency;

(c) what measures are being taken to relieve the lepers and to check the spread of leprosy in South Kanara and other districts;

(d) whether there is any dispensary for treating lepers in villages in the districts outside Madras and Mangalore and other district headquarters at least as out-patients; and

(e) whether Government contemplate opening such dispensaries for treatment of lepers as out-patients and if so, how many and where?

A.—(a) After the census of 1921 the Government have not taken steps to collect statistics of lepers in this Presidency. There is a proposal under consideration for a leprosy survey of this Presidency. The Government have no information as to whether such statistics have been collected by any private body or association.

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(b) No. From the annual reports on the working of civil hospitals and dispensaries in the presidency during 1927 and 1928 it is, however, observed that the number of out-patient lepers treated at the various institutions has increased from 11,407 in 1927 to 18,548 during 1928.

(c) The Government are maintaining a leper settlement at Tirumani in the Chingleput district. There are Mission Leper Asylums in the Vizagapatam, East Godavari, West Godavari, Guntur, South Arcot, Tanjore, Ramnad, Tinnevely, Malabar and South Kanara districts. Dermatological clinics have been opened in the district headquarter hospitals at Coimbatore, Tanjore, Guntur and Vizagapatam and there is also a leper clinic in the Government hospital at Krishnagiri for out-patients. The grants allotted by the British Empire Leprosy Relief Association (Indian Council) to the Madras Provincial Committee for leprosy relief for the years 1926—28 were distributed to the various mission leper asylums and homes, the Lady Willingdon Leper Settlement, Tirumani, and the Government medical institutions, for the purchase of drugs and appliances and for the fitting of small laboratories in certain cases and also for the construction of the out-patient leper clinic at the Government hospital, Krishnagiri, for the efficient treatment of lepers. Grants for buildings for the accommodation of lepers are also given to mission authorities from provincial funds.

(d) In the Tirumani Leper Settlement and the Government hospital at Krishnagiri lepers are treated as out-patients. Centres for the treatment of leper out-patients have been opened in 17 medical institutions in the Ganjam district.

(e) Out-patient leprosy treatment centres have been opened temporarily at Villupuram and Cuddalore in the South Arcot district on the suggestion of the Leprosy Survey Party working under Dr. Santra in that district. The question of opening such centres in the East Godavari district will depend on the result of the survey by the Leprosy Survey Party.

A programme for the further development of leprosy work in this Presidency is under consideration.

Mr. J. A. SALDANHA :—"With reference to clause (a), may I enquire if the Government are prepared to admit that the census figures of 1921 are reliable?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"In the absence of anything to the contrary, Government believe that they are reliable."

Mr. J. A. SALDANHA :—"Has it not been brought to the notice of Government that these figures are not reliable and that the actual number of lepers is more than what is stated to be at present?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Probably the number has increased since 1921 when the census was taken."

Mr. J. A. SALDANHA :—"May I know whether medical officers have not reported or have not found from enquiry that the number of lepers in 1921

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was much more than what is reported in the census, on account of the difficulty of collecting information as to whether a man is really suffering from leprosy or not?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I do not think the medical officers have investigated the question if the census figures of 1921 are right or not."

Mr. G. HARISARVOTTAMA RAO:—"May I know, with reference to clause (e), whether the Leprosy Survey Party working under Dr. Santra was appointed by the Government?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Yes, they were sent by the Research department."

Mr. T. ADINARAYANA CHETTIYAR:—"Is it a fact that in various districts, the Health Officers are making reports about the spread of leprosy in their areas?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I am not aware of it."

Mr. T. ADINARAYANA CHETTIYAR:—"Is it a fact that in the Salem district, the District Health Officer has made such a survey and found an enormous increase of lepers among adults, and what is worse, even among the school children?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I do not remember it, but it is quite likely."

Sriman BISWANATH DAS Mahasayo:—"May I know whether the Government have seen a statement published by Dr. Santra, the head of the Leprosy Survey Party now working in Madras, that the number of lepers found in the district of South Arcot exceeded by six times the number found in the census report of 1921?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I have not seen it."

Sriman BISWANATH DAS Mahasayo:—"With regard to the reply given in the last paragraph, may I know if there is any definite programme now under the consideration of the Government? If so, may I know whether this programme of work has been sent to the Surgeon-General for scrutiny, and whether it emanated from the Surgeon-General himself or from the Government?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Generally, programmes in these departments are discussed by all the officers concerned."

Sriman BISWANATH DAS Mahasayo:—"I want to know whether they have consulted the chief officer in charge of the Empire Leprosy Relief Survey Party in India regarding this question of programme of work."

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The heads of the departments will take all the necessary instructions and advice from the proper quarters and find out the remedies."

11-15 a.m. Mr. T. ADINARAYANA CHETTIYAR:—"Pending the institution of a leprosy survey, will the hon. the Minister call for reports from the various district health officers?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"That will be considered."

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Sriman BISWANATH DAS Mahasayo:—"With regard to the answer to clause (e), namely, 'the question of opening such centres in the East Godavari district will depend on the result of the survey by the Leprosy Survey Party', may I know whether this consideration will be extended to the other districts or only to the East Godavari district?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The question was only as regards East Godavari and it was answered. The opening of further centres in other districts is not at present under consideration. The case of every district will be considered in due course."

Dr. B. S. MALLAYYA:—"May I know from the hon. Minister for Public Health whether he has read the report of a personal interview granted by the doctor in charge of the Leprosy Survey Party in the *Madras Mail* of 31st August?"

The hon. the PRESIDENT:—"The question is not admissible."

Rao Bahadur C. NATESA MUDALIYAR:—"With regard to the answer to clause (e), it is stated there are Mission Leper Asylums. Am I to understand that lepers are lodged and boarded in these asylums?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Yes."

Sriman BISWANATH DAS Mahasayo:—"May I know from the hon. the Minister what is the sort of help that the Government are giving to the Leprosy Survey Party that is now working in Madras and whether they have asked the local officers to co-operate and help the party and whether they are given any grants to help the work of the party in the Presidency?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Local Government are sending their officers to undergo training and every sort of possible help is also given to the party."

Sriman BISWANATH DAS Mahasayo:—"May I know whether anything is being done to keep the work that is done by the Leprosy Survey Party a continuous one?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Leprosy Survey Party have worked in the South Arcot district and if the Government are satisfied as to the progress made by the party and if they think that it is necessary to continue the work, they will continue the work next year also."

Sriman BISWANATH DAS Mahasayo:—"May I know whether the Government are aware of the fact that the party is working in West Godavari and not in South Arcot?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The party began work in South Arcot and as regards future action it will depend upon the report of the party."

Dr. B. S. MALLAYYA:—"May I know whether any facilities are given at the Tirumani Leper Settlement for training medical officers in the treatment of leprosy and whether there are any laboratory arrangements?"

The hon. the PRESIDENT:—"The hon. Member will have to put a separate question. It does not arise out of this question."

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Mr. J. A. SALDANHA :—"It is stated that there is a proposal under the consideration of Government for further development of leprosy work in this Presidency. May I enquire what the complete proposals are and what is the programme of Government which is referred to in the answer? May we have at least some idea of their proposals?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The proposed survey will be on the lines conducted in the South Arcot district and if any change is necessary the Government will consider that."

Alleged inadequacy of lights for Indian nurses in Government Maternity Hospital.

* 516 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there is no light in the common dining room or in the kitchen for Indian nurses in the Government Maternity Hospital, Madras;

(b) if so, the reasons therefor;

(c) whether the Government propose to supply the omission, and if so, when; and

(d) whether there are any differences in the treatment of Indian and non-Indian nurses in the Maternity Hospital; and if so, what they are and the reasons for such differential treatment?

A—(a), (b) & (c) Lights have been provided in the dining hall and the kitchen allotted to Indian nurses in the Women and Children Hospital, Madras.

(d) No.

Mr. S. SATYAMURTI :—"May I know when these lights were provided?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The exact date I do not remember. But, I think, it was during July."

Mr. S. SATYAMURTI :—"May I know why lights were not provided till July?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I am not able to answer that."

Education

Discretion to headmasters in dealing with overaged students.

* 517 Q.—Mr. ABDUL HAMEED KHAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Director of Public Instruction has made it obligatory on the headmasters of schools or given them authority to use their discretion in dealing with students who are overaged?

A.—It has always been left to the discretion of heads of institutions to admit grown-up pupils or refuse admission to them.

Mr. ABDUL HAMEED KHAN :—"May I know from the hon. the Minister for Education whether that in the case of communities who are not highly advanced in the matter of education the strict enforcement of the discretion on the part of the headmasters causes great hardship?"

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The hon. Dr. P. SUBBARAYAN :—"I am sure the heads of institutions have taken that matter into consideration."

Mr. ABDUL HAMEED KHAN :—"Will the hon. the Minister for Education draw their attention if he has not already done so?"

The hon. Dr. P. SUBBARAYAN :—"I think as far as possible they are doing that."

Rao Bahadur C. NATESA MUDALIYAR :—"Will the Government relax the rules for age-limit. Now there is no age-limit fixed?"

The hon. Dr. P. SUBBARAYAN :—"I do not think that is necessary."

Appointments to the Madras Education Service since July 1927.

* 518 Q.—Mr. ABDUL HAMEED KHAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of appointments made directly to the Madras Education Service since July 1927 and the names of the selected candidates;

(b) how many of these are (1) Brahmans, (2) Non-Brahman Hindus, (3) Muhammadans and (4) Christians;

(c) how many of them are natives of (1) Malabar, (2) of the Native States of Cochin and Travancore;

(d) whether before making these direct appointments the Government made any attempt to find out whether there were suitable men in the Subordinate Educational Service for promotion to these vacancies; and

(e) why before making these direct appointments applications were not called for by advertisement in the papers or otherwise?

A.—(a) Five—

(1) Dr. S. G. Manavalaramanujam,

(2) Mr. K. I. Verghese,

(3) Mr. E. J. Jacques,

(4) Mr. P. P. Kallukaran and

(5) M.R.Ry. K. S. Unni Nayar.

(b) (1) Nil,

(2) two,

(3) nil and

(4) three including an Anglo-Indian.

(c) (1) two and

(2) two.

(d) Yes.

(e) The Government did not consider it necessary to call for applications by advertisement. Qualified candidates whose applications had been registered after approval by the Selection Committee were available.

Mr. ABDUL HAMEED KHAN :—"May I know the reasons for giving preference to people coming from particular areas of the province?"

The hon. Dr. P. SUBBARAYAN :—"They were the best qualified men available."

Mr. ABDUL HAMEED KHAN :—"May I know the criterion which the Government or the Director of Public Instruction have in selecting these gentlemen?"

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The hon. Dr. P. SUBBARAYAN :—" Mr. Jacques is a second-class B.A. in Mathematics of the University of London; Mr. Kallukaran is a second-class B.Sc. and Ph.D. of the University of London and Mr. K. S. Unni Nayar holds a second-class Honours degree in Modern History of the University of Oxford."

Mr. ABDUL HAMEED KHAN :—" May I know whether before making these appointments the Selection Committee or the Director of Public Instruction advertised for these posts ? "

The hon. Dr. P. SUBBARAYAN :—" There was no need to advertise as they had these candidates who are in the opinion of the Director and the Government best qualified to fill these posts."

Mr. S. SATYAMURTI :—" May I know the reasons why members of certain castes were not recruited ? Is it because of the accident of their birth or any ante-natal qualifications or because they possess less qualifications than these people ? "

The hon. Dr. P. SUBBARAYAN :—" The hon. Member is wrong in thinking that any ante-natal qualifications were taken into consideration. As the hon. Member himself knows the community to which he belongs are not very anxious to go to England and get themselves educated. No Brahman gentlemen were available who were educated at either of the Universities I mentioned."

Mr. S. SATYAMURTI :—" May I know whether Government have laid it down as their policy that they recruit for services only men educated in Oxford and Cambridge ? "

The hon. Dr. P. SUBBARAYAN :—" There is no such rule. But in the opinion of the Government, education at Oxford or Cambridge does indicate a certain amount of qualification."

Mr. ABDUL HAMEED KHAN :—" May I know the reasons why people who are in the Subordinate Services and who had similar qualifications were not promoted ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think the people whose claims were not considered were as well qualified as the persons who have been appointed."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the Government are following a policy of preferring Oxford and Cambridge men, whatever their experience may be, to men in this country who have had only Indian qualifications ? "

The hon. Dr. P. SUBBARAYAN :—" If they are better qualified, certainly they will be preferred."

Mr. J. A. SALDANHA :—" May I enquire whether it is not a fact that these Oxford and Cambridge men render themselves more disqualified for their work in India than men who are qualified in India itself ? "

The hon. Dr. P. SUBBARAYAN :—" I am not prepared to take the hon. Member's opinion on this."

Mr. ABDUL HAMEED KHAN :—" Is the hon. Minister aware that there are two Mussalmans, qualified in England, in teaching as well, who applied for such posts and that they were denied ? "

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The hon. Dr. P. SUBBARAYAN :—" They were not denied because of their qualifications."

Mr. ABDUL HAMEED KHAN :—" Then may I know the reasons for the denial ? "

The hon. Dr. P. SUBBARAYAN :—" It is not in the public interest to give out the reasons."

Mr. S. SATYAMURTI :—" May I know why Dr. Manavalaramanujam was preferred to Mr. R. Gopala Ayyar who was admitted by everybody to be better qualified ? "

The hon. Dr. P. SUBBARAYAN :—" Now that the hon. Gentleman has raised the question, I must say that in the opinion of the Government Dr. Manavalaramanujam was better qualified than Mr. R. Gopala Ayyar."

Mr. S. SATYAMURTI :—" Did the Government take the opinion of any expert educational authority ? "

The hon. Dr. P. SUBBARAYAN :—" Yes, the opinion of the Selection Committee which was composed of people like Dr. Meston and Mr. Erlam Smith."

Rao Bahadur C. NATESA MUDALIYAR :—" Is it a fact that Manavalaramanujam held a similar place in the Christian College before he left for England ? "

The hon. Dr. P. SUBBARAYAN :—" That is so."

Rao Bahadur C. NATESA MUDALIYAR :—" Is it a fact that he went to England and qualified himself for the highest degree there ? "

The hon. Dr. P. SUBBARAYAN :—" I do not know what the hon. Member means by the expression 'highest degree'."

Rao Bahadur C. NATESA MUDALIYAR :—" He is a Doctor of Philosophy and M.S.Sc. of the Cambridge University and an expert in his work."

The hon. the PRESIDENT :—" The hon. Member is giving very useful information. That is not a supplementary question."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether men possessing mere degrees of Oxford and Cambridge are being given preference to those with degrees of this country ? "

The hon. Dr. P. SUBBARAYAN :—" It is not merely the possession of degrees, but it depends also on the experience of candidates."

Mr. P. ANJANEYULU :—" May I know whether it is the opinion of Government that persons qualified in this country are not better fitted to occupy these posts ? "

The hon. Dr. P. SUBBARAYAN :—" In the opinion of the Government education in the West does certainly go to broaden the views of the gentlemen concerned."

Recognition of degrees conferred by the Andhra University.

* 519 Q.—Mr. P. ANJANEYULU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether he is aware that the medical and other degrees conferred by the Andhra University are not being recognized by other Universities ;

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(b) whether any representations have been made to the Government on the subject; and

(c) what steps the hon. Minister has taken or proposes to take to remedy the disadvantage?

A.—(a) The Madras University has not accorded a general recognition to the degrees of the Andhra University. It has, however, recognized the B.A. degree examination of that University as equivalent to its own B.A. degree examination for purposes of admission to the M.A. degree examination for a period of five years from 1928–29. The Government have no information in regard to the recognition of Andhra University degrees by Universities other than the Madras University.

(b) A representation has been received from the Vice-Chancellor of the Andhra University in regard to the degrees of that University being declared equivalent to degrees of the Madras University for purposes of admission into colleges recognized by or affiliated to the Madras University.

(c) The representation referred to is under consideration.

Mr. P. ANJANEYULU :—“ May I know why a five-year limit is given for purposes of admission to the M.A. degree examination of the Madras University ? ”

The hon. Dr. P. SUBBARAYAN :—“ As is already stated in the answer, that is a question entirely under the control of the Syndicate of the University of Madras. ”

Mr. P. ANJANEYULU :—“ As regards the answer to clause (c), it is stated that the matter is under consideration. May I know the nature of the consideration ? ”

The hon. Dr. P. SUBBARAYAN :—“ It is under consideration in the sense that we have written to the Vice-Chancellor and through him to the Syndicate to consider the question of Andhra University graduates, as they happen to be graduates of a University which is a sister university to the University of Madras. ”

Mr. P. ANJANEYULU :—“ May I know when the hon. Minister expects a reply to that ? ”

The hon. Dr. P. SUBBARAYAN :—“ I expect very shortly. ”

Mr. G. HARISARVOTTAMA RAO :—“ May I know, in view of the answer that the B.A. degree examination of the Andhra University is considered to be equivalent to the B.A. degree of the Madras University for purposes of admission to the M.A. degree only, whether the Madras University has recognized the Andhra University for purposes of other branches of learning ? ”

The hon. Dr. P. SUBBARAYAN :—“ The Madras University treats the graduates of the Andhra University in the same way as they treat graduates from universities outside the University of Madras like Dacca and Lucknow. ”

Mr. G. HARISARVOTTAMA RAO :—“ May I know whether it is not a fact that the medical degrees of the Andhra University are conferred by a joint examination board of the Andhra and Madras Universities ? ”

The hon. Dr. P. SUBBARAYAN :—“ That is so. ”

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Mr. G. HARISARVOTTAMA RAO :—“ May I know what difficulty there can be in recognizing the medical degrees of the Andhra University ? ”

The hon. Dr. P. SUBBARAYAN :—“ As I said already, that is a matter for the Syndicate of the Madras University. Government are trying to persuade them to give better consideration to the Andhra University than to other Universities. ”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if the Madras University is being addressed on all these subjects raised ? ”

The hon. Dr. P. SUBBARAYAN :—“ Yes, on all the subjects raised the University of Madras has been addressed. ”

Alleged reversion of certain students promoted to the Senior classes in the Rajahmundry Arts College.

* 520 Q.—Mr. P. ANJANEYULU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether his attention has been drawn to the *impasse* in the Rajahmundry Arts College ;

(b) why certain students were asked to go back to the junior classes after they were once promoted to the senior classes ;

(c) if the Government have no information on the subject, whether the hon. Minister will be pleased to obtain the same and furnish this House with detailed information at an early date ;

(d) whether any representation on the subject has been made either to the hon. Minister or the Director of Public Instruction or both ; and

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

A.—(a) The position in the Rajahmundry Arts College has been brought to the notice of Government.

(b) Because it was found that they were not qualified for promotion not having put in the requisite attendance.

(d) Representations were made to the Director of Public Instruction.

(c) & (e) The matter has been finally settled by the University accepting the recommendation of the department and granting exemption to the students concerned. They have been since promoted to senior classes.

Mr. ABDUL HAMEED KHAN :—“ May I know the reason why students were sent back after once they were promoted ? ”

The hon. Dr. P. SUBBARAYAN :—“ For the simple reason, unfortunately, the Principal in charge promoted these people even though they did not have attendance requisite for such promotion. ”

Mr. ABDUL HAMEED KHAN :—“ May I know if Government have taken steps against the Principal ? ”

The hon. Dr. P. SUBBARAYAN :—“ The Principal has now gone on leave and cannot be got at. ”

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Admission of students in the Presidency College.

* 521 Q.—Mr. P. ANJANEYULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether there are any rules in the matter of admission of students into the Presidency College, Madras;

(b) whether the attention of the hon. Minister has been drawn to cases where students applying at the same time for admission into that college were given differential treatment;

(c) whether applicants who secured a greater number of marks were refused admission, while those getting decidedly less number of marks were admitted; and

(d) if the Government have no information on the subject, whether the hon. the Minister will be pleased to furnish this House with full information thereon?

A.—(a) A copy^a of G.O. No. 1880, Law and Education, dated 15th September 1928, is laid on the table.

(b), (c) & (d) The Government understand that candidates belonging to the less advanced communities who had obtained lower marks were admitted in preference to those belonging to the more advanced communities who had obtained higher marks with a view to maintaining the percentages laid down in the Government Order referred to above.

Mr. P. ANJANEYULU:—“May I know whether such an order applies to all the colleges?”

The hon. Dr. P. SUBBARAYAN:—“Notice, Sir.”

Mr. S. SATYAMURTI:—“May I know whether the Government will consider or propose to consider the increase of accommodation in these colleges?”

The hon. Dr. P. SUBBARAYAN:—“The question of increase of accommodation means money. At present I am not in a position to say whether such increase of accommodation is possible with our financial resources.”

Mr. S. SATYAMURTI:—“May I know whether Government will consider the matter that the education provided will be taken advantage of by those who are best qualified to be benefited?”

The hon. Dr. P. SUBBARAYAN:—“I am quite at one with the hon. Member's idea. As long as these communal differences exist in this province and communities do feel that they want encouragement, I am afraid that is not possible.”

Mr. S. SATYAMURTI:—“May I know whether Government will increase the accommodation with a view to provide for those best fitted to derive the benefit of the education provided and also to provide for the backward communities?”

The hon. Dr. P. SUBBARAYAN:—“As I already stated, that is a matter of finance and we cannot say at present whether such accommodation can be increased.”

^a Printed as Appendix II on page 318 infra.

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Mr. S. SATYAMURTI:—“May I know whether Government will consider the matter with a view to find finances, if possible?”

The hon. Dr. P. SUBBARAYAN:—“As I said, that is not a matter at present under consideration.”

Rao Bahadur C. NATESA MUDALIYAR:—“May I request the Government to consider the increase of accommodation. There is not enough of accommodation for the students . . . ?”

The hon. the PRESIDENT:—“The hon. Member is again making a speech instead of putting a supplementary question.”

Rao Bahadur C. NATESA MUDALIYAR:—“I request Government to consider the increase of accommodation.”

Opening of Honours courses at Anantapur

* 522 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have under consideration any scheme for starting Honours courses at Anantapur so that it may be included in the next budget; and

(b) if the answer to (a) be in the positive, whether he will be pleased to state how far the question has been examined?

A.—(a) & (b) The Director of Public Instruction has been requested to work out preliminary proposals for opening Honours classes in the Ceded Districts College, Anantapur, and submit them to the Government with a statement of the financial liabilities involved.

Mr. G. HARISARVOTTAMA RAO:—“May I know when this request was made to the Director of Public Instruction?”

The hon. Dr. P. SUBBARAYAN:—“The Director of Public Instruction was asked to make his proposals soon after the budget for 1929-30 was passed by the Legislative Council.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether the Government will expedite the matter?”

The hon. Dr. P. SUBBARAYAN:—“The Director of Public Instruction has been asked to expedite the matter.”

Reversion of certain Deputy Inspectors of Schools.

* 523 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the report called for in reply to my starred question No. 1842 answered on 25th March 1929 regarding reversion of some senior Deputy Inspectors of Schools has come from the Director of Public Instruction; and

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

A.—(a) Yes.

(b) The Government do not consider it necessary to take any action.

11-30
a.m.

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Teaching grants to the elementary schools in South Kanara district.

* 524 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the names with the description of elementary schools to which the District Educational Officer, South Kanara, has communicated since 1st January 1929 that they will not be recommended for teaching grants for the current year in pursuance of the so-called 'Concentration Scheme';

(b) when the said schools were started, what is their present strength, what are the classes taught in each and how long they were getting teaching grants;

(c) what the Board schools are in regard to which he has made similar recommendations;

(d) what other grants (building, furniture, etc.), were till now paid in respect of the schools mentioned in (a) and (b) supra;

(e) whether the said schools are to be closed and if so, what is to become of the teachers;

(f) whether the District Educational Council is the final authority in the matter of deciding on the disposal of teaching grants to the said schools;

(g) whether the District Educational Officer, South Kanara, has placed any such scheme including the above schools for the stoppage of the grants before the District Educational Council concerned and whether they have approved of the same;

(h) if not, why he informs the schools that they are not required and should be closed; and

(i) what steps the Government propose to take regarding the matter?

A.—(a) (1) Giliyar Sri Shambhavi Vidyalaya Aided Elementary school, Udipi taluk, managed by K. Shesha Karanth;

(2) Periadka St. Joachim's Adi-Dravida Elementary school, Kadaba, which is a Roman Catholic Church school.

(b) Giliyar Sri Shambhavi Vidyalaya—The District Educational Council recognized the school on 31st October 1924. The school contains standards 1 to 4, taught in three batches, with a total strength of 74 pupils. For the last five years, the school was receiving teaching grants.

Periadka St. Joachim's school—The District Educational Council recognized it on 29th November 1926. The school contains classes 1 to 4 with a strength of 39 pupils. The school was receiving teaching grants for the last three years.

(c) (1) Weavers' Board Higher Elementary school, Nileshwar; (2) Perol Board Elementary school; (3) Pudukai Board Elementary school and (4) Nileshwar Girls' Elementary school. All these schools are under the Taluk Board, Kasargod.

(d) Nil.

(e) This is for the authorities concerned to decide.

(f) Yes, subject to the provisions of section 42 (3) of the Madras Elementary Education Act of 1920.

(g) The District Educational Council has not yet taken any action on the District Educational Officer's reports.

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(h) The District Educational Officer made the recommendations after actually visiting the schools and satisfying himself that they were not needed.

(i) The question of amalgamation of schools is being investigated by the Director of Public Instruction and pending a final decision the District Educational Officer has been instructed not to take any further action in respect of the two schools.

Mr. J. A. SALDANHA:—"With reference to answer to clause (a), may I know on what grounds the District Educational Officer refused to recommend these institutions for teaching grants?"

The hon. Dr. P. SUBBARAYAN:—"On the ground of the Concentration Scheme."

Mr. J. A. SALDANHA:—"May I know whether the hon. Minister realizes that these schools are serving a very useful purpose as they are imparting education to a large number of children?"

The hon. Dr. P. SUBBARAYAN:—"I am fully aware of that fact, and at the same time I have to say that under the policy of concentration several schools will have to suffer."

Alleged unsatisfactory results from the Law College.

* 525 Q.—Mr. MAHMUD SCHAMNAD: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have enquired into the unsatisfactory results from the Law College at the public examinations and have ascertained whether or not they are due to inefficient management and teaching in the Law College?

A.—The results at the public examinations were not satisfactory but the Government do not consider that that was due to inefficient management or bad teaching in the College.

Mr. MAHMUD SCHAMNAD:—"May I know whether the Government do not consider that the bad results were due either to the inefficiency of the staff, or to mismanagement; and what steps are the Government going to take?"

The hon. Dr. P. SUBBARAYAN:—"I am not in a position to state whether it was due to inefficiency or mismanagement."

Mr. ABDUL HAMEED KHAN:—"Then may I know to what do they ascribe the bad results?"

The hon. Dr. P. SUBBARAYAN:—"The reason is the students did not get up to the required standard."

Mr. ABDUL HAMEED KHAN:—"May I know whether the bad results were due to the inefficiency of the teaching staff?"

The hon. Dr. P. SUBBARAYAN:—"The teaching staff is quite up to the mark."

Mr. ABDUL HAMEED KHAN:—"Will the Government then institute an inquiry as to what the bad results are due to?"

The hon. Dr. P. SUBBARAYAN:—"I do not see any reason to institute an inquiry."

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Mr. MAHMUD SCHAMNAD :—" May I know whether the Government will institute an inquiry into the unsatisfactory nature of the results ? "

The hon. the PRESIDENT :—" The Government have replied that any inquiry is unnecessary. "

Dr. B. S. MALLAYYA :—" May I know whether the Government have called for a report, or will they call for a report from the Principal of the Law College ? "

The hon. Dr. P. SUBBARAYAN :—" The Government are of opinion that they do not require any report from the Principal, Law College. "

Mr. S. SATYAMURTI :—" May I know whether it is not a fact that the teaching staff of the Law College consists of mostly law juniors ? "

The hon. Dr. P. SUBBARAYAN :—" The teaching staff of the Law College was recruited some four years ago under the recommendation of the Re-organization Committee in the regime of the Law Membership of Sir C. P. Ramaswami Ayyar and the best hands available were recruited. "

Mr. ABDUL HAMEED KHAN :—" May I know why the Assistant Professors of the Law College are retained even after the expiry of their fixed period ? "

The hon. Dr. P. SUBBARAYAN :—" It is incorrect to say that all of them are retained. Only a few are retained ; and that because the Government are considering the re-organization of the Law College, and they hope that the consideration will be over before the next budget. "

Mr. C. S. RATNASABAPATHI MUDALIYAR :—" May I know whether the staff has been the same for the last four years ? "

The hon. Dr. P. SUBBARAYAN :—" That is so. "

Dr. B. S. MALLAYYA :—" Are there any Oxford and Cambridge men in the staff ? " (Laughter.)

The hon. Dr. P. SUBBARAYAN :—" Yes, there is one Oxford-retained gentleman, Mr. Menon. "

Mr. MAHMUD SCHAMNAD :—" May I know whether the examiners are the same for the last three or four years ? "

The hon. Dr. P. SUBBARAYAN :—" I cannot answer that question from recollection. "

Dr. B. S. MALLAYYA :—" Are we to understand that the Oxford-retained gentlemen are not able to improve the results ? "

The hon. Dr. P. SUBBARAYAN :—" I think they do improve the results. "

Dr. B. S. MALLAYYA :—" Then, why are the results unsatisfactory ? "

Mr. T. ADINARAYANA CHEITIYAR :—" Are the examiners very strict in valuing the papers ? "

The hon. Dr. P. SUBBARAYAN :—" I have not been able to go behind the mind of the examiners. "

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Alleged prohibition of Bharathi's songs in Mannargudi Taluk Board schools.

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

(a) whether it is a fact that the District Educational Officer, Tanjore, prohibited the Taluk Board of Mannargudi from introducing Bharathi's songs into the schools under their management ;

(b) if so, the reasons for such order ;

(c) whether the said taluk board has applied to the Government for favourable orders in the matter ; and

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

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

(c) & (d) The Government have not received any communication on the subject.

Mr. S. SATYAMURTI :—" May I ask the Government, if they have not already done so, to call for a communication from the President, Taluk Board, Mannargudi ? "

The hon. Dr. P. SUBBARAYAN :—" As a matter of fact we have called for a report from the President, Taluk Board, Mannargudi, and the report has been received and that is now being considered by Government. "

Increase in the scale of fees in Government colleges.

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

(a) the reasons why Government have raised the scale of fees from students in all Government colleges ;

(b) whether the Government have considered the effect on higher education of the raising of these fees ; and

(c) whether the Government consulted public opinion in the matter before passing their orders and if so, in what manner and if not, why not ?

A.—(a) The scales of fees in force in Government colleges prior to the recent revision were those fixed in 1910. Since then, the cost of education has considerably risen. In order to meet a portion of the increased cost, the Government have sanctioned a slight enhancement of rates of fees in Government colleges except the Ceded Districts College, Anantapur, the Queen Mary's College for Women and the Government Muhammadan College, Madras.

(b) Yes.

(c) The Advisory Committee on Education was consulted.

Mr. S. SATYAMURTI :—" May I know what sort of backing the Government had in raising the scale of fees ? "

Local Boards

Widening of the Yeleru bridge at Cocanada.

* 528 Q.—Mr. C. RAMASOMAJULU : Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to answer given to clause (d) of question No. 1870 answered on 26th March 1929 regarding the widening of the Yeleru bridge at Cocanada whether the Government have come to any decision upon the matter and, if so, what is it ?

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- 4.—The Government have decided to move in the Legislative Council a demand for a supplementary grant to enable them to give a grant of Rs. 9,000, the full estimated cost of an additional span of 15 feet to the Yeleru bridge.

Alleged cancellation of the elections of the Guruzala Taluk Board.

* 529 Q.—MR. P. ANJANEYULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether two elections of the Guruzala Taluk Board, Guntur district, wherein the President, Vice-President and members from that Board were unanimously elected were cancelled by the Government;
- (b) whether one contested election of the President of the Board was similarly cancelled;
- (c) whether it is a fact that the Government cancelled the election of Mr. Kesava Reddi to the Palnad Taluk Board from the Durgi circle;
- (d) the reasons that led them to so cancel these elections;
- (e) whether it is a fact that the Government acted in this matter without affording an opportunity to hear the other side; and
- (f) whether any representations have been made by Mr. Kesava Reddi or any of the aggrieved parties, and if so, with what result?

A.—(a) Yes.

(b) Yes.

(c) Yes.

(d) The election of Mr. K. Jagannatha Reddi, the President, referred to in clause (a), was invalidated for the reasons—

- (1) that the action of the President, Taluk Board, in having convened the meeting of the Taluk Board on the 26th September 1928 for the election when the Board had adjourned it to the 29th idem was illegal and

- (2) that the meeting held on the 26th September 1928 had not lawfully been convened as no casual vacancy in the office of the President had actually arisen when it was so convened. The elections of the Vice-President and of the District Board members referred to in the same clause were cancelled on the ground that the meetings of the Taluk Board at which they took place were presided over by Mr. K. Kesava Reddi whose election was invalidated by Government. The election of Mr. K. Kesava Reddi, the President, referred to in clause (b) was cancelled for the reason, as explained below, that he was not a duly elected member of the Board at the time. Mr. Kesava Reddi's election as member for Durgi was set aside as it had been conducted in the final stages by Mr. Jagannatha Reddi whose election as President was invalidated by Government.

- (e) The points on which the orders were based were not in dispute and there was therefore no question of hearing the parties.
- (f) Yes. Government declined to reconsider their orders.

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Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"Is it not a fact that the Government after first approving of such elections and after a lapse of three months or so after publishing the names in the *Fort St. George Gazette* cancelled the elections?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"Did the Government cancel only the one act of Mr. Kesava Reddi in having called for a meeting to elect the Vice-President and Members of the District Board or all the acts done by Mr. K. Kesava Reddi, as President of Gurjala Taluk Board, on the ground that his election as member was invalidated by the Government?"

The hon. Dr. P. SUBBARAYAN:—"I must ask for notice; as this happened long ago, I could not remember them."

Mr. P. ANJANEYULU:—"May I know what led the Government to cancel the second election also?"

The hon. Dr. P. SUBBARAYAN:—"As I said before, these things happened so long ago that I must ask for notice; I would request my hon. Friends to renew their questions."

Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"Sir, it is said that the election of Mr. K. Jagannatha Reddi was also invalidated on the technical ground. May I know whether that election was not held under the orders of the Government?"

The hon. Dr. P. SUBBARAYAN:—"Notice."

Mr. B. VENKATARATNAM:—"Sir, this question has been pending for the last two years and Government are not able to get a reply from the District Board President. May I know whether the Government have any power to get replies from District Board Presidents?"

The hon. Dr. P. SUBBARAYAN:—"I believe they have."

Mr. B. VENKATARATNAM:—"Will they use it?"

The hon. Dr. P. SUBBARAYAN:—"I believe they will."

Alleged cancellation of the election of Mr. Jayaram Reddi to Ongole Taluk Board.

* 530 Q.—MR. P. ANJANEYULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the election of Mr. Jayaram Reddi to the Ongole Taluk Board (Guntur district) was cancelled by the Government;

(b) whether it is a fact that the President of Ongole did not make the oath of allegiance in any properly constituted meeting of that Board;

(c) whether it is a fact that the elections of the President, Vice-President, etc., were conducted in that Board in circumstances similar to those of the Palnad Taluk Board; and

(d) whether any representations were made to set aside those elections and if so, what action Government have taken thereon?

A.—(a) The hon. Member is evidently referring to Mr. Jayaram Reddi's election as President of the Ongole Taluk Board. If so, the reply is in the affirmative.

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(b) The reference is evidently to Mr. V. Sriramulu who was eventually elected President and who made the oath of allegiance at a meeting convened by Mr. Jayaram Reddi, whose election was subsequently set aside. As, however, the oath was made by Mr. Sriramulu *bona fide*, it was held that it was valid.

(c) No.

(d) Yes. Government declined to interfere in the matter.

Bifurcation of the Rajahmundry Taluk Board.

* 531 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to question No. 1700 answered on 12th March 1929 regarding the bifurcation of the Rajahmundry Taluk Board—

(a) whether the President, District Board, East Godavari, has submitted his report;

(b) when this report was called for; and

(c) whether any reminders were sent; if so, when?

A.—(a) No.

(b) On the 21st November 1927.

(c) Yes, on the following dates:—

4th January 1928.

23rd January 1928.

25th February 1928.

25th March 1928.

27th April 1928.

13th May 1928.

6th March 1929.

25th May 1929.

11th June 1929.

29th June 1929.

Trifurcation of the Rajahmundry Taluk Board.

* 532 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Taluk Board of Rajahmundry passed a resolution requesting the Government to trifurcate the Board consisting of Rajahmundry, Amalapur and Rajole taluks;

(b) if so, when;

(c) whether the East Godavari District Board passed any such resolution;

(d) if so, when; and

(e) whether it is a fact that this question has been before the Government since 1920?

A.—(a) to (d) The hon. Member is referred to the answer given to question No. 857 on the 22nd October 1927.

(e) Yes, at intervals.

Mr. B. VENKATARATNAM:—"Sir, for a long time no orders have been passed. May I know whether Government are going to trifurcate the Rajahmundry Taluk Board?"

The hon. Dr. P. SUBBARAYAN:—"Yes."

Mr. B. VENKATARATNAM:—"When?"

The hon. Dr. P. SUBBARAYAN:—"As soon as the financial year is over."

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Proposed trifurcation of the Rajahmundry Taluk Board.

* 533 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government had passed orders either bifurcating or trifurcating Rajahmundry Taluk Board at any time;

(b) if so, when;

(c) whether any such orders were put in abeyance; and

(d) if so, when?

A.—No.

Municipalities

Tender of Messrs. Calendars Cable and Construction Co., Ltd., for electrification of Bezwada town.

* 534 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether it is a fact that the tender of Messrs. Calendars Cable and Construction Co., Ltd., for the electrification of Bezwada town was recommended by the Electrical Inspector for acceptance by the Bezwada Municipal Council and that the company themselves were afterwards willing to reduce their tender by more than Rs. 20,000?

A.—The answer to the first part of the question is in the affirmative. The Government have no information as to the matter referred to in the second part.

Dr. B. S. MALLAYYA:—"May I know, Sir, whether another firm offered a lower rate of tender, and upon that this firm also reduced its amount, and yet the Bezwada Municipality accepted the offer of that another firm; and if so, what action Government are going to take on it?"

The hon. Dr. P. SUBBARAYAN:—"I cannot answer, as the whole matter is under consideration."

Mr. G. HARISARVOTTAMA RAO:—"Has the hon. Minister called for any information on that at all?"

The hon. Dr. P. SUBBARAYAN:—"The reply is given in the answer itself."

Introduction of a Bill to amend the City Municipal Act.

* 535 Q.—Dr. B. S. MALLAYYA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government propose to introduce an amending Bill to the City Municipal Act providing for a flat rate of timber tax; and

(b) if so, when it may be expected?

A.—(a) & (b) The matter is under correspondence with the Government of India.

Dr. B. S. MALLAYYA:—"Are the Government aware that the Corporation is being put to considerable difficulty in the case of rebates and have they been addressed for certain alterations in the rules?"

The hon. Dr. P. SUBBARAYAN:—"We have just heard from the Government of India and we are going to proceed with the Bill."

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Mr. S. SATYAMURTI:—"May I know whether the hon. the Minister is going to amend the whole Act?"

The hon. Dr. P. SUBBARAYAN:—"No, Sir, we are going to introduce legislation so far as this particular point of timber tax is concerned."

Mr. S. SATYAMURTI:—"Has the Bill been prepared, and if not, why there is delay?"

The hon. Dr. P. SUBBARAYAN:—"The hands of the Government are full with the amendment of several other Acts, and hence the delay."

Religious and Charitable Endowments

Administration of endowments by Tanjore Rajas.

* 536 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to clauses (a) to (c) of question No. 2004 given on 27th March 1929 regarding the administration of endowments by Tanjore Rajas—

(a) whether the remarks of the President, District Board, Tanjore, on the report of the Inspector of Local Boards and Municipalities in regard to the administration of the said Chatram Endowments have been received and what orders were passed thereon by Government; and

(b) whether Government will be pleased to lay on the table of this House the report in question along with the remarks of the President, District Board, Tanjore, as also the orders of the Government thereon?

A.—(a) No.

(b) The question will be considered on receipt of the remarks of the President, District Board.

Mr. T. ADINARAYANA CHETTIYAR:—"May I know whether the President of the District Board has been asked to send the required information, and if he has not sent it, why there is so much delay?"

The hon. Dr. P. SUBBARAYAN:—"The President has been reminded again."

Constitution of districts and divisions

Formation of the Polavaram division.

* 537 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

(a) when the Polavaram division in East Godavari Agency was formed; and

(b) for what reasons?

A.—(a) & (b) The present Polavaram division was constituted with effect from 1st September 1904, in connexion with the redistribution of the Godavari, Kistna and Nellore districts and the formation of the Guntur district.

Land Revenue

Alleged memorial regarding backyard assessment in Polagudi village.

* 538 Q.—Mr. ABDUL HAMMED KHAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a memorial from one Mr. P. S. Ramakrishnan of Polagudi village on behalf of the ryots about taxing backyard cultivation;

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(b) the steps taken on the memorial;

(c) whether for the cultivation referred to only water drawn from the well was used;

(d) whether it is a fact that certain trees in the backyard of houses were taxed;

(e) if the answer to (d) be in the affirmative, whether the Government propose to refund the taxes collected; and

(f) whether the Government will be pleased to lay on the table the Government Order on the question of backyard cultivation?

A.—(a) to (e) The Government have not received such a memorial.

(f) The hon. Member is referred to paragraph 4 of Board's Standing Order No. 21 which contains the rules on the subject.

Assessment on backyards in Polagudi village, Nannilam taluk.

* 539 Q.—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(a) the number of backyards exceeding 25 cents in the Polagudi village, Nannilam taluk, Tanjore district;

(b) when the practice began of assessing backyards;

(c) for what crop the assessment is levied;

(d) the rate or rates of assessing backyard cultivation;

(e) the total amount collected as assessment on backyards for fasli 1338;

(f) whether it was included in the budget items for 1928-29 and 1929-30; and

(g) if so, under what heads?

A.—(a) & (e) The Government have not the information.

(b) The practice is an old one but uniform rules for the whole Presidency were introduced in fasli 1327.

(c) & (d) The hon. Member is referred to paragraph 4 of Board's Standing Order No. 21 at page 60 of the Board's Standing Order, Volume I.

(f) Yes.

(g) Assessment on backyards is included in the budget head V. Land Revenue receipts.

Seigniorage fee for fuel trees in South Kanara.

* 540 Q.—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state, with reference to clause (b) of my question No. 108, dated 8th August 1929, regarding seigniorage fee for fuel trees in South Kanara—

(a) whether the Government have called for a report from the Collector or from any other officer to verify the alleged fact; and

(b) if so, what the report is; if not, why not?

A.—(a) & (b) No. The hon. Member is referred to the answer given on 8th August 1929 to clause (c) of question No. 108.

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Wild animals*Reward for killing wild animals in South Kanara.*

* 541 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the report regarding the number of cattle killed by wild animals in South Kanara in 1928; and

(b) whether the Government have investigated the causes why the reward given for killing wild beasts has decreased from Rs. 441 in 1927 to Rs. 360 in 1928?

A.—(a) The number of cattle reported as killed by wild animals in South Kanara district during 1928 was 4,467.

(b) The number of tigers for which rewards were given was 9 in 1927 and 7 in 1928.

Mr. J. A. SALDANHA:—"May I know why the amount of rewards for 1928 has decreased to Rs. 360, from Rs. 441 in 1927.

The hon. Mr. A. Y. G. CAMPBELL:—"Because the number of rewards earned was smaller in 1928."

Hunting of wild animals by villagers in South Kanara.

* 542 Q.—Mr. A. B. SHETTY: With reference to the answer given to my question No. 331 on 10th August 1929, will the hon. the Member for Revenue be pleased to state—

(a) whether the orders issued allowing, as an experimental measure, the villagers to hunt wild animals in reserved forests in South Kanara are the same as the orders given previously in this matter; and

(b) whether the Government have called for a report as to how far the present orders have encouraged more people to hunt in the reserves and whether the damage done by wild animals to the cattle and crops of ryots has decreased as the result of it?

A.—(a) Under the orders of the Government issued in 1928, permission was given to villagers to hunt wild animals in reserved forests in South Kanara district during the months of July to January. The orders required that they should, however, obtain the previous permission of the Collector on every occasion and that an officer of the Forest Department should be present at the time of the hunt. These rules continue to be in force with the exception that the Collector may delegate his powers in this respect to the local revenue divisional officer.

(b) No.

Mr. A. B. SHETTY:—"May I know whether the Government will call for the report in regard to clause (b) of the question?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think that it is premature to call for a report so soon as this but I will consider the suggestion."

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Criminal Justice*Permission to raffles in aid of charitable institutions.*

* 543 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether raffles started in aid of educational or charitable institutions are generally sanctioned by the Government;

(b) who is the authority who gives the required permission; and

(c) what are the grounds on which it is granted or refused?

A.—(a) No.

(b) The attention of the hon. Member is invited to the provisions of section 294-A, Indian Penal Code.

(c) The Government have laid it down as a general rule that no sanction should be given to the holding of a lottery.

Mr. A. B. SHETTY:—"In the answer to clause (c) it is said that the Government have laid it down as a general rule that no sanction should be given to the holding of a lottery. May I know whether any departure is made from this rule and if so, on what grounds?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir, no departure has been made."

Inquiry into the conduct of the Goa lottery.

* 544 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether the Government have made any inquiry regarding the ways in which people are being exploited by the Goa lottery;

(b) whether it is a fact that Goa lottery is attracting even the poorest classes of people in many cities and towns in our province and draining away lakhs of rupees every year; and

(c) whether the Government will consider the desirability of prohibiting the importation, sale and possession of these lottery tickets?

A.—The Government have no information but will enquire.

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, in this connexion I wish to say that after the answer was sent to the press, I have received a report from the Commissioner of Police stating that the poor are not attracted by this lottery, but that an insignificant number of middle class people is attracted."

The hon. the PRESIDENT:—"In this connexion I wish to remind Members of Government of the desirability of communicating the replies to the Council Office as soon as they are received. This morning I saw the hon. Minister giving the information on the floor of the House when the written answer did not contain it. Of course the Government are not responsible. It has been the practice till now as far as my knowledge goes."

The hon. Mr. M. R. SETURATNAM AYAR:—"I think this is only a second time such a thing happens."

The hon. the PRESIDENT:—"I suggest that even if the replies are received late, they should be sent up at once as there are several instances where up-to-date information is required."

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11-45
a.m.

Mr. S. SATYAMURTI :—" May I take it, Sir, that your order governs the answers given this morning, all those replies of the Ministers and Members of the Government who have referred to documents not before the House in giving their replies ? "

The hon. the PRESIDENT :—" I have only suggested that they may continue the old practice of printing these answers, provided the Government give the information to the Council Office when they get it subsequently."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. the Law Member whether he should not seek to protect the interests even of the middle class people ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, certainly."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know what action he proposes to take ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider it."

Mr. T. ADINARAYANA CHETTIYAR :—" Is he aware that almost every member of this House is receiving very often by post these lottery ticket books ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am not aware of it, Sir."

Forests

Resumption of reserves transferred to panchayats in North Arcot district.

* 545 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state with reference to his answer to question No. 2011 answered on 27th March 1929 regarding resumption of reserves transferred to the panchayats in North Arcot district—

- (a) whether the District Collector was consulted in the matter ;
- (b) what is the average supply of fuel from Kavuthimalai, Kanna-
mandi, Radhapuram and Tippakadu coupes for the last five years ;
- (c) whether the Chief Conservator of Forests was consulted in the matter before the Board made a report on the inspection notes of the Commissioner ; and

(d) whether, considering the necessity of providing adequate fuel supply to the town of Tiruvannamalai, the Government will be pleased to call for a report on the inspection notes of the Commissioner from the Collector and the Chief Conservator of Forests ?

A.—(a) & (c) No.

(b) A statement ^a is appended.

(d) The Chief Conservator was consulted before the reclassification was made. The Government are not prepared to take the action suggested.

Mr. T. ADINARAYANA CHETTIYAR :—" May I know why such important persons as the local Collector and the Chief Conservator of Forests were not consulted in the matter ? "

^a Printed as Appendix III on page 319 infra.

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Collector is not consulted on a report of his superior officer, a Member of the Board of Revenue. And with reference to the Chief Conservator, he was ultimately consulted before the Government came to a final conclusion, as I have stated in my answer."

Mr. T. ADINARAYANA CHETTIYAR :—" Considering the fuel supply of such an important place as Tiruvannamalai which is a pilgrim centre, and the inconvenience caused owing to its inadequacy, will the Government be pleased to consult the Collector, and issue revised orders, if necessary ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir, because a Member of the Board of Revenue, the Collector's superior, has given his opinion."

Working of the Forest Panchayat of the Durga Reserve.

* 546 Q.—Mr. K. R. KARANT : Will the hon. the Law Member be pleased to state—

- (a) how long the Forest Panchayat of the Durga Reserve (Karkal taluk of South Kanara district) worked ;
- (b) when it was abolished and for what reasons ;
- (c) whether the villagers concerned petitioned to the Government or to the District Forest Officer concerned to continue the panchayat ; and
- (d) why it was not continued ?

A.—(a) A panchayat under the Forest Village System worked for three years.

(b) & (d) It ceased to exist from 30th June 1927 as the villagers failed to renew their agreement.

(c) No.

Working of the Sandalwood factory at Kuppam.

* 547 Q.—Mr. K. R. KARANT : Will the hon. the Law Member be pleased to state—

- (a) who is the owner of the sandalwood factory at Kuppam ; and
- (b) what is the quantity and value of sandalwood supplied by the Government to the said factory in each of the last three years and at what rate or rates ?

A.—(a) There are three sandalwood factories at Kuppam. Their names and the names of their proprietors are—

The Kangundi Industrial Works.	Proprietor, M.R.Ry.
	V. Subrahmanya Chetti.

The South Indian Industrial,	Proprietor, M.R.Ry.
Kuppam.	V. Murgesa Chetti.

Messrs. V. V. & Sons, Kuppam...	Proprietor, M.R.Ry.
	V. Subrahmanya Chetti.

(b) A statement ^a and an abstract containing information in respect of the three factories are appended.

^a Printed as Appendix IV on pages 320-325 infra.

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Deputation of the Deputy Forest Utilization Officer for the study of lac cultivation in Bihar and Orissa.

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

(a) whether the Deputy Forest Utilization Officer deputed to study lac cultivation in Bihar and Orissa has returned and, if so, when; and

(b) the measures taken by the Government as the result of his investigation for the propagation of lac on a considerable scale?

A.—(a) The Deputy Forest Utilization Officer returned from the deputation on 13th February 1929.

(b) A scheme for the regular and systematic cultivation of lac in the North Salem division has been sanctioned and proposals for the experimental cultivation of lac on the Chitteris in the Central Salem division have also been approved. The Deputy Forest Utilization Officer is now investigating the possibilities of introducing lac cultivation in the Cumbum Range, Madura division, and in the Bolampatti Range, Palghat division.

Memorial from Forest Rangers for increase of pay.

* 549 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) when the memorial submitted by Forest Rangers for increase of pay referred to in question No. 1706, dated 12th March 1929, was received;

(b) whether the Government have arrived at any decision; and

(c) if not, when they will arrive at any decision?

A.—(a) The memorials from the rangers were received in two batches on 22nd April 1927 and 13th June 1929 respectively.

(b) & (c) The memorials are under consideration.

Purchase of machinery for the tea-chest industry.

* 550 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) whether the Government have come to a decision with regard to a purchase of machinery for starting tea-chest industry at a cost of Rs. 1,50,000 and odd and also with regard to appointing a foreman superintendent;

(b) the cost already incurred with regard to the enquiry held respecting the above matter; and

(c) the estimated percentage of gain, if any, when the above industry is started?

A.—(a) The question is still under consideration.

(b) The direct expenditure, which does not include time spent on office work, may be put down at something under Rs. 1,000.

(c) The proposals are in the nature of an experiment and no gain is anticipated in the experimental stage.

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Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Law Member whether any one has been appointed at all for manufacturing the tea-chests?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know with reference to the answer to (b) which says that 'the direct expenditure which does not include time spent on office work may be put down at something under Rs. 1,000' whose office work is referred to here?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The Chief Conservator's office work."

Honorary Magistrates

Proposed nomination of a lady as honorary Bench Magistrate in Mangalore.

* 551 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether he has called for the information referred to in the answer to my question No. 13, dated 6th August 1929, regarding the proposed nomination of a lady as honorary Bench Magistrate in Mangalore; and

(b) if so, what it is?

A.—(a) Yes.

(b) The District Magistrate's report has not yet been received.

Elections

Introduction of the Bombay system of voting by symbols in elections.

* 552 Q.—Mr. K. R. KARANT: Will the hon. the Home Member be pleased to state, with reference to my supplementary question to question No. 87, dated 7th August 1929, whether the Government have taken any, and if so, what steps since then, towards a study of the Bombay system of voting by symbols?

A.—A reference has been made to the Government of Bombay.

Labour

Qualifications and duties of Garden Sardars.

* 553 Q.—Mr. G. HARISARVOTTAMA RAO: With reference to question No. 1445-A answered on 25th February 1929, regarding recruitment of labourers to tea estates from the Agency tracts, will the hon. the Home Member be pleased to state—

(a) what the qualifications are of Garden Sardars who are entitled to recruit labourers for the Assam Tea plantations;

(b) whether any instructions have been issued to District Collectors in regard to the care and protection of these labourers and if so, what those instructions are;

(c) what are the qualifications of the local agents under whose control the Garden Sardars have to recruit;

(d) how many such agents are now licensed and who they are; and

(e) whether any such agent has ever had his licence cancelled and for what reason?

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A.—As the hon. Member is aware “Interprovincial Migration” is a Central subject.

(a) A Garden Sardar, as defined in the Assam Labour and Emigration Act, 1901, is a person employed on an estate in Assam and deputed by his employer to engage labourers.

(b) No instructions have been laid down beyond those contained in the Assam Labour and Emigration Act and the rules and notifications issued thereunder. The notifications have been published on pages 570–571 of Part I of the *Fort St. George Gazette*, dated 11th September 1923, page 410 of the *Gazette*, dated 3rd March 1925, and page 663 of the *Gazette*, dated 26th April 1927.

(c) Local agents are representatives of the employers in the recruiting districts and under section 64 of the Act, District Magistrates are authorized to grant licences to suitable persons to be local agents. No special qualifications have been prescribed.

(d) The following agents were licensed and were working in the Presidency during the year ending 30th June 1928 :—

Mr. T. Balaramaswami.

Mr. F. R. Steele.

Captain W. J. Ross Hurst.

Mr. L. S. Driver.

Mr. N. B. V. Subba Rao.

Mr. B. S. Narayana Rao.

Mr. K. Hanumantha Rao.

(e) The annual reports on the working of the Assam Labour and Emigration Act received up to the end of June 1928 show that 14 licences have been cancelled. Most of these were cancelled either at the request of the employers or at the request of the agents themselves; one licence was cancelled for intentionally carrying on illegal recruitment and another for incompetence.

Mr. G. HARISARVOTTAMA RAO :—“May I know from the hon. the Home Member in what districts these agents mentioned in clause (d) are working?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—“I must ask for notice, Sir.”

Police

Strength of different communities among Inspectors of Police.

* 554 Q.—Mr. ABDUL HAMEED KHAN : Will the hon. the Home Member be pleased to state—

(a) the number of Inspectors of Police in the City, and the number of Muslims amongst them;

(b) the number of Sub-Inspectors who have been sent out as Inspectors to the mufassal from the City; and

(c) how many of them are Brahmans, Non-Brahman (Hindus), Muslims and Christians?

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A.—(a) There are 20 Inspectors now doing duty in the City: one of them is a Muhammadan. (Another Muhammadan Inspector is at present on leave.)

(b) One was sent out during the past one year to officiate as an Inspector.

(c) He was a Brahman.

Mr. ABDUL HAMEED KHAN :—“May I know from the hon. the Home Member the reason why the people who are qualified to be promoted as Inspectors in the City have not been promoted?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—“Sir, a general question like that cannot be answered.”

UNSTARRED QUESTION

Education

Grants for secondary education for the last two years.

555 Q.—Mr. B. RAMACHANDRA REDDI : Will the hon. the Minister for Education and Local Self-Government be pleased to lay on the table a statement of grants disbursed to all secondary schools in each district in the Presidency under private management as well as under local bodies during the last two budget years?

A.—A statement* furnishing the information is appended.

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

II

THE MALABAR TENANCY BILL.

* The hon. the PRESIDENT :—“The Council will now resume consideration of the Malabar Tenancy Bill. I think it is better to postpone the consideration of clause 4, which only contains definitions, till the other clauses are disposed of. Does the hon. the Law Member agree with me?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“Yes, Sir, those two definitions contained in clause 4 as regards gross produce and seed may be postponed.”

* The hon. the PRESIDENT :—“The consideration of clause 4 will be postponed till the other clauses, i.e., 5 to 9, are disposed of.”

Mr. S. SATYAMURTI :—“May I point out one difficulty, Sir? I am somewhat surprised at the readiness with which the hon. the Law Member agreed to your suggestion. After all, clauses 5 to 9 deal with the way in which fair rent has to be fixed; and there again, the common basis on which that fair rent has got to be arrived at is the seed required and the gross produce, and I take it that the House would like to know what the ‘seed required’ would mean in a case of that kind, whether it is what is actually required or customarily deemed to be required. I may say, Sir, that in another place a long discussion took place as to whether it should be the seed required or the seed customarily deemed to be required. Similarly, the House should know what ‘gross produce’ would mean.”

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* The hon. the PRESIDENT :—"There are not many amendments on those aspects of the question."

Mr. S. SATYAMURTI :—"There are."

* The hon. the PRESIDENT :—"Mr. Karant wants to introduce another definition for gross produce and if his scheme of clauses 5 to 9 is accepted then, this becomes necessary. Otherwise it cannot be moved at all. The aspect of the question referred to by the Member for the University is not dealt with in the amendments to clause 4. Mr. Karant wants to delete clause 4, and that is only consequential on the other scheme being approved."

Mr. K. R. KARANT :—"I want to make the same suggestion which you were pleased to make, because we want to go on different principles in other clauses, and this is only a defining clause in regard to other clauses."

Mr. S. SATYAMURTI :—"Unless Mr. Karant's scheme does away with the definitions of seed and gross produce altogether, this clause will have to be dealt with first I think."

* The hon. the PRESIDENT :—"I have examined the point. If the scheme is not approved, clause 4 stands as it is. Now clause 5 is for the consideration of the House."

Clause 5.

* Mr. A. B. SHETTY :—"Mr. President, Sir, I move the following amendment which stands in my name :

"For the existing clause, substitute the following :

"5. Fair rent for wet, dry and garden lands shall be the current rent which the tenant has agreed to pay in respect of such lands."

"Sir, 'Fair rent' we find mentioned for the first time in the Raghavayya Committee's report and in the Bill drafted by them. There is no mention of it at all in the previous Bills on Malabar Tenancy, I mean the Bills of 1926 and 1927, by Diwan Bahadur M. Krishnan Nayar and the Bill proposed to be introduced by Mr. Kotieth Krishnan. How the Raghavayya Committee arrived at this definition of fair rent it is not possible to find out. I shall be obliged if either the Government or any other Member here will tell us how this formula for fixing fair rent has been worked out. The definition of fair rent as given in the Bill before us is admittedly very clumsy, complicated and difficult to understand. It would not be easy at all to find out what the gross produce of the last three years was. In regard to this matter Mr. Pate in his minute of dissent on page 86 of the Raghavayya Committee report says that 'the practical difficulties of ascertaining the gross produce of a holding are obvious; the litigation on this point is likely to be tedious, vexatious and expensive, and behind all this is the uncertainty whether the fair rent as finally deduced will be in fact fair'. There is no doubt that this fixing of fair rent will necessitate an enormous, costly and vexatious litigation. The poor cultivating tenant will be at a disadvantage in getting fair rent fixed by the court. Nobody can say whether the fair rent as fixed according to the formula laid down will be an enhancement or reduction of the existing rent. If the present rents are to continue for 12 years as provided for in this Bill, I do not see any necessity for driving people to law courts by fixing fair rent now. Conditions will necessarily change, prices of food grains will go up or come down and so fair rents fixed now may not be

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really fair, when they come into force after twelve years. So I propose that we ought to leave things as they are at present and take the existing rent as fair rent, and after six or twelve years the landlord or tenant may apply to the court for a revision of the existing rent on certain specified grounds. To provide for this I am proposing to insert certain clauses after clause 28. According to the Bill as it stands clause 28 says that the present rents shall continue as fair rents for a period of twelve years. So, the amendment I propose is not against what is provided in the Bill so far as the next twelve years are concerned. The dropping out of the formula of fair rent will simplify matters and avoid litigation in respect of fair rents. My proposal will also prevent any great disturbance of the financial equilibrium. It will mean practically a restoration of the provisions in the Bills of Mr. Krishnan Nayar. I, therefore, propose that the present rents should be taken as fair rents for twelve years and then the right will be given to the landlord or the tenant to ask for an enhancement or reduction of the existing rent on certain specified grounds. Thereafter they will be subject to revision every twenty years. I trust, Sir, this amendment will receive the best consideration of this House."

Mr. V. I. MUNISWAMI PILLAI :—"I second it."

* Mr. K. MADHAVAN NAYAR :—"Sir, nothing will gladden the hearts of the janmis and kanamdars of Malabar more than this amendment of Mr. A. B. Shetty, but I stoutly oppose that amendment because it offends against the very principle of this Act, that is, affording relief to the verumpattandar. Of all persons that require relief in Malabar it has been said often and often that it is the actual cultivator that requires protection, and if Mr. A. B. Shetty's amendment is to be carried, the present rent, that is the rent which is said to be rack-rented, will be perpetuated, and the whole object of the Act will be defeated. I do not know if Mr. Shetty realizes the very serious implications of perpetuating the present rents in Malabar. I therefore strongly oppose this amendment."

* Mr. E. SANKARAN UNNI :—"Mr. President, Sir, anything that can gladden the hearts of both of us must be a very good thing indeed (Voices :—"No, no"). People from the other parts of the Presidency may not exactly know what a good thing it is for both of us. However that may be, I think the amendment moved by my hon. Friend, Mr. Shetty, certainly deserves very careful consideration. The formula set out by the Raghavayya Committee is undoubtedly a very attractive one. But, where have you got the data which will enable you to arrive at fair rent which we have to discover in every case? The real difficulty in Malabar is that the conditions which are necessary for enabling you to ascertain the gross produce of a land do not exist. In other places, I am told, there is a common threshing floor, which will enable the parties concerned to know exactly what the gross produce is. My hon. Friend, Mr. Ranganatha Mudaliyar, says that there is no certainty about it. Well, if there is nothing to enable us to judge, I do not think it is proper on our part to adopt a standard of that character."

"Another difficulty is, as pointed out by Mr. Pate who ought to know these things more than many other people, that there is no tradition of sharing the produce on the threshing floor in Malabar. Fair rent, I do not believe, conveys any such idea as the Raghavayya Committee seems to have at the back of their minds. Therefore, apart from the attractiveness and the

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scientific nature of the formula, I do feel that difficulty will arise as to what the gross produce is. There will be no evidence available by which you can judge it. I should like to know from Mr. Madhavan Nayar what is the nature of the evidence that will have to be produced before the gross produce of a field can be ascertained, and that for three past years. Considering how difficult it is to ascertain and be exact about what goes on under our own nose, it should be easy for the House to realize how difficult it would be for anybody to find out what the gross produce for the past three years was. Sir, I am not aware of any method by which it can be arrived at. If you say there may be accounts kept by the cultivator, as he may probably be tempted to do after this Bill is passed, my difficulty is that they will be self-serving documents on which you cannot rely. If you say you can rely on the surrounding lands, the same difficulty will be found in respect of the surrounding lands as well. Until and unless you know what the surrounding lands will yield, reliable data will not be available to solve the problem. Wherever you turn, the difficulty will be there, and what is the effect of doing all this except to drive the tenant to a court of law? The fair rent is to be determined to-day, but under the Bill, as we have it now, the fair rent will not begin to function till after the lapse of twelve years. Now, you are asking the tenant to get into a present quarrel with the janmi for a doubtful future advantage, and, as pointed out by my hon. Friend, Mr. Shetty, is there any certainty at all that the rents will always be 'fair'? In certain taluks in Malabar—I speak with some knowledge of the matter gathered from many friends who are janmis—the rents are very low to-day. If you raise the present rent to the level of what is called fair rent in the Bill, you will be raising the rent by twice the amount. In certain other taluks, I know there will be a big drop in the rent. However, I am prepared to admit that there is some amount of rack-renting going on. But all the same, I do not think rack-renting is so rampant as to necessitate so ruinous a remedy. You want to drive the tenant to the court to discover a thing which no court will be able to determine with anything like precision. For my own part, I think you will be doing a great service to the tenants if you allow them to accept the present rent as fair rent. After all, they have been paying it. All the protection that they require is that the landlord shall not raise the rent arbitrarily. No other attempt on these lines has ever been made by anybody in land legislation. Ireland is the land of land legislation, and I suppose scores of Acts have been passed in respect of this problem. I am not aware that in any one of those Acts there is a provision on the very scientific, on the very attractive lines that you have got here. You have left things very much to the courts. Supposing he goes to court, what do you expect will happen to him? If it is a conflict between the landlord and the tenant, say, a verumpattamdar, the longer purse will win. If the verumpattamdar is to go to court and enter into a combat with the janmi, what he will get is very short shrift. I do not ask the House to continue the present rents for ever. I shall be glad to have these rents revised within a reasonable time, and revision must take place on some well-known definite grounds. If you do that, you will be putting a check on the rise of rents. If that is given, the cultivating verumpattamdar in Malabar will be satisfied. I do not very much mind my hon. Friends opposite saying that this is the way in which the janmis deal with these things. Well, as I said, I am inclined to be fair not only to others but to myself as well. I think fairness to both parties seems to require that we

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should not ask the poor tenant to get into conflict with his janmi. But you begin the whole affair with a quarrel between landlord and tenant. I thought the real object of this legislation was to settle the relations between landlord and tenant in Malabar. But the Government have brought forward a Bill with the sanction of the Raghavayya Committee behind them which will mean litigation for ever in Malabar. My hon. Friend, Mr. Shetty, has left other points to be elaborated later on. If this amendment is carried, I am not particular about pressing my own scheme before this House. I hope this amendment will be accepted because it will be an advantage to the peasant population of Malabar. It will save them from spending money in the law courts for a very doubtful advantage."

* Mr. K. KRISHNAN :—" Mr. President, I support this amendment. One may be surprised that representing as I do the cause of the cultivating tenant I should stand up and support this amendment. I do not for one moment concede that the existing rents are fair rents. At the same time, Sir, I do say and that most emphatically that the fair rent fixed in this Bill, even after it has passed through the Committee stage, is not the fair rent at all. The fair rent that would be worked out according to the present definition would be far more than what the verumpattamdar is paying to-day, so that if the existing rents are taken as the standard, I do believe that the existing rent will be far less than the rent which he will have to pay hereafter under the provisions of this Bill. It is in that view I say that the existing rents may remain rather than rush into a problem the implications of which we are not at present in position to judge. What the cultivation expenses are remains to be determined. The district of Malabar includes the whole land from the Waliyar up to the boundary of the South Kanara district. To say that two and half times the seed shall be the cultivating expenses of all lands of every description would be to determine what is impossible. There are different kinds of lands which require different kinds of treatment. If you say that two and a half times the seed would be sufficient for cultivation expenses including the seed, it would certainly not be a criterion on which a court can decide what the fair rent would be. No doubt, Sir, I have seen other amendments tabled by various members of this House regarding cultivation expenses and what the real share of the cultivating tenant ought to be. But I do say, Sir, that it will all be a leap in the dark. We do not know how these things would work out in practice, and instead of doing so, instead of leaving the whole thing in uncertainty, if the janmis would consent that the existing rent shall be paid, I will take them at their word, and earnestly request the members of this House to support this amendment for the obvious reason that we know at least where we stand now. We may proceed further after some time and decide what more should be done. After all, this is not going to be the last word on Malabar tenancy law. Either the tenant or the janmi will be asking for a revision of some of the provisions of this Bill, and such a revision would be advantageous to either party. That may be done after sufficient time has elapsed, say after six years, after we have known where we stand and how these things are working in practice. Under such circumstances, instead of giving food for litigation between the landlord and the tenant and leaving them to fight in a court of law, we will be doing a great service to Malabar and will be removing all those apprehensions which have arisen in the minds of various persons on account of the provisions of this Bill, if we allow the existing rents to continue for some time.

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Thus we will be bringing concord between the landlord and the tenant. I thought Mr. Sankaran Unni would not accept this proposition. I am glad he has accepted it. I believe along with this, if fixity of tenure is given to the tenant, he will be able to improve the land, and this will enable him to get an increased yield from the land. According to my hon. Friend, Mr. Shetty, the increased yield shall be shared both by the janmi and the tenant, and, though the janmi gets a share to the extent of 12½ per cent of the increased yield, I am glad the greater part of the increased yield will go to the tenant's share. Under such circumstances, I have great pleasure in supporting this amendment."

* Mr. K. P. RAMAN MENON :—"Sir, I am unable to see eye to eye with the opinions expressed by some hon. Members on this amendment. It is not as if the Raghavayya Committee did not consider this question in all its aspects. In fact, this matter was discussed at length in the Raghavayya Committee's Report. At page 42, in paragraph 87, they say :—

"All these provisions would be of little avail to the tenant if he is to be allowed to be rack-rented, and, therefore, an integral part of the scheme should be a provision for the determination of fair rents giving a guarantee to the tenant that he shall have a fair return for his toil and interest in the land. The Committee, therefore, has determined that fair rents should be defined. Many suggestions as to the proportion in which the produce should be divided have been made. Discussions there have been also as to whether the proportion should relate to the gross produce or to the net produce. While, on the one hand, the gross produce test gives a fairly certain and fairly easily ascertainable basis to work upon, if based on the average yield, the net produce test has, on its side, the advantage of relating the share to what actually has to be divided after deducting the charges common to both the tenant and the landlord. There is, however, the difficulty of ascertaining what the cost of cultivation and other common charges are, and as these are likely to differ with each land, no satisfactory formula, applicable even to a large number of cases, can be worked out. Having regard to these considerations, the Committee has thought that it would be useful to devise a formula which has in it an element of certainty and also takes account of the dissimilarity in the cost of cultivation and similar charges, and it has arrived at the conclusion that the best workable scheme would be to give a definite formula for cost of cultivation and leave the inequalities over and above that to be met by the grant of a generous proportion of the balance to the cultivating tenant. The Committee has, therefore, decided that in the case of wet holdings a fair formula would be to make twice the seed required for the cultivation of a particular area, the constant cost of cultivation, and deduct the same from the gross average produce and give a third of the balance to the tenant and two-thirds to the landlord."

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p.m.

Therefore, it is necessary to ascertain the fair rent, and I may add the whole Bill rests upon the ascertainment of fair rent. Fair rent is as if it were the pivot round which the whole Act turns. As a matter of fact, it will be observed that the Bill was discussed section after section in the Select Committee and a solution of this question was arrived at. None of the previous Bills aimed at giving a solution to this problem of fair rent. We wanted therefore in this Bill not to fall into that error. That is what this Bill aims at. If it is now said, 'Go back to the old state of things, leave alone the rent as it is now being paid by the tenant and brush aside all those considerations which constitute the grievances of the tenant', then you are not doing any justice to the tenant, nor are you suggesting any solution to the problem. Now, after this was done, and after the Bill was referred to the Select Committee, the matter was discussed at great length and the impression left on the Members of the Select Committee was that the present verumpattam rents are higher than the fair rent. And I say from my own knowledge of the subject that the present verumpattam rents are really higher than fair rents. Mr. Krishnan Nayar had not considered this question in his Bill. There is a danger if we go back upon the provisions based upon

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the conclusions arrived at by the Raghavayya Committee after evidence was taken and after careful consideration. Now, Mr. Unni says that it will lead to litigation and so on. I draw the attention of the House to sections 28 and 32. Section 28 says: 'Every cultivating verumpattamdar shall be bound to pay to his immediate landlord fair rent as fixed under this Act'. I shall read the proviso later. And then, section 32 says: 'Save as otherwise provided in this Act, no cultivating verumpattamdar and no person in whose favour a renewal deed has been executed under the provisions of Chapter IV shall be liable to pay to his landlord anything more than the fair rent and the renewal fee as fixed by this Act, and any stipulation, express or implied, of whatever date, to pay anything more or anything else shall be void.' Thus, it is distinctly laid down there that fair rent, and fair rent alone, is payable hereafter. In order to see that the domestic budgets of persons receiving rents at certain scale are not disturbed there is a proviso under section 28. The proviso says: 'Provided that in the case of a cultivating verumpattamdar's holding existing at the date on which this Act comes into force, the rent payable on such holding shall be deemed to be fair rent for a period of 12 years from such date.' So that time is given for people to adjust themselves to the new circumstances arising out of this Bill. It does not invite the tenant, as Mr. Unni suggests, to go to court at once anticipating what is to happen twelve years hence. He says the landlords and tenants will now embark on litigation that may be called anticipatory to settle what the fair rent will be after a space of twelve years and then go to a court of law. They, as other intelligent people, will try to adjust fair rent within this term of twelve years and, if unable to do so, then alone go to a court of law. I certainly cannot see that any such thing will happen, and I cannot see any reason for not sticking to the provisions of the Bill as drafted by the Select Committee, and I refuse, to borrow the phrase of Mr. Krishnan, to take a leap in the dark without knowing exactly what the implications of the new amendment are."

* Rao Bahadur Sir A. P. PATRO :—"The amendment of the hon. Mr. Shetty consists of two parts, first to delete clause 5, and then to substitute a new clause. There is good reason for him to bring this amendment in view of what happened yesterday when the Government accepted the amendment of the hon. Mr. Unni for the deletion of the words 'wet land'. So, clause 5, dealing with dry lands converted land into wet becomes altogether unnecessary. I do not know whether the Government reconsidered their position now. But what I gather from the Government's acceptance of the amendment is that they consider clause 5 to be unnecessary. We were opposed to the Government for accepting the amendment yesterday and we voted against it.

"The second point raised by Mr. Shetty will have far-reaching consequences. What he proposes is that the present rent which should continue for twelve years should be considered as fair rent in the definition. That completely upsets the whole structure of the Bill. From time to time we have heard complaints that the present rent is exorbitant and the present tenure is a rack-renting system in Malabar. Agitation had been very strong. It was said that both the janmi and kanamdar had joined hands in this matter. It seems to me that we have to look at the matter with great caution (hear, hear) because the actual cultivator is left in the lurch."

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Mr. E. SANKARAN UNNI:—"May I point out that the janmi and the kanamdar have not joined together. It is Mr. Krishnan who is not a kanamdar that has joined me."

Rao Bahadur Sir A. P. PATRO:—"We are now considering what the position of the actual cultivator would be if the amendment is carried. There have been complaints that he has been rack-rented, that he has been weighed down under exorbitant rents. If all these complaints made during these years were facts, then I fail to see how the present system of rent could be a fair rent. If it is otherwise, there is no necessity for the Raghavayya Committee and no necessity for legislation. According to this amendment of Mr. Shetty clause 28 of the Bill also will have to be modified, because we accept as a tentative measure in spite of protest from some of us that there is no need for 12 years and the fair rent may be enforced immediately and come into force at once. But the present economic conditions, family circumstances and budgets of families need readjustment before the new legislation takes effect. In view of that it was suggested that we should wait for five years before a revision comes into force. A practical solution the Raghavayya Committee suggested, and the Select Committee also paid careful attention to it. We were under the impression at the Select Committee discussions that the fair rent was really less than what it is at present. But if the fair rent determined upon by the Select Committee is very much less than what it is at present and really helpful to the tenants, I do not see any reason why this clause should not be allowed to stand."

"Then, it was pointed out by Mr. Unni that it has increased the duration of the present system, there should be a possibility of the revision of the rent, and that once it is revised then it may be adjusted to the prevailing conditions. I am not in favour of such a suggestion. I do not see why it should be subject to revision at the pleasure of the kanamdar or janmi if the object of the Bill is to give relief to the cultivating tenant. On the other hand, it is our duty while legislating that we must take the existing circumstances as they are and provide a measure of relief."

"Then, Sir, it is said, in support of this amendment, that there is no need to disturb the existing relations, that every opportunity would be given to the tenant for improving his land, and that these improvements would be taken into consideration at the resettlement. In the circumstances in which he is now situated, the tenant has no opportunity of investing any money for the improvement of his land. How could he be induced to put in more labour and money if you allow the existing state of things to continue? So that argument cannot hold water. We have fully considered all the aspects of the clause with a view to giving relief to the cultivating tenants and I do not see any change is necessary."

* Mr. S. ARPUDASWAMI UDAYAR:—"Sir, I have to differ from my hon. Friend Sir Patro on this motion. The Raghavayya Committee gave only a qualified fixity of tenure to the cultivating verumpattamdar. They no doubt speak of rack-renting in their report as prevalent in Malabar. But their anxiety to determine what the fair rent ought to be was strictly dictated by this qualification. If matters had stood there, perhaps there would be no room for much complaint. But as one of the members just now said, the whole structure has been seriously disturbed by the important clauses made by the Select Committee. Instead of qualified fixity of tenure recommended by the Raghavayya Committee, the Select Committee give now fixity of tenure unqualified in the sense that no option is given to the tenant to give up his

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lands if he felt he was being rack-rented. And secondly, the fair rent fixed by the Raghavayya Committee has also been altered to a large extent very much. The Raghavayya Committee had spent considerable time and labour in examining witnesses and after a very careful study of the conditions and, as one of the members said, after visiting several localities they arrived at a formula. And even this is somewhat departed from. Therefore one thing is certain, that this matter of fair rent is an apple of discord. My Friend Mr. Krishnan who objected to my statement on a previous occasion as taking sides with the janmis of North Malabar, is now supporting a janmi representative. In one sense he represents the tenant even better than my Friend, Mr. Raman Menon, who is an eminent lawyer and has considerable experience of such matters. I think it is very difficult to arrive at a very fair standard of what fair rents ought to be. Therefore, in view of the difficulty experienced the current rent paid actually by the cultivating verumpattamdar may be accepted. So, if this amendment is carried, at the end of 12 years, there will be ample time to take stock of the situation and arrive at a satisfactory solution. For this reason, Sir, I support this amendment."

* Mr. K. R. KARANT:—"Sir, I have to oppose this amendment. If there is any amendment which will wreck this Bill entirely it is this one, because the whole frame of this Bill depends on the fair rent. Some of us have been helping the progress of this Bill simply because we feel that it will go a long way to minimize rack-renting in that district. I am really surprised at the somersault of my hon. friend Mr. Krishnan on this point. I never expected this, because it was not a point which was urged by him at the Select Committee, namely, that the existing rent is quite fair and lower than the fair rent as fixed in the Bill."

"I may explain how and why if this amendment is carried the Government may as well withdraw the Bill. Sir, in regard to renewals of kanams, kuzhikanams and cultivating verumpattams, more or less an agreement has been reached on the understanding that it is to be three times or two and a quarter times the fair rent minus the existing rent or the michavaram as the case may be and I take it that the kanamdars have agreed to give two or three times and the customary verumpattamdars and kuzhikanamdars have agreed more or less to give such a renewal fee because the fair rent is going to be much less than the existing rent. On the other hand, if the fair rent is to be the existing rent, as per Chapter IV, all these persons will have to pay very much more than they expected and therefore the Bill may be taken to be practically wrecked at this stage itself."

"The question now is whether there is rack-renting in Malabar. We know, Sir, that there is rack-renting in almost all districts of the Presidency so far as ryotwari lands are concerned and that fact that the cultivating man suffers from rack-renting cannot be gainsaid. In Malabar, however, the conditions are very peculiar as there are a large number of intermediaries between the landlord and cultivating tenant such as kanamdars, sub-kanamdars and so on. Since every one of these intermediaries must have a share of the profit from the land and the janmi must have his rent, rack-renting prevails to a large extent. The Raghavayya Committee went into this question and have summarised their views at page 42 of their report, paragraph 87:

'All these provisions would be of little avail to the tenant if he is to be allowed to be rack-rented, and therefore, an integral part of the scheme should be a provision for the determination of fair rents giving a guarantee to the tenant that he shall have a fair return for his toil and interest in the land. The Committee, therefore, has determined that fair rents should be defined.'

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"Sir, the Committee as a whole is of opinion that there is rack-renting despite the minutes of dissent of certain members. Then, one of the members of the Committee Mr. V. K. Menon in his dissenting minute at pages 103 to 105 says that there is a great deal of rack-renting and that while the Government had fixed more or less in the year 1803 at the time of the first settlement in Malabar what the Government share of the produce ought to be, they never fixed or laid down any maximum so far as the share which the landlord could take from the cultivating tenant is concerned. He was of opinion that there was a great deal of rack-renting in the district. Now, the question is whether there is going to be any attempt on the part of the legislature when it is going to give a sort of fixity in the district, to interfere and see that present rack-renting is reduced. That is a vital matter and I submit this amendment has to be opposed.

"One more point I wish to answer and that is the point raised by the last speaker. He said that very great changes had been made in the Select Committee in regard to fixity of tenure. I do not agree with him. All that has been done in the Select Committee so far as fixity of tenure to the cultivating tenant is concerned is this: The former provision was that either party may apply to a court for a decision. There was no option left and fixity was to be given. Now what the Select Committee has done is, instead of driving the tenant or the landlord to the court for this purpose, it has given *ipso facto* under this Bill, fixity of tenure to all people. Except to that extent, so far as the principle of fixity is concerned, I do not think the Select Committee has made any substantial change at all. It is only a change in the matter of procedure. I do not wish to say anything more at this stage. I request the House to vote against this amendment."

* Mr. K. UPPI SAHIB:—"Mr. President, I heard the hon. Members Mr. K. Krishnan, Mr. Raman Menon and Sir Patro. They wondered at the attitude which Mr. Krishnan has taken. But it was not a surprise to me. He wanted to take the House stealthily and commit it to a very confiscatory act. It is clear that he is not interested in verumpattamdar and the customary verumpattamdar. He is interested only in the tenants of kuzhikanam lands and he wanted stealthily to confiscate every part of the future produce belonging to the janmi on garden lands."

Mr. K. KRISHNAN:—"A word of personal explanation, Sir. I did not support this motion because I thought that this was a motion which was going to . . ."

* The hon. the PRESIDENT:—"The hon. Member is arguing. It is not a personal explanation."

Mr. K. UPPI SAHIB:—"Any increase or decrease of fair rent in regard to paddy land is not going to be very high or very low; but in regard to garden lands the case is different. There are growing trees in all gardens of North Malabar which though not yielding now, at the time of the last renewal, will be yielding before the next renewal and it is to deprive the janmi of his share of this future yield that Mr. Krishnan has supported this amendment. I request the House not to be a party to such a confiscatory measure."

* Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, if I rise to take part in this discussion it is not because I come from North Malabar or South Malabar or because I was a member of the Select Committee. I am a lay

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member of this House so far as this question is concerned and when I am asked to differ from the decisions of the Select Committee, I want to be perfectly convinced for doing so.

"My Friend Mr. Krishnan seemed to claim that the interest of the verumpattamdar required this amendment, but I felt even at the beginning that this Act would not have been necessary if this was the fact. This Act is being attempted to be enacted because there has been rack-renting and conditions in Malabar have been adverse to the lowest in the rungs of the tenantry. The counsel of Mr. Krishnan appears to be a counsel of despair. He said that in this Bill what is attempted to be done is: that the present rent should continue for 12 years for the reason that the financial budgets of certain families would be affected; that the fair rent as enunciated by this Bill at present would be higher according to the calculation of Mr. Krishnan and that this would involve a great deal of litigation. On all these questions, one is inclined to be sympathetic, but so far as I can see, they do not stand real scrutiny. In the first place there is an opinion that the fair rents that are fixed by this Bill are not so high as the rents that obtain to-day and it is agreed even by the janmis' representative that in certain places it will be higher and in certain other places it will be lower. Therefore if a question arises as to whether the fair rent that is now decided should be fixed at what it is decided to be or whether there should be a lowering, then we could discuss the question and not till then.

"As regards the present rent, I feel that the House may take the 12 years period into consideration when that arises and vote it down. I hope that Mr. Krishnan will have an opportunity to vote it down with the help of those who are sympathetic to the verumpattamdars.

"With regard to difficulties of litigation, I am almost sure that there will be a good deal of that under this Act whatever form it may take. There appears to be a very good ground to apprehend that litigation will materially increase in Malabar before this Act becomes a settled fact. But that seems to be inevitable as there are very many difficulties. So far as the three points I have mentioned are concerned, I feel unconvinced by the arguments advanced by Mr. Krishnan. I feel that he despaired of the situation and said to himself: 'What does it matter; We have to suffer for another 12 years. Let us, at any rate, suffer till it is revised. Let us take our chance in the future.' But that is not the real spirit of this legislation. After this Bill has become an Act we have very carefully to consider the question and do what is possible to the verumpattamdar and to the men in the lowest rungs of the tenantry. I do not know whether this amendment of Mr. Shetty is inopportune at this stage. I do not know whether this would not have been best to come at the end. Whatever it is, I am not prepared to support this amendment for this reason that I have no counsel of despair in this matter.

"With regard to the arguments advanced by the representative of the janmis, I feel sorry that they are after all make-believe arguments. I have very great difficulty in understanding him. He has given notice of amendments which make it clear that he wants very much more as fair rent than what is being conceded under this clause. If he was enamoured of the verumpattamdars and the tenants lower down and if he thought that the fair rent that is fixed by the clause in this Bill was higher than what is obtaining today, I should have expected him to be generous towards them and not give notice of these amendments. Having given notice of these amendments . . ."

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Mr. E. SANKARAN UNNI :—" May I rise . . . "

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

Mr. G. HARISARVOTTAMA RAO :—" I am not prepared to yield. As he has given notice of these amendments, I feel that I cannot take his argument very seriously. At any rate I feel that in this case, more especially in the case of fair rent, it is necessary that the Council should be very careful."

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" I heard some friends remark that on the analogy of the Estates Land Act, the present rents might be accepted. But we are legislating for a particular tract of country which has a very complicated system of land tenure. Here it is not merely a question of landlord and tenant, but it is a question of the landlord at one end and the verumpattamdar at the other end with a number of middlemen or intermediaries or men holding co-partnership in between them. Also there are a number of customs in the country in the matter of settled rents. I am sure, Sir, that these customs have been considered in defining ' fair rent ' in this Bill. I feel, Sir, that whatever the analogy of the Estates Land Act may be, if we are attempting to put a stop to rack-renting it must be done in an effective manner. We ought not to take the example of an Act simply because it is there ; we should see whether the present rates are fair rents. Once we grant that these are fair rents the tenant will have, in future, very little claim to get below these rates. I am sure that every effort will be made by those at the top to establish these rents, to make them the patrimony of the more influential landlords and to treat them as the rock-bottom of rents in regard to these lands. If, as is pointed out, it is true that rack-renting prevails to-day in Malabar and if it is bad, so bad as to require this legislation, it is necessary that we must forthwith face the question carefully and with diligence. It is no good thinking in loose terms ; it is no good thinking in terms of desperation ; it is no good thinking of the power that the Government possess to rule out every amendment that is being brought. I hope the hon. the Revenue Member will be sympathetic to us when the whole question arises as to the limit of the period of 12 years . . . "

* The hon. the PRESIDENT :—" The hon. Member is asked to confine himself to this amendment and postpone his recommendations to the hon. the Revenue Member."

Mr. G. HARISARVOTTAMA RAO :—" That is only by the way ; . . . "

The hon. the PRESIDENT :—" I cannot allow the hon. Member to make those remarks."

Mr. G. HARISARVOTTAMA RAO :—" Before I am convinced about the utility of this amendment, I feel I shall not be in a position to support the amendment that has been moved by my hon. Friend, Mr. Shetty. One thing is clear, and it is this : The tenant has to be protected against rack-renting under which he suffers to-day and every step must be taken in legislation that will effectively stop that rack-renting. It is no good to allow this rack-renting to go on for another 12 years or interminably and to that end we must devise means. This should not be accepted and our duty is to throw it out."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, I think I must oppose this amendment as it is against the framework of the Bill as it is drawn up. The Raghavayya Committee, in recommending a sort of occupancy right to be given to the tenants, considered that, so far as the janmi and the kanamdars

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were concerned, the present rents should continue to be paid. At the same time they wanted to secure to the tenant, the actual cultivator, the profit of the share of the produce which will represent the capital that is invested, the labour that is involved and something to lay by. It is with that view they considered the custom of the country and laid down certain principles to fix the fair rent that the person occupying the land should pay to the landlord. Instead of recommending that this fair rent should be fixed immediately, they recommended that the present rent should be continued for a period of 12 years, the reason being evidently that if fair rents are introduced straightaway, it may reduce the income the landlords are getting now and that a period of 12 years should be allowed to the landlords to adjust their budgets. If any Member has got any difficulty to understand the point that the tenants, the actual cultivators in Malabar, are being rack-rented, I throw a challenge to the landlords and it is this : will they accept the proposition that fair rent should be fixed straightaway from to-morrow or after the Bill is accepted and passed ? If they do so, then that will be evidence of some bona fides on their part. . . . "

Mr. E. SANKARAN UNNI :—" On what conditions he would ascertain the rent ?"

Rao Bahadur B. MUNISWAMI NAYUDU :—" They are there in the Bill."

* The hon. the PRESIDENT :—" The better course will be not to yield."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Fair rent provides to secure for the actual cultivator one-third of the produce after deducting the cultivation charges. I know that there is some strong feeling on the part of tenants and their advocates that what is laid down as cultivation charges, i.e., $2\frac{1}{2}$ times the seed required, is not sufficient ; they want more. If they want more, the remedy is to table a better amendment to the effect that the proper expenses of cultivation should be allowed."

" We have also to consider one other thing. It is true that, in the case of existing lands, you know the rents that are paid. What about lands to be let hereafter ? It is open to the landlord to prescribe whatever rent he likes. We are only trying to see that in such a case the tenants pay only fair rent. If we accept this proposition, it will come to this : every landlord will be entitled to fix whatever rent he likes, however high it may be. The amendment of Mr. Shetty does not contemplate giving relief in such cases. With regard to the period of 12 years, it is provided in the interests of the landlords ; it is not in the interests of the ryots. If the tenant is now paying low rent, then at the end of 12 years the rent that is fair will be fixed. If he is paying high rent, he will be relieved of the excess at the end of 12 years. The landlord has got good tenants and bad tenants, tenants who are rack-rented and tenants who are not rack-rented. With regard to the payment of renewal fee we have fixed a multiple of the rent that is paid. Therefore the rent that is paid must be fair. If the definition of ' fair rent ' in this clause is taken away, the whole Bill will have to be redrafted on some other principles. If we accept this amendment now, it will destroy the Bill."

* Mr. J. A. SALDANHA :—" Sir, I am rather surprised at the speech of my hon. Friend, Mr. Karant, opposing the amendment of Mr. Shetty. I strongly support it. First of all, my hon. Friend from South Kanara, Mr. Karant, did not make a condition in his arguments that the proviso to section 28 should be deleted. If he had done so, his arguments would be reasonable. We

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must bear in mind that there is a proviso to that section; it was accepted by the Select Committee in spite of the protests of myself, Sir Patro and others. As long as that proviso is retained, it is a stumbling block to us; because if fair rents have to be fixed, we have to go to the court but the fair rents fixed can come into force only twelve years hence. Till then the present rates have to be collected. The formula that has been fixed is absurd; it is altogether unworkable and unfair. What my hon. Friend, Mr. Shetty proposes is this; just as is proposed by the Select Committee let us treat the present rent as fair rent for a period of the next twelve years. In the Bill of Diwan Bahadur Krishnan Nayar and the Cochin Regulation there is the same provision. After a period of twenty years or twelve years the present rates ought to be revised. That is, either the tenant or the landlord must go to court and ask for either reduction or increase of the rent, for reasons which are laid down generally with regard to resettlements. The Government have got certain rules for increasing or decreasing the assessment. The extent of land cultivable and cultivated, the rise of prices and so many other considerations have to be taken into account by a Settlement Officer while increasing the assessment. The same principles are observed in applying the Estates Land Act while increasing the rent and fixing fair rent. I think those conditions under which the rent is to be revised will be much simpler, more rational, understandable and workable than the unworkable formula drafted by the Raghavayya Committee. As I have told the House, I am not enamoured of either their Bill or their report. It is one of the most unworkable Bills. It has been found by almost all the people concerned to be a very cumbrous, complicated and unworkable Bill. What I say is this; twelve years' period is proposed by the Committee. Twelve years hence each party will have to go to the court and ask it to increase or decrease the rent. The same will apply to michavaram also. We never objected to the provision in the Bill of Diwan Bahadur Krishnan Nayar . . .

* The hon. the PRESIDENT:—"I request the hon. Member to confine himself to the amendment before the House."

Mr. J. A. SALDANHA:—"The amendment of Mr. Shetty is the same as the provision in the Bill of Diwan Bahadur Krishnan Nayar. Mr. Shetty wants to reproduce the same provision here. It was not objected to either by the Select Committee or by the Government. I think that is one of the sections which were passed without the least objection. I am glad I agree with what has been said by Mr. Sankaran Unni. I am surprised, pleasantly surprised, that Mr. Krishnan has climbed down from the high position he occupied as a member of the Raghavayya Committee. I challenge anybody to say that its formula is workable. The amendment proposed by Mr. Shetty will enable us to escape from the impasse in which we are placed by the present cumbrous, useless and worse than useless formula. I strongly support the amendment."

* Sriman BISWANATH DAS Mahasayo:—"Mr. President, Sir, we, in this House, are accustomed to surprises. My hon. Friend, Mr. Saldanha, with the best of intentions, has been a surprise to us on this side of the House today. His attitude seems to pluck out a plant which is stunted in growth. We want to manure it and see whether it will not improve."

"My hon. Friends want to take a very important step by proposing this amendment. They want to substitute contract for the provisions of this Bill. Sir, it has been the basis of all tenancy legislation that tenants should

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be protected from the oppression of the landholders as also from the encroachments of the landholders by various suitable and necessary provisions. If you now take away this item, there is practically no necessity for any tenancy legislation in any part of the country. I say tenancy legislation of any kind by itself contemplates a sort of protection of the interests of the tenants. But what is the present amendment? It takes away all essence from the Bill. I can quote various sections of the Estates Land Act in which provision has been made to the effect that rents should not be approved unless determined by the law courts, even in cases where such rents have been accepted both by the landholders and the tenants. Such a provision exists not only in the Estates Land Act but also in the Bengal Tenancy Act as also in various other similar Acts in India. The substitution of this clause for clause 5 would mean practically leaving the verumpattamdar who is the poorest of the poor tenant in Malabar at the mercy of the janmi and even of the kanamdar, because he is also an intermediary landlord. I have not got much to say about the kanamdars, because my feeling throughout has been that the verumpattamdar has not been properly protected.

"My friends have quoted the Raghavayya Committee. The Raghavayya Committee has unanimously stated that the tenants have been rack-rented. I ask the representatives of the janmis here: can there be any stronger reason, having regard to the Raghavayya Committee's verdict, against the substitution of contract for the provisions in the Bill? According to my friend Mr. Saldanha, the provisions of this Bill are not satisfactory. We are not also satisfied; so, we shall move our amendments, try to convince the House, and then vote upon those amendments when time comes. But that is no reason why you should throw off the Bill into the Bay of Bengal. I would appeal to my hon. friends Mr. Saldanha and Mr. Krishnan—his somersault has not been a surprise to us—not to support the amendment. The Raghavayya Committee has made a confession that the tenants have been rack-rented—a committee which was composed of janmi representatives to such an extent that even my friend the hon. the Law Member who now adorns the Treasury Benches had to oppose its formation. That Committee was accused by the Law Member of having pro-janmi sympathies. When even a committee as that has found that the verumpattamdar has been rack-rented, I do not see any reason why hon. Members of this House should accept this nasty amendment. (Mr. E. Sankaran Unni: Nasty!) Yes, nasty. I deliberately call it nasty because it takes away all that is sense in the Act."

"I have a word more, Sir. Some of my hon. friends made a reference to the Estates Land Act. In that Act, sections 26 and 28, I believe, perpetuate the existing rent. That is of course a serious blunder which the then Legislative Council committed. I charge the present hon. the Law Member who was then a Member of the Committee with having wrongly given his sign of approval to this provision. What is the result? After a working experience of twenty or twenty-two years, hon. Members of this House realize that the tenants in the zamindari areas have been ruined. Are you going to repeat this measure, I ask? You have practically kept up here the spirit of the Estates Land Act. While that Act perpetuated the existing rent, you have kept the existing rent in this Bill going on for twelve years. Therefore, there is no use of saying that the interests of either the janmis or the tenants are affected."

"Sir, mention has been made by my hon. Friend Mr. Saldanha that this Bill will give rise to endless litigation. My submission to the hon. Members

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of this House is that so long as the hon. Members of this House make tenancy legislation irrespective of the welfare or the protection of the tenants—which are vital considerations—so long, you will be exposing both the landlord and tenant, to the misery of the law courts. Therefore, there is no use of shedding crocodile tears; the problem should be faced from a statesman's point of view. Every attempt has been made in this Bill to satisfy both the janmi and the kanamdar by giving them all sorts of concessions. As long as you take steps to satisfy both these classes, so long will you be exposing them both to the misery of the law courts. Therefore, to say that is to give a bad name and hang him for that. I think no case has been made out so far for the substitution of contract for the provisions contained in the Bill. I very strongly protest against this amendment being made, and I appeal to the hon. Members of this House and to Government to treat this amendment with the contempt that it deserves."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I feel I must oppose this amendment. So many Members have spoken on this amendment, who are coming from Malabar, and their statements are so discrepant and varied that it is almost impossible for one like me to understand what they really mean. I am not going to find out which Member is speaking the truth and which Member . . ."

Mr. E. SANKARAN UNNI:—"I protest against that statement, Sir, that one Member is speaking the truth and another is not."

* Mr. A. RANGANATHA MUDALIYAR:—"I am saying that I am not going to make that attempt, nor will it be possible to reconcile the statements where it is impossible to reconcile them. Either the rent now proposed by Mr. Shetty is lower than the fair rent proposed in the Bill, or it is not. The opinions of the Members of the Select Committee and the evidence that has been let in on this matter go to show that all this while they were under the impression that the fair rent as defined in the Bill was going to be less than the rent that is now being paid by the tenants. If, on the other hand, it is their contention . . ." (Mr. Sankaran Unni rose in his seat for interrupting.)

* The hon. the PRESIDENT:—"The hon. Member has no right to put questions."

* Mr. A. RANGANATHA MUDALIYAR:—"What I mean to say is this: If the rent which the Bill is going to fix for being taken from the tenants is lower than what it is at present, why should not the concession be given to the tenants? Further, they should be allowed to seek redress in a court of law and have the fair rent fixed within the period of twelve years. The landlords objected to it on the ground that their income would be reduced. If the rent proposed in the Bill is high why should not a maximum be fixed beyond which no rent should be asked for? These are the grounds, Sir, on which I feel compelled to oppose the amendment."

* Mr. K. KOTI REDDI:—"Mr. President, I am really in a very difficult position and unable to make up my mind on this question; because as the hon. Member from Bellary has put it, the Members representing the district of Malabar which is primarily affected by this legislation, themselves do not seem to be quite certain of the position. We have been under the impression that the actual cultivators in the district are being rack-rented. But when we

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find that the representatives of that class of people here are quite prepared for the continuance of the present rent, I fail to see how it is possible for us to arrive at a proper estimate of the situation in the district. It seems to me, Sir, that they are speaking in general terms and making statements which are perhaps applicable only to particular areas. I find from the definition of the word 'fair rent' that it is not possible to say whether the rent is really of the word 'fair rent' that it is not possible to say whether the rent is really of fair or not under all circumstances. The provisions made under section 5 of the Bill seem to me to be really fair. When you allow a proportion of four-fifths of the net or even gross produce to a tenant, I believe it cannot be said that the cultivator is not getting a fair amount for his labour. But when we come to section 6 relating to wet lands, for the conversion of which the tenant has not contributed any labour at all, the provision is made that the actual cultivator is to be allowed only one-third of what is supposed to be the net produce and it seems to me to be very inadequate. I say net produce, but probably what is really allowed under this section is not net produce. I might be mistaken in thinking that the conditions in Malabar are similar to the conditions in other districts so far as cultivation of wet lands is concerned. Unless I am mistaken, the provision that is made for the actual cultivation expenses, viz., $2\frac{1}{2}$ or 3 times, the amount of seed is absolutely inadequate and insufficient. My calculation, with regard to some of the wet lands with which I am acquainted, comes to about Rs. 100 for one acre of wet land; but the provision in this section of allowing $2\frac{1}{2}$ times the seed would not come to more than Rs. 10."

(At this stage the Deputy President occupied the Chair.)

"I do believe that the rents which are now being levied are fair in some cases. As a number of other considerations are brought into the discussion, we are unable to say 'yes' or 'no' to the question now at issue. Whatever that be, in a large tract of Malabar the rents that are now being paid to the landlord seem to be quite unfair. Very little is left to the tenant for him to make him sufficiently active or induce him to cultivate his holding better. Another provision which has been made in this Bill, namely, that the present rents can continue without any disturbance for another twelve years, seems to be quite understandable. The rents may be either fair or unfair. If they are fair, certainly the best thing would be to continue them for ever with a proviso if necessary to increase them by a certain percentage at intervals or when a necessity is felt. But if as some of us feel, they are unfair, why this position should be allowed to continue for a period of twelve years is a thing which I cannot really understand. Such being the case, Madam, unless we are assured by the Government that when we come to deal with clause 5, they are not prepared to insist on the present Bill being carried out without any amendments, it seems to me we are under a very difficult position to make up our minds on this amendment."

"It is possible that under certain circumstances and for a certain number of years, the present rents might be considered quite fair and adequate, but in some parts of the country the rents that are allowed under the present section might be less. I believe the Government will consider the situation that has arisen and will see to it, when amendments to amend some sections where we feel that the rents are very high are considered, that they treat those amendments with some sympathy and with this hope I feel that we have to vote against this amendment."

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* Mr. S. N. DORAI RAJA :—"Madam, it is very unfortunate that the Committee should have legalized these rack-rents on the ground that it gives time to adjust the budgets of the janmis. Only twelve short years are allowed either to increase their revenue by fair means or cut down their expenses. Those janmis who gave easy rents to their tenants should also suffer for their kindness. If there is rack-renting, this Bill is an absurdity and if there is no rack-renting it is harmless. I am afraid the Committee were aware that the kanamdars who were instrumental to get up this agitation not only wanted to expropriate the janmis but rack-rent the tenants. If the Committee, as it rightly suggests, is for fixity of tenure, it is curious why they were a party to perpetuate this rack-rent for twelve years. It seems the only remedy for this agrarian trouble, as Mr. Pate wisely suggests, is to provide for the compulsory purchase of land. After all when the representatives of verumpattamdars and of the janmis agree it is the safest thing for the House to agree with them and support the amendment of Mr. Shetty."

* Mr. A. KALESWARA RAO :—"Madam, I have to oppose the amendment because even taking the Madras Estates Land Act into consideration, it has gone still further against the interests of the tenants. Section 28 of the Madras Estates Land Act has stated that in all proceedings between the landlord and the ryot with regard to rents, the rents existing and the rents lawfully payable by the ryot till then will be presumed to be fair and equitable until the contrary is proved. There the ryot is given the right to show that he was forced to enter into contract unconscionably and to his disadvantage either by coercion or by undue influence at the hands of the landlord. Here, our hon. Friend Mr. Shetty says that the fair rent shall be whatever the tenant will contract with his immediate landlord. But he does not say that under certain circumstances the tenant can back out of the contract and say to the court that the contract was not entered into under proper and fair circumstances. If we accept the amendment every rent that is agreed to by the tenant with his immediate landlord should be enforced and should be paid by the tenant for all time to come not only to the janmi, but to the kanamdar, kuzhikanamdar, intermediary sub-kanamdar or whoever his immediate landlord may be. It may be said that under the proviso to clause 28 of this Bill the cultivating verumpattamdars are obliged to pay the existing rent for twelve years. If the advocates of the verumpattamdars feel it proper, they can propose an amendment to omit that proviso altogether. It is now admitted—at any rate that is the presumption upon which we are proceeding—that the fair rents proposed under clauses 5, 6 and 7 are lower than the rent paid on the average, of course omitting some cases which are rack-rented and also taking into consideration those cases in which the rent is lower than the rent that is paid on the average by the verumpattamdar to the immediate landlord. In every case of contract, the verumpattamdar will be at a disadvantage. If the Bill becomes law, naturally he will agree to whatever the terms may be proposed by the landlord whether he is a janmi or a kanamdar and therefore naturally the tenant who will come into the possession of the land hereafter will be at a disadvantage. The verumpattamdars will be also at a disadvantage after twelve years, after which they have a right to claim fair rent proposed under the Act. Therefore the amendment proposed is not at all advantageous to the verumpattamdars whose interests we are all bound to take care of more than those of others, because they are the helpless and the down-trodden and oppressed people and our duty it is to improve their lot."

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Mr. A. ACHUTAN :—"Madam, I believe I have a right to say what I have got to say on this point. I feel as though I am between two stools. There is this amendment which has been supported by so many and opposed by so many. Of course as the amendment stands, there is much in it that is agreeable to the tenant, but I must see the other side of it also. I have in my possession as many as 35 documents and leases which I have gathered from North Malabar to verify for myself and for the tenants concerned and to see how far the fair rent provided in this Bill compares favourably or unfavourably with the current rent. I have those documents in my possession and I have worked them out and satisfied myself—and I have also satisfied a large number of people—that the current rent that they are obliged to pay under this legislation is much below the fair rent provided in the Bill itself. And yet the janmis are shedding crocodile tears. I may tell a truth that in regard to the fair rent proposed under this chapter of the Bill, the poor tenants consider themselves as between the devil and the deep sea. Speaking on behalf of most of the tenants of North Malabar I may say that they welcome this Bill in its present shape and form with of course some modifications in detail. I suppose when we pass this Bill, it will be beneficial to the verumpattamdars and kuzhikanamdars of Malabar. Therefore although the current rate that they are paying is much lower than the fair rent that is provided in this Bill, they are prepared to accept this provision with some modifications. Therefore, I say this measure must not be delayed longer and the sooner it is passed the better will it be for the cultivating verumpattamdars of Malabar. Therefore this amendment which goes to the very root of the principle of the Bill, ought not to be allowed."

The Council then adjourned for lunch.

After lunch (2-35 p.m.).

The hon. the Deputy President was in the chair.

* The hon. Mr. A. Y. G. CAMPBELL :—"Madam, I fear that Government cannot accept this amendment, because it strikes at the whole scheme on which this Bill is based. The Raghavayya Committee on whose Bill the Government Bill is based suggested in the first place that cultivating verumpattamdars should be given a qualified fixity of tenure."

Mr. G. HARISARVOTTAMA RAO :—"On a point of order, Madam, Deputy President. There is no quorum."

(Then the bell was rung and the quorum was formed.)

* The hon. Mr. A. Y. G. CAMPBELL :—"The Government cannot accept this amendment, because it strikes at the root of the scheme on which this Bill is based, viz., the scheme drawn up by the Raghavayya Committee. The Raghavayya Committee proposed to grant a qualified fixity of tenure to cultivating verumpattamdars, the fixity of tenure being qualified by certain restrictions which give the landlord the right to evict the tenant in certain circumstances. The Committee proceeded to say 'All these provisions would be of little avail to the tenant if he is to be allowed to be rackrented and therefore an integral part of the scheme should be a provision for the determination of fair rents giving a guarantee to the tenant that he shall have a fair return for his toil and interest in the land. The Committee has therefore

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determined that fair rent should be defined'. The amendment which has been brought before the House would continue the existing rents indefinitely subject to certain provisions to be brought forward in future for the alteration of the rent. I understand that is a scheme which is proposed. That is entirely a new scheme. The scheme of the Bill is to enable fair rent to be fixed without driving either the landlord or the tenant to court for the purpose. It is perfectly true that for the time being we do not propose in the Bill that fair rent should be effective for twelve years so far as cultivating verumpattamdar is concerned, but it does affect other matters such as renewal fee, etc.

"Further the amendment as put forward makes no provision for what is to be done as regards lands which are not leased at present or as regards lands in respect of which further intermediaries may be introduced in future between the present landlord and his tenant, e.g., if a janmi leases land on kanam subject to a cultivating tenant's rights.

(At this stage the hon. the President took the Chair.)

"My hon. Friend Sir Parasuram Patro seemed to think that the amendment which the Government accepted yesterday in the definition of wet lands renders clause 5 of the Bill unnecessary. I regret that I am just unable to follow his argument. Wet land is now defined as land which has been adopted for the cultivation of paddy. Clause 5 contemplates two classes of wet lands, viz.—(1) land which has been converted into wet by tenants' labour, and (2) lands which have not been converted into wet by tenants' labour, that is to say, lands which have been converted into wet by landlords' labour or at the landlords' expense. The latter case falls under clause 6 and the former under clause 5. I cannot see how the question whether the land is registered in the Government register or not affects the question whether land has been converted from dry to wet by tenants' labour or by landlords' labour. As I have stated, it is necessary for the Government to oppose this motion as it strikes at the vital part of the scheme."

The amendment was put and negatived.

* Mr. K. R. KARANT:—"I beg to move the amendment that stands in my name—

'Delete sub-clauses (a) and (b) and substitute the following:—

"one-fifth of the difference between the annual gross paddy produce of the land and the cost of cultivation".

"The existing clause in the definition of fair rent says that the cost of cultivation (though it is not stated as such) is to be covered by three times or two and a half times the seed as the case may be. I therefore, submit though I have tabled amendments in the same fashion under both clauses 5 and 6, the question may be discussed once and for all. The Bill as now amended does not make much difference between the old Bill, that is the original Bill and this one. For the cost of cultivation the Bill provides in the case of clause 5, that is to say, where dry lands have been converted into wet by tenants' labour, for the first 20 years at three times the seed required, and after that at two and a half times. Similarly in clause 6 it should be two and a half times throughout. I do not propose to raise the issue again with regard to clause 6. The whole question may be decided once for all. What I propose instead is that the cost of cultivation should not be fixed either at three times for 20 years or at two and a half times the seed for the period after that, because I feel—and from the figures I

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shall lay before you you will see—that $2\frac{1}{2}$ or three times the seed are grossly inadequate for the cost of cultivation. How the Government have arrived at two and a half times seems to be like this: some of the representatives of the tenants at the conference asked for three times the seed. The janmis were prepared to give two times. The Government seem to have added three and two and divided it by two and thus arrived at $2\frac{1}{2}$. A very similar instance we find when we come to renewal fee. The janmi wants three times the renewal fee and the tenants want $1\frac{1}{2}$ and the Government compromised it at $2\frac{1}{2}$. That is the only principle underlying it. I submit that either two and a half or three times the seed are grossly inadequate, and the question of cost of cultivation should be left to be decided either by parties by agreement or by the court which has to decide various other matters. For example, the gross produce has to be determined by the court, and as the clause stands at present it has to take into account the gross produce within the previous three years. Similarly it has to take into account the seed required though it may be defined as customary seed. What customary seed is is again a matter on which evidence has still to be taken. In these circumstances, I do not think it will be very difficult for the court to come to the conclusion as to what the cost of cultivation should be. I submit that in the case of wet lands of different qualities the cost of cultivation varies largely. If one goes through the Malabar Gazetteer one will find that the cost of cultivation is not a constant figure and it cannot be otherwise; $2\frac{1}{2}$ or three times the seed will be grossly inadequate. This will also be seen from the figures which I shall lay before you. At the last settlement that was conducted in Malabar in 1893 or 1894 the cost of cultivation was a factor which was taken into consideration as it has been in other districts and this we find from a representation made by the Kerala Mahasabha, the ryots' representatives, in the year 1893, to the then Settlement Officer, Mr. Moberley. In giving details of the cost of cultivation for one acre of wet land, they say that the cost of seed required, viz., $7\frac{1}{2}$ paras was Rs. 3 whilst the total cost per acre was Rs. 27-11-7. This works at a little over nine times the cost of seed. I do not think it is fair on the part of the landlord now to say that the cost of cultivation has become very low. I may state in this connexion that I might be offending a little my friends who represent the kanamdars here when I say that the interest of the kanamdars and the janmis both lies in getting as much as possible from the cultivating tenant. That is a fact, and I hope they will excuse me for making that statement, and therefore it is that the tenants' representatives seem to be quite satisfied with three times the seed and the janmi representatives with two times, though the actual cost of cultivation is very much more. I shall now give the figures which were relied on by the Government in fixing the rate of assessment at the last settlement of the district of Malabar. Says the Settlement Report:—the cost of a pair of tilling cattle is Rs. 80 on an average, they last for ten years and ultimately they sell for Rs. 10. (These may be correct in 1894; but to-day we cannot get them at that price). A pair of cattle can plough two acres and for ploughing the cost is Rs. 2. The report then goes on to enumerate the implements of cultivation, such as the *mamutti*, the *charittumaram*. The total cost is Re. 1-5-0 per acre. For broadcast sowing it costs 193 edangalis and for transplanting a little more. The total cost comes to about Rs. 12-1-8 per acre, whilst the cost of paddy for seed is Re. 1-10-3. And this works to $7\frac{1}{2}$ times the cost of seed.

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"So I submit it is ridiculous to say that two times or three times are more than sufficient for the cost of cultivation. Now this is not a thing peculiar to Malabar. I know to some extent my own district—I am glad the hon. the Finance Member, who took some part in the settlement of my district is here—there also, the conditions are not very dissimilar from Malabar. According to the G.O. No. 753 of 1902, which sanctioned settlement in my district the total cost comes to Rs. 13-3-1 per acre."

* The hon. the PRESIDENT:—"Order, order. Hon. Members are not justified in referring to the cost of cultivation in their own districts. The only matter for consideration is regarding Malabar land tenures. South Kanara is out of the question."

Mr. K. R. KARANT:—"My humble submission is . . ."

* The hon. the PRESIDENT:—"I cannot allow that."

Mr. K. R. KARANT:—"In my district the cost of cultivation fixed by Government is exactly $8\frac{1}{2}$ times the cost of seed. Therefore I submit that the cost of cultivation should not be two and half times or three times the cost of seed, as that is too small a figure for the real cost of cultivation as a whole. And in regard to the cost of cultivation in Malabar I may say that the principles of settlement work very largely for the benefit of the landlord when we consider the actual low assessment he is paying. I may here mention that the principles of settlement are set forth in pages 331 and 332 of the Malabar Gazetteer."

'In order to fix the money rates on wet lands paddy was of course taken to be the wet crop and after numerous experiments the outturn was estimated to vary from 900 to 200 Madras measures per acre. The outturn thus determined for each class and sort of soil was converted into money, at a rate calculated upon an average of the prices of the twenty normal years ending with 1892-93, reduced by 15 per cent to allow for cartage and merchants' profits. A commutation price of Rs. 125 per garce of 3,200 Madras measures was thus arrived at.'

"I will submit here that the price of rice has now risen eight times. Then to continue the extract from the Gazetteer:

'Reductions of 15 per cent for vicissitudes of season.'

[The House must remember that there is no such thing as remission of rent by the landlord to the tenant under the Bill. He has to pay every pie of the rent, whereas in the assessment to be paid to Government, Government have taken into consideration the vicissitudes of seasons and have allowed 15 per cent for that.]

'and unprofitable areas, of cultivation expenses, and of one-third of the remainder for the cultivator's share, were made from the gross value; and six-tenths of the remainder was taken as the share due to Government.'

"Now the chief point we should remember is that in fixing the assessment Government have given a very liberal share to the landlord for the cost of cultivating operations and also for the vicissitudes of seasons, and if we are to fix at two and half or three times the cost of seed we shall be making no allowance for any of these things, and therefore I think that question of determining the cost should be left to the court to decide. I do not think the argument that the courts will find great difficulty in fixing, will hold water. We have already left to the courts to decide subjects like the fixing of fair rent, and I do not think it will be difficult for them to decide this thing also. I therefore request hon. Members to support this amendment. When we

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have once recognized that the rents in Malabar are more in the nature of rackrents, it is our duty to see that they are made fair not only in name but also in fact."

Mr. G. HARISARVOTTAMA RAO:—"I second the motion."

* Mr. K. P. RAMAN MENON:—"Mr. President, I am unable to support the motion of Mr. Karant, and I am fully aware that I will be open to the charge of being an advocate for the kanamdars (Laughter.) I wish to lay a few facts of the case before the House, and in doing so I would draw your attention to a few notes at page 140 of the Raghavayya Committee Report. Take heading 5 at that page. It runs thus:—'Verumpattam directly under the janmi. Verumpattam, 480 paras. Extent—40 paras, seed land (wet). The Lessee has paid the janmi Rs. 300 as advance for one year's rent. The janmi pays the assessment. To the wet land is attached a small paramba and a hut. The paramba is used as a kalam. According to him he got 400 paras in the first crop and five or six rupees worth of straw. This is a double crop land. He says the usual yield for the second crop is half of the first crop. The expenses of cultivation for both crops—150 paras.' Thus it comes to this, that a land which has 40 paras area has an expenditure of 150 paras, $3\frac{1}{2}$ times."

"Take the next case, instance No. 2 under V. 'Extent of demise—50 paras of wet land and two or three acres of paramba. Verumpattam to be paid to janmi—620 paras. The total gross yield of the land is about 800 paras and the cultivation expenses—200 paras.' So that for an extent of 50 paras the cultivation expenses come to 200 paras, i.e., fourfold. Then in instance 3, the extent is 55 paras of land and the cultivation expenses—150 paras, i.e., a little below threefold. Then at the bottom of page 141, we have an instance from North Malabar. On an extent of land amounting to 325 edangalis; gross yield—2,000 to 2,500 edangalis, coolies and cattle are employed at a cost of Rs. 125 a year. Manure costs Rs. 20 a year. When we work out these figures it comes to little more than three times. Then turn to page 145, and there again you see that for 75 paras double-crop land he got 905 paras gross. The seed for these 75 paras costs him 80 paras, and the labour, etc., cost him 100 paras, i.e., the total cost is 180 paras, i.e., the cost is below three times. Then turn to page 146, and in the middle of the page you read thus:—'Verumpattam—35 paras of field on a muppattam of Rs. 400. Yields gross income of 500 paras of paddy less 20 paras of seed, 35 paras of paddy as coolie, and the interest on muppattam 47 paras of paddy. Has to pay a pattam of 350; hence the profit is 48 paras of paddy.' Thus you see here too it comes to twice the seed. There is an instance given from Kollengode where you will see that $3\frac{1}{2}$ times is necessary for cultivation in the hilly tracts and $2\frac{1}{2}$ times in other parts."

"This is the evidence that has been laid before the Raghavayya Committee, and from this the House will be pleased to see that as a matter of fact the cultivation expenses range from about four to about two times the seed required. Of course it is not possible to have the same conditions prevailing in all the areas of Malabar, and therefore naturally there is this variation in the expenses of cultivation here and there. So that as far as one can see from the evidence let in before the Raghavayya Committee, the estimate made

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by the Government as embodied in this clause is not unreasonable. So, I submit, there is no room for disturbing the provision made in the Bill in regard to this matter."

* Mr. K. KOTI REDDI:—"Mr. President, I am surprised at the way in which the calculations have been made in connexion with this matter. I thought that the Government in coming to a conclusion as to what is the net profit that a ryot or a pattadar who owns land derives, would include in their calculations the amount of labour which the family itself contributed for that purpose. But now in these calculations the labour which the family of the ryot has put on this land has been altogether excluded. (Mr. K. P. Raman Menon:—"Only in one instance".) And how is it possible to come to a conclusion as to what exactly is the cultivating expense if the labour of that family is excluded? As I have already said, unless the conditions in Malabar are so very different, it seems to us that the amount of $2\frac{1}{2}$ times or 3 times the seed that is required for sowing the paddy fields that is now allowed as cultivation expenses is ridiculously low. As my hon. Friend Mr. Karant put it, even from the Government calculations it appears that 7 to 9 times the seed is ordinarily required for the cultivation expenses. I believe, Sir, knowing as we do that the Government sometimes will give the minimum calculation for this purpose, even that is not sufficient. From experience of the different districts, and especially from the experience that I have of my own district I think that at least Rs. 100 to Rs. 150 is necessary for cultivation expenses per acre. I know one or two places in which the wet lands under the Cuddapah-Kurnool canal have to be sold for Rs. 80 or Rs. 100 an acre; I have done it myself. And when I enquired what the matter was, the ryots actually told me, and I had to believe them, that after deducting the expenses of cultivation nothing remained to them except the hay. And I know, Sir, as a matter of fact, under the very same canal when the ryots have to cultivate the fields with the labour of others it costs them not less than Rs. 120 to cultivate an acre. And as such I fail to understand how it is possible to meet all the cultivation expenses if it is to be fixed at two times or three times the seed that is necessary for sowing in the fields. I therefore feel, Sir, that the provision made for cultivation expenses is absolutely inadequate and if these provisions are to be allowed as they are, I believe an amount of injustice would be done to the cultivators which it would not be possible to remedy in the near future. But at the same time, although from a purely theoretical point of view it is much better to take the net profits into account, ordinarily it leads to all sorts of difficulties for calculating what exactly is the net income that one would get from his field. So, Sir, I believe it would be much better if in fixing what is exactly the fair rent for each field instead of taking the net income into account, we fix a certain definite proportion of the gross produce of each field. I think it will put an end to a lot of difficulties. It is within the experience of many of the hon. Members of this House that ordinarily in ryotwari tracts when a pattadar owns more fields than what he can cultivate, he leases them out. In many cases, and in many districts the practice is to get a certain definite proportion of the actual gross produce for rent. I fail to see what difficulties there are in adopting this method. It is the easiest and the simplest method; we will know definitely what we are to get, and the ryot will also know definitely what he is to get. All that is necessary is that the landlord should

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go to the threshing floor where the paddy is gathered and kept and take a definite proportion, whatever it is. I find, Sir, notice of some amendments has been given in this connexion. Mr. Sankaran Unni has given notice

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* The hon. the PRESIDENT:—"I do not think the hon. Member will be justified in anticipating the debate."

* Mr. K. KOTI REDDI:—"It is my belief, Sir, that instead of trying to calculate the net income of each field, it would be much better in the interests both of the ryot and of the landlord to fix a definite proportion as fair rent, a certain proportion of the gross produce which each field yields. Both the ryot as well as the landlord will be interested in increasing the yields. Each of them will know that whatever increased crop is produced on each field by the amount of labour or supervision that is put on it would benefit each one being the case, I fail to see why a definite proportion of the gross produce of each field should not be fixed up as fair rent. I find, Sir, that instead of allowing as cultivation expenses three times the seed required for the said land for the purpose of arriving at the net income and omitting in the definition of gross produce all the words 'produce obtained after paying the expenses of reaping' we can very well come to a conclusion that one-fifth of the gross produce should be taken as fair rent for the purpose. What actually the cultivator loses in omitting two and a half times or three times the seed required for the said purpose under section 5, he gains by omitting the words 'after paying the expenses of reaping' under section 4, if we definitely fix it as one-fifth of the gross produce. Both in the interests of the landlord and the interests of the tenant, I make this suggestion for the consideration of the House."

* Mr. K. KRISHNAN:—"Sir, I do not propose to take up the time of the House very much. All that I wish to say is this. The Bill as prepared by the Government and as amended by the Select Committee states that the expenses alone have to be taken into account. All that I have to say is that there are different kinds of lands. Sandy soil, for instance, requires very little cultivation expense, whereas a clayey soil requires three times that amount. In the Bill you say that $2\frac{1}{2}$ times the seed including the seed for cultivation expenses is sufficient to meet all cases which come under this Act. Of course the Commissioner will go and value the gross produce, and he has also to go and value the customary seed required for the purpose. When you give him all these rights why not you give him the right of finding out the actual cost of cultivation and then giving the balance, two-third share to the janmi which the Government admits is the fair rent? So long as the Commissioner values the one, he has to value the other also."

* Mr. B. VENKATARAM then spoke in Telugu, and in the course of the speech said:—"I do not know anything of the conditions of Malabar, but must say this. As I went on listening to the statements that $2\frac{1}{2}$ or 3 times the seed would be enough for cultivation expenses, I was really wondering what sort of cultivation it is that hon. Members are referring to, whether it is modern cultivation, or the primitive method of cultivation which ends with sowing the seed, as in the case of the podu cultivation in the Agency. If it is podu cultivation, this amount may suffice, but if he has to manure and till the land, sow the seeds, water it, transplant it, and carry on other items of agricultural operations, even 20 times the seed may

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not be sufficient, not to speak of $2\frac{1}{2}$ times. It may be that in Malabar the labour is very cheap, and even taking the daily wages as two annas per coolie, then perhaps this two and a half times may go some way towards the expenses. I therefore think a mistake has been made in this calculation of cultivation expenses, and this two and a half times is simply put in as a blind figure without any reference to any data. If this clause is passed, you will be doing not good but much disservice to the verumpattamdar or ryot of Malabar because the cultivation would not secure a return sufficient even to cover his family labour. Even the calculation of Mr. Karant, namely seven times or nine times, is I think not correct; that may be sufficient only if podu cultivation (as in the Agency) is resorted to. If you want to offer the cultivator sufficient to improve the land and make it produce more than it does at present, I think you will have to fix the expenses at 15 times the seed. In that view, I support this amendment."

* MR. MAHMUD SCHAMNAD :—" Sir, I have great pleasure in supporting this amendment of Mr. Karant. I was also a member of the Select Committee. Just after going home after the meeting of the committee I made enquiries from several cultivators throughout Malabar, and from what I have gathered I find that the cultivation expenses come to much more than what is provided for in the Bill. As some hon. Members have said, it is meaningless to state that cultivation expenses can be met with two and a half or three times the seed required. Well, Sir, no man with any the least experience of cultivation will be satisfied even for a sandy soil or alluvial soil with two and a half times the seed. If it is clayey or rocky soil, more than ten times the seed will be necessary. From different sides of the House I have heard this morning and yesterday also expressions of sympathy for the verumpattamdar. If they want to put their sympathy into practice—not merely lip sympathy I believe—I hope they will all support this amendment. If you want to afford any relief to the verumpattamdar, first of all you have to free him from the rackrenting of the kanamdar and the janmi. Therefore the chief thing you must do is to make it worthwhile for him to take to cultivation, and not merely afford him fixity. There is no use of saying 'we are going to give fixity of tenure and thus help the verumpattamdar'. If rackrenting is not prevented it will be simply taking away with one hand what you give with the other. This kind of illusionary enactment, giving fixity of tenure alone will not help anybody. If the Government is really anxious to help the verumpattamdar, on account of whose discontent and agrarian difficulties the Government have thought it necessary to bring forward this legislation, they must support this amendment. There may be some more who may speak in favour of it, yet all that will be useless; although these benches here are now empty when the division bell rings all these seats will be filled and they will all vote for the Government. So, it is useless for me to say anything more. Unless the Government make up their minds to accept this amendment, there is no use in making more speeches. With these words, I support the motion."

3-15
p.m. * SRIMAN BISWANATH DAS MAHASAYO :—" Mr. President, Sir, I am very happy to support the amendment proposed by my hon. Friend from South Kanara. Sir, it surprises me that a Select Committee consisting of so many luminaries of this Presidency, with all their sympathy for the agricultural tenant, should have thought of fixing two and a half times the seed, or even three times the seed, as the cost of cultivation expenses, as though many or all of them had nothing to do with cultivation. Sir, it pains me that the

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intelligentsia of this Presidency who have very little to do with cultivation should have been legislating about cultivation without taking due care or caution about it. Sir, I appeal to you with all humility whether you think yourself this to be the proper cost of cultivation expenses, knowing as I do that you are yourself one of the best cultivators on the most economic lines in this Presidency. I am a cultivating ryot myself, cultivating about five to six hundred acres of land. It takes the life out of me to hear that the cultivation expenses is put at two and a half times the seed. I think it is absurd to think of Royal Commissions on Agriculture and the lakhs and crores of rupees spent on the maintenance of the Agricultural Department, if you will after all allow only two and a half times the seed to the cultivating tenant for cultivation expenses. I have jotted down the operations that the cultivating ryot has to undertake, viz., ploughing, manuring, sowing, transplanting, weeding, kudimaramat, reaping, threshing, and then last but not the least of these is—I do not know what the hon. Members of this House will do—that the Select Committee have made the cultivator to carry the paddy to his landlord within a distance of three miles. I appeal to the House and ask to which of these items your two and a half times will be sufficient. I want the Government to be humane; I want the hon. Members of this House to be humane. There is no use of shedding crocodile tears, no use of speaking upon platforms about cultivating tenants if you would not provide for them sufficiently in this tenancy legislation. You may speak of the well-being of the peasantry; you may speak in big and eloquent terms that your nation lives in the cottage. But do you make provision for these people in the cottages? "

" Sir, my hon. Friend from Malabar representing as he does the kanamdars of Malabar has cited from page 140 of the Raghavayya Committee's report. I cannot think of a blacker or worse decision of the kind than that. Sir, out of a produce of 600 paras, the tenant has to pay away 480 paras to the landlord. I cannot think of it, and then, Sir, according to the tenant the cultivation expenses come to 150 paras, that is one-fourth. The tenant is very modest in his estimation, because I know myself that I am spending much more from year to year. I know that our hon. President is doing so. I appeal to you, Sir, to give your verdict, because I know you are one of the best cultivators in this Presidency." (Laughter.)

* The hon. the PRESIDENT :—" It is a question of the casting vote."

* SRIMAN BISWANATH DAS MAHASAYO :—" I know if it comes to that the tenant will have relief in your hands."

* The hon. the PRESIDENT :—" No. There is the principle of the *status quo*."

* SRIMAN BISWANATH DAS MAHASAYO :—" This being the circumstance, I think Mr. Karant has done but small justice. This amendment does not go very far. So, I would appeal to the Government to be humane, to have some sympathy for the tenant. I know the Government have their full sympathy for the janmis, for the kanamdars they have some sympathy, but very little for the verumpattamdar. I am sure future generations will give their decision upon our action to-day. I have reason to believe the Select Committee did not represent the views of the verumpattamdar. It is not for me to say that here. So, I beg hon. Members of all groups in this House to show full sympathy to the cultivating tenant. My hon. Friend representing the interests of the janmis in the last Council, Mr. Prabhakaran

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Tampan had also sympathy for verumpattamdars. I have not got with me now the proceedings of the Legislative Council, from which I could cite passages after passages showing his sympathy for the verumpattamdar. I, however, now appeal to the representatives who have now taken his place here just to stick up to the position which he took when the discussion on the last Malabar Tenancy Bill was going on in this Council. I would also ask of the hon. the Law Member, who was then representing Malabar, to extend his sympathy to the tenants. I would beg of him to stick up to the position that he took in that Bill, i.e., by providing a third of the gross. That would be something. Last but not least, I would appeal to the hon. the Finance Member who would yield to very few people in this hon. House regarding his experience of agricultural expenses and of agricultural ryots, to say whether three times the seed would be just enough for cultivation expenses. I would ask him to put his finger on any of these nine agricultural operations that I already mentioned and say to which of these items three times the seed would be enough? This being the condition of things, there is no use of thinking of the prosperity of the agricultural people under this Bill. Mr. Karant has only erred on the side of modesty just to make his amendment acceptable to all. So I feel sure that hon. Members of this House will show practical sympathy for the agricultural ryot by accepting this amendment.

"A word or two more and I have done. From the beginning we were under the impression, as I understood from my Leader, that the representatives of the verumpattamdars would have their due place in the Select Committee. Unfortunately we were misguided, and we mistook the situation, and the result is to-day we find in the Bill that the interests of the verumpattamdars have not been properly protected. Under these circumstances, I appeal with all humility to the hon. Members of this House not to ruin the verumpattamdars, putting an end to all prosperity of the agricultural people of Malabar. With these words, I wholeheartedly support this amendment."

* The hon. Sir THOMAS MOIR:—"Sir, I have been rather chary of taking part in the debate on this Bill, because I do not pretend to be an authority on Malabar tenures or customs. But the hon. Member from South Kanara has put forward proposals on the Government Bill on the analogy of conditions in South Kanara. Mr. Koti Reddi also based his arguments on this Bill on conditions drawn from the Ceded districts, with which I am also familiar. Now, dealing only with such points that I have some experience of, it seems to me most astonishing that the debate should have ranged so long and so wide on this clause of all clauses in the Bill. The idea underlying this clause is that special consideration should be given in the case of dry lands converted into wet by the tenant's labour. Mr. Koti Reddi suggested that we should wipe out all elaborate calculations and say, 'let the rent be one-fifth of the gross produce.' Very well, what is this one-fifth? One-fifth of hundred is much more than one-fifth of hundred minus deductions. And what are the deductions provided in this particular clause? In the first place, you have the expenses of reaping deducted straightway. Because the definition of gross produce is the produce after paying the expenses of reaping. That, I understand, in Malabar is anything from one-tenth to one-fifth. Then you have three times the seed required for the land. I understand that in Malabar, you require six or seven measures of seed. You therefore deduct

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[Sir Thomas Moir]

another 20 measures, three times the seed, and, roughly speaking, the deduction made under these two heads is about 40 measures. That is to say, out of 100 measures, there are 60 left to divide between the landlord and the tenant, and it is laid down that in the cases to which this clause applies one-fifth of what is left shall be taken as the fair rent, that is to say about 12 measures out of every 100 gross. If any Member considers that that is really an excessive charge to make for the use of the land, I am afraid I must disagree with him."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"May I just give one piece of information for the benefit of my hon. Friends? After the Raghavayya Committee submitted their report and their Bill, and before the Government framed their Bill, a conference of some janmis and tenants was held in the presence of the then Revenue Member, Sir Norman Marjoribanks. I also happened to be present at the conference. The amount of seed that was to be deducted from the gross produce, as settled by the Raghavayya Committee was twice the seed. The tenants who were present at the conference said that it was too low and that the amount that should be deducted should be fixed at three times the seed. The janmis said that the figure mentioned in the Raghavayya Committee's report, namely, twice the seed, should not be disturbed. Sir Norman Marjoribanks asked the gentlemen who were present, both the tenants and the janmis, whether as a compromise they could not fix it at $2\frac{1}{2}$ times. Both the sides, the janmis and the tenants, agreed to that, and it is that figure that has been accepted by Government and put in the Bill. And the Select Committee has confirmed it."

"With reference to the particular class of lands, namely, dry lands converted into wet, it is known to everybody that when dry lands are converted into wet lands, immediately after conversion, it requires a larger amount of expenditure for cultivation. So, for the first 20 years, after this conversion of dry into wet, a higher rate is fixed, namely, three times the seed. After the expiry of 20 years when the lands are expected to be more fertile, $2\frac{1}{2}$ times the seed is fixed for seed and expenses of cultivation for the whole land. That is why in the particular clause, for the first 20 years three times the seed, and after 20 years, $2\frac{1}{2}$ times the seed is fixed. As Mr. Satyamurti reminded us, this was well considered by the Select Committee, where different views were put forward and discussed, and ultimately the Select Committee came to this conclusion. So that I submit there is no reason for any misapprehension or misunderstanding on this matter."

* Mr. K. MADHAVAN NAYAR:—"Whatever may have been the proceedings of the Round Table Conference, whatever may have been the arrangement that has been come to between the janmis and the tenants, as regards the proportion of the seed required for cultivation expenses, I think I have liberty to say what I feel on an amendment like this which does not refer to that proportion but leaves the matter entirely to the court. I feel, Sir, that there is no use of taking with one hand what you give with the other. If, as a matter of fact, the tenant is not going to get his lawful one-third of the cultivator's share by limiting the cultivation expenses to $2\frac{1}{2}$, I for one am for supporting the motion of Mr. Karant and giving him the full one-third. I say, Sir, that there is considerable difference of opinion on the question of the multiple of seed required for cultivation expenses. I have tried my level best,

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both before and after the Round Table Conference and even recently, to ascertain what the cultivation expense in Malabar will be. It varies from place to place, from field to field. I cannot agree with Mr. Karant when he says that the cultivating expenses in Malabar will be six times, or seven times, or eight times because there are several fields in Malabar which only yield five-fold or six-fold and if cultivating expenses come to seven-fold, eight-fold, certainly there will be nothing at all left to the tenant or to the landlord. There may be exceptional cases where the cultivation expenses may be large and there may be cases where they may be small. In Palghat taluk, I understand, the cultivation expenses are very low so that they can manage even with twice the seed. In Ernad taluk, I understand, the cultivation expenses are more than twice the seed. In sandy soil it is less, in clayey soil it is more. So if you arbitrarily fix two and half or three or four or five, in some cases the tenant may suffer, in other cases the tenant may stand to gain. That is the situation. I went also through the Raghavayya Committee Report and the evidence collected by them, and I see that almost all the witnesses examined by them—of course we cannot take it that the Raghavayya Committee gave false figures—gave figures of cultivation expenses ranging from two to three times the seed. In the proceedings of the Round Table Conference, it is stated that cultivation expenses estimated by the Government during the settlement operations are greater than three and half times the seed. Never have I heard in Malabar of seven or eight times the seed. Probably in Malabar, the land is of a different variety, or the cultivation expenses are not so much as in other districts. I am not however prepared to take any risk in the matter. I beg therefore to submit for the careful consideration of the House that whatever decision of the Round Table Conference may be, whatever the decision of the Select Committee may be, you have to do justice to the cultivating tenant, and he must not be deprived of his legitimate share of a third. When a Commissioner or somebody else has to go and ascertain what the gross produce is, he may also ascertain what the cultivation expenses are; if it is twice the seed the landlord does not lose, if it is seven times the seed, the cultivator will not suffer.

"The safest course for the House to adopt is to secure two-thirds of the net to the landlord and one-third of the net for the cultivator, the net being decided with reference to the particular field and its cultivation expenses. That is the reason why I am agreeable to the position taken up by Mr. Karant. Unfortunately a word of explanation is due in regard to the proceedings of the Round Table Conference. I was one of those that fought for thrice the seed as cultivation expenses but the proposals of the Raghavayya Committee were so much against it and the janmis were so much against it that the Conference agreed to two and a half times. Sir Norman Marjoribanks suggested two and half, and in view of the conflict between the janmis and the tenants in this point the janmisaying that it could not be more than two times, and the tenant demanding three times the seed, we thought it expedient to accept Sir Norman Marjoribanks' suggestion, because in certain places twice the seed is enough and in other cases two and a half times is enough and only in exceptional cases it went up to more than thrice the seed. I thought that if one-third of the net was given to the tenant he will not suffer. But I certainly want that he is given one-third of the net in reality. When the cultivation expenses are arbitrarily fixed at two and half times or three times there is the likelihood that in some cases he might suffer.

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Let not my friend Mr. Biswanath Das misunderstand me. Whatever the verumpattamdar or kuzhikanamdar gets now is all due to our pleading. It may be that we were mistaken in our estimate. But kanamdars and janmis have not ceased to be human beings. Justice will be best served by giving one-third of the net to the actual cultivator, and to obviate all doubts and all possible miscarriage of justice, let us not arbitrarily fix the cultivation expenses here but leave the matter to the court."

* Mr. S. SATYAMURTI:—"Sir, there seems to be a fatality about Malabar Tenancy Bills. A Malabar Tenancy Bill was passed in this House after elaborate discussion and it was vetoed. Another was introduced by my hon. Friend (Mr. Krishnan Nayar) it could not see its way through. Then, owing to a fierce agitation, a committee was set up, and a report was drafted; and after this, another Round Table Conference was convened, a Bill was introduced; and a very large Select Committee was appointed which sat for nearly a fortnight and has reported to this Council. If now, Sir, the whole basis of this Bill is to be altered and fresh decisions are arrived at, I do not know what will be the fate of this Bill. I personally confess to a feeling of absolute sympathy with the cultivating tenant. I would go as far as my friend from South Kanara, if not further, but may I suggest to him and to this hon. House very respectfully, that this Bill is not the last word in tenancy legislation or even in Malabar tenancy legislation? It does not claim to be that. I believe the author does not claim perfection for that. It is an attempt at solving a very difficult and delicate problem, with as much unanimity as possible. In those circumstances, Mr. President, may I invite the attention of the House in respect of the amendment of my friend from South Kanara to a sentence in paragraph 27 of the Raghavayya Committee Report? They say: 'There is however the difficulty of ascertaining what the cost of cultivation and other common charges are, and as these are likely to differ with each land no satisfactory formula applicable even to a large number of cases can be worked out'. Now, Sir, if you put in the phrase 'cost of cultivation' in this statute, the result will be that practically in respect of every holding there will be suits, appeals, second appeals and possibly Privy Council appeals as to what the cost of cultivation in respect of each land should be. The unit suggested in the Bill as reported on by the Select Committee is the seed required, which means the quantity of seed customarily deemed to be required. That matter was gone into by the Select Committee, and was agreed to by the representatives of the janmis and verumpattam tenants that this custom might be easily proved; I take it after a few cases had gone to the court, there will be general agreement among all the parties concerned as to what is customary seed. I suggest to this House that what is the customarily required seed, is much more capable of proof, much more capable of general application to class or classes of lands, than the cost of cultivation which ex-hypothesi varies with every bit of land. Therefore, you are conferring no favour on the verumpattam tenant. On the other hand, you are compelling him into litigation which will practically ruin him.

"Then I want to state another point. This fair rent has been arrived at with a view to giving the cultivating tenant fixity of tenure. He has not got it to-day, and this House in a previous attempt at legislation regarding the Estates Land Act confirmed the then existing rent as fair rent. My friend from Ganjam protested and rightly protested against that which has led to a great deal of suffering and which I hope will be remedied soon, when

[Mr. S. Satyamurti]

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this Act is sought to be amended. But in this case, the House does not expect a continuance of the existing rent as fair rent. There is a clause which says that the existing rent should continue for 12 years more, and I know there is a strong feeling in many sections that even for a short time the rackrenting should not go on. I agree that it must be fixed in a manner which is most equitable. I do suggest to the House that we can accept for the present the decision of the Select Committee, and, after all, this fair rent can be revised after a period, when the court will consider all the facts, and, if it is considered too high, it will be revised; if it is considered too low, it will be increased at the instance of the landlord. I only want to repeat, Mr. President, what said that any attempt to fundamentally alter the basis of the Bill and to make the cost of cultivation a unit will only jeopardize the chances of the Bill becoming law very soon. I know the feeling of the tenants of Malabar, both kanamdars and ordinary verumpattamdars. They would like to have even a somewhat unsatisfactory Bill rather than have no Bill at all; and I do appeal to the House, very respectfully, but very strongly, that we must see the Bill through and see that it reaches the Statute Book as early as possible. After all, this is a comparatively small matter; we are now altering the whole system of land tenure in Malabar and giving tenants rights for which they will have otherwise to wait for a long time. Granting the soundness of the arguments advanced to give more benefits to the tenant, I still plead it is worth while giving statutory rights to the tenants, placing them in a position of social and economic independence and giving them the power to raise themselves and thus bring about a change in their conditions. I therefore plead that the House may accept the clause as it stands."

The amendment was put and declared lost.

Mr. G. Harisarvottama Rao demanded a poll and the House divided.

While the counting was going on, Diwan Bahadur P. Kesava Pillai suggested that neutral votes also might be counted.

3-45
p.m.

* The hon. the PRESIDENT :—"Probably this is the first time the hon. Member voted one way or the other on the Malabar Tenancy Bill." (Loud laughter.)

Diwan Bahadur P. KESAVA PILLAI :—"I vote only when I understand the subject." (Renewed laughter.)

Ayes.

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| 1. Mr. A. B. Shetty. | 12. Mr. C. Obi Reddi. |
| 2. " Mahmud Sehamnad. | 13. " A. Parasurama Rao. |
| 3. " K. Krishnan. | 14. " Ahmed Miran Sahib. |
| 4. " K. Koti Reddi. | 15. Sriman Biswanath Das Mahasayo. |
| 5. " Sami Venkatachalam Chetti. | 16. Mr. A. Kaleswara Rao. |
| 6. " G. Harisarvottama Rao. | 17. " K. V. Krishnaswami Nayakar. |
| 7. " Basheer Ahmed Sayeed. | 18. " B. Venkataratnam. |
| 8. " Abdul Hameed Khan. | 19. " A. Ranganatha Mudaliyar. |
| 9. " D. Narayana Raju. | 20. Rao Bahadur C. S. Babnasabapathi |
| 10. " K. R. Karant. | Mudaliyar. |
| 11. " K. Madhavan Nayar. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 4. The hon. Mr A. Y. G. Campbell. |
| 2. " Sir Thomas Moir. | 5. " Mr. M. R. Seturatnam Ayyar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 6. " Mr. S. Muthiah Mudaliyar. |
| | 7. " Dr. P. Subbarayan. |
| | 8. Diwan Bahadur P. Kesava Pillai. |

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Noes—cont.

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| 9. Mr. Hilton Brown. | 32. Mr. F. E. James. |
| 10. " H. A. Watson. | 33. " S. Arpudaswami Udayar. |
| 11. " A. G. Leach. | 34. " K. Ramachandra Padayachi. |
| 12. " J. Gray. | 35. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 13. " S. V. Ramamurti. | 36. Mr. G. R. Premayya. |
| 14. " C. B. Cotterell. | 37. " R. Srinivasa Ayyangar. |
| 15. " V. Ch. John. | 38. " S. Satyamurti. |
| 16. " M. A. Manikkavelu Nayakar. | 39. The Zamindar of Seithur. |
| 17. " Syed Tajudin Sahib. | 40. Mr. K. P. Raman Menon. |
| 18. " R. Foulkes. | 41. " T. C. Srinivasa Ayyangar. |
| 19. " P. J. Gnanavaram Pillai. | 42. " C. Gopala Menon. |
| 20. The Muppil Nayar of Kavalappara. | 43. Rao Bahadur Sir A. P. Patro. |
| 21. Subadar-Major S. A. Nanjappa Bahadur. | 44. " C. Natesa Mudaliyar. |
| 22. Rao Bahadur O. M. Narayanan Nambudripad. | 45. Mr. T. K. Chidambaranatha Mudaliyar. |
| 23. Rao Sahib L. C. Guruswami. | 46. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. |
| 24. Mr. V. I. Muniswami Pillai. | 47. Mr. Khadir Mohideen Sahib. |
| 25. " W. P. A. Sundara Pandiyan. | 48. Diwan Bahadur S. Kamaraswami Reddiyar. |
| 26. " S. Subrahmanya Mooppanar. | 49. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 27. " D. Thomas. | 50. Rao Bahadur K. Sitarama Reddiyar. |
| 28. " S. Venkiah. | 51. " B. Muniswami Nayudu. |
| 29. Rao Sahib R. Srinivasan. | |
| 30. Mr. A. Achutan. | |
| 31. " E. Sankaran Unni. | |

Ayes 20. Noes 51.

The amendment was negatived.

Clause 5.

Sub-clause (a),

* Mr. A. KALESWARA RAO :—"I beg to move the following amendment :—

'Omit the words "for a period of twenty years from the year in which the first wet crop is raised on the land".'

'In line 4, for the words "three times" substitute the words "five times".'

'Omit sub-clause (b) '.

* The hon. the PRESIDENT :—"The hon. Member can move only the first part of his amendment. I have selected only the first part."

* Mr. A. KALESWARA RAO :—"The omission of sub-clause (b) is only a consequential amendment.

"Sir, there are members like the hon. Member for the University who want to hold a very orthodox view and support whatever has been done by the Select Committee. I do not agree with him in that view; because, if we are to agree to each and every decision of the Select Committee there is no meaning in bringing amendments to the Bill as amended by the Select Committee before the full House. Here we have to move our amendments and the whole House has to go carefully into the decisions of the Select Committee to see whether the Committee was right or wrong in adopting a particular amendment and whether the lot of the agricultural tenant can be improved in any way. Sir, the three parties to this measure—the Government, the jannis and the kanamdars—all profess very much sympathy for the cultivating verumpattamdar. The amendment here is a very simple one. They have divided the whole thing into two portions. In the case of lands newly brought under wet cultivation, for the first twenty years they want to deduct three times the seed and after twenty years they want to deduct two and a half times the seed as cultivation expenses from the gross produce of the land. What I

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beg to state is that there is already a provision made in the Bill in clause 30 that all rent can be altered by a court of law on the application of a landlord or tenant. Therefore I do not think it reasonable that we should commit ourselves for a period after 20 years even now and provide for a period so long as that. Therefore let us be satisfied now with the fair rent as one-fifth of the net produce, namely, the annual gross produce minus cultivation expenses. That is my amendment and I hope it will be accepted."

Sriman BISWANATH DAS Mahasayo :—"I beg to second it."

* The hon. the PRESIDENT :—"The amendment is only to omit the words in sub-clause (a) 'for a period of twenty years from the year in which the first wet crop is raised on the land'."

* The hon. Mr. A. Y. G. CAMPBELL :—"I am afraid the Government cannot accept this amendment. It has already been explained to the House that the reason for giving this concession in the first twenty years is that in the earlier years dry land converted into wet for the first time would yield less than in later years; the tenant should therefore pay less in the earlier years. That is the reason for this distinction made between sub-clause (a) and sub-clause (b)."

The amendment was negatived.

Mr. E. SANKARAN UNNI :—"I beg to move—

'that in line 1, the word "ten" may be substituted for the word "twenty".'

"Sir, this was not a point which was considered by the joint conference. Of course it was suggested that there should be something fixed, but there was nothing in the Raghavayya Committee Report to guide the Government. I think that 20 years is much too long a period. A newly converted wet land would certainly come into line with the other lands in ten years. If you spend three times the seed I take it that the land ought to be able to produce the best that it can in the first ten years and if it did not produce its best within that period, it will never show a better yield at any time. In order to be just to the tenant, ten years is quite sufficient."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I am not prepared to accept this amendment. This period of twenty years has been fixed in the Government Bill after mature consideration and it has been approved by the Select Committee. I think that we should maintain the period yields its fullest capacity but it has to be remembered that this will affect only lands newly brought under wet cultivation within the last 20 years or reclaimed hereafter. A period must be fixed, and we may give the cultivator the benefit of this concession for 20 years."

The amendment was negatived.

Mr. A. KALESWARA RAO :—"Mr. President, I move—

'that for the words "three times" in line 4, the words "five times" be substituted.'

"Of course as has been pointed out by so many members in the previous debate, the cost of cultivation has been put ridiculously low. Malabar must be a peculiar land. Either the people there are superhuman or inhuman. They all quote things which we cannot imagine to exist anywhere on earth.

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"As has been pointed out by actual agriculturists, in our parts the cost of cultivation is twenty times the seed value. A sum of Rs. 2 is spent for seed and the other expenses come to at least Rs. 38 on one acre of wet land. Hon. Members have stated several items of agricultural operations. Apart from them the cost of manuring, purchasing bulls and of feeding them ought to be included in the cost of cultivation. You have to take into account the interest on the capital invested in purchasing cattle and the capital itself must be distributed over ten years. The cultivation expenses that have been put here seem to be ridiculously low; there is no question about that. What is urged is that it is a matter of compromise. I do not think there were real representatives of verumpattamdars in the conference. There might have been some people representing both the kanamdars and verumpattamdars. In that way their interests were affected. Of course there were the interests of the kanamdar, the sub-kanamdar and the janmi represented."

"Secondly, I do not attach much importance to the oral evidence recorded by the Raghavayya Committee; because the witnesses do not seem to know what they were talking about; there was no cross-examination and no details were asked. Probably some figures were given as the expenses of cultivation. They did not take into consideration the cost of manuring, purchasing cattle and removing weeds, etc. Therefore the cultivation expenses ought to be increased considerably. It should be at least five times the cost of the seed required for the said land. Unless we give substantial rights to the tenants, this Bill will be an illusory one. Most of these tenants have to pay high rent in the name of what are called fair rents; otherwise they will have to quit the lands and what is proposed to be given by one hand is being taken away by the other hand."

* The hon. the PRESIDENT :—"The hon. Member is repeating arguments already advanced."

Mr. A. KALESWARA RAO :—"Therefore I propose this amendment."

* Mr. G. HARISARVOTAMA RAO :—"Sir, I beg to second this motion. I know that the representatives of the verumpattamdars are really under a very great disadvantage in discussing this Bill. It has been made plain to us that the representatives of verumpattamdars are taking the line of least resistance. I do not believe that the heavens would fall if the Government agree to five times. As suggested by my hon. Friend from South Kanara, it has been admitted that the expenses of cultivation will be very much higher than two and half times the seed value. My hon. Friend from South Kanara quoted figures from the Government records relating to Malabar that seven times the seed value were the cultivation expenses. That argument was not met by anybody. Therefore I feel, Sir, that while the statistics recorded by the Government Departments say that it is seven and half times the seed value, it is really doing the verumpattamdar very grave injustice to put it at two and half times. This is not a very material point. I hope the Government will carefully consider the question and the hon. the Revenue Member will agree to increase the expenses of cultivation from two and a half to five times. It was stated that this figure was arrived at by striking a mean between two and three because there were contending claims. As was stated by the representatives from Malabar the contending claims were not sufficiently balanced. Therefore that a mean was struck between two and three should not induce the Government in matters like these. As a matter of fact the Government should have given very much greater privileges to the

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verumpattamdars. They have been unable to do so under the circumstances in Malabar. They must at least be prepared to do justice to the verumpattamdars and give them all assistance by accepting a little higher figure than what they are prepared to do in this case. I feel, Sir, it is bare justice to the verumpattamdar to have this kind of provision for his cultivation expenses. The Government rejected the amendment of my hon. Friend from South Kanara. I hope they will reconsider the position with regard to the number of times the seed value they would allow for cultivation expenses and make a more liberal provision than what they have hitherto made. From that point of view I appeal to the hon. the Revenue Member to accept this amendment."

The amendment was negatived.

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move—

'in line 3, omit the words "the difference between"; in line 4, omit all words after "land" up to the word "year" in line 5.'

"But I do not move the last portion '*substitute "two and a half" for "three"*.' But the other is an important matter. In the case of kuzhikanam, the proposal in the Bill is that one-fifth or one-fourth of the gross produce may be given. I am not quite clear why it is that, in the case of dry lands converted into wet, the same principle is not applied. I do not know why only the net produce is to be taken into account when you give the janmi a share of the produce of land converted into wet from dry. In the case of dry land where all the improvements belong to the tenant only one-fifth of the net produce is given. Here all the improvements belong to the tenant. But immediately the tenant begins to cultivate the land, it begins to yield. In the case of garden land, it takes a period of fifteen years for trees to come to bearing and during that period the tenant does not get much from it. In the case of kuzhikanam lands you give one-fifth of the produce without taking into account the cultivation and other connected expenses. It is, I think, only proper that, in the case of dry land converted into wet and beginning to yield immediately, the same principle should be applied. If at all any discrimination is to be made, it ought to be made in favour of dry lands converted into wet. I hope the Government will be able to accept this amendment. I think it is better to bring both these propositions into line with each other, the one regarding kuzhikanam land and the other regarding dry lands converted into wet."

The MUPPIL NAYAR OF KAVALAPPARA:—"I beg to second the amendment, Sir."

The amendment was negatived.

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD:—"Sir, I move—
'add at the end "the Government assessment and".'

"One-fifth of the produce is too small a share. There is no provision in the Bill enabling the janmi to claim an enhancement of michavaram, when the cultivated area is extended. It is only in matters of renewal fees that he can take into consideration the fair rent of such lands. If assessment has to be deducted from this, the renewal fee for these lands becomes nominal. It is to provide against that, that I move this amendment. As the renewal takes place only once in twelve years it will not be a hardship to the tenant, and I trust my amendment will be accepted by the House."

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The MUPPIL NAYAR OF KAVALAPPARA:—"Sir, I beg to second the amendment."

The amendment was negatived.

Sub-clause (6).

The MUPPIL NAYAR OF KAVALAPPARA:—"Sir, I move that—
'in line 2, for "one-fifth" substitute "two-thirds".'

"The object of my amendment is to point out that a piece of land after it is first reclaimed will come to normal conditions within twenty years. The preceding clause says that a concession rate has been provided for, for the first twenty years. The amendment is for sub-clause (b) and it should be stated that the janmi should be given this enhanced rent since it is after the first twenty years after reclamation. This is the object of my amendment."

* The hon. the PRESIDENT:—"For want of a seconder the motion is lost."

Mr. E. SANKARAN UNNI:—"I beg to second the amendment, Sir."

* The hon. the PRESIDENT:—"The hon. Member must be more alert."

New proviso.

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, I beg to move the following amendment:—

'Add the following as a proviso:—

"Provided that if, in any particular year, no crop at all is raised, or only a dry crop is raised on a land on which a single or a double paddy crop is usually raised, or is capable of being raised, the produce of such land shall be deemed to be the estimated produce of a single or a double paddy crop, as the case may be."

The House will be pleased to look at clause 6 and its proviso. They say how the produce of the land is to be estimated. I think it is an omission with regard to clause 5. Suppose, for instance, only one paddy crop is raised on a land on which two crops ought to be raised; how is the produce to be estimated? This is not provided for with regard to this clause. All that I have done is to club sub-clauses (1) and (2) of clause 6. If you do not have this provision you leave clause 5 without the necessary data for arriving at fair rent like those postulated in clause 6. I think this provision is essential; otherwise we do not know how we should calculate the produce."

The MUPPIL NAYAR OF KAVALAPPARA:—"I beg to second the amendment, Sir."

* The hon. the PRESIDENT:—"The question is that the following be added as a proviso:—

'Provided that if, in any particular year, no crop at all is raised, or only a dry crop is raised on a land on which a single or a double paddy crop is usually raised, or is capable of being raised, the produce of such land shall be deemed to be the estimated produce of a single or a double paddy crop, as the case may be.'

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I do not think the Government can accept this amendment. The fair rent is based upon the actual produce, and I believe it is usually payable on wet land in Malabar in kind; this will enhance the rent which is to be paid by the cultivating verumpattamdar in cases where a full crop is not raised."

4-15
p.m.

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The amendment was negatived.

* The hon. the PRESIDENT :—"The question is that clause 5 shall stand part of the Bill."

The motion was carried and the clause was added to the Bill.

Clause 6.

* Mr. K. R. KARANT :—"Mr. President, Sir, my amendment which is slightly modified in view of the defeat of the amendment on the previous clause, runs as follows :—

'In line 3, substitute the words "one-half" for the words "two-thirds", and in line 7, after the words "agricultural year", the words "together with one-half of the assessment payable in respect thereof per year" be added.'

"I shall now read the section as amended by my amendment :—

'In the case of wet lands not falling under the previous section, fair rent shall be— one-half of the difference between one-third of the gross paddy produce of the land for three years immediately previous to the date on which fair rent is to be ascertained and two and a half times the seed required for the said land for an agricultural year, together with one-half of the assessment payable in respect thereof per year, provided that, etc.'

"The point in this amendment, Sir, is this. Though the previous amendment to raise the cost of cultivation has been defeated, I do not think that that amendment is anything so important as the present one which I am now moving. Granting now that two and a half times the seed is the cost of cultivation—a decision to which I shall reconcile myself for the present—then the whole question will be whether the landlords should get two-thirds of the net produce, or, as I submit, one half of the net produce with liability to pay half the assessment. I say that nothing could be more just to the landlord or to the tenant than this proposal of mine. To take two-thirds out of the net produce, leaving him only one-third is really very unjust. If we go into the history of land tenure in Malabar, Sir, we find that in or about 1803 a settlement was made between the Government, the landlord and the tenant which is stated at page 99 of the Raghavayya Committee report. In paragraph 2 of that agreement which refers to wet lands, it is said :—

'On rice grounds after deducting from the gross produce the seed, and exactly the same quantity for expenses of cultivation and then allotting one-third of what remains as kuroo labour to the kudiyan the residue or patom is to be divided in the proportion of six-tenths to the Company and four-tenths to the janmkar.'

"That means, Sir, after deducting the cost of cultivation the net produce is to be divided in the following manner: 10/30 or 1/3 to the tenant, 8/30 for the landlord's rent, and 6/10 of the two-thirds or 12/30 (or a little more than one-third) to the Government for its assessment.

"Now, Sir, the same principle has been adhered to in the latest settlement that obtained there. I have already quoted from it. The principles of it are stated at pages 331 and 332 of the Malabar Gazetteer. The old principles are there accepted, that one-third of the net after giving a very liberal allowance for cost of cultivation, vicissitudes of the season, and so on for which we have not made any allowance under the Bill we are now discussing, is to be given to the tenant, that the Government's share is 6/10 of the remaining two-thirds or 12/30 and that the landlord's share is only 8/30. That is the old accepted arrangement of 1803 known as the Rickard's Proclamation.

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That has been adhered to, and this is the principle on which the Government have been assessing all along. I may submit that in the assessment actually levied by the Government, they have given a very liberal share to the landlord. I have already submitted that the cost of cultivation allowed to the tenant is extremely liberal, that is, $2\frac{1}{2}$ times the cost of seed. I have also laid figures before the House to the effect that about 15 per cent of the gross produce has been allowed for the vicissitudes of the season. Over and above all this, the prices prevailing in the fifteen years prior to 1894 have been taken into account, so that in Malabar the assessment now is far less than 12/30ths of the net produce which, according to the Government principles, ought to go to them. My point is therefore this: if Government are entitled to 12/30ths of the net produce for their share of assessment and Government are now charging only a very small proportion of it—and that has been the fact for all these 30 years—the landlords have been having the benefit of that. My submission is that out of this (profit) give half to the tenant and half to the landlord, also with a liability to pay the assessment half and half. I may say in this connection that my amendment goes in favour of the landlord much more than the provisions of the Bill which was already passed by the previous Council. The corresponding provision in the Bill of Diwan Bahadur Krishnan Nayar was section 16, which ran as below :—

'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.'

"If the landlords and tenants of Malabar were willing to-day to accept that, that would be much more favourable to the cultivator than the amendment I have now moved. My amendment is more favourable to the landlord, so that he may agree to the proportion I have stated. Now, Sir, if we apply the various principles, it works out like this: I will give a concrete instance. If Rs. 25 is the net produce of a land, and Rs. 5 is the assessment, then, according to my proposal, it will work out at half the net produce or Rs. 12½ plus half the assessment of Rs. 2-8-0, i.e., Rs. 15 will be the rent. If the provision of the previous Bill which was passed by the last Council into law is accepted, it will work to one-third of the net produce or Rs. 8-5-4 out of Rs. 25 plus the whole Government revenue which is Rs. 5, i.e., a total of Rs. 13-5-4, as rent. Under my proposal, as I have said, it will be Rs. 15, but under the provision contained in Mr. Krishnan Navar's Bill, it will be only Rs. 13-5-4. Under the existing Bill the rent will be two-thirds of the net or Rs. 16-10-8. I submit that it is rather unjust on the part of the Janmi and the Kanamdar to take all the profits which they are getting now by the assessment being comparatively very much less than 12/30 share of the net produce which Government is entitled to. In the name of cultivation expenses, allowance for the vicissitudes of the seasons and low commutation rates Government have already allowed the landlord a lot, and they are not, under the Bill, giving even a pie out of it to the tenant, except a meagre $2\frac{1}{2}$ times the seed. They are having all these benefits from the year 1894, while all that they were entitled to under the old settlement was only 4/10 of the two-thirds of the net or a little less than one-third of the net produce. The Government assessment, under that principle, ought to be more than the rent of the landlord. But now the Government share of the assessment is far less than what the landlord is taking. That is a very unjust position, and any benefits which the landlords are having on account of the leniency of the

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Government should, I submit, be shared by the tenant also. The Government then did not disallow the Bill of Mr. Krishnan Nayar on the ground of the provision contained therein viz., the rent to be only one-third of the net produce together with the whole of the revenue. It may be that in the original Bill it was or it was not included; but the previous Council passed that Bill after full deliberation, and it said 'only one-third of the net produce, plus the liability to pay assessment.' I am quite willing to accept that amendment which makes the rent far less than the rent I propose now, that is, half the net produce with half the liability to pay the Government revenue.

"One hon. Member on this side of the House said that any amendment is more or less likely to throw away the whole Bill, and therefore whatever the Select Committee has done we must also pass here. I am very sorry that the hon. Member for the University instead of throwing his weight on the side of an amendment like this, should throw his weight on the side of those who want to simply pass the Bill because the Select Committee has passed it in a particular way. In the Select Committee, Sir, we were told that we could not effect much change, as the principle of the Bill would be interfered with. So, if we are simply going to register the decrees of other people, I submit there is no use of our sitting here and passing this Bill without any deliberation. I submit also that there is a great deal of justice on the side of this amendment. The landlords all these 30 or 35 years have been making enormous profits because of the assessment being far less than the proportion laid down by the Government; and it is quite fair that the tenant, the cultivator, should get half of that benefit. I request that the Government should not simply oppose this also because they have opposed other amendments. Let them see the justice of this amendment; or let them accept the proposal contained in the old Bill of Mr. Krishnan Nayar. I do not think it will be fair for the Government, just because they have got the necessary voting strength, to have this amendment defeated also, as they defeated the other amendments. With these words, Sir, I strongly appeal to the House to support my amendment."

MR. P. C. VENKATAPATHI RAJU :—"Sir, I have great pleasure in seconding the amendment of my hon. Friend from South Kanara, Mr. Karant. Mr. President, I have seen that amendments even though they had some justice in them, were not favoured by this House and were thrown out, purely on the ground that those conclusions were different from those which were arrived at by the Select Committee. The amendment which is now sought to be introduced will minimize the hardship of the cultivating tenant in the matter of making him liable to pay two-thirds of the produce raised by the sweat of his labour. It is to my mind a most unconscionable bargain to make an actual cultivator who invests not only his labour but also what all he has got, and ask him to be satisfied with a mere one-third of the produce. That is most improper and unjust.

4-30 p.m. "Of course with regard to the provision made in this clause in respect of expenses being about two and one-fourth times or in some cases three times the seed rate, it will not be a great hardship. But now, this is a case where a cultivator is asked to give two-thirds of the produce bearing all expenses and other things. The provision of the seed rate, even from a reference to Government records, will be seen to be that it is quite inadequate. In regard to other cases it did not matter, because the tenant was asked to pay only one-fifth or two-fifths. But here it does matter, because even if no adequate provision is made

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for his cultivating expenses, he can recoup from the balance left. Here the balance left is very small and from that if he has to bear not only the additional expenditure, it would be a very great hardship. As was pointed out from the experience of many of the actual cultivators, it is unbelievable that in any part of the country the cultivating expenses should be borne by the tenant. There may be difference in a few cases, but generally it is less than one-third and if you stick to this, you will reduce a cultivating tenant, as suggested by my hon. Friend, Mr. Koti Reddi, to be satisfied with the straw that is left, after meeting all the cultivating expenses and after paying two-thirds of the value of the crop that is raised on the land. Since it was pointed out that it was never the intention of any of the previous Bills, or it was the intention of the hon. the present Law Member or of the House that a cultivating tenant should be made to give about two-thirds of the gross produce, I earnestly appeal to the hon. the Revenue Member to see that in this case at least he shows some sympathy to the actual cultivator and gives him justice. I do not think that the hon. the Revenue Member will come and say that at the round-table conference this thing of two-thirds has been agreed upon as a mean between the janmi claiming the whole and the tenant representative saying that he cannot accept it. As it is, the amount of two-thirds has been arrived at. Under these circumstances, I hope the Government will do justice to the cultivating tenant in such a hard case."

* MR. E. SANKARAN UNNI :—"Mr. President, Sir, I have been taking very little part in the discussions that we have been having in this House to-day. (A voice from the Opposition : Comparatively speaking.) I have been listening with considerable interest to the view-point of many hon. Members of this House. I have examined them in the light of the criticisms that have been levelled against me by several hon. members opposite, but they seem to forget, I mean nearly all Members who have spoken from across the table there, that we in Malabar whether we are tenants or janmis, are still ordinary human beings. We do differ a great deal from most of the members across the table, but we are not such a strange people as they seem to imagine. There may be differences between us and there are very important differences too, but we are not out here to destroy each other. From the speeches which we have been listening, one would suppose that we are here ready to cut each other's throat and that it is absolutely essential for hon. Members who do not belong to Malabar to come and save us from mutual destruction. I can assure the House that no such calamity is about to happen. We are trying to take care of ourselves in a way, but I believe all of us are aware that something is due to the other party and we are trying to do it in a fair and just manner. Do not for a moment think that the only party that has a right to exist in Malabar is the cultivating verumpattandar or the tenant or whatever else you call him. The janmi too is accustomed to a certain standard of life which he is entitled to maintain. When you fix a rent, you should also take into consideration that particular element to which some hon. Members opposite are always referring, the most human element in life, the standard of life to which we are accustomed. If you ask a janmi to reduce the rent by 50 per cent, you are telling him something which would be absolutely impossible for him to do. In your anxiety to help one class, it ought to be your care to see that you do not injure another. I do not suppose the janmis of Malabar are so undesirable a people that this House can by one stroke of the pen make them disappear. Not that we are likely to disappear, but yet

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this is not the way in which the House ought to look at things. Do not suppose that we are here like a set of robbers trying to injure and exploit the poor. On the contrary, just remember this. We are giving the verumpattamdar rights which he has never asked for. I am not aware of one single cultivator having asked for one-tenth of the rights that we are giving him to-day. I have done my humble best to improve the condition and the lot of the verumpattamdar. I won't allow any man in this House to say that I or any landlords in general in Malabar—because I am anxious to defend their rights—are ready to pounce upon the cultivating verumpattamdar and appropriate his profits. Let there be no mistake about it. We are trying to do justice. We are trying to raise their standard of life for which the one-third that has been allowed by the Raghavayya Committee over and above the cultivating expenses is more than sufficient. (An hon. Member from the Opposition: 'Question?') More than sufficient. If you are going to make considerable changes in this matter and add to the burden of the janmi, you will be making life impossible in Malabar. Do not for one moment think that you can add to the comfort or convenience or the good feeling that ought to exist between the landlord and tenant in Malabar, if amendments of this kind are carried.

"An appeal made to the Government from across the table comes with bad grace. If hon. Members had tried to hold the balance even between party and party in this matter, I should have been delighted. The only party in this House to which the landlord and the tenant can look for justice is the Government. However often they may have defeated me with their voting strength, hon. Members opposite feel that there is a greater element of safety in relying on the Government to settle their dispute. There is wisdom in what the hon. Member for the University has stated that only in regard to matters of detail like cultivation expenses, of which no Member outside Malabar can be a judge, they had better be left to Government and to us to adjust and settle. Do not accuse one party or another of not being the representatives of verumpattamdars. Do not add to our troubles by befriending one against the other."

The amendment was then put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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|---|---|
| 1. Mr. A. B. Shetty. | 18. Mr. K. R. Karant. |
| 2. Mahmud Schunmad Sahib Bahadur. | 19. " K. Madhavan Nayar. |
| 3. Mr. K. Krishnan. | 20. " C. Obi Reddi. |
| 4. " N. Siva Raj. | 21. " A. Parasurama Rao. |
| 5. Rao Sahib L. C. Guruswami. | 22. " T. Adinarayana Chettiyar. |
| 6. Mr. V. J. Muniswami Pillai. | 23. Sriman Biswanath Das Mahasiyo. |
| 7. " W. P. A. Soundara Pandian. | 24. Mr. A. Kaleswara Rao. |
| 8. " S. Venkiah. | 25. " K. Uppi Sahib. |
| 9. Rao Sahib R. Srinivasan. | 26. " V. Kameswara Rao Nayudu. |
| 10. Mr. P. C. Venkatapathi Raju. | 27. " C. N. Muthuranga Mudaliyar. |
| 11. " K. Koti Reddi. | 28. " B. Venkatrangam Nayudu. |
| 12. " R. Srinivasa Ayyangar. | 29. " A. Ranganatha Mudaliyar. |
| 13. " Sami Venkatachalam Chetti. | 30. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 14. " G. Harisarvottama Rao. | 31. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 15. Basheer Ahmed Sayeed Sahib Bahadur. | |
| 16. Abdul Hameed Khan Sahib Bahadur. | |
| 17. Mr. D. Narayana Raju. | |

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Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 18. Mr. S. Subrahmanya Moopanar. |
| 2. " Sir Thomas Moir. | 19. " E. Sankaran Unni. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 20. " C. E. Wood. |
| 4. " Mr. A. Y. G. Campbell. | 21. " A. J. Leech. |
| 5. " Mr. M. B. Seturatnam Ayyar. | 22. " F. E. James. |
| 6. " Mr. S. Muthiah Mudaliyar. | 23. " S. N. Dorai Raja. |
| 7. " Dr. P. Subbarayan. | 24. " S. Arpudaswami Udayar. |
| 8. Mr. Hilton Brown. | 25. " K. Ramachandra Padayachi. |
| 9. " H. A. Watson. | 26. " S. Satyamurti. |
| 10. " A. G. Leach. | 27. " C. V. Venkataramana Ayyangar. |
| 11. " J. Gray. | 28. " K. P. Raman Menon. |
| 12. " S. V. Ramamurti. | 29. Rao Bahadur Sir A. P. Patro. |
| 13. " C. B. Cotterell. | 30. Rao Bahadur C. Natesa Mudaliyar. |
| 14. " V. Ch. John. | 31. Mr. T. K. Chidambaranatha Mudaliyar. |
| 15. " R. Foulkes. | 32. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. |
| 16. The Muppil Nayar of Kavalappara. | 33. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 17. Rao Bahadur O. M. Narayana Nambudripad. | 34. Rao Bahadur K. Sitarama Reddiyar. |
| | 35. " B. Muniswami Nayudu. |

Neutral.

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| 1. Mr. M. A. Manickavelu Nayakar. | 4. Mr. G. B. Premayya |
| 2. " D. Thomas. | 5. " J. A. Saldanha. |
| 3. " A. Achutan. | |

Ayes 31. Noes 35. Neutral 5.

The amendment was negatived.

* Mr. E. SANKARAN UNNI:—"I beg to move the amendment that stands in my name as follows:—

'Add at the end of sub-clause (ii) "together with one-fifth of the straw realized or which ought to have been realized in respect of the said one-third of the gross paddy produce".'

"This provision was in the Bill drawn up by the Raghavayya Committee and the Government had also placed it in their Bill. But it was struck out by the Select Committee, not for any particular reason. Straw is not a very negligible source of income. For 1,000 sheaves of straw it is not unusual to realize a little over Rs. 30. Straw is required to feed the cattle of the landlord or to thatch his house. We in Malabar are not sufficiently advanced and we have not got tiled houses everywhere. Straw is a necessity for thatching houses and it is also necessary for feeding cattle. If you take straw away from the income of the janmi, you are taking away very valuable property. I hope the hon. the Revenue Member will support this amendment. I had his sympathy in the Select Committee when the clause was deleted. I hope that sympathy will now materialize and this amendment will be carried."

The MUPPIL NAYAR OF KAVALAPPARA:—"I second the amendment."

* The hon. Mr. A. Y. G. CAMPBELL:—"I am afraid I cannot accept the amendment. It is quite true that a provision of this kind was in the original Bill of the Government. The matter was thoroughly discussed in the Select Committee and the fair rent which has been fixed in the Bill now was fixed without any addition of the straw. I cannot, therefore, accept the amendment."

[26th September 1929]

The amendment was negatived.

* The hon. the PRESIDENT :—"The question is that clause 6 shall stand part of the Bill."

* Mr. A. KALESWARA RAO :—"I gave notice of an amendment to omit sub-clauses (1) and (2)."

* The hon. the PRESIDENT :—"It is a consequential one which is a part of your scheme."

* Mr. A. KALESWARA RAO :—"These two provisos will apply to a case where the tenants are asked to pay a share of net produce when he did not raise any crop in the land. From that point of view my amendments are very important."

* The hon. the PRESIDENT :—"There is no proviso in clause 6."

* Mr. A. KALESWARA RAO :—"In the supplemental list of amendments it will be found."

* The hon. the PRESIDENT :—"What is here is 'Mr. A. Kaleswara Rao: Omit sub-clause (2)'. It is not in the printed amendments. Has the hon. Member given notice of his amendments? When did he give notice of them?"

* Mr. A. KALESWARA RAO :—"On the same date I gave notice of other amendments."

* The hon. the PRESIDENT :—"He has not given notice within ten days. Does any hon. Member object to that?"

The hon. Mr. A. Y. G. CAMPBELL :—"I object to it."

The amendment was not allowed to be moved.

Clause 6 was then put, passed and added to the Bill.

Clause 7.

* The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move the amendment that stands in my name which is as follows :—

'Number the first paragraph as sub-clause (1) and renumber sub-clauses (a), (b) and (c) as sub-clauses (2), (3) and (4) respectively.'

"This is merely a verbal amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

* The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move the amendment that stands in my name which is as follows :—

'In sub-clause (1) as renumbered in line 2 for the expression "clauses (a) and (b)" substitute the expression "sub-sections (2), (3) and (4)".'

"This is merely a consequential amendment and I move it."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

[26th September 1929]

Sub-clause (a).

* Mr. K. UPPI SAHIB :—"I beg to move the amendment that stands in my name; namely :—

'In line 4 for the words "one-fifth" substitute the words "one-fourth".'

"The reason for this amendment is that in the Raghaviah Committee's report they had at least allowed one-third share of the tenants' trees and two-thirds share of the janmis' trees. At the conference this change from one-third into one-fifth was made. The proceedings of the Conference were supplied to us and in it we find that this was arrived at after deducting the tenants' share of cultivation expenses, renewal fee and interest thereon. The interest calculated on the renewal fee was a mistake. The very Act provides 25 per cent or one-fourth of an year's gross produce as renewal fee and then they put the renewal fee as part of rent in advance and calculated the interest at 12 per cent for 12 years for the whole amount of Rs. 25. But the whole amount of Rs. 25 cannot be taken as the basis for calculation. Every year a portion must be deducted from this amount. That will come to about Rs. 2. But the janmi is asked to pay interest for the money which is his own. It is unfair. Moreover, Sir, for 12 years after the lease the janmi of a garden land does not get any share of the produce on trees that have come to bear fruit. The custom in Malabar as regards these garden lands is that the janmi gets one-third of the gross produce after three renewals, that is, after 36 years. I want in fairness to the janmi and also in fairness to the tenant want to make it one-fourth as a via media. With these few words, I move my motion."

Mr. BASHEER AHMED SAYEED :—"I second it."

* Mr. K. KRISHNAN :—"I oppose this amendment. My friend Mr. Uppi has stated that in the case of garden lands the janmi has got a stake and has invested a certain sum of money. I may mention for the information of the House that most of these garden lands are lands which have been converted as such from waste lands. Before a coconut tree begins to yield, a large expenditure has to be incurred in bringing it to yielding condition. If you calculate the compound interest on the amount that has to be invested for bringing these coconut trees into fruit-bearing condition, it will be very large. If the amendment of my hon. friend is carried, it would simply amount to confiscation of the tenants' share of the produce, which I hope the House will not allow. Again, Sir, I have suggested amendments in various places in this Bill but I have withdrawn all of them in view of the fact that there should be harmony between the janmis on the one hand and the tenants on the other. I would therefore request my hon. Friend Mr. Uppi to withdraw his amendment so that there may be harmony between the two classes, viz., the janmis and the tenants."

The amendment was negatived.

The Council then adjourned to meet again at 11 a.m. the next day.

III

PAPER LAID ON THE TABLE OF THE HOUSE.

* Annexure to G.O. No. 1394, Revenue, dated 12th July 1929, included in the agenda dated 12th August 1929.

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

[26th September 1929]

APPENDIX I.

[Vide answer to question No. 505 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 26th September 1929, page 236 supra.]

Statement showing the area and outturn of sugarcane in Kurnool district for the last ten years ending with 1927-28.

Year.	Area.	Outturn.
	ACS.	(TONS.)
1918-19	1,102	2,100
1919-20	310	630
1920-21	207	440
1921-22	239	350
1922-23	280	470
1923-24	293	570
1924-25	248	470
1925-26	528	980
1926-27	500	900
1927-28	187	390
Total	3,894	7,300
Average	389.4	730

APPENDIX II.

[Vide answer to question No. 521 asked by Mr. P. Anjaneyulu at the meeting of the Legislative Council held on the 26th September 1929, page 254 supra.]

G.O. Mis. No. 1880, Law (Education), dated the 15th September 1928.

In G.O. No. 636, Education, dated 20th May 1922, the Government appointed selection committees to assist the Principals of Government Colleges in the selection and admission of students. Since then, representations have been made to Government that a certain proportion of the seats available in the Presidency College, Madras, may be reserved for students belonging to backward communities to enable them to profit by the instruction given in the College. After careful consideration, the Government are pleased to direct that, subject to the possession of the minimum qualifications which will be prescribed by the Principal the number of students belonging to the Brahman and Non-Brahman communities to be admitted, in future, into the Intermediate and B.A. (Pass) classes of the Presidency College, Madras, be fixed at 40 per cent and at 60 per cent respectively of the total number of students that can be admitted into the respective classes in the College.

(By order of the Government, Ministry of Education and
Local Self-Government.)

G. S. BOZMAN,
Offg. Secretary to Government.

To the Director of Public Instruction,

[26th September 1929]

APPENDIX III.

[Vide answer to question No. 545 asked by Mr. T. Adinarayana Chettiyar at the meeting of the Legislative Council held on the 26th September 1929, page 268 supra.]

Statement showing the supply of fuel from the Tiruvannamalai fuel reserves in North Arcot district.

	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	Average.
	TONS.	TONS.	TONS.	TONS.	TONS.	TONS.
Kanthimalai	566	274½	517	920	409½	537
Kannamadaí	150	..	320	734	86	322½
Radhapuram	263	..	176½	479	541	365
Tippakadu	206	..	233½	..	548	329

APPENDIX IV.

[Vide answer to question No. 547 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 26th September 1929, page 269 supra.]

Statement showing sandalwood purchased by the sandalwood oil factories in Kuppam in 1926-27, 1927-28 and 1928-29.

Year.	Name of depot.	Class.	Lot.	Quantity.	Rate per ton.	Amount.
1926	Tirupattur ..	VII VIII IX XVII	.. .. .. ..	TONS LB. OZ. 5 0 0 10 0 0 11 30 0 15 10 0	Kg. 1,485 1,484 1,482 673	R.S. A. P. 7,425 0 0 14,840 0 0 16,630 4 0 10,179 2 0
	Vellore ..	VII IX	.. ..	7 60 0 4 0 0	1,455 1,425	11,276 4 0 5,700 0 0
	Satyamangalam ..	XVII Root II " III Jugpokal I " II	.. .. .. .. ..	5 0 0 5 0 0 5 0 0 3 0 0 1 60 0	725 1,460 1,401 1,428 1,419	3,625 0 0 7,360 0 0 7,005 0 0 4,284 0 0 2,483 4 0
		Cheg Milva Milvaohilta Basclabukini Do. Saw dust Root I " III Bagardad ..	.. .. .. .. .. .. .. .. ..	3 60 0 5 0 0 5 0 0 5 0 0 0 68 c	1,276 791 721 732 1,220	4,785 0 0 3,955 0 0 3,605 0 0 3,660 0 0 1,037 0 0

The Kangundi Industrials.

[26th September 1929

[illegible]

* M.R.Ey. V. Subrahmanya Chetti has signed as proprietor in the latest power-of-attorney executed by the factory.

Statement showing sandalwood purchased by the sandalwood oil factories in Kuppam in 1926-27, 1927-28 and 1928-29—cont.

Year.	Name of depot.	Class.	Lot.	Quantity.	Rate per ton.	Amount.
<i>The Kangundi Industrials—cont.</i>						
1926	Satyamangalam	..	..	Tons. Qr. Lb. Oz.	Rs.	Rs. A. P.
	Root II	..	..	5 51 20 0	1,685	9,514 3 9
	Root III	..	..	10 46 16 0	1,680	17,778 0 0
	Milvachilka	..	..	5 18 9 0	1,026	5,365 0 4
	Basolabukini	..	..	14 17 0 0	897	12,748 10 0
	Root I	..	..	4 74 16 0	1,875	8,261 5 6
	Root III	..	..	8 42 1 0	1,680	14,322 12 0
1927	Bagardad	..	..	2 44 11 0	1,321	3,375 1 0
	Total	..	..	94 56 27 0	..	1,30,912 13 7

APPENDIX

The South Indian Industrial, Kuppam.

[26th September 1929]						
1926	Tirupattur	..	..	1 10 0 0	1,461	14,610 0 0
1927	Vellore	..	..	3 10 0 0	660	6,500 0 0
	Satyamangalam	..	..	1 7 0 0	1,429	10,003 0 0
	Root II	..	..	2 0 0 0	1,450	2,900 0 0
	Root III	..	..	2 0 0 0	1,412	2,824 0 0
	Milvachilka	..	..	2 0 0 0	831	1,662 0 0
	Basolabukini	..	..	5 0 0 0	721	8,605 0 0
	Do.	..	..	3 0 0 0	758	2,275 0 0
1928	Total	..	..	41 0 0 0	..	44,378 0 0

26th September 1929]						
1927	Tirupattur	..	..	1 10 0 0	791	7,910 0 0
1928	Vellore	..	..	2 10 25 0	840	744 6 0
	Tirupattur	..	..	1 6 0 0	801	8,010 0 0
	Satyamangalam	..	..	3 4 40 0	1,538	9,228 0 0
	Root II	..	..	3 5 40 0	1,511	38 7 0
	Root III	..	..	4 0 16 0	1,517	6,794 8 0
	Basolabukini	..	..	3 5 40 0	1,465	303 6 0
	Do.	..	..	4 0 16 21	1,471	8,037 8 0
1929	Total	..	..	57 44 11 0	..	65,392 2 10

Messrs. V. V. & Sons, Kuppam.

1926..	Tirupattur	..	..	1 10 0 0	646	6,460 0 0
1927	Vellore	..	..	3 10 0 0	682	6,820 0 0
	Tirupattur	..	..	2 10 0 0	601	6,010 0 0
	Satyamangalam	..	..	4 10 0 0	661	6,610 0 0
1928	Total	..	..	40 0 0 0	..	25,900 0 0

* M.R.Ry. Margosa Chetti Avargal has signed as proprietor in the latest power-of-attorney executed by the factory.
† M.R.Ry. V. Subrahmanya Chetti has signed as proprietor in the recent power-of-attorney executed by the factory.

Statement showing sandalwood purchased by the sandalwood oil factories in Kuppam in 1926-27, 1927-28 and 1928-29—cont.

Year.	Name of depot.	Class.	Lot.	Quantity.	Rate per ton.	Amount.
<i>Messrs. V. V. & Sons, Kuppam—cont.</i>						
1928..	Tirupattur ..	..	..	TONS. Q.R. LB. OZ.	RS.	RS. A. P.
		XVII	2	9 78 0 0	980	9,775 8 0
		Excess	5	1 20 0 0	995	1,243 12 0
		..	..	0 2 15 12	995	31 14 0
		Total ..	11	20 15 12	..	11,051 2 0

[26th September 1929]

26th September 1929]

Abstract of quantities of sandalwood sold to the sandalwood oil factories at Kuppam during 1926-27, 1927-28 and 1928-29.

The Kangundi Industrials, Kuppam.

				Tons. Cwt.	Qr.	Lb.	Value.		
								RS.	A. P.
1926-27	...	...	...	94	1	1	5	1,08,838	13 0
1927-28	...	...	...	111	11	2	16	1,36,179	3 6
1928-29	...	...	...	94	14	0	27	1,30,912	13 7
Total	...	...	...	300	7	0	20	3,75,930	14 1

The South Indian Industrial, Kuppam.

1926-27	...	...	...	41	0	0	0	44,378	0 0
1927-28	...	...	...	57	11	0	11	65,392	2 10
1928-29	...	...	...	57	4	3	27	77,137	7 2
Total	...	...	...	155	16	0	10	1,86,907	10 0

Messrs. V. V. & Sons, Kuppam.

1926-27	...	...	...	40	0	0	0	25,900	0 0
1928-29	...	...	...	11	5	0	16	11,051	2 0
Total	...	...	...	51	5	0	16	36,951	2 0

[26th September 1929]

APPENDIX V.

[Vide answer to question No. 555 asked by Mr. B. Ramachandra Reddi at the meeting of the Legislative Council held on the 26th September 1929, page 273 supra]

District.	Recurring grant sanctioned for board and municipal schools.		Recurring grant sanctioned for schools under private management.	
	1927-28.	1928-29.	1927-28.	1928-29.
1. Ganjam	RS. 57,950	RS. 58,900	RS. 40,847	RS. 44,556
2. Vizagapatam	35,250	37,416	13,683	13,500
3. East Godavari	40,150	40,150	33,358	32,574
4. West Godavari	17,800	17,900	20,508	15,669
5. Kistna	10,900	11,000	19,659	19,537
6. Guntur	32,600	35,776	38,119	36,642
7. Kurnool	42,521	44,550	8,094	9,884
8. Bellary	57,074	59,050	7,189	6,305
9. Anantapur	33,781	35,550	4,587	4,770
10. Cuddapah	41,300	41,850	1,420	1,125
11. Nellore	27,200	31,500	27,055	20,958
12. Madras	Nil.	Nil.	1,26,523	1,49,714
13. Chingleput	13,450	14,150	32,123	32,587
14. North Arcot	33,250	34,000	45,338	45,808
15. South Arcot	19,600	19,600	17,738	18,603
16. Chittoor	33,650	30,200	24,283	26,346
17. Tanjore	25,000	25,451	60,177	59,439
18. Trichinopoly	21,650	21,650	33,403	42,281
19. Madurai	27,900	22,900	40,775	40,230
20. Ramnad	8,400	8,400	41,952	44,800
21. Tinnevely	12,650	12,350	78,698	77,592
22. Coimbatore	20,900	23,600	16,399	18,840
23. Salem	27,549	28,000	5,001	3,947
24. The Nilgiris	14,000	14,900	5,320	5,238
25. Malabar	29,800	34,550	64,887	66,782
26. South Kanara	12,150	12,550	43,527	46,235

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 27th September 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.
 Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.
 Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
 Subbarayan, The hon. Dr. P.
 Muthiah Mudaliyar, The hon. Mr. S.
 Seturatnam Ayyar, The hon. Mr. M. R.
 Abdul Hameed Khan Sahib Bahadur.
 Abdul Razaq Sahib Bahadur, Khan Bahadur S. K.
 Achutan, Mr. A.
 Adinarayana Chettiyar, Mr. T.
 Ahmed Miran Sahib Bahadur, Moolvi Hafiz Anumanthakudi Mustafa.
 Anjaneyulu, Mr. P.
 Appavu Chettiyar, Mr. C. D.
 Ari Gowder, Mr. H. B.
 Arogyaswami Mudaliyar, Diwan Bahadur R. N.
 Arpudaswami Udayar, Mr. S.
 Basheer Ahmed Sayeed Sahib Bahadur.
 Bhanoji Rao, Mr. A. V.
 Bheemayya, Mr. J.
 Biswanath Das Mahasayo, Sriman.
 Chidambaramatha Mudaliyar, Mr. K.
 Cotterell, C.I.E., I.C.S., Mr. C.
 Dorai Raja, Mr. S. N.
 Ethirajulu Nayudu, Diwan Bahadur P. C.
 Foulkes, Mr. R.
 Gangadhar Siva, Mr. M. V.
 Gnanavaram Pillai, Mr. P. J.
 Gopala Menon, Mr. C.
 Govindaraja Mudaliyar,
 Gray, O.B.E., I.C.S., Mr. J.
 Guruswami, Rao Sahib L. C.
 Hampayya, Rai Sahib M.
 Harisarvottama Rao, Mr. G.
 Hilton Brown, I.C.S., Mr.
 James, Mr. F. E.
 John, Mr. V. Ch.
 Kaleswara Rao, Mr. A.
 Kameswara Rao Nayudu, Mr. V.
 Karant, Mr. K. R.
 Kesava Pillai, C.I.E., Diwan Bahadur P.
 Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.
 Koti Reddi, Mr. K.
 Krishnan, Mr. K.
 Krishnaswami Ayyar, Mr. Alladi.
 Krishnaswami Nayakar, Mr. K. V.
 Kumara Raja of Venkatagiri.
 Kumaraswami Reddiyar, Diwan Bahadur S.
 Leach, I.C.S., Mr. A. G.
 Leach, Mr. A. J.
 Madhavan Nayar, Mr. K.
 Maharaja of Pithapuram, C.B.E.
 Mahmud Schamnad Sahib Bahadur.
 Mallayya, Dr. B. S.
 Manikkavelu Nayakar, Mr. M. A.
 Mesra Ravuttar Bahadur, K. P. V. S. Muhammad.
 Moidoo Sahib Bahadur, Khan Sahib T. M.
 Muniswami Nayudu, Rao Bahadur B.
 Muniswami Pillai, Mr. V. I.
 Muppil Nayar of Kavalappara.
 Muthulakshmi Reddi, Dr. (Mrs.) S.
 Muthuranga Mudaliyar, Mr. C. N.
 Nanjappa Bahadur, Subadar-Major S. A.
 Narayana Raju, Mr. D.
 Narayanan Nambudripad, Rao Bahadur O. M.
 Natesa Mudaliyar, Rao Bahadur C.
 Obi Reddi, Mr. C.
 Parasurama Rao Pantulu, Mr. A.
 Parthasarathi Ayyangar, Mr. C. R.
 Patro, Kt., Rao Bahadur Sir A. P.
 Premayya, Mr. G. R.
 Ramachandra Padayachi, Mr. K.
 Ramachandra Reddi, Mr. B.
 Ramamurti, I.C.S., Mr. S. V.
 Raman Menon, Mr. K. P.
 Ramjee Rao, Mr. V.
 Ranganatha Mudaliyar, Mr. A.
 Ratnasabhapati Mudaliyar, Rao Bahadur C. S.
 Robertson, Mr. R. J. C.
 Sahajanandam, Swami A. S.
 Saldanha, Mr. J. A.
 Sami Venkatachalam Chetti, Mr.
 Sankaran Unni, Mr. E.
 Sarabha Reddi, Mr. K.
 Shetty, Mr. A. B.
 Sitarama Reddi, Rao Bahadur K.
 Siva Raj, Mr. N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Soundarapandian, Mr. W. P. A.
 Srinivasa Ayyangar, Mr. E.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Sahib R.
 Subrahmanya Moopanan, Mr. S.
 Subrahmanya Pillai, Mr. Chavadi K.
 Tajudin Sahib Bahadur, Syed, Thomas, Mr. Daniel.
 Tulasiram, Mr. L. K.
 Uppi Sahib Bahadur, K.
 Vanavudaiya Gounder, Mr. S. V.
 Venkatapati Raju, Mr. P. G.
 Venkataramana Ayyangar, Mr. C. V.
 Venkatarangam Nayudu, Mr. C.
 Venkataratnam, Mr. B.
 Venkiah, Mr. S.
 Watson, I.C.S., Mr. H. A.
 Wood, Mr. C. E.
 Zamindar of Seithur.

[27th September 1929]

I
QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Stationery

Disposal of typewriters condemned by the Superintendent of Stationery.

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

(a) whether any typewriters were considered unserviceable by the Superintendent of Stationery during the last three years; and

(b) if so, how many, and of what make, and the number that were disposed of, by auction, by exchange, or by being simply written off the accounts respectively?

A.—(a) Yes.

(b) The total number of machines found unserviceable during the last three years is 397 as shown below:—

Remington	123	Century	8
Yost	66	Corona	4
Underwood	27	Armstrong	2
Empire	70	Demountable	1
L. C. Smith	34	Monarch	8
Victor	11	Rex	4
Fox	31	Oliver	8
Total	362	Total	35
		397	

Excepting one Fox typewriter which was sold to a gazetted officer, the rest were sold in auction.

Mr. C. GOPALA MENON:—"Out of the 396 typewriters that were sold in auction, it is seen from the table that 123 are Remingtons, 66 are Yost and 27 are Underwood. May I know from the hon. the Home Member whether any undue preference was shown to any particular type of typewriter, as we find that in the course of the last three years as many as 123 Remington typewriters were replaced and sold in auction?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"We are purchasing machines on the basis of cheapness, durability and efficiency."

Mr. C. GOPALA MENON:—"May I know what is the policy of the Government in distributing these orders to the various offices of the typewriters, and whether there is any particular preference shown to any particular type of machine?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"At present the policy of the Government is to call for tenders and then orders are passed after considering the cheapness, durability and efficiency of the machines."

Mr. C. GOPALA MENON:—"Am I to understand that the Government are not favouring any particular type of machine?"

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

27th September 1929]

Mr. C. GOPALA MENON:—"Is it a fact that no orders were given to the Underwood typewriters this year?"

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

Mr. C. GOPALA MENON:—"Will the hon. the Home Member look into the matter and see that the injustice shown to any particular typewriter agency is rectified?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I do not think there is any injustice to be rectified. As a matter of fact we are calling for tenders, and giving orders after taking into consideration the efficiency, durability and cheapness of the machines."

Civil Justice

Additional accommodation for the Bar room at Mangalore.

* 557 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) in what stage the proposal to give additional accommodation to the Bar room at Mangalore is;

(b) whether it is a fact that plans and estimates were ready long ago; if so, when;

(c) what is the delay due to;

(d) what will be the approximate cost of the construction; and

(e) when it is proposed to commence the work?

A.—(a) to (e) Orders were issued in the matter in July last. The Government have approved of an expenditure of Rs. 5,050 on the work. Funds have been provided for the purpose and the work will be started in the current year.

Removal of the bar of 13 years' permanent service for Sub-Judges and District Munsifs.

* 558 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state, with reference to my question No. 96, dated 8th August 1929, regarding the removal of the bar of 13 years' permanent service rule for Sub-Judges and District Munsifs, whether Government have since passed any and, if so, what orders thereon?

A.—The question is still under consideration.

Alleged irregular attendance of judicial officers.

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

(a) at what time of the day as a rule the various civil judicial officers in the district of South Kanara daily attended court during the three months ending with 31st March 1929; and

(b) whether representations have been made to Government, that, on account of the uncertainty of the time of attendance of judicial officers in the several courts in the district, much inconvenience is caused to parties, witnesses, pleaders as well as the clerical staff?

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

(b) No.

Criminal Justice

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Alleged circular removing the purport of the evidence in the charge sheet.

* 560 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that about a year ago the Government have issued a circular or order that the purport of the evidence which the various witnesses are expected to give should not appear in the charge sheet;

(b) if so, under what authority Government have issued the above circular or order;

(c) whether Government took any and, if so, what legal advice before it was issued; and

(d) whether Government propose to take any and, if so, what steps to rescind the said circular or order?

A.—(a) & (b) The attention of the hon. Member is invited to Notification No. 782, dated 16th October 1928, published on page 1595 of Part I of the *Fort St. George Gazette*, dated 23rd October 1928, in which the Government, in the exercise of the power vested in them under section 173, Criminal Procedure Code, amended the form of charge sheet with the previous sanction of the Government of India.

(c) No.

(d) The Government do not propose to do so.

Mr. D. THOMAS:—"May I know, with reference to the answer to clauses (a) and (b), what were the circumstances that made the Government think it necessary for amending the old form?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"It was thought that there should be uniformity throughout India."

Mr. D. THOMAS:—"May I know on whose motion or report was this amendment effected? Was it on the motion of the Police Department or on that of the Magistracy?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"It was made without any suggestion from others."

Mr. D. THOMAS:—"With reference to clause (c), may I know why Government did not take any legal advice in the matter?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Because section 173 of the Criminal Procedure Code is very clear on the matter."

Mr. D. THOMAS:—"My question was not whether Government had any power to amend, but why they did not take any legal advice in the matter?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Because there was no question of interpretation of law. (Laughter.) The section is very clear and the Government did not think it necessary to take legal advice."

Mr. D. THOMAS:—"Does the Government think it harmful that the accused should come to know what each will speak against him before the commencement of the trial?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No."

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Forests

Availability of certain forest officers engaged in the management of ryots' forests for other work.

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

(a) the number of Forest Conservators, Assistant Conservators and Rangers who were hitherto engaged on the management of ryots' forests and have since become available for other work;

(b) how their services are being utilized at the present moment and are proposed to be utilized hereafter respectively;

(c) whether any programme and policy for the future development of the forests supposed to be valuable and still on the hands of the Government has been framed; and

(d) if not, at what stage the matter is and when the programme and policy are likely to be determined?

A.—(a) & (b) No officers were exclusively employed on work connected with ryots' forests. But the transfer of these forests has enabled Government to abolish one forest territorial circle and seven forest divisions. Consequently the strength of the Imperial and the Madras Forest Services (excluding the posts of Chief Conservator and Conservators) has been reduced, by holding certain posts in abeyance, from 100 to 87 and the number of officers actually in service now is only 84. The rangers' cadre has also been reduced from 203 to 179. These officers are now employed on work unconnected with ryots' forests. Further revision of establishments is under consideration.

(c) & (d) The question of the reorganization of the department is now under examination.

Preparation of working plans for forest plantations.

* 562 Q.—Mr. J. A. SALDANHA: With reference to my question No. 1889 answered on 26th March 1929 and forms 34-A and 34-B appended to the Forest Department Administration Report for 1927-28, will the hon. the Law Member be pleased to state—

(i) whether sowing, plantation, regeneration and other operations are done and have been done in the plantations not under working plans without working plans, and whether any plans have been adopted and are adopted for regeneration purposes therein; and

(ii) if there are such plans, who is responsible for preparing them and by whom they are sanctioned?

A.—(i) Regeneration and other operations are undertaken in areas not covered by working plans. Such work is governed by the annual plan of operations, drawn up by the District Forest Officers subject to the control of Conservators. Work, too, is sometimes regulated by working schemes which are in force until such time as it is possible to prepare forest working plans. These are sanctioned by Conservators or the Chief Conservator of Forests.

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- (ii) Working plans are prepared by District Forest Officers or Special Officers and are sanctioned by the Chief Conservator of Forests.

Mr. G. HARISARVOTTAMA RAO:—"Sir, in the answer to clause (i) it is said 'regeneration and other operations are undertaken in areas not covered by working plans'. May I know if, in the forest district of Kurnool, regeneration and other operations have been given up?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Notice, Sir."

Mr. J. A. SALDANHA:—"With reference to clause (ii), may I know whether there is any officer for preparing the plans for such areas in the Presidency?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, Sir, there is one."

Mr. J. A. SALDANHA:—"If so, may I know what is the scope of his activities?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"He is preparing working plans."

Expenditure on saw mills under the Forest department.

* 563 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) whether in answer to question No. 1705, dated the 12th March 1929, the forest dues were taken into account in showing expenditure for saw mills under the Forest department;

(b) if not, whether the same were deducted from receipts; and

(c) if not, why not?

A.—(a) No.

(b) No.

(c) Owing to a misunderstanding as to what was required.

Value of timber supplied to Government Saw Mills.

* 564 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state with regard to the timber supplied to saw mills under Government control—

(a) whether the cost of the timber is debited in the accounts of the mills;

(b) if so, how much per cubic foot; and

(c) the approximate value of the same when it is given to private merchants?

A.—(a) Yes.

(b) In 1927-28 the last complete year for which audited figures are available the following rates per cubic foot were charged to the mills:—

	RS.	A.	P.
Olavakkot mill	...	...	...
Pollachi mill	...	...	...
Beyppore mill	...	...	...
Parappa mill	...	...	...
Chedleth mill	...	...	...
	1	0	3.16
	0	12	1
	0	9	6.66
	0	7	2
	0	8	5.7

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The variations are due to the distance from the sources of supply to the mills.

- (c) Timber of the classes devoted to milling was not ordinarily offered for sale in the log. Hence it is not possible to answer this clause.

Law Officers

Age-limit for appointment of the Administrator-General in the Madras High Court.

* 565 Q.—Mr. K. KOTI REDDI: Will the hon. the Law Member be pleased to state—

(a) whether there is any age-limit and who has prescribed it with regard to the appointment of Administrator-General in the High Court of Judicature, Madras; and

(b) what other judicial appointments have the same age-limit prescribed?

A.—(a) Yes, in the case of direct recruits. It has been prescribed by Government in exercise of the powers conferred in rules 3 and 4 of the Civil Services (Governors' Provinces) Delegation Rules, 1926.

(b) (1) Judge, City Civil Court, Madras, if directly recruited.

(2) Puisne Judge, Court of Small Causes, Madras, whose post is not included in the cadre of sub-judges.

Mr. K. KOTI REDDI:—"May I know what is the age-limit fixed in these cases, if there is one such?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Forty years is the age-limit."

Mr. K. KOTI REDDI:—"May I know whether persons of experience, ability and character are required for this post?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, Sir." (Laughter.)

Stamps

Reduction of stamp duties to the pre-reform level.

* 566 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Law Member be pleased to state whether the Government came to any decision upon the reduction of stamp duties to the pre-reform level and if so, what?

A.—The Government have decided not to make any change at present.

Rao Bahadur B. MUNISWAMI NAYUDU:—"May I know when the Government came to the decision not to make any changes in the stamp duties?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I can't say the exact date. They came to that decision recently."

Rao Bahadur B. MUNISWAMI NAYUDU:—"May I know whether the hon. the Law Member has satisfied himself that no reduction in the stamp duties is necessary?"

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The Government are satisfied that no changes are needed."

Rao Bahadur B. MUNISWAMI NAYUDU :—"May I know why the Government think that no changes need be effected?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Because Government are satisfied that no changes are needed."

Mr. C. GOPALA MENON :—"Sir, was there not a statement made on the floor of this House some time back that when the Provincial contributions are remitted there would be a reduction in stamp duties?"

The hon. the PRESIDENT :—"That is giving information."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know what effect was given to the conclusions of the Select Committee on the Bill to reduce the scale of court-fees?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Notice, Sir."

Mr. R. SRINIVASA AYYANGAR :—"May I know what are the specific reasons underlying the decision of the Government not to make any changes at present?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The Government do not deem it necessary to reduce the duties."

Mr. R. SRINIVASA AYYANGAR :—"Is there no tangible reason assigned?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"No, Sir. The Government are satisfied that there is no need for reduction."

Sriman BISWANATH DAS Mahasayo :—"Will the Government be pleased to lay on the table of the House the representations they have received on this question and also the decision of the Government on the same?"

The hon. the PRESIDENT :—"The decision of the Government is there in the answer."

Sriman BISWANATH DAS Mahasayo :—"Will the hon. the Law Member be pleased to lay on the table of the House the representations he received on this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Those representations were made in the course of the Budget discussion in this Council some time ago, and thus the House is already in possession of them."

Mr. G. HARISARVOTTAMA RAO :—"May I know if the Government satisfied itself before it came to this decision as to the way in which the present stamp duty is pressing on the people?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Yes, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—"May I know why the Government did not think it expedient to change the present rate of stamp duties?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Because they do not think it is necessary."

Mr. SAMI VENKATACHALAM CHETTI :—"May I know why?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Because they think it is not necessary."

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Village Courts Act

Action taken on the Proceedings of the Panchayat Committee Members of Kasaragod taluk.

* 567 Q.—Mr. K. R. KABANT : Will the hon. the Law Member be pleased to state whether any and, if so, what decision has been come to with reference to the subject matter of my question No. 209, dated 10th August 1929, regarding proceedings of the meetings of the Panchayat Committee Members of the Kasaragod taluk?

A.—The proposals are under the consideration of the Government.

Agency

Increase in the assessment in the muttas of Chittampadu, etc., in the Vizagapatam Agency.

* 568 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state the orders passed by them on the proposals of the Board of Revenue recommending an increase of 56 per cent on the assessment obtaining at present in the muttas of Chittampadu, Antada, Koyyur and Makaram in the Vizagapatam Agency?

A.—No orders have yet been passed on the subject.

Mr. A. RANGANATHA MUDALIYAR :—"May I know why no orders have been passed as yet?"

The hon. Mr. A. Y. G. CAMPBELL :—"We are awaiting further information on certain points."

Mr. A. RANGANATHA MUDALIYAR :—"The proposals are that the assessment is to be increased by 56 per cent and the recent rule that the Government have laid down for their guidance is that the enhancement should be limited to 18½ per cent. May I know what the Government is going to do and whether they will not adhere to the rule?"

The hon. Mr. A. Y. G. CAMPBELL :—"The Madras ryotwari system has not been in force hitherto in this area. The hon. Member's suggestion will however be considered."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know what are the extraordinary reasons put forward by the Board of Revenue for recommending this high percentage?"

The hon. the PRESIDENT :—"I think the Government laid the proposals on the table of the House yesterday or the day before. The information is available in the published reports."

Assignment of Lands

Assignment of lands to Mrs. Julia Nathaniel.

* 569 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased—

(1) to lay on the table a statement showing the number of assignments of lands with extents and names of villages, made by Mr. Gnanaprakasam, late Tahsildar of Gudiyattam, to one Mrs. Julia Nathaniel, wife of the Vice-President, District Board, North Arcot; and

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(2) to state—

(a) whether these assignments have been confirmed by Collector or otherwise modified or altered;

(b) whether it is a fact that, besides granting lands to Mrs. Nathaniel, lands have been assigned by the same Tahsildar to the servant of Mrs. Nathaniel in her dispensary at Vellore; and

(c) what action the Government propose to take regarding these assignments?

A.—(1) & (2) The Government have not the information, but have called for a report.

Levy of tree-tax on lands assigned to Panchamas in East Godavari.

* 570 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

(a) the number of Panchamas who were given lands in East Godavari in the last ten years;

(b) in how many of these cases any fees for trees standing on the lands were charged; and

(c) what the amount is?

A.—(a) to (c) The Government have not the information and are of opinion that the labour involved in compiling it would not be justified by the result.

Mr. G. HARISARVOTTAMA RAO:—“May I know whether the hon. Member for Revenue will be pleased to inquire if the imposition of fees on trees is working hardship in the East Godavari, with special reference to the depressed classes?”

The hon. Mr. A. Y. G. CAMPBELL:—“It may be difficult to determine in what cases there has been hardship without elaborate inquiries. If any particular case is brought forward I shall be glad to investigate it.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether he will be pleased to inquire within a specified period in how many cases lands were assigned to the depressed classes and fees for trees were demanded and recovered? He may then be in a position to know if any hardship had really occurred.”

The hon. Mr. A. Y. G. CAMPBELL:—“I shall consider if the information can be gathered in respect of a certain limited area.”

Free assignment of lands to depressed classes.

* 571 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state with reference to question No. 1667, dated 11th March 1929—

(a) whether Government have arrived at any decision regarding the question of giving the lands free of assessment to the depressed classes till they become productive; and

(b) if not, how long the question has been under the consideration of the Government?

A.—(a) & (b) The question is under the consideration of Government and has been under their consideration since March 1929.

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Rao Bahadur B. MUNISWAMI NAYUDU:—“May I know how long more will it take for the Government to come to a decision?”

The hon. Mr. A. Y. G. CAMPBELL:—“I cannot say definitely. The question was raised originally with reference to South Kanara but the question has to be considered with reference to the Presidency as a whole.”

Mr. MAHMUD SCHAMNAD:—“May I know whether caste Hindus who are untouchables and who are economically poor are included in the term ‘depressed classes’, or are others also eligible to this concession?”

The hon. Mr. A. Y. G. CAMPBELL:—“I believe not.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether any decision has been reached with regard to the principle enunciated as to whether the land should be free of assessment for ever, or whether it is only for a particular time?”

The hon. Mr. A. Y. G. CAMPBELL:—“No decision has been arrived at; we are awaiting a report.”

Constitution of Provinces

Establishment of a Karnataka province.

* 572 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state whether the resolution of the Local Legislative Council recommending the establishment of a Karnatic Province has been forwarded to the Government of India and if so, when?

A.—Yes. On the 11th September 1929.

Mr. D. NARAYANA RAJU:—“May I know whether the Government have made any remarks in the forwarding letter on this matter?”

The hon. Mr. A. Y. G. CAMPBELL:—“No, Sir.”

Sriman BISWANATH DAS Mahasaya:—“Will the hon. the Member for Revenue be pleased to lay on the table of the House a copy of the forwarding letter?”

The hon. Mr. A. Y. G. CAMPBELL:—“I shall consider the suggestion.”

Sriman BISWANATH DAS Mahasaya:—“May I know whether there has been any correspondence with the Government of Bombay on this matter?”

The hon. Mr. A. Y. G. CAMPBELL:—“I must ask for notice, Sir.”

Mr. A. KALESWARA RAO:—“May I know why the Government of Madras did not recommend the formation of a separate province?”

The hon. Mr. A. Y. G. CAMPBELL:—“The proceedings were forwarded with reference to the provisions of the Government of India Act.”

Mr. A. KALESWARA RAO:—“Did not Government make any recommendations?”

The hon. Mr. A. Y. G. CAMPBELL:—“The Government expressed no views. They were not in a position to make any definite recommendations as I explained during the debate.”

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Irrigation

Suitability of the Thimmalapuram site for the Tungabhadra project.

* 573 Q.—Mr. K. KOTI REDDI: Will the hon. the Member for Revenue be pleased to state what opinion the Special Engineer has given with regard to the engineering possibilities of the Thimmalapuram site recommended by the Ceded Districts Irrigation Committee for the Tungabhadra project?

A.—The attention of the hon. Member is invited to paragraph 7 of Mr. Ireland's report laid on the table on 5th September 1928, in answer to Mr. G. Harisarvottama Rao's question No. 120. Trial pits and borings on the site have been made and the Government of India have been requested to depute a Geologist to report on the suitability of the site after examining them.

Mr. KOTI REDDI:—"May I know whether any progress has been made with regard to the project?"

The hon. Mr. A. Y. G. CAMPBELL:—"No other information is available. The Geologist cannot examine the site until the water in the river has gone down. We have asked the Government of India to send a Geologist in October."

Mr. G. HARISARVOTTAMA RAO:—"Sir, the first part of the answer suggests that other schemes were taken into consideration. May I know what other schemes were considered as it would . . . ?"

The hon. the PRESIDENT:—"The question does not arise."

Mr. D. NARAYANA RAJU:—"May I know when the Government of India was first requested to send the Geologist?"

The hon. Mr. A. Y. G. CAMPBELL:—"I cannot give the exact date. I think it was last month."

Regulation of boat traffic in the Godavari river.

* 574 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to answers given to question Nos. 1242 and 1248 on 31st January 1929 and 1st February 1929 respectively—

(a) whether the opinion of the District Magistrate referred to in the answer to the first question and the draft notification referred to in the answer to the second question have been received;

(b) whether they would be placed on the table;

(c) whether the Madras Canals and Public Ferries Act of 1890 has been made applicable to the Godavari river; and

(d) whether in view of the danger to passenger traffic on boats in the river, the Government will expedite the matter?

A.—(a) Yes.

(b) The District Magistrate's report^a is laid upon the table. The notification will be published in the *Fort St. George Gazette* in due course.

^a Printed as Appendix I on page 410 infra.

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- (c) No. It is for the purpose of making it applicable that the notification is required.
(d) The Government will issue the necessary notification as soon as possible.

Working of the 6 feet shutters over Kistna anicut.

* 575 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

- (a) when the 6 feet shutters over Kistna anicut commenced to operate;
(b) what the benefits derived or expected to be derived from the above arrangement are; and
(c) what the cost of the above shutters is?

A.—(a) In 1925–26.

(b) The installation of the shutters has, besides ensuring a better supply of water to the existing ayacut of the Kistna Eastern and Western deltas, rendered it possible to extend irrigation for a short crop to 75,000 acres in the two deltas. A special division is working out a scheme for the allocation of these extensions.

(c) Rs. 4.14 lakhs.

Estimates for the Vempad project.

* 576 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state, with reference to question No. 1670, dated 11th March 1929, regarding the Vempad project—

- (a) whether the estimate for the scheme of irrigating 4,500 acres of short crop in the Kistna Eastern delta was received from the Board of Revenue to whom it was sent for report on the financial aspect; and
(b) if so, what the report is?

A.—(a) & (b) The Board's report has been received. The Board has recommended that the scheme should be sanctioned. The Government have directed that the scheme should be brought forward for consideration in connexion with the budget estimates for 1930–31.

Mr. A. KALESWARA RAO:—"May I know, Sir, whether the newly 11-15 extended irrigation will be only for short crop or will it be extended to lands ^{a.m.} for ordinary crop also?"

The hon. Mr. A. Y. G. CAMPBELL:—"The area referred to in the answer to clause (b) is for short crop."

Mr. A. KALESWARA RAO:—"May I know whether there is any other area to which this irrigation is intended to be extended for the ordinary crop?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am not aware of any."

Mr. A. KALESWARA RAO:—"May I know, then, whether any 'nazarana' will be collected for these lands to be irrigated for short crop?"

The hon. Mr. A. Y. G. CAMPBELL:—"If by 'nazarana' an inclusion fee is meant the answer is in the negative."

Minor Irrigation

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Enquiry into the alleged interference with the course of the Kulamangalam channel.

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

(a) whether Kamachia Pillai and others of Mukasa Kulamangalam village, Tanjore taluk, have written to the Government or the Board of Revenue, objecting to the interference with the course of 'Kulamangalam channel' by Magudavel Pillai on several grounds; and

(b) if so, whether the Government have made any inquiry into the matter and with what result?

A.—(a) The Government have received a copy of a petition addressed to the Board of Revenue on the subject.

(b) No. No enquiries by Government are called for at this stage as the Board of Revenue will doubtless deal with the petition addressed to it.

Village Establishments

Alleged dismissal of Mr. Venkatachala Pillai, karnam of Karasamangalam village.

* 578 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether one Venkatachala Pillai, karnam of Karasamangalam village of Gudiyattam taluk, was dismissed from office; and

(b) whether he preferred an appeal to Government and, if so, how it was disposed of?

A.—(a) Yes.

(b) Yes. Under the provisions of the Madras Hereditary Village Offices Act III of 1895 the orders of the Board of Revenue are final and no appeal lies to the Government. The petitioner was informed accordingly.

Mr. T. ADINARAYANA CHETTIYAR:—"May I know what the fault was of the village officer, for which he was dismissed?"

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

Mr. T. ADINARAYANA CHETTIYAR:—"Is it a fact that the only fault that could be found was that he did not disclose the relationship of a certain assignee of land, and otherwise his career was quite unexceptionable?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of the question. I may add that it is stated in the answer to clause (b) that no appeal lies to the Government."

Mr. T. ADINARAYANA CHETTIYAR:—"All the same, in view of the injustice done to a faithful servant of the Government, will the Government be pleased to enquire into the matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think any useful purpose will be served by any enquiry as the order of the Board of Revenue is final."

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Mr. A. RANGANATHA MUDALIYAR:—"It is stated that the order of the Board of Revenue is final. Have the Government no power to revise that order though it may not be on appeal?"

The hon. Mr. A. Y. G. CAMPBELL:—"So far as I am aware, we cannot interfere with the order of the Board of Revenue."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the Government have not the inherent power to revise the order of the Board of Revenue?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think we have powers of revision of orders passed by the Board of Revenue under the statutory powers any more than we have power to revise the orders of the civil courts."

Choultries

Alleged utilization of Kallimodu chatram funds for a hostel to the Board High School, Tiruturaipundi.

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

(a) whether the Government ruled that the funds of the Kallimodu chatram in the Tiruturaipundi taluk could not be used for the purpose of a hostel attached to the Local Board High School;

(b) what steps, if any, were taken by the Government to recover from the authorities responsible the amount improperly spent from the said chatram funds and to see that the proceeds of the funds are utilized agreeably to the intentions of the original donor; and

(c) what steps, if any, Government propose to take to find out the purpose for which the donors created the endowment and to see to the proper administration of the endowment properties in future?

A.—(a) Yes, in 1927.

(b) & (c) Government decided not to press for the recovery of the amounts spent on the hostel prior to 1927, but issued instructions that no such diversion should be made of the chatram funds without the sanction of a court.

Education

Vernacular knowledge as a qualification for District Educational Officers.

* 580 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether a thorough knowledge of the vernacular or a passing of test in the vernacular of the district in which a District Educational Officer is to work is laid down as a necessary condition of service;

(b) how many District Educational Officers now in service have such knowledge or have passed such tests and how many have not; and

(c) what steps will be taken to remedy the existing state of affairs?

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A.—(a) Under the rules prescribed by Government for the study of Oriental languages by European and Anglo-Indian officers of the Madras Educational Department, every officer of the above class who is engaged in inspection shall pass a compulsory test in two of the following languages:—

Tamil	Malayalam
Telugu	Oriya
Kanarese	Urdu,

one of which shall be either Tamil or Telugu. An officer who has taken the B.A. degree in one of the languages shall not be required to pass the test in a second language. No such tests are prescribed for District Educational Officers who are Indians.

- (b) One has passed such tests, two have passed in only one language and one in no language.
- (c) Of the two officers who have passed the test in one language, one has been exempted from passing the test in a second language and the other is the Inspector of European Schools. The officer who has not passed the test in any language has put in an acting service of a little over one year.

A time limit has been prescribed by Government within which the officers are required to pass such tests; failure to do so will involve the stoppage of the officer's increment till he passes them.

Mr. K. R. KARANT :—" May I know whether the Government will see that no District Educational Officer is posted to any district unless he knows the vernacular of that district ? "

The hon. Dr. P. SUBBARAYAN :—" It is difficult to give an undertaking of this kind. As far as possible, the Government have asked the Director of Public Instruction to see that officers posted to any area have a working knowledge of the language of that area. "

Mr. G. HARISARVOTTAMA RAO :—" May I know with regard to the District Educational Officers, whether in posting these officers to any area, their qualification in the vernacular of that area is taken into account ? "

The hon. the PRESIDENT :—" That has been answered. "

Mr. K. KOTI REDDI :—" May I know what is the purpose of Europeans and Anglo-Indians being insisted on to pass this vernacular test ? "

The hon. Dr. P. SUBBARAYAN :—" For the simple reason that they may have some acquaintance with the language of the district in which they serve. "

Mr. K. KOTI REDDI :—" May I know then if it is not necessary that only such Indians or non-Indians as are acquainted with the language of the district should be posted to that district ? "

The hon. the PRESIDENT :—" That has been answered. "

Mr. ABDUL HAMEED KHAN :—" May I know why they should know the vernacular of the district to which they are posted ? "

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The hon. Dr. P. SUBBARAYAN :—" Because they inspect the elementary schools sometimes, and education in such schools is given in the vernacular. "

Mr. ABDUL HAMEED KHAN :—" May I know which District Educational Officers know all the vernaculars ? "

The hon. Dr. P. SUBBARAYAN :—" It is impossible to make every one know all the languages. As far as possible, the Director of Public Instruction has been asked to post to districts officers who are acquainted with the language of those districts. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. the Minister is prepared to issue instructions that only such District Educational Officers as have passed some vernacular examination should be posted to districts where that vernacular prevails ? "

The hon. the PRESIDENT :—" It has been already answered. "

Provision of hostels for students in Government Colleges at Coimbatore and Tellicherry.

* 581 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the Government Colleges at Coimbatore and Tellicherry provide no hostels for students; and

(b) whether there are any other Government Colleges where only rented dwelling houses are adopted for hostel uses and, if so, which they are ?

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

(b) The hostels attached to the Presidency College, Madras, the Government College, Mangalore, and the Lady Willingdon Training College, Madras (excluding the Ice House hostel) are located in rented buildings.

Mr. ABDUL HAMEED KHAN :—" May I know if it is the policy of the Government to see that these hostels are located hereafter in buildings owned by the Government having regard to sanitation and other considerations ? "

The hon. Dr. P. SUBBARAYAN :—" As far as possible, the Government are trying to replace these rented buildings by Government buildings. "

Adoption of medical treatment suggested to students on medical inspection.

* 582 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government are aware that in most cases the treatment suggested by the doctors who do medical inspection in schools and colleges is not carried out; and

(b) whether the Government have considered what can be done in this matter so as to make medical inspection really useful ?

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

(b) The question of improving the present system of medical inspection is under consideration.

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Mr. A. B. SHETTY :—" May I know whether the Government will call for a report in regard to the question mentioned in sub-clause (a) ? "

The hon. Dr. P. SUBBARAYAN :—" It is very difficult to collect this information, because it will mean holding a census of all these people and asking the students and their parents. In these circumstances, I am afraid this information cannot be called for."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Is it a fact that many of the pupils inspected by the medical inspectors are too poor to follow the treatment suggested by the medical inspectors ? "

The hon. Dr. P. SUBBARAYAN :—" I am not aware of any such difficulty, Sir."

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Will the Government be pleased to issue orders to the various dispensaries under the Government and local bodies to dispense freely the medicines prescribed by medical inspectors ? "

The hon. Dr. P. SUBBARAYAN :—" It is difficult to give an undertaking of this kind, because it is a matter which concerns my hon. Colleague the Minister for Public Health, and I have to consult him before I can give any such undertaking."

Transfer of the staff of the Government College at Coimbatore.

* 583 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how many members of the staff belonging to the College and High School departments of the Government College at Coimbatore and to the Training School attached to it have been transferred during the last one year; and

(b) what is the amount of travelling allowance spent on these transfers?

A.—(a) Six officers were transferred, the transfers having been necessitated by the return to duty of officers who had either gone on leave or had been deputed for training.

(b) The Government have no information.

Opening of Panchayat schools near aided schools.

* 584 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the attention of Government has been drawn to any cases of the opening of Panchayat schools in places where aided schools meet the educational needs of the locality;

(b) whether they are aware that the Registrar-General of Panchayats gives grants to such schools opened in competition with existing schools in spite of the refusal of the District Educational Council to recognize them; and

(c) whether Panchayats, Labour and Fisheries schools are subject to the control of the Director of Public Instruction and the District Educational Council, and if so, in what way?

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A.—(a) & (b) One case has been brought to the notice of Government in which a panchayat school was opened in a village in the Anantapur district which was already served by an aided school. The Panchayat school was opened on the recommendation of the District Educational Officer, as it was reported that the manager of the aided school was not conducting the school regularly and that the existence of the school was of no practical value.

(c) All the three classes of schools are under the control of the Director of Public Instruction only in so far as they are inspected by the inspecting officers of the Educational Department. They are under the control of the District Educational Councils in so far as they have to be recognized by those Councils, who can withdraw recognition, if the conditions of recognition are not satisfied.

Meetings and Report of the Committee on Physical Education in Elementary Schools.

* 585 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) when the Committee on Physical Education in Elementary Schools was appointed;

(b) how many times the committee has met; and

(c) when the committee will submit its report to the Government?

A.—(a) In October 1928.

(b) & (c) The committee was able to start work only in March 1929 after the report of the Committee on Physical Education in Secondary Schools for boys became available. It has met once and further meetings will have to be held. The report is expected to be ready by the end of October.

Mr. ABDUL HAMEED KHAN :—" May I know why the Committee met only once between March 1929 and the present time ? "

The hon. Dr. P. SUBBARAYAN :—" I believe the Committee wanted to know exactly what will be the attitude of the Government with regard to the report which has been issued by the Committee on Physical Education in secondary schools."

Mr. ABDUL HAMEED KHAN :—" Has not the Committee given their report, yet ? "

The hon. Dr. P. SUBBARAYAN :—" The Committee are now in a position to report, and as I said in the answer, their report is expected to be ready by the end of October."

Grants to libraries in the Presidency.

* 586 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number, names and locations of the libraries in this Province;

(b) the total amount of money granted in each year to these libraries during the last 15 years;

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(c) the officer or officers that make the allotments to various libraries ;

(d) the principles on which these allotments are made ?

A.—(a) The attention of the hon. Member is invited to supplemental statistics (87) at page 126 of Volume II of the Report on Public Instruction for 1927-28 which contain particulars about libraries attached to educational institutions. Of the other libraries some may be public while others may be private libraries. The Government are not in possession of a complete list of such libraries, nor do they consider that the compilation of a list will be worth the labour involved.

(b) The system of paying grants to local bodies and private associations for the maintenance of public libraries was introduced in 1921. Village panchayats came to be paid grants for the same purpose with effect from 1925-26. The amounts disbursed till now are as shown below :—

	Local bodies and private associations.	Village panchayats.
	RS.	RS.
1921-22	20,000	---
1923-24	14,888	---
1925-26	10,000	8,000
1926-27	10,000	10,000
1927-28	10,000	20,000
1928-29	20,000	18,643

(c) Grants to local bodies and private associations are distributed by Government on the recommendation of the Director of Public Instruction and to village panchayats on the recommendation of Collectors of districts.

(d) The attention of the hon. Member is invited to G.Os.* No. 689, Education, dated 23rd April 1926 and No. 1533, Education, dated 22nd July 1929, placed on the table.

Mr. D. NARAYANA RAJU :—“ With reference to paragraph 2 of G.O. No. 1533, Education, dated 22nd July 1929, may I know, Sir, if the Registrar-General of Panchayats refused to undertake the responsibility of distributing these library grants ? ”

The hon. Dr. P. SUBBARAYAN :—“ No, Sir. The Registrar-General did not refuse.”

Mr. D. NARAYANA RAJU :—“ May I know whether the Registrar-General was asked whether he would be able to undertake the distribution of these library grants, and his opinion taken about it ? ”

The hon. Dr. P. SUBBARAYAN :—“ The Registrar-General did say, I think, that he would be willing to distribute these grants.”

Mr. D. NARAYANA RAJU :—“ If the Registrar-General is willing to undertake the distribution of these library grants and when the distribution

* Printed as Appendix II on pages 402-403 infra.

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of the grants by the Collectors gave rise to a good deal of dissatisfaction, may I know why the Government thought it fit to ask the Collectors again to undertake this distribution of library grants ? ”

The hon. Dr. P. SUBBARAYAN :—“ In the opinion of the Government it was thought that an officer of the Government in the locality concerned is better able to distribute the grants than a Presidency officer in the headquarters of the Government.”

Mr. ABDUL HAMEED KHAN :—“ The Government say that they are not in possession of a complete list of these libraries. May I know on what basis the Government is giving grants to these bodies, without a complete list of them ? ”

The hon. Dr. P. SUBBARAYAN :—“ Notice.”

Mr. C. GOPALA MENON :—“ In answer to clause (a) the Government says that they are not in possession of a full list of public and private libraries. Is the Government aware that the Madras Library Association which is doing very good work can supply this information and will they apply to them for the information ? ”

The hon. Dr. P. SUBBARAYAN :—“ I know the Libraries Association is doing useful work, but I cannot understand how they can help the Government in the matter of distributing the grants.”

Mr. A. KALESWARA RAO :—“ May I know whether in making grants to the public libraries the educational officers insist that only such books as are approved by them should be purchased with this money ? ”

The hon. Dr. P. SUBBARAYAN :—“ I believe that is the rule.”

Mr. A. KALESWARA RAO :—“ May I know whether the educational officer is supplied with all the latest catalogues and whether he knows what books are available in the market ? ”

The hon. Dr. P. SUBBARAYAN :—“ I am sure the educational officer knows his business.”

Mr. ABDUL HAMEED KHAN :—“ May I know the rules or instructions that the Government must have laid down for the guidance of the officer to prescribe or enforce the kind of books that they have to get for the libraries ? ”

The hon. Dr. P. SUBBARAYAN :—“ That is left to the discretion of the district educational officer concerned.”

Utilization of grants made to the Tanjore Palace Library.

* 587 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the various grants that were made to the Tanjore Palace library in each of the last twenty years ;

(b) under what heads of expenditure the amounts were spent during the last year ;

(c) whether there is any list of books in that library kept ; and

(d) whether any arrangement has been made to get valuable books in that library which are in manuscript form printed ?

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4.—(a) Particulars of the grants paid till now are furnished below :—

Object for which grant was given.	Year and amount of grant.	Rs.
Purchase of books	1926-27	250
	1927-28	300
	1928-29	300
Preparation of a catalogue of Sanskrit manuscripts in the library	1927-28	4,305
	1928-29	7,500
	1929-30	2,130
Distribution of copies of catalogues of Sanskrit manuscripts to institutions and scholars outside (postal charges) ...	1928-29	950

(b) The entire grant for the purchase of books was spent on that purpose. The details of the expenditure from the grant for the catalogue of manuscripts were :—

	Rs.
Salaries of staff	2,520
Printing charges	3,814

The Library Committee hoped to spend the balance of the grant in 1929-30.

(c) The library contains manuscripts and printed books in Tamil, Telugu, Sanskrit and Mahratti and printed books in European languages, Urdu and Malayalam. Catalogues of printed books in French, Latin, Italian and Greek and of the entire collection of Tamil manuscripts are available. Catalogues of Sanskrit and Mahratti manuscripts are under preparation, a few volumes thereof having been already issued.

(d) The Government have no information. They understand, however, that manuscripts that become fragile by age and climatic conditions are transcribed by the library staff from time to time.

Local Boards

Amendment of the Local Boards Act, etc.

* 588 Q.—Mr. A. KALESWARA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether his amending Bill to Madras Local Boards Act, 1920, and Village Panchayats Act, 1920, are ready ;

(b) why he has not introduced them into the Council till now and when they are likely to be introduced ; and

(c) in what stage his draft Bill to amend the Madras District Municipalities Act, 1920, is at present ?

4.—The hon. Member is referred to the answer to Mr. Satyamurti's question on the subject, No. 65.

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The hon. Dr. P. SUBBARAYAN :—“ I would like to make a statement to you, Mr. President. You said yesterday that subsequent information if received should be given through your office but there has not been time enough to instruct the Secretariat to give full answers.”

The hon. the PRESIDENT :—“ The hon. Minister may give the information now.”

The hon. Dr. P. SUBBARAYAN :—“ I wanted your permission to do so, Sir.”

The hon. the PRESIDENT :—“ Yes, the hon. Minister can make the statement now.”

The hon. Dr. P. SUBBARAYAN :—“ These two Bills are ready to be introduced into the Legislative Council now, and I have given notice that these Bills will be introduced when the Malabar Tenancy Bill is finished.”

Grants to local bodies for construction of roads.

* 589 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Education and Local Self-Government be pleased to place before the Council a statement showing—

(a) the amounts granted for public roads to the district and other local boards by Government, and spent by Government themselves on public roads in 1927-28 and 1928-29 in North and South Malabar, and South Kanara districts respectively ; and

(b) what the length of the Imperial or Military roads, trunk roads and the other roads respectively in North Malabar, South Malabar and South Kanara districts are ?

A.—The grants sanctioned to trunk and second class roads and the length of such roads and of roads maintained by the Public Works Department with expenditure incurred thereon are given in Appendix. ^a

There are no imperial or military roads. No grant is paid for the maintenance of roads other than trunk and second class.

Mr. J. A. SALDANHA :—“ May I know with reference to the statement given in the Appendix, why, when in Malabar the mileage of roads maintained by the Public Works Department is 102, there are no such roads at all in South Kanara ? ”

The hon. Dr. P. SUBBARAYAN :—“ It is not a question of helping one district as against the other. It is a question of what the Government consider as an important communication which should be maintained by the Public Works Department of the Government.”

Mr. J. A. SALDANHA :—“ May I enquire whether it has not been brought to the notice of the Minister that there is no such road in South Kanara ? He must have seen himself that there is at least one road which deserves to be taken over by Government ? ”

The hon. the PRESIDENT :—“ It is a fit subject for a resolution.”

^a Printed as Appendix III on page 403 infra.

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Mr. P. C. VENKATAPATHI RAJU :—“ May I know, Sir, why the maintenance of the roads by the Public Works Department is costing four times more than the cost of maintenance by the local bodies out of the grants made to them ? ”

The hon. Dr. P. SUBBARAYAN :—“ I am afraid I have not sufficient information to answer this question.”

Municipal Councils

Refund of taxes by the Cocanada Municipal Council to the Madras and Southern Mahratta Railway Company.

* 590 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Municipal Council, Cocanada, made a reference to the Government about the notification No. 3672-2/F., dated 14th February 1929, appended to G.O. Press No. 1258, L. & M., dated 15th March 1929 ;

(b) whether in view of the hardship to several municipalities consequent on a technical defect in the previous notification and in view of the hardship caused by the present notification in not clearly specifying the sums collected prior to the notification, the Government would request the India Government to issue a further notification declaring that a refund of the sums collected prior to the notification referred to in clause (a) cannot be claimed by the Railway Company ;

(c) whether the Municipal Council requested the Government for a grant of the amount which the Council collected prior to the notification and which the Council would be forced to refund to the Railway company ; and

(d) whether the Government propose to make the grant ?

A.—(a) Yes.

(b) The Government of India have been addressed in the matter. Their orders are awaited.

(c) Yes.

(d) No such grant would be admissible.

Mr. A. KALESWARA RAO :—“ May I know whether some municipalities applied for the further notification to the Government of India through this Government some years back, and yet the notification has not been made, and on that account they have become losers ? ”

The hon. Dr. P. SUBBARAYAN :—“ Notice.”

Village Panchayats

Levy of a tax of two annas in the assessment by the Arayapu Village Panchayat of the Puttur taluk.

* 591 Q.—Mr. K. R. KARANT : Will the hon. the Minister for Education and Local Self-Government be pleased to lay on the table the permission granted by the Government authorizing the levy of a tax of two annas in the assessment by the Arayapu Village Panchayat of the Puttur taluk of South Kanara and to state—

(a) whether persons residing outside the village panchayat area are also being compelled to pay the tax, and if so, on what authority ; and

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(b) whether certain villagers have protested against this levy to the Registrar-General of Panchayats by a petition, dated 27th March 1929, and what orders have been passed thereon by him or by Government ?

A.—The levy of the tax in question was authorized not by Government but by the Registrar-General of Panchayats who has delegated powers in the matter.

(a) Yes.

(b) Yes, to the Registrar-General of Panchayats who rejected the petition.

Government have however lately held that the levy of a land tax was not contemplated under the Village Panchayat Act. The question of ratifying or rescinding such taxes already sanctioned by the Registrar-General is at present under our consideration.

Excise

Location of a toddy shop near Dr. C. M. Pai's house.

* 592 Q.—Mr. K. R. KARANT : Will the hon. the Minister for Public Health be pleased to state—

(a) whether, in spite of the answer to my question No. 118, dated 8th August 1929, regarding the location of a toddy shop near Dr. C. M. Pai's house at Nilesbwar, the toddy shop in question has been auctioned for another year with reference to the objected site ; and

(b) if so, why ?

A.—(a) & (b) A report has been called for.

Closure of arrack shops in Cocanada from 12 noon to 6 p.m. on all Fridays.

* 593 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the notification of the District Collector, East Godavari, of 7th July 1920, directing that the arrack shops in Cocanada should be closed from 12 noon to 6 p.m. on all Fridays was subsequently cancelled ;

(b) if so, when ;

(c) if the answer to clause (b) is in the negative, the reason why the shops are not being closed now on Fridays ; and

(d) whether the Government intend to issue a notification directing that all toddy and arrack shops in Cocanada be closed from 12 noon to 6 p.m. on every Friday and, if not, why not ?

A.—(a), (b), (c) & (d) The Government have called for a report.

Rentals of toddy and arrack shops.

* 594 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to the answer to Question No. 333, dated the 10th August 1929, stating that 469 toddy and 324 arrack shops were newly opened during the last five years as against 934 toddy and 689 arrack shops that were closed during the same period, will the hon. the Minister for Public Health be pleased to state the annual rentals of the newly opened and closed toddy and arrack shops respectively in each of the years when they were in existence during the said period ?

A.—The Government have not got the information.

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Mr. A. RANGANATHA MUDALIYAR :—" Were the Government satisfied that the shops that were closed were important shops and that their abolition did result in an appreciable reduction of consumption of liquor, before they opened the new shops ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I have not got the information which the hon. Member indicates. "

Mr. A. RANGANATHA MUDALIYAR :—" Will the Government be pleased to obtain the information ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The information which the hon. Member wants is of such a vague nature that I do not think we can possibly get it. "

Alleged objections to the location of an arrack shop in Calicut.

* 595 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the question of sites selected for the arrack shops was considered at a meeting of the Excise Licensing Board, Calicut, on the 23rd February 1929;

(b) whether the site for the shop objected to by the Prohibition League, Malabar, was not approved by the Board by a majority after personal inspection; and

(c) what the proceedings of the Licensing Board are, and whether a copy of the same will be placed on the table of the House?

A.—(a), (b) & (c) The Government have called for the information and the connected papers.

Medical

Registration of medical practitioners of indigenous systems.

* 596 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the question of the registration of medical practitioners of indigenous systems has been considered;

(b) if so, what are the conclusions at which the Government have arrived; and

(c) what action, if any, they propose to take thereon?

A.—(a) The question of registration of the L.I.Ms. of the Government School of Indian Medicine was considered.

(b) & (c) It has been decided that no separate Act of Registration for practitioners in Indian Medicine is necessary.

Mr. G. HARISARVOTTAMA RAO :—" May I know, with reference to the answer to clause (a), what the decision was? It is stated here that the question of registration of the L.I.Ms. of the Government School of Indian Medicine was considered. I want to know the decision, if any decision was come to. "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" In the answer to clauses (b) and (c), it has been stated that it has been decided that no separate Act of Registration of Practitioners in Indian Medicine is necessary. "

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Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, whom the Government consulted before coming to this conclusion ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The Government consulted the Principal of the School of Indian Medicine and other people in the know of these matters. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether any non-official Indian medical opinion was taken on this matter ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not know if the hon. Member includes allopathic practitioners also in the term 'Indian medical opinion'. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. Minister has taken the opinions of the practitioners of the Ayurvedic, Siddha and Unani systems of medicine ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes, Sir, we have consulted the Principal of the School of Indian Medicine, who knows all these systems. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. the Minister has restricted himself to the Principal of the Indian School of Medicine only, or he has consulted eminent doctors in these branches of medicine ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Whether this Act is necessary or not those people are not the persons most competent to give an opinion. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. Minister has considered the advisability of introducing a separate Act. ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I have already stated in the answer that it is not necessary. "

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Is it a fact that L.I.Ms. are a separate qualified medical body coming into existence now ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes. "

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" Is it not desirable that the Government should have them under some control ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes, the Government have 11-30
a register of all of them in the school. a.m. "

Rao Bahadur Dr. C. NATESA MUDALIYAR :—" The Government says that no separate Act of Registration for practitioners in Indian Medicine is necessary. Are they willing to have them registered under the present Medical Registration Act ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If the Medical Council will recognize the system of Indian Medicine, they can be registered under that Act. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the men coming out of the Indian School of Medicine are entitled to the privileges to which the registered medical practitioners are entitled ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Unless they are registered, they will not be entitled. "

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Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. Minister in view of his statement whether he will make arrangements for their registration?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"If the Medical Council is prepared to recognize the Indian system of medicine, they can be registered."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the hon. Minister is precluded from bringing in fresh legislation for them and registering them under a separate statute?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Not precluded, but there is no necessity."

Public Health

Reduction of the high mortality among Muslims in Madras.

* 597 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Public Health be pleased to state what steps he has taken to reduce the very high rate of mortality among Muslims, particularly in the City of Madras?

A.—The death-rate for the Province and the Madras City is given below:—

1. Areas outside the Madras City.

	Death-rates per mille in							
	1921.	1922.	1923.	1924.	1925.	1926.	1927.	1928.
Hindus	20.4	21.0	22.2	24.7	24.5	25.6	24.4	26.4
Muhammadans	19.3	21.4	21.8	24.4	23.8	25.9	22.9	25.2
Christians	16.7	17.9	20.4	21.5	21.2	23.4	23.5	25.7

2. Madras City.

	1925-26.	1926-27.	1927-28.
Death-rate per mille for all communities.	46.9	44.6	41.7
Death-rate per mille for Muhammadans.	59.7	47.5	49.3

From the above it will appear that the Muhammadan death-rate is higher than that of other communities only in Madras City. No special action has been taken.

Mr. ABDUL HAMEED KHAN:—"The Government say in answer to the question that the death-rate among Muhammadans is higher than of other communities in Madras only. May I know whether Government will draw the attention of the Corporation of Madras to this matter and call upon them to take special steps to check this?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Corporation of Madras are themselves aware of the high death-rate among Muhammadans, and I do not think Government need draw their attention specially to this."

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Mr. ABDUL HAMEED KHAN:—"May I know if the Government itself has taken any action in this matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Government think it unnecessary to take any special action, as the Corporation will do their duty."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government are aware that the Corporation will do it better if the Government draw their special attention to this matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"We think the Corporation of Madras is intelligent enough and independent enough to act on their own initiative."

Mr. K. R. KARANT:—"May I ask what steps the Government are taking in the case of areas outside the Madras City where there has been a high increase in the death-rate from the year 1921 to 1928, to the extent of nearly five or six per mille, to reduce the death-rate? I want to know whether the Government have any policy or taken any steps on hand to see that the death-rate is reduced?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"That is why they are carrying on anti-malarial operations in the districts, distributing quinine, and provincializing hospitals and doing other things."

Aid to Ayurvedic and other indigenous institutions.

* 598 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) how many applications for aid have been received from Ayurvedic, Unani and Siddha dispensaries run by private doctors;

(b) how many have been disposed of;

(c) what amount of help has been so far rendered; and

(d) whether the question of granting aid to institutions teaching indigenous systems of medicine is being considered by the Government?

A.—(a) Three applications have so far been received, of which two are from Ayurvedic doctors and one from a Siddha doctor.

(b) & (c) They are under the consideration of the Government.

(d) The Government have decided to consider in connexion with the budget for 1930-31 specific applications from private agencies for grants in respect of recognized schools of Indian medicine.

Mr. G. HARISARVOTTAMA RAO:—"Sir, the question in clause (d) is, 'whether the question of granting aid to institutions teaching indigenous systems of medicine is being considered by Government', and the answer is, 'The Government have decided to consider in connexion with the budget for 1930-31 specific applications from private agencies for grants in respect of recognized schools of Indian medicine.' What recognition is required in regard to these institutions? Is it the recognition of the Medical Council?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Such recognition as the Government think necessary for their becoming eligible for Government grants."

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Mr. G. HARISARVOTTAMA RAO :—" May I know if Government have set up a machinery for recognizing them ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" When applications are received, Government will be able to know what machinery should be set up ? "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether pending receipt of applications Government is not prepared to set up an organization which will examine these institutions and grant recognition ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" When there is need for it, it will be done. "

Mr. ABDUL HAMEED KHAN :—" May I know if Government have advertised calling for applications from private agencies for grants ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" No. "

Mr. ABDUL HAMEED KHAN :—" In which case, how can Government expect to receive applications ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Government need not advertise the fact that they are prepared to grant help to private institutions. The agencies who are in need of help will apply to Government. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. Minister is aware of the fact that there are a large number of private institutions teaching Indian medicine in this Presidency ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Government are aware of it. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether he will enquire into the condition of these institutions and grant such help as may be necessary on recognition ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I think applications for grant will come of their own accord without any solicitation. "

Aid to poor lepers travelling to leper asylums for treatment.

* 599 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Public Health be pleased to state in view of the answer to my supplementary question No. 1766 answered on 16th March 1929—

(a) whether any provision does exist to help poor lepers to travel to leper asylums for treatment ; and

(b) if they do not, what action he proposes to take in the matter ?

A.—(a) & (b) There is no provision at present for meeting from public funds the travelling expenses of poor lepers who wish to go to leper asylums for treatment. The question is however being considered by the Government.

Anti-malarial work in Puttur taluk.

* 600 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Public Health be pleased to state—

(a) whether anti-malarial work has been started in any of the villages belonging to Puttur taluk in South Kanara, and if not, what the delay is due to ;

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(b) whether the Special Malaria officer's recommendation for the appointment of an Assistant to the District Health Officer for the purpose of this work has been considered by the Government ;

(c) whether the Puttur Taluk Board President has submitted to the Government a draft scheme for anti-malarial work and appealed to the Government for a special contribution to carry out this scheme ; and

(d) what orders did the Government pass on his appeal ?

A.—(a), (c) & (d) Anti-malarial work in the villages of Puttur taluk has not yet been started. The delay was due to the fact that the President, Taluk Board, Puttur, had to place the Special Malaria Officer's report before the Taluk Board and consult the District Health Officer. He has now submitted to the Government a scheme of anti-malarial operations and the scheme is under the consideration of the Government.

(b) It is under the consideration of the Government.

Action taken on the report of the Special Malaria Officer in South Kanara district.

* 601 Q.—Mr. K. R. KARANT : Will the hon. the Minister for Public Health be pleased to state with reference to question No. 123, dated 8th August 1929—

(a) whether he has received any and if so, what reply or representation from the Puttur Taluk Board in regard to the action to be taken on the report of the Special Malaria Officer ;

(b) whether the District Board of South Kanara has been asked by Government to employ a second-class Health Officer for the purpose ;

(c) whether the Board has refused to do so ?

A.—(a) The President, Taluk Board, Puttur, has recently submitted to the Government a draft scheme of anti-malarial operation to be carried out in certain villages of the taluk and has also requested the Government to sanction a grant towards the cost of the scheme.

(b) & (c) No.

Mr. K. R. KARANT :—" May I ask what is the amount of grant that has been asked for by the President of the Puttur Taluk Board ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Notice, Sir. "

Investigations of the Special Malaria Officer in Nandyal and Sirvel taluks.

* 602 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Special Malaria Officer has submitted his report on his investigations in the Nandyal and Sirvel taluks of the Kurnool district ;

(b) what his recommendations are ;

(c) whether the Government is making arrangements to extend free supply of quinine to other areas than Koilkuntla in the Kurnool district ; and

(d) whether the Government in the Public Health Department have come to any understanding with the Public Works Department to keep irrigation channels in malarial tracts free of stagnation, filth and overgrowth ?

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A.—(a) Yes.

(b) The remedial measures recommended consist chiefly in improving the general sanitary condition of the villages and in the exercise by the local authorities of the powers vested in them under the Madras Local Boards Act, 1920. Quarrying for stone, earth, etc., should be promptly put down. Existing quarry holes and other pits in and around the village-sites should be filled up. The irrigation channels where they come too close a village should be properly maintained. All prickly-pear and rank vegetation should be removed. Village panchayats should be constituted at least in the larger villages such as Sirvel, Rudravaram, Alamuru and Allagadda for carrying out these recommendations. Local authorities should, for the present, provide small stocks of quinine wherever required under the advice of the District Health Officer.

(c) No.

(d) It has been decided that the Public Health Department is to carry out any necessary anti-malarial measures.

Mr. G. HARISARVOTTAMA RAO :—“ With reference to the answer to clause (d), may I know from the hon. Minister what funds are being allotted to the Public Health Department for undertaking to keep the irrigation channels free from vegetation ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ The answer to clause (d) does not say anything about the allotment of funds. The Public Works Department only carry out such works as are considered necessary for keeping the channels clear.”

Mr. G. HARISARVOTTAMA RAO :—“ Sir, the question is, ‘ whether the Government in the Public Health Department have come to any understanding with the Public Works Department to keep irrigation channels in malarial tracts free of stagnation, filth and overgrowth ’. I am asking specifically, in view of the arrangement that the Government has come to with the Public Works Department, whether money is allotted for clearing the irrigation channels of all vegetation ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ This question will be considered when funds are allotted in the next budget.”

Agriculture

Legislation for establishing regulated markets for special crops.

* 603 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to the answer to question No. 151 answered on 9th August 1929, will the hon. the Minister for Development be pleased to state whether the Government have made any advance in their consideration of the resolution of the Provincial Cotton Committee, Madras, recommending the undertaking of special legislation for the establishment of properly regulated markets for the sale of special crops and the conclusion, if any, arrived at thereon by them ?

A.—The Government have now received the remarks of the Director of Agriculture on the draft Bill on the subject. The matter is under examination.

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Suitability of black cotton tracts in Ceded districts for cultivating garden crops.

* 604 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state whether any analysis of the brackish water generally found in the black cotton tracts of the Ceded districts has been made with a view to find out how far, with its help garden crops like chillies can be grown as in Coimbatore district, and, if so, with what results ?

A.—The analyses of the water obtained from the trial boring at Hagari Experimental Station show it to be so highly charged with saline matter that it is unfit for irrigational purposes. It contains 1,256 parts of saline matter as against 50 to 500 only contained in the brackish waters of Coimbatore district for every 100,000 parts.

Mr. A. RANGANATHA MUDALIYAR :—“ Will the hon. Minister order the analysis of water in the several bore holes recently put up in the district ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ Yes.”

Mr. K. KOTI REDDI :—“ Will the hon. Minister direct the examination of the nature of water in the black cotton soils of the other Ceded districts also ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ That is a different matter. This refers to the Bellary district among the Ceded districts.”

Mr. K. KOTI REDDI :—“ I am asking, Sir, for an examination with reference to the other Ceded districts.”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ Yes, Sir. The matter will be considered.”

Fisheries

Levy of pensionary contribution for the fish-curing yard at Bycompadi.

* 605 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to state—

(a) whether the fishermen who requested the Government to open a fish-curing yard at Bycompadi in South Kanara have been asked to pay pensionary contribution also in addition to the actual cost of maintaining the establishment ;

(b) whether the establishment proposed for Bycompadi fish-curing yard is temporary ;

(c) whether it is not a fact that in the case of temporary establishment no pensionary contribution need be levied ;

(d) whether the practice of levying pensionary contribution where temporary establishment is maintained, is in vogue in the case of other fish-curing yards ?

A.—(a) Yes; the fishermen have been asked to pay such pensionary contribution as is due in addition to the cost of the establishment. Liability to pay contribution arises only if the temporary establishment employed subsequently qualify for a pension.

(b) Yes.

(c) No.

(d) The position is the same as at Bycompadi.

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

II

ELECTION TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

* The hon. the PRESIDENT :—“ I have to inform the House that the following five Members were nominated for election to the Senate of the Annamalai University :—

1. Mr. T. K. Chidambaranatha Mudaliyar.
2. „ T. M. Narayanaswami Pillai.
3. „ S. N. Dorai Raja.
4. „ R. Srinivasa Ayyangar.
5. „ Basheer Ahmad Sayeed Sahib.

As the number of candidates nominated for election is equal to the number of vacancies to be filled, viz., five, I hereby declare the abovementioned Members to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.”

III

SITTINGS OF THE COUNCIL ON SATURDAYS.

* The hon. the PRESIDENT :—“ The Council will not be sitting on Saturday during this meeting of the Council.”

IV

A BILL TO AMEND THE MADRAS ABKARI ACT, 1886.

* The hon. the PRESIDENT :—“ The question is that the Bill to amend the Madras Abkari Act, 1886, be passed into law.”^a

* Mr. J. A. SALDANHA :—“ Sir, I have tabled an amendment to clause 2. But I think many hon. Members might have forgotten the history of this legislation. So I shall briefly state what the scope of this amending Bill is and what my amendment is intending to carry out. As amended by the Select Committee, this Bill provides:

‘ To section 15 of the Madras Abkari Act, 1886, the following explanation shall be added :—

“ Explanation—The supply of liquor by clubs to their members on payment of a price or of any fee or subscription is a sale within the meaning of this section.”

The object of this provision was to bring clubs selling liquors to their members on a par with the shops which sell liquor and subject them to the same rules and regulations which are placed on liquor shops, wholesale and retail.

“ The other amendment which was passed by the Select Committee is to section 36 of the Abkari Act, to which the following paragraph was added :—

‘ Provided that the persons called upon to attend and witness any search under the provisions of this Act shall be persons other than any abkari, police or village officer.’

The object of this provision was to make”

* The hon. the PRESIDENT :—“ I think the hon. Member will have to make references only to points which are relevant to his amendment.”

* Mr. J. A. SALDANHA :—“ I am only explaining the previous history.”

* The hon. the PRESIDENT :—“ I do not think he will be justified in referring to it.”

^a Vide page 178 of the Proceedings of the Legislative Council, dated 7th August 1929.

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* Mr. J. A. SALDANHA :—“ In order to enable the hon. Members of this House to understand”

* The hon. the PRESIDENT :—“ Every member is presumed to know as well as the Mover himself.” (Laughter)

Mr. J. A. SALDANHA :—“ The amendment which was passed at the sitting of the Legislative Council held on the 26th March 1929, which was proposed by the hon. the Minister for Public Health and duly seconded, runs as follows :

‘ To section 15 of the Madras Abkari Act, 1886, the following explanation shall be added, namely :—

“ Explanation—The supply of liquor by clubs to their members on payment of a price or of any fee or subscription is not a sale within the meaning of this section but a fee according to a scale of fees to be fixed by the Government shall be levied from such clubs by the Commissioner.”

Now, the amendment which I move is—

‘ Add the following at the end of the explanation to section 15 : on the basis of purchases of liquor made by the club to be ascertained from the returns to be kept by the club as prescribed by Government for such period as Government think fit and verified within the City of Madras by the Commissioner and outside by the Collector of the district in which the club is situated.’

“ My reason for proposing this addition is that as in Bombay the amendment of my hon. Friend the Minister for Public Health does not bring the sales of liquor in clubs within the restrictions of the Abkari Act. The clubs are still allowed to sell liquor. This permission I make subject to the condition that the fees to be levied should be on the quantity that is purchased by the club for sale, so that these clubs may not become some sort of liquor shops, by which they can go on selling liquor just as they like. At the same time, they should pay to Government a fee in proportion to their purchase and sale of liquor. This is the only object of my amendment. I hope it will be accepted by the House.”

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

* The hon. Mr. S. MUTHIAH MUDALIAR :—“ The hon. Mover of this amendment wants to prescribe one method by which the Government can levy the fees from those clubs which are selling liquor. Certainly the Government will have no objection to accept this if the method proposed is sufficient to meet all cases. We may come across instances where the clubs do not keep accounts. Is it the intention that those clubs are to escape payment of the fees? There may be instances in which the Government may have to resort to other methods. We have to frame rules to cover all cases. Suppose the Government come to the conclusion that the accounts are not kept properly, does the hon. Member want the Government to proceed on such false accounts? Of course this is one of things that the Government will consider in framing rules, and various data have to be taken into consideration in fixing the rate of fee. So this amendment instead of carrying out the intention of the Mover will fail in its purpose and be the means of allowing many clubs to escape. Under these circumstances, I cannot accept the amendment.”

Mr. P. C. VENKATAPATHI RAJU :—“ I fail to see the difficulty of the hon. the Minister in accepting this amendment. The amendment itself

[Mr. P. C. Venkatapathi Raju] [27th September 1929]

clearly shows that these clubs should keep accounts in prescribed forms, and also that instead of a flat rate the prescribed licensing fee should be calculated on the quantity of liquor sold. As regards the point raised by the Minister that they might come across cases of false accounts being kept, they might resort to the same procedure as in the case of income-tax assesses who keep false accounts. Here, the rate of licensing fee is not given; only the amendment suggests that the fee that will have to be levied, should depend on the quantity of liquor sold and nothing more. Under these circumstances, I think this amendment should be accepted by the House."

The amendment was put and declared lost.

Mr. G. Harisavottama Rao demanded a poll and the House divided thus:—

Ayes.

- | | |
|------------------------------------|--|
| 1. Mr. P. C. Venkatapathi Raju. | 17. Srinan Biswanath Das Mahasayo. |
| 2. " K. Koti Reddi. | 18. Mr. A. Kaleswara Rao. |
| 3. " R. Srinivasa Ayyangar. | 19. " K. Uppi Sahib. |
| 4. " Sami Venkatachalam Chetti. | 20. " V. Kameswara Rao Nayudu. |
| 5. " C. V. Venkataramana Ayyangar. | 21. " C. N. Muthuranga Mudaliyar. |
| 6. " J. A. Saldanha. | 22. " K. V. Krishnaswami Nayakar. |
| 7. " G. Harisavottama Rao. | 23. K. P. V. S. Muhammad Meera Ravuttar. |
| 8. " C. S. Govindaraja Mudaliyar. | 24. Mr. C. Venkatarangam Nayudu. |
| 9. " Abdul Hameed Khan. | 25. " B. Venkataratnam. |
| 10. " L. K. Tulashiram. | 26. " A. Ranganatha Mudaliyar. |
| 11. " D. Narayana Raju. | 27. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 12. " K. R. Karant. | 28. Mr. K. P. Ramana Menon. |
| 13. " K. Madhavan Nayar. | 29. " C. R. Parthasarathi Ayyangar. |
| 14. " A. Parasurama Rao. | |
| 15. " T. Adinarayana Chettiyar. | |
| 16. " Ahmed Meeran Sahib. | |

Noes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 23. Subadar-Major S. A. Nanjappah Bahadur. |
| 2. " Sir Thomas Moir. | 24. Mr. K. Krishnan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 25. " N. Siva Raj. |
| 4. " Mr. A. Y. G. Campbell. | 26. " M. V. Gangadhara Siva. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 27. Rao Sahib L. C. Guruswami. |
| 6. " Mr. S. Muthiah Mudaliyar. | 28. Mr. V. I. Muniswami Pillai. |
| 7. " Dr. P. Subbarayan. | 29. " S. Subrahmanya Mooppanar. |
| 8. Mr. Hilton Brown. | 30. " D. Thomas. |
| 9. " H. A. Watson. | 31. " S. Venkiah. |
| 10. " A. G. Leach. | 32. Rao Sahib R. Srinivasan. |
| 11. " J. Gray. | 33. Mr. S. N. Dorai Raja. |
| 12. " S. V. Ramamurti. | 34. " S. Arpudawami Udayar. |
| 13. " C. B. Cotterell. | 35. " F. E. James. |
| 14. " V. Ch. John. | 36. Rao Bahadur Sir A. P. Patro. |
| 15. " Syed Tajudin. | 37. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 16. " H. B. Ari Gowder. | 38. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 17. " A. B. Shetty. | 39. Mr. T. K. Chidambaramatha Mudaliyar. |
| 18. " J. Bheemayya. | 40. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 19. " V. Ramjee Rao. | 41. Khan Sahib T. M. Moideen Sahib Bahadur. |
| 20. " R. Foulkes. | 42. Rao Bahadur B. Muniswami Nayudu. |
| 21. " Mahmud Schamnad. | 43. Kumara Raja of Venkatagiri. |
| 22. The Muppil Nayar of Kavalappara. | 44. Rao Bahadur K. Sitarama Reddi. |

Ayes 29. Noes 44.

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is that the Bill be passed into law."

The motion was carried, and the Bill was passed into law.

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V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS GENERAL CLAUSES ACT, 1891.

* The hon. the PRESIDENT:—"What happened on the last occasion was this". Mr. R. Srinivasan moved an amendment to add the following clause after section 124, of the Madras Local Boards Act:—

'All such public and private springs, tanks, set apart for any of the aforesaid purposes shall be open to person or persons of whatever caste or creed.'

"And then, in schedule VIII to the said Act, after item relating to section 124, he wanted to have the following items inserted, viz.:—

'124-A. Obstructing any person or persons in using the water set apart for public use. Fifty rupees'.

"This motion was made and put to the House and negatived. Then Mr. Kaleswara Rao proposed another amendment, viz.:—

'6. (i) After section 124 of the Madras Local Boards Act, 1920, the following section shall be inserted, viz.:—

"124-A. All public springs, tanks, wells and water courses vested in or maintained by any local board shall be open to use and enjoyment by persons of whatever caste or creed".

with the same amendment to the schedule regarding punishment. Now the question is whether both these amendments are substantially identical or not. All the difference I find between the two is that in Mr. Srinivasan's amendment the word 'private' appears whereas in Mr. Kaleswara Rao's it does not. Really what ought to have been done when Mr. Srinivasan's amendment was under consideration was that a motion ought to have been made for the omission of the word 'private'. Now both amendments seem to be substantially identical. Before I rule this amendment out of order, I want to know what Mr. Kaleswara Rao has to say on the point."

Mr. A. KALESWARA RAO:—"I submit that both the amendments are not substantially identical. Section 124 of the Madras Local Boards Act gives power to the president of a local board to set apart all tanks, wells and water courses whether they belong to the local board itself or to private persons for bathing or drinking purposes out of consideration for sanitation. When a president thinks that any particular well is being wrongly used, he may prohibit the owner of that well from using it for bathing purposes. If he fears that by bathing and thereby spoiling the water of a well or tank any contagious disease may spread among the people, he can prohibit such bathing. Section 124 in Chapter I deals with the powers of the presidents of the local boards to control the use of the wells and tanks for sanitation purposes. When a well has no fence, the local board president may compel the owner of it to fence it properly, so that there may be no danger of contamination of the water. When epidemic diseases spread or when he fears that there is a danger of such diseases spreading, he may at once restrict the use of tanks and wells under his control in a particular way. So also he can call upon any private person not to allow the use of a well for a particular purpose. So, I submit section 124 deals only with the powers of the presidents of local boards in regard to sanitation. Section 124-A, as I introduced it, has nothing to do with the sanitation purposes or powers of the local board president. What I want is a declaration that all public springs, wells and

* Vide proceedings of the Legislative Council, dated 7th August 1929, pages 179-185.

[Mr. A. Kaleswara Rao] [27th September 1929]

tanks belonging to the local boards, because either they vest in them or are maintained from the funds of the local boards, are to be thrown open to persons of all castes and creeds, and if anybody obstructs any Panchama from using any of them, then he should be punished. As to Mr. Srinivasan's amendment, I do not know what it would mean if it is passed. When a president restricts the use of a private well for certain purposes, then how can all persons go and use it? Therefore this amendment has nothing to do with it. Section 124-A has really nothing to do with section 124. Because section 124 comes in a chapter where wells, tanks and springs are mentioned, I have chosen to add a section to it as 124-A. That is what I meant."

12 noon. * The hon. the PRESIDENT :—"The main question for consideration is whether the two motions are substantially identical or not. The question for decision in both the amendments is whether certain wells and other water places shall be thrown open to the use and enjoyment of persons of whatever caste or creed. Slight differences in the scope of the amendments do not matter. I consider that both the motions are substantially identical and therefore I rule that this amendment is out of order."

Clause 1.

Mr. A. B. SHETTY :—"I move that for the figure '1928' the figure '1929' be substituted."

Mr. MAHMUD SCHAMNAD :—"I second it."

The amendment was put and adopted.

Clause 1, as amended, was then put and adopted.

Preamble.

The Preamble was then put and adopted.

Mr. J. A. SALDANHA :—"I beg to move that the Bill, as amended, be passed into law."

Mr. G. HARISARVOTTAMA RAO :—"I second it."

The motion was put and carried, and the Bill was passed into law.

VI

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

* The hon. the PRESIDENT :—"The motion^a of Mr. Kaleswara Rao, viz., that the Bill to amend the Madras District Municipalities Act, 1920, be taken into consideration is for the consideration of the House."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I beg leave of the House to withdraw my motion."^b

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—"I second it."

The motion was by leave withdrawn.

* Rao Bahadur B. MUNISWAMI NAYDU :—"I beg to move—

'that this Bill be committed to the Committee to be appointed for the consideration of the Chief Minister's Bill to amend the Madras District Municipalities Act (Bill No. 12 of 1929).'

^a Vide proceedings of the Legislative Council, dated 7th August 1929, page 185.

^b Vide proceedings of the Legislative Council, dated 7th August 1929, pages 181 to 201.

27th September 1929]

Diwan Bahadur S. KUMARASWAMI REDDIYAR :—"I second it."

Mr. K. R. KARANT :—"Sir, I beg to oppose this motion. It is really surprising that my hon. Friend from Chittoor should have moved this motion now after seeing that a good deal of discussion has already taken place on it. We thought that he withdrew his motion with the object of helping us to see that the Bill was passed in this sitting. I never suspected that he was going to bring in another motion like this. Sir, our difficulty is that the Chief Minister may not move his Bill at all, not to speak of referring it to a Select Committee. I do not think how this can be referred to a Committee which has not yet been appointed by this House."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, I raise a question of order, whether you can allow reference of this Bill to a Committee which may not come into being at all." (A voice: 'Probably the best course would be to postpone this.')

* The hon. the PRESIDENT :—"There is some difficulty here. The hon. the Chief Minister has published his Bill and has undertaken to introduce it as soon as consideration of the Malabar Tenancy Bill is over. The question arises whether these two Bills should have two different and parallel Committees. It is a difficult matter to dispose of, and, therefore, in order to avoid that difficulty I myself suggested to the hon. the Chief Minister and the Leader of the Opposition the desirability of referring both the Bills to the same Committee. I think it will be for the convenience of the House if, as we did in the case of the Andhra University Bills and in the case of the Madras University Bills of the Chief Minister and Mr. Satyamurti, the same Committee is asked to deal with these two Bills and, if possible, send up a consolidated Bill."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"I never said anything about that. I simply wanted to know, whether in view of what has happened, it is a wise procedure to adopt. No doubt we may agree to this course. But we have also to take into account the several accidents that might happen. There may not be time, and the House may be adjourned before the Minister moves his motion for referring his Bill to a Select Committee. Even the motion for reference might be lost. Therefore I doubt whether it would be in order to refer this to a Committee which is not in existence yet."

* The hon. the PRESIDENT :—"The difficulty is that the Minister's Bill will be referred to a Select Committee and there may not be another non-official day later on."

Mr. P. C. VENKATAPATHI RAJU :—"The Government may give facilities for non-official Bills."

Mr. G. HARISARVOTTAMA RAO :—"While I feel that the position is perfectly sound so far as the convenience of the House is concerned, I feel that technically this may not be in keeping with the existing practice."

* The hon. the PRESIDENT :—"Does it offend any of the Standing Orders?"

Mr. G. HARISARVOTTAMA RAO :—"There is no Standing Order empowering us to refer a Bill to a Committee that has not been formed or a Committee which is not a Select Committee."

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* The hon. the PRESIDENT :—" I want some light to be thrown on the point whether when there is no impediment by way of rule or statute or Standing Order, the House has not got the inherent power to refer two Bills to the same Committee ? "

Mr. C. V. VENKATARAMANA AYYANGAR :—" Which Committee ? "

* The hon. the PRESIDENT :—" The Committee to be constituted. "

Mr. G. HARISARVOTTAMA RAO :—" My difficulty was this : if for some reason or other the hon. Minister does not move his Bill, this Bill will have no place. "

The hon. the PRESIDENT :—" That is going into the merits of the motion. "

Mr. ABDUL HAMEED KHAN :—" May I suggest that this Bill be referred to the whole House going into Committee ? "

* The hon. the PRESIDENT :—" I do not know whether the Government have made up their mind. "

Mr. C. N. MUTHURANGA MUDALIYAR :—" To obviate the difficulty of committing this Bill to a non-existing Committee, may I suggest to you to ask the Chief Minister to introduce his Bill now and refer both these Bills to the same Committee ? "

* The hon. the PRESIDENT :—" But to-day is a non-official day. "

Mr. C. N. MUTHURANGA MUDALIYAR :—" You have inherent powers to get it done. "

* The hon. the PRESIDENT :—" This may perhaps be taken up as the first item on the 30th. "

Mr. C. N. MUTHURANGA MUDALIYAR :—" I move that this matter may be postponed for consideration till Monday the 30th September 1929. "

Mr. G. HARISARVOTTAMA RAO :—" I second it. "

* The hon. the PRESIDENT :—" The question is that the consideration of this Bill be postponed till Monday the 30th. "

The motion was put and carried.

The hon. Dr. P. SUBBARAYAN :—" Sir, I would like to make one submission. I want to know whether I will be allowed to introduce my Bill on a non-official day. "

* The hon. the PRESIDENT :—" We shall see that. "

VII

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

Mr. BASHEER AHMED SAYEED :—" I have already made the motion ^a on the last occasion and I reserve my right of reply. "

The hon. Dr. P. SUBBARAYAN :—" I would like to make a submission to you. As Mr. Basheer Ahmad's Bill deals with the same points contained in the Government Bill, I shall be grateful to hon. Members opposite if they will show the same consideration that they showed with regard to Mr. Kaleswara Rao's Bill. "

^a Vide proceedings of the Legislative Council, dated 10th October 1928, page 313.

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Mr. SAMI VENKATACHALAM CHETTI :—" I move—

'that the consideration of the Bill be taken up on the 30th September.' "

Mr. K. KOTI REDDI :—" I second it. "

The motion was put and carried.

VIII

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT (V OF 1920) AND THE MADRAS TOWN-PLANNING ACT (VII OF 1920).

Mr. J. A. SALDANHA :—" I move for leave to introduce a Bill to amend the Madras District Municipalities Act (V of 1920) and the Madras Town-Planning Act (VII of 1920). "

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

The motion was put and carried.

Mr. J. A. SALDANHA :—" I beg to introduce the Bill. "

IX

A BILL FURTHER TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

Mr. BASHEER AHMED SAYEED :—" I move that this item do stand adjourned to the next non-official day for Bills. "

Mr. G. HARISARVOTTAMA RAO :—" I second it. "

The motion was put and carried.

X

A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926.

Rao Bahadur B. MUNISWAMI NAYUDU :—" I beg to move for leave to introduce a Bill to amend the Madras Hindu Religious Endowments Act, 1926. "

Mr. C. R. PARTHASARATHI AYYANGAR :—" I second it. "

The motion was put and carried.

Rao Bahadur B. MUNISWAMI NAYUDU :—" I beg to introduce the Bill. "

Mr. G. Harisarvottama Rao rose to speak.

* The hon. the PRESIDENT :—" If the hon. Member wanted to oppose the introduction of the Bill, I would have certainly called upon him to object to it if he had given me previous intimation. "

Mr. G. HARISARVOTTAMA RAO :—" I did not want to make any objection. I simply wanted to know what the Bill was. "

* The hon. the PRESIDENT :—" It will soon be published and the hon. Member may then see it. "

XI

A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908.

Sriman BISWANATH DAS Mahasayo :—" I beg to move for leave to introduce a Bill further to amend the Madras Estates Land Act, 1908. "

Mr. BASHEER AHMED SAYEED :—" I second it. "

The motion was put and carried.

Sriman BISWANATH DAS Mahasayo :—" I beg to introduce a Bill further to amend the Madras Estates Land Act, 1908. "

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XII

THE MARUMAKKATTAYAM BILL.

Mr. K. MADHAVAN NAYAR :—" I beg to move for leave to introduce the Marumakkattayam Bill."

Mr. K. R. KARANT :—" I second it."

The motion was put and carried.

Mr. K. MADHAVAN NAYAR :—" I beg to introduce the Marumakkattayam Bill."

XIII

A BILL TO PREVENT GAMBLING IN THE PRESIDENCY OF MADRAS.

Mr. ABDUL HAMEED KHAN :—" I beg to move for leave to introduce a Bill to prevent gambling in the Presidency of Madras."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" I second it."

The motion was put and carried.

Mr. ABDUL HAMEED KHAN :—" I beg now to introduce a Bill to prevent gambling in the Presidency of Madras."

XIV

A BILL FURTHER TO AMEND THE MADRAS VILLAGE COURTS ACT, 1888.

Mr. G. HARISARVOTTAMA RAO :—" I beg to move for leave to introduce a Bill further to amend the Madras Village Courts Act, 1888."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" I second it."

The motion was put and carried.

Mr. G. HARISARVOTTAMA RAO :—" I beg to introduce a Bill further to amend the Madras Village Courts Act, 1888."

XV

THE MARUMAKKATTAYAM AND THE ALIYASANTANA BRANCH PARTITION BILL.

Mr. K. R. KARANT :—" I beg to move for leave to introduce the Marumakkattayam and Aliyasantana Branch Partition Bill."

Mr. K. MADHAVAN NAYAR :—" I second it."

The motion was put and carried.

Mr. K. R. KARANT :—" I introduce the Bill."

XVI

A BILL FURTHER TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919.

Mr. BASHEER AHMED SAYEED :—" I move for leave for referring the Bill further to amend the Madras City Municipal Act, 1919, to a Select Committee composed of the following Members :—

1. The hon. the Minister for Local Self-Government.
2. The hon. the Advocate-General.
3. Mr. S. Satyamurti.
4. Mr. Sami Venkatachalam Chetti.
5. Dr. B. S. Mallayya.

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[Mr. Basheer Ahmed Sayeed]

6. Mr. Abdul Hameed Khan.
7. „ N. Siva Raj.
8. „ D. Thomas.
9. „ K. Sitarama Reddiyar.
10. „ F. E. James.
11. Rao Bahadur B. Muniswami Nayudu.
12. Mr. A. Ranganatha Mudaliyar.
13. „ Ramanatha Goenka.
14. „ C. S. Govindaraja Mudaliyar.
15. The Mover (Mr. Basheer Ahmed Sayeed)."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I am opposing a reference to the Select Committee because Mr. Basheer Ahmed's Bill raises some important principles which cannot be agreed to. One of them is the appointment of the Commissioner of Corporation of Madras. The opinion of the Government—and I believe some of the hon. Members opposite agree to this—is that the chief executive officers for all local boards and municipalities should be appointed by an outside authority. According to one of the amendments that was introduced, this principle was given up in the case of Local Boards and District Municipalities Acts, because such a contingency does not exist in the case of mufassal municipalities and also in the case of district boards. But in the case of the Madras City Municipal Corporation, I feel it is very important that the appointment of the Commissioner, who is the chief executive officer, should vest in the hands of the Government, an outside authority, especially in view of the fact that large grants of moneys are being made to that body. For water-supply, Government are making grants and will continue to make such grants. There is also the question of Mambalam extension. It is a very vital subject and large sums of moneys are being granted to that scheme. (A Voice : 'What if?')

"When such is the case, it would be impossible to allow this principle to be accepted. On this ground, I would appeal to the House not to allow this Bill to go to the Select Committee."

* Mr. G. HARISARVOTTAMA RAO :—" I was surprised at the argument of the hon. the Chief Minister when he was talking of principle. I always understood that the Select Committee is intended to work out details, and when a Bill is introduced the principles of the Bill are generally granted. It was a surprise to me that the hon. the Chief Minister should dignify a particular provision in the Bill into a principle. He believes that if a Member desires to make the appointment of the Commissioner of the Corporation subject to the popular control it is a departure from the accepted principle with regard to democracy. This appears very strange. I may agree with my hon. Friend for the City of Madras or I may not agree. It is quite possible that the Select Committee will accept it or reject it. But that does not seem to be a sufficient reason for the Minister to come forward and say that this Bill should not be referred to the Select Committee. The hon. the Chief Minister also laid stress upon the huge grants that were being made by the Government to the Municipal Corporation. Municipal Corporations exist as autonomous units. They are expected to control themselves and to exhibit civic responsibility with which the Government may not have anything to do, and yet the Government grant very huge

[Mr. G. Harisarvottama Rao] [27th September 1929]

sums. Take for instance, the University of Madras. Government make large grants to the University and yet they do not say that they shall have control upon the executive officers of the University. I am really surprised at the attitude of the hon. the Chief Minister in opposing this motion. This motion is perfectly correct and he would have been right if he had allowed it to be carried and attempted to amend the Bill in the Select Committee in the manner desired by the Government. He has sufficient strength and with that strength he could amend the Bill, if he chose, in the Select Committee. If he could not do that, he could have achieved his object by opposing in the open Council itself. Instead of that, he has chosen a very wrong method by opposing this motion and the House should not allow itself to be prevailed upon."

* Mr. F. E. JAMES:—"I am at some difficulty in understanding what the hon. the Chief Minister's position is in this matter. I think he should have opposed this motion only on two grounds. The first is that there is no need for any amendment to the existing Act. If that is so, I can understand his position. But I understand that is not his position. The other ground is that the Act needs amendment, but that it is a very important matter, that the proposals of the hon. Member for the City of Madras are not satisfactory to the Government, that it should be undertaken by the Government themselves, and that they propose to take early steps to have the Act amended. If he had advanced the latter argument I should have supported him. But if he cannot adduce any other argument than that which has been advanced by him already, I am afraid it will be very difficult for us to vote one way or the other. I should like to ask him this specific question before giving my vote upon this motion."

Rao Bahadur B. MUNISWAMI NAYUDU:—"I think the Government took objection to this Bill because they think that large grants are being given to the Municipal Corporation and that they should therefore see that those grants are properly utilized. If Government want to safeguard their position, so far as the utilization of these grants is concerned, there are many other ways of doing that. There are ways in which they could see that the Corporation utilizes the funds granted to them properly. If certain executive officers of the Corporation or other body misuse the grants given to those bodies, there are ways and means by which Government could see that those officers utilize the money given to them properly. These are all considerations which ought to prevail in the Select Committee. I think, if we understand the hon. the Chief Minister correctly, he has not committed himself to any particular method and as such he would have every possibility of exploring all the avenues in which he could see that his wishes are carried out. In these circumstances, I hope he will withdraw his objection."

Mr. SAMI VENKATACHALAM CHETTI:—"I am sorry I was not present in the House when the hon. the Chief Minister made his speech in reply to the motion made by my hon. Friend, Mr. Basheer Ahmed. I feel that in the small speech that he has delivered in opposing this motion he has expressed all sorts of antiquated and obsolete ideas about this question. The hon. the Chief Minister seems to have opposed this motion on the ground that one of the proposals made in the Bill is that the appointment of the Commissioner, the chief executive officer of the Corporation, should be vested in the Corporation itself. I do not think that the hon. the Chief

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Minister has completely forgotten that a similar reform has already been introduced in respect of the Calcutta Corporation. As my hon. Friend Mr. James has pertinently pointed out, there might be justification for opposing this motion if there had been no necessity for an amendment to the Act. On the other hand the Corporation of Madras has been asked time after time to suggest modifications and improvements for the existing Act in order to suit the present-day requirements. Further, I believe that in some statement made by the hon. the Chief Minister some time ago on the floor of the House he agreed to bring in an amending Bill to the City Municipal Act. The next reason that might be adduced as a justification for the Government is that the proposals made by the hon. Member who has introduced this Bill are not satisfactory to the Government. A perusal of this Bill will convince the House that the hon. Member has embodied all the modifications suggested either by the Government or by the Commissioner of the Corporation of Madras, i.e., the Chief Executive Officer of the Corporation appointed by the Government. In the face of his proposals, on the two grounds mentioned above, the Government cannot possibly oppose this motion.

"I am sorry that we cannot agree to postpone this Bill on the promise and the prospect of the hon. the Chief Minister bringing forward an amending Bill; such promises have never been kept. Having the elections somewhere in April or May, it is not possible for the Government to bring in an amending Bill in this session. I would therefore implore the Government to allow this motion to be passed so that the Government may bring forward suitable amendments to satisfy themselves and the Opposition."

* The hon. Mr. S. MUTHIAH MUDALIYAR:—"Mr. President, Sir, hon. 12-30
Members opposing the hon. the Chief Minister said that he did not say that p.m.
there was no need for amending the Act. My hon. Friend, Mr. James, said that, if the Government have an idea of introducing a Bill to amend the City Municipal Act, there would be good justification for not allowing the Bill of my hon. Friend Mr. Basheer Ahmed to go ahead. The idea of amending the City Municipal Act has been under the consideration of the Government, and the idea of the Government is to form a committee of all ex-Presidents, the present President, the Commissioner of the Corporation and other people in the City who are acquainted with the administrative affairs of the Corporation for the purpose of drafting a comprehensive amending Bill. Since the idea is there and since the Government propose to bring in an amending Bill, I think that, if this Bill is sent to the Select Committee, it will interfere with the proper amendment of the Bill. All the principles which have been laid down in the present Bill will be considered in connexion with the Bill proposed to be drafted by the Government. My hon. Friend, Mr. Sami Venkatachalam Chetti, said that the Government have not kept up their promise. May I submit to you, Mr. President, that the hon. Member did not give us one instance in which the Government made a promise and did not keep it? So, if the Government say that they have an idea of introducing a Bill, they will get the Bill ready and introduce it. They are anxious to make the Bill as comprehensive as possible and as acceptable to all sections of the House; therefore they may sometimes have to go on revising the Bill a number of times. The Government have that under contemplation and I request hon. Members not to support this motion to refer the Bill to a Select Committee."

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Mr. ABDUL HAMEED KHAN :—“ Sir, I am really surprised at the attitude the hon. the Chief Minister has taken with regard to this motion. Either it must be accepted by the non-official Members of this House that it is only the Government that can have the privilege of moving amending Bills to various Acts, or it is open also to the non-official Members to bring forward amending Bills to various Acts, or the non-official Members should accept that position and become part and parcel of the Government. Those are the only two positions which are open to the non-official Members. Sir, I was glad that the hon. Member from Chittoor took up the very right attitude and said that a non-official Member has introduced a Bill on a very important matter which is long overdue and that he saw no reason why the Government should say that it should be postponed. He also said that if some of the amendments are not acceptable to the Government, they have time enough either in the Select Committee stage or after the Select Committee have submitted their report to reject the amendments that are not acceptable to them and to include those acceptable to them. Why should the Government stand first of all in the way of referring the Bill to the Select Committee? It is very necessary that the Bill should be referred to the Select Committee. This is not the first instance of the Government putting obstacles in the way of non-official Bills. There is the case of Mr. Kaleswara Rao's Bill. What is the fate with which that Bill met? Even after it has been reported by the Select Committee, that Bill has not been proceeded with. I ask non-official Members of the Council whether this is the courtesy which the Government should show to the Bills brought forward by them.

“ With regard to this Bill I may say that every gentleman who knows what is happening in the Corporation of Madras will certainly sympathize with the amendments that have been proposed and which are long overdue. In the year 1924, a committee was appointed which went into not only the needs felt by the non-official Members of the Corporation but they also incorporated the amendments which the Government have been from time to time suggesting to the City Municipal Act; they incorporated also the amendments which the Commissioner of the Corporation suggested. This is a very comprehensive Bill. I fail to see the reason why the hon. the Chief Minister wants that the chief executive officer of the Corporation should be appointed by the Government. We have been moving in the direction of a democratic system of Government. If he is going to allow the premier Corporation of Madras, a non-official body, to remain in a very antediluvian state of affairs, I must revise my opinion with regard to his idea of democracy. He must know that the Calcutta Corporation has been working for the last three or four years with an executive officer appointed by that Corporation. I am sure that the money that the Government of Calcutta have given to the Calcutta Corporation has not been misused; and certainly it is open to the Government, as has been pointed out by my hon. Friend, Mr. Muniswami Nayudu, to control the use of money in many ways. To say that the chief executive officer is there to safeguard the interests of the Government and public finance, is to cast a slur on the interest and dignity of the public men who are serving on the Corporation; it is an insult to the members of the Corporation; certainly they represent the people and they have the sense of responsibility which the chief executive officer does not have. My hon. Friend, the Home Member, was a member and the President of the

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Corporation, and I am sure that he realizes, more than anybody else, that the Act should be amended. When a non-official Member brings forward a very comprehensive Bill for amending an Act which requires to be modified, I see no reason why the Government should stand in the way. I appeal to my European friends to support the motion before the House. My hon. Friend, Mr. James, took up the right attitude and I hope that the promise, which the Government make, of introducing a Bill on a future occasion will not make him withdraw from the position he has taken. I have no doubt that my hon. Friend, Mr. Muniswami Nayudu, will stick to his position.”

* Rao Bahadur Sir A. P. PATRO :—“ Sir, I do not question the right of non-official Members of this House to bring forward any Bills they like. It is one of the fundamental principles of the Reformed Councils that encouragement should be given to the members of the House to bring forward any legislative measures. But on the present occasion the hon. Mover of the Bill is a member of the Corporation of the City of Madras, and as such I wish to know whether the provisions of the Bill introduced were discussed by the Corporation and received the consideration of the Corporation, and whether its considered opinion has been obtained, or whether the draft Bill was circulated to the members of Corporation for eliciting opinion.

“ The second difficulty which I feel is this; I remember that the Corporation has, from time to time, gone into this question of amending the City Municipal Act and they appointed a committee or committees to look into the defects and difficulties of the Act and to submit a report to the Corporation. I do not know whether the hon. Member has been able to obtain a report or their recommendations and incorporate them in this Bill. I understand, Sir, that the committee that was appointed by the Corporation to investigate the matter has not submitted any report whatever on this matter. Therefore it seems to me that the Corporation itself is not in a hurry to amend the Act nor does it want that a radical change should take place immediately.

“ The third difficulty which I feel in the matter is this; even though this matter might not have been discussed by the Corporation, if the Bill as framed by my hon. Friend, Mr. Basheer Ahmed, had been circulated among the Members of the Corporation, he would be in a better position to state their opinion on this Bill. It seems to me that he should not rush through matters nor precipitate any such legislation in view of the fact that the Government are considering the matter and would bring forward a more comprehensive Bill.”

* Mr. C. S. GOVINDARAJA MUDALIYAR :—“ Sir, it is amusing to hear the speech of my hon. Friend, Sir Patro, which is a supplementary speech of the hon. the Chief Minister, because we find the Chief Minister not listening to the speeches made by the Members of the Opposition but going round and coaching up Sir Patro. The reasons set forth by my hon. Friend, Sir Patro, are far from convincing. He says that the members of the Corporation were not approached in all humility by my hon. Friend, Mr. Basheer Ahmed. The hon. Member must know that this Bill was published in the *Fort St. George Gazette* and the members of the Corporation who are public men ought to have studied it and come to their conclusions. If they did not do so, it is their look-out; it is a default and my hon. Friend, Sir Patro, need not plead for it on the floor of this House.

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"The objection raised by the hon. Dr. Subbarayan has been met and more than met by hon. Members who have preceded me. His ground that he made so much of about the appointment of the chief executive officer is not valid at all. It has been very well pointed out that the chief executive officer of the Corporation of Calcutta has been appointed by the Corporation itself, and more money than that given to the Madras Corporation has been spent by them through the agency of the chief executive officer. No word of suspicion or reproach has been heard or uttered that he has not been spending the money in a proper, legitimate, and economical way. I do not see any reason why the chief executive officer to be appointed by the Corporation of Madras should fall far short of his duty and of the high standard that is expected of any officer appointed by the Government. There is no particular efficacy in the appointment. It depends more on the integrity of the gentleman who is appointed as the chief executive officer. Such a selection can be made by a corporate body consisting of 50 gentlemen most of whom are elected by the tax-payers whose money is spent. That part of the argument of the hon. the Chief Minister does not hold water. All that has been said by my hon. Friend, Sir Patro, is to postpone this Bill on the promise of Bills that are to be introduced, which are never introduced and which always recede to the background. That is the only argument that has been put before us. Since the comprehensive Bill of my hon. Friend from South Arcot has been published, the Government must have perused the provisions of the Bill and they should either accept them or they should say what they think about the various provisions. If any of the provisions of the Bill are not acceptable to the Government, it is up to them to move the necessary amendments in the Select Committee stage and in the Council when the Bill is taken up for consideration, to meet the points and to carry the day on the strength of their votes. Instead of doing that, to throw obstacles in the way of the Bill proceeding through and adopt these tactics of breaking the Bill in this particular manner is unfair to the hon. Members of the House who have taken so much care and trouble to frame the Bills.

12-45
p.m.

"Sir, this is one of those examples in which a non-official Bill is sought to be relegated to a position of recedence, and preference is given to official Bills; and the most deplorable part of it all is that none of these Bills are reached. If the official Bills are at least standing now in competition with the non-official Bills, a plea for giving precedence to the official Bills can be made with some degree of justice and fairness. But it seems as though they say: 'Let this go back and stand awhile till some Bills which are going to be born are brought into existence' and then only to be told that this non-official Bill is not as comprehensive as the official Bill; and therefore they will play second fiddle to the official Bill. That kind of attitude, Mr. President, is one that ought to be deprecated, and I appeal strongly to all sections of the House not to encourage that attitude on the part of the Government and to put it down with a strong hand."

* Mr. R. J. C. ROBERTSON:—"Mr. President, I should like to know whether the Government are prepared to introduce a Bill of their own to amend the Madras City Municipal Act, at the next session or at the earliest possible moment. It will be convenient if we have this information before we come to a decision on this question. If the Government are likely to introduce such a Bill at the next session, then I think we can well await it

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and this Bill need not be referred to a Select Committee now. I should however like to know what action the Government propose to take regarding this matter. If it is not their intention to bring forward a Bill of their own, then we would be prepared to vote in favour of the private Bill now under discussion being referred to a Select Committee."

* Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, there was nothing surprising in the attitude of the hon. the Minister in opposing my Bill being referred to a Select Committee. He has been systematically from the very beginning to this day opposing all attempts at non-official legislation, and his opposition to-day is quite in keeping with his policy. I only wish to place before my hon. Colleagues of this House a few points which I think have not been noticed by them in the Statement of Objects and Reasons which were published along with the Bill.

"Mr. President, the existing Act was passed in 1919 and that Act since 1919 has not undergone any change on a comprehensive scale. There were certain sections of the Act which were amended from time to time by the Government, because the Government felt some difficulty in administering those sections. When there was insistent demand by the Corporation and also by the public of Madras for a more easily workable Bill, the Government in the Government Order of 1923 directed Mr. Boag, the then Commissioner of the Madras Corporation, to examine the working of the Act and to prepare a set of amendments and also to draft a Bill on the desired lines. Mr. Boag, the Commissioner, went into the whole working of the Act. He was there as Commissioner for three years, and it took him a great amount of labour and time to find out what exactly was needed and how exactly the amendments should be framed. He prepared a comprehensive set of amendments and placed them before the Council of the Corporation. The Corporation was further directed by the Government to consider those amendments and to incorporate them in a Bill. The Corporation appointed a committee presided over by no less a person than that eminent lawyer, Dr. Swaminathan, and that committee considered almost all the important sections of the Act and made more or less a report and these amendments were before the Corporation. In pursuance of the proceedings of that committee, the then President of the Corporation, now a Member for the City of Madras, drafted a Bill. He introduced that Bill in 1925, and afterwards it was not traceable as to what had been the fate of that Bill which was introduced and published. Then, again, Mr. President, there were hundreds of resolutions passed by the Corporation pointing out the sections which required very urgent amendment. And whenever Government were approached by means of resolutions and communications both from the President and the Commissioner of the Corporation, they have repeatedly replied that the Corporation would prepare a Bill and have it introduced in the Council. That shows that they had no objection to it. It is in pursuance of that that my Bill was prepared after much trouble, labour and consultation. Mr. President, in this Bill I have incorporated not only the amendments of Mr. Boag who prepared them at the instance of the Government, but also those amendments which were recommended by the committee presided over by Dr. Swaminathan. In some respects, it also incorporates the amendments prepared by Mr. Sami Venkatachalam Chetti, the member for the City of

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Madras and introduced in this Council—thereby indicating that this Council had no objection to the principles of the Bill which was introduced by him.

“Mr. President, the reasons that were adduced by the hon. the Minister do not at all seem to be convincing in any the least manner. As my hon. Friends have pointed out, in 1923 the Calcutta Corporation Act was amended, and since then the Chief Executive Officer of the Calcutta Corporation is administering the affairs of the Corporation. After all, Sir, the Corporation of Madras is dealing only with about Rs. 60 lakhs every year, while the Corporation of Calcutta which is dealing with crores of rupees is having its affairs administered by a Chief Executive Officer who is appointed by itself on a lower salary than at Madras. In these days, when gentlemen like our Ministers are administering a whole Presidency, administering the affairs of Government, I do not see anything incongruous or incompatible in the premier Corporation, the oldest Corporation in Madras selecting its own Executive Officer for administering its affairs within a limited area of 26 or 30 square miles.

“Mr. President, there are very important principles contained in this Bill which I seek to refer to the select committee. The most important one is that the various difficulties encountered in the working of the Bill, especially those that have been experienced by the Corporation President and its Commissioner in carrying on the administration, should be removed urgently; and they have been provided for in the Bill. The only grounds on which the hon. the Minister can object to this Bill are certain changes which are necessitated by political exigencies and by advance of opinion on civic and political matters. The only objection that has been raised by the hon. the Minister is to the appointment of the Commissioner by the Corporation itself. It is surely easy for the Minister with his majority in this House and also with his representatives on the select committee to see that that provision is modified in the manner which may suit him. It is quite open to him to do that; but on that ground to oppose a Bill which was published as early as January 1929 and introduced much earlier, in October or November last and which came up for consideration before this House on several occasions but was not reached for want of time for non-official work—to come forward now and say that he opposes this Bill on the most flimsy ground that it provides for the appointment by the Corporation of its Commissioner, is nothing short, I should say, of obstinacy, an obstinacy of a kind which should not be encouraged in this House; and I believe the House will not encourage it. I especially appeal to my hon. Friends the Muslim members some of whom I trust might have read my Bill. I appeal to them especially because in the Bill I have sought to reserve seven seats for the Muslim community in the Corporation and the election of president by rotation from each community. That principle may or may not be accepted, Sir, but the Minister himself has in his two Bills—the Bills which are yet to be introduced—sought to reserve for minorities a certain number of seats in all local bodies and municipalities. On that same principle, Sir, I have provided in my Bill a certain number of seats for the Mussalmans, and I do not think the Minister can have any objection to that provision. So also, with regard to the depressed classes, I have provided for a certain proportion by means of reservation in the Council of the Corporation. I know it is very difficult for the depressed classes people to be returned and I have therefore provided

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in my Bill a very sane and feasible method of ensuring their representation in a certain proportion in the Corporation while abolishing the principle of nomination at the same time.

“Mr. President, the Minister has come forward and said that he proposed to call for a conference. Sir, we have known enough of these conferences and of the results of such conferences. Some conferences were convened for the purpose of drafting Bills to amend the Local Boards Act and the District Municipalities Act and it took months together for the conference to come to any decision, and I think it came to no decision at all. When the conference once came to some decisions, the decisions had to be incorporated in the form of a Bill, and after the lapse of some months, it was done and the Bill is yet to be introduced. I appeal to my hon. friends to take some interest in the City affairs and not to clog a Bill of this kind which aims at nothing but making things easy for the administration of the Corporation, especially in view of the repeated requests of the executive officers of the Corporation itself. I may also mention that this Bill was circulated to the present councillors and officers of the Corporation who are aware of it; and in fact they once or twice asked me at what stage the Bill was pending here, and whether it could not be expedited; and I told them that it depended upon the Minister. Now, Sir, contrary to my expectations, the Minister is opposing. I therefore appeal to my hon. colleagues to support the motion and see that the Bill becomes law as early as possible.”

* The hon. Dr. P. SUBBARAYAN :—“Mr. President, I want to say only a few words on this question. In respect of what Mr. Basheer Ahmed has said that the Bill has been circulated, the Government are still waiting for the opinion of the Corporation. The Corporation has so far come to no decision on this question, and the Government has as yet received no reply to their letter with regard to the amendments contained in this Bill—which only shows that in spite of what all Mr. Basheer Ahmed has said on the floor of this House, all the members of the City Corporation are not agreed as to the method adopted by my friend Mr. Basheer Ahmed in the matter of the amendments to the Madras City Municipal Act. Secondly, Sir, I should like to reply to the question asked by Mr. Robertson as to whether the Government would bring in their Bill at the next session. I am sorry I cannot give an undertaking that a Bill will be introduced in the next session. Of course Government will see that this matter is expedited as far as possible, because though as yet we have not received the views of the Corporation itself we have decided to appoint a small committee consisting of the present President of the Corporation, two ex-presidents, the present Commissioner and Mr. Rutherford, the Inspector of Municipal Councils—an officer who has great experience of a number of municipalities who may be expected to give useful advice on the working of the Act. On the advice of this small committee I thought it would be only fit that we should undertake a revision of the existing Act. But, as I said before, I cannot give any undertaking that the Bill will be introduced at the next session; but the Government will certainly try to see that the Bill is introduced in the Council as early as possible.”

* The hon. the PRESIDENT :—“The question is that the Bill of Mr. Basheer Ahmed Sayeed to further amend the Madras City Municipal Act, 1919, be referred to a select committee.”

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The motion was put to the House and declared carried. A poll was demanded by the hon. Dr. P. Subbarayan and the House divided thus:—

Ayes.

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| 1. Mr. P. C. Venkatapathi Raju. | 17. Mr. T. Adinarayana Chettiyar. |
| 2. " K. Koti Reddi. | 18. " Ahamed Miran Sahib. |
| 3. " R. Srinivasa Ayyangar. | 19. Sriman Biewanath Das Mahasayo. |
| 4. " Sami Venkatachalam Chetti. | 20. Mr. A. Kaleswara Rao. |
| 5. " C. V. Venkataramana Ayyangar. | 21. " V. Kameswara Rao Nayudu. |
| 6. " J. A. Saldanha. | 22. " C. N. Muthuranga Mudaliyar. |
| 7. " G. Harisarvottama Rao. | 23. " K. V. Krishnaswami Nayakar. |
| 8. Basheer Ahmed Sayeed Sahib Bahadur. | 24. " C. Venkatarangam Nayudu. |
| 9. Mr. C. S. Govindaraja Mudaliyar. | 25. " B. Venkatarangam. |
| 10. Abdul Hameed Khan Sahib Bahadur. | 26. " A. Ranganatha Mudaliyar. |
| 11. Mr. L. K. Tulasiram. | 27. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 12. " D. Narayana Raju. | 28. Mr. K. P. Raman Menon. |
| 13. " K. R. Karant. | 29. " C. R. Parthasarathi Ayyangar. |
| 14. " K. Madhavan Nayar. | 30. " T. C. Srinivasa Ayyangar. |
| 15. " C. Obi Reddi. | 31. Rao Bahadur B. Muniswami Nayudu. |
| 16. " A. Parasurama Rao. | |

Noes.

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|---|---|
| 1. The hon. Khan Bahadur Sir Muhammad Uman Sahib Bahadur. | 27. Mr. S. Subrahmanya Moopanar. |
| 2. " Sir Thomas Moir. | 28. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 29. Mr. V. Ramjee Rao. |
| 4. " Mr. A. Y. G. Campbell. | 30. " G. R. Premayya. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 31. Swami A. S. Sahajanandam. |
| 6. " Mr. S. Muthiah Mudaliyar. | 32. Mr. K. Ramachandra Padayachi. |
| 7. " Dr. P. Subbarayan. | 33. " S. N. Dorai Raj. |
| 8. Mr. Hilton Brown. | 34. Mr. S. Arpudadaswami Udayar. |
| 9. " H. A. Watson. | 35. " A. J. Leech. |
| 10. " A. G. Leach. | 36. " F. E. James. |
| 11. " J. Gray. | 37. " R. J. C. Robertson. |
| 12. " S. V. Ramamurti. | 38. " Chavadi K. Subrahmanya Pillai. |
| 13. " C. B. Cotterell. | 39. The Maharaja of Pithapuram. |
| 14. " V. Ch. John. | 40. Mr. C. Gopala Menon. |
| 15. " M. A. Manikkavelu Nayakar. | 41. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 16. Syed Tajud Sahib Bahadur. | 42. Rao Bahadur Sir A. P. Patro. |
| 17. Mr. A. B. Shetty. | 43. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 18. " J. Bheemayya. | 44. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 19. " R. Foulkes. | 45. Mr. T. K. Chidambaramatha Mudaliyar. |
| 20. Mahmud Sehanunad Sahib Bahadur. | 46. Khan Bahadur S. K. Abdul Hazzack Sahib Bahadur. |
| 21. The Muppil Nayar of Kavalappara. | 47. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 22. Subadar-Major S. A. Nanjappa Bahadur. | 48. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 23. Mr. K. Krishnan. | 49. Rao Bahadur S. Sitarama Reddiyar. |
| 24. Mr. N. Siva Raj. | 50. The Kumara Raja of Venkatagiri. |
| 25. " M. V. Gangadhara Siva. | |
| 26. " V. I. Muniswami Pillai. | |

Ayes 51.

Noes 50.

The motion was negatived.

The Council then adjourned for lunch, to re-assemble at 3 p.m.

After lunch (3 p.m.).**XVII**

DEPUTATION OF THE ASSISTANT SECRETARY, LEGISLATIVE COUNCIL, TO STUDY FIRST-HAND PARLIAMENTARY PROCEDURE AND PRACTICE

Rao Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, I move that

'This Council is of opinion that the Assistant Secretary, Legislative Council, be given facilities to study first-hand Parliamentary procedure and practice.'

[27th September 1929] [Mr. B. Muniswami Nayudu]

"In moving this resolution I want to make it clear to the House that while expressing the high appreciation of the work of the Secretary to the Council, and without any disparagement to his work or otherwise, I single out the Assistant Secretary for the treatment which I request the Government to accord. Sir, I should like to have the Secretary as long as the Government can spare him for the purpose of this Council. But, so far as the Assistant Secretary is concerned, he has been appointed as Assistant Secretary directly and it is necessary that he must have the best training possible and also become acquainted with the procedure and practice in the Mother of Parliaments and other Parliaments. It is in this spirit that I recommend to Government this resolution so that they may take steps to see that they send him as early as possible to England in order to enable him to study parliamentary procedure at first-hand. Sir, the next Parliament meets some time in November and it will be really a good thing if Government can see their way to send him as early as possible, so that he might be there when the Parliament meets and have opportunities of studying the practice and procedure obtaining there. This is a matter on which I should think the Council will be deeply interested to see that officers who have to serve this House in the office of Secretary or Assistant Secretary should be persons who are well-equipped and who by their knowledge and experience be able to guide the deliberations and be of help to the Members of this Council as much as possible. I do not bring forward this motion in a spirit of merely helping the Assistant Secretary, but I move this in a spirit to see that this Council gets the best out of its officers and in order to enable the present Assistant Secretary to get help from the Government in this matter.

"Moreover, I understand that there have been similar precedents already and, Sir, your predecessor, the late lamented Diwan Bahadur L. D. Swamikannu Pillai, was sent at the cost of the Government to study parliamentary practice and procedure. I understand also that the Punjab Government sent the Assistant Secretary of their Council similarly to study parliamentary practice and procedure. We also find that in other departments of Government officers entertained are sent to other countries to study the systems relating to the particular departments in which they are employed, so that they may become better equipped to serve Government. It is on these considerations I make this motion and I hope that Government will be pleased to see their way to accept this resolution."

The KUMARARAJA OF VENKATAGIRI:—"Mr. President, it is with very great pleasure that I second the motion which has been so ably moved by my Friend, Mr. Muniswami Nayudu. Sir, I have been chiefly influenced by one consideration and that is that the services of an officer who possesses first-hand knowledge of parliamentary procedure and practice should be made available to the President of this Council. As has been pointed out by my hon. Friend, Mr. Muniswami Nayudu, there have been precedents and we are only following those precedents. Parliamentary institutions, as every member of this House knows, depend mostly for their successful running, upon the guidance and wise control by the President, and an officer who is well-equipped and who possesses first-hand information and first-hand knowledge of parliamentary practice and procedure will be of very great help to the President. Therefore I expect the House will support this motion unanimously and I also expect the Government to accept the recommendation of this House."

[27th September 1929]

* Mr. R. SRINIVASA AYYANGAR :—" I rise to a point of order, Mr. President, with your kind permission. This resolution is not in the form in which it ought to be. Rule 24-A deals specifically with motions of this character and a part of that rule says 'No discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.' Resolutions, as a rule, under the rules and Standing Orders, are to be of a recommendatory character, containing specific recommendations to Government to take particular action on a matter reflecting the opinion of the House."

* The hon. the PRESIDENT :—" Is it your contention that this is a resolution? This is not a resolution."

* Mr. R. SRINIVASA AYYANGAR :—" All that I would submit is that as far as possible, it should conform to the form of a resolution, though doubtless a certain amount of discretion seems to inhere in the President and the Member of the Government to give their consent . . ."

* The hon. the PRESIDENT :—" A resolution can be moved under rule 23 (1) and it must be in the form of a recommendation to the Local Government. That was the only kind of motion that could be entertained by the Council before rule 24-A came into existence. Under section 72-D of the Government of India Act, a motion relating to a matter of general public interest can be moved in the Council subject to the restrictions that may be imposed by the rules. Rule 24-A for the first time enabled motions on matters of general public interest not being resolutions to be moved in the Council. But they can be moved only with the Consent of the President and with the consent of the Member in charge. In this case, the consent of the President has been given and the consent of the Member in charge has been also given and it is nowhere laid down that a motion under rule 24-A should be in the form of a recommendation to the Government. Rule 23 (1) merely says that all resolutions must be in the form of a specific recommendation to the Government but it is nowhere provided that motions under rule 24-A should also be in the form of a recommendation to Government."

Mr. R. SRINIVASA AYYANGAR :—" I bow to your ruling, Sir."

* The hon. the PRESIDENT :—" No, it is not a ruling. I am only explaining the position."

* Mr. R. SRINIVASA AYYANGAR :—" I only dealt with the form. Let me raise another point of order. This motion is delightfully vague and indefinite, because it simply says that the Assistant Secretary to the Legislative Council be given facilities to study first-hand parliamentary procedure and practice. Is it to be in Great Britain, Australia or Canada or where? What are the facilities? The facilities are not stated. Is it to be free passage? And the Mover of the motion also has not told us exactly what are the facilities. In the absence of further particulars, it seems to me that this resolution is not admissible in its present form. Doubtless you have got the power to ask the hon. Mover to give fuller particulars and to get the motion amended in a suitable form, so that the House may be in a position to know exactly where it stands."

The hon. the PRESIDENT :—" You mean that the expression 'be given facilities' is not definite?"

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* Mr. R. SRINIVASA AYYANGAR :—" Yes. And which is the Parliament in which he has to study? Is it the Australian Parliament, or the German or Italian Parliament and in which part of the world? In Australia, they have got a Parliament. In Canada they have got a Parliament."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" I wanted to leave it to Government to decide where he should be trained and where he should be sent. But, so far as my speech is concerned, I have made it plain that he should be sent to the Mother of Parliaments in England. So far as first-hand parliamentary procedure and practice is concerned, he can get it only in the Mother of Parliaments. I have made that clear in my speech already, but he can also be sent to other Dominion Parliaments as well. I should like to leave it to the Government to decide where they will send him."

Mr. R. SRINIVASA AYYANGAR :—" How can Government be asked to give us the information now?"

* The hon. the PRESIDENT :—" The only question is whether it is definite or not. As far as I see, it is definite."

Mr. C. N. MUTHURANGA MUDALIYAR :—" Mr. President, Sir, whatever the language of this motion may be, it is really a recommendation to the Government and it cannot be said to be a motion of general public interest and so, I think, it ought not to come under rule 24-A. That is my submission." 3-15 p.m.

* The hon. the PRESIDENT :—" I am not able to agree with Mr. Muthuranga Mudaliyar when he says that sending the Assistant Secretary to the Legislative Council for Parliamentary training is not a matter of public interest."

* Mr. F. E. JAMES :—" Mr. President, I rise to support the motion and in doing so I wish to say two things. In the first place, I take it that the motion means that . . ."

Mr. C. S. GOVINDARAJA MUDALIYAR :—" Mr. President, what is to become of my amendment that has been circulated? I have not moved it."

* The hon. the PRESIDENT (after a pause) :—" Mr. James will continue his speech."

* Mr. F. E. JAMES :—" Am I to speak on the motion or on the point of order? (Several voices: On the motion.) In supporting this motion I wish to say two things. In the first place, I take it that the motion means that we are asking the Assistant Secretary to equip himself with methods of parliamentary procedure so that he may be able creditably to discharge the functions that may fall on him. I take it also that the training he is to receive will equip him for his task if sooner or later he is called upon to discharge the duties, possibly, of Secretary of the Council. It is therefore advisable that he should be given every facility for study. In the first place, it is likely that the importance of this Council will increase in years to come, and, in the second place if he gets himself qualified for the Legislative Department, possibly he may have to fill the post which is now occupied by the present able Secretary. I should like here to pay a very warm tribute to the present Secretary for the efficiency, courtesy, and the amazing ability with which he has filled, for the last five and a half years, his post. He has

[Mr. F. E. James] [27th September 1929]

set up a very high tradition. He has served this Council in a way that has aroused my admiration, and I have seen the work of other Secretaries in other places. The task of Secretary to this Council is a very onerous one and he has discharged it with great efficiency and ability. And I think all sides of the House will join with me in paying him this tribute. (Hear, hear, from all sides of the House.) He deserves well of this Council, which he serves, and of the Government which employs him. This Council, I am sure, is ready to recognize his services, and I am also perfectly sure that the Government will be ready to recognize his services when the proper time comes. Therefore it is doubly important that the one who is possibly to take his place should be thoroughly efficient. And, in the second place, what I want to say, by way of suggestion, is that those who plan the kind of facilities that should be given to him should see that he is given an opportunity to visit not only the Mother of Parliaments but also other parliamentary institutions. No doubt he may pick up much knowledge by way of procedure from the House of Commons, but I hope it will be recognized that it will not be unprofitable to become acquainted with procedure in other Parliaments where conditions are different. Hence I hope it will be made possible for the Assistant Secretary to visit not only the Home Parliament but also the new Parliaments of the Free State and Ulster in Ireland. I hope also he may visit one of the Dominion Parliaments also where federal system obtains, and thus gain first-hand knowledge of the relationship between the Central and Provincial legislatures, more especially in view of the fact that some form of federalism will be playing an important part in the future Government of this country. I hope he will come back to us with a wealth of knowledge and experience which will make him a more efficient and useful man to us. I have therefore much pleasure in supporting this motion."

* Mr. C. S. GOVINDARAJA MUDALIYAR:—"Mr. President, Sir, I wish first of all to assure this House that there is no personal element underlying my amendment. My amendment is based solely on the best interests of the Council, and I therefore beg to move the alternative proviso. I do not move the first proviso. I move that at the end of the motion the following words be added:—

'Provided that he gives a written undertaking in proper form that he will serve the Council for a continuous period of ten years after resumption of office of Assistant Secretary after training.'

"Sir, I have heard with attention all the speeches made in favour of the motion, and especially the emphatic assertions of my hon. Colleague, the Member for Planters, of the necessity for training not only in the Mother of Parliaments but also in other Parliaments. He prefaced his speech, by way of argument, by paying a tribute, in order to ensure success for the motion before the House, by heaping encomiums on the present Secretary for the excellent work he is doing. I heartily endorse all he said and I warmly associate myself with the tribute he paid to the present Secretary. For those very reasons I feel that my amendment is perfectly in order. Because it will be tacitly recognized that the motion which is being resolved upon, if it is carried, will involve considerable expenditure, and therefore in order to ensure to the Council the services of the Assistant Secretary this proviso is necessary. Otherwise it will be a mere waste of labour, time and money. Perhaps it may be said by somebody that they are not bound to accept it. But it is hard to believe that it had not the imprimatur of the Government

27th September 1929] [Mr. C. S. Govindaraja Mudaliyar]

before it was on the table of this House. For one could see that it has the tacit consent of the various sections of the House and it now comes before the House as a formal thing so that its consent may be obtained in a formal manner.

"In fact the indefinite tours to the various Parliaments and the attendance there so that he may learn well will involve much expenditure, and this at the expense of the Government and of the tax-payers' money. These things necessarily make it all the more essential why there should be this proviso. I hope the amendment will be accepted by the House."

Mr. J. A. SALDANHA:—"I beg to second the amendment."

Mr. P. ANJANEYULU:—"Mr. President, Sir, I beg to support the amendment of my Friend, Mr. Govindaraja Mudaliyar, for the reasons stated in the very charming speech of Mr. James. I echo every sentiment he expressed both as regards the present Secretary and the Assistant Secretary. I endorse also the reasons he assigned why the Assistant Secretary should be sent to study the present parliamentary institutions first of all in the Mother of Parliaments and then in the other Parliaments. For he will thus acquire a sort of comparative knowledge of those institutions, and when he returns back to us he will give us the benefit of his accumulated experience so that the traditions of this House may be compared most favourably with the best traditions of any of the Parliaments that exist. That is an idea which must command the assent of every Member of this House who has really the interest of the growth of good traditions here. As far as the ten years' limit is concerned, no personal considerations, I hope either from this side of the House or from the opposite side, will be allowed to say in deciding this question. It will be admitted on all hands that the knowledge he acquires after deep study cannot be imparted to us in a few months or years, and therefore to ensure to this House the benefits of his study this proviso is moved. Whether it is ten years or a little less or a little more I don't mind. As the Mover of the amendment put it, the Assistant Secretary is a very young man and he has practically started life only a few months ago, and therefore as far as this House is concerned, I do not think he will consider the period long.

"But that is a matter of detail. As far as the recommendation of this House is concerned, the period may be put at ten years, and from the place 3-30 of the Assistant Secretary he may take the place of the Secretary and so on p.m. and so forth. Under these circumstances, Sir, I hope that we shall not trespass on personal grounds, because so far as the present motion is concerned what has to be discussed here is the policy of this House in sending either the Assistant Secretary or some other gentleman to study parliamentary institutions and practice for the benefit of this House. Let it be the present Assistant Secretary or anybody else, but what I would urge is that we should not descend into personalities but discuss only the policy of sending someone hereafter to study parliamentary procedure. That being the case, I heartily second the amendment."

* Mr. MAHMUD SCHAMNAD:—"I am sorry, Sir, I have to oppose this amendment. The present Assistant Secretary is a young man and he can become the Secretary in course of time and there is no necessity to demand from him any such undertaking. It may be said that when the Government is spending some money on this deputation they must take

[Mr. Mahmud Schamnad] [27th September 1929]

some kind of undertaking from him. Even then, ten years is too long. If it is five years I should have perhaps considered it. (A voice :—'Public money?') Yes, it is public money, and therefore it is that I say that he will surely serve for five years in this Council either as Assistant Secretary or Secretary when the present Secretary goes on promotion, as he is bound to go as district officer very soon."

* The hon. the PRESIDENT :—" Will the hon. Member kindly address the Chair?"

* Mr. MAHMUD SCHAMNAD :—" After what has been said by Mr. James, I need not repeat those arguments, but would simply say that the Assistant Secretary after serving for some time in that post will serve as Secretary. With the development of democratic institutions and the future reforms we will soon have, I would say that the scope and the powers of this Council are bound to increase, and the President cannot be expected to attend to all minor details and so he will require an assistant who has got an up-to-date knowledge of Parliamentary practice. So it is quite necessary that he should be sent to Europe to learn the system there. An objection was raised that there is no definiteness in the resolution, that it is not stated where he is to be sent and what exactly the facilities are that are to be afforded. But I say we can leave these details to the Government. With these words, I support the motion and oppose the amendment."

* Mr. S. N. DORAI RAJA :—" In rising to oppose this amendment I have got to say only a few words. It is rather a misfortune that this amendment is not only unnecessary but is conceived in bad taste. It is usual in this country, so far as this Government is concerned, to send students to foreign countries with the stipulation that they should serve for so many years after passing the examination. The only saving grace in this amendment is that the Assistant Secretary is not forced to refund the money in case he does not serve for this period. To ask a man of culture, of education and sense of honour to bind himself for ten years as if he is going to run away, by means of this amendment, is to say the least insulting. He is a gentleman and it is not decent to say, that because he takes advantage of the Government's offer in order to equip himself for future conditions, he is to give an undertaking like this. For those reasons I strongly oppose this amendment."

" I am perfectly in agreement with the motion. Every one cannot be a Krishna Ayyar. He is one in a million. To take his place when time comes it is necessary that the Assistant Secretary should be sent to England to study Parliamentary conditions. One cannot learn procedure from books. I strongly support the motion."

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I strongly repudiate the suggestion made by my hon. Friend on the opposite side that there is any bad taste in the amendment moved by my hon. Friend from Madras. I do feel, Sir, that there is nothing wrong in it, though I am not prepared to support it. I feel that my Friend is actuated by a motive to keep the Assistant Secretary in office either as Assistant Secretary or Secretary long enough for the service of this House. But he has forgotten the other aspects of the question altogether. We are sending every day big officials with leave salaries and study leave for equipment. And when it concerns the question of a junior like the Assistant Secretary, we are ready

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to pounce upon him and ask him to execute a bond for ten long years that he should serve only in these capacities and should not be ambitious to have more. I hope, Sir, the conditions in India have not so improved as to allow such conditions being imposed upon Indians. The time has not yet come for us to require of our men such long terms and contracts as to their determination to stick to a post even if they get higher chances in the meanwhile. I am therefore not prepared to support the amendment moved by my hon. Friend from Madras. There appears to be some misapprehension in this matter. He prefaced his remarks by saying that this motion had been brought forward with a determination to carry it and that therefore he was moving this amendment so that it might be carried in a proper manner. That is a grave misapprehension. Every day we want experienced men to do our work. It is true that we have had a very fortunate accident in the present Secretary. The representative for the Planters spoke the whole truth and nothing but the truth when he eulogized the services of the present Secretary. I have known him from the very earliest times, in fact, from the time when he was a student. He is a distinguished man, a first-rate man, and he has been a first-rate man from the very beginning. To my knowledge he was first in all the examinations, first in the Presidency, from the Lower Secondary Examination up to the M.L. degree. Therefore, such an exceptional capacity you cannot get in everybody. A man like the late Mr. Swamikannu Pillai required in his own way to go and learn elsewhere the practice and procedure of Parliament. And that a junior like the present Assistant Secretary should require it, is nothing strange. And it is but fair that we should make provision for a young man like that to rise in life, and that we should give all opportunities to a young man like that and help him. To stand in his way even to the least extent does not appear to be beneficial to our country at this stage. I feel therefore that while I do not agree with my Friends on the opposite side when they say that this amendment has been brought forward in a spirit of bad taste or wrong decorum, I do not for one moment endorse it. There have been contracts and contracts even limited to shorter periods. I know contracts have been made for three years or five years. I believe the rule in all the departments where contracts are made with officers is about five years in the Government here. So, while I do not endorse all that has been said about the amendment, I feel bound to oppose it because I believe it will work a great hardship if such an undertaking is insisted upon. I hope the House will give all facilities to our Assistant Secretary to proceed to learn and equip himself and to progress in life in as quick a manner as it is possible for him to progress under Indian conditions."

* Mr. C. E. Woon :—" Mr. President, Sir, we support the principle of this amendment but not the amendment as it stands. It provides that there should be an undertaking given for a period of ten years. I do not agree with that view, because if this undertaking for a period of ten years is to be exacted from the Assistant Secretary, the Government on the other hand will have to be prepared to guarantee him the ten years' service here and I take it the Government would not give such a definite undertaking. I understand from my hon. Friend Mr. James that in Bengal the same idea has been carried out. The Assistant Secretary of the Bengal Council was sent on deputation, and on return entered into an agreement to serve as Assistant Secretary for a period of, I believe, five years. But it seems to be

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quite unnecessary at present to take an agreement that he would serve in this Council for ten years when he returns. I am sure a lawyer can devise a scheme by which we shall certainly retain the services of the Assistant Secretary after he qualifies himself without fixing any definite period, and I am quite sure the Assistant Secretary himself will be glad to agree to any reasonable proposal which may be made to him before he departs. And I would suggest that in place of the words 'ten years' in Mr. C. S. Govindaraja Mudaliyar's amendment, some words may be put in to the effect that he should undertake to serve the Council for a definite period."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"I am prepared to delete the word 'ten' and substitute 'a definite number of years'."

* The hon. the PRESIDENT:—"Has the Mover Mr. Muniswami Nayudu agreed?"

Mr. SAMI VENKATACHALAM CHETTI:—"Probably it may be convenient to fix any definite period after hearing the Member of Government in regard to this matter. We can then fix the number of years he is to serve here after return from the foreign country."

* The hon. the PRESIDENT:—"First let Mr. Saldanha finish his speech, and then negotiations can be started."

* Mr. J. A. SALDANHA:—"Sir, I quite agree with the spirit of the amendment. The period of years may be left to the Government to be fixed. But I would deprecate the suggestion that the Assistant Secretary should acquaint himself with some of the antiquated practices of the mother of Parliaments. It has got some obsolete old practices which are only of traditional or historical value but are absurd in a place like this. The hon. the President expects me to address the Chair, while I ought to address the audience. I ought to address the audience and not the Chair. In such a case we have to turn our backs to the audience and address the Chair. The Parliamentary practice on the Continent is quite different. There they address the audience as well as the Chair. But here it is quite different. To ask us that we should address the Chair may all be very good in the High Court or any other Court of judicature as there we have to address the Judge. But why should we address the Chair here? (Laughter.)

"Therefore, that is one of the little things that he may study."

* The hon. the PRESIDENT:—"The hon. Member will go on to his favourite subject of rostrum." (Laughter.)

* Mr. J. A. SALDANHA:—"I think that by his going not only to the Parliament in London but also to other Parliaments in the Continent he will be able to gain a first-hand knowledge of the system of rostrum (laughter) and other things obtaining there. Of course, we should have some fresh knowledge of Parliamentary practice and procedure, but not copy everything that is taking place in the Houses of Parliament, especially all those old, obsolete practices which may very well be done away with here. With these words, I support the amendment provided the period mentioned there is left to the Government to be fixed."

* Mr. S. ARPUDASWAMI UDAYAR:—"Mr. President, Sir, the principle embodied in this resolution is accepted by all. All of us feel the need for giving every opportunity for training to the Assistant Secretary, every

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facility for him to study Parliamentary procedure and practice. I think one reason, one main reason for the step to be taken on this resolution is that we want to have an able Assistant to our Secretary who, of course, instinctively and intelligently grasps everything concerning methods of procedure in this House, and that his assistant should have the requisite knowledge of Parliamentary procedure by first-hand study at the very fountain head, the Mother of Parliaments. Everybody may not have the same quick grasping power, and for one who is expected to take the responsible task of assisting our Secretary, especially now that we are on the eve of great constitutional developments, we should certainly think of giving him every facility for such study. You remember, Sir, that at the time of your distinguished predecessor, the first President of this Council, a proposal was made and unanimously carried out to send the then Secretary to England to study Parliamentary procedure. After he returned, you remember a meeting was held in this very Council Chamber, with the late Sir Rajagopala Acharyar in the Chair, and in the lecture he then delivered, the Secretary said that on the whole our procedure conformed to Parliamentary procedure in England and that in certain respects it was desirable to make improvements. It was after that that in this House the practice was introduced of allowing starred questions and supplementary questions to be put.

"As I said, Sir, we are on the eve of important constitutional changes. These were exquisitely referred to by Mr. James. With them, important changes are bound to come with regard to the form and composition of this House, with regard to the proportion of the elected element to the official element, and with regard to the responsibility of the Executive to the Council and to the electorate and again, Sir, as was hinted by Mr. James, with regard to the relationship that should exist between the Provincial Legislature and the Central Legislature. Other developments cannot now be foreshadowed but might be on the lines obtaining in the Dominion Parliaments. All these changes together with the forms of procedure which might be necessitated by them will have to be very carefully studied. As Mr. Schamnad remarked, the Assistant Secretary is a young gentleman, and naturally it is expected that he will continue very long to be connected with this Council, and when our present Secretary is given a higher position, which he should very deservedly get, and to which his talents and abilities entitle him, he should be in a position to step into his shoes and carry on the work satisfactorily, especially under the trying conditions which will come into existence in consequence of the constitutional changes to which I referred.

"Then, Sir, I remember that on that occasion, shortly after the new Reforms, when our first Secretary was sent to England no such undertaking as that required by the amendment was either required of him by this House or given by him. If my hon. Friend, Mr. Govindaraja Mudaliyar, is very anxious on this occasion to have such an undertaking, it is not done in any bad taste, or with bad grace, nor with any other motive than that the services of one who had been given every opportunity to acquire useful and much-needed knowledge of parliamentary practices should be retained as long as possible in the Council. It is with that intention that my hon. Friend has given notice of this amendment. There is no personal element in it. But I ask, is it really necessary for us to have an explicit undertaking, even in the modified form suggested by Mr. Wood. I think it is not necessary for

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us to have any such undertaking. As my hon. Friend, Mr. Harisarvottama Rao, remarked, it is not necessary to have an amendment of this or any other character. For, as is expected, after these facilities are given to him, after he has undergone this training, he will return here and will naturally be expected to remain and earn his promotion in this office of the Legislative Council, and his services will, God willing, be retained here for a very long period. I do not say that my hon. Friend, the Mover of the amendment, had anything like distrust, or misapprehension, or any suspicion lurking in his mind, when he tabled this amendment. What I contend for is that considering all the circumstances, there is no necessity for such an amendment. I hope he will now withdraw it and that the House will accept the principle of this resolution unanimously, that the Assistant Secretary should be sent to England and be also given facilities for studying Parliamentary procedure and practice in the Dominion Parliaments and, if need be, on the Continent.

"There is one point urged by the speaker who preceded me with regard to the antiquated practices in the Mother of Parliaments. But, Englishmen, I know, have a kind of reverence for all hoary practices, and unfortunately, or fortunately, all Parliamentary governments even on the Continent have been modelled on the British Parliament, for the very simple reason that Englishmen were the first to develop this kind of Parliamentary government. All Parliaments that have come into existence on the Continent have got the essential features of the Mother of Parliaments, and have perhaps added a few peculiarities appropriate to their respective genius. My hon. Friend seems to be enamoured of the Continental Parliaments. In one respect, if I may say so, that is, with regard to the scope allowed for forensic display, we may not copy the French Parliament. In other respects, with regard to regularity and method of co-ordination of business, calm deliberation, orderly and systematic conduct of business, standing orders strictly and impartially enforced and preventing the conversion of the House into a bear garden, nothing is wanting in our Legislative Council. And this is because the Council is modelled on the Mother of Parliaments, and its practices on those obtaining in the Mother of Parliaments. So, as we have to deal with Parliamentary institutions in our land, which come from the Mother of Parliaments, it is very desirable that the Assistant Secretary should devote a great deal of his time to the study of the procedure in the Mother of Parliaments, especially for the reasons I have already assigned and that were also referred to by my hon. Friend, Mr. James, supplementing the knowledge thus gained by a study of the Dominion Parliaments. Therefore, while I appreciate and sympathise with the motive underlying the amendment of Mr. Govindaraja Mudaliyar, I think it would be better for him to withdraw it, so that the House may unanimously vote for this resolution and send our Assistant Secretary to England with the least possible delay."

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"By this motion, we are called upon to express our opinion that facilities should be afforded to our Assistant Secretary to study first-hand Parliamentary procedure. When this resolution is passed and the Government are called upon to provide facilities, they may consider the question whether an undertaking is necessary or not. I may say that last time when we sent the late Diwan Bahadur L. D. Swamikannu Pillai to England to study

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Parliamentary procedure no undertaking was asked for. I do not see any reason why we should do otherwise now. In the circumstances, I think it is better that we should express our opinion in the form in which it was moved by Mr. Muniswami Nayudu."

* The hon. the PRESIDENT:—"The question is: To add at the end of the motion the following words: 'Provided that he gives an undertaking in proper form that he will serve the Council for a continuous period of ten years after resumption of office of Assistant Secretary after training.'"

The amendment was put and negatived.

The resolution was then put and adopted.

XVIII

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

CLOSURE OF LIQUOR SHOPS ON HOLIDAYS AND ON DAYS OF ELECTION.

* The hon. the PRESIDENT:—"The Council will now resume discussion on the resolution^a of Rao Sahib R. Srinivasan as amended by Mr. A. Ranganatha Mudaliyar, which runs as follows:—

'This Council recommends to the Government that all shops kept for sale of intoxicating alcoholic liquors and intoxicating drugs such as opium, ganja, etc., in the province be closed on Sundays, public holidays and days of election to the local boards, municipalities and the Legislative Council and the Assembly.'"

* Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, this resolution is in my opinion a test resolution. Not that I am satisfied with this resolution. I can never be satisfied until complete prohibition is achieved in this land. But this is a very modest proposal made by one of the Members whose community is very badly affected by the drink evil. Mr. Srinivasan in proposing this resolution has, I think, in mind the terrible waste that is being worked by even the present restrictions and rules not being properly observed. He wants to extend the rules a little further and see how the thing works. This resolution asks no more than this, that within this province all shops kept for the sale of intoxicating alcoholic liquors and intoxicating drugs such as opium, ganja, etc., be closed on Sundays, public holidays and he has not forgotten the most important days--and the days of election to the local boards, municipalities and the Legislative Council and the Assembly. It is notorious, Sir, that I cannot talk in the rich terms of Europe; if I could talk in those terms, I should have said that wine flowed through the streets. Here a poorer material flows through the streets on those particular days that my hon. Friend suggests. Therefore, it is quite necessary that the Local Government which in spite of its tardiness in undertaking the least little reform in the matter of drink, professes to be doing something for the propagation of ideas that will lead to prohibition, should accept this modest resolution."

"It is necessary that the hon. the Excise Minister should rise in his place 4 p.m. and say forthwith that he accepts this resolution and that he will work it with all his might. It will not be sufficient merely to accept this resolution. If he does not work it is no good. Already the arguments of Government have been very carefully managed with regard to the postponing of measures of

^a Vide page 327 of Council Proceedings, dated the 8th August 1929.

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prohibition. Here is a small item which does not speak of prohibition at all. It speaks of a further extension of the provision that the Government has made for restricting drink to the minimum possible. The Government claims to-day that they are taking all measures in temperance reform, taking all measures to prepare for prohibition. And measures in temperance reform include such measures as are proposed in this resolution, in addition to others that are adopted. Sunday is a very sacred day all over the country for certain sections of people, and days of festivals are mostly sacred days. Festive days are not included in this resolution unfortunately. But most of the public holidays are festive days. To-day, without a proper injunction in this matter, there has been great laxity in the procedure adopted, not only in the City, but in the districts also. We heard very recently from an answer by the hon. Excise Minister that the hours of drink had been extended in the City of Madras. I hope the Minister will not look at this question from the same angle of vision as he looked at in regard to the extension of hours in the City of Madras. He was obdurate, he would not yield, he would not say that he would not extend the hours beyond 8 p.m. I hope he would not be so obdurate in this case, he would not be so obsessed with the idea of excise income, while talking at the same time of taking measures for the prohibition, that he will decline the modest recommendation made in this resolution. It is time that the Excise Minister gave attention to matters like this and gave us at least some proof that he is prepared to do the minimum to improve matters. I do not further intend to take up the time of the House. I hope the Minister will accept this resolution."

* Mr. D. THOMAS:—"Mr. President, Sir, the Government, as this hon. House knows too well, is committed to a policy of propaganda, that is, by means of persuasion (an hon. Member: 'Everlasting persuasion') to decrease the consumption of liquor in this Presidency. For this purpose a certain sum of money has been budgeted, and certain institutions have been brought into existence for carrying out the purposes of Government. It appears to me that if any effective work is to be done by these various institutions that have been started under the aegis of Government for propaganda work, if these institutions are to be given a fair chance of doing really solid useful work in this direction, this resolution must be given effect to. The days on which the class of people addicted to drink resort to it are generally Sundays and other public holidays which are given on festive occasions. I take it that ordinarily it is on such days these people will be accessible to the persuasion of the propagandists of temperance. I also take it that the Government do not expect these propagandists to go to the toddy shops and preach while those persons are engaged in the very act of drinking.

(At this stage, the hon. the Deputy President took the Chair.)

"I expect that the propagandists would avail of such opportunities to do their propaganda work on Sundays and holidays. One of the best ways of doing propaganda is by starting counter activities in the way of providing innocent modes of recreation which will be a set off against the temptation to drink. In the circumstances, I would submit to the consideration of the House that if the work of propagandists and propaganda institutions are to be given a fair trial, those days should not be made available for people who are addicted to drink to indulge in intoxicating liquors. If the Government pass orders to the effect that on Sundays and public holidays drink shops shall

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be closed, then these propaganda officers will have a chance of running on those special days amusements, recreations and social activities which will gradually draw off these people from their vicious propensities, and implant in them ideas, desires and aspirations which will lead them to adopt better activities and better modes of life.

"Another thing that I should like to mention for the consideration of the House is that the temptations to drink are considerably augmented when people gather together and congregate in any large numbers as they do on Sundays or other festive days, and I submit that on these special days that temptation comes in much more powerfully and in a much more seductive manner than on ordinary occasions. But the matter does not rest there. The disturbances, affrays and riotings that follow this drinking on such occasions are much more serious. What I have said with regard to public holidays and Sundays apply equally to election days, (Dr. B. S. Mallayya: 'Muharrum!') where the influences are still more harmful and temptations are still greater, as the agents are only interested in seeing their candidates win through without caring for the means employed, by offering seductive inducements and temptations to gain their votes. In view of these circumstances, I would submit to the attention of the House that this resolution is absolutely necessary and essential for giving a fair chance to the Central Propaganda Board and various other propaganda boards that are being started in the Presidency to carry on and consummate the work of temperance. I appeal to the hon. the Excise Minister to do all that lies in his power to give these facilities for the propaganda institutions, and I do not expect that Government while they give money and organize institutions for temperance work, will at the same time repress every fair chance that these institutions may have to really carry out the work."

* Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Sir, it is highly desirable that these liquor shops should be closed on Sundays and other holidays. My hon. Friend who spoke before me said that propaganda work should be done on these days. I am also of opinion that intense propaganda work should be done on these holidays. But those for whom such propaganda work is done should be in a sober mood on such days to receive the preachings. There is no use of doing propaganda work when they are not sober. Imagine a Deepavali day and if it happens to be an election day, it is impossible to canvass votes. This was my personal experience. So, I request the Council to vote for this resolution. There is no use of doing propaganda work alone as no amount of propaganda work will be equal to closing all liquor shops on one day. I hope the Minister will show his sympathy in a tangible way by issuing orders that all the liquor shops should be closed at least on a single holiday. If the shops are closed on all holidays it will be much better. If he is not able to do this, at least he will issue orders for closing all shops on Sundays. Of course we in the city may not feel so much the necessity for closing liquor shops on election days. But those who tabled this resolution from the districts know where the shoe pinches. So, I request the hon. the Minister to accept the resolution and if not see that there is at least a day in a week in which all the liquor shops are closed."

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Swami A. S. SAHAJANANDAM spoke in Tamil in support of the resolution as follows:—

“இத்தீர்மானம் கொண்டுவந்தவர் ராவ் சாகேப் சீனிவாசம் பிள்ளை, அவர் வயது முதிர்ந்தவர். மிகவும் அனுபவமுள்ளவர். கள்ளு, சாராயம் முதலிய வாகிரி வஸ்துக்களில் மூழ்கி மிதந்தவர். அவரே இத்தீர்மானத்தைக்கொண்டு வந்திருக்கிறார். ஆகையால் சர்க்காரும், இச்சபையிலுள்ள அங்கத்தினர்களும் இத்தீர்மான விஷயமாகக் கவனஞ் செலுத்தும்படி வேண்டுகிறேன். கள், சாராயம், அபினி முதலியன புத்தியை மயக்கும் பொருள்களாகும். ஏழைகள் சாராய முதலிய வற்றை வாங்குவதற்கு முடியாதவர்களாயிருக்கிறார்கள். அவர்களுக்குச் சொற்ப விலையில் கிடைக்கக்கூடியது மதுபானமே. தூரத்திலுள்ள கடைகளுக்கு விடுமுறை நாட்களில்தான் போவார்கள். மதுவை யுண்பதாலுண்டாகும் அக்கிரம செயல்கள் பல. பிரேரோபகி சொல்வது போல் விடுமுறை நாட்கள், ஆகிவரம், விசேஷ தினங்கள், எலக்ஷன் தினங்கள் முதலான நாட்களில் அவசியம் கடைகளை மூடவேண்டும். ராவ் பகதூர் நடேச முதலியார் சொல்வது போல் அந்த நாட்களில்தான் பிரசார வேலை செய்யமுடியும். பிரசாரங்கள் போரும் போது குடித்திருந்தால் எப்படி பிரசார வேலை செய்யமுடியும்? முன்னிருந்த மக்கள் ஸ்ரீ. ஆரோப்பராய் முதலியவர்கள் இருபது ஆண்டுகளில் குடியை பொழிக்க அடி கோலினார். தூரதிஷ்ட வசத்தால் அவர் மந்திரி பதவியை விட்டார். தற்போதைய மந்திரியவர்களும் மிகவும் முயற்சி செய்து பிரசாரத்திற்காக நாலு வட்ச ரூபாய்கள் வாங்கினார். இந்த நாலு வட்சமும் கலாலால் வரும் ஐந்து கோடிக்கு வட்டியே. இச்சபையிலேயும் பலமுறை மதுவை அடியோடு ஒழிக்க வேண்டுமென பேச்சுகள் நிகழ்ந்தன. அரசாங்கத்தாரும் கருணையோடும் பிரசாரத்திற்கு இசைந்துள்ளார்கள். இச்சமயத்தில் இந்தத் தீர்மானத்தை மறுப்பார்களாயின் அரசாங்கத்தார் சொல்வது வெறும் வார்த்தையாகவே முடியும். வெறும் பேச்சால் திருப்தி செய்யாமல் மது விலக்கிற்கு அடிப்படையான இத்தீர்மானத்தை அவசியம் அங்கீகரிக்கவேண்டும். இது விஷயத்தில் இங்குள்ள எல்லாக் கட்சி அங்கத்தினரும் சாதகமாக உதவி புரியுமாறு கேட்டுக்கொள்ளுகிறேன்.”

4-15 P. M. * Mr. K. R. KARANT :—“I move that the question be now put.”

* The hon. Mr. S. MUTHIAH MUDALIYAR :—“Madam, Deputy President, I thought I might rise to speak on this resolution after hearing the speeches of hon. Members expressing in what all directions they wish action should be taken on this resolution. I hesitated to rise early not because I did not want to speak but because unfortunately in the case of resolutions the Government have the opportunity of speaking only once and so I thought I might listen to all the other speeches and hear what the hon. Members have to say, so that I may reply to them. Evidently other members are not anxious to speak. I am certainly willing to give the views of the Government on this resolution.

“The subject-matter of this resolution is not anything new. The principle underlying this resolution has been contemplated in the very Act itself and in the rules made by the Government. I would invite the attention of the House to the provisions of the Abkari Act where it is stated that it shall be

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lawful for the Magistrate of the district or in the towns for the Magistrate or the Commissioner by notice in writing to the licensee to require that any shop in which any liquor or other intoxicating drug is sold shall be closed at such time or at such period as he may think necessary for the preservation of public peace. So that, the idea of closing shops whenever in the interests of the peace, in the interests of the place or in the interests of the country it is required is there. The principle has been recognized in the very enactment of the Madras Abkari Act, 1883. (Mr. G. Harisarvottama Rao : ‘In the interests of the people.’) If hon. Members on the other side think that the interests of peace is not in the interest of the people their interjection may be quite all right.

“Then, in the Act, power is given to the Government to frame rules under the Act and rules have been framed and one of the conditions of every licence is that with the previous sanction of the Commissioner the Collectors are authorized (i) to notify at the time of the auction that specified shops will be closed on the occasion of specified festivals and that specified shops which are in the neighbourhood of a market or shandy will be closed on market days generally or that they will be liable to closure on such occasions by orders issued during the currency of the lease, if it is found that the shops promote drunkenness. (Mr. G. Harisarvottama Rao : ‘Every shop does it’) You cannot be in such a hurry as that; (ii) to order the closure of specified shops in the neighbourhood of factories, mills and other places where large numbers of operatives assemble from 11-30 a.m. to 1-30 p. m., on week days, on the afternoons of pay days and at all hours on Sundays except between 11-30 a. m. and 4 p. m. A special condition embodying these restrictions or liabilities will be inserted by the Collector in the licences granted to the renters of all such shops. This is one of the conditions which the Government are laying down in the conditions of sale. (Mr. C. S. Govindaraja Mudaliyar : ‘Never enforced’.) The hon. Member is entirely mistaken. Under this rule in Madras town, specified shops in the neighbourhood of mills have been ordered to be closed on ordinary working days from 11-30 a. m. to 1 p. m., on pay days from 11-30 a. m. to 1 p. m., and from 4 p. m. to 8 p. m. (to 9 p. m. in the case of arrack shops) and on Sundays and on mill holidays. So this principle of closing all arrack and toddy shops has been recognized by the Government and, as a matter of fact, it is being done on festive occasions in the mufassal. (Dr. B. S. Mallayya : ‘They close the front doors and open the back doors.’) (Laughter.) I am coming to that, and that is the evil of having rules which cannot be enforced. So under the rules which are now in operation the Government have recognized the principle and for the express purpose of putting down drunkenness they have adopted these measures and they are doing it.

“Now, what the resolution says is that instead of leaving it to the discretion of the Collector in each area to specify the days on which the shops in that district should be closed or the Commissioner of Police in Madras to decide on what days and on what hours the shops should be closed, a general rule saying that all shops in the province shall be closed on all holidays and on all Sundays should be issued. (Mr. C. S. Govindaraja Mudaliyar : Why not?) You will hear the why and the why not in a few minutes.

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"Madam, Deputy President, the hon. Mover of the resolution said that it was not his intention that this recommendation which he makes should apply to the toddy shops. His intention in moving the resolution, to quote his own words is this : (Mr. G. Harisarvottama Rao : The resolution is there.) Yes, the resolution is there and what he said is also there. He said :

'Sir, I have carefully omitted toddy from the scope of my motion, because it is a drink which should be available to them in the place of alcohol. Toddy is not so injurious as alcohol. A man could live on toddy for days together. Even infants are, when no milk is available, fed on toddy. (Loud laughter.) (Dr. B. S. Mallayya : Where ?) Of course, I do not encourage toddy drinking ; but what I say is that something intoxicating should be available to the people and that something should be toddy as it is not injurious. There are people who take whisky and none other and there are people who take brandy and none other and there are people who take gin and gin only. They do not at all take other drinks. They may be coaxed to take milder drinks, such as beer, etc. Some people when they find that they cannot get their drinks on Sundays, stock their requirements for that day on the previous Saturday itself. But their number is very few. By saying that people may be allowed to take toddy, I do not mean to say that toddy shops should be open at all hours of the day and on all days. What I say is that we will have toddy shops open for the present and later, when we have succeeded in restricting the sale of alcoholic liquors, we can think of closing the toddy shops as well.'

"So, Madam, Deputy President, the intention of the mover of the resolution was that we shall not at present interfere with the toddy shops ; but only with liquor shops. (A Voice ; for the time being.) Yes, for the time being ; but unfortunately the wording of the resolution is such that toddy will come under the terms of it. (Mr. G. Harisarvottama Rao : Why not ?) Under the definition in the Madras Abkari Act, liquor includes toddy. Liquor includes spirits, wine, toddy, beer and all liquid containing alcohol. Though the intention of the hon. Mover was that toddy is not to be included, in the wording of the resolution toddy is included. As his intention is that toddy should not be included I do not think he would recommend to this House what he did not intend. (Mr. C. S. Govindaraja Mudaliyar : No question of estoppel here.) The hon. Member, I know, is a lawyer. Here we are not concerned with estoppel. We are only concerned with the resolution before the House and we must know to what extent the mover wants to limit its scope. (Mr. G. Harisarvottama Rao : Is the hon. Minister not a lawyer, Madam ?) (Mr. Daniel Thomas : Would the Government accept the resolution if we exclude toddy shops ?) The hon. Member from Tinnevely asks whether the Government are prepared to accept the resolution if the toddy shops are excluded. That is a matter on which I am bound to give an answer and the hon. Member will kindly listen to it. (Cries of : 'Wait.')

"The resolution is that shops should be closed on all holidays and Sundays. The idea of the mover is that Sunday is a holiday to all workpeople in all places. His idea is that these shops should be closed on holidays. But the question is whether Sunday is a holiday everywhere. It may be that in the City of Madras Sunday is a holiday for mill operatives. But to the workpeople and the agricultural people in the mufassal who resort to these liquor shops, Sunday is not a holiday. If Sunday is not a holiday to them what is the purpose in fixing upon that day as one of the days on which the shops should be closed. Evidently the intention of the hon. Mover is that on holidays when these people are free to resort to toddy shops and to indulge in drunkenness they should not have that opportunity. Very well, if that is the intention of the hon. Mover then the question reduces itself to this : that on Sundays in places where it is a holiday and on all other holidays these shops should be closed.

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"Then, one part of the resolution which I think has been also equally carelessly worded is this : 'This Council recommends to the Government that all shops kept for sale of intoxicating alcoholic liquors and intoxicating drugs such as opium, ganja, etc., in the province be closed on . . . and days of election to local boards, municipalities . . .'. I wish to know whether it is the intention of hon. Members of this House that all shops in the Presidency should be closed on a particular day an election takes place to a taluk board in a certain division or ward ? Hon. Members opposite Messrs. Srinivasa Ayyangar and Harisarvottama Rao say that the intention of the mover was that these shops within the area where an election takes place should be closed. I entirely agree that that is the object of the hon. Member and that is the extent to which the resolution ought to be limited. So, the resolution is to be read with these limitations that the shops ought to be closed all over the Presidency—toddy shops being excluded entirely from the purview of this resolution—on holidays, and on Sundays where Sunday is a holiday and in particular places where election is held on the days of such election.

"Now the question is what is actually being done and what this House wants to be done and what can possibly be done. As I have said already, Collectors have been given the discretion and that discretion might be exercised in cases and places where there are festivals. As regards Sundays as I have said already, in Madras it is being done and whether it is wise to issue a general rule like this or not is a matter which Government and this House have got to consider.

"In considering this question I may assure the hon. Members of this House that it is not a question of revenue that weighs with the Government. I may assure hon. Members that the revenues will not be in the least affected, whether the shops are kept open for six days or seven days in a week. Hon. Members are putting questions which they think are relevant to the issue and I think they are entitled to have an answer and they will have a more comprehensive answer if they had put their questions in the speeches and waited for the reply, instead of interjecting in this manner.

"We are not afraid of any legal action. But what I submit is that section 54 of the Abkari Act and the rules issued thereunder, are comprehensive enough to carry out the objects of the motion and there is no need to alter. We are not really afraid of any legal action against the Government and the Government can take care of themselves. The question is one more of expediency and if new rules are framed, the Government must be able to carry out those rules, or they should subject themselves to the ridicule not being able to carry out the rules framed by themselves. That is the only consideration. Let us for a moment turn to the number of shops and the number of officials that we have in the Excise Department and various other departments who can be deputed to see that these rules are regularly followed. They are very few in number. Do hon. Members want the Government to make those rules and keep them as a dead letter without being carried into effect. As I have said that if these rules are limited to arrack shops, it would be a more feasible proposition. If the intention of the hon. Mover is that these arrack shops should be closed on holidays as suggested in the resolution, that is a matter which is under consideration of

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the Government. From June this year the Government have taken steps and have issued instruction to the Collectors to exercise their discretion more liberally. Hon. Members have said that if the Government are really anxious that their propaganda should be effective they must carry out the objects mentioned in this resolution. Apart from the resolution which has been tabled, the Government have adopted and effectively adopted measures. All these matters are under the consideration of the Commissioner of Excise. He has, I understand, taken some steps to make the propaganda effective. As regards the Public Health Department as hon. Members are aware a number of questions were put on the floor of this House and in reply to those questions it was pointed out on behalf of the Government that the officers of this department were instructed in 1927 that they were at perfect liberty to preach temperance. That was the order issued in 1927 and questions were raised in this House as to why they should not be compelled to do this work, and preach not only temperance but preach also prohibition. That was a matter entitled to the serious consideration of the Government. In July of this year orders have been issued that every officer of the Public Health Department is bound to carry out propaganda against drink. If the Government wanted to give evasive answers, certainly they need have issued no such instructions to the Public Health Department. They have been told that one of their primary duties is to preach against drink. These officers have been instructed that they are not only to see the preservation of public health, but also prevent the evils flowing from drink. The Government certainly are not anxious to withhold doing anything which will conduce and really conduce to carry out the objects which hon. Members have in view. But certainly they hesitate before making any rules which they cannot enforce. Before they desire to make out these rules, they must be assured that they have sufficient staff and sufficient convenience to carry out those rules. If really hon. Members want that these restrictions should be carried out, I may inform them that Government have already taken the initiative and they have made a start and in course of time a great deal will be done."

(Question : How many years ?)

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is certainly open to hon. Members to vote for five crores or six crores of rupees if they want that their intentions should be carried out immediately. If they vote for such large sums of money then we can have sufficient staff to carry out what all hon. Members want.

" I can assure hon. Members that these matters are engaging the serious consideration of the Government and they are interested in seeing that the wishes of this House are followed as much as possible. Let hon. Members say exactly what they want and the Government will consider them."

* Mr. J. A. SALDANHA :—" If the objects underlying this resolution are carried out, it will really be disastrous to the Government. So far as the question of closing the shops on Sundays is concerned I may mention that many Christians in villages that go to church in the morning resort to liquor shops in the afternoon. It is on election days and other days that the temptation to drink is great. Temperance League and other bodies will find it convenient on other holidays to go and preach to people against evils of drinking. I think after all the Minister for Public Health's position is

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difficult, because he holds in one of his hands the Public Health port folio and the Excise Department in the other. If he holds both the departments under his control he cannot please both; because if he wanted to please one he must certainly displease the other. He cannot really refuse the advice given by the Excise Departmental Officer to foster the revenues of the province. Nor can he ask the Public Health Department to preach against drink because that would mean loss of revenue to the Excise Department. I expected that the hon. the Public Health Minister would accept the resolution to some extent. He might have asked some Member of his party to bring in amendment to the effect that the shops should be closed on certain holidays or only that certain kinds of intoxicating liquors would be available on certain days. It is well known that the poorer class of people are ruined by this bad kind of liquor. Considering public interests and also the interests of temperance leagues and other bodies I hope this resolution will be carried because temperance leagues will be able to carry on propaganda only on holidays. I think if Government do that these temperance leagues will be able to preach to the people to abstain from drinking at least on one day in a week. I think this resolution ought to be accepted."

Mr. C. V. VENKATARAMANA AYYANGAR :—" I move that the question be now put."

Mr. SAMI VENKATACHALAM CHETTI :—" I am surprised at the attitude which the hon. the Minister for Excise as a lawyer took by indulging in legal quibbles. Though I did not expect that Government would accept this resolution I really did not bargain for a speech of this sort. It seems to me that by his speech he has underestimated the intelligence of this House. When he analysed the resolution of my hon. Friend he pointed out the flaws here and there and indulged in a most destructive form of criticism without adding an iota of constructive criticism. Instead of making that kind of criticism, if he had honestly told us that he could not accept the resolution it would have been far better. Although we were prepared for that situation, we certainly expected that he would show greater sympathy to this resolution. To say that there was legal trouble in carrying out this resolution, nor even was there the possibility of its being carried out because it was not possible to enforce this resolution in view of the requirements of a large staff seems to me to be taking a position which is hardly sustainable by any stretch of imagination. We are very much surprised that the hon. the Excise Minister, who was accustomed to sit in the Opposition benches and who must have had the mortification of hearing such kind of speeches from Government Members, should have repeated the same mistake and expressed the same bureaucratic point of view which we are accustomed to hear from the other Members of Government.

" The proposition has been spoken to and supported by Members representing all parties in the House. The least that could be done under the existing limitations the Government are suffering under, is, I think, prescribed in this resolution. The hon. the Minister himself admitted that the Government have now got the power to close these shops whenever they please and whenever there is likely to be a possibility of breach of peace. What this resolution wants is to issue a general circular to all persons concerned that, on these days, these shops should be kept closed. This is only

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a preliminary step towards the scheme of propaganda which the hon. the Chief Minister has initiated towards temperance. As my hon. friend, Mr. Thomas, put it, if this resolution is accepted, it will give an impetus to the institutions which the Government have started to preach to the drinking population and try to convert them to be temperate. I am afraid the hon. Minister has lost his humane sympathy for these poor, unfortunate people. May I ask and implore on behalf of the poor, unfortunate drunkards whose families are ruined, whose children are driven to privations of all sorts, the hon. Minister to be sympathetic towards them and close this temptation for a certain number of days? It is on holidays and festivals that these people indulge in more drinking. Can we not do at least this much of service to these unfortunate people by closing these shops on these days and allowing happiness to reign at least on such days in several families? The opening of liquor shops and arrack shops on election days has been the cause of many breaches of peace, for many attacks including murders. The hon. Minister ought to have been aware of all these things. To ask for the closure of these shops on these days is perhaps the least thing that one can do in the interest of peace. I do not, however, expect the hon. Minister to change his views for he is too much, may I say, in the hands of the office and that he cannot assert his own individual opinion."

SEVERAL HON. MEMBERS—I move that the question be put.

The question was put and carried.

The hon. the DEPUTY PRESIDENT :—" The question is—

' This Council recommends to the Government that all shops kept for sale of intoxicating alcoholic liquors and intoxicating drugs such as opium, ganja, etc., in the province be closed on Sundays, public holidays and days of election to the local boards, municipalities and the Legislative Council and the Assembly'.

The resolution was put and declared carried.

A poll was demanded and the House divided thus :—

Ayes

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| 1. Diwan Bahadur P. Kesava Pillai. | 23. Mr. K. Madhavan Nayar. |
| 2. Mr. S. Venkaiah. | 24. " C. Obi Reddi. |
| 3. " D. Thomas. | 25. " A. Parasurama Rao. |
| 4. " V. Vanavudaiya Goundar. | 26. Moulvi Hafiz A. M. Ahmed Miran Sahib. |
| 5. Swami A. S. Sahajanandam. | 27. Sriman Biswanath Das Mahasayo |
| 6. Khan Bahadur P. Khalif-ul-Ja Sahib. | 28. Mr. A. Kaleswara Rao. |
| 7. Mr. G. E. Premayya. | 29. " K. Uppi Sahib. |
| 8. " V. Ramjee Rao | 30. " C. N. Muthuranga Mudaliyar. |
| 9. " P. C. Venkatapathi Raju. | 31. " K. Krishnaswami Nayakar. |
| 10. " K. Koti Reddi. | 32. " C. Venkatarangam Nayudu. |
| 11. " R. Srinivasa Ayyangar. | 33. " K. S. Sivasubrahmanya Ayyar. |
| 12. " Sami Venkatachalam Chetti. | 34. " A. Ranganatha Mudaliyar. |
| 13. " C. V. Venkataramana Ayyangar. | 35. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 14. " J. A. Saldanha. | 36. The Zamindar of Seithur. |
| 15. " G. Harisarvottama Rao. | 37. Mr. K. P. Raman Menon. |
| 16. " Basheer Ahmad Sayeed. | 38. " C. R. Parthasarathi Ayyangar. |
| 17. " C. S. Govindaraja Mudaliyar. | 39. " T. C. Srinivasa Ayyangar. |
| 18. " Abdul Hameed Khan. | 40. The Maharaja of Pithapuram. |
| 19. " L. K. Tulasiram. | 41. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 20. " D. Narayana Raju. | |
| 21. Dr. B. S. Mallayya. | |
| 22. Mr. K. B. Karant. | |

Noes nil.

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Neutral.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 17. Mr. Syed Tajudin Sahib. |
| 2. " Sir Thomas Moir. | 18. " A. B. Shetty. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 19. " J. Bheemayya. |
| 4. " Mr. A. Y. G. Campbell. | 20. " R. Foulkes. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 21. Mahmud Schammad Sahib Bahadur. |
| 6. " Mr. S. Muthiah Mudaliyar. | 22. Mr. K. Krishnan. |
| 7. " Dr. P. Subbarayan. | 23. " N. Siva Raj. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 24. " M. V. Gangadhar Siva. |
| 9. " Hilton Brown. | 25. " V. I. Muniswami Pillai. |
| 10. " H. A. Watson. | 26. " W. P. A. Soundara Pandian. |
| 11. " A. G. Leach. | 27. " S. Subrahmanya Moopanar. |
| 12. " J. Gray. | 28. Rai Sahib M. Hampayya. |
| 13. " S. V. Ramamurti. | 29. Rao Sahib R. Srinivasan. |
| 14. " C. B. Cotterell. | 30. Mr. F. E. James. |
| 15. " V. Ch. John. | 31. " S. N. Dorai Raja. |
| 16. " M. A. Mannikkavelu Nayakar. | 32. " S. Arpudaswami Udayar. |
| | 33. " T. K. Chidambaramatha Mudaliyar. |

Ayes 41. Noes nil. Neutral 33.

The resolution was adopted.

* The hon. the DEPUTY PRESIDENT :—" The House will now adjourn and meet again on Monday at 11 a.m."

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

[27th September 1929]

APPENDIX I.

[Vide answer to question No. 574 asked by Mr. C. Ramasamayajulu at the meeting of the Legislative Council held on the 27th September 1929, page 338 supra.]

Copy of letter from the District Magistrate, East Godavari district, to the Secretary to the Government of Madras, Public Works and Labour Department, D. Dis. No. 8809/28, dated the 22nd January 1929.

[Subject.—Boat traffic on the Godavari river—Kotipalli and Yanam—Report submitted.]

[Reference.—Government Memorandum No. 19248-D/28-2, dated 24th November 1928.]

The information called for in Government Memorandum above is noted below:—

Kotipalli Ferry.

(i) *Extent of boat traffic.*—The daily average of persons, cattle and goods crossing the ferry is roughly estimated at 600, 100 and 100 bags respectively. On festival occasions and shandy days it is much higher ranging from two to three times the usual average.

(ii) *Number of accidents since 1st April 1927.*—There was only one accident on 20th December 1927, due to the capsizing of a fisherman's boat carrying passengers which resulted in the death of a passenger.

Yanam Ferry.

(i) *Extent of boat traffic.*—There are three ferries near Yanam and the daily average of passengers crossing the three ferries is estimated at 1,500.

(ii) *Number of accidents.*—There were no accidents during the last four or five years.

APPENDIX II.

[Vide answer to question No. 586 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 27th September 1929, page 345 supra.]

G.O. No. 689, Education, dated 23rd April 1926.

A provision of Rs. 10,000 has been made under '31. E. d. Education—General—Miscellaneous—Grants-in-aid—Miscellaneous—Non-recurring' in the Civil Budget Estimate for 1926-27 for grants to local bodies for the maintenance of public libraries. The following conditions will be observed in the distribution of the grants:—

(a) *In the case of libraries under the direct control of local bodies—*

(1) the maximum grant payable to a library should not exceed Rs. 400;

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(2) the local body should provide the building, furniture and the staff required for the library and contribute from its own funds or subscriptions a sum not less than the amount of the Government grant;

(3) the library should be open to the public and should be located in a place accessible to all communities;

(4) all books should be approved by the District Educational Officer before purchase;

(5) a register of members and a register of books should be maintained and these records should be available for inspection when inspecting officers visit the library which they may do at any time;

(6) a statement of the accounts audited in the office of the local body together with a certificate that the amounts have been spent on the purchase of books approved by the District Educational Officer should be furnished to the Director of Public Instruction every year in the month of May.

(b) *In the case of libraries under private management—*

the conditions specified under (a) above will apply and, in addition,

(i) such libraries should be registered under the Societies Registration Act, XXI of 1860; and

(ii) the audited statement of accounts together with the certificate that the amounts have been spent on books approved by the District Educational Officer should be furnished to the Director of Public Instruction through the local body concerned.

[NOTE.—Condition (i) need not be enforced for the year 1926-27 as there may not be sufficient time, before the submission of the applications, for getting the libraries registered.]

2. Local bodies having public libraries under their direct or indirect control are requested to submit applications to Government through the Director of Public Instruction, showing—

(1) a statement of the charges involved,

(2) the amount spent out of the grant, if any, distributed in G.O. No. 1863, Law (Education), dated 28th October 1925,

(3) the amount of the unspent balance of the above grant, if any, at their disposal,

(4) the amount they are prepared to spend from their own funds, and

(5) the amount of grant required from the Government.

Private associations having public libraries in their charge should submit their applications to the local bodies concerned who will scrutinize them and forward such as are deserving of support to the Government through the Director of Public Instruction with information similar to that required in the case of libraries under local bodies. The applications should reach the Director of Public Instruction before the 15th July next.

3. The Director will tabulate all the applications received and submit them to Government in a consolidated form with his recommendations.

(By order of the Government, Ministry of Education)

V. T. KRISHNAMA ACHARIYAR,
Secretary to Government.

To the Chairmen of all Municipal Councils.

„ the Presidents of all District Boards.

„ the Presidents of all Taluk Boards.

„ all Collectors.

„ the Director of Public Instruction.

„ all Departments of the Secretariat.

„ the Superintendent, Government Press, for publication.

[27th September 1929]

G.O. No. 1533, Education, dated 22nd July 1929.

A system of subsidizing village panchayats for the maintenance of public libraries was started in 1925-26. The distribution of the lump allotment provided for the purpose in the annual budgets had, prior to 1928-29, devolved on the Registrar-General of Panchayats. In G.O. No. 1269, Education, dated 8th June 1923, a change in the agency for the distribution of these grants was ordered, and Collectors of districts were made responsible for the distribution. Reports from Collectors as to the amounts required by them for distribution to the village panchayats in their districts continued to be received till the end of 1928 and it was not till the financial year 1928-29 had very nearly closed that funds required for distribution in that year could be placed at the disposal of Collectors.

2. It is now reported that the distribution of grants in 1928-29 has given room to an amount of dissatisfaction and it has been suggested that the earlier practice of distribution through the Registrar-General of Panchayats might be revived. The Government have considered the suggestion and have come to the conclusion that a certain degree of decentralization in the matter will be of advantage and they do not therefore propose to revert to the system of distribution by the Registrar-General.

3. The Government are disposed to think that such defects as might have occurred in the last year's distribution of grants were due—

(i) to the receipt by Collectors of the orders placing funds at their disposal late in the financial year, and

(ii) to a misconception of the orders of Government in the offices of some Collectors.

A large number of reports received last year showed a lack of appreciation of the object of the grants in question as the amounts recommended by Collectors in certain instances were little more than nominal. Several panchayats that applied for grants are reported to have received endorsements stating that there was no allotment at the Collector's disposal, while other panchayats received no acknowledgment at all of their applications.

The Government trust that Collectors will take a real interest in the matter and see that the work is not delegated to subordinates in lower ranks. Tahsildars should be made responsible for the disbursement of the grants to the presidents of village panchayats on production of vouchers in support of the purchase of books.

4. A provision of Rs. 25,000 has been made under '31 E.D. Education—General—Miscellaneous—Grants-in-aid—Voted—Non-recurring—Miscellaneous—Public libraries—Village panchayats' in the Civil Budget Estimate for 1929-30 for grants to village panchayats in aid of the libraries maintained by them. The distribution of these grants which will continue to be made through District Collectors will be subject to the following conditions :—

(i) that the maximum grant payable to a library including the amount, if any, paid in previous years should not exceed Rs. 300;

(ii) that the library should be open to the public and located in a place accessible to all communities;

(iii) that the grant should not be utilized on the purchase of books of a character subversive of public morality; and

(iv) that the panchayat should provide reasonable accommodation and equipment for the library.

[27th September 1929]

5. Collectors are requested to submit to Government not later than the 15th September 1929 statements (in duplicate) in the form appended showing the amounts required by them in the current year for distribution to village panchayats in their districts. On receipt of replies from the Collectors necessary funds will be placed at their disposal.

6. Collectors are further requested to report the probable amount that will be required by them in 1930-31 for distribution to panchayats in their districts, with a view to framing an estimate of the amounts that should be provided in the budget estimate for that year.

(By order of the Government, Ministry of Education and Local Self-Government)

J. VENKATANARAYANA,
Secretary to Government.

To all Collectors.

„ the Registrar-General of Panchayats (with reference to his letter No. 10584, dated 30th April 1929).

„ the Director of Public Instruction.

„ the Accountant-General, through Finance Department.

„ the Finance Department.

„ the Local Self-Government Department.

„ the Revenue Department.

Appendix

District.	Taluk.	Name of village panchayat.	Total amount of grant paid in previous years, if any.	Grant recommended for 1929-30

APPENDIX III.

[Vide answer to question No. 589 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 27th September 1929, page 349 supra.]

District and year.	Trunk roads.			Second-class roads.			Roads maintained by the Public Works Department.	
	Mileage.	Grant for maintenance.	Grant for capital works.	Mileage.	Grant for maintenance.	Grant for capital works.	Mileage.	Maintenance charges.
Malabar—		Rs.	Rs.		Rs.	Rs.		Rs.
1927-28	153	† 57,530	2,21,000	1,174	1,53,259	40,447	102	1,33,445
1928-29		† 57,530	23,350		1,57,196	90,630		
South Kanara—								
1927-28	106	82,919	56,334	628	80,000	36,530	Nil.	Not available.
1928-29		53,682	42,200		80,000	24,040		

* Separate figures for North and South Malabar are not available.

† Advance grant. The disbursement of the balance is under consideration.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Monday, the 30th September 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad.	Leech, Mr. A. J.
Moir, <i>K.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The hon. Sir Thomas.	Madhavan Nayar, Mr. K.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>O.B.E.</i> , <i>V.D.</i> , <i>I.C.S.</i> , The hon. Mr. A. Y. G.	Maharaja of Pithapuram.
Subbarayan, The hon. Dr. P.	Mahmud Schammad Sahib Bahadur.
Muthiah Mudaliyar, The hon. Mr. S.	Mallayya, Dr. B. S.
Seturatnam Ayyar, The hon. Mr. M. R.	Manikkavelu Nayakar, Mr. M. A.
Abdul Hameed Khan Sahib Bahadur.	Meera Ravuttar Bahadur, <i>K. P. V. S.</i> Muhammad.
Abdul Razaek Sahib Bahadur, Khan Bahadur S. K.	Moidoo Sahib Bahadur, Khan Sahib T. M.
Achutar, Mr. A.	Muniswami Niyudu, Rao Bahadur B.
Adinarayana Chettiyar, Mr. T.	Muniswami Pillai, Mr. V. I.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumantakudi Mustafa.	Muthulakshmi Reddi, Dr. (Mrs.)
Anjaneyulu, Mr. P.	Muthuranga Mudaliyar, Mr. C. N.
Appavu Chettiyar, Mr. C. D.	Nanjappa Bahadur, Subadar-Major S. A.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Narayana Raju, Mr. D.
Arpudaswami Udayar, Mr. S.	Narayana Rao, Mr. Mothay.
Basheer Ahmed Sayeed Sahib Bahadur.	Narayana Chettiyar, Mr. Al. Ar.
Bhanaji Rao, Mr. A. V.	Narayanan Nambalripad, Rao Bahadur O. M.
Bheemayya, Mr. J.	Natesa Mudaliyar, Rao Bahadur C.
Biwanath Des Mahasayo, Sriman.	Obi Reddi, Mr. C.
Chidambaramatha Mudaliyar, Mr. T. K.	Parasurama Rao Pantulu, Mr. A.
Cottareil, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. C. B.	Parthasarathi Ayyangar, Mr. C. R.
Dorai Raja, Mr. S. N.	Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.
Ellappa Chettiyar, Rao Bahadur S.	Premayya, Mr. G. R.
Ethi ajulu Nayudu, Diwan Bahadur P. C.	Raja of Kallikota.
Foulkes, Mr. R.	Ramachandra Palayachi, Mr. K.
Gangadhara Siva, Mr. M. V.	Ramamurti, <i>I.C.S.</i> , Mr. S. V.
Gopala Menon, Mr. C.	Raman Menon, Mr. K. P.
Govindaraja Mudaliyar, Mr. C. S.	Ramesomayajulu, Mr. C.
Govindan Nayar, Mr. C.	Ranjee Rao, Mr. V.
Gray, <i>O.B.E.</i> , <i>I.C.S.</i> , Mr. J.	Ranganatha Mudaliyar, Mr. A.
Guruswami, Rao Sahib L. C.	Rutherford, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. T. G.
Hampayya, Rai Sahib M.	Sahajanandam, Swami A. S.
Harisarvottama Rao, Mr. G.	Saldanha, Mr. J. A.
Hearson, Mr. H. F. P.	Sami Venkatachalam Chetti, Mr.
Hilton Brown, <i>I.C.S.</i> , Mr.	Sarabha Reddi, Mr. K.
James, Mr. F. E.	Satyamurti, Mr. S.
John, Mr. V. Ch.	Shetty, Mr. A. B.
Kaleswara Rao, Mr. A.	Sitarama Reddi, Rao Bahadur K.
Kameswara Rao Niyudu, Mr. V.	Siva Raj, Mr. N.
Karant, Mr. K. R.	Soundarapandian, Mr. W. P. A.
Kesava Pillai, <i>C.I.E.</i> , Diwan Bahadur P.	Srinivasa Ayyangar, Mr. R.
Khadir Mohidin Sahib Bahadur, Muhammad.	Srinivasan, Rao Sahib R.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Subrahmanya Mooppanar, Mr. S.
Koti Reddi, Mr. K.	Subrahmanya Pillai, Mr. Chayadi K.
Krishnan, Mr. K.	Tajudin Sahib Bahadur, Syed.
Krishnaswami Ayyar, Mr. Aladi.	Tulasiram, Mr. L. K.
Krishnaswami Nayakar, Mr. K. V.	Uppi Sahib Bahadur, K.
Kumaraswami Reddiyar, Diwan Bahadur S.	Vandudaiya Gountar, Mr. S. V.
Kuppuswami, Mr. J.	Venkatapathi Raju, Mr. P. C.
Leach, <i>I.C.S.</i> , Mr. A. G.	Venkataramana Ayyangar, Mr. C. V.
	Venkataramam Nayudu, Mr. C.
	Venkataramam, Mr. B.
	Venkiab, Mr. S.
	Watson, <i>I.C.S.</i> , Mr. H. A.
	Wood, Mr. C. E.
	Zauindar of Seithur.

[30th September 1929]

I

NEW MEMBERS.

The undermentioned Members took the prescribed oath or affirmation of allegiance to the Crown and took their seats:—

1. Mr. C. GOVINDAN NAYAR.
2. Mr. T. G. RUTHERFORD, C.I.E., I.C.S.

II

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Action taken on the recommendations of the Unemployment Committee in reference to the Agricultural Department.

* 606 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether the Unemployment Committee's Report has been considered in regard to the recommendations relating to the Agricultural Department; and

(b) what action he proposes to take thereon either by himself or in consultation with other departments?

A.—(a) & (b) The recommendations of the Unemployment Committee with which the Agricultural department is concerned are those relating to the imparting of agricultural education for a practical career and that relating to the agricultural colonization scheme. As regards the former, the Government are already alive to the need for imparting such instruction and have opened agricultural middle schools at Taliparamba and Anakapalli. The latter had, however, to be closed for want of demand for this kind of education. The Government have also given a substantial grant to the District Board, Madura, for opening a school at Usilampatti for the benefit of Kallars. Buildings are under construction for the opening of a school at Kalahasti and the question of opening another school at Tanjore is under the consideration of the Director of Agriculture.

The recommendation of the Committee about assigning small farms of land at the disposal of Government to middle class educated unemployed young men will be shortly placed before the Agricultural Advisory Committee.

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister with reference to the answers to clauses (a) and (b), what steps have been taken in the direction of providing agricultural education for the people of Kurnool, Cuddapah, Bellary, Anantapur and Chittoor districts?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The whole question of imparting agricultural education to the people of the whole Presidency is under the consideration of the Government."

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Mr. G. HARISARVOTTAMA RAO:—"May I know specifically if there is under consideration any question of a separate institution for these districts?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"That I cannot say."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the Minister will consider this question?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Yes."

Propagation of agricultural, veterinary and co-operative knowledge among ryots.

* 607 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

(a) when the policy of the Government in regard to spread of agricultural, veterinary and co-operative knowledge amongst the mass of the ryot population was last examined;

(b) what steps have been taken to give a definite push to this department of Government activity;

(c) what attempt has been made to co-ordinate the work of the three departments mentioned in this matter; and

(d) what machinery exists for propaganda in all these lines and with what equipment?

A.—(a) The policy of Government in regard to the spread of agricultural, veterinary and co-operative knowledge amongst the masses was examined last year, the first two in connexion with the reorganization of the Agricultural and Veterinary Departments and the third in connexion with the report of the Townsend Committee on Co-operation.

(b) In the Agricultural Department Government have approved the Director's proposal to place each district in charge of an Assistant Director who will be directly in charge of demonstration work and the post of a Headquarters Deputy Director has also been created for directing demonstration work and being in charge of the publication of leaflets and bulletins.

In the Veterinary Department five additional circles have been opened so that the District Veterinary Officers may devote more time to serum simultaneous inoculations and demonstration work.

In the Co-operative Department the Government have granted liberal subsidies to the District Federations of Unions as well as the two main propagandist unions, i.e., the Provincial Co-operative Union and the Hood Institute, Tanjore. The Provincial Co-operative Union and the Andhra Sahakara Sammenalam publish journals on co-operation and the District Federations, the Hood Institute and the Provincial Co-operative Union conduct training classes for the training of Panchayatdars, and office-bearers of rural societies.

(c) The Government have approved the recommendation of the Townsend Committee that the District Officers of the Co-operative, Agricultural and Veterinary Departments should hold periodical conferences to co-ordinate their activities.

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During fairs, exhibitions, health weeks and co-operative conferences, officers of the three departments meet, exchange and disseminate knowledge either by discussing, lectures or distribution of pamphlets. The advice of the three departments is freely sought and given by one another. Proposals are under the consideration of Government for the appointment of a Deputy Director of Agriculture to work under the Registrar of Co-operative Societies and Government have sanctioned the deputation of an Agricultural Demonstrator for guiding the work of the Seed Societies in the Avanashi taluk of the Coimbatore district. The heads of all the three departments are members of the Advisory Committee constituted to implement the recommendations of the Royal Commission on Agriculture which deal exhaustively with the three subjects and this fact indirectly ensures the co-ordination of the activities of the three departments, and lastly all the subjects form the portfolio of the same hon. Minister and are dealt with in the same department of the Secretariat.

- (d) Besides the Agricultural Demonstrators, there are exhibition vans fitted up suitably for agricultural propaganda. These contain exhibits showing improved implements, improved method of manuring and scientific agricultural methods. Magic lantern lectures and distribution of leaflets also are resorted to for agricultural propaganda.

In the Veterinary Department the Professor of Pathology has prepared a short story illustrated by lantern slides to bring home to the minds of the public the importance of paying prompt attention to contagious cattle diseases. Charts, specimens and magic lantern slides depicting important cattle diseases have been prepared and are used for propaganda. Proposals for having a motor outfit for propaganda in rural areas are under the consideration of Government.

With regard to the Co-operative Department, the chief machinery for propaganda are the unions, federations and the three propagandist unions referred to in the answer to clause (b) above.

Mr. G. HARISARVOTTAMA RAO :—" May I know, apart from the employment of Assistant Director, Headquarters Deputy Director, etc., whether the Government have any scheme under consideration which would place a group of villages, say about ten, under a single man who will be required to obtain a sufficient working knowledge of the subject and work among the villagers? "

The hon. the PRESIDENT :—" That is a fit subject for a resolution. "

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, with reference to the answer contained in the last paragraph but one on page 2, whether the Government will be prepared to supply these lantern slides to public associations on application? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The question will be considered, Sir. "

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Mr. G. HARISARVOTTAMA RAO :—" May I know, in regard to the journals that are spoken of in paragraph 3 under clause (b) of the answer, what the circulation of these journals is? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That I cannot say. "

Mr. G. HARISARVOTTAMA RAO :—" May I know what arrangements are at present existing to afford facilities to the illiterate people in order to obtain a knowledge of these matters? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That is already mentioned in the other paragraphs, that agricultural demonstration cars are going to all the villages and that demonstrators are regularly doing propaganda work. "

Mr. G. HARISARVOTTAMA RAO :—" May I know what area each of the demonstrators covers? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Roughly one taluk or two for each demonstrator. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the Government will consider the proposal to shorten the area and employ men who will work on the lines laid down by these three departments together? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes, as soon as the men are available. "

Utility of motor exhibition vans for Agricultural propaganda.

* 608 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) whether the Government have investigated the usefulness of the motor vans introduced in this Presidency for carrying on an agricultural exhibition as compared with the exhibition trains introduced elsewhere in India for educating the ryots as to improved methods of cultivation, etc., and if so, with what result;

(b) whether the motor vans are crossing unbridged rivers, etc.; and

(c) what arrangements Government have made or propose to make for educating the ryots in improved methods of cultivation in areas which are separated from places where the vans are working by such unbridged rivers?

A.—(a) Yes. During the short period the exhibition vans have been in use, they have proved very useful in bringing improvements advocated by the Agricultural department to the notice of the ryots.

The vans are able to traverse interior tracts and get to most villages with comparative ease. A demonstration train can at best serve only big towns where other methods of demonstration are already in vogue and could not touch villages not on the railway.

(b) The exhibition vans can be taken across unbridged rivers, if necessary, wherever the water is low and when the crossing is reasonably safe.

(c) The itinerary of the exhibition van is published well in advance by the Revenue Department by beat of tom-tom, etc., and all villages within five or six miles radius of a halting place are notified about the movements of the vans. In cases where a

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river cannot be crossed the vans are kept on one side of the river and the people from the other side are invited to come and see the vans and attend the demonstrations and lectures.

With regard to places which are absolutely unapproachable by the vans for lack of suitable roads, propaganda work is carried on by agricultural demonstrators as hitherto without the aid of the vans. Small agricultural exhibitions are arranged where possible at local fairs and festivals in addition to the usual demonstrations and lectures.

The West Coast is the only part of the Presidency where these vans are likely to fail to be mobile as they are too big for the ferries over unbridged rivers. The possibilities of six wheel small vans to meet these special difficulties are now under the consideration of the Director of Agriculture but the present units are quite capable of visiting the majority of villages in the Presidency.

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister for Development what districts have been so far covered by these vans ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

Mr. C. OBI REDDI :—" May I know how many demonstration vans are working in the Presidency ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Two are working now and one will be added very soon."

Commercial undertakings in the Agricultural department.

* 609 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased

(i) to furnish a list of the various schemes under the Agricultural department, which are treated as commercial undertakings; and

(ii) to state how many, if any, out of them ever worked with profit until the end of last year?

A.—(i) No concerns under the Agricultural department are treated as commercial undertakings.

(ii) Does not arise.

Mr. T. ADINARAYANA CHETTIYAR :—" May I know, Sir, in what stage is the preparation of infants' foods from cholam which experiment was being conducted in the Agricultural College for some time by the Imperial Chemist Mr. B. W. Nath ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" How does this question concern the commercial concerns, Sir ? "

Mr. T. ADINARAYANA CHETTIYAR :—" The experiment, if successful, was intended to be placed in the market as rival to Horlicks and other imported infants' foods ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice."

[30th September 1929]

Adoption of the Bombay system of verifying and testing weights and scales in cotton ginning and pressing factories.

* 610 Q.—Mr. A. RANGANATHA MUDALIYAR : With reference to answer to clause (c) of question No. 313, dated 10th August 1929, will the hon. the Minister for Development be pleased to state—

(a) whether the Government have since received the detailed report from the Director of Agriculture about the adoption of the Bombay system in Madras regarding the verification and testing of weights and scales in cotton ginning and pressing factories; and

(b) if so, whether they will place it on the table of the House, together with a copy of the orders, if any, of the Government thereon?

A.—(a) The Government have received an advance copy of the report which the Director of Agriculture has submitted to them through the Board of Revenue. They are awaiting the remarks of the Board of Revenue on the report.

(b) The question of placing the report and the orders of Government thereon on the table of the House will be considered when final orders are issued.

Admissions into the Agricultural College at Coimbatore and to the Agricultural Middle School at Taliparamba.

* 611 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to state—

(a) the number of candidates who have applied this year for admission to the Agricultural College at Coimbatore and to the Agricultural Middle School at Taliparamba;

(b) the number of admissions made at each place; and

(c) whether the Government propose to make provision for training more students in future at the Coimbatore College?

A.—(a) *Agricultural College*.—The hon. Member's attention is invited to the answer given to clause (a) of starred question No. 369.

Agricultural Middle School, Taliparamba.—41.

(b) *Agricultural College*.—The hon. Member's attention is invited to the answer given to clause (b) of starred question No. 369.

Agricultural Middle School, Taliparamba.—Only 37 of the applicants were qualified and were asked to appear for interview but 20 alone presented themselves. Three of these did not turn up in time and so only 17 could be admitted.

(c) The hon. Member's attention is invited to the answer given to clause (d) of starred question No. 369.

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister whether in this school at Taliparamba in which only 17 admissions were made, how many students can be admitted ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Twenty, Sir."

Mr. BASHEER AHMED SAYEED :—" May I know whether the Government propose to reduce the qualifications for admission into the Agricultural College at Coimbatore so as to enable more people to seek admission into the College ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Not yet, Sir."

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Co-operative Societies*Appointment of a Deputy Registrar for each district.*

* 612 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the new scheme of reorganization of the Co-operative department appointing one Deputy Registrar for each district has been given effect to;

(b) how many Deputy Registrars were newly entertained, and how many of them were recruited—

- (1) from the Revenue department;
- (2) from the Co-operative department; and
- (3) what were the qualifications of the persons directly recruited;

(c) how many Deputy Registrar Circles consist of more than 500 societies and what they are;

(d) whether there was a proposal that circles of more than 500 societies must be placed in charge of Deputy Registrars recruited from the rank of Deputy Collectors; and

(e) whether the Government will be pleased to place the orders passed on the subject on the table of this House?

A.—(a) Orders have been issued on the reorganization of the Co-operative department but the scheme has not been completely given effect to as it will be some time before the newly appointed Deputy Registrars undergo necessary training in co-operative work and are fit for independent charge.

(b) Out of the six posts of Deputy Registrars sanctioned in connexion with the reorganization of the Department, five have been filled up by Deputy Collectors and it is proposed to recruit another Deputy Collector for the remaining post also.

(c) The circles have not yet been redistributed for the reason mentioned in the answer to clause (a) above.

(d) The answer is in the negative.

(e) G.O. No. 1294, Development, dated 30th July 1929, which contains the orders of Government on the subject has been placed at the disposal of the Press.

Mr. T. ADINARAYANA CHETTIYAR:—“May I know when the Deputy Registrars will be able to take charge?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“As soon as their period of training is over.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know when the period of training will be over?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“In about four months.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know when the training began?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Some days ago.”

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Proposed amendment of the Co-operative Societies Act.

* 613 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that the Joint Registrar of Co-operative Societies was deputed for some months to prepare an amending Bill to the Co-operative Societies Act, and if so, when and for how long;

(b) whether the amending Bill has been received by Government and when; and

(c) if it has been received, why it has not been published and introduced in the Council?

A.—(a) The attention of the hon. Member is invited to the answers to clauses (e) to (g) of question No. 573 asked at the meeting of the Council held on the 29th October 1925.

(b) The draft Bill prepared by the Registrar of Co-operative Societies was received towards the end of October 1928 and the Statement of Objects and Reasons, in February 1929.

(c) The Bill is under the consideration of Government.

Mr. T. ADINARAYANA CHETTIYAR:—“Will the hon. the Minister for Development give an assurance to the House that the opinion of the House or of the public will be taken at the time when the draft Bill is considered by the Government?”

The hon. the PRESIDENT:—“This is not the opportunity to give assurances.”

Mr. G. HARISARVOTTAMA RAO:—“In answer to clause (b), I find that there has been a delay of four months in the transmission of the Statement of Objects and Reasons. May I know if the Government have enquired into the reasons for such enormous delay?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“No, Sir.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. the Minister whether there is a proposal to invite public opinion on the matter?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Yes.”

Mr. G. HARISARVOTTAMA RAO:—“May I know how long this Bill is likely to be under consideration?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“I hope to introduce it as early as possible; if possible, at the next meeting.”

Rate of interest on loans to Co-operative Central Banks.

* 614 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) the present rate at which moneys are borrowed by this Government from the Central Government;

(b) the rate at which moneys are lent by this Government to Co-operative Central Banks; and

(c) the dividend paid by the central bank to its share-holders?

A.—(a) The Government of India have not yet intimated the rate of interest to be charged on advances from the Provincial Loans Fund made in 1929-30.

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- (b) The Government do not lend to Co-operative Central Banks.
 (c) The dividend paid in 1927-28 by all Central Banks was 9 per cent except in the case of the South Kanara Central Bank which paid $7\frac{1}{2}$ per cent.

Industries

Aid to cottage industries under the State Aid to Industries Act.

* 615 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state—

- (a) how many cottage industries have applied for any help from the Government since the scope of State aid to industries has been extended;
 (b) how many have received such help; and
 (c) what the amount is that has so far been granted?

A.—(a) to (c) It is understood that the Director of Industries has received an application from Madura for a loan of Rs. 300 for starting a hosiery concern. It has not yet reached the Government.

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister to whom these applications have to be sent for aid?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"To the Director of Industries."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the Government have issued instructions to the Collectors and other lower officials that they should forward these applications to the Director of Industries if they are, by mistake, sent to them?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I think in such cases the applications will be returned to the applicant themselves."

Application from Sri Lakshmi Mills for loan under the State Aid to Industries Act.

* 616 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

- (a) when the Sri Lakshmi Mills of Kasaragod (South Kanara) applied for a loan under the State Aid to Industries Act;
 (b) what all enquiries have been made in the matter;
 (c) whether any final order has been passed regarding the grant of this loan; and
 (d) why there has been such a delay in the disposal of their petition?

A.—(a) Yes. The application was received by the Director of Industries on 28th May 1928.

(b) Enquiries in connexion with valuation of assets as contemplated in rule 11 of the rules framed under the Act.

(c) No final orders have yet been passed.

(d) Because enquiries and inspections had to be done by three departments.

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Purchase of soap from Kerala Soap Institute.

* 617 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) whether all or a part of the soap required for Government purposes is purchased from Kerala Soap Institute; and
 (b) if not, why not?

A.—(a) & (b) Each head of office can get his requirements from the market and as supplies of soap for all Government offices are not made by any Central agency, it is not possible to say whether the soaps manufactured by the Kerala Soap Institute are obtained or used by all or a majority of the Government offices.

Mr. T. ADINARAYANA CHETTIYAR:—"In view of the importance of swadesi industries and in view of the fact that the Kerala Soap Works is a Government institution, will the Government institute an enquiry and find out whether all the departments are going in for Government soap?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"It is already under consideration, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know, Sir, whether the Government propose issuing instructions to all departments that they should buy only Indian soaps, preferably made in Southern India?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"It is a concern of the Stationery department, Sir."

Adulteration of foodstuffs

Prevention of adulteration in tea and coffee.

* 618 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

- (a) whether it is a fact that Planters have urged the Government to proceed against the adulterators of tea and coffee; and
 (b) if so, what action they have taken in the matter?

A.—(a) Complaints in regard to the adulteration of tea were received.

(b) The Government are considering the extension of the Madras Prevention of Adulteration Act, 1918, to further areas.

Excise

Encouragement to propaganda and peaceful picketing against bids for toddy shops.

* 619 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Public Health be pleased to state whether the propaganda and peaceful picketing against bids for shops at the time of the coming sales of abkari and toddy shops in the Presidency will be allowed to be carried on by the staff engaged by the Government prohibition propaganda committees, or at least encouraged by the Government if carried on by non-official organization?

A.—Propaganda does not include picketing.

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Mr. G. HARISARVOTTAMA RAO :—" May I know if propaganda does include requesting the drunkard not to drink and urging him to stop drinking ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes, and that is the only thing it means."

Mr. A. KALESWARA RAO :—" May I know whether the Government propagandists can go and preach to the bidders not to bid at the auction sales, because that will also be a kind of propaganda ? "

The hon. the PRESIDENT :—" That is asking for an opinion. The hon. Member is requested to put his question in such a way as not to ask for an opinion ? "

Mr. A. KALESWARA RAO :—" May I know whether propaganda means preaching to the bidders not to bid at the auction sales ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The idea of propaganda is to teach people against the evils of drink."

Mr. G. HARISARVOTTAMA RAO :—" May I know in what form picketing is prohibited in reference to this propaganda ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Picketing as it is understood in the English language."

Mr. ABDUL HAMEED KHAN :—" May I know if the bidders are also included in this propaganda regarding the evils of drink ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If the bidders are drunkards."

Mr. P. ANJANEYULU :—" At the time of bidding, can the sort of propaganda suggested by the Minister be carried on ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I believe drunkards do not resort to places of bidding."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the propaganda includes requesting the drunkard not to drink and urging him to stop drinking ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" That is the propaganda itself."

Mr. T. ADINARAYANA CHETTIYAR :—" Does picketing include, in the opinion of the Minister, standing at the entrance to the toddy shop and asking people not to drink ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is a matter of opinion."

Mr. BASHEER AHMED SAYEED :—" May I know whether the propagandists will be instructed to preach to the people not to bid at the time of the auctions ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" As I have already said, the propaganda is intended for preaching against the evils of drink, and I suppose bidders are generally not drunkards."

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Closure of arrack shops at Cocanada, etc., on festival days.

* 620 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the proceedings passed by the District Collector, East Godavari (D. Dis. No. 504, Revenue, dated 24th January 1919), published in the District Gazette in February 1919 to the effect that arrack shops at Cocanada, Rajahmundry and some other places should be closed on some festival days, such as, Sankranti, Dipavali, Dasara, Ramzan, Muharram and Bakrid, etc., were subsequently cancelled ;

(b) if so, when and for what reasons ;

(c) if the answer to clause (b) is in the negative, the reason why the shops are not being closed now as indicated therein ; and

(d) whether the Government intend to impose the restriction that arrack and toddy shops in all places should be closed on Hindu and Muhammadan festival days and, if not, why not ?

A.—(a), (b) & (c) The Government have called for a report.

(d) The rules permit the closure of shops on festival and other days, when necessary.

Mr. C. RAMASOMAYAJULU :—" With reference to clause (d), may I know who is to judge the standard of necessity ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I think the local authorities."

Mr. C. RAMASOMAYAJULU :—" Is the standard of necessity laid down in any rule ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I suppose the standard of necessity cannot be laid down exactly by rules, as to on what particular occasions the shops should be closed. The local authorities have the discretion to judge."

Mr. C. RAMASOMAYAJULU :—" Is it the local authorities who have got the absolute discretion to determine the standards of necessity ? Are the local authorities the sole judges ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The local authorities know the public opinion also."

Mr. G. HARISARVOTTAMA RAO :—" May I know who definitely is the person who decides this necessity ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The Collector is invested with that power."

Mr. P. ANJANEYULU :—" May I know whether the hon. the Minister will give general instructions to all the Collectors to close these shops on festival days ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" They have been given instruction to use their discretion."

Medical

[30th September 1929]

Income from and expenditure on the Vizagapatam Medical College.

* 621 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) what was the necessity for establishing a Medical College at Vizagapatam;

(b) what is the number of students admitted in this college and what proportion of these are Andhras;

(c) whether it is a fact that students from the southern districts are compelled to join this college as a sufficient number of Andhras do not go there; and

(d) what is the annual expenditure incurred on this college?

A.—(a) The Medical College was established in view of the inadequacy of the number of qualified medical practitioners and the increasing demand for higher medical education in the Presidency.

(b) Thirty-two annually. Of the 148 students studying in the College during 1928-29, 94 or 63·5 per cent belonged to the Telugu districts.

(c) The seats available after the candidates belonging to the Telugu districts have been provided for are allotted to other applicants. No candidate is compelled to join the college.

(d) The expenditure on maintenance during the last six years was as shown below:—

	RS.
1923-24	60,214
1924-25	1,28,681
1925-26	1,72,131
1926-27	2,35,060
1927-28	2,77,312
1928-29	2,83,387

Mr. A. B. SHETTY:—"May I know how many students this College can accommodate?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Thirty-two in each class."

Rao Bahadur Dr. C. NATESA MUDALIYAR:—"Is it a fact that some of the students from these districts volunteer to go to the Vizagapatam College and even request to be allowed to go to the Vizagapatam College?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The hon. Member is perhaps aware of that; but I am not."

Public Health

Organizations for anti-drink propaganda.

* 622 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) how many district organizations have been formed up to date for anti-drink propaganda;

(b) what amounts have been sanctioned to each such organization;

(c) whether any existing organizations have applied for help;

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(d) what help has been rendered to such organizations in each individual case; and

(e) whether any, and, if so, what conditions have been imposed upon such organizations?

A.—(a) One for each district.

(b) No amount has so far been sanctioned.

(c) Yes.

(d) & (e) The Propaganda Board decided that work should be carried on by the district organizations newly formed, and hence no financial help can be rendered to them.

Mr. G. HARISARVOTTAMA RAO:—"May I know, in answer to clauses (b) and (c), whether the district organizations have been empowered to help the existing organizations in case they are doing good work?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"If the district committees think that propaganda in some area has been really beneficial on account of the existing organizations, then they are at liberty to do so."

Mr. BASHEER AHMED SAYEED:—"May I know whether the list of those organizations which have applied for help will be placed on the table of the House?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"They will be in charge of the district organizations, and they have not worked sufficiently long to collect statistics and supply them."

Mr. BASHEER AHMED SAYEED:—"May I know whether any amount has been set apart for each district for the purpose of propaganda?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"If the hon. Member will kindly peruse the scheme which has been published, he will find there is provision regarding that."

Supply of quinine to the villages in the taluks of Puttur and Karkal.

* 623 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Public Health be pleased—

(a) to lay on the table a detailed statement showing the various persons asked to distribute quinine, the villages in which quinine was to be distributed, the amount of quinine supplied to each village and the quantity actually distributed in each village after the date when free quinine was supplied for distribution in the taluks of Puttur and Karkal (South Kanara) till the end of May 1929; and

(b) to state whether it is a fact that even till the end of May 1929 most of the villages in the said taluks did not receive any supply of quinine?

A.—(a) A statement showing the various persons asked to distribute quinine, the villages in which quinine was distributed, the amount of quinine supplied to each village and the quantity actually distributed in each village as far as information is available is laid on the table.*

(b) No. All the villages in the said taluks were supplied with quinine before the end of May 1929.

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Mr. K. R. KARANT :—" May I know why non-missionary private persons are not allowed to distribute quinine to the people ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The missionaries belong to some recognized organization. If any social service league or any other society is willing to do the distribution, then the question will be considered."

Quantity and cost of the quinine distributed free in several malarial areas.

* 624 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Public Health be pleased (i) to place before the Council a statement showing the quantity and cost of the quinine distributed free in the several malarial areas and (ii) to state—

(a) what reports Government have received as to the success or failure or defects in connexion with this distribution ;

(b) whether it is contemplated to increase the agencies and areas for the distribution, and if so, which ;

(c) what kind of quinine is distributed and in what shape ;

(d) whether complaints have been received that it is not of an efficacious character ; and

(e) if so, what action Government contemplate taking thereon ?

A.—(i) The following statement shows the quantity and cost of quinine distributed free in the several malarial areas in 1928-29 (November 1928 to March 1929) :—

	Quantity LB.	Cost.		
		RS.	A.	P.
Puttur and Karkal taluks (South Kanara) ...	520	10,042	8	0
Koilkuntla (Kurnool) ...	104	2,908	8	0
Kanigiri and Udayagiri taluks (Nellore) ...	150	2,896	14	0
Hospet (Bellary) ...	75	1,448	7	0
Cuddapah and Rayachoti taluks (Cuddapah) ...	80	1,545	0	0
Ponneri taluk (Chingleput) ...	7	135	3	0
Kollegal taluk (Coimbatore) ...	3	57	15	0

(ii) (a) & (b) Reports on the working of the scheme, by the Special Malaria Officer, in Koilkuntla, Puttur, Hospet and Kollegal have been received. Considering the shortness of the time it is premature to judge of the merits of the scheme.

(c) Quinine sulphate in tablet form, 5 grains each, put in paper packets each containing 20 tablets.

(d) & (e) No.

¹ This will increase if it is decided to give commission to the Jail department, which is under consideration.

Mr. J. A. SALDANHA :—" May I draw the attention of the Government to the fact that only Rs. 20,000 out of a sum of Rs. 90,000 has been spent in the year 1929 and enquire why, if there was money available, the Government should not extend the distribution to other places ? "

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The hon. Mr. S. MUTHIAH MUDALIYAR :—" Short expenditure is due not to the non-availability of money but to non-availability of quinine. Other areas will be resorted to for purposes of free distribution when Government are satisfied that the experiments carried on prove a success."

Mr. G. HARISARVOTTAMA RAO :—" With reference to answers to clauses (a) and (b), where it is stated that the Special Malaria Officer has submitted reports regarding Koilkuntla and other places, may I know what is stated in the report ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" For every district he has submitted a report. If the hon. Member wants any particular information in regard to the Cuddapah district, it will be given to him."

Mr. G. HARISARVOTTAMA RAO :—" I am talking of the working of the scheme. In the answer it is stated that the reports on the working of the scheme have been submitted by the Special Malaria Officer. I want to know whether this answer refers to the report that has been submitted after quinine has been distributed ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is on the working of the quinine scheme that he has submitted."

Improvements to the City water-supply.

* 625 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government have come to any conclusion with regard to the improvement of water-supply to the City of Madras ; and

(b) if not, when they propose to do so ?

A.—(a) & (b) Certain improvements to the Tamarapak anicut and to the upper supply channel from the anicut to the Cholavaram and Red Hills tanks have been carried out even last year and further improvements to the upper supply channel are being carried out. The acquisition of the ayacut under the tanks and raising the F.L. of the Red Hills tank are under consideration.

Mr. ABDUL HAMEED KHAN :—" May I know whether Government are aware that there is a good deal of leakage in the sluices in the Red Hills tank ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Now that particular attention has been drawn, I will take note of the fact and see if that is so."

Education

Action taken on the recommendations of the Unemployment Committee with reference to the Educational Department.

* 626 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Unemployment Committee's Report has been considered in regard to recommendations relating to the department of Education ; and

(b) what action he proposes to take thereon either by himself or in consultation with other departments ?

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4.—(a) & (b) The Committee's recommendations are still under consideration.

Mr. G. HARISARVOTTAMA RAO :—"How long the consideration of this recommendation will take?"

The hon. Dr. P. SUBBARAYAN :—"These recommendations concern all the departments and they are being examined. It is very difficult to say when a final decision will be arrived at on this question."

Mr. G. HARISARVOTTAMA RAO :—"My specific question is with regard to the Education Department. May I know if the hon. Minister has considered the recommendation with reference to the Education Department and if he has made any proposal thereon?"

The hon. Dr. P. SUBBARAYAN :—"As I said before, these recommendations are inter-related and they are being considered by the various departments and so it is difficult now to say when a final decision will be arrived at."

Alleged restrictions on admission to the Madras Law College.

* 627 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that certain restrictions are placed on the graduates of Andhra and other Universities seeking entrance into the Law College, Madras; and

(b) if so, what they are and why such restrictions have been placed on them?

A.—(a) & (b) The Syndicate of the Madras University recently passed a resolution to the effect that only such graduates of other Universities as had passed the B.A. degree examination in the first or second division or had secured 45 per cent of the aggregate marks would be admitted to the Professional courses of that University. The Government understand that the Madras University have since agreed to accept all graduates of the Andhra University without any qualification whatever as to class or marks so far as the Law College is concerned.

Construction of the new buildings for the Arts College, Rajahmundry.

* 628 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Director of Public Instruction has submitted proposals for the construction of a new building for the Arts College, Rajahmundry; and

(b) if not, why not?

A.—(a) & (b) Plans and estimates have been called for, but have not yet been received.

Mr. C. RAMASOMAYAJULU :—"May I know whether it is not a fact that plans and estimates have already been sanctioned two years ago?"

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The hon. Dr. P. SUBBARAYAN :—"That was for a bigger scheme regarding Sapper's hill site. This scheme that is being considered is one relating to the jail site."

Mr. C. RAMASOMAYAJULU :—"May I know whether it is not a fact that Government Orders have been issued before even as regards the present scheme?"

The hon. Dr. P. SUBBARAYAN :—"The question of the location of the Andhra University not being settled at that time, the Government did not take any steps towards constructing the new buildings for the Arts College, Rajahmundry."

Mr. C. RAMASOMAYAJULU :—"May I ask whether the Government would expedite the matter?"

The hon. Dr. P. SUBBARAYAN :—"As I have already said, plans and estimates have been called for from the Director of Public Instruction."

Grants to orphanages during last year.

* 629 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of applications for grants, by orphanages and those who claim to come under that head last year;

(b) who they are;

(c) whether the applications were granted;

(d) the grants made, if any;

(e) if refused, why; and

(f) the number of boys or girls in each?

A.—(a) 137.

(b), (c), (d) & (e) Statements showing the names of Indian orphanages to which grants were sanctioned and of those to which grants were refused are appended^a. In the case of the former, the amount of grant sanctioned is entered against the name of the orphanage, while in the case of the latter the reason for refusal is given.

(f) The hon. Member is referred to the answer to question No. 303 asked at the meeting held on 10th August 1929.

Mr. ABDUL HAMEED KHAN :—"May I know if the Government are aware that a major portion of the allotment for orphanages is used by a particular community?"

The hon. Dr. P. SUBBARAYAN :—"That is so."

Mr. ABDUL HAMEED KHAN :—"May I know whether Government proposed to see that the amount is allotted in a proportionate manner among all the communities?"

The hon. Dr. P. SUBBARAYAN :—"The matter was placed before the Advisory Committee and that Committee adopted a particular proportion. Now that particular attention has been drawn, it will be considered."

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Aid to depressed classes students in secondary schools.

* 630 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the information regarding aid to depressed class students in secondary schools called for in question No. 1808, dated 21st March 1929, has been received; and

(b) if so, what it is?

A.—(a) & (b) No.

Local Boards

Exemption of co-operative societies from professional taxes.

* 631 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have received numerous resolutions passed at numerous co-operative conferences urging Government to amend the District Municipalities and Local Boards Acts exempting co-operative societies from professional and company's taxes?

A.—Yes.

Mr. T. ADINARAYANA CHETTIYAR:—“May I know what action Government propose to take on those various resolutions?”

The hon. Dr. P. SUBBARAYAN:—“That is a matter which will be considered along with the amendments to the two Acts which are now under consideration.”

Abolition of the system of toll-gates in the Presidency.

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

(a) whether it is a fact that the Road Committee recommended the abolition of the system of toll-gates in the Presidency;

(b) whether the Government considered the matter and passed any orders on the subject; and

(c) whether the Government will be pleased to lay the same on the table of the House?

A.—(a) Yes.

(b) & (c) The matter is under the consideration of Government.

Mr. K. R. KARANT.—“May I know whether already a two-anna tax per gallon of petrol is being levied and, if so, what it is intended to be used for?”

The hon. Dr. P. SUBBARAYAN:—“The two anna tax is being levied by the Central Government and we get about 7½ lakhs on this account. Hon. Members will be aware that what we get from toll-gates comes to 42 lakhs and we have been trying to find a substitute for this 42 lakhs if we come to a decision about the abolition of toll-gates.”

Mr. G. HARISARVOTTAMA RAO:—“May I know what were the actual proposals considered by Government in this connexion?”

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The hon. Dr. P. SUBBARAYAN:—“The proposals were placed before the Road Board. The Road Board have recently proposed to levy a vehicle tax.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether the vehicle tax is proposed to be levied upon all classes of vehicles in all villages?”

The hon. Dr. P. SUBBARAYAN:—“I cannot give any details of the scheme at present.”

Mr. P. C. VENKATAPATHI RAJU:—“May I know whether there is any Bill under consideration giving effect to the proposals of the Road Board?”

The hon. Dr. P. SUBBARAYAN:—“A Bill was prepared by the Secretary which has not yet been considered by the Government. It was considered recently by the Road Committee.”

Mr. P. C. VENKATAPATHI RAJU:—“May I know whether it will be placed before the public for inviting opinion before taking up the consideration of the question.”

The hon. Dr. P. SUBBARAYAN:—“When a decision is come to, it will certainly be placed before the Council.”

Nominations to the Chingleput Taluk Board.

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

(a) whether it is a fact that recently nominations were made to Chingleput Taluk Board after bifurcation;

(b) what are the communities that were given representation and how many in each; and

(c) whether it is a fact that no Brahman was nominated and what was the reason for the same?

A.—(a) Yes.

(b) Hindu Vellalas	... 8	Kamma	 1
Vanniyakula		Nadar	 1
Kshatriyas	... 3	Adi-Dravida	 1
Nayudus	... 2	European	 1
Reddi	... 1	Muhammadian	 1
Sengunthar	... 1		

(c) Yes, as no one was recommended.

Completion of the road from Tandramput to Perumkolathur.

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

(a) whether it is a fact that a new road from Tandramput to Perumkolathur was sanctioned by the North Arcot District Board and partly laid out;

(b) when it was begun;

(c) what is the distance laid out and what was the amount spent for the work and when the work was stopped;

(d) what is the estimate for the entire work and what was the amount sanctioned for several years and how much of it relates to provincial grants;

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- (e) what was the cause for stopping the work; and
 (f) whether the Government will be pleased to enquire into this loss of provincial grants and recover the same from those responsible?

A.—The Government have no information. They have called for a report from the President, District Board, North Arcot.

Mr. T. ADINARAYANA CHETTIYAR :—“Will the hon. the Minister remind the President of the District Board and expedite the answer?”

The hon. Dr. P. SUBBARAYAN :—“I will do so.”

Strength of the various communities in the taluk boards in Bellary district.

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

(a) the taluk boards in the Bellary district which contain no representatives belonging to the depressed classes or Indian Christian or Muhammadan communities respectively; and

(b) the number of nominated members in each of them?

A.—(a) Depressed classes	...	...	...	...	None.
Indian Christians	...	...	...	...	All the four.
Muhammadans	...	...	...	...	Harpanahalli.
(b) Adoni	...	...	...	...	6
Bellary	...	...	...	...	5
Harpanahalli	...	...	...	...	4
Hospet	...	...	...	...	4

Mr. A. RANGANATHA MUDALIYAR :—“May I know from the hon. the Minister why no Muhammadans were appointed to the taluk board of Harpanahalli?”

The hon. Dr. P. SUBBARAYAN :—“As I said repeatedly on the floor of this House, nomination to taluk boards is entirely in the hands of the district board presidents. Of course, we have issued instructions to the presidents of district boards that they should as far as possible see that all communities are represented, but unfortunately, these instructions have not been adhered to and we have no power to make them adhere to the rules either.”

Religious and Charitable Endowments

Nominations to Temple Committees.

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

(a) the vacancies in Temple Committees constituted by the Government under the provisions of the Madras Hindu Religious Endowments Amendment Act;

(b) the period for which they are appointed;

(c) the date of expiry of the period of appointment;

(d) how many and which of them were reconstituted by (1) election and (2) nomination;

(e) the respective dates of their reconstitution; and

(f) the provisions of law under which the Temple Committees, if any, whose period of appointment had expired were reconstituted by nomination?

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A.—(a), (b) & (c) The information asked for is given in the appended statement. ^a

(d) & (e) No committee has so far been reconstituted by election. The following committees were however reconstituted by nomination, with effect from the dates specified against them :—

Chittoor District Temple Committee	...	...	...	11th June 1929.
Vizagapatam District Temple Committee	...	...	...	13th August 1929.
West Godavari District Temple Committee	...	...	...	Do.
Nellore District Temple Committee	...	...	...	3rd September 1929.
East Godavari District Temple Committee	...	...	...	17th September 1929.

(f) Clauses (c) and (a) of sub-section (1) of section 20 of the Hindu Religious Endowments Act, 1926, Act II of 1927.

Mr. K. R. KARANT :—“May I know from the hon. Minister what steps he is going to take to see that there is no further nomination to these bodies and that they will all be elected as early as possible?”

The hon. Dr. P. SUBBARAYAN :—“It is difficult to make a promise on this matter, because most of the committees are complaining that they have no money even to conduct the elections. The Hindu Religious Endowments Board was asked by these impecunious committees for help towards elections. When such is the case, it is impossible to give a definite date by which these committees will be constituted by election.”

Mr. A. RANGANATHA MUDALIYAR :—“Is it a fact that every one of these committees has no money to carry on election?”

The hon. Dr. P. SUBBARAYAN :—“That is what I have been told.”

Mr. G. HARISARVOTTAMA RAO :—“May I know whether the Kurnool District Temple Committee has been constituted by nomination?”

The hon. Dr. P. SUBBARAYAN :—“Notice, Sir.”

Mr. S. SATYAMURTI :—“May I know whether Government propose to take any steps with regard to the want or alleged want of funds by these committees so that election might take place as early as possible?”

The hon. Dr. P. SUBBARAYAN :—“It is difficult to say what steps should be taken. My hon. Friend, Mr. Ranganatha Mudaliyar, will probably remember, when the late Sir T. Sadasiva Ayyar recommended the appointment of the Hindu Religious Endowments Board, he said it would be best if all these members were nominated rather than elected, because that will never put the committee to the necessity of finding funds to conduct the election.”

Mr. S. SATYAMURTI :—“May I know whether the Government's policy is to accept the late Sir T. Sadasiva Ayyar's recommendation and go on nominating on the plea of want of funds?”

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The hon. Dr. P. SUBBARAYAN :—"No, Sir, it is difficult to say what will be the Government's attitude on this matter, because that has not been considered."

Mr. S. SATYAMURTI :—"May I know whether Government propose to consider this aspect of the question because nearly two years have elapsed since elections have not been held?"

The hon. Dr. P. SUBBARAYAN :—"It is difficult to say when a decision will be arrived at."

Agency

Abolition of liquor and toddy shops in Bhadrachalam taluk.

* 637 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Member for Revenue be pleased to state—

(a) how many liquor and toddy shops in the Bhadrachalam taluk (East Godavari Agency) show an average monthly rental value of less than Rs. 3;

(b) the reasons why sales of such shops are still continued; and

(c) whether the Government intend abolishing such shops?

A.—(a), (b) & (c) The Government have called for a report.

Land Revenue

Alleged erection of a compound wall by the Sub-Magistrate of Dusi.

* 638 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the newly appointed acting Sub-Magistrate of Dusi in North Arcot district got a compound wall round his office erected through the village menials of the villages surrounding Dusi;

(b) whether he paid for such service and, if so, from what funds; and

(c) if not, what action the Government propose to take on the Sub-Magistrate's conduct?

A.—The Government have not the information, but have called for a report.

Mr. T. ADINARAYANA CHETTIYAR :—"May I know from the hon. Minister whether any report has been received since 19th September?"

The hon. Mr. A. Y. G. CAMPBELL :—"No, Sir."

Mr. T. ADINARAYANA CHETTIYAR :—"Will Government please expedite the report?"

The hon. Mr. A. Y. G. CAMPBELL :—"I will ask for the report as early as possible."

Territorial changes

Formation of a Karnataka Province.

* 639 Q.—Mr. A. B. SHETTY : Will the hon. the Member for Revenue be pleased to state what action the Government have taken in regard to the resolution passed at the last meeting of the Council regarding the formation of a Karnataka Province?

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A.—The Government have forwarded the proceedings of the Legislative Council relating to the resolution to the Government of India with reference to section 52-A of the Government of India Act.

Village Establishments

Restoration of village officers and jamabandi allowances.

* 640 Q.—Mr. A. B. SHETTY : With reference to my question No. 79 answered on 7th August 1929, will the hon. the Member for Revenue be pleased to state—

(a) whether the financial results of the restoration of village officers have been finally worked out; and

(b) whether the Government propose to give jamabandi allowances to village officers in ryotwari areas?

A.—(a) & (b) The position as described in the answer to question No. 79, dated 7th August 1929, remains unchanged.

Mr. G. HARISARVOTTAMA RAO :—"May I know from the hon. the Revenue Member when this position is likely to change?"

The hon. Mr. A. Y. G. CAMPBELL :—"The hon. Member has probably observed that I am moving a demand for a supplementary grant during this meeting for further funds for the restoration of certain village menials. I hope that the restoration of the village menials referred to will be carried out before the end of the year; until that is done it is not possible to ascertain the financial results of the restoration."

Mr. C. V. VENKATARAMANA AYYANGAR :—"May I know whether any provision has been made at any time for the village revenue monigars. Evidently in the application for a further grant that has not been included?"

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

Forests

Issue of grazing permits for the reserves in Hospet range.

* 641 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Law Member be pleased to state where and to whom the people of the various villages of the Hospet range, Bellary district, should go, for obtaining grazing permits for the reserves in the range, if, for any reason, they should be unable to obtain them on the days (which are limited to three days in a year in the case of the vast majority of the villages) the permit-issuing officer visits their villages?

A.—The villagers can obtain permits from the permit-issuing officer or from the range officer at these officers' headquarters or at one or other of their camps. The tour programme of the permit-issuing officer is printed in the Forest Supplement of the *Bellary District Gazette* for July 1929.

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Mr. A. RANGANATHA MUDALIYAR :—" May I know the reason for Government not entrusting the village officers with permits for sale so that the ryots may not have to go long distances for obtaining permits for three annas, six annas, etc. ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion."

Strength of forest officers employed in each circle from 1918 to 1929.

* 642 Q.—Mr. J. A. SALDANHA : With reference to my question No. 1761 answered on 16th March 1929, will the hon. the Law Member be pleased to place before the House a statement showing—

- (i) the various circles of Conservators of Forests from the year 1918 to 1929 (June);
- (ii) the increase or decrease of forest officers above the grade of rangers employed in each during that period; and
- (iii) the grounds for such increase or decrease?

4.—(i) There were four circles prior to 1st February 1921 on which date the number was increased to six and has remained at that figure till now. One of the territorial circles was however abolished and a Working Plans Circle constituted with effect from 1st May 1925.

(ii) A statement^a showing the number of officers in December of each year is attached.

(iii) The number of officers in each circle vary from month to month according to the exigencies of the work and it is not now possible to state definitely the reasons for the transfer of individual officers from circle to circle.

Mr. J. A. SALDANHA :—" With reference to the appendix, may I enquire why, having regard to the fact that a large number of forest panchayats have been created, the number of officers should not have been also reduced? It has hardly been reduced in the year 1929."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because the panchayat forests that have been handed over to the ryots are all minor forests, whereas these officers are engaged in important and first-class forests."

Mr. G. HARISARVOTTAMA RAO :—" In the year 1927, the figure reached the lowest, namely 53, and why in 1929 the figure has risen to 59? May I know whether these six appointments are temporary ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The number of officers does not depend upon whether they are temporary or not, but depends upon the exigencies of the work connected with the forests."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether there are any temporary officers in this 59 ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

^a Printed as Appendix IV on page 501 infra.

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Working plans for forests in charge of panchayats.

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

(a) what attempts have been made to collect the data on sylviculture in the shape of printed notes available to the public or panchayats in charge of forests for use in the regeneration of exhausted stock of jungles or areas denuded of trees;

(b) what measures (if any) are being adopted for regeneration and sylviculture in connexion with forests or so-called forests in charge of panchayats or the Revenue officers;

(c) whether any working plans are prepared in connexion with such forests; and

(d) whether cultivation of useful fruit-trees like Kaju is contemplated?

A.—(a) Sylvicultural research is undertaken by the Forest department; this has hitherto been confined to the major forests but a proposal is pending to extend this research to the dry class of forests. The reports of the sylviculturist are available to the public in the annual administration report. A number of works on tropical sylviculture can also be bought but there is no work on the subject which would be likely to be understood by the general public or panchayats in charge of forests.

(b) Under the terms of their agreements panchayats have power to make improvements to the areas under their control by planting trees. Where tree planting is feasible, the number and kinds of the trees to be planted each year are noted and funds for the purpose are provided for in the agreement. During the year ending 31st March 1929, 558 panchayats, i.e., about half the total number of panchayats, raised trees and 46,828 trees were reported to be alive. The trees were of the following species :—

Tamarind, Nim (Margosa), Mango, Nerudu (Nagai), Kanuga (Pungam), Cashewnut, Jack, Siris and Palmyra.

(c) No sylvicultural working plans are prepared for panchayat forests. In the case of fuel coupes, the working plans prepared by the Forest department are followed.

(d) Yes.

Mr. J. A. SALDANHA :—" With reference to clause (a), it is stated that 'a number of works on tropical sylviculture can also be bought but there is no work on the subject which would be likely to be understood by the general public or panchayats in charge of forests'. May I know whether it is not possible to publish a popular guide and get it translated in different vernaculars for the use of the laymen ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The information that is wanted by the laymen is published by the department in their administration reports."

Mr. J. A. SALDANHA :—" In view of the fact that panchayat people are laymen and they find it difficult to get at the administration reports, whether Government will not consider it desirable to publish a popular guide something like the Agricultural Calendar ? "

The hon. the PRESIDENT :—" This is a fit subject for a resolution."

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Alleged irregular attendance of District Forest Officers at Mangalore.

* 644 Q.—Mr. J. A. SALDANHA: Will the hon. the Law Member be pleased to state at what time of the day the several District Forest Officers at Mangalore have been attending their offices and leaving their offices as a rule during the three months closing with 31st March 1929?

A.—The District Forest Officer, South Mangalore, while at headquarters generally attends office from 11 a.m. to 1 p.m. on some days and from 11 a.m. to 5 p.m. on other days according to the exigencies of the work. The District Forest Officer, North Mangalore, while at headquarters generally attends office on all working days from about 2-30 p.m. to 5-30 p.m. These officers also attend to office work in their residences.

Jails*Action taken against the prison officials connected with the ill-treatment of Mr. Sambamurti.*

* 645 Q.—Mr. A. KALESWARA RAO: Will the hon. the Law Member be pleased to state whether any action has been taken against the prison officials who made Mr. Sambamurti walk and carry his articles from the Central Jail to the Railway Station, Rajahmundry?

A.—No.

Treatment of political prisoners in jails.

* 646 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Law Member be pleased to state—

(a) whether there is any distinction in the matter of treatment given to political prisoners and prisoners convicted of offences not involving moral turpitude;

(b) whether the status, culture and aptitude of the prisoner are considered in connexion with the treatment; and

(c) whether the Government intend to provide for special treatment to political prisoners and prisoners convicted of offences not involving moral turpitude; if not, why not?

A.—(a) No.

(b) The jail authorities carry out the sentences passed by courts and they make no distinction in the matter of treatment between prisoners with similar sentences. A special division of prisoners has been created and it is intended for selected prisoners sentenced to simple imprisonment for whom the ordinary treatment in jails is considered unsuitable on the grounds of their education, status, character and habits of life. Selection to this class is made by the convicting courts subject to confirmation by the Government. The special division prisoners are allowed various concessions.

(c) The question of revising the rules relating to the classification of special division prisoners and the privileges to be granted to them is under the consideration of the Government.

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Mr. C. RAMASOMAYAJULU:—"With reference to the answer to clauses (b) and (c), may I know whether Government are prepared to consider the matter with reference to the sort of offences for which the prisoners are convicted?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The whole matter is under the consideration of Government at present."

Mr. C. RAMASOMAYAJULU:—"The answer is not clear and I wish to have a clear statement, whether Government propose to take into consideration the question with reference to the nature of the offences, whether involving moral turpitude or not?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"That is exactly the answer that I gave, namely, that the matter is under the consideration of Government at present."

The hon. the PRESIDENT:—"The subject is coming up for discussion after questions."

Adequate treatment of mental defectives and repression of recidivism in Jails.

* 647 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether the Government have considered the suggestions made by the Inspector-General of Prisons for dealing adequately with mental defectives and for the repression of recidivism; and

(b) if so, what steps will be taken for this purpose?

A.—(a) & (b) In the Jails Administration Report for 1928, the Inspector-General of Prisons stated that mental defectives should be permanently segregated and given institutional treatment as they were unfit to be at large, and that he would bring the matter up for discussion at the next Conference of Inspectors-General of Prisons and advise the Government on the lines on which legislation should be undertaken. The next conference of Inspectors-General of Prisons is to be held in December 1929. The Government await the detailed proposals of the Inspector-General.

As regards the recidivists, the Inspector-General proposed that they should be excluded from the scope of the remission rules and that they might be granted some other concessions in lieu as an incentive to good conduct and industry. The Government considered the scheme prepared by the Inspector-General and they found that there would be considerable difficulty in its practical working. They therefore decided to drop the proposal for the present.

Village Courts Act*Provision of clerk and building for Village Panchayat Courts.*

* 648 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state whether the Government have at any time considered the necessity of providing for the Village Panchayat Court a clerk and funds for payment of rent for the building where the court is held?

A.—Yes.

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Mr. A. B. SHETTY:—"Have the Government come to any decision on the matter?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The decision that the Government have arrived at is this: that as under the statute the Collector has power to appoint additional karnams when the number of suits exceeds 900, there is no need for the Government to do anything now."

Pensions

Extension of the option of retiring on completion of 25 years' service.

* 649 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Finance be pleased to state whether the Government have under consideration any proposal to extend the option of retiring on completion of 25 years of service to other officers and other departments than those to whom the option is now given and, if so, the details thereof?

A.—No.

11-30 a.m. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Will the hon. the Member for Finance give the departments of Government to the officials of which the option of retirement after 25 years service is given?"

The hon. Sir. THOMAS MOIR:—"I cannot now give the list of the officers. I fear the list will be a very long one."

Elections

Disbandment of the establishment for the preparation of electoral rolls for the next general elections.

* 650 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR: Will the hon. the Home Member be pleased to state whether the Government have considered the advisability of disbanding the establishments ordered to be entertained for the preparation of fresh rolls for the Legislative Council in view of the uncertainty of the date of the next general elections to the Council?

A.—The attention of the hon. Member is invited to rule 9 (4) of the Madras Electoral Rules. In accordance with this rule the Government ordered in March last the preparation of a fresh roll for the constituencies of the Legislative Council. The preparation of the preliminary electoral rolls has now been completed and the Government have issued instructions to all Collectors to disband the temporary establishment employed in the districts for the purpose.

Factories

Compensation to seriously injured workmen in factories in 1928.

* 651 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased (i) to state—

(a) the number of cases out of the 258 serious accidents reported in the Factories Inspection Report for 1928 in which compensation was granted to the workmen concerned;

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(b) the total amount so paid; and

(c) why, in the remaining cases, if any, no compensation was paid and

(ii) to furnish similar information in the case of the 1,088 persons who received minor injuries?

A—(i) (a), (b) & (ii) The classification of accidents with reference to the rules under the Indian Factories Act does not follow the lines of the classification under the Indian Workmen's Compensation Act. It is therefore not possible to say how many of the 258 cases of serious accidents and 1,088 minor accidents mentioned in the Factories Administration Report for 1928 come within the scope of the Indian Workmen's Compensation Act. The number of injuries other than fatal injuries reported by employers in the annual returns for the year 1928 submitted by them under section 15 of the Indian Workmen's Compensation Act was 531. This figure represents the injuries in respect of which compensation was paid by the employers. The amount of compensation paid was Rs. 17,623-13-1. Under section 3 (1) (a) of the Workmen's Compensation Act, no compensation is payable in respect of an accident which does not result in the total or partial disablement of a workman for a period exceeding ten days.

(i) (c) The Commissioner for Workmen's Compensation cannot award compensation except on application made to him under the Act.

Police

Alleged annoyance caused to Mr. Krishna Kunthu at Madura.

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

(a) whether it is a fact that two constables belonging to the Criminal Investigation Department roughly knocked at the doors of the lodging of Mr. Krishna Kunthu, a Congress worker at Madura, at midnight on 1st June 1929 and caused him annoyance;

(b) whether Mr. Krishna Kunthu complained to the Superintendent of Police, Madura, on 2nd June 1929;

(c) whether the Superintendent of Police without making any adequate enquiry merely replied on a postcard, dated 3rd July 1929, that the allegation was not true; and

(d) whether Government will be pleased to ascertain by an independent inquiry whether the allegation of Mr. Krishna Kunthu is true or not?

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

(d) An enquiry is being made.

Removal of the lock-up for remand prisoners in Polavaram village.

* 653 Q.—Mr. K. V. R. SWAMI: Will the hon. the Home Member be pleased to state—

(a) whether the police lines in Polavaram village in East Godavari Agency have been abolished on account of the place being unhealthy, and, if so, when;

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- (b) whether the lock-up for remand prisoners is continued in the same place ;
 (c) whether it is a fact that the prisoners kept there very often fall ill ;
 and
 (d) whether the Government intend to remove the lock-up to a healthier locality ?

A.—(a) Yes ; on 12th January 1926.

(b) The lock-up for remand prisoners is in the sub-jail in the Taluk office building near the site of the old police lines.

(c) The prisoners kept there occasionally fall ill.

(d) No such proposal is before Government at present.

Arrest of Mr. Bulusu Sambamurti.

* 654 Q.—Mr. K. V. R. SWAMI: Will the hon. the Home Member be pleased to state, with reference to question No. 1723-B, dated 14th March 1929, regarding the arrest of Mr. Bulusu Sambamurti—

(a) whether the information called for has been received ; and

(b) if so, what it is ?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to question No. 2027 asked at the meeting of the Legislative Council on the 27th March 1929.

As regards clause (g) of question No. 1723-B, the arrest was made under section 108 of the Code of Criminal Procedure.

Correspondence with the police authorities regarding Dindigul Municipal elections.

* 655 Q.—Mr. K. P. V. S. MUHAMMAD MEERA RAVUTTAR: Will the hon. the Home Member be pleased—

(a) to place on the table the correspondence that passed between the police authorities of Dindigul and the District Collector of Madura as well as the District Superintendent of Police with regard to the election for the second ward of the Dindigul Municipality ; and

(b) to call for them if the papers are not available immediately ?

A.—(a) The correspondence is not available with the Government.

(b) The Government see no reason to call for it.

Mr. ABDUL HAMEED KHAN:—"The Government say that 'they see no reason to call for the papers.' May I know the reasons for that?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Municipality is a subject in the port-folio of my hon. Colleague the Chief Minister. If my hon. Colleague the Chief Minister wants to see the correspondence, I shall be very glad to place it before him."

Mr. ABDUL HAMEED KHAN:—"Is the hon. the Home Member aware of the fact that what is required is not the papers regarding the irregularity in the municipal election but the papers with regard to the irregularity, if there is any, in the matter of police administration?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"If my hon. Friend puts a definite question, I am prepared to answer it."

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Municipalities

Conduct of the election to the second ward of the Dindigul municipality.

* 655-A Q.—Mr. K. P. V. S. MUHAMMAD MEERA RAVUTTAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Chairman of the Dindigul Municipal Council under the pretext of an apprehended breach of the peace issued an order at eleven o'clock on the night of the 12th of this month adjourning *sine die* the election of councillors for ward No. 2 of the municipality which was notified to take place on the following day ;

(b) whether on the representation from two of the candidates the District Collector of Madura after assuring himself from the Magistrate that there was absolutely no fear of a breach of the peace ordered the chairman to conduct the election as already notified on the 13th of this month, and whether the chairman then conducted the election but subsequently issued an order refusing to count the votes and declare the results of the election ; and

(c) whether the Government have taken any steps in the matter ?

A.—(a) Yes.

(b) Generally, yes.

(c) Government have intimated to the chairman that his action in postponing on the 12th instant the election fixed for the 13th was highly irregular. They have also invalidated the poll held on the 13th and directed a fresh one.

Mr. K. R. KARANT:—"May I know whether the stopping of the election by the chairman was done *mala fide* or was it done *bona fide*?"

The hon. Dr. P. SUBBARAYAN:—"I believe it was done *bona fide*."

Mr. ABDUL HAMEED KHAN:—"The answer to clause (b) runs thus: 'Generally, yes.' May I know the significance of the word 'Generally'?"

The hon. Dr. P. SUBBARAYAN:—"It means 'as far as Government are aware'."

Mr. BASHEER AHMED SAYEED:—"May I know why the election was invalidated?"

The hon. Dr. P. SUBBARAYAN:—"Because of the irregularities."

Mr. L. K. TULASIRAM:—"May I know whether the chairman was censured for his conduct?"

The hon. Dr. P. SUBBARAYAN:—"I don't think it is necessary at this stage."

Mr. BASHEER AHMED SAYEED:—"May I know to which political party the chairman of the Dindigul municipality belongs?"

The hon. Dr. P. SUBBARAYAN:—"I do not think a chairman belongs to any party."

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UNSTARRED QUESTIONS

Floods

Replacement of the embankment at Raykutta.

656 Q.—Mr. J. A. SALDANHA: With reference to my question No. 2414, answered on 28th August 1926, will the hon. the Member for Revenue be pleased to state—

(a) what action has been taken by the local boards or by Government as to the replacement of the embankment at Raykutta in Mangalore taluk, South Kanara, which was washed away by floods;

(b) whether it is a fact that further damage has been caused to the surrounding paddy fields by the recent floods in July 1929;

(c) what steps Government have decided to take either themselves or through the local bodies concerned to replace the washed embankment?

A.—(a) to (c) A report has been called for.

Honorary Magistrates

Appointment of Nadars as Honorary Bench Magistrates.

657 Q.—Mr. N. SIVA RAJ: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that at present there is no Nadar in the Honorary Bench Magistrate's Court of Virudhunagar town, Ramnad district;

(b) whether there were two Nadars in the said court since its inception;

(c) how long it is since the last Nadar member resigned his seat;

(d) how many appointments were made to that court after his resignation;

(e) why no Nadar was appointed;

(f) whether there is any proposal to raise the strength of the said court above six; and

(g) if so, whether due regard will be paid to the claims of the Nadar community?

A.—The Government have called for a report in the matter.

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

III

PETITION TO THE COUNCIL.

The hon. the PRESIDENT:—"Mr. Saldanha will now present the petition on behalf of the Syrian Christians of Ponnani taluk."

* Mr. J. A. SALDANHA:—"Mr. President, I beg to present the petition from the Syrian Christians of Ponnani taluk. It concerns the present Malabar Tenancy Bill as amended by the Select Committee. I have circulated copies of the petition among the several Members of this House and so I do not wish to read the whole petition, but I will close by saying that I hope the several points raised in the petition will command their attention."

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IV

AMENDMENTS TO STANDING ORDERS 22, 23 and 41.

Mr. F. E. JAMES:—"Mr. President, Sir, I beg to move that leave to introduce the following amendments to Standing Orders of the Legislative . . ."

The hon. the PRESIDENT:—"Under the Standing Orders, I have to do it."

"The first item in the agenda is a motion by Mr. F. E. James for certain amendments to Standing Orders Nos. 22, 23 and 41. The amendments are:

(i)

STANDING ORDER No. 22.

"For the words 'at 2-30 p.m. the same day . . . of the President', substitute the following: 'at 4 p.m. the same day: provided that the President may in his discretion allow the motion to be taken up at 4 p.m. the next day if the Member of Government in charge of the subject matter of the motion makes such a request'."

(ii)

STANDING ORDER No. 23.

"For '5 p.m.' substitute '6 p.m.'"

(iii)

STANDING ORDER No. 41

"In Standing Order No. 41 (4) for the words 'at the same time' substitute the words 'within such time as the Select Committee may fix for the purpose'."

"I wish to know whether the hon. Member has the leave of the House. (After a pause). Since no member objects, I take it the hon. Member has the leave of the House. The draft amendments have now to be referred to a Select Committee. Six members of the Select Committee have to be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf, the President, the Deputy President and the Advocate-General being ex-officio members of the Committee. One of the Members of the panel of Chairmen is to be nominated by me as a Member of the Committee. I fix 2 p.m. to-day as the hour within which nominations may be handed over to the Secretary."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"May I make a suggestion, Sir, with your permission. I have given several amendments . . ."

* The hon. the PRESIDENT:—"I think they are coming up to-morrow."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"What I suggest is that it is desirable that the Members of this House who are to be members of the Select Committee on this as well as on the other should be the same."

* The hon. the PRESIDENT:—"It is more the work of the leaders of parties and their whips. I have no voice in the matter."

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V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

The hon. the PRESIDENT :—" Mr. B. Muniswami Nayudu's motion is under discussion. The question is that the Bill be committed to the Committee to be appointed for the consideration of the Minister's Bill. I think it was understood that a motion would be made as to the names of the members of the Committee, so that the same names might be taken up on the next occasion."

The hon. Dr. P. SUBBARAYAN :—" Yes, Sir."

* The hon. the PRESIDENT :—" Then I think Mr. Muniswami Nayudu will withdraw his motion."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Mr. President, Sir, I beg to withdraw my motion."

The motion was, by leave, withdrawn.

The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I now move that under Standing Order No. 40 (2) leave be granted for referring the Bill to a Select Committee consisting of more than 15 members."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

The motion was put and adopted.

The hon. Dr. P. SUBBARAYAN :—" I now move that the Bill be referred to a Select Committee composed of the following Members :—

- (1) Mr. P. C. Venkatapathi Raju.
- (2) " J. A. Saldanha.
- (3) " S. Satyamurti.
- (4) " A. Kaleswara Rao.
- (5) " Basheer Ahmed Sayeed.
- (6) " B. Venkataratnam.
- (7) " G. Harisarvottama Rao.
- (8) " C. N. Muthuranga Mudaliyar.
- (9) " C. Venkatarangam Nayudu.
- (10) " A. Ranganatha Mudaliyar.
- (11) " T. C. Srinivasa Ayyangar.
- (12) " P. Anjaneyulu.
- (13) Rao Bahadur Sir A. P. Patro.
- (14) " B. Muniswami Nayudu.
- (15) " C. S. Ratnasabapathi Mudaliyar.
- (16) Diwan Bahadur S. Kumaraswami Reddiyar.
- (17) Khan Bahadur S. K. Abdul Razaek Sahib Bahadur.
- (18) The Raja of Kallikota.
- (19) Mr. F. E. James.
- (20) " H. F. P. Hearson.
- (21) " T. G. Rutherford.
- (22) " C. Govindan Nayar.
- (23) The hon. Dr. P. Subbarayan.
- (24) Mr. T. M. Narayanaswami Pillai.
- (25) " A. B. Shetty.
- (26) " W. P. A. Soundara Pandiyan.
- (27) Subadar-Major S. A. Nanjappah Bahadur.

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- (28) Mahmud Schamnad Sahib Bahadur.
- (29) Rao Sahib R. Srinivasan.
- (30) Mr. D. Thomas.
- (31) The hon. Mr. S. Muthiah Mudaliyar.
- (32) Mr. L. K. Tulasiram.
- (33) " J. A. Davis.
- (34) " Hilton Brown.
- (35) Rao Bahadur K. Sitarama Reddiyar.
- (36) Diwan Bahadur P. C. Ethirajulu Nayudu.
- (37) Mr. T. Adinarayana Chettiyar.
- (38) " R. Srinivasa Ayyangar.
- (39) " N. Siva Raj."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I second it."

* The hon. the PRESIDENT :—" The question is that the Bill of Mr. Kaleswara Rao, as amended by the Select Committee, be referred to a Select Committee again consisting of the following 39 members :—

[For members, see above.]

* Mr. K. R. KARANT :—" On a point of order, Mr. President. Under Standing Order No. 44, I think a Bill which has passed through the Select Committee and on which a final report has been drawn up and circulated can be re-committed only to the same Select Committee."

* The hon. the PRESIDENT :—" Where is it stated that it cannot be re-committed to another Select Committee ?"

* Mr. K. R. KARANT :—" My submission is that Standing Order No. 44 provides one or other of the modes under which any member may make a motion after the report has been submitted to this House. I mean that after the presentation of the final report of a Select Committee on a Bill, the member in charge can move that the Bill be re-committed only under two alternatives. The Standing Order provides for the re-committing of the Bill to the same Select Committee only. So, I cannot see how it can be now referred to a new Committee. I am also told, Mr. President, that the motion now made is under Standing Order No. 44 and not under any other Standing Order."

* Mr. S. SATYAMURTI :—" May I also raise another point of order, Sir, subsidiary to this ? A motion like that can be made only by the member in charge of the Bill. You will notice, Sir, that Standing Order No. 44 says :

'After the presentation of the final report of a Select Committee on a Bill the Member in charge may move . . .

And so the Member who moves this motion under this Standing Order should be in charge of the Bill, which in the case of a Government Bill means the Member in charge of the department dealing with the subject matter of the Bill."

* The hon. the PRESIDENT :—" The motion of Mr. Kaleswara Rao is that the Bill as amended by the Select Committee be taken into consideration. Now, a motion is made by the Minister that it should be re-committed to a Select Committee consisting of 39 members. Is it the hon. Member's contention that no member other than the mover of the Bill can make such a motion ?"

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Mr. S. SATYAMURTI :—" You will see, Mr. President, Standing Order No. 44 reads like this :

' After the presentation of the final report of a Select Committee on a Bill the Member in charge may move --

(i) that the Bill, as reported by the Select Committee, be taken into consideration, but any member may object to its being so taken into consideration if the copies mentioned in Standing Order No. 42 have not been available . . . consideration ; or

(ii) that the Bill be re-committed either--

(a) without limitation, or

(b) with respect to particular clauses or amendments only, or

(c) with instructions to the Select Committee to make some particular or additional provision in the Bill . . . "

Therefore the option rests entirely with the Member in charge of the Bill. My attention is also drawn now to paragraph 2 which says : ' If the Member in charge moves that the Bill be taken into consideration, any Member may move as an amendment that the Bill be re-committed.' I admit then that it is open to any other Member of the Council to move that it be recommitted. Then we go back to sub-clause (ii) of clause (1) of Standing Order No. 44 which limits the nature of recommitment, that is to say, either without limitation or with respect to particular clauses, etc. But re-commitment connotes both by its etymological meaning and by its context that the re-commitment should be to the same committee. Therefore it follows both from the context and the meaning of the English word used there that the only committee which can reconsider this matter is the same committee which originally went into the Bill. I may add, Sir, that I raise this point with great reluctance because all of us are anxious that the Bills of the Government and my hon. Friend from Bezwada should be considered together. If there is a way out of this, I shall be very glad."

* The hon. the PRESIDENT :—" Unless some agreement is come to unanimously, I have to give my ruling according to the wording of the Act and the Rules and Standing Orders. There is no use of appealing to me to use the discretion which is vested in me. Have the Government got to say anything on this matter?"

The hon. Dr. P. SUBBARAYAN :—" I have not read the Standing Order, Sir."

* The hon. the PRESIDENT :—" These two motions may be taken up after the lunch interval."

The hon. Dr. P. SUBBARAYAN :—" I move that this Bill to amend the District Municipalities Act and the Bill to amend the Local Boards Act may be taken up at 2-30 p.m. to-day."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second it."

The motion was put and carried.

VI

MOTION UNDER RULE 24-A OF THE LEGISLATIVE COUNCIL RULES REGARDING THE TREATMENT ACCORDED TO POLITICAL PRISONERS IN JAILS.

* Mr. S. SATYAMURTI :—" Mr. President, Sir, I rise to move--

' That this Council is of opinion that the Rules in the Jail Code relating to the classification of and the privileges granted to persons under trial for, and persons convicted of, offences against the State require immediate examination with a view to placing them in regard to concessions and privileges on the same footing as European prisoners.'

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" I have added the word ' for ', Sir, after the word ' trial ', as that is more grammatical. I should like to express my obligation and the obligation of my party to you and to the Government for having given facilities for this discussion being brought up this morning. The immediate necessity of this motion, Mr. President, is the supreme self-sacrifice of that young man, that young hero and patriot, Srijut Jatindranath Das who made that supreme sacrifice of his life in order to draw the attention of the Government and of the people of this country to the need for the better treatment of under-trial and political prisoners as honourable people. I am sure, if I am not mistaken, that the feeling of this Government is the same as the feeling of the Government of India as expressed by Sir James Crerar on the floor of the Legislative Assembly, as reported in the *Hindu*, in which Sir James Crerar is said to have stated : ' whatever the circumstances which resulted in Mr. Jatindranath Das's death, the Government sincerely deplored it. He hoped the House would accept the assurance from him as, whatever their criticism, they would acknowledge his honesty and candour.' And, Sir, there is also the Foreign Secretary speaking later in the same debate who agreed and said that ' he had no doubt that the unfortunate young man had gone to death for a cause in which he burningly believed '. I trust that the heart of this Government has also been touched, and that they look upon this question of the treatment of political prisoners with a sympathetic spirit and from a new point of view and, may I add, from a new and humane point of view.

" Sir, we may differ as to the method of this gentleman. But there is no doubt that hunger-strike for 63 days is a process which few souls, except the very bravest and the purest on earth, can really go through. And if Terrance McSwiney's sacrifice led to the dawn of Irish freedom, I have no doubt that the sacrifice of this young man, Jatindranath Das, will also have similar repercussions in this country. Sir, his sacrifice was not for anything except a very simple purpose, of asking for better and more human treatment of under-trial and political prisoners. As he stated himself, more than once, he wanted that men who have not yet been found guilty of any offence and men guilty of offences against the State, as they are generally called, should get better food and accommodation, supply of books and newspapers, and should be set only congenial tasks and should not be treated as felons.

" The urgency of the matter, Mr. President, is this: that this hunger-strike is still persisting and may spread, unless the Government take time by the forelock. It has been recognized that the Government of India have addressed the Local Governments, and I believe the Local Government are taking steps to consult non-official opinion. I trust in that sense that the Government will welcome this discussion as giving them an opportunity of ascertaining the feelings and the opinions of all sections of this House on this important matter. I only hope that they will not allow much time to elapse before they make up their minds and report to the Government of India, without saying that they should wait for a reasonable time—for time is one thing and eternity is another. (At this stage the Deputy President took the Chair).

" Now, I plead for this better treatment from three points of view. From the Government's own point of view, Madam, these prisoners or most of them are the salt of the earth, and they are in prison because they differ from the authority for the time being governing this country as to the methods of

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governing this country. And, let us not forget that while these persons are rotting in the prison or are being tried for political offences, the time will come very soon in this country, as it has come in other countries, when these men who are now treated as common felons will be the Government of this country. I am not romancing or exaggerating; the fact is that even to-day the British Cabinet which rules the British Empire contains four ex-convicts who were once sent to prison for having offended the laws of the United Kingdom. And you yourself know that, when Mr. Lloyd George was dealing with *De Valera* on the question of Irish independence, and when he was asked why he was dealing with Irish murderers, he replied, 'I can only deal with those who can deliver the goods'. And I assure this House, Madam, that when the time for settling the Indian question comes, if it ever comes, the persons who can deliver the goods on behalf of this nation will be mainly those who have been in prison or who will be in prison. Therefore, they are people who represent the country and the best in this country. And, moreover, if these people are in jail to-day, it is for their opinions. I am not quoting my own opinion but the opinion of one whom nobody can accuse of want of moderation or sanity or statesmanship, and he said :

'Have you heard anywhere in the world except in the American case mentioned by Mr. Jamnadas Mehta, where an accused resorted to hunger-strike? A man who resorts to hunger-strike is moved by his soul. He is not an ordinary criminal. You cannot prevent such crimes as Bhagat Singh and Dutt were responsible for in a country of 300 millions, however much we may all deplore those deeds. It is the damned system of Government which is resented. Remember the accused in the Lahore case are young men. Grey-bearded men like Mr. Cosgrave were sentenced to death, and Mr. Cosgrave himself was invited by His Majesty's Government to go and settle terms.'

"These were the words used by Mr. Muhammad Ali Jinnah on the floor of the Assembly; he is the leader of the independent party and a man respected by the Government and the people alike. Therefore I suggest that in this country, so long as the present system of Government continues, there are bound to be a very large number of people who will feel the humiliation of the foreign Government and will feel it their duty to create disaffection against the Government and go to His Majesty's prisons. And I suggest that such men must, even from the Government point of view, be treated with the respect and attention due to their station in life, and their high-souled patriotism. And in this connexion may I quote, Madam, the words of one whom the world regards as the greatest among mankind to-day? Mahatma Gandhi said before the District Judge who tried him :

'I hold it to be a virtue to be disaffected towards a Government which in its totality has done more harm to India than any previous system. India is less manly under the British rule than she ever was before. Holding such a belief, I consider it to be a sin to have affection for the system. And it has been a precious privilege for me to be able to write what I have in the various articles tendered in evidence against me.'

"That is the feeling, the universal feeling, of almost every thinking and patriotic Indian to-day. And I suggest that when they come under the notice of this Government such men are bound to go to prison so long as the State administers its present laws. From the point of view of the Government themselves, therefore, it is right that they should be treated with the respect and attention due to men of their position.

"And secondly under this head, from the Government's own point of view, Madam, I suggest that sportsmanship and chivalry for which the British nation claims, and generally rightly claims precedence over other nations dictate that they should stand by them and they should feel that these men

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are to be treated, not as ordinary convicts or as ordinary felons, but as gentlemen who are in the place where they are, because of the system of Government under which we are living.

"Then, Madam, Deputy President, in this connexion I should like to quote the speech of my hon. Friend, the Minister for Education, who crossed the floor on the first No-Confidence motion in this House, because he felt that political prisoners should be treated better than how the then Leader of the Justice Party said that they should be treated. On the 28th November 1923, Madam, this is what he said :

'When the results of the general election were known, I thought that I would generally support the Ministry; but since then circumstances have altered and after what the hon. the Leader of the Party said yesterday in reply to my hon. and learned Friend the Member for University, that political prisoners were dacoits and robbers and deserved to be treated as such, I must say I have considerably altered my views for the simple reason that political prisoners are prisoners because of their conscience. Putting it personally a time may come when I myself am a matter of conscience go to prison. I think it inhuman that a person who is prepared to sacrifice himself for the sake of what he thinks is in the interests of his country should be treated as a dacoit. I must enter my emphatic protest against such a sentiment.'

"I sincerely trust that he has not altered his views since then, and, if he has not, when the time comes for voting on this motion, I will know. Meantime, I merely suggest that even a man whom Government have taken over as the Chief Minister of this Government holds those views, with which I entirely agree. Therefore, the point of view from which I want hon. Members of this House to consider this matter is that any one of us may find oneself in this position, on account of one's belief or conscience. I want to impress that these political prisoners are there because of the high motives and impulses that actuate them.

"Lastly under this head, Madam, the Government's own prestige requires that they ought to try these men with the courtesy and attention due to them. The present treatment of these men shows their melancholy meanness; and far from achieving the object which the Government should have in enforcing these sections and punishing them, namely of putting down hatred and contempt against the Government, this bad treatment, I think, adds to the hatred and contempt against the Government. I venture to say this not in a spirit of carping criticism, but in a spirit of understanding the feeling in the country. I should be very much surprised if I find any Indian Member of this House rising to support the Government in its present policy of treating political prisoners.

"The second point from which I commend this motion to the unanimous acceptance of this House is that this is the point of view of the prisoners themselves. Is it the object of the Government to break the souls of these heroes, most of them young, brave, patriotic, independent people? I assure the Government that they would not succeed in breaking their souls, because if repression will come more than ever in this country, you will find these men only better and more prepared for sacrificing themselves on the altar of their motherland. The Government may make them physical wrecks and make them die premature, early deaths, but they cannot certainly break their souls. I ask, is it manly, is it not unworthy? On this, let a Liberal Secretary of State speak as to the manner in which the Government should treat such men as the Government think they should shut up. Lord Morley, who was the

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Secretary of State at the time when Lord Minto was the Viceroy of India, said :—

'I must confess to you that I am watching with the deepest concern and dismay the thundering sentences that are now being passed for sedition, etc. I read to-day that stone-throwers in Bombay are getting *twelve months*! This is really outrageous. The sentences on the two Tinnevely-Tuticorin men are wholly indefensible—one gets transportation for life, the other for ten years. I am to have the judgment by the next mail, and meanwhile . . . thinks he has said enough when he tells me that "the learned judge was in no doubt as to the criminality of the two men." This may have been all right, but such sentences? They cannot stand. I cannot on any terms whatever consent to defend such monstrous things. I do therefore urgently solicit your attention to these wrongs and follies! We must keep order, but excess of severity is not the path to order. On the contrary it is the path to the bomb.'

"Then, later on, Madam, he says :—

'And the fundamental question for you and for me to-day is whether the excited Corporal and the angry Planter are to be the arbiters of our policy. True, we should be fools to leave out of account the deep roots of feeling that the angry Planter represents and stands for. On the other hand, is it not idle for us to pretend to the Natives that we wish to understand their sentiment, and satisfy the demands of "honest reformers", and the rest of our benignant talk, and yet silently acquiesce in all these violent sentences? You will say to me, "These legal proceedings are at bottom acts of war against rebels, and locking a rebel up for life is more affable and polite than blowing him from a gun: you must not measure such sentences by the ordinary standards of a law-court; they are the natural and proper penalties for mutiny, and the Judge on the bench is really the Provost-Marshal in disguise." Well, be it so. But if you push me into a position of this sort—and I don't deny that it is a perfectly tenable position, if you like—then I drop reforms. I won't talk any more about the New Spirit of the Times; and I'll tell Asquith that I'm not the man for the work, and that what it needs, if he can put his hand on him, is a good, sound, old-fashioned Eldonian Secretary of State. Pray remember that there is to be a return of these sentences laid before Parliament. They will be discussed, and somebody will have to defend them. That somebody I won't be.'

"I think, Madam, the passage is very relevant to-day. On the one hand, the Government appeal constantly for trust and friendship and for a proper gesture being made in that direction. If there is any sincerity in these professions and protestations, I do suggest that the Government who want our co-operation should show their sincerity, by a better and a more humane treatment of political prisoners who are in jail to-day. Moreover, if to-day these people are being treated as they are treated, the result, Madam, is like the one as depicted in a book which contains the results of a series of enquiries conducted into the conditions of English prison life. They came to the conclusion that this inhuman treatment leads to this :—

'Such are the principal characteristics of the mental life of the political offender, a life of progressive mental deterioration, perhaps more accurately defined as one of "regression" to the primitive and uncultivated basis of mental life. The process is one which, to a greater or lesser extent, undoes the effects of education and civilization, and at times engenders distinctly abnormal states of mind resembling the forms of insanity that occur among ordinary offenders.'

"The history of repression in Bengal and the history of the Punjab repression supply examples of what the fate of these people has been. I do not think, Madam, that the Government want that their treatment of these people should lead them to such suffering, death and martyrdom.

"But I do suggest that the only way in which the Government can deal with this question is to deal with these men not as mere units taking their place in a particular prison, but as individual units, requiring cultural and sympathetic treatment, so that the Government will not be liable to the charge of having been petty or mean towards these prisoners. The real reason why these political prisoners are not treated better is that we have been often told on the floor of this House by the hon. Members of Government that 'there is no such

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class of prisoners as political prisoners in our dictionary; therefore we cannot treat them separately.' The President of the Washington International Prison Congress animadverted in these words on prison reform :—

'Nothing, in my opinion, has so much retarded progress in this direction as the old idea of a "criminal type"—i.e., of persons predestined to crime by certain inherited, or atavistic, stigmata, mental or physical. If modern science has succeeded in modifying, if not destroying this conception, it will encourage us in our work of "individualization"—it will give us faith and hope, and in all the prison systems of the world, that will be best where the arrangements admit of the greatest individual attention being given to each individual case.'

"I say that in the case of every political prisoner in the country there is certainly great need for this individual attention.

"The third point from which I commend this motion to the unanimous acceptance of the House is the point of view of the people of India. I may assure this House, Madam, that we, the people of India, look upon these political prisoners with great respect, admiration and affection. If you had any doubts on the matter, the funeral demonstration at the death of Jatindra-nath Das must have removed all your doubts or pessimism about the matter; and in fact, when these political prisoners are treated so badly, I may assure the House, that all of us feel individually, the bad treatment. There is a beautiful story in our Tamil literature, that, during the time of the Pandiyan kings a woman was unable to respond to the call of the king to give labour to repair a flooded river and she prayed to God, and the God assuming the disguise of the labourer appeared before the king and rendered service. The king it appears gave him a blow, and the blow that he gave left a mark on the back of everybody including the king. That, roughly, is the feeling of most people of this country. When these men to whom we look up with admiration and respect are treated badly, every one of us feels that it is a personal treatment of his own self. Whatever the offences of the hunger-strikers, and whatever these people might have done, I think we all should pay homage for their making a supreme sacrifice for the abolition of racial distinctions which exists in our prisons.

"That is the point to which I am taking this House. This motion requires that in respect of the concessions and privileges granted to under-trial prisoners and persons convicted of offences against the State, they should be placed on the same footing as European prisoners. Madam, I may say that I was astonished at the enormous difference in treatment between the European and Indian prisoners in jails. Now, who are these Europeans? This special treatment is given not only to Europeans, who are British subjects, but also to Americans and others whether or not they are British subjects. They may be Turks, Russians, Italians or even those Huns, as they were called during the last war, viz., Germans.

"People from other countries come here and commit murders and other crimes, and even the tallest among us, Mahatma Gandhi or Desabandhu Das, would not be treated with a tenth of the attention and courtesy that is given to an European criminal belonging to any primitive country or savage country. An Italian, a German, a South African, a Canadian or New Zealander, any one of these will be better treated than the best of us.

"We are often told that we must not raise racial questions. I put it to the self-respecting Europeans whether it is right if in our own country a European commits murder, he should be treated better, because of his skin,

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than the highest black or brown man of this country. Then I ask, is there any other country in the whole civilized world, where this differential treatment is given to prisoners other than their own countrymen? Does Canada do it? Does America do it? Why should India be a museum for all these anti-deluvian laws or rules? What is the justification for all this? I think of none, except, that the prestige of colour even if it be the colour of the worst criminal, should be maintained.

"Then we are told that Europeans must have certain comforts afforded them in jail in view of their standard of living. I should like to know, whether the Government have considered the case of Indian prisoners as to the diet which is necessary for them, as to the conveyances for under-trial prisoners and other things. I plead by this motion, Madam, for the better treatment of all political prisoners and for the abolition of racial distinction. Even the tallest among them have to bow to the smallest among Europeans. I am glad that the Government of India have addressed the Local Governments on this matter. I should like to know what this Government propose to do. Are they going to consult non-official opinion? If so, what kind of non-official opinion? Is it the kind of opinion which says 'ditto' to whatever the Government say? They must consult leaders and those who have actually suffered incarceration and are therefore in a position to speak with first-hand knowledge of the conditions prevalent in jails. I do suggest that they must take courage in both hands and reform the whole system, making it much more human and less mechanical than it is.

"Now, Madam, I crave the patience of the House, for a few moments when I take them through the restrictions and humiliations placed on Indian prisoners, while concessions are given to European prisoners for no reasons whatever. Let us take first the question of diet. In the chapter under 'Diet' we have got two classes 'Europeans' and 'other prisoners'. I must pause for a minute and explain to the House, Madam, if I may, that the word 'Europeans' has got a special meaning in the Jail Manual; that is to say, not only Europeans by birth, but also those whom the Government may class as Europeans for this purpose. Therefore the Government have got to perform a new *Namakaramam* for some 'other prisoners' and call them Europeans so as to entitle them to these concessions. That is the inferiority complex under which our Government labours to-day. So far as a European is concerned, he gets 18 oz. of bread every day in the week, 6 oz. of fresh meat on Wednesdays and Sundays, 6 oz. of fresh fish on Tuesdays and Fridays, 4 oz. of potatoes every day, 4 oz. of rice for three days and 3 oz. of rice for four days, 2 oz. of the European suji for four days, 4 oz. of dhal for three days and 1½ oz. for four days,—mark these prisoners have this luxury, i.e., 2 oz. of cheese every alternate day, 6 oz. vegetables every day, ½ oz. cocotine every day, ¾ oz. salt every day, 1½ oz. sugar every day, onions, 1 oz., tea 2 pints, curry powder ¼ oz., milk ¼ pint, all these on every day. Then there are three meals for each day, breakfast, dinner and supper. Many labourers even in their great country do not always get these things. Then one of the rules for the Europeans is 'the best brown bread is to be issued.'

"And now comes the other side of the picture. Under 'Indian prisoners' there are two classes, labouring male convicts and non-labouring male convicts, females and under-trial prisoners. The labouring male convicts get 15 oz. of ragi, cholam or cumbu, 5 oz. of rice, 5 oz. of dhal, 8 oz. of vegetables,

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½ oz. each of oil and tamarind and onions, ¼ oz. of salt and ¼ oz. of curry powder. Then, Indian prisoners sentenced to labour get three meals daily, in the morning 4 oz. cereal grain or rice, midday 9 oz. and evening 7 oz. That is all the Indian prisoner gets. (Mr. C. S. Gowindaraja Mudaliyar: 'Do all these go to him?') That is more than I can say. Even in sickness, the hospital diet varies according to the colour of the patient. I do not want to waste the time of the House, but it is a very impressive list. Their dinner or supper makes my mouth water, it is so rich. As for Indian convicts, when they get ill, they get only a few extras, which do not bear any comparison with the extravagant or generous scale on which the European hospital prisoners are treated. Then, when these people are put on punishment diet, even then it varies according to the skin of the convict. Penal diet for Europeans and others so classed: 1½ lb. of bread per diem with water; for Indians on mixed diet: 16 oz. sifted ragi or cholam flour with ½ oz. of salt per diem with water; for Indians on rice diet: 16 oz. of rice with ½ oz. of salt per diem with water. That is so far as punishment diet is concerned. As for fuel, the Indians get only 1 lb. per head, whereas the European must get 2 lb.—meticulous distinctions which run throughout the whole Code are illustrated page after page. Then, with regard to the clothing and bedding of prisoners—

'European convicts, convict overseers and warders and females and under-trials to whom it may be necessary to issue clothing from the jail stock, shall be provided with clothing of white cotton material. The clothing of male Indian convicts . . . shall consist of a short jacket, short breeches, cap and langooi. These articles shall constitute a suit. No pocket or opening in the lining shall be allowed. The clothing of an Indian female convict shall consist of a single cloth 8 yards in length and 42 inches in width and a ravikai, etc.'

"Then every Indian male convict shall be provided with two suits and every female Indian convict with two cloths and two ravikais.

"Now, let us turn to the European prisoners. The following is the scale of clothing and bedding annually (to Indians it is once in two years) to male convicts who are Europeans or others so classed, viz.,—

'Coats, cotton 2, trousers, cotton 2, pairs of braces 1, shorts, cotton 2, flannel banians 2, sleeping drawers, cotton 2, night shirts, cotton 2, pairs of socks 2, boots, pairs 2, handkerchiefs 2, sun-hat (pith) 1, towels 2, comb 1, pillow cases 2, straw mat 1, mattress 1, woollen blanket 1. For female prisoners, bodices or jackets, petticoats, etc.'

"There is a note below which says: 'The scale of bedding shall be the same as for male prisoners. The flannel banian shall be issued on the 1st October and withdrawn on the 1st March. Europeans shall be allowed a sufficient supply of soap, and changes of linen and towels at such intervals as the Superintendent may direct.' The Indians can have no such changes. Yet we find an Indian Member in charge of the portfolio! As for Indian prisoners, the bedding shall consist of a cumby and a coir or aloe mat.

'The mat shall be 8 feet in length and two and a half feet in breadth, so that one end may be rolled up to form a pillow. Where pials with a headrest exist, the length of the mat need not exceed 6 feet. A cumby should last for two years and a mat for five years. No prisoner shall be allowed to wear his cumby while at work. In jails on the West Coast a second cumby may also be supplied during the monsoon, if necessary.'

"Then, as regards the cutting of the hair—

'Every male convict sentenced to rigorous imprisonment for a longer term than one month shall, on final confirmation of the sentence, or expiry of the period of appeal without an appeal having been preferred . . . have his head close shaved, or, if a European prisoner so classed, his hair clipped, and shall be subsequently shaved or clipped not less seldom than once in every fifteen days. . . . In the case of Europeans and others so classed the hair shall not be clipped closer than is necessary for purposes of health and cleanliness.'

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"Then as to washing—

'Prisoners, after having washed, shall be carefully searched by a jail official. Female prisoners shall be searched and the washing conducted in the female yard. European and other prisoners so classed shall wash and be searched in a European yard, or in a cell, and not in the presence of other prisoners.'

"So far as we Indians are concerned, we have no self-respect, we have no sense of shame! We are compared to brutes; but once your skin is white you become decent and respectable.

"As for cells, every male European prisoner can be provided with a cell; he gets a special room as it were in these jails. And even the Inspector-General of Prisons must discharge certain duties with respect to the proper accommodation of these people. While he may visit other jails as and where he chooses, he 'shall inspect every Central, District and Special Jail at least once in every calendar year, and shall inspect the Penitentiary, Madras, and any other prisons in which Europeans or Americans are kept in penal servitude at least once in six months.' Then there is a rule which says, 'On the admission into a jail, other than the Penitentiary and the Civil Jail, Madras, of any European as a convict for any period in excess of 15 days a nominal roll in Form No. 52 shall be forwarded to the Inspector-General.' Then there are rules 873—878. Rule 875 provides 'Europeans shall keep their cells, utensils, clothing and bedding clean and neatly arranged, and shall sweep the yards, passages and such other parts of the prison as may be allotted to their use. They shall also be required to take their food in their own cells, that is to say, they get separate serving.

12-30 • "Then as regards Europeans: 'Every European prisoner who is required
p.m. to work in the cell shall be allowed such exercise daily in the open air as the medical officer considers necessary.' Indians do not want exercise! 'Every European Christian prisoner who can read shall be supplied with a Bible and a Prayer Book of the denomination to which he belongs'. May I invite the attention of the hon. Member from Trichinopoly, who perpetually apologises for the Government, to the fact that all Christians do not get this concession? Only the European Christian gets a Bible and a Prayer Book. Madam, this distinction does not stop even at death. It still continues. 'The death of every European prisoner shall be reported without delay to the nearest magistrate and if practicable, to the nearest relatives of the deceased.' When an Indian dies in jail, nobody cares for his body. It is simply buried. But if a European dies, forsooth of his skin, the nearest magistrate must be told and his relatives must be told. If, after hearing this, there are Indian members here who would extend their support to the present system, God only can help them.

"Then we have the special class prisoners. The Government may say that people can be treated under that class and given special concession. I speak subject to correction, Madam, but I believe that this special division prisoners are prisoners who have been selected for inclusion in that division by the convicting court from among those who are sentenced to *simple* imprisonment. I may say that in their case there are some privileges given; but I trust that the House will agree with me when I demand that, so far as all prisoners of the kind I have dealt with in this motion are concerned, whether they are convicted and sentenced to simple imprisonment or rigorous imprisonment, they should be treated as special class prisoners and given privileges

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which, we feel they deserve by their education, by their high-souled patriotism and position in life.

"The Prisons Act itself in sections 31 and 33, Madam, requires that people who are under-trial for criminal offences should be treated separately, and should not be put under any greater restraint, than is absolutely necessary for detaining them in jail.

"Now, there is one rule about star-class prisoners, as they are called. I should like to know how that system is being worked in Madras. I say that all these concessions which are now given to the European prisoners in the matter of conveyance from one place to another, in the matter of interviews with relatives or friends, in the matter of supply of books and newspapers, in the matter of correspondence with their own families, should be given to under-trial prisoners and persons convicted of offences against the State. I say they should be given more privileges, and not humiliated and treated as they are treated to-day.

"I quite agree, Madam, that even when a Swaraj Government is established in this country there may be people who may have to be treated and accused of sedition against that Government, and we shall deal with them through our courts of law. But I do suggest that when swaraj does come, there will not be political offences of this kind, committed by such high-souled men who are actuated by their patriotism to do things, as they are doing to-day; for the burning desire for self-government and national honour, or thirst for swaraj will no longer exist. There will be other political offences, but a genuine and democratic Swaraj Government will and must deal with political prisoners, in the manner I have suggested.

"Now, so far as the English prison system goes, they have achieved something of this kind, and I want that we must do something in our country to see that our people are not reduced to the level of ordinary criminals. In a very interesting book on the English prison system I read:

'Our prison system has, in recent years, been subjected to a very severe test by the fact that of necessity penal treatment in prison primarily designed for the criminal classes has been applied to thousands of individuals in no way belonging to that class, whom it has been necessary to commit to prison under the Defence of the Realm Act, either as conscientious objectors to military service or otherwise for the safety of the realm. It is not denied that the prison rules and regulations press hardly on men and women who, under normal circumstances, would never have become the subject of these punitive repressive conditions which are inseparable from the deprivation of liberty by the State. It is not an exaggeration to say that harshness and abuse of authority are as rare in English prisons as instances and examples of kind and considerate treatment are abundant. It is in the upright and manly attributes of our warder class, typical of the English national character that a great reforming influence is to be found.'

"But to-day, in our prisons, Madam, the system of convict-warders has given rise, and is giving rise, to grave abuses; and the result is that the lovers of the country are going to prisons under the most depressing conditions.

"I venture to suggest that this is not a party question. This is a human question; and I may say to the Indian occupants of the Treasury Benches that they would not be there to-day but for the sacrifice of these good and true men in the cause of the country. It is not because of your wonderful powers as hon. Members, that you are there. It is, because of the sacrifice of

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thousands of young men, and in order to rally the moderates to the Government, they are giving these plums of office to you; and I venture to put it to you that you owe your position to-day, not to the favours of this bureaucrat or that, but to the shining sacrifice of these patriots and selfless men.

"I put it to the friends of the so-called depressed classes that they are living to-day in very great times and that they will never come up from the position which they hold to-day, if they do not break the so-called laws which keep them there. The time will come when they will have to suffer for their conscience; I appeal to them to remember that this is a position in which anyone may find oneself placed any day.

"I put it to the Ministerialists that they are not expected to support the Reserved half of the Government which is responsible to-day for the management of our jails, and I appeal to them to vote for this motion.

"I have no doubt in my mind that the Justice party is going to vote for this motion, because I had a talk with the leader of that party; I hope I am not breaking any confidence, when I say that they feel with me on this question, that political prisoners ought to be treated better, and given these privileges and concessions, and ought to be placed in a class by themselves.

"Madam, I want to conclude by saying that we are asking for no favour. We recognize, I, as a Congress member, recognize, that we are out to displace this Government by a Swaraj Government, by all legitimate and peaceful means. Self-interest and the instinct of self-preservation must prompt you to fight us; but fight us with clean weapons. Fight us, but do not hit us below the belt. Send us to prison if you like, but treat us as men who are at least your equals, who can take the places which you are now occupying to-day and who will take your places very soon, when this country comes by her own. Therefore, I merely want that the question of political prisoners and their better treatment should be treated, not as a small administrative question, but as a great and fundamental human question in which all who feel with me that these men who are suffering are the brightest gems of any class — and if some of us still hope for a great future for this country it is because there are hundreds and thousands of men amongst us who are willing to make this supreme self-sacrifice — ought at least to stand here, and demand and get for them those conditions of treatment, which obtain in every civilized country, in respect of political prisoners.

"India is bound to get Swaraj, sooner than some people believe; and when that time comes I hope no memories of bitterness will be left behind. When a great country makes up its mind to obtain freedom, there is no power on earth, no, not even Great Britain, which can stand in its way. The only question is whether that freedom is to be obtained by the co-operation of England and India or by India in spite of England. I appeal to the better sense of every hon. Member of this House to see that we shall do everything in our power, that we shall leave nothing undone in our power, to see that when that glorious dawn of freedom comes to this country, India and England will have achieved that freedom by good-will and co-operation. I do not know if that is possible; but whether it is possible or not, depends to a large extent on the way in which the front ranks of our soldiers of freedom who are carrying on this fight cheerfully against tremendous odds are being treated by the foreign Government. Let them treat our patriots like gentlemen so as to

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leave a grateful memory behind; and let not their treatment be such as will enter into our souls and leave bitterness there. I expect the House to demand of the Government that they shall no longer treat these prisoners as ordinary felons, but as gentlemen and high-souled patriots suffering for causes which they believe to be right and suffering not for themselves but for others, whom it should be a privilege for any Government to honour. I have great pleasure in moving this motion."

* MR. BASHEER AHMED SAYEED:—"In seconding this motion, Madam, I wish to state even at the outset that it is nearly a decade since any comprehensive enquiry was instituted into the administration of the jails in this Presidency. It is no doubt true that a few improvements were effected in the administration of the jails during those troublous times when the Government had to meet with heavy odds, that is, in 1921 or 1922. But even the improvements that were effected during that time were very meagre and unsatisfactory. The two questions that are now facing the Government on the one side and the public on the other are the treatment of under-trial prisoners and the treatment of prisoners who have been sentenced to simple imprisonment on account of their activities connected with political movements. It cannot be denied at this stage and especially after the events that have recently occurred and are occurring from day to day that the rules that are now applicable to the treatment of prisoners, both under trial and also convicted, need very urgent examination and overhauling. It is not enough, Madam, if after hearing the speeches made on the floor of this House, the Government seek to make an amendment here and an amendment there. It would not also be enough if they compare the rules that are now existing in our province with those that are obtaining in other provinces and then make some changes in one or two places so as to tide over the trouble for the time being. I plead, Madam, that the introduction of changes based on a thorough and very satisfactory scheme is quite necessary and is even very urgent.

"With regard to under-trial prisoners, I have seriously thought about the question of their being confined even before they are sentenced to any punishment. The under-trials are arrested by police officers on the pretext of some offences which are alleged against them. But the Penal Code and the Criminal Procedure Code have laid down that certain offences are to be bailable and others non-bailable and on that ground the alleged offenders are kept in custody and remanded very often to prison.

(At this stage the hon. the President occupied the chair.)

"As long as these prisoners against whom offences are alleged are not convicted or sentenced by a competent court of law, there is no equity in their being confined to prison even though it be under the rules laid down in the Code. Under-trial prisoners are innocent as any other gentlemen outside the prison and there is no reason or justification for their being treated as prisoners even before they are convicted of any offence. I quite admit that so far as under-trial prisoners are concerned, the rules made should be consistent with the safe custody of the prisoners and the discipline of the jail, but they should also be consistent with their being given necessary facilities for proving themselves innocent in the court of law. But the case is different with regard to convicted prisoners. It is quite necessary that all the rules that are made

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with regard to convicted prisoners should be consistent with the principles of penal detention. The same principles as are applicable to convicted prisoners should not be applied to under-trial prisoners. And I presume that Government think, at any rate the Government of India think, that the rules made in the case of under-trial prisoners should be as liberal as those in the case of special division convicts. I submit this is not enough. For, the rules laid down for special division convicts, specially in the case of Indians, are very rarely adhered to or given effect to. It is not enough to say merely that the rules applicable to under-trial prisoners should be made as liberal as possible. With regard to under-trial prisoners who have been taken charge of by jail authorities, there are one or two things which require very careful and very urgent consideration at the hands of the Government. The first is with regard to their diet. The diet as at present supplied, as has been pointed out by the Mover, is hardly appreciable. The scale of diet now supplied is half-starving, to say the least of it, from the point of view of both quality and quantity. The under-trials are allowed nominally to get their food from outside, but the restrictions imposed on the food that could be supplied to them from outside are such as to make it quite impossible for any supply of food at all to under trial prisoners. The Government should take steps to institute one or two special scales of food and that should be provided at the expense of the Government. It is hardly reasonable to expect under-trial prisoners when they lose their avocations and get themselves discredited among their friends and among the society, to be in a position to make arrangements for their food being got from outside. There should be a liberal scale of diet for all under-trial political prisoners and that scale should be strictly adhered to and provided for by Government. It is hardly fair that political prisoners who are undergoing their trials should be treated on the same footing as prisoners who are convicts and who are undergoing detention. Government do not consider the difference between their motives or the nature of their offences but I think the Government are not only bound to give regard to the social status, education and character of the under-trial prisoners but also to keep in view the motive underlying their offences. With regard to the question of conveyance, Mr. President, Government have been very hard upon these under-trial prisoners. They have asked even men like Mr. Bulusu Sambamurti to walk the distance with their luggage in their hands or on their shoulders. In some jails the prison vans are supplied, but it is not intelligible why the Government, especially the Police officials, who take these under-trial prisoners to courts which are situated at a distance, should, in a cruel manner, make them walk. Ordinary convicts without any social position, without any education and without any character, may be asked to walk the distance if there are no conveyances, but people like Mr. Bulusu Sambamurti and Mr. M. S. Subrahmanya Ayyar who have seen jail life on account of their political convictions, hardly deserve the treatment which the irresponsible police officials are giving them. It may be said that the question of conveyance to under-trial prisoners is purely a question which concerns the police, but I suppose the Government have got enough of authority over the police to make them not to resort to such practices but provide what is really necessary, viz., conveyances for conveying these under-trial prisoners to courts. I submit, Mr. President, that it is hardly fair in any circumstances that under-trial prisoners who undergo their trial on account of their political convictions should be made to walk the distance with hand-cuffs and

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other restrictions that are imposed out of revenge by police officials. With regard to journeys by rail, the same consideration that applies to Europeans when they are taken to jail ought to apply to Indians also. When Europeans are taken to jail they are taken undoubtedly in a higher class carriage. When Indians are taken, they are taken in the third class and in such a manner as to make them feel humiliated among those who come into contact with them. They should also be given a higher class fare and better facilities than what are now given to them, in consideration of their status, education character.

"Again, with regard to the accommodation of under-trial prisoners in jail, there have been many complaints that political prisoners are often classed—though the rules do not permit—and put in with other under-trial prisoners who are imprisoned for ordinary offences such as felony, murder, etc. Political under-trial prisoners should be kept separate, but the separation should not deteriorate into keeping each prisoner by himself in a separate cell without facilities for intercourse with others. That really is more serious from the point of view of the prisoner. If a prisoner who is accustomed to society is kept separate and if he is not allowed to exchange views or ideas with others, it is a much worse kind of punishment than even solitary confinement. I quite admit that ordinary offenders should be separated from other political prisoners, but when people are charged with the same offences and are tried in the same court, there is hardly any justification for their being put separately from each other without allowing them facilities to have any intercourse.

"Then with regard to furniture supplied to European convicts, these convicts are given every kind of furniture that is required for them. In the case of Indians, they are allowed no furniture, but if any is allowed, that furniture is to be approved by the Superintendent and very often the Superintendent never approves many types of necessary furniture. I submit that every necessary furniture should be supplied to under-trial political prisoners at Government expense without any limitations or restrictions.

"With regard to convicted political prisoners, I submit that the classification that is now in vogue is hardly fair or justifiable. As has been pointed out by the hon. Mover of the resolution, political prisoners, most of them, do hold a position, do hold some status and are men of character and men of education. They should be classed as a special class of prisoners. There is now a class called special division under the existing rules, but the privileges available to that division are not allowed in the case of any Indian prisoner whatsoever, whether political or non-political. I do not see why, when the Government maintain a list of offences the commission of which exclude any privilege being given to prisoners, those people who are convicted of political offences should not be excluded from that list. The classification which excludes certain class of prisoners from being given special treatment ought to be modified and within that list of specially privileged prisoners, political prisoners ought to be included as well. All political prisoners irrespective of their motive, irrespective of the nature of their offences, must be taken as deserving special treatment. Even where special treatment is supposed to be given, the rules that have been laid down in this province in particular are so retrograde and restricted in their scope and application that what seems to be given or allowed by one rule, is taken away by the subsequent rule or part

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thereof. With regard to the criteria for classification, the Government may hold that it should not be dependent upon the nature of offence or the motive thereof, but I submit that the motive should always be taken into consideration. It may not be the sole guiding criterion for deciding whether the offender or the convict is entitled to special treatment, but the motive should also be taken into consideration when the classification is made. This human aspect must be one of the criteria to decide whether any person is entitled to special privileges or not. It will be necessary for the Government at this stage to issue a list of offences the commission of which does not entitle the offender or convict to any special consideration. But that list should exclude all kinds of political offences and that list must be more elastic and more reasonable. The classifying authority for purposes of special treatment for prisoners should not in all cases be the Magistrate alone in his absolute authority; it should also be the Government or the convicting court. It may be desirable that the court should state soon after the sentence or remand whether the prisoner deserves special treatment or not. The court may do so, but it must be subject, in my opinion, sometimes to the approval of the Government. The rules also should be so modified as to give opportunities to prisoners to apply to the Government for being given special privileges or for being included in special divisions or to the Government itself to take the initiative in the matter. In addition to making the classification depend upon the nature of the offences, it will be necessary to have a list of offences which require special treatment, incorporated in the rules; all political offences should be considered as offences deserving special treatment at the hands of the jail authorities, and they must be included in the special division which requires further elaboration in respect of privileges.

"Mr. President, Sir, with regard to the right of interviews given to the convicts, many restrictions are imposed which make an interview quite useless. There are restrictions that the interviewers and the interviewed should stand at a distance, in and between them coming the iron bars; the time of the interview also is restricted. Before the interview and after the interview, the convicts are subjected to a lot of irksome and annoying processes. Writing of letters to relatives is restricted in such a way as to make writing of any letters futile and unnecessary; letters should not contain any complaints against jail authorities or the hardships they are suffering. If any interview is published by the interviewer, the convict loses the right of being interviewed again. He is thus punished for no fault of his. If the interviewer publishes any of the grievances of the prisoner, the convict will be punished for it. These restrictions must be removed, especially those in regard to interviews with legal advisers. In the case of under-trials, for instance, the hours when interviews could be had by legal advisers should be definitely fixed for each day and they should be from 10 a.m. in the morning up to 5 p.m. The rules regarding special division require thorough revision and overhauling. The rules framed by the Government of this province, when compared with those of other provinces like Bengal, are reactionary, self-contradictory and stultifying in many cases. In the first sentence of the rule, it is stated that cooked food may be allowed from outside. But the next sentence says no cooked food should be allowed by the Superintendent within the jail premises. One rule gives the prisoners the right of being provided with cooking utensils; the next rule gives discretion to the Superintendent to take away the cooking utensils. The rules laying down

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that suitable books may be supplied connote nothing. Who is the judge to decide what is suitable and what is not suitable? These things are not clearly stated in the rules. Newspapers are absolutely forbidden. If political prisoners are confined within the jails, there is no reason why they should not be allowed to read newspapers. Reading of newspapers is not going to turn tables within the jail; nor are the newspapers going to enable the convicts to escape or get out of control or break the discipline of the jails. The rooms in which these political prisoners are often confined are ill-ventilated and small and hardly is there room enough for the convicts to move about. Political emblems are excluded according to jail rules; even Gandhi cap has been excluded in certain jails and khaddar is evidently supposed to be a symbol of politics. I submit that the rules regarding political emblems ought to be modified so as to remove this denial of right to a man who is convicted of a political offence to wear the political symbol which he likes. The rules that were modified in 1922 for the special class division should all be made applicable with some modifications and further elaborations to all political prisoners. Political prisoners should, at the time of their conviction, be classified as being eligible for special concessions and privileges and as coming under the class of special division prisoners. With these words, I beg to second this motion."

* The hon. the PRESIDENT:—"The question is:—

'That this Council is of opinion that the Rules in the Jail Code relating to the classification of and the privileges granted to persons under trial and persons convicted of offences against the State require immediate examination with a view to placing them in regard to concessions and privileges on the same footing as European prisoners.'"

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, the mournful tragedy that took place in the Lahore Jail has attracted world-wide attention and since then this issue has been so exhaustively dealt with by the Legislative Assembly, that it is unnecessary to go at length into the details of this matter or to discuss the various rules with reference to the treatment of prisoners in jails. The existing rules in the Jail Manual classify political prisoners and the hon. Member for the University has drawn attention to some rules. I believe the reason why he drew pointed attention of the House to the treatment of European prisoners, is only to show that greater care and attention is necessary in the case of Indian prisoners. I believe it is not intended to cast any reflection on the treatment of the European prisoners as being partial but only to show that a higher standard should be adopted in the matter of the treatment of Indian prisoners. Since under-trial prisoners are presumed to be innocent till they are proved to be guilty, there is no reason why they should be treated as if they are convicted prisoners. They should have the same treatment they would have in their own homes or places according to their social position, their education and character; they are entitled to be treated as gentlemen before they are proved to be guilty. At least on that one ground, if not on any other ground, the Government ought to feel that the rules regarding the treatment of under-trial prisoners should not be rigorous. They should be treated without any reference to the nature of the offence they are charged with. While on this matter, I should like to say that these facts were so well brought home to the Government of India by the telling speeches of Messrs. Jayakar and Jinnah that the Government of India agreed to circulate

[Sir A. P. Patro]

[30th September 1929]

the matter to Local Governments. I hope that the circulation that is going on now in this province will result in something substantial, and will not be merely a tinkering with rules as an eye-wash; there is no use of some tinkering here or some modifications there; I hope that the Government will take courage to change the rules governing the treatment of under-trial prisoners. I hope that the Government will not oppose the motion before the House after what took place in the Assembly.

"With regard to the treatment of prisoners who have been found guilty by courts of justice, it has been pressed on our attention that treatment should depend on the motive for the commission of the offence and not on the offence itself. There is difference of opinion on this matter. We cannot exclude the consideration of the nature of the offence a person has committed. I do not want to deal with this aspect of the question in detail. But I certainly want that these persons who have brought themselves under the provisions of the Penal Code purely out of political motives require to be treated with a certain amount of consideration, because they did not commit the offences for their selfish ends but in the interests of the country. In such cases, therefore, greater consideration should be shown to such persons than that shown to offenders against property or person. If we have these fundamental rules in mind, I am sure that we will be able to arrive at the right conclusion that the treatment of under-trial and of convicted political prisoners should be different from that given to persons committing offences against person or property, when the motive is entirely different from these cases. It is for the trying judge to decide this matter. A distinction has necessarily to be made in the classification of the prisoners. How the classification is to be made is a difficult matter. We have discussed here the principles that should govern the classification of prisoners. Political prisoners are certainly entitled to get greater liberty and greater consideration than ordinary prisoners. As I said, it is unnecessary to go into the detail, into the nature of the offences committed by the persons, and into the question of bedding, diet, etc. If the general principles are accepted and if it is agreed that these persons should be treated according to their social position, then the rules will, necessarily, have to be altered. If the diet that is given to an European is given to an Indian, the latter would at once refuse it. The diet that is given to Europeans may be in the nature of things more costly than that given to the Indian. Indians would not take the diet that is given to Europeans. Discrimination is necessary in such matters. Indians should be so treated as not to feel that they are not respected or that they are wanting in their self-respect. Europeans and Indians have different standards of life. What may be suitable to one may not be suitable to the other. But what we want is that we Indians living in our own country are entitled to the best treatment that we can have."

* Mr. C. E. Wood :—"Mr. President, Sir, I agree with much of what has been said on this question of the treatment of political prisoners. It seems to me that the motion is useful to ventilate the ideas and feelings of hon. Members on this question. My hon. Friend, Sir Patro, has reminded us that the Government are at present enquiring into this matter. I think hon. Members have seen that there is correspondence already passing between the Government of India and the Local Government on this question, and that correspondence points to the fact that the Government have recognized that the treatment of political prisoners should be modified in some way."

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[Mr. C. E. Wood]

"It seems, therefore, that at the present stage, it is not necessary to press this resolution. The resolution only calls for an examination of the rules, in its first portion. My hon. Friend, Mr. Satyamurti, has undoubtedly shown wherein various grievances exist. But I think that—with all due respect to my hon. Friend Mr. Satyamurti—some of the instances that he gave are not quite to the point. For instance, I do not agree with him when he says that a man necessarily becomes 'a gem of his country' when he breaks the law and then undertakes hunger-striking, because in some cases it is so that he can escape the consequences of his acts. I think we should not be led away by such statements as these. I suggest that the question should be looked at from a more dispassionate point of view, and from a common-sense point of view. This House should at the same time recognize that the Government are already making an enquiry as to whether anything should be done in regard to these political prisoners."

"Again, Sir, we are not very much enamoured of this resolution because of the latter portion where it attempts to prejudice the question by saying 'with a view to placing them in regard to concessions and privileges on the same footing as European prisoners.' As my hon. Friend, Sir, Patro, pointed out, European treatment would not be welcomed by many of the Indian prisoners. Therefore, I submit, this resolution is not a good one, though the first portion of it seems to be acceptable because it only asks for an enquiry into the alteration of the rules. We do not propose to oppose the resolution; and as I said at the start, we do appreciate that there is a feeling about these differences in treatment. But we certainly cannot support it in its present form, and in view of the fact that the enquiry by the Government is pending, we suggest the resolution need not be pressed."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"At the outset, I may say, Sir, that this Government associate themselves with all the sentiments expressed by the hon. the Home Member of the Government of India in the Legislative Assembly, with reference to the death of Jatindranath Das on account of hunger-strike in the jail. There may be—of course there are—differences as to the wisdom of that young man who adopted this course. But whatever be the differences of opinion that may exist with reference to the course that he actually pursued, there can be no doubt that his death is really a calamity and it is really regrettable that it should have occurred."

"With reference to the merits of this resolution, Sir, I welcome the opportunity that has been afforded to this House and to the Government by this resolution (Hear, hear) which has been moved by my hon. friend Mr. Satyamurti. In fact, the Government were very glad, when they received this resolution, to give their consent to it. As my friend Mr. Wood stated, the Government have actually begun to make enquiries. All hon. Members in this House and those outside who take interest in matters like this, must have read the communiqué that the Government of India issued on the subject, and subsequent to the publication of that communiqué, there has been further correspondence between the Government of India and this Government. And as my friend stated, this Government have already begun to make enquiries with reference to this matter. The examination will be expedited, and for the purpose of enabling the Government to come to a conclusion non-official opinion of all kinds, particularly non-official opinion coming from the different sections of this House will be particularly valuable."

[Mr. M. Krishnan Nayar] [30th September 1929]

from the Government point of view. Members of this House, both elected and nominated, are entitled to speak on such a question as this, and their opinion will be carefully considered by the Government, and I may say that so far as is possible, will be sympathetically considered by the Government.

"Perhaps, it is unnecessary for me to refer to all the details that have been referred to by my friend, Mr. Satyamurti, and by my friend over there. It has been stated that the division which now exists in our jails, known as the special division, must be extended, whatever the nature of the punishment may be, whether it is simple or rigorous, and whatever the nature of the offence which led to the sentence of imprisonment. It has also been said that the differential treatment that is now accorded to prisoners in general, i.e., as between Indians and Europeans, whether they are political prisoners or not, should be wiped out. It has been stated particularly with reference to food, clothing and bedding that as far as possible, the differences that now exist between these two classes of prisoners, i.e., the Indian prisoners and the European prisoners, should be abolished. Then again, it has been stated with reference to under-trial prisoners, that greater facilities should be given to them in the matter of interviews with their relatives and friends, that better accommodation should be given to them, that better food should be supplied to them and also that conveyances should be provided for them when they are taken from the place where they are kept in confinement to the place of their trial. I quite realize and fully appreciate and understand the importance of treating these under-trial prisoners as innocent till they are actually found guilty and convicted. It has been also stated—I believe it was by the hon. Member for the University—that the system of employing convict warders in the jail should be abolished. In fact, I have noted the different points referred to by the four hon. Members who have already spoken on this resolution and any expression of opinion, as I have stated, which has been and which will be made by this House will certainly carry considerable weight with the Government. I do not think it is necessary to go into the details at present, and it is also not possible for the Government to express opinions on details before the examination which they have already begun to conduct is finished. Sir, that is all that I have to say on this resolution."

* Mr. C. V. VENKATARAMANA AYYANGAR :—"Sir, though we should be thankful to the hon. the Law Member for what he has said, we would have been much gladder and much happier and more thankful if he had given us some idea of the lines on which the Government are proceeding with the enquiry. It is most unfortunate, Sir, for us to hear Mr. Wood saying what he said just now. Even when the Government officials both in the Government of India and in this Government have nothing but praise for that young man who sacrificed his life for the sake of what he believed to be correct and true, it is most unfortunate for Mr. Wood to make a suggestion that that young man died because he wanted to escape the punishment for the offence he committed. I take it that when he said that, his intention was not . . ."

* Mr. C. E. Wood :—"Sir, on a point of personal explanation. What I said was that it does not necessarily follow that because a political prisoner hunger-strikes, he is one of the gems of India as Mr. Satyamurti said. He may be trying to escape conviction for the offence."

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Mr. C. V. VENKATARAMANA AYYANGAR :—"I am glad, Sir, to hear this. But the speech, so far as it went, still remains capable of the interpretation that I gave to it; because he not only said what he just now says, but he said that a man who commits the offence and then hunger-strikes, would do so only if he wanted to escape the consequences. I believe better wisdom has sprung upon Mr. Wood in the interval that passed between the time when he made his speech and this; and I am glad that after the speech was made, he has had a better sense."

* Mr. C. E. Wood :—"On a point of order, Mr. President. May I ask whether the hon. Member is correct in saying that another hon. Member is not speaking the truth?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I never said that. He has given an interpretation to what he said which is capable of another interpretation which we are entitled to put on it. That is all I am saying."

"Then, Sir, we were really sorry to hear him say that he and his friends were opposing this resolution, and chiefly for the latter portion. I think he clearly said more than once that he would not support this resolution for two reasons: one that the Government are considering this matter now; and secondly because of the resolution making special reference to the treatment of European prisoners. Well, Sir, he may, if he likes, remain neutral as he has done many times. But certainly he said he was not going to support this resolution. All that I say now is that whether Europeans are given better treatment or not, it does not matter to us. Those people who are going to jails for some reason or other and the prisoners who are convicted of any offence should be treated in a much more civilized way than they are at present treated in this country. If the European community gets any special treatment, we are not sorry and we do not blame them for it. All that we say is that, whether the treatment accorded to the Europeans is unsatisfactory in their view or whether it is satisfactory in our view, the same facilities and conveniences that are given to European convicts who commit any offence whatever, should be accorded to our Indian prisoners also, more especially to Indian prisoners who go to jails for political offences."

"Sir, it is not enough if the hon. the Law Member carefully considers this matter and satisfactorily deals with the question from the point of view of the Government; but we certainly expected the hon. the Law Member to give us some idea of the lines on which the enquiry is to go on. There is no use of saying afterwards 'we have enquired into the matter; we have come to a decision of altering this small thing here and that small thing there, by dotting the i's and crossing the t's' or something like that. I do not want to go into details. I have had the privilege of seeing in the Coimbatore Jail prisoners sentenced to rigorous imprisonment for political offences as well as prisoners for political offences sentenced to simple imprisonment. All these persons are undergoing various difficulties; there is no doubt about that. It is necessary that the Government should take not only our speeches into consideration, but should take a large number of the Members of this House into confidence, and if possible, make an enquiry with their help. There is nothing to prevent the Government to appoint a committee consisting of people from the various sections of this House having experience of the conditions of jail life and then placing the report for consideration by the public before any final decision is arrived at. We therefore insist, Sir, that

[Mr. C. V. Venkataramana Ayyangar] [30th September 1929]

they should not only give a careful consideration to this matter, but that they should take the Members of this House into confidence, form a committee and then enquire into the question with their help, and afterwards invite public criticisms and opinions before coming to a final decision. With these words, Mr. President, I appeal to the House to pass this resolution."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, I move that the question be now put."

Mr. BASHEER AHMED SAYEED seconded the motion.

The motion for closure was put and carried.

* The hon. the PRESIDENT:—"The question is:

'That this Council is of opinion that the rules in the Jail Code relating to the classification of and the privileges granted to persons under trial and persons convicted of offences against the State require immediate examination with a view to place them in regard to concession and privileges on the same footing as European prisoners.'"

The motion was put and carried.

The House then adjourned for lunch.

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

V—cont

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920—cont.

* The hon. the PRESIDENT:—"Regarding the point of order raised by Mr. Karant, I consider that a Bill cannot be re-committed to another select committee. The question whether the Bill can be referred to a committee of the whole House does not arise now and therefore the motion of the hon. the Chief Minister is not in order."

Mr. P. C. VENKATAPATHI RAJU:—"Mr. President, with your permission I wish to move that the Bill be re-committed to the Select Committee."

Mr. K. R. KARANT:—"I second it, Sir."

The hon. the PRESIDENT:—"The question is that the Bill of Mr. Kaleswara Rao as amended by the Select Committee be re-committed."

The motion was adopted.

VII

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. the PRESIDENT:—"The question is that the Bill of Mr. Basheer Ahmed to amend the Madras Local Boards Act, 1920, be taken into consideration."

* Mr. S. SATYAMURTI:—"Mr. President, if you verify the proceedings, my recollection is that I moved that the Bill be referred to a select committee, on which my hon. Friend from South Kanara moved that it be adjourned. I think that was the stage at which it was left at the last Council."

Mr. P. C. VENKATAPATHI RAJU:—"Mr. President, will the hon. Mr. Satyamurti be in order in moving that the Bill of another Member be referred to a select committee."

30th September 1929]

* The hon. the PRESIDENT:—"This is what I find in the proceedings of the Council dated 10th October 1928:—

'The hon. the PRESIDENT:—"The Council will now resume the discussion of the motion of Mr. Satyamurti to refer Mr. Basheer Ahmed Sayeed's Bill to amend the Madras Local Boards Act to a select committee."

'At the end: "The question is that the Bill be referred to a select committee, composed of the following members:—" page 309.

'The question was put and declared lost.

'A poll was demanded and the House divided thus:—

'The motion was lost.' page 310.

"So, this motion was lost on 10th October 1928.

"Therefore, there is no question of repetition. And, now another question arises, namely, that the Bill be taken into consideration. It is a new motion of which Mr. Basheer Ahmed has given notice and on that motion any Member can move that the Bill be referred to a select committee. Therefore, the motion of the hon. the Leader of the Opposition is in order."

* Mr. S. SATYAMURTI:—"Mr. President, I move that this Bill of my hon. Friend be referred to a committee of the whole House and I would ask my hon. Friend the Minister for Local Self-Government to accept that amendment. I will give him some reasons which I trust will appeal to him. Sir, in our Council the procedure with regard to legislation is not the same as in the House of Commons. In the House of Commons, Sir, there is a stage called the report stage when the Speaker vacates the Chair and the Chairman of Committees takes the Chair and the House sits in committee over the whole Bill and there are no rules of order as are observed in the open House. There amendments may be moved again and again and decisions can be gone back upon and the whole House considers the Bill point by point. Then comes the third reading stage. In our House, Mr. President, the procedure has been that after the Select Committee stage we go to the report stage. I think, it will be well worth our while to try and see how this procedure works.

"My second reason is this. I do not want to anticipate decision. I have in my hand a formidable list which I think runs to 50 names. . . ."

* The hon. the PRESIDENT:—"The list handed over to me consists only 49 names."

* Mr. S. SATYAMURTI:—"Less by one, I agree. The difference between 49 and 50 is not much. I think the difference may be made up when it is actually put to the vote of the House. I think the average strength of the House—I mean the fighting strength—is not more than 50. Therefore, it seems to me that a committee of 50 members is practically a committee of the whole House.

"My third reason, Mr. President, is this. I should like the help of the parties in establishing a convention, by which the whole House would go into the report stage and examine the amendments carefully and then the third reading stage will be more or less a formal one wherein only verbal amendments and consequential changes may be made. For all these reasons, I would earnestly appeal to my hon. Friend, the Minister for Local Self-Government, to see the desirability of accepting my suggestion that we do go into a committee of the whole House. I move that for the consideration and acceptance of the House."

[30th September 1929]

* Mr. ABDUL HAMEED KHAN:—"Mr. President, I second the motion before the House. I need not add any more reasons than have been put forward by the hon. Mover. Sir, this is a matter of very great importance and from our experience of attempts at legislation in this Council, we have seen that we have not spent our time more usefully than we could have done. We would be avoiding a waste of time if we try to deal with details in the whole House going into committee, because if the whole House goes into committee, and discusses matters, there will be no need after that to go over the same details and spend any more time in Council. Sir, for that reason, I think the suggestion ought to be acceptable to Members, who I am sure will agree with me that there is no use of wasting the time. By this we can enact a useful legislation."

* The hon. the PRESIDENT:—"The question is that the Bill be referred to a committee of the whole House."

The hon. Dr. P. SUBBARAYAN:—"Mr. President, this idea was put to me both by the hon. and Learned Member for the University and by others and after a great deal of consideration, I find that it would be impossible to accept the suggestion of my hon. Friend the Member for the University, because there are practical working difficulties in the way. It is not very often that we get the whole House to meet in select committee on particular Bills. And in select committee, of course the procedure is very different from what we adopt in the House itself. I feel it will be very difficult to get at the whole House for a select committee. Though I know that the select committee that is going to be proposed is huge, I feel that even if three-fourths of them attend, perhaps we will have only 36 and if it is a select committee of the whole House, it may come to about 60. Then, we will have a great deal of difficulty. When such is the case, I would implore my hon. Friend the Member for the University to withdraw his motion."

* Sriman BISWANATH DAS Mahasayo:—"Mr. President, I am sorry that the hon. the Chief Minister is not able to accept the very reasonable motion of my hon. Friend representing the University. Time and again we are told to adopt Parliamentary procedure. Now, in such an important measure if the whole House goes into committee, I believe with your guidance and help, we will be able to transact business more quickly and more efficiently than what would be possible otherwise. Sir, I may also refer hon. Members of this House to the elaborate discussion that took place on this Act in 1920 and on the Municipalities Act in 1920 when the then Legislative Council had to sit continuously for about a month. With that experience, I think hon. Members of this House will not be unjust in this matter. Sir, very important principles and very important changes have been proposed in both the amending Bills—the Local Boards Amendment Bill and the District Municipalities Bill—and I think it will take a lot of time if each hon. Member comes forward with his amendments to every section and sub-section and items of the Bills. So, in order to save time and avoid delay in legislation I think it will be a great help to hon. Members of this House and also to the country generally if the whole House goes into committee and discusses this Bill. If this is accepted, I feel sure that—the committee will take some time at best three to four weeks—the consideration of the report of the committee will be very easy and we can proceed with the final stages of the Bill without many amendments.

[30th September 1929] [Sriman Biswanath Das Mahasayo]

"After all, the select committee of the whole House will decide upon important issues and the report of the committee will be drafted accordingly. So, there will be very few changes necessary. On these considerations, I think the Government should find their way to accept the motion of my hon. Friend and if they do not accept it, it is for this hon. House to give a verdict and leave it to the Government whether or not they shall accept it. With these words, I very strongly support the motion."

* Mr. F. E. JAMES:—"Mr. President, Sir, there is, I think, difficulty in the way of accepting this motion straightaway. I think that under certain circumstances, it would be very useful if rules were made in the Standing Orders for the whole House to go into committee on particular Bills. The matter has been rather sprung upon us this afternoon. There is no Standing Order to the effect, though I take it that you Mr. President have got the power to allow the motion before the House. According to the motion, I think there would have to be a chairman of committees provided for in the Standing Orders, as the House would not be presided over by yourself but by a duly constituted chairman. I would very much prefer, as a matter of principle, in connection with the election of chairmen, that there should be a Standing Order. I would suggest that the necessary amendments to the Standing Order be made first and until that is done I cannot agree to this amendment. Therefore I hope the hon. Member for the University will understand my position when I decline to support his motion."

2-45
p.m.

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I am sorry for Mr. James when I find him to be a conservative. I believe he is acquainted more with the procedure of the Parliament than with that of this Council. If that is so, the rules there provide for the whole House of about 700 members sitting in select committee on all the Bills. That being so I do not know why a body of about 130 members should not sit in a select committee. Our reasons are a little more far-reaching also. We are afraid if this Bill is referred to the select committee—many of us believe—it will not come out of the select committee during the lifetime of this Council. We fear the Bill will be discussed at very great length, differences of opinion will arise and discussion will be prolonged, and even if the Bill comes out of the select committee, we fear it will be discussed indefinitely in this House, as the Malabar Tenancy Bill the end of which discussion nobody is yet able to foresee. If all the members of this House are anxious, as they proclaim to be, I will not say, pretend, then they should get hold of this suggestion, so that under your able guidance, Mr. President, we may be able to dispose of all things once for all. Under this course, as in the House of Commons, we shall not have to spend much time in the second and third reading stages. Further this course enables members of this House to take part in all important stages of a Bill. After all we are making an experiment and we don't lose anything. The hon. Minister has not given any details of inconvenience that this motion will cause; but we have given the advantages accruing from such a procedure, and so it stands to reason that we should support this motion."

* The hon. the PRESIDENT:—"The question is that the Bill of Mr. Basheer Ahmed be referred to a committee of the whole House."

The motion was put and lost.

[30th September 1929]

A poll was demanded and the House divided thus:—

Ayes.

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|------------------------------------|--|
| 1. Diwan Bahadur P. Kesava Pillai. | 22. Mr. A. Parasurama Rao. |
| 2. Mr. C. D. Appavu Chettiyar. | 23. " C. Ramasomaya'ulu. |
| 3. " S. V. Vanavudaiya Gounder. | 24. " T. Adinarayana Chettiyar. |
| 4. " P. C. Venkatapathi Raju. | 25. " Ahmed Miran. |
| 5. " K. Koti Reddi. | 26. Sriman Biswanath Das Mahasayo. |
| 6. " R. Srinivasa Ayyangar. | 27. Mr. A. Kaleswara Rao. |
| 7. " Sami Venkatachalam Chetti. | 28. " K. Uppi Sahib. |
| 8. " S. Satyamurti. | 29. " M. Narayana Rao. |
| 9. " C. V. Venkataramana Ayyangar. | 30. " V. Kameswara Rao Nayudu. |
| 10. " J. A. Saldanha. | 31. " K. V. Krishnaswami Nayakar. |
| 11. " G. Harisarvottama Rao. | 32. " K. P. V. S. Muhammad Meera Ravuttar. |
| 12. " Basheer Ahmed Sayeed. | 33. " C. Venkatarangam Nayudu. |
| 13. " C. S. Govindaraja Mudaliyar. | 34. " B. Venkataratnam. |
| 14. " Abdul Hameed Khan. | 35. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 15. " L. K. Tulasiram. | 36. The Zamindar of Seithur. |
| 16. " D. Narayana Raju. | 37. Mr. K. P. Raman Menon. |
| 17. Dr. B. S. Mallayya. | 38. " C. R. Parthasarathi Ayyangar. |
| 18. Mr. K. R. Karant. | 39. Rao Bahadur B. Muniswami Nayudu. |
| 19. " K. Madhavan Nayar. | |
| 20. " P. Anjaneyulu. | |
| 21. " C. Obi Reddi. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 22. Mr. W. P. A. Soundara Pandian. |
| 2. " Sir Thomas Moir. | 23. " S. Subrahmanya Moopamar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 24. Rai Sahib M. Hampayya. |
| 4. " Mr. A. Y. G. Campbell. | 25. Rao Sahib R. Srinivasan. |
| 5. " " M. R. Seturathnam Ayyar. | 26. The Maharaja of Pithapuram. |
| 6. " " S. Muthiah Mudaliyar. | 27. Rao Bahadur Sir A. P. Patro. |
| 7. " Dr. P. Subbarayan. | 28. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 29. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 9. Mr. H. A. Watson. | 30. Mr. T. K. Chidambaramnatha Mudaliyar. |
| 10. " A. G. Leach. | 31. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. |
| 11. " J. Gray. | 32. Muhammad Khadir Mohidin Sahib Bahadur. |
| 12. " S. V. Ramamurti. | 33. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 13. " C. B. Cotterell. | 34. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 14. " V. Ch. John. | 35. Mr. A. V. Bhanoji Rao. |
| 15. " M. A. Manikkavelu Nayakar. | 36. " A. J. Leech. |
| 16. " Syed Tajudin Sahib. | 37. " F. E. James. |
| 17. " A. Balakrishna Chetti. | 38. " S. N. Dorai Raja. |
| 18. " Mahmud Schannad. | 39. " S. Arpudaswami Udayar. |
| 19. " J. Kuppuswami. | 40. " K. Ramachandra Padayachi. |
| 20. Subadar-Major S. A. Nanjappa Bahadur. | 41. Rao Bahadur S. Ellappa Chettiyar. |
| 21. Mr. N. Siva Raj. | |

Ayes 39: Noes 41.

The motion was lost.

* The hon. the PRESIDENT:—"I now put the motion of Mr. Venkatapathi Raju to the vote of the House. The question is that 'the Bill be referred to a select committee'."

The motion was put and carried.

Mr. P. C. VENKATAPATHI RAJU:—"I now move that leave of the House be granted for referring the Bill to a select committee consisting of more than fifteen members."

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The motion was put and carried.

Mr. P. C. VENKATAPATHI RAJU:—"I now move that the Bill be referred to a select committee consisting of the following members:—

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| 1. Mr. P. C. Venkatapathi Raju. | 25. Mr. A. B. Shetty. |
| 2. " J. A. Saldanha. | 26. " W. P. A. Soundara Pandian. |
| 3. " S. Satyamurti. | 27. Subadar-Major S. A. Nanjappa Bahadur. |
| 4. " A. Kaleswara Rao. | 28. Mahmud Schannad Sahib Bahadur. |
| 5. " Basheer Ahmed Sayeed. | 29. Rao Sahib R. Srinivasan. |
| 6. " B. Venkataratnam. | 30. Mr. D. Thomas. |
| 7. " G. Harisarvottama Rao. | 31. The hon. Mr. S. Muthiah Mudaliyar. |
| 8. " C. N. Muthuranga Mudaliyar. | 32. Mr. L. K. Tulasiram. |
| 9. " C. Venkatarangam Nayudu. | 33. " J. A. Davis. |
| 10. " A. Ranganatha Mudaliyar. | 34. " Hilton Brown. |
| 11. " T. C. Srinivasa Ayyangar. | 35. Rao Bahadur K. Sitarana Reddiyar. |
| 12. " P. Anjaneyulu. | 36. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 13. Rao Bahadur Sir A. P. Patro. | 37. Mr. T. Adinarayana Chettiyar. |
| 14. " C. S. Ratnasabapathi Mudaliyar. | 38. " R. Srinivasa Ayyangar. |
| 15. Diwan Bahadur S. Kumaraswami Reddiyar. | 39. " N. Siva Raj. |
| 16. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. | 40. " P. T. Rajan. |
| 17. The Raja of Kallikota. | 41. " A. V. Bhanoji Rao. |
| 18. Rao Bahadur B. Muniswami Nayudu. | 42. " K. R. Karant. |
| 19. Mr. F. E. James. | 43. Sriman Biswanath Das Mahasayo. |
| 20. " H. F. P. Hearson. | 44. Mr. S. Arpudaswami Udayar. |
| 21. " T. G. Rutherford. | 45. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 22. " C. Govindan Nayar. | 46. Sami Venkatachalam Chetti. |
| 23. The hon. Dr. P. Subbarayan. | 47. Rao Bahadur S. Ellappa Chettiyar. |
| 24. Mr. T. M. Narayanaswami Pillai. | 48. Mr. Ahmed Miran. |
| | 49. " V. I. Muniswami Pillai. |

Dr. B. S. MALLAYYA:—"Forty-nine is a bad number. Add one member more" (Laughter.)

* The hon. the PRESIDENT:—"I shall try to do so. The usual practice is to have the Advocate-General on the select committee. I do not know whether the omission is intentional or accidental."

Mr. P. C. VENKATAPATHI RAJU:—"I move that the name of the Advocate-General be added to the list of members."

Mr. S. SATYAMURTI:—"I second it."

The motion was put and carried.

Diwan Bahadur P. C. ETHIRAJULU NAYUDU:—"I move the name of Mr. Kesava Pillai be included."

Mr. S. SATYAMURTI:—"I move that Mr. C. V. Venkataramana Ayyangar be also made a member of the select committee."

Mr. BASHEER AHMED SAYEED:—"I move that the name of Mr. Koti Reddi be included in the list."

* The hon. the PRESIDENT:—"I now put"

Diwan Bahadur P. KESAVA PILLAI:—"I am not willing to serve."

Dr. B. S. MALLAYYA:—"I propose Mr. Moopamar's name be included."

* The hon. the PRESIDENT:—"I don't think there is any serious proposition before the House."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I propose the name of the Zamindar of Seithur."

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The hon. the PRESIDENT :—" Really it is the duty of the Chair to see that all parties are duly represented in the committee. But this motion has come too late for me to scrutinise the list."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" At first I thought the original number will not be increased, and so I did not move."

* The hon. the PRESIDENT :—" I now put the motion of Mr. Arogyaswami Mudaliyar. The question is the 'name of the Zamindar of Seithur be added to the list'."

The motion was put and lost.

* The hon. the PRESIDENT :—" The question is 'the name of Mr. Moopanar be added to the list'."

The motion was negatived.

The main motion was then adopted.

VIII

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

Resolution No. 2 was then taken up.

* Rao Bahadur S. ELLAPPA CHETTIYAR :—" Sir, I beg to move that Resolutions Nos. 2 to 7 on the agenda be postponed till Resolution No. 8 is disposed of."

Khan Bahadur S. K. ABDUL RAZACK SAHIB Bahadur :—" I second it."

* Mr. G. HARISARVOTTAMA RAO :—" I am afraid, Sir, I must oppose this motion. In the first place this will be upsetting the ballot altogether, and in the second place hon. Members will observe that there are very important motions standing in different names between the 2nd and the 8th. I feel, Sir, that the 8th is after all a local question, i.e., the appointment of a committee to investigate into the failure of freshes in the Palar river. And there are more important questions relating to the land revenue policy and such other matters previous to that. I therefore feel that I must oppose this motion."

The motion was put to the House and declared carried.

Mr. G. Harisarovottama Rao demanded a poll and the House divided thus :

Ayes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 15. Mr. M. A. Manikkavelu Nayakar. |
| 2. " Sir Thomas Moir. | 16. " Syed Tajudin. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 17. " C. D. Appavu Chettiyyar. |
| 4. " Mr. A. Y. G. Campbell. | 18. " A. B. Shetty. |
| 5. " Dr. P. Subbarayan. | 19. " J. Bheemayya. |
| 6. " Mr. S. Muthiah Mudaliyar. | 20. " Mahmud Sahannad. |
| 7. " M. R. Seturatnam Ayyar. | 21. " J. Kuppuswami. |
| 8. Mr. Hilton Brown. | 22. Subadar-Major S. A. Nanjappah Bahadur. |
| 9. " H. A. Watson. | 23. Mr. K. Krishnan. |
| 10. " A. G. Leach. | 24. " N. Sivaraj. |
| 11. " J. Gray. | 25. " M. V. Gangadhara Siva. |
| 12. " S. V. Ramamurti. | 26. " V. I. Muniswami Pillai. |
| 13. " C. B. Cotterell. | 27. " W. P. A. Soundara Pandian. |
| 14. " V. Ch. John. | 28. " S. Subrahmanya Moopanar. |
| | 29. " S. V. Vanavudaiya Goundar. |
| | 30. " S. Venkiah. |

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Ayes—cont.

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| 31. Rai Sahib M. Hampayya. | 44. Mr. T. K. Chidambaranatha Mudaliyar. |
| 32. Rao Sahib R. Srinivasan. | 45. Rao Bahadur S. Ellappa Chettiyyar. |
| 33. Mr. S. N. Dorai Raja. | 46. Khan Bahadur S. K. Abdul Razaack Sahib Bahadur. |
| 34. " S. Arpudaswami Udayar. | 47. Mr. Khadir Mohidin. |
| 35. " K. Ramaachandra Padayachi. | 48. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 36. " K. V. Krishnaswami Nayakar. | 49. Khan Sahib T. M. Moidu Sahib Bahadur. |
| 37. " Muhammad Meera Rayuttar. | 50. Mr. K. Sarabha Reddi. |
| 38. " C. Venkatarangam Nayudu. | 51. " A. V. Bhanoji Rao. |
| 39. " K. P. Raman Menon. | 52. " C. S. Govindaraja Mudaliyar. |
| 40. " C. R. Parthasarathi Ayyangar. | 53. " K. Madhavan Nayar. |
| 41. Rao Bahadur Sir A. P. Patro. | 54. " T. Adinarayana Chettiyyar. |
| 42. Diwan Bahadur P. C. Ethirajulu Nayudu. | |
| 43. Rao Bahadur C. Natesa Mudaliyar. | |

Noes.

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| 1. Mr. C. E. Wood. | 13. Mr. C. Ramasomayajulu. |
| 2. " A. J. Leech. | 14. Sriman Biswanath Das Mahasayo. |
| 3. " F. E. James. | 15. Mr. A. Kaleswara Rao. |
| 4. " V. Ramjee Rao. | 16. " K. Uppi Sahib |
| 5. " P. C. Venkatapathi Raju. | 17. " M. Narayana Rao. |
| 6. " K. Koti Reddi. | 18. " V. Kameswara Rao. |
| 7. " R. Srinivasa Ayyangar. | 19. Dr. B. S. Mallayya. |
| 8. " Sami Venkatachalam Chetti. | 20. Mr. B. Venkataratnam. |
| 9. " S. Satyamurti. | 21. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 10. " C. V. Venkataramana Ayyangar. | 22. Mr. G. Harisarovottama Rao. |
| 11. " J. A. Saldanha. | |
| 12. " D. Narayana Raju. | |

Ayes 54. Noes 22.

The motion was carried.

Resolution No. 8 was then taken up.

APPOINTMENT OF A COMMITTEE TO INVESTIGATE INTO THE CAUSES OF THE FAILURE OF FRESHES IN THE PALAR RIVER.

* Rao Bahadur S. ELLAPPA CHETTIYAR :—" Sir, I beg to move the resolution that stands in my name and which runs thus :

'That this Council recommends to the Government the immediate appointment of a committee consisting of elected members of the Council representing the North Arcot and Chingleput districts and experienced officials and an engineer to investigate the causes of the failure of freshes in the river Palar during the last two decades and to suggest remedies.'

"In doing so, I want to point out only one fact about this matter and leave the rest to the hon. Members representing the Chingleput and North Arcot districts. No one can deny that the river Palar has not been getting sufficient floods for the last twenty-five years and so the channels and tanks which are depending upon it are not getting any supply of water. In such circumstances, you can imagine the condition of the ryots in places which are dependent upon these channels and tanks which have had no supply of water for the last so many years. If the river has been always dry as it is now, the question of the formation of a committee to make an enquiry would not have arisen at all. But on the other hand we were having floods up to 1903. So, we have to presume that there must be some reason for the failure of freshes. The decrease of rainfall may be said to be one of the causes. But in my opinion as the river is taking its source on the Nandi Hills in Mysore and it runs for several miles in the Mysore State before it reaches North Arcot and Chingleput, the flow might have been obstructed by the Mysore

[Mr. S. Ellappa Chettiyar] [30th September 1929]

Government itself by some new irrigation schemes. Otherwise there is no reason why the river should not get any floods for the last twenty-five years. I cannot say that this may be the chief cause or the only cause for the failure of floods but there may be some other causes also. So, I request the Government to appoint a committee to make enquiries and suggest remedies in the matter, and I hope this House will accept this resolution."

* Mr. T. ADINARAYANA CHETTIYAR :—"Mr. President, Sir, at the very outset, I must thank the House for giving me an opportunity to second this resolution. For unlike the enlightened and vocal ryots of the deltaic areas, the North Arcot and Chingleput ryots are dumb. What the Cauvery is to the people of Tanjore, and what the Godavari and Kistna are to the people of the Circars, the Palar is to the now famine-stricken ryots of North Arcot and Chingleput districts. As my hon. Friend, the Mover, has said, the river takes its rise in the Nandi Hills in Mysore and after irrigating vast tracts in that State, roughly estimated at 6,000 acres and supplying drinking water to a large industrial town, enters the district of North Arcot in Kuppam zamindari. Altogether the area served consists of 1,036 square miles, and the whole of the water is used for cultivation, not a drop escaping to the sea. Coming to the parched up districts of North Arcot and Chingleput, it flows through five taluks in the former and three of the latter. All these taluks depend upon the Palar for irrigation. The system of Palar irrigation is very elaborate and well-conceived one, the chain of 317 tanks and channels of that system irrigating about 75,078 acres representing an assessment of Rs. 3,42,688. Sir, the five taluks of North Arcot which I mentioned above have got water mamulnamas dating back to pre-British days in respect of spring channels. Their number is 211, and the ayacut of these spring channels comes to about 11,400 acres. And the tank system depending on Palar is very elaborate; the tanks are numerous and important. Kaveripauk is surely the biggest in the Presidency; it caters for the needs of thirty villages. Next to that is Dusi Mamundur tank which has been immortalized by Mr. Venkataramani in the novel, 'Murugan the Tiller.' In the G.O. No. 3165, dated 1st November 1913, the general prosperity of the area has been well recognized. The resettlement rates which constituted an enhancement of 25 per cent over the previous rates were based upon the figures of supply of irrigation water prior to 1903. I mention 1903 because it was the year in which the woes of North Arcot ryots began. The last recorded floods in Palar, I believe, occurred on 11th November 1903, when the Vaniyambadi bridge was destroyed. Sir, after entering North Arcot from Kil Minnal the river becomes very wide and is practically a sandy tract, as any railway traveller can see. Sir, in G.O. No. 3165, dated 1st November 1913, elaborate definitions have been promulgated for the first and second-class sources of irrigation, and now after 15 years of this there is not one tank in the Palar or Ponnai systems which can to-day stand the test of these definitions. And yet, the enhanced resettlement rates have already been collected for 15 out of its natural life of 30 years. These rates, it may be remembered, were based on the supply which existed prior to 1903, and since 1903 the North Arcot ryot is not having any floods in that river worth mentioning. This is shown also by the fact that thousands have migrated from the district. In one village alone, Sirukanji, more than 300 people left in one year and they have not returned. The North Arcot people have been very patient, but with the reports of

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Bardoli and other things spreading to the ryots of North Arcot there has been strong and continued agitation which cannot easily be satisfied until the Government makes up its mind, at least after this long period, to do justice to them. His Excellency Sir Norman Marjoribanks admitted on the floor of this House that the river Palar has not been having floods and so the Kaveripauk tank"

* The hon. the PRESIDENT :—"I think the hon. Member may refer to him as the hon. the then Revenue Member."

Mr. T. ADINARAYANA CHETTIYAR :—"The hon. the then Revenue Member and at present the Governor of Madras, Sir Norman Marjoribanks, Sir"

* The hon. the PRESIDENT :—"The hon. Member cannot refer to the name of the Governor of Madras to influence to the vote of the House."

Mr. T. ADINARAYANA CHETTIYAR :—"In answer to an interpellation in this House it was admitted by Government that freshes have ceased to come into the Palar, and the Kaveripauk tank has not been getting the required supply of water. Sir, the causes for this are worth enquiring into, and as the hon. Mover has said, there must be something wrong, and people are giving various reasons. Whatever be the reasons, that the people are suffering from want of water is a fact which the Government cannot deny. For Government know full well they had to grant remissions to cultivators on 12 or 13 occasions during the last 25 years. Sir, the popular belief is that when the Government of Madras paid Rs. 20,000 for the construction of the Wellesly bridge, and the Mysore Darbar quietly raised the F.T.L. of the Bethamangalam tank by 18 feet as some think impounding water to several million cubic feet"

* The hon. the PRESIDENT :—"I do not think the hon. Member will be justified in referring to the action of the Mysore Darbar."

Mr. T. ADINARAYANA CHETTIYAR :—"The river goes through that State and there has been an agreement between the Mysore Government and the Government of Madras in respect of the user of the waters."

* The hon. the PRESIDENT :—"If the hon. Member raises a separate resolution on that matter, I shall have to consider as to the admissibility of it."

Mr. T. ADINARAYANA CHETTIYAR :—"The bitter experience of the people for the last 25 years has been that to expect floods in the Palar hereafter is quite futile. Under the circumstances, a sympathetic Board of Revenue would, under section 55 of the Board of Revenue Regulation of 1803, would have revised the assessment rates in the light of the failure of floods in the Palar. But the Board of Revenue seems to exist only to confirm the orders of dismissal of subordinates and not to interfere in a live issue of this kind which is a matter of life and death to the ryots.

"The second cause is that a number of powerful pumping engines have been set up by the Madras and Southern Mahratta Railway in a number of places on their line like Tiruvalam, Mailpatti, Jalarpet, etc., draining away the subsoil spring water for miles around. There is also the short sighted policy of Government in recent years of transferring lands in foreshore to the

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ayan and assigning to individuals for cultivation by which the water is taken off by an individual ryot without benefiting the whole population as it naturally should. Sir, it is pitiable to see the sufferings of the people of the North Arcot and Chingleput districts, who are depending on the Palar river. If Government have been carefully reading what has been appearing in the daily press, they would have seen that the Palar question has sorely been agitating the minds of the ryots. There have been suggestions made without number."

* The hon. the PRESIDENT :—"The hon. Member has only ten minutes on a resolution. He must therefore rapidly finish his notes."

Mr. T. ADINARAYANA CHETTIYAR :—"Therefore, it is time that agreements which have been entered into with the Mysore Government should be revised. We know, in the history of this unfortunate country, settled things have become unsettled, and the question of Cauvery arbitration is still being discussed, and the terms of the final settlement which are to be published very soon would become a very difficult matter later on; if the Government are not earnest about giving some relief to the people of North Arcot and Chingleput at once, there is every likelihood of the two districts becoming barren wastes in the lifetime of the present generation. Any concession and rights given away must be reopened and dismissed in view of the diminished irrigation water-supply lower down. The big words 'Mysore Darbar' will never satisfy the hunger of the North Arcot ryot. It will not be a sufficient consolation to the North Arcot ryot leave the home of his fathers to work in the bowels of the earth in Kolar Gold Fields or in far off Fiji. The permission granted to the Mysore Darbar, it is believed, is on the basis that the supply of irrigation water lower down it to the lands in British territory will not at all be diminished. But now that it is admitted by Government that water is diminished, the agreement with Mysore cannot be allowed to stand and must be revised. Therefore, I appeal with all the earnestness that I can command on behalf of those poor ryots of North Arcot, who have not seen a single year of adequate supply of water for the last fifteen years, to the Government to see that justice is done to them, and the question is so urgent that it can no longer brook delay for a single day.

"With these words, I second the resolution."

(At this stage, the Deputy President occupied the Chair.)

* Khan Bahadur S. K. ABDUL RAZACK SAHIB Bahadur :—"Madam, many words are not needed from me to commend the resolution to the House. It will be within the memory of many of the members of this House that there were heavy floods in the Palar river in 1904 and that most of the houses in Vaniyambadi were submerged in water or washed away. Since then, whether because the All-Merciful Providence thinks that it will take years to repair the damage then done or for other reasons there has been little or no rain and we are experiencing the severest drought and the difficulties of the poor ryots are increasingly painful each year. Coconut trees which are said to stand the want of water longest are withering and falling down in large numbers and what were once wet fields are abandoned by the cultivators as not fit even to raise dry crops. Madam, the sufferings of the ryots of North Arcot and Chingleput are untold and call for early redress.

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[Mr. S. K. Abdul Razack]

"The Palar which is the main source of water-supply is rarely full, and it is more from the underground springs in the river than in the flowing water that the ryots and the people depended for the water. But these springs cannot go on for ever. A succession of lean years has dried up these springs and try however much we may, we are not able to tap any appreciable quantity of water.

"Now, we are told that in addition to the natural causes which have deprived us of water there have been some human hands also at work in bringing about this unfortunate state of affairs. The rumour goes that the Mysore Government has recently diverted the water which should legitimately go into the Palar and have raised the level of some of their reservoirs with the result that there is no water in the Palar even before it reaches Vaniyambadi. The truth of this allegation and the relative rights of the British subjects and the Mysore Government have to be investigated. The Government have projected many schemes for the irrigation or water-supply of districts and here is a case where early and efficient action is called for. Many schemes are suggested both in public meetings and in the press, but without a careful investigation of all possible schemes, no conclusion can be arrived at. Some are sanguine that if a few of the tributaries of the Cauvery are diverted into the Palar, the latter will become perennial without materially affecting the usefulness of the Cauvery either. Others would not stop till a canal right across from the Arabian Sea to the Bay of Bengal is dug, so that the East and the West may meet. We want experts to investigate all possibilities, of course, practicable and reasonable schemes, so that the greatest benefits may accrue to the public.

"Believe me, Madam, this question is not merely a parochial one. The many tanks which were fed by the Palar are now dried up and the biggest one, the Kaveripauk tank, is now practically empty. When it is remembered that it is the overflow of the Kaveripauk tank that was largely feeding the channels which found their way into the Red Hills lake, hon. Members of this House will realize how vital the question of finding water for the Palar is.

"We request, Madam, Deputy President, that a committee be constituted to investigate the cause of the drying up of the river and the possibilities of augmenting the supply of water in that river, so that, not only my constituency of North Arcot and Chingleput, but of Madras City also may have plenty of water and fertile crops to keep us all going."

* Mr. M. A. MANIKKAVELU NAYAKAR :—"Madam, I support this resolution with pleasure. At this stage, it will not be necessary to make a long speech. But I may generally observe that the failure of floods in the river Palar for the last twenty-five years is a fact too well known. After the devastating floods of 1903, there was no appreciable flow of water in the river. As a consequence of this failure a lot of hardship is felt in the districts of North Arcot and Chingleput. I may say that the big tanks in the districts such as the Kaveripauk tank and the Dusi and Mamandur tanks—not to speak of the other small tanks—have not been receiving a good supply of water for years, and consequently cultivation suffered to a large extent. Also, it is quite common in the district of North Arcot to cultivate lands by digging what are called spring channels in the bed of the river and thus irrigate the

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[Mr. M. A. Manikkavelu Nayakar] [30th September 1929]

lands. But owing to the long absence of water in the river, the water-level went very low in the bed of the river, and as a result no amount of digging in the bed of the river gives any appreciable amount of water, and the ryots have almost abandoned in many parts the digging in the bed of the river for springs.

"All travellers on the Madras and Southern Mahratta Railway going from Madras to Mangalore may observe large tracts of coconut topes and other plantations on the banks of the river. For want of water for a number of years, these plantations have been withering away. In consequence of failure of water in the river, the water-supply of the towns and villages on the banks of the river has been very much affected. Of late, a number of local bodies and municipalities in the districts have been submitting memorials to the Government for loans in order to have a protected water-supply, and their schemes are based on the water to be obtained from the bed of the river. But there is not sufficient water even in the sub-soil, and if water cannot be got at a sufficiently high level, the schemes for getting water from the river will not be a success, and even if it is possible at all to any extent, it will be at an enormous cost which the local bodies cannot afford.

"I may also mention that a big anicut was built in the bed of the river a few years after the floods of 1903, at a cost of a few lakhs of rupees, and the building of that anicut has not been of any use to the people, and it is lying idle. Recently, the Madras and Southern Mahratta Railway have installed pumping stations, notably in the Jalarpet junction and other big stations, for pumping out water for supplying the railway engines and the railway quarters in the stations on the line. That also has been draining away a lot of water.

"Now, I may also mention this fact, that because the ryots have not been able to cultivate the lands and get on, large numbers of people have been migrating from the districts to distant lands, such as Ceylon, Fiji and other places.

"If we examine what the cause of this failure of water in the Palar is, it may fall under two heads. The first is the natural cause, namely, the failure of rain for a long number of years. That, of course, no Government can remedy. But the other cause is the action of the Mysore Government. It is well known that the Mysore Darbar have during the last few years restored a large number of their disused tanks and also raised the flood tank level of the Bedamangalam and other tanks and as a consequence, a large extent of lands which were lying waste have now become fertile lands in Mysore. But those schemes have affected prejudicially the water-supply in the river.

8-30 p.m. "Now, this resolution is brought in order to appoint a committee to investigate into the causes of the failure of freshes in the Palar river. Unless a committee goes into the matter and examines the whole question, we shall not be able to find out the effective means of increasing the supply in this river. It is possible to enlarge the catchment area of this river and also to devise means for linking the river Penniar with Palar. The lay opinion of the people of Vaniyambadi is that small rivers might be utilized in increasing the flow in this river. For these reasons a committee of lay members as well as experienced engineers will be essential. I therefore hope that the hon. the Revenue Member will accept this motion."

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Diwan Bahadur P. KESAVA PILLAI :—"Madam, I heartily support this resolution, but with some modification. I would amend it in this wise :—

'That this Council recommends to the Government the immediate appointment of a mixed committee of fifteen members, consisting of two-thirds non-officials and one-third officials, to investigate the causes of the freshes in the Palar river during the last two decades and to suggest remedies.'

* The hon. the DEPUTY PRESIDENT :—"I shall put it to the vote of the House whether permission can be granted to Mr. Kesava Pillai to move his amendment." (Cries of No, no.)

Mr. P. C. VENKATAPATHI RAJU :—"I think it is not a question to be put to the vote of the House. If you think that even the objection of one member is sufficient you can disallow it, unless in the exercise of your discretion you allow the motion to be made."

* The hon. the DEPUTY PRESIDENT :—"There is want of notice and there is objection also ; so I cannot allow it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Madam, the difficulties of irrigation of wet lands under the Palar system, to which reference has been made by the previous speakers, has been under the consideration of Government for some time, and I can assure hon. Members that I will do all in my power to expedite the disposal of this question. At the same time, I submit that at the present time it will be premature to appoint a committee, because we must collect a certain amount of material which the Committee must consider in coming to any conclusions, and that material must take some considerable time to collect. Apart from the question of rainfall, there are other questions which have to be examined ; for instance, to what extent there has been extension of irrigation either direct through existing tanks or new tanks or under wells. Now, Sir, we have first to collect information ranging over a series of years regarding the irrigation works and tanks and wells in the Palar watershed including its tributaries. That will necessarily take a considerable time.

"A reference has been made by the hon. the Mover to the possibility of extension of irrigation in Mysore territory. Only last week I had a conference with the hon. the Resident of Mysore and the Chief Engineer of Mysore on this question, and the Chief Engineer was good enough to undertake to place certain information at his disposal before this Government as regards the irrigation works affecting the Palar in Mysore territory. I am sure, Sir, it must be agreed that all this information must be collected before it is possible to investigate the causes of the diminution of the water-supply in the lower reaches of the Palar. I would assure the hon. Members who spoke in favour of the resolution that when this information is collected the Government will take into their consideration the desirability of appointing a committee to examine this question and report on the causes of and possible remedies for the shortage of water-supply."

Mr. BASHEER AHMED SAYEED :—"I move that the question be now put."

Mr. G. HARISARVOTTAMA RAO :—"I second it."

Rao Bahadur S. ELLAPPA CHETTIYAR :—"I withdraw the resolution."

[30th September 1929]

* The hon. the DEPUTY PRESIDENT :—"Has the mover permission of the House to withdraw his resolution?"

(Cries of 'No, no.')

The resolution was put and declared carried.

The hon. Mr. A. Y. G. Campbell demanded a poll, and the House divided thus:

Ayes.

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| 1. Mr. M. A. Manikkavelu Nayakar. | 23. Mr. Ahmed Meeran. |
| 2. " K. Ramachandra Padayachi. | 24. Sriman Biswanath Das Mahasaya. |
| 3. " P. C. Venkatapathi Raju. | 25. Mr. A. Kaleswara Rao. |
| 4. " K. Koti Reddi. | 26. " K. Uppi Sahib. |
| 5. " R. Srinivasa Ayyangar. | 27. " M. Narayana Rao. |
| 6. " S. Satyamurti. | 28. " K. V. Krishnaswami Nayakar. |
| 7. " C. V. Venkataramana Ayyangar. | 29. " C. Venkataramam Nayudu. |
| 8. " J. A. Saldanha. | 30. " B. Venkataratnam. |
| 9. " G. Harisarvottama Rao. | 31. Diwan Bahadur R. N. Arogyaswami |
| 10. " Basheer Ahmed Sayeed. | Mudaliyar. |
| 11. " C. S. Govindaraja Mudaliyar. | 32. Mr. K. P. Raman Menon. |
| 12. " Abdul Hameed Khan. | 33. " C. R. Parthasarathi Ayyangar. |
| 13. " L. K. Tulasiram. | 34. Rao Bahadur Sir A. P. Patro. |
| 14. " D. Narayana Raju. | 35. Diwan Bahadur P. C. Eshirajulu Nayudu. |
| 15. Dr. B. S. Mallayya. | 36. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 16. Mr. K. R. Karant. | 37. Mr. T. K. Chidambaramatha Mudaliyar. |
| 17. " K. Madhavan Nayar. | 38. Rao Bahadur S. Ellappa Chettiyyar. |
| 18. " P. Anjaneyulu. | 39. Khan Bahadur S. K. Abdul Razaak Sahib |
| 19. " C. Obi Reddi. | Bahadur. |
| 20. " A. Parasurama Rao. | 40. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 21. " C. Ramasomayajulu. | 41. Mr. K. Sarabha Reddi. |
| 22. " T. Adinarayana Chettiyyar. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad | 16. Syed Tajudin Sahib Bahadur. |
| 2. " Usman Sahib Bahadur. | 17. Mr. J. Bheemayya. |
| 3. " Sir Thomas Moir. | 18. " R. Foulkes. |
| 4. " Diwan Bahadur M. Krishnan | 19. Mahmud Schamnad Sahib Bahadur. |
| Nayar. | 20. Subadar-Major Nanjappa Bahadur. |
| 5. " Mr. A. Y. G. Campbell. | 21. Mr. N. Siva Raj. |
| 6. " Mr. M. R. Seturatnam Ayyar. | 22. " M. V. Gangadhara Siva. |
| 7. " Mr. S. Muthiah Mudaliyar. | 23. Rao Sahib L. C. Guruswami. |
| 8. " Dr. P. Subbarayan. | 24. Mr. V. I. Muniswami Pillai. |
| 9. Diwan Bahadur P. Kesava Pillai. | 25. " S. Subrahmanya Mooppanar. |
| 10. Mr. Hilton Brown. | 26. Rai Sahib M. Hampayya. |
| 11. " H. A. Watson. | 27. Rao Sahib R. Srinivasan. |
| 12. " A. G. Leach. | 28. Mr. S. N. Dorai Raja. |
| 13. " J. Gray. | 29. " S. Arpudawami Udayar. |
| 14. " S. V. Ramamurti. | 30. Raja of Kallikota. |
| 15. " C. B. Cotterell. | 31. Swami A. S. Sahajanandam. |
| 16. " V. Ch. John. | |

Ayes 41. Noes 31.

The resolution was carried.

3-45 p.m. * The hon. the DEPUTY PRESIDENT :—"As the Mover of the next resolution Diwan Bahadur A. M. M. Murugappa Chettiyyar is not in his seat, does the House permit Dr. Mallayya, who has given notice of an identical resolution, to move it?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I beg to state, Madam, that I was given . . ."

Mr. S. SATYAMURTI :—"On a point of order, Madam, there can be no speeches at this stage."

30th September 1929]

* The hon. the DEPUTY PRESIDENT :—"Has the hon. Member Dr. Mallayya leave of the House to move the resolution standing in the name of Diwan Bahadur A. M. M. Murugappa Chettiyyar?" (Cries of Ayes and Noes)

The motion was put and declared lost.

A poll was demanded and the House divided thus :—

Ayes.

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| 1. Mr. C. D. Appavu Chettiyyar. | 19. Mr. C. Obi Reddi. |
| 2. " A. J. Leach. | 20. " P. Anjaneyulu. |
| 3. " F. E. James. | 21. " A. Parasurama Rao. |
| 4. " P. C. Venkatapathi Raju. | 22. " C. Ramasomayajulu. |
| 5. " K. Koti Reddi. | 23. " T. Adinarayana Chettiyyar. |
| 6. " R. Srinivasa Ayyangar. | 24. " Ahmed Miran Sahib. |
| 7. " S. Satyamurti. | 25. Sriman Biswanath Das Mahasaya |
| 8. " C. V. Venkataramana Ayyangar. | 26. Mr. A. Kaleswara Rao. |
| 9. " J. A. Saldanha. | 27. " K. Uppi Sahib. |
| 10. " G. Harisarvottama Rao. | 28. " M. Narayana Rao. |
| 11. " Basheer Ahmed Sayeed. | 29. " K. V. Krishnaswami Nayakar. |
| 12. " C. S. Govindaraja Mudaliyar. | 30. " C. Venkatarangam Nayudu. |
| 13. " Abdul Hameed Khan. | 31. " A. Ranganatha Mudaliyar. |
| 14. " L. K. Tulasiram. | 32. " K. P. Raman Menon. |
| 15. " D. Narayana Raju. | 33. Diwan Bahadur B. N. Arogyaswami |
| 16. Dr. B. S. Mallayya. | Mudaliyar. |
| 17. Mr. K. R. Karant. | 34. Mr. C. R. Parthasarathi Ayyangar. |
| 18. " K. Madhavan Nayar. | |

Noes.

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|---|--|
| 1. The hon. Khan Bahadur Sir Muhammad | 22. Mr. K. Krishnan. |
| 2. " Usman Sahib Bahadur. | 23. " N. Siva Raj. |
| 3. " Sir Thomas Moir. | 24. " M. Gangadhara Siva. |
| 4. " Diwan Bahadur M. Krishnan | 25. " V. I. Muniswami Pillai |
| Nayar. | 26. " W. P. A. Soundara Pandian. |
| 5. " Mr. A. Y. G. Campbell. | 27. " S. Subrahmanya Mooppanar. |
| 6. " Mr. M. R. Seturatnam Ayyar. | 28. " S. Venkiah |
| 7. " Mr. S. Muthiah Mudaliyar. | 29. Rai Sahib M. Hampayya. |
| 8. " Dr. P. Subbarayan. | 30. Rao Sahib B. Srinivasan. |
| 9. Mr. Hilton Brown. | 31. Khan Bahadur P. Khalifullah Sahib |
| 10. " H. A. Watson. | Bahadur. |
| 11. " A. G. Leach. | 32. Mr. G. R. Premayya. |
| 12. " J. Gray. | 33. Swami A. S. Sahajanandam. |
| 13. " S. V. Ramamurti. | 34. Rao Bahadur Sir A. P. Patro. |
| 14. " C. B. Cotterell. | 35. Diwan Bahadur P. C. Eshirajulu Nayudu. |
| 15. " V. Ch. John. | 36. Mr. T. K. Chidambaramatha Mudaliyar. |
| 16. " M. A. Manikkavelu Nayakar. | 37. Rao Sahib S. Ellappa Chettiyyar. |
| 17. " Syed Tajudin Sahib. | 38. Rao Bahadur C. Natesa Mudaliyar. |
| 18. " A. B. Shetty. | 39. Khan Bahadur Syed Abdul Razaak Sahib |
| 19. " J. Bheemayya. | Bahadur. |
| 20. " R. Foulkes. | 40. Mr. K. Sarabha Reddi. |
| 21. " Mahmud Schamnad. | 41. " J. Kuppuswami. |
| 22. Subadar-Major S. A. Nanjappa Bahadur. | |

Ayes 34. Noes 41.

The motion was lost.

* Mr. G. HARISARVOTTAMA RAO :—"On a point of order, Madam. Dr. Mallayya has drawn an identical resolution in his own name and it is numbered as 4 on the agenda and therefore there is no necessity to obtain the leave of the House at all. He has a right to move it."

* The hon. the DEPUTY PRESIDENT :—"He can move it only after the items above it have been disposed of."

POSTPONEMENT OF RESETTLEMENT OPERATIONS PENDING THE PASSING
OF A SATISFACTORY LAND REVENUE LAW

[30th September 1929]

* Mr. G. HARISARVOTTAMA RAO :—“ Madam, I move the resolution standing in my name—

‘ This Council recommends to the Government that all resettlement operations relating to rates may be put off till after an enquiry into the condition of agriculturists in the province is made with a view to put the system of land revenue assessment on a satisfactory basis and a land revenue law is passed. ’

“ This demand is as old as the hills. We have been agitating for tens of years and the principle has been fairly recognized. The Joint Parliamentary Committee in its report laid emphasis upon the necessity of a law for placing the land revenue on a statutory basis. They definitely drew attention to the fact that the imposition of new burdens should be correctly brought more within the purview of the legislature and in particular they say that the process of revising the land revenue assessment ought to be brought on the Statute Book as soon as possible. They also refer to specific rates in regard to certain burdens imposed upon the people. Now, Madam, attempts have been made from time to time on the floor of this House to get the Government to legislate on this matter and the Government have made certain attempts in this direction although they have not been fruitful. The question at issue is whether the present method of undertaking resettlements should continue *ad infinitum* or should stop till proper legislation is enacted and measures are taken to conduct a proper enquiry into the condition of agriculturists in the province. The question of an economic enquiry has also been raised and it has been conceded. As a matter of fact, as hon. Members of this House know, there is a committee sitting with regard to resettlement in the districts of Godavari and Kistna. Some time ago, when the hon. the Law Member Mr. Krishnan Nayar was on the opposition, he raised the question and asked whether the hon. the Revenue Member would be pleased to suspend the resettlement operations with reference to Wynaad till the Bill became law and the reply of the hon. the Revenue Member was that the operations would be suspended. So, the principle of suspending operations in regard to settlements has been in a way admitted and definitely granted. I admit that it was an indirect admission that an economic enquiry is a necessary concomitant of revenue settlements. The hon. the Revenue Member replying at one stage to the discussions on the floor of this House tried to make it clear that that was not a rule in so far as settlements in other parts of the country were concerned. But all the same, he admitted that there was a need for considering the economic condition of the ryots; because he said that there was an economic pressure upon the people of the country and that pressure had to be realized before rates could be enhanced. That is so far as the first part of the resolution goes. Instead of asking time after time for an enquiry into the condition of the agriculturists it is much better that the Government put it down as a principle till a satisfactory revenue law is passed. I am sure, Madam, that so long as the present methods of resettlement and assessment of resettlement continue, it would be incumbent upon the non-official members of this House to press for an economic enquiry in the areas concerned. It has been admitted on all hands that the resettlement enquiries have not been sufficiently understood by the people as a whole. Therefore it becomes

30th September 1929] [Mr. G. Harisarvottama Rao]

essential that the Government should not allow this question to be brought up time after time before this House for an economic enquiry. The Joint Parliamentary Committee no doubt did not want to express an opinion as to whether land revenue is a tax or rent or revenue. They were careful to make a reservation to that extent, but that was in keeping with the state of affairs when they were recommending diarchy for the province. But to-day there is the prospect of provincial autonomy and there is the prospect of full democratic development. When there is to be full democratic development there does not seem to be any necessity for such a reservation as that. Moreover, from the very beginning resettlements have been held to be in order. Still there has been an opinion against resettlement as a whole and more especially against what is called the consolidated wet rate being the subject of resettlement. There are a number of questions involved in regard to the introduction of the law relating to the revenue policy of the Government. These questions have to be faced some day or other. These resettlements come in once in thirty years and are taking place almost every day in reference to one district or another.

“ Therefore it is much better that the Government do not put themselves to the trouble of being warned that their revenue policy is wrong and that they will have to make certain enquiries into the economic condition of the people before revising the rates of settlement. I think it would be a waste of time to remind them about this again and again. I therefore ask them to make a declaration that they shall not enforce the resettlement operations relating to enhancement of rates till such time as a satisfactory law is enacted and that they shall take prompt measures to enact a law that will be satisfactory to the people under present conditions. I may refer here to some of the recent questions and answers that were given in the Assembly in regard to this affair. The Member who was in charge of this subject treated the proceedings as confidential between himself and the local Government. I see that he was not prepared to say what the Government resolution was that was about to be introduced, telling the House at the same time that they were issuing a resolution forthwith. To force the hands of the India Government to do the right thing at this juncture, it is essential that the local Government in Madras should give a strong lead. The Government of Madras were evidently sympathetic in regard to this land revenue legislation. Madras is one of the places where a strong attitude has been taken in regard to the land revenue policy being democratized. It would be to the credit of this Government if they rise to the occasion and accept this resolution that I am moving to-day. I want to draw the pointed attention of the hon. the Revenue Member to one fact and that is this: resettlements occur once in 30 years. If he postpones these operations for enhancing the rates for a few years nothing is lost. As the Madras Government has conceded provincial autonomy to the Madras Presidency, it is up to the Madras Government that they leave this matter entirely in the hands of the democratic Government that has to come into being, and not interfere with the opinion of the people expressed time after time both on the floor of this House and elsewhere. I therefore feel that my resolution has nothing in it which can be objected to because the underlying principle has already been accepted, viz., that this subject should be handed over to the democratic opinion in this part of the land.”

[30th September 1929]

Mr. C. S. GOVINDARAJA MUDALIYAR :—"I second it."

* Mr. A. RANGANATHA MUDALIYAR :—"The amendment that stands in my name runs as follows :—

'In line 2 after the word "that" add the words "the introduction of revised rates of assessment due to,";

In lines 2, 3 and 4 delete the words "after an enquiry . . . zul";
and

In line 4 after "assessment" add the words "is placed".'

"The resolution moved by my hon. Friend from Kurnool requires two things to be done. Firstly to enquire into the economic condition of the agriculturists and secondly to put off all resettlement operations. Now, the Government may advance, I say from my experience of debates in similar resolutions in the earlier Councils, arguments that they have got a huge staff on these resettlement operations, that they do not know when this codification will be an accomplished fact, that they are not prepared to disband the whole staff because they may be required at any time, and that if the staff is once disbanded it would be extremely difficult to reorganize the branch whenever that may be needed. So, I am suggesting that we may simply recommend to the Government that no revised rates be introduced. However they might be employing the staff and that does not matter us. What we are concerned is that we shall not be required to pay additional rates of assessments.

"As regards the second thing, it is after all a debatable point, whether an enquiry is necessary into the conditions of the agriculturists. We have from my own point of view enough of materials to show that these agriculturists are poverty-stricken people and that they are unable to pay higher rates of assessment. If the Government have any doubt, let them appoint a committee. Why should we ourselves say that as a condition precedent a committee shall be appointed to enquire into the economic condition of the people before legislation is undertaken. So, I beg to move my amendment as it stands in my name."

* Mr. R. SRINIVASA AYYANGAR :—"I do not think any argument is needed for proving the utility or the practicability of this amendment. The acceptance of this amendment is not likely to embarrass the Government. On the other hand, it is likely to strengthen the hands of the Government. For these reasons I second the amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"The mover of the original resolution admitted that this Government had shown considerable sympathy towards the desire of this House to have a Land Revenue Settlement Act. It will be within the recollection of hon. Members of this House that a Bill was actually introduced in 1924 but was rejected in the first reading. The reason for that rejection was that the House desired that the actual rates of assessment before they were fixed should be subject to the vote of the House. A Press Communiqué was published in May 1926 that the Madras Government forwarded to the Government of India a draft of a Land Revenue Settlement Bill for the Madras Presidency which contained provisions giving the Local Legislative Council power to fix by means of a Taxation Bill rates of assessment both at initial settlements and at resettlements. The Government of

30th September 1929] [Mr. A. Y. G. Campbell]

India have expressed their inability to accept the proposal on the ground that it involves a fundamental departure from the practice which has hitherto been observed in Land Revenue Settlements throughout India, that no similar proposal is contained in the legislation which has been introduced or is about to be introduced in other parts of India, and that a careful examination of the language used by the Joint Select Committee shows that their support cannot be claimed for the proposal. In the Punjab Act that has been recently passed power has not been given to the Legislative Council to fix the rates of assessment; the Act has only determined the maximum increase in the incidence of assessment. I do not think that it goes further than that. The Government of Madras introduced and published a Bill in February 1927 and from the general discussion on the subject that took place during the budget session of that year, it seems clear that the hon. Members of this House did not agree with the principles enunciated therein and the Government did not therefore proceed any further with that Bill. The original motion before the House as well as the resolution as proposed to be amended will have considerable effect on operations which are now going on, in fact they would have to be suspended until a Bill is passed placing the land revenue policy on a statutory basis; for if the methods of resettlement are to be determined by an act which cannot be passed for some time all the resettlement operations would have to be held up as they would have to be reconducted in accordance with the provisions of the Act to be passed hereafter. The suspension of all the resettlement operations will involve the waste of a considerable amount of public money. As the hon. the Mover of the amendment has pointed out, there will also be considerable difficulty in reconstituting and training the staff.

"I feel there is no necessity to hold up the present resettlement operations pending a general economic enquiry regarding the whole Presidency. The resettlement rules already provide for an economic enquiry on certain lines being conducted by settlement officers. The results of such an enquiry are before the Government and are also carefully considered by them. I believe this House also has had an opportunity of considering the settlement reports. If the House is not satisfied with the economic enquiry held in any particular district, the House can appoint special committee for purpose of considering an economic enquiry as has been done with reference to Kistna and the two districts of Godavari. I feel therefore that an elaborate and necessarily expensive enquiry into the economic condition of agriculturists throughout the whole Presidency is not necessary, especially when the question at issue now is only the resettlement of six districts, namely, two Godavaris, Kistna, Malabar, Salem and South Kanara. For the reasons I have explained, we cannot accept this resolution or undertake to introduce a Land Revenue Bill."

Mr. G. HARISARVOTTAMA RAO :—"I take it that the amendment is before the House, and I also accept it."

Mr. S. SATYAMORTI :—"I move that the question be now put."

Resolution No. 3.

* The hon. the DEPUTY PRESIDENT :—"The question is
In line 1 after the word "that" add the words "the introduction of revised rates of assessment due to";

[The Deputy President] [30th September 1929]

In lines 2, 3 and 4 delete the words "after an enquiry . . . put";
and

In line 4 after "assessment" add the words "is placed."

The amendment was put and carried.

The hon. the DEPUTY PRESIDENT:—"The amended resolution is before the House."

Mr. B. VENKATARATNAM spoke in Telugu.

Mr. BASHEER AHMED SAYEED:—"I move that the question be now put."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"I beg to second it."

The closure motion was put and carried.

*The hon. the DEPUTY PRESIDENT:—"The question is

'This Council recommends to the Government that the introduction of revised rates of assessment due to all resettlement operations relating to rates may be put off till the system of land revenue assessment is placed on a satisfactory basis and a land revenue law is passed.'"

The resolution was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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|-------------------------------------|--|
| 1. Diwan Bahadur P. Kesava Pillai. | 24. Mr. A. Parasurama Rao. |
| 2. Mr. A. B. Shetty. | 25. " C. Ramasomayajulu. |
| 3. " J. Kuppuswami. | 26. " T. Adinarayana Chettiyar. |
| 4. " K. Krishnan. | 27. " Ahmed Miran. |
| 5. " W. P. A. Soundar Pandian. | 28. " A. Kaleswara Rao. |
| 6. " K. Ramachandra Padayachi. | 29. " K. Uppi Sahib. |
| 7. " P. C. Venkatapathi Raju. | 30. " M. Narayana Rao. |
| 8. " K. Koti Reddi. | 31. " C. N. Muthuranga Mudaliyar. |
| 9. " R. Srinivasa Ayyangar. | 32. " K. V. Krishnaswami Nayagar. |
| 10. " S. Satyamurti. | 33. " C. Venkatarangam Nayudu. |
| 11. " C. V. Venkataramana Ayyangar. | 34. " B. Venkataratnam. |
| 12. " J. A. Saldanha. | 35. " A. Ranganatha Mudaliyar. |
| 13. " G. Harisarvottama Rao. | 36. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 14. " Basheer Ahmed Sayeed. | 37. Mr. K. P. Raman Menon. |
| 15. " C. S. Govindaraja Mudaliyar. | 38. " C. R. Parthasarathi Ayyangar. |
| 16. " Abdul Hameed Khan. | 39. Rao Bahadur Sir A. P. Patro. |
| 17. " L. K. Tulasiram. | 40. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 18. " D. Narayana Raju. | 41. Rao Bahadur Dr. C. Natesa Mudaliyar. |
| 19. Dr. B. S. Mallayya. | 42. Mr. T. K. Chidambaranatha Mudaliyar. |
| 20. Mr. K. R. Karant. | 43. Khan Bahadur S. K. Abdul Razack Sahib. |
| 21. " K. Madhavan Nayar. | 44. Rao Bahadur B. Muniswami Nayudu. |
| 22. " P. Anjaneyulu. | |
| 23. " C. Obi Reddi. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 9. Mr. S. V. Ramamurti. |
| 2. The hon. Sir Thomas Moir. | 10. " C. B. Cotterell. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 11. " R. Foulkes. |
| 4. " Mr. A. Y. G. Campbell. | 12. " N. Siva Raj. |
| 5. Mr. Hilton Brown. | 13. " S. Subrahmanya Moopanar. |
| 6. " H. A. Watson. | 14. " V. Vanavudaiya Gounder. |
| 7. " A. G. Leach. | 15. Rao Sahib R. Srinivasan. |
| 8. " J. Gray. | 16. Mr. A. J. Leech. |
| | 17. " S. N. Dorai Raja. |

30th September 1929]

Neutral.

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| 1. The hon. Mr. M. B. Seturatnam Ayyar. | 8. Mr. V. I. Muniswami Pillai. |
| 2. " Mr. S. Muthiah Mudaliyar. | 9. Subadar-Major Nanjappa Bahadur. |
| 3. " Dr. P. Subbarayan. | 10. Mr. S. Venkiah. |
| 4. Mr. V. Ch. John. | 11. " S. Arpudaswami Udayar. |
| 5. " M. A. Manikkavelu Mudaliyar. | 12. Raja of Kallikota. |
| 6. " Syed Tajudin. | 13. Swami A. S. Sahajanandam. |
| 7. Rao Sahib L. C. Guruswami. | |

Ayes 44. Noes 17. Neutral 13.

The resolution, as amended was put and carried.

MANAGEMENT OF THE WILLINGDON LEPER SETTLEMENT AT TIRUMANI.

*Dr. B. S. MALLAYYA:—"Madam, I beg to move the resolution standing against my name—

'This Council recommends to the Government that they do immediately take up the management of the Willingdon Leper Settlement at Tirumani and provide adequate staff and accommodation for the patients seeking admission there.'

"The way in which the House voted on this about 40 minutes ago makes me believe that hon. Members are not in a mood to hear the tales of suffering and misery of these unfortunate persons who are affected with this miserable disease; the hon. Minister has been going round canvassing votes against this resolution."

The hon. Mr. S. MUTHIAH MUDALIYAR:—"On a point of order, Madam. May I ask whether the hon. Member is in order when he says that the other side is canvassing?"

Dr. B. S. MALLAYYA:—"I have mentioned only a fact. Generations to come hereafter may not say that this House, at least a majority of the Members of the House, was not sympathetic with the sufferings of these miserable individuals. Leprosy is a very loathsome disease as you yourself know. The disease has been in existence from time immemorial. In the middle ages it was spreading in a rapid stage; so the Government as well as the clergy took immediate steps to control the disease and various asylums were opened wherein these miserable patients were segregated. It succeeded to a certain extent; England particularly is free from leprosy now and we are told that the last leper died in the Shetland Islands the same year General Wellesley stormed Seringapatam and Tipu died. There are no lepers in England now. In India we have the largest number of lepers. The total number of lepers in the whole Empire is 416,000 and India claims 75 per cent of them; unfortunately we, in Madras, have the largest number on record. There are several causes for this state of affairs. It has been the complaint of the Health Officer as well as the municipal authorities of this city that the city is flooded with lepers. There was a strike some months ago in the Tirumani Asylum and the city was invaded by an army of these lepers who were turned up there from the settlement. Lepers come here because there was a leper hospital in Tondiarpet where lepers were treated

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and they were cured to a certain extent. This reputation attracts a considerable number of lepers from the mufassal to the city. When this hospital was transferred to Tirumani by the Government and it was handed over to Mission authorities, it did not have sufficient accommodation to take all the lepers seeking admission there. While the hospital was in Madras, a considerable number of those who became out-patients had means of earning their livelihood by begging in the streets of Madras. When some of these lepers went to Tirumani, they found that the waiting list was full and that they had no chance of being admitted there. They therefore came back to the city. Unfortunately these lepers are not allowed to travel by trains or by other public conveyances. So, they had to walk; once they come to the city of Madras and find that life is rather easy for them here with so many annadana samajams, choultries, temples and other feeding societies, they remain in the city and they forget everything about Tirumani.

"When the lepers were in-patients in the Tondiarpet Leper Hospital, which I think, Madam President, you had a chance of visiting when you were a student, they were very comfortable; they had enough to eat; leprosy is one of the wasting diseases and lepers require a large amount of nourishing diet. When they were in Tondiarpet, the scale of diet was 24 ounces of rice, four ounces of dhol and condiments to match; so they had enough to eat. When the hospital was transferred to Tirumani, the Mission authorities or their servants induced some of the patients to exchange the rice, which they can spare, for money by which they can buy their luxuries. They exchanged the rice and they were paid at the rate of a rupee for four measures. The lepers were induced to do so by the contractor or the storekeeper; perhaps the same man was contractor as well as storekeeper; or they were relations. With this money the lepers purchased more dhol or *pan supari*. In this connexion I may tell the House that lepers in the Tondiarpet hospital were allowed three pies each for betel leaves and nuts. The Mission authorities cut this luxury off. When the authorities found that the lepers were selling their rice, the former inferred that the latter could get on with a less quantity of rice and an order was accordingly issued that they would be given only 20 ounces of rice each and not 24 ounces. Thereupon the patients refused to draw their rations and the order was countermanded. Then some of the servants of the hospital itself told the patients that they could sell rice to outside people at the rate of three and a quarter or three and a half measures a rupee, when the asylum authorities themselves took the rice at four measures a rupee. The lepers found it convenient to sell rice to people outside the hospital. I want to impress on the Members of the House that only a few lepers sold rice in this manner because they were addicted to liquor or other luxuries.

"On the strength of these irregularities a report was made to the Surgeon-General by the then Superintendent of the Tirumani Leper Settlement to the effect that the patients had more rice than they really wanted and asked the Government to cut down their rice. The Surgeon-General agreed with the Superintendent and cut down the rice to about 16 ounces. I ask you, gentlemen, whether 16 ounces of rice are sufficient for a poor patient who is actually starving and wants more nourishment than many of the Members of this House. When they were in the Tondiarpet Hospital, they had four ounces of rice for congee in the morning, 12 ounces in the afternoon and again eight ounces in the night. When the rations were cut down by a third, that is, to 16 ounces, how could a patient live?—particularly a leper patient? They

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naturally refused to receive rations. When the orders of the Surgeon-General were communicated to them on the Deepavali day, they were on hunger-strike. The strike lasted for three days and then the police were summoned; the Surgeon-General went down and the Superintendent of Police came there and the ring-leaders were summarily sent out of the gates. The Surgeon-General and the asylum authorities told the strikers that that was a hospital and not a choultry, that they would be given only such quantity of rice as the Government authorities thought fit and not what they wanted for appeasing their hunger. That day, about 100 and odd patients left the gates and invaded the city of Madras. They came and paraded in front of the late Diwan Bahadur O. Thanikachala Chettiyar's bungalow in Egmore. He said that he was not a Member of the Council and asked them to go to Dr. Mallayya and to represent matters to him. They came to me in a body. On their behalf I saw Mr. Arogyaswami Mudaliyar who then happened to be the Minister, and with the greatest difficulty he was able to induce the Mission authorities to take back about 30 or 40 patients. When we demanded for admission for more patients, we were told that the places were already filled by men from the waiting list and that these men who went out voluntarily had no chance of being taken back. They are here still, and they are waiting on the sands, waiting for the result of this resolution in the Council. It will be open to you to throw it down as the Minister wants you to do."

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Are you addressing the Chair?"

Dr. B. S. MALLAYYA:—"I am addressing you, if that is permitted."

* The hon. the Deputy PRESIDENT:—"The hon. Member will please address the Chair."

Dr. B. S. MALLAYYA:—"Yes, Dr. President—I think that will be a better term. This settlement is always over-full and there is a big waiting list. Whenever a patient applies, he has to take his turn and he has to wait there for a long time. He has no room for waiting even and neither has he means of earning his livelihood there. He comes almost destitute to the gates and he comes out into the wilderness. Where is he to go for his meals? He is told at the same time that he must wait for his turn. The trains are closed to him and they will not take him as a passenger. He has to walk 26 or 27 miles from Tirumani to the City and once he comes to the city, he only adds to the beggar population.

"Madam, when the Missionaries took over the management of this Asylum, one of the patients there a dhoby by caste actually suffered from agonising pains. I forget his name. He approached the medical subordinates and told them that he had very bad pains and wanted to have a bed in the sick ward; but no notice was taken of him. The man, unbearable to bear his pains any longer, coolly walked out in the evening and laid himself down on the South Indian Railway lines, and the engine of the Rameswaram Express put an end to his life and thus relieved him from all pains for ever.

"There was another patient, I think Muniswami Nayakar was his name. It was in 1927. He had a child seriously ill somewhere near Villuparam. He took leave and went to see his child. By the time he went there, the child

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was dead. He came back walking all the way and wanted to be admitted back again. The authorities said he had no place, but that he must wait for his turn. The man waited and waited. He had no means of satisfying his hunger, and being driven to desperation, he tied one end of his dhoti to the rails over the bridge near the choultry and there the man hanged himself.

"Then, there was another Muhammadan boy, I forget his name. He came to the gates with ulcers all over his body in an acute form and told the authorities that he could not walk any longer. He was asked to wait for his turn. He said that if he was not taken in, the only way for him was to put an end to his life. He made good his promise, walked coolly down to the tank on the Tirukkalikundram road near the choultry and drowned himself. Madam, they are strict disciplinarians.

"Again, there was another Muhammadan school-boy Sheikh Davood, by name. He was recently admitted, but the Superintendent on his rounds found that the boy was passing urine in one of the roads. The boy did not know that there was such a thing as a separate latrine, and for that offence, the management turned him out of the gates. Although there is a clause in the agreement that no one can be sent out of the Asylum gates without the special permission of the Government, this Muhammadan boy was turned out simply because the boy passed urine on the road. I ask the Minister whether it is a serious offence justifying his being turned out of the institution? If you are going to judge that boy that way, there is an hon. Member in this House who ought not to be here to-day. He was found passing urine behind that neem tree near the corner of the flag-staff wall. He was caught by the Police and through the timely intervention of Rao Bahadur Varadarajulu Chetty, the Proprietor of Messrs. Harrison and Company, he was rescued from the hands of the police. Otherwise, he would not be sitting behind the Ministers there to-day. (Hon. Members--Who is he?) He is my friend Mr. Moopanar. He passed urine in the Fort near that neem tree under the flagstaff. He perhaps did not know that there was such a thing as a latrine here. He was quite a stranger, an hon. Member of this House, but the Police caught him there and wanted to apprehend him. He was in trouble and another gentleman had to intercede."

The hon. Mr. S. MUTHIAH MUDALIYAR :--"Madam President, is this resolution on the Police or on the Leper Settlement?"

Dr. B. S. MALLAYYA :--"I am quoting parallels, madam. While an hon. Member of this House who passed urine near that flag-staff continues to sit here, a poor leper boy who passed urine on the road is shown out of the gates. (Voices : Leave that.)"

* The hon. the DEPUTY PRESIDENT :--"The hon. Member will kindly resume his speech. I think such remarks on the hon. Members of this House cannot be permitted on this resolution."

Dr. B. S. MALLAYYA :--"Well, Madam President, I am not making any remarks on anybody. I am only enlisting."

The hon. Sir THOMAS MOIR :--"Order, Order."

Dr. B. S. MALLAYYA :--"What is the order, please?"

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The hon. Sir THOMAS MOIR :--"As a matter of good taste."

Dr. B. S. MALLAYYA :--"I only want to enlist the sympathy of the hon. Members here. I do not care for tastes so long as these hon. Gentlemen have no respect for these lepers; I will do anything to enlist the sympathy of this House for these suffering miserable specimens of humanity. They require our sympathy, and I think, tastes or no tastes, we must enlist the sympathy of the House, unless the hon. Members of this House are prepared to undertake to see that these people are properly treated under the British Government where even dogs have hospitals.

"Coming again to another incident (hon. Members: It is time, finish). I want this resolution to go on to the next Council. Time is no consideration. There was another incident. There was an old woman who suffered on account of the small quantity of rice that was given to her. She had half a measure of rice for a meal; when the quantity was cut down from 24 to 16 oz. and hunger pinched her, she approached the Superintendent or the man in charge for more rice. She clamoured for more rice; but the man turns round and kicks her. She is an old leper and the man is a member of the Mission and he is a Christian; and he is a member of the Mission who are supposed to have sympathy for these lepers. I had read in a Mission school 40 years ago that Christ has said that we must have sympathy for lepers—it is said somewhere between Sumaria and Gallilee—ten lepers approached Jesus Christ for help and he cured them. In the Bible it is said that Christ was solicitous to the welfare of the lepers; but the man in charge of the hospital had the audacity to kick the old woman who asked for more rice, because her usual quantity of rice was suddenly cut down by the authorities. I ask: is that the way to treat beggars and particularly lepers at that? A telegram was sent by the respectable members of that Asylum to the Minister; an enquiry was held, and it has been shelved. I ask my hon. Friend Mr. Arogyaswami Mudaliyar to enlighten us as to what happened later in regard to this case, even if he is canvassed to speak on their behalf. Sir, I want his good Christian heart to go out to these suffering lepers and to tell us exactly what is happening there. They are all good Christians; they are having weekly and bi-weekly evangelical classes wherein they bring musicians and others to teach the gospel of Christianity to these hundreds of lepers in the asylum. They are welcome to do it among Christians; but why press their Christian gospel down the throat of these hungry and half-starved Hindu and Muhammadan lepers that which they do not want and which will only make them feel miserable? They are already suffering very much from a miserable disease. Is it the intention of the Government that these men should go on abusing the castes of these people there? I ask them a straight question. They are afflicted by the most miserable disease on earth; do you want that their own castes and religious feelings should be abused by these Christian minstrels hired for the occasion from the town of Chingleput? That should not be the case. When the hospital was here, they had a separate temple provided for them for worship. When the Government built the Leper Asylum there, they provided a temple for worship at their own cost, of about Rs. 10,000 or Rs. 15,000 and the patients who had money with them provided the necessary articles for worship of the God there. That old venerable lady, Dr. Annie Besant, was kind enough, when she visited the hospital, to present that temple with an image of Lord Krishna,

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And she was presenting every year a definite sum of money on Krishna Jayanti day for the worship of the God. Patient Subrahmanya Ayyar was receiving it regularly; unfortunately that man died last year. This year when the money was received by the Leper Asylum authorities and when the patients asked for it, they were refused. The authorities said that the money was for being added to the leper fund. Madam, I ask is it fair? Is it decent in any religious institution that money sent particularly for the purpose of worship of the God should be added to a general fund? Are not the Government having sufficient money to contribute to the leper funds? Why should an amount intended for the worship of God be allowed to be confiscated by the Asylum authorities and added to its funds? It is not fair.

"Then again, every year these patients used to get from the Red Cross Society funds four annas each. Mrs. Coaltis (?) used to go there in person and pay each patient a sum of As. 4. After one or two years, it was represented to her that this money was utilized by these patients for procuring drink and other intoxicants, and she was asked to send all the money in a lump sum to the hospital asylum authorities. She did it for one or two years, I am told, but later on when irregularities were pointed out in the distribution of the amount,—a portion of it went to the Mission underlings those who followed the Christian faith and the servants of the hospital—that good lady herself came personally and made the distribution, and thus put an end to the lump sum contribution.

4-45 p.m. "Madam, Deputy President, as it is getting rather late and as I have not time to relate more incidents, I will leave it to my hon. Friend Mr. Saldanha to take up the thread and to go on. I have not stated all these things with the intention of running down the Mission management, but I merely wanted to point out the difficulties and the miseries which these poor patients have to undergo in that asylum, for the upkeep of which Government are paying, and it is our money—our tax-payers' money. Madam, the treatment there is far from satisfactory. They have not got sufficient doctors. When the Chief Doctor of the Mission went on leave, the other doctor who took over charge, I am told, has been doing the intra-venous injections himself and the other intra-muscular and other kinds of injections were given by one patient to another patient, with the result that there were a number of abscesses. I have seen one or two cases myself; I have been told about such cases; I have ascertained and verified these facts myself. It is neither fair to the patient nor to the good name of the Government that such a state of affairs should continue any longer.

"Madam, it has been recently pointed out by Dr. Santra that leprosy is no longer an incurable disease and the great Dr. Muir, thanks to the glory of the British nation, has found a cure for this disease. It has been done at the Leper Research Institute at Calcutta, which is affiliated to the Indian School of Tropical Medicine. The British Society for combating leprosy are taking a keen interest and are sending out parties for research work throughout India. Dr. Santra was in our midst recently and he gave us his views. He said that leprosy is curable and that the segregation of lepers in a large asylum is no longer a necessity. In fact, he said that it is an economic waste and that we should no longer have any more leper settlements. He said 'Do not waste your money but have small centres attached to each headquarter hospital or taluk hospital where these men can be treated as out-patients.'

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From a study of the statistics of leper asylums in the whole of India, he came to the conclusion that the total cost per head was only Rs. 15 per month but the cost given to us by our Government authorities was about Rs. 19 and the odd for the Tirumani settlement and on further scrutiny, we are told that the total cost per patient is about Rs. 18-7-5. But Dr. Santra says for that amount, you can treat about twenty patients outside, cure them once and for all and then restore them to their families and their homes and that there is no necessity to segregate them in big asylums and make them waste their lives and also waste Government money. Now, the views about leper asylums are completely changed. These asylums, he calls, as an economic waste. We are spending nearly Rs. 1,50,000 annually. With that we can treat 150,000 lepers with the latest treatment as suggested by Dr. Muir.

"The difficulty at present is to diagnose these cases in their early stages. For that a band of able and energetic medical officers are required. The Government, at present, have no facilities for training these men. If the Leper Settlement is taken over by Government and leper clinics are established there—I have no objection to the present Mission Doctors and Mission staff being retained—but the Government must have control. The students of the Medical College must have two weeks training in leprosy and all medical officers before they are taken into Government service must be made to undergo two months training in the treatment and diagnosis of the disease at Tirumani. It is only by these means that we can be in a position to put down leprosy and stamp it out from India just as England did.

"Madam, it is not too much to ask Government and it may be said that if Government take over completely, they may have to spend large sums of money. In fact there is no necessity for this extra expenditure. As a matter of fact, there are men who do not deserve to be there and should have been sent to their homes long ago. The question of cost is no consideration, if it is taken over by Government with the same Mission staff and that place made a centre of teaching our doctors in the matter of curing the disease. If this is done, I think we will be in a position to stamp out leprosy from our Presidency in about a decade.

"Madam Deputy President, my earnest request to the hon. Members is not to be guided by prestige or by representations made by others. But, you must think for yourselves and if you just go out of the gates you will find so many lepers waiting. As a matter of fact, one or two beggars went with letters to be admitted into the asylum and one of these letters was that from the hon. the Minister himself. They later on returned saying that they were not admitted. A leper that I sent some months ago also came back with a note from Dr. Sutherland saying that their difficulty at present was want of space. He quite sympathized with the patient, but he could not take him, because there were already other men on the waiting list. The patient that I sent was one who was begging opposite the Chennapuri Annadana Samajam and he can even now be seen there. Madam, it is a disgrace to any Government that has any claim to civilization to refuse admission because there is no room."

* The hon. the DEPUTY PRESIDENT :—"The hon. Member is nearing the time."

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Dr. B. S. MALLAYYA :—"It is really surprising to know that there is a time-limit for a mover of a resolution. It is my impression. I do not want to see that the resolution is brought to a close, so that the Minister may have a chance of replying to the points raised after verification."

* The hon. the DEPUTY PRESIDENT :—"One minute more."

Dr. B. S. MALLAYYA :—"Thank you, Madam. In this connexion, I want to bring to the notice of the hon. Minister that a patient called Shaik Imam Sahib who absconded some time ago—I think I showed him the letter which I received from a leper inmate—was taken back by the mission authorities when he returned because he brought a letter from a brother missionary. But men who went with the recommendation of the Minister and other Members of this House were sent back."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I may say for the information of the hon. Member that I have never given any letter."

* Dr. B. S. MALLAYYA :—"But you forwarded one of my letters with your recommendation. The men were not taken. I will only appeal to have mercy on these poor lepers and allow them the chance to take full advantage of the marvellous discovery made by Dr. Muir so that they may be restored to health and to their families."

* Mr. ABDUL HAMEED KHAN :—"Madam Deputy President, it is with feelings of real sorrow, I daresay that Members of this House have heard the harrowing tales too vividly narrated by the Mover of this resolution. If I rise to second the resolution I do so as my duty to the suffering people. I have no doubt that there is hardly any member in this House who has not been moved by the harrowing tales that were narrated by the Mover of the resolution. I have no doubt that Dr. Mallayya who feels for the poor and who knows the effect of the disease is one who never comes forward with any resolution without making sufficient enquiry with regard to the matter. He is one who has made a thorough study of the subject and has taken a great deal of pains with regard to the matter and has come forward with a table of the sufferings of the poor lepers. Madam, I am sure that there will also be the other side of the question and the hon. Minister will come forward after careful enquiry from the authorities in the settlement to give his reply to all the allegations that were made by the hon. Mover. But, all the same, it seems to me that the question requires a thorough enquiry. If at all, there is any reform needed immediately, I daresay the hon. Minister will see to it after thorough enquiry to institute the necessary reform. With regard to the whole question of the policy of the Government in the matter of the treatment of the lepers in this province, I have no doubt that the Government of this province has failed to do its duty. We know from our experience both in the city and in the rest of the province that there are a number of lepers going about begging in the streets in the city and elsewhere, whereas, it should be the duty of the Government to see that the lepers are segregated and to see that the police are empowered to send them to settlements."

"With regard to the question whether the Tirumani Settlement is to be managed by the Mission or by the Government, the resolution, of course, wants that the Government should take up the management, if the missionaries are not amenable to the suggestions that are made by the Government

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with regard to its proper management. I think it is advisable for the Government in the interests of the suffering people that the Government should take up the thing and see that in the institution these poor lepers are treated better than they are treated to-day. We have heard how some of the lepers were treated : some of them were kicked, some of them were turned out and some of them were treated with scant courtesy. Therefore it seems to me that it is a humanitarian question for the Government to take up. If it is the policy of the Government to treat human beings as human beings they should see that the authorities who are in charge of the settlement do not treat these human beings properly, however miserable they may be, I think the Government will be failing in the discharge of their duty. Therefore, I second this resolution."

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

IX

PAPER LAID ON THE TABLE OF THE HOUSE.

Copy of proceedings of the second meeting of the Finance Committee for 1929-30 held on Friday the 6th September 1929.

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

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APPENDIX I.

[Vide answer to question No. 623 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 30th September 1929, page 419 supra.]

Name of agent.	Villages.	Quinine supplied up to 31st May 1929.	Quinine distributed.
<i>Puttur taluk.</i>			
Rev. S. V. Rebello, Roman Catholic Priest, Karopady.	Karopady, Kanyana, Saletur and Kolnad ..	PACKETS. 150	PACKETS. 75
Rev. L. Lobo, Roman Catholic Missionary, Kadaba.	Kodimbala, Kadaba and Yedamangala ..	200	74
Mr. Felix Huns, Headmaster, Basel Evangelical Mission School, Kanyadi.	Kanyadi and Kalmanja	300	280
Mr. Salvador, Menejes, Headmaster, Basel Mission Panchama School, Ujre.	Ujre and Laila	250	250
Rev. D. J. D'Souza, Roman Catholic Church, Madantur.	Gardadi, Maladi, Sonandur, Paranki, Machina, Karaya, Kukkala, Vodilal, Tan-nirpanta—also villages of Karkal taluk.	700	636
Rev. M. S. Fernandes, Roman Catholic Church, Beltangadi.	Melantabettu and Kuttiar	350	200
Rev. L. Carvallo, Roman Catholic Missionary, Arva.	Navur—also villages of Karkal taluk ..	..	..
Rev. Th. Ritter, Basel Mission, Puttur.	Kabaka, Kula, Mudnur, Mani, Kedila, Kudipadi, Idikidu, Ananthadi, Peraje, Padnur, Kedila, Bannur, Kodimbadi, Bellipadi, Narimogru, Kuria, Punaoba, Mudnur, Balnadu, Padnur, Chickamudnur, Perne, Shantigodu, Kemminja, Aryapu, Kepu, Vittal, Puttur.	900	859
James Andrews, Basel Evangelical Mission, Evangelist, Beltangadi.	Nada	400	86
Medical Officer, Uppinangadi.	Uppinangadi, Thannirpantha, Mogru, Koila, Nelliadi, Kokkada, Kuntur, Karaya, Ilantila, Hirebandadi, Bajathur, Kaniyur, Mundur, Vodinal, Hatyadka, Ramkunja and Uruval,	400	365
Health Inspector, Puttur.	.....	300	260
Health Inspector, Beltangadi.	Indabettu, Mittabgilu, Kadirudayavara, Malavantiga, Maladi, Sonandur, Neriya, Chibidre, Thotathadi and Kaniyur.	500	343
Medical Officer, Beltangadi.	Ujre, Laila, Nada, Savnal, Melanthabettu, Kuvettu, Kaliya, Koyyur, Mundaje, Beltangadi and Sonandur.	650	561
Rev. R. D. Sequeira, Roman Catholic Missionary, Kokkala.	Kokkada, Kalanja, Neriya, Shibaje, Nelli-yadi, Konalau, Ballya, Peraba, Hatyadka, Nidla, Shiradi, Golithattu, Puduveltu, Kuntur, Ramkunja and Bajathur.	450	293

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Name of agent.	Villages.	Quinine supplied up to 31st May 1929.	Quinine distributed.
<i>Puttur taluk—cont.</i>			
Medical Officer, Sampaje.	Thodican, Mudnurmarakanja, Aranthod and Sampaje.	200	108
Deputy Tahsildar, Beltangadi.	Beltangadi, Charmadi, Mundaje, Koyyur, Chibidre and Laila.	1,500	Not known.
Medical Officer, Puttur.	Puttur	750	596
Do. Vittal.	Vittal	150	91
Do. Sullia.	Sullia	200	65
Do. Panja.	Aivathoklu, Kutkunja, Kalmadka and Pambethadi.	400	230
Tahsildar, Puttur ..	Kombaru, Subramania, Kollamogru, Kal-makar, Bilinale, Ainakidu and Belgodu.	1,500	Not known.
Forest Range Officer, Beltangadi.	Navur, Dharmasthala, Charmadi and Mundaje.	200	188
Forest Range Officer, Puttur.	Nalkuru, Subramania, Yenekal, Guttigar, Kollamogru, Thodican, Hariharapattadka and Devachala.	200	Not known.
Forest Range Officer, Uppinangadi.	Shiradi, Ichlampadi, Kadaba, Aithur, Shibaje, Kaukradi, Bilinale and Kombaru.	200	124
Rev. P. L. Botelho, Roman Catholic Church, Vittal.	Vittal, Koland, Alike, Peruvaje, Padnur, Mudnur and Kepu.	150	Not known.
<i>Through Village Panchayat Presidents.</i>			
1. President, Taluk Board, Puttur.	Aithur, Aryapu, Bannur, Bellipadi, Hari-harapattadka, Kadirudayavara, Kaniyur, Konaje, Kutrupady, Mudnur 52, Neriya, Palthadi, Perabe, Puchapadi, Vodilna, Alankar, Balnadu, Belandur, Kombar, Kedila, Kud-mar, Kuvettu, Savanal, Nujibattila, Patrame, Puduveltu, Shiradi, Yedamangala, Alanthaya, Ballya, Bellare, Guthigar, Indabettu, Kalmadka, Kepu, Muthkunja, Madnur 116, Navur, Padnur, Panaje, Punaoba and Thotathadi.	5,550	1,161
<i>Through School Masters in the Board Schools.</i>			
Aivernad, Aletti, Ananthadi, Ariyadka, Bandar, Belal, Biliyur, Charvaka, Devachala, Gardadi, Halineranki, Irde, Kabaka, Kankamajulu, Kedambadi, Keyyur, Koltige, Kukkala, Kuria, Maladi, Mani, Mudnur, Murullya, Narinoger, Nidla, Padnur, Saletur, Shanthagodu, Maladi, Mani, Mudnur, Murullya, Narinoger, Nidla, Padnur, Saletur, Shanthagodu, Ubradkawittur, Yenmuro, Ajjavar, Alike, Aranthod, Badagannur, Batra, Bettampadi, Bolantur, Chickamadnur, Dolapadi, Golithattu, Idikidu, Jalsur, Kalanja, Kanyana, Kem-bolantur, Kodimbadi, Kidipadi, Kula, Machina, Mandekulu, Markanja, Mundaje, Nallur-minje, Kodimbadi, Kidipadi, Kula, Machina, Mandekulu, Markanja, Mundaje, Nallur-minje, Nekkiladi, Padangadi, Pambathadi, Savennur, Sarve, Virakamba and Tekkar.			
<i>Through Village Officers.</i>			
2. Tahsildar, Puttur ..	Ainakidu, Aivathkilu, Belgodu, Baila, Balpa, Bilanile, Guttigar, Hirebandadi, Ilanthila, Kaimana, Kalanja, Kalmakaru, Madapadi, Manila, Muppirya, Nalkuru, Nekkiladi (102), Pada-vannur, Peruvaje, Puttala, Renjaladi, Valmogru, Yenekal and Subramanya.	1,500	Not known.
3. Deputy Tahsildar, Beltangadi.	Charmadi, Chibidre, Konalu, Dharmasthala, Ichlampadi, Nayatarf, Kaniyur, Kaukradi, Paranki, Rekya, Shirivagilu and Sishila.	1,500	Not known.

[30th September 1929]

Name of agent.	Villages.	Quinine supplied up to 31st May 1929.	Quinine distributed.
<i>Karkal taluk.</i>			
1. Rev. D. J. D. Souza, Roman Catholic Church, Madanthar.	Kukkedi also villages of Puttur taluk	PACKETS.	PACKETS.
2. Rev. J. B. D'Sa Vicar, Moodabidri.	Kallamundkur, Putige, Paladka	100	96
3. Rev. L. Carvello, Roman Catholic Missionary, Arva.	Badagakarandu, Shirlal, Kudyadi, Sulkeri, Karambar, Sulkerimogru, Kokradi and also villages of Puttur taluk.	200	142
4. Rev. D. J. D'Souza, Taccode.	Marur, Puchmogru	300	170
5. Medical Officer, Karkal.	Karkal, Sanoor, Kantavar, Yerlapadi, Nalkur, Idu, Valpadi, Nallar, Mala, Hirgan, Shirlal, Waranga, Ranjal, Bailur	1,400	1,211
	Beluvaje, Marne, Shirlal, Nellikar, Kellaputige, Miyar, Kervashe, Jarkal, Andar, Kabbinalo, Nitte, Palli, Nire, Venoor, Mudradi, Mantradi, Irvathoor, Mudar, Durga, Hermunde and Ninjur.	350	250
6. Health Inspector, Karkal.	....	350	200
7. Medical Officer, Moodabidri.	Parantya, Kallabettu, Marur, Venur, Tenkamijar, Niddody, Marpadi, Karanje, Hosangady, Badagamijar, Kallamundkur, Puthige and Belluvai.	150	Not known.
8. Medical Officer, Naravi.	....	900	403
9. Medical Officer, Hebri.	Hebri, Belinje, Mudradi, Padakudur, Chara, Kuchoor, Nadpal, Varanga, Shivapur and Kerabettu.	1,400	Not known.
10. Tahsildar, Karkal..	Andar, Kervashe, Nadpal, Sulkeri, Badagakarandur, Shirlal, Mala, Sukerimogru and Pillya.	100	65
11. Forest Range Officer, Tidipi.	....	250	218
12. Roman Catholic Missionary, Naravi.	Naravi, Mentradu, Perady, Shirtadi, Idu, Marody and Mudhodi.	300	Not known.
13. Rev. J. M. Vas, Vicar of Hosbettu.	Hosbettu, Todar, Irvavil and Puchmogru		

Through Board School Masters.

1. President, Taluk Board, Karkal.	An'ar, Adinje, Nalkur, Balanja, Bailur, Durga, Hosangady, Idu, Kaithala, Kallamundkur, Kashepatna, Mala, Miyar, Mudumurnad, Nallur, Nellikar, Nitte, Palli, Renjal, Shivapoor, Valpady, Yerlapady, Ajekar, Arambody, Belvui, Daregudde, Hermunde, Irvathur, Kadandale, Kallabettu, Kalliya, Kukkude, Marody, Mudradi Mudukonaje, Nandalike, Nire, Panapillaliyur, Padakudur, Shirtady, Sooda, Varnaga, Venoor and Tenkakandur.	2,500	Details have not been received.
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Through Village Officers.

2. Tahsildar, Karkal ..	Andar, Bajre, Bola, Hirgan, Kabbinalo, Kantavara, Kedinja, Kudur, Kukkedi, Mudar, Nalkuru, Nittadi, Padukonaje, Pillya, Shirlal, Sulkeri, Badagakarandur, Belmanu, Gunduri, Jarkala, Kanjara, Karimanel, Kokradi, Kudyadi, Kutlur, Nadapala, Navara, Nuralvetu, Padumarnad, Savya and Shirlal.	2,500	Details have not been received.
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30th September 1929]

APPENDIX II.

[Vide answer to question No. 629 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 30th September 1929, page 423 supra.]

I.—Statement showing Indian orphanages to which boarding grants were sanctioned in 1928–29.

Indian Orphanages (Boys).

Serial number and name of district.	Name of orphanage.	Amount of grant sanctioned for 1928–29.
		RS.
1. Ganjam ...	R.C.M. Boys' Orphanage, Surada ...	385
2. Vizagapatam.	C.B.M. Boarding Home, Bimlipatam ...	428
3. Do.	R.C.M. Church Compound School, Palkonda.	128
4. East Godavari.	U.L.C.M. Boarding Home, Telleshuram ...	311
5. Do.	Adi-Andhra Free Boarding Home, Pithapuram ...	471
6. Kistna ...	St. Antony's R.C.M. School and Orphanage, Bezvada ...	438
7. Do. ...	St. Joseph's R.C.M. Orphanage, Gundala ...	1,244
8. Do. ...	C.B.M. Boarding Home, Avanigadda ...	235
9. Do. ...	Do. Voyyur ...	1,104
10. Guntur ...	U.L.C.M. Boarding Home, Repalle ...	95
11. Do. ...	Do. Sattenapalle ...	267
12. Do. ...	Do. Chirala ...	85
13. Do. ...	Do. Narasaraopet ...	277
14. Kurnool ...	A.B.M. Middle School and Boarding House, Bestwarpet ...	438
15. Cuddapah.	London Mission Boarding Home, Nagarajapet ...	654
16. Nellore ...	U.L.C.N. Boarding Home, Taralapadu ...	1,004
17. Do. ...	Christian Council Boarding Home, Kanigiri.	492
18. Do. ...	Boarding Home attached to the A.B.M. Middle School, Kavali ...	492
19. Do. ...	A.B.M. Boarding Home and Orphanage, Udayagiri ...	204
20. Madras ...	M.E.M. Orphanage, Kilpauk ...	558
21. Do. ...	Madras Society for the Protection of Children's Home, Tondiarpet ...	288
22. Do. ...	Madras Tamil Mission Orphanage Home, Washermanpet ...	708
23. Do. ...	St. Francis Xavier's Boarding Home, Alwarpet ...	524
24. Chingleput.	Wesleyan Mission Indian Orphanage, Poona-mallee ...	288
25. Do.	Wesleyan Mission Boarding Home, Madurantakam ...	417

[30th September 1929]

Indian Orphanages (Boys)—*cont.*

Serial number and name of district.	Name of orphanage.	Amount of grant sanctioned for 1928-29. RS.
26 Chingleput.	St. Joseph's Orphanage attached to the R.C.M. School, Chingleput	267
27. Do.	E.L.M. Boarding Home, Pandur	301
28. Do.	Wesleyan Mission Boys' Boarding Home, Ikkadu	503
29. North Arcot.	St. Andrew's Orphanage, Arkonam	204
30. Do.	Anjuman-I-Muzidul Islam Muslim Industrial Orphanage, Melvisharam	568
31. Chittoor ...	Hope Higher Elementary School and Orphanage, Madanapalle	343
32. Do. ...	A.A.M. Elementary Central School and Rural Boarding House, Kothamalapalle and Barkyalakolla	171
33. Do. ...	Australian Presbyterian Boys' Boarding Home, Pullipeta	277
34. Do. ...	Wesleyan Mission Boarding Home, Nagari.	192
35. South Arcot.	St. Joseph's Orphanage, Tindivanam	998
36. Do.	Danish Mission Orphanage, Fort St. David...	192
37. Do.	Tamil Evangelical Mission Orphanage, Chidambaram	257
38. Do.	A.A.M. Boarding Home, Tindivanam	450
39. Tanjore ...	Sen Tamil Vidyasala Orphanage, Erukkathu-cheri	128
40. Do. ...	Don. Bon-Boucos Boarding Home, Tanjore.	354
41. Do. ...	S.P.G. Adi-Dravida Boarding Home, Kumbakonam	277
42. Do. ...	St. Francis Xavier's Orphanage, Tanjore	421
43. Do. ...	Theethakkadu Vadukuchetti Higher Elementary School and Orphanage, Theethakkadu.	107
44. Trichinopoly.	The Madrasa-I-Asam—Ulama Orphanage, Trichinopoly	589
45. Do.	St. Joseph's Industrial School and Orphanage, Trichinopoly	686
46. Madura ...	C.S.M. Boarding Home, Ponnagaram, Madura	321
47. Do. ...	St. Mary's Orphanage, Madura	418
48. Do. ...	Birds Nest Orphanage, Madura	343
49. Do. ...	Treman Port Elementary School and Orphanage, Rachanyapuram, Madura	139
50. Ramnad ...	A.M.C.C. Mixed Boarding School, Manamadura	118
51. Do. ..	C.S.M. Boys' Boarding Home, Kamuti	32
52. Do. ...	C.S.M. Boarding Home, Paramakudi	96
53. Do. ...	Orphanage Boarding Home attached to the First grade Elementary school, Mount Zion.	128

30th September 1929]

Indiau Orphanages (Boys)—*cont.*

Serial number and name of district.	Name of orphanage.	Amount of grant sanctioned for 1928-29. RS.
54. Tinnevely.	St. Joseph's Orphanage, Nazareth	708
55. Do.	St. Joseph's Orphanage, Adaikalapuram	815
56. Do.	Sacred Heart Orphanage, Irudayakulam	269
57. Coimbatore.	Wesleyan Mission Orphanage and Boarding Home, Dharapuram	1,180
58. Do.	London Mission Boys' Boarding House, Erode	1,263
59. Do.	St. Michael's Orphanage for Boys, Coimbatore	965
60. Do.	C.S.M. Orphanage, Coimbatore	364
61. Do.	London Mission Boys' Orphanage, Coimbatore	343
62. Salem ...	S.B.M. Boarding Home and Orphanage, Namakkal	182
63. Malabar ...	J.D.T. Islam Moplah Orphanage, Calicut	1,114
64. Do.	Basel Evangelical Mission and Orphanage, Parapperi	482
65. South Kana-ra.	Basel Evangelical Mission Boarding Home, Udipi	762
66. Do.	St. Joseph's Asylum Male Orphanage, Jeppo.	783

Indian Orphanages (Girls).

Northern Circle.

67. Ganjam ...	R.C.M. Girls' Orphanage, Surada	204
68. Vizagapatam.	St. Joseph's Convent Orphanage, Waltair	773
69. Do.	C.B.M. Girls' Orphanage, Vizianagram	741
70. Kistna ...	C.M.S. Sharkey Memorial Girls' Orphanage, Masulipatam	708
71. Do. ...	C.E.L.M. Girls' Orphanage, Masulipatam	288

Ceded Districts Circle.

72. Anantapur.	C.T.G. Boarding Home, Penugonda	128
73. Kurnool ...	A.B.M. Boarding Home, Bestwarpet, Cumbam	256
74. Do. ...	R.C.M. Boarding Home, Kurnool	472
75. Bellary ...	St. Joseph's Orphanage for Girls, Bellary	589
76. Guntur ...	St. Anne's Orphanage Home, Phirangipuram	568
77. Do. ...	St. Joseph's Orphanage, Guntur	1,307

Central Circle.

78. Nellore ...	The Union Council Boarding Home attached to the A.B.M. Girls' Higher Elementary School, Kanigiri	332
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[30th September 1929]

Indian Orphanages (Girls)—*cont.*

Serial number and name of district.	Name of orphanage.	Amount of grant sanctioned for 1928-29.
<i>Central Circle—cont.</i>		
79. Nellore ...	St. Joseph's Orphanage for Girls, Nellore ...	Rs. 773
80. Madras ...	The Holy Family Orphanage, San Thome ...	1,017
81. Do. ...	St. Lazarus Girls' Boarding School, Mylapore.	353
82. Do. ...	St. Anne's Orphanage, Rayapuram ...	563
83. Do. ...	Harriet Bond Skidmore Girls' Boarding School, Vepery ...	1,413
84. Chingleput.	St. Ann's Orphanage, Kilacheri ...	214
85. Do.	Wesleyan Mission Girls' Boarding Home, Ikkadu ...	482
86. Chittoor ...	A.A.M. Boarding Home, Madanapalle ...	568
87. North Arcot.	St. Aloysius' Convent Orphanage, Vettavalam.	107
88. Do.	A.P.M. Girls' Boarding School, Sholingur ...	161
89. South Arcot.	St. Joseph's Orphanage for Girls, Tindivanam.	492
<i>Southern Circle.</i>		
90. Tanjore ...	St. Michael Orphanage, Michaelpatti ...	395
91. Do. ...	S.P.G. Panchama Girls' Boarding School, Nangur ...	235
92. Do. ...	St. Theresa's Orphanage, Tranquebar ...	482
93. Do. ...	E.L.M. Orphanage, Porayar ...	417
94. Do. ...	St. Paul's Orphanage, Mayavaram ...	256
95. Trichinopoly.	Holy Cross Orphanage, Trichinopoly ...	354
96. Do.	E.L.M. Orphanage, Kemp Town, Trichinopoly ...	385
97. Do.	St. Ann's Orphanage, Cantonment, Trichinopoly ...	676
98. Do.	All Saints' S.P.G. Girls' Boarding School, Puthur, Trichinopoly ...	536
99. Do.	Wesleyan Mission Girls' Boarding Home, Worayur, Trichinopoly ...	74
100. Madura ...	C.S.M. Boarding Home, Madura ...	653
101. Do. ...	A.M.C. C. Girls' Boarding School, Dindigul.	1,018
102. Do. ...	St. Joseph's Orphanage for Girls, Madura ...	503
103. Do. ...	Lucy Perry Noble Institute Orphanage, Rachanyapuram, Madura ...	928
104. Ramnad.	St. Francis Xavier's Orphanage, Srivilliputtur ...	1,477
105. Do.	C.M.S. Girls' Boarding Home, Sachiya-puram ...	364
106. Tinnevely.	St. Joseph's Orphanage, Tangasseri ...	161
107. Do.	Sacred Heart Girls' Orphanage, Anjengo ...	298
108. Do.	Indian Orphan College, Palamcottah ...	107
109. Do.	St. Joseph's Orphanage, Adaikalapuram ...	879

30th September 1929]

Indian Orphanages (Girls)—*cont.*

Serial number and name of district.	Name of orphanage.	Amount of grant sanctioned for 1928-29.
<i>Western Circle.</i>		
110. Coimbatore.	Wesleyan Mission Girls' Orphanage, Dhara-puram ...	Rs. 406
111. Do.	London Mission Girls' Orphanage, Erode ...	214
112. Do.	Immaculate Conception Convent Orphanage, Coimbatore ...	1,180
113. Do.	London Mission Boarding Home, Coimbatore ...	321
114. Do.	Presentation Convent Orphanage, Coimbatore ...	375
115. The Nil-giris.	Wesleyan Mission Orphanage, Kotagiri ...	267
116. Do.	St. Michael's Orphanage, Kaity ...	149
117. Do.	Nazareth Convent Orphanage, Ootacamund ...	803
118. Salem ...	London Mission Boarding Home, Hastham-patte ...	482
119. Do. ...	R.C. Girls' Boarding Home, Shettipatti ...	375
120. Do. ...	S.B.M. Girls' School, Kalli Hills, Valavandi.	117
121. Do. ...	R.C. Girls' St. Patrick's School Orphanage, Shevapat ...	32
122. Do. ...	St. Gabriel's Orphanage, Minamballi Agra-haram ...	43
123. Do. ...	St. Theresa's Girls' Orphanage, Elathagiri ...	107
124. Malabar ...	St. Joseph's Convent Orphanage, Calicut ...	354
125. Do. ...	Basel Evangelical Mission Orphanage, Chombala ...	622
126. South Kanara.	St. Joseph's Asylum Female Orphanage, Jeppo ...	867
127. Do.	Basel Evangelical Mission Orphanage, Moolky ...	730

[30th September 1929]

II.—Statement showing Indian orphanages to which grants were refused in 1928-29.

District.	Name of orphanage.	Reason for refusal.
For Boys—		
Vizagapatam ..	1. Gollapalan Kondabai H.E. School.	Rule 63 of the Grant-in-aid Code lays down that every child on whose behalf a grant is claimed should be certified to be destitute by the officers specified therein. These two institutions did not satisfy this condition.
Trichinopoly ..	2. S.P.G. Boys' Boarding Home, Irangalur.	
Kistna ..	3. Noble High School Hostel, Masulipatam.	Under note (1) to Rule 64 of the Code, in order to become eligible for aid an orphanage should ordinarily have not less than 50 per cent of its inmates orphan or non-orphan destitutes within the age-limits prescribed, who are provided with free boarding and lodging without any charge to the inmates. These institutions did not satisfy this condition.
Guntur ..	4. C.M.S. Boarding H.E. School, Vidyanaagar.	
Madras ..	5. U.L.C.M. Boarding Home, Rentachintala.	
North Arcot ..	6. Ramakrishna Students' Home, Mylapore.	
Madura ..	7. A.A.M. Boys' Boarding Home, Arni.	
The Nilgiris ..	8. C.S.M. Boarding Home, Dindigul.	
For Girls—	9. Wesleyan Mission Boarding Home, Kaitiy.	
West Godavari.	10. C.S.M. Boarding Girls' School, Ellore.	

APPENDIX III.

[Vide answer to question No. 636 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 30th September 1929, page 426 supra.]

List of Temple Committees in regard to which action was taken under the Hindu Religious Endowments (Amendment) Act I of 1928.

Serial number and name of Temple Committee.	The period for which appointment was made.	The date of expiry of the period of appointment.
1. Karnool District Temple Committee ..	One year ..	19th March 1929.
2. Nellore District Temple Committee ..	Do. ..	9th April ..
3. Chittoor District Temple Committee ..	Do. ..	16th April ..
4. Vizagapatam District Temple Committee ..	Do. ..	7th May ..
5. Bellary District Temple Committee ..	Do. ..	18th June ..
6. Guntur District Temple Committee ..	Do. ..	" ..
7. West Godavari District Temple Committee ..	Do. ..	24th June ..
8. East Godavari District Temple Committee ..	Do. ..	" ..
9. Trichinopoly District Temple Committee ..	Do. ..	" ..
10. Kistna District Temple Committee ..	Do. ..	2nd July ..
11. Kumbakonam Circle Temple Committee ..	Do. ..	23rd July ..
12. Ganjam District Temple Committee ..	Do. ..	30th July ..
13. Bannad District Temple Committee ..	Do. ..	20th August ..
14. Tanjore Circle Temple Committee ..	Do. ..	29th October ..
15. Negapatam Circle Temple Committee ..	Do. ..	3rd December ..
16. Palni Circle Temple Committee ..	Six months ..	30th June ..
17. Dharmapuri Circle Temple Committee ..	One year ..	15th April 1930.
18. Salem Circle Temple Committee ..	Do. ..	" ..
19. Tiruchengodu Circle Temple Committee ..	Do. ..	28th April ..
20. Chingleput Circle Temple Committee ..	Do. ..	13th May ..
21. Tiruvallur Circle Temple Committee ..	Do. ..	17th June ..

[30th September 1929]

APPENDIX IV.

[Vide answer to question No. 642 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 30th September 1929, page 430 supra.]

Statement showing the number of officers in each circle from 1918-29 (June).

Year.	North Circle.	South Circle.	West Circle.	Central Circle.	Total.	Increase.	Decrease.
1918 ..	12	12	8	10	42	..	..
1919 ..	12	12	12	11	47	5	..
1920 ..	12	10	13	12	47	..	..

Year.	I Circle.	II Circle.	III Circle.	IV Circle.	V Circle.	VI Circle.	Total.	Increase.	Decrease.
1921 ..	12	9	9	10	10	10	60	13	..*
1922 ..	11	12	12	10	8	10	63	3	..
1923 ..	10	12	8	9	14	11	64	1	..
1924 ..	11	11	9	9	9	17	66	2	..
1925 ..	9	11	7	13	9	16	65	..	1
1926 ..	11	7	5	7	12	13	55	..	10 †
1927 ..	9	7	7	7	10	13	53	..	2
1928 ..	11	8	8	7	7	14	55	2	..
1929 (up to the end of June).	10	9	8	9	9	14	59	4	..

* Eleven Indian Forest Service officers joined in March and December 1921.

† There were 14 officer on leave in December 1926 and three Indian Forest Service recruits that month.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 1st October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Krishnaswami Ayyar, Mr. Alladi.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Krishnaswami Nayakar, Mr. K. V.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Kumaraswami Reddiyar, Diwan Bahadur S. Kuppuswami, Mr. J.
Subbarayan, The hon. Dr. P.	Leach, I.C.S., Mr. A. G.
Muthiah Mudaliyar, The hon. Mr. S.	Leech, Mr. A. J.
Seturatnam Ayyar, The hon. Mr. M. R.	Madhavan Nayar, Mr. K.
Abdul Hameed Khan Sahib Bahadur.	Maharaja of Pithapuram.
Abdul Razaq Sahib Bahadur, Khan Bahadur S. K.	Mahmud Sohamnad Sahib Bahadur.
Achutan, Mr. A.	Mallayya, Dr. B. S.
Adinarayana Chettiyar, Mr. T.	Manikkavelu Nayakar, Mr. M. A.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Meera Ravuttar Bahadur, K. P. V. S. Muham-mad.
Anjaneyulu, Mr. P.	Moidoo Sahib Bahadur, Khan Sahib T. M.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Muniswami Nayudu, Rao Bahadur B.
Arpudaswami Udayar, Mr. S.	Muniswami Pillai, Mr. V. I.
Basheer Ahmed Sayeed Sahib Bahadur.	Muppil Nayar of Kavalappara, the.
Bheemayya, Mr. J.	Muthulakehmi Reddi, Dr. (Mrs.).
Biswanath Das Mahasayo, Sriman.	Muthuranga Mudaliyar, Mr. C. N.
Cotterell, C.I.E., I.C.S., Mr. C. B.	Nagan Gowda, Mr. R.
Dorai Raja, Mr. S. N.	Nanjappa Bahadur, Subadar-Major S. A.
Ellappa Chettiyar, Rao Bahadur S.	Narayana Raju, Mr. D.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Narayana Rao, Mr. Mothay.
Foulkes, Mr. R.	Narayanan Chettiyar, Mr. Al. Ar.
Gangadhara Siva, Mr. M. V.	Narayanan Nambudripad, Rao Bahadur O. M.
Gopala Menon, Mr. C.	Natesa Mudaliyar, Dr. Rao Bahadur C.
Govindaraja Mudaliyar, Mr. C. S.	Obi Reddi, Mr. C.
Govinda Nayar, Mr. C.	Parasurama Rao Pantulu, Mr. A.
Gray, O.B.E., I.C.S., Mr. J.	Parthasarathi Ayyangar, Mr. C. R.
Guruswami, Rao Sahib L. C.	Patro, Kt., Rao Bahadur Sir A. P.
Hampayya, Rai Sahib M.	Premayya, Mr. G. R.
Hearson, Mr. H. F. P.	Raja of Kallikota.
Hilton Brown, I.C.S., Mr.	Ramaachandra Padayachi, Mr. K.
James, Mr. F. E.	Ramamurti, I.C.S., Mr. S. V.
John, Mr. V. Ch.	Raman Menon, Mr. K. P.
Kaleswara Rao, Mr. A.	Ramanath Goenka, Mr.
Kameswara Rao Nayudu, Mr. V.	Ramjee Rao, Mr. V.
Karant, Mr. K. R.	Rutherford, Mr. T. G.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Ranganatha Mudaliyar, Mr. A.
Khadir Mohidin Sahib Bahadur, Muhammad.	Saldanha, Mr. J. A.
Khalif-ullah Sahib Bahadur, Khan Bahadur P.	Sami Venkatachalam Chetti, Mr.
Koti Reddi, Mr. K.	Sankaran Unni, Mr. E.
Krishnan, Mr. K.	Sarabha Reddi, Mr. K.
	Satyamurti, Mr. S.
	Shetty, Mr. A. B.
	Siva Raj, Mr. N.
	Soundarapandian, Mr. W. P. A.
	Srinivasa Ayyangar, Mr. R.

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PRESENT—cont.

Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Swami, Mr. K. V. R.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib, Mr. K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapathi Raju, Mr. P. C.

Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Seithur.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Arms and Ammunitions

Licences for revolvers, etc., in Bellary district.

* 658 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state talukwar the total number of applications for licences received for and licences actually granted for (1) rifles, (2) revolvers, (3) breech-loading guns, (4) muzzle-loading guns and (5) other sorts of guns, if any, during each of the years 1926, 1927 and 1928 respectively in the Bellary district?

A.—The Government have no information but have called for it.

MR. K. V. R. SWAMI:—“May I know whether any such account in other districts is maintained at all?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“I think so.”

MR. K. V. R. SWAMI:—“If so, will the hon. Member call for the information?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“I do not think it is necessary.”

MR. K. V. R. SWAMI:—“May I know whether this information is published anywhere?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“I shall look into the matter and see whether it is available in any published report.”

Applications for gun licences for crop protection in South Kanara.

* 659 Q.—MR. A. B. SHETTY: With reference to my question No. 198 answered on 9th August 1929, will the hon. the Home Member be pleased to state—

(a) the number of applications for gun licences received for crop protection in South Kanara in each of the years 1926, 1927 and 1928; and

(b) the number of licences granted?

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A.—(a) & (b) The following statement gives the information:—

Year.	Number of applications received.		Number of licences.	
	For renewal.	For fresh grant.	Renewed.	Freshly granted.
1926	3,665	980	3,665	489
1927	3,814	757	3,814	204
1928	3,775	824	3,775	331

MR. A. B. SHETTY:—“From the statement given here I see a large number of new applicants have been refused licences. May I know on what grounds so many of the applicants for fresh grant of licences were refused?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“It is impossible to answer a question like that off-hand.”

MR. MAHMUD SCHAMNAD:—“May I know whether there is a departmental understanding that over and above a certain number licences should not be granted?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“There is no such understanding.”

Elections

Eligibility of karnams and village headmen for election to local bodies and legislatures.

* 660 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state whether any distinction is made between a village headman and karnam in regard to their eligibility to stand for election to a local body or to the Legislative Council and if so, why?

A.—None in respect of municipalities and village panchayats. The village headman is, however, eligible for election to the Legislative Council and the local boards, whereas a karnam is not.

MR. D. NARAYANA RAJU:—“May I know whether there is a proposal to do away with the differentiation between the karnams and village headmen with regard to election to local boards?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“There is no such proposal.”

MR. D. NARAYANA RAJU:—“May I know the reason why such distinction is maintained?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“There is no particular reason for maintaining such a distinction, but when the amendment to the Local Boards Act is taken up the question may be considered.”

Labour

Reorganization of the Labour Department.

* 661 Q.—MR. C. GOPALA MENON: Will the hon. the Home Member be pleased to state—

(a) whether the final proposals for the reorganization of the Labour Department have been received from the Commissioner of Labour;

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(b) if the answer to (a) is in the affirmative, what those proposals are ; and

(c) whether the Government have under consideration any proposal to start special training schools for training teachers employed in the labour schools as Community Welfare Workers or aid any non-official organization prepared to undertake such training ?

A.—(a) & (b) No.
(c) No.

Local Fund Audit

Revision of the results of the Local Audit Department S.A.S. Examination held in 1927.

* 662 Q.—MR. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Finance be pleased to state—

(a) whether he is aware that the results of the Local Audit Department S.A.S. Examination held in 1927 were revised in 1929 after a year and a half and if so, why ;

(b) whether a memorandum was issued by the Examiner of Local Fund Accounts in April 1929 declaring all the candidates but one who passed the examination in 1927 to have failed in the Examination ;

(c) what were the circumstances which necessitated the revision in 1929 of results of the year 1927 ;

(d) who was entrusted by the Examiner of Local Fund Accounts in 1927 with the preparation of the statement of marks put up to the Secretary to Government, Finance Department ;

(e) whether the rules relating to the S.A.S. Examination permit such revision after such a length of time ; and

(f) whether it is a fact that the pay of the clerks who passed in 1927 was increased every year according to the rules and that it has been now reduced, and that recovery for previous overpayment has been ordered by the Examiner, and if so, whether such reduction of pay and recovery were sanctioned or approved by the Government ?

A.—Under the rules for the conduct of the Subordinate Accounts Service Examination in the Local Audit Department the Accountant-General was asked to arrange for the examination in certain subjects and the Examiner, Local Fund Accounts, to arrange for the examination in other subjects. It was then the duty of the Examiner, Local Fund Accounts, to transmit the marks to the Finance Secretary who would communicate the result to the Examiner, Local Fund Accounts, for publication. The function of the Examiner, Local Fund Accounts, was merely to arrange for the examination in certain subjects and to transmit the marks to the Finance Secretary. In accordance with these orders the then Examiner of Local Fund Accounts at the end of December 1927 sent to the Finance Secretary a table of marks which he said showed the marks scored by the candidates at the examination held in November 1927 and the Finance Secretary approved of the results based on that statement. Subsequently in February and March 1929 it was discovered that the marks shown in the statement sent in by the Examiner were not the marks actually assigned by the examiners in two subjects. A correct statement

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showing the marks so assigned was then prepared and placed before the Finance Secretary, who ordered the revision of the results formerly announced which were based on incorrect data. The clerks concerned have been called upon to show cause why their pay which was increased on the incorrect assumption that they had passed the examination should not be reduced to the correct pay to which they would have been entitled as failed candidates.

MR. D. NARAYANA RAJU:—"May I know, Sir, how this Examiner of Local Fund Accounts committed such a mistake as to note down marks not assigned by the examiners?"

The hon. Sir THOMAS MOIR:—"I do not know, Sir."

MR. D. NARAYANA RAJU:—"May I know with regard to how many clerks was this mistake committed?"

The hon. Sir THOMAS MOIR:—"I do not know Sir. I think about six."

MR. D. NARAYANA RAJU:—"May I know what is the amount of overpayment to the clerks?"

The hon. Sir THOMAS MOIR:—"I am unable to say."

MR. D. NARAYANA RAJU:—"With regard to the last sentence of the answer, may I know whether it is proposed to reduce their present pay to the correct figure or whether they are asked also to return the overpayments made to them in the past?"

The hon. Sir THOMAS MOIR:—"Sums overpaid will be waived."

Civil Justice

Proposed location of the civil courts in Vellore outside the Fort.

* 663 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether there is now any proposal before the Government to locate the civil courts at Vellore in any place outside the Vellore Fort ; and

(b) if so, whether the Government will consider the advisability of abandoning it in view of the great advantages which the litigant public have in having them in the Fort itself ?

A.—(a) & (b) The proposals for the construction of combined court-house for the civil courts, Vellore, are under the consideration of the High Court. They have not yet been received by Government.

Alleged delay in giving judgment in a land acquisition case in Vellore.

* 664 Q.—MR. T. ADINARAYANA CHETTIYAR: Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that there has been a delay of more than six months (during which the summer holidays intervened) on the part of the District Judge of North Arcot in pronouncing judgment in a land acquisition case of Vellore town, in which the arguments had been heard and the case closed by the middle of February 1929 ; and

(b) if so, what action the Government intend taking in the matter ?

A.—The Government have no information but will call for a report.

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Removal of the distinction between bailiffs and process-servers.

* 665 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether the Government have examined the question of removing the distinction between the bailiffs on the one hand and the process-servers and amins on the other and if so, with what result?

A.—The Government have not examined the question.

Mr. D. NARAYANA RAJU :—“ May I know whether the Government propose to examine this question ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ No, Sir.”

Mr. D. NARAYANA RAJU :—“ May I know whether it is a fact that the services rendered by the bailiffs on the one hand and those rendered by the amins and process-servers on the other hand are of the same kind ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ They are more or less the same.”

Mr. D. NARAYANA RAJU :—“ Then, may I know why this distinction is maintained ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because, it is based on a distinction maintained from ancient times.”

Mr. BASHEER AHMED SAYEED :—“ Then, if there is no other reason, will the hon. Member see that the distinction is removed ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ No, Sir.”

Increase of pay, etc., to process-servers.

* 666 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether the Government have received a copy of the resolutions passed at the Conference of process-servers held at Tanjore, on 25th and 26th May 1929, praying for (1) an increase of pay; (2) extension of the Provident Fund System; (3) the preparation of a process-servers' manual; (4) prohibition orders restraining Judges from directing process-servers to pull punkas in the court-hall, etc., and if so, whether they have considered and passed orders on the same?

A.—Copies of the resolutions have not been received by the Government.

Introduction of the Court-Fees Amendment Bill.

* 667 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to state whether the Government intend moving at the next meeting of the Council that the Court-Fees Amendment Bill as amended by the Select Committee be taken into consideration, and if not, why not?

A.—The Government have decided not to proceed with the Bill.

Mr. D. NARAYANA RAJU :—“ May I know the reasons why Government do not propose to proceed with the Court-Fees Amendment Bill ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because there will be a large loss of revenue.”

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Mr. D. NARAYANA RAJU :—“ May I know then why they brought the amending Bill? Did they foresee the loss of revenue when they brought that amending Bill? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ No, the Select Committee introduced changes not contemplated by Government.”

Mr. K. V. R. SWAMI :—“ May I know whether Government are aware of the fact that some time back they made a definite promise that as soon as funds permitted they would reduce the court-fees? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Notice, Sir.”

Mr. BASHEER AHMED SAYEED :—“ Will the hon. the Law Member see the feasibility of amending the Court-Fees Act without loss of revenue to Government? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I don't know whether it is possible.”

Mr. L. K. TULASIRAM :—“ May I know whether it is the policy of the Government not to amend any Bill if it touches the pocket of the Government? ”

The hon. the PRESIDENT :—“ That is not a supplementary question.”

Mr. D. NARAYANA RAJU :—“ May I know whether Government are in such dire need of funds that they cannot afford to forego any part of the court-fees? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Yes, the Government are always in need of funds.” (Laughter.)

Mr. BASHEER AHMED SAYEED :—“ May I know whether the hon. the Law Member has examined the recommendations of the Taxation Enquiry Committee, and especially the memorandum or memoranda containing proposals to reduce court-fees without loss of revenue to Government? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I am not aware of it.”

Mr. P. C. VENKATAPATHI RAJU :—“ Is it not the object of the Bill to relieve the people of some portion of the court-fees that they are now paying? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ That was the object.”

Mr. P. C. VENKATAPATHI RAJU :—“ Then what is the difficulty in proceeding with the Bill? ”

The hon. the PRESIDENT :—“ It has already been answered.”

Mr. K. V. R. SWAMI :—“ May I know whether the hon. Member while on these benches urged this view? ”

The hon. the PRESIDENT :—“ It is not a matter within the cognizance of this Government.”

Mr. BASHEER AHMED SAYEED :—“ If the hon. the Law Member is not aware of the recommendations of the Taxation Enquiry Committee, will he at least look into them and introduce an amending Bill on the lines laid down there? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I shall examine the question.”

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Forests*Alleged fall in income from forest buildings.*

* 668 Q.—Mr. G. HARISARVOTTAMA RAO: With reference to the answer given to my supplementary question on question No. 1775, answered on 18th March 1929, will the hon. the Law Member be pleased to state why the income on forest buildings fell as low as 12·3 per cent in 1927–28, whereas in previous years for which information is available it was 15·7 per cent and 17·5 per cent?

A.—The income was lower, because the expenditure on buildings under construction was heavier in 1927–28 than in the two preceding years.

Application from the Sri Lakshmi Mills for supply of timber.

* 669 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether the Sri Lakshmi Mills of Kasaragod in South Kanara had applied to the Chief Conservator of Forests to give them a sufficient supply of timber and, if so, when; and

(b) what arrangement has been made to supply them timber as required?

A.—(a) Yes: on 14th September 1927.

(b) There is no standing arrangement to supply timber as required. But the Forest Department supplied the mill with 50,500 cubic feet of timber in all in 1928.

Mr. D. NARAYANA RAJU:—“May I know what is the total quantity of timber applied for by the Sri Lakshmi Mills, and what portion is being supplied and what are the difficulties experienced, if any, that made the Forest Department unable to supply the total quantity of timber asked for?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Notice, Sir.”

Appointment of a mechanical expert and a ranger in Olavakkot and Chedleth Saw Mills respectively.

* 670 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) why a mechanical expert and officer in charge of seasoning kilns on Rs. 400 per mensem is appointed for Olavakkot Saw Mill; and

(b) why a ranger on Rs. 150 + 50 is appointed for Chedleth Saw Mill?

A.—(a) The officer is in charge of the seasoning kilns and he is attending to the manager's duties in addition to seasoning work.

(b) No ranger is permanently employed at the mill. Before 5th July 1929 a ranger was employed at the mill temporarily for the organization and movement of large stocks of sawn timber which could not be entrusted to the local forester.

Mr. K. V. R. SWAMI:—“May I know why a mechanical expert is appointed in the Olavakkot Saw Mill, when there are no such officers in other mills?”

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The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“There was a manager before and that post was abolished and the present officer is discharging besides his own duties those of the manager.”

Mr. K. V. R. SWAMI:—“What was the pay of the manager?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Notice.”

Jails*Alleged refusal to include Mr. Annapurnaiah in the special division of prisoners.*

* 671 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state why the District Magistrate of East Godavari refused to include Mr. Annapurnaiah in the special division of prisoners in spite of the fact that he was requested to do so and was referred to relevant rules in the Madras Jail Manual relating to special division of prisoners?

A.—The Government have no information.

Mr. K. V. R. SWAMI:—“May I know when Government called for the information?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Notice, Sir.”

Mr. A. KALESWARA RAO:—“Taking into consideration the offence of Mr. Annapurnaiah, may I know whether the Government intend to order that the gentleman be included in the special division?”

The hon. the PRESIDENT:—“That has been answered on a previous occasion.”

Mr. K. V. R. SWAMI:—“May I know whether Government will issue a circular drawing the attention of the District Magistrates to the rules relating to the special division of prisoners since they do not seem to be aware of them?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“My friend was not here yesterday when the whole subject was discussed, and I stated that it would be considered.”

Irrigation*Action taken on the recommendations of the Ceded Districts Irrigation Committee.*

* 672 Q.—Mr. K. KOTI REDDI: Will the hon. the Member for Revenue be pleased to state—

(a) what recommendations of the Ceded Districts Irrigation Committee the Government have proposed to give effect to; and

(b) the steps so far taken with regard to each of such recommendations?

A.—(a) & (b) A statement^a containing the information asked for is laid on the table.

Mr. K. KOTI REDDI:—“With reference to Velligallu project on page 15, may I know what exactly is being done now?”

The hon. Mr. A. Y. G. CAMPBELL:—“I am sorry I must ask for notice.”

^a Printed as Appendix I on pages 585–587 infra.

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Proposed breaching of the Dongal cheruvu near Cuddapah town.

* 673 Q.—Mr. K. KOTI REDDI: Will the hon. the Member for Revenue be pleased to state—

- (a) whether there is any proposal made by the malarial or any other officer to breach the 'Dongal cheruvu' tank near Cuddapah town;
- (b) the grounds on which such a proposal was made;
- (c) (1) the extent of land that is to be converted into dry from wet, (2) the annual loss of revenue to the Government, and (3) the estimated amount of compensation to be awarded to the ryots, if such a proposal is to be given effect to;
- (d) whether a similar proposal was made some years ago and whether the Government turned it down and issued a Government Order to that effect;
- (e) whether the Government have considered the feasibility of taking other steps short of breaching the tank in order to prevent mosquito-breeding and what they are; and
- (f) whether the Government have come to any conclusion and if so, what it is?

A.—(a) & (b) The Special Malaria Officer has recommended that as the ragi irrigation channels under the Dongala cheruvu breed malarial mosquitoes, the tank should be breached, and abandoned as an irrigation source, or that adequate arrangements should be made to maintain the irrigation channels under the tank in a clean state.

(c) (1) & (2) The registered ayacut is 123 acres with an aggregate assessment of Rs. 597.

(3) The Government have no information.

(d) Yes. The hon. Member's attention is invited to the answer to question No. 268 answered on 16th September 1922.

(e) & (f) No. The Government have referred the recommendations of the Special Malaria Officer to the Chief Engineer (Irrigation) and the Board of Revenue for report.

Mr. K. KOTI REDDI:—"With regard to item 3 of clause (c) may I know whether Government have received information of the amount to be paid as compensation?"

The hon. Mr. A. Y. G. CAMPBELL:—"Before the Government decide to breach the tank the question of compensation will be taken into consideration."

Mr. K. KOTI REDDI:—"Then, may I know that before Government decides the question they should get the necessary information for the purpose of arriving at a decision?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think it is stated that the Government have called for a report from the Board of Revenue and presumably the Board of Revenue will give this information if they recommend that the tank should be breached."

Mr. K. KOTI REDDI:—"May I know whether the Collector has subsequently reported that in view of the large compensation that has to be paid, the idea of breaching the tank may be abandoned?"

The hon. Mr. A. Y. G. CAMPBELL:—"I have no information, Sir."

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Damage by floods in East Godavari Agency.

* 674 Q.—Mr. K. V. R. SWAMI: With reference to question No. 1758 answered on 16th March 1929, will the hon. the Member for Revenue be pleased to state—

- (a) whether the report called for has been received;
- (b) if so, what is the value of damage caused in 1928-29 in the East Godavari Agency to roads, bridges and tanks;
- (c) the amount required for repairing the same; and
- (d) how much has been spent already?

A.—(a) Yes.

(b), (c) & (d) A statement giving the information is annexed.

Mr. K. V. R. SWAMI:—"When the amount required is 3 lakhs and odd may I know why so little only was spent all this time?"

The hon. Mr. A. Y. G. CAMPBELL:—"I have already called for a report as to what is being done with regard to the remaining repairs and whether all the breaches will be repaired before the end of this year."

Mr. K. V. R. SWAMI:—"May I know whether the whole sum required will be provided for in the next budget?"

The hon. Mr. A. Y. G. CAMPBELL:—"That will be considered after the report is received."

Public Service*Increments to unpassed Muslim clerks in several departments.*

* 675 Q.—Mr. BASHERR AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that several heads of departments do not allow unpassed clerks who have reached a figure above the efficiency bar and exempted under the provisions of G.O. Press No. 949, dated 5th November 1926, to draw increments above the pay drawn by them at the time of the passing of the said Government Order on the ground of absence of definite orders from Government permitting them to rise to the maximum pay;

(b) whether the Government will be pleased to call for a statement of cases of Muslim unpassed clerks who have not been allowed to draw increments and rise to the maximum although they have crossed the efficiency bar and place the same on the table of the House; and

(c) why these clerks have not been allowed to draw the increments after they have crossed the efficiency bar, so as to reach the maximum?

A.—(a) After the issue of the Government Order quoted, heads of departments have no power to permit unpassed men to rise above the pay drawn by them on the date of the issue of the Government Order if such pay is beyond the efficiency bar.

(b) The Government do not consider that any useful purpose will be served by embarking on the laborious collection of this information, which will involve a reference to all Heads of departments.

(c) The attention of the hon. Member is drawn to paragraph 1 of the Government Order which the hon. Member has quoted in clause (a) of the question.

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Mr. BASHEER AHMED SAYEED:—"Will the Government issue orders enabling unpassed clerks to receive the maximum pay?"

The hon. Mr. A. Y. G. CAMPBELL:—"As I have already stated in this House the question whether any further concessions should be allowed to unpassed clerks is under the consideration of Government."

Settlement

Progress of settlement in various parts of Malabar.

* 676 Q.—Mr. K. R. KARANT: Will the hon. the Member for Revenue be pleased to state—

(a) when revenue settlement was made in the various parts of Malabar; and

(b) when and for which portions resettlement has been made?

A.—(a) Settlement was introduced in Palghat and half of Calicut in 1900-01, in the rest of Calicut and in Walluvanad and Kurumbranad in 1901-02, in Kottayam and Ponnani in 1902-03, and in Ernad and Chirakkal taluks in 1903-04. The settlement of eight amsams of Malabar-Wynad was completed in 1887-88 and that of the remaining five amsams in 1888-89.

(b) The resettlement has not yet been introduced in any part of the Malabar district except in the Wynad, in which it was introduced in 1926-27.

Education

Alleged disabilities of secondary grade teachers.

* 677 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether a deputation of secondary grade teachers waited on him in November 1928 and represented their grievances and whether the hon. the Minister promised to consider the same;

(b) whether any orders have been passed on the same and if so, what they are;

(c) whether under the existing system secondary grade teachers can under no circumstances, aspire to salaries beyond Rs. 60 per month whatever be their length of service and qualification; and

(d) whether the Government intend to remove the disabilities of secondary grade teachers and place them on the same level as the officers in the clerical service?

A.—(a) Yes.

(b) The representation was considered and it was decided that there was no need to take any action thereon.

(c) While the maximum of the sanctioned scale of pay of secondary grade trained teachers is Rs. 60, they are eligible for appointment as junior grade deputy inspectors of schools. In special cases they may also, with the previous sanction of Government, be appointed as deputy inspectors of schools, senior grade.

(d) There is no such proposal before the Government.

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Alleged refusal of admission to an Adi-Dravida student in Coimbatore Training School.

* 678 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that one Arunachalam, an Adi-Dravida candidate, applied for admission to the Training school at Coimbatore this year;

(b) whether he was refused admission though he was specially recommended by the President of the District Educational Council and Mr. Veerian, ex-M.L.C.;

(c) what were the grounds for not granting admission to this candidate; and

(d) whether this candidate's applications for admission were similarly rejected in 1927 and in 1928 also?

A.—(a) Yes.

(b) Yes: the candidate was recommended by Mr. Veerian.

(c) The application was defective and did not furnish the required particulars. The candidate was then selected as a non-stipendiary at his own request. Subsequently he declined to join the training school as a non-stipendiary.

(d) In 1927, the candidate applied for lower elementary grade training in the Government Training School, Erode, but was not selected. He did not apply for training in 1928.

Mr. A. B. SHETTY:—"May I know in what way the application was defective, and what were the particulars that were not furnished?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Mr. D. NARAYANA RAJU:—"With regard to clause (b), may I know whether the recommendation by an M.L.C. is a qualification for assuring admission?"

The hon. Dr. P. SUBBARAYAN:—"I do not think so."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. the Minister will be pleased to direct the department that defective applications from Adi-Dravida students may be received and facilities be given to them for admission?"

The hon. Dr. P. SUBBARAYAN:—" 'Defective' is a relative term and I cannot answer that."

Mr. V. I. MUNISWAMI PILLAI:—"May I know whether the Government are aware that the candidate has 2½ years' service as teacher while others with less service were taken?"

The hon. Dr. P. SUBBARAYAN:—"It is not only a question of service but is also one of qualifications."

Mr. V. I. MUNISWAMI PILLAI:—"Will the hon. the Minister ask the Deputy Inspector of Schools to enquire fully into this matter?"

The hon. Dr. P. SUBBARAYAN:—"For the reason that he was not qualified he was not taken. He must have at least the minimum qualification."

Mr. A. B. SHETTY:—"May I know if this student has not studied up to the 8th standard?"

[1st October 1929]

The hon. Dr. P. SUBBARAYAN:—"In the opinion of the District Educational Officer his educational qualifications were not sufficient."

Mr. MAHMUD SCHAMNAD:—"For admission to training schools, who is responsible, the headmaster or the educational officer?"

The hon. Dr. P. SUBBARAYAN:—"Notice."

Number of students educated in Queen Mary's College.

* 679 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) when the Queen Mary's College was started;
- (b) how many took their degrees in each year since it was started;
- (c) the number of students that received education in each year; and
- (d) what is the cost per head?

A.—(a) In 1914.

(b), (c) & (d) The hon. Member is referred to the annual reports on the working of the college which contain particulars of the number of students who were educated in the college and the number who took their degrees and of the charges incurred on the maintenance of the institution. The reports have been placed at the disposal of the Press.

Mr. K. V. R. SWAMI:—"May I know whether the information called for is contained in the report?"

The hon. Dr. P. SUBBARAYAN:—"That is what I am told."

Cost of boarding in the Queen Mary's College Hostel.

* 680 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) the number of students in the hostel attached to Queen Mary's College last year;
- (b) the charges each student has to pay for boarding and lodging, etc., for a year;
- (c) whether there are any students who are given free boarding and lodging; and
- (d) if so, how many?

A.—The attention of the hon. Member is invited to G.O. No. 1602, Law and Education, dated 31st July 1929, placed at the disposal of the Press and to the rules at pages 40-42 of the College Calendar for 1929-30; the rules do not provide for free boarding and lodging.

11-16 a.m. Mr. K. V. R. SWAMI:—"Will the hon. the Minister be pleased to accord facilities for poor students to get free boarding and lodging?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give any undertaking."

[1st October 1929]

Local Boards

Exemption to local board employees for holding office in co-operative societies.

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

- (a) the circumstances and reasons which induced Government to issue G.O. No. 3368, L. & M., dated 18th July 1929, laying down that the employees of local boards should not hold office in co-operative societies;
- (b) whether it is a fact that some employees of local boards have for the last several years been allowed to be office bearers and that they have done useful service to the co-operative movement; and
- (c) whether Government propose to provide for exemptions being granted in the case of local boards employees who are very useful to the movement?

A.—(a) The Government Order issued on a reference from the President, District Board, Madura, and was based on the orders on the subject applicable to Government servants.

(b) One municipal council lately brought one such case to notice. Except for this, Government have no information.

(c) No, as no exemptions are permissible in the case of Government servants.

Village Panchayats

Inspection of village panchayats by Revenue Divisional Officers.

* 682 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether presidents of the village panchayats have any establishment, a servant or a clerk;
- (b) whether the Revenue Divisional Officers are instructed to inspect the records of village panchayats and, if so, for what purpose;
- (c) whether the Revenue Officers direct the presidents of the village panchayats to go with the records to their camps in other villages for inspecting the records;
- (d) whether the Revenue Divisional Officers treat the presidents with the respect due to honorary workers in public cause; and
- (e) whether the Government intend to circularize that the presidents of village panchayats are to be treated with the courtesy due to their position as honorary workers?

A.—(a) Yes. The appendix to the report on the administration of village panchayats in 1927-28 shows that an expenditure of Rs. 3,858 has been incurred on account of the pay of clerks and servants.

(b) Yes; for purposes of audit of panchayat accounts.

(c) As audit of panchayat accounts is conducted by Revenue Officers during their tours, it is done as near the village of the panchayat concerned as the Revenue Officer's convenience permits.

(d) It is presumed so; Government have received no complaint so far.

(e) No.

[1st October 1929]

Mr. D. NARAYANA RAJU :—" With reference to the answer to clause (a), may I know if the Government are aware that it is only a few village panchayats that engage a clerk or a servant? "

The hon. Dr. P. SUBBARAYAN :—" It will depend, of course, on their financial resources."

Mr. D. NARAYANA RAJU :—" Are the Government aware that a good many of the village panchayats do not engage any clerks or servants, and it is only the presidents of the panchayats that have to go with their records to the Revenue Divisional Officers? "

The hon. Dr. P. SUBBARAYAN :—" I will have an enquiry made on this point, Sir, by the Registrar-General of Panchayats."

Medical

Alleged deputation of medical men to the hon. the Minister for Public Health.

* 683 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether a deputation on behalf of the association of medical men in Government service waited on him at Ootacamund at the end of last May;

(b) what representations were made by the deputation; and

(c) whether the Government have taken any action in regard to them?

A.—(a) Yes.

(b) & (c) A copy of the proceedings of the deputation and a copy of G.O. No. 1653, P.H., dated 3rd July 1929, are laid on the table.*

Mr. A. B. SHETTY :—" May I know if the Government have since considered the matter and come to any conclusion regarding any of the points urged by the deputation? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Conclusion has been come to on some points mentioned in the appendix. As regards the rest of the points, they have not been considered."

Mr. D. NARAYANA RAJU :—" May I know, Sir, whether after the G.O. No. 1653, dated 3rd July 1929, any further steps have been taken? I mean subsequent to the Government Order? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" As stated already, no further steps have been taken."

Mr. K. V. R. SWAMI :—" May I know whether the hon. Minister is going to consider the remaining points and if so, when? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The last and final decision of these points will be deferred until the Government receive and consider the report of the committee on medical education, as stated already in the answer."

[1st October 1929]

Public Health

Suspension of the use of chloroform Duncan Flockhart manufactured in May 1928.

* 684 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government have asked their medical officers to suspend the use of chloroform Duncan Flockhart manufactured in May 1928;

(b) how much of this drug has been bought by the Medical Store Depot in Madras and what is the total amount paid for it;

(c) what quantity of it has been supplied to the local board and municipal hospitals in this province;

(d) whether the Government have recovered from the supplier of this drug the cost of the drug left unused;

(e) whether they have refunded to the local bodies the loss incurred by them on account of suspending the use of this chloroform;

(f) whether any other drug got by the Medical Store Depot has been similarly reported on adversely; and

(g) how Government propose to test the purity of the drugs they get hereafter so as to prevent loss to themselves and danger to the public?

A.—(a) At the instance of the officer in charge of the Medical Store Depot, Madras, Medical Officers to whom the chloroform in question was issued were asked to suspend its use.

(b) The Government have no information.

(c) About 424 lbs.

(d) This is a matter for the Government of India who control the Medical Store Depot.

(e) No. The quantity remaining unexpended at the time of suspension will be replaced by fresh chloroform by the Medical Store Depot, Madras, free of cost.

(f) Yes; Aether and Novarsenobenzil of different strengths.

(g) Supplies received through the India Store Department, London, are carefully tested and declared fit for use before shipment and on receipt in the Medical Store Depot they are stored in the cold storage room to prevent deterioration. Drugs that are likely to be affected by climatic conditions are periodically tested at the Medical Store Depot and no drug is issued unless its purity is ensured. No further tests are necessary or proposed.

Mr. A. B. SHETTY :—" With reference to clause (b), may I know if the Madras Government have made any representation to the Government of India on this matter? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" There is no necessity for the Madras Government to make any representation. The Medical Stores Department themselves took the necessary action."

Mr. A. B. SHETTY :—" With reference to clause (e) of the answer, may I know at whose cost the quantity remaining unexpended will be replaced? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Probably at the cost of the Government of India or the manufacturer. We are not concerned with that."

[1st October 1929]

Mr. D. NARAYANA RAJU:—"With reference to clause (c) of the answer, may I know what is the cost of the 424 lbs. that have been supplied to local fund and municipal hospitals?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I have no idea of the cost. But they will take back an equal quantity of fresh drug."

Mr. D. NARAYANA RAJU:—"With reference to clause (g), there is the statement to the effect that supplies received through the Indian Stores Department, London, are carefully tested and declared fit for use before shipment. In that case, may I know why this drug came to be condemned afterwards?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Evidently there was some mistake in testing at first. It was discovered soon afterwards and the drug was called back."

Mr. D. NARAYANA RAJU:—"May I know what steps are being taken to see that such mistakes do not recur?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The officer in charge will probably be advised to be more careful hereafter."

Agriculture

Introduction of agricultural instruction in the schools at Sullia and Bellare.

* 685 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Taluk Board President of Puttur in South Kanara has made a proposal to the Director of Agriculture about introducing agricultural instruction in two of his higher elementary schools at Sullia and Bellare, and if so, when;

(b) whether this proposal was placed before any committee and whether the committee has given any opinion about it;

(c) whether the Director has considered this matter and made any recommendations to the Government;

(d) whether any final reply has been sent about this matter to the Taluk Board President; and

(e) whether the Government have come to any decision regarding the question of agricultural instruction in elementary or secondary schools?

A.—(a) & (b) The President, Taluk Board, Puttur, addressed the Director of Agriculture in October 1927 regarding the introduction of agricultural education in higher elementary schools. The proposal was laid before the committee appointed by the Director of Public Instruction to report on the general question of the introduction of agriculture into such schools. The report of the committee is awaited.

(c) No action has been taken pending the report of the committee.

(d) No.

(e) The committee's report is awaited.

Mr. A. B. SHETTY:—"May I know when this matter will be decided?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"As soon as the report is received."

[1st October 1929]

Mr. A. B. SHETTY:—"May I know why the committee has not yet sent its report on this matter?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"That I cannot say."

Mr. K. KOTI REDDI:—"May I know why an answer was not sent to the president of the taluk board just to inform him whether steps are being taken?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The matter is still under consideration."

Mr. K. KOTI REDDI:—"But still, may I know if it is not at least a matter of courtesy just to reply to him that the matter will be considered after receipt of the committee's report?"

The hon. the PRESIDENT:—"That is cross-examination."

Recommendations of the Agricultural Advisory Committee regarding levy of grazing fees.

* 686 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Agricultural Advisory Committee has made any recommendation in regard to the rates of grazing fees levied by the Forest department and the improvement of grazing facilities generally; and

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

A.—(a) The committee has not yet arrived at any conclusions in the matter.

(b) Does not arise.

Mr. K. R. KARANT:—"May I ask whether the hon. Minister has inspected any reserve forests to see whether grazing has declined or increased?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Forest is not a concern of mine, Sir. That is not under my portfolio."

Mr. K. R. KARANT:—"Does not the question relate to the availability of grazing in forests?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Yes, Sir."

Mr. K. R. KARANT:—"Am I to understand that the hon. the Minister for Agriculture has nothing to do with the grazing in the reserve forests?"

The hon. the PRESIDENT:—"He said that."

Proposed appointment of additional demonstrators.

* 687 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) whether the Government propose to appoint more agricultural demonstrators this year;

(b) if so, how many more; and

(c) at what cost?

A.—(a) & (b) The Government have sanctioned the appointment of eight demonstrators during 1929-30.

(c) The cost on account of the pay and travelling allowance of the demonstrators is Rs. 11,700 per annum.

[1st October 1929]

Mr. K. V. R. SWAMI :—" May I know whether the hon. Minister will recognize that the number provided is too small ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I see it, but the only difficulty is want of qualified men. "

Mr. D. NARAYANA RAJU :—" It is stated in the answer that eight demonstrators have been sanctioned. May I know if these appointments have been actually made ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. "

Mr. D. NARAYANA RAJU :—" May I know to what districts they are posted ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" To various parts. I cannot say to what particular districts they have been posted. "

Mr. K. V. R. SWAMI :—" Am I to understand that no hands are available ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No qualified hands are available. "

Consideration of the Agricultural Colonization scheme by the Agricultural Advisory Committee.

* 688 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state, with reference to question No. 1924, dated 27th March 1929—

(a) whether the Government have placed the Agricultural Colonization scheme before the Agricultural Advisory Committee; and

(b) if so, what the result is ?

A.—(a) No.

(b) Does not arise.

Mr. K. V. R. SWAMI :—" May I know whether the hon. Minister will refer this matter to the Advisory Committee ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I shall examine the question. "

Fisheries

Provision for Secondary training in the Fisheries Training Institute at Calicut.

* 689 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Fisheries Training Institute at Calicut provides training for Secondary-grade teachers;

(b) whether it is a fact that every year a large number of qualified Secondary School-Leaving Certificate candidates are applying for admission into the training institute and that they are required to undergo training provided for the Higher Elementary Grade;

(c) whether the Government propose to provide Secondary-grade training also in the said training institute;

[1st October 1929]

(d) whether qualified Secondary School-Leaving Certificate candidates are started after their period of training on the same salary as Secondary-grade trained teachers, though the training undergone by them is of the Higher Elementary Grade; and

(e) if so, whether the Education Department was consulted before the Government arrived at their decision ?

A.—(a), (b) & (c) As an increasing number of Secondary School-Leaving Certificate holders have of late been applying for admission to the Fisheries Training Institute, Calicut, the Director of Fisheries has made tentative arrangements to provide them a suitable course of training. The question whether these arrangements should be made permanent is under the consideration of Government.

(d) Qualified Secondary School-Leaving Certificate candidates are given after their period of training the scale prescribed for Secondary-grade trained teachers if there is a vacancy in the Fisheries schools for teachers of that grade. If there be no vacancy, however, such teachers are given only the pay sanctioned for Higher Elementary trained teachers.

(e) Yes.

Industries

Development of the textile industry in Bellary district.

* 690 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state the steps taken for the progress of the textile industry in the Bellary district ?

A.—The textile industries carried on in the Bellary district are—

- (1) cotton and silk weaving and dyeing,
- (2) cotton carpet weaving, and
- (3) cumby or blanket industry.

A peripatetic weaving party worked in the Bellary district in 1923-24 and 1924-25 and visited many weaving centres and introduced several weaving appliances. The action taken by Government on the recommendations of the Special Officer in respect of the industries referred to above in the Bellary district was indicated in the answers to Legislative Council questions Nos. 1339 and 155 given on 1st February 1929 and on 9th August 1929, respectively. The department also advised and assisted the Central Jail, Bellary, in the matter of obtaining and installing a woollen spinning plant at the Central Jail. Attempts were also made to popularize machine-spun yarn among cumby weavers in the district. It was found difficult however to overcome the conservatism of the weavers in regard to the adoption of machine-spun yarn in view of the difficulty experienced by them at present in arranging for the marketing of cumblies of superior quality. The final report of the Special Officer has already been published and the improvement of the textile industry in the district will be further considered in conjunction with the development of the industry in the Presidency as a whole.

[1st October 1929]

Mr. L. K. TULASIRAM :—" May I know what the several weaving appliances are which have been introduced by the peripatetic weaving party in 1923-24 ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice Sir."

Mr. L. K. TULASIRAM :—" May I know the reasons why they introduced a woollen spinning plant in the Bellary Central Jail ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because the jail authorities asked for the services of the Textile Expert and he was sent there. He assisted and advised them in the matter."

Mr. BASHEER AHMED SAYEED :—" May I know whether the 'drop box slay' is one of the appliances introduced by the peripatetic weaving party ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice."

Appointment of an officer of the department as Director of Industries.

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

(a) why the recommendation of the Retrenchment Committee that the post of the Director of Industries should be held by an officer of the department and not by a Revenue Officer has not been given effect to on any occasion when a vacancy occurred ;

(b) whether and when Government propose to give effect to the policy recommended by the Retrenchment Committee ;

(c) whether there is any other department of Government in which the head of the department is appointed from outside the department ; and

(d) what have been the special qualifications of each of the several officers appointed as Director of Industries including the present incumbent for the post ?

A.—(a) & (b) The recommendation will be given effect to when an officer of the department of sufficient seniority and with the requisite qualifications and administrative experience is available.

(c) Yes.

(d) The attention of the hon. Member is invited to the answer to question No. 275 given on the 10th August 1929.

Mr. BASHEER AHMED SAYEED :—" May I know why the Minister did not appoint a proper technical man as director when the vacancy arose on the last occasion, so as to prevent further closing of industrial undertaking ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The question was considered in all its aspects. We wanted to have an experienced administrator to have the department reorganized, and so we selected a man who has had administrative training and qualifications."

Mr. K. V. R. SWAMI :—" May I know whether the hon. Minister promised definitely that when the next vacancy occurred a new man, a technical man, would be appointed ? "

[1st October 1929]

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. That point was duly considered, and in spite of it we had to take into consideration the actual state of things in the department, and so we appointed this man."

Mr. K. V. R. SWAMI :—" Was it the opinion of the Minister or his Secretary ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It was the opinion of the Royal Commission on Agriculture."

Mr. L. K. TULASIRAM :—" May I know whether the Government are aware that the development of industries is very greatly hampered on account of want of a technical man as Director of Industries ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" True, but the other things also have to be taken into consideration. The man to be appointed must have the power of organization and must be a man in close touch with the districts. He must be a man of status, and must carry weight with the people. So taking all these things into consideration, we have selected this man now, and when a future occasion arises, this will be considered again."

Mr. L. K. TULASIRAM :—" May I know whether the Government are aware that there have been nearly seven Directors of Industries up to now, all non-technical men who have had no technical training at all and there is no definite continuity of policy in regard to this matter of development of industries ? "

The hon. the PRESIDENT :—" I am afraid the hon. Member is making a speech."

Mr. BASHEER AHMED SAYEED :—" May I know whether men recruited to the post of Director of Industries previous to the practice of recruitment from the provincial service were technical men and were quite capable of organization ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" They might have been."

Veterinary

Prevalence of rinderpest in South Kanara.

* 692 Q.—Mr. K. R. KARANT : Will the hon. the Minister for Development be pleased to state—

(a) the number of deaths from rinderpest in South Kanara in each of the years 1920 to 1928 ;

(b) the number of cases of rinderpest in 1929 up till now in the district and the number for which serum simultaneous inoculations were done ;

(c) whether it is a fact that there was not a sufficient quantity of serum ;

(d) whether the disease is still prevalent in various parts of the district, and if so, in what parts ; and

(e) what steps are being taken to combat the disease ?

[1st October 1929]

- A.—(a) A statement* containing the information is appended.
 (b) 971; 1,315 cases were protected by the serum simultaneous method of inoculation.
 (c) Towards the beginning of this year, the Muktesar Institute was not able to supply the requisite quantity of serum. Consequently, it was not possible to meet the requirements of the staff adequately during that period.
 (d) Yes, in the undermentioned taluks :—
 (1) Mangalore. (4) Udipi.
 (2) Kasaragod. (5) Karkal.
 (3) Puttur. (6) Coondapoor.
 (e) Inoculations by the serum simultaneous method are conducted by the staff of the department to combat the disease.

Sheep breeding in Hosur sheep farm.

* 693 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) whether any special breed of sheep is evolved in the Hosur sheep farm;
 (b) if so, what the nature of the breeding is; and
 (c) the number available in the farm at present?

A.—(a) Yes.

- (b) To evolve a breed of white sheep, to improve the wool yield and to improve the carcass development.

(c) 186.

Mr. K. V. R. SWAMI:—"May I know whether the hon. Minister considers the number 186, as quite sufficient for the purpose?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"We are trying to improve it, Sir."

Mr. K. V. R. SWAMI:—"May I know for how many years they have developed this number?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"For the last two or three years."

Mr. K. V. R. SWAMI:—"For how many years are they going to develop for the proper number to come up?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"As early as possible."

Mr. D. NARAYANA RAJU:—"Is the present experiment producing good results?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"It is producing good results."

1st October 1929]

Local Boards

Enquiry into the damages caused to the Moir Causeway.

* 693-A Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state, with reference to the Government communiqué dated the 23rd September 1929, on the Moir Causeway—

(a) the names of persons deputed by the Government to inquire into the damages to the Moir Causeway and the terms of the reference made to them;

(b) whether a report was received from them; and

(c) whether he will place on the table of the House the report and the conclusions of this enquiry?

A.—(a) The Chief Engineer. He was asked to enquire into the matter personally and submit a detailed report.

(b) Yes.

(c) No.

Mr. ABDUL HAMEED KHAN:—"May I know from the hon. the Chief Minister who the other officers are that were asked to report on this matter?"

The hon. Dr. P. SUBBARAYAN:—"Only the Chief Engineer."

Mr. ABDUL HAMEED KHAN:—"May I know whether the President of the District Board was also asked to report?"

The hon. Dr. P. SUBBARAYAN:—"It is only the Chief Engineer. The Chief Engineer after going into the details of the question found that the Superintending Engineer was really responsible for cutting down the estimates."

Mr. ABDUL HAMEED KHAN:—"May I know if it was really the cutting down of the estimates that was responsible for this damage?"

The hon. Dr. P. SUBBARAYAN:—"That is the opinion of the Chief Engineer who is competent to give advice to the Government on this point."

Mr. ABDUL HAMEED KHAN:—"May I know if the Government have taken any further steps to see whether the officer who undertook to superintend the construction with a limited amount of money was responsible for this?"

The hon. Dr. P. SUBBARAYAN:—"As a matter of fact the District Board Engineer had to carry out the orders of the Superintending Engineer who is his superior."

Mr. ABDUL HAMEED KHAN:—"They say in answer to clause (c) that they won't be pleased to place the report on the table of the House. May I know the reason?"

The hon. Dr. P. SUBBARAYAN:—"Because it is a confidential report submitted by the Chief Engineer, it will not be in the public interests to publish that report."

Mr. ABDUL HAMEED KHAN:—"May I know how it is confidential?"

The hon. Dr. P. SUBBARAYAN:—"It is a report submitted to the Government by an officer of the Government; it will not be in public interest to have it published."

[1st October 1929]

Mr. K. V. R. SWAMI:—"May I know if any Ministerial policy is involved in this?"

The hon. Dr. P. SUBBARAYAN:—"No Ministerial policy is involved in this."

Mr. S. SATYAMURTI:—"May I know if it is because the report condemns a District Board President that the Government refuse to place it on the table of the House?"

The hon. Dr. P. SUBBARAYAN:—"I absolutely deny there is any condemnation of the District Board President."

Mr. ABDUL HAMEED KHAN:—"May I know whether in the communiqué that he has issued he has not given any reasons for the defects and whether the Chief Engineer saw to it that the District Board Engineer was not responsible for it?"

The hon. Dr. P. SUBBARAYAN:—"I did not think it was necessary to elaborate the point."

Alleged waste of public money in respect of the construction of the Moir Causeway.

*693-B Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether his attention has been drawn to the allegations made in the Press by Mr. C. N. Muthuranga Mudaliyar on 24th September 1929 against the Government and the District Board of Chingleput of gross mismanagement and deliberate waste of public money in respect of the construction of the Moir Causeway; and

(b) if so, what steps do the Government propose to take regarding the matter?

A.—(a) Yes.

(b) The matter is under consideration.

Mr. ABDUL HAMEED KHAN:—"The Government say that the matter is under consideration. May I know what that matter is?"

The hon. Dr. P. SUBBARAYAN:—"To see that this causeway is properly strengthened and that these damages do not recur."

Mr. ABDUL HAMEED KHAN:—"Is it a fact that the Government have sanctioned Rs. 40,000 for this same purpose?"

The hon. Dr. P. SUBBARAYAN:—"Notice."

Mr. ABDUL HAMEED KHAN:—"May I know if the Government is aware that even the arch has also fallen down?"

The hon. Dr. P. SUBBARAYAN:—"We have asked for a report and I am not sure what has happened."

Mr. BASHEER AHMED SAYEED:—"May I know if the cutting down of the estimate by the Superintending Engineer was with the approval of the then Chief Engineer?"

The hon. Dr. P. SUBBARAYAN:—"Notice."

Mr. K. V. R. SWAMI:—"May I know whether any explanation was called for as to why the thing was done like that?"

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The hon. Dr. P. SUBBARAYAN:—"I am afraid the hon. Member has not paid attention to the answers. This explanation was called for long ago with regard to the falling of the Moir Causeway and the whole thing was investigated."

Mr. K. V. R. SWAMI:—"Was the officer concerned given any warning or punishment?"

The hon. Dr. P. SUBBARAYAN:—"The Superintending Engineer has now ceased to be a Superintending Engineer."

Khan Bahadur S. K. ABDUL RAZACK SAHIB Bahadur:—"May I know why the original estimate was cut down by 50 per cent?"

The hon. Dr. P. SUBBARAYAN:—"I do not know if it was cut down by 50 per cent, but it was reduced."

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

II

AMENDMENTS TO STANDING ORDERS.

(i)

* The hon. the PRESIDENT:—"I have to announce that the following candidates have been duly nominated for election to the Select Committee to amend Standing Orders Nos. 22, 23 and 41:—

- (1) Mr. P. C. Venkatapathi Raju.
- (2) „ S. Satyamurti.
- (3) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
- (4) Mr. A. B. Shetty.
- (5) „ F. E. James.
- (6) The Kumara Raja of Venkatagiri.

"As the number of candidates nominated for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the above-mentioned members to be duly elected under regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

"I nominate Mr. B. Muniswami Nayudu, a Member of the Panel of Chairmen, to be a Member of the Select Committee."

(ii)

* The hon. the PRESIDENT:—"The first item in the agenda is a motion by the hon. the Law Member for certain amendments to Standing Orders Nos. 2, 3, 5, 10, 14, 33, 34, 46, 49 and 64. Under Standing Order No. 76 I have now to read the draft amendments and ask whether the hon. Member has the leave of the House. The amendments have been circulated to the hon. Members of this House. Is it the wish of the House that I should read them? (Voices: 'No, no.') I wish to know whether the hon. Member has the leave of the House. (After a pause) Since no Member objects, I take it that the hon. Member has the leave of the House. The draft amendments have now to be referred to a Select Committee. Six Members of the Select Committee have to be elected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf, the President, the Deputy President and the Advocate-General being ex-officio Members

[The President]

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of the Committee. One of the Members of the Panel of Chairmen is to be nominated by me as a Member of the Committee. I fix 2 p.m. to-day as the hour within which nominations may be handed over to the Secretary.

"The hon. Diwan Bahadur M. Krishnan Nayar will move for leave to introduce the following amendments to the Standing Orders of the Madras Legislative Council:—

I

Standing Order No. 2.

For the existing Standing Order No. 2 (2), substitute the following:—

- "2. (2) On the termination of a session all pending notices and all pending business, except Bills which have been introduced, shall lapse."

II

For the existing proviso to sub-clause (3) of Standing Order No. 2, substitute the following:—

- "Provided that if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse."

III

Standing Order No. 3.

For the existing Standing Order No. 3, substitute the following:—

- "3. (1) When, owing to the existence of any vacancy in the office of a Deputy President, the election of a Deputy President is necessary, the Governor when there is no President, or the President when there is a President, shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.
- (2) At any time before 3 p.m. on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating
- (a) the name of the member nominated and
 - (b) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.
- (3) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy President by ballot.
- (4) For the purpose of clause (3) a member shall not be deemed to have been duly proposed or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation, as members of the Council.

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- (5) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates as the case may be.
- (6) Where at any ballot one of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under clause (5) the determination as between the candidates whose votes are equal of the candidate who has to be excluded shall be by drawing lots.
- (7) No member who has been elected Deputy President and whose election has not been approved by the Governor shall be nominated as a candidate during the continuance of the same Council."

IV

Standing Order No. 5.

For the existing Standing Order No. 5, substitute the following:—

- "5. (1) On days other than those allotted by the Governor for the business of non-official members of the Council the Government may arrange Government business in such order as they think fit.
- (2) On days allotted by the Governor for the business of non-official members of the Council, unless any days have been allotted for any particular class of non-official business when non-official business of that class shall have precedence the arrangement of the business shall be in the following order:—
- (i) Motions other than those falling under (ii) and (iii) below—hereinafter referred to as special motions;
 - (ii) Motions relating to Bills; and
 - (iii) Motions which are recommendations to Government—Resolutions.
- (3) Motions relating to Bills other than Government Bills shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order:—
- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
 - (ii) Bills for which the next stage is a motion that the Bill as reported upon by a Select Committee be taken into consideration;

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- (iii) Bills referred to a Select Committee for which the next stage is the presentation of the report of the Select Committee, or the appointment of the actual members of the Select Committee;
- (iv) Bills which have been introduced but have not been proceeded with as far as the stages set out above;
- (v) Bills which are to be introduced and Bills in respect of which the motion is only for leave to introduce.
- (4) As among the Bills falling under each of the clauses (i), (ii) and (iii) of clause (3), the relative precedence shall be determined according to the priority of their introduction in the Council.
- (5) The relative precedence (a) of Bills falling under (iv) and (v) of clause (3), and (b) of resolutions shall be determined by ballot.
- (6) A separate ballot shall be held (a) for motions relating to Bills and (b) for resolutions.
- (7) The ballot shall be for the names of members giving notices of motions which are eligible for discussion at the meeting in respect of which the ballot is held.
- (8) Each member whose name has been drawn in the ballot shall be entitled to have entered against his name one motion of each of the classes in respect of which the ballot has been held. No member shall be entitled to have more than one such motion entered against his name. All other admitted motions of which a member has given notice and from which he could have made his choice shall be deemed to have been withdrawn.
- (9) The ballot shall be held at such time as may be determined by the President and may be repeated as often as may be necessary with reference to the state of non-official business.
- (10) The precedence of motions as determined by each ballot shall hold good for thirty days from the date on which the ballot is held exclusive of the day on which it is held provided that any motion which is under consideration of the Council at the time of an adjournment shall be taken as the first item of non-official business of the same class as itself on the next day available for non-official business of that class.
- (11) In cases not provided for by rules or the Standing Orders, the President shall have power to determine the order of precedence of any business to be transacted at any sitting.
- (12) Not more than fifteen resolutions shall be set down for any day on which resolutions are to be considered by the Council."

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[The President]

V

New Standing Order No. 5-A.

After Standing Order No. 5 insert the following new Standing Order:—

"5-A. When a Bill which has been passed is returned by the Governor to the Council for reconsideration, it shall be entered as the first item of business after questions

- (1) on the first available day for Government business if the Bill is a Government Bill;
- (2) on the first available day for non-official business if the Bill is one introduced by a non-official Member."

VI

Standing Order No. 10.

Omit Standing Order No. 10.

VII

Standing Order No. 14.

For Standing Order No. 14, the following shall be substituted:—

- "14. (1) Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary;
- (a) provided that the President may with the consent of the member in charge of the department concerned order a question to be entered in the list of questions with shorter notice than seven days; and
 - (b) provided also that in case the answer to a question cannot be sent to the Secretary before the sitting of the Council immediately following the period of seven days' notice, the President may extend the time for answering the question.
- (2) Questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. All questions which are not so called with the answers thereto shall be included in the printed proceedings of the Council."

VIII

Standing Order No. 33.

In Standing Order No. 33 (2) omit the word 'original' occurring in this sub-clause.

[The President]

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IX

Standing Order No. 34.

For the fullstop at the end of this Standing Order *substitute* a comma and add the following :—

“provided that nothing in the Standing Order shall enable a member to move that any meeting at which the general discussion of the budget or the consideration of any demand for budget grants is to take place, or such general discussion or consideration be adjourned or postponed.”

X

Standing Order No. 46.

For the existing sub-clause (1) of Standing Order No. 46 *substitute* the following :—

“46. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered provided that the President may in his discretion for sufficient cause admit an amendment with shorter notice than three days.”

XI

Standing Order No. 49.

For sub-clauses (2) and (3) of Standing Order No. 49 and for the note to sub-clause (3) of the said Standing Order *substitute* the following :—

“49. (2) If any amendment other than an amendment which is verbal or of a consequential nature be made, a motion that the Bill be passed shall not be made earlier than two days from the day on which the consideration of the Bill was concluded in Council, provided that this clause shall not apply to taxation Bills.”

“49. (3) On a motion that a Bill be passed no amendments except amendments which are verbal or of a consequential nature shall be made to the Bill.”

XII

Standing Order No. 64.

Standing Order No. 64 shall be omitted.

XIII

Re-number the Standing Order in serial order in accordance with the foregoing alterations.

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[The President]

STATEMENT OF OBJECTS AND REASONS.

In the working of the Standing Orders, several defects have been noticed from time to time. Some of these have been remedied, but others remain. On the 17th August 1929, the hon. the President convened a conference of the representatives of the various parties in the Legislative Council for the purpose of discussing them, and the draft amendments which are annexed are the result of the deliberations of that conference. The following notes will show the reason for and the effect of the amendments suggested.

NOTES ON AMENDMENTS.

Standing Order No. 2.

Sub-clause (2).

The proposed amendment to this clause is intended to make clear that on the termination of a session all pending business except Bills and all pending notices shall lapse.

Sub-clause (3).

The words in this sub-clause which empower the Council to make a special order for the continuance of a Bill in respect of which no motion has been made in Council for two complete sessions are proposed to be omitted. This power has been used only once and that too after the completion of the two years and it is desirable to remove it altogether.

Standing Order No. 3.

This Standing Order relates to the election of a Deputy President and had been made before the enactment of rule 5-A which refers to the election of President. It is desirable to amend this Standing Order so as to bring its language in a line with the language of rule 5-A. Hence the amendment.

Standing Order No. 5.

At the time when this Standing Order was made rule 6 of the Legislative Council Rules had provided that on days not allotted for non-official business, Government business shall only have precedence and thereby rendered the transaction of non-official business possible on such days if there was no Government business to get through. Under an amendment of the rule made in 1925 however, no non-official business can be transacted on days not allotted for such business except with the consent of the Local Government. The language of the existing Standing Order is inappropriate to this altered state of things. Further, a new rule 24-A which was made after the making of the Standing Order has introduced a new class of motions for which no provision for determining precedence existed in the Standing Orders. These defects are now sought to be remedied. It has been contended that the language of clause (3) of the Standing Order exempts a Bill which has just been introduced and which has never been referred to a select committee from the procedure of the ballot in case a motion is made in respect of it straightway that it be taken into consideration without being referred to a select committee. The intention of clause (3) however seems to be only to exempt Bills which have gone before a select committee from the procedure of the ballot. The draft Standing Order makes this plain. Opportunity has been taken to re-draft the whole Standing Order so as to make it clearer than before.

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New Standing Order after Standing Order No. 5.

This supplies a lacuna which now exists in the Standing Orders, as the latter contain no provision for determining the place of Bills which have been returned by His Excellency for reconsideration with or without amendments. Standing Order No. 51 provides that the point or points referred for reconsideration shall be put before the Council by the President and this makes it desirable that such Bills should have precedence over all other business after questions. This amendment seeks to bring about this result.

Standing Orders Nos. 10 and 14.

These amendments relate to the Standing Orders relating to questions. These Standing Orders are in several respects at variance with the existing practice, and they are sought to be so amended as to bring them in accordance with the existing practice.

Standing Order No. 33.

The expression 'Original motion' in Standing Order No. 33 (1) has given rise to a doubt whether where there has been a motion and an amendment thereto before the House and a closure has then been moved, the vote on the closure would terminate the debate only on the amendment or on the original motion also. This is now sought to be made clear by providing that it is only the debate on the amendment that will be terminated and not the original motion.

Standing Order No. 34.

A proviso is proposed to be added to the Standing Order to make it clear that the form of dilatory motion referred to in it shall not apply to any business connected with the budget or to any meeting at which such business is to be transacted.

Standing Order No. 46.

In practice, it has not been possible to insist upon the notice of ten days for amendments to Bills provided for by Standing Order No. 46. It is now proposed to reduce the period of notice from ten days to three days while retaining the discretion of the President to admit an amendment with shorter notice.

The right of a member to object to an amendment on the ground of short notice is removed as unnecessary.

Standing Order No. 49.

The necessity for providing a compulsory interval between the conclusion of the consideration of a Bill which has undergone amendment other than an amendment which is verbal or of a consequential nature, and the passing of it into law has been increasingly felt year after year and it is generally considered that such an interval would lead to greater perfection in the language of our legislation. It is accordingly sought to be provided that no motion that a Bill be passed shall be made earlier than two days from the day on which its consideration was concluded. At the same time the existing clause (3) of Standing Order No. 49 has given rise to doubts whether at the final stage of a Bill amendments of substance could be moved and whether such amendments could cover the same field as amendments moved at the stage of consideration of the Bill. It seems desirable to provide expressly that amendments at the last stage of a Bill shall be only verbal or of a consequential nature.

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[The President]

Standing Order No. 64.

In view of Standing Order No. 2 (2) and of the amendments proposed to Standing Order No. 5 this Standing Order is no longer necessary. It is accordingly sought to be omitted."

III

THE MALABAR TENANCY BILL.

*Clause 7.**Sub-clause (a).*

* The hon. the PRESIDENT :—" In amendment No. 99 of the Muppil Nayar of Kavalappara item (i) was already disposed of. So he can move only items (ii) to (iv)." a.m.

The MUPPIL NAYAR of KAVALAPPARA :—" Sir, I beg to move—

'In line 4, delete the word "only".

'In line 4, insert after the word "nuts" the words "and the minor produce such as leaves, fibre, etc."

'In line 6, substitute "two-thirds" for "two-fifths".

"The object of my amendment is to make the tenant pay also for the minor produce. It was included in the Bill that was drafted by the Raghavayya Committee, but it was omitted by the Select Committee on the present Bill. As such I propose this amendment."

Rao Bahadur M. NARAYANAN NAMBUDRIPAD :—" I second it."

MR. MAHMUD SCHAMNAD :—" I want to move an amendment to the present amendment, and that is —

'To substitute "one-half" for "two-thirds".

"Sir, in the case of garden lands in North Malabar, the fair rent fixed is very low. In North Malabar the janmis now are actually getting a large share of the produce, viz., about 70 per cent. According to the Bill only two-fifths is allowed to the landlord. If the yield is 500 coconuts, the landlord will get only 200. It will be a real injustice if he did not get at least half the produce. We are speaking about the trees planted by the landlord and not about the improvement made by the tenants. In some cases the trees were purchased by the landlords from the tenants paying them a very liberal compensation. So it will be a great injustice if the landlord is not allowed to get at least half the produce from his produce. With these words, I move my amendment."

The motion was duly seconded.

The hon. the PRESIDENT :—" The motion of the Muppil Nayar is to substitute 'two-thirds' for 'two-fifths'. The hon. Member Mr. Schamnad wants to substitute 'one-half' for 'two-thirds'. One-half is less than two-thirds. That is my mathematics. (Laughter.) (After a pause.) I will however put the amendment to the House."

The amendment was negatived.

* The hon. the PRESIDENT :—" The amendment of the Muppil Nayar is now for consideration of the House."

* Mr. K. KRISHNAN :—" Sir, I oppose this amendment. Even before the Select Committee dealt with this question, it was scrutinized by the Raghavayya Committee and the Government. Not only that, both the tenants and the janmis were given an opportunity to discuss the merits of the Bill before the Government introduced it, and it is only after hearing all the arguments

[Mr. K. Krishnan]

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on the side of the janmi and also on the side of the tenant as to what share each should have, this provision was incorporated in the Bill and was subsequently allowed by the Select Committee as well.

"Now, as regards the share, you will find that this two-fifths share in practice does not turn out to be two-fifths at all. Because, allowance has to be made for the loss of a great deal of the nuts which appear on the trees. At the time the Commissioner is going to inspect the property, a great many nuts would have fallen down from the trees, and a further number would have been lost otherwise. What remains would be only three-fourths of what originally appeared on the trees, and that would come into the calculation. The Government itself has recognized this fact, so that at the time of the Government assessment, an allowance of 25 per cent is made for loss.

"Then, there is the question of upkeep of these trees. These trees have to be manured just as any other trees, and a great deal of money has to be spent to protect them and keep them in a fruit-bearing condition. That also comes out of the gross produce. Then, it should also be remembered that these trees are situated about ten or twelve miles away from the houses of the tenants, and they will have to keep a watch on them against thieves and robbers. It is for the protection of these things that the tenant has to be given a share. The Government after taking all these things into consideration, has fixed this share, and I also find that a large number of Members of this House are in favour of retaining this provision in the Bill as amended by the Select Committee. Under the circumstances, I hope the House will reject this amendment."

* Mr. K. UPPI SAHIB :—"I am surprised to hear these arguments at this stage from the mouth of a gentleman who was a party to the recommendation of the Raghavayya Committee. He was aware of the conditions in Malabar, long, long before the Raghavayya Committee was appointed. He was aware of the condition of coconut trees long, long before the Raghavayya Committee went to Malabar, and he did not care then to put forward such arguments."

Mr. K. KRISHNAN :—"A word of personal explanation, Sir. I have given my dissenting minute to the Raghavayya Committee's Report."

* The hon. the PRESIDENT :—"That does not constitute personal explanation."

* Mr. K. UPPI SAHIB :—"He was one of those who agreed in that report to allow the janmi of garden lands two-thirds of the gross produce in the case of trees belonging to him and one-third in the case of trees belonging to the tenant. Now, when he finds that the Government has reduced it as a result of the conference of janmis and tenants, when he finds the tenants' representatives of South Malabar have scored a point over the janmi representatives of North Malabar, by calculation according to the conditions prevailing in that part of the country, to reduce the rent to two-fifths, to come forward and say that the coconuts are falling away from the trees is really surprising to me. Now, it is the custom in North Malabar to lease the usufruct of trees even at the beginning of the year to merchants for a year or two or even for five years, and the merchants themselves will pluck the fruits and take them away. When they take the trees on usufructuary lease, they calculate all these shortages; so also the tenants when they take a paramba on kuzhikanam. My friend says the coconuts fall away from the trees. It may be some of the flowers may fall. But when they grow into even small nuts, they do not fall as my hon. Friend on the opposite side wanted to represent to this House.

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[Mr. K. Uppi Sahib]

"Now, Sir, as regards this Bill, I have to say that this will reduce North Malabar to the condition described by Mr. Pate, who said 'it must result in a complete disturbance of rural economy in North Malabar.' On the other hand, the South Malabar tenants also are going to suffer by this Bill, because we are to a certain extent introducing the conditions of North Malabar into South Malabar in calculations. The North Malabar janmis are going to be ruined by this Bill. The result will be, according to my calculation, that the income of the landlords of North Malabar will be reduced by 50 per cent. So, I support this amendment."

* Mr. K. MADHAVAN NAYAR :—"I shall say only a few words on this amendment. I am sorry that Mr. Uppi Sahib has been compelled to support this amendment which on the face of it is unreasonable. If it were half the gross produce, I could have understood him. But the claim now put forward by the janmi is for two-thirds of the gross produce. No janmi has put forward a claim to the whole of the net produce till now. They may have a right to two-thirds of the *net produce*, never two-thirds of the gross produce. It must be admitted on all hands that for digging, ploughing, fencing and watching, etc., one-fourth of the gross produce will go, and what remains will be only three-fourths, and two-thirds of this three-fourths is just half. According to this amendment, two-thirds of the gross produce or nearly the whole of the net is to be the share of the janmi. I do not know whether it can reasonably be supported by anybody. I submit that this amendment must be rejected."

* Mr. A. ACHUTAN :—"Sir, I beg to oppose this amendment. I think that we are all agreed that fair rent ought to bear a just proportion to the interest of the janmi owning the property, as compared with the interest of the tenant. The interest of the janmi in kuzhikanam lands is very, very shadowy. The janmi must have leased to the tenant a bleak, waste land, and it is on account of the considerable labour and money spent on it by the tenant that that bleak waste land has been converted into a garden yielding fruits. Now to allow this proportion to the janmi is to deprive the kuzhikanam tenant of a considerable share of the income from the property, which he himself has created, and of which a large share should legitimately belong to him. Considering the nature of the land, the quantum of interest of the janmi is very shadowy. But for the interest taken by the kuzhikanam tenant, the property would not be worth a day's purchase. It is for that insignificant interest in the property that the janmi is now claiming to have a fair rent which is a considerable proportion of the income, and therefore I submit that the fair rent claimed is more than what is legitimately due to him."

The amendment was put and negatived.

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

"In sub-clause (2) as re-numbered, in line 6, for the words "is not so bound to pay" substitute the words "is not bound to pay such compensation".

"This is purely a verbal amendment and may be accepted by the House."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

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Sub-clause (b).

Mr. K. UPPI SAHIB :—" Sir, I move that—

'In line 1, after the word "areca" insert the words "and jack" and after the word "trees" insert the words "and pepper vines where pepper is not the chief produce"; and

'In line 3, for the word "one-sixth" after the words "shall be" substitute the word "one-fifth".'

"Sir, I have slightly modified the amendment, omitting the words 'and mango' which appear in the printed amendment.

"My intention in moving this is, as every one from North Malabar will admit, that pepper is a very very important item of produce in North Malabar. It is as important a produce as coconut. If you look at the statistics of exports from Tellicherry and Cannanore ports, you will find that pepper is exported more largely than copra. In North Malabar, 50 per cent of the produce is pepper. I cannot see the reason why the Government ask the janmi to forego all the share in this produce. It means that the rent will have to be reduced by 50 per cent, which may mean ruin to the janmi. It is really asking him not to receive anything out of the produce of trees on which he might have spent years of labour and large sums of money. The hon. Mr. Moir or the hon. Mr. Campbell will have to admit that all the fighting that took place in and around Tellicherry between the British and the Dutch and the Portuguese was only to establish their right to pepper trade. A provision of this kind saying that the janmi will not receive anything out of this produce is really a confiscatory provision. Among the agricultural produce of North Malabar, pepper is not an insignificant produce. Perhaps when the authors framed this Bill they had only the conditions of South Malabar in their mind. I do not see why the lands on which pepper is cultivated should be excluded. It is nothing short of confiscation to ask the janmis not to receive anything even for the trees on which they have spent large sums. So it is but fair and just that they should be allowed a share in the gardens where such trees are grown.

"Then with regard to the arecanut trees there is a distinction between North Malabar and South Malabar. I challenge any one to say whether in North Malabar there is any irrigation done for coconuts, arecanuts or pepper. Therefore I submit that at least one-fifth of the produce may be fixed. With these words I commend the amendment for the acceptance of the House."

Mr. ABDUL HAMEED KHAN :—"I second it."

Mr. MAHMUD SCHAMNAD :—"Sir, while supporting Mr. Uppi's amendment I beg to move—

'In line 4, insert the words "and jack fruits" after the word "nuts".'

"My object in moving this amendment is that as jack trees are very valuable in Malabar they must also be taken into account while calculating fair rent. I am not against mango even, but jack fruit is very valuable. I know that tenants have been giving to the landlord a portion of the rent in jack fruits also. Pepper also is a very important article. For the last four or five years pepper has risen very much in price, and it is more valuable at present than arecanut or coconut. If these things are excluded from the calculation of fair rent, it will be a great loss to the janmi and a great injustice will be done to him. This will only increase the friction between the janmi and the tenant. So I plead that pepper and jack fruits also should be included in the calculation of fair rent."

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The amendment was duly seconded.

* The hon. the PRESIDENT :—"Let me propose the question

'In line 1, after the word "areca" insert the words "and jack" and after the word "trees" insert the words "and pepper vines where pepper is not the chief produce." 12 noon.

'In line 3, for the words "one-sixth" after the words "shall be" substitute the words "one-fifth".'

'In line 4, insert the words "and jack fruits" after the word "nuts".'

'I shall put each amendment by itself.'

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, the Government are unable to accept any of these amendments. It is true that in the Raghavayya Committee's Bill minor produce was taken into consideration in determining fair rent. But this question was very carefully considered by the joint conference when both parties made representations on the subject and after very careful consideration, the Government decided to exclude minor produce entirely from the calculation of fair rent. It was however decided to take the omission of minor produce into consideration when fixing share of the nuts to be regarded as the fair rent; that principle has been approved by the Select Committee."

* Mr. S. ARPUDASWAMI UDAYAR :—"Sir, the hon. the Revenue Member spoke of the conference and the understanding arrived at by the parties."

The hon. Mr. A. Y. G. CAMPBELL :—"No understanding."

Mr. S. ARPUDASWAMI UDAYAR :—"First of all, Sir, I wish to draw the attention of this House to the fact that several products have been excluded. These products have a commercial value. Even the minor produce of the coconut trees has a commercial value. We know that Malabar is the seat of the famous coir industry and fibre is also exported in large quantities for the manufacture of brushes, etc. I do not attach much importance to mango trees, because they are grown."

* The hon. the PRESIDENT :—"Mango trees are not mentioned in any of the amendments under consideration."

Mr. S. ARPUDASWAMI UDAYAR :—"As regards jack fruits I know that large quantities are being exported from Palghat to Trichinopoly and this is a clear proof that they have a commercial value. As regards pepper vines, even where pepper is not the principal crop, the produce is not negligible. Several trees are grown in the gardens to serve merely as props for the pepper vines to grow round as a creeper. This was not taken note of by the committee and it is, I think, the source of a real difficulty. Besides, when the landlord evicts the tenants he is bound to pay compensation according to the Malabar Tenants Improvements Act for the planting of these trees, but when he allows the tenant to continue to enjoy his land, the landlord is denied the advantage of including the produce of these trees in the calculation of fair rent. Likewise, when the landlord redeems his land, he will have to pay compensation for the pepper vines and jack trees on the land; but when the question comes of fixing the rent, he will have to eliminate all these products. Therefore here we have a provision which adversely affects only one class and that is the landowning class. That is not quite fair, Sir."

[Mr. S. Arpudaswami Udayar] [1st October 1929]

"Again, we are now giving qualified fixity of tenure which in reality brings about a silent revolution. Hitherto the landlord be he a janmi or a kanamdar turned janmi could say: 'This is my land' whereas hereafter on account of this qualified tenure he could not say that. His proprietorship consists not in the soil, but in the dues or the goods from the products of the soil, namely, the rent and renewal fee. That is really a silent revolution we are bringing about. Proprietorship hereafter will consist not in the soil, but in the dues, in the goods, as I have said, from the products of that soil. It is true that the landlord is free to resume his lands for cultivation; but, as the Raghavayya Committee clearly say, the compensation they would have to pay would be enormous and therefore it would be very difficult to take advantage of this provision. As for the cultivator, he acquires hereditary rights, provided he regularly pays his dues.

"Sir, there is also a social reason why we should support this amendment. It is not fair to discriminate in the matter. These janmis also deserve our sympathy. The landlords are there and the tenants are there; the latter can, as they are accustomed to work in the fields and make a living, as they are inured to hard labour, work elsewhere. I have known cases of agriculturists leaving their villages when these were visited by famine, and going to other places carrying with them their agricultural instincts, and converting even jungles into smiling paradise, whereas the impecunious janmis spoken of by the Raghavayya Committee—there are large numbers of them who maintain their status as janmis but are really poor—will suffer if they are deprived of their share of the products of the soil especially now when they lose their proprietorship in the soil. They will suffer very much and will look small and sink low in the social scale. And, as the Tamil proverb says: வாழ்ந்தவன் கெட்டால் வாழ்வாட்டுக்குக்கூட உதவ மாட்டான். It means that when a prosperous man suddenly becomes poor, he becomes absolutely unfit for anything, not having been accustomed to labour and supporting life by hard work. When a mirasidar is reduced to poverty, he will be a burden even to himself. So, on account of these social and economic reasons, I think it would be fair that in the case of jack trees and pepper vines for which the landlord is bound to pay compensation according to the provisions of the Malabar Land Improvement Act, we should say that the landlord should get a share of the produce."

* Mr. C. GOPALA MENON :—"Sir, with regard to the minor produce of the land such as pepper vines and other trees, the Raghavayya Committee have laid down one-sixth of the gross produce and the amendment before the House is that one-fifth of the gross of the minor produce should be given, if the yield is from the tenants' trees and one-third in the case of janmis' trees. With regard to that I may point out to this House that jack constitutes an important article of food amongst the landlords for at least four months in the year and to omit that from the provisions of this Act would be a real hardship to the owners of those trees. There are several middle class ladies in Malabar who when their husbands are dead and sons are unemployed live on the fruits of these trees for a large portion of the year and it would be a hardship and a terrible hardship to deprive them of this source of food-supply. The landlords are now getting at least a fourth of the share of this produce and I believe that it is on that ground that Mr. Mappil Nayar has given notice of an amendment that this one-fourth of the share of the minor produce should be allowed to the landlord. Under these circumstances I would submit to this House to pay some attention to this amendment and pass it so that those who are now enjoying the benefits from these trees may have the same hereafter."

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* Mr. K. KRISHNAN :—"Mr. President, I oppose this amendment. As regards the jack trees, with your permission, Sir, I propose to quote what Mr. Logan has said in this connexion: 'In regard to revenue assessment, in the case of jack trees it has not been customary to estimate the produce either gross or net except at its money value and its money value depends entirely on whether there is a market for its produce or not within reasonable distance. The fruit, from its bulkiness, is not easily carried to any great distance and it readily spoils. The money value of the produce is determined in a rough sort of way upon inspection!' So that, even at the time of assessment this was the old rule. Jack trees were not taken into account at all.

"As regards pepper also, I may say that it has not been considered for the purpose of assessing revenue according to the old system. This is what he says: 'It is unnecessary to state what the sanctioned shares of the pepper produce were as the assessment was in 1806-07 taken off the land and an export duty levied instead'. You will find therefore that in calculating assessment the produce of the jack tree and the produce of the pepper vine were never taken into consideration by the Government. Therefore in fixing the assessment the janmis have been relieved of the responsibility of paying the assessment on the income from those trees. It is not a question of relief to the tenant at all. For, these are products which do not find a market generally. No doubt pepper does find a market, but then pepper is grown in gardens specially intended for that purpose and it is only stray vines that are grown in coconut gardens that are taken into consideration.

"Now, Sir, at the time of the Raghavayya Committee Diwan Bahadur T. C. Narayana Kurup, the accredited representative of the janmis, consented to the exclusion of pepper gardens altogether from the provisions of this Bill."

* The hon. the PRESIDENT :—"I would ask the hon. Member not to raise questions about the representative character of a gentleman or otherwise. If such remarks are made a good deal of time will be wasted."

* Mr. K. KRISHNAN :—"I will avoid such expressions. At any rate he was a gentleman highly respected in Malabar. He along with the rest of the members of the committee consented to the exclusion of the income from pepper where pepper was not the chief product. (Mr. Basbeer Ahmed Sayeed: What is your authority?) Because in the Raghavayya Committee's report it is not included. He has not taken exception to it in his report either. And Government also have considered that question. In the case of pepper vines their lifetime is from twenty to twenty-five years ordinarily. They begin to yield after the fifth or sixth year. They yield for some years and then fail. Now if such a fugitive cultivation as it were, is taken into calculation in fixing fair rent which is to enure for a period of twelve years, it will be a great hardship on the tenants. As regards pepper itself the proper yield is got only once in two or three years. If there is heavy rain at the commencement of the monsoon the crop is ruined and again, if there is heavy rain at the end of the monsoon the crop is ruined. It will be seen therefore that this is a crop of which there is so much uncertainty that it will not be possible to fix a fair share. No doubt pepper does yield and its product is of commercial value. It is as much a produce of commercial value in South Malabar as it is in North Malabar. You will find from the scheme of the Bill that except for the purpose of raising the rent the income from pepper is not taken into calculation at all in South Malabar. There

[Mr. K. Krishnan]

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is no difference between kanam and kuzhikanam in the case of garden lands and it is only by an accident that the word kuzhikanam has been introduced in the definition of garden lands in North Malabar and that is the only difference between garden lands in North Malabar and South Malabar. Pepper is as much a product of North Malabar as it is of South Malabar. You will find Mr. Uppi appealing to the hon. Sir Thomas Moir and the hon. Mr. Campbell about pepper which was the chief product even during the time of the East India Company. I may as well remind them, Sir, that Calicut was first visited by Vasco De Gama for the purpose of pepper and therefore there is no use of saying that pepper is a product of North Malabar and not of South Malabar. For the purpose of this Bill there is no reason for taking any share of the produce of pepper so far as the lands in South Malabar are concerned."

* The hon. the PRESIDENT:—"This applies to the whole of Malabar."

* Mr. K. KRISHNAN:—"The question is that so far South Malabar is concerned, they are included in kanam and in kanam there is no question of raising the rent at all. It arises only when the question of giving renewal fee is considered. So far as the coconut produce of South Malabar is concerned, fair rent will come into question only when determining the renewal fee to be claimed at the end of twelve years."

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"But, Sir, here it is a question of payment of rent which will inure for twelve years to come, that is to say, for every twelve years when revision takes place. I submit that this will be a hardship on the tenant of Malabar. In the case of kuzhikanam lands the tenants will have to pay for twelve years a share out of the imaginary produce which they may or may not get. I therefore strongly oppose this amendment."

Mr. P. C. VENKATAPATHI RAJU:—"I was not able to understand the reason why in fixing the fair rent Government did not include the compensation to be given to the janmis for the enjoyment of such valuable produce as pepper, etc., by the tenants. Pepper according to the clause as it stands may not be the chief produce but there is nothing in the section to show that, even though it states that one of the substantial crops, viz., vine, should be excluded in commuting the price. Of course, the Government in their anxiety to protect the tenants as much as possible might have excluded some of these valuable crops. With regard to jacks and mangoes, I submit, that there is no reason to suppose as to why they will not be taken to the market but that they will be enjoyed by the tenants themselves. But with regard to pepper hon. Members are pressing this amendment because they think that it will be utilized by the tenants themselves. I can understand the reason for the exclusion of pepper, because it is not a substantial crop. But there is nothing to prevent the tenant from growing pepper in a coconut garden. According to the definition if pepper is not the chief crop, there may be other classes of crops which can be classed as chief crops. But simply because it is not classed as a chief crop, I do not see the reason why a tenant should enjoy such a commercial crop without paying fair rent for such a crop. If the object of the Government is to do away with this unfair concentration of property under some clauses of the Bill and if the object of the Bill is to distribute the property according to present notions of justice and equity to the tenants, I cannot understand the reason why such a clause as now found in the Bill should be allowed to exist. No proper reasons are given and no equity is shown why some of the existing rights should be brushed aside without clearly understanding the serious consequences which

[1st October 1929] [Mr. P. C. Venkatapathi Raju]

may arise. Especially in cases of this kind if we show more consideration to the tenants than what is necessary, there is a dangerous provision in the Bill according to which the landlord may get back his land for his own cultivation, thus defeating the very object with which this Bill is introduced. If you unnecessarily show too much favouritism to the tenants or brush aside the existing rights of the landlord, it would mean that the janmis or the landlords will take back their lands for their own cultivation, thus defeating the very purpose for which this Bill is introduced. In these circumstances I should very much like that some sort of equity is shown in arriving at a decision upon this difficult and thorny question."

* Mr. E. SANKARAN UNNI:—"I was surprised to hear that no tax is levied on jack and other trees. This is what the Settlement notification says:—'Garden land is a land which contains at least ten bearing coconut palms (or the equivalent in areca palms or jack trees) to the acre. One coconut palm is taken as the equivalent of twelve areca palms or half a jack tree.' 'Land containing less than ten bearing coconut palms (or their equivalent in areca or jack trees) to the acre and land appropriated to the growth of other fruit-trees or garden produce such as tamarind, mango, palmyra, plantains, pepper, ginger, etc., will not be treated as 'garden' but will be assessed at the dry rates. 'Dry' land is either occupied or unoccupied. 'Occupied dry' is land which is under occupation continued from year to year. 'Unoccupied dry' will be free of assessment. Dry land which is occupied (generally once in three years) for fugitive cultivation will continue to be charged only when it is cultivated.'"

"Sir, apparently my hon. Friend was referring to some antiquated authority which has very little to do with the present-day conditions. This is a very real grievance. In the taluk to which I belong, the Palghat taluk, all these trees are extremely valuable. It may be that in Ernad or Walluvanad or in other places where the jack trees are so abundant, the fruits are not valued so much but in my place the jack is not only valued as timber but is also valued for the fruits which it yields. It is not uncommon to see hundreds of carts passing along the roads carrying jack fruits. In fact there is a large trade going on in this commodity. So it will not do to say that it is not a valuable commodity. Last time when this question was being discussed in the Select Committee the Government said they had no information on the question as to whether the landlords were deriving any income from these fruits or whether they received jack and other things as part of the rent. To-day I am in a position to enlighten the Government so as to leave no doubt in their mind. I have got a number of documents with me. I shall refer to one of them. In this document which belongs to myself there is a provision for a supply of 50 ripe jack fruits valued at Rs. 20. There is also a provision for supplying 20 basketfuls of tamarind valued at Rs. 15 and there are several other articles to be supplied by the tenant to the landlord. The prices mentioned here are not exact values; they are nominal amounts mentioned for purposes of registration. It is not uncommon, in the taluk to which I belong and also in other taluks, to have in lease deeds provisions of this character, especially in cases where the trees belong to the landlord. I can understand the equity of the suggestion that where the trees belong to the tenant the landlord ought not to take a portion of the income although he is now getting a portion of the produce. But where the trees belong to the landlord, that is to say, where he has paid heavy compensation for those trees when evicting a former tenant, it is extremely inequitable and there is no justification whatever for depriving the landlord

[Mr. E. Sankaran Unni]

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of his share. He has paid for those trees and in many instances the payments are very heavy. I have got here in my hand a document belonging to myself. A large sum of money has been paid as compensation for the palmyra trees, and an income of Rs. 80 is derived from these trees. The leaves of the palmyra trees are used for thatching houses and it is a very valuable article. The income from this source is an income which belongs to the landlord and for which he has actually paid. I hope the argument that the Select Committee has considered this matter will not be repeated. I take it that we are not here merely to register the decisions of the Select Committee. Let us show our readiness to do justice to the weaker party."

* Mr. K. MADHAVAN NAYAR:—"I would be failing in my duty if I did not emphatically repudiate the claim of the janmi to the tenants' trees other than coconut and arecanut. As a matter of fact nothing is paid to the janmi where such trees belong to the tenants, especially in South Malabar with which portion I am acquainted. But with regard to the trees of janmis so far as Palghat taluk is concerned, I have come to know that they are getting rent for palmyra and jack trees. In Ernad taluk to which I belong no rent is paid for jack trees in a mixed garden and it is only in cases of coconut and arecanut trees they pay rent. In Walluvanad the same thing prevails. With regard to pepper in North Malabar so far as pepper vines belonging to janmi are concerned, he gets a portion of the produce as rent. But with regard to pepper vines belonging to the tenants, though I am told that the janmis are getting something, I am not sure about it. I submit to you, Sir, that so far as landlord's trees in Palghat taluk are concerned the tenants are paying some rent to the janmi. But in Ernad and Walluvanad they are not paying anything at all. There seems to be no general rule for the whole district and exception here and there cannot be made basis for a rule."

Mr. E. SANKARAN UNNI:—"May I draw your attention to my amendment which deals with janmis' trees. I have also given notice of another amendment. I do not know when I am to move them."

* The hon. the PRESIDENT:—"I have got both the amendments. They only relate to sub-clause (c). The hon. Member will have to wait till sub-clause (c) is taken into consideration."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, you will find that so far as the relationship between the tenant and the landlord is concerned, the Bill proceeds on the basis that gross rent is taken according to the number of coconut trees or arecanut trees and the rent is ascertained and a certain share of the produce on the average of the three previous years is taken into consideration and is fixed as fair rent. There is absolutely no provision in the Bill giving the tenant the right to a remission of the rent. Although this proposal was mooted in the Select Committee it was ultimately dropped and it was decided that the tenant would have to pay whether he gets the yield or he does not get the yield. The second thing is that the proportion has been arrived at as a matter of compromise between the janmi and the tenant. Thirdly in fixing the rent for garden lands the coconut and arecanut trees were taken into consideration and not other produce such as pepper, etc., for purposes of fixing land revenue by the Government. So far as this point is concerned, very many amendments were discussed and one of them was that of my hon. Friend Mr. Karant which aimed at the tenant and the landlord sharing land revenue in equal halves and sharing the produce also in equal moieties."

[1st October 1929]

[Mr. B. Muniswami Nayudu]

"The reason is, that under the declaration of 1803, the tenant was 12-30 entitled to one-third, the janmi to one-third and the Government were p.m. entitled to get one-third. The Government share which is converted into money is very much less than what it would be according to the present market value of the produce. The advantage the Government gave, by converting the share they were entitled to into money value, was taken advantage of by the janmi. My hon. Friend Mr. Karant said that such benefit should be shared equally by the janmi and the tenant. This very House on the previous Bill of Diwan Bahadur Krishnan Nayar voted for the principle that the benefit of the Government share must go to the actual cultivator and that the cultivator should pay half the revenue. This Bill has proceeded the other way. The janmi takes two-thirds and pays revenue and the actual cultivator takes one-third. Now my janmi friends are anxious to see that the produce from pepper also should be given to them, which has not been taken into consideration by the Government in fixing the assessment. After voting for giving janmi two-thirds of the produce, we should not reopen the question. This proposition is hardly acceptable to us who are fighting for the tenants."

"As I said, there is no provision in the Bill for remission at all. Whether there is yield or not, the tenant has to pay the rent. My hon. Friend Mr. Krishnan said that pepper is a precarious crop. If this is included in the fair rent, it will have to be paid year after year for a period of twelve years. Having regard to these facts, I submit, Sir, that this House should carefully consider this point; while the tenant is being given fixity, if you overburden him, if you do not allow remission to him in bad seasons and if you insist on the rent being given whether there is produce or not, the House will be taking away by one hand what is given by the other hand. For these reasons I oppose the motion."

* Mr. E. SANKARAN UNNI:—"May I know if I will be in order if I explain facts?"

* The hon. the PRESIDENT:—"The hon. Member will not be in order at all."

Mr. P. ANJANEYULU:—"Mr. President, Sir, it is admitted on all hands that, so far as pepper is concerned, even according to the information of my hon. Friend, Mr. Madhavan Nayar, the tenants are paying some rent where the trees belong to the janmi. The object of the amendment of my hon. Friend Mr. Uppi Sahib is twofold. One is that a certain share of the produce should go to the janmi where the trees are planted by the janmi or where the plantation is financed by the janmi. As far as that part of the amendment is concerned, I do not think there ought to be any difference of opinion. The other question is when the tenant himself has financed for the pepper vines; in that case also I am told that, according to the present conditions, one-fourth of the yield is being given to the janmi. I am in a very advantageous position not belonging either to North or South Malabar. As I see from a distance, whatever may have been the past conditions, the present conditions are, the tenant is willing and has been paying a certain proportion of this rental to the janmi. I do not see any reason why that proportion should not be kept up, even though the janmi is so powerful that he is taking rack-rent from the tenants and even though our sympathies are with the tenants. But impartially and unprejudicially as I see, when the

[Mr. P. Anjaneyulu]

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tenants are paying some amount of rent to the janmi, I think it is not right to say that no rent need be paid to the janmi for the pepper.

"If you look back into Indian History, the reason why the East India Company first settled in this land, was for this pepper trade; if they had anything to do with Malabar, it was for this purpose. It was for the pepper trade that the East India Company bargained with the janmis, zamindars and zamorins. Taking you back into the dim distant past, that was the history of Malabar, and the East India Company was trading in pepper in Malabar, that being a very profitable concern. I do not think it is such a precarious crop as my hon. Friend, Mr. Muniswami Nayudu, believed. Moreover, my hon. Friend, Mr. Krishnan, said 'if North Malabar is exempted, what about South Malabar? If South Malabar is exempted, what about North Malabar?' He may bring forward suitable amendments if the conditions are the same in both the parts. That is no argument to say that because this advantage is not given to one place, it should not be given to another place. My hon. Friend, Mr. Muniswami Nayudu, has been saying that pepper is a very precarious crop. I am told it is not so.

"He also said that no provision has been made for remission. If so, it is up to the hon. Member to bring forward suitable amendments to see that the interests of tenants are safeguarded and that remission is given in any particular year when there is failure of crop. For these reasons I feel it hard to wound the feelings of the janmis. I am also for the tenant. I support the amendment."

Mr. S. SATYAMURTI:—"I move, Sir, that the question be put."

The closure motion was put and carried.

* The hon. the PRESIDENT:—"The question is, in line 1, after the word 'areca' insert the word 'and jack'."

The amendment was declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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| 1. Mr. Mahmud Schamnad. | 8. Mr. K. Abdul Hamid Khan. |
| 2. The Muppil Nayar of Kavalappara. | 9. " K. Uppl Sahib. |
| 3. Rao Bahadur O. M. Narayanan Nam-budripad. | 10. " C. N. Muthuranga Mudaliyar. |
| 4. Mr. E. Sankaran Unni. | 11. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 5. " S. Arpudaswami Udayar. | 12. The Maharaja of Pithapuram. |
| 6. The Raja of Kallikota. | 13. Mr. C. Gopala Menon. |
| 7. Mr. Basheer Ahmed Sayeed. | 14. " T. M. Moidoo Sahib. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 13. Mr. S. V. Ramamurti. |
| 2. " Sir Thomas Moir. | 14. " C. B. Cotterell. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 15. " V. Ch. John. |
| 4. " Mr. A. Y. G. Campbell. | 16. " M. A. Manikkavelu Nayakar. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 17. " Syed Tajudin Sahib. |
| 6. " Mr. S. Muthiah Mudaliyar. | 18. " J. Bheemayya. |
| 7. " Dr. P. Subbarayan. | 19. " R. Foulkes. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 20. Subadar-Major S. A. Nanjappah Bahadur. |
| 9. Mr. Hilton Brown. | 21. Mr. K. Krishnan. |
| 10. " H. A. Watson. | 22. " N. Siva Raj. |
| 11. " A. G. Leach. | 23. " M. V. Gangadhara Siva. |
| 12. " J. Gray. | 24. " V. I. Muniswami Pillai. |
| | 25. " S. Subrahmanya Mooppanar. |
| | 26. " A. Achuthan. |

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Noes.

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| 27. Mr. A. J. Leach. | 40. Mr. K. Madhavan Nayar. |
| 28. " F. E. James. | 41. " T. Adinarayana Chettiyar. |
| 29. " H. F. P. Hearson. | 42. Sriman Biswanath Das Mahasayo. |
| 30. " S. N. Dorai Raja. | 43. Mr. A. Kaleswara Rao. |
| 31. " K. Ramachandra Padayachi. | 44. " B. Venkataratnam. |
| 32. Khan Bahadur P. Khalifula Sahib Bahadur. | 45. " A. Ranganatha Mudaliyar. |
| 33. Mr. G. R. Premayya. | 46. " K. P. Raman Menon. |
| 34. " V. Ramjee Rao. | 47. " R. Nagan Gowda. |
| 35. " R. Srinivasa Ayyangar. | 48. " C. R. Parthasarathi Ayyangar. |
| 36. " S. Satyamurti. | 49. Rao Bahadur Sir A. P. Patro. |
| 37. " J. A. Saldanha. | 50. " Dr. C. Natesa Mudaliyar. |
| 38. " L. K. Tulasiram. | 51. Mr. Khadir Mohidin. |
| 39. " K. V. R. Swami. | 52. Rao Bahadur B. Muniswami Nayudu. |
| | 53. Mr. K. Sarabha Reddi. |

Ayes 14. Noes 53.

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is, in line 1 after the word 'trees' insert the words 'and pepper vines where pepper is not the chief produce'."

The amendment was declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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| 1. Mr. Mahmud Schamnad. | 14. Mr. K. R. Karant. |
| 2. The Muppil Nayar of Kavalappara. | 15. " P. Anjaneyulu. |
| 3. Rao Bahadur O. M. Narayanan Nam-budripad. | 16. " C. Obi Reddi. |
| 4. Mr. E. Sankaran Unni. | 17. " A. Parasurama Rao. |
| 5. " S. Arpudaswami Udayar. | 18. " T. Adinarayana Chettiyar. |
| 6. The Raja of Kallikota. | 19. " Ahmed Miran Sahib. |
| 7. Mr. P. O. Venkatapathi Raju. | 20. " K. Uppl Sahib. |
| 8. " K. Koti Reddi. | 21. " C. N. Muthuranga Mudaliyar. |
| 9. " R. Srinivasa Ayyangar. | 22. " K. V. Krishnaswami Nayakar. |
| 10. " C. V. Venkataramana Ayyangar. | 23. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 11. " J. A. Saldanha. | 24. The Maharaja of Pithapuram. |
| 12. " Basheer Ahmed Sayeed. | 25. Mr. C. Gopala Menon. |
| 13. " Abdul Hameed Khan. | 26. " T. M. Moidoo Sahib. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 23. Mr. M. V. Gangadhara Siva. |
| 2. " Sir Thomas Moir. | 24. " V. I. Muniswami Pillai. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 25. " S. Subrahmanya Mooppanar. |
| 4. " Mr. A. Y. G. Campbell. | 26. " A. Achuthan. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 27. " A. J. Leach. |
| 6. " Mr. S. Muthiah Mudaliyar. | 28. " F. E. James. |
| 7. " Dr. P. Subbarayan. | 29. " H. F. P. Hearson. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 30. " S. N. Dorai Raja. |
| 9. Mr. Hilton Brown. | 31. " K. Ramachandra Padayachi. |
| 10. " H. A. Watson. | 32. " G. R. Premayya. |
| 11. " A. G. Leach. | 33. " V. Ramjee Rao. |
| 12. " J. Gray. | 34. " S. Satyamurti. |
| 13. " S. V. Ramamurti. | 35. " L. K. Tulasiram. |
| 14. " C. B. Cotterell. | 36. Sriman Biswanath Das Mahasayo. |
| 15. " V. Ch. John. | 37. Mr. A. Kaleswara Rao. |
| 16. " M. A. Manikkavelu Nayakar. | 38. " Mr. A. Ranganatha Mudaliyar. |
| 17. " Syed Tajudin Sahib. | 39. " K. P. Raman Menon. |
| 18. " J. Bheemayya. | 40. " R. Nagan Gowda. |
| 19. " R. Foulkes. | 41. " C. R. Parthasarathi Ayyangar. |
| 20. Subadar-Major A. Nanjappah Bahadur. | 42. Rao Bahadur Sir A. P. Patro. |
| 21. Mr. K. Krishnan. | 43. " Dr. C. Natesa Mudaliyar. |
| 22. " N. Siva Raj. | 44. Mr. Khadir Mohidin. |
| 23. " M. V. Gangadhara Siva. | 45. Rao Bahadur B. Muniswami Nayudu. |
| 24. " V. I. Muniswami Pillai. | 46. Mr. K. Sarabha Reddi. |
| 25. " S. Subrahmanya Mooppanar. | |
| 26. " A. Achuthan. | |

Ayes 26. Noes 46.

The amendment was negatived.

[1st October 1929]

45 * The hon. the PRESIDENT :—" The question is, in line 3, for the words
a. 'one-sixth,' substitute the words 'one-fifth'."

The amendment was negatived.

* The hon. the PRESIDENT :—" The next amendment is about jack fruits. I do not think it can be put, because the main motion was lost."

Sub-clause (3).

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

*'that in sub-clause (3) as re-numbered, in lines 5 and 6, for the words
"is not so bound to pay", the words "is not bound to pay such
compensation" be substituted'*

"Sir, this is only a verbal amendment, and I move it."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the motion."

* The hon. the PRESIDENT :—" The question is that in sub-clause (3) as re-numbered, in lines 5 and 6, for the words 'is not so bound to pay', the words 'is not bound to pay such compensation' be substituted."

The amendment was adopted.

* The hon. the PRESIDENT :—" Of the three amendments to sub-clause (c), Nos. 112, 113 and 114, I select amendment No. 113."

Mr. E. SANKARAN UNNI :—" I have got another amendment to this amendment, Sir."

* The hon. the PRESIDENT :—" He may move his amendment in the amended form."

Mr. E. SANKARAN UNNI :—" Sir, my amendment to amendment No. 113 is—

'to add at the end; 'where the landlord has not to pay compensation under the Improvement Act at the time of eviction'."

* The hon. the PRESIDENT :—" He has to move the whole amendment as amended by the second amendment."

Mr. E. SANKARAN UNNI :—" Sir, my amended amendment will run as below :—

Substitute the following for the existing sub-clause (c) :—

"As regards other classes of trees, such as jack, mango, tamarind, palmyra and cashewnuts and also as regards pepper where it is not the principal crop on the land, one-fifth of the said one-third of the gross produce thereof, where the landlord has not to pay compensation, under the Improvement Act at the time of eviction."

"Sir, my object in bringing forward this amendment is to distinguish the janmis' trees. . ."

* The hon. the PRESIDENT :—" The principle of this amendment has been negatived just now. If, in effect, there is any distinction between the two amendments, I have no objection to allow this."

* Mr. E. SANKARAN UNNI :—" I submit there is a distinction between the two. In the previous amendment, no distinction was made between the janmis' trees and the tenants' trees. In this amendment, what is said is 'where the landlord has not to pay compensation', that is, where the trees belong to the janmi. In such cases, I say a portion of the produce should be given to them."

Mr. K. KRISHNAN :—" Clause (b) already included this item, Sir, and it has been just disposed of."

[1st October 1929]

* The hon. the PRESIDENT :—" I think this amendment is substantially identical with the one just now disposed of."

Mr. E. SANKARAN UNNI :—" I submit it is not, because there is nothing in that amendment which limited the right to janmis' trees alone."

* The hon. the PRESIDENT :—" As far as I understand, the amendment just now voted upon by the House relates to janmis' trees and to tenants' trees. Here it is intended to exclude the tenants' trees and to make it applicable to the janmis' trees alone. Both the trees were excluded by a vote of the House, and the principle of substantial identity is quite different from the principle of *res judicata*. The main intention of the House is well-known. They do not want it to be divided into classes and then to vote. In such cases, the movers of amendments have to take pretty good care to see that if they really want to take a vote of the House on a restricted amendment, they put the amendments in that form. When the more comprehensive amendment was thrown out, it means that the restricted amendment also does not find favour with the House. I therefore rule this amendment out of order."

Mr. E. SANKARAN UNNI :—" Sir, I beg to move that the following explanation be added at the end of clause 7 :—

'Explanation.—In the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent, or as kanartham, the rent payable to the landlord by such tenant shall be the difference between the fair rent for the holding and the interest on the amount so advanced.'

"Sir, there has been considerable difficulty, as pointed out by my hon. Friend Mr. Krishnan, in regard to this matter. In kuzhikanam lands, there is very often a kanam amount. I am anxious that because there is an amount there, it should not be regarded as a kanam, as defined in this Bill. The real difficulty is that there is no provision for deducting the interest on the kanam in the definition of the kuzhikanam in the Bill, or in the provisions contained in clause 7. Therefore, in order to obviate the unfairness that would result, I suggest this amendment, that from the fair rent for a kanam, the interest on the kanartham should be deducted and then the balance alone should be paid as rent. In that case, there will be no injustice in allowing a renewal fee also, as in the case of ordinary kuzhikanams. The unfortunate position is that we have defined kuzhikanam in terms which exclude a large number of cases which ought to come under the definition. I am only trying to save them. If this is not done, many of the garden lands, especially in the Calicut taluk, will be seriously endangered. As I am merely trying to obviate, by this amendment, any unfairness that might result, I hope the amendment will commend itself to the House."

The MUPPIL NAYAR OF KAVALAPPARA seconded the motion.

* Mr. K. MADHAVAN NAYAR :—" Sir, I oppose this amendment. If my friend had tabled an amendment in this form i.e., that 'in the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent' leaving out the words 'or as kanartham', then I would have had, for my part, no objection. But the introduction of the words 'or as kanartham' wipes away the distinction between kanam and kuzhikanam, and all garden lands where kanartham is advanced, will come under this, and all such kanams will be converted into kuzhikanam. That is a danger which should be averted. So far as the liability to pay interest on

[Mr. K. Madhavan Nayar] [1st October 1929]

the advance rent paid under kuzhikanam lease is concerned, I leave it to my Friend Mr. Krishnan to make whatever observation he has to offer. I am no authority on that point. I oppose the amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I also oppose this amendment. In the first place, it appears to me that this is not the right place to put in any such amendment as this. This chapter relates to the determination of fair rent, and this particular amendment, it seems to me, has nothing to do with the determination of fair rent. There is another chapter which deals with the payment of rent, and if this amendment has to come in anywhere at all, it should be brought in under the chapter which deals with the question as to what should be paid as rent."

* The hon. the PRESIDENT :—" If the hon. Member had pointed it out even at the beginning, I would have ruled this out as irrelevant."

"The question is to add the following explanation at the end of clause 7:—

"Explanation.—In the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent, or as kanartham, the rent payable to the landlord by such tenant shall be the difference between the fair rent for the holding and the interest on the amount so advanced."

The amendment was negatived.

The hon. the PRESIDENT :—" The question is that clause 7, as amended, shall stand part of the Bill."

The motion was adopted.

Clause 8.

* The hon. the PRESIDENT :—" Clause 8 is now for the consideration of the House."

The MUPPIL NAYAR OF KAVALAPPARA :—" Sir, I move—

"that in line 1, the words "one-fifth of the gross produce, or" be inserted between "be" and "three", and also the words "whichever is greater", be added at the end."

* The hon. the PRESIDENT :—" The hon. Member can move only the first part; he cannot move the alternative amendment."

The MUPPIL NAYAR OF KAVALAPPARA :—" No, Sir, it is only a consequential amendment, and it is in the same clause."

The hon. the PRESIDENT :—" All right."

Rao Bahadur O. M. NARAYANAN NAMBUORIPAD :—" Sir, I second the amendment. The custom in vogue in Walluvanad and Palghat taluks with which I am more acquainted is to levy one-fifth of the produce as the janmi's or landlord's share. Very valuable crops such as ginger, groundnut and tapioca are raised in dry lands which are assessed at a nominal rate per acre. In Malabar, assessments on dry lands are fixed without any consideration to the kind of crops that are raised on them. The rates vary from 4 annas to Rs. 2 per acre, while the income varies from Rs. 50 to Rs. 300. If the manual rate of one-fifth of the produce is considered to be extravagant, I would request the House to allow at least five times the assessment. It must be borne in mind that for purposes of calculating the renewal fee, the annual assessment has to be deducted from the fair rent, and it is only a multiple of the balance that the janmi gets. Five times the assessment is therefore the minimum that can be offered to the janmi."

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* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, this is a very important amendment and it involves a serious question. I have also given notice of an amendment (No. 125) which is more or less the same as this one. Therefore, I do not wish to trouble the House again and I propose to speak at some little length on this amendment. The rate of assessment on dry lands in Malabar ranges from 4 annas to 2 rupees. On most lands, it is generally not more than a rupee, that is on lands on which crops yielding considerable profits are raised. For instance, in the taluk of Palghat, people get somewhere about Rs. 200 to Rs. 300 for groundnut and the value of such lands has therefore gone up. In the land acquisition proceedings that are now going on, Rs. 500 was paid per acre, and on the basis of that Rs. 25 was taken as the rent. Now, if this Bill is passed, the result would be that there would be a sum of Rs. 1-2-0 as the fair rent for the property, for the assessment comes to 6 annas per acre. The Government have acquired lands for the railway company that is now extending the line from Palghat to Pollachi, on the basis of the present rent, namely, Rs. 25."

"Coming to another side of Malabar, that is Walayar, Government intend to acquire property for the purpose of an aerodrome and proposals have been sent up for paying compensation at the rate of Rs. 300 or Rs. 400 per acre. Let me point out another instance. There is an area of about 13 acres near the Walayar railway station, and the rent that is levied by the railway company for about 13 acres is Rs. 91, which works out at the rate of Rs. 7 per acre. The evidence collected by the Raghavayya Committee printed at page 146 of their report may be usefully referred to. There we have got an instance in point. You will find on page 146 the following:

"He holds on verumpattam seven acres of wet lands and forty acres of dry lands. The pattam for the seven acres is 450 paras and 450 bundles of straw. For the forty acres (dry) it is Rs. 208. The seven acres of wet land yield 650 paras gross a year and the 10 out of the 40 acres of dry land give him Rs. 450 worth of groundnut every year."

"So the janmi gets somewhere about Rs. 7 per acre. When the new rule is introduced, the rent will be reduced considerably. The Government assessment is very lower and should not be taken as a criterion. Taking at random an instance from one of the amsams in the Palghat taluk, you will find that 6 annas is the rate for 2,229 acres. If the rent on this property is reduced to three times the revenue it would cause a great drop in the rent."

"There is one other important matter which the Government have to remember and that is, extensive lands have been cleared and made available for cultivation by the janmi at the instance of the Government. I have in my possession a proclamation issued by the Government, in the year 1862, asking the janmis to clear forest lands and make them available for dry cultivation on the distinct assurance that the assessment on such lands will be low. In fact, they almost gave a sort of permanent assessment of 6 annas, so that the janmis may have an inducement to clear the lands for purposes of cultivation. The janmis have spent large sums of money for clearing forests and bringing them under cultivation relying on the promise made by the Government. Now to reduce rent to three times the revenue will be to commit a breach of faith."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, the Government are unable to accept this amendment. The proposal of the Government is to fix fair rent. There is nothing in the argument that has been put

[Mr. A. Y. G. Campbell]

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forward by the supporters of this amendment to show that the landlord has done anything in respect of these dry lands or that he has taken any measures to improve their fertility, or has improved the methods of agriculture or introduced any new kind of crop. If the land is now yielding a valuable crop, it is due to the tenant (Mr. E. Sankaran Unni interrupted saying 'It is not so'), and it is the tenant that should have the benefit of the work and of the money which has been expended on the land by him and his predecessors. That being so, it is impossible for the Government to accept that the fair-rent should be based on the Government assessment as in the case of the dry lands."

* Mr. MAHMUD SCHAMNAD:—"Sir, this is perhaps the only provision about which there is no uncertainty and the parties need not go to the court. If this is changed as suggested by the Mover, this also will have to be settled by court. So I oppose this amendment."

The hon. the PRESIDENT:—"The question is—insert the words 'one-fifth of the gross produce, or' between 'he' and 'three'."

The amendment was then put and declared lost.

On a poll being demanded, the hon. the President asked those in favour of the amendment to stand up in their places. As only three or four members stood up for the amendment and a very large number against the amendment, the hon. the President declared that the amendment was negatived remarking at the same time that the demand for a poll was frivolous. The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move that—
'In line 2, for the words "per year" the words "per annum" be substituted.'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second the motion."

Mr. S. SATYAMURTI:—"Why, what is the difference between the two?"

* The hon. Mr. A. Y. G. CAMPBELL:—"Because 'per' is Latin and 'year' is English."

The amendment was adopted.

* The hon. the PRESIDENT:—"The question is that clause 8, as amended, shall stand part of the Bill."

The motion was adopted.

Clause 9.

* The hon. the PRESIDENT:—"Clause 9 is for the consideration of the House."

"The question is that clause 9 shall stand part of the Bill."

The motion was adopted.

New clause after clause 9.

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, I move that the following be added as a new clause after clause 9:—

"10. (a) In no case shall the fair rent determined under sections 5, 6 and 8 exceed two-thirds of the net produce.

"(b) In all cases the revenue paid by the tenant in respect of his holding shall be deducted from the fair rent and the landlord shall be entitled only to the remainder."

[1st October 1929] [Mr. A. Ranganatha Mudaliyar]

"Sir, I do not think that in either of these provisions there is anything to which exception can be taken."

The hon. Mr. A. Y. G. CAMPBELL:—"On a point of order, Mr. President, is clause (b) in order?"

* The hon. the PRESIDENT:—"Fair rent is determined by all the other clauses. If the Member wants to make a total deduction from the fair rent, the amount paid by the tenant will be in favour of the Government."

* The hon. Mr. A. Y. G. CAMPBELL:—"The effect of clause (b) is that the revenue payable by the tenant should be deducted from the amount payable to the landlord. The fair rent is not always payable to the landlord."

* The hon. the PRESIDENT:—"That is not a point of order. It may be rejected for bad wording."

Mr. A. RANGANATHA MUDALIYAR:—"I have no objection to move it clause by clause if it is convenient to the House. Sir, all of us have been telling that the maximum."

* The hon. the PRESIDENT:—"It is better to dispose of the whole question. I shall put both the clauses separately."

* Mr. A. RANGANATHA MUDALIYAR:—"The first part gives effect to the custom prevailing in Malabar of giving the tenant one-third of the net produce, so that this provision would secure to the tenant at least that much, however the fair rent might be calculated. In regard to the second, we have had various declarations made on behalf of the Government that the tenant shall at least have a third of the net produce left to him. If out of this the tenant is required to pay also the rent due to the Government, surely we shall not be fulfilling the pledges we have been making on their behalf. So, Sir, I move the amendment."

* The hon. the PRESIDENT:—"The motion is lost for want of a seconder."

Mr. K. V. R. SWAMI:—"No, Sir, I second it."

* The hon. the PRESIDENT:—"I have already waited sufficiently long and the hon. Member ought to have been sufficiently alert."

"The Council will now take into consideration clause 4."

Clause 4.

* The hon. the PRESIDENT:—"I think Amendment No. 60 also cannot be moved."

Mr. K. KOTI REDDI:—"There is difference between 'harvesting' and 'reaping'. Reaping is included in harvesting, but harvesting comprises within it reaping, thrashing and other processes."

* Sri Man Biswanath Das Mahasaya:—"I move to substitute—
'the word "harvesting" for "reaping" in clause 4, sub-clause (b).'

"Sir, in placing this motion before this House I beg to state that the House while discussing the question of agricultural produce have already excluded the expenses of harvesting from the operations. Unfortunately though the members meant harvesting, the word actually used was 'reaping'. Reaping does not always mean harvesting. It may be compounded with and may be interpreted to mean the process of cutting the paddy crop. What we mean by the term 'harvesting', what all the Members of this House mean, both the representatives of the janmis and the kanamdars mean is that it includes both

1-15
p.m.

[Sriman Biswanath Das Mahasayo.] [1st October 1929]

cutting and threshing operations. It is to give expression to that this motion is moved and I take it that this will be accepted without much discussion. With these words I move the motion."

Mr. K. R. KARANT :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I understood first that this was only a mere verbal amendment, but it seems to me that it is not so, though it has been said that it has been moved to make the meaning clear. This clause applies to wet lands, i.e., to paddy cultivation. Harvesting may include other operations than 'reaping' and the deduction to be made is that customarily made by the payment of so many bundles to the reapers. I prefer to retain the word 'reaping.'"

* Mr. K. MADHAVAN NAYAR :—"I thought Government would accept the motion of Sriman Biswanath Das Mahasayo, because I thought what was meant by the Select Committee was harvesting. The tenant has to meet such expenditure in cutting, threshing, etc., and he must be allowed such charges. I therefore support the amendment."

* Mr. K. KOTI REDDI :—"When we voted for clauses 6, 7 and 8 we were really under the impression that 'reaping' would include a number of operations which ordinarily may not come under reaping. As a matter of fact 'harvesting' includes more operations than are included under reaping. Reaping is more or less actually cutting the crop and nothing more. I think it is the intention of the House to see that the harvesting and not merely reaping expenses are to be excluded from the net calculation, because very little is allowed to the tenant under clause 6. And if all the above operations are not included under section 4 what the tenant gets will be only a pittance and therefore I hope Government will accept this amendment. Besides, the retention of the word 'reaping' is likely to give rise to a lot of litigation."

* Mr. K. V. R. SWAMI :—"I am afraid the hon. Member for Government is under a misapprehension. It is just like the school boy saying that paddy grows on trees. The division does not take place after reaping. First of all paddy crop is reaped, then stored, then threshed and then only division takes place. All these processes are included in the word 'harvesting'. After reaping nobody will think of dividing the produce. Paddy does not mean cut crop. The hon. Member is opposing the amendment under a misapprehension. Therefore I think the word should be 'harvesting' and not 'reaping'."

* Mr. A. RANGANATHA MUDALIYAR :—"I think those who are responsible for the introduction of this word are the fit persons to answer this point, whether the term reaping means reaping proper or whether it includes threshing, etc., also. I hope Mr. Raman Menon will come forward and say what he had in his mind at that time."

* Mr. K. P. RAMAN MENON :—"I am now called upon to explain the position as to what is being done in Malabar. Now, as a matter of fact there is no threshing floor in Malabar as it obtains elsewhere. What is done is with regard to crops reaped, one sheaf of paddy is given for every 10 sheaves collected as coolie without any reference to the outturn. Threshing has to be done by the same coolies or by the cultivators themselves. In most cases the coolies themselves do threshing and after it is done they will take one-tenth as their coolie. Suppose there are 500 paras after reaping and thrashing,

1st October 1929] [Mr. K. P. Raman Menon]

50 paras will be set apart as coolie hire. The remaining 450 paras will be regarded as the outturn, and out of it the rent is paid. There is no division whatsoever of the produce as is found in other districts. This is what happens in Malabar, and I leave it to the House to put what interpretation it likes."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"What obtains in the Palghat taluk is this. Some times one bundle and sometimes even two bundles out of ten are delivered as wages. And when this is done it is the duty of the coolie to do the threshing. No additional or no separate hire is paid for threshing."

* Mr. E. SANKARAN UNNI :—"The hon. the Law Member's statement is more accurate. A proportion of the sheaves reaped is given as wages. There is nothing more to be paid for threshing."

* The hon. the PRESIDENT :—"The question is to substitute for the word 'reaping', the word 'harvesting'."

The amendment was put and declared negatived. A poll was demanded and the House divided thus :—

Ayes.

- | | |
|-------------------------------|-------------------------------------|
| 1. Mr. K. Krishnan | 15. Mr. C. Obi Reddi. |
| 2. " N. Siva Raj. | 16. " A. Parasurama Rao. |
| 3. " M. V. Gangadhara Siva. | 17. " Ahmad Miran. |
| 4. " V. I. Muniswami Pillai. | 18. Sriman Biswanath Das Mahasayo. |
| 5. " Mr. A. Achuthan. | 19. Mr. A. Kaleswara Rao. |
| 6. " P. C. Venkatapathi Raju. | 20. " K. Uppi Sahib. |
| 7. " K. Koti Reddi. | 21. " M. Narayana Rao. |
| 8. " Basheer Ahmad Sayeed. | 22. " K. V. Krishnaswami Nayakar. |
| 9. " Abdul Hameed Khan. | 23. " C. Venkatarangam Nayudu. |
| 10. " L. K. Tulasingam. | 24. " B. Venkatratnam. |
| 11. " K. V. R. Swami. | 25. " C. N. Muthuranga Mudaliyar. |
| 12. " D. Narayana Raju. | 26. " A. Ranganatha Mudaliyar. |
| 13. " K. R. Karant. | 27. " C. R. Parthasarathi Ayyangar. |
| 14. " K. Madhavan Nayar. | |

Noes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur. | 21. Mr. S. Subrahmanya Moopanar. |
| 2. " Sir Thomas Moir. | 22. " E. Sankaran Unni. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 23. " S. N. Dorai Raja. |
| 4. " Mr. A. Y. G. Campbell. | 24. " S. Arpudaswami Udayar. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 25. Raja of Kallikota. |
| 6. " Mr. S. Muthaiah Mudaliyar. | 26. Mr. K. Ramachandra Padayachi. |
| 7. " Dr. P. Sabbarayan. | 27. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur. |
| 8. Mr. Hilton Brown. | 28. Mr. V. Ramjee Rao. |
| 9. " H. A. Watson. | 29. " S. Satyamurti. |
| 10. " A. G. Leach. | 30. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 11. " J. Gray. | 31. Mr. K. P. Raman Menon. |
| 12. " S. V. Ramamurti. | 32. Rao Bahadur Sir A. P. Patro. |
| 13. " C. B. Cotterell. | 33. " Dr. C. Natesa Mudaliyar. |
| 14. " V. Ch. John. | 34. " S. Ellappa Chettiyar. |
| 15. " M. A. Manikkavelu Nayakar. | 35. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. |
| 16. Syed Tajudin Sahib Bahadur. | 36. Khair Mohideen Sahib Bahadur. |
| 17. Mr. R. Foulkes. | 37. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 18. The Muppl Nayar of Kavalappara. | 38. Rao Bahadur B. Muniswami Nayudu. |
| 19. Subadar-Major S. A. Nanjappa Bahadur. | |
| 20. Rao Bahadur O. M. Narayanan Nambudripad. | |

Ayes 27. Noes 38.

The amendment was negatived.

[1st October 1929]

The hon. the PRESIDENT:—"In Mr. Ranganatha Mudaliyar's name stands a new amendment under clause 4. Apparently the hon. Member is not ready to move the amendment. If the hon. Member does not give me explanation, I don't select it."

"The House will now adjourn for lunch and re-assemble at 2-30 p.m."

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

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, before we adjourned for lunch you were pleased to remark that I was not ready when you called upon me to speak with respect to an amendment of which I had given notice in clause 4. The fact of the matter is that really I was not ready and I thought we were proceeding in a regular order, clause by clause. And so, when you asked me all of a sudden to move my amendment, I did not really know what clause was under consideration and what the amendment was I was asked to move. I only mention this, Sir, to show that I was not intentionally guilty of any discourtesy to you or the House in regard to this matter."

* The hon. the PRESIDENT:—"I never wanted to say that the hon. Member was discourteous to the House or to the Chair. That is one method of disposing of the amendments, that is all."

II

AMENDMENTS TO STANDING ORDERS—cont.

* The hon. the PRESIDENT:—"I have to announce that the following candidates have been duly nominated for election to the Select Committee to consider the amendments of the hon. the Law Member to the Standing Orders of the Council:—

- (1) Mr. P. C. Venkatapathi Raju.
- (2) „ S. Satyamurti.
- (3) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
- (4) Mr. F. E. James.
- (5) Rao Bahadur Dr. C. Natesa Mudaliyar.
- (6) The hon. Diwan Bahadur M. Krishnan Nayar.

"As the number of candidates nominated for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote."

"I nominate Mr. J. A. Saldanha, a Member of the Panel of Chairmen, to be a Member of the Select Committee." (Hear, hear.)

III

MALABAR TENANCY BILL—cont.

Clause 4.

The hon. the PRESIDENT:—"The question is that clause 4 shall stand part of the Bill."

The motion was adopted.

Clause 10.

Clause 10 was then taken up for consideration.

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Sir, I move my motion in the amended form which runs thus:

[1st October 1929] [Mr. R. N. Arogyaswami Mudaliyar]

'For clauses 10 to 15 substitute the following:—

Any cultivating tenant, whether a verumpattamdar, kanamdar or kuzhikanamdar, who is in possession of a holding which has not been cultivated for a period of 12 years at the commencement of this Act by the landlord thereof, may apply to the Collector to have their holding purchased from him on the following conditions:—

- A. *On the receipt of an application which shall be in the prescribed form, the Collector shall issue notice to the janmi, the intermediaries, if any, and all the other interested parties, determine the market value of the holding, the kanam and value of improvements due to the intermediaries and the respective interests of all parties concerned, and order the verumpattamdar, kanamdar or kuzhikanamdar concerned to pass a bond in favour of the janmi and other interested parties for the amount found due to each, and the Collector shall keep in his office a duplicate of such and maintain the necessary registers of such transactions'.*
 - B. *The bond shall bear 5 per cent interest and be payable at the end of 40 years and shall also bear all the incidents and liabilities attached to the land so purchased.*
 - C. *The cultivating tenant at whose instance the land is purchased shall be liable to pay (1) the Government revenue of the holding, (2) interest at 5½ per cent for the amount for which bonds are issued under the previous sub-section and (3) such sum as when invested will in 40 years amount to the face value of the bonds so issued.*
- All these shall be recovered annually from the tenant concerned together with the Government revenue of the land.*
- D. *The Collector shall issue a patta to the tenant showing the extent and particulars of the land purchased and the tenant's liabilities in respect thereof. When the bonds mature a final patta shall be issued to him or his heirs or assigns evidencing his ownership of the holding.*
 - E. *The Collector shall invest the annuity fund paid under sub-section C in the prescribed manner.*
 - F. *In arriving at the market value of the land, the Collector shall multiply by twenty, nine-tenths of the fair rent after deducting the kist payable to the Government.*

2. *An appeal shall lie to the Court against the award made by the Collector under section 1."*

* Mr. S. SATYAMURTI:—"On a point of order, Sir. My hon. Friend proposes an amendment to substitute some new clauses for clauses 10 to 15. Under the procedure which we are now following, you are putting, I take it, clause 10 for the consideration and the vote of the House. So, I submit that only that part of the amendment in the Bill can be moved and considered by the House which is relevant to clause 10 as it stands. I do not know what procedure you are going to follow, but unless we go into committee, I submit we cannot consider this amendment in full."

* The hon. the PRESIDENT:—"As far as the relevancy is concerned, what is the difference between the committee stage and the present stage?"

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* Mr. S. SATYAMURTI:—"In committee we can discuss the question of principle. For example, the committee need not consider clause 10 alone. We can consider all the principles embodied in clauses 1 to 15, consider all the principles of the hon. Members' amendments and have a discussion on that."

* The hon. the PRESIDENT:—"What is the authority for that position?"

* Mr. S. SATYAMURTI:—"The authority is the practice or the rule that in committee no rules of debate are observed."

* The hon. the PRESIDENT:—"As far as my reading of the Parliamentary practice goes, I do not think there is any distinction between the committee stage and the stage at which the House considers the Bill, except to the extent that in the committee the Member can speak a number of times. And when once any amendment has been fully considered by the committee and is thrown out by a large majority, the Chairman or the President need not select that amendment in the full House. This is the only difference I was able to find."

Mr. S. SATYAMURTI:—"But that is not relevant to the point I am now raising. The point I now raise is this: that all these series of amendments cannot be moved at this stage as an amendment to clause 10 which alone is now for consideration of the House."

* The hon. the PRESIDENT:—"What is the objection to one Member expressing one point of view and other members expressing other points of view?"

* Mr. S. SATYAMURTI:—"That is why I suggested elsewhere some other procedure. In so far as the discussion of amendments here is concerned, you should confine amendments to the clauses then under discussion. My hon. Friend from South Kanara suggested with regard to fair rent one amendment and . . ."

* The hon. the PRESIDENT:—"Have I not allowed Mr. Shetty to move his amendment with regard to fair rent, i.e., that the existing rent be fair rent, before all other sections are taken up? This is something like that. The principle of Mr. Arogyaswami Mudaliyar's amendment is that compensation shall be paid, and that compensation must be in the shape of bonds executed by the tenant. And shall I be justified in excluding the discussion of that school of thought?"

* Mr. S. SATYAMURTI:—"I thought we were bound by certain rules of order. If you think that the moving of these amendments is in order, I delight in that procedure because I want the procedure of the House to approximate to that procedure. Under the Standing Orders to-day, there is no doubt that an amendment can be moved only to the clause for the time being under discussion."

* The hon. the PRESIDENT:—"This is substitution of one stage for another. Even so far as the principle of relevancy is concerned, I am afraid the select committee went far beyond the principles of the original Bill itself as far as this chapter is concerned. And therefore it is better not to go into the question of principles and all that."

* Mr. S. SATYAMURTI:—"I have raised the point, Sir, and it is for you to decide. If you think this is in order, I am delighted because I want this procedure to be adopted. I want your ruling now because I want to have a precedent when my turn comes next to use this procedure."

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* The hon. the PRESIDENT:—"Precedents are not binding unfortunately."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I move this amendment, Sir, in place of the amendment which I gave notice of in the beginning. It was my intention to get Government to issue a bond under the conditions that I have set forth. But I found, after I gave notice of the amendment, that the Government would not accept it, and it was also likely that even discussion might not be allowed on technical grounds because it is open to the Government to say that under section 80-C of the Government of India Act the amendment involves financial clauses and so the approval of the Governor will have to be obtained for it. It is for that reason, Sir, to get over the possibility of an objection being raised on that score, I have altered the original proposal of the Collector issuing bonds into one making the tenant or the person concerned to issue the bond. But I should prefer, Sir, that the Government may adopt that procedure so that instead of the tenant the Collector should come in, because that is a matter for the Government to decide."

"My reason for giving notice of this amendment, Sir, is that I consider that the Bill in the form in which it is brought up before this Council will do Malabar no good. This clause is obviously against the janmam interests; that is only one side of the question. As for the intermediaries, I do not think they will be benefited because it is a fact that rack-renting is general. It seems to me that there are very good reasons for kanamdars and intermediaries to object to the present Bill. Obviously when fair rents are fixed, rack-renting will disappear. So, I do not think the kanamdar is benefited. As for the tenant I do not see what benefit he gets because in any kind of legislation about land for the benefit of the tenant, the aim would rather be to make the tenant the proprietor of the land, instead of making it obligatory on the part of the tenant to pay a rent in perpetuity, for ever and ever. But this seems to me to be a very novel way of benefiting the tenant at all. I would apply, Sir, to any measure of land reform three tests; the reforms proposed should be sound from the economic, from the social and from the political standpoint."

"From these three standpoints, Sir, I consider that this Bill is a failure. 2-45 p.m.
Take first of all, the economic side. We have three classes of people connected with land in Malabar. We have got the janmi at one end, then a series of intermediaries, and at the end, we have the cultivator. I cannot think of the soundness of any land legislation that perpetuates these intermediaries. The intermediaries must necessarily get their profit from the land, and if the land is to support not merely the janmi and the cultivator but a whole series of intermediaries, it is obvious, Sir, that it will be a source of economic waste, which it is the business of any Government to put a stop to. This Bill does not propose to do anything of the kind. And, Sir, as I said already, what is the position of the occupying tenants? It will be noticed that the Bill makes occupying tenancy obligatory, not even optional. According to the original Bill as framed on the recommendation of the Raghavayya Committee, it was left to the option of any tenant to ask for permanent occupancy. But now, this Bill makes occupying tenancy obligatory. Judged from the economic standpoint, I think such a thing is absurd. I am not aware of any land legislation anywhere in the world that seeks to perpetuate occupying tenancy. The aim of land legislation of this

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kind as attempted in all countries was to free the tenant as quickly as possible from the obligation to pay rent in perpetuity. Permanent occupancy means quite the opposite, which gives room to a large measure of economic waste. Besides, comparing the difference between occupying tenancy and peasant proprietorship, it must be obvious to hon. Members of this Council that whereas in peasant proprietorship the peasant has got sooner or later the prospect of becoming the actual owner of the land, the occupying tenant can never hope to become the owner of the land. Therefore, the peasant proprietor has every inducement to put in his best on the land, to invest money on it, to improve it and to adopt improved methods of cultivation. He does all that without the fear of having to share the benefit with others.

"Besides, Sir, there is another kind of economic waste that this Bill deliberately creates, because any one who reads through the clauses of this Bill must be staggered by the amount of interference by or the obligatory nature of reference to courts in Malabar, either by the janmi, or the kanamdar, or the cultivator. Almost every section speaks of the court, of petitions, of affidavits and so on, and there is almost no section that does not refer to the court. Everything has to go to the courts. Now, Sir, unless it is the deliberate intention of the Government, which I do not think it is, to let loose a flood of devastating litigation on this unfortunate district of Malabar, I do not see why Government is forcing the respective parties in this district to go to the court on every possible occasion. If it is going to be decided that all those things provided in this Bill are all subject to the decisions of courts of law it means a tremendous amount of economic waste. The janmi is forced to go to the court, the kanamdar is forced to go to the court and so also the cultivator, and all the expenses for litigation of this kind must come out of the land. Somebody or other must suffer on account of the particular nature of the reference to the court; it does not matter whether the janmi or the kanamdar or the cultivator goes to the court, it does not matter which party gains or which party loses. It seems to me that if all this unfortunate expenditure, which is necessitated, must come out of the land, surely the economic conditions of Malabar cannot be improved under the provisions of this Bill.

"Judged, Sir, from the social standpoint, I do not see it is going to establish or improve the social harmony among the various classes in Malabar connected with land. It will certainly embitter janmis against cultivators. It is obvious that the Government measure is most distasteful to the janmis. And in this connexion, I might express my surprise that Government had come in as a party. It is surprising to see that Government has agreed to sponsor this kind of legislation, a legislation that amounts to expropriation of a part of the janmam rights. When discussions were proceeding, Sir, on my hon. Friend Diwan Bahadur M. Krishnan Nayar's Malabar Tenancy Bill, the Government spokesman, the hon. the Finance Member, spoke as follows :—

"I can only reiterate emphatically that, in our opinion, this Bill remains a Bill essentially for expropriating the janmis in favour of a class of investors and middlemen who, as far as we know, are all capable of looking after themselves; that even if compensation for such expropriation had formed a feature of the Bill we still doubt whether any public purpose would have been served; and that we are unable to accept a measure which inflicts grave wrongs and does little if anything to remedy the evils which it is ostensibly designed to cure."

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"I do not know what the attitude of the hon. the Finance Member now is. But I shall be surprised if he is personally a party to this somersault on the part of the Government in this matter. In making the reference to the Raghavayya Committee for a further enquiry of this question of the Malabar tenancy, the Government Order says as follows :—

"The Government's position on this question, as clearly indicated during the course of the discussion on Mr. Krishnan Nayar's Bill, has been that it is not profitable or just to go behind the decisions of courts ranging over three-quarters of a century, which have recognized the full proprietary rights of the janmi. The Government are, therefore, of opinion that any future attempt at legislation should take that right as a settled fact and proceed on the basis thereof. As a corollary to that proposition, they think that any attempt to take away the right of the janmis, in any substantial way, whether it be by the grant of permanent occupancy rights or otherwise, should be accompanied by adequate provision for reasonable compensation being paid to the janmi."

"Now, Sir, I should like to ask the Government how it has come about that they have given the go-by to this most salutary principle. For, I cannot imagine any Government dealing with any class of property rights except by way of affording compensation. It may be to-day, we are expropriating janmam rights, but the same unfair methods will be applied to others in the future. There is no knowing whether Government will not at some future date apply the same methods to other classes of people. I would ask Government, Sir, if they are so bankrupt of all methods of action that they cannot think of any other way of dealing with the Malabar tenancy problem except by way of expropriation of janmam rights. It is a case of robbing Peter to pay, I do not know, whom! I think only the lawyers will be benefited by the provisions of this Bill. I also consider it a very serious objection to the Bill to throw to the winds the decisions of the highest courts of our land, to cast aside the decisions of the High Court, and go back on all the solemnly given pledges in this Council and elsewhere with reference to the principle of safeguarding janmam rights. I do not represent the janmis, nor do I represent anybody. But I object to the principle that Government should have acceded to the expropriation of any kind of janmam rights without affording adequate compensation.

"Then, Sir, looking at the third standpoint, namely the political standpoint, what is it this measure is aiming to achieve? Does the land system proposed increase the stability of the social fabric, or does it buttress the structure of the State? I can imagine land legislation that would help to consolidate the position of the State. In other countries, particularly in western countries, the tendency of legislation has been towards increasing the amount of proprietary land for the obvious reason, that proprietorship in land is a help to the State, because so long as you have got a peasantry which is interested in land as its rightful owners, there is no possibility of trouble; so that all advanced legislation concerning land has aimed always at increasing peasant proprietorship. I should like to ask if Government can quote any precedent to the method that they have adopted in this Bill. Is there any precedent anywhere in the history of the world where proprietary rights have been taken away without adequate compensation?

"Personally, as far as I can see, there is no such example. But 3 p.m. considering that the tendency towards legislation in this matter has been towards increasing the proprietorship in the land, I shall quote a few figures respecting other countries. In France, half of the agricultural population were proprietors. In Ireland, out of a total of 600,000 holdings, 400,000 belong to proprietors. In Germany, while 92 million acres are cultivated

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by owners, about 30 millions are cultivated by tenants. In Denmark, 82 per cent of the land belongs to owners. In Bavaria the number of proprietors reaches the high figure of 95 per cent. And all this has been secured by legislation which gradually increased the proprietorship in land. Important legislation in this matter was brought in Germany so long ago as 1847, and as a result this beneficent legislation has led to enormous increase in the amount of proprietorship in land. In Denmark the Land Allotment Act was passed in 1899 providing for peasant proprietorship. The tenants who wanted to acquire proprietorship in land were allowed to take a loan from the State of nine-tenths of the purchase money; the repayment was to commence five years afterwards, and the loan was to be repaid in easy instalments of $3\frac{1}{2}$ to 4 per cent. In Ireland (it is a country which has figured largely in the matter of land reform in the eyes of the world), under the Balfour Land Act of 1891 and the Land Act of 1896, 30 millions sterling were set apart for the land purchase, and up to date more than 200 millions sterling have been spent. I may also mention the fact that in all these countries the co-operative movement has had a large share in increasing the peasant proprietorship. There were cases where land mortgage banks and co-operative associations passed these bonds on behalf of peasants, and by co-operation of the State, they have been able to achieve remarkable results, which I have referred to a minute ago.

"Now coming to the practical application of the proposals covered by my amendment, I shall give an instance to show how in a particular case they may work. I will take for instance a land on which the annual rent is Rs. 100. At present, Sir, I do not think that in a property whose rent is Rs. 100, the janmi will realize more than Rs. 80. In the Zamorin's Estate, the amount realized does not exceed 52 per cent. The amounts realized by the janmis vary. But assuming, Sir, that a janmi realizes Rs. 80 out of the 100, it leaves Rs. 20 as balance, and out of this have to be met the collection charges, litigation, amount allowed for arrears, etc. I think my assumption that the janmi gets 80 out of the 100 is a very fair one for the purpose of my argument. So that, allowing Rs. 15 for taxes the janmi would get Rs. 65. Now if we are to compensate the janmi, the capitalized value of the land, at 20 years purchase at 5 per cent, will be Rs. 1,300, and the bonds I refer to that will be passed to the tenant would be for the sum of Rs. 1,300. Now, I propose that this amount should be made up by payment by the cultivator in a series of annual instalments to the janmi. The cultivator will have to pay towards capital Rs. 65, for taxes he will have to pay Rs. 15, for collection expenses Rs. 2. I propose in addition to this there should be an annual payment of Rs. 15 which would go to make an annuity fund. So it comes in all to Rs. 97, or roughly 100. It is simply a matter of calculation to find out that this annuity of Rs. 15 at compound interest would produce the sum of Rs. 1,300 in a period of 30 years. The period may be varied, the Government may put it at 40 years or 50 years. So, the system that I propose will be fair to the janmi. On one side, he will be able to realize as much or more than he will be able to realize at present. Of course, the intermediary will also get his share out of this Rs. 1,300—it may be Rs. 300 or any other figure according to the nature of the kanam rights. So that the janmi loses nothing, and the kanamdar is provided for amply, with the result that the tenant becomes in a series of years—say 30 years—proprietor of the land. It may be obvious to this House, what a difference there is between occupying tenancy and occupying

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proprietorship in a case like this. Supposing that the period of payment is 30 years, within that time he will be able to call the land his own and he will have to make no more payments of rent. He will be able to realize that all that he does and all that he puts into the land will be actually his own without anybody questioning his right or claiming a share. The object of my amendment, as I have explained already, is to prevent what I consider to be a calamity overtaking this unfortunate district of Malabar. The people of Malabar appear to be very much perturbed about it. They have been demanding some sort of legislation, and they expect Government to enact such a Bill as will satisfy all classes and interests and set at rest this long-drawn controversy about the Malabar land system. But instead of a Bill that would produce social harmony, that would prevent economic waste, that would be fair to all classes, that while providing for the cultivator will respect proprietorship in land, the Government have brought in a Bill the effect of which when passed into law will be to open the flood gates of litigation in Malabar, without doing any good to any of the three classes interested in land. I consider this Bill to be very unsatisfactory. I hope that the Government will consider my proposals. I have got no interest in any class, I do not own a bit of land in Malabar, and if I take part in this debate it is not that I have any axe to grind but because I feel that this Bill would cause immense dissatisfaction and harm to all classes. And Government will gain nothing by expropriation of the janmam rights. It will cost them nothing to give the tenants permanent proprietorship instead of giving permanent tenancy. They can legislate as easily for the one as for the other. I hope the Government would consider these proposals and bring to bear upon them its impartial judgment and consider the effects of the Bill on the district of Malabar as a whole. If the principle of my amendment is accepted it will be easy to improve upon it. I appeal to the Government once again to reconsider its position. It will be most damaging to the reputation of Government if it pronounces its blessing on a measure of this sort. I hope, Sir, the Government will take a sympathetic view of my proposals, give them the consideration that they merit and accept the amendment which I have placed before the House."

* Mr. N. SIVA RAJ :—"Mr. President, Sir, any proposal which in 3-15 principle or in fact helps the cultivating tenant or improves his position, p.m. however slightly, commands my support and the support of certain of my colleagues sitting on this side. (Cries of Hear, hear.) Now, this amendment which has been worded so elaborately by the ex-Minister contains a principle to which both by training and by temperament I am amenable. Sir, the mover of the amendment has dealt with the various points in his favour and I do not think I can add anything more by way of argument to support it. I am however free to express this that any legislation in the matter of agrarian re-construction ought to set before it as its ideal the improvement of the welfare of the cultivating tenants. Sir, every benefit that various persons connected with the land get by way of a share of the produce depends upon the labour and energy of the cultivating tenant and his capacity to add to the wealth of the soil. The income from the land which the janmis, the kanamdars, etc., get comes from the same source, viz., the profit which is the result of the cultivating tenants' labour. We might go further and say, Sir, that the very blood that runs in the veins of the janmi is nothing but the sweat of the cultivating tenant. (Opposition Benches: Hear, hear.) That being so, I have set before myself the ideal that in

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the matter of agrarian re-construction the cultivating tenant ought to be accorded his ancient and undoubted rights. But for certain historical events, I do not suppose that many intermediaries who are now occupying the position of superior landlords and owners, having had nothing to do with the land, would be there now. The matter is different in the case of ryotwari lands. It is only the cultivating tenant that has got anything to do with the land barring the fact that he pays a certain amount of assessment to the Government. The Indian ryot is after all a gentleman. In my opinion he is far more of a gentleman than most of the other classes into which the Indian population can be divided. He knows his responsibility. What he really wants is the satisfaction of being secure in his rights and privileges and this amendment merely seeks to secure to him as I said, his ancient and his undoubted right, namely, the possession and ownership of the lands which he is cultivating. He is, unlike the landlords, a person who is satisfied with a few acres of land, just that extent of land which will give him his means of subsistence. He is not a person who is anxious to accumulate wealth and add acre after acre of land to his possessions. He does not want to glory himself by posing as a big landlord, or zamindar or janmi. He is satisfied with that extent of land which will give him the yield that he wants for his maintenance. Now, if such a person is given the satisfaction of being the owner of the land and is assured that he would not be disturbed in the possession of it by any extraneous agency such as the janmi or the intermediaries, it will give him some enthusiasm and make him improve the methods of cultivation and add to the produce of the land. Now he is practically in a state of despair. However much he may try to improve the land, however much he may try to get the best out of the land, he is not sure that the result of his labour will be secure to him, because he is afraid that in some shape or other it will be taken away by the intermediary or the janmi. That is why I have great pleasure in seconding the amendment which has been moved by my hon. Friend Diwan Bahadur Arogyaswami Mudaliyar."

* Mr. S. SATYAMURTI:—"Mr. President, Sir, if I intervene so early in the debate it is because the seemingly fascinating amendment and speech of my hon. Friend, the Mover, showed that he does not want to see this Bill through. Sir, the select committee has carefully dealt with this provision and, although this Bill may not be the last word on legislation on this matter, it would confer a great blessing on the people of Malabar. (Cries of: Hear, hear.) It is because I feel that this Bill must be pushed through, I venture to oppose very humbly, yet very strongly, the amendment now before the House."

"Sir, these proposals are intended to take the place of clauses 10 to 15 of the Bill. It is therefore, up to this House, to have a conspectus of the future relationships which will exist between the cultivating tenant and his superior landlord, provided for in clauses 10 to 15 of the Bill, and compare that position with the position which my hon. Friend wants to confer on these tenants and then see which is better in the long run for the tenants. I may say at once, that I am at one with the seconder in feeling that if there is one party in Malabar which we want to support, it is the real cultivating tenant. I hold no brief for the janmi or the kanamdar. The only brief I hold is for the cultivating tenant—the real underdog in Malabar. From that point of view, I say that this is not a blessing to the cultivating tenant. I ask hon. Members of this House to mark the very important sentences in

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the speech of the hon. Mover, and I want them to draw the necessary inference therefrom. On the one hand, his heart bled for the poor cultivating tenant; and on the other, his sympathy was for the poor janmi who ought not to be deprived of his rights, and who deserved better treatment at the hands of the Government and should be compensated. Sir, the cloven hoof behind the amendment is this: that a janmi must be compensated for the deprivation of his rights and that the compensation must take the form of the full market value of the lands to be determined by the Collector, subject to an appeal to the court. The difficulty is this, that the basis of this Bill is that so far as the land is concerned, it is no man's particular property. It is God's gift to all mankind." (Laughter.)

Mr. E. SANKARAN UNNI:—"Will the Government accept that statement?"

Mr. S. SATYAMURTI:—"I quite see the excitement of my hon. Friend. He is jumping at this amendment. He wants the amendment to be accepted which will either kill the Bill, or give him the market value of the land. I hope my hon. Friends in the House will draw the necessary inference from this exhibition of enthusiasm by my hon. Friend. I am glad that he interrupted. My point is this. I say, and I repeat again, that land ought not to be the private monopoly of anybody. No doubt, we have yet not reached that stage. But this Bill is a modest attempt to so adjust the relations of those who live on the land, that the man who actually puts his labour, his energy and his time into it shall get the best or the most of it. Now, the cultivating tenant is the man who ought to get the best out of the relations which should subsist between the various men concerned in the land. Now, I ask my hon. Friend to compare and contrast the position of the cultivating tenant under the clauses of the Bill as it stands, with the position offered by my hon. Friend by means of this proposal."

"My hon. Friend was very eloquent about the devastating nature of courts of law. It is a favourite theme of everybody, which tickles all of us. Now, Sir, I want to invite the attention of the House to the last clause of this wonderful amendment which keeps us at a safe distance from courts. It says: 'An appeal shall lie to the court against the award made by the Collector under section 1.' The Suklambardharam is itself on the eye, not on the forehead. The moment you go to the Collector to fix the market value, you start the whole series of appeals from the Collector to the court, from the court to the first appellate court and then to the Privy Council. It is a scheme which will give rise to a great deal of litigation."

"A great deal was made by my hon. Friend about human nature and the pathetic faith which our people have in courts of law, and he added that it was why he provided for in the amendment for an appeal being made to a court of law against the decision of the Collector. Until we change that fundamental weakness in us the only tribunal that we can trust is courts of law. We cannot advance any further, now."

"Then, Sir, looking at the economic side, my hon. Friend said that in order to escape the possible objection from the Government, he has made a provision according to which the originator would be the tenant who shall issue notice to the janmi, the intermediaries, if any, etc., and pass a bond to each of them for the amount found due to him. I want to know how the system is going to work. My hon. Friend referred, and rightly referred, to a number of other countries in the world where such a system had been

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worked, with beneficial results, and added that the same system might also be tried here as an experiment. I challenge my hon. Friend to give a single instance where the full resources of the Government were not placed behind such schemes, and whether the tenants themselves could find the money or even the security to stand behind it. Do the janmi, the kanamdar, and all others accept this system? You ask the kanamdar or the verumpattamdar to merely wait for 20 or 30 or 40 years, after the termination of which period their interest in the land will accrue. It is a point which the janmi or the kanamdar should accept. I have already said, Mr. President, that I do not agree with this proposal, and I hope the House will not agree to this, viz., that we must pay the market value to the janmis. What I suggest is that we should not really ask the Government to do this, unless my hon. Friend assures the House that the janmis, the kanamdars and the kuzhikanamdars are agreeable to accept this point. I take it that he laid stress upon the need of such a scheme, for social harmony in Malabar, as a result of the legislation which we may pass at this stage. May I ask respectfully whether he is in a position to assure us, once his scheme is accepted, that it would result in the social harmony and social concord among the people of Malabar? Can he assure this House that if his scheme is put through this House better harmony will prevail between the various parties? I have grave doubts on this matter.

"Then, Sir, this clause wants that the Collector shall issue notice to the janmi, the intermediaries, if any, and all the other interested parties, determine the market value of the holding, the kanam and value of improvements due to the intermediaries, and the respective interests of all parties concerned, and order the verumpattamdar, kanamdar or kuzhikanamdar concerned to pass a bond for the amount found due to each, etc. I am afraid it will be an intolerable burden on the unfortunate cultivating tenant that he should be asked to pay year after year for 40 years, and he is to be made liable to pay the interest at 5½ per cent for the amount for which this bond shall issue, and the Government revenue. I do not know if the cultivating tenants will be prepared to do this."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I say that it is not my intention to make the tenant pay to the Government rent for the land? I merely put the rent as a charge on the income."

* Mr. S. SATYAMURTI:—"The idea is to charge the land. I think the liability to pay the Government revenue lies on such men, who become purchasers of the lands and who continue to be the owners of lands. I quite agree. But if my hon. Friend is not going to suggest any other means of charging, he must charge only on the lands, for the moment. Now, Sir, I do not know if the cultivating tenants of Malabar are particularly a prosperous set of people. I should be surprised if they stand the financial strain year after year. I think the cultivating tenant of Malabar will be squeezed and I should be surprised if they think they could afford to pay all these sums, even in these instalments. I think it will be cruel to ask these tenants to pay such sums.

"Sir, the scheme of the amendment does not afford any special points, and will not materially improve the lot of the tenants in Malabar. It is not a well-thought out scheme, but was sprung on the floor of this House, out of enthusiasm and out of a mere desire to bring about a solution of this very difficult and thorny problem. I ask one fundamental question. Supposing this Bill is passed into law, what will be the position of the various parties,

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if the instalments are not paid, after two or three years? How are they to be judged? The only result will be that the landlord will lose all his interest in the land".

(A voice: let the contract prevail.)

Mr. S. SATYAMURTI:—"You want to confirm these rates and keep them in force by a decision of a court of law.

"Then Sir, the other point which my hon. Friend made was that the land would be better cultivated. It is a matter for the consideration of the House. There is no limit, Mr. President, to the extent of the lands which could be so purchased by any cultivating tenant. Therefore, it simply means that when a land is cultivated by a tenant, and when he is in possession of the holding, he could go on multiplying his improvements on the land and the result will be only a new class of janmis who will squat on the land and whom you cannot displace. There is no provision for any limitation of the extent of the land to which such proposals can apply. I believe—I speak subject to correction—that when the State purchases the land it has to pay for any improvements which might have been effected by the tenant. Then the question will arise as to how much the landlord will have to pay and how much the tenants will have to forego. All these difficulties will arise and the same evil, which you are now trying to eradicate, will continue again.

"Having said so much, I may invite the attention of the House to the modest suggestions made by the Select Committee. They are not after all so drastic as to deserve being displaced by such a scheme as is proposed by the hon. Mover. What the Select Committee has recommended is that the cultivating verumpattamdar will have fixity of tenure from the date of the passing of this Bill, and I believe that no janmi has raised his voice against this proposal. This clause was passed, without any single janmi voting against it. The rights of the cultivating verumpattamdar are provided in clauses 11 and 12 of the Bill. The grounds of eviction are very carefully set out in clause 13 of the Bill. Clause 14 provides that once a landlord takes the land for his own cultivation and leases it out to any other person on any kind of lease, etc., within six years of such eviction it shall revert back to the cultivating verumpattamdar. Then clause 15 provides for the realization of the arrears. I hope the House will concede the soundness of the treatment of this question in a manner which is supported by high authority and by all those who have studied this question. I shall take the House to one or two concluding sentences in the concluding chapter of the Raghavayya Committee's report. That Committee consisted of men whose authority to speak on this subject nobody can question. In paragraph 141 they say:

"None can be more conscious than the members of the Committee that the proposals that they have put forward do not constitute the last word on the subject. They would even confess that some parts of their proposals may at first sight appear illusory and that some could be worked in practice only with some difficulty. But the proposals are in their opinion the best they can offer in the circumstances embodying as they do the spirit of give and take so necessary for the peaceful settlement of a problem so full of difficulties and conflicting interests."

"I hope the House will bear in mind that this is a difficult and delicate problem. I have a great deal of sympathy with this idea of land purchase not only on the West Coast but also on the East Coast. I think we may bring pressure to bear on the Government and if the Government agree we can indicate any proposals for lands being purchased both on the East Coast

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as well as on the West Coast. In the meantime, let us deal with this problem in an expert manner and in the only manner dealt with by successive reformers and thus give security of tenure to the cultivating tenants of Malabar."

The MAHARAJA OF PITHAPURAM:—"I have great pleasure in supporting the motion before the House so ably moved by my hon. Friend, Mr. Arogyaswami Mudaliyar. The Bill as it stands seems to be confiscatory and there is no justification that the Government should be a party to such a measure. This amendment seeks to modify the severity of the Bill and also to give a chance to the tenant to become the owner of the land. I most strongly request the Government to accept this amendment and I also appeal to the House to give their hearty support to it."

* Sriman BISWANATH DAS Mahasayo:—"Mr. President, I welcome a discussion on the floor of this House on the motion so ably moved by my hon. Friend, Mr. Arogyaswami Mudaliyar. I should have been glad if the hon. Member representing the Christian constituency had circulated his views on this important question to the Members of the Select Committee instead of bringing in this amendment at this stage, which I feel I cannot accept. Sir, his speech is a severe indictment on the land revenue policy of the Government of Madras. No one would agree with him more than I, because I have been feeling ever since the day I have entered this Council that a change of policy regarding land tenure is necessary, but the angle of vision of the Government has not yet been changed and it will not be changed, so long as the present system of Government continues and so long as there is a class of intermediaries to support the structure.

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"As my hon. Friend, the Member for the University Constituency has just remarked, when the Government is yours you can initiate a new policy and you may bring forward new measures. Until then we have to be contented with what little we get. The Select Committee report has not been satisfactory to us; the Members representing the janmis are not the least satisfied. Under these circumstances I think my hon. Friend, Mr. Arogyaswami Mudaliyar will do less injustice to the cultivating tenants and kanamdars if he comes forward with a separate amending Bill. I do not want to commit myself to the details regarding this amendment. I do admire the principles underlying the proposition. But the amendment will, by itself, constitute a separate Bill. He will have all my support and the support of Members of various parties in this House if he comes forward with a separate Bill. We are here to fight for the cause of the people without caring for the consequences. This Malabar Tenancy Bill has had this course for a very long period of seven years. If my hon. Friend brings forward such a Bill, there will be a universal system of tenure for the Presidency of Madras. I welcome this measure as a sound one on principle without committing myself to its details. The reason why I welcome it, is that this is the only provision which will afford real relief to the actual cultivators of the soil by converting their position of absolute subordination to that of peasant proprietors, a position which has been denied to them by the sheer course of policy adopted by the East India Company and followed by this Government. Such a course of action will meet with our approval. But if he comes forward with this amendment now, it is to deny the little which the unfortunate tenants will get by the present Bill. None of us are satisfied with the provisions of the Bill. It

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is the future generation that will have to judge how far the interests of the tenants have been safeguarded by the Members who represent the people of Malabar. Of course I do not cast any reflection on any of the hon. Members of the House who represent the interest of the verumpattamdars and the kanamdars. The dissatisfaction is there, and it will have to be judged also by the future generation. With these words I appeal to the hon. Member to withdraw his amendment and to bring forward a separate Bill if he wants to initiate a new policy of land legislation. If he does not I strongly object to this amendment though I fully support the principles contained in it without committing myself to details."

* Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, I wish the House will consider what the implications of this amendment are. It will be all right if you give them occupancy rights; make them liable to pay fair rent; keep them if they pay the rent regularly; and eject them when they do not give the rent. If my hon. Friend had suggested that in addition to what is given in clauses 10 to 15, opportunity should be given to the tenants to become proprietary peasants by purchasing the whole right in the property, such a suggestion will be reasonable. But what he states is 'Let the present state of affairs continue however unsatisfactory it may be.' By this clause we will only authorize the purchase of the rights of the janmam on behalf of the tenants who are willing and who apply for it."

"One point which my hon. Friend urged upon this House is that this legislation is confiscatory and therefore no Government should have attempted it, much less should this Government have taken up and put forward a Bill of this sort. If you look at clause (f) of the amendment it says: 'in arriving at the market value of the land, the Collector shall multiply by 20 nine-tenths of the fair rent after deducting the kist payable to the Government'. If you analyse this clause which my hon. Friend wants the House to adopt, you will find that he approves of the fair rents as fixed in the Bill before the House. What does this Bill say? It proposes to give occupancy right to the tenants; it proposes to give him this right for a period of twelve years; the tenant can continue to occupy the land after that period on payment of fair rent fixed by the Act. That principle is not objected to by the hon. Mover of this amendment; he accepts the fair rent that is fixed by the Bill as a fair one. He then says that the value of the land in respect of which this occupancy right is conferred should be 20 times the fair rent. He would not go above 20 times nine-tenths of the fair rent evidently deducting the cost of collection and revenue. The Bill provides and secures for the landlord fair rent and he would be entitled to the market value thereof. He can sell his right in the open market at 20 times the rent he receives. For that no legislation is necessary. If I own a property, I can go to the market and say 'here is my property; you may purchase it.' Everybody who has property will be entitled to go to the market and say I will part with it for 20 times the fair rent. Therefore there is no question at all of confiscatory legislation being brought forward now. If my hon. Friend proceeded further and said that the market value shall be more than 20 times the fair rent, I can understand it. He accepts the fair rent fixed by the Select Committee in order to calculate the market value of the land. Therefore his amendment does not differ from the provisions of the Bill, as amended by the Select Committee."

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"The first clause of the amendment says: 'Any cultivating tenant, whether a verumpattamdar, kanamdar or kuzhikanamdar who is in possession of a holding which has not been cultivated for a period of twelve years at the commencement of this Act by the landlord thereof, may apply to the Collector to have their holding purchased from him on the following conditions.' So this provision applies to a particular class of land, i.e., land not cultivated by the landlord for a period of twelve years. If within twelve years the holding has been cultivated by the landlord, the verumpattamdar is absolutely excluded from the provisions of this Bill; he has no place and no occupancy right will be given to him. That will hit hard new tenants let into possession within twelve years before this date. Then again the hon. Member says that the cultivating tenant should pay every year the Government revenue of the holding, interest at $5\frac{1}{2}$ per cent for the amount of the bond and some portion of the bond amount. He wants that the owner of the property should take a bond from the tenant and be satisfied with getting merely the interest on the bond amount. Is it the intention of my hon. Friend that landlords in Malabar who own property should be converted into capitalists, that they should take bonds and be satisfied with getting some interest? Suppose the tenant does not pay the rent regularly; what is to be done in such a case? The amendment does not provide for such contingencies. It says 'Hereafter we will make you (janmis) capitalists; and we will give you interest.' I do not know if such a provision will be welcomed either by the janmis or by the kanamdars.

"We find, in every Tenancy Act in India, that occupancy rights are secured to the persons who actually cultivate the land and that rent is paid to the landlord year after year. This is one of the incidents which the landlord enjoys. That is an incident which the Government enjoy with regard to ryotwari land. The Government collect revenue year after year. I do not think there is any proposition now or hereafter that the Government should not collect the rent, that every ryot should become absolute owner of the land, that the Government be given a bond and that they shall recover only the interest. This is a novel method of dealing with resettlement problem. But if such a change of tenure should come, it should come not only to Malabar but to all districts, whatever the tenures may be. My hon. Friend does not want that the tenants in this country should continue paying rent for ever and permanently. We need not go to other countries; we have the Estates Land Act. We have got systems under which the landlords are the owners of the land and the ryots pay the land revenue. This is the system under which we are working. This is the system which is given in the Bill. What the Select Committee Bill says is this: the tenant shall continue to cultivate; he shall pay to the landlord proper and fair rent; if the landlord wants the land for his own purposes, let him take it; no objection. These are the three things which are provided in the Bill to which no janmi or tenant can object. The janmis have fought tooth and nail that the fair rent that is proposed to be given to them should be more. My hon. Friend does not provide for more. He accepts the fair rent as settled by the Select Committee, and he says that the market value of the land shall be 20 times the fair rent. The amendment wants to convert the janmis into money-lenders. For these reasons I oppose this amendment especially when it is in substitution of the existing clauses 10 to 15. The Government will perhaps consider the question carefully, if

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1st October 1929] my hon. Friend suggests anything in addition to what is stated in the provisions of the Bill regarding security of tenure. If this clause is incorporated in the Bill, it will not fit in at all with the present scheme of the Bill. The other provisions of the Bill will have to be carefully looked into and consequential amendments will have to be made. As my hon. Friend, Mr. Satyamurti, suggested, what will happen supposing certain instalments are not paid? How are they to be recovered? It is said that the Collector should collect the amount. I can understand the Collector collecting land revenue on behalf of the Government. What this amendment proposes is that the Collector should be the functionary to be in charge of the bonds, and responsible for investing the annuity fund and for redeeming these bonds. Though the motives underlying this clause may be very good, the clause cannot be introduced, by way of amendment, into the present Bill. It is open to my hon. Friend to introduce a separate Bill or to agitate for effective remedies being provided for more concessions being given. To the extent to which the Government will explore these new methods and to the extent to which they will come forward with a Bill regarding creation of peasant proprietors, I shall feel most grateful to the Government. The Government should find their way to consider proposals of this sort. Again, Sir, technical objections may arise regarding the question whether the Collector shall direct every tenant to pass the bond to the landlord and the intermediary. For these reasons I strongly oppose this motion. I hope that the Council will carefully consider the matter. If the Members want the Bill to be passed, the only way in which they can do so is to vote against the amendment."

* Rao Bahadur Sir A. P. PATRO:—Sir, this amendment is really worth some examination, because it is of a novel character, not because it is reasonable, or because it is of substantial merit for consideration. I do not think that the clause which is proposed for substitution for clauses 10 to 15 is an improvement. Clauses 10 to 15 in the Bill really meet the actual grievances of the verumpattamdar and the cultivating tenants of Malabar. What is complained of in Malabar and what was graphically described in the report is the insecurity of tenure, and a remedy had to be found for it while at the same time preserving the rights of the janmi. In order to give security of tenure, clause 10 lays down definitely that fixity, in other words, occupancy right is conferred upon the tenant for the first time. He is given absolute right in the holding except that he has to pay his share of rent to the landlord. That is to say, his position has been placed analogous to the position of tenants in the proprietary estates. Therefore, under the Bill as it stands, there is no complaint from any side, the tenancy is secured, the rent is secured and at the same time an additional advantage has been given to the janmi, that is, the right of re-entry in certain circumstances. Not only when the tenant fails to pay the rent, but when the janmi wants the land for his own cultivation or for cultivation by his family members, he is given the right—which does not exist under the Estates Land Act—to take back the land for such purpose. That being so, I am surprised to see the Maharaja of Pithapuram supporting this amendment. If his support is to be taken as real that the occupancy right of the ryots in permanently settled estates will also be affected—I do not know how far he will be satisfied to possess a bond instead of the land. I am afraid he will have to re-examine the whole position of the ryots under the proprietary estates also; zamindars shall be only capitalists.

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"This amendment, Sir, also states that bonds should be issued for the purchase of the lands. The system of land purchase by the State has been tried in some of the continental States through land banks but was given up. If you want to have the system of nationalization of land—that also is a theory which after some time was found to be impracticable. Therefore, both the systems of land purchases which were started by some reformers have been tried and found impracticable. The nationalization of land was in the interests of the tenants, as they said, because it meant that the Government should take all the lands and distribute it equally among the tenants for the purpose of cultivation. This old theory which has not been accepted in other countries and to argue that it should be introduced in Malabar where we have already so much confusion and trouble, and to say that the Government should take up the whole responsibility seems to me that no reasonable man who is acquainted with the working of land tenures in this province can accept. If you really examine the position of the relations between the landlord and tenant in the other parts of the country, as compared with the position under the provisions of the Bill as drafted in the select committee, you will find that real heritable tenure was given to the actual cultivating ryots, while at the same time we have tried to see that the janmi and the landlords do not suffer in any way. If these provisions are substituted by the amendment of my friend, then they will not be advantageous to both the cultivating classes and the landlords; on the other hand, it will place a very heavy burden on the tenants, in that they will have to pay instalments regularly for forty years and at the same time be subject to ejectment if they fail to pay the instalments. I ask, is it a more appropriate remedy, is it more helpful to the tenants of Malabar than the provisions of the Bill as it exists? I think that a superficial examination of the provisions in this amendment, shows that it is not a practical one, nor is it intended to be useful therefore to the interests of the cultivating tenants."

Mr. K. KOTI REDDI:—"Mr. President, Sir, when we find that this amendment is being supported by the representatives of both the cultivating tenants and the landowners, I believe there must be something really worth examination in it. There is really much in favour of this amendment. It would certainly have been much better if this amendment had been added as a proviso to clauses 10 to 15, so that the tenant may have the option of either purchasing the land under this amendment or retaining possession under the provision of the Bill as it is. If however the Government and the representatives of the various classes had come to an agreement on this point, it would be easy to accept this amendment. Even as it is, if this amendment is substituted for the present provisions of the Bill, the evil is not likely to be perpetuated. Mr. President, it has been said that the conditions of the tenants under this amendment will be much worse. As a matter of fact, as the hon. Member from Chittoor pointed out, the fair rent that is now allowed under this Bill has been fixed on the basis of the market value. So there is nothing really here to say that the tenant will lose under the amendment; on the other hand, he has one great advantage that after paying for forty years what he now pays under this Bill, he can claim the land as his own. The hon. Member representing the University said that the tenant is made to pay a good deal more than what he has to pay under the present provisions of the Bill. As a matter of fact, what he is now made to pay in the shape of Government revenue is being deducted under clause F of the amendment from the amount that he has to pay under clause C.

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"Then, Sir, let us take the question of the interest of $5\frac{1}{2}$ per cent. Certainly if a tenant wants to purchase a piece of land, he will have to borrow money, and on the money that he so borrows, he will have to pay interest. The rate of interest that he will have to pay is fixed at $5\frac{1}{2}$ per cent, the rate which is much less than the rate ordinarily payable by the classes which this amendment seeks to benefit. It might be that in some cases the tenant is made to pay the actual market value of the holding that he is going to buy; at the same time, there might be cases where the tenant may have to pay much more than what he has to under these clauses. So, basing our argument on the fair rent as fixed in the Bill, I do not see any harm in the tenant being allowed to pay 18 times the fair rent in the shape of capital. I believe that is really fair and would in all probability obviate any hardship."

* The hon. the PRESIDENT:—"Is the hon. Member going to amend this amendment by substituting eighteen for twenty times?"

Mr. K. KOTI REDDI:—"No, Sir, I am only putting it at eighteen times, as under clause F it is twenty times $9/10$. It is just the same thing; I am not much of a mathematician, but as it is so simple, I thought I could refer to it as eighteen times instead of saying twenty times $9/10$."

* The hon. the PRESIDENT:—"I thought you were going to move an amendment to this amendment."

Mr. K. KOTI REDDI:—"The calculation made in clause F is really fair if one wants to purchase property; and I think it is a fair solution of the problem that is now engaging our attention. It will, at any rate, certainly go a long way towards solving it. Under the Bill as it is, the position of the tenant is not quite secure. There are at present a large number of janmis who own small pieces of land and who may desire to get back their lands for purposes of their own cultivation. If the tenants under these small janmis are under the impression that on any day their holdings might be claimed back by the landlords for their own cultivation, I believe the tenants will not be interested in permanently improving the holding. Neither does the janmi gain much, because when his holding is not properly cultivated, the amount that he gets in the shape of rent would be very little. So, if an option is given to the cultivating tenant that he could purchase it, I think it would be in the interests both of the janmi and of the tenant, in that the janmi will get the capital value of the fair rent and the tenant also will get proprietary rights for what he is paying. The main point in this amendment is that instead of making the tenant purchase the land straightaway, it helps him to buy it in the course of forty years by paying regular annual instalments and it also helps the janmi to get the capital value of the rent that is now paid to him.

"Again, Sir, it has been said that this amendment is expropriating the janmam rights of the janmis. I am sorry I cannot agree with that view. If this amendment is really an expropriation, I cannot really understand how this amendment could be accepted by the representatives of the janmis here. From the fact that this amendment is accepted by the representatives of the janmis, I am led to think that the Bill cannot be an expropriating Bill. This amendment is really based on the capital value of the fair rent fixed in the Bill, and so what applies to the Bill should equally apply to the amendment now proposed. I therefore say that if the amendment is expropriating, the Bill also is expropriating.

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"With regard to the next point about litigation, it has been said that there is nothing to be said in favour of this amendment. There is however one thing in its favour and that is that there will not be perpetual litigation if this amendment is not accepted; there may be litigation and that only once, viz., when the fair rent is to be estimated. Thereafter there is not likely to be any litigation at all; whereas under the provisions of the Bill as it is, there is bound to be perpetual litigation in regard to the various clauses. So, if there is to be litigation under this amendment, it will be only once and not perpetually as in the case of the Bill as it is.

"Then, Sir, it is no doubt true that it is the aim of all modern legislation to see that the peasant, the actual cultivator takes a keen interest in the land which he cultivates, and that can only be achieved if a serious attempt is made to see that the actual cultivator is given complete ownership of the land.

4-15 p.m. "Sir, I apprehend that if once such a thing is allowed in Malabar, it should also be extended to the East Coast also, and I think we must be prepared for such a situation. There is, I understand, an attempt being made to see that the cultivators are given proprietary interests in the field which they cultivate and the amendment does not go to the extent that some hon. Members would like. All that the amendment says is to pay the market value of the holding and so long as the tenant is prepared to pay the market value, why not give him the proprietorship. So far as the tenant classes are concerned, I do not see that they are worse off under the Bill.

"Then, my hon. Friend from Ganjam said that we are now trying to introduce some old theories which have been tried and found wanting." (A voice from the Opposition: 'No, that is not what he said.')

* The hon. the PRESIDENT:—"There are two hon. Members from Ganjam."

Mr. K. KOTI REDDI:—"I refer to my hon. Friend, Sir Patro. My reading of history may be different, but all the attempts that are now being made in Ireland and in some continental countries are for dividing the lands and to see that the land is not enjoyed by a few people alone.

"Another objection that has been pointed out against this amendment is that the tenant is made to pay rent for 40 years; and I believe, by this they will certainly be in a better position than the position in which they are now, namely, that the tenant is made to pay fair rent perpetually for ever.

"The other objection brought forward against this amendment is that the tenant is not allowed to purchase the land. It is probably more serious. I think, in Western countries, it is the State that has really an interest and that is the idea underlying these land purchases and in addition to this there are associations or co-operative societies to help the tenants in the matter of purchase. As the hon. Mover has pointed out that there may be difficulty in obtaining the consent of the Government of India as they have financial interests in these things, if the Government is really agreeable to the position, they might bring in suitable amendments to take up the whole responsibility on themselves; this House would not be against it. And, if the Government is not prepared to take up that responsibility, I do not see any reason why the responsibility that is sought to be shouldered by the tenants concerned,

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should not be taken by them. Why, there is always the land and there is the amount that has to be paid under the bond. I should think that is more than enough. So, I contend that the position under this amendment will certainly be much better for the tenant than the position under the Bill. After all if the tenant thinks that his position under this amendment is much better, he can certainly come under it and purchase the land.

"As I already suggested, it would have been much better if this were moved as a proviso, so that the tenant may have occupancy rights and may also have the option of purchase under this amendment. I think the House will agree to such a proviso being introduced in substitution of this clause. Apart from that, and even if such a thing is not agreeable, I believe the substitution of this amendment would certainly be better in the interests of the tenants. The representatives of the janmis are themselves agreeable to this and so there would not be any hardship on the part of the janmis concerned. So, the only class that is likely to be affected by this amendment is the kanamdars and since the kanamdars have got their interest in the kanam paid by the bond, although they need not have the satisfaction of owning the land, except the cultivating kanamdars, I do not think it would be considered as a real hardship, seeing that for centuries and for decades, their position under the Malabar law is not as owners of land."

* Mr. J. A. SALDANHA:—"Sir, I would support this amendment only on principle . . ."

* The hon. the PRESIDENT:—"We are going to vote on the amendment and not on the principle."

* Mr. J. A. SALDANHA:—"If it is the wish of the House that it should be brought on in a proper place, not as a substitution of sections 10 to 15, but as an additional clause or as an alternative clause, I would bring it under the chapter relating to kudiyruppus. In fact I am sending in an amendment to that effect . . ."

* The hon. the PRESIDENT:—"Having spent so much time, may I mention to the hon. Member that I cannot allow the bringing of it in another proper place as he thinks fit."

* Mr. J. A. SALDANHA:—"I would accept the principle and make the necessary amendments as to drafting, because it allows much room for improvement in drafting. After all, what is the object of this amendment? It is to bring it into line with what is being followed in the continent and what has been done in Ireland. I do not agree with the hon. Sir Patro that this sort of system had been tried on the continent and was given up. In the year 1926, they brought forward a legislation in England which is just the same as this amendment of my hon. Friend Mr. Arogyaswami Mudali. That enactment is called the Small Holding Allotment Act of 1926 and in it there is a section which provides for the purchase of land by the County Councils and granting it and selling it on hire-purchase system to persons who wish to own lands and recovering the amount by means of an annuity in so many years. There, the rent is paid plus the annuity for the purchase of the land spread over a period of 40 or 60 years. The annuity covers the value of the land and the rent ceases to exist at the end of the 40 or 60 years, so that the land becomes the property of the tenant. Now, there has been a radical change and a revolution in this system in Ireland, though matters differ a great deal from the

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system prevalent in Malabar. An attempt is being made in England to abolish all the systems of tenancy and to convert that into a land-owning system. The Englishmen were not once agreeable to the principle of peasant proprietorship and so they had done away with that system and substituted the tenancy system. Mr. Parnell found it very difficult to make the Englishmen accept the principle of land purchase system and change the whole system of land tenure in Ireland until they went into regular obstructive tactics in Parliament

* The hon. the PRESIDENT :—" I hope the hon. Member will not resort to such tactics on this Bill."

* Mr. J. A. SALDANHA :—" After a good deal of tactics on the mere question of grasping the principle, the Conservative Government themselves had the good fortune to bring in a Bill for the land purchase system. There the Government raised a big loan and purchased the land. I entirely disagree with my hon. Friend Mr. Arogyaswami Mudaliyar when he says that there is anything confiscatory"

* The hon. the PRESIDENT :—" For that the hon. Member has to obtain the sanction of the Governor under 80-C."

* Mr. J. A. SALDANHA :—" There is no such thing as confiscatory legislation at all here. I prefer that the Collector passes the bond on behalf of the Government. That will of course be the cash value. If that is substituted, the landlords will cease to exist and they will cease to exist like the Irish landlords and the janmis here will cease to be landlords."

" Now, I would say that when this system which has been followed in Europe with success, why should it not be introduced here also. I do not know from where my hon. Friend Sir Patro got the idea that it was found wanting. I hope that my friends the British officials in India will understand the value of the system. They have been trying to perpetuate this system of which they are very fond, because they have got the landlords to rule over and domineer over a large number of tenants. That is the favourite device of the British Government here to divide and rule and to have a sort of conflict between the landlord and the tenant. That system must cease to exist. I hope the British officials will see their way to do away with the tenant system. If they do not do that, I hope we shall see our way and our Friends like Mr. Satyamurti—I am sorry he is not here now—will see the necessity of changing the system into peasant proprietorship as rapidly as possible. If there is to be an economic development of India, it must be by means of peasant proprietorship. The Agricultural department will find it useful because to a greater extent there is always conflict between the landlord and the tenant. Because when you go and ask the tenant, he is not anxious to introduce ordinary changes, for he knows if he improves the land, the landlord will pounce upon him. I hope therefore that, even at the cost of some delay at least, this amendment will be given effect to and brought under a chapter in its proper place by the Government. The amendment states that 'any cultivating tenant may apply to the Collector to have their holding purchased from him, etc.' Just in the case of kudiiruppus where the Government have introduced the idea of enabling the tenant to purchase the kudiiruppus, in this case also, I hope the Government would accept the amendment. The Government have adopted the principle already to some extent and I hope the Government will

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consider this and bring this as an alternative under another chapter or at least will promise to bring necessary legislation with the least possible delay. I think this is necessary in the interests of the agricultural and economic development of India and her happiness. I hope that Government in order to establish better relationship between the landlord and the tenant will at least hold out a promise to support this idea at an early date. With these words, I support the amendment of course, subject to the conditions I have mentioned."

* Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, I feel extremely diffident to speak on a question concerning tenancy legislation, much more so being a man who has practically nothing to do with the land question. I still feel that I could not avoid taking part in the Malabar Tenancy legislation." 4-30 p.m.

* The hon. the PRESIDENT :—" That is why Members who do not belong to Malabar are catching the eye of the President." (Laughter.)

Mr. SAMI VENKATACHALAM CHETTI :—" I don't think I shall be catching your eye later on. Following the discussion in the House on the amendments I cannot help feeling that this Bill is a result of many compromises. But that compromise does not seem to extend so far as the question of the interests of the cultivating tenants is concerned. The compromise seems to be between the jaumi and the kanamdar. The reason for this grave omission, so far as the interest of the cultivating tenant is concerned, is obvious. I am told the cultivating tenant is an illiterate and dumb man. He has no organization to put forth his grievances which are only too many, and when on the other hand the kanamdar or the janmi is to speak in the name of the verumpattamdar it is only to give a colour of sympathy to the tenant while all the time he would be putting forth his own case. (Mr. K. R. Karant : 'Hear, hear.') That is why I am not surprised to see that the kanamdar representatives who are in this House are not enthusiastic over the amendment moved by my hon. Friend, Diwan Bahadur R. N. Arogyaswami Mudaliyar. Sir, I am really attracted by the excellent arrangement and solution of the tenancy problem as couched in the amendment of Mr. Arogyaswami Mudaliyar. While everyone who had to speak on this occasion had a good word to say in so far as the principle underlying the amendment is concerned, they did not see their way to accept the wording. That only betrays that the representatives in this House are not able to appreciate the real grievances of the cultivating tenants and are not in a mood to solve the difficulties pertaining to the land tenancy policy in Malabar. What they should see if they are really serious and sincere is they should see that there is an end to this trouble. The question is not to see that the Malabar Tenancy Bill is put on the statute book but to see that the difficulties under which the cultivating tenant is suffering are solved. Judged from the bent of mind of the members of the Select Committee, I see they are anxious to see that their labours fructify by placing this legislation on the statute book. That is exactly what has been troubling my Friend, Mr. Satyamurti, who is very zealous of the labours of the Select Committee. The idea contained in this amendment, though new so far as this House is concerned, does not appear to be new to other countries. As a matter of fact, this seems to me to be the principle upon which the land tenure policy of other countries are settled to the satisfaction of every one concerned. I am not surprised that this House is taken aback by the

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novelty of this idea. Evidently we are not serious to tackle this question. Therefore it is that we are satisfied with mere compromises proposed by this side and that side of the House. If the janmi comes forward with a supposed grievance we immediately say that his grievance must be redressed. If, on the next day, the kanamdar raises a fissiparous cry, then we at once say, 'well, you have this plum'. In the fight of interests between the janmi and the kanamdar, I am afraid the cultivating tenant is going to the wall. (Mr. K. Krishnan: 'Hear, hear.') I am glad that Mr. K. Krishnan is approving of my sentiment and I hope his approval will sustain him to voting in favour of this motion. (Laughter.) My hon. Friend, Mr. Satyamurti, with whom I rarely differ in public (laughter) said that this Bill threatened the very structure of this Bill. I think it is more good to threaten the structure of the Bill than to threaten the structure of the society of Malabar. He was anxious that we must get through the Bill. Well, that is a dangerous proposition. I realize that this Bill contains certain dangerous provisions and it does not give satisfaction to some persons. It seems to me that we should rather go without a Bill than go with a Bill of this sort. Then my friends who had spoken against these amendments did not question the propriety of the principle contained in this amendment. If so, why should they stand in the way of this amendment being carried? My hon. Friend, Mr. Muniswami Nayudu, has no doubt thrown out a very constructive suggestion, that in addition to the arrangement already contained in the Bill, we may make this an additional provision so that such of those cultivating tenants who want to take advantage of the provision may take. Sir, if you allow, and if the House allows, that suggestion may be effected by an amendment. Other friends have spoken 'this is no doubt a very good principle, why don't you bring a Bill and make it applicable to the whole Presidency?' If they are enamoured of this principle, I should like to say that they might try this principle in Malabar, and then extend it to the Presidency after seeing how the experiment works. (Mr. K. R. Karant: 'It is no experiment.') In one sense it is not an experiment in as much as it has already been tried in other countries. My justification for trying this experiment is that we are recasting Malabar Tenancy Legislation, why not introduce this also and see how it works. There is one argument which has got the plausibility of justification, namely, that we see around us that the janmi representatives are supporting this. There must evidently be something in this which makes the janmi representatives support this. I undoubtedly agree that there is something. They are no doubt getting compensation for the land they are asked to quit. It may be a delightful thing for proprietors outside Malabar to sacrifice the janmi on this expropriation, but when this question is extended to the other parts of the Presidency then we will feel the sting of it and it is necessary that this sting be made as least harmful as possible by making the landed proprietor receive the cash value of the land he is asked to part with. Again, this principle is not a new thing in this country. We have got co-operative societies helping a particular class of servants. The principle is that the land becomes the property of the tenant with the liability of paying equated payments on the security of some bank or Government. Indeed one of the objects of the land mortgage banks is to help the small intending proprietor to purchase the land and stand security for that land. Even in this case it is the same thing. The objection has been raised that in other countries where this principle has been introduced it was the Government who stood surety for

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the proprietor who has been asked to part with the land, and here there is no chance of the Government standing surety, and therefore it ought to be rejected. It is no doubt true that the Government are not made a party in this matter. But that is only a technical difficulty in our way. As a matter of fact, in the original notice given by Mr. Arogyaswami Mudaliyar he made Government a party to this system of payments. On account of the section 80 (c) he has altered the wording of the resolution, but that does not remove the security the janmi has on the land. The bond is redeemable only after full payment. So long as that is not done, the janmi retains proprietary right on the land; and again nothing prevents the Government from liberalizing its policy and stepping in, in the interests of the agriculturists. I find that in the report of the Royal Commission on Agriculture there are one or two sentences which point out that they recommend that Government might help the agriculturists in the matter of purchase. Sir, I consider this principle is a just principle. I consider this will remove the grievances under which the cultivator is suffering from. Well, this will pave the way for the introduction of this principle in other parts of the Presidency. It will increase the interest of the cultivating tenant in his land. In the words of Dr. V. K. John, who had been the inspirer of this amendment, I should like to state here the advantages which the tenant will derive under this system.

"This is what he says:—

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"Occupying ownership assures him the full fruits of his toil. He need no more be reluctant to sink his capital in the venture of improving the soil. It is most curious why the cultivating farmers do not agitate for the annuity system. The truth is that they are neither educated nor organized. There is no doubt that they will wholeheartedly accept the scheme of occupying ownership if only it is put to them. Nobody except agents of janmis could complain that the money spent on collection agencies, litigation, etc., is saved to find the amount for the annuity. And the scheme has one great advantage over occupying tenancy. In occupying tenancy there is an inevitable tendency to multiply intermediaries. The tenant who gets fixity of tenure sublets and the sub-lessee after a time does the same until at last some poor man is rack-rented etc."

"Sir, I will only close my remarks with this observation. My Friend the hon. Member for the University said that the social concord that is expected to come after the passing of this legislation will be disturbed by these amendments. I should consider that nothing can improve the social concord in that part of the province better than the system now adumbrated in these amendments."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I appreciate very much the admirable sentiments and the good intentions with which my hon. Friend, Mr. Arogyaswami Mudaliyar, has been actuated in bringing forward this proposal. But I fear, Sir, that at this stage it is quite impossible for the Government to accept these amendments. My hon. Friend Mr. Biswanath Das stated that this proposal which is now made to this House should have been made before the Select Committee. And may I submit, Sir, if it would have been preferable that it should have been submitted to the Baghavayya Committee for their consideration and not at so late a stage as that of the Select Committee."

"I cannot admit that because a system of land purchase by tenants is in force in other countries, the scheme now put forward should be introduced in Malabar. I do not suppose there is any country in which such legislation has been reduced to one sheet of paper, as is proposed now. Usually

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such Acts must be composed of several sections. I do not wish to repeat the criticisms of the scheme made by various previous speakers. I would only add to the criticism which has been made that this section would throw upon the Collector considerable duties and responsibilities, and it is impossible for the Government to accept this proposal without further investigation. Assuming that the cultivating tenants take advantage of this provision in large numbers, the Collector will have to decide hundreds and perhaps thousands of cases which would be brought before him by tenants against janmis and kanamdars and other intermediaries. And he will have to try all these cases and award compensation in each case. And then he will have to deal with the bonds which each of these persons would execute and for a period of 40 years he will be responsible for the investment of those bonds; I am not sure what will happen if unfortunately those investments lose in value before the bonds materialize.

"Sir, the hon. Mover of this amendment stated that the Government Bill would be disastrous to Malabar and that it is without precedent. Well, Sir, can the hon. Member find me a precedent in any other country for tenures such as those which exist in Malabar, kanam tenures, kuzhikanam tenures, the tenures of cultivating verumpattamdars and so on? I do not think, Sir, we should slavishly follow in Malabar precedents derived from places where other tenures are in force. We must take into consideration the actual circumstances that exist in Malabar. That is a main principle that was borne in mind by the framers in this Bill. Another principle has been that we should as far as possible not encourage litigation. And, Sir, I would like to point out that this provision now proposed will necessitate litigation if the cultivating tenant is to have any advantage from it. He will have to apply to the Collector and when he has applied and obtained the order of the Collector, we may assume that in almost every case the janmi and kanamdars and other intermediaries will proceed to appeal to the civil courts. And I doubt very much whether the tenant unless he is a wealthy man will be really able to take advantage of the provision that is now proposed. By the substitution of this clause for the existing clauses 10 to 15 of the Bill, the cultivating tenant will have no advantage at all. They would be deprived of the advantages which it is proposed to give them under the Government Bill as amended by the Select Committee. For these reasons, Sir, I regret I am unable to accept the amendment."

The amendment was put and declared negatived. Mr. Abdul Hameed Khan demanded a poll which was taken and the House divided thus:

Ayes.

- | | |
|---|--|
| 1. The Muppil Nayar of Kavalappara. | 12. Mr. Abdul Hameed Khan. |
| 2. Rao Bahadur O. M. Narayanan Nambudripad. | 13. " L. K. Tulasiram. |
| 3. Mr. N. Siva Raj. | 14. " K. Uppi Sahib. |
| 4. " M. V. Gangadhara Siva. | 15. " M. Narayana Rao. |
| 5. " E. Sankaran Unni. | 16. " C. N. Muthuranga Mudaliyar. |
| 6. " P. C. Venkatapathi Raju. | 17. " K. V. Krishnaswami Nayakar. |
| 7. " K. Koti Reddi. | 18. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 8. " R. Srinivasa Ayyangar. | 19. The Zamindar of Seithur. |
| 9. " Sami Venkatachalam Chetti. | 20. The Maharaja of Pithapuram. |
| 10. " C. V. Venkataramana Ayyangar. | 21. Mr. K. R. Karant. |
| 11. " J. A. Saldanha. | |

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Noes.

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|--|---|
| 1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur. | 27. Mr. S. Venkiah. |
| 2. " Sir Thomas Moir. | 28. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 29. Mr. A. Achutan. |
| 4. " Mr. A. Y. G. Campbell. | 30. " S. N. Dorai Raja. |
| 5. " Dr. P. Subbarayan. | 31. The Raja of Kallikota. |
| 6. " Mr. S. Muthiah Mudaliyar. | 32. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 7. " Mr. M. R. Seturatnam Ayyar. | 33. Mr. G. R. Premayya. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 34. " S. Satyamurti. |
| 9. " Hilton Brown. | 35. " K. Madhavan Nayar. |
| 10. " H. A. Watson. | 36. " D. Narayana Raju. |
| 11. " A. G. Leach. | 37. " C. Obi Reddi. |
| 12. " J. Gray. | 38. " T. Adinarayana Chettiyar. |
| 13. " S. V. Ramamurti. | 39. Sriman Biswanath Das Mahasayo. |
| 14. " C. B. Cotterell. | 40. Mr. A. Kaleswara Rao. |
| 15. " V. Ch. John. | 41. " A. Ranganatha Mudaliyar. |
| 16. " M. A. Manikkavelu Nayakar. | 42. " K. P. Raman Menon. |
| 17. Syed Tajudin Sahib Bahadur. | 43. " C. R. Parthasarathi Ayyangar. |
| 18. Mr. J. Kuppuswami. | 44. " C. Gopala Menon. |
| 19. Subadar-Major S. A. Nanjappah Bahadur. | 45. Rao Bahadur Sir A. P. Patro. |
| 20. Mr. K. Krishnan. | 46. " Dr. C. Natesa Mudaliyar. |
| 21. " L. C. Guruswami. | 47. " S. Ellappa Chettiyar. |
| 22. " V. I. Muniswami Pillai. | 48. Khan Bahadur S. K. Abdul Razaq Sahib Bahadur. |
| 23. " J. Bheemayya. | 49. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 24. " R. Foulkes. | 50. Rao Bahadur B. Muniswami Nayudu. |
| 25. " W. P. A. Soundara Pandian. | |
| 26. " S. Subrahmanya Moopanar. | |

Ayes 21. Noes 50.

The amendment was negatived.

Mr. K. UPPI SAHIB:—"Mr. President, I move the following amendment:—

'For the existing clause 10 substitute the following:—

"10 (1) (a) Any cultivating verumpattamdar may apply to the court for a certificate of fixity of tenure.

(b) If a janmi or any intermediary files a suit for eviction against any cultivating verumpattamdar on the ground that the period of the lease to the defendant has expired, or that the defendant is only a tenant-at-will, the defendant shall be entitled to apply to the court for a certificate of fixity of tenure, if he has not previously made an application under clause (a) or if such application has been dismissed and the suit for eviction shall abide and follow the result of such application.

(2) Any contract whether made before or after the commencement of this Act, by which a cultivating verumpattamdar is, for any reason, precluded from applying under sub-section (1) shall, to that extent, be void and unenforceable."

"Sir, this amendment is only to substitute what the Government have previously introduced. The Select Committee has given immediate fixity to all verumpattamdars. The verumpattamdars of Malabar are really rack-rented. Since the agitation began, since the hon. Mr. Krishnan Nayar introduced his Bill, there have been continuous evictions and redemptions of kanamdars and rack-renting of verumpattamdars has been actually going on in Malabar since then. The draft Bill contained these provisions. But the Select Committee changed them and gave fixity to the cultivators without taking into consideration the rack-renting that is going on in

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Malabar. The actual cultivators, the poor men of the soil, are now stuck to the soil and at the same time you want them to furnish security and hammer them further down by means of this clause for summary procedure. All these things have been done behind his back. Practically speaking, there was nobody, and I am afraid except one or two here, there is nobody to represent these dumb millions of Malabar. They do not know what we are doing here, and the result will be very disastrous to them. These poor people who are toiling day and night in the fields are now stuck to the soil and will have to pay this highest rent for the coming twelve years. I ask why option is given to the kanamdar, to the kuzhi-kanamdar, and to the customary verumpattamdar, and why these poor people toiling day and night and in the drenching rain of Malabar are fixed to the soil and are asked to pay the highest rent, this rack-rent, without even having anything to eat. Now, at least, the janmis and their immediate landlords have some compassion for them. They are their tenants. They have got that feeling at least. Hereafter the janmis, and the immediate landlords will not have any reason to be compassionate to these people."

The House then adjourned to meet again at 11 a.m. on Thursday the 3rd October 1929.

IV

PAPERS LAID ON THE TABLE OF THE HOUSE.

1. ^a List of posts on Rs. 500 per mensem and above created during the quarter ending June 1929.
2. ^b Explanatory Note regarding the organization of a Co-operative Central Land Mortgage Bank.

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

^a Printed as Appendix V on pages 591-594 infra.
^b Printed as Appendix VI on pages 595-598 infra.

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APPENDIX I.

[Vide answer to question No. 672 asked by Mr. K. Koti Reddi at the meeting of the Legislative Council held on the 1st October 1929, page 511 supra.]

Action taken on the recommendations of the Ceded Districts Irrigation Committee.

I. Existing Irrigation Works.

(a) *Larger maintenance grant for minor irrigation works.*—Special Tank Restoration Scheme divisions have been constituted for the execution and investigation of repairs to tanks and channels and larger amounts will be spent in future on this work.

(b) *Kudimaramat—Spring channels.*—The Government have issued orders that, in cases where owing to long continued neglect for many years past during which period the revenue officers have omitted to enforce the work of repair by customary labour, and where the repair involves considerable labour and expense, the Government will be prepared to consider on the merits of each case whether any contribution should be made from Public Works Department or Minor Irrigation funds towards the cost of the work. The Government have also decided that exceptional works rendered necessary by changes in the régime of rivers cannot, strictly speaking, be regarded as kudimaramat works.

(c) *Berm cutting.*—The Committee recommended that the cutting of berms of channels should be carried out at the expense of the Government and by Government agency. The Government considered that before accepting the recommendation of the Committee *in toto* a detailed examination and trial in respect of some important channels should be made. Estimates relating to three channels in the Cuddapah district (where alone any difficulty in connexion with this work was reported to exist), were accordingly sanctioned in October 1928 and the Board of Revenue has been asked to report the result of the experiment at the end of two years.

(d) *Major Irrigation Works*—(i) *Tanks.*—Increasing the F.T.L. of tanks, improving supply channels or cutting new ones, now come within the scope of the duties of Tank Restoration Scheme parties and they will take the necessary steps in the matter.

(ii) *Kurnool-Cuddapah Canal.*—In 1927, the Cuddapah section of the canal was transferred to the charge of the Executive Engineer, Kurnool division. Action on the other recommendations in regard to the canal fall within the normal duties of the Public Works Department.

(iii) *Tungabhadra channels.*—Improvements to the anicuts across the Tungabhadra channels also fall within the normal activities of the Public Works Department and any suggestions for the improvement of the anicuts that may be put forward by the local officers will receive due consideration. So far, no such suggestion has been rejected.

(iv) *Abandoned tanks.*—The consideration of the restoration of abandoned tanks also comes within the scope of Tank Restoration Scheme parties newly constituted.

(v) *Tank Restoration Scheme Works.*—There were originally two subdivisions in the Madras Circle—one for the Ceded districts and the other for the Chingleput district. There is now one division with three subdivisions.

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(e) *Irrigation by pumping*—(i) *Loans*.—Under the existing rules, the maximum period of repayment in the case of loans for wells is 30 years. The rate of interest has been reduced from $7\frac{1}{4}$ per cent to $6\frac{1}{4}$ per cent per annum in the case of all advances to cultivators with effect from 1st April 1929.

(ii) *Pumping with electrical appliances*.—After a careful consideration of the question, the Government have come to the conclusion that development of irrigation by pumping should for the present be left to private enterprise, and that the State may best assist the ryots by undertaking the preliminary survey of irrigational possibilities and indicating sites for sinking wells or installing mechanical or electrical appliances. A preliminary survey of sub-soil water-supply in fourteen selected villages in the Bellary firka is now being conducted by the District Engineering branch of the Industries Department. The Government expect to receive a report on the results of the survey from the Director of Industries shortly. The question of a survey of underground water supplies on a large scale will then be considered. The Government have also sanctioned a scheme for five years from August 1928 in the Ceded districts and in two taluks of the Chittoor district, under which no water-rate will be charged for water drawn by pumping for five years, half the charge for the next two years and the full charge thereafter.

II. New Works.

A.—*Minor schemes*—(1) *Schemes already investigated*—(i) *Thokapalli project*.—As it was reported that the proposed reservoir would submerge good land while the land proposed to be irrigated was poor, the Chief Engineer (Irrigation) has been asked to report on the matter and to consider whether it would be preferable to construct a small reservoir, which would not submerge good wet lands.

(ii) *Dorigallu project*.—This project was abandoned in 1909 as it did not satisfy the conditions of a productive, protective or famine relief work.

(iii) *Pullampet project*.—From an examination of the gauge readings, the Chief Engineer reported that the surplus water available for storage after meeting the requirements lower down was insufficient to warrant any consideration of the project. The Government directed that the project should be abandoned.

(iv) *Velligallu project (otherwise known as Papaghni reservoir project)*.—Gaugings are being continued.

(v) *Kanchalamma tank project*.—The investigation is expected to be completed shortly.

(2) *Schemes not investigated yet*—(i) *Upper Penner project*.—This is under investigation.

(ii) *Utilization of the Gundala and Pullangi rivers in Rajampet taluk*.—This has not been done, as it is apprehended that the storage of waters in the upper reaches of the rivers might have a serious effect on the existing irrigation under the spring channels lower down.

(iii) *Reservoirs in Cumbum and Markapur taluks on the tributaries of the Gundlakamma*—(a) *Duvvaleru*.—The question of the amount of water available has been examined by the Chief Engineer and a preliminary report on a project consisting of an anicut across the stream, a head sluice, and a channel designed to carry 100 cusecs is awaited.

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(b) *Kandleru*.—A reservoir across the river is not under consideration but an anicut across the river to give an increased supply to Dondapad and other tanks in Vinukonda taluk of Guntur district is under investigation. Gauge readings are being taken from June 1929.

(iv) *Hagari reservoir or anicut*.—A scheme for constructing an anicut across the Hagari to supply tanks along the margin of the river has been investigated. Plans and estimates are awaited.

(v) & (vi) *Anicuts across the Chikka Hagari*.—A scheme for the construction of anicuts across the Chikka Hagari river to divert water to the Chintrapalli, Belahal, Arsikeri, Bheemanakeri, Arkasamudram and Narayanadevarakeri tanks in the Hadagalli taluk is being investigated. Plans and estimates are awaited.

B.—*Major schemes*—*Tungabhadra-Kistna project*.—This is under investigation by a special division. A Geologist is to inspect and report on the suitability of the site at Timmalapuram shortly.

APPENDIX II.

[Vide answer to question No. 674 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 1st October 1929, page 513 supra.]

Statement showing the damage caused to roads, bridges and tanks in Godavari Northern division for 1928-29.

Extent of damage.				Amount required for repairs.	Amount spent.				Total amount spent.
Roads.	Bridges.	Weirs.	Tanks.		Roads.	Bridges.	Weirs.	Tanks.	
RS. 11,610	RS. 50,000	RS. 30,000	RS. 49,180	RS. 3,10,790	RS. 623	RS. 3,745	RS. 2,952	RS. 24,653	RS. 31,973

APPENDIX III.

[Vide answer to question No. 683 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st October 1929, page 518 supra.]

Proceedings of the deputation.

The deputation of the Provincial Medical Service Association headed by Rao Bahadur Dr. M. Kesava Pai, M.D., President of the Association and, consisting of the following members:—

1. Rao Bahadur Dr. T. M. K. Nedungadi, L.M.S., ex Vice-President of the Association.
2. Dr. T. S. Tirumurti, B.A., M.B.C.M., D.T.M. & H.
3. Dr. M. Narasinga Rao, M.B.B.S.
4. Dr. G. R. Parasuram, B.A., L.M.S., M.R.C.P., D.P.SY.
5. Dr. P. V. Francis, B.A., M.B.B.S., L.R.C.P., M.R.C.S.

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6. Dr. V. C. Govinda Menon, L.M.S., L.R.C.P. & S.
7. Dr. J. C. David, M.B.B.S.
8. Dr. R. Viswanathan, B.A., M.B.B.S.

waited on the hon. the Minister for Public Health on Monday the 27th May 1929 at 2-30 p.m. at the Secretariat Buildings, Ootacamund. Surgeon-General J. W. D. Megaw, C.I.E., V.H.S., I.M.S., and Mr. S. Ranganathan, I.C.S., Deputy Secretary, Local Self-Government, were also present. The Minister gave a very patient and sympathetic hearing to the various representations made by the deputation which lasted for about two hours. The memorandum which had already been presented to the Surgeon-General on the 5th of March last and had received a very favourable consideration at his hands dwelt on the various points referring to recruitment to specialist, teaching and other appointments and to study leave and deputation. The Minister was pleased to make detailed enquiries regarding the different grievances which the members of the Provincial Medical Service laboured under with a view to the possible ways of remedying the same without detriment to the interests of medical education and medical relief. To the following points which were urged by the deputation the Minister and the Surgeon-General promised to give their sympathetic consideration:—

1. (a) Whenever professorial and specialist appointments are contemplated by Government, attempts should be made to notify them to the members of the Provincial Medical Service to enable intending applicants to qualify themselves for the same.

(b) For all higher appointments in the teaching and specialist cadres the minimum qualifications and the nature of the training required to hold each of them should be definitely prescribed by the Surgeon-General at an early date to facilitate the acquiring of such qualifications or training by the members of the Provincial Medical Service.

(c) In considering the claims of Provincial Medical Service officers and the work done by them in the foreign institutions where they may be trained, the maximum period of two years of study leave granted by Government to these officers will be considered to be sufficient for qualifying them to the higher posts and the longer period of training of outside applicants in their own country will not weigh against the local applicants of the Provincial Medical Service.

2. In making higher appointments to the specialist and teaching cadres, if qualified persons are obtainable from the members of the Provincial Medical Service, they will have preference over outside applicants, due consideration being paid also to the seniority of such qualified members of the service.

3. The formation of teaching cadres is approved.

4. (a) Only when exigencies of service arise owing to want of qualified men for an appointment which must be immediately filled up, such a post will be temporarily filled up by recruiting in the open market by advertisement but it shall be for a contract period not exceeding three to five years to enable selected service members to qualify themselves in the meanwhile.

(b) If at expiry of such short term contracts Provincial Medical Service officer with the required qualifications is available, the appointment will be given to him.

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5. (a) Increase in the number of officers who will be granted deputation or study leave annually will receive the sympathetic consideration of Government.

(b) In granting study leave the question of seniority will be taken into consideration, provided the officer is likely to serve the department for about ten years after return from the leave.

6. The request that the recruitment of professors shall be made as a rule from amongst the Assistant Professors, who have had teaching experience and who have shown special aptitude was acceded to, provided they possess the prescribed minimum qualifications.

7. In all cases of open recruitment the selection shall be made by a properly constituted Public Services Commission for Madras.

G.O. Mis. No. 1653, P.H., dated 3rd July 1929.

READ—the following paper:—

From the Surgeon-General, No. 65/Est., dated 25th March 1929.

Order—Ms. No. 1653, P.H., dated 3rd July 1929.

A copy of the proceedings of the deputation of officers of the Madras Medical Service which waited on the Hon'ble the Minister for Public Health on the 27th May 1929 is communicated to the Surgeon-General with the following remarks:—

(1) Paragraph 1 (a) of proceedings—Early notification of special appointments in contemplation.

Paragraphs 5 (a) and 5 (b)—Increase in the number of officers to be granted study leave and the principles on which study leave should be granted.

The requests contained in the above paragraphs will be complied with as far as practicable.

(2) Paragraph 3—Formation of teaching cadres and Paragraph 7—Recruitment by a Public Services Commission.

These two questions are under the separate consideration of the Government.

(3) Paragraph 1 (b)—Prescription of minimum qualifications.
Paragraph 1 (c)—Maximum period of training in foreign countries required of Provincial Service Officers.

Paragraph 2 and paragraph 4 (b)—Service men to be preferred to outsiders.

Paragraph 4 (a)—Special recruitment in the open market to be on short-term contracts.

Paragraph 6—Recruitment of Professors to be made from amongst the Assistant Professors.

A final decision on these points will be deferred until the Government have received and considered the report of the Committee on Medical Education.

(By order of the Government, Ministry of Public Health)

HILTON BROWN,
Secretary to Government.

To the Surgeon-General (with copy of the proceedings).

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APPENDIX IV.

[Vide answer to question No. 692 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 1st October 1929, page 525 supra.]

Statement showing the number of deaths from rinderpest in South Kanara in each of the years from 1920-21 to 1928-29.

Year.	Deaths.	Year.	Deaths.
1920-21	83	1925-26	2,885
1921-22	13	1926-27	1,300
1922-23	314	1927-28	1,395
1923-24	47	1928-29	1,339
1924-25	897		

APPENDIX V.

[Vide Item IV "Papers laid on the table of the House"—page 584 supra.]

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List of posts on Rs. 500 per mensem and above created during the quarter ending June 1929.

A.—PERMANENT.

Department and designation of the post.	Pay per mensem.	Date of creation.	Remarks.
(1)	(2)	(3)	(4)
<i>Public Works and Labour Department—</i>			
Executive Engineer ...	625—1,375	29th May 1929.	Created in consequence of the South Presidency Division being made permanent.

Rs.

Civil Works.

B.—TEMPORARY.

(i) EXTENSION OF PREVIOUS SANCTIONS.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
(1)	(2)	(3)	(4)

Forests.

<i>Development Department—</i>			
Special Officer ...	Grade pay of Extra Assistant Conservator and Presidency allowance of Rs. 100.	From 21st May 1929 to end of June 1929.	First created for two months from 21st March 1929.

B.—TEMPORARY—cont.

(i) EXTENSION OF PREVIOUS SANCTIONS—cont.

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
<i>Administration of Justice.</i>			
<i>Law (General) Department—</i>			
Additional Sub-Judge, Narasapur.	Rs. 650	For one year from 29th April 1929.	.....
Additional Sub-Judge, Trichinopoly.	650	From the commencement of the summer vacation of 1929 up to the commencement of the Christmas holidays 1929.	.....
Additional Sub-Judge, Rajahmundry.	650	For one year from 30th April 1929.	.....
<i>Fisheries.</i>			
Assistant Director of Fisheries (Marine).	900—50—1,000	Three years from 13th March 1929.	The post was first created for a period of three years from 13th March 1926.
<i>Civil Works.</i>			
<i>Public Works and Labour Department—</i> Executive Engineer for the charge of the Tungabhadra Project Investigation Division.	625—1,375	Extended to the end of March 1930.	This was created for a period of one year from March 1928.

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(ii) POSTS NEWLY CREATED.

General Administration.

<i>Law Department—</i> Assistant Secretary	500	Four months from 1st May 1929.	For work connected with the preparation of the electoral rolls of the Legislative Assembly and Legislative Council.
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Police.

<i>Judicial Department—</i> District Superintendent of Police.	650—1,350 plus O.P. Rs. 150 to Rs. 300 plus Special pay Rs. 100 and Motor car allowance of Rs. 100.	Three months from 1st April 1929.	Sanctioned to provide for the appointment of an additional Deputy Commissioner of Police for Madras City.
District Superintendent of Police.	650—1,350 plus O.P. Rs. 150 to Rs. 300 plus Special pay Rs. 200.	Three months from 1st April 1929.	Sanctioned to provide for charge of Crime branch of the Criminal Investigation Department.
District Superintendent of Police.	650—1,350 plus O.P. Rs. 200 Special pay.	Five years from 25th April 1929.	Sanctioned to provide for the appointment of District Superintendent of Police, South Madras, in lieu of the Superintendent of Kallar Reclamation.

Law (Education) Department—

Deputy Director of Elementary Education.	1,950	Sanctioned for one year or till orders are passed on the reorganization of the Superior Educational Services, whichever is earlier.	
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Education.

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B.—TEMPORARY—cont.
(ii) POSTS NEWLY CREATED—cont.

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
			<i>Civil Works.</i>
Executive Engineer for the new Ganjam Agency Division.	Rs. 625—1,375	One year from 1st April 1929.	.....
Executive Engineer for the Special Investiga- tion Division for remodelling and resluicing of rivers and channels in the Cauvery delta.	625—1,375	Do.	.....
Executive Engineer for the Special Division for the investigation of a scheme for the extension of irriga- tion in the Kistna Eastern and Western deltas.	625—1,375	Do.	

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APPENDIX VI.

[Vide Item IV "Papers laid on the table of the House"—page 584 supra.]

DEVELOPMENT DEPARTMENT.

EXPLANATORY NOTE.

[SUBJECT.—*Organization of a Co-operative Central Land Mortgage Bank.*]

In 1925, the Government approved the organization of land mortgage banks on a co-operative basis as an experimental measure in select localities in the Presidency. The primary object of the banks was the relief of agricultural indebtedness, especially of small landholders, by providing loans for the redemption of mortgages on agricultural land and the discharge of prior debts not secured by mortgages but the improvement of land and of methods of cultivation would also be within their scope. The banks were to obtain money from share capital, deposits and principally debentures. Each bank was to have a working capital of Rs. 1 lakh and as, at the outset, the banks would have had to depend largely on debentures issued on the security of land of the members and it was expected that the debentures might not be fully taken up by the public, the Government undertook to take up debentures to the extent of Rs. 50,000 in each bank provided that the public first took up the other Rs. 50,000.

There are about 20 land mortgage banks now in existence. Of these, only five have floated debentures and can be said to have got into working order. The chief difficulty experienced has been in selling debentures locally in spite of promises. The question of the slow progress in the floatation of debentures was discussed by the Registrar in November 1927 at a meeting with the representatives of the existing banks. It was agreed that in view of the impossibility of getting adequate funds by offering debentures even at 7 per cent, a central land mortgage bank should be formed at Madras with an influential directorate to float debentures on the assets transferred by the primary land mortgage banks and to finance the latter out of the proceeds of such debentures. The Registrar submitted necessary proposals. The details of the scheme were discussed on two occasions by the hon. the Minister for Development with prominent co-operators. The minutes of the later Conference which met in June last are appended to this note.

The Registrar states that the formation of a Central Agency alone may not attract debentures from the general public to a large extent unless it is backed up by Government. He reports that the representatives of the existing banks were of opinion that Government should be requested preferably to guarantee interest on all debentures issued during the first five years for the full period of such debentures or in the alternative to take up debentures at least up to 50 per cent of the requirements. The Ninth Conference of Registrars which met in Bombay in 1926 recognized that in the earlier stages, a certain measure of assistance from Government would be required and were of opinion that a guarantee of interest by Government for a certain period was of the highest importance. The Townsend Committee on

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Co-operation have recommended that interest on the debentures issued for the first five years should be guaranteed by Government. The Royal Commission on Agriculture also recommend that this form of aid should be adopted as the best means of encouraging the investment of long term money in land mortgage banks and are of opinion that it is extremely unlikely that the guarantee of interest will ever involve Government in loss. It is proposed that Government may guarantee interest not exceeding 6 per cent per annum for a period of 25 years on Rs. 50 lakhs in all to be raised by the central land mortgage bank within a period of five years.

It is also proposed to appoint two Deputy Registrars on Rs. 300 per mensem, each for a period of three years to inspect primary land mortgage banks on behalf the central land mortgage bank and the trustee, and ten officers of the grade of Sub-Deputy Registrar or Deputy Tahsildar on Rs. 150 per mensem, each for a like period to work under the primary land mortgage banks in connexion with the grant of loans, investigation of titles, valuation of properties, etc. Necessary provision on this account has been included in the budget of 1929-30 under the head '34. c. Agriculture—Co-operative credit—ii. Deputy and Assistant Registrars'.

S. V. RAMAMURTI—23-9-29.

Appendix

Minutes of the Conference in connexion with the Central Land Mortgage Bank held on 8th June 1929 at the Secretariat, Stonehouse Hill, Ootacamund.

The following were present:—

The hon. the Minister for Development.

Raja Sir Annamalai Chettiyar Avargal.

M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.

„ C. Gopala Menon Avargal, M.L.C.

The hon. Mr. V. Ramadoss Pantulu Garu.

Mr. H. M. Hood, Registrar of Co-operative Societies.

„ E. C. Wood, Deputy Secretary, Finance Department.

Under Secretary, Development Department.

The note which was an enclosure to Development Memorandum No. 5111-III/27-5, dated 1st September 1928, and which embodied the results arrived at the Conference held on the 10th and the 16th August 1928 was taken up for further consideration. Certain alterations in the conclusions previously arrived at were suggested and accepted. The note embodying the alterations suggested is placed below as appendix to this minute.

2. Raja Sir Annamalai Chettiyar wanted information as to whether there were any specific objects for which alone money would be advanced. The Registrar drew the attention of the members to page 158 of the Co-operative Manual where the objects for which alone loans could be given are explained.

3. It was then decided that draft by-law No. 11 of the draft by-law relating to Co-operative Central Land Mortgage Bank, Ltd., sent as an enclosure to the Registrar's letter to the Secretary to Government, Development Department, dated 12th December 1927, No. 4598/27 should be

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altered as follows: "Every member shall, on admission, pay an entrance fee of Re. 1 per share. Every transferee of a share shall pay a like fee of Re. 1 per share subject to a maximum of Rs. 5 at a time."

4. It was then suggested by the hon. Mr. Ramadoss Pantulu that by-law No. 19 of the Registrar's draft by-law mentioned above should be omitted. The rest of the members of the Conference were against the suggestion and were for retaining it at least so long as the Government guarantee was there.

Appendix.

(1) It was agreed that the central financing agency should be composed of primary land mortgage banks as well as individual shareholders and that the latter should share in the management, but should not be allowed to borrow from the bank.

(2) At the commencement of the authorized share capital, 50 per cent should be reserved for primary banks and 50 per cent for individuals.

(3) The authorized capital of the bank shall be Rs. 10 lakhs and the value of a share shall be Rs. 100. No individual shareholder shall hold more than 100 shares.

(4) It was agreed that there should be one vote for each share.

(5) The strength of the Board of Management should be twelve comprised of five delegates from primary banks, five individual shareholders, the Registrar of Co-operative Societies, one Director nominated by the Registrar subject to the approval of Government.

(6) It was decided to drop the condition that the election of the President of the Board of Management should be subject to the approval of the Government.

(7) It was agreed that the rate of interest on debentures should not exceed 6 per cent, the rate of interest charged on loans to primary banks 7 per cent and the period of debentures twenty-five years.

(8) The working capital of the bank may be fixed tentatively at twenty-five times the share capital and reserve fund.

(9) It was agreed to have a trustee for the bank and that the Registrar shall be the trustee.

(10) It was agreed that the extent to which debentures may be issued should be fixed at 50 per cent of the value of the properties mortgaged.

The other conclusions which were arrived at were—

(1) The area of operation of the proposed central land mortgage bank should extend to the whole Presidency but operations will be restricted to selected districts in the beginning.

(2) It is desirable that debentures should be exempted from the provisions of the Income-tax Act.

(3) The following recommendations of the Townsend Committee were in general agreed to, namely: The by-laws of the bank should provide for the constitution of a sinking fund. A proportion of the debenture redemption money must be fixed for each year: the proportion will naturally depend upon the length of the period and other features of the debentures. The monies so coming in may be invested where a profitable investment on

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which the bank does not lose is available. We visualize this contingency as not being improbable: if debentures are floated at 5 or 5½ per cent for 20 or 25 years, the chance of gilt-edged securities themselves being obtainable at similar rates is by no means negligible. The bonds of local bodies or other quasi-official corporations which may be certified by the Registrar as safe investments may be available from time to time at the same, if not higher, rates. Failing such investments, if its debentures are available for sale in the open market, the bank may purchase them not above par. If they are not so available, it may repay debenture-holders in some systematized manner. We consider the following to be the best method. Each year the bank should issue six months' notice of the quantity it wishes to redeem. If a sufficient number of debentures is not voluntarily forthcoming for redemption, the debentures up to the required amount may be retired by drawing lots. The bank may offer cash or new bonds up to the value of the bonds so redeemed, but the debenture-holders should have liberty either to accept or refuse the new bonds, and to demand payment in cash.

A by-law to be prepared.

- (4) The bank should have a sinking fund and it should purchase its debentures whenever necessary to prevent depreciation.
- (5) No guarantee of the principal is necessary and it is sufficient if interest is guaranteed during the currency of the loan.
- (6) Debentures should not be issued at a discount.
- (7) Government should bear the establishment charges of running the bank for two years in the beginning.
- (8) Bearer bonds are not suitable.
- (9) Each primary bank should have a separate staff for the valuation of lands, investigation into titles, etc.
- (10) Subsequent mortgages by debtors should be prevented by legislation. But the maximum amount of loan that can be borrowed by an individual to be raised to Rs. 5,000.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 3rd October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Uman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Mahmud Sahannad Sahib Bahadur.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Mallayya, Dr. B. S.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Manikkavelu Nayakar, Mr. M. A.
Subbarayan, The hon. Dr. P. Muthiah Mudaliyar, The hon. Mr. S. Seturatnam Ayyar, The hon. Mr. M. R. Abdul Hameed Khan Sahib Bahadur.	Marudavanam Pillai, Mr. C.
Abdul Razaq Sahib Bahadur, Khan Bahadur S. K.	Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Achutan, Mr. A. Adinarayana Chettiyar, Mr. T. Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Moidoo Sahib Bahadur, Khan Sahib T. M. Muniswami Nayudu, Rao Bahadur B. Muniswami Pillai, Mr. V. I.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Muppil Nayar of Kavalappara, The. Muthulakshmi Reddi, Dr. (Mrs.).
Arpudaswami Udayar, Mr. S. Basheer Ahmed Sayeed Sahib Bahadur. Bheemayya, Mr. J.	Mutburanga Mudaliyar, Mr. O. N. Nagan Gowda, Mr. R.
Biswanath Das Mahasayo, Srman. Chidambaranatha Mudaliyar, Mr. T. K. Cotterell, C.I.E., I.C.S., Mr. C. B. Dorai Raja, Mr. S. N.	Nanjappa Bahadur, Subadar-Major S. A. Narayana Raju, Mr. D.
Ellappa Chettiyar, Rao Bahadur S. Ethirajulu Nayudu, Diwan Bahadur P. C. Foulkes, Mr. R.	Narayanan Chettiyar, Mr. Al. Ar. Narayanan Nambudripad, Rao Bahadur O. M. Natesa Mudaliyar, Rao Bahadur C. Obi Reddi, Mr. C.
Gangadhara Siva, Mr. M. V. Gopala Menon, Mr. C. Govindaraja Mudaliyar, Mr. O. S. Gray, C.B.E., I.C.S., Mr. J. Guruswami, Rao Sahib L. C. Hampayya, Rai Sahib M.	Parasurama Rao, Mr. A. Parthasarathi Ayyangar, Mr. C. R. Patro, Kt., Rao Bahadur Sir A. P. Premayya, Mr. G. R.
Harisarvottama Rao, Mr. G. Hilton Brown, I.C.S., Mr. James, Mr. F. E. John, Mr. V. Ch.	Rajan, Mr. P. T. Ramaabandha Padayachi, Mr. K. Ramamurti, I.C.S., Mr. S. V. Raman Menon, Mr. K. P. Ramanath Goenka, Mr. Ramjee Rao, Mr. V.
Kaleswara Rao, Mr. A. Kameswara Rao Nayudu, Mr. V. Karant, Mr. K. E. Kesava Pillai, C.I.E., Diwan Bahadur P. Khadir Mohidin Sahib Bahadur, Muhammad. Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Ranganatha Mudaliyar, Mr. A. Saldanha, Mr. J. A. Sami Venkatachalam Chetti, Mr. Sankaran Unni, Mr. E. Sarabha Reddi, Mr. K. Satyamurti, Mr. S. Shetty, Mr. A. B. Siva Raj, Mr. N. Siva Rao, Mr. P.
Koti Reddi, Mr. K. Krishnan, Mr. K. Krishnaswami Ayyar, Mr. Alladi. Krishnaswami Nayakar, Mr. K. V. Kumara Raja of Venkatagiri, The. Kumaraswami Reddiyar, Diwan Bahadur S. Kuppuswami, Mr. J. Leach, I.C.S., Mr. A. G. Madhavan Nayar, Mr. K.	Soundarapandian, Mr. W. P. A. Srinivasa Ayyangar, Mr. R. Srinivasa Ayyangar, Mr. T. C. Srinivasan, Rao Sahib R. Subrahmanya Mooppanar, Mr. S. Swami, Mr. K. V. R. Tajudin Sahib Bahadur, Syed. Tulasiram, Mr. L. K. Uppi Sahib Bahadur, K. Vanavudaiya Goundar, Mr. S. V. Venkatapathi Raju, Mr. P. C. Venkataramana Ayyangar, Mr. C. V. Venkatarangam Nayudu, Mr. C. Venkataratnam, Mr. B. Venkiah, Mr. S. Watson, I.C.S., Mr. H. A. Wood, Mr. C. E.

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I
QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Students trained in the Agricultural College, Coimbatore.

* 694 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) the number of students who have so far passed out from the Agricultural College at Coimbatore;

(b) how many of these have secured service under Government and how many have taken to their own farming; and

(c) whether the Government have at any time made any enquiry as to why the agricultural graduates rarely set up independent farms?

A.—(a) Four hundred and fifty-four.

(b) The number of persons who secured service under Government is 226.

The number who took to private farming so far as is known is 2.

(c) No.

Mr. A. B. SHETTY:—“Regarding the answer to clause (c) may I know whether the Government propose to make an enquiry regarding this matter?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Not at present, Sir, because, the Director of Agriculture, during the course of a personal interview, said that the lands owned by those who passed out of the college were not enough for them to set up independent farming.”

Mr. T. ADINARAYANA CHETTIYAR:—“As regards the answer to clause (b), has the Government enquired whether these two persons who took to private farming have been successful?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“I think so.”

Mr. T. ADINARAYANA CHETTIYAR:—“Are they trying any new methods?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“That I cannot say.”

Mr. K. R. KARANT:—“May I ask why the Government is spending so much, while half the number is going in for Government service?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“At least to help the other half.”

Mr. D. NARAYANA RAJU:—“What is the main purpose and object of this Agricultural College at Coimbatore, whether it is to train persons for Government service or to train independent agriculturists?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“For both.”

Mr. D. NARAYANA RAJU:—“May I know, Sir, whether the large number of students not taking to independent agriculture is due to the kind of material admitted into the institution or to the nature of instruction given there?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Neither.” (A voice—Both.)

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The hon. the PRESIDENT:—“The right of reply is confined only to Members of Government.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“How many sought admission to the Agricultural College so far?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“Notice.”

Mr. T. ADINARAYANA CHETTIYAR:—“In view of the fact that only two of 500 graduates have taken to independent farming, will the Government be pleased to enquire what difficulties there are in the way of their turning to agriculture as a profession and try to find whether the course of instruction requires to be suitably amended, or whether special facilities to set them up as practical farmers should be given to graduates in agriculture so as to enable them to set up as farmers and demonstrate the advantages of scientific agriculture?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“The Government have made enquiries, and they find the course of instruction is quite sufficient.”

Number of admitted and passed students in the Agricultural Middle School, Taliparamba.

* 695 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) when the Agricultural Middle School was started at Taliparamba;

(b) how many students entered the school since it was started; and

(c) how many passed in each year?

A.—(a) In June 1922.

(b) & (c) A statement^a furnishing the necessary information is appended.

Mr. K. V. R. SWAMI:—“Turning to the Appendix, may I know why the admission was so very small last year and this year?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“All the students that could be admitted into the school were given admission.”

Mr. K. V. R. SWAMI:—“May I know the number who applied for admission?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“About 20.”

Cost of education in the Agricultural institutions at Coimbatore and Taliparamba.

* 696 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state the cost incurred by the Government for the education of each boy at

(i) the Coimbatore Agricultural College; and

(ii) the Agricultural School at Taliparamba?

A.—(i) Rupees 1,100 per annum approximately.

(ii) Rupees 350 per annum approximately.

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Mr. K. V. R. SWAMI :—" May I know why the expenditure is so high per student ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because the expenditure includes the pay of the teaching staff, laboratory expenses, etc. "

Mr. K. V. R. SWAMI :—" May I know the cost so allotted for each student ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice. "

Mr. D. NARAYANA RAJU :—" Is it the intention of the Government to go on spending at that rate, or are they trying to reduce the expenditure ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No, we are trying to reduce the expenditure as much as possible. "

Mr. R. NAGAN GOWDA :—" May I know whether this high cost is due to the fact that a very small number of students are admitted into the college ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" A greater number cannot be admitted, because the accommodation and the equipment of the institution are limited. "

Opening of an agricultural school in Northern Circars.

* 697 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) whether he proposes to open an agricultural school in the Northern Circars; and

(b) if not, why not?

A.—(a) No.

(b) One school was opened at Anakapalle, but had to be closed down for lack of pupils. There is no reason to believe that conditions have changed.

Mr. K. V. R. SWAMI :—" With reference to the answer to clause (b), that ' there is no reason to believe that conditions have changed ', may I know whether it means conditions at Anakapalle or in the Northern Circars ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" In the Northern Circars area generally. "

Mr. K. V. R. SWAMI :—" Has the hon. Minister found out by any means that the conditions still remain the same ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. It was found out by the department. "

Mr. R. NAGAN GOWDA :—" May I know whether Government has made any enquiry to find out whether the teaching in this institution is worthwhile ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That is what we think. "

Mr. C. OBI REDDI :—" May I know in what year the school at Anakapalle was closed ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Last year. "

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Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. Minister is contemplating to start a school in any other place in the Telugu districts ? "

The hon. the PRESIDENT :—" The question does not arise. "

Co-operative Societies

Levy of 4 per cent interest on deposits made by local bodies.

* 698 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state with reference to question No. 1769, dated 18th March 1929, regarding the rate of 4 per cent interest fixed by the Registrar of Co-operative Societies on deposits made by local bodies—

(a) whether the matter has been gone into by the hon. the Minister with the Registrar of Co-operative Societies; and

(b) what the result is?

A.—(a) Yes.

(b) At the Conference of Central Banks held in April 1929 it was resolved that not more than 4 per cent be offered on the deposits of local bodies fixed for a period of three years and less and $4\frac{1}{2}$ per cent on deposits fixed for a period of over three years. The Government have authorized the investment of local and municipal funds in approved Central Banks in fixed deposits for periods not exceeding five years at a time.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether money was withdrawn from the Central Banks by any local bodies since ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I do not know, Sir. "

Mr. D. NARAYANA RAJU :—" May I know the rate of interest on deposits made by others than local bodies ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir. "

Reduction of the rate of interest on loans to land mortgage banks and building societies.

* 699 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) whether the Government have come to any decision in regard to the question of reducing the rate of interest on their loans to land mortgage banks and building societies;

(b) what the rates are at which moneys are lent to them now; and

(c) at what rate the same is borrowed by the Government?

A.—(a) The matter is still under consideration.

(b) The rate of interest charged on loans advanced in 1928-29 was $6\frac{1}{2}$ per cent. The rate on loans sanctioned in 1929-30 has not yet been settled.

(c) The rate of interest in 1928-29 was 5 per cent. The rate for the current year has not yet been intimated by the Government of India.

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Mr. K. V. R. SWAMI :—" May I know why the Government charges $1\frac{1}{2}$ per cent more to these banks than the rate at which they themselves borrow ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because the rate of interest at which the banks can borrow elsewhere is taken into consideration. "

Mr. K. V. R. SWAMI :—" In answer to clause (c), it is said Government borrow money at 5 per cent, and according to clause (a) they lend it at $6\frac{1}{2}$ per cent ? Why do they make $1\frac{1}{2}$ per cent from the poor people ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That was so last year. For this year, we have not yet decided the rate, but we hope we may reduce it. "

Mr. K. V. R. SWAMI :—" Am I to understand that the rate will be something like 5 per cent ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It may not be 5 per cent but something more, because the Government of India themselves charge this Government 5 per cent. "

Mr. A. RANGANATHA MUDALIYAR :—" Is it that the difference goes to the Government for transacting the loans and for the maintenance of the establishment ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Partly. "

Fisheries

Increase in the staff of the Fisheries schools on the West Coast.

* 700 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to state—

(a) whether the strength in some of the schools managed by the Fisheries Department on the West Coast has increased ;

(b) if so, whether additional staff has been sanctioned ; and

(c) whether the District Educational Council, Malabar, has laid down that not more than two classes, the aggregate strength of which is 40 or less, shall be handled by one teacher ?

A.—(a) Yes.

(b) Additional staff recently asked for by the Director has not been sanctioned as yet.

(c) Yes.

Mr. A. B. SHETTY :—" May I know when the Director asked for additional staff ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Two months ago. "

Mr. A. B. SHETTY :—" Are the Government aware that the schools are suffering for want of sufficient staff ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Might be so. We will try to take necessary action. "

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Industries

Annual grants to the Victoria Jubilee Institute, Bombay.

* 701 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) the amount of annual grant made by Government to Victoria Jubilee Institute, Bombay ;

(b) the number of students, if any, in this institute from this province ; and

(c) whether any special facilities are given to such students ?

A.—(a) Rupees 200 per annum in respect of each Government scholar actually admitted to and studying in the institute.

(b) Thirty-four at present inclusive of 16 Government scholars.

(c) The contribution merely secures priority of admission to Government scholars. No 'special facilities' are given to them.

Mr. K. V. R. SWAMI :—" May I know how many students were sent by Government this year ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I think four. "

Mr. A. RANGANATHA MUDALIYAR :—" Were all the students only from Madras ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. "

Mr. K. V. R. SWAMI :—" Why ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because there were no suitable applicants from other places. "

Mr. G. HABISARVOTTAMA RAO :—" In view of the answer the hon. the Minister has just given, may I know whether he would investigate a scheme for establishing a similar institution in this Presidency ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We have investigated the matter. We have introduced a course of electrical engineering in the Trades School. We are also trying to have higher electrical engineering courses in the Madras Civil Engineering College, as soon as the new Professor is appointed. "

Annual grants to the Jamshedpur Technical Institute.

* 702 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) the amount of annual grant made by Government to the Jamshedpur Technical Institute ;

(b) the number of students, if any, studying in this institute from this province ; and

(c) what special facilities, if any, are given to these students ?

A.—(a) Rupees 6,000 per annum.

(b) Six.

(c) The contribution is made for reserving three seats in the institute for Madras students. No special facilities are given to these students.

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Mr. K. V. R. SWAMI :—" May I know the annual fees collected from each student ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice."

Mr. K. V. R. SWAMI :—" In answer to clause (a), it is said that Rs. 6,000 is given as a grant to the Jamshedpur Technical Institute. I want to know how much is collected from each student ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" This Government do not collect anything from the students at all. We simply pay a subsidy to the Institute."

Mr. K. V. R. SWAMI :—" What facilities does the institute give to the students ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" They pay Rs. 60 a month for each apprentice."

Excise

Location of toddy shops in Tanjore taluk.

* 703 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Minister for Public Health be pleased to state—

(a) what is the total number of toddy shops in the Tanjore taluk, Tanjore district; and

(b) how many of these are situated in, or in close proximity to, Kallar villages ?

A.—(a) Eighty.

(b) The Government have called for the information.

Mr. S. ARPUDASWAMI UDAYAR :—" In view of the large number of toddy shops in one taluk, may I ask the hon. the Minister whether he could reduce the number ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The question of the reduction of toddy shops is receiving consideration every year."

Public Health

Prevention of vagrant lepers in the city.

* 704 Q.—Mr. ABDUL HAMEED KHAN : Will the hon. the Minister for Public Health be pleased to state—

(a) what steps the Government have taken to prevent vagrant lepers begging on the roadside;

(b) what is the accommodation available for vagrant lepers in the Leper Asylum;

(c) whether the Government have any poor homes where the disabled beggars can be lodged and fed; and

(d) whether the Government have opened any work-houses for the poor beggars in the province?

A.—(a) The Government have not adopted any special measure to deal with vagrant lepers begging on the roadside. In the City of Madras begging or applying for alms or exposure of bodily ailment, wounds or sore, in any public street is an offence

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punishable under section 71 (xxi) of the Madras City Police Act, 1858. It is also punishable in mufassal areas where the Madras Towns Nuisances Act, 1889, is in force.

(b) It is not understood what leper asylum is referred to by the hon. Member. If the Tirumani Leper Settlement is meant, this is intended to accommodate about 500 lepers.

(c) & (d) The poor and disabled leper beggars who are admitted in the Tirumani Leper Settlement are lodged and fed there. The Government have not opened any poor homes or work houses for beggars but they aid certain institutions in the city as detailed in the annexure.^a

Mr. BASHEER AHMED SAYEED :—" May I know whether Government propose to extend the Lepers Act to this City ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" No idea at present."

Mr. BASHEER AHMED SAYEED :—" May I know if the Corporation of Madras have applied for funds for establishing a leper asylum in the City ? If so, how was the application disposed of by the Government ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" May I ask the hon. Member when the application was made."

Mr. BASHEER AHMED SAYEED :—" I should like to know from the hon. Minister whether he has received any application from the Corporation of Madras and how it was disposed of. I cannot furnish him information. I want information."

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I have not seen any application."

Mr. BASHEER AHMED SAYEED :—" May I know whether he will consider the application from the Corporation of Madras if it is made in future ? "

The hon. the PRESIDENT :—" That is hypothetical."

Mr. G. HARISARVOTTAMA RAO :—" With reference to the table in Appendix II of the answer, what is the actual grant that is being made to the Friend-in-Need Society ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Notice."

Rao Bahadur C. NATESA MUDALIYAR :—" Sir, with reference to the answer to clause (b), is it a fact that additional buildings are under construction at the Leper Settlement at Tirumani ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes."

Rao Bahadur C. NATESA MUDALIYAR :—" If it is completed, how many additional lepers will it accommodate ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I think three hundred or more."

Rao Bahadur C. NATESA MUDALIYAR :—" May I know the total number of lepers in this Presidency ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I cannot say. Notice."

^a Printed as Appendix II on page 676 infra.

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Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"In answer to clause (a), it is said, 'in the city of Madras begging or applying for alms or exposure of bodily ailment, wounds or sore, in any public street is an offence punishable under section 71 (xxi) of the Madras City Police Act'; may I know from the hon. Minister whether the section is enforced?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The section is there in the Act, and I take it the police will enforce it."

Rao Bahadur C. NATESA MUDALIYAR:—"If the section is enforced, will the Government be pleased to see that Government bears the charges for the lepers to reach the hospital or an asylum to which they must be escorted to?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"That is a matter which has to be considered when contingency arises."

Mr. BASHEER AHMED SAYEED:—"May I know from the hon. Minister whether he will direct the police to strictly enforce the section?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Medical opinion is divided on that matter. The hon. Member, Dr. Mallayya, said that leprosy is not contagious."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Minister is contemplating to make any law for preventing beggary in the streets of the city of Madras?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"There is the law already."

Mr. K. R. KARANT:—"Whatever may be the opinion of Dr. Mallayya, may I ask the hon. Minister whether it is not his intention to see whether the section is properly enforced in the city?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I referred to the opinion of Dr. Mallayya already. While medical opinion is divided on the point whether leprosy is contagious or not, the Government are not able to take any further action at present."

The hon. the PRESIDENT:—"I think questions are intended to enable hon. Members to ask for information available with the Government, and in answering questions, the Government can confine themselves to the information available with them. The question should not be of the nature of a resolution."

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Minister is aware that the Government refuse to make provision for extra accommodation in the jails for beggars who are taken and detained there?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I am not aware of it."

Mr. BASHEER AHMED SAYEED:—"Will he enquire into it, Sir?"

11-15 a.m. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I know whether it is not the opinion of expert medical men that leprosy is contagious?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Doubt like that seems to have been thrown on it in Dr. Mallayya's speech the other day."

Mr. K. V. R. SWAMI:—"Like what?"

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I ask for the expert views of medical men available to Government, but the hon. Minister refers to Dr. Mallayya's opinion."

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The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Government till now have been under the impression that leprosy of some kinds is contagious."

Mr. P. C. VENKATAPATHI RAJU:—"May I know whether the police are unable to enforce the section mentioned here owing to the diseases not being contagious?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The section is there. According to the President's ruling I cannot reply on matters of opinion."

Education

Appointment of Mr. Anwaruddin to the Madras Educational Service.

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

(a) whether one Mr. Anwaruddin was recently posted to the Madras Educational Service in the Department of Education;

(b) whether he was promoted overlooking the claims of a large number of people who have much longer service to their credit; and

(c) whether he has made enquiries and satisfied himself about the accuracy of Mr. Anwaruddin's statements as to his age, service, etc.?

A.—(a) Yes.

(b) Among the Muhammadan officers in the cadre of School Assistants he was the most senior for promotion to the Madras Educational Service. His work was also well reported on. Among Muhammadan officers in the cadre of Deputy Inspectors there are four officers who are seniors to Mr. Anwaruddin Sahib. Two of these have not passed the L.T. degree examination; while the record of another is reported to be unsatisfactory and the fourth is not considered suitable for the post of Headmaster, Government Madrasa-i-Azam.

(c) Yes.

Mr. T. ADINARAYANA CHETTIYAR:—"With reference to clause (c) of the answer, is it a fact that this officer while as headmaster has given a false statement of date of his entry into the Education Department as 1911 while he actually entered it only in 1919?"

The hon. Dr. P. SUBBARAYAN:—"As one holding a political appointment, in matters of this kind one must rely on the heads of departments. It is impossible for anybody to be in possession of the information which the hon. gentleman wants."

Mr. T. ADINARAYANA CHETTIYAR:—"It is not a question of politics or of politicians. It is a question of actual entry in the register—false or inaccurate records—by means of which the man gets into the selection grade, and later on into the Madras Educational Service on the basis of that false or inaccurate entry. Will the hon. the Minister enquire into the matter?"

The hon. Dr. P. SUBBARAYAN:—"I have been informed by the Director of Public Instruction that this particular gentleman entered the Subordinate Educational Service in 1911 and I have no facts in my possession to controvert that statement."

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Mr. T. ADINARAYANA CHETTIYAR :—" Will the hon. the Chief Minister be pleased to look into the Civil List prior to 1923 and find out for himself whether his entry into the Education Department was in 1919 only and not in 1911? It is a public record which is easily available to him."

The hon. Dr. P. SUBBARAYAN :—" In matters of this kind I prefer to be guided by the head of the department."

Sriman BISWANATH DAS Mahasaya :—" May I know whether the hon. the Minister will verify for himself from the public records, as to what the fact is."

The hon. the PRESIDENT :—" The question has been answered; the Minister said he would not look into them but would depend on the report of the Director of Public Instruction."

Mr. T. ADINARAYANA CHETTIYAR :—" Now the correctness of that information is questioned, can he not look into the records and find out the true facts?"

The hon. Dr. P. SUBBARAYAN :—" I will convey the information to the Director of Public Instruction and see what we could do to rectify the matter if it is as mentioned by the hon. Gentleman."

Mr. T. ADINARAYANA CHETTIYAR :—" As regards the extraordinary abilities of this officer as mentioned in clause (b) of the answer, is it a fact that he failed in B.A. five or six times and in L.T. the same number of times as Robert Bruce seven times?"

The hon. Dr. P. SUBBARAYAN :—" I have not got any calendars of the University of Madras or any information with regard to the number of times this particular gentleman appeared for the examinations of the University of Madras."

Mr. T. ADINARAYANA CHETTIYAR :—" But in view of the importance of the fact that he is a highly paid officer of the Government, will the Minister be pleased to enquire into the matter?"

The hon. Dr. P. SUBBARAYAN :—" The question of high pay is only a relative term."

Mr. BASHEER AHMED SAYEED :—" May I know whether it is not a fact that two of these officers, Periaswami and Abdur . . . who have not passed the L.T. were promoted to the Madras Educational Service?"

The hon. Dr. P. SUBBARAYAN :—" Notice."

Mr. T. ADINARAYANA CHETTIYAR :—" Sir, is it not a fact that if the basis on which this gentleman was taken into the selection grade was a false one other people who were his seniors would suffer in consequence?"

The hon. Dr. P. SUBBARAYAN :—" I am not in a position to answer this question till I have made the enquiry which I said I would make in reply to a previous question of the hon. Member."

Mr. BASHEER AHMED SAYEED :—" May I know whether the hon. the Minister proposes to promote all the dozen people who are senior to him but for the false entry of age and see that their grievances are redressed?"

The hon. Dr. P. SUBBARAYAN :—" I am not in a position to deal with that question."

[3rd October 1929]

Levy of fees at standard rates in Government colleges.

* 706 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the Education Department have issued orders that Government colleges should levy fees at standard rates;

(b) whether any exception has been made in the case of the Government College at Anantapur;

(c) whether it is a fact that this levy of high fees was urged by the Principals of aided colleges;

(d) what is the difference between the rates of fees in Government Colleges at Kumbakonam and Palghat and the first-grade aided college at Trichinopoly; and

(e) whether there is any proposal for a further revision of the existing scale of fees in Government schools and colleges?

A.—(a), (b) & (d) The rates of fees leviable in Government Colleges are those laid down in G.Os. No. 960, Education, dated 30th April 1928 and No. 1286, Education, dated 24th June 1929, published on pages 221 and 343 of Part I-B of the *Fort St. George Gazette*, dated 8th May 1928 and 2nd July 1929, respectively. The Government have no information regarding the rates of fees levied in the aided first-grade colleges at Trichinopoly.

(c) The Government are not aware that the levy of enhanced fees has been urged by Principals of aided colleges.

(e) The answer is in the negative.

Mr. S. ARPUDASWAMI UDAYAR :—" With reference to the answer to clauses (a), (b) and (d), may I know whether the mufassal Government Colleges, including the College at Anantapur, are for levying the rates of fees laid down in G.Os. Nos. 960 and 1286, Education?"

The hon. Dr. P. SUBBARAYAN :—" I am not acquainted with the working in detail of these orders, but if the hon. Member wants information I shall try to obtain it."

Purchase of site at Vizagapatam for constructing buildings for the Andhra University.

* 707 Q.—Mr. A. KALESWARA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether any steps have been taken to purchase sites at Vizagapatam for the buildings of the Andhra University and, if so, what they are;

(b) what is the probable cost of the said sites;

(c) how long it will take to shift the headquarters of the University from Bezwada to Vizagapatam; and

(d) why the headquarters has not yet been shifted from Bezwada?

A.—The question of securing sites for the construction of buildings required for the Andhra University at Vizagapatam is under consideration. The headquarters has not yet been shifted to Vizagapatam pending a decision on the question of accommodation.

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Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister whether a part of the Collector's office hitherto occupied by the Medical School is not available at present for the location of the University ? "

The hon. Dr. P. SUBBARAYAN :—" I will have to make an enquiry into the matter. "

Mr. D. NARAYANA RAJU :—" May I know whether it is not a fact that there was a Sites Committee appointed to go into the question ? "

The hon. Dr. P. SUBBARAYAN :—" There was a Sites Committee of the Andhra University. "

Mr. D. NARAYANA RAJU :—" May I know what was the proposal of that committee? Did they submit any proposals, and if so, what were they ? "

The hon. Dr. P. SUBBARAYAN :—" They have submitted proposals, they have suggested alternative sites, and the very costliness of the sites recommended by them has made Government ponder over the question, because the funds at our disposal will almost be swallowed up by the purchase of some of the sites recommended by the Sites Committee. "

Mr. D. NARAYANA RAJU :—" Is it not a fact that there was not even one member of the committee who was acquainted with the locality, and the committee consisted of members who were opposed to the transfer of the headquarters to Vizagapatam ? "

The hon. Dr. P. SUBBARAYAN :—" As I mentioned, the Sites Committee was one appointed by the Syndicate of the Andhra University. I am not in a position to state what the individual views of the particular members who sat on this committee were. "

Mr. A. RANGANATHA MUDALIYAR :—" In view of the heavy cost of acquiring sites, are the Government reconsidering or examining once more the question of headquarters ? "

The hon. Dr. P. SUBBARAYAN :—" No, Sir. There are other alternative sites that can be obtained at a reasonable cost where a proper residential university could easily be built. "

Mr. D. NARAYANA RAJU :—" May I know whether any provision is going to be made in the next budget ? "

The hon. Dr. P. SUBBARAYAN :—" The matter with regard to the grants that ought to be given to the Andhra University is still under correspondence between the Government of Madras and the Syndicate of the Andhra University. I hope the final decision with regard to this matter will be come to before the budget is prepared for 1930-31. "

Mr. G. HARISARVOTTAMA RAO :—" May I know with reference to the last part of the answer whether an attempt was made to get rented buildings for the time being ? "

The hon. Dr. P. SUBBARAYAN :—" I believe the Vice-Chancellor of the Andhra University has made attempts to get proper accommodation at Vizagapatam for the location of the University office. "

Mr. G. HARISARVOTTAMA RAO :—" May I know specifically whether an attempt was made to get buildings for rent for the time being ? "

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The hon. Dr. P. SUBBARAYAN :—" Yes ; several buildings were considered, but the rent asked by persons who owned them were so high that the Vice-Chancellor thought that it would not be within the financial equipment of the Andhra University to take up any of these buildings. "

Mr. P. C. VENKATAPATHI RAJU :—" In view of the disinclination of the Vice-Chancellor to move as evidenced by his correspondence with Government, will the Government entrust this business to the Collector of the district ? "

The hon. Dr. P. SUBBARAYAN :—" The Government have also asked the Public Works Department to try and secure accommodation for the Andhra University. "

Adult education scheme by the Depressed Classes Mission, Mangalore.

* 708 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Depressed Classes Mission, Mangalore, have submitted a scheme of adult education to the Director of Public Instruction ;

(b) whether he (the Minister) has referred to the scheme approvingly in his speeches on various occasions ; and

(c) whether the scheme has been sanctioned for 1929-30 ?

A.—(a), (b) & (c) The adult education scheme of the Depressed Classes Mission, Mangalore, has just been submitted to the Government by the Director of Public Instruction and is under consideration.

Adult education scheme by the Devadhar Malabar Reconstruction Trust.

* 709 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have passed orders on the scheme for adult education submitted by the Devadhar Malabar Reconstruction Trust ?

A.—The scheme was received too late for consideration in connexion with the budget estimate for 1929-30. It will be considered in connexion with the budget estimate for 1930-31.

Differential treatment of night and day schools for purposes of grant.

* 710 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government have issued instructions to the District Educational Councils to treat the night schools for purposes of grant as different from the day schools ?

A.—The answer is in the negative.

Mr. A. B. SHETTY :—" May I know whether the Government are aware that the Malabar District Educational Council has cut down their grants to night schools to 40 per cent ? "

The hon. Dr. P. SUBBARAYAN :—" The District Educational Councils have got to work with the amount at their disposal. Very likely, the amount at the disposal of the Malabar District Educational Council was such that they could not give whole grants to all the institutions that came up for grant. "

[3rd October 1929]

Local Boards*Bifurcation of the Chingleput Taluk Board.*

* 711 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether it is a fact that the hon. the Minister for Local Self-Government assured the President of the Chingleput Taluk Board three months ago that he would suspend the proposal to bifurcate if Mr. Muthuranga Mudaliyar agrees not to stand for re-election at the next election to the Legislative Council?

A.—No such assurance was given.

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether the Chingleput Taluk Board President and the Zamindar of Chunampet interviewed the hon. Minister at Octacamund with regard to this matter?”

The hon. Dr. P. SUBBARAYAN:—“That is so.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“What was the reply the Minister gave?”

The hon. Dr. P. SUBBARAYAN:—“I said that the question of bifurcation would be determined by Government as opportunities arise.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“Was not such a condition as that mentioned in the question imposed?”

The hon. Dr. P. SUBBARAYAN:—“As a matter of fact, the Zamindar seems to have been so enamoured or not enamoured of the hon. Gentleman that he said that if this bifurcation did not take place Mr. Muthuranga Mudaliyar would not stand for the Legislative Council.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“There was a Government Order and also a Gazette Extraordinary to the effect that there would be bifurcation on the 1st September 1926?”

The hon. Dr. P. SUBBARAYAN:—“For the simple reason that this question has been under consideration of Government from as far back as 1926.”

Mr. BASHEER AHMED SAYEED:—“May I know whether the Ministers are permitted to enter into bargains in connexion with public questions?”

The hon. Dr. P. SUBBARAYAN:—“No bargain was entered into.”

Notification of the election of Mr. M. Pallamraju as President of the Godavari District Board.

* 712 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the East Godavari District Board at its meeting held on 15th August elected Mr. M. Pallamraju as the president;

(b) why the same has not been published in the *Fort St. George Gazette* as yet;

(c) whether the fact of the election was made known to the Government forthwith as required by the rules;

(d) the reason for the delay in notifying the same in the *Gazette*; and

(e) whether the Government intend to see that the necessary notification about the election of the President, East Godavari District Board, is published in the next issue of the *Gazette*?

[3rd October 1929]

A.—(a) Yes.

(b) to (e) The notification regarding the election is reported to have been forwarded to Government on the 17th August, but this was not received here. On representations received from Mr. Pallamraju and from certain other members of the district board a copy of the notification was called for. This was received on the 12th September and was published in the *Fort St. George Gazette* of the 24th September.

Mr. K. V. R. SWAMI:—“With reference to the answer to (b) to (e), may I know by whom was it forwarded?”

The hon. Dr. P. SUBBARAYAN:—“By the Vice-President of the District Board.”

Mr. K. V. R. SWAMI:—“Is it a fact that the retiring Vice-President walked away with the notification?”

The hon. Dr. P. SUBBARAYAN:—“I am not aware of anything that happened in East Godavari district, being far away here in Madras.”

Mr. ABDUL HAMEED KHAN:—“In view of the fact that the Vice-Chairman has unnecessarily delayed sending the result of election for publication in the *Gazette* and thereby caused a good deal of inconvenience, will the Government make enquiries and take immediate action?”

The hon. Dr. P. SUBBARAYAN:—“The Government have no power to take any action on this matter.”

Mr. ABDUL HAMEED KHAN:—“To which party does that gentleman belong?”

The hon. Dr. P. SUBBARAYAN:—“I am not aware of the political complexion of the gentleman.”

Mr. K. V. R. SWAMI:—“May I know whether that gentleman was nominated by the Chief Minister?”

The hon. Dr. P. SUBBARAYAN:—“Notice.” (Laughter.)

Mr. G. HARISARVOTTAMA RAO:—“May I know whether there was any issue of the *Fort St. George Gazette* between the 12th and 24th September?”

The hon. the PRESIDENT:—“The information is available to the hon. Member.”

Municipalities*Alleged preparation of incorrect voters' lists in municipalities.*

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

(a) the municipalities in the Presidency from which complaints were received by Government that voters' lists were incorrectly prepared by the chairman concerned for the last two years;

(b) whether any enquiries were made; and

(c) what are the steps taken by Government to prevent such occurrences?

[3rd October 1929]

A.—(a) Complete information on the point is not readily available nor can it be collected without an undue expenditure of time and labour. Complaints were, however, received, among others, from the following :—

- | | |
|-----------------|-------------------|
| (1) Anantapur. | (6) Salem. |
| (2) Erode. | (7) Tiruppattur. |
| (3) Gudiyattam. | (8) Tiruvarur. |
| (4) Negapatam. | (9) Trichinopoly. |
| (5) Saidapet. | |

(b) In most of these cases necessary enquiries were made.

(c) In order to assist the Chairman in the proper preparation of the electoral roll Government issued a rule in 1928 requiring the Secretary, Manager or Revenue Officer of the municipality to certify that he had verified the entries in the roll with the demand and other registers and that every person whose name was entered in the roll had paid all the taxes due by him for the preceding year. They have also warned all officers who are entrusted with the duty of certifying to the accuracy of the electoral rolls that they would render themselves liable to prosecution under section 52 (2) of the Madras District Municipalities Act, 1920, by remissness in the discharge of that duty.

Mr. T. ADINARAYANA CHETTIYAR :—“ As regards clause (b) of the answer, may I know by whom and whether any independent enquiry was made ? ”

The hon. Dr. P. SUBBARAYAN :—“ The necessary enquiry was made by the Collector of the district concerned.”

Mr. T. ADINARAYANA CHETTIYAR :—“ May I know how many prosecutions were launched under section 52 (2) of the District Municipalities Act ? ”

The hon. Dr. P. SUBBARAYAN :—“ I am afraid I have not collected any information. So I must ask for notice.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Will the hon. the Minister be pleased to obtain the information in regard at least to the municipalities mentioned in the answer to (a) ? ”

The hon. Dr. P. SUBBARAYAN :—“ As I have said, complete information on this question is not readily available, and it will not be easy to collect such information. I do not think it would be worth while collecting the information in view of the labour involved.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Then what is the remedy for the rate-payers if on these incorrect lists elections are held and desirable people are kept out of such local bodies ? ”

The hon. Dr. P. SUBBARAYAN :—“ It is that question which is under consideration, and that is the reason why in the new Bill the question of elections has been left to outside authorities.”

Mr. T. ADINARAYANA CHETTIYAR :—“ With regard to (a), is Tiruvannamalai one of the municipalities from which such complaints have come in large numbers ? ”

The hon. Dr. P. SUBBARAYAN :—“ I cannot specifically say whether Tiruvannamalai is one of the cases. I think from Tiruvannamalai also we have had certain complaints.”

3rd October 1929]

Executive Council

Publication of the Madras Government Business Rules.

* 714 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR : Will the hon. Member for Revenue be pleased to state—

(a) whether copies of the rules made by His Excellency the Governor for the conduct of business with His Executive Council and the Ministers have been published in the *Fort St. George Gazette* and made available to the Members of the Legislative Council and also incorporated in the “Local Rules and Orders Volume”;

(b) if not, whether the Government have any objection to do so in future;

(c) whether the Madras Government in issuing any publication containing rules, executive or statutory, follow strictly the practice of giving information by foot-notes to the source or authority for each amendment embodied in the modified edition of the rules; and

(d) if not, whether the Government will consider the advisability of issuing instructions to the above effect to the officers entrusted with the editing and publishing of such rules, codes or manuals?

A.—(a) No.

(b) The Government do not consider that the Madras Government Business Rules should be published and incorporated in the Local Rules and Orders. They are intended for official use only.

(c) Foot-notes showing the authority for amendments are given wherever they are found necessary or suitable.

(d) The Government do not find it necessary to issue any instruction in the matter to the officers concerned.

Mr. C. S. GOVINDARAJA MUDALIYAR :—“ May I know, with regard to the answer to clause (c), why should not these foot-notes be given invariably, Sir ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ They are given whenever the Government think them necessary or suitable.”

Mr. C. S. GOVINDARAJA MUDALIYAR :—“ My question is why foot-notes to all the amendments are not given ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ I will have the matter examined again.”

Mr. D. NARAYANA RAJU :—“ May I know whether a copy of the Business Rules will be made available in the Council library for the use of the Members ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ The decision rests with His Excellency the Governor.”

Diwan Bahadur B. N. AROGYASWAMI MUDALIYAR :—“ These rules are made by the Governor under section 45 of the Government of India Act. May I know the reason why Government do not make them available to the public ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ It is for His Excellency the Governor to decide. I do not think questions on this matter can be raised in this House.”

[3rd October 1929]

11-30
a.m.

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the Government have any objection to advise His Excellency regarding the desirability of publishing these rules ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I am not prepared to advise His Excellency to deviate from the practice followed by his predecessors in this matter. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know why the Government object to publishing these rules and placing them on the table of the House when similar rules made by the Government of India and the Secretary of State have been laid on the table of the House of Commons ? "

The hon. the PRESIDENT :—" The answer has been given that the publication of these rules is not a concern of the local Government and that it is a concern of His Excellency the Governor. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" It is the concern of the local Government. "

The hon. the PRESIDENT :—" But the answer given is not to that effect. "

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" My point is that "

The hon. the PRESIDENT :—" The hon. Member may differ from the answer given. "

Mr. BASHEER AHMED SAYEED :—" May I know whether the hon. Member will examine the question whether this is a concern of the local Government or not ? "

The hon. the PRESIDENT :—" It has been answered. "

Economic Condition

Losses sustained by fire in Kokudi village, Udaiyarpalaiyam taluk.

*715 Q.—Mr. S. ARPUDASWAMI UDAYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the village of Kokudi, Udaiyarpalaiyam taluk, Trichinopoly district, has been burnt to ashes several times during the last two years ;

(b) whether any enquiry has been held either by the Police or the Revenue officers and whether such enquiries have resulted in the real causes of incendiarism being known and the real offenders being arrested and prosecuted ;

(c) whether petitions have been submitted by the sufferers to the proper authorities praying for relief ;

(d) whether it is a fact that the inhabitants of the village belong to backward and depressed classes ;

(e) whether it is a fact that the people whose houses have been burnt down have applied for loans from Government free of interest for ten years ; and

(f) what relief has been so far afforded and what steps have been taken to effectively check further acts of incendiarism ?

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A.—(a) There have been some outbreaks of fire in the village since March 1928. Forty-two houses caught fire on 28th July 1928, and eleven more on 1st August 1928. There were similar occurrences at intervals from March to July 1928.

(b) The Collector of Trichinopoly reported on 18th March 1929 that the cause of the fires was still unknown. The Police, who investigated the matter had reason to suspect four or five persons but did not find sufficient evidence to charge them.

(c) A petition from one Samuel Servay was received by the Government on 20th June 1929. The Government are not aware whether petitions were submitted to the local authorities.

(d) They are mostly Christians.

(e) Out of the 94 affected persons 46 were reported to be willing to take loans under the Agricultural Loans Act provided the rate of interest was fixed at 3 per cent.

(f) The Collector placed a sum of Rs. 50 from his discretionary grant at the disposal of the Revenue Divisional Officer for distribution among the poorest sufferers, and called for proposals for the free grant of materials. The persons affected declined these grants and asked for money. There being no means of ensuring that gifts of money would be properly utilized the Collector refused to make any further disbursements and informed the sufferers that he would grant them loans under the Agriculturists Loans Act if they applied for them and expressed their willingness to pay interest at the usual rate of $6\frac{1}{4}$ per cent. The Subdivisional Magistrate, Ariyalur, has been instructed to prevent if possible a recurrence of these fires.

Mr. S. ARPUDASWAMI UDAYAR :—" With reference to clause (f), in view of the fact that the discretionary grant placed at the disposal of the Collector is very limited, may I know whether the hon. the Revenue Member will recommend the sanction of a bigger amount being placed at the disposal of the Collector ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I will ask the Collector whether he considers it necessary to give more grants but I believe his discretionary grant exceeds Rs. 50. "

Mr. ABDUL HAMEED KHAN :—" May I know whether these outbreaks were accidental or the acts of incendiaries ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The answer to clause (b) is that the cause of the fire is unknown. "

Mr. ABDUL HAMEED KHAN :—" May I know whether the Government have instituted any enquiry with regard to these fires ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice if the information required relates to the period after March 1929. "

Irrigation

[3rd October 1929]

Protective works regarding the sliding of the Godavari bank near Kapileswarapuram Agraharam.

*716 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to question No. 106, dated 8th August 1929, regarding protective works with regard to the sliding of the Godavari bank near Kapileswarapuram Agraharam—

(a) when the estimates referred to in clause (b) of the answer were sanctioned and whether the works of protecting slips and of connecting the high level 'paya' with the river, and the work of revetment have been begun and completed and if so, when;

(b) whether the works referred to in the answer to clauses (c) and (d) of the question include revetment, brush-wood, and renewal of nanal and if so, whether the said works have been taken up; and

(c) whether the works were taken up and completed in proper time?

A.—(a) The estimates were sanctioned in February and April 1929, but the works have not been completed. Materials are being conveyed for the work of protecting the slips. The work cannot be carried out until the floods in the river go down.

(b) & (c) The works included a diversion bank opposite to one of the slips mentioned in the answer to clause (a) of question No. 106 with nanal roller revetment for the river side face of it. The work has been completed and the nanal has grown well. There has been no further slip in the locality during the recent floods.

Mr. K. V. R. SWAMI:—"With reference to the answer to clause (a) of this question, may I enquire whether the work will be finished in the current year?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will enquire."

Investigation of the Yeleru project.

*717 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to question No. 1720, dated 14th March 1929, regarding the investigation of the Yeleru project whether the aqueduct mentioned in the second paragraph of the answer to clause (d) of question No. 1720 answered on 14th March 1929 has been taken up and if not, why not?

A.—No. The design is being revised and a revised estimate is under preparation by the Superintending Engineer.

Investigation of the Yeleru project.

*718 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to answer to question No. 1720 answered on 14th March 1929 regarding the investigation of the Yeleru project—

(a) whether the investigation referred to in clause (d) has been completed;

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(b) if so, whether the report of the investigation will be placed on the table;

(c) whether the Government have passed any orders thereon and, if so, to what effect; and

(d) whether the Government would decide upon an effective step to prevent further damages by floods?

A.—(a), (b) & (c) The investigation has not yet been taken up. The Superintending Engineer, Dowlaishweram Circle, proposes to visit the area before issuing instructions for the investigation of the scheme.

(d) The measures to be adopted depend on the results of the proposed investigation.

Effective drainage of the Yeleru water.

*719 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state, with reference to question No. 1720, dated 14th March 1929, regarding the effective drainage of Yeleru water—

(a) whether investigation of the question has been taken up and completed;

(b) if so, what the result is; and

(c) what the cost of the estimate prepared in 1925 to divert the Yeleru (in East Godavari) east of the delta so as to pass straight from Samalkota to Vankalapudi and what the contribution that was expected from the Maharaja of Pithapuram was?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to clause (a) of question No. 718.

(c) No estimate was prepared. It has since been reported that the Maharaja of Pithapuram was asked to contribute, not towards the cost of the diversion of the Yeleru drain to the east of the delta, but towards the cost of an aqueduct across the Cocanada irrigation channel to pass the surplus discharges of the Biicavole and the Yeleru drains at Kovvur within the delta.

Public Service

Appointments on Rs. 500 and above held by Indians in the Madras Secretariat.

*720 Q.—Mr. A. KALESWARA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) how many appointments in the Government Secretariat above Rs. 500 per month are held by Indians and how many above Rs. 150 per month; and

(b) how many of them are held by Andhras?

A.—(a) Sixteen on Rs. 500 and above and 82 on Rs. 150 and above but below Rs. 500 per mensem.

(b) Three of the former and one of the latter are held by Andhras.

Mr. D. NARAYANA RAJU:—"May I know whether the Government propose to take any steps to remedy the present state of affairs?"

The hon. Mr. A. Y. G. CAMPBELL:—"The Government do not propose to take any steps."

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Mr. D. NARAYANA RAJU :—" Why are there very few Andhras ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not know why there are so few Andhras. Possibly there were few applications from Andhras. I will enquire into the matter."

Number of Andhra Superintendents and clerks in the Madras Secretariat and Council Office.

* 721 Q.—Mr. A. PARASURAMA RAO : Will the hon. the Member for Revenue be pleased to state the number of Andhra Superintendents and clerks (permanent) in the Legislative Council office and in each department of the Secretariat?

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

Mr. A. PARASURAMA RAO :—" May I know whether the Andhra gentlemen referred to in the appendix to this answer were recruited ? "

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

Mr. A. RANGANATHA MUDALIYAR :—" In view of the fact that the papers dealt with by the Secretariat sometimes contain documents in different languages, will the hon. the Revenue Member consider the desirability of equitably distributing the appointments with reference to language ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I will consider the matter."

Survey

Alleged grievances of the temporary subordinates in the Central Survey Office.

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

(a) whether it is a fact that graded pay for temporary subordinates of the Central Survey Office was passed in G.O. No. 971, dated 18th December 1925, after cancelling the time-scale granted to them;

(b) whether these temporary grades have been given for temporary men as per above Government Order and if not, why not;

(c) whether it is a fact that the draughtsmen subordinates of Central Survey Office submitted memorials on 19th April 1926 (soon after the graded system was given effect to from 1st March 1926) representing their grievances through the Director of Survey and whether the said memorials were delayed by the Assistant Director of Survey, Central Survey Office, before submitting them to Government for about one year and seven months and if so, why there was so much delay;

(d) whether it is a fact that the Officer in charge of Central Survey Office has totally ignored the procedure adopted (for a long time) in giving promotions in that department with reference to service, conduct and capacity as stated by the Director of Survey in U.O. note R.O.C. No. 87 G.F. (paragraph 4), dated 14th April 1923, in G.O. No. 971, dated 18th December 1925;

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(e) why qualified draughtsmen who have put in a service of 25 years without any adverse remarks in their records of service are ignored when promotions are given and men of short service are preferred;

(f) whether it is a fact that a permanent vacancy in the draughtsman's grade in the Central Survey Office was conferred in the month of April last on a junior draughtsman when there were many persons who have completed 25 years' service and have passed the departmental test, and if so, what were the reasons for that promotion; and

(g) whether it is a fact that the qualified draughtsmen of Central Survey Office memorialized to the Board of Revenue on 25th July 1927 and 25th May 1928 and to the Government on 19th April 1926 and 15th October 1926, and if so, what action has been taken on those memorials?

A.—(a) In 1923 the graded pay system was restored in the case of all temporary establishments in the Survey department and in 1925 the Government fixed the maximum normal strength for the temporary establishment of the Central Survey Office and of a survey party.

(b) The temporary men are placed in the sanctioned grades but some of the permanent staff hold temporary posts in the higher grades in the following circumstances. A large temporary staff is employed as the work in the Survey department is likely to be reduced in course of time. Owing to the limited strength of the permanent staff it takes a long time for a man holding a temporary post to obtain a permanent post, and though on confirmation he has to start on the minimum pay of the permanent post, he has in most cases been holding a temporary post on higher pay; after appointment to a permanent post he continues to hold a temporary post on higher pay in consideration of his experience and efficiency and of the length of his service.

(c) Certain memorials presented in or about April 1926 were lost in the office of the Director of Survey.

(d) & (e) The Director of Survey gives due consideration to seniority and efficiency and fills vacancies in the permanent establishment by appointing the best qualified men among the temporary employees.

(f) The Government have not the information.

(g) In 1927 the temporary draughtsmen of the Central Survey Office submitted memorials to the Government in which they requested that the time-scale of pay should be re-introduced and that an appreciable number of temporary employees of long service should be confirmed. In the order passed on the memorial (G.O. No. 1447, Revenue, dated 4th July 1928) the Government have explained in detail why the requests made in the memorial could not be granted. A copy of the order ^a is laid on the table. A copy of G.O. Rout. No. 60, Revenue, dated 21st January 1929, ^b on the memorial dated 15th October 1928 submitted by the temporary draughtsmen is also laid on the table.

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Mr. C. V. VENKATARAMANA AYYANGAR :—" With reference to (c), may I know whether the Government have made any attempt to get copies of the memorials that were lost ? "

The hon. Mr. A. Y. G. CAMPBELL :—" As far as I remember, the memorialists sent copies of the memorial to Government and in any case memorials from the same people were considered later. "

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether, in view of the fact that in other departments many temporary officers have been confirmed and in view of the fact that there are a large number of temporary men, the Government will be pleased to make some of these men permanent ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I am afraid we cannot entertain that proposal for the reasons which are explained in the Government Order. The operations of the Survey Department will, we hope, be materially reduced after some time and if we have a large number of permanent officers we will have to incur unnecessary expenditure of Government money on the payment of pensions or gratuities. "

Rao Bahadur C. NATESA MUDALIYAR :—" Is it a fact that in this department there are draughtsmen-clerks and others who have put in 35 years' service as temporary men ? "

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

Rao Bahadur C. NATESA MUDALIYAR :—" Is it a fact that after they have served for thirty years they are sent home without any gratuity or pension ? "

The hon. Mr. A. Y. G. CAMPBELL :—" If they were in the temporary service they would not be eligible for any gratuity or pension. "

Rao Bahadur C. NATESA MUDALIYAR :—" May I ask whether the Government will be pleased to see whether these people after putting in a service of twenty or twenty-five years can be treated on a par with men in permanent service and given gratuity or pension ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think that could be undertaken. The rates paid for temporary service are different from those paid for permanent service and in fixing the former the fact that temporary men are not eligible for pensions or gratuities is taken into consideration. "

Mr. ABDUL HAMEED KHAN :—" May I know whether the Government are contemplating to treat these men as permanent men instead of temporary ? "

The hon. Mr. A. Y. G. CAMPBELL :—" There is no such thing under contemplation at present. "

Forests

Free grazing in the reserves of South Kanara.

* 728 Q.—Mr. A. B. SHETTY : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that ryots living near reserves in South Kanara are compelled by forest guards to take grazing permits for their cattle; and
(b) whether the Government have considered at any time the question of making grazing free in the reserves ?

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A.—(a) Permits should be taken by persons who wish to graze their cattle in the reserved forests. Others need not and cannot be compelled to do so.

(b) Yes, in 1913. The Government decided then that grazing fees should not be abolished.

Mr. A. B. SHETTY :—" Is it a fact that whenever there is a fall in the number of permits granted the forest guards are found fault with and they in their turn resort to various means to compel people to take permits ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Not likely; but I want notice to give an accurate answer. "

Mr. A. B. SHETTY :—" With reference to (b), may I know whether the Government will be pleased to reconsider the matter. "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. "

Mr. G. HARISARVOTTAMA RAO :—" May I know what the considerations were that induced the Government in 1913 not to abolish grazing fees ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was a committee with Mr. Horne as Chairman and Mr. Kesava Pillai and others as members which went into the whole question exhaustively and their opinion the Government accepted. "

Mr. K. V. R. SWAMI :—" Does the hon. Member think that that report should hold good for ever ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It holds good now. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether they recommended that grazing fees should be imposed for all time and in all districts ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They reported that grazing fees should be imposed. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether they did not give certain conditions under which grazing fees should be imposed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice. "

Improvement of grazing in South Kanara forests.

* 724 Q.—Mr. A. B. SHETTY : Will the hon. the Law Member be pleased to state—

(a) whether the Forest department has ever made any efforts to improve grazing in the forests of South Kanara by introducing either fresh varieties of grass or by improving the strains of existing grass; and

(b) whether the Government have ever considered how the existing grazing areas in the reserves in South Kanara could be better utilized than at present for grazing purposes ?

A.—(a) & (b) No. The Agricultural Advisory Committee is at present considering the question with reference to the whole Presidency.

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Mr. R. N. NAGAN GOWDA :—" May I know whether the Agricultural Advisory Committee have finished considering the question of improving the grazing facilities? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Motor Vehicles Act

Appointment and duties of Bus Inspectors.

* 725 Q.—Mr A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(a) the names of districts in which Bus Inspectors have been appointed so far;

(b) whether these are permanent appointments and if not, whether the Government propose to make them permanent;

(c) what duties have been assigned to Bus Inspectors; and

(d) whether they have been authorized to report cases of rash and negligent driving, overloading and mechanical defects noticed in buses and cars plying for hire at any time after the brake certificate is issued?

A.—(a) Madura cum Ramnad, Malabar, Tinnevely, Coimbatore, South Kanara, Salem, North Arcot, Tanjore, the Nilgiris, Nellore, Ganjam, West Godavari, Chittoor, East Godavari, Vizagapatam, Kistna and Trichinopoly.

(b) No. These appointments are made temporarily for one year in the first instance and are extended from time to time according to the circumstances of each case. The Government do not propose to make them permanent at present.

(c) The attention of the hon. Member is invited to the answer to question No. 1281 given on the 1st February 1929.

(d) No.

Mr. A. B. SHETTY :—" With reference to clause (d) of this question, may I know whether the Government have considered the advisability of assigning to the Bus Inspectors the duties mentioned in it? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir. The Government have considered it."

Mr. ABDUL HAMEED KHAN :—" May I know why the Government have not thought it necessary to appoint Bus Inspectors permanently in view of the large increase in the number of buses? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is under consideration."

Mr. ABDUL HAMEED KHAN :—" May I know when the Government will be pleased to appoint them permanently? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is not possible for me to say at present."

[3rd October 1929]

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

II

THE MALABAR TENANCY BILL.

Clause 10.

* The hon. the PRESIDENT :—" The Council will now proceed with the consideration of the Malabar Tenancy Bill.

" Mr. Uppi Sahib will continue his speech on his amendment to clause 10."

* Mr. K. UPPI SAHIB :—" Mr. President, the object of my amendment is to extend to the actual cultivating verumpattam tenants of Malabar the benefits which this Bill is going to confer on kanamdars and other tenants. After this Bill becomes law the cultivating verumpattamdar would be permanently fixed to the soil, a slave as it were of the soil. The summary procedure and also the provision with regard to rent give the janmi a very powerful and heavy engine and the Government seem to be very particular about these. I wish to show the cultivating verumpattamdars some mercy by giving them the option to come under this Act or not. That is the object of my amendment and I place it before the House for its kind consideration."

* The hon. the PRESIDENT :—" The amendment is lost for want of a seconder."

* Mr. K. R. KARANT :—" Mr. President, Sir, I move—

'That in line 4 the words 'as hereinafter provided' be inserted between the words 'his holding' and the words 'and shall'.

" My object is to show that it is not an absolute fixity of tenure but only a qualified fixity that is described in this chapter. I believe that this amendment will make the meaning clearer."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, as it makes the meaning clearer, I have no objection to accept the amendment."

The amendment was adopted.

* Mr. J. A. SALDANHA :—" Sir, I beg to move the following amendment :—

'Add after the words "cultivating verumpattamdar" the words "customary verumpattamdar, kanamdar, kuzhikanamdar and every other cultivating tenant".'

'Add the following proviso at the end :—

"Provided that every such tenant shall within a year this Act comes into force make to the landlord a payment of a sum equivalent to ten times the revenue payable in respect of his holding in a lump sum or in twelve equal annual instalments."

"Provided further that every such tenant shall be liable to pay such rent or michavaram as has been agreed upon between the tenant and his landlord, until it is altered as provided for hereinafter."

" Sir, the Select Committee has given fixity of tenure to the cultivating verumpattamdar without even an application from him. It follows that other cultivating tenants also should have the same fixity of tenure as a logical consequence. I see no reason why the same concession should not be given

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Mr. R. N. NAGAN GOWDA :—" May I know whether the Agricultural Advisory Committee have finished considering the question of improving the grazing facilities? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Motor Vehicles Act

Appointment and duties of Bus Inspectors.

* 725 Q.—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state—

(a) the names of districts in which Bus Inspectors have been appointed so far;

(b) whether these are permanent appointments and if not, whether the Government propose to make them permanent;

(c) what duties have been assigned to Bus Inspectors; and

(d) whether they have been authorized to report cases of rash and negligent driving, overloading and mechanical defects noticed in buses and cars plying for hire at any time after the brake certificate is issued?

A.—(a) Madurai cum Ramnad, Malabar, Tinnevely, Coimbatore, South Kanara, Salem, North Arcot, Tanjore, the Nilgiris, Nellore, Ganjam, West Godavari, Chittoor, East Godavari, Vizagapatam, Kistna and Trichinopoly.

(b) No. These appointments are made temporarily for one year in the first instance and are extended from time to time according to the circumstances of each case. The Government do not propose to make them permanent at present.

(c) The attention of the hon. Member is invited to the answer to question No. 1281 given on the 1st February 1929.

(d) No.

Mr. A. B. SHETTY :—" With reference to clause (d) of this question, may I know whether the Government have considered the advisability of assigning to the Bus Inspectors the duties mentioned in it? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Yes, Sir. The Government have considered it."

Mr. ABDUL HAMEED KHAN :—" May I know why the Government have not thought it necessary to appoint Bus Inspectors permanently in view of the large increase in the number of buses? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is under consideration."

Mr. ABDUL HAMEED KHAN :—" May I know when the Government will be pleased to appoint them permanently? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is not possible for me to say at present."

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II

THE MALABAR TENANCY BILL.

Clause 10.

* The hon. the PRESIDENT :—" The Council will now proceed with the consideration of the Malabar Tenancy Bill.

" Mr. Uppi Sahib will continue his speech on his amendment to clause 10."

* Mr. K. UPPI SAHIB :—" Mr. President, the object of my amendment is to extend to the actual cultivating verumpattam tenants of Malabar the benefits which this Bill is going to confer on kanamdars and other tenants. After this Bill becomes law the cultivating verumpattamdar would be permanently fixed to the soil, a slave as it were of the soil. The summary procedure and also the provision with regard to rent give the janmi a very powerful and heavy engine and the Government seem to be very particular about these. I wish to show the cultivating verumpattamdars some mercy by giving them the option to come under this Act or not. That is the object of my amendment and I place it before the House for its kind consideration."

* The hon. the PRESIDENT :—" The amendment is lost for want of a seconder."

* Mr. K. R. KARANT :—" Mr. President, Sir, I move—

'That in line 4 the words 'as hereinafter provided' be inserted between the words 'his holding' and the words 'and shall'.

" My object is to show that it is not an absolute fixity of tenure but only a qualified fixity that is described in this chapter. I believe that this amendment will make the meaning clearer."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, as it makes the meaning clearer, I have no objection to accept the amendment."

The amendment was adopted.

* Mr. J. A. SALDANHA :—" Sir, I beg to move the following amendment :—

'Add after the words "cultivating verumpattamdar" the words "customary verumpattamdar, kanamdar, kuzhikanamdar and every other cultivating tenant".'

'Add the following proviso at the end :—

"Provided that every such tenant shall within a year this Act comes into force make to the landlord a payment of a sum equivalent to ten times the revenue payable in respect of his holding in a lump sum or in twelve equal annual instalments."

"Provided further that every such tenant shall be liable to pay such rent or michavaram as has been agreed upon between the tenant and his landlord, until it is altered as provided for hereinafter."

" Sir, the Select Committee has given fixity of tenure to the cultivating verumpattamdar without even an application from him. It follows that other cultivating tenants also should have the same fixity of tenure as a logical consequence. I see no reason why the same concession should not be given

[Mr. J. A. SALDANHA]

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to the cultivating kanamdars and other cultivating tenants. I have therefore moved this amendment to give this privilege to all classes of cultivating tenants such as customary verumpattamdar, kanamdar, kuzhikanamdar, etc.

"The other condition that is attached is a very simple one. Without the cultivating kanamdars having to pay renewal fee every 12 years, I have provided that they should pay 10 times the revenue annually payable in a lump sum or in 12 equal instalments. Once they make this payment I give them fixity of tenure for all time. This is also very reasonable because we have not got to insist on the cultivating tenant paying renewal fee every now and then. I hope this amendment will commend itself to the Government as well as to the non-official Members of the House."

Mr. ABDUL HAMEED KHAN :—"I second it."

1-45
a.m.

* Mr. MAHMUD SCHAMNAD :—"I oppose this amendment. If it is carried out, the janmis will be reduced to the position of an ordinary men and their prestige will disappear altogether. If the kanamdar, the kuzhikanamdar and everybody else gets fixity of tenure, then the janmis' position will be ridiculously low in the eyes of the people. I have not seen any other single amendment so far proposed which is so revolutionary and so confiscatory in its nature as this. I therefore oppose this amendment."

The amendment was put and negatived.

The hon. the PRESIDENT :—"The question is that clause 10, as amended, shall stand part of the Bill."

The motion was adopted and the clause was allowed to stand part of the Bill.

Clause 11.

* The hon. the PRESIDENT :—"The question is that clause 11 shall stand part of the Bill."

The motion was adopted and the clause was allowed to stand part of the Bill.

Clause 12.

Sub-clause (i).

* The hon. the PRESIDENT :—"I do not see how this amendment (No. 137 on the printed paper) is relevant. Will the hon. Member explain how it is relevant to the words 'to the extent of holding'?"

* Mr. E. SANKARAN UNNI :—"Sir, the necessity for this amendment is this: The clause as it stands does not limit the extent of the holding which a man may have. There are wet and dry lands as well as garden lands, all clubbed together in one and the same holding and it so happens that there are very extensive areas of dry lands in some cases, which are not necessary at all for the cultivation of the wet lands. I therefore suggest all dry and garden lands exceeding one-seventh of the area of the wet land may be excluded from the grant. The House will remember that any party may apply at any time and unless the extent of land to be given to a cultivator as dry land or garden land necessary for cultivation is reduced, very extensive areas of dry lands may be given over to the cultivating tenants who after all may not be able to cultivate or reclaim such lands."

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* Mr. K. R. KARANT :—"May I rise to a point of order? This House has come to a decision under clause 10 to give fixity of tenure in respect of the whole holding, and I submit that the House cannot vary its decision again. My hon. Friend is trying to defeat the object of clause 10."

* The hon. the PRESIDENT :—"This is a clause which exists in the Bill as it is drafted. That means clauses 10 and 11 will have to be read together."

* Mr. K. R. KARANT :—"The Council has decided, by giving its vote on clause 10, to give the cultivating tenant fixity of tenure."

* The hon. the PRESIDENT :—"That question is not debated there."

* Mr. K. R. KARANT :—"The House decided in respect of the whole holding whatever be the extent of dry lands. That was clearly a change made by the Select Committee. The original clause in the Bill as moved in the Council is that it should not exceed one-seventh. More or less my hon. Friend is trying to modify the decision of Select Committee and say that the clause should not apply to the whole holding. This Council has decided by clause 10 that it should apply to the whole holding, and therefore no question of varying the extent arises at this stage. Any amendment of that nature practically defeats the vote of this House on clause 10."

* Mr. S. ARPUDASWAMI UDAYAR :—"On the question of relevancy, I want to say one or two words."

* The hon. the PRESIDENT :—"Now we are on the point of order. The question of relevancy was already finished."

* Mr. S. ARPUDASWAMI UDAYAR :—"On the question of point of order I want to say this. Under the definition of 'holding' you will find 'holding' means a parcel or parcels of land held under a single engagement by a tenant from a landlord and shall include any portion of a holding as above defined, which the landlord and the tenant may agree to treat as a separate holding; therefore no question of relevancy or point of order arises."

The hon. the PRESIDENT :—"I think the amendment is in order. My reason is that if it is carried both the clauses will have to be read together so as to give a consistent meaning. I note that there was a corresponding provision, viz., clause 6, sub-clause (b), in the Bill as introduced and the hon. Member is only attempting to re-introduce it. Under clause 10 the question was not expressly debated and voted upon."

* Mr. E. SANKARAN UNNI :—"I beg to move—"

"That in sub-clause (i) of clause 12 after the word 'extent' the words 'and description' be inserted and the following be added as proviso to sub-clause (i):—"

"Provided that dry or garden lands, if any that are deemed necessary for the convenient enjoyment of the wet lands in the holding shall not exceed in extent one-seventh of such wet lands."

"The first portion of my amendment, viz., the description of the holding does not require much elaboration. A statement as to whether the lands that are included in the holding are single crop lands or double crop lands will be useful. All these questions had better be settled at the first opportunity

[Mr. E. Sankaran Unni]

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Large extents of land, especially dry lands are attached to small pieces of wet lands. That method has been adopted by the landlords as a means of protecting their lands from being trespassed upon by their neighbours. As a matter of fact these dry lands are seldom intended to form part and parcel of the holding. The tenants pay very little rent to the landlord for these dry lands. The matter deserves the attention of the House from a broader standpoint. The verumpattam tenants on whom you are conferring fixity of tenure are not in a position to reclaim their properties and make them cultivable. These extensive tracts which are included in the lease will have to remain unclaimed and uncultivated. Large and extensive tracts of dry lands have been included in verumpattam leases and if these are released then there is every likelihood of the landlord reclaiming those lands; at least, he may give them to others who are in a position to bring them under cultivation. It may surprise the House to know that in a certain lease I have seen 13 acres of wet land and 169 acres of dry land have been mixed together. The latter is not necessary for the cultivation and convenient enjoyment of the wet land. As a matter of fact these dry lands are not used for the benefit of the wet lands. Therefore the House will have to consider whether such large and extensive tracts are necessary. In many cases it may be a burden to the tenant. Under clause 8 which we have already passed he will have to pay three times the revenue to the janmi as fair rent. I want also in this connexion to place this very relevant fact before the House, viz., that at present very little is paid by the tenants for these large tracts of land which have been included in their leases. Now if the House is going to impose upon the tenant the liability to pay three times the revenue, as fair rent, we shall be imposing upon him a tremendous liability that will break his back. In your anxiety to give concessions to the tenant do not forget to exercise your discretion as to whether he will be able to pay the rent that has been fixed."

Mr. K. R. KARANT :—"What is the amount of rent that he pays?"

Mr. E. SANKARAN UNNI :—"He is now paying Re. 1-2-0 for the entire block of dry lands. If you are going to impose upon him three times the revenue you will be imposing a very heavy liability which he will not be able to bear. If you do not accept this amendment you will be really doing a disservice to the tenants' cause."

(Voices : What is the Government revenue?)

Mr. E. SANKARAN UNNI :—"I do not know. It will not be less than As. 6 per acre. In all likelihood the tenant will have to pay hereafter Rs. 2. If the House thinks that it will be helping the cause of the verumpattamdars by voting for the clause as it stands without accepting my amendment, it is welcome to do so."

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD :—"I second it."

Several hon. Members :—"The amendment has not been seconded."

* The hon. the PRESIDENT :—"Mr. Narayanan Nambudripad has seconded the amendment. I am quite certain that the amendments moved by the hon. Member, Mr. Sankaran Unni, will be seconded either by the Muppil Nayar of Kavalappara or by Mr. Narayanan Nambudripad."

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* Mr. K. P. RAMAN MENON :—"Sir, the amendment wants that, while giving fixity of tenure to the tenants, the whole extent of dry or garden lands which the tenant is using, should be scrapped and that the tenant should be given dry lands to the extent of only one-seventh of wet lands. Take the instance given by the hon. Mover. Thirteen acres of wet land are clubbed together with 169 acres of dry land. He stated that six annas will be the Government revenue on one acre of dry land and that three times the Government revenue on 169 acres of dry land will be unbearable burden on the tenant. That is starting on false premises. For, it is well known that, with reference to dry land in Malabar, there is no Government tax and only when a crop is raised on the land, any tax is levied. Suppose one acre of dry land is cultivated this year, a tax of six annas will be levied on it for that year; if it is not cultivated next year, it is not taxed at all; if it is not cultivated for the next ten years it is not taxed; if the land is cultivated the next year after that period, then the tax is levied. That is the real position. If there are three years' cultivation consecutively going on, there is no harm in the tenant paying the land tax to the Government and three times the land tax to the janmi. My hon. Friend, Mr. Unni, says that the Government tax on 169 acres will be somewhere about Rs. 70 and three times the Government tax will come to Rs. 210, i.e., Re. 1-2-0 for an acre. That is overstating the facts if I may say so, or not stating facts correctly."

"With reference to the second argument of my hon. Friend, Mr. Sankaran Unni, that the tenants will not be able to reclaim the lands, I ask whether the landlord has ever reclaimed any lands which are not in his possession. As a matter of fact, it is the kanamdar or the verumpattamdar that reclaims the lands and as soon as this fact is known to the janmi, he asks the kanamdar 'give me rent or surrender the land.' That is the position. As a matter of fact, we are conferring fixity of tenure on the verumpattamdar and he will be able to find capital and labour, himself being a labourer. He will reclaim the land and make it an economic asset to the country."

"With regard to the first argument of my hon. Friend, Mr. Sankaran Unni, that dry lands are added to wet lands for the purpose of seeing that wet lands are not trespassed by others, you will be pleased to see that the actual facts are these; dry land to the extent of one-seventh of wet lands will not be sufficient for nursery beds. According to the cultivation in Malabar, we do not sow the seed broadcast; what we do is we raise nurslings from the nursery beds and then transplant them on the land. If the dry lands are taken away from the tenant, the position comes to this; the neighbouring dry lands will be in the possession of the janmi and he will be exacting rent from the tenant because the tenant must have green manure which is got from jungle trees in these dry lands. These facts were brought to the notice of the Select Committee and then the Committee thought it better to omit the clauses drafted by the Government. I see no reason why we should go back upon the recommendations of the Select Committee and accept the provisions of the Bill as drafted by the Government."

* Mr. E. SANKARAN UNNI :—"May I explain, Sir?"

* The hon. the PRESIDENT :—"Is it a personal explanation, a misunderstanding of his views? He cannot add anything new now."

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* Mr. E. SANKARAN UNNI:—"I did not say, Sir, that they were unoccupied dry lands. They are 'occupied dry lands'; there is a tax levied on them and the tenant will have to pay it. Therefore there is no question of starting on false premises at all."

Mr. K. P. RAMAN MENON:—"Occupied land will always be garden land."

* The hon. the PRESIDENT:—"I cannot allow this dialogue between two hon. Members."

* Mr K. R. KARANT:—"Sir, I would have considered the spirit of the amendment if my hon. Friend had been more frank. He said that, while we were giving fixity to the cultivating verumpattamdar, we will really be imposing a heavy burden upon him if we did not accept his amendment. That is not a frank way of putting things. As a matter of fact, it came to my notice during the last few days that some of the janmis of South Malabar seem to have a real complaint in this matter. They are getting something like 10 or 12 rupees from each acre of dry land and the provisions of the Bill will make them lose that income. The case stated by my hon. Friend, of 13 acres of wet land and 169 acres of dry land is one which really deserves the consideration of the House. If the provisions of the Bill are accepted, the janmis will not get anything more than three times the Government assessment. My hon. Friend stated that the poor tenants will be burdened with the rent payable on these dry lands; that is not a frank view of the case. The point really is the janmis will lose their income. I wish my hon. Friend had put it in that form. If the amendment was in the form that the extent of dry land should not exceed the extent of wet land I would have helped him and supported his amendment, because I do not think that the cultivators of wet land require dry land more than three times wet land for the purpose of green manure chiefly. The amendment is not in that form. Dry land to the extent one-seventh of wet lands is hardly enough for the cultivator to cultivate his field. You at least require dry land two or three times the wet land. As the amendment stands, it is not acceptable to me."

* Mr. S. SATYAMURTI:—"Sir, in spite of the arguments given by my hon. Friend, I must vote against this amendment. May I appeal to the House to look into the amendment of my hon. Friend as it stands? It simply provides 'that dry or garden lands, if any, that are deemed necessary for the convenient enjoyment of the wet lands in the holding shall not exceed in extent one-seventh of such wetlands.' There is no provision in the Bill as it emerged from the Select Committee, which provides for the determination, previously, of the extent of dry or garden lands which may be deemed necessary for the convenient enjoyment of wet lands. Hon. Members will notice, Mr. President, that in the Bill as it was originally introduced into this Council, the provision was that the cultivating verumpattamdar was not to get fixity of tenure *suo motu*, but had to go to court and set the machinery of law in motion."

"Then, Sir, sub-clause (5) of clause 6 of the original Bill, printed on the left hand of this paper, it provided 'on the security called for under sub-section (3) being furnished . . . the court shall determine what dry and garden lands are necessary for the convenient enjoyment of the wet lands referred to in the application.' That was one of the duties cast upon the court, to determine the extent of dry and garden lands necessary; and then the court

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[Mr. S. Satyamurti]

shall issue a certificate of fixity of tenure for the wet lands and for the lands determined under clause (a). Whereas the amendment now before the House makes no such provision and, if it is accepted as it is, I submit it will become absolutely unworkable. Who is to decide the extent of dry lands that is deemed necessary for the convenient enjoyment of wet lands? As I said, it will give rise to difficulties in the practical working on this proviso. I submit, Sir, that the Bill, as it has emerged from the Select Committee, has been accepted so far by this hon. House. It provides that, in respect of the whole holding in the possession of cultivating tenants, they shall have fixity of tenure."

"As regards the hard cases mentioned by my hon. Friend, if the janmis are really so sympathetic towards these cultivating tenants and do not want to burden them with the amount of tax they have got to pay on unoccupied dry lands or occupied dry lands, then there is the provision in the definition clause (h). 'Holding' means a parcel or parcels of land held under a single engagement by a tenant from a landlord and shall include any portion of a holding as above defined; which the landlord and the tenant may agree to treat as a separate holding. My hon. Friend who pleads now for these cultivating tenants may find ample scope for relieving the unfortunate people of these holdings by confining the holding only to that portion which will pay the cultivating tenant and the janmi alike and treating that as part of the holding."

Mr. E. SANKARAN UNNI:—"We are enacting law now."

Mr. S. SATYAMURTI:—"My hon. Friend has not yet learnt the rules of this House. I think he will end his life in this House, without knowing them. He cannot have it both ways. He was extending his hand of sympathy to these unfortunate cultivating verumpattamdars; he said they were overburdened with taxes. They and the janmis may agree to treat these dry lands as not being parts of the holding. The decision of the House has already provided for that. Therefore that argument does not cut any ice. I therefore ask the House to reject the amendment."

* The hon. the PRESIDENT:—"The question is

'After the word "extent" insert the words "and description."

"Add the following proviso to sub-clause (i):—

'Provided that dry or garden lands, if any, that are deemed necessary for the convenient enjoyment of the wet lands in the holding shall not exceed in extent one-seventh of such wet lands.'

The amendment was put and negatived.

* Rao Bahadur O. M. NARAYANAN NAMBUDEPADI:—"Sir, I beg to move the following amendment:—

"Add the following as sub-clause (v):—

'(v) The trees, buildings and other works belonging to the landlord.'

"It is a common practice in Malabar to show in a lease the landlord's trees, buildings and other works. In certain cases, the landlord might have put up buildings at his cost for the convenient enjoyment and proper cultivation of the wet land, included in the lease. Or he might have paid value for the buildings erected by a tenant who had previously cultivated the land. There are tanks and water reservoirs attached to the wet lands in a holding

[Mr. O. M. Narayanan Nambudripad] [3rd October 1929]

constructed at the cost of the landlord. It is highly desirable in the interests of the landlord as well as the tenant that all these are ascertained and determined at an enquiry under this clause. I am confident that the suggestion will be acceptable to the Government and the tenants' representatives."

The MUPPIL NAYAR OF KAVALAPPARA:—"Sir, I beg to second the amendment."

Mr. K. MADHAVAN NAYAR:—"Sir, I support this amendment. I consider it very necessary that, when the court decides the extent of the holding and trees, it should determine the buildings, etc., which the landlord owns in that holding. I therefore strongly support the amendment of my hon. Friend, Mr. Narayanan Nambudripad."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I am sorry I have to oppose this amendment when it is supported on the other side as well as on this side. But it seems to me in the first place to be unnecessary because the court has to determine the fair rent and in so doing, it must take into account such questions as the number of coconut and arecanut trees belonging to the landlord or janmi in case of garden lands. The amendment as proposed mentions all trees; many of these trees need not be taken into consideration for determining fair rent and it is not necessary to throw upon the court this burden which it seems to me, is unnecessary. In my opinion the present clause is quite adequate for the purpose."

Mr. E. SANKARAN UNNI:—"Sir, I am sorry the hon. the Revenue Member is not able to see his way to accept this amendment, and probably one of the reasons therefor is that the Select Committee has not accepted it. However that may be, there is no additional burden thrown on the court by this amendment. All these matters have simply to be recorded by the court, and there will be no special inconvenience caused to the court. There may be buildings and other works on the land which should be taken into account in determining the fair rent. So far as I am able to see, from the amendments which have been rejected, it is very likely that trees and other buildings on the land may not to be taken into account at all in the determination of the fair rent. That is why we want, by this amendment, that trees and buildings should be taken into account. Sir, we want as far as possible to avoid litigation, and if this amendment is accepted, I dare say it will benefit both the janmi and the tenant in that they will not have to go to the court in order to determine whether trees and buildings should be taken into account or not. So, in order to avoid such litigation, we have brought in a provision in the shape of this amendment. The object of the amendment, I may assure the House, is only to avoid litigation and nothing else."

Mr. K. P. RAMAN MENON:—"Sir, I agree with the hon. the Revenue Member in thinking that this amendment is unnecessary. Mr. Nambudripad himself mentioned that it is usual to take into account at the time of the determination of the fair rent, the trees, buildings and other works already on the holding. If that is so, I really fail to see the necessity for this amendment."

* The hon. the PRESIDENT:—"The question is to add the following as sub-clause (v):—

"(v) The trees, buildings and other works belonging to the landlord."

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The amendment was put to the House and declared negatived. A poll was demanded by Mr. G. Harisarvottama Rao, and the House divided thus:—

Ayes.

- | | |
|---|--|
| 1. Mr. A. B. Shetty. | 20. Mr. C. Obi Reddi. |
| 2. The Muppil Nayar of Kavalappara. | 21. " A. Parasurama Rao. |
| 3. Rao Bahadur O. M. Narayanan Nambudripad. | 22. " T. Adinarayana Chettiyar. |
| 4. Mr. E. Sankaran Unni. | 23. " Ahmad Miran. |
| 5. " P. C. Venkatapathi Raju. | 24. Sriman Biswanath Das Mahasayo. |
| 6. " K. Koti Reddi. | 25. Mr. A. Kaleswara Rao. |
| 7. " R. Srinivasa Ayyangar. | 26. " K. Uppi Sahib. |
| 8. " Sami Venkatachalam Chetti. | 27. " C. N. Muthuranga Mudaliyar. |
| 9. " S. Satyamurti. | 28. " C. Marudavanam Pillai. |
| 10. " C. V. Venkataramana Ayyangar. | 29. " K. V. Krishnaswami Nayakar. |
| 11. " J. A. Saldanha. | 30. " C. Venkatarangam Nayudu. |
| 12. " Basheer Ahmed Sayeed. | 31. " B. Venkataratnam. |
| 13. " G. Harisarvottama Rao. | 32. Diwan Bahadur B. N. Arogyaswami Mudaliyar. |
| 14. " Abdul Hameed Khan. | 33. Mr. T. C. Srinivasa Ayyangar. |
| 15. " L. K. Tulasiram. | 34. " C. Gopala Menon. |
| 16. " K. V. R. Swami. | 35. Khan Bahadur S. K. Syed Abdul Razaq Sahib Bahadur. |
| 17. " D. Narayana Raju. | 36. Mr. Khadir Mohideen. |
| 18. " K. R. Karant. | 37. Khan Sahib T. M. Moidoo Sahib. |
| 19. " K. Madhavan Nayar. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 19 Mr. K. Krishnan. |
| 2. " Sir Thomas Moir. | 20. " N. Siva Raj. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 21. " M. V. Gangadhara Siva. |
| 4. " Mr. A. Y. G. Campbell. | 22. Rao Sahib L. C. Guruswami. |
| 5. " Mr. M. R. Seturamnam Ayyar. | 23 Mr. V. I. Muniswami Pillai. |
| 6. " Mr. S. Muthiah Mudaliyar. | 24. " S. Subrahmanya Moopanar. |
| 7. " Dr. P. Subbarayan. | 25. Rao Sahib R. Srinivasan. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 26. Mr. A. Achutan. |
| 9. Diwan Bahadur P. Kesava Pillai. | 27. " S. N. Dorai Raja. |
| 10. Mr. Hilton Brown. | 28. " F. E. James. |
| 11. " H. A. Watson. | 29. " A. Ranganatha Mudaliyar. |
| 12. " A. G. Leach. | 30. " K. P. Raman Menon. |
| 13. " J. Gray. | 31. " R. Nagan Gowda. |
| 14. " C. B. Cotterell. | 32. " C. R. Parthasarathi Ayyangar. |
| 15. " V. Ch. John. | 33. Rao Bahadur Sir A. P. Patro. |
| 16. " Tajudin Sahib. | 34. " C. Natesa Mudaliyar. |
| 17. " R. Foulkes. | 35. Rao Sahib S. Ellappa Chettiyar. |
| 18. Subadar-Major S. A. Nanjappa Bahadur. | 36. Rao Bahadur B. Muniswami Nayudu. |
| | 37. Mr. K. Sarabha Reddi. |
| | 38. " S. V. Ramamurti. |

Ayes 37. Noes 38

The amendment was negatived.

New sub-clause (vi).

Mr. E. SANKARAN UNNI:—"Sir, I beg to move, to add as sub-clause (vi) as re-numbered:—

'The quantity of water which the tenant is accustomed to use from a tank or other reservoir, or water-course or channel, if any, situate either in the holding or outside.'

Explanation:—The landlord's right in respect of the surplus water, if any, shall not be affected by anything contained in this sub-clause.'

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* The hon. the PRESIDENT :—" This is not intended to be a record of rights. If the hon. Member wants to introduce elements of rights under this section, I do not know how it will be relevant. Is it necessary for the determination of fair rent ? "

Mr. E. SANKARAN UNNI :—" Yes, Sir. The amendment says . . . "

* The hon. the PRESIDENT :—" I judge the relevancy from this standpoint. The section as it stands may require certain elements for the determination of fair rent which may be intended to be a record of rights. I do not think there is the intention of having it as the record of rights, and I do not think the elements which the hon. Member mentions in his amendment are necessary for the determination of fair rent. I do not know the Malabar conditions. I only want to know if this is required for the determination of fair rent."

Mr. E. SANKARAN UNNI :—" I may point out that that will not only be a record of rights, but will be a record of all the rights and circumstances of the holding. The section as it is, says: 'the extent of the holding, the fair rent that is payable in respect of it, etc.' So, when the extent is taken into account, the other circumstances also will have to be taken into account. Suppose, for instance, on a subsequent date we have got to ascertain what the rent will be. For the determination of the rent, we will have to take into account, not only the extent, but also . . . "

* The hon. the PRESIDENT :—" Is it provided anywhere for the reduction or enhancement of rent, in the Bill ? "

Mr. E. SANKARAN UNNI :—" Supposing, an enhancement of the rent is to be made some time later, then the circumstances stated here will be really material."

* The hon. the PRESIDENT :—" I wish to know whether there is any provision in the Bill either for the reduction or for the enhancement of rent on account of reduction or enhancement of water-supply. I am not able to find any."

Mr. E. SANKARAN UNNI :—" There is an amendment, Sir . . . "

* The hon. the PRESIDENT :—" Has the hon. Member given notice of any amendment like that, for reduction or enhancement of rent under those conditions ? "

Mr. E. SANKARAN UNNI :—" I have, Sir."

* The hon. the PRESIDENT :—" Which is that amendment ? "

Mr. E. SANKARAN UNNI :—" Amendment No. 258 under section 30, Sir."

* The hon. the PRESIDENT :—" Then the hon. Member can move his amendment."

Mr. E. SANKARAN UNNI :—" Sir, the reason why I want this clause to be introduced here is this: Now that fixity of tenure is being granted to the tenants in respect of holdings which are in their enjoyment, this question also should be considered. It is not unusual to find one tank supplying water to a certain holding. That tank may be in the possession of the tenant who

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[Mr. E. Sankaran Unni]

possesses that holding, or it may be situated in the midst of holdings belonging to another man, and very likely, each one of the tenants in the neighbouring holdings has to take water from it. If you do not now attempt to find out the exact quantity of water now being supplied to each holding, it may be difficult to fix it later on. Moreover, if we do not fix it now the quantity of water that is now supplied may vary sometime hence and it will be difficult to determine the fair rent. Therefore, I say, unless this is fixed, we will be jeopardizing the interests not only of the janmis but also of the tenants on the holdings. Sometimes there are water-courses running through one holding and at the same time supplying water to holdings which do not lie on their course. If these factors are not taken into consideration in the determination of fair-rent, there will be trouble in Malabar. If you want to avoid litigation in Malabar, this amendment will certainly go a long way towards that; and you will be avoiding litigation, in the interests of both the janmis and the tenants. Therefore, Sir, I move this amendment."

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD :—" I second the amendment."

The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, I am afraid I cannot accept this amendment. As you have already remarked, it is not proposed under this clause to determine the record of rights. In the preamble, it is definitely laid down

'Whereas it is necessary and expedient to define, declare, alter and amend, to the extent, in the manner and for the purposes hereinafter appearing the law relating to landlord and tenant, in the district of Malabar.'

"For the determination of the fair-rent, it is quite sufficient to know that the land is wet, and that it is irrigated; it is unnecessary to know the exact quantity of water required for irrigating the land for raising a crop of paddy. I submit it would be extremely difficult to carry out this provision contained in the amendment, that is, to expect a court to find out the exact number of millions of cubic feet of water which a tenant uses from the landlord's tanks for the irrigation of his land. This amendment seems to me entirely unnecessary, and it will, if accepted, involve an enormous and unnecessary amount of labour and expense."

* The hon. the PRESIDENT :—" The question is to add the following as sub-clause (vi) :—

'The quantity of water which the tenant is accustomed to use from a tank or other reservoir, or water-course or channel, if any, situate either in the holding or outside.'

Explanation :—The landlord's right in respect of the surplus water, if any, shall not be affected by anything contained in this sub-clause.'

The amendment was put and negatived.

The hon. the PRESIDENT :—" The question is that clause 12 shall stand part of the Bill."

The motion was adopted; and clause 12 was added to the Bill.

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New clause after clause 12.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I beg to move—that the following new clause be added after clause 12 and the remaining clauses 13 to 54 re-numbered as clauses 14 to 55 respectively :—

- '13. (1) A landlord may, at any time, by notice in writing, call upon his cultivating verumpattamdar at the latter's option—
- (a) to pay one year's fair rent of the holding in advance, or
 - (b) to furnish security for the said fair rent, or
 - (c) to pay a portion of the said fair rent in advance and furnish security for the balance.
- (2) If, within a period of six months from the date of the service of notice upon him under sub-section (1), the cultivating verumpattamdar fails to pay the advance or furnish the security demanded by the landlord, the landlord may apply to the court, in the form prescribed, for an order to direct the cultivating verumpattamdar, at the latter's option
- (a) to pay one year's fair rent of the holding in advance, or
 - (b) to furnish security for the said fair rent, or
 - (c) to pay a portion of the said fair rent in advance and furnish security for the balance.
- (3) On the receipt of an application under sub-section (2), the court shall issue notice to the cultivating verumpattamdar and, if satisfied after inquiry that the tenant has not paid one year's fair rent of the holding in advance or furnished security in respect of the said fair rent, order the cultivating verumpattamdar, at the latter's option
- (a) to pay one year's fair rent of the holding in advance, or
 - (b) to furnish security for the said fair rent, or
 - (c) to pay a portion of the said fair rent in advance and furnish security for the balance within such date as the court may fix.
- (4) Where the cultivating verumpattamdar has already paid a portion of one year's fair rent of the holding in advance or furnished security for a portion of the said fair rent, the provisions of sub-sections (1) to (3) shall apply in respect of the balance of such rent.'

"Sir, it is with considerable hesitation and after very careful consideration that I move this amendment, because, Sir, I feel that where a Bill has been referred to a Select Committee and the Select Committee is as representative of all parties of the House as the Select Committee on this Bill was, we should as a rule accept the decisions of the Select Committee on matters considered by it and we should not open them in this House, and that ordinarily we should merely move in this House motions of extreme importance on matters of principle or consequential and verbal amendments which are necessary for making the Bill clear or amendments on points which have come to notice since the committee reported.

"Now, Sir, the foundation for this Bill is the report made by the Raghavayya Committee and it is on that foundation that this amendment is based; it was an important part of the recommendations made by the Raghavayya Committee that security for one year's rent should be given if

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the landlord demands it. In other respects the Select Committee has indeed deviated from the recommendations of the Raghavayya Committee, but, Sir, where they have removed what might be regarded as a portion of the foundation of the Bill, they were careful, in other cases to replace that portion of the foundation by something else, which they believed to be a stronger foundation. But, in this case, nothing has been put in the place of the portion of the foundation which has been removed and if we remove a portion of the foundation of a structure and put nothing in its place there is a danger that the whole structure may collapse and fall to pieces. This is one reason why this House should consider very carefully what should be done in this instance. I have not proposed in my amendment to reproduce the exact provisions of the Bill which were rejected by the Select Committee, but I have suggested an alternative amendment. There is one point which I should like to mention before I come to the merits of the case. Sir, as I remarked in connexion with another amendment the land tenures in Malabar differ from the land tenures elsewhere; as far as my knowledge goes, there are no similar tenures in the east coast to which the provisions of the Estates Land Act will apply. Therefore, this amendment will not form any precedent for the amendment of the Estates Land Act nor can the Estates Land Act be regarded as a precedent in introducing a land tenure Bill for Malabar.

"Sir, one of the important fundamental principles that we have followed in this legislation is that we should not interfere with existing rights more than it is necessary. There is no doubt that when the relations between the landlord and tenant are unrestricted by any legislation, the landlord has a right to demand payment of rent in advance or security for the payment of rent if he chooses to do so.

"The next question that arises is whether this right has in recent times been exercised by the landlords in Malabar. Now, Sir, I may quote from Moore's 'Malabar Law and Custom', where it will be seen :—

'In some simple leases, a year's rent will be paid in advance at the commencement of the tenancy and the lease will then be termed *mumpattam*, *talupattam* or *kattakanam*. On the determination of the lease, the advance must be refunded.'

"This is dated 1905. I will now quote from P. R. Sundara Ayyar's Treatise on Malabar and Aliyasantana Law, which is dated 1922. On page 290 he says: '*Mumpattam*, *talupattam* or *kattakanam* is a simple lease enuring generally for a year, where the tenant advances a sum equal to the rent of the year as security . . . The amount is refunded at the end of the term without interest.'

"In the evidence recorded by the Raghavayya Committee, we find certain instances in which the advances have been paid by verumpattamdar. On page 140, you will find under 'V. Instances of Verumpattam' the following :—

'Lessor—the Kariakar of Palghat. Verumpattam 480 paras . . . The lessee has paid the janmi Rs. 300 as advance for one year's rent.'

"I do not wish to quote the whole of it.

"On page 147 you will find the following :—

'Name of the tenant—K. Moideen Kutti. He is in possession of 2½ acres of garden lands. It was taken originally on verumpattam with ten coconut trees on it. The rent then was 5 paras. Rs. 25 was paid as *mumpattam*.'

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"In another case on page 140 the tenant paid the janmi a munpattam of Rs. 30; the janmi gave him a written lease three years ago and before that it was an oral lease.

"In those three cases, the leases are for more than one year. I understand that in North Malabar the term *munpattam* is not used, but *munkuru*. There, leases are given for four or six years and rent for two or three years is paid at the time of execution of the lease; in one case that came to notice the lease was for five years and the whole amount was paid in advance. I have not asserted that rent is always paid in advance. That is not my point. My point is, that the rent is paid in advance in an appreciable number of cases and where the landlord is quite sure that the tenant will pay the rent, he need not demand the advance from the tenant, but the payment in advance is a safeguard which the landlord has exercised with reference to the tenants about whose stability he was not sure.

"As to the Raghavayya Committee, as hon. Members are aware, that Committee recommended that security should be given as a safeguard if the landlord demanded it. On page 39, in paragraph 82 of the Report, there is this:

'A third objection is that if fixity of any sort is given, the fear of eviction would disappear and the verumpattamdar, especially the one with no means, would freely default in the payment of rent. Landlords, who even now are not getting their verumpattam rents promptly or fully, would be in a worse position, for they could not evict and change their tenants in case of default. The answer to this is that this is a danger which can be easily met and that refusal to grant fixity is not the only possible solution of the difficulty. Security may be taken from the tenant for payment of rent and this combined with power to evict for payment in default of a year's rent would be enough to meet this difficulty.'

"Again, in paragraph 90, on page 43 of the Report, we find:

'In a previous paragraph 82 the Committee adverted to the necessity of providing for the better and speedier realization of rents by the landlords, as a safeguard against any untoward result which might flow by the grant of fixity to the tenant. One such safeguard, which the Committee recommends, is the insistence on the person who is to get fixity, depositing in cash, towards the rent, but would be standing there all the time to provide for the case of the landlord not being able to realize his arrears by any other means. A provision for a year's advance rent is conceded in a proviso to section 6 of the new Bill of Mr. Krishnan Nayar. The Committee thinks, however, that the purpose in view would not be served by an advance payment which will prevent the landlord from suing for arrears even in respect of the first year's rent, for that may, in a sense, make the tenant careless, even at the start, to pay up his dues.'

"Under the provisions of the Bill, a landlord cannot take measures for the recovery of his rent until three months after the due date of payment. I understand, usually, rents are paid in two instalments, six-tenths in the month of October and the remaining four-tenths about the month of April, in each case about one month after harvest. And if you allow another three months to expire, it is clear that the crops would be removed from the field and the landlord will either have to obtain a decree for the attachment of the tenant's movable property or institute a suit for eviction of the tenant, and the tenant might then be in a very much worse position than if he had been made to deposit security in advance.

"Now, Sir, as the Raghavayya Committee has pointed out, there was a provision in my hon. Friend Mr. Krishnan Nayar's last Bill for the payment

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of the munpattam or rent in advance. Section 6 of the hon. Mr. Krishnan Nayar's last Bill (page 164 of the Raghavayya Committee Report) runs as follows:—

'A kanamdar or a kuzhikanamdar or other tenant under a demise or lease made before or after the date of the passing of this Act, shall have a permanent right in his holding and shall not be evicted therefrom except as provided in this Act.'

'Provided that no tenant other than a kuzhikanam tenant shall have permanent right, unless he deposits with his landlord *munpattam* or rent in advance for one year, for which he shall be entitled to interest at 6 per cent per annum.'

"Now, Sir, the original Bill as placed before the Select Committee required every tenant who wished to have fixity of tenure to apply to court. But the Select Committee proposed that it may be given as a matter of course and that no application to court should be necessary. The Bill as originally drafted provided that when a tenant applied to a court to have fixity of tenure, the court should call upon the respondent, i.e., the landlord, and ask him whether he wishes to have security. It is to be expected that he will always demand security. Under the Government Bill, I submit, it is probable that one year's rent would have been demanded in every case. Under the amendment now proposed it is not likely that the landlord will demand security in every case; but if it is feared that the landlords may demand security from all their tenants, whether good or bad, it seems to me that the proper course to adopt is to apply safeguards. One such safeguard is to make the landlord pay interest. I understand he is not at present paying interest in South Malabar, and in North Malabar the interest he pays is not more than 3 per cent. I have an amendment that he should pay 6 per cent interest. That is the rate proposed in the hon. Member Mr. Krishnan Nayar's Bill, and that is the rate allowed by the courts. That is some safeguard on the landlord demanding security as he will have to pay for it; he will receive, not 100 per cent of the fair rent but only 94 per cent.

"I request hon. Members to give this matter their careful consideration and I am quite sure hon. Members on both sides of the House will approach this matter in that spirit of impartiality which they have hitherto shown (Swarajist voices: Hear, hear.) I have brought it forward after careful consideration, because I do feel it is an essential part of the principles underlying this Bill that a provision of this kind should be made. We want to see the reasonable interests of the janmi, the landlord, as well as those of the tenant are protected. That has been the attitude of this House. And so I submit this amendment to the careful consideration of the House."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

* Mr. E. SANKARAN UNNI:—"Mr. President, I beg to move—

'In sub-clause (3) for the words "Paid one year's fair rent of the holding in advance or furnished security in respect of the said fair rent" substitute the words "complied with any of the provisions of sub-clause (2)".'

"I move this amendment because there are three circumstances mentioned in sub-clause (2) and the present sub-clause (3) refers only to two of them. There is no provision to cover (c). In order to make it clear. . ."

(At this stage the hon. the Revenue Member asked Mr. Sankaran Unni to hand over to him a copy of his amendment as he discovered he had not one).

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The hon. the PRESIDENT :—"Order, order, the House is not in the committee stage. If the hon. Member (referring to hon. the Revenue Member) has not got a copy I can't help it."

The hon. Mr. A. Y. G. CAMPBELL :—"I have not got a copy of the amendment."

* The hon. the PRESIDENT :—"I understand Mr. Sankaran Unni's amendment has been circulated. Mr. Unni will proceed with his amendment. His business is to make the House understand and not the hon. the Revenue Member only."

Mr. E. SANKARAN UNNI :—"Sir, as the amendment of the hon. the Revenue Member stands it is not quite clear whether all the conditions of the security are covered by the clause as it is as present worded. Therefore, to make it clear I move this amendment."

* The hon. the PRESIDENT :—"The question is in sub-clause (3) of the Revenue Member's amendment for the words 'paid one year's fair rent of the holding in advance or furnished security in respect of the said fair rent' substitute the words 'complied with any of the provisions of sub-clause (2)'."

The amendment was put and declared carried.

Mr. K. R. Karant demanded a poll and the House divided thus :—

Ayes.

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| 1. The Muppil Nayar of Kavalappara. | 14. Mr. D. Narayana Raju. |
| 2. Mr. E. Sankaran Unni. | 15. " K. R. Karant. |
| 3. " S. N. Dorai Raja. | 16. " K. Madhavan Nayar. |
| 4. " S. Arupadaswami Udayar. | 17. " K. Uppi Sahib. |
| 5. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 18. " C. N. Muthuranga Mudaliyar. |
| 6. Rao Bahadur O. M. Narayan Nambudripad. | 19. " K. V. Krishnaswami Nayakar. |
| 7. Mr. R. Srinivasa Ayyangar. | 20. " O. Venkatarangam Nayudu. |
| 8. " Sami Venkatachalam Chetti. | 21. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 9. " C. V. Venkataramana Ayyangar. | 22. Mr. T. C. Srinivasa Ayyangar. |
| 10. " J. A. Saldanha. | 23. " C. Gopala Menon. |
| 11. " G. Harisarvottama Rao. | 24. Rao Sahib S. Ellappa Chettiyar. |
| 12. " Basheer Ahmed Sayeed. | 25. Mr. Khadir Mohideen. |
| 13. " Abdul Hameed Khan. | 26. Khan Sahib T. M. Moidee Sahib. |
| | 27. Rao Bahadur B. Muniswami Nayudu. |

Noes.

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|------------------------------------|------------------------------------|
| 1. Diwan Bahadur P. Kesava Pillai. | 7. Rao Sahib R. Srinivasan. |
| 2. Mr. K. Krishnan. | 8. Mr. A. Achutan. |
| 3. " N. Siva Raj. | 9. " T. Adinarayana Chettiyar. |
| 4. " M. V. Gangadhara Siva. | 10. Sriman Biswanath Das Mahasaya. |
| 5. " V. I. Muniswami Pillai. | 11. Mr. A. Ranganatha Mudaliyar. |
| 6. Rai Sahib M. Hampaya. | |

While the names were being noted, Mr. K. R. Karant, on being asked by the hon. the President which way he voted, said that he voted for the amendment and added that it was difficult to know exactly the scope of the amendment.

* The hon. the PRESIDENT :—"The Member who has challenged a division when I gave my decision for the motion, will not be justified in voting in favour of the decision given by me. He has challenged the decision of the Chair regarding the opinion of the House."

Mr. K. R. KARANT :—"My vote may be taken as you please."

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* The hon. the PRESIDENT :—"It is not proper at any rate for a Member who has challenged a division to vote contrary to his own challenge."

Ayes 27. *Noes* 11.

The amendment was adopted.

* The hon. the PRESIDENT :—"The amendment of the hon. the Revenue Member as amended is for the consideration of the House."

* Mr. P. O. VENKATAPATHI RAJU :—"Mr. President, Sir, I am very sorry that even after careful consideration the hon. the Revenue Member has thought it necessary to come forward with an amendment on a very vital point and a vital issue which has been decided after due consideration by the Select Committee. Of course the Select Committee knew that this was one of the recommendations of the Raghavayya Committee. That fact was not in any way sought to be ignored then. With full knowledge that a special committee appointed to investigate into the matter has recommended a sort of security, the Select Committee has decided not to have it. The hon. the Revenue Member was telling us that removing a very important provision without substituting some other provision was one of the reasons that influenced him to bring up this amendment. The Select Committee took into consideration, Mr. President, the fact that additional extraordinary powers—by extraordinary powers I mean powers not enjoyed by them up to now—to recover the rent from the cultivating tenant were recommended by that special committee. Up to now in Malabar I understand there is no provision for summary procedure for recovering rent by distraining either the crop or other immovable property of the tenant. Now by this Act the landlord is given the right to distrain, and to attach and bring to sale either the standing crop or, at times when there is no standing crop, even some other kinds of his movable property. And in the Select Committee this is one of the most important decisions arrived at after much deliberation and due consideration. I am not urging this point because I subscribe to the view that any decision arrived at by the Select Committee should not be challenged by us in the open House. I am opposed to that principle because, after all, the duty of the Select Committee is to report to the House and the House should not be placed under the position that they have delegated their powers in appointing the Select Committee, and that they are therefore precluded from pressing their own points of view. If I urge that it has been duly decided by the Select Committee after due deliberation and consideration, it is only to point out to the hon. the Revenue Member that from the attitude that he has been taking in regard to this Bill from the beginning he should not deviate from the usual course. And what is the effect of asking the cultivator either to deposit one year's rent or to offer security for it, or to deposit some portion of the rent and offer security for the balance? I think the Government are of opinion that by taking up this Malabar Tenancy question and settling it by giving fixity of tenure to the cultivator they are conferring some sort of right on the cultivator. I do not believe that the Government are of opinion that the right that has been conferred on the cultivating tenant by this Bill is not worth even one year's rent. Of course the provision made by the hon. the Revenue Member that any advance made should bear some interest may to some extent remove a little bit of the hardship that is sought to be imposed upon the cultivating tenant. As you find in the Bill and in the report, the interest that is being paid by the janmi on the kanam amount ranges from 12 to 20 per cent. In many of the cases it is one-fifth of the principal,

[Mr. P. C. Venkatapati Raju]

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that is 20 per cent. So, giving a rate of interest of six per cent to the poor cultivator is quite inadequate. Of course, the hon. the Revenue Member perhaps thinks that by adopting this amendment and not insisting upon the advance payment of the amount, and making it possible for the cultivator to give security, he is conferring some sort of benefit on the cultivator. But, it will make the position worse. In order to furnish security, the tenant will have to go to some other person who, I am afraid, as matters stand at present in other parts of the Presidency, may bring some sort of pressure to bear on the cultivator, and the cultivator also will have some sort of obligation to the person that offers or stands this security, and will be at a disadvantage. And the hon. the Revenue Member was telling us that there is some sort of a similar provision in the hon. Mr. Krishnan Nayar's Bill. I am sorry that the hon. the Revenue Member did not advert to the two previous Bills of the hon. Mr. Krishnan Nayar. The Bill which was actually passed by this House does not contain this provision."

The hon. Mr. A. Y. G. CAMPBELL :—"I mentioned that, Sir."

Mr. P. C. VENKATAPATHI RAJU :—"It may be. But that Bill did not contain this provision, nor did the previous Bill that was sought to be introduced. Since it is so, even at one time the hon. Mr. Krishnan Nayar thought that there would be no danger in not insisting upon a deposit of one year's rent, and the hon. Mr. Krishnan Nayar never thought that without this provision either the kanamdar or the janmi would be put to great loss. Even as it now stands, it is agreed by the various interests concerned in this Bill that after all the rent which is recovered will be something less than the nominal rent. In some cases, as the janmis put it, it will be about 60 or 70 per cent of the nominal rent that they will be able to recover. In other parts of the country where fixity of tenure is conferred upon the cultivating tenant, remissions have ceased to be given by the landlord. Before the fixity of tenure was granted by the Estates Land Act, remissions were often given in bad years. But in cases coming under the Estates Land Act no remissions are now being made. And so I expect that those remissions which were being made by the landlord hitherto will now cease. He has the remedy provided here, even though there be no advance payment. He need not give up anything that cannot be realized during the year. That will be a charge upon the holding because the holding has a fixity of tenure, and in any case, there is some value attached to it and this value will certainly be far more than one year's rent."

"Taking all these things into consideration, the deposit of one year's rent will mean a great hardship to all the tenants throughout the whole of the district of Malabar. If we were to calculate on the basis of this amendment—this deposit is to be perpetual till the tenant gives up the holding—interest at only six per cent, on this deposit amount, I think, it will come up to far more than the janmam, and even the kanam, value of the land. When an amendment was sought to be incorporated by the hon. Member, Mr. Arogyaswami Mudaliyar, the hon. Member for Government and many other hon. Members were so very kind towards the cultivator that they said it would be a hardship to ask him to deposit a small portion of the annual rental value, i.e., about 15 per cent. I do not know if they realize that it would be a greater hardship to ask him to deposit the full value of the annual fair rent and keep it on as security as long as he remains on the holding. I therefore strongly feel that having regard to this

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provision any benefit conferred on the cultivating tenant by this Bill will be entirely lost, and the object of this Tenancy Bill, as you may call it, will not at all be in the interest of the cultivating tenant, as it is said to be or as it is expected to be, but it will only be safeguarding the interests of so many intermediaries who have no place in any Tenancy Bill in any other part of the country than Malabar, and conceding a sort of compensation to the janmi for the rights that he was made to give up in the interest of the kanamdar. Really, the person that is sought to be benefited by this tenancy legislation will be the person that will suffer most if this amendment is carried and incorporated in the Bill in spite of all that has been said in favour of the cultivating tenant."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I am sorry I have to oppose this amendment. If you look into the position of the tenants in Malabar, you will find from page 151 of the Raghavayya Committee report, persons who are directly cultivating under the janmi, i.e., verumpattamdars, are 89,045, who were holding land for ten years and more, and the number of persons who were holding for twenty years and more is 59,144, so that about 150,000 tenants are holding land for periods extending from ten years and more. They have been let into the land as tenants-at-will but they have been continuing year after year even up to twenty years and more. These people are cultivating on the whole about 380,000 acres out of the total cultivable area of nearly 1,200,000 acres, not to speak of the cultivable waste land. The result of this amendment will be, Sir, that for the first time by reason of this Act those 150,000 tenants will have to pay one year's rent in advance. If, Sir, as the hon. the Revenue Member stated, it has been the practice to take verumpattam in respect of these 150,000 tenants as security, and such security has already been taken, then there is no reason for the landlord now saying that he should be enabled to take security from the tenants, unless it be for merely harassing the tenant. If such security has not been taken all along for ten years and twenty years and more, again there is no case made out now for taking security."

"The next point is this. It was said that *munpattam* was paid by the tenants. But we find from the Raghavayya Committee report that *munpattam* was paid by a few tenants, but in the large majority of cases, it was not paid. Secondly, what is payable as *munpattam* is less than the rent. Thirdly, *munpattam* carried some interest, so that even those who did not pay any kind of *munpattam* will be asked to make this advance."

"Then, Sir, it is said that so far as the tenant is concerned for the amount that he gives as security a small interest of six per cent will be paid. Let me quote again from the Raghavayya Committee's report and show at what rate of interest the actual cultivators, these poor people, have to borrow for seed alone. We find from page 145 of the report the case of a verumpattamdar who paid 30 per cent interest for seed borrowed. Again, at page 146, we find the following in regard to another tenant: 'He borrows 70 or 80 paras every year for seeds at 30 per cent interest from his fellow tenants.' Then, another tenant who borrowed for paying rent had to pay as 'interest 30 paras of paddy per annum.' Now, if the tenant has to find money to pay one year's advance of rent, I do not know what interest he will have to pay. But he is assured six per cent interest under the benign provisions of this Bill. Sir, it is merely saying, 'We give you occupancy

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right but the landlord will take away what you are given.' I therefore say that in respect of those tenants who were already giving such security let the landlord take steps to have that security. But I do not think it is necessary to take security in the case of the other tenants, because no case has been made out in the case of these tenants for taking security hereafter. I am sure, so far as these tenants are concerned, this House, which takes so much interest in the actual cultivating tenant, will see that no security is demanded, because under the provisions of this Bill, firstly, the lands that are given any occupancy may be taken away by the landlord if he wants to cultivate them himself; secondly, the occupancy is liable to cease if one year's rent is not paid, and that is a provision which for the first time has been introduced in this Bill; and thirdly rent is made a charge upon the land, so that under a summary provision rent is recoverable by attachment of the crop or other movables of the tenant. For all these reasons, sufficient security has already been given to the landlord, and there is no reason why for the first time the tenant should be asked to give a security of one year's rent in advance. I therefore think that this amendment should not be accepted by the House."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I oppose this amendment, firstly, because it is really unnecessary in the interest of the landlord, and secondly it involves considerable hardship to the tenant. I say it is unnecessary in the interest of the landlord, because we have made provisions all along by which valuable rights are conferred upon the cultivator and as such the tenant will not be in a hurry to forego those rights by delaying or not paying the rent that is required of him. As has been already said, the landlords have sufficient safeguards to realize the rents due to them. If on the other hand the privileges we are conferring on the tenants are of no value but are only nominal, even in that case we must not be a party to placing this one more burden on him.

"Sir, the hon. the Revenue Member says that it will be a safeguard in the interests of the tenant, but he does not say that the tenants are in a position to easily find the money required of them. If the tenant has to borrow, he will have to get the money at anything between 25 and 50 per cent interest. After all, if there is any such custom existing at present, it is confined only to a small minority of tenants, who now pay the rent in advance. But why should you put a premium upon that and include it in this Bill making the landlords exact a similar levy on the vast majority of tenants who are not paying the rent now in advance? I therefore think that from whatever point of view it is looked at this provision will involve considerable hardship to the tenants."

* Mr. S. SATYAMURTI:—"Mr. President, Sir, I am sorry that my hon. Friend, the Revenue Member, should have come forward with this provision after hesitation, and that he should have made up his mind on a matter of this kind. I thought the Government had accepted in principle the decisions of the Select Committee in most of the matters decided by them. This was also one of those matters which the Select Committee considered and decided. I wish the Government had accepted the decision of the Select Committee. I very carefully listened to the speech of the hon. the Revenue Member, when he stated the reasons why this amendment should be accepted. He began by saying that the Government differ from the Select Committee on this matter,

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because it was a question of principle. May I know, Sir, from the hon. the Revenue Member what is the question of principle involved in making the real under-dog in Malabar, the unfortunate cultivating tenant who to-day is admittedly rack-rented, pay two years' rent practically perpetually in advance? The only question of principle can be that those who are now squatting on the land may be allowed to squat there for eternity, because most of the cultivating verumpattamdars cannot find the money for security to comply with the conditions of this amendment. Mr. President, may I say that some of us who do not belong to Malabar are interested in this problem, from only one point of view, viz., that of the cultivating tenant? We hold no brief either for the janmi or for the kanamdar, and we feel that the only class of people in Malabar who deserve the sympathy and help of this hon. House is the class of cultivating tenants (hear, hear). We are doing no good to them by insisting upon this amendment. My hon. Friend the Revenue Member conceded that this is not found in the Estates Land Act, but he claims that we must have it here because the Raghavayya Committee have recommended it. The answer is clear. The Government Bill itself has gone back on the Raghavayya Committee in many and material particulars. The Select Committee also has done the same. To take the report of the Raghavayya Committee as the Bible when it suits the Government, and dismiss it as a scrap of paper when it does not suit the Government is certainly not dignified or consistent. Now, may I invite the attention of the House, Mr. President, to the Raghavayya Committee report itself? The Raghavayya Committee states it as an answer to a possible objection on the part of the landlords. They say: 'Security may be taken from the tenants for payment of rent and this combined with the power to evict for default of payment of a year's rent would be enough to meet this difficulty.' Therefore, they look upon this as one of the several provisions which are necessary for the purpose of enforcing this fixity of tenure, without any serious loss to the janmi.

"There is one point on which I should like to join issue with my hon. Friend the Revenue Member and my hon. Friend the Law Member. They have said in their dissenting minute: 'It is the general practice in Malabar at the present time for the cultivating verumpattamdar to pay one year's rent in advance as security for the regular payment of rent.' The Revenue Member now admitted that it is not so in general. This admission cuts the ground from under his amendment. This new condition that is sought to be imposed will work a serious and unbearable hardship to the tenants. I hope that this House would unanimously reject the amendment. We must not take away with the left hand what we have given with the right."

The House adjourned for lunch.

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

* Mr. MAHMUD SCHAMNAD:—"Sir, the amendment for security proposed by the hon. the Revenue Member is much better than the provision which is contained in the Bill as it was introduced. It may be said that some safeguard for the due payment of rent by the tenant is necessary. There is sufficient safeguard in the Bill as amended by the Select Committee. Those who know the condition of the tenantry in Malabar will be satisfied that it will not be possible for the majority of these tenants to give any security or even to pay any portion of the verumpattam in advance. There are many instances of janmis who have advanced money to the tenants to purchase bullocks and even

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seeds. It was said that there are some instances in which the tenants paid munpattam, and they have quoted some passages from the Raghavayya Committee report to prove this. But they are very few. Only persons in affluent circumstances can pay such money as security for the rent. Therein is the origin of the present kanams. Now, there is sufficient provision in the Bill itself for the proper collection of the rent. Besides the provision for eviction in cases of failure to pay rent, there is also the provision for attachment of movables and of crops standing on the holding. It was said that the janmi cannot take advantage of the provision for the attachment of the crops because no proceeding can be taken within three months after the due date, by which time the crops will be harvested. It is said in the minute of dissent of the hon. Mr. Krishnan Nayar and of the hon. Mr. Campbell that 'the landlord cannot take action to recover the rent under the Bill until three months after the date when the rent accrues due. He will therefore not be able to take measures under the Bill as amended by the Select Committee until after the expiry of the agricultural year for which rent is due.' For this minor difficulty I have also suggested an amendment, under clause 15, sub-clause 1 (a). I have stated there that action may be taken for the attachment of the crops before the crop is harvested provided that the court is satisfied that such action is necessary. If some alteration is made to clause 15, then the difficulty which is pointed out by the hon. the Revenue Member can be got over. It was pointed out by some hon. Member that it is the custom to take munpattam. It is not so. If it is the custom, then the advance taken by the janmis is already there. There is no necessity to take anything again. If it is not the custom, then why harass tenants with this novel procedure? In these circumstances, I must oppose the motion.

"When the hon. the Revenue Member spoke on this amendment he said this provision formed one of the fundamental points in this Bill, and this, if omitted, will undermine the structure of this Bill. I think Government will do well to tell us beforehand whether if this amendment is not passed they will proceed with the Bill. The Members will be in a better position then to consider what they should do. The Government, I hope, will give a hint as to that. With these words I oppose the motion."

* Mr. J. A. SALDANHA :—"Mr. President, Sir, I am inclined to support the Government amendment with a slight change. There is some misapprehension in this House as to the provisions of the Estates Land Act. Section 46 of that Act provides that $2\frac{1}{2}$ times the rent should be paid in order to get a fixity of tenure. We have got a precedent which, so far as I am aware, has not been sought to be amended in the Bill that is to be prepared to amend that Act. I do not know whether any of the members on this side or other side have sought to amend this provision of the Estates Land Act for the benefit of the tenants. I am told there is no such motion."

* The hon. the PRESIDENT :—"The principle involved in the amendment of the hon. the Revenue Member is with reference to the furnishing of security. If I understand the hon. Member (Mr. Saldanha) aright, he is developing arguments as to payment of so many times of rent and so on. I am not able to understand the relevancy between the two."

* Mr. J. A. SALDANHA :—"Here it is one year's rent, not two and a half times the rent as under section 46 of the Estates Land Act. The latter is a far stricter provision. May I point out that the fixity of tenure on the lines now

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brought by the Select Committee was never sought by the verumpattamdars? The Raghavayya Committee and the conference held at Ootacamund prepared a Bill in which the verumpattam tenant had to apply just as under the Estates Land Act for fixity of tenure. Now this was done away with on the motion brought by some of the members in the select committee. But the Mover wanted that security should be given. But as it would be contradictory and inconsistent to have fixity of tenure on one side and advance payment of one year's rent or security on the other, it was thought that security should not be granted. But after the Select Committee had reported, I consulted my own constituency on the matter. I have not in hand the representation from them, which I hope to place before the House to-morrow. The leading members of the Syrian Christian community of South Malabar have made a representation. It is signed by fifty gentlemen. I will only read a small paragraph from that: 'In the present Bill, the cultivating verumpattamdars are entitled to fixity of tenure without application and security. This concession is not one which they like to possess at all since it entails expenses beyond their means. But the same concession is not granted to cultivating kanamdars, kuzhikanamdars or customary verumpattamdars. What the tenants desire is that all the cultivating tenants of whatever description should be allowed a uniform system. They may be given occupancy tenure without application and security, and may be demanded to pay a slightly increased payment of annual dues for the first few years by way of compensation and they should not be put under the obligation to pay any renewal fees. Another system which recommends itself is that all the tenants should be obliged to apply for the privilege; and the cultivating verumpattamdar should apply for the fixity of tenure with an advance payment of one year's rent for the land or security for that amount.'

"These are the sentiments expressed after the Select Committee met. I wrote to them and got this opinion from them. There is another printed memorandum in which they have expressed the same view. I do not think this generous feeling which some hon. Members entertain towards the people in Malabar finds an echo there. After careful consideration of the point, I have come to the conclusion that it would only be fair if the verupattamdar is asked to pay one year's fair rent in advance or furnish security. It is said that the verupattamdar will be ruined if he is made to pay this advance rent or furnish security. Now it is not obligatory on the part of the tenant to have fixity of tenure. If the landlords have to give them money for cultivation expenses what is the necessity for giving them fixity of tenure? Do these people demand fixity of tenure? Why do they do not want? To my mind the whole thing is founded on wrong premises. It would be well if this point of view is considered. The Raghavayya Committee did not propose it. I want to know who the persons are that proposed this grant of fixity of tenure. It came as an inspiration from a society that is doing very good work in Malabar but which has not understood the intricate questions connected with land tenure in Malabar. My Friends Messrs. Ranganatha Mudaliyar, Shetty and Karant have put up this great idol before us and before the people of Malabar. I am sure this is not a thing which they want. These proposals have come not from any of the gentlemen coming from Malabar. (Mr. K. R. Karant: Question). These have emanated from three or four persons coming from other districts than Malabar. My Friend Mr. Krishnan did not propose an amendment of this kind in the Select Committee. Although

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in the Estates Land Act there is a provision for an advance of two and a half times rent and not one year's rent, my hon. Friend Mr. Krishnan Nayar in his Bill had provided for one year's rent as security. I have moved and lived with the people of Malabar and I know their wants. This is not a provision sought by the people of Malabar. Now some people come forward and say 'I am a verumpattamdar and I want it.' It is too late. I think the Government is right in moving this amendment which is only reverting to the old condition which was provided in the Bill. I prefer that in the case of tenants who have been holding lands without having been called upon to pay security for some time past an exemption might be made; but in all cases of verumpattamdars who are new and who have been called upon to pay advance rent I think the amendment should apply."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, Sir, I am quite in sympathy with the object of the hon. the Revenue Member in requiring some safeguard so that the cultivating verumpattamdars may pay their rent regularly and do not fall into arrears thereby incurring the penalty of eviction. I too was in favour of some such safeguard; but studying this section regarding the furnishing of security with section 15, I think it will work real hardship if it is not modified. For instance, the experience of landlords on the east coast is that tenants are always in arrears. As it is, the landlord advances money free of interest and allows him to cultivate and enjoy the produce of some twenty or thirty cents of his land, but still at the end of the agricultural year he has to write off a portion of the rent. In regard to the landlord himself, if he were asked to pay in one lump sum the Government kist, he would find it extremely difficult to do so. Even when the amount is spread over four months, considerable hardship is experienced. Such being the case, it will entail an intolerable burden on the tenant to furnish security or make an advance of rent. I think the amendment requires some modification."

"My hon. Friend Mr. Saldanha was speaking of representations made to him by Christian kanamdars. Representations were also made to me. In the suggestions made by them, there is this alternative. They do not insist upon this security being furnished or the application made. What they want is that this advantage held out to the cultivating verumpattamdar should be extended right through the entire scale. That is the main point urged in the memorandum to which my Friend just now referred. As it is, we are dealing only with the cultivating verumpattamdars. In their case, if we insist on this kind of security it will certainly not be to their advantage. As has been pointed out, it is very difficult for these people to find money. It is very difficult nowadays for anybody to raise money at a cheap rate of interest. If under these circumstances they have to find money, I think they would be put to very great difficulty and it might result in their utter ruin."

"There is another feature which has been perhaps overlooked. Speaking subject to correction, I think there is one economic factor which has to be borne in mind, viz., that there is very great and keen competition for land in Malabar and the very fact that the cultivating verumpattamdar is given qualified fixity of tenure will act as an incentive for this man being very regular in the payment of the rent. With the Damocles' sword hanging over his head, he will certainly pay up the rent regularly. While there are other measures which will enable the landlord to recover his rent, it is for consideration whether the security spoken of in this amendment is quite necessary and if so, whether it could not be modified."

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* Mr. K. KRISHNAN :—" Mr. President, I oppose this amendment. I am surprised that the hon. the Revenue Member has brought this amendment before the House. I believe this amendment is brought probably for the reason that in the Government Order appointing the Committee to enquire into the grievances of the tenants in Malabar a statement was made by Government that the janmi or the landlord should be supposed or believed to be the supreme owner of the land and that for any portion of the land taken away from him, sufficient compensation must be given to him. Probably the hon. the Revenue Member thinks that in giving fixity of tenure to the cultivating verumpattamdar or tenant adequate compensation has not been provided for. It is probably under that impression that he has brought forward this amendment. But I may point out that there is a provision in clause 50 . . ."

* The hon. the PRESIDENT :—" If the hon. Member starts arguments like that, he would be travelling beyond the scope of the amendment. The hon. the Revenue Member never made a statement like that in bringing this amendment before the House."

* Mr. K. KRISHNAN :—" There is sufficient compensation already provided for in section 50."

* The hon. the PRESIDENT :—" I cannot allow the hon. Member to dwell upon the question of compensation."

* Mr. K. KRISHNAN :—" I will go on to the next point, Sir. Regarding the one year's rent which is provided for, I may mention that there is a provision for recovering possession of the property. If the rent is in arrears for three months, it will be open to the janmi to give that land to another, taking sufficient security from such tenant. So that at the most, if this amendment is not carried, all that the janmi or the kanam tenant will lose will be one year's rent. I submit, therefore, that no great hardship will be caused either to the janmi or the kanam tenant if this amendment is not accepted."

"Then, Sir, there is a practical difficulty. It may be difficult to get cash for the purpose of furnishing security. It might be asked whether property security could not be procured. But, Sir, 99 per cent of the lands in Malabar are tied down by Marumakkattayam Law and are incapable of being used as property for security purposes. The Marumakkattayam Law prevents karavans of the tarwad from offering the property as security for any purpose whatever. Therefore, the cultivating tenant will not be able to give his family whatever. Therefore, the cultivating tenant will have to offer as security nor will it be possible for him to get persons who will give security having self-acquired property. Under these circumstances, security either in property or personal security will not be accepted by any court and therefore such a provision regarding security will certainly cause very great hardship to the tenant."

"Then, Sir, I may be permitted to read one paragraph from Mr. Pate's minute of dissent to the Raghavayya Committee Report. This is what Mr. Pate himself says about the cultivating tenants:

'A large and increasing number of these tenants live very near the border-line of bare subsistence. Their existence is from hand to mouth; they are at the mercy of the season and the money-lender. By ordinary standards their existence may be fairly described as miserable.'

"Continuing, Mr. Pate says:

'The legislation proposed is permissive. It must be so, I think, since a deposit is necessary as security and it is obviously not practicable to compel all tenants to make a deposit of even one year's rent. As regards its effect, it may be argued that, since no man voluntarily

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alters his position for the worse, no tenant will suffer by reason of the legislation and some will benefit. I am by no means sure that this is a just conclusion. In the first place, if some tenants are to benefit, this benefit will be won at the cost of other tenants. The poorest tenant will often not be able to afford the deposit of one year's rent and the cost (however slight) of the application; even if he overcomes these difficulties he still runs the risk of being unable to pay his rent and being after all evicted. And this risk, it must be remembered, is greater and more far-reaching than it was before.

3 p.m. "It is apparent that Mr. Pate who well knew the conditions in Malabar has opined that it will not be possible for most of the tenants to give security if security is demanded from them.

"Then, Sir, the verumpattam tenant hardly makes a living out of his work, and if that is granted how is he to get the money for furnishing this security? As my hon. Friend Mr. Muniswami Nayudu pointed out, the only way by which they could find their money is by way of loan at the rate of 30 per cent. In these circumstances, if the amendment is accepted, the cultivating verumpattamdars will suffer very much and the Act that is going to be passed will not be of any avail to them."

Mr. S. N. DORAI RAJA:—"Convinced as I am that it is absolutely in the interests of the tenants that this motion has been brought forward, I cannot oppose it like my hon. Friends, Mr. K. P. Raman Menon and others, who are supposed to be the doughty champions of the tenants' cause. It is stated here that the main objects of the Bill are that these tenants should be saved from rackrenting. The main scheme of the Bill is to give fixity of tenure to the tenants. If permission is given to the kanamdar to rackrent the verumpattamdar and if the kanamdar falls in arrears, the janmi will come down upon verumpattamdars who will have to suffer all the hardship caused by the janmis. Then all this championship of the tenants' cause will be moonshine if this amendment is not carried out."

Mr. N. SIVA RAJ:—"If I rise to speak on this motion I do so because I do not wish to give a silent vote on this question. In addition to the various arguments that have been put forward I believe there is one strong point which I may be permitted to mention. It is this: that balance of legislation, as has been pointed out by my hon. Friend Mr. Muniswami Nayudu, has always been in favour of the cultivating tenant, i.e., in the case of those people who require protection of law. In this case, curiously enough, the legislation tries to help a man who is already strong enough. I rise to oppose the motion on the ground that it unnecessarily helps a man who is not in need of any help and probably harasses a person who ought not to be harassed. On these grounds I oppose the motion."

* Rao Sahib R. SRINIVASAN:—"Labour is money. When cultivating tenant puts in his labour on the land, he advances his money. That itself is sufficient security; when a crop is raised on the land it becomes the property of both the landlord and the tenant. The landlord has a hold on the crop. If the tenant does not cultivate or causes damage to the land so as to deprive the landlord of his benefit it is a different case altogether. In these circumstances, I do submit that it would not be fair to demand any security from the tenant. Therefore I oppose the motion."

Mr. K. MADHAVAN NAYAR:—"I know the feeling of this House on this matter. After hearing my Leader, Mr. Venkatapati Raju, and my hon. Friend, Mr. Muniswami Nayudu, and my Friend, Mr. Satyamurti, then whom there are no doughtier champions for the cause of the tenants,

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it is rather an unenviable position for me to stand up in support of the proposition that has been put forward. I can easily oppose this motion if I am one of those who sympathise with the verumpattamdars and who take credit by simply remaining neutral when called upon to vote in their favour. But I do not propose to do so, because all along I have been supporting all the amendments that have been put forward to better the condition of the verumpattamdar. I feel, in the case of security matter, though I do not agree with certain propositions put forward by the hon. the Revenue Member, I must agree with the principle underlying them. The only difficulty that I feel in that matter is that the interest of 6 per cent is too low. If he is asked to pay interest at the rate of 20 per cent or even 12 per cent, I should have whole heartedly supported the proposition. Unfortunately the interest proposed is too low. That is the only matter which makes me rather reluctant to support the amendment. But because there is no other proposition before the House I agree with the principle underlying the amendment and I shall state certain facts for the edification of the House to make them understand that the position of the tenants is not exactly as they imagine. True that the position of the verumpattamdar is very low and he is very poor and that he will find it difficult to find the money for paying security. (Mr. S. Satyamurti:—"That is enough"). (Laughter.) Sir, that is why I have myself tabled an amendment not to take one year's rent as security. That amendment comes later on. I do not know whether I am competent to speak on that amendment now."

* The hon. the PRESIDENT:—"The hon. Member will not be competent to speak on that if he does not move his amendment."

Mr. K. MADHAVAN NAYAR:—"I beg to move that
"the words 'half of one year's fair rent' be substituted for the words
"one year's fair rent" wherever they occur in the amendment of the
hon. Mr. Campbell."

"Now I think I can heartily support the amendment because my difficulty is removed. The real difficulty is this. The kanamdar who has been depicted to be a middleman and so on is the man who is responsible for the improvement of the land, for the cultivation of the land. He is the man who will be responsible for any loss that may be sustained and for any vicissitudes that may happen. Whatever fixity of tenure you may give to the verumpattamdar, the kanamdar is the man who runs the risk of collecting the rent from the verumpattamdar. If the verumpattamdar does not pay either deliberately or otherwise the rent to the kanamdar, the latter is the man who has to pay to the janmi, to the very last pie, not only exorbitant michavaram but also revenue and renewal fees under this Act. Therefore the interests of the kanamdar should also be safeguarded by the House. The position of the kanamdar is this: he will find that the rent that he is collecting till now will be reduced hereafter. He will also find that the payment to the janmi that he has to make every year and at the end of twelve years will be considerably enhanced. It is a notorious fact in Malabar that landlords find the utmost difficulty in collecting rent from their tenants. That fact has been recognized by officials and all that know the conditions of Malabar know this fact. In Malabar, the verumpattamdar has to pay rent twice in a year—once in September and another in March or April. Section 15 which has been referred to

[Mr. K. Madhavan Nayar]

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by the hon. Members gives summary powers to the landlord to collect rent. What is the use of that summary procedure after the harvest has been taken away? I can understand his utilizing that summary procedure so far as the first half year's rent is concerned. But as regards the second half of the rent, by the time that he will put into execution the summary procedure that is prescribed under the Act, there will be no crop on the land. Therefore the remedy prescribed in the Bill is illusory. That is why I say: do not make the verumpattandar pay one year's rent as security but make him pay half year's rent as security. I know that all of you are speaking with the best of intentions in the world on behalf of the verumpattamdars, but I am sure you are inflicting the greatest burden upon him by asking him to pay one year's rent instead of half year's rent.

"There is one thing that has to be said in favour of the janmis. So long as half year's rent is given as security the landlord will never have recourse to the summary procedure and the verumpattandar will never be subjected to harassments which section 15 provides. That is one of the arguments that I have to put forward in favour of the janmis. The second argument that I heard from my hon. Friend, Mr. Krishnan, was that the verumpattamdars will not be able to furnish the money as security. Till now I have not heard of any janmi or kanamdar or verumpattandar raising his protest against the security that was provided for in the Raghavayya Committee report. In that Committee not one of the Members, whether janmis or tenants—I cannot say the representatives of the janmis or the representatives of the tenants—advanced any arguments against security. The kuzhikanamdar had not a word to say against it. I have never heard a word from my other friends, the verumpattandar, or the tenants' association, or from any other person. You may think that once you have given him the fixity of tenure, there will be no necessity to take any security from him. But what I submit is that the landlord may have given his land to a person who may not be in a position to improve his land or to one who may be an insolvent. Under those circumstances it would be impossible for the landlord to hereafter change the tenant whenever he pleases once the Act is passed and the fixity of tenure has been given to the tenant. Supposing when the Act comes into force he does not find his tenant solvent and he is unable to realize his rent from him then what will he do if there is no security? You may also be aware that Malabar is subject to floods and breaches of embankments very often, and the verumpattandar as a matter of fact will look to the landlord for protection. Once fixity of tenure is given to him, he may find it difficult to repair the bund and he may not even care for fixity of tenure also because the land is useless for him.

3-15 p.m. "Under the existing provision, the tenants and the landlords will suffer alike. What I say is this: you have to look to the interest of the land, to the interest of the landlord and also to the interest of the verumpattandar. I suggest a small security of half a year's rent. I have no knowledge of the conditions in North Malabar. In South Malabar, especially in Ernad and Walavanad taluks, Mappillas are mainly verumpattamdars. Three Mappillas were examined by the Raghavayya Committee and all of them are very respectable people; the people of Malabar have the greatest respect for them. The first man is Mr. Kunhi Moyi Haji Sahib, President, Taluk Board, Ernad. He is both a kanamdar and verumpattandar. He is a leader among

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the Mappillas. Another man examined by the Committee is Muhammad Kurakkal, the Vice-President of the Ernad Taluk Board. I shall read his evidence published in the report of the Raghavayya Committee, page 148—

'The first place visited was Manjeri and the first person examined there was Muhammad Kurakkal, Vice-President of the Ernad Taluk Board. He said that he was partly a verumpattandar and partly a kanamdar, that there was considerable rack-renting in those parts, that the verumpattamdars required fixity of tenure very much, that if fixity was given they would be able to manure the lands better and that the yield would be considerably higher than what it is now. He said that fixity should not be given to the ordinary verumpattandar unless he was willing to give security for two years' rent, as, otherwise, the janmis would find it difficult to collect their dues. Asked whether the present-day verumpattamdars would be able to give such security he said that it was no doubt true that several of them would not be able to do so; he added that if a man could not give such security, he was not going to be benefited by any fixity of tenure and there was no use giving fixity to such persons.'

"The written evidence given by Mr. Kunhi Moyi Jaki Sahib is at page 595. It is to the following effect:—

'The kanamdar cultivates the lands but when he finds it difficult to cultivate the lands, he leases them out to simple lessees who are mostly men of no property. The kanamdars have to keep their lessees by giving them seed, paying them the expenses of cultivation and helping them with cattle for ploughing, etc. When any loss occurs or when any damage is sustained on account of floods, drought or other accidents, it is the kanamdar who suffers all such loss. Whatever loss the kanamdar may sustain, he is liable to the janmi for the michavaram and to the Government for revenue. It is true that the janmi is primarily liable to the Government for revenue; but it is not to be forgotten that the kanamdar is liable to the janmi.'

"With regard to fixity of tenure he says all classes of tenants alike should be given fixity of tenure with the exception of kanamdars and lessees who are not prepared to pay or give security for one year's michavaram or rent as the case may be, payable by them and keep it with the janmi, kanamdar, or others under whom they hold always as an advance payment, and the kanamdars who are not prepared to take renewals on the expiry of the term of their kanam demises, paying just and reasonable renewal fees.

"This is the evidence that was given by the Mappillas of the Ernad taluk who were examined by the Committee. They are in support of the proposition that some security should be taken. But at the same time I realize that it will be very difficult for the verumpattandar to find one year's rent as security. If you fix only half a year's rent as security and if you provide for the payment of adequate interest, the tenants can borrow money and give it. I am sure that the Government also would make some arrangements for advancing amounts to the tenants so that the landlords will get their dues and the tenants also would not suffer. This is a very serious matter for consideration and I hope that the very fact that I represent the kanamdars of Malabar also will not stand against me. The janmi cares only for the realization of his michavaram and he wants to exact from the verumpattandar every pie the latter has to pay for straw, etc. With regard to the question of fair rent, you have seen the janmi fighting to increase the rent as much as possible so that the renewal fee may be enhanced. The janmi says 'there is the kanamdar who will pay'; he does not care for the security. If this amendment is accepted I am going to move another amendment that clause 15 should be deleted. I do not come before the House both for this amendment and for clause 15. I am for the deletion of clause 15 altogether. Both the kanamdar and the verumpattandar will be benefited if you fix half a year's rent. I therefore appeal to the House to accept this amendment.

[Mr. K. Madhavan Nayar]

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I am for increasing the rate of interest on the security amount that is taken. With these qualifications I move my amendment for the acceptance of the House."

*The hon. the PRESIDENT:—"The hon. Member, Mr. Saldanha, cannot second this amendment because he has spoken already on the main motion."

Mr. C. GOPALA MENON:—"Sir, I beg to second the motion."

*The hon. the PRESIDENT:—"The question is in the amendment of the hon. the Revenue Member for the words 'one year's fair rent' in sub-clauses (1), (2) and (3) substitute the words 'half of one year's fair rent.'"

The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I am prepared to accept this amendment but not to delete clause 15"

Mr. Madhavan Nayar's amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|--|----------------------------------|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 12. Mr. J. Gray. |
| 2. " Sir Thomas Moir. | 13. " S. V. Ramamurti. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 14. " C. B. E. Cotterell. |
| 4. " Mr. A. Y. G. Campbell. | 15. " V. Ch. John. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 16. " M. A. Manikkavelu Nayakar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 17. " Syed Tajudin. |
| 7. " Dr. P. Subbarayan. | 18. " R. Foulkes. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 19. " S. Subrahmanya Mooppanar. |
| 9. " Hilton Brown. | 20. " S. N. Dorai Raja. |
| 10. " H. A. Watson. | 21. " J. A. Saldanha. |
| 11. " A. G. Leach. | 22. " K. Madhavan Nayar. |
| | 23. " K. P. Raman Menon. |
| | 24. " C. Gopala Menon. |

Noes.

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|---|--|
| 1. Diwan Bahadur P. Kesava Pillai. | 24. Mr. S. Satyamurti. |
| 2. Mr. A. B. Shetty. | 25. " Abdul Hameed Khan. |
| 3. " J. Bheemayya. | 26. " K. V. R. Swami. |
| 4. " Mahmud Sohamnad. | 27. " L. K. Tulasiram. |
| 5. " J. Kuppuswami. | 28. " K. R. Karant. |
| 6. Rao Bahadur O. M. Narayanan Nam-budripad. | 29. " C. Obi Reddi. |
| 7. Mr. K. Krishnan. | 30. " A. Parasurama Rao. |
| 8. " N. Siva Raj. | 31. " T. Adinarayana Chettiyar. |
| 9. " M. V. Gangadhara Siva. | 32. " Ahmed Miran. |
| 10. Rao Sahib L. C. Guruswami. | 33. Sriman Biswanath Das Mahasayo. |
| 11. Mr. V. I. Muniswami Pillai. | 34. Mr. A. Kaleswara Rao. |
| 12. " S. V. Vanavudaiya Goundar. | 35. " K. Uppi Sahib. |
| 13. " S. Venkiah. | 36. " C. N. Muthuranga Mudaliyar. |
| 14. Rao Sahib R. Srinivasan. | 37. " K. V. Krishnaswami Nayakar. |
| 15. Mr. A. Achutan. | 38. " C. Venkatarangam Nayudu. |
| 16. " E. Sankaran Unni. | 39. " A. Ranganathi Mudaliyar. |
| 17. " K. Ramaachandra Padayachi. | 40. " B. Nagan Gowda. |
| 18. Khan Bahadur P. Khalifulla Sahib Bahadur. | 41. " C. E. Parthasarathi Ayyangar. |
| 19. Mr. V. Ramjee Rao. | 42. Rao Bahadur Sir A. P. Patro. |
| 20. " P. O. Venkatapathi Raju. | 43. " C. Natesa Mudaliyar. |
| 21. " K. Koti Beddi. | 44. Mr. Khadir Mohideen. |
| 22. " R. Srinivasa Ayyangar. | 45. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 23. " Sami Venkatachalam Chetti. | 46. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| | 47. Rao Bahadur B. Muniswami Nayudu. |

Ayes 24. Noes 47.

The amendment was negatived.

[3rd October 1929]

*The hon. the PRESIDENT:—"The amendment of the hon. the Revenue Member as amended by Mr. Sankaran Unni's amendment is for the consideration of the House."

Mr. K. KOTI REDDI:—"Mr. President, Sir, if I rise now, particularly after the voting on the previous amendment has taken place, it is not for taking up the time of this House but to just refer to one paragraph in the report of the Raghavayya Committee which is quoted very often. It is a fact admitted by the Government, by the janmis and by the kanamdars that the cultivating verumpattamdar cannot out of his own savings, find the money necessary for giving the security. It follows as a matter of course that he has to go to a money-lender for getting the amount that is necessary. Sir, the report of the Raghavayya Committee makes it quite clear that the verumpattamdar cannot get that amount without paying less than 30 or 36 per cent interest. This is what is stated in paragraph 88 of the report:—"At present it would appear that when the kanamdar or the janmi does not give him an advance for cultivation expenses, he cannot borrow money at less than 30 to 36 per cent per annum." In the same paragraph it is stated that with the increased produce, the verumpattamdar will be able to have better homes, and a better standard of living, to educate his children better and to add to the economic efficiency of the land. In this endeavour of his, he may perhaps succeed better if, at the initial stages at least, he could avoid going to the money-lender and has the help of cheap credit."

"This is a paragraph, Sir, quoted from the very report which has been 3-30 relied on so much by the Government. Mr. Saldanha said that under the p.m. Estates Land Act, the tenant has to pay two and a half times as advance rent. He is entirely mistaken; that provision applies not to land which is occupied by the tenant but to land which is practically a waste land and which is considered to be the private property of the landlord. So far as the land which is occupied is concerned, no such advance is necessary. It is unparalleled in the history of tenancy legislation, Sir, that the tenant is made to pay an advance. I sincerely believe, Sir, that if this amendment is accepted by the House, it would be seriously jeopardising the interests of the tenants. What the Government are trying to give with one hand, they are trying to take away with the other."

(Mr. E. Sankaran Unni stood up in his seat.)

*The hon. the PRESIDENT:—"One, who moved the amendment, cannot make a speech now. The hon. the Revenue Member."

*The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, at the outset I should like to reply to the statement made by the hon. the Leader of the Opposition and one or two other Members who suggested that the rate of interest, six per cent, which is proposed in my further amendment, is too low. That is a matter, Sir, which must come up before the House for discussion when that amendment is taken up and considered. That matter is of course open for further consideration then; and I do not think I can now say what position I shall take up after hearing the arguments for an enhancement of the rate of interest."

[Mr. A. Y. G. Campbell]

[3rd October 1929]

"One point, however, must be conceded, that is, that the tenant by getting this occupancy right or fixity of tenure will be of course in a better position than he is now in. Therefore, he will be in a better position than now to raise a loan. The hon. the Leader of the Opposition remarked that there was no provision of this kind in Mr. Krishnan Nayar's Bill as passed by this Council. I need hardly remind the House that that Bill was vetoed on the ground that it was too confiscatory. Therefore, it is not safe to draw any conclusions from that Bill which was considered unsatisfactory in the absence of provisions such as those contained in the present amendment.

"Then, my hon. Friend Mr. Krishnan, if I understood him right, suggested that it would be possible, if this amendment is passed, for a landlord to evict a tenant or verumpattamdar, and after having done so, to get a fresh tenant and take unlimited security from him. I think, Sir, that section 32 of the Bill, if it is passed as it is, would prevent such a course; because it lays down that—

'Save as otherwise provided in this Act, no cultivating verumpattamdar and no person in whose favour a renewal deed has been executed under the provisions of Chapter IV, shall be liable to pay to his landlord anything more than the fair rent and the renewal fee as fixed by this Act, and any stipulation, express or implied, of whatever date, to pay anything more or anything else shall be void.'

"Again, it was pointed out by some hon. Members that the landlord may take advantage of this provision to levy security or insist on the payment of advance even from existing tenants who have not given such security or who have not paid such advance in the past. I am not sure whether that will be so, as it must be remembered at the same time that if the landlord wants to have any security, he will have to pay something in the shape of interest thereon. He does not get the security for nothing, but has to pay interest on it; and that, I am sure, will be a check on the landlord in requiring security from cultivating verumpattamdar unnecessarily. However, Sir, I shall be quite prepared to accept or even to move, with your permission and with the permission of the House, a proviso to exclude from the operation of this section any cultivating verumpattamdar, who has been in possession, as such, of his holding for more than one year on the date of the commencement of this Act and has not at any time during the five years preceding October 1929, been called upon to pay any advance, or to deposit security for the rent of his holding for one year or more. I can either move it now, or at the third reading stage.

"As I pointed out in my opening speech, this scheme cannot be considered to be too drastic, and, in my opinion, it is a necessary safeguard. We are now taking away powers from the landlords which they have been exercising for a long time past; and if you do not give the landlord power to demand security in cases where he does not feel that his rent is safe, the landlord may be hit hard. If the landlord loses this right to demand security when he is doubtful of his tenant, he will naturally refuse to lease his land to anyone who is not a person of substantial means and he will endeavour to get rid of his poorer tenants in favour of others who are in a better position; we shall thus prevent the poorer classes from being able to attain to the position of 'cultivating verumpattamdars' with fixity of tenure."

(Hon. Members: Vote, vote.)

[3rd October 1929]

The hon. the PRESIDENT:—"I take it that the House is now ready for a vote. The question is—

'6. After clause 12, insert the following as clause 13 and re-number clauses 13 to 54 as clauses 14 to 55 respectively:—

"13 (1) A landlord may, at any time, by notice in writing, call upon his cultivating verumpattamdar at the latter's option—

- (a) to pay one year's fair rent of the holding in advance, or
- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance.

(2) If, within a period of six months from the date of the service of notice upon him under sub-section (1), the cultivating verumpattamdar fails to pay the advance or furnish the security demanded by the landlord, the landlord may apply to the court, in the form prescribed, for an order to direct the cultivating verumpattamdar, at the latter's option—

- (a) to pay one year's fair rent of the holding in advance, or
- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance.

(3) On the receipt of an application under sub-section (2), the court shall issue notice to the cultivating verumpattamdar and, if satisfied after inquiry that the tenant has not complied with any of the provisions of sub-clause (2), order the cultivating verumpattamdar, at the latter's option

- (a) to pay one year's fair rent of the holding in advance, or
- (b) to furnish security for the said fair rent, or
- (c) to pay a portion of the said fair rent in advance and furnish security for the balance

within such date as the court may fix.

(4) Where the cultivating verumpattamdar has already paid a portion of one year's fair rent of the holding in advance or furnished security for a portion of the said fair rent, the provisions of sub-sections (1) to (3) shall apply in respect of the balance of such rent."

[3rd October 1929]

The amendment was put to the House and declared lost. A poll was demanded by the hon. Mr. A. Y. G. Campbell, and the House divided thus:—

Ayes.

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|--|----------------------------------|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 12. Mr. J. Gray. |
| 2. " Sir Thomas Moir. | 13. " S. V. Kamamurti. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 14. " C. B. Cotterell. |
| 4. " Mr. A. Y. G. Campbell. | 15. " V. Ch. John. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 16. " M. A. Manikkavelu Nayakar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 17. " Syed Tajudin. |
| 7. " Dr. P. Subbarayan. | 18. " K. Foulkes. |
| 8. Mr. Alladi Krishnaswami Ayyar. | 19. " S. Subrahmanya Moopanar. |
| 9. " Hilton Brown. | 20. " S. N. Dorai Raja. |
| 10. " H. A. Watson. | 21. " K. Madhavan Nayar. |
| 11. " A. G. Leach. | 22. " J. A. Saldanha. |
| | 23. " K. P. Raman Menon. |
| | 24. " C. Gopala Menon. |

Noes.

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| 1. Diwan Bahadur P. Kesava Pillai. | 25. Mr. K. V. R. Swami. |
| 2. Mr. A. B. Shetty. | 26. " D. Narayana Raju. |
| 3. Mahmud Sehamnad Sahib Bahadur. | 27. " K. R. Karant. |
| 4. Mr. J. Kuppuswami. | 28. " C. Obi Reddi. |
| 5. Rao Bahadur O. M. Narayanan Nam-budripad. | 29. " A. Parasurama Rao. |
| 6. Mr. K. Krishnan. | 30. " T. Adinarayana Chettiyar. |
| 7. " N. Siva Raj. | 31. " Ahmed Miran. |
| 8. " M. V. Gangadhara Siva. | 32. Sriman Biswanath Das Mahasayo. |
| 9. Rao Sahib L. C. Guruswami. | 33. Mr. A. Kaleswara Rao. |
| 10. Mr. V. I. Muniswami Pillai. | 34. " K. Uppi Sahib. |
| 11. " S. Venkiah. | 35. " C. N. Muthuranga Mudaliyar. |
| 12. Rao Sahib R. Srinivasan. | 36. " C. Marudavanam Pillai. |
| 13. Mr. A. Achutan. | 37. " K. V. Krishnaswami Nayakar. |
| 14. " E. Sankaran Unni. | 38. " A. Ranganatha Mudaliyar. |
| 15. " V. Ramjee Rao. | 39. " R. Nagan Gowda. |
| 16. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 40. " C. E. Parthasarathi Ayyangar. |
| 17. Mr. G. R. Premayya. | 41. " P. Siva Rao. |
| 18. " P. C. Venkatapathi Raju. | 42. Rao Bahadur Sir A. P. Patro. |
| 19. " K. Koti Reddi. | 43. " C. Natesa Mudaliyar. |
| 20. " R. Srinivasa Ayyangar. | 44. Mr. P. T. Rajan. |
| 21. " Sami Venkatachalam Chetti. | 45. " Kadir Mohideen Sahib. |
| 22. " S. Satyamurti. | 46. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 23. " Abdul Hameed Khan. | 47. Khan Sahib T. M. Moidu Sahib Bahadur. |
| 24. " L. K. Tulasiram. | 48. Rao Bahadur B. Muniswami Nayudu. |

Neutral.

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| 1. Mr. J. Bheemayya. | 7. Mr. C. V. Venkataramanna Ayyangar. |
| 2. The Muppi Nayar of Kavalappara. | 8. " G. Harisarvottama Rao. |
| 3. Subadar-Major S. A. Nanjappa Bahadur. | 9. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 4. Mr. S. V. Vanavudaiya Goundar. | 10. The Kumara Raja of Venkatagiri. |
| 5. " F. E. James. | |
| 6. " S. Arpudaswami Udayar. | |

Ayes 24. Noes 48. Neutral 10.

The amendment was negatived.

Clause 13.

* The hon. the PRESIDENT:—"Clause 13 is now for the consideration of the House.

"Messrs. Arpudaswami Udayar and Uppi Sahib cannot move the amendments standing in their name, because the theory of certificate is gone."

[3rd October 1929]

Mr. K. R. KARANT:—"My amendment is for the substitution of the word 'suit' in line 1, for the words 'legal proceeding'." 3-45 p.m.

"My object in moving this amendment is that as legal proceeding includes also execution applications and so on, 'suit' is the proper word. I hope Government will accept this amendment."

Mr. K. MADHAVAN NAYAR:—"I second it, Sir."

The hon. Mr. A. Y. G. CAMPBELL:—"I accept the amendment."

The amendment was put and adopted.

Sub-clause (1).

Mr. L. K. TULASIRAM:—"I move that—

'In line 1, insert the words "in writing signed" after the words "wilfully denied".'

"The reason why I move this amendment is that it would be better to have 'in writing signed' in order to prove wilful denial."

Mr. R. SRINIVASA AYYANGAR:—"I second the amendment."

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think this amendment is necessary. I would prefer the wording as accepted by the select committee."

The amendment was put and negatived.

Explanation.

Mr. K. R. KARANT:—"I move for the deletion of the words 'of fact' in the Explanation. I do not think it is necessary to confine it only to a mistake of fact."

Mr. K. MADHAVAN NAYAR:—"I second it."

The hon. Mr. A. Y. G. CAMPBELL:—"I am not quite clear as to what other mistakes the hon. Member has in view."

Mr. K. R. KARANT:—"Question of law."

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think I can accept the amendment."

The amendment was put and negatived.

Sub-clause (2).

Mr. K. R. KARANT:—"I move that—

'In line 2, substitute the word "acts" for the word "act".'

"This is only a verbal amendment."

Mr. K. MADHAVAN NAYAR:—"I second it."

The hon. Mr. A. Y. G. CAMPBELL:—"It is a misprint and I accept it. The amendment was put and adopted."

Mr. E. SANKARAN UNNI:—"I move, Sir—

'Add at the end "Wilful waste" shall for the purpose of this sub-section include the following:—

- (1) That the tenant erected or allowed others to erect any building on any wet land contained in the holding or planted or allowed others to plant thereon trees other than plantains.
- (2) That where rent is payable in kind, the tenant has failed without sufficient cause, to cultivate the lands in the manner and to the extent customary in the locality in which the lands are situate.'

[Mr. E. Sankaran Unni]

[3rd October 1929]

"Sir, both in the Raghavayya Committee's Bill and in the original Bill introduced by the Government there were these clauses. There was also a similar clause in Mr. Krishnan Nayar's Bill which is left out in this Bill. I think that it is essential that there should be this clause in this Bill. It is important that in Malabar you do not allow people to erect buildings on wet lands as such proceeding on the part of the tenant will lead to very serious trouble. I think the Raghavayya Committee knew it and I believe Government also knew it. There will be very heavy and ruinous litigation as a result of this. If this is accepted, one excuse of going to court will be removed and the landlord as well as the tenant will be equally benefited. Otherwise the land will be taken out of cultivation. My amendment is intended to benefit the community as a whole as it is not merely in the interests of the landlord alone that the land should be cultivated. Everyone will admit that there should be sufficient foodstuffs in the country. If you allow paddy lands to be converted into pepper gardens or coconut gardens, you will be taking away out of cultivation a very considerable extent of land which is used for raising staple food crops. I think it will be an advantage to have a provision like this and I trust that hon. Members will accept the motion."

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD :—"I second it, Sir."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I am not able to accept this amendment. This question was considered by the Select Committee, and the definition was deleted as we thought it better to leave it to the courts to decide what is 'wilful waste'. The hon. the Mover seems to think that by his amendment, he would lessen the chances of litigation on this ground. I feel I cannot agree with him. In the first place, I do not think that there will be very much litigation on this ground and in the second place it seems to me that the definition still leaves very much open to dispute, for example as to whether cultivation has been carried on in the manner and to the extent customary in the locality and so on. I do not therefore think that the amendment will effect what the hon. Member has in view."

The amendment was put and negatived.

Sub-clause (3).

Sriman BISWANATH DAS Mahasayo :—"Mr. President, Sir, I move to—
'Omit sub-clause (3) and re-number the other sub-clauses.'

"In doing so, I beg to say that the Bill hits very hard on the tenant. In clause 15, Sir, provision has been made for the realization of dues in various ways. For instance, the landlord is authorized to proceed against the tenant and attach his crop or his movables. In view of the summary powers conferred on the landlord even to attach standing crops, I think it would be very unjust on the part of the legislature if it makes the tenant liable to be sued for eviction, just for non-payment of rent. For realizing the rent if the tenant makes default, you have made ample provision and I shall not be sorry and no one in this House will oppose, if you provide any penalty for non-payment. I think this will be setting a very bad precedent and a very bad example in any tenancy legislation, much less in Malabar tenancy, knowing as we do that the Malabar tenant is rack-rented, is poor, illiterate and

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8rd October 1929] also helpless. There are also other difficulties in his way and it is not reasonable to make the tenant liable for eviction merely for non-payment for one year. I find the anxiety of my hon. Friend to provide that the tenant will be restored if he pays the rent. I have seen those provisions and I am not sure that those provisions will protect him. If you make the tenant liable for eviction for his non-payment of rent for one year, I think you will be taking from him by one hand what you give him by the other. I would therefore appeal to hon. Members of this House to show some leniency to the tenant. On the other hand, you have given the power to the janmi to realize his rent through the law courts. You may prescribe any penalties you desire. I think that is all that can be done and that is being done in any tenancy legislation. So, I think, neither the select committee, nor the hon. Member in charge of the Bill has made out any case for the retention of this sub-clause. So, I move that this sub-clause may be omitted."

* Mr. A. KALESWARA RAO :—"Sir, in seconding this amendment to delete sub-clause (3) from clause 18 altogether, I beg to submit that but for the importance of this question, we outsiders would not have intervened in this debate. Section 10 would confer very valuable rights upon the agriculturists of Malabar. It is as it were a Magna Charta of the rights of the agriculturists in Malabar. They are said to be poor. Their condition is said to be miserable. What are those conditions due to? They are due to the agriculturists not having any fixity of tenure and their liability to be evicted at the mere will and pleasure of the landlord as soon as the agricultural year is over. Now, the House has granted that very valuable right which is heritable and alienable and after giving that right, we are introducing through some of the clauses, clauses like sub-clause (3), provisions which rob them of that very valuable right. This sort of provision that a tenant should be evicted from the land simply because he does not pay the rent within three months after the due date, is unknown in any part of the world. Now, of course, there is a provision that if the tenant pays into court the rent due by that time, he is safe. I ask the House through you, Sir, to see sub-clause (3) of clause 14. It does not protect the tenant. In that clause it is stated that in any suit in which eviction is claimed on this ground, if the tenant deposits in court the amount of rent due the suit will be dismissed. Suppose, by the tenant's fault, or by the fault of the bailiff, a decree is passed ex parte. I do not think, in such a case, the language of the section is capable of being interpreted in favour of the tenant. To evict a man for non-payment of rent, after making it a first charge on the land and after securing the right to attach the crops which are valuable to the tenant, is really unfair. After all, the tenant wants to be there, wants to live and wants to become better in society. Though, the select committee has thought it worth while to put in this sub-clause, I appeal to the House, through you, Sir, to remove it so that the valuable rights that this House is conferring on the agricultural classes may be given to them with grace, so that the agriculturists of Malabar may become prosperous and feel thankful to us."

* The hon. Mr. A. Y. G. CAMPBELL :—"I cannot accept this amendment as this sub-clause is an important portion in the Bill. I cannot agree with the last speaker when he said that the landlords can by other means recover the 4 p.m.

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land. It seems to me perfectly reasonable that the landlords should be able to recover their lands when the rent is not paid, and therefore I oppose this amendment."

The amendment was put and negatived.

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, I move—
'that in line 1 for the word "three" substitute the word "one".'

"Sir, the amendment may appear to be a bit hard on the tenant, but it is exactly the reverse of it. When a tenant gets in his paddy it is better that he pays the rent as quickly and as early as possible. If you let him keep it for a long time he will spend it either on luxuries or on other things, which I need not mention here. By this amendment I am really asking the House to be kind to him. Let it be understood that the tenants of Malabar are not very different from the tenants, say, of Godavari. I really think that by this amendment we are protecting the tenant against his landlord. Supposing the tenant fails to pay the rent the landlord will go to court and evict him. I beg the House not to give room for that. I know this House has been very indulgent towards the verumpattamdar, and I wish I could step into his place. (Swarajist voices: 'Do, do'.) I have great pleasure in moving this amendment."

Rao Bahadur O. M. NARAYANAN NAMBU DIRIPAD :—" I second it."

The motion was negatived.

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

'that for the words "three months" substitute the words "two years"'.
"If the House will turn to section 15 it will see an elaborate procedure laid down for the recovery of rent. But what we see here is a drastic measure that if the rent is not paid in three months after it is due the tenant may be evicted. I think this is too hard on the tenants. It is too much to expect the ignorant tenant to realise fully all the implications of the delay in the payment of rent notice. I therefore suggest that a longer term be given for the payment of rent."

Mr. L. K. TULASIRAM :—" I beg to second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I cannot accept the amendment, as it is too long a period, and it will be impossible to make the landlords accept the period of two years. Therefore I oppose it."

The amendment was put and negatived.

Sub-clause (5).

Sriman BISWANATH DAS Mahasayo :—" Mr. President, I beg to move—
'that sub-clause (5) be deleted.'

The sub-clause runs as follows :—

'that the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or tarwad or tavazhi who has a proprietary and beneficial interest therein.'

"Sir, it seeks to remove any cultivating ryot whenever a janmi or landlord wants to have the same land for his own cultivation. This is, I take it, a very serious defect in the whole Bill. The select committee has not explained or has not made out a case for the retention of this clause. You take alone the case of the land on which you are now conferring beneficial interest. You completely neglect the case of the actual cultivator. When a servant serves

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you for some time and then leaves you, you generally give him something when he takes leave of you. When a Government servant retires from service, he is given pension. In the case of local fund service there is the provident fund system, and in the case of private companies bonus is given. Here is a case where this hon. House instead of giving something to the tenant has left the sword of Democles hanging over his head, by means of this clause. The consequence of retaining this clause is that, whenever a landlord is dissatisfied with his tenant, he will put forward the plea: 'I want this land for my own cultivation' all at once, and the unfortunate tenant will have to quit it, leaving all his patrimony and all the interest he has in his land. Knowing as you do, Sir, that these landless people have no other avocation except cultivation, this is, I submit, a very hard clause by which these unfortunate tenants are hit. So I appeal to the Government and the House to be lenient to these people. By the retention of this clause the chances are that the right will be abused more than used properly. If the landlord is anxious to have the land for his cultivation he can take advantage of the provisions of the Land Improvements Act, paying to the tenant full compensation. For, it is but just that he must get compensation for having toiled on the land day after day, month after month and year after year. Otherwise it becomes a waste of energy and waste of labour and money. Is that a desirable thing? Sir, you are starting co-operative societies. Why? You are starting Banking Enquiry Committees. Why? (Mr. E. Sankaran Unni: Question?) Yes, Sir, you will question. Because you are janmis you will naturally say, why. You have got the sympathy of the Government and so you will say, why. Since the Government want that you do not rebel they support you and so you say, why. Sir, in cases of improvements on land the Estates Land Act gives preference to ryots who have improved land by cultivation. The Bengal Tenancy Act also gives priority of right. And in the Tenancy legislation of other parts of India also you find similar provisions. But here you have a Tenancy legislation which is not worth a scrap of paper. For you say that a tenant cannot have the right of enjoying the fruits of his labours. You say 'when a landlord requires the holding *bona fide*'. Have you defined the word *bona fide*? Has the landlord the experience of the land to give him priority over the tenant? Why this confiscation, I ask? Under these circumstances I cannot agree for the retention of this sub-clause; and I am sorry that the select committee, committed the gravest blunder with regard to this clause. Under these circumstances I move that this clause be deleted."

* Mr. A. KALESWARA RAO :—" Sir, I beg to second it. I too have given an amendment like this and I submit that this clause is worse than the previous one. In the previous clause there was some justification why the landlord should be protected. This on the other hand is contradictory to section 10. Of course, *bona fide* the landlord will say he wants the land for his own cultivation. Every member of his family who has any proprietary right will come forward and claim the land. Therefore I submit the Government should see that this clause is deleted. I must say that the Government and the select committee were too lenient to the janmis and the landlords. What will happen under this clause is that the agricultural ryots will not improve the land because at any time they may be asked to quit."

"The only illusory provision is that the landlord cannot bring in or let into possession of the land any other tenants within six years, but may keep the land for six years and then when he brings in another tenant, he will take

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nazarana. We know what is going on under the Madras Estates Land Act. The landholder can get lump sums and let in other tenants. In that way it will ruin the whole object of the Bill. If really this Bill is intended to improve the economic condition and prosperity of the agricultural population, this House ought to reject this clause at once and give real proprietorship or real occupancy rights to the cultivating verumpattamdars. If it is a case as between the janmis and kanamdars, I would not bother myself about it. They can settle their disputes between themselves. Both parties are equally strong. But in the case of the verumpattamdars, all sides of the House should sympathize with them. They should be given permanent occupancy without being molested by these landlords who are certainly richer and far more powerful than themselves. The idea of the whole scheme ought to be to give real protection to these verumpattamdars. Otherwise lands will be taken away particularly by the kanamdars. Some lands will also be taken away by the janmis. That is what is going to happen if these provisions are retained. Therefore the merit and the grace of the Bill would be lost if this provision retained."

* Mr. K. KOTI REDDI :—" Mr. President, Sir, I do not know whether I shall have to vote for or against this amendment. But, however, there are some considerations which make us believe that this piece of legislation is very clumsy, really. The conditions of Malabar, no doubt, make it incumbent on the legislators to resort to such a piece of legislation, but I really do not know how far this would be the proper method of doing it. No doubt, Sir, we have to take into account the special conditions of Malabar, namely, that a large number of janmis or landowners in Malabar own no large extent of land. On the other hand there are a few janmis who own large extent of land. But we have to take into account these small landowners, and whenever such a landowner wants land for cultivation by himself, it must, to be fair, be given to him, and it is necessary to do so. But on the other hand, when we think of the large janmis and when we think also of the improbability of their ever claiming the land for cultivation by themselves, it seems to me that such a provision as this is absolutely unnecessary. So the dividing line so far as an amendment of this sort is concerned should be between the small landholder and the big landholder. An amendment of that kind, therefore, would certainly have been much better than the provision that the janmi can claim back the land for his own cultivation. This matter should be considered by the House.

" Then, the other consideration is this. As I have stated with this Damocles word hanging over the head of the tenant, namely, that the land-lord might claim at any time that piece of land for his own cultivation, I do not think there will be sufficient inducement for the tenant to improve the land, or to cultivate to the best advantage possible. I do not think that such a state of things is really good either in the interests of the janmi or of the tenant. I really believe that such a state of affairs is really not good in the interests of either. As I have already said, when we consider the existence of the large number of small landholders, such a provision would have been proper, or we could have avoided this state of affairs by giving this option of claiming back the land for bona fide cultivation by the janmi within a certain number of years, say five or six or ten years. If during the time that we have fixed the janmis, I mean the small landholders, do not claim the land back for bona fide cultivation, the tenant could be allowed permanent fixity. None of these things is really provided for in this Bill, and I am afraid this state of

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things is really not satisfactory from the point of view either of the janmi or of the tenant, or in the matter of getting proper income out of those lands.

" Again, there is another consideration, namely, that this would lead to any amount of litigation. What is really bona fide cultivation is not defined here and I do believe it is really very difficult to define it. If the land-owner claims the land for his own bona fide cultivation the matter I suppose will certainly be taken to the law courts. The question whether the cultivation is bona fide or mala fide will lead to any amount of litigation. I think for these reasons the provision is not a proper one. Although I am in sympathy with the large number of small landlords claiming the lands for their own cultivation within a certain number of years, I think with the provisions of the Bill as they are, I have to vote for the amendment."

Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, I am sorry I have to oppose this amendment. I know that my hon. Friend, Mr. Biswauath Das, will find fault with me for opposing an amendment of this sort. But, Sir, at the same time I may tell him that, if really we have the interests of the actual cultivating tenant at heart in a place like Malabar where for many long years the courts have held that the janmis are entitled to the property, when for the first time we are taking away such rights, we must provide, when the janmis want to take the land for their own cultivation and want an opportunity to be given to them to do so, such an opportunity in this legislation. The main principal of the Bill is that in Malabar, though the janmi is actually the owner, yet for a number of years it has been the practice to allow the cultivator to remain on the land so long as he is a good cultivator, to continue him in occupation almost permanently. Though the janmi is admitted to have, legally, the right to evict the tenant, he did not generally exercise that right because he thought he could not have another good cultivator. It is on that principle, if not on anything else, namely, that it is not the practice in Malabar to allow cultivators to continue for a long time, that we have pressed on behalf of the cultivator that he may be allowed to continue on the land with fixity of tenure. At the same time we considered the case of cultivating verumpattamdars. And we also took into account the fact that in North Malabar there were many janmis, owning small extent of five acres and six acres who were cultivating their own lands in the beginning but for some reason or other are now allowing tenants to cultivate the lands for them. We give fixity in such cases, but if the janmis think of cultivating their lands again and settle on the lands as honest cultivators, and ask for an opportunity to do so, I do not think we can deprive them of that right (Hear, hear). In the case of landlords owning, say, ten thousand acres, it is impossible for the landholders to cultivate such vast extents of land. In such a case, if the janmi comes forward and says that he wants the lands for his own cultivation, then the court will hold that it is not bona fide claim. But if it is a small janmi and his land is small, then there would be no difficulty in a court of law finding it to be bona fide. Further, we have introduced this other principle or distinction that, when a janmi takes back his land for bona fide cultivation, if he does not cultivate it for a period of six years but allows another man to cultivate it, the old tenant should be put again in occupation of the land. Now, my hon. Friend suggested that even in the Estates Land Act there is a provision for the landholder acquiring the land subject to payment for improvements. With reference to that I may point out that

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section 49 of the Bill makes the provisions of the Malabar Tenants Improvements Act applicable to all cases where eviction takes place, and the tenant is entitled to improvements, be he a tenant at will or a squatter. Therefore the tenant is amply protected and he will get the value of improvements which the court will allow him, in case of eviction. Therefore the main principle of this Bill is that, while we give fixity of tenure to actual tenants, we should not be hard upon such of the janmis as are willing to cultivate their lands; we must in fact welcome it. When honest janmis come forward and offer to be good cultivators and are prepared to invest all available capital on the land under their cultivation they should be enabled to do so. And, when that day should arrive, even as a result of this Bill, the janmis will turn out good cultivators and produce more out of their lands than the ordinary impecunious tenant can ever be expected to do. That will indeed be a good day for all people in Malabar. For these reasons I oppose this amendment."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Mr. President, Sir, I should very strongly object to the retention of these two sub-clauses (5) and (6), because I would like to know whether we are legislating under any provision or recognized canon of Hindu Law or any other law for the time being in force. If we take Hindu Law into consideration, occupancy is unqualified occupancy. I am unable to understand how a tenant can still continue to be a tenant if he is liable to be evicted. He must have fixity, permanency, not a mere precarious right, as it seems to be under this Bill. There is a confusion running throughout this legislation and courts may find considerable difficulties in interpreting and working it afterwards. Here fixity is confounded with permanency. What is given in one section is taken away in another. And we are told that, under these two sub-clauses (5) and (6), any honest janmi may find it worth his while to become a tenant himself. Now it is clearly recognized that a janmi is not an occupancy ryot of his land. But it is also stated that if he does not cultivate the land, the object is to encourage people who were already cultivating that land. It is difficult to understand how one who does not know how to occupy and cultivate the land can be regarded as one who comes within the meaning of the word 'tenant.' So, I respectfully submit there is a real confusion running throughout this Act as to what the rights are that the legislature is conceding. Is it to the janmi? Is it to the tenant? Is the latter given permanency of tenure? Now, take these two sub-clauses 5 and 6. The term 'bona fide purpose' is a very elastic term and it may be misinterpreted and misused. Under it any inconvenient tenant may very easily be ousted. The benefit given by the clause to the tenant is really illusory and can be used against him by any one who is not well-minded towards him. I only rise to bring to the notice of the House, Sir, that if these two sub-clauses are allowed to remain on the statute book it will be a very convenient source of harassment to the tenant whenever any janmi finds it difficult to get on with his tenant, for any reason whatsoever. What you give with one hand, you are taking away with the other. Therefore I am of opinion that it conforms to no recognized legal canon. Does the Hindu Law or any other Law recognize this kind of right? You give the tenant permanent right, but it is quite easy to oust him from the land, if the landlord wants. This Act is a mixed confusion. It has some provisions of the Madras Estates Land Act, the Transfer of Property Act and so on. It gives no definite idea as to what the framers of this Bill had in mind. If hon. Members go carefully through the provisions of this Act, they

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will find that it is a mere see-saw business and there is not one principle running through the whole Bill. While one section gives one right, another section takes it away. I am sure that a few years later, you will find that its provisions are contradictory. Therefore I take this opportunity of strongly protesting against these two provisions. And if you want to do any real good to the tenant in accordance with the legal conceptions as are now prevailing in India or any other country, you must delete these two sub-clauses.

"If you want to have a clear conception of what occupancy right is, you must look into 20 Madras 229. This 20 Madras is the first definite pronouncement by Mr. Justice Subrahmanya Ayyar in which he recognized, whether in a ryotwari tract or in a zamindari tract, that the tenant at any rate has got a permanent interest in the land. Tracing the whole history of land tenures down to the present time, he says that the real owner of the land is the tenant who cultivates it. He quotes authority after authority, and he gives a clear idea as to what the rights of the tenant are. You say he has no rights. Let him have one thing or the other. Therefore, if you want to retain these two sub-clauses, you will be creating more confusion than what is there already in Malabar. Therefore, I strongly submit for the consideration of the House that these two sub-clauses are a danger signal of which I give this House due warning, and that these should be deleted if you want to do any real good to the people."

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, considerable difficulty arises, so far as I am concerned, because of the confusion that has been created by speaker after speaker who preceded me. (A voice: In the Bill). There is hardly any confusion in the Bill. If you have really understood the exact difference between what the Bill proposes to confer and what is known as occupancy right, many of the speeches which we have had the benefit of hearing to-day would not have been delivered. In fact, the Bill does not propose to confer occupancy right on anybody. (Voices: What does it confer?) If the House really wishes to know the difference, I am in a position to enlighten it with all the submission that I can. But, if it does not, of course, the hon. Members."

* The hon. the PRESIDENT:—"The President is always here to hear the Members, and the other Members only hear through him."

* Mr. E. SANKARAN UNNI:—"What I was submitting is this: that there is a great difference between occupancy right which the hon. Members opposite are contemplating and fixity of tenure. Under the Estates Land Act, the Bengal Tenancy Act and other Acts, which in clear terms confer rights of occupancy, the tenant is not liable to be evicted for any reason whatsoever. If his rent is in arrear, the landlord can sell up his holding for the money due after obtaining a decree for it. He cannot be evicted for non-payment of rent. But, here a sort of fixity of tenure is conferred upon him. If occupancy right had been proposed under this Bill, I think the Government themselves would have imposed a heavy compensation, which no tenant in Malabar would have been able to pay. If you want occupancy right, I say, you have not got it here. I request hon. Members opposite to remember that the framers of this Bill and we who are discussing it here, have a great regard for Malabar and are very anxious to help forward its people in a practical way. To a certain extent, the Bill does keep in view the situation in Malabar. The fixity of tenure that we are contemplating here does not give occupancy

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right to the tenant. Then, what is it that it gives? It gives him right to enjoy the land on condition of his paying the rent regularly. And there are also certain restrictions imposed upon the landlord, preventing him from evicting the tenant so long as the latter keeps his engagements and acts fairly by the landlord. Then, what is it that the tenant has asked for? What the tenant has actually asked for is what the Government is intending to give—freedom from capricious eviction. There is no idea of investing the verumpattam tenant with rights of ownership or of permanent occupancy. What is sought to be done here is, while keeping the janmi as the supreme landlord, to give the verumpattam tenant the right to cultivate. So long as he is a good tenant and so long as the landlord does not require the land for his own cultivation, he can keep the holding. My hon. Friend Mr. Biswanath Das has not, apparently, realized the exact lie of things. It is a pleasure to hear Mr. Das, because the things he says are built upon imagination. Truth is always limited, and imagination is unlimited and therefore alluring. Sympathy is all right. But let us understand precisely what it is that we propose to confer on the cultivator. If you deny to the janmi the right to resume the land which is his own, and which for the first time in history you are taking away from him, I think you will be entering upon a career of confiscation which may know no end. Our position is that whatever you do you must recognize our right to resume. My complaint is that a great many provisions in the Bill seem to ignore our just claims and privileges. On this question, we can accept no compromise. If you omit this clause, you will be running serious risks. Sir, I believe that it is in the interest of the Bill that this clause should stand. Not that I accept this clause as it is. I have tabled an amendment to omit the phrase 'bona-fide', which I think is the most dangerous and most unnecessary phrase that can be put into it. I beg the House not to be carried away by the speeches of hon. Members opposite, who appear to be ready to cast to the winds the rights which have been recognized by the Government and the highest courts in the land. I venture to think that the hon. Members opposite do not realize all the implications of the change they are advocating. I submit the House will do well to retain the clause."

* Rao Bahadur Sir A. P. PATRO :—"Sir, while I appreciate the enthusiasm displayed on behalf of the actual cultivator, I think at the same time that hon. Members seem to forget that this Malabar Tenancy Bill has been framed on one fundamental principle, namely, the recognition of the absolute right of the janmi, that the janmi is the absolute owner of the land, and, therefore, when you derogate from those rights, when you take away some of those rights of proprietorship from him and confer them on the cultivating tenant, you have to give him corresponding compensation. Otherwise, it will be confiscatory of the rights of the owner, what the law of the land recognizes in the property. If you keep this in mind, I do not think any confusion on this Bill would arise, as suggested by the hon. Member from Chittoor, Mr. Parthasarathi Ayyangar, who characterized this Bill as a hotch-potch one, one section taken from here, another from there and so on. If you carefully analyse the Bill, you will see that there is one consistent principle running throughout, namely, holding the balance between the landlord and the tenant. Wherever you are taking away or restricting certain rights from the janmi you have to make corresponding provision for compensating the loss of those rights. At the same time, we have to give certain rights to the

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kanamdar and then again to the actual cultivator, namely, the verumpattamdar. Accordingly, provision was made in the Bill, as the Bill was originally framed and introduced in this Council, granting fixity of tenure to the kanamdar and the verumpattamdar. In the Select Committee, it was said that an immediate declaration shall be made that the verumpattamdar can be evicted except under certain circumstances. You must also remember the condition of the verumpattamdar in Malabar. From time to time, there were enquiries and reports made on the condition of the verumpattamdar. It was impossible to evolve any definite principle at once and a reference to the Raghavayya Committee proves this fact. We had a principle enunciated by the Government, and insisted upon as the fundamental principle upon which the Committee should proceed. That principle was agreed upon between the tenant and the landlord at a conference which set out the main principles on which a Bill should be framed. At that conference the representatives of the janmi, the kanamdar and the tenant were present, and on the principles agreed upon by them this Bill has been framed. Then, they did not raise any such objections as is done now by hon. Members who eloquently say 'do not go into the relations between the landlord and the tenant in Malabar.' Take, for instance, the customary rights prevailing in Malabar. The customary payments to the janmi by the kanamdar, the janmi has to give up. So in return the kanamdar has to give up some of his rights for a higher right and greater fixity of tenure. Similarly the verumpattamdar is now given definite rights in the land he is cultivating. You should not make the janmi or the kanamdar lose the rights which he has been enjoying for many years for no compensation. Therefore, if you do not want that as a confiscatory measure, if you do not want to deprive the legitimate and legal rights of the owner of the land, you must also remember that the cultivator must have corresponding liabilities. If there should be rights, there should be liabilities also. For the first time, this Bill gives fixity of tenure to the verumpattamdar or the cultivating tenant. It must also be understood very clearly that the janmi is the absolute owner of the property. He is not at all as you imagine a mere non-cultivating landholder. There are several janmis who cultivate their own lands. But whenever the janmi wants land for his own purpose, when there is a family necessity and he wants to cultivate the land for the maintenance of his family, you cannot deny it to him for all time. You must concede to him the right of providing for his own family members. You must not restrict it by omitting this clause. The clause itself says 'that the landlord requires the holding or part thereof bona fide'. I cannot see how you can oppose such a thing. It is not at all a cloak for the ejectment of the tenant. It is meant as a provision for the junior members of the family. We have known the peculiar social system in Malabar, the tarwad system, by which only one of the members of the family can have the arbitrary right of managing and controlling the property. What is to become of the junior members of the family? If you recognise the fundamental principle that the janmi is the absolute owner of the land, it follows that you should give this right to him to cultivate his own land. Why do you take the absolute right away from him? What is it that the Bill provides for? The hon. Member, Mr. Unni, pointed out the difference between fixity of tenure and occupancy right. In the Bill itself, it is provided that this right of fixity of tenure shall be hereditary. The tenant can transfer his right to a sub-tenant, or make

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a legal mortgage of his right, or sell away his right of fixity of tenure. Therefore, the two incidents of property, namely, heritability and transferability, have thus been conferred on the tenant. That being so, I can see no reason why this Bill which gives such rights to the tenant for the first time, should not also provide for corresponding compensation to the janmi. Such a compensation is provided in these sub-clauses, namely, that only when he requires the land for bona fide purposes he should be allowed to have it."

* Mr. K. V. R. SWAMI:—"Mr. President, we have been hearing two speeches, one of Mr. Sankaran Unni and the other of Sir Patro. The one gives us some advice; the other tells us like a school-master, 'you don't understand these things. You read the Bill as I tell you. I am the only man that can understand the Bill. So accept what I say.' That is the kind of speech that we have been hearing this afternoon. They assume that all the lands in Malabar exist for janmis. Janmi is the only man that can possess land in Malabar. If any other person should have anything to do with land, it is by the favour of the janmi. Even the Government cannot take away those rights of the janmi, which they possess from God direct. When the world was created, perhaps the janmi was first created and afterwards the land. That is the state of things depicted to us in Malabar. They want to make it a slave land, and there is no scope in Malabar for free people to live in. That is what we should infer from the speeches made by my hon. Friends, Mr. Unni and Sir Patro. Happily Sir Patro has one or two such small estates like that in Ganjam. I am told we are thinking of giving the real cultivator of the soil some substantial rights on account of the sympathy we have got for him. Now they have got fixity of tenure, and not only that, their sons and assigns have got a right in the land. So far so good. But what do these two sub-clauses say now? The verumpattamdar can enjoy so long as the janmi pleases. The janmi can put an end to that enjoyment by saying that he wants the land for his cultivation. That is the kind of right that is proposed to be given to the verumpattamdar. That is the substance of the speech of Sir Patro. We may not understand all the implications of the Bill; we do not know whether there is any compact between Government and other members like Mr. Unni or Sir Patro."

Mr. E. SANKARAN UNNI:—"I may at once contradict my friend there. . . ."

* The hon. the PRESIDENT:—"May I remind Mr. Unni that he must have the leave of the Chair before he can make a speech?"

* Mr. K. V. R. SWAMI:—"Some of the hon. Members seem to want to give an opportunity to these janmis who are lazy men to cultivate or to do something useful. I can understand a position like that. I do not want even in Malabar to have unemployed people preying on the labour of others. I do not object to people taking to cultivation. But if there is some limit to his cultivation, say of 10 acres or 20 acres I can understand. Suppose the janmi takes it into his head to turn out all the tenantry of a village by saying 'I want to cultivate all my lands, you better go out', is there anything now that prevents him from doing so? Nothing. You have not placed any

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limitation as to the extent of the land that the janmi can take. I do not concede the proposition laid down by Sir Patro or Mr. Unni that all the land belonged to the janmi. I have gone through so many reports on this question beginning from the year 1880. They are contradictory. One officer says that all the lands belonged to the janmis and another says that the janmi has got only some right in the land, and so on and so forth. We know that when the Estates Land Act came into force, all the rights of the zamindars were taken away with regard to permanent occupancy, and the ryots were given full occupancy rights. The zamindar cannot now acquire the lands by simply giving notice 'I want this land'. So, if this sub-clause is allowed to remain there, what is already given to the verumpattamdar will be taken away. It is going to work a great mischief. I am not afraid of Mr. Unni's threatenings. If Mr. Unni says that he will see that this Bill is not passed, I must tell him he will have to face a worse Bill. And even Sir Patro, after the coming of the reforms, will be the first man to oppose all the provisions in favour of the janmi. So, I support the proposition."

* Mr. K. MADHAVAN NAYAR:—"As a representative of the tenants of Malabar, I may say this clause affects the verumpattamdar and the kanamdar alike. I know the conditions of Malabar; I know the Government's attitude; I know that the Bill is essential for Malabar. There is ample time for my friends on this side when they come into power to amend the Act and give absolute tenure to verumpattamdar. For the time being let us have protection from arbitrary eviction. It is with that object we are supporting the Bill though it is not quite satisfactory to the verumpattamdar or kanamdar. We support this Bill because we have been claiming protection from arbitrary eviction for the last fifty years and we have not got it. At least now there is some chance to get it. That is why we support it."

"The question of compensation is a very difficult question for the Government or for the Council to solve, and the method of solution is that the janmi or the landlord be given the power to recover land when he wants it bona fide for his own cultivation. It will be impossible for big land-holders, kanamdars or big janmis to recover all these lands for cultivation themselves. I apprehend some mischief. It may be the power to recover lands for cultivation may be abused; and it may be that once they recover the lands it may be difficult for the tenants to recover them back. But at the same time it is better to proceed cautiously. This is what the Raghavayya Committee's Report says at page 40."

'It seems to us that in a matter of this sort, it is necessary and advisable to proceed cautiously and to see how the grant of fixity would affect the economic and social condition of the people to whom this new legislation is to apply and what the repercussions of this change would be. For, as we have stated above, the position of a verumpattamdar, though in some respects peculiar in Malabar, is also similar to that of a large class of tenants east of the Ghats. Apart from that, the position is also complicated by the circumstance that, in Malabar, whatever might have been the state of affairs, a century and a quarter ago, the verumpattamdar has not for several decades had fixity in the eye of the law. In the case of persons benefitted by legislation elsewhere, such as those to whom for example the Estates Land Act or the Bengal Tenancy Act applies, courts had held for a long time previously that they had a permanent right in the soil, with the result that the right had crystallized into actual practice and what the legislature did was only to recognize by statute the existing state of things. The economic unsettlement caused by such legislation could not therefore be considerable. But when new rights are being conferred on persons who, for a century at least, had no such rights, the scheme may give way in some unexpected manner under the sheer weight of its universal application, and it is the part of discretion and wisdom to confine its operations to a small compass at first, etc.'

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"That is one aspect. The other aspect is the landlord may raise a hue and cry that his rights are confiscated. We have come to a compromise on this question. (Mr. Sankaran Unni: No compromise.) Not with you. We have ourselves put forward our case very modestly, because we know whether the janmis consent to it or not, the Government will not consent. That is why we tenants as a class have claimed only a very moderate measure of reform. We do not oppose such clauses in the Bill as are against the interest of the tenants for the present. We are sure that the time will come when the tenants of Malabar will be absolutely free from all eviction and have fixity of tenure. But, for the present, let us have some protection from arbitrary eviction, and let not our friends wreck the Bill by their oversolicitude to us."

Mr. A. RANGANATHA MUDALIYAR:—"My hon. Friend, Mr. Madhavan Nayar, is very anxious that eviction should not take place arbitrarily. It is for that very reason Mr. Das moved his amendment, to restrict the power of arbitrary eviction. Turning to page 41 of the Raghavayya Committee Report, you will find that the danger of such a provision as is contained in the Bill was recognized by the Committee itself.

'This power of the landlord to take the land back for his own use or cultivation raises important considerations. It is obvious that such a power can be used by a vindictive janmi or landlord to evict a tenant whom he may not like, though the latter may make no default. The fixity given with the reservation of such a power may make the right somewhat illusory.'

"That I think is a fact and not a mere assumption. Even Mr. Krishnan Nayar's latest Bill contained no provision to this effect. I think these facts must convince the House of the danger of the inclusion of a provision of this sort in the Bill, and I am very sorry that Mr. Madhavan Nayar is under the fear that the Government may throw out the Bill otherwise. That is a matter not relevant to the consideration of the Bill which has to be discussed on its merits."

*Mr. S. SATYAMURTI:—"I am not asking the House to reject the amendment, either because I am a Malabar janmi or a Ganjam janmi or because I believe I can understand the Bill better than others or that the Government may not proceed with the Bill. I agree with my hon. Friend in thinking that, whether the Government does or does not consent to this, we must do our duty, and I suggest to my Friends to read the next two or three sentences from the point where my Friend (Mr. Ranganatha Mudaliyar) left.

"But it must be said per contra that, except in the last Bill which Mr. Krishnan Nayar has sought leave to introduce, no representative of the tenants' interests has ever objected to such a power being reserved."

"Then the Report also says:

'it would be a check on the passing of the land from the hands of the genuine cultivator into the hands of the money-lender whom it is not anybody's wish to enrich. It will be a means of encouraging cultivation of the land by the junior members of the growing landlord families in Malabar. This is not an altogether pious hope nor a consideration to be lightly disregarded, in view of the problem of unemployment among the middle classes which is becoming more pressing day by day. To minimise the possibility of the abuse of the power thus given to the janmi, the Committee would impose a restriction to the effect that if the land taken by the janmi is given over to any tenant on any kind of lease within six years of the eviction, the old tenant would be entitled to claim to get back to the land on terms even more advantageous than those under which he held it before eviction.'

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[Mr. S. Satyamurti]

"This Bill, as it emerged from the Select Committee, has said first that it must be bona fide. There is no use in dismissing the point by asking what bona fide means and how the courts will decide it. Every lawyer knows what bona fide means. It is not mala fide. And if a man says that he wants the land for cultivation, he will have to prove his bona fides. If he proves in a court of law that he really wants it for his own purpose or for members of his family, he will have it. If within six years he cannot use it for cultivation but transfers it to another, the land will revert to the cultivating verumpattamdar. These are the restrictions, Sir, on those rights. May I also echo the appeal made by my hon. Friend from Malabar? Sir, there is a fatality about these Malabar Tenancy Bills. Let us get this Bill through and let us confer fixity of tenure and freedom from arbitrary eviction on the verumpattam tenant. So I earnestly plead with this House to reject the amendment."

The Council adjourned to meet again at 11 a.m. the next day.

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

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APPENDIX I.

[Vide answer to question No. 695 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 3rd October 1929, page 601 supra.]

	1922.	1923.	1924.	1925.	1926.	1927.	1928.	1929.	Total.
Number admitted	20	16	27	17	19	38	19	17	173
Number who completed the course	..	..	14	13	18	4	11	30	90
Number passed	..	..	14	13	18	3	8	17	73

Thirty-one students are now undergoing the course.

APPENDIX II.

[Vide answer to question No. 704 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 3rd October 1929, page 606 supra.]

Name of the Institution.	Nature and extent of relief given.	Controlling authority.	Aid, if any, received from Government.
1. Monegar Choultry.	Boarding and lodging given to 75 beggars.	Board of Trustees under a scheme framed by Government.	About Rs. 7,100 per annum, the proceeds of a Government Endowment Fund.
2. The Friend-in-Need Society.	Gives relief to about 90 Anglo-Indian inmates per day.	Private management.	Receives a grant from Government.
3. The Corporation Beggar Home (Tondiarpet Lepet Asylum).	Accommodates about 300 beggars and feeds them.	Corporation of Madras.	Building placed free at the disposal of the Corporation.
4. Dr. Varadappa Nayudu's Home.	....	Society for the Protection of Children.	Society receives a grant equal to the full amount of subscription and donation realised subject to a maximum of Rs. 3,000 a year.
5. Madras Orphan Asylum.	About 200 Anglo-Indian orphans provided with boarding, lodging and education.	Private management.	Rs. 1,200 grant if the donation and subscription do not fall short of Rs. 3,000 a year.

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APPENDIX III.

[Vide answer to question No. 721 asked by Mr. A. Parasurama Rao at the meeting of the Legislative Council held on the 3rd October 1929, page 622 supra.]

Statement showing the number of Andhra Superintendents and clerks employed in the Secretariat and the Legislative Council Office.

Name of the Department.	Number of Andhra Superintendents.	Number of clerks.
The Chief Secretariat ...	Nil.	1
The Finance Department ...	Nil.	2
The Revenue Department ...	Nil.	1
The Development Department ...	1	Nil.
The Local Self-Government Department ...	Nil.	Nil.
The Law and Education Department ...	Nil.	Nil.
The Public Works and Labour Department.	1*	Nil.
The Legislative Council Office ...	Nil.	3†

APPENDIX IV.

[Vide answer to question No. 722 asked by Mr. C. V. Venkataramana Ayyangar at the meeting of the Legislative Council held on the 3rd October 1929, page 622 supra.]

I

G.O. Mis. No. 1447, Revenue, dated the 4th July 1928.

The temporary draughtsmen of the Central Survey Office have submitted memorials to the Government in which they have requested that the time-scale of pay should be reintroduced and that an appreciable number of temporary employees of long service should be confirmed.

2. The Government observe that just before the introduction of the time-scale of pay in the Survey Department in 1922, there was the following staff of temporary computers and temporary draughtsmen in the Central Survey Office:—

1 on Rs. 70 plus 18.
13 on Rs. 30 plus 10.
38 on Rs. 25 plus 10.
49 on Rs. 20 plus 10.
64 on Rs. 15 plus 10.

* He is at present acting as Assistant Secretary in that department.
† Including one Reporter.

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When as the result of a misunderstanding of the scope of G.O. No. 110, Finance, dated 2nd February 1922, the time-scale was applied by the Director of Survey to the emoluments of these men, they were put in the following grades :—

- 1 on Rs. 90 (Rs. 75—7½—15—150).
- 18 on Rs. 40 (Rs. 35—1—55).
- 151 on Rs. 35 (Rs. 35—1—55).

At the time when the graded pay system was ordered to be restored in the case of all temporary establishments in the Survey Department as the most suitable system on which to pay temporary establishment, there were temporary computers and temporary draughtsmen drawing the following pay in the time-scale :—

- 1 on Rs. 97½.
- 12 on Rs. 41.
- 128 on Rs. 36.
- 18 on Rs. 35.

In 1925 the Government fixed the normal strength of temporary computers and temporary draughtsmen as follows :—

- 1 on Rs. 100.
- 4 on Rs. 75.
- 15 on Rs. 45.
- 30 on Rs. 40.
- 100 on Rs. 35.

The Government observe that in adjusting the men into the several grades the Director of Survey has followed the principle of giving preference to the draughtsmen who passed the departmental tests earlier. The Government also observe that the position of the staff of temporary computers and temporary draughtsmen as a whole is appreciably better than it was before the introduction of the time-scale of pay.

3. The request of the petitioners is based upon a misapprehension of the constitution of the Survey Department as a whole. The work to be done by that department is not unlimited and the Government have always contemplated the reduction of the department to a size appreciably below its size in recent years. In giving effect to the reorganization of the non-gazetted establishments of the survey parties sanctioned by the Secretary of State, the Government ordered in 1917 that it would be sufficient to fill permanently the appointments in the grades of Sub-Assistants, Head Surveyors, Deputy Surveyors and Field Surveyors up to the number required for three survey parties and those in the other grades up to the number required for two survey parties. There were then six parties working. Recently the whole of a temporary party has been abolished. The establishments required from time to time over and above the permanent posts have always been employed on a purely temporary basis to meet the requirements of the moment. The staff of temporary computers and temporary draughtsmen in the Central Survey Office corresponds to the temporary posts in the survey parties and exists because of their existence. The time is rapidly approaching for a further reduction in the strength of the department. The number of the survey parties has already been reduced from six to five on 1st October 1927 and will be reduced still further in the near future. The provision of permanent posts for a temporary establishment which is in the course of

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being abolished would obviously involve a totally unjustifiable expenditure of public revenue. The application of a time-scale of pay to the temporary employees in the circumstances is unnecessary and would be equally unjustifiable. The confirmation of an appreciable number of temporary employees is impossible but such vacancies as occur in the permanent establishment will be filled by the confirmation of the best qualified temporary employees.

4. The Board of Revenue is requested to inform the memorialists accordingly.

II

G.O. Rout. No. 60, Revenue, dated the 21st January 1929.

READ—the following papers :—

G.O. Mis. No. 1447, dated 4th July 1928.

From C. Rajagopal and others, dated 15th October 1928.

Order—Rout. No. 60, Revenue, dated 21st January 1929.

The Government understand that in making promotions the Director of Survey is giving due consideration to seniority and efficiency and that, as ordered by the Government, he is filling up vacancies in the permanent establishment by appointing the best qualified men among the temporary employees.

(By order of the Governor in Council)

H. R. PATE,
Secretary to Government.

To C. Rajagopal and others, through the Board of Revenue in endorsement form.
,, the Board of Revenue, Land Revenue and Settlement.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 4th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad.	Marudavanam Pillai, Mr. C.
Moir, <i>K.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The hon. Sir Thomas.	Moldoo Sahib Bahadur, Khan Sahib T. M. Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Krishnan Nayar, The hon. Diwan Bahadur M.	Muniswami Nayudu, Rao Bahadur B. Muniswami Pillai, Mr. V. I.
Campbell, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>C.B.E.</i> , <i>V.D.</i> , <i>I.C.S.</i> , The hon. Mr. A. Y. G.	Muppil Nayur of Kavalappara, The Muthulakshmi Reddi, Dr. (Mrs.) S. Nagan Gowda, Mr. R.
Subharayan, The hon. Dr. P.	Nanjappa Bahadur, Subadar-Major S. A. Narayana Raju, Mr. D.
Muthiah Mudaliyar, The hon. Mr. S.	Narayana Rao, Mr. M.
Seturatnam Ayyar, The hon. Mr. M. R.	Narayanan Chettiyar, Mr. A. I. Ar.
Abdul Hameed Khan Sahib Bahadur.	Natesa Mudaliyar, Rao Bahadur C.
Abdul Razaack Sahib Bahadur, Khan Bahadur S. K.	Obi Reddi, Mr. C.
Achutan, Mr. A.	Parasurama Rao, Mr. A.
Adinarayana Chettiyar, Mr. T.	Parthasarathi Ayyangar, Mr. C. R.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Patro, <i>Kt.</i> , Rao Bahadur Sir A. P. Rajan, Mr. P. T.
Anjaneyulu, Mr. P.	Ramaachandra Padayaobi, Mr. K.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Ramamurti, <i>I.C.S.</i> , Mr. S. V.
Arpudaswami Udayar, Mr. S.	Raman Menon, Mr. K. P.
Basheer Ahmad Sayeed Sahib Bahadur.	Ramjee Rao, Mr. V.
Biswanath Das Mahasayo, Sriman.	Ranganatha Mudaliyar, Mr. A.
Cotterell, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. C. B.	Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Ellappa Chettiyar, Rao Bahadur S.	Robertson, Mr. R. J. C.
Foulkes, Mr. E.	Saldanha, Mr. J. A.
Gangadhara Siva, Mr. M. V.	Sami Venkatachalam Chetti, Mr.
Gopala Menon, Mr. C.	Sankaran Unni, Mr. E.
Govindaraja Mudaliyar, Mr. C. S.	Sarabha Reddi, Mr. K.
Gray, <i>C.B.E.</i> , <i>I.C.S.</i> , Mr. J.	Satyamurti, Mr. S.
Guruswami, Rao Sahib L. C.	Shetty, Mr. A. B.
Harisarvottama Rao, Mr. G.	Siva Raj, Mr. N.
Hilton Brown, <i>I.C.S.</i> , Mr.	Srinivasa Ayyangar, Mr. R.
James, Mr. F. E.	Srinivasa Ayyangar, Mr. T. C.
John, Mr. V. Ch.	Srinivasan, Rao Sahib B.
Kaleswara Rao, Mr. A.	Subrahmanya Moopanar, Mr. S.
Kameswara Rao Nayudu, Mr. V.	Swami, Mr. K. V. R.
Karant, Mr. K. R.	Tajudin Sahib Bahadur, Syed.
Kesava Pillai, <i>C.I.E.</i> , Diwan Bahadur P.	Tulasiram, Mr. L. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Uppi Sahib Bahadur, K.
Koti Reddi, Mr. K.	Vanavudaiya Goundar, Mr. S. V.
Krishnan, Mr. K.	Venkatapathi Raju, Mr. P. C.
Krishnaswami Nayakar, Mr. K. V.	Venkataramana Ayyangar, Mr. C. V.
Kumaraswami Reddiyar, Diwan Bahadur S.	Venkataramangam Nayudu, Mr. C.
Kuppuswami, Mr. J.	Venkataratnam, Mr. B.
Leach, <i>I.C.S.</i> , Mr. A. G.	Venkiah, Mr. S.
Madhavan Nayar, Mr. K.	Watson, <i>I.C.S.</i> , Mr. H. A.
Mahmud Sohamnad Sahib Bahadur.	Wood, Mr. C. E.
Mallayya, Dr. B. S.	Zamindar of Seithur, The

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I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Depressed Classes

Admissions to the Government Depressed Classes Hostel, Masulipatam.

* 726 Q.—Mr. K. V. R. SWAMI: Will the hon. the Home Member be pleased to state—

(a) the number of applications received for admission to the Government Depressed Classes Hostel, Masulipatam, during each of the last five years;

(b) the number of them admitted; and

(c) whether any provision for admitting more students has been or will be made?

A.—(a) & (b)—

Years.					Number of applications received.	Number admitted.
1925-26	...	...	...	...	75	50
1926-27	...	...	...	...	200	20
1927-28	...	...	...	...	480	16
1928-29	...	...	...	...	250	14
1929-30	...	...	...	...	350	17

(c) The number of students in the hostel was raised from 50 to 60 in July 1929.

Mr. K. V. R. SWAMI:—"May I ask the hon. the Home Member whether he does not consider that the accommodation is too limited?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"We have increased the accommodation from 50 to 60 this year."

Mr. K. V. R. SWAMI:—"Considering the large number of applications that are received, do the Government propose to increase the provision?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The Government will consider the suggestion, Sir."

Rao Bahadur C. NATESA MUDALIYAR:—"Will the Government be pleased to state the number of hostels for depressed classes run by the Government in this Presidency?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There are four hostels."

Mr. K. V. R. SWAMI:—"May I know the total accommodation available in that institution?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"There is accommodation for 60."

Mr. K. V. R. SWAMI:—"It is true that there is provision for 60; but what is the total accommodation available?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"None."

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Mr. G. HARISARVOTTAMA RAO:—"May I know how many such institutions there are in the districts of Cuddapah, Kurnool, Bellary, etc.?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I have no information."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. the Home Member will consider the question of opening an institution in those districts?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The suggestion will be considered."

Elementary schools opened by Labour Department in the Tanjore taluk.

* 727 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Home Member be pleased to state—

(a) what are the villages in the Tanjore taluk, Tanjore district, in which elementary schools have been opened by the Labour Department;

(b) which of these are single-teacher schools;

(c) which of these have trained teachers and which have untrained teachers;

(d) what is the total strength of each school; and

(e) what is the proportion, in each, of caste to non-caste pupils?

A.—(a) to (e) The Government have not the information but will call for it.

Extent of lands purchased for house-sites for Adi-Dravidas in the Tanjore district.

* 728 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Home Member be pleased to lay on the table of this House a statement for the year 1927, showing—

(a) the total extent of wet lands purchased for house-site purposes for Adi-Dravidas by officers of the Labour Department in the Tanjore district during the year 1927-28;

(b) the total extent of dry land purchased for the same purpose during that year;

(c) the average price paid for each cent of wet and dry land respectively;

(d) the number of cases of default by Adi-Dravidas in the payment of instalments to cover the purchase value of the house-sites and how many of these relate to the purchase of wet lands for house-sites; and

(e) in how many cases lands were purchased for this purpose away from existing cheris?

A.—(a) to (e) In 1927-28, 13.75 acres were acquired at a total cost of Rs. 16,229. The Government have not the further information asked for.

Mr. C. OBI REDDI:—"May I know why wet lands and not dry lands have been purchased for the purpose of house-sites for Adi-Dravidas?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I suppose it was done with the intention of assisting the depressed classes."

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Mr. S. ARPUDASWAMI UDAYAR:—“ May I ask whether the Government will be pleased to call for the information ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“ I do not think there is any necessity to call for the information. All the necessary information is given in the answer.”

Police

Alleged threatening of the village officers of Chillakallu and Konakanchi by the Sub-Inspector of Police, Penuganchiprole station

* 729 Q.—Mr. A. KALESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Sub-Inspector of Police, Penuganchiprole station, Nandigama taluk, Kistna district, visited the villages of Chillakallu and Konakanchi shortly after the Kistna-Godavari Resettlement Economic Enquiry Committee visited those places and made enquiry of the economic condition of the ryots;

(b) whether the said Sub-Inspector of Police took down the names of all the ryots that gave evidence before the Committee and asked each one of them what evidence he gave and why he gave evidence against the interest of the Government;

(c) whether the Sub-Inspector also threatened them that they would be included in his books as members of a political conspiracy working against the Government; and

(d) whether he took explanations from the village officers of the said two villages as to why they encouraged or allowed the ryots to give evidence before the Committee without the special permission of the Revenue Inspector and as to why they co-operated at all with the Committee when their intention was to undo the resettlement operations begun by the Government?

A.—(a) to (d) The Government have no information but have called for it.

Mr. A. KALESWARA RAO:—“ May I know when the information was called for and when it is expected ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“ When I received the question I called for the information.”

Mr. A. KALESWARA RAO:—“ When the answer is expected, may I know ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“ I cannot say, Sir.”

Alleged enquiries made by Police Sub-Inspectors as to the evidence given by the villagers before the Resettlement Economic Enquiry Committee in Kistna district.

* 730 Q.—Mr. A. KALESWARA RAO: Will the hon. the Home Member be pleased to state—

(a) whether the Police Sub-Inspectors in the Kistna district followed the Kistna-Godavari Resettlement Economic Enquiry Committee to all the villages that the latter visited or visited the said villages soon after the Committee left them;

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(b) whether the said Police Sub-Inspectors made enquiries as to the evidence given by the villagers before the Committee;

(c) whether said Sub-Inspectors sent any confidential reports through their diaries to their superiors as to the personnel of the Committee that visited, the persons that followed the Committee to render assistance, and the village officials and the ryots who co-operated with the Committee;

(d) whether the Government will place on the table of the House the gist of such confidential report;

(e) whether the Government gave any instructions to the Police in the matter, and, if not, under whose instructions the Police behaved like that; and

(f) whether the Government intend to take any steps in the matter?

A.—(a) to (d) The Government have no information but have called for it.

(e) No such instructions have been issued by the Government.

(f) The Government await the information called for.

Mr. D. NARAYANA RAJU:—“ In answer to clause (e) of this question, it is stated that no such instructions have been issued by the Government. May I know whether any instructions have been issued to the Police and, if so, what they are ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“ The Government have issued no instructions at all.”

Mr. G. HARISARVOTTAMA RAO:—“ May I know whether the Government are prepared to issue instructions that the members of the Resettlement Economic Enquiry Committee should not be watched by the police ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“ The suggestion will be considered on receipt of the information called for.”

Regrouping of villages and police stations in the Bellary district.

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

(a) whether the village of Molagavalli, Alur taluk, Bellary district, was included in the local area of the police station at Alur before the abolition of Siruguppa taluk and is now included in the area attached to the Aspari police station;

(b) the distance respectively between Molagavalli on one side and Alur and Aspari on the other; and

(c) whether in view of the restoration of Siruguppa taluk, the Government have under consideration the regrouping of villages under the various circles and police stations in the district?

A.—(a) Yes.

(b) The distance from Molagavalli to Alur is 12 miles, and to Aspari 7 miles.

(c) In view of the restoration of the Siruguppa taluk seven villages attached to Holalagondi Police station were transferred to the Siruguppa Police station with effect from 25th July 1929. The question of transferring four villages from Siruguppa to Adoni is under consideration.

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Religious Disputes*Alleged quarrel between Bavuris and caste Hindus in Hindula village.*

* 732 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Home Member be pleased to state—

(a) whether there was a quarrel between the Bavuris (Oriya untouchables) and the other caste Hindus in the village of Hindula in Chatrapur taluk, Ganjam district;

(b) whether Government have received any complaints that the Revenue Divisional Officer, Chatrapur, is taking the side of the caste Hindus;

(c) whether Government have received any other representation from these Bavuri population;

(d) whether it is a fact that the Bavuri people left the village even leaving fallow their lands in consequence of this trouble;

(e) whether the said Revenue Divisional Officer has influential relatives and caste men in Chatrapur and also near this village Hindula; and

(f) whether the Government will be pleased to request the District Collector of Ganjam or the Labour department to enquire into these grievances?

A.—(a) Enquiries showed that the relations between the two communities became strained during 1928.

(b) Complaints were received that the Revenue Divisional Officer deferred or evaded effective interference.

(c) The Bavuris further represented that they were molested by the caste Hindus of Hindula village and were obliged to migrate to the neighbouring village of Pratapur, leaving their lands waste.

(d) It is a fact that the Bavuris left Hindula for Pratapur. In May last the District Magistrate reported that only five Bavuris owned lands in Hindula—about 3 or 4 acres in all—and that the failure of rain in July and floods in August were said to account for these lands being left waste.

(e) An allegation was made by the Bavuris that the Revenue Divisional Officer had relations near Chatrapur and was the brother-in-law of a 'big landlord' in the division. The Government have no information on the point.

(f) A report was obtained from the Collector and District Magistrate and the Board of Revenue in June last and the Revenue Divisional Officer was transferred. The Government do not consider that further enquiry will serve any useful purpose.

Railways*Strengthening of bridges and culverts on the railway line from Waltair to Rajahmundry.*

* 733 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Finance be pleased to state with reference to the answer given to question No. 1239 on 31st January 1929—

(a) whether the investigation referred to in the answer given to clauses (f) and (g) of the question has been made;

(b) whether the report received on the matter and the orders passed thereon by the Government will be placed on the table of the House; and

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(c) what precautions have been taken with a view to secure the prevention of breaches on the line and the proper discharge of flood water through culverts and bridges?

A.—(a) & (c) As the hon. Member is aware 'Railways' is a central subject. The Agent, Madras and Southern Mahratta Railway, reported that action was being taken to provide larger waterways in certain cases.

(b) No.

Agency*Names and capital of companies engaged in removing timber, etc.*

* 734 Q.—Mr. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have information as to whether any firms or whether any Europeans are engaged in doing business of removing timber or mineral products from the agency portion of the districts of East Godavari, Vizagapatam, and the Ganjam; and

(b) if so, the names of such companies and the paid-up capital of each?

A.—(a) & (b) The Government have not the information, but have called for a report.

Assignment of Lands*Total acreage of land assigned to Adi-Dravidas in the Tanjore taluk.*

* 735 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what is the total acreage of land assigned for cultivating purposes in the Tanjore taluk, Tanjore district, to Adi-Dravidas and military pensioners respectively during the period 1924 to 1929; and

(b) how much of this, in either case, has been sold in auction for non-payment of kist?

A.—(a) & (b) The Government have not information, but have called for a report.

Floods*Prevention of the flow of sea water into the villages of Seruthalaikkadu and Mannapuram, Tanjore district.*

* 736 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether any proposal has been put forward to fill up the gaps and prevent the sea water from flowing into the swamp and enclosing the two villages of Seruthalaikkadu and Mannapuram in Tanjore district; and

(b) whether any estimate has been prepared to give effect to the proposal referred to in (a) and the Public Works Department consulted as to its feasibility?

A.—(a) & (b) The Government have not the information. A report has been called for.

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Damages caused by floods to the rice crop in South Kanara.

* 737 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received any report regarding the damage done to the rice crop in South Kanara by the floods that came in the month of July and by silver shoots; and

(b) if not, whether they will ask the Collector of the district to make an immediate enquiry into this matter before the first crop is harvested and send them a report?

A.—(a) & (b) On 5th August 1929 the Collector of South Kanara reported that from what he saw in the course of his inspection near Kasaragod at the end of July 1929, he had no reason to think that much damage had been caused to crops anywhere. The Government have now called for a further report.

Irrigation*Restoration of the old course of the Uyyakondan channel.*

* 738 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether in the constitution of a special division for the investigation of the restoration of the old course of the Uyyakondan channel, the terms of reference include the restoration, without reference to the present tail-end of the said channel, of the old course from Sholamadevi in Trichinopoly district, due east through Thuvakudi and Asoor, in the same district, into the Tanjore taluk; and

(b) whether the terms of reference also include the restoration of the old course of the Uyyakondan channel effected by a slight extension into the Tanjore taluk of the high-level channel itself should this be found less costly and better adapted for the purpose of irrigation?

A.—(a) & (b) The order for the investigation of various schemes included that for "the restoration of the old course of the Uyyakondan channel". Details were not specified.

Irrigation tanks in Poddapur and Cocanada taluks.

* 739 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state with reference to the answer given to question No. 1255 on 1st February 1929 regarding irrigation tanks in Poddapur and Cocanada taluks—

(a) whether the report referred to in the answer has been received and if so, whether the same will be placed on the table; and

(b) whether the Government have passed any orders with reference to the matter mentioned in clause (b) of the question?

A.—(a) Yes; the answers to the various clauses of the question are given in the annexed statement.^a

(b) In view of the answer to clause (g) of the question the Government do not consider any special orders necessary.

^a Printed as Appendix on pages 745—755 infra.

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Education*Girls' schools in South Kanara.*

* 740 Q.—Mr. A. B. SHETTY: With reference to my question No. 64 answered on 7th August 1929 will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what action the Government have taken on the report received from the Director of Public Instruction; and

(b) how the Government propose to avoid the payment of double grants in such cases?

A.—(a) & (b) The hon. Member's attention is invited to paragraph 6 of the Director of Public Instruction's report appended to the answer given to question No. 64. The matter is under the consideration of the Director of Public Instruction.

Number of schools assigned to the Deputy Inspectors of Schools for inspection in South Kanara.

* 741 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of senior and junior Deputy Inspectors of Schools in South Kanara;

(b) the number of schools assigned to these officers for inspection;

(c) whether the District Educational Council has asked for a larger number of inspecting officers in its last administration report and if so, on what grounds; and

(d) whether the Government have considered the necessity of appointing additional hands for inspecting schools in South Kanara?

A.—(a) Five and four, respectively.

(b) The number of elementary schools for boys in the district on 31st March 1928 was 1,202. Information is not available as to the number of schools assigned to each officer. A Deputy Inspector is expected to inspect 133 schools on the average.

(c) & (d) The latest report of the District Educational Council available with Government is for the year 1927-28. The report does not contain any suggestion for an increase in the number of inspecting officers.

Mr. A. B. SHETTY:—"May I know whether it is found that a Deputy Inspector is able to properly inspect as many as 133 schools in the year?"

The hon. Dr. P. SUBBARAYAN:—"With the number at our disposal we have got to divide the schools among them."

Mr. A. B. SHETTY:—"May I know whether the Government propose to add to the inspection staff?"

The hon. Dr. P. SUBBARAYAN:—"There is no such proposal at present."

Report of the Committee on Physical Education in Girls' Schools.

* 742 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how long ago the Committee on Physical Education in Girls' Schools was constituted;

(b) what work the Committee has done so far; and

(c) when its report is expected by the Government?

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- A.—(a) In December 1928.
 (b) The Committee has completed its work.
 (c) About the third week of October.

Deputation of an officer for further studies in Physical Education.

* 743 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have considered the necessity of deputing any one for further studies in Physical Education in foreign countries with a view to put him in charge of the Department of Physical Education in this Presidency; and

(b) if so, when they propose to depute such a person and to which places he will be sent?

A.—(a) & (b) The question was considered and it was decided that there was no need to depute a person for the purpose.

Mr. A. KALESWARA RAO:—“Will the Government be pleased to consider the desirability of deputing the Physical Culture Instructor to the institutes in Baroda and Bangalore and also to persons like Professor Ramamurthi and others to learn Indian physical culture.”

The hon. Dr. P. SUBBARAYAN:—“As it is stated, it has been decided for the present not to send anybody for such training.”

Elementary aided Mission schools for depressed classes in Chingleput district.

* 744 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state in respect of the elementary aided Mission schools for depressed classes in Chingleput district—

- (a) the number of (i) day, (ii) night and (iii) part-time schools;
 (b) (i) the number of schools that, according to the standard fixed by the Education Department, have suitable and adequate accommodation and (ii) the number of those that have not got such accommodation;
 (c) (i) the number of schools that, according to the standard fixed by the Education Department, have been sufficiently equipped and (ii) the number of those that have not been so equipped; and
 (d) the number of (i) trained teachers, (ii) untrained teachers and (iii) women teachers and their general proficiency?

A.—(a) to (d) The information is not available and has been called for.

Elementary aided non-Mission schools for depressed classes in Chingleput district.

* 745 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to the elementary aided non-Mission schools for depressed classes in Chingleput district—

- (a) the number of (i) day, (ii) night and (iii) part-time schools;
 (b) (i) the number of schools that, according to the standard fixed by the Education Department, have suitable and adequate accommodation and (ii) the number of those that have not got such accommodation;

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(c) (i) the number of schools that, according to the standard fixed by the Education Department, have been sufficiently equipped and (ii) the number of those that have not been so equipped; and

(d) the number of (i) trained teachers, (ii) untrained teachers and (iii) women teachers and their general proficiency?

A.—(a) to (d) The information is not available and has been called for.

Admission of depressed classes children in public schools in the Chingleput district.

* 746 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of public schools in the district of Chingleput—not specially opened for the depressed classes—in which depressed classes children have been admitted;

(b) the number of depressed classes children admitted in the years 1925–26, 1926–27 and 1927–28; and

(c) the number of aided Mission schools within a distance of about four furlongs of the public schools?

A.—(a)	1925–26	...	...	...	...	...	261
	1926–27	...	...	...	...	...	303
	1927–28	...	...	...	...	...	398
(b)	1925–26	...	...	...	...	...	121
	1926–27	...	...	...	...	...	164
	1927–28	...	...	...	...	...	302

(c) The information is not available. The Government do not think any useful purpose will be served by collecting it.

Expansion of elementary education in Chingleput district.

* 747 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether complaint has been made to the Government that the area for free and compulsory elementary education in Saidapet taluk, Chingleput district, has been so surveyed as to keep the depressed classes children in aided Mission schools or in separate schools different from public schools;

(b) whether a separate school was started in Thathancheri Ayyambakkam village very near a public school;

(c) whether Kolamedu and Arumbakkam cheris are grouped together for the depressed classes children to attend an aided Mission school, while new schools are opened at Kolamedu and Arumbakkam for caste Hindus;

(d) whether these three schools are within a distance of two furlongs;
 (e) whether complaint has been made to Government that efficient teachers are posted to caste Hindu schools and inefficient and untrained teachers to cheri schools; and

(f) (i) the number of public elementary schools—exclusive of the depressed classes schools—in Saidapet taluk, before compulsory elementary education was introduced;

(ii) the number of such schools started in the area since compulsory education was introduced; and

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(iii) the number of depressed classes children admitted in such public elementary schools since compulsory education was introduced?

A.—The Government have no information. They have called for it.

Admissions to the Queen Mary's College.

*748 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of students that applied for admission in each year since the Queen Mary's College was started; and

(b) the number of them who were admitted?

A.—(a) & (b) Information as to the exact number of students that applied for admission is not available. The Government, however, understand that no student from this Presidency who was qualified was refused admission. The number of students admitted in each year since the college was started is given below:—

Year.	Number of students admitted.	Year.	Number of students admitted.
1914-15	40	1922-23	69
1915-16	25	1923-24	109
1916-17	47	1924-25	82
1917-18	53	1925-26	84
1918-19	46	1926-27	86
1919-20	76	1927-28	91
1920-21	75	1928-29	75
1921-22	100	1929-30	91

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government are aware of the reasons for the considerable fall in the number of pupils who have been admitted to the college from the year 1923-24 onwards?"

The hon. Dr. P. SUBBARAYAN:—"I do not think the fall is considerable."

Local Boards

Acceptance of tenders for public works by local bodies.

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

(a) whether he has framed any rules regulating the acceptance by local bodies of tenders for the execution of public works under them;

(b) whether it is a fact that even when tenders are called for, the local bodies in a majority of cases ignore the lowest tenders and accept higher offers without considering the loss to public funds; and

(c) whether the auditors are authorized to scrutinize such cases and surcharge the loss from the parties concerned?

A.—(a) Yes.

(b) The Government have no information.

(c) Yes.

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Mr. T. ADINARAYANA CHETTIYAR:—"May I know whether the rules mentioned in clause (a) have been published?"

The hon. Dr. P. SUBBARAYAN:—"I want notice of the question."

Mr. T. ADINARAYANA CHETTIYAR:—"Will the Government be pleased to call for the information asked for in clause (b)?"

The hon. Dr. P. SUBBARAYAN:—"I do not think any useful purpose will be served by calling for the information."

Mr. T. ADINARAYANA CHETTIYAR:—"In view of the fact that the presidents or chairmen of the local bodies do not accept the lowest tender, in the economic interests of the institutions concerned, will the hon. the Minister reconsider this answer and call for the information?"

The hon. Dr. P. SUBBARAYAN:—"It is for the members of the local bodies concerned to bring round their presidents."

Expenditure on rural reconstruction work by district boards.

*750 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the names of the district boards which have started rural reconstruction work;

(b) the nature of work done by them; and

(c) the amounts spent by them in each of the years since they were started?

A.—(a) (1) Chingleput, (2) West Godavari, (3) Coimbatore.

(b) Improvement of village roads, water-supply, sanitation, medical aid, education, cottage industries, and establishment of co-operative societies are some of the works reported to be carried on by the local boards.

(c) The Government have no information.

Mr. K. V. R. SWAMI:—"May I know whether any contribution has been made by the Government to the district boards mentioned in clause (a) of the answer?"

The hon. Dr. P. SUBBARAYAN:—"No contribution other than that given for the village roads has been made."

Mr. K. V. R. SWAMI:—"Do the Government intend to make any contribution in future?"

The hon. Dr. P. SUBBARAYAN:—"I am not able to answer this question at present."

Mr. K. V. R. SWAMI:—"With reference to clause (c), may I know whether the Government will call for the information?"

The hon. Dr. P. SUBBARAYAN:—"I am afraid it will not be an easy matter to compile this."

Mr. D. NARAYANA RAJU:—"May I know whether any of these district boards asked for any special staff for the work?"

The hon. Dr. P. SUBBARAYAN:—"Notice, Sir."

Mr. C. OBI REDDI:—"May I know whether the funds at the disposal of the local bodies for improvement of village roads and water-supply can be utilized for establishment of co-operative societies?"

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The hon. Dr. P. SUBBARAYAN :—" No, Sir. The funds should be utilized only for village roads and water-supply. The grants have been made for that purpose."

Public Health

Purchase of drugs for hospitals and dispensaries under local bodies.

* 751 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the local bodies have to purchase the drugs they require for their hospitals and dispensaries from the Medical Stores or whether they are allowed to get them from the open market; and

(b) whether it is a fact that the Medical Stores' prices are higher than those in the open market?

A.—(a) Article 281 of the Municipal Account Code and instruction 330 of the Local Boards Manual require the local bodies to make the purchases from the Medical Stores.

(b) The relation between the prices charged by the Medical Stores depot and those in the open market is under investigation.

Mr. A. B. SHETTY :—" May I know since what time the matter contained in clause (b) of the answer has been under investigation ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" For the last 1½ years."

Mr. D. NARAYANA RAJU :—" May I know whether it is in the power of this Government to make necessary amendments to the Municipal Account Code and the Local Boards Manual to authorize the local bodies to make their purchase in the local market ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is in the power of this Government to do so."

Mr. A. RANGANATHA MUDALIYAR :—" As the matter has been under investigation, will the hon. Minister please see that the necessary amendments in the Code, etc., are made ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" There is no necessity for the amendment."

Mr. B. VENKATARATNAM put a question in Telugu.

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I am sorry, Mr. President, the question is in Telugu which I do not understand."

The hon. the PRESIDENT :—" Will the hon. Member kindly repeat his question ?"

Mr. B. VENKATARATNAM repeated his question and it was translated by the Assistant Secretary to the Council—

" May I know whether any local body applied to the Government for permission to purchase its stores at cheap rates from places other than the Government stores ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Notice."

Mr. A. RANGANATHA MUDALIYAR :—" Does the hon. Minister say that it is open to the local bodies to purchase their stores anywhere they like ?"

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The hon. Mr. S. MUTHIAH MUDALIYAR :—" The hon. Member can find it for himself from the rules."

Mr. B. VENKATARATNAM put a question in Telugu.

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Notice."

Appointment of honorary physicians and surgeons in headquarter hospitals.

* 752 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Public Health be pleased to state the headquarter hospitals where honorary physicians and surgeons are employed at present?

A.—Honorary physicians and surgeons have not yet been appointed to any headquarter hospitals. The applications received are under consideration.

Mr. K. V. R. SWAMI :—" May I know for how long this question has been under consideration ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Orders are about to be passed."

Mr. D. NARAYANA RAJU :—" May I know when the applications were received and how many were received ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Not a large number."

Mr. K. V. R. SWAMI :—" How long have these applications been under consideration ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" For a month."

Mr. K. V. R. SWAMI :—" Are all the applicants qualified men ?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It is not yet decided. If it had been decided, orders would have been passed already."

Agriculture

Working of the Pest Act in South Kanara.

* 753 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Pest Act has been brought into operation in South Kanara for eradicating the coconut pest and if so, when;

(b) in which places in the district the pest is prevalent now and in which places the Act has been enforced so far;

(c) to which other places it is proposed to extend its operations hereafter; and

(d) who are the people employed to do the cleaning operations and under whose supervision they are working?

A.—(a) Yes. Since January 1923.

(b) The pest is reported to be confined to the seashore and the banks of the following rivers and estuaries :—

Gangolli.	Mulki.	Manjeshwar.
Mahbkal.	Gurpur.	Kumbha.
Sitanadi.	Netravati.	Kasargod.
Udayavar.		

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It is also reported to have spread from Padukere to Udayavar and from Malpe to Hangarkatta and to Adkathbail, Sohmnad, Nileshwar, Hosdrug and Chervathur.

The Act is in force throughout the district.

(c) Does not arise.

(d) The following staff has been sanctioned for dealing with the affected trees:—

One special revenue inspector	} for one year.
One peon	
Four coolies	
One special revenue inspector	} for six months.
Eight coolies	

Besides these a laboratory attender has been sanctioned to work in the laboratory for breeding the parasites. They are working under the supervision of the Collector of South Kanara.

Mr. J. A. SALDANHA:—"May I know, with reference to (d), what accommodation there is for the laboratory?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Notice."

Fisheries

Action taken on Dr. Sundara Raj's proposals regarding important marketable fishes.

* 754 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) why the Superintendent of Government Museum was allowed to act for the Director of Fisheries on the last occasion and not the Director of Industries as on previous occasions; and

(b) whether the Government have considered the proposals of Dr. Sundara Raj on important marketable fishes in the Presidency and whether they propose to make a provision in the budget for 1929-30 for giving effect to the proposals?

A.—(a) The Superintendent, Government Museum, was appointed in consideration of his technical qualifications.

(b) Yes; provision has been made in the Budget Estimate of 1929-30.

Mr. G. HARISARVOTTAMA RAO:—"May I know, with reference to (b), what the proposals of Dr. Sundara Raj are and what amount is provided for the purpose in the budget?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"A sum of about Rs 5,000 has been provided in the budget."

[4th October 1929]

Industries

Construction of the cotton spinning mill in the Coimbatore Jail.

* 755 Q.—Mr. S. ARPUDASWAMI UDAYAR: With reference to the answer to question No. 314 regarding construction of a cotton spinning mill in the Coimbatore Jail, will the hon. the Minister for Development be pleased to state—

(a) whether it is the duty of the Deputy Director of Industries to prepare, examine or check the plans for the construction of cotton spinning mills;

(b) whether the Deputy Director of Industries was directed to prepare and submit a plan for this work or visit the Jail in connexion with it;

(c) whether it was the duty of the Deputy Director to pay such visits; and

(d) whether the Deputy Director was in any way responsible for the purchase of wrong wall boxes or a larger number of manholes than were actually necessary or the fixing or removal of cast-iron columns or for delay in purchasing oil, and whether it was his duty to attend to such matters?

A.—(a) to (d) The answer is in the negative.

Mr. L. K. TULASIRAM:—"May I know who is the officer who was responsible for the indent of the machinery and plants installed in the Cotton Spinning Mills at Coimbatore?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The Assistant Director of Textiles."

Mr. L. K. TULASIRAM:—"Had the Deputy Director of Industries anything to do with that?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Nothing, Sir."

Mr. BASHEER AHMED SAYEED:—"If the Deputy Director of Industries is not responsible for anything of the kind that has been mentioned in clauses (a) to (d) of the question, may I know whether the hon. Minister will consider the desirability of abolishing that post?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The particular matter is purely a technical matter and the Deputy Director is purely a personal assistant. The plans and estimates prepared by the Assistant Director of Textiles were scrutinised by the Executive Engineer."

Mr. BASHEER AHMED SAYEED:—"If the Deputy Director is purely a Personal Assistant, may I know why he is retained on such a high salary?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"To help the Director."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the Retrenchment Committee advised the abolition of this post?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"No, Sir."

Mr. L. K. TULASIRAM:—"Is the Deputy Director technically qualified for the post?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I think so."

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Mr. BASHEER AHMED SAYEED :—" Will the question of abolishing the post of Deputy Director or of appointing a technically qualified man for the post be considered ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" When the question arises, it will be considered."

Need for the appointment of a technically qualified man as Director of Industries.

* 756 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether any recommendation was made by any Director of Industries, Madras, that a technically qualified officer should be appointed to the directorship; and

(b) whether Government approved of the recommendation of the Retrenchment Committee that a technically qualified officer of the department should replace the then Indian Civil Service Officer who was the Director of Industries?

A.—(a) The answer is in the negative.

(b) The Government agreed to give due consideration to the recommendation of the Retrenchment Committee which was that the post of Director of Industries should be held by an officer of the department and not by a member of the Indian Civil Service.

Mr. R. NAGAN GOWDA :—" May I know whether the Government took into their consideration the recommendation of the Retrenchment Committee in appointing the Director of Industries and, if so, on what ground they appointed the present Director of Industries ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because he was considered to be the best man for the department now."

Mr. R. NAGAN GOWDA :—" May I know on what consideration he was appointed and whether as a technically or administratively qualified man ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The Retrenchment Committee recommended that the post should not be given to an Indian Civil Service Officer, but that it should be given to an officer of the department. That aspect was taken into consideration."

Mr. A. KALESWARA RAO :—" May I know when the present Director was appointed ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I think in July or August."

Mr. A. KALESWARA RAO :—" May I know whether the Government advertised throughout India, and do they think that, even if they had advertised, they could not have got a technically qualified man ? "

The hon. the PRESIDENT :—" That is a hypothetical question."

Mr. BASHEER AHMED SAYEED :—" May I know whether, if the Government have given due consideration to the recommendation of the Retrenchment Committee and still have continued to appoint a man outside the department, it does not mean that there is no one in the Department of Industries qualified to hold the post ? "

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The hon. Mr. M. R. SETURATNAM AYYAR :—" The Government considered everything before they appointed the present incumbent."

Mr. ABDUL HAMEED KHAN :—" What is the technical qualification of this present incumbent which induced the Government to appoint him ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We thought it would be desirable to appoint a man who knows the people well and who is very sympathetic to them. We took into consideration the fact that the officer should be a capable administrative officer being able to carry on his administrative duties efficiently."

Mr. ABDUL HAMEED KHAN :—" May I know whether the Retrenchment Committee did not recommend that the officer should be technically qualified in a particular branch of work ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Nothing of that kind has been recommended. It is recommended that it is desirable to have a technically qualified man in the department."

Mr. A. KALESWARA RAO :—" May I know whether the present Director of Industries was a junior officer in the Revenue Department ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" He was a senior officer though not in the Collector's grade."

Mr. A. KALESWARA RAO :—" May I know why the Government did not advertise ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because, as I have said already, there were other considerations which induced the Government to appoint this man."

Mr. L. K. TULASIBAM :—" May I know whether the appointment of a man belonging to the Indian Civil Service is not greatly hampering the development of the department ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The present Director is not an Indian Civil Service man."

Mr. D. NARAYANA RAJU :—" May I know how long the present Director will continue ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" As long as he is there."

Mr. D. NARAYANA RAJU :—" May I know whether the qualifications recommended by the Retrenchment Committee are the same as those recommended by the Industrial Commission ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the Government have made any attempt to ascertain if a technically qualified man was not available for this post ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We never thought of these things. We came to the conclusion that, by the appointment of the present man, the departmental needs would be met."

Mr. ABDUL HAMEED KHAN :—" May I know whether the Government contemplate appointing a technically qualified man when the department is reorganized ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That is our idea now."

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Mr. G. HARISARVOTTAMA RAO :—" May I know when such reorganization is going to take place ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I cannot say that at present. "

Mr. BASHEER AHMED SAYEED :—" May I know whether it is not a fact that at present there is no one else in the department who is qualified to hold the post, in accordance with the requirements laid down by the Industrial Committee. "

The hon. Mr. M. R. SETURATNAM AYYAR :—" That is a matter of opinion. "

Inspection of peripatetic weaving parties by the Assistant Director of Industries.

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

(a) how many occasions during the last three years have the peripatetic weaving parties been inspected by the Assistant Director of Industries (Textile);

(b) whether there is any rule prescribing the number of days for the inspection of such parties in the course of a year; and

(c) if the inspection has been long neglected, what disciplinary action Government propose to take in insisting on regular inspection of the parties in future ?

A.—(a) On six occasions.

(b) No special instructions have been laid down. The Assistant Director visits the parties when necessary. Parties are visited from time to time by the Sericultural Assistant who checks the diaries, progress reports, etc., of the parties and brings to notice any matter of a technical nature which requires immediate attention by the Assistant Director.

(c) Does not arise.

Mr. J. A. SALDANHA :—" With reference to the answer to clause (a), may I know what is the number of parties that have been inspected by the Assistant Director of Industries (Textile) ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Five. "

Mr. J. A. SALDANHA :—" Do Government propose to transfer such of those duties which the Sericultural Assistant is doing to the Assistant Director of Industries ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We have placed that matter for consideration before the next meeting of the Advisory Committee. "

Mr. BASHEER AHMED SAYEED :—" May I know whether it is not a fact that by a Government Order the duties of inspecting peripatetic weaving parties were transferred to the Sericultural Assistant ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir. "

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Publication of the conditions for loans under the State Aid to Industries Act.

* 758 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state whether the conditions for granting loans under the State Aid to Industries Act have been advertised during the current year ?

A.—The answer is in the affirmative.

Mr. K. V. R. SWAMI :—" May I know in what papers the advertisement was published ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" In all the leading papers such as the *Madras Mail*, the *Hindu*, *Swarajya* and *Justice*, and also all the district gazettes. "

Mr. J. A. SALDANHA :—" In what months ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" In July and August. "

Subsidies granted under section 16 of the State Aid to Industries Act.

* 759 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) whether any subsidies have been given to any companies under section 16 of the State Aid to Industries Act;

(b) if so, to which companies;

(c) the nature of the subsidies given;

(d) the number and nature of applications made under the above provision; and

(e) which of them were granted ?

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

(d) Two applications were made, one from Sir F. Nicholson for a subsidy of Rs. 9,000 for the purpose of establishing an experimental toy factory at Coonoor and the other from Mr. M. S. Sarma, Proprietor, Messrs. Sarma & Sons, Triplicane, Madras, for a subsidy of Rs. 5,000 for carrying out researches in Zincography and etching with a view to the reproduction of works of art.

(e) Neither of them was granted.

Mr. K. V. R. SWAMI :—" With reference to the answer given to clause (e), may I know why they were not granted ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" In the first case the petitioner withdrew his application and in the second case the Advisory Committee did not recommend the grant. "

Subscriptions to shares under section 15 of the State Aid to Industries Act.

* 760 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) whether the Government have under section 15 of State Aid to Industries Act subscribed for any shares or debentures or guaranteed any minimum return on the capital of any company;

(b) if so, the names of the companies which received such help and the extent of the help given; and

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(c) the names of the companies which applied for such help and with what result ?

A.—(a), (b) & (c) An application from the Tindivanam Co-operative Agricultural and Industrial Society, Limited, for subscription by Government for shares to the extent of Rs. 15,000 for development of industries carried on by it such as bone disintegrator, hulling paddy, etc., is under the consideration of Government. There was another application from the Kumbakonam Industrial Company, Limited, for subscription by Government for shares to the value of Rs. 30,000 for the purpose of purchasing additional machinery for the concern and developing the business. The Government were precluded from the provisions of section 8 (5) of the State Aid to Industries Act from sanctioning this application as the Board of Industries resolved by a unanimous vote not to recommend the application.

No applications for subscription by Government for debentures or for guarantee of a minimum return on the capital have been received.

Mr. J. A. SALDANHA :—"With reference to the answer given to this question, may I know whether the loan has been sanctioned ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"It has not yet been sanctioned."

Mr. J. A. SALDANHA :—"What is the cause for delay ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"The matter has been referred for legal opinion."

Mr. J. A. SALDANHA :—"What are the legal difficulties ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—"The legal difficulties are such that the Government cannot understand them."

UNSTARRED QUESTIONS

Police

Muslim Police Sub-Inspectors trained at Vellore in 1919.

761 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Home Member be pleased to state—

(a) the number of persons enlisted as Sub-Inspectors of Police in 1919 October from Coimbatore district; how many of them were Muslims;

(b) what is the amount spent upon them by the Government while at training in Vellore;

(c) whether they were posted in the district, the amount of pay drawn by them, increments, horse, house and travelling allowances they were given by the Government from 29th October 1920 to 29th October 1922;

(d) how many of them were subsequently turned out of service, and for what reasons; how many of such men were Muslims; and

(e) how many of such Sub-Inspectors whose services were dispensed with appealed to the Government and with what results; how many of the appellants were Muslims ?

A.—The Government have no information.

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Jails

Alleged refusal of free accommodation to Mr. Annapurnaiah on transit from the Central Jail to Godavari Railway station.

762 Q.—Mr. K. V. R. SWAMI : Will the hon. the Law Member be pleased to state—

(a) whether Mr. Annapurnaiah who was sentenced by the District Magistrate, East Godavari, on 12th August 1929 was taken in a closed motor bus on the night of 12th August 1929 from the Central Jail to Godavari Railway station; and

(b) whether the Deputy Superintendent of Police, Rajahmundry, refused to remove the screens on the bus in order to allow Mr. Annapurnaiah to have some breeze ?

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

Allowance given to Mr. Annapurnaiah for his food during transit.

763 Q.—Mr. K. V. R. SWAMI : Will the hon. the Law Member be pleased to state—

(a) whether Mr. Annapurnaiah was taken to the Vellore Central Jail on the evening of 14th August 1929;

(b) whether an allowance of only twelve annas was given to Mr. Annapurnaiah for his food during transit; and why; and

(c) whether the allowance was intended to cover Mr. Annapurnaiah's expenses for two days ?

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

Village Establishment

Abolition of the office of the headman of Anganur village, Perambalur taluk.

764 Q.—Mr. T. M. NARAYANASWAMI PILLAI : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Collector of Trichinopoly has made any proposal to the Board of Revenue or the Government to abolish the office of the headman of Anganur village, Perambalur taluk, and to include it in the jurisdiction of the Village Munsif of Sannanallur group;

(b) whether the office of the Village Munsif of Anganur has been in existence for the last more than a century and many objections have been received by the Government against the proposal to abolish it;

(c) whether it is a fact that the office was once abolished in 1922 and on the repeated representations of the ryots, it was again restored in 1926 after due and careful consideration; and

(d) whether in the circumstances stated in clause (c) above any new circumstances have arisen to warrant the abolition once again, and if so, what they are ?

A.—(a) to (d) No such proposal has been made to the Government. The Government have no information on the other points raised in the question. The matter is one within the competence of the Board of Revenue who, if the proposal has been made to them, will no doubt give due consideration to any representations made to them regarding the proposal.

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(c) the names of the companies which applied for such help and with what result?

A.—(a), (b) & (c) An application from the Tindivanam Co-operative Agricultural and Industrial Society, Limited, for subscription by Government for shares to the extent of Rs. 15,000 for development of industries carried on by it such as bone disintegrator, hulling paddy, etc., is under the consideration of Government. There was another application from the Kurubakonam Industrial Company, Limited, for subscription by Government for shares to the value of Rs. 30,000 for the purpose of purchasing additional machinery for the concern and developing the business. The Government were precluded from the provisions of section 8 (5) of the State Aid to Industries Act from sanctioning this application as the Board of Industries resolved by a unanimous vote not to recommend the application.

No applications for subscription by Government for debentures or for guarantee of a minimum return on the capital have been received.

Mr. J. A. SALDANHA :—“With reference to the answer given to this question, may I know whether the loan has been sanctioned?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“It has not yet been sanctioned.”

Mr. J. A. SALDANHA :—“What is the cause for delay?”

The hon. Mr. M. R. SETURATNAM AYYAR :—“The matter has been referred for legal opinion.”

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(c) whether they were posted in the district, the amount of pay drawn by them, increments, horse, house and travelling allowances they were given by the Government from 29th October 1920 to 29th October 1922;

(d) how many of them were subsequently turned out of service, and for what reasons; how many of such men were Muslims; and

(e) how many of such Sub-Inspectors whose services were dispensed with appealed to the Government and with what results; how many of the appellants were Muslims?

A.—The Government have no information.

[4th October 1929]

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(b) whether the office of the Village Munsif of Anganur has been in existence for the last more than a century and many objections have been received by the Government against the proposal to abolish it;

(c) whether it is a fact that the office was once abolished in 1922 and on the repeated representations of the ryots, it was again restored in 1926 after due and careful consideration; and

(d) whether in the circumstances stated in clause (c) above any new circumstances have arisen to warrant the abolition once again, and if so, what they are?

A.—(a) to (d) No such proposal has been made to the Government. The Government have no information on the other points raised in the question. The matter is one within the competence of the Board of Revenue who, if the proposal has been made to them, will no doubt give due consideration to any representations made to them regarding the proposal.

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

II

PETITION TO THE COUNCIL.

*The hon. the PRESIDENT:—"Mr. Saldanha will present his petition."

Mr. J. A. SALDANHA:—"I beg to present another petition from the inhabitants of Ponnani taluk in connexion with the Malabar Tenancy Bill. I have distributed copies of this to all Members. It is very short and I shall read it."

*The hon. the PRESIDENT:—"I think the hon. Member may merely give the substance of the petition."

Mr. J. A. SALDANHA:—"The main substance of it is that unless a proper provision is provided there is the possibility of the land being surrendered by the tenants. They urge that renewal fee should be paid on a basis of multiple of the assessment of the land concerned. They also urge that Christians should be excluded from the operation of the Act, but the main point is that they should be saved from the hands of the janmis in connexion with the fixing of fair rent. They also urge that renewal fee and fair rent should be based on a multiple of the assessment. In this connection, I have brought also another amendment."

III

ADJOURNMENT MOTION REGARDING THE OPENING OF A TODDY SHOP
IN TRIPPLICANE.

*Mr. S. SATYAMURTI:—"I beg to move the adjournment of the business of the House to consider a definite matter of urgent public importance, namely, the opening of a toddy shop to-day at No. 2/8, Karpani Amman Koil Second Lane, Venkatarangam Pillai Street, Triplicane."

*The hon. the PRESIDENT:—"Before I rule whether the motion is in order or not, I wish to know from the hon. Member how it is urgent."

*Mr. S. SATYAMURTI:—"It was opened this morning. A toddy shop was in that locality for some years, and, on a representation from the people of the locality, the toddy shop was removed last year. It has come back again this year, about four houses off the old place near a temple, near a school, and in a place where the poorest of the local people live. That is the matter of urgency, which I want to submit for your consideration."

*The hon. the PRESIDENT:—"Is it for the first time opened?"

*Mr. S. SATYAMURTI:—"Yes, Sir. It was removed last year on the representation of the people of the locality to the Excise Advisory Committee. The opening ceremony was done this morning when pots of toddy were drunk."

*The hon. Mr. S. MUTHIAH MUDALIYAR:—"I have absolutely no information about this matter except the slip that was handed to me five minutes ago. However there is one matter which I should like to place before you. Wherever toddy shops are proposed to be opened, the matter is advertised and published in the Gazette even three or four months before the shops are actually opened and before the bidders go and bid at the auction and purchase the shops. So that what I submit is the matter has been before the public for a pretty long time and the people of the locality could have made their representations to

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the Excise Licensing Board. If the people have kept quiet for such a long time as three months since the date of publication, either the people of the locality have had no objection to the shop being located or it was not urgent for them. I do not know how the urgency arises to-day, especially in view of the fact that the shop has been opened, and I submit it is not a matter of what is going to happen but what has happened. I submit there is absolutely no urgency about this matter and even if the Government decide to close the shop it cannot be done within 10, 20 or 30 days. I submit there is absolutely no urgency."

*The hon. the PRESIDENT:—"Supposing the Government change their opinion and want to close it at once."

*The hon. Mr. S. MUTHIAH MUDALIYAR:—"Under the rules we have to give two months' notice, I think. This matter has been before the public for the last three or four months. I submit, Mr. President, there is absolutely no urgency about the matter. It is not of such importance as to necessitate an adjournment motion being moved."

*The hon. the PRESIDENT:—"Such things are done in the usual course of administration."

*Mr. S. SATYAMURTI:—"The opening of toddy shops in Madras is done by bodies constituted by the Government, and the Government is the final authority in the matter. Objections were raised against the opening of such shops. In answer to my hon. Friend, I may say that we have been sending representations to the authorities concerned, and they have all gone to the wastepaper basket. In spite of our fight, it is done. The earliest opportunity I have taken to come before this hon. House, and I ask it to express its opinion. On the question of two months' notice, postponement of one day means a delay of one day."

*The hon. the PRESIDENT:—"It is not a question of the Government having the power to close the shop. The only difficulty I feel in the matter is that every act done by the Government in their usual course of administration cannot be a matter of urgent public importance on which an adjournment motion can be moved."

*Mr. S. SATYAMURTI:—"The policy of the Government is that toddy shops should not be opened except in unobjectionable places; they have done so, in an objectionable place. We say it is so objectionable that the shop should be closed at once."

*The hon. the PRESIDENT:—"On or after 1st October it is usual for a number of such shops being opened or closed."

*Mr. S. SATYAMURTI:—"It will be a consummation devoutly to be wished for that these shops are closed."

*Mr. G. HARISARVOTTAMA RAO:—"It is a piece of extraordinary policy pursued by the Government. The shop was closed in obedience to the demands of the people. That the hon. Minister should have allowed the opening of a shop there again is a departure from the policy adopted by the Government. This is a deviation from the policy which he wanted to pursue. This is a new act."

*The hon. the PRESIDENT:—"I wish to know whether the shop was closed last year and was re-opened this year."

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The hon. Mr. S. MUTHIAH MUDALIYAR :—"I shall be able to give the information in the course of two or three hours."

* Mr. S. SATYAMURTI :—"I take the responsibility of assuring you, Sir, that the shop which had been opened six doors off was closed last year and it has been re-opened now six doors off this side."

* Mr. K. R. KARANT :—"You will remember, Sir, that the land acquisition of a certain place came up to the notice of the House by an adjournment motion; it was an ordinary administrative action and you were pleased to allow that adjournment motion. I do not remember exactly the place."

* The hon. the PRESIDENT :—"Avadi."

* Mr. K. R. KARANT :—"It was a mere matter of administration, not a question of policy."

* The hon. the PRESIDENT :—"It was a question of the notice of acquisition appearing in the Gazette just a day previous to the day of the adjournment motion."

"This is too trivial a matter; but I do not think that, according to the existing rules, it is not urgent. I think the motion is in order."

"Does any hon. Member object to the motion? (After a pause.) Since there is no objection, the hon. Member has the leave of the House."

"When does the hon. Minister want the motion to be taken up?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"On Monday, because I have no information now."

* The hon. the PRESIDENT :—"The motion will be taken up at 2-30 p.m. on Monday."

IV

THE MALABAR TENANCY BILL.

* The hon. the PRESIDENT :—"The Council will now resume discussion of the Malabar Tenancy Bill. The Council will continue the debate on sub-clause (5)—Amendment No. 158 of Sriman Biswanath Das to omit sub-clause (5)."

Clause 13.

Sub-clause (5).

* Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, I appeal to my hon. Friends, Messrs. Biswanath Das and Kaleswara Rao not to press the amendment. The situation is this; the landlord in Malabar may say, to-day, 'this is my land; I can do anything with it; I can sell it; I can give it to this tenant or take it away from him and give it to another.' In other words, he has the absolute right of ownership. Whatever may be the historical facts, the landlord has had this right recognized by the law courts for the past two centuries and more. Legally he enjoys this right. If this Bill is passed into law, he will not have this right. The measure, as it is, is already a serious invasion on his right. His proprietorship will not hereafter consist so much in the soil as in his dues, in the goods which form products of the soil. On the other hand with regard to the tenant, the Raghavayya Committee have pointed out that he had no fixity of tenure legally; but after the passing of this Bill into law he will have hereditary rights and he will not be subject to arbitrary eviction by the landlord. Having taken away that right from the landlord, this amendment seeks to allow him to take bona fide

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certain lands, say 5 or 10 or 15 acres of wet lands or 30 or 40 acres of dry land which he can very well cultivate. I think that denying him this would be depriving him of the only means of having full income from the land. Sir, this will not seriously interfere with the rights of the tenants. There are also very many limitations in this matter. In case of eviction the landlord must pay full compensation and the Raghavayya Committee have made it very clear that it is very difficult for a large number of janmis to pay this compensation; they speak of a large number of impecunious janmis. There are other provisions which prevent the possibility of the janmi allowing his lands to be enjoyed by other people instead of cultivating them himself. The custom on the East Coast permits this; it must be so on the West Coast also. There will be grievance only when the landlord takes away the land from one tenant and gives it to another. The custom there is for the landlord to take back the land for his own cultivation in order to have larger income or the maximum income. If the landlord wants to bring his land under his own cultivation, the tenant cannot have any grievance. It is only when the land is given to others, the grievance arises. It is physically difficult for him to cultivate more than a limited portion, because it means labour. As my hon. Friend, Mr. Swami, said, in these days of unemployment it is natural and reasonable for the sons of the landlord to take certain portions of the land and cultivate them by their personal labour or by employing labour. Even the employment of labour has become very difficult on account of labour scarcity or labour migration to other countries. Physically speaking it is impossible for this right to be abused by the landlords. Considering the fact that this Bill has already resulted in the serious dispossession of large tracts of land which hitherto belonged to the janmi and considering the further fact that economically the tenant will normally retain a good portion and will enjoy the land hereafter and will have hereditary right provided he pays his rent and renewal fee, I would appeal to my hon. Friend not to press this motion."

* The hon. the PRESIDENT :—"The question is that sub-clause (5) be omitted."

The amendment was negatived.

Mr. K. KRISHNAN :—"Sir, I beg to move the following amendment:—
In line 1 after the word "that" insert the words "at the end of an agricultural year."

"The object of the amendment is when once the verumpattam tenant has taken up the cultivation of the land for an agricultural year he should not be disturbed in the middle of the year. So, if there is provision for the recovery of the property for the purpose of the landlord's cultivation then it must be done at the end of the agricultural year and before he begins operations for the next year. I believe the House will have no objection to accept the amendment."

* Mr. A. ACHUTAN :—"I second it."

The hon. Mr. A. Y. G. CAMPBELL :—"I accept the amendment, Sir."

The amendment was put and carried.

* Mr. E. SANKARAN UNNI :—"Sir, I move—
that 'in line 1, "bona fide" be omitted.'

"It may seem somewhat strange that, after the discussion we have had 11-45 to-day I should ask for the deletion of the words 'bona fide.' I think I have very a.m.

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good reasons to place before the House which, I hope, will convince the hon. Members. In the first place, the words there are now a surplusage. So far as I am able to see, those words serve no useful purpose whatever. Bona fides relates to a state of mind and not to anything that can be physically apprehended. The words, perhaps, are introduced to test the landlord's good intention in the matter. What the clause says is 'the landlord requires the holding bona fide for cultivation'. Any man can cultivate his own land without having bona fides or mala fides. The only thing we are asking him to do is that he should cultivate his land. Whether he cultivates the land to benefit himself or for the purpose of depriving another of any particular advantage is altogether irrelevant. I think the select committee took only a layman's point of view when they inserted those words. From a purely legal point of view, those words ought not to be there. Because, as pointed out here—I am reading from Stroud's Judicial Dictionary on the question—the equivalent of this phrase (bona fide) is 'honestly'. The correct province of this phrase is, therefore, to qualify things or actions that have relation to the mind or motive of the individual; and it has no meaning when joined to things or actions common to all mankind, though sometimes it is thus used in a figurative, but inaccurate, sense. A fact completely within physical apprehension can neither be bona nor mala fide; a mental fact may be either. Thus the phrase 'bona fide traveller', since it is submitted, means the 'same thing as 'traveller'; for, as Williams, J., asked, 'can a man be said to be a mala fide traveller?' The question is, was he a traveller? Yet the majority of a court of five judges held that, if a person journeys the prescribed distance of three miles, but only for the purpose of getting a drink during prohibited hours, he is not a 'bona fide' traveller; but it may perhaps be asked, if the journey had been to fetch a bottle of medicine would it not have been 'bona fide' and what is there in one drink more than another, that can affect the quality of the journey taken to procure it? "The quality of the journey won't be affected, but the route taken by the individual will be unpleasantly zig-zag. What I am submitting is this: in this clause, the words have no significance; and moreover, there is already a test provided for the intentions of the owner of the land. If any person resumes his land and does not cultivate it for a period of six years, the land shall go back to the person from whom it was taken. Having provided that test as regards the *bona fides* of the landlord, I say this qualification is quite unnecessary. In fact, no court will be in a position to know the exact state of mind of the individual as it will exist for a period of six years. Having already provided one conclusive test, how can you now say that you want an additional condition? I think that if this phrase 'bona fide' has any purpose at all, it will only serve a mischievous purpose. The mischief lies in this: that different courts may interpret it differently. Although we all know that it is nothing but a surplusage, the courts are likely to go wrong. I remember a case that happened in Cochin. A friend of mine, acting under the provisions of the Cochin Regulation, wanted to resume a land for the purpose of building a house. That friend had a house of his own and the place where he wanted to build another house was within a few miles of it. He applied to the court for the resumption of the land; but the court said 'This is a rich man; he has got a motor car; why should he want a house close by?' That sort of thing would happen here also. We all admit, the landlord is entitled to resume. Either you say that he is not entitled to resume at all, or you allow him reasonable opportunities to exercise his right. If you

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put all sorts of restrictions on him and at the same time say 'you can resume', are you doing things in a straightforward way? I think the House should make up its mind to give power to the landlord to resume or to refuse such power. Bona fide is therefore a mischievous phrase here. It is a surplusage at best, and whatever might be said in favour of it, there is very little support for it by way of legal authority. I submit that this amendment ought to be accepted by the House."

The MUPPIL NAYAR OF KAVALAPPARA seconded the motion.

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I am unable to accept this amendment. The words 'bona fide' were inserted by the select committee after careful consideration, in order to make quite sure that this clause is not made use of by a landholder to oust a tenant without really good reasons. If a landlord really requires the land for cultivation himself or by the members of his family, etc., he will be able to apply to the court, which will require evidence to be adduced to show that the application is made bona fide. It is not sufficient for him to go to court and say 'I want this land for cultivation'. He must prove it. This is what we wished to insist upon. I am not therefore in a position to accept this amendment."

* The hon. the PRESIDENT :—" The question is that in line 1 of sub-clause (5), the words 'bona fide' be omitted."

The amendment was negatived.

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, I beg to move—
that 'in sub-clause (5), after the word "cultivation" the words "or use" be inserted.'

"Sir, these two words were in the original Bill. They were deleted by the select committee. Again, I wish to submit to the House that if you are going to restrict the right of the landlord to use his own property, you might as well not have any of these things at all. The word 'use' I know has a more extended meaning; but a landlord may use his land in many ways. (Mr. S. Satyamurti: What are the ways?) Supposing the landlord is a tradesman and wants to erect a factory, why should you compel him to go and purchase land elsewhere for that purpose? Or supposing the landlord wants to have a tennis court, why should you drive him to the necessity of going to another man for land for the purpose? Or I shall give another instance, which will appeal more readily to my Friend the hon. Member for the University. Supposing the landlord wants to erect a school-building; would you compel him to purchase another man's land for the purpose? (Mr. C. V. Venkataramana Ayyangar: Why not a toddy shop?) Yes, even that; why not a toddy shop? That depends upon the landlord and his requirements. He should be able to recover the land when he requires it for lawful purposes. I sincerely think that the word 'use' should be there; I therefore commend the amendment to the acceptance of the House."

The MUPPIL NAYAR OF KAVALAPPARA seconded the motion.

* The hon. the PRESIDENT :—" The question is that after the word 'cultivation', the words 'or use' be inserted."

The amendment was negatived.

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* Mr. E. SANKARAN UNNI :—" Mr. President, I move—

"that in lines 3 and 4 of sub-clause (5), the words 'who has a proprietary and beneficial interest therein' be deleted."

"Sir, this involves a question of Malabar law, unfortunately. The position is this. Under Malabar law, it is only in respect of tarwad properties that all the members of the family have a proprietary or beneficial interests therein. There are properties in Malabar which, though they are not tarwad properties, technically so called, are still regarded as properties in which every member of the family has got an interest. They are generally sthanam properties. Take, for instance, the case of the Zamorin. In addition to the properties which the family has, there are extensive properties attached to the dignity or sthanam of the Zamorin. Zamorin for the time being has a life interest in the properties. He can use such properties only for purposes which are beneficial to the sthanam. The other members of the family have a right to succeed to the sthanam property on the demise of the existing Zamorin; yet these men, that is, the junior members of the Zamorin's family, have no beneficial or proprietary interest in it, although to all intents and purposes they are really as much interested in that property as the Zamorin himself. My object in this amendment is to bring into the clause all classes of property which are sthanam properties also. If you do not do it, you are excluding from the operation of this Bill nearly two-thirds of the immovable properties in Malabar. You also exclude the devaswam lands, the trust properties. The trust properties are managed by the senior member of the family who is the trustee. Nobody can say that the members of a family have got any proprietary or beneficial interest therein; and yet, I believe most of these trust properties have been acquired by the family with its own money, though they are now regarded by the Hindu Religious Endowment and other Acts as public property. I do not ask that all that property should be included; because rightly or wrongly, they have come to be regarded as public property. But where it is really private property, as in the case of the Zamorin, I think it is very unfair that you should limit it with the words 'who has a proprietary and beneficial interest therein.' As I submitted already, much the greater part of immovable properties in Malabar will be excluded from the provisions of this Bill if this amendment is not made. It is suggested by people who are against this amendment that if, for instance, a large family like the Zamorin's was allowed to redeem the lands for the purpose of its members, it would result in driving away many tenants who are already on the land. That is the sort of consideration which ought not to prevail with the House. I think a member of the Zamorin's family—I expect the House will agree with me—is better entitled, much more reasonably entitled, to the possession of the properties belonging to the sthanam to which he may succeed in course of time than A, B or C who is a stranger. I also expect that it is not the intention of the House that no janmi should become a cultivator. If you pile difficulty upon difficulty, impediment after impediment against a janmi becoming a cultivator himself, you are doing an injury which I hope the Government do not intend to be a party to. The effect of the clause as it stands however would be to prevent the janmi, as far as possible, from becoming a cultivator. We are, I know, punished—perhaps deservedly punished—for not being actual cultivators of our lands; but we ask that the door should not be eternally barred against us, that we should be

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given an opportunity of going back to the land. I hope it is a prayer which the House will listen to and I hope the House will help us to get that right. Sir, I move the amendment and request the House to accept it."

The MUPPIL NAYAR OF KAVALLAPPARA seconded the motion.

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I cannot accept this amendment. I do not agree with the hon. the Mover of the amendment that the effect of this clause as it stands is to prevent a janmi from becoming a cultivator if he wishes to do so. In fact, he is especially given the power under this clause, of evicting the cultivating verumpattamdar for that purpose. The effect of the amendment that is proposed is that the landlord could claim to evict under this clause even on behalf of the members of his family or tarwad or tavazhi who have no proprietary or beneficial interest in the estate. I think, Sir, it is unnecessary to give this additional advantage to the landlord, and I think the present clause as it stands goes quite far enough to enable the landlord to take the land for cultivation, if he so desires."

* The hon. the PRESIDENT :—" The question is that in lines 3 and 4 of sub-clause (5), the words 'who has a proprietary and beneficial interest therein' be deleted."

The amendment was negatived.

Sub-clause (6).

* The hon. the PRESIDENT :—" Sub-clause (6) is now for the consideration of the House."

Mr. A. KALESWARA RAO :—" Sir, I move

that sub-clause (6) of clause 13 empowering the landlord to take away the land from a cultivating verumpattamdar for building purposes, be deleted.

"The chief argument that has been raised against deleting the other very unreasonable clauses has been a bogey that the Government are going to veto this Bill, and even such a great advocate of the tenants' rights as my friends Mr. Madhavan Nayar and Mr. Krishnan have been under that fear. They say: 'Let us get something now; let the future Councils help us later on'. That is their attitude, an attitude not of courage, but rather of fear and too much caution. I hope and believe that the Members of Government are not so cruel as to wreck the Bill and veto it simply because particular views and particular points have not been accepted by this House. This sub-clause, as it is, is really a very bad one and is unnecessary. All along, the Members have been speaking of agricultural developments; and even if the land goes back to the janmis and landlords, they will all become cultivating people, that is, agriculturists; they will improve the lands, they will spend money and do everything; thus Malabar will have extensive cultivated fields which will produce grains and other agricultural produce for the benefit even of the whole Presidency. They were all talking such kinds of things. But now under this sub-clause, every landlord and the members of his family can come and erect buildings on the land. The land will then be converted from an agricultural land into a building site. Really, it will be a good sight to see a number of buildings erected. But there is no limit of time. At any time they can be taken away. Therefore the cultivating verumpattamdar would only have a very precarious tenure. Of course heritable and alienable right is given. What

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is it that is heritable and alienable? Only the debt contracted by him in manuring the land. Of course the Improvement Act of 1899 cannot give full value for all the improvements, including manuring the land, purchasing cattle and converting dry lands into wet lands.

"Another thing is, it is said, that within six years if the landlord does not build, the tenant can go to the court and get the land back. What will happen is that the tenant may have good lands from which the landlord might have evicted him. If after six years the tenant has not erected any building, supposing the tenant is too poor and has no means of subsistence, how can he fight the landlord who has already taken possession of the land? Therefore, if the tenant is once evicted, he goes and he naturally becomes helpless and what can he do after six years? Therefore, the eviction clauses will make the tenant helpless. Of course, it is said that the landlords are the absolute masters according to English notions of landlordism. We have the Logan Report wherein it is stated that they are also co-proprietors with the agriculturists, middlemen and the landlords. That is why one-third share is emphasized through all stages of the Malabar Tenancy question. Of course, such questions were decided in 20 Madras, where the Judges of the High Court stated that the conditions of our country are altogether different from the condition prevailing in England and other countries, where feudal notions of land system exist and the land descends from king to prince and from prince and so on to the landlord. There the tenant is nowhere. The agriculturist is nowhere. Here, whoever cultivates the soil is the real proprietor and the landlord is only a person who has to take a share in the produce. I should therefore think that this clause is really very bad and I hope the House will carry the amendment without any difficulty."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment, Sir."

* The hon. the PRESIDENT :—"The question is to omit sub-clause (6)."

The amendment was put and negatived.

Mr. K. KRISHNAN :—"I move

'that—in line, 1 after the word 'that' insert the words "at the end of an agricultural year".'

"The statement that I made regarding my amendment under sub-clause (5) holds good in this case also."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment."

The amendment was put and adopted.

Mr. E. SANKARAN UNNI :—"I formally move the following amendment :—

'In line 2 delete the word "bona fide".'

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was put and negatived.

Mr. L. K. TULASIRAM :—"Mr. President, I move

'that in line 2, the words "extending his residential house" be substituted for the words "building purposes".'

"In moving this amendment I desire that this Bill should be brought into line with Regulation II of 1910 of Cochin. In the Cochin Regulation, you will find the words 'bona fide' for purposes of extending his own residential

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house or building a new house for his residence'. Here 'building purposes' is a vague term. Building purposes may include all the purposes which have been pointed out by my hon. Friend Mr. Unni, such as tennis court, a factory and may also include, as suggested by Mr. Venkataramana Ayyangar, a toddy shop. All these things may cover an area of 20 acres. After all they may not cost very much, for they may be thatched huts standing on mud-walls and yet the landlord may yet call them buildings. To have the words 'building purposes' will be very dangerous, and I move that the wording may be altered to 'extending his residential house' and I hope that the hon. Members of this House will accept the amendment, as it is a cautious amendment."

Mr. J. A. SALDANHA :—"I beg to second the amendment. In so doing, I may point out that the main object of this Bill is to help the agriculturists by giving fixity of tenure as far as possible and it is for the benefit of the landlord also that cultivation should be improved and extended in various ways. Of course I will be very much in sympathy with my hon. Friend Mr. Unni if the object of this Bill is to settle differences between all classes of agriculturists, landlords, intermediaries and cultivating tenants, but the main object of the Bill is to nourish and foster cultivation and to improve it and not as Mr. Unni suggested that the janmis might want to put up tennis courts or build factories. I do not think Mr. Unni was really earnest in saying that. It is not at all the object of this legislation. It will be very dangerous to introduce this facility, for the landlord would take possession of the land for these purposes, whether non-agricultural or non-residential. The only purpose should be to extend it to residences and to adopt the Cochin Regulation on which much of our legislation is based, which limits the right to recover rent. Therefore, I would urge on the attention of the House the amendment of my hon. Friend Mr. Tulasiram—I have myself given notice of a similar amendment—which I hope will commend itself to this House as a very necessary thing in the interests of the establishment of friendly relations among the parties concerned. The main purpose is the economic development of agriculture."

The amendment was put and declared negatived.

A poll was demanded.

The hon. the President asked the Members both for and against the amendment respectively to stand in their places and after satisfying himself that the number of Members who stood against the amendment was much larger than the number of Members who were for the amendment, the hon. the President declared the amendment lost.

Mr. K. KRISHNAN :—"I move the following amendment—

'Add the following as a proviso to sub-clause (6) :—

"Provided that the tenant who is evicted from a portion of the holding under this sub-section shall be entitled to hold the land not so required on payment of proportionate fair rent payable in respect of such land."

"You will find, Sir, that in sub-clause (6) there is a provision that in cases where the landlord requires the holding for building purposes or where there is an encroachment, the eviction shall be from such part of the holding only. It follows therefore that there will be conflicting relationship between the

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landlord and the tenant. Then, either the court or the parties will somehow have to come to an agreement regarding the retention of the portion. If the parties agree, they will fix it among themselves and if they cannot agree, they have to go to court. Therefore, there must be some agreement or some provision for holding the property subsequent to the date of eviction. Therefore, I think that this proviso is necessary and I commend it to the acceptance of the House."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment, Sir."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, I cannot accept the amendment as it seems to me to be unnecessary and it might be pernicious. If a tenant is evicted from a part of the holding, the remainder then becomes the holding of the cultivating verumpattamdar. As the law stands at present, fair rent for the reduced holdings has to be determined under the provisions of the Act. What exactly is meant by the wording 'proportionate fair rent' I am not sure. It may mean that the rent is to be determined according to area; if so it might lead to unfair results in favour of either one side or the other. For example, if a valuable garden land is resumed by the landlord and the rent on the remainder including dry lands has to be fixed in accordance with the area, it will be very hard on the tenant. I think that this amendment is unnecessary and should not be introduced into the Bill."

The amendment was by leave of the House withdrawn.

First proviso.

* Mr. E. SANKARAN UNNI :—"I move—

'for the deletion of the first proviso, under clause 13, which runs as follows :—

'Provided that in cases falling under clauses (4) and (6) where only a part of the holding has been encroached upon or is required, as the case may be, the eviction shall be from such part of the holding only.'"

"Sir, if this proviso is retained, it will lead to anomalous results. If a landlord wants a portion or a part of a land for building or takes away a part of a holding, the other part thus left may be useless for the tenant. Therefore, you will be doing an injury to the tenant if you allow that to stand. In regard to the second part of the proviso, where a portion of the property has been encroached upon, or some corner of it, the object of the previous clause is to penalize that tenant for allowing such encroachment. If you say that the landlord may evict a tenant from that portion of the property which he has allowed to be encroached upon, you are, in fact, penalizing the landlord for an act committed by the tenant which he ought not to have committed. If a landlord evicts a tenant from a corner of his holding, it may be a profitless thing to do. In fact, that portion may be small and therefore too inconvenient for cultivation. Therefore, if you really want a provision to evict him, you must allow the landlord to evict the tenant from the entire holding. It seems to me, Sir, there is neither logic nor justice in compelling the landlord to evict the tenant only from the portion which has been encroached upon. I hope therefore that the House will see that there is no use having a provision like that and I commend the amendment to the acceptance of the House."

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The MUPPIL NAYAR OF KAVALLAPPARA :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I cannot accept this amendment. The first argument put forward by the hon. Mover is that the tenant would be left with a small piece of holding which is of no use to him. That would probably be the exception rather than the rule. And in any such case the tenant has power to relinquish the remainder of the land. As regards the other argument advanced by the hon. Mover of the amendment, I do not think it was contemplated by the Government or by the Select Committee that this provision should be used as a sort of punishment for encroachment. The punishment would depend upon the area of the holding which is left. This may be a very severe punishment in some cases and a light punishment in others. If a question of damages caused to the landlord by the encroachment arises, then it is open to the landlord to go to a court of law and claim damages. And I don't think that we should be right in prescribing eviction from the holding as a punishment for having permitted an encroachment."

The amendment was negatived.

Second proviso.

* The hon. the PRESIDENT :—"There are three amendments for this, one by the hon. the Revenue Member, the second by Mr. Karant and the third by Mr. A. Achutan. I think the intention of the Movers is to provide for cases other than those governed by the Marumakkattayam Law. I think it would be better if the hon. the Revenue Member moves his amendment first, and then the other Members may move their amendments."

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

that the second proviso be omitted and the following explanation be inserted—

"Explanation.—In the case of a landlord governed by the Muhammadan Law of Inheritance, only the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family who have a proprietary or beneficial interest in the holding for the purposes of clauses (5) and (6)."

"This is really a reproduction of the proviso inserted by the Select Committee with the addition to meet the case in which the landlord happens to be a woman. I have not dealt with other cases as representatives of other persons concerned may propose suitable amendments for consideration."

* Mr. R. R. KARANT :—"Mr. President, I beg to move the following amendment to that of the hon. the Revenue Member—

(a) Instead of proviso call it an explanation :

(b) "Explanation.—In the case of a landlord governed by a law other than the Marumakkattayam Law, the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding although they may not have such an interest under the law governing them."

"Sir, the existing amendment of the Bill as passed by the Select Committee provides only in the case of Muhammadans and there are also cases

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of members governed by the Indian Succession Act, etc., and it is to make this section comprehensive that this amendment is moved."

Mr. K. MADHAVAN NAYAR :—"I second it."

Mr. J. A. SALDANHA :—"Sir, I rise to support the motion of Mr. Karant. By adopting the wording of the amendment of the hon. the Revenue Member we will be shutting out the case of the Indian Christians from the ambit of this Bill, and by that the Bill will be defective to a great extent. The amendment provides for the case of the Christians. Further it provides for all cases where the children claim proprietary interest in land either through the father or through the mother. Thus it provides for cases of ex parte materna and ex parte paterna. So I beg to support the amendment of Mr. Karant."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I have some doubt with regard to my Friend, Mr. Karant's amendment. I don't understand the force of the following words 'although they may not have such an interest under the law governing them.' It seems to me that these words are unnecessary. I think that we may stop with 'holding'. For all that we want to say here is that the wife or husband and the children of the person who does not follow the Marumakkattayam Law will be deemed as having a proprietary and beneficial interest in the holding. So may I ask my friend whether the last clause in his amendment is necessary?"

* The hon. the PRESIDENT :—"If the hon. Law Member wants to move an amendment he may move."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Mr. President, I move that the words beginning with 'although' and ending with 'them' in Mr. Karant's amendment be deleted."

Mr. G. HARISARVOTTAMA RAO :—"I second it."

The amendment of the hon. Mr. M. Krishnan Nayar was put and adopted.

* Mr. E. SANKARAN UNNI :—"I am not quite sure whether the Muhammadan Members of this House will accept the amendment. I do not know whether they are prepared to recognize the wife, the husband and the children as the only heirs that are entitled to the interest. For if they do so they will be shutting out a large number of heirs under the Muhammadan Law. I fear the acceptance of this amendment will lead to very serious consequences. When we are dealing with the Malabar tenancy, let us not make inroads upon Muhammadan Law."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, with reference to the remarks of the last speaker I think we may leave the Muhammadan members to speak for themselves. The amendment of Mr. Karant is in accord with the principles of the Bill and I accept it."

* Mr. MAHMUD SCHAMNAD :—"Sir, I think it will be better to include all the heirs to make the clause acceptable to the Muhammadans. The other heirs besides wife and children are father, mother, grandfather and grandchildren. There are other heirs also, but they come in only in the absence of children. Therefore, if the Government is prepared to accept the amendment, we will be very thankful indeed."

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Mr. BASHEER AHMED SAYEED :—"Sir, there is something in what my hon. Friend, the expert member, has suggested in his speech. The section stops with the case of the wife, husband and children. By this the other heirs who exist at that time will certainly be excluded. It will be very desirable therefore to include the phrase 'and other heirs'. That, I think, will avoid complications."

* The hon. the PRESIDENT :—"I think the House is ready for a vote. The question is that the following explanation be substituted for the second proviso—

Explanation.—In the case of a landlord governed by a law other than the Marumakkattayam Law, the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding.

The amendment was put and adopted.

The hon. the PRESIDENT :—"The question is that clause 13, as amended, shall stand part of the Bill."

The motion was carried.

Clause 13, as amended, was added to the Bill.

Clause 14.

Sub-clause (1).

* Mr. E. SANKARAN UNNI :—"Sir, I beg to move—

'that in lines 5 and 6 the words "or mortgage with possession" be deleted.'

"These words were originally not in the Bill, but they were introduced by the Select Committee. In the first place I beg to submit that we are not now legislating in respect of the mortgage law at all. The preamble to this Bill specifically says that it deals with the law relating to landlord and tenant in Malabar. But here we are introducing the question of the mortgagor and mortgagee. Apart from that, it involves the much more serious question of allowing a landlord to resume a land for his own purposes. It may be that the landlord has not his own money for the purpose, and has to borrow the requisite capital from another person. What you say in such a case is 'We shall prevent the landlord from giving sufficient security to borrow the money.' If you say that, the natural result will be that very few landlords will be able to act under the provisions of this clause. A person lending money naturally prefers to have a usufructuary mortgage, but he allows the landlord who has mortgaged his property usufructually, on the same date and in the same transaction, although it may be on a different paper, to take back the land as a lessee. The fact of mortgage with possession having been given does not really prevent, in many cases, the land being with the landlord. Therefore to put in this clause is to stand in the way of the landlord taking advantage of the provisions in favour of resumption. I therefore move that these words be deleted."

The MUPPIL NAYAR of KAVALAPPARA :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I am not prepared to accept this amendment. It seems to me that it would be possible for the landlord to retain possession of a land from which he has evicted a tenant by merely mortgaging it with possession to someone. That would

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defeat the object of this safeguard and result in unnecessary evictions of tenants for reasons which do not really exist."

The amendment was negatived.

* The hon. the PRESIDENT :—"With regard to amendment No. 188 on the paper, Mr. Madhavan Nayar is to move only one. I cannot allow him to move the alternative amendment."

* Mr. K. MADHAVAN NAYAR :—"Sir, I move—

that the word "twelve" be substituted for the word "six".

"My object is this, Sir. In case the landlord after evicting a tenant leases the property or transfers possession of the property, the tenant has the power of resumption, but that power is limited to a transfer by the landlord within six years. Now it would be very easy for the landlord after getting possession of the land to so manipulate as to make it appear that he is in possession by creating record that a lessee in fact is only a hired labourer. The longer the period, the more difficult will it be for the landlord to circumvent the provisions of this section. You will see from the other provisions of this Bill that when a landlord gets possession of the property, it will be very very difficult for the tenant to recover the property back. If the time fixed is only six years, the landlord can very easily defeat the objects of the provisions of the Bill enabling the tenant to recover the property. My original intention was to delete this period of six years altogether and have no time limit for such resumption. My present amendment is more modest and less open to objection by the landlord. So I propose this amendment and commend it for the acceptance of the House."

Mr. L. K. TULASIRAM :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I regret I cannot accept this amendment. This question was carefully considered in the Select Committee and we came to the conclusion that six years was an adequate period for the purpose. I would therefore ask the House to reject this amendment."

The amendment was negatived.

* Mr. K. MADHAVAN NAYAR :—"Sir, I move that the following be added as sub-clause (2) and the rest re-numbered :—

'(2) In case in which eviction is obtained on the ground specified in sub-clause (5) of section 13, the landlord makes an absolute transfer of all his interest in the land, the cultivating verumpattamdar shall have a right of pre-emption.'

"Now, Sir, this right is very essential to the tenant. You have provided for various cases of transfer. You have provided for transfer of possession by lease, mortgage, kanam, kuzhikanam, verumpattam and so on, but you have made no provision at all for a case of absolute transfer. The landlord is not in the least affected injuriously by giving this right of pre-emption to the tenant from whom he has recovered possession. I therefore submit that in case the landlord assigns away the property, the right of pre-emption may be granted to the verumpattamdar or to the tenant from whom the land has been recovered. I hope the Government will have no objection to accept this amendment."

Mr. L. K. TULASIRAM :—"I second it."

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* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I cannot accept this amendment. If this transfer takes place during the first six years after the eviction, then the cultivating verumpattamdar can proceed by a suit under clause (1). This new clause would give the cultivating verumpattamdar a permanent right which would endure for ever. This seems to me to be somewhat unreasonable, and the existing provision under clause (1) affords an adequate safeguard."

* Mr. G. HARISARVOTAMA RAO :—"Mr. President, Sir, I am sorry that the hon. the Revenue Member does not see his way to accept this modest amendment. I feel, Sir, that after all, the right of pre-emption is a right that does not injure the landlord as such. It only requires that the man who has toiled, who has worked on it and who has had control of the land for a length of time, should have the privilege of buying it for himself when it is completely disposed of. In this case what the hon. the Revenue Member said was that if within six years of eviction this wholesale transfer took place, he had a right of suit. I agree that it is so under the law. But what we are contending is that the cultivator should not be prevented from enjoying the land that he has been on, provided he does not unnecessarily injure the interests of the landlord. This is a case in which the Government and those concerned can show their real sympathy towards the cultivator in possession. When the land is disposed of, the landlord is not injured or harmed in the least by giving this right of pre-emption to the tenant. I feel, Sir, therefore, that it is a case that deserves very careful consideration. It is not as if this is an unreasonable demand. The hon. the Revenue Member was pleased to say that this was an unreasonable demand. I do not see how it becomes an unreasonable demand if the toiler should profit by his toil. When he toils on a particular land, he has a right to buy up that land if it comes to be disposed of. If he is not given that assurance, then what is the good of all this talk of sympathy towards those who are the real toilers on the soil? I therefore feel that this amendment should be supported."

The amendment was negatived.

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

'In sub-clause (1), in line 7, for the words "within six years of such eviction" insert the words "or fails to cultivate any of the lands in the next agricultural year after eviction and continuously cultivate thereafter for a period of six years."

'In line 8 for the word "sue" substitute the word "apply".'

"Sir, this amendment . . ."

* The hon. the PRESIDENT :—"We already passed over sub-clause (1). I am afraid it is too late now to move this amendment. Members also should be very alert in these matters."

Mr. A. RANGANATHA MUDALIYAR :—"I did not know, Sir, that this sub-clause was reached."

* The hon. the PRESIDENT :—"All right, the hon. Member may move it, because there is no chance of its being carried. Otherwise it would disturb the arrangement."

Mr. A. RANGANATHA MUDALIYAR :—"There is a principle involved in it, Sir, and so I wish to move it, whatever the result may be. Sir, it is

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mentioned here that the landlord may say that he is going to cultivate the land, and a period of six years is allowed before the tenant can re-enter on the land for cultivation, if the landlord fails to cultivate the land. I am afraid, Sir, this provision would really be a fertile source of litigation and I can quote none better than the hon. the Finance Member himself as to what this provision would result in. He said, Sir, in dealing with the hon. Mr. Krishnan Nayar's Bill with reference to a similar provision in that Bill, as follows:

'But I would ask the House seriously to consider the effect of clause (7) to which reference has already been made. I cannot remember in my experience any clause which more directly invited people to go to the courts and to litigate. One hon. Member from Malabar this afternoon practically suggested to the janmis, why make such a fuss, use that clause, that is the way to evade the intended results of this legislation. Under that clause, no single tenant would, I agree, be secure against harassing actions for eviction.'

12-15 p.m. "That is what the hon. the Finance Member himself said, regarding a similar provision on a previous occasion. That is the thing with which we are now concerned. You say the tenant may re-enter the land after six years, if the land is still not cultivated by the landlord. Do you think it possible that the tenant would be doing nothing and sitting idle all these years and wait and see whether or not the landlord will cultivate the land or not? He must go to some land or other and earn his livelihood. If he settles on some land, and then the landlord evicts him, he will not have the wherewithal to reclaim the land. Again, Sir, the landlord, without doing nothing for the first five years, can give away the land in the sixth or the seventh to somebody else to cultivate it and thus deprive the tenant of the opportunity to get back the land. So this is a serious curtailment of the concessions proposed to be given to the tenant under this Bill."

Mr. J. A. SALDANHA:—"I second this amendment. It is important in this way. I think it is rather owing to an oversight that we omitted to have some such condition in this clause. When a landlord takes back a land from the tenant for the purpose of cultivation and he does not cultivate it in the first year after eviction or in the subsequent years, is it not reasonable to say that the landlord was not actuated by good faith? If he has not cultivated it at all, what better ground can the tenant have than this power of asking for resumption of the land itself for his own cultivation? Therefore, this amendment is a very reasonable one, and I beg the hon. the Revenue Member to accept it."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I am afraid I cannot accept this amendment. If it is carried, the conditions on which the evicted tenant may ask for restoration will be as follows: 'If the landlord who has obtained such eviction transfers any of the lands to any person on any kind of lease or mortgage with possession or on kanam, kuzhikanam or verumpattam or fails to cultivate any of the lands in the next agricultural year after eviction and continuously cultivate thereafter for a period of six years, the cultivating verumpattadar shall be entitled to sue for the restoration to him of the possession of all the lands from which he was evicted.' Well, Sir, that seems to lay down that the landlord may never transfer his land by lease or mortgage with possession, etc. So, again, we have a permanent right to claim restoration conferred on the cultivating verumpattadar. The other objection is this: the words 'fails to cultivate any of the lands in the next agricultural year after eviction,' will apparently mean that if the landlord leaves half an acre uncultivated the cultivating verumpattadar can claim

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restoration of all lands from which he was evicted. It seems to me that such an amendment is hardly a reasonable one."

The amendment was negatived.

Sub-clause (3).

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

'In sub-clause (3), after the words "the amount of rent due with interest thereon", insert the words "at the contract rate, if any".'

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

* The hon. the PRESIDENT:—"The hon. Member, the Muppil Nayar of Kavalappara, may now move his amendment as an amendment to that of the hon. the Revenue Member."

The MUPPIL NAYAR OF KAVALAPPARA:—"Why not I move it separately, Sir?"

* The hon. the PRESIDENT:—"Because, if the hon. the Revenue Member's amendment is carried, he will not have the chance of moving his amendment."

The MUPPIL NAYAR OF KAVALAPPARA:—"I move—

'In the amendment of the hon. the Revenue Member, for the words "at the contract rate, if any", substitute the words "at 24 per cent from the due date to the date of suit."'

"The object of my amendment is to ensure a fixity with regard to the rate of interest. That is the reason why I suggest this rate of interest."

Rao Bahadur O. M. NARAYANAN NAMBU DRIPAD:—"I second it."

The amendment was negatived.

* The hon. the PRESIDENT:—"I will now put the amendment of the hon. the Revenue Member to the House."

The amendment was put and adopted.

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move—

'Add at the end of sub-clause (3)—

"For the purpose of this sub-section 'costs' shall include—

- (i) All expenses incurred by the plaintiff or his agent in travelling from and to his usual place of residence, and the headquarters of the court where the suit was first filed, and on all occasions on which it was posted for any purpose except when the posting was due to the plaintiff's default or request.
- (ii) The expenses incurred for the stay at the headquarters for two days on the occasion of the filing of the suit and on all the days on which the suit was so posted, the amount payable under each head being calculated as though the plaintiff or his agent, as the case may be, was summoned as witnesses in the suit."

"I quite appreciate the laughter of the hon. Member for the University in his seat. But, if he will consider the fact that the provision is to operate only when the landlord is compelled to go to court, I expect he will change his mind."

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"The fact of the matter is this. If a tenant compels a landlord to go to court, then there is nothing wrong in his being asked to pay what may be called 'exemplary costs.' After all, the ordinary costs granted by courts, as we know, do not cover all the expenses of litigation. If the tenant compels the landlord to go to court and then desires to deprive him of the benefit of the law, I think we ought to penalize such conduct. The Raghavayya Committee very carefully considered this matter, and I think the Committee's decision ought to be accepted by the Government, seeing that they had accepted it in the original Bill."

The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

The amendment was put and negatived.

The hon. the PRESIDENT:—"The question is that clause 14, as amended, shall stand part of the Bill."

The motion was adopted and clause 14 was added to the Bill.

Clause 15.

* Mr. K. UPPI SAHIB:—"I beg to move -

'That the clause be omitted.'

"Sir, I would not have moved this amendment had it not been for the fact that the House rejected the other day my amendment giving option to take fixity to the verumpattamdar. If only I had been given the option to choose between the two, namely, the present amendment and the one I moved the other day I would have preferred the other one and not moved this amendment at all. But, I submit that the House is going to give a very powerful engine in the hands of the janmi against those dumb bi-peds of Malabar, who are mere human animals. Really the cultivating verumpattamdars form 90 per cent of the people. They do not know what is going on here; nay, they do not know what is going on even beyond their villages. Then, Sir, all these ignorant bi-peds are going to be jammed under this powerful, heavy engine, which this House is going to present to the janmis of Malabar in lieu of their rights which are taken away from them. Under the provisions of this section, hereafter the landlord shall be entitled to apply to the court for attaching the standing crop and the movables of the tenant for the realization of the amount due from the cultivating tenant, and the tenant will not be allowed even to reply without first getting the permission of the court. For sub-section (2) says, 'the tenant . . . on whom notice of such application is served, shall not appear or answer such application unless he obtains leave from the court as hereinafter provided so to appear and answer.' These poor people are denied every opportunity even to appear and answer before a court of law as to why they have not paid their rent, why they have delayed to pay what was due from them. I ask, why should this terrible and powerful engine of oppression be given in the hands of the janmi. The whole trouble in Malabar and the whole agitation for this tenancy legislation were all due to the cry of these poor tenants of Malabar, the cry of the dumb millions of Malabar that they are oppressed by their landlord which was echoed all over India. And now the Council has taken it up, and yet you are going to give the janmi an engine which he was wanting till now and for which he was wishing. I am sure hon. Members representing janmis and kanamdars will rise and oppose me saying, 'we have not got any security; what is the meaning of denying us

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the right of summary procedure, even this small right.' I do not think this is a small right. This is one of the latest inventions of the British Government for the janmis of Malabar to oppress poor people as terrible as the engine called the 'tank'. Sir, under this Bill, section 10 has converted these human beings into virtual slaves. They cannot leave their land, they are forced to cultivate it; they have got it at a very high price, that is all the sympathy of the janmis. The janmis will not hereafter consider these poor people of Malabar as their tenants, because they stand on legal rights. So, the price which these people are asked to pay for continuing on the land as cultivators is so very high. Hereafter, they will not have any quarter from their landlords who will simply use this engine of oppression whenever there is a slight delay in the payment of rent or for other reasons also. So, I say it would be an act of inhumanity for this House to hand over such a weapon to the janmis to be used against those poor people."

The House then rose for lunch.

After lunch (3 p.m.).

* Mr. K. UPPI SAHIB:—"Mr. President, Sir, the janmi is given certain rights under clause 13. Sub-clause (1) of clause 15 gives him some more rights, that is, he can attach and sell the crops on the holding in respect of which the arrears are due, and also movable properties belonging to the tenant. Sub-clause (b) of clause 15 gives this right, not only to janmi but all intermediaries as a result of which the tenant will be the object of the harassment by all the people, by the intermediaries and the janmis. Now, Sir, this section will be used only against the poorest and hard pressed verumpattamdars. There are two kinds of verumpattamdars. In this connexion I would refer the House to page 84 of the Raghavayya Committee Report (paragraph 2) in which Mr. Pate says: 'The fact is, of course, that the class includes persons ranging from the well-to-do farmer down to the humblest cottager'. The well-to-do farmer can easily pay his rent, but the humblest cottager who cannot do so will suffer. I am now pleading the cause of the cottager. He now gets remissions from janmis. The Report says 'Remissions, if not formally sanctioned by the contract, are in fact granted when the season is bad, and allowance is also made for any exceptional calamity in the tenant's domestic affairs'. Hereafter, he will not be entitled to any of these remissions. The landlord will stand for his legal rights. My humble submission, therefore is not to put this terrible engine of oppression in the hands of the janmi. I know how this will work in Malabar. If the rent is not paid this year, the janmi will wait till next year. This poor farmer by this time might have borrowed some money and put it on the land. Then the janmi will come down upon him and attach his crop just when the crop is about to be harvested. Attaching the crop means the tenant will lose not only his produce but will also become a debtor. And if the produce realized is not sufficient to cover the rent due, then the janmi will attach his movable property. That means he will be rendered homeless and will have to leave kith and kin and run away. Then, most of these tenants, being Mappillas, Government will find a place for them in the Andamans. In their despair I do not know what other things these people might commit. So, if this provision is allowed to work in Malabar, the result will be another rebellion. Therefore I appeal to the House to consider ten times before it gives its sanction to this provision. Let us wait for ten years and see how this Act

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works. If the landlords are found to suffer for want of such a provision as this in the Act, it will be time enough then to provide for it. This Act is not going to be the last word on the subject. With these words, I submit this amendment to the consideration of the House."

Mr. AHMED MEERAN:—"I second it."

* Mr. A. KALESWARA RAO:—"I wish to submit one thing for your consideration. There are three sub-clauses to this section: sub-clause (1) refers to the additional remedies provided for the landlord, sub-clause (2) refers to some special procedure about defence in courts and sub-clause (3) refers to limitation with regard to the realization of rent. Therefore I suggest that the motion may be split up for convenience's sake, and sub-clause (1) may be considered first."

* The hon. the PRESIDENT:—"The motion of Mr. Uppi is to omit the clause (clause 15). That is the question before the House. After the debate, if I find it necessary, I will split the clause and put each by itself to the House."

Mr. A. KALESWARA RAO:—"There are amendments with regard to some of the sub-clauses alone."

* The hon. the PRESIDENT:—"In that case, they may vote for Mr. Uppi's proposition."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I cannot accept this amendment. It is part of the original scheme of the Bill as drawn up by the Raghavayya Committee, and they have given their reasons for their proposals in paragraph 90 on pages 43 and 44. The landlord can file a suit for the recovery of rent due, and in the course of the execution decree he can apply for the attachment of any crops on the land. That however would mean the lapse of a considerable time between the date on which the rent is due and the date on which the attachment could take place. The Committee suggest that it is desirable to provide a cheaper and more expeditious method of recovery of rent, and they considered that it would be good for the landlord as well as the tenant that the rent should be recovered within a reasonable time after it becomes due, so that there may not be a large accumulation of rent against the tenant."

"If I understood the Mover aright, he said that the tenant has no opportunity of making out any case against the claim. That, I submit, is not the correct view of this clause. Notice will be sent to the tenant and the tenant can dispute the claim if he likes on the ground that the money is not due from him, or that the amount is not correct or something of that kind. Again at the time of attaching the land, a copy of the attachment notice must be affixed on the house as well as on the property and that could hardly be done without his knowledge. Then, some time has to elapse before the sale takes place, and during the whole period the tenant must know what is going on; and he will have ample opportunity of paying up the due with interest and costs, if he wishes to stop the sale. I think this is a reasonable procedure provided to enable the landlord to have his rent realized expeditiously."

* Mr. A. KALESWARA RAO:—"Sir, I have given an amendment to delete only sub-clause (2). With regard to sub-clause (1) I have no objection to retain the additional remedies in the hands of the landlord."

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The remedies given to the landlord are the right to evict the ryot, to sue for recovery of rent, to apply through the courts for the attachment and sale of the produce standing on the holding, and also, if the amount is not completely realized, to attach other movable property the tenant possesses. And sub-clause (3) is a provision that speaks of the limitation within which this application has to be made to the court. With regard to both these remedies I have no objection. The Madras Estates Land Act contains a similar provision. There also the landlord is able to sue for rent and also ask for attachment of the properties for the realization of the rent. Only I object to the special procedure proposed to be adopted in sub-clause (2). Sub-clause (2) says that as soon as the landlord files a suit for the recovery of rent, the tenant must deposit in court the rent as well as the costs, if the court so orders, before he can put up any defence. That is an extraordinary procedure that exists only in the Civil Procedure Code with regard to suits filed on negotiable instruments within six months of their execution, but no such procedure exists anywhere in any of the tenancy laws.

"I do not think that the poor tenants of Malabar should be put to any greater hardship than that suffered by tenants similarly situated in other parts of the country. Therefore I would submit that to prevent them from putting up any defence until after they obtain permission of the court and deposit the rent or the costs is really a great hardship. Therefore I oppose the retention of sub-clause (2)." 3-15 p.m.

* Sriman BISWANATH DAS Mahasaya:—"Mr. President, I find that practically there is no necessity for the retention of clause 15 of the Bill at all. Everything extraordinary seems to fit in with the conditions of Malabar! Hon. Members just discussed two clauses imposing very heavy conditions on the tenants of Malabar, the first being that the tenant in every case should give an advance of one year's rent. So one year's rent will always be kept by the landlord as an advance from the tenant. (Cries of 'No, no.') I am glad to hear it. I am glad to hear that it was thrown out. Now, Sir, the landlord could go before a court of law to evict the tenant for non-payment of rent within three months from the due date. This provision robs the tenant of what little right he got under the Bill if the rent due by him is in arrears for three months. This being passed, you imposed upon the tenant two other conditions; his standing crops would be proceeded against as also his movables. In addition you have armed the landlord with the right of suing and realizing the rent. Over and above all this, you want that the verumpattamdar should deposit all at once whatever rent is demanded by the janmi before the court could think of hearing him as to whether the rent demanded by the landlord is equitable and accurate and whether the terms of the lease have been correctly interpreted. I take these as very harsh conditions which could be imposed upon any tenant. After all, the Malabar tenants have been going on smoothly and the landlords have been collecting the revenues without having or resorting to any such safeguards. So, I think no case has been made out by the Select Committee for imposing these new conditions. To my mind the changed conditions do not confer any benefit worth the name upon the tenants. I strongly support Mr. Uppi Sahib who is a janmi himself and a very generous landlord. (Mr. K. V. R. Swami: 'Hear, hear.') If Malabar were to consist of janmis like my hon. Friend, I do not think there would have been any necessity for any Act, much less for an Act of this character. As these amendments come from a

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janmi I hope hon. Members would give them the weight they deserve and throw out the recommendations of the Select Committee."

Mr. C. R. PARTHASARATHI AYYANGAR :—" Mr. President, Sir, we have seen that in the previous section provision has been made for the realization of the rent in several ways. It will be seen from section 13 that eviction would be the result if the tenant did not pay the rent for three months. It will also be seen that other provisions have been made in the Bill for the purpose of realizing the rent. The provisions of the Negotiable Instruments Act, the Transfer of Property Act, the Estates Land Act and the Civil Procedure Code have been summoned for the help of the janmi and have been clubbed together and inserted in sections 13, 14 and 15. If section 13 is worked, then section 15 is unnecessary. If the other sections are worked, and the provisions of the Civil Procedure Code are brought into requisition, there is absolutely no need for clause 15 of the Bill.

" Sir, it seems to me that there is an extraordinary fear in the minds of some of the landlords that they will not be able to get their arrears of rent. As a matter of fact, wherever you go, the tenants are the same. Take any estate, you will find that there are arrears to a very large extent. For years together they are in arrears. This will surely be the case in the case of verumpattamdars who have no other means of livelihood. That being the case, what is the meaning of piling section upon section to get something out of them as if they have got a large amount of money with them and that the only way to get that money is to subject them to penalizing sections wherever possible? Sir, it seems that they are afraid of a Mappilla rebellion and of getting money from the tenants and therefore they want that these provisions should be there to act as the Damocles' sword to frighten them. It appears to me that if the object of this legislation is only to see that the money is recovered, then there are enough provisions in the Bill to get it from the cultivating tenant. Here, Sir, you will find that sub-section (1) (a) is only a repetition of clause 12. The Transfer of Property Act applies to cases where the rent is in arrears for one year or two years according to the terms of the lease. Here these provisions are put in and the person who is now let in as tenant is a person who has only fixity of rent and no permanency of tenure. Is it not within the experience of every one who has been a landlord that the arrears of rent from the tenants are not realized in full at any time? When you know full well that you are not able to realize the full amount at any time, what is the meaning of piling section upon section in this manner?

" Again, Sir, the procedural law is laid down in different varieties so that the tenant may be told that the janmis are prepared to get the money from him however much he may try to avoid payment. It appears to me that clause 15 (1) (a) and (b) is merely a repetition of the consequences of what the tenant will be put to if he does not pay the rent. It seems to me that sub-clause (2) (a) is the most remarkable provision ever incorporated in a Bill. What is the meaning of incorporating this as if it is a settled law that this man has got money and is not willing to pay the amount? The provisions of section 15 (a) with its two sub-clauses creates only a sort of suspicion in the minds of the people and a wider gulf between the landlord and the tenant. I therefore heartily subscribe to the proposition that these two sub-clauses are unnecessary for the purpose of recovering the rent from the tenant. Therefore they ought to be deleted."

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Mr. L. K. TULASTRAM :—" Mr. President, I think that the benefits conferred on the tenants of Malabar by this tenancy legislation would be rendered nugatory by the provisions of section 15. Those who make hasty legislation will have to repent at leisure. Here it is not a case of repenting at leisure, but it is a case of taking a battalion or two to quell the next rebellion which will be ready in 1930 if this Bill is enacted in this form. (Cries of: 'Hear, hear.') Let it be recorded as a prophecy of this humble man that you cannot avoid another terrible rebellion in Malabar if you enact the Bill in this form. As one who is interested in the stability of this British Empire (Cries of: 'Oh!') I really want the British Empire to retain its good name and I protest against the provisions the Taglukian provisions of this clause 15. Sir, you threw a bait in the face of the tenant called the fixity of tenure and in return you want to squeeze out his life-blood by means of this provision in clause 15 (1) (a) and (b) and (2). Sir, what do you want here? You want that a man's crops when he is in arrears for three months should be attached, that his movables also should be attached and that he should be evicted. He should have no defence. He should bring the money to the court, pay it and plead for being allowed to retain his land. Sir, you are taking all the weapons in the armoury of the civil law to recover the last pie from the man from whom you know it is difficult to collect.

" Sir, I find from the pamphlets distributed to hon. Members that the janmis have not been collecting more than 75 or 80 per cent of the taxes due from the tenants. I see here the Government colluding with the janmis and the kanamdars to crush the verumpattamdars of Malabar. There are not here many representatives of the verumpattamdars. They are not electors and voters to this great legislature and so they have not been able to send men to represent their hard case. In the absence of those representatives, advantage is taken by the janmis and the Government who have not given anything like fixity of tenure to the poor tenants, to insert a number of provisions in the Bill to extract money from them. Sir, in no land legislation you will find such drastic provisions like these. The consequences of putting these provisions into practice will be serious. Sir, when you attach the movables of a man you bring ruin on him. He loses the respect of his neighbours and he will get no relief from anywhere. When his crops are attached and his movables are dealt with similarly, he cannot hope to raise loans. By these provisions you will bring about that state of affairs in Malabar. There is no such situation now. You will be adding to the misery there by giving this weapon in the hands of the janmis and the kanamdars to crush the whole population of verumpattamdars. I say this in all humility and I would ask the House to take courage in both hands and not to be a party to this suicidal policy and to make Malabar a regular cockpit of the whole of India. I hope the hon. Member will withdraw this amendment with good grace and thus help the cause of the verumpattamdar."

* Mr. G. HARISARVOTTAMA RAO :—" Without any grave concern for the solidarity of the British Empire, I feel that clause 15 is at best a denial of ordinary rights of verumpattamdar. What does this clause contemplate? In sub-clause (a) you will find that attachment and sale of standing crops is provided for. Is it merely for the arrears due from the

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verumpattamdar? That is not so. This clause goes very much further and punishes the verumpattamdar for others' faults? It is quite easy for the janmi or for others concerned in the great hegemony of landlords in Malabar to attach the standing crops raised with so much labour by the tenants, so long as you are able under the orders of the court to attach the standing crops or to attach the property. In clause (c) you have got the right of the janmi to sue for michavaram as against the cultivating tenant. This is a very extreme procedure. The verumpattamdar has to answer, though he has paid his part of the rent. He has to answer for the faults of others who may be in higher ranks of the ladder of proprietorship. I feel that the verumpattamdar is in every way being crushed by this legislation. Particularly this clause in addition to the provision of depositing the money for the expenses of the janmi in the civil court makes it incumbent upon the verumpattamdar to pay for even other men and I feel that it ought to be opposed tooth and nail by all those who have the interests of verumpattamdar at heart. I feel that this is a clause which should not have been introduced. There is no justification for its existence in the Bill.

"As long as there is the open course to adopt, a course which anybody can adopt for the recovery of rent and as long as a man may be evicted if he has not paid his rent for three months after its due date, so long there need not be much fear for the recovery of arrears. There are provisions in other enactments, I admit, which are favourable to the landlord. But the attempt made here to give him these extraordinary powers of fleecing the money out of the tenants will put the tenants in very great economic distress. Once the crops are attached what happens? The tenant suffers most. His financial position is badly disturbed. His economic conditions are worsened to the extent to which they can be worsened by the landlord. It is always open to the landlord, if he does not like his tenant, to give him the utmost trouble that he would like to give him. This weapon in the hands of the landlord would effectually prevent the tenant from exercising any freedom in life. This clause is likely to affect the very fundamental freedom of the tenant because the landlord will be in a position, if he desires to harass him, to harass him badly. Therefore I feel that we should oppose this clause altogether."

Mr. J. A. SALDANHA:—"I do not want to oppose this amendment for this reason: it is true that nobody in Malabar represents the tenants as such. But I think it must be admitted that many of us are actuated by benevolent motives in the welfare of all classes of tenants, at least myself. Now our economic development depends upon the cultivating tenants as well as the landlord or the janmis, and we will have to look to the harmonious co-operation of all people. If there was no precedent for this provision in any other legislation, I should have very gladly opposed this amendment. We have got precedent in the Estates Land Act in which the provisions of the Rent Recovery Act are embodied. There we have got provision of an arbitrary character. The landlord can sell the property even before he sues. I can quote authorities also. Summary procedure before a Collector is provided for recovery of rent within a short period of a year. In Bombay where the rent can remain in arrears only for one year by a simple application to the Collector, the recovery of rent is made and thus relief is given to the landlord. That provision has been made for this reason, viz., that the tenants are at will and in order to enable the landlord to recover his arrears such a

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procedure is allowed. But here what we do is instead of applying to the Collector we apply to the civil court. Thus instead of the executive officer interfering the civil court interferes. It is the simplest procedure and it is also available in the case of negotiable instruments. The rent due for a year is on a par with the negotiable instruments. In the case of negotiable instruments without even calling the defendant, summary procedure is provided to collect the amount. What is the difference between the negotiable instruments and dues under a contract between the landlord and the tenant. The arrear for one year can be very easily proved. If it is for several years difficulty will arise in order to prove what is the arrear that is due. In connection with the Planters Labour Act for the recovery of rent the Government are introducing a similar provision and I have great pleasure that they introduce such a provision. My hon. Friend Mr. Tulasiram admitted that in several cases rent was due for several years. After all, Sir, landlords must live by recovering their arrears and it can be done only by a summary procedure such as this. I really do not know whether the Government have repealed the old Rent Recovery Act. I for my part—and I think my hon. Friends from South Kanara also—would support the existence of such a provision."

* The hon. the PRESIDENT:—"Let us discuss about the provisions of this Act."

Mr. J. A. SALDANHA:—"Sir, all of us have got some lands and we know the difficulty of recovering rent. That being so, a provision such as this should be of immense benefit to us. The Raghavayya Committee has done yeomen service to us by discovering a simple procedure such as this."

* Mr. S. SATYAMURTI:—"Mr. President, I am afraid the scope of clause 15 has not been fully understood, as it should have been. Clause 15 provides additional remedy for the recovery of arrears of rent, that is to say, after the rent has become due, and after three months have elapsed, after the date on which the rent becomes due. Then, Sir, it provides that so far as the tenant is concerned, the landlord cannot proceed straightway, by means of a distraint order or any other order against the tenant. He has also got to apply . . ."

Mr. G. HARISARVOTTAMA RAO:—"Great mercy."

* Mr. S. SATYAMURTI:—"I hope my hon. Friends will not view this question as a party question. I am trying to put my side of the case, and I hope my hon. Friend will not interrupt his own friends of the party."

* The hon. the PRESIDENT:—"Order, order. When Mr. G. Harisarvottama Rao was addressing the House I did not find Mr. Satyamurti or Mr. Saldanha interrupting him. I think in fairness Mr. G. Harisarvottama Rao should not interrupt him."

(A voice: 'He shines on interruption'.)

Mr. S. SATYAMURTI:—"Not from my own friends, Sir, but the point is this. This clause provides unlike the Madras Estates Land Act . . ."

* The hon. the PRESIDENT:—"The peculiarity is that the debate is confined to one group of the House only."

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* Mr. S. SATYAMURTI :—" Sir, this is the only vocal group. Other people have either no views or do not want to express them even if they have any. So far as this particular clause is concerned, I am trying to make it clear to this House that the powers which the landlord gets under this clause are not greater but much less than those powers in the Madras Estates Land Act, a piece of legislation welcomed by many people. Under the Madras Estates Land Act, the provisions which give the landlord the power to recover the rent due to him are much more drastic. Section 77 says :— ' At any time after an arrear of rent has become due, the landholder may institute a suit before the Collector for the recovery of the arrear, and the landholder may, in addition to any other remedy to which he is entitled by this Act, in respect of any arrear of rent which has accrued due within the next preceding twelve months, distrain upon his own responsibility the movable property of the defaulting ryot or the growing crops or the produce of the land or trees in the defaulter's holding.'

" The first important point of difference is whereas, the landholder on the East Coast and throughout the places where the Estates Land Act applies, can attach the crops of the defendant, without reference to any court of law, there is no such provision here. When there is an arrear of rent, there is also provision in the Madras Estates Land Act for eviction. Section 111 provides :— ' When an arrear is not paid within the revenue year in which it accrued due, it shall be lawful for the landholder to sell the holding or any part thereof, in the manner hereinafter provided, in satisfaction of the arrear and of interest thereon and of costs, if any, of the sale.' (Several voices : ' Selling.') As if selling is not eviction ! Moreover, so far as the procedure is concerned, it is lawful to the court to order immediate execution, if the suit is for arrears of rent. The court, when passing the decree in a suit for recovery of rent, may, on oral application, order immediate execution thereof. I venture to submit to this hon. House that, if they follow carefully and judicially and compare the provisions in the Madras Estates Land Act and the provisions in clause 15, they will find that clause 15 errs, if it does err, very much more generously on the side of the tenant, than on that of the landlord. I think that, in this matter of just legislation that we seek to introduce, the hon. House should be fair to all sides, subject to fundamental principles of justice. Now for the first time, we are conferring on these cultivating tenants of Malabar, fixity of tenure, which means that the landlord cannot evict them, except on certain well-stated grounds. The reciprocal obligation on the part of the tenant should be that he shall regularly pay the rent he has to pay. The House went very carefully into the provisions regarding fixing of fair rent, and I congratulate the House, if I may, on the provisions they have passed regarding fair rent. Moreover, Sir, it is open to the landlord or the tenant to go to a court of law to get the fair rent fixed, and also the instalments in which the fair rent shall be paid and the date or dates on which the said rent or instalments shall be payable. All the parties know what amount is due, on what date it falls due and when it ought to be paid. If the tenant does commit default in spite of all this I see no reason why the landlord should not go and apply to the court for realizing this arrear of rent.

" More than one hon. Member stated that the defendant cannot defend the suit, unless he deposits in the court the arrears of rent and some security for costs. I speak subject to correction ; the clause does not provide for it

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at all ; because the clause says :— ' The court shall, upon application by the defendant, and on being satisfied upon affidavits which disclose such facts as would make it incumbent on the applicant to prove the facts on which his claim is based, give leave to appear and answer the application.' Clause 2 of that sub-clause (b) says :— ' Leave to answer may be given unconditionally or subject to such terms as to payment into court, giving security or otherwise as the court thinks fit.'

" Therefore, giving of security is not obligatory. It depends upon the court whether it would require security to be given or not. Moreover, Mr. President, there is one provision to which sufficient attention has not been paid. It punishes frivolous application for arrears of rent. This safeguard is to provide against the landlords going to court, unless they have a good case. Clause (ii) of sub-clause (c) says :— ' If an order is set aside after the defendant is permitted to answer under clause (c) (i) and the court finds that there was no reasonable or probable ground for making the application or for claiming the amount that the applicant claimed and got the order for, the defendant may apply to the court and the court may, upon such application, award against the applicant, by its order, such amount not exceeding one thousand rupees as it deems reasonable compensation to the defendant for the expense and injury caused to him.'

" With this Democles' Sword hanging over the landlord, is it seriously contended that any landlord will go to a court of law, unless he finds that the arrears are otherwise irrecoverable and he has ample facts to place before the court of law ? It seems to me that the clause, as it stands, provides a guarantee against the tenants taking advantage of the provisions of this Bill, and snapping their fingers at the unfortunate landlords, and at the same time punishes the irresponsible and heartless landlords, going to court frivolously.

" I want to say one more word. I refer to the Raghavayyya Committee. That Committee provided more than one safeguard for the landlord. We have rejected one safeguard which they wanted, and the safeguard which the Government wanted, viz., security for one year's rent. I am glad the House rejected that demand on behalf of the landlords. But I think, having rejected that, fairness and justice require that we must give reasonable facilities, not for the landlord to oppress, but for the landlord to get his dues within a reasonable time. The Raghavayya Committee says :—

' A familiar proposal in matters of this sort is to give the landlord the right to distrain the crops and the movable properties of the tenant.'

" That is a proposal, which, as I have said, is contained in a statutory form in the Madras Estates Land Act.

' The Committee is not satisfied that it would be desirable that such a proposal should be adopted as regards Malabar, having regard to the peculiar excitability of some portion of the tenantry in that district, and it would not be wise to make it applicable to some tenants and not applicable to others in the same district.'

" The Committee proceed to say :—

' The Committee is at the same time not satisfied that it would be well to leave untouched the present system by which the landlord has to file a regular suit and obtain a decree and go through all the long and tedious processes of executing it, for the realization of his rent. It seems to the Committee that a more expeditious and cheaper method of recovery of rent is necessary and would suggest that the landlord should be entitled to make an application, for which less court fees have to be paid, instead of instituting a regular suit, to the court having

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jurisdiction in that behalf and obtain expeditious attachment of the properties of the tenant, pending decision of any objections which the tenant may raise, either as to the reality of the claim or as to the quantum thereof.

"The Committee concluded, Mr. President, by saying.

'A provision of this sort and also the taking of security, as stated above, would, in the opinion of the Committee, be sufficient compensation for any loss of rights which the janmi may sustain by reason of the Committee's proposals.'

"This clause applies not only to the janmis but also to all the intermediaries who may not cultivate the land themselves, but who may have cultivating tenants under them. I think, Sir, that this clause as it is, is reasonable, necessary, and just, to all the parties concerned. I request the House to reject the amendment."

* The hon. the PRESIDENT:—"The question is 'to omit sub-clause (1) of clause 15'."

The amendment was declared lost. A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---------------------------------|--------------------------------------|
| 1. Mr. P. C. Venkatapathi Biju. | 9. Mr. Ahmed Miran. |
| 2. " G. Harisvottama Rao. | 10. Srinan Biswanath Das Mahasayo. |
| 3. " Abdul Hameed Khan. | 11. Mr. K. Uppi Sahib. |
| 4. " L. K. Tulasiram. | 12. " K. V. Krishnaswami Nayakar. |
| 5. " K. V. R. Swami. | 13. " C. R. Parthasarathi Ayyangar. |
| 6. " D. Narayana Raju. | 14. Rao Bahadur C. Natesa Mudaliyar. |
| 7. " K. R. Karant. | |
| 8. " A. Parasurama Rao. | |

Noes.

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|--|-------------------------------------|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 20. Mr. M. V. Gangadhar Siva. |
| 2. " Sir Thomas Moir. | 21. " V. I. Muniswami Pillai. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 22. " S. Subrahmanya Mooparar. |
| 4. " Mr. A. Y. G. Campbell. | 23. " S. Venkiah. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 24. Rao Sahib R. Srinivasan. |
| 6. " Mr. S. Muthiah Mudaliyar. | 25. Mr. A. Achuthan. |
| 7. " Dr. P. Subbarayan. | 26. " E. Sankaran Unni. |
| 8. Mr. Hilton Brown. | 27. " F. E. James. |
| 9. " H. A. Watson. | 28. " V. Ramjee Rao. |
| 10. " A. G. Leach. | 29. " R. Srinivasa Ayyangar. |
| 11. " J. Gray. | 30. " S. Satyamurti. |
| 12. " S. V. Ramamurti. | 31. " C. V. Venkataramana Ayyangar. |
| 13. " C. B. Cotterell. | 32. " J. A. Saldanha. |
| 14. " V. Ch. John. | 33. " K. Madhavan Nayar. |
| 15. " R. Foulkes. | 34. " C. Obi Reddi. |
| 16. The Muppil Nayar of Kavalappara. | 35. " A. Ranganatha Mudaliyar. |
| 17. Subadar-Major Nanjappa Bahadur. | 36. " K. P. Raman Menon. |
| 18. Mr. K. Krishnan. | 37. " C. Gopala Menon. |
| 19. " N. Siva Raj. | 38. Rao Bahadur Sir A. P. Patro. |
| | 39. " S. Ellappa Chettiyar |

Ayes 14. Noes 39.

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is 'to omit sub-clause (2) of clause 15'."

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is 'to omit sub-clause (3) of clause 15'."

The amendment was negatived.

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Mr. E. SANKARAN UNNI:—"Sir, I move

'that in line 1 of sub-clause (1) (a), for the words 'three months', the words 'one month' be substituted.'

"Sir, I do not think much argument is needed from me to commend this amendment to the House after the various arguments that were advanced by the hon. Member for the University. We have just decided that the tenant should have fixity of tenure; and having decided that, you will be really killing him with kindness if you allow him a maximum period of three months within which to pay his rent, especially when there is a chance of his paying it in a shorter time. That is the reason, Sir, why I move this amendment."

The MUPPIL NAYAR of KAVALAPPARA:—"I second the motion."

* The hon. the PRESIDENT:—"The question is that in line 1 of sub-clause (1) (a), for the words 'three months' the words 'one month' be substituted."

The amendment was put to the House and negatived.

Mr. E. SANKARAN UNNI:—"Sir, I move

'that in line 9 of sub-clause (1) (a), the word 'said' be omitted.

"I do not find any reference in this sub-clause to the tenant. That is why I want the word 'said' to be omitted. There is no previous reference at all to the tenant in this sub-clause."

The MUPPIL NAYAR of KAVALAPPARA:—"I second the motion."

The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I accept the amendment."

The amendment was put and adopted.

The MUPPIL NAYAR of KAVALAPPARA:—"Sir, I move

'that the word 'and' be added at the end, and the following sub-items be also added:—

'(3) Any other property belonging to the said defendant.

'(4) By arrest of the said tenant as for a debt under a decree of court.'

"The object of my amendment is to have a speedy realization of the rent. I move it."

Mr. E. SANKARAN UNNI:—"I second it."

* The hon. the PRESIDENT:—"The question is to add the word 'and' at the end and also to add the following as sub-items:—

'(3) Any other property belonging to the said defendant.

'(4) By arrest of the said tenant as for a debt under a decree of court'."

The amendment was negatived.

* The hon. the PRESIDENT:—"Sub-clause (b) is now for the consideration of the House."

* Mr. K. R. KARANT:—"Sir, I can see some justice in retaining . . ."

* The hon. the PRESIDENT:—"I have already put each sub-clause separately."

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* Mr. K. R. KARANT :—" I may be permitted to speak on this, Sir."

* The hon. the PRESIDENT :—" All right. Why should it be said that I have not given free scope for the hon. Member to ventilate his views? "

* Mr. K. R. KARANT :—" Sir, my amendment is that item (b) of sub-clause (1) be deleted.

" I can see some justice for retaining clause (a), so that the immediate landlord who is the contracting party may have his right to get the rent from the tenant by distraint. But when there is an intermediary, why should we have this sort of distraint by the janmi himself? In that case, I do not see how this will be a just provision. Under clause 41 which will come hereafter, it will be seen that all payments due by the intermediary, for instance a kanamdar, are already made a charge upon the land; and even otherwise, in any kanam document, I am quite sure that the rent or michavaram payable by him will be secured to the landlord. In those circumstances, there is hardly any justification for the janmi to go and distraint the property of these poor cultivating tenants. It is reasonable probably to say that the landlord himself must have the right to distraint, as I have already submitted to the House; but not the landlord or the janmi. I think this is quite unnecessary and I do not think it is fair of the janmi to press for this provision. There is ample security for him from the kanamdar himself. There are various other ways of securing his rent, and I do not see why the janmi who has been fighting this battle here as against the kanamdar should try now to come and protect the kanamdar as against a third party for the realization of the michavaram. The property of the kanamdar is very valuable and it lasts for twelve years till the next renewal. The michavaram payable to him is secured to him by a deed. I do not see why under these circumstances there should be this provision of distraint by a superior landlord against the tenant."

* Mr. K. MADHAVAN NAYAR :—" Sir, In seconding this amendment, I want to place a few facts before you. It is not because I agree with the various provisions contained in section 15, especially in this sub-clause (b) that I had to vote against the amendment proposed by my Friend Mr. Uppi. The provisions contained in this section 15 in my humble opinion are oppressive, and when as a matter of fact I suggested yesterday that the whole section might be deleted and instead of one year's rent, half year's rent might be taken as security, neither the Government nor my friends on this side of the House supported me. If only they had realized the full implications of their vote, I am sure they would not have taken that attitude. An occasion, I hope, will still arise for the whole House to consider again my suggestion and accept it.

" On the amendment now proposed by my Friend Mr. Karant, I have to say that the engine of oppression that is placed in the hands of the landlord is not single, but double and treble, if you pass the various provisions contained in section 15, especially in sub-clause (b). Till now, the janmi, that is the ultimate landlord, never exercised the right of proceeding against the crops on the land which belongs to the verumpattamdar for the michavaram to be paid to him by the kanamdar or the sub-kanamdars. If this provision is introduced, the consequences will be disastrous. The verumpattamdar might not know whether the michavaram has been paid or not; he will have paid his rent, and yet all of a sudden one of the

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superior landlords would pounce upon the crops and bring ruin on him. That will be the disastrous consequence of passing this sub-clause (b). I submit that the creation of fictitious contract which was recommended by the Raghavayya Committee was not approved by the Government. In the proceedings of the Conference of Janmis and Tenants, you will see :

' The tenants are against the creation of fictitious contracts of the kind contemplated in the recommendation. They consider that this provision will be an engine of oppression in the hands of the janmi as he could go to a tenant over the head of an intermediary and worry him for payment. The janmis, on the other hand, consider that but for this provision they would be helpless to collect rent if the intermediaries became insolvent and suggest that the privity of contract should be recognized at least in respect of one intermediary, i.e., the kanamdar, who stands between the janmi and the verumpattamdar.

' The hon. the Revenue Member however suggested during the course of the discussion that if it was made clear in clause 9 (1) that, whether there was privity of contract or not, the janmi could proceed against the crops and the movable property of the verumpattamdar, the provision in clause 8 (1) regarding the creation of fictitious contract may be removed.' Government's proposal: ' In the Bill now introduced, the provision in clause 8 regarding,' etc.

" So that you will see that though the creation of fictitious contract is not approved of by the Government, it is really confirmed in this sub-clause (b). The possibility of the kanamdar all of a sudden becoming insolvent and the janmi not being able to collect the michavaram is a thing which exists only in the imagination of people; and I submit there is absolutely no reason why this poor verumpattamdar who cultivates the land, raises the crop and pays the rent, should be faced with troubles from so many quarters and get ruined. Neither the tenant nor the landlord will get these crops. Once the crop is attached, we know what happens afterwards. It is a dangerous provision that is contained in sub-clause (b). This is what I wanted to impress upon the House yesterday; unfortunately my warning was not heeded to. So far at least as this amendment of Mr. Karant is concerned, I hope the House will vote for it."

* The hon. the PRESIDENT :—" The question is that sub-clause (b) be deleted.

" Mr. Saldanha has given notice of a similar amendment. He may, if he likes, speak on this."

Mr. J. A. SALDANHA :—" Sir, for the reasons put forward by the previous speaker, this amendment must be supported by the House; because we are here dealing with a number of intermediaries. I think the summary procedure should not apply in all cases. If we pass this sub-clause, I am sure there will be trouble to a great extent. I therefore support the deletion of this sub-clause."

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, it amuses me sometimes to listen to my hon. Friend Mr. Madhavan Nayar. He has such an extraordinary variety of temperament and feeling. This is a clause very much in his favour and he is not prepared to accept it.

[Mr. E. Sankaran Unni]

[4th October 1929]

(Mr. K. Madhavan Nayar: 'Because it is just.') It may be; but my hon. Friend is extremely hurt, mortally injured, that he is getting an advantage under this Bill! Instead of the janmi being always compelled to go to the kanamdar for the michavaram, the janmi is by this sub-clause allowed to proceed against another also; and yet here is a kanamdar who comes and tells us: 'Please do not be so very good to me; I am really hurt; I cannot endure so much consideration at your hands.' Does the hon. Member intend to be taken seriously? For my part, I take advantage of this provision, not because it is essential, but because it gives me two remedies. I can proceed against the kanamdar or against the tenant; my only interest is that I should be paid and that once. Whoever pays me is of little consequence to me. If the verumpattamdar pays me, he need not pay the kanamdar, and if the kanamdar pays me, the verumpattamdar need not pay me. This is a simple matter. Why so much eloquence is wasted on it I cannot understand. The motive underlying the opposition is difficult to make out. Perhaps, the hon. Member feels that it is necessary to do something to efface the impression created by his vote in favour of security. It is a futile endeavour. The House knows the hon. Member's position and I hope it will remember the course he pursued. I oppose this amendment."

Mr. K. V. R. SWAMI:—"Mr. President, I am very much amused to listen to the speech of Mr. Unni who spoke more or less as a Shylock. He said: 'What is there after all, I only want my money; if it is the verumpattamdar who pays it, all right; or if it is the kanamdar, all right, I take it. What all I want is that I should be paid my money and if you pay me the money, there would not be any trouble at all.' That is the very simple and fascinating way in which he spoke. He also said one thing: 'Of course there was formerly one remedy; now I want another; what is there? It is only another remedy and after all I want only my money and I want nothing more and nothing less.' He did not say that unless this extra remedy was granted to him, he would lose his money. Of course he is honest so far, because he knows full well that he can be sure of his money. The kanamdar is there who is responsible to him for his money and he can get his money from the kanamdar; otherwise he can evict the man, sell the fixity of tenure to another and thereby get his money. Now, it seems the Government are more anxious to give the extra remedy to the janmi, not that the janmi himself is very anxious about it. Hitherto, when speaking on certain amendments, the Government said 'hitherto the janmis were enjoying all these rights; why do you want to take away all these rights?' But now, this is not a privilege which the janmi has been enjoying at any time. He will get this privilege for the first time only under this Bill, and that, as my hon. Friend Mr. Venkataramana Ayyangar puts it, as a compensation."

4-15
P.m.]

"There is no limit for these compensations. So far as the janmis and the capitalists are concerned, they think that the world is created for them to feed upon. They look upon the world as their special property and they want another remedy to be given to them. There is no occasion for this special privilege and I do not think even my hon. Friend the Member representing the University who is always up in arms against this Council and who wants always to uphold the decisions of the Select Committee, would object this amendment."

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Mr. N. SIVA RAJ:—"Mr. President, Sir, no doubt sub-clause (b) creates an impression that the verumpattamdar has got to pay the dues of the kanamdar. But when you read the section, especially the proviso, I think the verumpattamdar is not, in the real sense of the word, really harassed or worried by the existence of the proviso. If he pays the kanamdar in full, I do not see that the verumpattamdar can be evicted by the existence of this sub-clause, but if he does not pay the kanamdar, of course as Mr. Unni suggested, he has got to pay at least once, and even under the ordinary law he is liable to pay even under the process of the court of law. That being so, I believe that this provision does not at all harass the verumpattamdar. I therefore oppose the amendment."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I cannot accept the amendment. This was considered by the Select Committee and as far as I remember no objections were raised in the Select Committee. I think that this should stand part of the Bill."

Mr. ABDUL HAMEED KHAN:—"Sir, I am afraid that we are ignoring the fact that the Select Committee is a smaller body than the whole Council itself. If any question that has been decided by the select committee is not to be re-opened and we shall have to accept, as it were, everything that the Select Committee has accepted and decided upon and that not a single comma . . ."

* The hon. Mr. A. Y. G. CAMPBELL:—"On a point of personal explanation, Sir, I only suggested that it was considered by the Select Committee."

Mr. ABDUL HAMEED KHAN:—"I wish to point out that if the Select Committee has come to any decision, it was only the Select Committee that has come to that decision. If we have to take what all the Select Committee has decided upon, I do not see any reason why that question should come to the Council, a larger body than the Select Committee itself."

"Sir the question is very important and it affects a very large class of people, the verumpattamdars. My hon. Friend Mr. Madhavan Nayar who is a kanamdar himself has come forward with a very clear explanation and he has told us that if this section is allowed to remain, it will create very great hardship on the people concerned. So, I do not think that we will be doing ourselves justice if we talk as if we are not here to change even a comma of the Select Committee. On the other hand, we are here to decide for ourselves."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I have given notice of a similar amendment and I think it is very improper, if I may say so, to let the tenant to be harassed by more than one person. The question of attachment of crops is a very serious matter in itself. I take it, in all cases of attachment either by the Government or by any agent, the expenses incurred for watching the crops or the expenses that may have to be incurred for reaping and harvesting are always exaggerated and the net produce may be anything—it may be from nothing to a very small quantity—as there is no means of checking all these things. I think by giving permission to two people at the same time to proceed against the tenant to attach his crops, it will be placing a very dangerous instrument of repression in the hands of more people than is necessary."

[4th October 1929]

* The hon. the PRESIDENT:—"The question is to omit sub-clause (b) of sub-clause (1) of clause 15."

The amendment was declared lost.

Mr. G. Harisarvottama Rao demanded a poll and the House divided thus—

Ayes.

- | | |
|-----------------------------------|-------------------------------------|
| 1. Mahmud Schamnad Sahib Bahadur. | 11. Mr. K. R. Karant. |
| 2. Mr. P. C. Venkatapathi Raju. | 12. " K. Madhavan Nayar. |
| 3. " K. Koti Reddi. | 13. " C. Obi Reddi. |
| 4. " J. A. Saldanha. | 14. " A. Parasurama Rao. |
| 5. " G. Harisarvottama Rao. | 15. " Ahmed Miran. |
| 6. " Abdul Hameed Khan. | 16. " A. Kaleswara Rao. |
| 7. " L. K. Tulasiram. | 17. " K. Uppi Sahib. |
| 8. " K. V. R. Swami. | 18. " A. Ranganatha Mudaliyar. |
| 9. " D. Narayana Raju. | 19. " C. R. Parthasarathi Ayyangar. |
| 10. Dr. B. S. Mallayya. | |

Noes.

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|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 19. Rao Sahib L. C. Guruswami. |
| 2. " Sir Thomas Moir. | 20. Mr. V. I. Muniswami Pillai. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 21. " S. Subrahmanya Moopanar. |
| 4. " Mr. A. Y. G. Campbell. | 22. " S. Venkiah. |
| 5. " " M. R. Seturatnam Ayyar. | 23. Rao Sahib R. Srinivasan. |
| 6. " " S. Muthiah Mudaliyar. | 24. Mr. A. Achuthan. |
| 7. " " Dr. P. Subbarayan. | 25. " E. Sankaran Unni. |
| 8. Mr. Hilton Brown. | 26. " S. Arpudaswami Udayar. |
| 9. " H. A. Watson. | 27. " R. Srinivasa Ayyangar. |
| 10. " A. G. Leach. | 28. " S. Satyamurti. |
| 11. " J. Gray. | 29. " K. P. Raman Menon. |
| 12. " S. V. Ramamurti. | 30. " T. C. Srinivasa Ayyangar. |
| 13. " G. B. Cotterell. | 31. Rao Bahadur Sir A. P. Patro. |
| 14. " R. Foulkes. | 32. " C. Natesa Mudaliyar. |
| 15. The Muppi Nayar of Kavalappara. | 33. Mr. P. T. Rajan. |
| 16. Mr. K. Krishnan. | 34. Rao Bahadur S. Elappa Chettiyar. |
| 17. " N. Siva Raj. | 35. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur. |
| 18. " M. V. Gangadhara Siva. | 36. Rao Bahadur B. Muniswami Nayudu. |

Ayes 19:

Noes 36.

The amendment was negatived

Sub-clause (2).

Mr. K. R. KARANT:—"Mr. President, I beg to move the following amendment:—

'Delete sub-clause (2) and re-number sub-clause (3) as sub-clause (2).'"

* The hon. the PRESIDENT:—"I have put it to the vote of the House and the hon. Member cannot move it now. There was a distinct vote upon the whole of this sub-clause (2)."

* Mr. MAHMUD SCHAMNAD:—"Mr. President, Sir, I wish to move my amendments Nos. 210, 211 and 212 if allowed, as also my amendments to sub-clauses 2 (b) and 2 (c), etc., because, they are all consequential amendments."

Mr. E. SANKARAN UNNI:—"My hon. Friend Mr. Kavalappara Muppi Nayar has one amendment to delete sub-clause 2 (c) (ii)."

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* The hon. the PRESIDENT:—"That will be moved separately."

* Mr. MAHMUD SCHAMNAD:—"Mr. President, Sir, I move all my amendments together

'In sub-clause 2 (a), in line 3, omit the word "not";

in lines 4 and 5, omit the words "unless he obtains leave from the Court as hereinafter provided so to appear and answer", and

in line 6, omit the words "obtaining such leave or of his";

In sub-clause 2 (b) (i), in the last line, for the words "give leave to appear and answer the application", substitute the words "proceed to enquire into the application unconditionally or subject to such terms as to payment into Court, giving security or otherwise as the Court thinks fit";

'Omit sub-clause (2) (b) (ii);

'In sub-clause (2) (c) (i), in lines 3 and 4, omit all the words after the words "direct restitution"; and

'In sub-clause (2) (c) (ii), in line 2, substitute the word "heard" for the words "permitted to answer".'

"Sir, the object of all my amendments is to allow the verumpattamdar, against whom this section entitles the janmi to proceed summarily, to attach his property and also his crops to state his case once for all. According to this section, a tenant on whom notice of such application is served, shall not appear or answer such application unless he obtains leave from the court and so on. Therefore, it makes it incumbent upon him to go to some vakil, engage him and then apply to the court for permission to put in his defence. It is only after he gets permission from the court that he can put in his defence as to why his movables and other property should not be attached. This places the tenant in a very unsatisfactory condition. Almost all the tenants and all the verumpattamdars are very poor, and therefore they are not in a position to fight the janmi in a court of law, much less twice, first of all going to a pleader for drafting and filing the petition for getting the permission, and then after the permission is secured, seeking the help of the pleader, to put in a petition in defence of his case. All this involves much expense, and the verumpattamdars cannot afford to incur them. It is all a circuitous way and it will defeat the provision for fixity of tenure. Therefore I say these clauses are unnecessary, for they first require the tenant to come to the court for getting permission, and then after obtaining the permission of the court to answer the contention of the janmi why the crops and movables should be attached and sold. Now I hope the House will see how it is unnecessary. I don't want to say that the crops should not be attached, or that the moveable property should not be attached. All that I say is that the tenant should be given an opportunity to say directly why his crops or his moveable properties should not be attached. So I hope Government will see its way to support my amendment to improve the position of the verumpattamdar."

Mr. ABDUL HAMMED KHAN:—"I second it."

[4th October 1929 .

4-45 p.m. The amendment was put and declared lost. A poll was demanded and the House divided thus—

Ayes.

- | | |
|-----------------------------------|-------------------------------------|
| 1. Mahmud Sohamnad Sabib Bahadur. | 9. Mr. D. Narayana Raju. |
| 2. Mr. P. C. Venkatapathi Raju. | 10. " K. R. Kurant. |
| 3. " K. Koti Reddi. | 11. " C. Obi Reddi. |
| 4. " Sami Venkatachalam Chetti. | 12. " A. Parasurama Rao. |
| 5. " G. Harisarvottama Rao. | 13. Sriman Biswanath Das Mahasayo. |
| 6. " Abdul Hameed Khan. | 14. Mr. A. Kaleswara Rao. |
| 7. " L. K. Tulasiram. | 15. " K. Uppi Sahib. |
| 8. " K. V. R. Swami. | 16. " C. R. Parthasarathi Ayyangar. |

Noes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur. | 18. Mr. N. Siva Raj. |
| 2. " Sir Thomas Moir. | 19. " M. V. Gangadhara Siva. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 20. Rao Sahib L. C. Guruswami. |
| 4. " Mr. A. Y. G. Campbell. | 21. Mr. V. I. Muniswami Pillai. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 22. " S. Subrahmanya Moopanar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 23. " S. Venkiah. |
| 7. " Dr. P. Subbarayan. | 24. Rao Sahib R. Srinivasan. |
| 8. Mr. Hilton Brown. | 25. Mr. A. Achuthan. |
| 9. " H. A. Watson. | 26. " E. Sankaran Unni. |
| 10. " A. G. Leach. | 27. " V. Ramajee Rao. |
| 11. " J. Gray. | 28. " S. Satyamurti. |
| 12. " S. V. Ramamurti. | 29. " K. P. Raman Menon. |
| 13. " O. B. Cotterell. | 30. Rao Bahadur Sir A. P. Patro |
| 14. " R. Foulkes. | 31. " C. Natesa Mudaliyar. |
| 15. The Muppil Nayar of Kavalappara. | 32. " S. Ellappa Chettiyar. |
| 16. Sutadar-Major S. A. Nanjappah Bahadur. | 33. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 17. Mr. K. Krishnan. | 34. Rao Bahadur B. Muniswami Nayudu. |

Ayes 16: Noes 34.

The amendment was negatived.

The MUPPIL NAYAR OF KAVALAPPARA :—" Mr. President, I beg to move *'that the whole item of sub-clause (2) (c) (ii) be deleted.'*

" My object in moving this amendment is to have the penal provision deleted."

Rao Bahadur O. M. NARAYANAN NAMBEDRIPAD :—" I second the motion."

* The hon. Mr. A. Y. G. CAMPBELL :—" I cannot accept this proposal. This section provides for the payment of compensation the verumpattamdar if the landlord makes an unreasonable claim. This clause is a safeguard for the tenant against abuse of the section by the landlord and therefore I oppose the motion."

The amendment was then put and negatived.

* The hon. the PRESIDENT :—" The question is clause 15, as amended, shall stand part of the Bill."

The motion was adopted and clause 15 was amended to the Bill.

Clause 16.

Mr. K. P. RAMAN MENON :—" Mr. President, Sir, may I make a suggestion? With reference to clauses 16, 17 and 18, they are all with

[4th October 1929] [Mr. K. P. Raman Menon]

reference to the fixing of renewal fee to the various kinds of tenures. The whole discussion, as far as one can see, centres round the kanamdar, and this is borne out by the Raghavayya Committee Report at page 47. Therefore I suggest that the question of kanamdar may be taken up first and the case of customary verumpattamdar and that of the cultivating kuzhikanamdar may be taken along with that discussion."

Mr. E. SANKARAN UNNI :—" I don't think it is a matter so very simple as my friend puts it. The provisions of clause 16 are very different from those of clause 17, and I don't see any reason why we should change the order. It is much better to take clause 16 first and then go to clause 17."

* The hon. the PRESIDENT :—" What has the hon. the Revenue Member to say?"

* The hon. Mr. A. Y. G. CAMPBELL :—" I leave it to you to decide Sir."

* The hon. the PRESIDENT :—" I have no material."

* The hon. Mr. A. Y. G. CAMPBELL :—" I think it is better to take clause 16 first."

* The hon. the PRESIDENT :—" I don't see how clauses 16 and 17 are the same."

Mr. K. P. RAMAN MENON :—" On page 44 of the Raghavayya Committee Report we have the following: 'Among the tenants of Malabar who have claimed fixity of tenure, none have claimed it longer or with more persistence than the kanamdar.' And then in paragraph 99 we have the arguments summed up. These support my contention."

* The hon. the PRESIDENT :—" If the hon. Member considers clause 16 may be postponed and taken up after clause 17, he may make a motion."

Mr. K. P. RAMAN MENON :—" Mr. President, I move—

'that the consideration of clause 16 be postponed till after clause 17 is disposed of.'

Mr. L. K. TULASIRAM :—" I second it."

Mr. E. SANKARAN UNNI :—" I oppose the motion."

Mr. S. SATYAMURTI :—" I am against the motion."

The motion was put and lost.

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, I propose to move that

'in line 1, insert a comma after the word "shall" and insert the following: "On the expiry of the verumpattam lease under which he holds", and in line 4 for the words "verumpattam lease under which the claimant holds", substitute the word "same".'

"This is a kind of verbal amendment, and I think it is a change for the better in order to make the meaning clear. As it is, the twelve years will refer to the period of lease, and one will think that is universal in Malabar. But as a matter of fact the verumpattam lease in North Malabar is for three or four years and in South Malabar it is for a longer period. Hereafter the tenure will be renewed for a uniform period of twelve years and my amendment removes all chances of confusion."

Mr. K. UPPI SAHIB :—" I second it."

[4th October 1929]

The hon. Mr. A. Y. G. CAMPBELL :—"I am prepared to accept the amendment as, it seems to me, it brings out the intention."

The amendment was put and adopted.

* Mr. K. UPPI SAHIB :—"Mr. President, Sir, I move—

'that for all the words occurring after the words "as renewal fee" in line 5, the words "three-fourths of one year's gross produce" be substituted.'

"Now, Sir, according to the Bill, the renewal fee for a customary verumpattamdar has been fixed at three times the difference between the annual fair rent and the annual rent payable under the previous lease together with the annual Government revenue in cases where such revenue is payable by the customary verumpattamdar. I submit, Sir, this formula is very clumsy. How it can be worked out is to be explained by the hon. the Revenue Member? It may be that the fair rent is greater than the rent that is now payable; and even then according to the provisions of this Act, the tenant will have to pay the difference which it is not possible to work out. So I submit it must be based upon a workable plan. As we have fixed the fair rent on the gross produce, this renewal fee also should be based on the gross yield. Now, Sir, the custom in North Malabar as mentioned in the Raghavayya Committee's report is to fix the renewal fee at one year's rent, for a period of four years. In that case the janmi is entitled to three years' rent as renewal fee for a period of twelve years. They have also stated that they have arrived at this formula for renewal fee, only as a compromise between the janmi and the tenant. The Raghavayya Committee have no doubt arrived at this formula as a compromise between the janmi and the tenant, but this formula is quite unworkable. Therefore I suggest that this renewal fee should be based on the gross yield. The reason why I claim three-fourths of the gross yield as renewal fee is this. We collect renewal fee at one year's rent. Now the Act is going to give the tenant twelve years' right; so the janmi according to longstanding custom ought to get at least three years' rent as renewal fee. In fairness to the tenant I say that at least three-fourths of one year's gross yield should be fixed as renewal fee; three-fourths of one year's gross produce will come to about one and half years' rent that is now payable according to the Act. So I submit this amendment for the consideration of the House."

Sriman BISWANATH DAS Mahasayo :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I cannot accept this amendment. As the hon. Mover himself has pointed out, this Bill is based upon a compromise arrived at by the Raghavayya Committee as set out in paragraph 93 of their report, page 45, and I think, Sir, that no good ground has been shown for departing from the decision arrived at by the Raghavayya Committee."

The amendment was put and negatived.

* The hon. the PRESIDENT :—"Now there are a number of amendments, Nos. 220 to 225, regarding the substitution of some figures. I have selected only Nos. 221 (of Mr. Unni) and 225 (of Mr. Madhavan Nayar)."

Mr. E. SANKARAN UNNI :—"Sir, I beg to move that in line 5, the word 'six' be substituted for the word 'three'. The reason for my moving what may seem to be a somewhat startling amendment is this. The profits which

4th October 1929]

[Mr. E. Sankaran Unni]

the tenant makes for a period of twelve years ought to be divided equally between the tenant and the janmi. Every year he gets the produce in the shape of paddy, and it would not be very much of a hardship if the renewal fee is fixed at six times the difference. I do not propose to elaborate this argument any further, as I expect the House to deal with it at some length on section 17. Now, therefore, I simply move this amendment."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was put and negatived.

* Mr. K. MADHAVAN NAYAR :—"I move, Sir,

'that in line 5 for the word "three", the words "one and a half" be substituted.'

"I may be permitted to move also the other amendment, No. 225, to add the following proviso:

'Provided the renewal fee shall in no case be less than one year's fair rent.'

"Now, Sir, my amendment will meet the difficulty of Mr. Uppi Sahib. The customary verumpattamdar. . ."

Mr. K. KRISHNAN :—"On a point of order, Sir, Mr. Uppi Sahib's amendment was to the effect that the renewal fee should be three-fourths of one year's gross yield. Now, Mr. Madhavan Nayar's amendments would introduce a proviso to the effect that the renewal fee shall in no case be less than one year's fair rent. I submit that this amendment may clash with the amendment of Mr. Uppi Sahib that has already been disposed of."

The hon. the PRESIDENT :—"Three-fourths of the gross produce is not one year's fair rent. Mr. Madhavan Nayar may proceed."

Mr. K. MADHAVAN NAYAR :—"Now, Sir, the customary verumpattamdar would include kovilagam lessees and also kozhu lessees. I am not acquainted with the kozhu leases of North Malabar, but I am acquainted with the customary leases of South Malabar. And if my hon. Friend Mr. Krishnan finds any difficulty or mistake in regard to my arguments, he is certainly at liberty to correct me. My arguments upon this point will be elaborated under clause 17. I shall mention a few facts for the edification of the House. Now, it may very often happen, Sir, that the renewal fee that is provided for under the Bill that is proposed by the Government and as recommended by the Select Committee will press very heavily upon the customary verumpattamdar and that he will find it absolutely impossible to get anything out of the land to enable him to pay the janmi. And I shall be able to show that the renewal fee that is collected actually from the customary verumpattamdar or from the kanamdar for that matter is very much lower than what is provided for in this section. In South Malabar, for example, the customary verumpattamdar is a person who holds properties under the big kovilagams, and they are persons who did great service to the kovilagams, the Zamorin and other persons; they have been holding the property on favourable terms, and the renewal fee they have been paying is much less than one year's rent. And it is only as a compromise that I am agreeable to make the minimum renewal fee one year's fair rent. It is not because the customary verumpattamdar actually pays one year's fair rent as renewal fee, not because we accept the proposition

[Mr. K. Madhavan Nayar] [4th October 1929]

that the janmi has a right to collect one year's fair rent as renewal fee, that I make this suggestion. That is the maximum that any janmi collects by way of renewal fee and none can complain if that is fixed as the minimum. Now, first of all, there is some difference between section 16 and section 17 with regard to renewal fee. In section 16 three times the fair rent minus certain deductions, that is, rent, revenue, etc., is fixed as the renewal fee, while in section 17 the provision is two and one fourth times. No question of co-proprietorship or converting waste into cultivable lands arises in the case of customary verumpattandar in most cases and there are other differences also between kanam and other kinds of tenure. These may be the reasons that influenced the Government in making this distinction. But whatever the distinction may be due to, what you have to see in a case like this is: what is the restriction that is placed on a janmi's powers, what is the compensation that is to be paid to him, how you are to assess the loss that the janmi has sustained and whether the provision contained in the section about the rate of the renewal fee hereafter collectable from the customary verumpattandar is adequate or highly excessive as compensation. These are the various matters which you have to consider, before you come to a decision whether the provision fixing three times the fair rent as renewal fee is proper or not."

The House then adjourned to meet again at 11 a.m. on Monday the 7th October 1929.

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

4th October 1929]

APPENDIX

[Vide answer to question No. 739 asked by Mr. C. Ramasomayajulu at the meeting of the Legislative Council held on the 4th October 1929, page 688 supra.]

Legislative Council Question No. 1255 (Starred).

Q.—MR. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state—

(a) the number and names of irrigation tanks in the Peddapur taluk, Pittapur division and Cocanada taluk in zamindari and Government lands respectively;

(b) whether the ayacut of the tanks was definitely settled at any time and if so, whether a register is being maintained showing the same;

(c) whether the full tank level of each of the tanks has been fixed and is being maintained;

(d) what steps the Government have taken to maintain the ayacut and the level of each of the tanks without their being interfered with by others;

(e) whether it is a fact that in respect of some tanks water is stored to a very large extent without making necessary protective arrangements;

(f) the number of tanks that breached during the recent floods;

(g) whether it is a fact that the breaches were due to the storing of water beyond their capacity and the inadequacy of bunds and other protective arrangements; and

(h) whether the Government propose to make any and if so, what arrangements to prevent such breaches in future?

A.—(a)

		Peddapur taluk.	Cocanada taluk.	Pithapuram division.
Government	...	383	25	...
Zamindari	...	298	40	127
		681	65	127

A list * showing the names of the tanks is laid on the table.

(b) Yes, in the case of all Government tanks and in 76 cases out of 298 tanks in zamin and inam villages of Peddapur taluk.

(c) The full tank levels of all important minor irrigation tanks have been fixed by the Tank Restoration Scheme Party and are being maintained. The full tank levels of insignificant tanks irrigating less than 10 acres have not been fixed in most cases.

(d) Masonry works have been constructed to maintain the full tank level wherever necessary and no one is allowed to interfere with them.

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- (e) No. At the time of investigation by the Tank Restoration Scheme Party protective surplus arrangements were made for every tank and any water above the full tank levels and within the M.W.L. surpluses over the arrangements made for the purpose.

	Peddapur taluk.	Cocanada taluk.	Pithapuram division.
(f) Government ...	74	10	...
Zamindari ...	146	6	...
	220	16	...

- (g) No. The breaches were caused by the floods bringing down an unprecedented volume of water.

- (h) The Government propose to maintain the tanks in good repair.

a List of irrigation tanks in certain taluks of East Godavari district.

MAJOR IRRIGATION TANKS.

Peddapuram taluk—
 Pedda tank of Murari.
 Pedda tank of Kesavaram.
 Sarvayya tank of Singampalli.
 Ura tank of Doddikunta.
 Ayyatharada tank of Venkatapuram.
 Nalla tank of Rangampeta.
 Jeggaraju tank of Pederayavaram.
 Rajanna tank of Rayabhupalapatnam.
 Raju tank of Peddapuram.
 Peddapuram tank.
 Malludora tank of Lakshimpuram.
 Venkateswarlu tank of Narendrapatnam.
 Konetivari tank of Bhavaram.
 Timmaraju tank of Cingamparti.
 Yetikalva tank of Jagapathinagaram.
 Pedda tank of Jagapathinagaram.
 Venkandora tank of Pedasankariapudi.
 Venkateswarlu tank of Uttarakanchi.
 Gokavarapu Etioalva tank.
 Pedda tank of Mulagapudi.

Cocanada taluk—
 Venapalli tank of Peda Brahmadevam.

MINOR IRRIGATION TANKS.

(GOVERNMENT VILLAGES.)

Peddapuram taluk.

1. Anur—
1. Butchenna tank.
2. Gummallagorri tank.
3. Surai tank.
4. Komati tank.
5. Vupparavani tank.
6. Thimmanna tank.
7. Vura tank.
8. Veerappa tank.
9. Kotta tank.
10. Kamaraju tank.
11. Gollavadi tank.
12. Mangalavani kunta tank.

Peddapuram taluk—cont.

2. Anantharam—
13. Gundraju tank.
3. Arempudi—
14. Rudravani tank.
15. Cherukuvani tank.
16. Madanavari tank.
17. Kotta tank.
18. Kotta and Vurpayya tank.
19. Attinarayudu tank.
20. Bezwadavari tank.
21. Devella tank.
4. A. Annavaram—
22. Annavaram Kotta tank.
23. Annavaram tank.
24. Mallayi tank.
5. Bapabhupalapatnam—
25. Kurumpatrani tank.
26. Dora tank.
27. Latehiredipalem gedda tank.
6. Billavaka—
28. Butohiramudu tank.
29. Karrathemayya tank.
7. Chinabrahmadevam—
30. Damachinta tank.
31. Papayya tank.
32. Jogiraju tank.
33. Patha tank.
34. Thugulugoyyi tank.
35. Paidimarlamma tank.
36. Jeggamma tank.
37. Gopaludu tank.
38. Vura tank.
8. Doddigunta—
39. Musalaya tank.
40. Jeggaraju tank.
41. Deyyangoyyi tank.
42. Komati tank.
43. Vadlavari tank.
44. Govindu tank.
45. Karragattu tank.
46. Kakkitagoyyi tank.

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Peddapuram taluk—cont.

8. Doddigunta—cont.
47. Papudu tank.
48. Dhammudugoyyi tank.
49. Surai tank.
9. Dontamur—
50. Vura tank.
51. Duppalapudivari tank.
52. Karnavari tank.
53. Komatigunta tank.
54. Reddi tank.
55. Malagoyyi tank.
56. Gubbalavadi tank.
57. Sodasanivari tank.
58. Poleramma tank.
59. Muneswarudi tank.
60. Idula tank.
61. Kanoharabunda tank.
62. Karriyani tank.
10. Eluru—
63. Venkatapathiraju tank.
64. Kotta tank.
65. Yellamillivari tank.
66. Nalla tank.
67. Mangalavani tank.
68. Vura tank.
11. Gandepalli—
69. Vaddu tank.
70. Ankamvari tank.
71. Venkatraju tank.
72. Raju tank.
73. Tadigoti tank.
74. Chinna tank.
75. Gurappa tank.
76. Kavamma tank.
77. Madugagoyyitank.
12. Ilakolanu—
78. Padmayi tank.
79. Kadumula tank.
80. Nukanna tank.
81. Tadigoti tank.
82. Doddigunta tank.
83. Vura tank.
13. Jagapathinagaram—
84. Puttadi tank.
85. Ohiona tank.
14. J. Thimmapuram—
86. Perumallaraju tank.
87. Vemavarapu tank.
88. Ganga boyina tank.
89. Veeraraju tank.
15. J. Annavaram—
90. Jaggareddi Dora tank.
91. Tokalankatank.
92. Vura tank.
93. China Jaggareddi Dora tank.
94. Karakamma tank.
95. Isuka tank.
96. Kambhalapalem Vura tank.
97. Chinnamma tank.
98. Kambhalapalem Jaggareddi Dora tank.
16. Kattamur—
99. Gangaraju tank.

Peddapuram taluk—cont.

17. Kattipudi—
100. Ramuda tank.
101. Buttayi tank.
102. Venkannadora tank.
103. Padmanabudu tank.
104. Vura tank.
105. Vaddu tank.
106. Aukula tank.
107. Ankamma tank.
108. Malludora tank.
18. Kapavaram—
109. Karriveni tank.
110. Vura tank.
111. Voti tank.
112. Yetameettivari tank.
113. Vempalla tank.
114. Anivamvari tank.
115. Puttuvani tank.
116. Kondayya tank.
19. Kondapalli—
117. Jamikomma tank.
118. Vura tank.
119. Patha tank.
120. Mandala tank.
121. Kotta tank.
20. Kotapadu—
122. Nagula tank.
123. Pedda tank.
124. Jagganna tank.
125. Vishnava-Ayyanna tank.
21. Lakkavaram—
126. Ganpa Yerakayya tank.
127. Talla tank.
22. Lampakalova—
128. Papayi tank.
129. Bondavani tank.
130. Kontongivani tank.
131. Dubbula tank.
132. Karrigani tank.
133. Komati tank.
23. Mandapam—
134. Rajandora tank.
135. Vura tank.
136. Gurappa tank.
24. Mallepalli—
137. Pamuveri tank.
138. Narayanaraju tank.
139. Vura tank.
140. Gangala tank.
141. Neechugundala tank.
142. Jegganna tank.
143. Pothilavari tank.
144. Nandulakunta tank.
145. Chintalakunta tank.
146. Karanamvari tank.
147. Kammarigunta tank.
148. Poliseti tank.
149. Madigavallu tank.
150. Yerra Venkatayi tank.
151. Narayudu Kurumudi.
152. Nalla tank.
153. Mangalavani tank.
154. Chakalavani tank.
155. Gudi tank.
156. Gopalapuram Poliseti tank.

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Peddapuram taluk—cont.

24. Mallepalli—*cont.*
 157. Palepunadiveni tank.
 158. Bangaru tank.
 159. Pedanarayudukurimidi tank.
25. Mukundavaram—
 160. Somayabunda tank.
 161. Vizursuvani tank.
 162. Komati tank.
 163. Chikkamvari tank.
26. Mulagapudi—
 164. Thokkirikamani tank.
 165. Bhavaraju tank.
27. Marripudi—
 166. Adapa Veerappa tank.
 167. Pollisetivari tank.
 168. Venkanna tank.
 169. Kotta tank.
 170. Kaspavari tank.
 171. Midithavari tank.
 172. Konala Settenna tank.
 173. Raju tank.
 174. Adahalavari tank.
 175. Gangabattuni tank.
 176. Rajanna tank.
 177. Thammayya tank.
 178. Atchenna tank.
 179. Vulagani tank.
 180. Rajanala Venkayya tank.
 181. Chakalavani tank.
 182. Kondapalli patha tank.
 183. Palathirthelu Veerappa tank.
 184. Vupanna tank.
28. Marrivedu—
 185. Bondavani tank.
 186. Nithanampudivari tank.
 187. Mallapara tank.
29. Murari—
 188. Perraju tank.
 189. Yenuguthalakunta tank.
 190. Linganakunta tank.
 191. Papanna tank.
 192. Ankamavari tank.
 193. Thammayya tank.
 194. Karnamvari tank.
 195. Nuthula tank.
 196. Narayudukunta and Linganakunta tank (Joint).
30. North Thirupathirayapuram—
 197. Telukulavani tank.
 198. Lingampallivari tank.
 199. Gunduvani tank.
 200. Kotta tank.
31. Narendrapatnam—
 201. Kandula Ramayya tank.
 202. China Venkayya tank.
 203. Jangamayya tank.
 204. Bapanna tank.
 205. Narasanna tank.
 206. Krishnamma tank.
 207. Lakshimpuram tank.
 208. Perraju tank.
 209. Ramadevari tank.
 210. Bhavaram Konetivari tank.
 211. Lakshimpuram Konetivari tank.
 212. Bhavaram Narasanna tank.

Peddapuram taluk—cont.

32. Nallamilli—
 213. Vura tank.
 214. Venkaya tank.
 215. Surappa tank.
 216. Lakshmi tank.
 217. Buganna tank.
 218. North Padmaraju tank.
 219. Mading tank.
 220. Thurakala tank.
 221. Raju tank.
 222. Madigavalla tank.
 223. Rajanna tank.
 224. South Padmaraju tank.
 225. Gollavari tank.
33. Pedasankarlapudi—
 226. Nalla tank.
 227. Thummadoddi tank.
34. Pallapuchamavaram—
 228. Raghavapatnam Yetikalva.
 229. Maddula tank.
 230. Mallayi tank.
 231. Doddipattavari tank.
 232. Mekalavari tank.
 233. Papayya tank.
 234. Ankanna tank.
35. Pedarayavaram—
 235. Venkamma tank.
 236. Nallaregam tank.
 237. Singam tank.
 238. Varambunta tank.
 239. Mangalavadi tank.
36. Peddapuram—
 240. Venkatapathiraju tank.
 241. Thammayya tank.
 242. Ramanna tank.
 243. Venkataraju tank.
 244. Chintala tank.
37. Parimadaka—
 245. Vura tank.
 246. Vepala tank.
 247. Isava Venkayya tank.
38. Ramanayyapeta—
 248. Seethampeta tank.
39. Ragampeta—
 249. Namasivaya tank.
 250. Siravavarapu Bhaganna tank.
 251. Borasu Atochenna tank.
 252. Malagani tank.
 253. Marribunda tank.
 254. Satyalamma tank.
 255. Bharatam Atochenna tank.
40. Rayabhupalatnam—
 256. Thota tank.
41. Rangampeta—
 257. Gangiah tank.
 258. Garapativari tank.
 259. Nagulakunta and Venkata Dasari tanks.
 260. Padmanabhuda tank.
 261. Yarra tank.
 262. Papayi tank.
 263. Ramudu tank.

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Peddapuram taluk—cont.

42. Rowtalapudi—
 264. Chutta tank.
 265. Isuka tank.
 266. Regula tank.
 267. Telugulavani tank.
 268. Kotta tank.
 269. Boggulavari tank.
 270. Godavari tank.
 271. Potti tank.
 272. Vura tank.
 273. Bangarukattu tank.
 274. Chaviti tank.
 275. Karragattu tank.
 276. Kondakalva alias Yetikalva.
43. Rangapuram—
 277. Kadummula tank.
 278. Ramabadraraju tank.
 279. Perraju tank.
 280. Peetavani tank.
 281. Gazulagoyi tank.
 282. Nagenna tank.
 283. Venkatraju tank.
 284. Veradhikelya.
44. Subhadrapeta—
 285. Chinna tank.
 286. Gandhi tank.
 287. Neelikunta tank.
 288. Veerappa tank.
 289. Pedda tank.
 290. Jaggayi tank.
 291. Pantamveri tank.
45. Singaraopalem—
 292. Papamma tank.
 293. Jastivari tank.
 294. Gubbamma tank.
 295. Razula tank.
 296. Mangamma tank.
 297. Vummanna tank.
46. Soorampalem—
 298. Papamma tank.
 299. Papiash tank.
 300. Chitralla tank.
 301. Raju tank.
 302. Ayyanna tank.
 303. Sooramma tank.
47. Singampalli—
 304. Tirumala tank.
 305. Karri Mari tank.
 306. Venkatramudu tank.
 307. Gurappa tank.
 308. Pooalavadi tank.
 309. Gollavadi tank.
48. Tirupathirajapuram South—
 310. Parimvari tank.
 311. Danduvani tank.
 312. Venkatramudu tank.
 313. Veerappa tank.
 314. Talla tank.
 315. Tadigothi tank.
 316. Markondraju tank.
 317. Nallamohiveri tank.
49. Vuttarakanchi—
 318. Ramiseti Swami tank.
 319. Malludhora tank.

Peddapuram taluk—cont.

50. Vadisaleru—
 320. Perraju tank.
 321. Balabhadriraju tank.
 322. Thimmaraju tank.
 323. Potula Venkatramudu tank.
 324. Narasayya tank.
 325. Karipina Papa tank.
 326. Jettigoyyi tank.
 327. Papaya tank.
 328. Gopanna tank.
 329. Nallumoluvani tank.
 330. Ramudu tank.
 331. Gangadevikunta.
 332. Peraya tank.
 333. Kodandaramudu tank.
 334. Vellepallivari tank.
 335. Melegunta tank.
 336. Kondayagunta tank.
 337. Bollinavari tank.
 338. Allam Jagganna tank.
 339. Sundarayya tank.
 340. Mallayya tank.
 341. Appanabhotlakunta.
 342. Kammaravani tank.
 343. Venkayyagari tank.
 344. Kamalanabhuni tank.
 345. Medhavani tank.
 346. Moortireddivari tank.
51. Valtimmapuram—
 347. Pagidi tank.
 348. Appalaraju tank.
 349. Papiash tank.
 350. Buchanna tank.
 351. Bhagiradhi tank.
 352. Jagganna tank.
 353. Tammiah tank.
 354. Jaggadi tank.
52. Venkatapuram—
 355. Chendriah tank.
 356. Malagoyyi tank.
 357. Chintagoyyi tank.
 358. Mallayi tank.
53. Veerampalem—
 359. Venkadu tank.
 360. Kottapallivari tank.
 361. Sarvadu tank.
 362. Devanna tank.
 363. Arugulavari tank.
- Oocanada taluk.*
1. G. Medapadu—
 1. Karnamvari tank.
 2. Chintala tank.
 3. Sitaramudu tank.
 4. Asina tank.
 5. Jangabanda tank.
 6. Kotta tank.
 7. Atochutaramudu tank.
 8. Merla tank.
 9. Venkatapathi cheruvu.
 10. Pedaramudu cheruvu.
2. Pedabrahmadevam—
 11. Rayapuraju tank.
 12. Devalla Krishnamma tank.
 13. Yenugubanda and Upamakaraju tank.

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Ocanada taluk—cont.

2. Pedabrahmadevam—cont.
14. Papayya tank.
15. Kota tank.
16. Venkataraju tank.
17. Nedunurivari tank.
18. Narsyanaraju tank.
19. Padalavari tank.

List of irrigation tanks in zamindari lands in Ocanada and Peddapuram taluks and Pithapuram Division of the East Godavari district.

PEDDAPURAM TALUK.

VEERAVARAM ESTATE.

1. Rajupalem—
 1. Talla tank.
 2. Kotta tank.
 2. Veeravaram—
 3. Chellayammaraogari tank.
- JAGGAMPETA 'A' & 'D' ESTATES.
1. Katravulapalli—
 1. Vura tank.
 2. Chodi tank.
 2. Yerrampalem—
 3. Raju tank.
 4. Gurraju tank.
 5. Bodduvari tank.
 3. Ramavaram—
 6. Mutyalamma tank.
 7. Pangidi tank.
 8. Borramraju tank.
 9. Karagattu tank.
 10. Komati tank.
 11. Yerra tank.
 12. Jubi tank.
 13. Bakkanna tank.
 14. Padalavari tank.
 15. Jami tank.
 16. Suramma tank.
 17. Girreddivari tank.
 18. Thota tank.
 19. Padmanabham Venkanna tank.
 20. Pandalavari tank.
 21. Neelagiri Virayya tank.
 22. Datlavari tank.
 23. Ramachendrudu tank.
 4. Borugupudi—
 24. Oulam tank.
 25. Yerra tank.
 5. Tirupatirajupeta—
 26. Nutula tank.
 27. Hanumallu tank.
 6. Rajapudi—
 28. Venkateswarndi tank.
 29. Medinedivari tank.
 30. Narsaraju tank.
 31. Komatigunta.
 32. Setti tank.
 33. Somalingam tank.
 34. Agattu tank.
 35. Jaggyya tank.
 36. Tirupati tank.
 37. Jogibanda tank.

Ocanada taluk—cont.

3. Vetlapalem—
 20. Venkatapitiraju tank.
 21. Jogi tank.
 22. Perraju tank.
 23. Ura tank.
 24. Nellimbada tank.

JAGGAMPETA 'A' & 'D' ESTATES—cont.

6. Rajapudi—cont.
 38. Chakalikunta.
 39. Jaggyya tank.
 40. Pattabhirajapuram tank.
 41. Krishnamma tank.
 42. Rayaparajupeta kotha tank.
7. Mallisala—
 43. Ramasagaram.
 44. Pulivani tank.
 45. Gangalu tank.
 46. Chatrati tank.
 47. Korpuvari tank.
 48. Muddavari kunda.
 49. Rajammakunta.
 50. Kapileparu tank.
8. Talluru—
 51. Nalla tank.
 52. Narasayi tank.
 53. Chinmaya tank.
 54. Appayikunta.
 55. Kotta tank.
 56. Venkataramudu tank.
 57. Seelaghattu tank.
 58. Padurayi tank.
 59. Irlagunta.
 60. Kurimidi tank.
 61. Tirupati tank.
 62. Galanu tank.
 63. Balijemvari tank.
 64. Papaya tank.
 65. Vura tank.
 66. Mustigoodalavari kurimidi.
 67. Subbayi tank.
9. Gurappalem—
 68. Voora tank.
 69. Pata tank.
10. Sitanagaram—
 70. Rayamma tank.
 71. Pidelu tank.
 72. Kamayi tank.
11. Uppalapadu—
 73. Tirupati tank.
 74. Papayi tank.
 75. Doddavani tank.
 76. Pantulu tank.
 77. Reddi tank.
 78. Kakivari tank.
 79. Doddavari tank.
 80. Dudekula tank.
 81. Timmanakunta.
 82. Chakala tank.

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JAGGAMPETA 'A' & 'D' ESTATES—cont.

11. Uppalapadu—cont.
 83. Kotturu tank.
 84. Subbayamma Panta tank.
 85. Sistavari kurimidi.
12. Jaggampeta—
 86. Purushottamuni tank.
 87. Veeranna tank.
 88. Mukkapativari tank.
 89. Bondavari tank.
 90. Gogulapativari tank.
 91. Peningapallivari tank.
 92. Adapavari tank.
 93. Raju tank.
 94. Somayajulu tank.
 95. Chakali tank.
 96. Veenam Veerayya tank.
 97. Jangam Senkarayya tank.
 98. Jeebi tank.
 99. Suramma tank.
 100. Vajjulavari tank.
 101. Kamayi tank.
 102. Sambhaya tank.
 103. China tank.
 104. Pedda tank.
 105. Narayudu tank.
13. Borrapalem—
 106. Nandurivari Voora tank.
 107. Kesana tank.
 108. Jotulavani tank.
 109. Vadiavani tank.
14. Mamidada—
 110. Sitaranudu tank.
 111. Achanna tank.
 112. Jangamvani tank.
15. Govindapuram—
 113. Vura tank.
 114. Yerra tank.
 115. Gangana tank.
16. Irripaka—
 116. Gopalara tank.
17. Marripaka—
 117. Vura tank.
 118. Rangaraju tank.
 119. Pati tank.
 120. Mallaparaju tank.
 121. Venkamma tank.
18. Sitampeta—
 122. Dora tank.
 123. Seetamma tank.
19. Kandregula—
 124. Perumallara tank.
 125. Butchiraju tank.
 126. Karnakulavari tank.
 127. Yerra tank.
 128. Poturaju tank.
20. Manyamvaripalem—
 129. Korapuvani tank.
 130. Donkalavani tank.
 131. Vura tank.
 132. Velisettivani tank.
 133. Nukavani tank.
 134. Yerra tank.

JAGGAMPETA 'A' & 'D' ESTATES—cont.

21. Gollagunta—
 135. Vura tank.
 136. Tummalakurimidi tank.
 137. Ravula tank.
 138. Kottakurimidi tank.
 139. Narasaraju tank.
 140. Sambhudu tank.
 141. Kotta tank.
 142. Dedekulavari tank.

JAGGAMPETA 'B' ESTATE.

1. Nayakampalli—
 1. Tirupati tank.
 2. Yerra tank.
 3. Nalla tank.
 4. Sarraju tank.
2. Yellamilli—
 5. Voddu tank.
 6. Achamma tank.
 7. Butchanna tank.
 8. Kamanna tank.
 9. Narappagunta.

JAGGAMPETA 'C' ESTATE.

1. Proprietary Ragampeta—
 1. Peda Jaggamma tank.
 2. Padalavani tank.
 3. Chinna Jaggamma tank.
 4. Tammaya tank.
 5. Ramabhadraraju tank.
 6. Balisetti tank.
 7. Kotta tank.
 8. Venkambhottlu tank.
 9. Papaya tank.
 10. Padmayi tank.
 11. Durganna tank.
 12. Vadlavani tank.
2. Kotturu—
 13. Krishnamma tank.
 14. Vura tank.

KIRLAMPUDI 'A-4' ESTATE.

1. Yerravaram—
 1. Nallala Tammayya tank.
 2. Perayya tank.

KIRLAMPUDI 'A-5' ESTATE.

1. Tirumali—
 1. Pedaperumalliraju tank.
 2. China Perumallara tank.
 3. Gullavani tank.
 4. Dorayya tank.
 5. Vallayi tank.
 6. Pakeeru tank.
 7. Nerelamma tank.
 8. Kidimidi tank.
2. Vommangi—
 9. Gapaludu tank.
 10. Sunkaravani tank.
 11. China tank.
 12. Raju tank.

KIRLAMPUDI 'B' ESTATE.

1. Velanka—
 1. Ayya tank.
 2. Raju tank.

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KIRLAMPUDI 'B' ESTATE—cont.

2. Prathipadu—
 3. Govindapuram Venkatraju tank.
 4. Dharmakoneru.
 5. Vura tank.
 6. Devulapallivari tank.
 7. Siddavani tank.
 8. Pillavani tank.
 9. Puttadi tank.
3. Siripuram—
 10. Rukminamma or Vura tank.
 11. Chinnammami tank.
 12. Achiraju tank.
 13. Jaggara tank.
 14. Adabalaraju or Kotta Nakhavani tank.
4. Chillangi—
 15. Ramakrishnamma tank.

RAYAVARAM ESTATE.

1. Rayavaram—
 1. Panta tank or Timmaraju tank.

List of irrigation tanks in inam and mokhasa villages of Peddapuram taluk.

1. Illapalli—
 1. Battenna tank.
 2. Vura tank.
 3. Puttivar tank.
 4. Devalla tank.
2. Tummalapalli—
 5. Akkamma tank.
3. Ballakhandria—
 6. Amanna tank.

PEDDIPALEM MOKHASA.

1. Peddipalem—
 1. Pedda tank.
 2. Padilamvari tank.

PYDAVARI JAGANNADHAPURAM MOKHASA.

1. Pydavari Jagannadhapuram—
 1. Pantacheruvu.

GAJJANAPUDI MOKHASA.

1. Gaszanapudi—
 1. Ura tank.
 2. Venkannadhora tank alias Kotta tank.
 3. Chintala tank.
 4. Jaggappadhora alias Kotha tank.

SARABHAVARAM MOKHASA.

1. Podurupaka—
 1. Dhora tank.
2. Sarabhavaram—
 2. Patti tank.
 3. Ayyappadhora tank.
 4. Pedda tank.

VAKAPALLI MOKHASA.

1. Vakapalli—
 1. Kannayya tank.
 2. Lingaraju tank.
 3. Koneti tank.
 4. Chitra tank.
 5. Veeraju tank.

RAYAVARAM ESTATE—cont.

2. China Jaggampeta—
 2. Jaggamma tank.
 3. Kotta tank.
 4. Burravani tank.
 5. Ankamma tank.
 6. Venkatraju tank.

DONTAMURU ESTATE.

1. Proprietary Dontamuru—
 1. Gopaludu tank.
 2. Vollivari tank.
 3. Gurraju tank.
2. Veldurti—
 4. Vura tank.
 5. Batsarayudu tank.
 6. Komati tank.
 7. Venkatara tank.
 8. Kalapureddivari tank.
 9. Ramachendraraju tank.

KIRLAMPUDI 'A-3' ESTATE.

1. Chinasenkarlapudi—
 1. Kadumula tank.

VENKATANAGARAM MOKHASA.

1. Venkatanagram—
 1. Marriamanu tank.
 2. Chintamanu tank.
 3. Veerayyadhora tank.
 4. Yerra tank.

CHINTALURU MOKHASA.

1. Chintaluru—
 1. Kotha tank.
 2. Yerra tank.
 3. Pedda tank.

GIDAZAM MOKHASA.

1. Gidzam—
 1. Karivani tank.
 2. Rajayya tank.
 3. Somandora Narappa tank.

MALLAVARAM MOKHASA.

1. Mallavaram—
 1. Yerra tank.
 2. Gavirammakattu.
 3. Dassivari tank.
 4. Tatibandala tank.

UPPAMPALAM MOKHASA.

1. Uppampalem—
 1. Yerrakaragattu.
 2. Komati tank.

LATCHIREDDIPALEM MOKHASA.

1. Latchireddipalem—
 1. Kotta tank.
 2. Daminadi tank.
 3. Gurramvari kattu.

NAMAGIRI NARENDRAPATNAM MOKHASA.

1. Namagiri Narendrapatnam—
 1. Kotta tank.
 2. Regulavani tank.
 3. Meenamvari tank.
 4. Vura tank.

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B. VENKATAPURAM MOKHASA.

1. B. Venkatapuram—
 1. Kotha tank.

RAYAVARAM MOKHASA.

1. Rajavaram—
 1. Mogili tank.

GANGAVARAM MUTTA.

1. Diguvaladharapalli—
 1. Thallabanda.
2. Ramakrishnapuram—
 2. Vagu tank.
 3. Acheyya banda.
3. Gangavaram—
 4. Rayavarapuvvari tank.
 5. Pandirimamidibanda.
 6. Mogilikatta.

AREMPUDI MUTTA MOKHASA VILLAGES.

1. Kontangi—
 1. Balaram tank.
 2. Kannamma tank.
 3. Doddipatlavari tank.
 4. Pedabapandhora tank.
2. Seetayyammampeta—
 5. Vura tank.
3. Koduru—
 6. Gollamvari tank.
 7. Ayyappadhora tank.
 8. Tatitota tank.
 9. Ravimanu tank.
 10. Mamidimannu tank.

List of tanks in zamindari villages in Cocanada taluk, East Godavari district.

PITHAPURAM ESTATE.

1. Panduru—
 1. Pedda Cheruvu alias Karpa Venkayya's tank.
 2. Panta cheruvu.
2. Tammavaram—
 1. Panta cheruvu.
3. Navara—
 1. Komaraju tank.
 2. Kesarapuvvari tank.
4. Penumarti—
 1. Panta cheruvu.
5. Nemam—
 1. Nallacharyula Panta cheruvu.
 2. Posina Govinda Koneru Panta cheruvu.
 3. Akka cheruvu.
 4. Malapalli cheruvu.
 5. Poturaju banda cheruvu.
 6. Pochina Venkatachalam's cheruvu.
 7. Rattam Pemu cheruvu.
 8. Yerakanna cheruvu.
 9. Palla cheruvu.
 10. Jeegunta cheruvu.
 11. Nuthulagunta cheruvu.

AREMPUDI MUTTA MOKHASA VILLAGES—cont.

4. Parupaka—
 11. Appanna tank.
 12. Rampallivari tank.
5. V. Jagannadhapuram—
 13. Papayya tank.

PITHAPURAM ESTATE MOKHASA VILLAGES.

1. Vemulapalem—
 1. Purushottapu Ayyappa tank.
2. K. Kottapalli—
 2. Patha tank.
 3. Chinna tank.
 4. Chellayamma tank.
3. Nellipudi—
 5. Pujari Jeganna tank.
 6. Venkandhora tank.
 7. Marri tank.
 8. Chinna Achamma tank.
 9. Singam tank.
 10. Yerra tank.
 11. Pallurivari tank.
4. Merakachamavaram—
 12. Gurappa tank.
5. Taduvayi—
 13. Gollapallivari tank.
6. Kotturu—
 14. Garavani tank.
7. Tirupatampeta—
 15. Nalla tank.
8. Vajrakutam—
 16. Vura tank.
9. Kondempudi—
 17. Purushottapu tank.
 18. Ayyappa tank.
10. Ramannapalem—
 19. Chakaladani tank.

PITHAPURAM ESTATE—cont.

5. Nemam—cont.
 12. Yerranulagunta cheruvu.
 13. Jaggubhotla cheruvu.
 14. Appanna gothulu.
 15. Joduguntala cheruvu.
 16. Ramannululu tank.
6. Samalkota—
 1. Palli Jaggula cheruvu.
 2. Badava cheruvu.
 3. Kakkisaladoddi cheruvu.
 4. Rudravari cheruvu.
 5. Karapavari cheruvu alias Ida Venkanna cheruvu.
 6. Kandakam cheruvu.
7. Pavara—
 1. Raju cheruvu.
8. Bhimavaram—
 1. Upparibanda cheruvu.
 2. "S. No. 210."
9. Jaggammagaripeta—
 1. Timmaraju cheruvu.
 2. Kukkamuri Ramudu cheruvu.
 3. Chinna cheruvu alias Timmaraju cheruvu.

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PITHAPURAM ESTATE—cont.

9. Jaggammagari—cont.
 4. Kondacheruvu.
 5. Cheruvu called as Chakalibanda cheruvu.
 6. Gollaguravadu cheruvu.
 7. Vinjamuri vari cheruvu.
 8. Bandi cheruvu.
 9. Kondapalli Venkanna cheruvu.

PITHAPURAM DIVISION.

Kirlampudi Estate.

1. Dharmavaram—
 1. Perraju tank.
 2. Ramabhadraraju tank.
 3. Ventivani tank.
 4. Pachigollavari tank.
 5. Regula tank.
 6. Dasarivani tank.
 7. Konduri Tammayya tank.
 8. Kalavala tank.
 9. Badarla Papayya tank.
2. Bachapalli—
 10. Gollinkalavani tank.
 11. Rangaraju tank.
 12. Ankamma tank.
 13. Venkatraju tank.
 14. Kotha tank.
 15. Voora tank.
 16. Lingaraju tank.
 17. Do.
 18. Komati tank.
 19. Peerraju tank.
3. Kothuru (Bogamdani)—
 20. Voora tank.

Kolanka Estate.

1. Gokivada—
 1. Akkineedi tank.
 2. Gollavani tank.
2. Jagapathirajapuram—
 3. Tammala tank.
3. Raparti—
 4. Pedda tank.
 5. Voora tank.
4. Veeraraghavapuram—
 6. Koyyavani Kurimidi tank.
5. Chendurti—
 7. Kotta tank.
 8. Ava tank.
 9. Acheyya tank.
 10. Seetayya tank.
 11. Reddamvari tank.
 12. Tabetivani banda tank.
 13. Parra tank.
 14. Jatlavani tank.
 15. Singam tank.
 16. Ammanna tank.
 17. Perayya tank.
6. Vannesudi—
 18. Voora tank.
 19. Babaji tank.
 20. Tammala tank.
 21. Appayi tank.

PITHAPURAM DIVISION—cont.

Kolanka Estate—cont.

7. Kodavali—
 22. Raju tank.
 23. Chillayi tank.
 24. Vuttarlapudi tank.
 25. Addalavani tank.

Gollaprolu Estate.

1. Isukapalli—
 1. Badava tank.

Pithapuram Estate.

1. Isukapalli—
 1. Panta tank.
 2. Badava tank.
2. Somavaram—
 3. Somavaram tank.
3. Fakiruddinipalem—
 4. Papididoddi tank.
4. Kumarapuram—
 5. Tammayya tank.
5. Pithapuram—
 6. Jaggayya tank.
 7. Venkayamma tank.
 8. Idula tank.
 9. Pinji tank.
6. Navakandravada—
 10. Nagulamma tank.
7. Kondevaram—
 11. Peddintamma tank.
 12. Bogandani tank.
8. Komaragiri—
 13. Vorra tank.
 14. Madammagari tank alias Kotha tank.
 15. Raju tank.
9. Gorsea—
 16. Bhadri tank.
10. Kothapalli—
 17. Panta tank.
 18. Do.
 19. Do.
 20. Suryuda tank.
11. Kothukudumilli—
 21. Kalavaladoddi tank.
 22. Kothapallipanta tank.
 23. Malladoddi tank.
12. Vakattippa—
 24. Surappa tank.
 25. Siddanna tank.
13. Yendapalli—
 26. Narasimharayanimgari tank.
 27. Peddintamma tank.
 28. Do.
 29. Patha tank.
 30. Do.
 31. Do.
 32. Acheyya tank.
 33. Donevari tank.
 34. Do.
 35. Kotha tank.
 36. Do.
 37. Do.
 38. Do.
 39. Do.
 40. Do.

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PITHAPURAM DIVISION—cont.

Pithapuram Estate—cont.

14. Madhavapuram—
 41. Kasu tank alias Bhami tank.
 42. Bhami tank.
15. Chitrada—
 43. Jaggappagari tank.
 44. Papayyagari tank.
16. Lakshmipuram—
 45. Gajaraovari tank.
17. Chebrolu—
 46. Kotlankavari tank.
 47. Yerrabanda tank.
 48. Nagulla tank.
 49. Ravula tank.
 50. Kristnamraju tank.
 51. Gundam tank.
18. Durgada—
 52. Gajaraovari tank.
 53. Tunga tank.
 54. Singaraju tank.
 55. Venkataraju tank.
 56. Jagannaikulu tank.
 57. Kristnam tank.
 58. Kotha tank.
 59. Venkayya tank.
19. Mallavaram—
 60. Ramarao Bahadur tank.
 61. Chutta tank.
 62. Kondayya tank.

PITHAPURAM DIVISION—cont.

Pithapuram Estate—cont.

19. Mallavaram—cont.
 63. Vura tank.
 64. Mallavaram tank No. 1.
 65. Do. No. 2.
 66. Ramaswami tank.
20. Tatiparti—
 67. Kothandaramudu tank.
 68. Kotha tank.
 69. Sampara Perayya tank.
 70. Kondappa tank.
 71. Kannabattulu tank.
 72. Dudekulavari tank.
21. Viravada—
 73. Papididoddi tank.
22. Kandrada—
 74. Kandrada tank.
23. Jamulapalli—
 75. Panta tank.
24. Illindrada—
 76. Illindrada Kurumidi.
25. Ponnada—
 77. Vuppu tank.
 78. Mallavani tank.
 79. Nagunnayya tank.
 80. Peerla tank.
 81. Kunchavani tank.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Monday, the 7th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, <i>Kt.</i> , The hon. Khan Bahadur Sir Muhammad.	Mallayya, Dr. B. S.
Moir, <i>K.C.I.E.</i> , <i>C.S.I.</i> , <i>I.C.S.</i> , The hon. Sir Thomas.	Marudavanam Pillai, Mr. C.
Krishnan Nayar, The hon. Diwan Bahadur M.	Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Campbell, <i>C.S.I.</i> , <i>C.I.E.</i> , <i>O.B.E.</i> , <i>V.D.</i> , <i>I.C.S.</i> , The hon. Mr. A. Y. G.	Moidoo Sahib Bahadur, Khan Sahib T. M.
Subbarayan, The hon. Dr. P.	Muniswami Pillai, Mr. V. I.
Muthiah Mudaliyar, The hon. Mr. S.	The Muppil Nayar of Kavalappara alias Kumaran Raman.
Setaratnam Ayyar, The hon. Mr. M. R.	Muthulakshmi Reddi, Dr. (Mrs) S.
Achutan, Mr. A.	Muthuranga Mudaliyar, Mr. C. N.
Abdul Hameed Khan Sahib Bahadur.	Nagan Gowda, Mr. R.
Abdul Razaek Sahib Bahadur, Khan Bahadur S. K.	Nanjappa Bahadur, Subadar-Major S. A.
Adinarayana Chettiyar, Mr. T.	Narayana Raju, Mr. D.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.	Narayanan Chettiyar, Mr. Al. Ar.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Narayana Nambudripad, Rao Bahadur O. M.
Arpudaswami Udayar, Mr. S.	Natesa Mudaliyar, Rao Bahadur C.
Basheer Ahmad Sayeed Sahib Bahadur.	Parasurama Rao Pantulu, Mr. A.
Bheemayya, Mr. J.	Parthasarathi Ayyangar, Mr. C. R.
Chidambaranatha Mudaliyar, Mr. T. K.	Patro, <i>Kt.</i> , Rao Bahadur Sir A. P.
Cotterell, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. C. B.	Premayya, Mr. G. R.
Davis, <i>O.B.E.</i> , Mr. J. A.	Rajan, Mr. P. T.
Dorai Raja, Mr. S. N.	Ramachandra Padayachi, Mr. K.
Ellappa Chettiyar, Rao Bahadur S.	Ramamurti, <i>I.C.S.</i> , Mr. S. V.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Raman Menon, Mr. K. P.
Foulkes, Mr. R.	Ramanath Goenka, Mr.
Gangadhara Siva, Mr. M. V.	Ramjee Rao, Mr. V.
Gopala Menon, Mr. C.	Ramaswami Ayyar, Mr. U.
Govindaraja Mudaliyar, Mr. C. S.	Ranganatha Mudaliyar, Mr. A.
Govinda Nayar, Mr. C.	Robertson, Mr. R. J. C.
Gray, <i>O.B.E.</i> , <i>I.C.S.</i> , Mr. J.	Rutherford, <i>C.I.E.</i> , <i>I.C.S.</i> , Mr. T. G.
Guruswami, Rao Sahib L. C.	Saldanha, Mr. J. A.
Harisarvottama Rao, Mr. G.	Sami Venkatachalam Chetti, Mr.
Hearson, Mr. H. F. P.	Sarabha Reddi, Mr. K.
Hilton Brown, <i>I.C.S.</i> , Mr.	Satyamurti, Mr. S.
James, Mr. F. E.	Sankaran Unni, Mr. E.
John, Mr. V. Ch.	Siva Raj, Mr. N.
Kaleswara Rao, Mr. A.	Soundarapandian, Mr. W. P. A.
Kameswara Rao Nayudu, Mr. V.	Srinivasa Ayyangar, Mr. R.
Karant, Mr. K. B.	Srinivasan, Rao Sahib R.
Kesava Pillai, <i>C.I.E.</i> , Diwan Bahadur P.	Subrahmanya Moopanar, Mr. S.
Koti Reddi, Mr. K.	Swami, Mr. K. V. R.
Krishnan, Mr. K.	Tulasiram, Mr. L. K.
Krishnaswami Ayyar, Mr. Alladi.	Uppi Sahib Bahadur, K.
Krishnaswami Nayakar, Mr. K. V.	Vanavudaiya Goundar, Mr. S. V.
Leach, <i>I.C.S.</i> , Mr. A. G.	Venkatapathi Raju, Mr. P. C.
Madhavan Nayar, Mr. K.	Venkataramam Nayudu, Mr. C.
Mahmud Schamnad Sahib Bahadur.	Venkataramam, Mr. B.
	Venkiah, Mr. S.
	Watson, <i>I.C.S.</i> , Mr. H. A.
	Wood, Mr. C. E.
	Zamindar of Seithur.

[7th October 1929]

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Number of Agricultural Demonstrators in the Ceded districts and in the Presidency.

* 765 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of Agricultural Demonstrators in the province and in the Ceded districts; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively?

A.—(a) & (b) The information is furnished in the appended statement.*

Mr. K. V. R. SWAMI:—"May I know from the hon. Minister whether these appointments are made districtwar?"

The hon. the PRESIDENT:—"I am not able to understand the hon. Member's question."

Mr. K. V. R. SWAMI:—"I am asking, with reference to the Appendix, whether the appointments are being made at so many from each district. How many appointments are being made for each district?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"It depends on the needs of the several districts."

Alleged letter from Mr. N. Subba Rao regarding coconut pest in Tönse.

* 766 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state whether the Director of Agriculture has received any letter from Mr. N. Subba Rao, M.A., B.L. (hon. visitor to the Agricultural College) of Udupi representing the grievances of the people of Tönse in regard to the coconut pest eradicating operations?

A.—The Director of Agriculture has received a letter on the 21st August 1929.

Opening of a cattle-breeding station in South Kanara.

* 767 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) whether the Taluk Board of Puttur in South Kanara have addressed Government on the necessity of opening a cattle-breeding station in South Kanara; and

(b) whether the Government have considered their proposal and come to any decision in the matter?

A.—(a) Yes.

(b) The matter is under consideration.

[7th October 1929]

Objects and results of the sheep farm in Bellary district.

* 768 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) what the objects were for which the sheep farm was established in Bellary district and whether it is reported to have achieved its objects;

(b) why separate accounts are not kept for the sheep farm;

(c) what the total cost of the establishment at Hosur is;

(d) what portion of it may be accounted for for the sheep farm; and

(e) what the monthly cost of establishment and maintenance of the sheep farm is?

A.—(a) The hon. Member presumably refers to the sheep farm that existed at Hagari. This farm was established with the following objects:—

(1) to evolve a breed of white sheep;

(2) to improve the quality and yield of the wool;

(3) to increase the body weight of the animal;

(4) to test the local belief that the black sheep are more hardy than the white.

Up to the time of the transfer of the flock to Hosur, it had not been possible to raise a pure white flock, but improvement in both quality and quantity of wool had been secured to some extent. The average clip had been raised from 1 lb. 7 oz. to 1 lb. 11 oz. As regards quality, no mill tests were made, but improvement was judged by the fact that the farm wool was in great demand by the local cumbly weavers and that the farm wool fetched Rs. 17-4-0 per maund when the local clip was being sold at Rs. 6 per maund.

(b) There is no sheep farm in Bellary. If the clause refers to the Hosur farm, separate accounts are not kept for the sheep farm as it is a part of the whole farm and the supervision vests in the same officer.

(c) The monthly cost of establishment including the Superintendent for July 1929 was Rs. 1,713-2-0.

(d) Rupees 30.

(e) This may be put at Rs. 75 approximately.

Mr. D. NARAYANA RAJU:—"May I know, Sir, for how many years the sheep farm at Hagari was in existence and when it was transferred to Hosur?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"It was transferred in 1924-25."

Mr. D. NARAYANA RAJU:—"For many years was it at Hagari?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"For two or three years."

Mr. D. NARAYANA RAJU:—"May I know whether the white sheep proved to be as hardy as the black sheep?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Tests are being made."

Mr. G. HARISARVOTTAMA RAO:—"May I know, Sir, what arrangements now exist for the improvement of the breed of sheep and the quality of sheep in the Ceded districts?"

[7th October 1929]

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether there is any measure in contemplation ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No, Sir."

Mr. K. V. R. SWAMI :—" The answer is that no separate accounts are kept for the sheep farm. If so, how were the figures given in answer to clauses (c) and (d) arrived at ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No accounts were kept for Bellary, but the figures in (c) and (d) refer to Hosur."

Mr. K. V. R. SWAMI :—" How were the figures arrived at for Hosur ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" We take into consideration the pay of the establishment and also the feeding charges of the sheep."

Mr. K. V. R. SWAMI :—" May I know the total receipts from the Hosur farm ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

Mr. D. NARAYANA RAJU :—" May I know for how many sheep the cost mentioned in clauses (d) and (e) is being incurred ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice."

Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. the Minister whether it is not a fact that the woollen industry is flourishing in the Bellary and parts of Kurnool and Anantapur districts ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It may be, Sir."

Mr. G. HARISARVOTTAMA RAO :—" In view of that, may I know whether the hon. Minister will make arrangements for breeding better sheep in those areas ? "

The hon. the PRESIDENT :—" That is a fit subject for a resolution."

Production of arecanut in the Presidency.

* 769 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) the total area in the province where arecanut is produced ; and
- (b) the approximate total yield of arecanut in the province ?

A.—(a) Ninety-seven thousand and twenty acres during 1927-28.

(b) Twenty-four thousand eight hundred and forty-five tons approximately.

Mr. K. V. R. SWAMI :—" May I know whether the arecanuts are exported to any other country or consumed in the country itself ? "

The hon. the PRESIDENT :—" I do not think it is the concern of the hon. Minister to say whether it is exported or consumed locally."

7th October 1929]

Training of maistris and coolies in Anakapalle Experimental Station.

* 770 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) whether the Government have given effect to their proposal to train up maistris and coolies in the Anakapalle Experimental Station ;
 - (b) if so, how many are undergoing training at present ;
 - (c) whether any educational qualification is required of the above men ;
- and
- (d) if so, what that qualification is ?

A.—(a) Yes. The offer was widely made and was published both as a Government communiqué and as a leaflet in English and vernaculars. But the response has so far been very small.

(b) Five men are undergoing training at present.

(c) & (d) No educational qualifications have been prescribed. Preference will be given to persons who are sent to the department by their employers to get special training.

Mr. K. V. R. SWAMI :—" Seeing that applications are so few, does the hon. Minister consider that it is because they cannot get some appointment after training ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" The zamindars or the masters who send them for training take them into service."

Mr. K. V. R. SWAMI :—" Am I to understand from the hon. Minister that these maistris and coolies receive nothing for the work they do during training ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" They receive wages."

Mr. D. NARAYANA RAJU :—" May I know if any men were already trained and sent out from this farm ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" All are still under training."

Introduction of better breeds of fowls in Telugu districts.

* 771 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

- (a) what steps, if any, have been taken to introduce better breeds of fowls in any of the Telugu districts ;
- (b) whether any of the agricultural farms in Telugu districts are rearing better breeds of fowls ; and
- (c) if not, why not ?

A.—(a) None. But poultry are bred at Hosur and Coimbatore farms and eggs, chicks and cockerels are available for sale to the public in the Presidency.

(b) No.

(c) Poultry require care and attention in their early life and as the Agricultural department had other work of a far more important character to do, the question of breeding poultry at these farms was not taken up till now. Proposals have, however, been called for for the posting of a trained assistant to one of the farms of Telugu districts with a view to introduce poultry breeding.

[7th October 1929]

Mr. J. A. SALDANHA :—" May I enquire whether Government are examining the possibilities of developing this industry of breeding fowls to such an extent that fowls can be exported to England, as another province is already doing ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Not at present, Sir."

Industries

Arts and crafts taught in the Industrial school newly opened at Bellary.

* 772 Q.—Mr. P. SIVA RAO : Will the hon. the Minister for Development be pleased to state—

(a) the arts and crafts taught in the Industrial school newly opened at Bellary ; and

(b) whether the Government propose to introduce cloth and blanket weaving and mechanical training in the new school and if so, when ?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to question No. 54 on 7th August 1929.

Veterinary

Number of Veterinary Sub-Assistant Surgeons in the Ceded districts and in the Presidency.

* 773 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(a) the number of Veterinary Sub-Assistant Surgeons in the Province and in the Ceded districts ; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively ?

A.—(a) The number of Veterinary Assistant Surgeons excluding the four Veterinary Assistant Surgeons officiating as District Veterinary Officers is 235, and that in the Ceded districts is 29.

(b) The information is furnished in the appended statement.*

Mr. G. HARISARVOTTAMA RAO :—" In view of the fact that there is a paucity of men for employment as Veterinary Surgeons in the Ceded districts, may I know whether the hon. Minister will see that encouragement is held out to the people of those districts to come up for employment ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" I think instructions have already been issued to officers to take into consideration the needs of each district."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether there is a sufficient number being trained for these posts from the Ceded districts ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

* Printed as Appendix II on page 832 infra.

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Medical

Number of Sub-Assistant Surgeons in the Ceded districts and in the Presidency.

* 774 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Public Health be pleased to state—

(a) the number of Sub-Assistant Surgeons in the Province and in the Ceded districts ; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively ?

A.—(a) Six hundred and twenty-seven and sixty-six respectively.

(b) Information regarding 555 officers is furnished in the appended statement.* Information regarding the remaining 72 officers has been called for.

Rao Bahadur C. NATESA MUDALIYAR :—" May I ask the hon. Minister why the number was so few from the Ceded districts ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Probably the applicants were very few."

Rao Bahadur C. NATESA MUDALIYAR :—" The number from Madras is said to be 18. Am I to understand that all these are permanent residents of Madras ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" That is the basis on which the figures have been worked out."

Mr. K. V. R. SWAMI :—" May I know if the Government will see that more men from the Ceded districts are appointed, seeing the number from those districts is so low ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If the hon. Member will make concrete suggestions, certainly the Government will consider them."

Mr. G. HARISARVOTTAMA RAO :—" May I know if there are facilities in the Ceded districts for medical education, so that the people of the districts may fit themselves for this profession ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" There are four medical schools in the province."

Mr. G. HARISARVOTTAMA RAO :—" I am asking whether there are facilities in the Ceded districts."

The hon. the PRESIDENT :—" The hon. Member must be aware of it."

Public Health

Appointment of a woman medical officer for the out-patients department in the General Hospital.

* 775 Q.—Dr. (Mrs.) S. MUTHULAKSHMI REDDI : Will the hon. the Minister for Public Health be pleased to state—

(a) whether there is any woman medical officer for the out-patient department of the General Hospital to look after the needs of all the women out-patients ; and

* Printed as Appendix III on page 833 infra.

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(b) if the answer to (a) be in the negative, whether he will consider the desirability of employing one for the benefit of the women out-patients in that hospital as well as in other General Hospitals that admit women patients?

A.—(a) No.

(b) The question will be considered.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—"The answer to clause (b) is 'the question will be considered'. May I know from the hon. Minister whether that question will be considered, namely, the desirability of employing a woman medical officer for the benefit of the women out-patients in the hospitals?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The question will be considered in all its aspects, and instructions issued."

Rao Bahadur C. NATESA MUDALIYAR :—"Will the hon. Minister consider the question immediately, as it is so very necessary that there should be at least one lady medical officer?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"As I have already said, the matter is being considered."

Rao Bahadur C. NATESA MUDALIYAR :—"May I know whether there is at least an ayah now to attend to women patients?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I think there are good number of nurses."

Mr. K. V. R. SWAMI :—"May I know for how long the question is being considered by Government?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"A month and a half."

Mr. D. NARAYANA RAJU :—"May I know whether the hon. Minister will take into account this fact also, that women patients themselves prefer an efficient physician, though a male doctor, to a female doctor who is less efficient?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I am not quite aware of what the hon. Member suggests. If so, it will also be considered."

Local manufacture of cots required for hospitals.

* 776 Q.—Mr. A. B. SHETTY: With reference to my question No. 126 answered on 8th August 1929, will the hon. the Minister for Public Health be pleased to state whether the Government have arrived at any decision regarding the question of getting the cots required for hospitals made locally?

A.—Not yet.

Mr. S. SATYAMURTI :—"May I know why the Government have not yet arrived at a decision on this matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Because, they have to find out which manufacturers can supply the best cots which will be suitable to the institutions."

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Mr. S. SATYAMURTI :—"May I know whether the Government have taken any steps to encourage persons manufacturing cots, in this country having regard to the requirements of the hospitals?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"As regards that, I may tell the hon. Member that wherever there are fairly good cots available, they have been purchased."

Mr. S. SATYAMURTI :—"May I know when the Government hope to arrive at a decision on this matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"When we have received sufficient information on the matter from manufacturers in all provinces."

Registration

Number of Sub-Registrars of all grades in the Ceded districts and in the Presidency.

* 777 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Public Health be pleased to state—

(a) the number of Sub-Registrars of all grades in the province and in the Ceded districts; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively?

A.—(a) & (b) The information is furnished in the appended statement. *

Mr. K. KOTI REDDI :—"May I again request Government to appoint more men from the Ceded districts, seeing that the number is only 14 out of 46?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I will again respectfully repeat the answer I already gave."

Education

Number of Deputy and Junior Inspectors of Schools in the Ceded districts and in the Presidency.

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

(a) the number of Deputy and Junior Inspectors of Schools in the Presidency and in the Ceded districts; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively?

A.—(a) The total number of Senior Deputy Inspectors is 263 (including two on temporary footing) and the number of Junior Deputy Inspectors is 108. Of these 35 and 14 respectively are employed in the Ceded districts.

(b) A statement ^b is laid on the table.

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Facilities for the military training of students in affiliated colleges.

* 779 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether there is any proposal to provide facilities for the military training of students in affiliated colleges;

(b) whether the Local Government have received any orders sanctioning an addition to the present strength of the Madras University Corps; and

(c) if not, whether the need of increasing the present strength of the corps is proposed to be pressed again on the attention of the Government of India?

A.—(a) Facilities already exist in Madras and Trichinopoly for the military training of students in affiliated colleges.

(b) & (c) The answer is in the negative.

Mr. S. SATYAMURTI:—"May I know if the Government are aware that the facilities provided, as given in answer to clause (a), are found inadequate by the colleges in Madras and Trichinopoly, the number of applicants being more than the number of places available?"

The hon. Dr. P. SUBBARAYAN:—"As far as I am aware, the Commandant in charge of the University Training Corps is taking all the people coming forward whom he finds fit for training."

Mr. S. SATYAMURTI:—"May I know whether the Government are aware that the authorities of the Training Corps reject, year after year, a large number of eligible candidates for want of accommodation?"

The hon. Dr. P. SUBBARAYAN:—"The word 'eligible' is a relative term."

Mr. S. SATYAMURTI:—"May I know whether Government are aware that there are more eligible applicants than there are places in the Training Corps?"

The hon. Dr. P. SUBBARAYAN:—"I cannot vouch for the eligibility. I believe there are more applicants than there are places available."

Mr. S. SATYAMURTI:—"With reference to the answer to clauses (b) and (c), may I know whether the Government of India have been addressed by the Local Government, asking for an increase of number in the Madras University Training Corps?"

The hon. Dr. P. SUBBARAYAN:—"It has been answered clearly that the Madras Government do not think it necessary to address the Government of India."

Mr. K. V. R. SWAMI:—"May I know what the reasons are?"

The hon. Dr. P. SUBBARAYAN:—"Because, in their opinion, adequate facilities do exist at present."

Mr. K. V. R. SWAMI:—"What is the number at which the corps stand at present?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give the exact number."

Mr. K. V. R. SWAMI:—"May I know whether equal facilities will be given to mufassal colleges?"

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The hon. Dr. P. SUBBARAYAN:—"As is said in the answer, there are contingents now both at Madras and Trichinopoly where there are good concentrations of students. It will be very difficult to carry on military training in places where there are one or two institutions and the number of pupils available is not sufficiently large."

Mr. K. V. R. SWAMI:—"What is the number required for the Ceded districts?" 11-16 a.m.

The hon. Dr. P. SUBBARAYAN:—"I have no authority for answering that question."

Mr. G. HARISARVOTTAMA RAO:—"May I know if there are any facilities for the military training of students within the Telugu area?"

The hon. Dr. P. SUBBARAYAN:—"Not that I am aware of."

Mr. G. HARISARVOTTAMA RAO:—"May I know if there is any proposal before the Government in that direction?"

The hon. Dr. P. SUBBARAYAN:—"As I have answered in reply to a previous question, if there is a place where there is going to be a large concourse of students, I am sure the Government will take that into consideration with regard to the starting of a university training corps in that locality."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. the Minister is prepared to investigate into the matter of the availability or non-availability of students in Telugu areas in one centre for this purpose?"

The hon. Dr. P. SUBBARAYAN:—"As far as I know, no such conditions as I laid down in answer to a previous question exist in the Telugu country."

Mr. S. SATYAMURTI:—"May I know whether the Government have any intention of providing these facilities in centres outside Madras and Trichinopoly?"

The hon. Dr. P. SUBBARAYAN:—"When opportunities occur, and when the conditions I laid down in my previous answer are fulfilled."

Work done by the Principals of Government Colleges.

* 780 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Principals of Government Colleges are required to be at the colleges both in the mornings and afternoons and if so, during what hours;

(b) whether they are required to give any specified number of lectures and if so, how many; and

(c) what is the usual time at which the Principal of the Government College at Coimbatore comes to the college and leaves it and what is the number of lectures he gives in a week?

A.—(a) Principals of Government Colleges are expected to be in the colleges during college hours as far as possible although there is no specific rule to that effect.

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- (b) There is no definite rule requiring a particular officer to give a specified number of lectures.
- (c) The usual hours at which the Principal goes to the college and leaves it are 10-30 a.m. and 4-30 p.m. respectively. The number of lectures given by him in a week is four.

Mr. MAHMUD SCHAMNAD:—"May I know whether it is left to the Principal not to give any lectures at all?"

The hon. Dr. P. SUBBARAYAN:—"As is said in the answer, it is for the Principal to determine the kind of work to be done by him, and if it comes to the notice of the Government that the Principal of a college is not doing satisfactory work they will take action."

Mr. MAHMUD SCHAMNAD:—"May I know whether the Government are aware that the Principal of the Coimbatore College is very irregular in his attendance?"

The hon. Dr. P. SUBBARAYAN:—"I am not sure about it. I shall cause enquiries to be made if the hon. Member will vouch for the accuracy of his statement."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if the college hours are between 10-30 and 4-30?"

The hon. Dr. P. SUBBARAYAN:—"The college hours are, as far as I am aware, between 11 and 5."

Mr. S. SATYAMURTI:—"May I know what are the materials on which the Government arrive at a decision as to the satisfactory or unsatisfactory nature of work?"

The hon. Dr. P. SUBBARAYAN:—"The Director of Public Instruction knows the nature of the work a Principal is expected to do and the Government are prepared to take the Director's report with regard to the work of a Principal as correct."

Mr. R. NAGAN GOWDA:—"May I know whether these administrative officers are not required to give instruction?"

The hon. Dr. P. SUBBARAYAN:—"As I have said, Principals are not only administrative officers but also do a certain amount of lecturing, but the amount of work done by such Principals is not as great as the amount of lecturing done by the ordinary lecturers."

Mr. S. SATYAMURTI:—"May I know if the Government have provided any facilities for the Director of Public Instruction to attend to the nature and quantity of the work done by these Principals?"

The hon. Dr. P. SUBBARAYAN:—"The Director, I am told, often visits these institutions to get into touch with these people and comes to know whether the Principals are fulfilling their duties or not."

Mr. S. SATYAMURTI:—"May I know whether the Director does not give previous notice of his visits and the Principals are not in their best behaviour then?"

The hon. Dr. P. SUBBARAYAN:—"The hon. Member perhaps knows better than I. Very often the Director of Public Instruction does."

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Local Boards

Amounts of grants allowed to lapse by the local boards in Ganjam.

* 781 Q.—Sriman BISWANATH DAS Mahasayo: Will the hon. the Minister for Education and Local Self-Government be pleased to state the amounts of money allowed to lapse by each of the four taluk boards and the District Board of Ganjam for each of the three years 1926, 1927 and 1928 in respect of provincial grants given for bridge construction by district board, the construction of village roads and drinking water?

A.—It is presumed that information is required for the official years 1926-27, 1927-28 and 1928-29. Separate figures for taluk boards are not available. The following table shows the amounts under the different heads which the Ganjam District Board allowed to lapse—

Year.	Amount allowed to lapse.		
	Bridges.	Village roads.	Drinking water.
	RS.	RS.	RS.
1926-27	83,970	8,979	6,712
1927-28	29,145	24,164	19,972
1928-29	1,12,095	13,735	18,618

Mr. J. A. SALDANHA:—"May I know what were the amounts that were spent by these local bodies in the years in question?"

The hon. Dr. P. SUBBARAYAN:—"As this is a matter of figures, I must ask for notice."

Mr. S. SATYAMURTI:—"May I know what steps the Government propose to take to prevent these very large lapses which disturb the financial equilibrium of the province?"

The hon. Dr. P. SUBBARAYAN:—"Last year we took into consideration why these lapses occurred so frequently, and I believe this year there will be no lapses at all; because the amount of grant available for local bodies became known early enough there will be few lapses."

Mr. K. V. R. SWAMI:—"May I know whether any explanation for these lapses was called for?"

The hon. Dr. P. SUBBARAYAN:—"There have been lapses in all district boards, and one explanation given by the presidents of district boards is that the funds at the disposal of the Government were not placed at the disposal of the local bodies concerned in time for them to be able to spend them within the time available to them."

Mr. A. RANGANATHA MUDALIYAR:—"In that case, may I know whether the lapsed amounts were made available to them in the succeeding year in every case?"

The hon. Dr. P. SUBBARAYAN:—"That is so."

Mr. K. V. R. SWAMI:—"May I know whether the Government are responsible for not placing the funds in time at the disposal of these local bodies?"

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The hon. Dr. P. SUBBARAYAN :—"It is not a question of Government being responsible. The fact was that after the budgets were passed we were not in possession of such figures as were necessary to deal with this matter in as expeditious a manner as we would like to have done. But as I answered to a previous question, this year we have introduced a system by which these funds will be placed at the disposal of the local bodies concerned in time."

Municipalities

Application for sanction to the prosecution of the Coonoor Municipal Chairman.

* 782 Q.—Mr. C. V. VENKATARAMANA AYYANGAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether he has received any application requesting him to sanction the prosecution of the Municipal Chairman of Coonoor for not properly collecting municipal taxes; and

(b) whether he has taken any action regarding the matter and if so, what it is?

A.—(a) & (b) An application was received from M.R.Ry. T. D. Karuppanna Pillai, Municipal Councillor, Coonoor, for sanction to prosecute the Chairman, Municipal Council, Coonoor, for deliberately assessing, as alleged, the buildings owned by Khan Sahib Ismail Siddick Sait Sahib, another Municipal Councillor, to a lower rate of tax than was prescribed therefor. The sanction has been refused, but Government have called for a report in the matter.

Mr. K. R. KARANT :—"May I ask why sanction was refused even before Government had a report on the matter?"

The hon. Dr. P. SUBBARAYAN :—"On the prima facie facts that were available to the Government, they did not think that any useful purpose would be served by granting such sanction."

Mr. K. V. R. SWAMI :—"May I know whether the council, if it chooses, has not power enough to raise these taxes—if the properties are not properly taxed?"

The hon. Dr. P. SUBBARAYAN :—"There is an appeal committee and that committee can do it."

Mr. A. KALESWARA RAO :—"May I know whether the Councillor who has applied for the sanction belongs to the opposite faction of the Chairman?"

The hon. Dr. P. SUBBARAYAN :—"The hon. Member being himself a chairman of a municipality knows very well that there are factions. I am not so well acquainted with the Municipality of Coonoor as to know exactly what the faction existing at Coonoor is."

Mr. S. SATYAMURTI :—"May I know whether the Government have satisfied themselves that the allegation contained in the question was true or not; if so what steps they took?"

The hon. Dr. P. SUBBARAYAN :—"As the reports were available at that time, the Government thought that there was no prima facie case to go before the court. It naturally means that the Government did not consider any sanction necessary; but we have asked for a report from the Collector of the Nilgiris who is investigating into the matter and when that report comes we shall say what action can be taken."

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Forest Panchayats

Revision of rules governing the management of forests by panchayats.

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

(a) whether the terms on which panchayats are allowed to manage their forests generally have been revised; and

(b) if so, what they are and in what respects they differ from the previous terms?

A.—(a) & (b) The question is under consideration.

Mr. J. A. SALDANHA :—"May I know what is the statutory basis for these rules?"

Appropriation of the compounding fees by the panchayats.

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

(a) whether only those panchayats empowered to compound offences are allowed to take credit for the composition fees; and

(b) if so, why the other panchayats are denied the same privilege?

A.—(a) Only two panchayats out of thirty-one empowered to compound offences have so far been allowed to appropriate the compounding fees.

(b) The question of extending the privilege to other panchayats is under consideration.

Mr. A. RANGANATHA MUDALIYAR :—"May I know the reasons why compounding fees levied for offences against panchayat forests are credited to Government instead of to the panchayats concerned?"

The hon. Mr. A. Y. G. CAMPBELL :—"That is the usual procedure in respect of all fees payable to Government under any law."

Mr. A. RANGANATHA MUDALIYAR :—"It was the usual procedure when the forests were under Government management, but when they were handed over to the panchayats and the panchayats in two cases have been allowed to take the revenues derived from compounding fees, why is it they have not permitted the same in regard to the other panchayats?"

The hon. Mr. A. Y. G. CAMPBELL :—"The panchayats do not own the forests; the forests are leased to them on certain conditions. It is true that two panchayats have been allowed as an experiment to appropriate the compounding fees. The question of extending it to further panchayats is under the consideration of the Government. If the Government decide in favour of the proposal, it will have to come up before the Council in the form of an application for a budget grant."

Irrigation

Completion of the Kistna East Bank Canal Extension Scheme.

* 785 Q.—Mr. A. KALESWARA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the investigation of the Kistna East Bank Canal Extension Scheme has been completed;

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- (b) how many acres and in which villages are likely to be irrigated ;
 (c) whether any nazarana is proposed to be collected from the ryots of the lands to be brought under irrigation, and if so, how much per acre ;
 (d) what will be the net cost to the Government after deducting the nazarana amount ; and
 (e) whether the execution of the scheme will be provided for in the next Civil Budget ?

A.—(a) No. The attention of the hon. Member is invited to question No. 1375 answered on 1st February 1929. The special division was formed on 19th June 1929.

- (b) This depends on the result of the investigation.
 (c) By the expression 'nazarana' is apparently meant an inclusion fee. The question has not been decided.
 (d) This cannot be known until the investigation is complete and the details of the scheme settled.
 (e) The question will be considered if plans and estimates for the scheme are received in time.

Mr. A. KALESWARA RAO :—" May I know whether the scheme such as has been settled will be put into execution ? "

The hon. Mr. A. Y. G. CAMPBELL :—" We have not arrived at any definite conclusions. We have called for reports, and as soon as the reports are received, they will be considered."

Mr. A. KALESWARA RAO :—" May I know whether it is only the question of extension of irrigation in the district or is this particular scheme under the special investigation of the subdivision ? "

The hon. Mr. A. Y. G. CAMPBELL :—" Under the scheme under investigation, if I remember rightly, about 35,000 acres of short crops and 41,000 acres of long crops will be irrigated."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know whether the Government propose to collect inclusion fees in the case of all land newly included in this ayacut ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The question has not been considered."

Alleged petitions from ryots for the re-investigation of the Coringa Island project.

* 786 Q.—Mr. C. RAMASOMAJULU : Will the hon. the Member for Revenue be pleased to state with reference to Coringa Island project—

(a) whether collective petitions were received by the Government in the month of August 1929 from the inhabitants of the several villages of the Cocanada taluk interested in the Coringa Island project requesting that the project may not be dropped and that it may be taken up and worked immediately ; and

(b) whether any orders were passed thereon and if so, what they are ?

A.—(a) Yes.

(b) No action was taken on them as the Government had decided to postpone the consideration of the project.

Mr. A. KALESWARA RAO :—" May I know what is the reason for postponing the consideration of the project ? "

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The hon. Mr. A. Y. G. CAMPBELL :—" The main ayacuts of the Godavari delta systems are being stabilized and in some cases extended. It was considered that if this project was taken up now, it might affect the development of the Polavaram Island project, which is a similar scheme, and it was thought desirable to wait and see how the development of the Polavaram Island project progresses before taking up the Coringa Island scheme."

Mr. K. V. R. SWAMI :—" Is it a fact that it was promised that this work will be taken up as soon as the Polavaram project is completed and not till after the result of the development of that project is seen ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I cannot give any definite undertaking."

Mr. B. VENKATARATNAM (in Telugu) :—" Did the Government give up this project because it did not pay them ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The Government have not yet decided not to carry out the project ; they have only postponed consideration."

Mr. K. KOTI REDDI :—" Does the other project affect the development of this project ? "

The hon. Mr. A. Y. G. CAMPBELL :—" They are in the same neighbourhood, and both will involve the bringing of an additional area under wet cultivation. The cost of labour and the increased population necessary have to be considered. We must not try to do too much at once."

Mr. K. KOTI REDDI :—" Are the Government in any doubt that sufficient labour will not be available ? "

The hon. Mr. A. Y. G. CAMPBELL :—" That is one of the reasons. We have decided to wait and see how the Polavaram Project is developed."

Mr. K. V. R. SWAMI :—" Does the hon. the Revenue Member mean there will not be sufficient water found to supply to the Polavaram Island ? "

The hon. Mr. A. Y. G. CAMPBELL :—" A development of this kind necessarily takes considerable time and capital : a large amount of land has to be brought under wet cultivation. The existing population in the neighbourhood may not be sufficient for the purpose. The hon. Member may be aware that the Divi Island scheme has not yet been fully developed and it may take several years to develop in a scheme of this nature."

Mr. B. VENKATARATNAM (in Telugu) :—" May I know whether the Government are aware that the head sluice of the channel supplying water to Polavaram island is different from the head sluice of the channel that is proposed to supply the Coringa Project ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I think the hon. Member is correct."

Mr. B. VENKATARATNAM :—" In those circumstances, are the Government aware there is no relationship between the Coringa Project and the Polavaram Project as regards supply of water ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I have already endeavoured to explain the effect one may have on the other."

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Mr. K. V. R. SWAMI:—"May I know whether the hon. the Revenue Member recognizes that there is no unoccupied land in Polavaram unlike Divi?"

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

Mr. K. V. R. SWAMI:—"May I know whether he recognizes that all the land proposed to be irrigated by the Coringa Project is already occupied?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of that question. There is, I believe, a large amount of zamindari land."

11-30 a.m. Mr. B. VENKATARATNAM (in Telugu):—"In view of the answers of the Government, it is evident that they are not aware of the relation between the Coringa Island Project and the Polavaram Project. Will they go into the matter again and make the necessary enquiries?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think it is necessary to re-open the question. The Government arrived at a certain decision and their order has been placed on the table of the House."

Standardization of the return from irrigation projects at 6½ per cent.

* 787 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Member for Revenue be pleased to state why in the case of irrigation projects the Government have standardized the return which they expect therefrom at 6½ per cent?

A.—The return required in the case of productive works is 6 per cent and this rate is fixed by the Government of India.

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I enquire whether this return of 6 per cent applies to all projects?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am under the impression that it applies to all projects."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"If so, may I know whether it applies to works carried out from the revenues as distinguished from loan funds?"

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

Mr. K. KOTI REDDI:—"May I know if this principle is not applied to protective works?"

The hon. Mr. A. Y. G. CAMPBELL:—"The 6 per cent limit does not apply to protective works."

Public Holidays

Substitution of the holiday for Gyar-ween-Shareef for the sectional holiday for Bakrid.

* 788 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state whether the Government have received any representations from the Muslim public protesting against the substitution of the holiday for Gyar-ween-Shareef for the sectional holiday for Bakrid?

A.—No.

[7th October 1929]

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government contemplate making an enquiry into the necessity or otherwise of a change?"

The hon. Mr. A. Y. G. CAMPBELL:—"The Government do not contemplate any change in the existing order."

Mr. ABDUL HAMEED KHAN:—"Will the hon. the Revenue Member be pleased to consult Muslim Members of this House before they go into the question again?"

The hon. Mr. A. Y. G. CAMPBELL:—"There is no question under consideration now."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that a good deal of discontent prevails in regard to this matter, may I know whether the Government are prepared to consult Muslim opinion in this House?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will consider the question."

Mr. K. V. R. SWAMI:—"May I ask whether this decision was taken with the help of the hon. the Home Member?"

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

Public Service

Communication to M.L.Cs. of the tour programmes of heads of departments.

* 789 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the heads of various departments who tour in the province send copies of their tour programme to Members of the Legislative Council who represent the districts to which they go;

(b) whether officers in charge of two or more districts communicate their tour programme in a similar way to M.L.Cs.; and

(c) if the answer to (a) and (b) is in the negative, whether the Government will consider the desirability of such communication being sent to M.L.Cs.?

A.—(a) & (b) No.

(c) The Government will give the matter their consideration.

Settlement

Enhancement of ground-rent in Bellary.

* 790 Q.—Mr. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether during the last re-settlement of the Bellary district, the ground-rent on the house-sites in the town of Bellary was raised from Rs. 2 and Rs. 6-4-0 to Rs. 12-8-0 per acre;

(b) whether it is the accepted policy of the Government not to raise the resettled rates by more than 18½ per cent at a time; and

(c) if so, why this policy was deviated from in the case of the town of Bellary?

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A.—(a) Yes.

(b) Government have laid down the rule that in resettlements, where enhancement of assessment is proposed on the basis of the rise of prices only, the percentage enhancement of the immediately preceding assessment shall not exceed 18½ per cent.

(c) The limit of 18½ per cent does not apply to the enhancement of ground-rent.

Mr. J. A. SALDANHA :—" May I enquire on what basis ground-rent is fixed and increased ? "

The hon. Mr. A. Y. G. CAMPBELL :—" There are certain rules laid down in the Board's Standing Orders in regard to the levy of ground-rent and if the hon. Member wants to quote the rules, I must ask for notice."

Civil Justice*Appointment of Public Prosecutors and Government pleaders.*

* 791 Q.—Mr. G. R. PREMAYYA: Will the hon. the Law Member be pleased to state—

(a) whether Government have made any rule about the appointment of public prosecutors and Government Pleaders that the same man should not hold office for over a certain number of terms or years; and if so, what the rule is;

(b) whether Government are aware that the present incumbent of the office of Public Prosecutor and Government Pleader of Guntur has held the office for eight terms, i.e., for 24 years, and that his present term will expire on or about the 1st of November next; and

(c) whether the Government will consider the desirability of appointing a new man for the next term?

A.—(a) No. But the practice is generally as suggested in the question.

(b) Yes.

(c) The Government have already considered the question.

Mr. J. A. SALDANHA :—" With reference to the answer to clause (a), may I enquire what the maximum period is for which a Government Pleader may hold his appointment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No maximum period has been laid down."

Mr. J. A. SALDANHA :—" In the answer it is stated that the practice generally is as suggested in the question. May I know what the practice is ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No hard and fast rule has been laid down."

Mr. K. V. R. SWAMI :—" Have the Government got any idea as to the number of terms, 2 or 20, that this man should be there ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government have very good idea."

Mr. K. V. R. SWAMI :—" What is the ordinary period ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There is no hard and fast rule."

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Mr. S. SATYAMURTI :—" With reference to (a), may I know what the exceptions are under which these appointments are clubbed in the same man ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government have laid down this rule, viz., that in ordinary circumstances the renewal of the tenure of the same gentleman is deprecated. But the renewal of the term of the same individual depends very much upon the recommendation of the District Judge and the District Magistrate."

Mr. S. SATYAMURTI :—" In view of the answer to clause (a), may I know what the exceptional circumstances are under which the Government adopt the policy of appointing the same man to both the offices ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" As a matter of fact, in the large majority of cases, both the offices are combined in the same individual; but in some exceptional districts the two offices are separate—those of the Public Prosecutor and the Government Pleader."

Mr. S. SATYAMURTI :—" May I ask for some fresh light? I am sorry I have to be a little lengthy in putting my question. The question is whether the Government have made any rule that the same man should not hold both the offices, and the answer is that the practice generally is that. In answer to a supplementary question, the hon. the Law Member said that the practice is the other way. He said that in the large majority of cases the same man is appointed. I want to know what their position is: whether it is, as given in the printed answer, that the rule is that the same man should not hold these offices, or whether it is, as stated by the hon. the Law Member, that the same man may hold both the offices ? "

The hon. the PRESIDENT :—" I think the hon. the Law Member said that in cases where the Collector and the District Judge recommended the Government accepted the recommendation."

Mr. S. SATYAMURTI :—" That is for extension or renewal of the term. May I ask whether when the Collector and the District Magistrate recommend that the same man should hold these offices for an unlimited number of times, the Government accept that recommendation ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am afraid my hon. Friend is under a misapprehension. With reference to the appointment of the same individual for the two places of the Government Pleader and the Public Prosecutor there is no rule whatever. Originally both the appointments were combined in the same individual. But, seeing that in some districts the work was heavy, some years ago, it was laid down that the appointment of the Public Prosecutor must be different from the appointment of the Government Pleader. The rule that has been laid down for the renewal of the term applies to the Public Prosecutor as well as to the Government Pleader whether these two offices are combined in one person or are held by separate officers."

Mr. S. SATYAMURTI :—" May I know in what districts the Government have laid down that owing to the heavy nature of the work there should be two men for these two offices ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

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Mr. J. A. SALDANHA :—" With reference to (c), may I know what is the decision they have arrived at ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government have appointed the same individual who was holding the appointment before."

Mr. J. A. SALDANHA :—" May I know on what grounds the same individual was recommended for the 9th time ? Are there not other qualified men ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because the district judge and the district magistrate were of opinion that he was the best person and there was no younger individual able to conduct the work." (Mr. S. Satyamurti : 'Hear, hear.')

Mr. G. HARISARVOTTAMA RAO :—" Will the hon. the Law Member be pleased to state in how many districts these two offices are combined ? "

The hon. the PRESIDENT :—" He has already asked for notice."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I have already said 'Notice'."

Mr. K. V. R. SWAMI :—" Have the Government no opinion in the matter whatsoever ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government will hereafter as hitherto attach considerable importance to the recommendations of the district judge and the district magistrate. But they will exercise their own discretion also."

Mr. T. ADINARAYANA CHETTIYAR :—" Arising out of the answer of the hon. the Law Member that considerable importance is attached to the opinion of the district judges, may I ask whether in the case of the appointment of the public prosecutor of Tanjore, any weight was attached to the recommendation of the district judge ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, but the gentleman originally recommended was not appointed."

Mr. T. ADINARAYANA CHETTIYAR :—" Why, Sir ? " (A voice : 'Political party.')

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because the Government thought that the particular district magistrate who made that recommendation was quite a junior and an acting man, whose total experience in service was only about five or six years."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know whether the District Judge of Tanjore wrote that this man Mr. Pannirselvam had never filed any memorandum or vakalath in his court ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" On the other hand, the recommendation of the district authority was that he was the best individual there."

Mr. T. ADINARAYANA CHETTIYAR :—" Arising out of the same answer, may I ask whether it is not a fact that in the case of the appointment of public prosecutor of Vellore, the district magistrate did not recommend the particular person appointed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

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Mr. T. ADINARAYANA CHETTIYAR :—" May I know what the recommendation was ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The recommendation was in favour of the individual that has been appointed now."

Mr. T. ADINARAYANA CHETTIYAR :—" By the district judge, Sir ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Both by the district judge and by the district magistrate."

Jails

Application from Mr. Vellore Kuppuswami Mudaliyar for transfer from the Madura jail.

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

(a) whether Mr. Vellore Kuppuswami Mudaliyar, who is undergoing imprisonment in the Madura jail, has lost weight since 6th August 1929, when an interpellation on this subject was answered in this Council ; and

(b) what orders he has either passed or proposes to pass on his application to be transferred to some other jail in view of his continued ill-health in Madura jail ?

A.—(a) The Government have no information but have called for it.

(b) No application for transfer from the District Jail, Madura, has been received by the Government from the prisoner.

Mr. T. ADINARAYANA CHETTIYAR :—" With reference to clause (b) of the answer, may I ask whether this Kuppuswami Mudaliyar applied for transfer orally at the time of the last inspection of the jail by the Inspector-General of Prisons ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

Mr. T. ADINARAYANA CHETTIYAR :—" With reference to (a), may I know the difficulty in getting the information ? The matter is a public concern, viz., the weight of a political prisoner and there was sample time from 9th September to 7th October to get the information."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend's question is whether this prisoner lost weight since 6th August 1929. With reference to that I have called for information."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know if it could not be got between the date of the question, viz., 9th September 1929 and to-day 7th October ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was nothing in the question to indicate that my hon. Friend wanted the answer to-day."

The hon. the PRESIDENT :—" The hon. Member wants to know the reason for the delay in getting the information."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I have not got the information yet."

Mr. L. K. TULASIRAM :—" May I ask whether Vellore Kuppuswami Mudaliyar vomitted blood in the jail when he is undergoing imprisonment ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. I am not aware of that."

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Mr. C. S. GOVINDARAJA MUDALIYAR :—" May I know whether the Government will consider the question of transferring him from that jail to some other jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The authority for transferring prisoners from one jail to another is the Inspector-General of Prisons. Such transfers are not generally made by the Government and till now there has been no application for such transfer from this prisoner to the Government."

Mr. A. RANGANATHA MUDALIYAR :—" Was his application withheld by the jail authorities ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Not likely. I want notice."

Mr. K. V. R. SWAMI :—" May I know whether the hon. Member means that the Government are powerless in the matter and that they have no authority to transfer a prisoner ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Certainly the Government have power."

Mr. ABUL HAMEED KHAN :—" May I ask whether the hon. the Law Member will be pleased to ask the Inspector-General whether such an oral application was made and, if so, why he did not take action ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the question."

Mr. S. SATYAMURTI :—" With reference to (a), may I know if the Government will place the information on the table of the House as soon as it is received ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I ask whether the hon. the Law Member is prepared to ask the Inspector-General to enquire into the matter minutely and make a report ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" That is what I said, namely, I shall consider the suggestion."

Mr. A. KALESWARA RAO :—" May I know whether the gentleman concerned is not keeping well in the jail generally ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Mr. A. KALESWARA RAO :—" May I enquire, whether he being a political prisoner, the Government will consider his case and place him in the special division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" With reference to that, I have mentioned to the House the other day that all the rules relating to the special division and other matters connected with jail administration are under consideration."

Mr. K. V. R. SWAMI :—" May I ask whether the hon. the Law Member would try and get the information by day after to-morrow ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot promise, Sir."

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Mr. S. SATYAMURTI :—" May I know whether it is the policy of the Government, in view of the revision of the whole Jail Code, that individual cases of suffering would not be considered at all ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. S. SATYAMURTI :—" What is the meaning of that 'No' ? Are they not going to consider or are they going to consider ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Well, if my hon. Friend did not understand properly what I said, I may say that it is the policy of the Government to consider individual cases when it is necessary even before the revision of the rules is over."

Mr. S. SATYAMURTI :—" May I know whether the Government will consider Mr. Kuppuswami Mudaliyar's case specifically, and give him special treatment, as a political prisoner and, if not, why not ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion."

Labour

Alleged memorials from the labour settlements at Hydaripett and Ujjilipett, Bapatla taluk.

* 793 Q.—Mr. G. R. PREMAYYA : Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the land granted to the Labour settlements at Hydaripett, and Ujjilipett, Bapatla taluk, Guntur district, is fit only for wet cultivation;

(b) whether the said land is included in the cultivated area by the recent Ayacut Committee;

(c) whether the first five years of free assessment has expired;

(d) whether the members of the two Labour settlements submitted several memorials to the Government; and

(e) whether the Government are aware that the settlers are leaving the Labour settlements ?

A.—(a) No.

(b) None of the lands has been included in the wet ayacut.

(c) The grant is free of assessment only in the case of the Hydaripett settlement and the lease expires by the end of fasli 1340.

(d) No memorials were received.

(e) Hydaripett settlers have not moved at all. Eleven families of Ujjilipett settlement are reported to have gone out in quest of better livelihood.

Alleged damages by floods to the Labour Settlement at Ujjilipett.

* 794 Q.—Mr. G. R. PREMAYYA : Will the hon. the Home Member be pleased to state—

(a) whether the Government are aware that the Labour settlement at Ujjilipett, Bapatla taluk, Guntur district, has been washed away causing damage to people and property in 1927 and 1928;

(b) whether the Government have done anything to raise the level of the ground of the Palem; and

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(c) how much money was sanctioned and how much was actually spent for this?

A.—(a) The settlement was flooded both in 1927 and 1928 and some houses were damaged. No lives were lost.

(b) & (c) The cost of raising the level of the streets is estimated at Rs. 1,700. But as it was uncertain whether the inhabitants intended to remain on the site, they were asked to raise the level of their dwelling sites before the raising of the streets was taken up. They have not yet done so.

UNSTARRED QUESTIONS

Agricultural Statistics

Total acreage sown with groundnut and dry food crops in the Anantapur district.

795 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) the total acreage sown with groundnut in the Anantapur district by the end of August of this year as compared to the same period of the season of last year;

(b) the total acreage sown with dry (food) crops in the current season up to 31st of August 1929 compared to the same period last year;

(c) whether the attention of Government has been drawn to the growing fodder scarcity throughout the district; and

(d) what action they propose to take to remedy the same?

A.—(a) The Government have not the information.

(b) The area sown from April to August is less than half the area sown in previous years.

(c) & (d) Till the recent rains fodder was scarce and the Collector was taking steps to allow free grazing in forest reserves.

Constitution of Districts

Bifurcation of the Tanjore district.

796 Q.—Mr. P. J. GNANAVARAM PILLAI: Will the hon. the Member for Revenue be pleased to state whether the Government have considered the desirability of bifurcating the Tanjore district for purposes of Revenue and Local Fund administration and whether they will place on the table of the House any statistics collected by them in connexion with that subject?

A.—No such proposal is or has been under the consideration of the Government.

Minor Irrigation

Improvements and restoration of the irrigation wells in the Madakasira taluk.

797 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether he is aware that the hon. the Finance Member made a close inspection of a large number of irrigation wells in the Madakasira taluk during his recent tour in the Anantapur district and found one and all of them to be completely dry;

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(b) whether the Government propose to help the ryot by improving and restoring well irrigation in the said area of Madakasira taluk; and

(c) whether the Government will consider the advisability of undertaking the digging of irrigation wells in suitable areas by mechanical means such as stream-borers allowing ryots to use the water thereof for a moderate rate of irrigation cess?

A.—(a) Yes. Many of the wells were found to contain only a little water and some none at all.

(b) & (c) The Government do not think that any improvement can be expected from the deepening of existing wells or the construction of new ones. The ryots have already spent large sums partly takkavi and partly their own money on deepening their wells which are fine big square wells but the water level seems to continue to recede. Wells have already been sunk in the taluk to an unprecedented degree and the water scarcity is not due to lack of wells. The Labour Department has entered the field and the Finance Member saw one of its wells which was of great depth and contained no water.

Water-rate

Appeals against the imposition of water-tax and penal water-tax.

798 Q.—Mr. V. KAMESWARA RAO NAYUDU: Will the hon. the Member for Revenue be pleased to state—

(a) how many appeals against imposition of water-tax and penal water-tax were presented to the Board of Revenue in 1928;

(b) in how many of them vakils were allowed to appear and argue them; and

(c) how many of them were decided in favour of ryots?

A.—(a), (b) & (c) The Government have not the information but have called for it.

Jails

Permission for the sub-assistant surgeons on jail duty to have private practice.

799 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(a) when the sub-assistant surgeons on jail duty were given permission to have consulting practice;

(b) whether the nature of their duties permits of any such practice; and

(c) whether it is a fact that most of the jails are located outside town areas?

A.—(a) In the year 1923.

(b) No, except in very rare instances.

(c) Nine out of fifteen District and Central Jails excluding that at Koraput are outside the municipal limits.

Tours

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Tour of the hon. the Member for Finance in the Anantapur district.

800 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Finance be pleased to state whether it is a fact that he undertook a tour into the interior of the southern part of the Anantapur district in July last; and if so, what was the object of his tour?

A.—Yes. For inspection purposes.

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

II

THE MALABAR TENANCY BILL.

Clause 16 --cont.

* The hon. the PRESIDENT :—"The Council will now resume discussion of the Malabar Tenancy Bill. Mr. Madhavan Nayar will continue his speech on the amendment he moved last Friday."

11-45
a.m. * Mr. K. MADHAVAN NAYAR :—"I shall not take much of the time of the Council, but I shall mention a few facts to show what is the loss that is sustained by the janmi and what is the compensation that is payable for the loss sustained by him. Now the loss sustained by the janmis by conferring fixity of tenure on the customary verumpattamdar is (1) that they cannot recover the property whenever they want and (2) they are not entitled to claim the fair rent which they will be entitled to get if as a matter of fact they recover the property and give it to a verumpattamdar. These are the losses that the janmis will sustain by giving fixity of tenure to the customary verumpattamdar. The customary verumpattamdar occupies almost the same position as the ordinary verumpattamdar with this difference: that the former has been in possession of the property for a long time, that he is not a tenant at will and that he has got a right to remain on the land for a fixed period. The customary verumpattamdars in the majority of cases are actual cultivators of the soil. It is seldom they are not actual cultivators. What is stated by the Raghavayya Committee in its report on page 44 is this:

"The Committee considers that this special class of verumpattamdars deserves to be treated with consideration, not only because their tenure is not quite so precarious as that of the ordinary verumpattamdar, but also because they are among those classes of tenants who have, in practice, continued for generations on the same land and must have had a considerable share in their improvements being in a better position than the ordinary verumpattamdars. The large majority of them are actual cultivators of the soil."

"So that, you will see that most of these people are actual cultivators of the soil. If as a matter of fact the rent that is paid by the customary verumpattamdar is equal to the fair rent that will be fixed under this Act, any renewal fee that you may make him pay to the janmi in addition to the fair rent is rack-renting in another form. Supposing there is some difference in rent, we shall consider what the janmi is entitled to get as renewal fee. So far as the right given to the customary verumpattamdar to remain on the land and cultivate, the janmis cannot possibly ask for compensation, because they were enthusiastic in giving fixity of tenure to all verumpattamdars. The only objection that the janmi may raise is that the fair rent that may be receivable from the land under the Act may be more than what the verumpattamdar pays him at present, and he may claim a share of that surplus. But is he entitled to it? I submit, Sir, that he is not. The customary verumpattamdar has been in possession of the land for a long time, he has been improving it and if the janmi says that he is entitled to the full

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rent that the Act fixes, then you may ask the janmi the question very legitimately, 'What is it that you who could have collected this fair rent or more expect, why is it that you have not been collecting it all these years?'. The only answer is that every customary verumpattamdar who has been in possession of the land has improved the land and the increase in rent is due to the improvement effected by him to which the janmi is not entitled. That is the only possible explanation. You will see that though the Act provides for allowance being made for conversion of waste lands into wet lands in the matter of fixing fair rent, no such allowance is made in the case of lands converted from one crop into two crops. If you examine the revenue registers in Malabar, you will find that most of the double crop lands were single-crop lands before and the difference in rent that we find at present is mainly due to such conversions. How can the janmi claim the difference between the rent fixed in the document and the fair rent in such a case? It is again a mistake to suppose that the janmam value of a property should be fixed at twenty times the fair rent. As a matter of fact the janmi is not entitled to the full market value of the land in the condition in which it is because the janmi is not entitled to the full rent. He is entitled only to the rent fixed in the kanam deed or customary verumpattam deed. With regard to the rent fixed in the kanam deed what Innes says is this:

"In the case of wetlands the old method of calculating the rent is well known. The amount of seed required for every nilam or wet land is known as also in the capacity of the soil. Take a field therefore which requires 15 paras of seed and the estimated yield of which is seven-fold. The gross produce is 105 paras. From this gross produce a deduction of 15 paras is made for the seed and 15 para for cultivation expenses, and the balance of 75 paras is available for division."

Then he goes on and says:

"After deducting the cost of seed and cultivation, one-third for the tenant is retained, the remaining two-thirds being payable to the landlord. . . . A verumpattam lease is defined as a lease in accordance with which after deducting the bare cost of seed and cultivation the whole of the estimated net produce is payable to the landlord. In the case taken above therefore the maximum verumpattam or landlord's share would be 75 paras of paddy and the minimum 50. The kanapattam or share payable by the kanamdar to the landlord is put at 37½ paras or half the gross produce less the cost of seed and cultivation. From the kanapattam the interest on the kanam advance is deducted, and the balance is the michavaram or net rent payable to the landlord. Complaints are sometimes heard as to the rate of interest allowed by the landlord but obviously the most important factor in the calculation is the estimate of the seed capacity and yield. . . . At any rate the conclusion may legitimately be drawn that in the case of wet lands the rents derived from the janmis from their kanam lands are full, possibly too full."

"That is what Mr. Innes says, who has examined the land tenures of Malabar very closely. So that you will see that if a wet land yields 105 paras of paddy 30 paras are deducted as cultivation expenses and 37½ paras are fixed as rent due to the janmi. Now under the provisions of this new Bill fair rent that will be collected from such a land will be 50 paras, because from 105 paras you deduct cultivation expenses and you give one-third to the tenant. The balance is 50 paras. As stated already, the rent that is fixed to be paid to the janmi is 37½ paras, while the fair rent will be 50 paras. Under this Bill you do not make allowance for any loss that the tenant may sustain such as inundations on the land, breaches of the bunds and so on and that may occur every year. In Malabar the lands are not so flat as in the East Coast. They are all on the sides of hills. When rains come water rushing down on both sides does great havoc on the lands which are situated on the sides of the hills in the valleys down below. The tenant will have to spend a considerable sum of money for repairing the bund, removing the silt and so on. So that you will see out of the 75 paras that he gets after deducting the

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cultivation expenses and after paying 37½ paras to the janmi a small balance alone is left in the hands of the tenant. Do you think seriously that he will be able to meet all the exigencies that may arise with the small surpluses. In 1924 you might have heard that the lands in Malabar were flooded and the tenants had to spend a good deal of money for removing silt and making the land fit for cultivation. The janmis never make any remission. Even the Government may make remission of revenue but the janmi never does. The rent that has to be paid to the janmi by the kanamdar or the customary verumpattamdar has to be paid to the very last pie.

"Now, Sir, what does the Bill enact?"

"The tenant has not only to pay 37½ paras every year or nearly more than three-fourths of the fair rent and he will not be getting any allowance for the repair of bunds or construction of embankments or removal of silt on the land or for other losses that he may sustain. Now under the Bill he has to pay three years surplus as renewal fee. The Raghavayya Committee laboured under a misapprehension that the renewal fee was not an advance payment but a payment made after the end of 12 years, as the Secretary of the Committee confessed at the Round Table Conference. As a matter of fact the three years difference as renewal fee was fixed by the Raghavayya Committee under a misapprehension. Supposing in a particular case janmapattam is 50 paras the fair rent will be 100 paras, and the renewal fee which the customary or the cultivating verumpattamdar will have to pay will be three times the fair rent, i.e., three times 50 paras or 150 paras. You will see from the Raghavayya Committee report at page 46 that the Zamorin under whom the customary leases are held renewal fee is collected at the rate of Re. 1 per each para of janmapattam. The total renewal fee is thus Rs. 50. Now the Zamorin has not been evicting his tenants. All of them have been enjoying the lands for several years on payment of this rate of renewal fee but hereafter they will have to pay Rs. 150 as advance payment instead of Rs. 50. If you add the interest at 20 per cent on this amount and deduct each year the surplus of that year, the total will come to about 6 years' difference between fair rent and janmapattam. It will double itself in fifteen years. Making an allowance of 25 per cent for vicissitudes of season and for the various amounts he has to spend for the removal of silt, or repair of bunds, etc., that itself will come to about six times the difference between fair rent and janmapattam. The janmi thus gets the full surplus income of the property. Where the tenant is now paying only Rs. 50 he will have to pay hereafter Rs. 150 or an excess of Rs. 100. Calculating compound interest on this at 12 per cent it works at Rs. 19,000 in 60 years. In other words the janmi gets ten times his janmam value in the course of four or five renewals; and he has not to pay anything back when he recovers the land. He has simply to go to the court and say 'I want the land for my cultivation.' He takes back the land without refunding any amount. That is the situation in which the tenant finds himself hereafter. You want to prevent rack-renting in Malabar but the renewal fee that the tenant has to pay is rack-renting with a vengeance. A small increase in the renewal fee is understandable but an increase of 200 or 300 is hard indeed. When once the tenant comes under this legislation, he will have to pay this rate of renewal for ever and the janmi will have only to bring a suit to recover the amount. The tenant cannot get out of this law. If he surrenders, he cannot get the value of his improvements or his kanartham.

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[Mr. K. Madhavan Nayar]

"You will carefully consider this aspect of the case and see whether three times or with interest five times the difference will not be too high a compensation for the janmi for the very little loss sustained by him. The janmi does not sustain any loss at all, in my opinion. He has been collecting the michavaram hitherto; he will be entitled to get that hereafter also; he is not, in any way, prejudiced. That is why we are pressing earnestly on the attention of the Council the fact that the renewal fee that is fixed according to the provisions of the Bill is very oppressive and that it is very very high.

"May I appeal to my hon. Friend, Mr. Karant, whenever he tries to reduce fair rent that is payable by the cultivating tenant, he will also fight for abolishing the renewal fee payable by the tenants, as it will be impossible for any tenant to pay the renewal fee with his reduced income. At page 10 of Mr. Innes' report, Mr. Kunhiraman Nayar 'admitted that the rack-renting of paddy lands was widely prevalent and that the complaints of social tyranny were well-founded. Equally well-founded is the complaint on the score of the exaction of excessive and exorbitant perquisites by some superior janmi and it is the greatest source of grievance to the poor farmers of the country. The system of demanding exorbitant rates of fees at the time of grant or renewal of kanams in South Malabar and pattam leases by rajas and devasoms in North Malabar has, more than anything else, led to the indebtedness and impoverishment of the peasantry of the country. The evil is spreading far and wide and any legislation having for its object the regulation of rates of fees and other dues payable to the superior janmi would, I venture to think, be a step in the right direction.'

"This is what Mr. Evans, who had certainly no sympathy for tenancy legislation, says in the District Gazetteer:—'the kanamdars and the cultivating verumpattamdars have to borrow money at 36 per cent to make this advance payment and most of them are ruined.' That is the condition of Malabar. Some of my hon. Friends like Mr. Venkatapati Raju, are under the misapprehension that the kanamdars in Malabar are very prosperous and flourishing and that they are the wealthiest class in Malabar. You may take it from me that servants and peons who are serving here and who come from Malabar belong to the kanamdars' class. I have told you at the very outset of the discussion of this Bill that the largest acreage of cultivated land in Malabar is cultivated by the poor kanamdars. Half the acreage of lands cultivated in Malabar are cultivated by these kanamdars and customary verumpattamdars. If you want to improve the condition of tenancy of Malabar, if you want to bring happiness where misery exists, you have to carefully consider this question and decide that three years' rule will work great hardship. The renewal fee payable should not be more than the difference of one year's fair rent and the revenue, etc. At any rate I submit, Sir, that the rate of renewal fee fixed under the Bill is very high and I appeal to the House in all earnestness to carefully consider the matter and see that by insisting on such exorbitant renewal fees being made payable by the customary verumpattamdars and kanamdars they place a premium on rack-renting and a powerful engine of oppression in the hands of the janmis."

Mr. G. HARISARVOTTAMA RAO:—"I second the amendment, Sir."

* The hon. the PRESIDENT:—"The question is:

'In line 5, for the word "three" substitute the words "one and a half,"

[The President]

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and add the following proviso :—“ Provided the renewal fee shall, in no case, be less than one year's fair rent ”.”

* Mr. K. KRISHNAN :—“ Sir, I move my amendment :—

‘ Delete the proviso : “ Provided the renewal fee shall in no case be less than one year's fair rent.” ’

“ In doing so, I do not want to take much of the Council's time. There are two kinds of lessees, kovilagam lessees and ordinary lessees. Ordinary lessees come under the cultivating verumpattamdars. You must take into consideration the rent payable by each of these classes. In the case of kovilagam lessees, the rate is very small and necessarily therefore the renewal fee in their case will be a little higher. In the case of the amount of rent that other classes of tenants have to pay it approximate or is a little higher than what the verumpattam tenant pays. In several cases of kozu lessees, the renewal fees are not collected by the janmis. The lands are leased for five years or eight years ; in many cases, renewal fees are not levied at all. Very often after enjoying a paddy land for about six or seven years I have myself seen many persons getting into debt on account of the loss sustained by them. I submit, Sir, that this proviso will work great hardship in the case of kozu, lessees even if the renewal fee approximates to one year's fair rent. In these, circumstances, I move that the proviso in my hon. Friend, Mr. Madhavan Nayar's amendment, be deleted.”

Mr. V. I. MUNISWAMI PILLAI :—“ Sir, I second the amendment.”

Mr. K. MADHAVAN NAYAR :—“ I accept the amendment.”

* Mr. K. UPPI SAHIB :—“ Sir, the reason urged by my hon. Friend Mr. Krishnan, is that in the case of the customary verumpattamdars, i.e., kovilagam and kozu tenants, the rate is very high. I have to repeat the statement made by the expert Member representing the tenants the other day. He said he has got in his possession about 45 documents of leases given out in different parts of North Malabar which show that the tenants are not rack-rented. I am sorry I have to differ from my hon. Friend, Mr. Krishnan, when he said that many janmis do not take renewal fees from kuzhikanam tenants. The Raghavayya Committee itself says that generally one year's rent is taken as renewal fee from these kuzhikanam tenants of North Malabar. If for three or four years the tenants can pay one year's rent as renewal fee, I do not understand how it will be rack-renting if they are asked to pay one year's fair rent as renewal fee for a period of 12 years' tenure. This is only taking undue advantage of the feelings of the House for the cause of the tenants. For these reasons, I oppose the motion.”

12-15 P.M. * Mr. E. SANKARAN UNNI :—“ Sir, I do not propose to follow the course adopted by my hon. Friend, Mr. Madhavan Nayar, and argue, at considerable length, points that have little or no relevancy to the clause we are discussing now. What we are considering is whether the renewal fee prescribed in this clause is fair or not. So far as I am able to gather from the Raghavayya Committee's Report they say at page 44—I see that all these classes of tenants pay renewal fees. It is not unusual in North Malabar : we have the authority of my hon. Friend, Mr. Uppi Sahib, that such renewal fees are paid. So far as South Malabar is concerned, I am in a position to say that the payment of renewal fee does prevail in regard to this class of tenures.

“ But what is it to be ? My hon. Friend Mr. Madhavan Nayar has been talking a great deal about fair rent. The impression he must have conveyed is that this class of tenants will be compelled to pay fair rent when this law

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[Mr. E. Sankaran Unni]

comes into operation. They have nothing to do with it ; the present rents that they are paying will be the rents that they will continue to pay when this law comes into operation. Fair rent is calculated in this case only for the purpose of ascertaining the renewal fee. Supposing at present the rent paid by the customary verumpattamdar is a very low rent, then if the fair rent under this law is higher than the present rent, the customary verumpattamdar is enjoying a great advantage. Find the difference between the two and give the janmi three times that difference. It is not a great problem ; it is simplicity itself. There is also another thing. All this argument was not put forward at the joint conference of the janmis and tenants. So far as I am aware, what was put forward was the question of Government revenue, whether it should be included or not. I do not think there was anything like the enthusiasm for the customary verumpattamdar that we have witnessed to-day. It went off very quietly there. In fact, the customary verumpattamdar was ignored then. The fact of the matter is that this question did not touch my hon. Friend ; nor does it touch him now. I do not believe this amendment ought to stand. I oppose it.”

* Mr. K. P. RAMAN MENON :—“ Sir, since Mr. Unni has thought fit to refer to what happened at the joint conference, I want to intervene in this debate ; otherwise I would not have taken any part in this. When the joint conference took place in the presence of the hon. the then Revenue Member and the Law Member, we discussed the question of the renewal fees, and then we did not make any difference between the kanam and the customary verumpattam. It will be seen from the summary of recommendations of the Raghavayya Committee given at page 80 of their report, that they say :—

“ The special class of verumpattamdars who, under the custom of the district, are not mere tenants-at-will but have definite periods exceeding one year such as four, five or twelve years and who pay renewal fees when they get renewal (known in some parts of the district as kozhu tenants, and in some as kovilagam lessees but described in the report as customary verumpattamdars), shall be entitled to apply for renewal and obtain the same as a matter of right, provided they pay as renewal fee three times the difference between what would be the fair annual rent and what they have been actually paying as rent every year.

“ In the case of those whose leases are now customary only for four or five years, the renewal will be for twelve years.”

“ The next chapter V refers to kanamdars. In both the cases, the provision is that they should pay thrice the difference between the fair rent of the property and the michavaram, after deducting the revenue. So that, the discussion as to what should be the proper renewal fee went upon the same basis with reference to the customary verumpattamdar as in the case of the kanamdar, and we did not make any difference between the kanamdar and the customary verumpattamdar. In the discussion, we pointed out the great hardships the tenants would be put to, whether kanamdars or customary verumpattamdars ; and on account of the representations we made, the Government were pleased, in the proceedings that they passed, to reduce the renewal fee so far as the kanamdar was concerned from three to two and one-fourth times ; but we were certainly surprised when we found that no reduction had been made in the case of the customary verumpattamdar. I believe however that it is only a case of omission, or perhaps they have not taken into full consideration the facts and arguments that we have placed before the Government. Of course there is considerable difference between the kanamdar and the customary verumpattamdar which need not be elaborated

[Mr. K. P. Raman Menon]

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here. In the Select Committee also it was pointed out that a reduction should be made in the case of these classes of tenants; but the Select Committee was not prepared to do it. That is why, Sir, this matter has come up before the House.

"I submit there is considerable force in what Mr. Madhavan Nayar has said. Turning now to page 46 of the Raghavayya Committee's report, there we find the rates of renewal fees now in force in the Zamorin's estate. We have made calculation from these figures, and this is what we find: supposing there is an acre of land which will produce 100 paras of paddy; then the fair rent on the property will be two-thirds of 100 minus 25, or 50 paras. If you take the 50 paras as fair rent, that will be, for argument's sake, the janmapattam of the property. If that is the janmapattam of the property, then the renewal fee would come to Rs. 51-9-8, taking into consideration all the various figures given on page 46 of the Raghavayya Committee's report. But in the case of certain taluks you will have to add Rs. 15 more; i.e., he will have to pay Rs. 66-9-8. Now, what is the renewal fee, according to the present Bill, that he will have to pay? He will have to pay: out of the 100 paras which is the yield of the property, 25 paras goes towards the seed and cost of cultivation. There is a balance of 75 paras out of which, under the provisions of this Bill and under the ordinary law also, 25 paras would go to the cultivators of the land. Out of the remaining 50 paras he has to pay michavaram to the janmi—this point has been clearly put forward in the evidence of the Third Raja of Calicut tendered before the Raghavayya Committee—so that after paying 25 paras as michavaram to the janmi, he could take only the remaining 25 paras. It is from out of this 25 paras that he will have to pay the renewal fee. It will be seen from the provisions of this Bill that roughly he will have to pay about Rs. 75. Wherefrom can he pay this Rs. 75 except from the 25 paras of paddy? There is also another factor to be taken into consideration; and that is that he will be squeezed to the fullest extent by his superior landlord. I also submit, Sir, that in making these calculations, no provision has been made for the vicissitudes of the season, or what may be called the expenses on account of cattle. Or suppose in one year the crop fails, what will be the position? In the course of 12 years, surely we may take it that at least in one year the property will suffer. Then the customary verumpattandar will lose the whole crop; and not only that, he will have to pay the Government revenue and he will also have to pay the michavaram of 25 paras of paddy, and all these things amounting to about Rs. 132 he will have to pay, without getting anything out of the land. There is also this fact that he has to buy cattle and lay out some capital. Taking all these facts into consideration, we represented to the Government, though we did not place before them all these details. We, however, said that one and a half times would be quite proper; we did not want to conceal anything. In fact we placed all our cards on the table. From these facts, Mr. President, you will see that all these facts have not been considered at all; had they been considered, I am sure the Government would have seen their way to reduce it to one and a half times, and they would have found that it was quite reasonable. I therefore submit, Sir, that this amendment ought to be accepted by the House."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I am afraid I cannot accept this amendment. As I mentioned once before, the figure 3 was arrived at by the Raghavayya Committee as a compromise; and as far as

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[Mr. A. Y. G. Campbell]

I know; this figure has never been questioned hitherto. Some point was raised at the joint conference with reference to the Government revenue which had not been provided for by the Raghavayya Committee, and the Government included a provision to meet that point in their Bill. That has been carried out in an amended form to the Bill as amended by the Select Committee. I do not think, Sir, that any sufficient reason has been shown to us now to alter that figure which the Government had accepted."

* The hon. the PRESIDENT:—"I shall now put the amendment of Mr. Krishnan to the vote of the House."

"The question is that, in the amendment of Mr. Madhavan Nayar, the proviso be omitted."

The amendment was negatived.

* The hon. the PRESIDENT:—"The question is that in line 5, for the word 'three' the words 'one and a half' be substituted, and that the following be added as a proviso:—

'Provided the renewal fee shall in no case be less than one year's fair rent.'"

The amendment was put and negatived.

* Mr. K. MADHAVAN NAYAR:—"There is my alternative amendment, Sir."

* The hon. the PRESIDENT:—"I do not think I will be justified in allowing it."

* Mr. K. MADHAVAN NAYAR:—"It is a substantial amendment, Sir."

* The hon. the PRESIDENT:—"If the hon. Member wishes, I have no objection to put it to the vote of the House. Let him formally propose it."

* Mr. K. MADHAVAN NAYAR:—"I do not want to have it discussed."

* The hon. the PRESIDENT:—"In all these cases, the better course will be for the hon. Member to make a formal proposal, and I shall then put it to the House. Let him have the satisfaction of having the vote of the House."

Mr. K. MADHAVAN NAYAR:—"Sir, I move—

'that in line 5 for the word "three" the words "two and one-fourth" be substituted.'"

Mr. K. P. Raman Menon seconded the amendment.

* The hon. the PRESIDENT:—"The question is that in line 5, for the word 'three' the words 'two and one-fourth' be substituted."

The amendment was put and declared lost.

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Mr. G. Harisarvottama Rao demanded a poll which was taken with the following result :—

Ayes.

- | | |
|-------------------------------|--------------------------------|
| 1. Mr. K. Krishnan. | 10. Mr. K. R. Karant. |
| 2. " V. I. Maniswami Pillai. | 11. " K. Madhavan Nayar. |
| 3. " P. C. Venkatapathi Raju. | 12. " A. Parasurama Rao |
| 4. " K. Koti Reddi. | 13. " B. Venkataratnam. |
| 5. " J. A. Saldanha. | 14. " A. Ranganatha Mudaliyar. |
| 6. " G. Harisarvottama Rao. | 15. " K. P. Raman Menon. |
| 7. " L. K. Tulasiram. | 16. " R. Nagan Gowda. |
| 8. " K. V. R. Swami. | 17. " C. Gopala Menon. |
| 9. " D. Narayana Raju. | |

Noes.

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|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 22. Mr. N. Siva Raj. |
| 2. " Sir Thomas Moir. | 23. " M. V. Gangadhara Siva. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 24. " S. Subrahmanya Mooppanar. |
| 4. " Mr. A. Y. G. Campbell. | 25. Rao Sahib R. Srinivasan. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 26. Mr. R. Srinivasa Ayyangar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 27. " S. Satyamurti. |
| 7. " Dr. P. Subbarayan. | 28. Ahmed Miran Sahib Bahadur. |
| 8. Mr. Hilton Brown. | 29. K. Uppi Sahib Bahadur. |
| 9. " H. A. Watson. | 30. Mr. C. N. Muthuranga Mudaliyar. |
| 10. " A. G. Leach. | 31. " C. E. Wood. |
| 11. " J. Gray. | 32. " F. E. James. |
| 12. " S. V. Ramamurti. | 33. " H. F. P. Hearson. |
| 13. " C. B. Cotterell. | 34. " S. N. Dorai Raja. |
| 14. " V. Ch. John. | 35. " S. Arpudaswami Udayar. |
| 15. " J. A. Davis. | 36. " U. Ramaswami Ayyar. |
| 16. " R. Foulkes. | 37. " V. Ramjee Rao. |
| 17. Mr. Mahmud Schammad. | 38. Rao Bahadur S. Ellappa Chettiyar. |
| 18. The Mappil Nayar of Kavalappara. | 39. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur. |
| 19. Subadar-Major S. A. Nanjappah Bahadur. | 40. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 20. Mr. Al. Ar. Narayanan Chettiyar. | 41. Mr. K. Sarabha Reddi. |
| 21. Rao Bahadur O. M. Narayanan Nambudripad. | 42. " A. Achutan. |
| | 43. " E. Sankaran Unni. |

Ayes 17. Noes 43.

12-30 p.m.

The amendment was negatived.

* The hon. the PRESIDENT :—"Just now Mr. Karant has handed over to me an amendment."

As the hon. the Revenue Member objected to it on the ground of insufficient notice, the hon. the President did not allow Mr. Karant to move the amendment

The hon. the PRESIDENT :—"The question is that clause 16 as amended shall stand part of the Bill."

The motion was carried, and clause 16 was added to the Bill.

Clause 17.

* The hon. the PRESIDENT :—"Mr. Unni wants to exclude from this clause all kanams created since 1852. I think this point was already voted upon by the House. This is a clause fixing the renewal fee and the hon. Member wants to exclude a certain class of kanams from the operation of this clause. In other words he wants that this clause shall not be made applicable to all the kanams that have come into existence since 1852."

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Mr. E. SANKARAN UNNI :—"I am moving item 230 on the printed agenda paper."

* The hon. the PRESIDENT :—"Even there, the hon. Member wants to include only kanams of 36 years' standing. I do not think that this is the proper place. These things were discussed under a previous clause."

* Mr. E. SANKARAN UNNI :—"What was done in connexion with the amendment of my Friend, Mr. Kavalappara, was that a distinction was sought to be made between cultivating and non-cultivating kanamdars. Here the only question is what sort of kanams should be included. So, I submit, I am in order."

* The hon. the PRESIDENT :—"I think that as the House has already voted on the applicability of the Act to all kinds of kanam, clause 17 applies to all kanams."

* Mr. E. SANKARAN UNNI :—"That is why I want to move this amendment. Sir, the classification of kanams is very well understood so far as this House is concerned. All kanamdars are intended to be included under this clause, but I want to exclude certain class of kanamdars. The difference between cultivating and non-cultivating kanamdar was decided. That decision does not conflict with my amendment."

* The hon. the PRESIDENT :—"Sections 6 and 7 of Mr. Krishnan Nayar's Bill were exhaustively quoted during the debate and clause 7 of Mr. Krishnan Nayar's Bill referred to classes of kanams to which that Bill was made applicable. The question of repetition has to be decided as much by the arguments advanced as by the actual point decided."

* Mr. E. SANKARAN UNNI :—"I shall not be repeating any of the arguments which were advanced on the last occasion."

* The hon. the PRESIDENT :—"With great reluctance I will allow the hon. Member to move his amendment."

Mr. E. SANKARAN UNNI :—"The hon. Member for the University threatens that he will vote down my amendment. He has already voted down several other amendments. This is not a new threat."

"Mr. President, Sir, I move that for the existing clause *substitute* the following new clauses 17, 17-A, 17-B and 17-C :—

'17. Any kanamdar who or whose family has been continuously in possession and enjoyment of a kanam holding for a period of thirty-six years immediately preceding the date of the application hereinafter referred to, may, at the expiry of his term, by application made to the court, offer to purchase the right of his landlord in the said kanam holding at its market value on the date of such application.

'17-A. (1) An offer under section 17 shall be in writing and shall contain the particulars prescribed.

(2) Notice of such offer with a copy thereof shall be served on the landlord at the expense of the tenant, fixing a date for the landlord to accept or decline the offer.

[Mr. B. Sankaran Unni] [7th October 1929]

(3) *After such notice has been served on the landlord—*(a) *if he unconditionally accepts the offer, the court shall record such acceptance and order the tenant to deposit in court the value specified in his offer together with arrears of michavaram and revenue, if any, and on such deposit the landlord shall be paid the amount so deposited.*(b) *if the landlord for any reason does not unconditionally accept the offer, the court shall proceed to determine the market value of the landlord's interest in the holding as it stood on the date fixed for the acceptance of the offer by the landlord and shall call upon the tenant to deposit the amount so determined together with arrears of michavaram and revenue, if any, on or before the date fixed by the court in writing, and on such deposit the landlord shall be paid the amount so deposited :**Provided that if the tenant so desires in cases falling under sub-sections (a) and (b) the court shall order that the amount found due to the landlord shall be a first charge upon the interest of the tenant in the property comprised in the holding and that it shall bear interest at the same rate as was calculated when ascertaining the market value of the landlord's interest.**'17-B. The court in which a deposit is made under this chapter may in its discretion at the instance of any person interested in the sum deposited order that such deposit be invested in the manner referred to in section 32 of the Land Acquisition Act, 1894.**'17-C. The order passed under section 17-A shall operate as a sale to the tenant of his landholder's right in the holding and also as a document creating a charge in favour of such landlord.'*

"Mr. President, Sir, I think I should place before the House the section that is proposed to be displaced by this clause. I will only read sub-clause (1) which runs as follows :—

'A kanamdar shall be entitled to claim and his immediate landlord shall be bound to grant a renewal, enuring for a period of twelve years, of the kanam under which the claimant holds on payment, as renewal fee, of two and one-fourth times the balance of the annual fair rent of the lands covered by the kanam after deducting (1) the annual revenue on all lands if payable by the kanamdar under the kanam deed, (2) the annual interest on the kanartham, and (3) the annual michavaram payable under the previous kanam.'

* Mr. J. A. SALDANHA :—"On a point of order, Mr. President, there was an amendment of my hon. Friend, Mr. Arogyaswami Mudaliyar, the other day and the main question involved in it was the right of purchasing by the landlord from his superior holder. On that amendment, the right of purchase at the market value was discussed and that principle was overruled by this Council. And, with reference to an amendment which I wanted to propose on a similar matter, you were pleased to say that any such amendment would be out of order. As the principle of this amendment has already been decided, I submit that this amendment involving principle of purchase cannot be brought forward at this stage or at any stage."

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* The hon. the PRESIDENT :—"Yes. Mr. Saldanha's argument is that clause 17 proposes to give the power of purchase to the kanamdar and the motion made by Mr. Arogyaswami Mudaliyar provided for such a purchase. Is not this amendment covered by that decision?"

The MUPPIL NAYAR OF KAVALAPPARA :—"No, Sir, this question refers to a particular class of kanamdars."

* The hon. the PRESIDENT :—"The comprehensive motion of Mr. Arogyaswami Mudaliyar included this clause also and therefore this motion is out of order."

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

'that in sub-clause (1), for the figures "(1)", "(2)" and "(3)", the letters "(a)", "(b)" and "(c)" respectively be substituted.'

"This is to avoid confusion with numbers (1), (2) and (3) of the sub-clauses.

"I also move that—

'In line 7 for the words "on all the lands" the words "payable on the kanam property to the Government" be substituted.'

"This is only a verbal amendment to make the meaning clear."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it, Sir."

The amendments were put and adopted.

Mr. K. UPPI SAHIB :—"Mr. President, Sir, I move that—

'In line 1, sub-clause (1), insert a comma after the word "shall" and insert the following: "on the expiry of the kanam under which he holds"; and

'In lines 3 and 4 for the words "kanam under which the claimant holds" substitute the word "same".'

"This is only a verbal amendment to make the clause read better."

Mr. S. SATYAMURTI :—"I second the amendment."

The hon. Mr. A. Y. G. CAMPBELL :—"I accept the amendment, Sir."

The amendment was put and adopted.

* Mr. K. MADHAVAN NAYAR :—"I move, Sir, that—

'In line 5, sub-clause (1), for the words "two and one-fourth" the words "one and a half" be substituted.'

"I request, Sir . . ."

Mr. K. P. RAMAN MENON :—"Mr. President, Sir, there is another amendment No. 240 to enhance the renewal fee mentioned in the Bill. Will it not be proper to begin at the top?"

* The hon. the PRESIDENT :—"There are two sets of amendments—one for enhancement of the renewal fee and the other set for its reduction. The kanamdars have given notice of one set of amendments and the janmis have given notice of the other set of amendments. Since by accident this amendment is printed first, I will call the kanamdar first."

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* Mr. K. MADHAVAN NAYAR :—" Mr. President, Sir, I beg to move that—

'In line 5, sub-clause (1), for the words "two and one-fourth" substitute the words "one and a half".'"

Mr. S. SATYAMURTI :—" Sir, hon. Members who have given notice of motions for decrease and increase may be allowed to move and make their speeches and then the motions may be put to vote one after another."

* The hon. the PRESIDENT :—" The thing is this. One class of amendments relate to the reduction of the renewal fee, and they come mostly from the representatives of the kanamdars; another class of amendments relate to the enhancement of the renewal fee and they come from the janmis. Of course, every motion will be formally moved. Everybody knows full well the mood of the House." (Laughter.)

* Mr. K. MADHAVAN NAYAR :—" And therefore, Sir, I am not going to make a long speech. Considering the mood of the House there is no use taking up the time of the House by long speeches and therefore I shall confine myself to a few pertinent facts. At the very outset, Sir, I want to impress upon the House that the kanamdars of Malabar form the bulk of the agricultural population of that district. And the attempt of the janmi expert, however ingenious, to controvert that has been a failure. It is a fact and that has been borne out by the Raghavayya Committee at page 151. There you see that out of the 1,287,020·38 acres of cultivated land 484,108·41 acres are cultivated by the kanamdars. They as a class are poor cultivators of land, and they form the majority of the cultivators. So that, let not the members of this House who have no intimate knowledge of Malabar be under the delusion that the kanamdars of Malabar are middle-class men, that they are prosperous, that they are wealthy men, that they are Government officials, that they are vakils and so on. True, Sir, that some of the vakils and Government officials do belong to this class, and some also belong to the janmi class.

" But because there are a few Government officials among kanamdars I don't think that warrants the argument trotted out from the other side that all the kanamdars are officials, that all of them are rich people, that all of them are prosperous people. (Mr. K. R. Karant : Mostly.) My friend here says 'mostly', meaning thereby that most of the kanamdars are well-to-do people. I would say 'leastly', for very few of them are wealthy people. There are only a few hundreds that could be classed as wealthy. You will see that the kanamdars who have been in possession of the property and who have been cultivating their property prior to 1852 are themselves more than 52,000 families, and this will be seen in page 151 of the Raghavayya Committee Report. It is for these people I speak when I say that the renewal fee that is paid is highly oppressive. And in this connexion I may refer to the Gazetteer, to which I referred to before, which says that these kanamdars in order to pay the renewal fee borrow at the rate of 20 per cent and 30 per cent and thus become impoverished, and so much misery in Malabar is due to the payment of exorbitant renewal fee. In this connexion I may quote with profit a few extracts from the dissenting minute of the Muppil Nair of Kavalappara, who, the House will remember is the representative of the janmis in the House. He says, 'the kanamdar is believed to play a chief part in improving the land and that in order he

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might continue to do so he must be given an incentive by being given some sort of security, especially as his efforts would be absolutely necessary to improve the lands in view of the poverty of the verumpattamdars who cannot undertake any work of improvement even if he were to be blessed with fixity of tenure. But I may mention one thing, namely, that the improvements effected by the kanamdars were mainly due to the opportunities they had and their desire to effect them with a view to make redemption by the janmi as difficult as possible. Now, Sir, it is admitted by the hon. Member that improvements have been effected by the kanamdars, both by the cultivating kanamdars and by the non-cultivating kanamdars. It goes without saying that the paddy land is improved by the kanamdar. I do not understand the reason of the Muppil Nayar of Kavalappara when he says, 'If beyond this it is claimed that they were actuated by the high and altruistic motive of improving the land and thereby increasing the national asset, I must demur to that and refuse to believe in anything like an economic consciousness being present in the minds of the kanamdars, which impelled them to do this noble work.' I fail to see with regard to the paddy land what other motive can be present in their minds except that of getting the highest yield. Thus it is admitted on all hands that the improvements in the land are effected by the cultivating kanamdars and the non-cultivating kanamdars. Whether it is in the possession of the verumpattandar or not the fact remains that the improvements have been effected by the kanamdars. So that you will see, Sir, that the claim for the surplus rent is an improper and unjust one and it partakes of the character of rackrenting the tenant. I am sorry that what the present Bill seeks to do is to standardize this rackrenting, and make it legitimate. The Muppil Nayar of Kavalappara then goes on in page 28 of his dissenting minute thus :—" It may be said that renewal fee is increased and that it would work out at 100 per cent increase. The true test does not lie in looking at what the increase in the renewal fee is. Further, it will be seen from the evidence of the various representatives of the janmis that the generality of janmis never realized more than one year's net income as renewal fee. In the illustration as given in the original Bill, and that in the Bill prepared by the Government, the net income is shown as Rs. 58; but the present Bill makes the tenant pay Rs. 130, i.e., more than double the amount that is actually collected. Now let us see what the janmi witnesses who gave evidence before the Raghavayya Committee say on the question of compensation and renewal fees. Mr. E. Govindan Nayar, who was one of the principal exponents of the janmis' cause when Mr. Krishna Nayar's Bill was under consideration in the Council says that restrictions on evictions require little compensation. (Evidence volume, page 164.)

" Mr. M. A. Anantan Nayar, a janmi and a retired Deputy Collector, Mr. K. T. Kumaran Nambiyar, a rich janmi and a Member of the Legislative Assembly, Mr. A. K. Sankara Varma Raja of Kadathanad, one of the most influential and richest janmis of North Malabar, Mr. Kalliat Chathukkutty Nambiyar, a big janmi and a Member of the Legislative Council, and several other janmi witnesses all say that they require little or only slight compensation for the restrictions on eviction provided in the Bill. The third Raja of Calicut, the Raja of Nilambur and some other janmi witnesses say that even if permanency of occupation is given to the tenant, it is not twenty times the fair rent, but twenty times the michavaram that they are entitled to get as compensation. The Bill however gives no permanency but only fixity of

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tenure with the right reserved to the janmi to resume the land whenever he wants it for his own cultivation or when renewal fee is not paid. As for the renewal fees that are now collected, all the janmi witnesses are agreed that none of them collect more than one year's income and several of them say that they collect much less. Some of them, like the third Raja of Calicut say that the renewal fee collected by them amounts only to 30 per cent of the rent payable by the verumpattamdar.

"Now the present Bill provides for 150 per cent and 200 per cent of such rent as the renewal fee. In some cases it will work up to four times and five times the previous rates of renewal fees. Where it has been only 3 per cent the present renewal fee will work out at 400 per cent increase. Such excessive renewal fee will impoverish the tenants, and they may find it impossible to pay the same. The difference between the janmapattam and the fair rents will be eaten up by the losses due to vicissitudes of season and repair of bunds, etc. Thus there is very little left to the kanamdar to pay renewal fees to the janmi while the janmis get, double or treble the amount they have been getting hitherto.

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"If as a matter of fact the kanamdar or the verumpattamdar has to pay the renewal fee fixed in this Bill, he will have to pay more than what he gets out of the land altogether. That is really a great hardship. Therefore I submit that the renewal fee that is fixed under the Act is exorbitant, and if it is to be reasonable and proper it should be reduced to one and a half times. I do not think that I need elaborate the arguments that I have already advanced before under another amendment but my submission is that the fact that the generality of the janmis have never collected such renewal fees till now is clear proof that he not only does not sustain any loss by this legislation but gains considerably. In this Act he is given the right to take back the land whenever he requires it for his own cultivation or for that of any member of his family; and when he takes the land back like that, he is not liable to refund the excess renewal fee taken by him. My submission is that the increase, if at all, must be gradual, that one and a half years' difference would be sufficient compensation and that two and one-fourth times is an increase which will really work great hardship on the tenants in Malabar. We submit that one and a half times is a fair and reasonable increase when the janmi till now got only one year's difference. The rate of two and one-fourth times the difference will be very oppressive and very hard on the tenants of Malabar. I therefore commend this proposal to the acceptance of the House."

Mr. K. R. KARANT :—"I second it."

* Mr. J. A. SALDANHA :—"Sir, if there is one important amendment in this Bill, it is this, and in supporting this motion, I have to appeal to the sense of justice as well as to the sympathy of this House because if this provision of the Bill is enforced it will work most disastrously to the interests of the kanamdar. I speak on behalf of the Syrian Christian community whom I represent and with full knowledge of their condition. Ninety per cent of these kanamdars among them, I think, are cultivating kanamdars. Taken as a body they are very poor. Thousands of them are cultivating tenants and they work in their fields and in their gardens for all months in the year with hardly any intermission. And the profits that they get are after all not much. And considering the economic condition of these people,

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they are very thrifty, honest and industrious people who are imbued with the highest Christian principles and are always honest and honourable. And, as a rule, the janmis have very little complaint against these tenants. But the provision in this Bill for two and one-fourth times the balance of the annual fair rent minus the annual assessment, the annual interest on the kanartham and the annual michavaram payable under the previous kanam, as a matter of compensation, will simply wreck the whole of the economic system of Malabar, at least in the part of the district which I know very well, that is, in the Ponnani taluk. In support of this statement, I may only read to you one paragraph from a petition which I have not read to you before, presented by the Syrian Christians of Ponnani taluk.

The renewal fee in the present Bill has been very high and exorbitant. It exceeds the current existing scale demanded by the janmis. In this connexion it should not be out of place . . .

"I would request Mr. Satyamurti to listen to this and not to disturb the House by his talk, as this is a matter of very great importance to us, and when I, a member of the Congress party and his friend, speak he would listen—he must listen—to all the bearings in the matter, because Mr. Satyamurti thinks about the Select Committee's report that it is such a sacred thing that even a word of it cannot be changed. Here I appeal to the House to simply bear in mind the actual fact on which a great deal of evidence was given, as is found in the Raghavayya Committee's report. It is on the basis of the evidence that was collected by them that my Friend Mr. Madhavan Nayar has been able to show that the rate of renewal fee fixed even by way of compensation is not only extravagant but simply ruinous. Therefore we have to consider what should be the fair rate of renewal fee, as we have to fix compensation on it. I will just mention only one argument used by these people of Ponnani taluk whose petition I was reading. The petition goes on:

"In this connexion it should not be out of place here to mention that the nature of the holding of the land under the cultivating kanam tenure is quite different from what is now superficially construed and viewed in favour of the ownership of the janmis for the purpose of this Bill. The lands that were received by the tenants with no fear of eviction and on mutual and sincere understanding, were mere waste lands and inundated sites. They were gradually improved at the immense cost and labour of the tenants from whom the holdings have been handed down in course of time from one to another either by sale of their rights or by inheritance. The janmis have never spent a pie for the improvement of such lands and so virtually they are not the virtual owners of the land independently."

"It is with the sweat of their brow that these people for hundreds of years have cultivated the land and extended the cultivation and improved them year after year, so that South Malabar is now one of the most fertile and rich lands in the province. It is due to the investment of their money and also. The verumpattam tenants, as has been pointed out, are hopeless and helpless people. At every stage we see the verumpattamdar pitted against the kanamdar here, as has been repeatedly pointed out on the floor of the House. Now, I will mention only one instance given in one of the annexures to the Raghavayya Committee's report. I am sure how unfair and disastrous the renewal fee as fixed by Government would work will be clear from that. At page 139 of the Raghavayya Committee's report, under heading III, instances of economic condition of kanamdars are given. There it is stated that if the kanartham is Rs. 140, the michavaram would be 75 para plus Rs. 7 cash. The kanamdar also pays the assessment, i.e., Rs. 17½ to Government on the nanja, the verumpattamdar paying the assessment on the punja

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land. The last renewal fee in such a case was Rs. 75 as stated in the document. I would just draw the attention of the House to this figure of Rs. 75, mentioned as the last renewal fee. 'But he had also to pay as sowjanya Rs. 50 to karyasthan, etc. According to him verumpattamdars will get 50 paras and Rs. 20 worth of straw and Rs. 50 on dry lands as profit. The wet lands were double-crop lands.' This is the instance mentioned in the report. Now, Sir, according to this, the annual fair rent would be Rs. 340; if you deduct from this the michavaram, assessment and interest on kanartham, it comes to Rs. 142; now, the remainder after deducting this Rs. 142 from the fair rent of Rs. 340 will be (Rs. 340 minus Rs. 142) Rs. 198 or roughly Rs. 200; if you multiply this Rs. 200 by $2\frac{1}{2}$ the result will be Rs. 450. So, Sir, at present the rent in the Ponnani taluk and in the Cochin State is put at each renewal as 25 per cent of the kanartham. In this case, the kanartham is only Rs. 142 and if you calculate 25 per cent of it, it comes to about Rs. 37. Even adding this Rs. 37 to Rs. 75, the last renewal fee, look at the difference between Rs. 450 which is fixed as the renewal fee in this Bill and Rs. 112; the difference is about Rs. 350. It is most unfair, extravagant and unreasonable compensation. Under these circumstances, I would tell the hon. the Revenue Member that I would rather have the Bill withdrawn than passed by the House. This payment will be a perpetual payment in future because, he will have to pay Rs. 50 annually more than the michavaram which he now pays. He has also to pay double the annual rent. I do not think my hon. Friend Mr. Unni expects such a large amount as compensation. Is that a mere compensation or is it confiscation of rights? This is nothing but confiscation. Really speaking, the janmis, with all respect to them, do not know what manual labour is, what the hardship of labour is, what the hardship of the shedding of the sweat of one's brow is. They are actually absentee-landlords and they do not feel the suffering of the poor kanamdar. They say that kanamdars are officials and vakils, etc., but that is a big lie. That is a lie at least so far as 50,000 people whom I represent are concerned. Ninety-nine per cent of the Syrian Christian kanamdars work on the fields and in the garden lands during the greater part of the year. They rise early at four o'clock, and after spending an hour in prayer, they go to their fields and gardens for work and they work there throughout the day. This is the compensation they are expected to pay for what is called fixity of tenure. The fixity of tenure is practically there already as I have said; once a kanamdar always a kanamdar. I think the janmis have got the right to exact an increase of michavaram and get more money by way of kanartham. But after all that right is a very limited one. The lands are not increasing in value in Malabar with such rapidity as they do in other places. The lands have got only normal values and the profits are normal.

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"After all, what is the right of the janmi to the land? He has no right to the land, except that he has the right only to get a certain due. He may be the absolute owner of the land, but he cannot be sitting on the soil, he cannot eat the soil but what he gets from the sweat of the labour of tenants. Let us beware of the spirit of the times; labour is everywhere getting into its own. In England, there is a Labour Party, there is a Labour Government and Labour Cabinet (Hear, hear). Let us beware what we do with labour. Labour will have its revenge one day. If compensation is not given in this Bill, labour will be up against us. This is no compensation; this is mere

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confiscation of all the fruits of labour. So, I make this appeal to the Government. I have studied the whole question, and the more I examine these provisions, the more I see the unfairness. I myself brought an amendment to the effect that it should not be one and a half times but only one year's net income that should be given as compensation. But two and a quarter times is worse. I shall see what arguments my hon. Friend, the janmi representative, will bring forward to answer these facts and to demolish the evidence we find in the Raghavayya Committee Report and before us. I hope our friends on the other side will abate some of their over-zeal in threatening Government. After all, why should the Government depend on the janmis and be afraid of their attitude? Is it for their sentiments of loyalty? Is it because some of them are more articulate? Government thinks that they are very powerful people. I say they cannot excite the people but the people will excite themselves if they are not fairly dealt with. The janmis have no energy to talk, or to lecture or to do anything, nor are they willing to do anything of the sort. I tell the hon. Revenue Member that it is a false bogey that the Government have got in their minds, that by offending a loyal class of people they will be very much offended. Thus they want to have a hold on the janmis and gain their affection. It may be that some of them are really loyal. However, I know there is not much love lost between the janmis and the Government. If Government wants to gain the affection of the people, let them look to the interests of the masses and not to the landlords. They are only overlords, feudal lords who are entitled to get only the quit-rent. Why should Government be afraid of these overlords? Their affection to the masses is nil. The Government should try to have their hold on the large mass of tenants. As pointed out by my hon. Friend, Mr. Madhavan Nayar, by far the largest majority of real cultivators are the kanamdars and the verumpattamdars. The people who take real interest in the improvement of land are the kanamdars, and this fact Government has to bear in mind. Nowhere else in the world you have such a system of tenure as you have in Malabar; this kanam system is a peculiar one; it has got a stronghold on the whole of Malabar, and as such you cannot get rid of it. Let us therefore face facts; let us not treat them unfairly or do anything unjustly as is proposed in this Bill."

* Mr. E. SANKARAN UNNI :—"Mr. President, Sir, we have heard a great deal about things which might very well have been used to move another kind of audience. But I always thought the proper way of addressing this House was to respect the intelligence of the hon. Members and then proceed. But the kind of argument which the House has heard will only appeal to very few here. My hon. Friend Mr. Saldanha desires to destroy janmis."

* Mr. J. A. SALDANHA :—"I never said that janmis should be destroyed."

* Mr. E. SANKARAN UNNI :—"Whatever the hon. Member has said, it is not going to make much difference. Therefore, I shall not be justified in wasting a single moment of the time of the House in answering the arguments of my hon. Friend, Mr. Saldanha. I will only try to meet Mr. Madhavan Nayar. I therefore propose to concern myself with his arguments. He wants to reduce $2\frac{1}{4}$ to $1\frac{1}{2}$. I do not think I am called upon to answer much that has fallen from him. But I shall try to show to the House that $2\frac{1}{4}$ is not anything like what it ought to be and that even 6 will not do. I propose to argue on that basis."

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* The hon. the PRESIDENT:—"The hon. Member may advance arguments in favour of six times."

Mr. E. SANKARAN UNNI:—"I am very much obliged to you, Sir, for suggesting that course. I was going to say that $2\frac{1}{4}$ times is confiscation. How does it work? Take the illustration to section 11. (A Voice: It is imaginary.) If imagination is going to be derided, I do not know where the hon. Member would be! His occupation would be gone! Please look at the illustration to the old section 11. There you have got fair rent Rs. 100. The michavaram of the property is Rs. 20. There is an assessment of Rs. 7 and there is interest on the kanam, Rs. 15. The kanam amount must be Rs. 125 to bear an interest of Rs. 15 at 12 per cent per annum. Two and one-fourth times the difference between the fair rent and Rs. 45 is proposed to be given to the janmi, which works out at Rs. 130-8-0. Now, we are told that Rs. 130-8-0 is very much more than what the tenant can pay. Now, two and one-fourth times leaves behind for the benefit of the tenant nine and three-fourths. It is perfectly clear that the only right that the kanam tenant has is to receive the kanam Rs. 125 on it at the expiry of the term and quit the land. All the balance is mine. The janm value of the land at twenty times the fair rent (Rs. 2,000) minus Rs. 125, i.e., Rs. 1,875, represents the janmis' interest. When the Bill becomes law, there will be a great change in the janmi's position. There is a present michavaram of Rs. 20 and a renewal fee of Rs. 130-8-0 given in advance. Being an advance payment, there must be added to the renewal fee interest at 12 per cent for twelve years. One-twelfth of that sum, roughly Rs. 15 plus Rs. 20, the michavaram, is Rs. 35. Rupees 35 multiplied by 20, is Rs. 700. (Mr. K. Madhavan Nayar: What about assessment and income?) I shall presently answer my hon. Friend. The present value of the property at twenty years' purchase is Rs. 2,000. I have got to give my hon. Friend Rs. 125, the kanam amount. To-morrow, after the passing of this Bill, I go out into the market to sell whatever right I have. The sole right that will remain with me is to enjoy michavaram plus one-twelfth of the renewal fee. That will be Rs. 700. (Mr. J. A. Saldanha: That is all your due.) Luckily my hon. Friend is not the only one who has got to give a judgment on this matter! The value of the property, so far as the janmam rights are concerned, would be only Rs. 700. The janmi loses Rs. 1,175. What is the compensation for the loss? If a property which is worth Rs. 1,875 will be worth only Rs. 700 as a result of this Act and if that is not confiscation, I do not know what else it is.

"Well, Sir, let me look at it from another point of view. Two and one-fourth times works out at Rs. 130-8-0. It is a fair argument for Mr. Madhavan Nayar to say 'It is an advance payment for twelve years. You must add interest at 12 per cent on the money.' I agree. Add interest. Let us make a calculation. Taking it that the arrangement was made on the 1st of January 1928, add interest for one year at 12 per cent on Rs. 130-8-0; in 1929, the principal and interest will amount to Rs. 145. Just at the end of one year, the tenant gets a balance of profit of Rs. 58 from the land. Deduct it from Rs. 145 and there is a balance of Rs. 87 only. Again for the second year add interest on it at 12 per cent and deduct the profits and go on in that way. If you do that, within three years of the payment of the renewal fee every pie the tenant had given would be recouped by him; it does not require even three years. In two and a half years, every rupee that the kanamdar has given is given back with 12 per cent interest. This is a

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matter of arithmetic. There is no jugglery here. He gets all the balance, and what is it that he gets? He gets nine and half a years' profits over and above the interest on his investments. Then there is the interest on the first Rs. 58 for nine years, and eight years' interest on the next Rs. 58 and so on. So for nine years he gets Rs. 58 plus recurring interest thereon. Therefore, the profit that he makes from the property is twelve years' profits plus the interest on Rs. 58 for a period of 45 years. Meanwhile within three years all the money that he has given is recouped. Yet, my hon. Friend gets up in his place and says, 'Here is the janmi so rapacious; there is the Government so unfeeling, so harsh, and between the two the kanamdar, an injured innocent.' My hon. Friend's position seems to be that the janmi is entitled only to the pittance he proposes. It is too late for the hon. Member to assume that attitude. What I am entitled to is the balance that remains after paying the kanam. 'What about my improvements' he asks. Fortunately for my hon. Friend, there is the Improvements Act. For his improvement, he can exact very heavy compensation. If the price of the property goes up in value as a result of the improvements he will get a proportion of the enhanced value. If, for instance, on the holding I gave as an illustration the kanamdar has made improvements, the value of the improvements, according to the Improvements Act, will be assessed and will form part of the purchase money, and his share of it will be paid to him. But the kanamdar is not satisfied with that advantage. He wants to acquire a new right. My hon. Friend talks as if, at the bar of this House, I have to defend myself. On the contrary, the kanamdar has to establish the claims advanced by him in the face of the existing legal position.

"The legal position as we have it is this: the janmi is the absolute owner of the land and the kanamdar is only a mortgagee. The House is committed to this principle and the Government also are committed to this principle. But by fixing the renewal fee at two and a quarter years net profit they have gone back upon it. What is the compensation for the grant of perpetual renewal and the loss of $9\frac{1}{2}$ years' profits? However Mr. Madhavan Nayar says that the janmi does not collect at present even so much as what is allowed by the Bill. But the kanamdar has set up all this tremendous agitation on the allegation that there were heavy exactions in Malabar. It does not lie in his mouth now to say that the janmi is a fine and fair landlord."

1-30
p.m.

At this stage, the Council adjourned for lunch.

After lunch (2-30 p.m.)

III

ADJOURNMENT MOTION REGARDING THE LOCATION OF A TODDY SHOP IN TRIPPLICANE.

* Mr. S. SATYAMURTI:—"Mr. President, Sir, I rise to move—
'that the business of the House do stand adjourned to consider a definite matter of urgent public importance, to wit, the opening on Friday the 5th October, of a toddy shop in No. 2/8, Karpani Amman Koil Second Lane, Venkatarangam Pillai Street, Triplicane.'

"Sir, I should like to say, at the outset, that, more than one friend of mine has suggested to me that this is too small a matter; whereas, if we

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move questions involving the Excise policy of the Government and involving the displacement of the Ministry, we are told that it is too large a question and that we should not try to make political capital out of a small matter like the Excise reform. I really feel puzzled. There is a Sanskrit proverb, मौनान्मूकः प्रवचनपटुर्वाचको जल्पको वा । 'If you are silent, you are dumb; if you speak well, you are talkative or impertinent.' It seems to me that this is eminently one of those human questions on which every hon. Member of this House may vote, irrespective of the particular political party to which he may belong.

"Sir, if we can have prohibition to-morrow, I am for it, but we cannot have it. We have been told by successive Excise Ministers, including the present Excise Minister, that the Government is all for small reforms, here and there, provided public opinion will back up those reforms. Now, Sir, my humble submission to this hon. House will be that the location of this shop in that place is against all relevant public opinion and that that public opinion is decidedly against it, that the removal of the shop would meet with no opposition, but will be welcomed in the locality as a measure, a much-needed measure, of social reform.

"Now, what are the facts of the case? A new toddy shop has been opened in these premises; its licence number is 218; the licence has been granted from the 1st October 1929; it has been approved by the Commissioner of Police and the Collector of Madras, and the toddy shop was actually opened on Friday morning. I have made a very detailed inspection of the place this morning, Mr. President, and I am in a position to say to this hon. House that it is located in a thatched hut, thatched with palm leaves, with thatched enclosures all round. The flooring is mud flooring; there is no provision for any latrine or urinal; there is no provision for any drainage; and it is most objectionable from any sanitary point of view, unless it is suggested that drunkards do not deserve the ordinary amenities of life, that they can go into a toddy shop, get themselves drunk, and then behave like less than men. Then, Sir, it is located in one of the poorest places of Madras, the so-called slum areas, where the fishermen who eke out their living by fishing in the sea day by day and night by night live. Unfortunately, these poor people who are uneducated succumb easily to temptation. Every evening these people will gradually move to this shop, for want of anything better to do, and will become confirmed drunkards, if they are already drunkards, or will drink for the first time, if they have not drunk before; and it will provide access even for women and children. Next door to this is a temple. It is not a very big temple; it is a small unpretentious building, but a temple all the same. I put it to the Government, whether it is right that they ought to locate a shop like this there. Then, Venkatarangam Pillai street is a very respectable locality, where men belonging to all castes and classes live. I do not think that in a respectable locality like that you ought to put up a toddy shop. Besides, the Corporation of Madras was not at all consulted about this matter, as to whether the shed could be erected there, whether the building was fit for human habitation, even for a toddy shop. I am in a position, Mr. President, to assure this House that the people of this locality are against the location or the continuance of the shop in that locality.

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"Then, Sir, I have before me a statement signed by men living in that street, belonging to all castes and to all political parties, non-Brahmans and Brahmins, Justice party men and Congress party men, to the effect that this shop ought not to be located here.

'Prior to 1912, there were two toddy shops located in Venkatarangam Pillai street which were a source of great disturbance to the residents of the streets near by. After some public agitation, one of the shops was abolished, and the location of the other was changed. . . . after some time, . . . and, on repeated representation of the citizens, the opening gate of the tavern was changed . . . to face the Buckingham Canal.'

"The gate was facing Venkatarangam Pillai street; the people of the locality objected and the gate was opened towards the east. It may be due to the work carried on by the temperance reformers, it may be due to the awakened conscience of the people, but there is the fact that there were no bidders last year, and in spite of the Government, the shop got closed last year. But the financial conscience of the excise officers was cut to the quick; they are not the people to allow toddy shops to be decreased in Madras; they must justify the salaries they receive, and the confidence the drunkards repose in them, and they must re-open the toddy shop somehow or other. Their myrmidons were let loose, inducements were offered, and another site was secured. The public had no inkling of the matter, till 1st October 1929. We might be told that the people did not object. I hope the hon. the Minister will not put forward that unworthy argument of estoppel. The Government should not be a party to this. Government is a government, and whenever the people protest against a toddy shop, the Government must close it. Even the people residing just in the neighbourhood of the shop had absolutely no intimation as to the probable location of the shop.

"Now, Sir, this road is well known to the hon. Members of this House; if not, I should like to say one or two facts regarding it. This is the road which branches off at the south of the Pycroft's road, where all buses which ply between Triplicane and Broadway assemble at all times, from early in the morning up to 11 o'clock in the night. There is always a large concourse of people, and in the morning and evening rush hours, there are 200 or 300 people either getting in or out of the buses. This road abuts on the Pycroft's road which leads to the beach, leads to the Presidency College, the Government offices, and a number of other places; and on either side of this toddy shop there are Corporation schools, on one side a boys' school and on the other side in the next lane a girls' school. This is the place where the Government have chosen to put this shop. And last, but not least, this shop is placed just in the midst of the poorest people before whom such temptation ought not to be placed.

"Now, Sir, if some artist were present there and should draw a cartoon for the 'Punch' with the Minister on one side distributing four lakhs of rupees for temperance propaganda and on the other side this toddy shop placed at the very door of the poorest, it would give a correct description of the present policy of this Ministry with regard to this vexed question.

"Then, Sir, the Excise Manual of the Government itself gives some directions as to the location of these shops in the City of Madras. The

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number and location are to be determined by the Excise Licensing Board. It says:

'So far as possible, arrangements should be made for the permanent location of the shop in suitable areas, which may be changed from year to year, and it should be so defined as not to contain any sites to which objection can be taken.'

"Then,

'the site selected should be so far public, that persons entering into the shops do not escape observation, but not so as to compel attention.'

"My charge is that this toddy shop is so situated. Then, Sir, so far as possible, proximity to the following should be avoided:—'Places of worship (here there is a temple), schools (here there are two schools), hospitals (there is a hospital), factories (there is no factory here but there is the Parthasarathi kuppam), bathing places (yes,) and other places of public resort (yes, the beach which is a place of public resort for the people of Triplicane and other divisions also).'

"I suggest, Mr. President, that almost all the rules laid down by Government have been left unobserved in this case.

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"Now, Mr. President, I want to say that this question of the location of toddy shops is at least as old as my existence in this House. Ever since I came here we have been trying to impress on the Government the need for locating these shops in unobjectionable places; but so far, I am afraid, we have not succeeded, and I want to put it to my hon. Friend the Minister that these objectionable places should be noted by the Government themselves and should not be left to the people to point out, and Government should not take advantage of their default.

"Sir, my hon. Friend from Madras who sits below the gangway said on the 18th March 1924: 'For instance, for the 25th Division which I have the honour to represent in the Corporation of Madras, the Corporation have passed a resolution that the toddy shop should be removed from there.' Now, there comes the question from the authorities concerned, 'if you abolish the toddy shop there, where are we to locate it.' His answer was, what my answer is to-day, 'I will say locate it nowhere'. I do not think it is the duty of hon. Members to find sites for the location of toddy shops, to oblige the hon. Minister for Excise. On 18th March 1925 I brought to the notice of the Government the opinion of several missionaries, distinguished educationists and other distinguished men, European and Indian, 'that these matters should not be rushed through and that due public notice should be given and the residents of any locality be allowed to say whether they object to the opening of a bar or liquor shop, and on what grounds.' Their opinion was based on the objection that 'the Purasawakam toddy shop is located just opposite to the main entrance to the Doveton College; because the London Mission High School is very near by; because the Methodist Episcopal Church is diagonally across the street; because the St. Mathias' School is near; because St. Paul's Church and High School are in the vicinity; because the Eversleigh Boys' Club is near, likewise the Collegiate High School, the Y.M.C.A. for Anglo-Indians, and the King Hostel for students. To place a bar in the midst of such a religious and educational centre is against the

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wish and the best interest of all these institutions and the enterprise is fraught with danger to the young people represented.' And the Government cancelled this licence and gave a hotel licence instead.

"Now, Sir, I want to point out also that my hon. Friend the Member for Madras, speaking on this very question, year before last, pointed out 'so far as the City of Madras is concerned, there is not a single shop the location of which is in conformity with the rules for the location of shops laid down in the Excise Manual.' What is this Government doing? Do they not live in Madras? Simply because you sit in that bench and draw Rs. 4,000 per mensem, you suddenly become oblivious of the interests of the public. You also say you cannot give us any facts either. And, unless the facts we have in our possession are in the Blue Books of the Government, they cannot be stated here.

"I say from my place in this House, speaking the truth, that this place is objectionable. The poorest people live here. Do not ruin their lives by taking drink to their homes. Are you here simply to do what your expert advisers ask you to do?

"My last submission to the hon. House will be this, Mr. President. This Government has sanctioned four lakhs of rupees for the creation of active public opinion throughout the Presidency against drink and to educate the masses on the evils of drink. I do not believe that the Government is sincere about it. But, assuming that the Government is sincere and serious about it, is it consistent with its desire to create public opinion against drink, to enforce a toddy shop in a place where public opinion is against the locating of it? Now, it seems to me that this is a simple matter which should have been looked into; it would have been set right in any other country. But in this country we know that we cannot bring pressure to bear upon the Government and the Government knows it and therefore it persists in its mistakes. I am making this motion, however, Mr. President, in order that, if possible, I may succeed in persuading the Government to remove the toddy shop. Let me assure the House, Mr. President, that I have no political motive or object behind this motion. I want this shop to be removed. If my hon. Friend does it, I will congratulate him; but if he does not and listens to the advice of the wiseacres of the department, then I ask him why we should not make political capital out of this. Deprivation of this office will not ruin him. He has other honourable avocations. But this shop is going to ruin hundreds of families. The answer probably will be that, if the shop is removed to another place, these people will go there. But my answer to that will be: remove all toddy shops and, if you cannot do so, take them to places where there is less temptation. With these words, I request the House to vote for my motion."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I beg to second the motion. I do not wish to make a speech. From my personal knowledge I can say that there is room for improvement in the location of toddy shops. I think, if considerations of revenue are put aside, it can be done. I have much pleasure in seconding this motion."

* Mr. C. B. COTTERELL:—"Mr. President, I have listened with great admiration to the speech of the hon. Mover. It showed, I think, how completely he was in sympathy with his subject—having all the sparkling and

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refreshing qualities of toddy—and also its other quality of spumescence or froth. (Laughter.) He has not however stated all the facts about this toddy shop. This shop has been in existence in the notified limits where it now stands for some ten years. Last year the bid for this shop along with the bids for ten other shops did not reach the reserve figure and therefore this shop was closed. This was not due to any fall in the sales of toddy in the shops but was due entirely to a combination among bidders. So much so that as soon as the shops were ordered to be closed the life of the Excise Commissioner was tormented by vakils and others who came in special trains (laughter) (A voice: 'Special trains?') special carriages and made large offers for the opening of the shops. Well, Sir, in spite of these inducements the shops remained closed. The opening of this shop again in the notified area was published in the *Fort St. George Gazette*, in all the police stations in Madras, and the fact advertised in the *Hindu* and the *Mail*. The present year's site is different from the site of year before last. The old site was two hundred and fifty yards to the south of the present site and very close to the school run by the Corporation. It has now been moved well away from the school and the building is clean and commodious with a nicely sanded floor. As to latrines, I do not know what the hon. Mover's experience is, but as far as I know no liquor shop is ever provided with a latrine. The limits of the site are—on the east the canal, on the north Pycroft's road, on the west Venkatarangam Pillai street, and on the south a lane. This site was approved by the Excise Licensing Board on 30th March and since then the department and the Government have received no public or personal representation about it. If we had received any such representation we would have been willing to see whether a less objectionable site could be found. There was nothing of the kind. No representation of any kind was received. The hon. Mover says that the shop is near a temple. Well, that temple is a temple of the fishermen in which the chief offering made to the deity is toddy. (Laughter.)

3 p.m. "The shop is situated with its back to the road. Passing along the Venkatarangam Pillai street, you do not see the shop at all. Nor will the beach be affected because it is three-fourths of a mile away from the shop. I will only add that the Government do all they can to meet private representations. But in this case no such representation was made. If the individuals concerned had taken the usual course instead of procuring the movement of an adjournment motion like this and if they had approached the department in the ordinary manner, the Government would have done everything in their power to meet their wishes. But they have not followed that procedure.

"There is another aspect which was not touched upon by the hon. Mover of the adjournment motion and that is the necessity for this shop in this locality. Who are the people of this locality? The locality is a locality of fishermen and the shop has for ten years been located there to meet their requirements. I do not know whether the hon. Mover of this motion has ever spent a day on the sea in a catamaran, buffeted by the waves, pulling at an oar and dragging heavy nets—under the fierce rays of the sun. If he had, I do not doubt that on his return he would have demanded, perhaps not toddy, but beer—very probably one bottle would not have been enough, he would have taken two. For my part I would not blame him.

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"Well, Sir, I had the privilege of meeting the very eminent chief of these fishermen and some of his caste men and their wives and children. They are all very clean, hardworking and respectable people. I said to them 'don't you fellows spend more on drink than is really necessary?' They said that they had a convention to restrict the quantity of their toddy to one drink on days on which they went to sea—unlike my hon. Friend with his two bottles of beer—and on other days to half the quantity."

* The hon. the PRESIDENT:—"The hon. Member will have to close his speech within a minute."

Mr. C. B. COTTERELL:—"Sir, it may be that a site could be found in these limits more suitable taking into consideration both the private and public convenience. But there was no public objection and no private individual made any complaint. The Government accordingly had nothing to do but open the shop in the site approved by the Excise Licensing Board."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, I rise to speak on this subject not as a prohibitionist but as a resident of the City of Madras, as a councillor of the Corporation of Madras and as a member of the Health Committee and its chairman and as a Member of this House. The Excise authorities have got peculiar ideas"

* The hon. the PRESIDENT:—"May I request the hon. Member to speak on this subject as a Member of this House." (Laughter.)

* Rao Bahadur C. NATESA MUDALIYAR:—"As an elected Member for the City of Madras, I say the Excise authorities have got a peculiar knack of locating these toddy shops almost invariably in all decent localities, in decent streets where respectable people reside, in front of temples, in front of churches, in front of schools and in front of mosques. Failing these places, they locate them in places where helpless poor people live who will be tempted to take to drink and waste all they earn in a day. That is the condition of the City of Madras and I rise here to ask the hon. Minister for Excise"

* The hon. the PRESIDENT:—"I think the general question of locating the toddy shops in the City of Madras is not at all relevant to this motion. It is only the location of a particular shop in a particular place which is relevant to this motion."

Rao Bahadur C. NATESA MUDALIYAR:—"Thank you, Sir, for drawing my attention to this aspect of the matter. The hon. the Excise Commissioner said that the only reason for the Government locating the shop in that locality was that the people wanted it to be located there, and they did not object to it. I am going to tell the Government in season and out of season that not only the people of the locality but also the Corporation itself has protested against such locations.

"Sir, a similar thing has happened in the division which I have the honour to represent in the Corporation. The very day on which Mr. Satyamurti says a toddy shop was opened in his division I believe the same day another was opened in my division. I am extremely sorry for the fact that I and most of the Members of the Corporation of Madras and probably many prominent citizens of the city were made to believe that eleven shops were closed, because the excise policy was to curtail the number of shops. Really we believed it. The present statement made by the Excise Commissioner comes as a surprise to us. Sir, the shop that was closed in 1925 in Chepauk division

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was opened and the shop that was closed in Mr. Satyamurti's division was also opened again. So, Sir, I want the hon. the Excise Minister, now this adjournment motion has been tabled, to lay out the policy he wants to be followed about the location of these toddy shops. The Corporation of Madras requested its members not to take up even nominated places in the Excise Licensing Board because it was useless to do so. As a result of that, the hon. Sir Usman Sahib, then, I believe, the President of the Corporation, resigned his place on the Excise Licensing Board. So also did my Friend Diwan Bahadur G. Narayanaswami Chettiar. Sir, this location of toddy shops causes a great deal of difficulty and is prejudicial to the sanitation and conservancy of the city."

* The hon. the PRESIDENT :—" I have to point out that the hon. Member is far away from the motion under discussion."

* Rao Bahadur C. NATESA MUDALIYAR :—" I will obey your order. I will ask you at some other time to give me permission to move an adjournment motion concerning the whole city, and its grievances." (Laughter.)

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" I want to place before this hon. House certain facts which came to my notice, and also the representations of the Women's Association in the City made to the Licensing Board and also to the Government. I am very thankful to Mr. Cotterell for the first part of his reply that private representations will be heard and given effect to. Our experience has been otherwise. Only last year the Women's Christian Temperance Association got a resolution signed by a number of women and men citizens of the locality, viz., Randall's Road, and sent it to the Collector. I myself wrote to the Collector to give effect to that resolution but he did not do so. It was some time in July last that under the auspices of the Mothers' Association they passed a resolution and sent it to the Commissioner, the Collector and the Licensing Board and so far we have not had any reply. The toddy shop is going on very briskly in all its rigour. Of course I do admit Mr. Cotterell's statement that fishermen would like to drink after a hard day's labour. No doubt they would like because after working in the hot sun they get naturally fatigued and consequently they may like to take some drink, but the question is 'will their wives and children like it?' The condition of labourers and the poor inhabitants of the cheris in the City of Madras is very pitiable. As the hon. Mover of the adjournment motion has pointed out, these shops are located on their way home and naturally the fishermen after their hard day's labour are tempted to drink. They are illiterate labourers and they have not been taught the evils of drink. Even if they have been taught, it is too much to expect them not to drink; because the toddy shop-keepers sell meat and pickles with too much salt in them with a view to increase the thirst of these labourers, so that they may take more toddy. Not only they drink too much but I have seen them inviting their friends to drink at the expense of their wives and children. I have seen little children taking toddy in those places. Under these circumstances, I think that it is not in public interest or health or morality of the people that these shops should continue to exist in such objectionable places. I am very thankful to the hon. Minister for the sanction of four lakhs of rupees. We know that in Madras the revenue from excise is very large, being 33 per cent of the total revenue, and it tops the list among other provinces. This large amount of revenue comes from poor men's pockets. If you want to help these poor people the importation of

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foreign liquor also will have to be stopped and the location of these toddy shops should receive the consideration of the hon. the Excise Minister and the Government. So long these shops continue in these localities, no amount of temperance propaganda would have any effect upon the poor inhabitants of those localities. No amount of education, no number of night schools, no amount of improvement in hygiene and sanitation of those areas, no amount of facilities for good housing will benefit the poor because the men spend three-fourths of their earnings in the toddy shop and their wives have to go outside to earn. The misery of those families cannot be depicted in mere words."

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* Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, but for the excellent manner in which it was delivered, the speech of my hon. Friend, the Excise Commissioner, was the most disappointing that I ever listened to. (A voice: 'Not unexpected.') As my hon. Friend reminds me, it was not quite unexpected. As a matter of fact, we would have been surprised if any other reason or any other set of arguments had been put forward in favour of the position which the Government usually take in matters of this sort. The speech has revealed one particular point for which the whole House ought to feel ashamed, the manner in which this matter was treated by the Government. The Excise Commissioner told us that last year eleven shops were closed. We were all under the impression that these shops were closed in pursuance of the policy of the Government to reduce the number of shops so as to remove the temptation of the people. We now come to understand that the closure of these eleven shops was not in pursuance of this policy, for which we gave credit to the Government for the time being, but because there were no bids. If there were no bids and if the shops were closed on account of that fact, what made them re-open the shops I fail to understand. The statement made by the Excise Commissioner is that these shops were re-opened in response to the requests made by Gramanis and Pattars. I thought that the opening or closing of shops is not dependent upon the requests or opposition from the Gramanis concerned, but upon the requests or opposition of the people who are expected to patronize these shops. When representations are made to the Government to close these shops, the usual reply of the Excise Commissioner is that the Government have not received any representation from the people of the locality for closing the shops. If representation from the people of the locality was necessary in order to close a shop, I ask why the Government should consider it necessary to re-open a shop when representations are made by the Gramanis. If there had been any demand from the fisherfolk and if appeals had been made on bended knees to the Excise Commissioner to re-open these shops, there would be some justification for the action of the Government. Who can ever expect that the Gramanis or Pattars would ever ask the Government to close these shops? It is superhuman to expect the profiteer to ask the Government to close the shops from which he is getting much profit. I am really surprised to see that the Government are pursuing this policy with regard to the opening of this and the other ten shops. I know any argument or influence from this side would be perfectly useless. The Government have made up their minds to impoverish the people, to emascuate the people, and to make the people physically weak. There is no use of appealing to the Government. But the arguments that are advanced from this side ought to carry weight with any respectable body. It is stated that the shop is within the notified limits. As

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for the objection that the shop is near a temple, perhaps it will be stated that the goddess itself would not be displeased if it gets a pot of toddy. There are some goddesses, perhaps, who are fond of wine-drinking. I do not know if my hon. Friend, Mr. Cotterell, is going to justify the location on that ground of a shop near such places of worship. I hope I am not misinformed when I say that one of the Christian gods is fond of blood and wine and so, will Mr. Cotterell justify the location of a toddy shop near any church? Granting that offerings of wine and toddy are given to gods and goddesses, are the Government bound to encourage that action? Can they not discourage it by at least placing the temptation far away from their reach? Mr. Cotterell was good enough to say that he visited the locality, enquired about the well-being of the people concerned, that he is perfectly satisfied that the people there desire to have the shop and that they are able to get on well even though a toddy shop is located there. Did he go there as a Police officer or as Excise Commissioner? The people there perhaps thought that a Burra sahib is come to enquire about the desirability of having a shop there. Can it not be possible that the women and children might have been frightened at the sight of the European gentleman and crossed the t's and dotted the i's, of the Commissioner.

"It was said that this is a peculiar kind of impressing the Government by moving adjournment motions on such subjects and that if representations were made to the proper authorities, they would be considered. I should like to know what representations more worthy, more honourable, more respected, more representative than the vote of this House is required to convince the Commissioner and the Government about the objectionable nature of the location of the shop; not only we, members in the City of Madras, not only Members belonging to all parties in the House, but those from the mufassal who experience such difficulties in their own places, want to make it known to the Government that we are opposed to such location of shops. I should be very much surprised if the Government should, instead of respecting the opinion of this House, expect further representations to be made by the people concerned. Granting that representations are made by the people concerned, is it difficult or impossible to cook up counter-petitions? If I were the Commissioner, I can easily make attempts for such counter-petitions being sent to me, requiring the location of these shops. This is not unusual with the Government departments. It will really be disappointing fact that its objectionable nature has been brought home forcibly to the notice of the Government; if they persist in doing so, the only conclusion that can be drawn is that the Government are not serious in their professions. The hon. Member, Mr. Cotterell, made a statement that these people only take to drink within limits. If that be so, I want to know where is the necessity to spend a sum of Rs. 4 lakhs to do propaganda work in temperance. It is quite unnecessary to spend this sum."

Mr. J. A. DAVIS:—"Mr. President, Sir, I want to view this question from one aspect of it. This motion has been brought forward by a member of the Corporation of Madras and other members of the same Corporation have spoken in support of it. They are to some extent responsible for the location of this toddy shop. Under the rules they have to issue licences for the location of such shops. If so, they are failing in their duty. (Several voices:—"The Corporation is not required to issue licences.") Under the District

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Municipalities Act, municipalities are required to issue licences, for the location of toddy shops. In the mufassal every eating-house has to get licence from the Municipal Council. When a toddy shop is opened in the city, it will similarly require a licence from the Madras Corporation. The Madras Corporation ought to have done their duty and have this shop closed as unfit for a licence being given to it. The remedy lies in their own hands.

Mr. SAMI VENKATACHALAM CHETTI:—"The hon. Member is speaking without understanding the City Municipal Act."

* The hon. the PRESIDENT:—"This is not a personal explanation."

Mr. J. A. DAVIS:—"I am quite sure that all the eating-houses in the Madras city are not unlicensed by the Corporation. Every eating-house must certainly be licensed. It is the duty of the Madras Corporation to have the Act amended immediately, if they have no power in this matter. Anyhow, presuming that such licence is required, I would appeal to the hon. Mover and the other Members of the Corporation who have taken part in this debate to see on their part that the licence is cancelled."

* Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, the matter of the location of toddy shops in the City of Madras is a matter of very great importance; it is a very serious matter. I have no doubt that hon. Members of this Council who have opportunities of going to that part of the city inhabited by poor people, would find that these toddy shops are situated almost within the heart of these localities. I can understand the point of view of Mr. Cotterell. He is an officer who has to carry out the policy of the Government. As he has pointed out in his speech, it is his duty, as a good business man, to locate the shop in a place where he can have good business; and the Government expect him to assist them in deriving the largest amount of income from this source. He has no other alternative than to see that these shops are located in places where people will throng in large numbers. But from the point of view of the people, it is very deplorable. If there are any places where people throng, where people assemble in large numbers, they are places of worship or schools where children gather, or the localities where poor people inhabit and assemble after their day's work. From the point of view of the Government, these are the places most suitable for the location of toddy shops. From the point of view of the people, they are most dangerous places. The Government point of view has been put forth by their spokesman Mr. Cotterell; he said that these eleven shops were closed last year not because the Government changed their policy but because bidders did not come forward to take up these shops. This discloses the real policy of the Government with regard to prohibition. The Government have undertaken to see that, within the next 20 years, the goal of prohibition is reached. As I am reminded, only 18 years remain. The Government have done nothing in the matter. It has been very clearly pointed out by Mr. Cotterell that the Government have not taken any step in that direction. What they did was they closed these eleven shops last year; they have made attempts to reopen them in the course of this year; and of the shops so opened is the one of which we are speaking now. In the City of Madras there are a large number of factories, a large number of places of worship, and a large number of

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schools in every division on account of the introduction of free and compulsory primary education, both for boys and girls. I am sure if the Government want to find a suitable place for locating this toddy shop—I mean suitable from *their point of view*—that will be a place where there are many children going to school.

“Sir, I am really sorry that Mr. Cotterell instead of respecting the feelings of my Hindu brethren, whatever their method of worship may be, should have ridiculed it. Sir, it may be that there is a certain class of Hindus who offer toddy to their gods, but certainly it is not our business to ridicule the idea.”

Mr. C. B. COTERELL :—“As a matter of personal explanation, Sir. There is no ridicule at all.”

* Mr. ABDUL HAMEED KHAN :—“I am glad, Sir, that Mr. Cotterell did not mean to ridicule, but I am afraid he has not respected the susceptibilities of the Hindus who really respect their gods; and from that point of view, certainly we ought, even if we are Mussalmans and Christians, to see that we do not, unwittingly or otherwise, wound the feelings and susceptibilities of other communities.

“Sir, with regard to the question of the location of these shops, if the Government do not want to see that these shops bring such a large revenue as they expect them to bring, they will do well to locate them in places which are not thickly populated. There are open spaces in the city where they can locate these shops. From our point of view, we would even wish very much that these shops are closed altogether and when once they are closed, they are not reopened at all. But if the Government persist in their policy of giving temptation to the people of the city, they can as well remove these shops to the open spaces which are not frequented by a very large number of people, and see that they are not located in the neighbourhood of mosques, temples, churches, libraries or schools. I know, Sir, as a matter of fact, that this is not the only one instance where we find that these shops are located in places of madan shrine he will find not one shop but two shops”

* The hon. the PRESIDENT :—“The hon. Member will not be justified in taking this opportunity to review the location of all the shops in the City of Madras.”

* Mr. ABDUL HAMEED KHAN :—“What I wanted to say was that the location of the shop in the Triplicane division is not the only instance. This instance has been given only to show the policy of the Government. I am at a loss to know why the Licensing Board is pursuing this policy. As has been stated by Mr. Natesa Mudaliyar, the Corporation finding it impossible to exercise any authority over the location of these shops, decided not to send any representatives to sit on that Board. If the Government say that it is their intention to open these shops only with a view to satisfy the demand of the people in the locality, then I am sure they will change the constitution of the Licensing Board; they will make it a really representative non-official body. As it is at present, the non-official representatives of the Corporation or other public bodies on the Licensing Board are always in a minority. Sir, I have no doubt that the Government will, at least after this adjournment motion—even if they want to continue their policy of increasing the number

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of shops and locating them in the thickly populated places of the city—see that they are not located in areas where they will be a temptation to a large number of people.”

* The hon. Mr. S. MUTHIAH MUDALIYAR :—“Sir, I have listened to the speech of the hon. the Member for the University, the Mover of the motion, and the facts which he placed before this House the other day about this shop. Unfortunately, Mr. President, I have tried my best in vain to get all information which may bear any resemblance to the facts stated by the hon. Member the other day. As a result, I am now able to say that there is no such thing as was stated in this House the other day. As was said by the hon. the Excise Commissioner, this shop has been there for over ten years, and during the ten years of its existence, there has been no representation received either by the Government or by the Excise Commissioner or by the Excise Licensing Board which has been in existence in this city for some time about the location of this shop—no representation either public or private was received. In the year 1928, when the shops that were then existing in the Madras City were advertised for sale, there was a strong combination among the bidders. The Government advertised these eleven shops also for sale along with others. It seems to have been the policy of these clever businessmen to combine; they thought that they had the control of all this business in their hands and they could coerce the Government to accept their terms. They thought that if in the first sale or in the second sale the Government did not secure a proper bid, they would lower down their minimum prices and then they could knock off the shops for lower rates. The Commissioner of Excise however in 1928 was a bit too shrewd for these bidders. He said ‘We won’t sell the shops for the prices you bid, and we are not going to sell these shops again even if you offer three times the money that we first wanted.’ As the hon. the Commissioner of Excise graphically described, he was pursued, it seems, all over the country, and I may submit to the House that sitting in my chambers, I have listened to many applications, strongly supported by respectable advocates of the High Court, saying that these people will be ruined if these shops were not re-opened. I said the shops will not be re-opened and that there would be no sale at all. (A voice: Why?) I have already said because there was a strong combination among the bidders. The Commissioner has tried his best to break this combination among these bidders and he said that he was not going to allow these bidders to be shilly-shallying in respect of the sale of these shops. That is the reason, Sir, why these eleven shops were closed in the year 1928. For the present year, the proposals for the sale of these shops were duly advertised in the *Fort St. George Gazette*—in the *mufassal* it is done in the District Gazette and the notifications are published in the Collectors’ offices and the various police stations. The fact that these notifications are published in the Gazette is also announced in the newspapers.

“The hon. the Mover said that as regards this shop, representations were made to the Excise Licensing Board. I may assure this House that there has absolutely been no representation whatever to the Excise Licensing Board or to the Commissioner or to the Government. We have heard absolutely nothing about this shop, nor have we heard that anybody objected to its location till this motion for adjournment was moved the other day. The hon. Member for the University has not told us or referred to any objection to the

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location of this shop, except that he has in his hands a mahazar or petition signed by a number of residents of the place. Whether that mahazar was got up after the adjournment motion"

Mr. S. SATYAMURTI :—"Why not after it?"

The Hon. Mr. S. MUTHIAH MUDALIYAR :—"Or before it, I do not know."

Mr. S. SATYAMURTI :—"Yes, it was got up after the adjournment motion with a view to satisfy you. It is nothing more and nothing less."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The hon. Member says he got this mahazar to satisfy me, after the adjournment motion was moved; but the hon. Member must remember that when he moves an adjournment motion and goes about the division canvassing for people to sign the mahazar—the mahazar itself does not come forward voluntarily from the people who live in the locality for the past six months—Government will certainly know what value should be attached to that mahazar which the hon. Member has now got in his possession. (Hon. Members: Shame, shame.) Yes, it is a shame. It is shame for an hon. Member of this House to move an adjournment motion, with facts which he cannot substantiate and then get up a mahazar after moving the motion and try to substantiate those facts. It is shame, I agree."

"Now, Mr. President, in this matter of re-opening this shop, there has been absolutely no question of policy or principle involved, except the matter of mere administrative detail. Some hon. Members of this House and some people who rightly are for temperance, who think that there should be a diminution of drink, say that Government ought to endeavour and do their very best to reduce the evils of drink. Certainly we do not differ from that, and it is really the policy of the Government to reduce drink as much as possible. As the hon. the Excise Commissioner said, if there is any grievance which the public have or which even a private individual has, the Government are only anxious to go into it, and I may also say the Excise Commissioner will not simply reject any representations without going into them. But in a matter like this where the policy of the Government is well known and where, as purely a question of administrative detail, shops are opened, and where not a word of protest has come, I do not know how there can be a matter of policy of the Government in respect of excise administration, necessitating an adjournment motion. If the excise policy which the hon. Member wants the Government to pursue is that every shop should be closed and if when one shop is re-opened it becomes a breach of policy, I can understand it. However, that policy has not been adopted. In the absence of any such resolution or policy adopted by the Government, there is absolutely no reason—and I must confess, Mr. President, I fail to see any matter of policy or urgent public importance—necessitating this adjournment motion. True, it may be urgent; the hon. Member for the University went one morning and found that a shop was being opened some few doors off his house; probably he was annoyed at it; and as the Commissioner of Excise said, he is entitled to make a representation."

Mr. ABDUL HAMEED KHAN :—"I think, Sir, you said in your ruling on this motion, that this was a matter of urgent public importance. I do not know if the Minister can now question the urgency and the public importance of this matter."

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* The hon. the PRESIDENT :—"I do not think the hon. Minister is questioning it."

Mr. S. SATYAMURTI :—"He is commenting upon that."

Mr. ABDUL HAMEED KHAN :—"He said he did not know how it is a matter of urgent public importance."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Unfortunately Mr. President, the hon. Member for the City has misunderstood the trend of my arguments, and of what I stated. From what the hon. Member represented to this House the other day, we were made to believe that there was a question of policy involved in a shop which was closed in the year 1928 in pursuance of the policy of reducing the number of shops, or on account of objections being opened. He also said that a representation was made to the Excise Licensing Board, representation from the public to the proper authorities and that that representation was given the go-by and it went to the waste paper basket, as the hon. Member graphically put it. I say there was no representation, there was no waste paper basket into which it went, because neither have I received it, nor has the Licensing Board, nor has the Excise Commissioner. If the hon. Member thinks that representations which two individuals might have been making to each other is a representation of which the Government ought to have taken notice, I certainly cannot agree with him. Mr. President, I submit there has been absolutely no representation; and no fact has been placed before this House which could justify an adjournment motion, though at the time you were pleased to accord permission to it, some facts were stated which probably might have justified the adjournment motion then. I do not question the ruling of the Chair and say that it was not in order. (An hon. Member: Then what are you doing.)

"Mr. President, the hon. Member for the University, in the course of his speech, said that there was no mahazar when he moved for an adjournment of the business of the House. I thought that hon. Members of the House would have some regard for truth when making statements before this House and I thought I must look into the records before contradicting them. I said, about this shop I have not heard at all and to this moment I still affirm that till the moment of the adjournment motion the other day I have not heard, except the representation, that I now find, made in the year 1928 to re-open the shop and not to close the shop. That was the representation that I had in the year 1928. That is why I was not in a position to contradict the statement with- out giving any information to the House. But I must say, Mr. President, I knew nothing about it till the paper was handed over to me just three or four minutes before the adjournment motion was moved and then I asked the Excise Commissioner about it; he said he knew nothing about it. Moreover, Mr. President, you do not expect me to remember about all the toddy shops in the province. If the subject matter of the location of a toddy shop was controversial, probably one might be expected to remember about it. I therefore, submit, Mr. President, there was absolutely no policy or principle involved in this and it is only a matter of administrative detail."

* Mr. J. A. SALDANHA :—"Mr. President, Sir, when the motion for adjournment was brought forward by my hon. Friend the member representing the University, I at first ridiculed it saying that it was a trifling matter for an adjournment motion, but now I find that it involves the principle and policy of the Government, because after listening to the straightforward and

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humourous speech of my hon. Friend, Mr. Cotterell, one might see that there is a policy behind it. He has also made it clear in his speech that the policy of the Government, of what they call the Public Health Department, is to reduce the number of shops and that it has been the declared policy of all the Ministers as well as this House to reduce the number of shops, and we therefore thought that these 11 shops were reduced in pursuance of that policy. But, to-day, we find that that policy is reversed and Mr. Cotterell made it clear that the policy of the Government is to cater to certain classes of people who want to profit by the tastes of others. To increase the number of these shops is to encourage the policy of intemperance with a view to get more revenue. For Mr. Cotterell, it is a principle to follow. Moreover, it is his business to do so, as otherwise he has no place as Excise Commissioner. Why was he appointed? It is to increase revenue and to encourage consumption as much as possible. It is also the policy in England. It would also indirectly increase the excise revenue and would mean the importation of foreign liquors, whisky and beer.

"The speech of my hon. Friend Mr. Cotterell was so pleasant and I think it would be very useful to the Excise department that I would propose that it should be printed in pamphlet form and translated in all the vernaculars of the province and circulated throughout the districts. By this means, I may assure the House, the revenues of the province will increase very much. We might also probably increase the sale of toddy, as well as beer. After listening to his speech, I am myself very much tempted to take to drink—I mean drinking of beer or fresh toddy (laughter). In Bombay, they have got fine shops, even on the Malabar Hill, where toddy is sold in a respectable and fashionable manner. We might also have a similar thing here also. Then the question will arise, where to find the money for printing this pamphlet? I have a doubt that the 4 lakhs of rupees which is now to be appropriated for temperance propaganda might be diverted to some extent at least for the publication of this pamphlet to encourage intemperance. In fact, as the hon. Minister holds two portfolios, one Health and the other Excise, he will preach temperance with the portfolio of Health and with the other, as the Minister for Excise, he will ask the Commissioner for Excise to encourage drinking and, as much as possible, intemperance in order to get revenue. Probably he will get 5 or 6 crores out of this and then the Minister will be in glee saying that he has got so much money to be incurred on various departments. On the other hand, 4 lakhs of rupees will be thrown away, I am sure, because I do not see anything in this policy by which the Government can encourage temperance, but it will increase the number of toddy shops as a deliberate policy of increasing the revenue. If this policy goes on counteracting the work of the Temperance League, it is better that this League is brought to an end and thrown into the Bay of Bengal."

* Mr. S. SATYAMURTI :—"Mr. President, I have listened to three or four Excise Ministers on those benches, during my lifetime as a Member of this Council. I have never heard a more arrogant and a more unconvincing speech than the one made by my angry friend—angry at his own impotence, in meeting a reasonable demand like this, because the Excise Commissioner sits behind him, and wants to keep him in order. I must congratulate my hon. Friend, the Excise Commissioner, for his facetious speech, but I must say to him that if I was frothy he was frivolous. I think he met the motion which represents enlightened, honest and bona fide public opinion by

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advancing frivolous arguments that the goddess wants toddy, the fisher-folk want liquor and probably my hon. Friend would also want beer. That speech is worthy of a cinema or a stage, but not of a serious debate in this House. It seems to me that he has not treated the motion with the respect which is due to it, because of the weak and impotent Minister who does not know how to keep the Secretaries in their places and they are allowed to run the show in the old Mabap style 'I know what is good for this country, you fellows, you don't know what is good. I know that the fishermen and their women and children want liquor'. I will again incur the charge that I am 'frothy'. I prefer being 'frothy' to being frivolous.

"Then my hon. Friend stated that the facts were not true. What are the facts, which are not true? The opening of this shop on this new site is a fact known to all. They use the magic phrase 'limits of the shop'. Anywhere you can open it, but the fact that this shop was going to be opened on this site was never made public, until the 1st of October, when the shop was actually opened. They dare not dispute that fact and he went on performing some tight-rope dancing, to escape your eye, by saying 'it is not urgent, it is not a matter of public importance. I do not deal with personal politics

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Mr. President, on a point of personal explanation . . ."

Mr. S. SATYAMURTI :—"I submit the matter is much more serious. It is not because the shop offends my personal eye or my house that I have come forward with this motion, but it is a matter of public policy for which I am agitating. I do not accept office, for personal reasons. I take a higher and impersonal view of politics. I am glad to find my hon. Friend the Deputy President and my Friends of the Justice Party supporting me—of course they are cautious—but yet, I hope they will show their support at the time of voting also. My hon. Friend the Deputy President made a neat point. The Excise Commissioner says, 'how dare you come before the Council with an adjournment motion?' If you come to my room on bended knees, and with bated breath, and in whispering humbleness, and say, 'Mr. Cotterell, will your honour be pleased to look into the matter,' then I will consider. But, if you come before the Council with an adjournment motion, I will not consider.' Is that the position to which the hon. Minister wants to reduce this House? Why should I go and dance before the Excise Commissioner and why should not an adjournment motion be brought before the House? And, if the House knows its mind and realizes the implications of the Excise Commissioner's statement, they will vote for this motion. When deputations are led and petitions are presented, they go to the waste paper basket. The hon. the Deputy President made it clear. My hon. Friend attempted to make a very clever point on this and said that no representations were received. I say, there were and I further allege that they went into the waste paper basket. I want to know if his department keeps a note-book and keeps a list of all the papers that were thrown into the waste paper basket. Otherwise, how does he know he did not receive them? A respectable citizen told me that he sent a representation, and that it went into the waste paper basket. How can he deny that, unless his office has got a clerk who keeps a record of all the letters that go into the waste paper basket? It seems to me an absurd statement to make.

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"Then, Sir, he said 'this is a matter of administrative detail.' We are between the devil and the deep sea. If it is a large question of prohibition, revenue questions come up and finance questions come up; he says he cannot deal with it, and public opinion must be created. If it is a removal of a small toddy shop, he says it is a matter of administrative detail. Then, what is he there for? The Commissioner of Excise deals with administrative details; and the Finance Member deals with finance. What then does he deal with? Now, I want to add one more fact. My hon. Friend from Madura reminds me that there is the Gosha Hospital for Women and Children within a furlong of this place in the Bells Road. That completes the picture so far as the Excise Minister is concerned."

*The hon. the PRESIDENT:—"This is the opportunity for the hon. Member to reply and not to add new facts."

MR. S. SATYAMURTI:—"No doubt, Sir. I have done it, but I am sorry. Sir, I am told by the Excise Commissioner that 'in the ordinary course,' these shops were sold. What is 'the ordinary course'? Is it the course that was pursued by the department before my hon. Friend laid down his policy of 'prohibition within twenty years'? What does that policy mean? Is it the policy to go on in the ordinary course of selling their shops? I do suggest that the Excise Commissioner was wrong on one statement of fact, namely, that the shop does not open on the road. I submit, it does, in this sense, namely, that there is a lane from the street near the shop. I have seen it myself."

MR. G. HARISARVOTTAMA RAO:—"I have seen it. It is within 20 yards of the road."

MR. S. SATYAMURTI:—"My hon. Friend from Ootacamund made the point that if there is more salt in edible food sold in these shops, you can cancel licences. I know there is no such provision in the City Municipal Act. I would like to add only this: The Excise Commissioner says the fishermen want drink. The slaves of America prayed for their chains not being broken, when the great Englishman Mr. Wilberforce wanted to confer freedom on them. They said that, with their chains, they still had some guarantee of food and drink. Similarly, the Excise Commissioner goes and asks these poor fishermen, women and children, who do not know what is food, 'do you want drink' and they say 'we want drink.' And, we are told that, because the people wanted to drink, you must provide drink. I want to know from the hon. Minister, if this is his policy. I want to know whether there is diarchy within diarchy. Is the policy of Government, the Excise Commissioner's policy or the Excise Minister's policy? Is it one of providing drink, if people want it, or one of taking the people out of the drink habit? I do suggest to my hon. Friend the Minister that, when he says there were no facts, he should examine the facts more carefully. As I said before, I repeat it that the opening of this shop on this new site is a new fact, which I have brought to the notice of the House, that the shop was opened and that the responsible citizens of the locality have been protesting against this."

"Now, Sir, this petition was signed for being presented to this honourable House, but owing to some technical difficulty, not within my power, I could not present it. It was not therefore 'manufactured' for the purpose which my hon. Friend suggests. But I think, it is quite honourable and the signatures will show that they are retired Government servants, Honorary

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Presidency Magistrates, Non-Brahmans, Mussalmans, Brahmans and Christians, ladies and gentlemen. I think they are not people who will sign it merely because I ask them to do it. I want to convince this House that real public opinion in the locality is against this shop. And if I did not put forward this mahazar the Government will immediately say that there is no public opinion.

"Sir, I want to say one thing. I may say at once that if the hon. the Minister or the Excise Commissioner had held out any hopes of examining this question with a view to removing the shop and had not come forward with this sort of arguments, I might not have pressed my motion to a division. But I have no option but to put the profession of the hon. the Excise Minister to test, as to whether he really believes in his propaganda of prohibition, or whether it is but the creation of an electoral machinery, for himself. Secondly, I must ask my hon. Friend the Excise Commissioner whether he has any idea as to the effects of this shop, on the countless number of women and children, who will be ruined. The case for the women and children was ably made out by the hon. the Deputy President, and I cannot make it better. Does my hon. Friend, Mr. Cotterell, realize how many children die in the course of the first year? Let him come at any night after 8 p.m. and see the life of these poor people. Does he realize how many women and children have to go without food and clothing, the elementary requirements of life? And all because we have a wooden administration that is not able to understand the feelings of the people on this question; and I therefore ask the House to vote for this motion and drive home to the authorities the fact that the people are out for total prohibition and not for drink."

*MR. MAHMUD SCHAMNAD:—"Mr. President, if I rise to speak on this motion I do so, not as my friend Dr. Natesa Mudaliyar did as the Chairman of the Licensing Board, or as a member of the Corporation, but as a prohibitionist, because my religion prohibits every kind of intoxicant. Sir, I am not only against the opening of new shops but I am for closing all existing shops also. (Hear, hear.) Sir, as a member of a religion which prohibits every kind of intoxicant, and which has, as if by magic, miraculously banished all drink in Arabia and other Muslim countries those countries are even now dry except perhaps where Europeans have entered with their whisky bottles—, I cannot agree with my friend Mr. Cotterell that fishermen, after a day's hard toil, may require some refreshing drink, and such drinks like soda or lemonade will not be enough. Sir, Mr. Cotterell said that if he were in the position of the fishermen he would reserve for each day one measure of gin or beer, and perhaps Mr. Satyamurti, if he were in that place may reserve even three measures. I say it is not necessary for fishermen or anybody else to rely upon these intoxicants. I know in Muslim countries, whose climate is hotter and more trying than ours, fishermen getting on without drink of any kind at all. And they are very healthy too."

"Sir, this question of excise policy came before this House during the last budget debate and I voted against the policy of the Government, and perhaps with my vote Government were defeated. (Laughter.) (Swarajist voices: Do so to-day.) Now, Sir, none would object to Mr. Satyamurti's bringing forward this motion, if he had first let the Government know the objections of the people of the locality to this shop. He should have made sure, before bringing this motion, whether any request or representation was made to the

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Government. From the statement of the hon. the Excise Minister and the Excise Commissioner we understand that no such representation was made and therefore I am afraid I cannot support this motion."

Mr. S. SATYAMURTI :—"What about your religion?"

* Mr. MAHMUD SCHAMNAD :—"And now seeing that Government have promised to consider the matter and that this matter was not brought to the notice of the Government before this, I think I cannot vote for the motion. I only hope that there will be no such occasion in future."

Mr. G. HARISARVOTTAMA RAO :—"I move the question be now put."

The closure motion was put and carried.

* The hon. the PRESIDENT :—"The question is, the business of the House be now adjourned."

The motion was put and declared lost. A poll was demanded and the House divided thus:

Ayes.

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| 1. Mr. K. Ramachandra Padayachi. | 20. Mr. T. Adinarayana Chettiyar. |
| 2. " G. R. Premayya. | 21. " Ahmed Meeran. |
| 3. " V. Ramjee Rao. | 22. " A. Kaleswara Rao. |
| 4. " P. C. Venkatapathi Raju. | 23. " K. Uppi Sahib. |
| 5. " K. Koti Reddi. | 24. " V. Kameswara Rao Nayudu. |
| 6. " R. Srinivasa Ayyangar. | 25. " C. N. Muthuranga Mudaliyar. |
| 7. " Sami Venkatachalam Chetti. | 26. " K. V. Krishnaswami Nayakar. |
| 8. " S. Satyamurti. | 27. " K. P. V. S. Muhammad Meeran Ravuttar. |
| 9. " J. A. Saldanha. | 28. " C. Venkatarangam Nayudu. |
| 10. " G. Harisarvottama Rao. | 29. " B. Venkataratnam. |
| 11. " Basheer Ahmed Sayeed. | 30. " A. Ranganatha Mudaliyar. |
| 12. " C. S. Govindaraja Mudaliyar. | 31. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 13. " Abdul Hameed Khan. | 32. The Zamindar of Seithur. |
| 14. " L. K. Tulasiram. | 33. Mr. K. P. Raman Menon. |
| 15. " K. V. R. Swami. | 34. " C. R. Parthasarathi Ayyangar. |
| 16. " D. Narayana Raju. | 35. Rao Bahadur C. Natesa Mudaliyar. |
| 17. " K. R. Karant. | 36. " S. Ellappa Chettiyar. |
| 18. " K. Madhavan Nayar. | |
| 19. " A. Parasurama Rao Pantulu. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 15. Mr. J. Bheemayya. |
| 2. " Sir Thomas Moir. | 16. " R. Foulkes. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 17. The Muppal Nayar of Kavalappara. |
| 4. " Mr. A. Y. G. Campbell. | 18. Subadar-Major S. A. Nanjappa Bahadur. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 19. Mr. K. Krishnan. |
| 6. " Mr. S. Muthiah Mudaliyar. | 20. " N. Siva Raj. |
| 7. " Dr. P. Subbarayan. | 21. " M. V. Gangadhara Siva. |
| 8. Mr. Hilton Brown. | 22. " W. P. A. Soundara Pandian. |
| 9. " H. A. Watson. | 23. " S. Subrahmanya Mooppanar. |
| 10. " A. G. Leach. | 24. " F. E. James. |
| 11. " J. Gray. | 25. " R. J. C. Robertson. |
| 12. " S. V. Ramamurti. | 26. " H. F. P. Hearson. |
| 13. " C. B. Cotterell. | 27. " S. N. Dorai Raja. |
| 14. " V. Ch. John. | 28. Rao Bahadur Sir A. P. Patro. |
| | 29. Mr. P. T. Rajan. |
| | 30. " T. K. Chidambaranatha Mudaliyar. |

Neutral.

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| 1. Dr. (Mrs.) S. Muthulakshmi Reddi. | 4. Mr. S. V. Vanavudaiya Gounder. |
| 2. Rao Bahadur O. M. Narayanan Namboodripad. | 5. Mr. S. Venkiah. |
| 3. Mr. V. I. Muniswami Pillai. | 6. Rao Sahib R. Srinivasan. |
| | 7. Mr. Mahmud Schamnad. |

Ayes 36. Noes 30. Neutral 7.

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The motion was carried. The result was announced amidst cheers from the Swarajists.

II—cont.

THE MALABAR TENANCY BILL—*cont.*

Clause 17.

Sub-clause (1).

* The hon. the PRESIDENT :—"The House will now resume discussion of the Malabar Tenancy Bill."

* Mr. E. SANKARAN UNNI :—"Mr. President, Sir, I was speaking on my hon. Friend, Mr. Madhavan Nayar's motion to have $2\frac{1}{4}$ reduced to 1. My submission is that the $2\frac{1}{2}$ years profits proposed to be given to the janmi does not represent even one-fourth of the profits that the kanamdars make. My case is if you accept $2\frac{1}{4}$ times the annual profits as the renewal fee to be given to the janmi you will thereby be accepting a policy of confiscation. In answer to one observation I made it was pointed out by some hon. Members of the House that the illustration given to section 11 under the original Bill was only a hypothetical case and could not therefore be relied upon. (At this stage there was much noise in the House.)

"Sir already it is difficult to get the ear of the House when one talks of Malabar Tenancy legislation, and now after the exciting time the House has had it has become still more difficult.

"Let me take an actual instance.

"I can do nothing better than refer to a case in which I am the kanamdar holding under my own family. The facts could be more easily stated and more easily proved because I can at once place all the records before the House. The income from this property per year calculated in terms of money commuting paddy at the rate of one rupee per para, is Rs. 2,500. The kanam amount on that property is Rs. 2,700. The revenue on that property is Rs. 150. The verumpatam on the property is Rs. 2,500. The interest on the kanartham of Rs. 2,700 at 9 per cent according to this Bill would be Rs. 243. Now, add up the interest on the kanartham, the revenue of Rs. 150 and the michavaram of Rs. 75. That will amount to about Rs. 468 (roughly Rs. 500). You will thus find the net balance is Rs. 2,000. I am getting as a kanamdar for an investment of Rs. 2,700 a profit of Rs. 2,000 per year, in addition to the interest on the kanartham of Rs. 2,700. Now, what will be the result if you will pass this Bill? I shall have to pay to the janmi, that is, my own family in this instance (A voice—"That explains it") $2\frac{1}{4}$ times 2,000, that is Rs. 4,500. What is the compensation given to the janmi for the loss of nearly Rs. 20,000 with interest thereon? It may be that I may not have to pay so much being a member of the family. That is no consideration whatsoever. Even if the renewal fee till now paid is only a half of what would have to be paid under the Bill that is no answer that can be made by my hon. Friend opposite, who claims new rights and wants to make the janmi a rent charger. His rights to-day are confined to the rights of a kanamdar, a mere mortgagee with possession for a period of twelve years liable to be evicted at the end of it on payment of his kanam. He is to-day no more and no less than a mortgagee whatever he may claim to be. He wants to secure the right of renewal for all time in the place of a

4-15
p.m.

[Mr. E. Sankaran Unni]

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tenure under which it is necessary for him to renew his lease every twelve years. Such a man cannot be heard to say 'You are asking far more than you are getting now'. The suggestion implies that my hon. Friend is satisfied with the existing conditions and that he would like such a state of things to continue. Now I would put one question to my hon. Friend. Has he the courage to get up in his place and say 'I do not want this Bill'? If not, then it is not an honest position that is taken up by him. If the kanamdars as a class feel that this Bill is going much against them, I challenge them to say to the House and to the Government that they do not want this Bill. The fact is this. They know that the Government are committed to this 2½. They know also that it is very little for them to give. All this bargaining is intended to produce a wrong impression on the House, that they are injured and their interests are jeopardized. If people who calmly pocket what belongs to another could assume the air of injured innocent, I do not know what attitude I am to assume! Sir, I cannot assume anything because I am not an actor. But I submit to the House that a grave and unmerited injury is being inflicted by the Government on the janmis. This Government have affirmed and reaffirmed times without number that we are the absolute owners of the soil and that compensation will be paid for whatever loss we may suffer. Now, that our rights are being taken away, what are they giving us? I beg to submit that even Mr. Krishnan Nayar's Bill was very much kinder and conceded more to us than the present Bill. Not that we welcomed it. We refuse to have either this or that. The Government are powerful and they can do what they want. Sir Thomas Moir may sit in his place to-day and vote with the Government Bill, but his speech against Mr. Krishnan Nayar's Bill remains as my text. I am not going to quote it now. It has so often been quoted in this House. Mr. Krishnan Nayar was represented by an officer of the Government as a person who had put on the mantle of the "late lamented Mr. Lenin." Sir Thomas Moir has snatched that mantle with alacrity and put it on. It hurts me to think that the Government are paying so little respect to their own declarations. That is because our number is small. But we are entitled to ask the House to protect us against the Government and their Friends, the kanamdars.

"Now, I beg the House to take into consideration the events that have been taking place here. We on our side have been one with the majority in this House in its endeavour to advance the interests of those who stand in need of our support and sympathy. (A Voice: 'Question'). Mr. Krishnan wants to question that statement. What is relevant and irrelevant in this connexion may not be quite clear to him. In regard to this matter, the House has answered in no uncertain terms the taunt which has often been levelled against the representatives in this House, namely, that the intelligentsia are not capable of looking after the interests of the poor and the unfortunate in this country. I am glad, if I may say so with respect, that the House has given a resounding answer to that accusation by standing up so wholeheartedly for the poor peasant population of Malabar. The humble part which I have taken in seconding the efforts of the House will always be a source of gratification to me. I am glad that the House has resisted every attempt on the part of the Government to help the rich as against the poor: I know Sir, I have nothing to expect from the Government except the Bill, the whole Bill and nothing but the Bill. The hon. the Revenue member

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knows how to repeat the well-worn formula. 'I am afraid I cannot accept the amendment. The Select Committee has considered the question carefully. I oppose the amendment.' I ask the House to protect us against the Government and their powerful allies. It may be necessary that people who own vast possessions should be deprived of their lands for the benefit of the poorer men. It is a perfectly reasonable proposition, because land is limited and it cannot keep pace with the increase of population. But there are certain civilized methods by which you can take other people's property. If you take our property you must give us compensation. Under the Madras Estates Land Act, section 46, when occupancy right was to be conferred on the cultivating non-occupying ryot, he was asked to pay 2½ years' rent as compensation. Here we have not asked for that. We have not asked that any compensation should be given to us, because we know that when fair rent is paid, whatever can be paid out of the land is paid by the cultivators. But do not take away our property and hand it over to the kanamdar.

"Now, Sir, Mr. Madhavan Nayar says that we are getting a lower rate of renewal fee and therefore we are not entitled to get the proposed rate. As I said already, it is not a relevant argument, nor is it true. Some of the big landholders like the Zamorin or some branches of his family and some others who own vast possessions are in a position to be more liberal than others. These others are not in a position to take the 2½ or less that is being proposed (A Voice:—'They can cultivate'). Yes. With the 'bona fides' and such other impossible conditions for which my hon. Friend there has been fighting, it is difficult to cultivate now. If the House had allowed us to take our land without impossible conditions being imposed, we would have gladly gone back to the land. But with the restrictions placed on the power to resume it is not possible for us to go back to cultivation . . ."

* The hon. the PRESIDENT:—"Order, order. The hon. Member will not be in order to make references regarding questions on which the House has given a vote, I mean questions about taking land for cultivation, etc. The House has voted on those matters and the hon. Member will not be in order to reflect on that decision."

* Mr. E. SANKARAN UNNI:—"I was only saying, Sir, what the effect of that vote was. I was not offering any criticism on the vote I was taking a judicial view of it. I submit, Sir, that the section would work against the interests of the janmi . . ."

* The hon. the PRESIDENT:—"The hon. Member has not comprehended my ruling. I would request the hon. Member not to reflect on that aspect of the question."

Mr. E. SANKARAN UNNI:—"I bow to your ruling. I will, with your permission, proceed. I was going to tell the House that the landlords had been receiving a much larger rate of renewal fee than that allowed here. As reference was made to these things, I may submit, Sir, that there was a large body of evidence about it before the Raghavayya Committee. In fact many witnesses who ought to know, tenant witnesses, have placed information before the Raghavayya Committee that six times the annual profit was paid as renewal fee. I shall read their evidence. My hon. Friend himself has quoted it very often and it is only proper that I should refer to it.

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"At page 56 of the evidence volume of the Raghavayya Committee report, we have this: (Mr. K. Madhavan Nayar: Which tenant gave evidence before the Raghavayya Committee?) My hon. Friend may not know it. He is sufficient of a kanamdar not to know the truth. Well, Sir, this gentleman who gave evidence is a retired tahsildar, and he is asked:

Q.—'In one of the answers sent to us it is stated "In the Palghat taluk the renewal fee is generally calculated on the following basis. The verumpattam rent is ascertained and the Government revenue and cess are deducted. The interest on the kanam amount at a very reasonable rate, e.g., at the rate of 1 para per ten fanams, is also deducted. Michavaram must also be deducted. The balance profit enjoyed by the kanamdar for twelve years is calculated on that basis, and half of it is fixed as the renewal fee, paddy being commuted at a favourable rate.'"

Mr. K. MADHAVAN NAYAR: "Kollengode"

Mr. E. SANKARAN UNNI:—"I can understand little tricks like that. I too can shout something louder than my hon. Friend. But it is not worth while. Now, Sir, the witness, this retired tahsildar, is asked if the collection of six years' profits on that basis is fair, and he answers:

A.—'I think it will be fair. We will take, for instance, my case and see how it works. The estimated verumpattam rent is 8,000 paras. Michavaram is 1,000. Then there is 7,000. Deducting tax, i.e., 300 rupees, the balance is 6,700. Interest on the kanam amount of 50,000 at 6 per cent. will come to 3,000. The balance is 3,700. Half of that is 1,850. So for twelve years it will be 22,200 and odd and half of that is 10,000.'

"Sir, it was not the evidence of an ignorant man, but that of a powerful fellow, who is not afraid of his janmi. (Mr. K. Madhavan Nayar: What does he pay?) Read it when you have the leisure. Read it at home."

* The hon. the PRESIDENT:—"Order, order. If questions are to be put like that and hon. Members who are speaking are to answer the questions, I do not think it can be called a debate. I think hon. Members will assist me in conducting a decorous debate on the Malabar Tenancy Bill."

Mr. E. SANKARAN UNNI:—"Then, at page 80, we find this: one witness says in his evidence:

'In the Palghat taluk the renewal fee is generally calculated on the following basis. The verumpattam rent is ascertained and the Government revenue and cess are deducted.

'The interest on the kanam amount at a very reasonable rate, e.g., at the rate of one para per ten fanams, is also deducted. The balance profit enjoyed by the kanamdar for twelve years is calculated and half of it is fixed as the renewal fee paddy being commuted at a favourable rate.'

Again, Sir, at page 134,

Q.—'Would you suggest any legislation to meet the situation?

A.—'It may be fixed as 20 per cent on the old kanam or as a multiple of the assessment or the profit on the property for twelve years may be calculated and half share may be given to the janmi.'

Sir, that is the evidence of a tenant. Then, at page 142 . . ."

* The hon. the PRESIDENT:—"May I point out to the Members of the Treasury Bench as well as Members of the Opposition that the more convenient way of having a conversation is to go out into the lobbies and discuss there, instead of disturbing the debate that is going on in the House?"

Mr. P. C. VENKATAPATHI RAJU:—"I am sorry, Sir."

The hon. Dr. P. SUBBARAYAN:—"We regret very much this unfortunate incident. We shall see that we do not break your ruling in future."

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Mr. P. C. VENKATAPATHI RAJU:—"Something about this Bill."

The hon. the PRESIDENT:—"I am sorry that the Leader of the Opposition is aggravating the thing. Even regarding a Bill if any conversations are to be held, they must be held in the lobby and not in the House."

Mr. E. SANKARAN UNNI:—"I am very much obliged to the Chair for the help that it is giving us. Then, Sir, at page 142, the question is asked:

Q.—'You say "renewal fees should be fixed with reference to the kanam amount, seed sowing area, verumpattam, michavaram and Government revenue." Could you illustrate it?

A.—'I would follow Mr. S. K. Ramaswami Ayyar's method.'

"That is the evidence which I read a few minutes ago that six years' profits should be calculated for fixing renewal fee. I am sorry, Sir, I have to take much more time before I can finish."

* The hon. the PRESIDENT:—"The hon. Member may take advantage of the ruling that there is no time limit for speeches on Bills."

* Mr. E. SANKARAN UNNI:—"I am much obliged to you, Sir. (Mr. Basheer Ahmad Sayeed: You are very interesting, go on.) Then, at page 187, we have:

Q.—'What about renewal fee?

A.—'I have stated that in such cases it is usually the cumulative full annual income from the land for about half the lease period or more. That impoverishes the tenant. The thing is as he cultivates, he spends away the income without thinking of the renewal fee at all.'

"That is the evidence of a retired Deputy Collector, Mr. M. Anantan Nayar, who says that half the cumulative profits must be taken into account, and that the tenant is a foolish fellow for not laying by sufficient to pay the renewal fee. Then again, at page 427, one witness says:

'Properly speaking, the janmi is entitled to the whole of the rent after deducting that which is set apart for Government revenue and interest. This he does not demand and receive annually. For, what he does is this: the total of this surplus for twelve years is calculated to be so much, half of it he makes the tenant to pay in a lump sum, the other half he relinquishes in favour of the tenant to compensate him for the advance payment that he makes and to cover all vicissitudes of season, etc.'

"He goes on to say that most of the janmis do not receive even so much, but that the impecunious janmis, a very expressive term, receive even more than that. Then at page 432, a witness answers:

'What is stated is the principle and the origin of it. Formerly some of the janmis were realizing their renewal fees according to the formula. Now it has reduced itself to one year's net income of the holding.'

Q.—'But it won't be true to say generally that one year's net income of the holding is equivalent to the renewal fee which you explain under your formula?

A.—'Some impecunious janmis take up to half the net according to the formula.'

"My appeal to the House is not on behalf of the Zamorin of Calicut but on behalf of those 220,000 poor janmis. But the rich kanamdar is represented in this House to be poor and helpless. In fact, the person under whose tyranny the poor janmi groans is the rich kanamdar, who puts up large

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buildings and makes costly improvements and thus challenges the janmi to redeem him, knowing very well the janmi is unable to do so. Then, again, at page , we find:

Q.—‘You were asked whether the renewal fee represents the difference between the kanapattam and the verumpattam for the kanam demise for twelve years. You say the difference would be something like half the verumpattam and six times the verumpattam represents the renewal fee. Does the renewal fee ever amount to so much as that?’

A.—‘I do not think it will amount to so much. In one period the Nambudripad has effected a renewal on that basis some 25 years ago. It was considered to be exorbitant and afterwards he changed that rate and reverted to another system.’

“I request the House to note that evidence which was given by the agent of one of the premier janmis of Malabar, Poomulli Mana. The evidence is important, because when the renewal fee was calculated on the basis of six years’ profits, it was considered to be exorbitant and afterwards the janmi resorted to another system. It is very relevant to tell the House that this Poomulli Mana was not in such affluent circumstances some 25 years ago. When the family was increasing, they took advantage of the great credit which was locked up in their land, and thus they were able to clear off their encumbrances. Now, they are not taking the six years’ profits that they once took, when they can afford to do without. If, the House proposes to take away the right of levying renewal fee at six years’ profits, many janmis will break down altogether.

“Then another witness, at page 611, is examined thus:

Q.—‘Your first reply was that the renewal fee should be half of the profit from the land after deducting the land revenue, michavaram and the interest on the kanam advance?’

A.—‘Yes, that is what I said.’

“Again, at page 625, one witness says:

‘The renewal fee is fixed in various ways. In some places it will be based on the kanam, as a certain percentage of it. Some janmis fix it, basing it on the janmi pattam. Some others fix it, calculating the area in paras of the cultivable land. Yet others base it on verumpattam. Some fix it, basing it on the difference between the janmi pattam and verumpattam. The underlying principle of all the above is the same. All base it on the income for twelve years during which the property is held in possession by the tenant. The janmi receives a portion of it as renewal fees and the other is taken by the tenant. Some janmis receive as renewal fees half of twelve years’ income, some one-third, some one-fourth, some one-fifth while a few big janmis one sixth. For enjoying the balance after deducting the renewal fees from the twelve years’ income the tenant was grateful to the janmi and the janmi was grateful to the tenant for the income he derived through the effort of the tenant. And they used to help each other with a sense of mutual obligation. The tenancy agitators have already destroyed nearly half of this cordiality.’

“The whole of that cordiality will be lost if this Bill is passed.

“Mr. President, I have been trying to meet my hon. Friend’s argument that the janmis do not collect anything more than one year’s profits or one year’s rent as renewal fee. I have also shown to the House that they are collecting in some cases a much larger amount than one year’s profit. Sir, I have submitted to the Government a statement, which I do not propose to read now. The Government have had it before them for a considerable time. When the joint conference was called, the hon. Mr. Krishnan Nayar suggested that we should submit to Government a statement regarding renewal fee. I submitted a fairly elaborate statement, wherein I have shown

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that six years’ profits are being collected by a large number of middle-class janmis in Malabar. Sir, the Government have been in possession of that information. According to that statement, it will be clear that poor janmis depended on the renewal fee for their living. That is one aspect of the question.

“Sir, this Bill seeks to work injury in several other ways. It works injury on everybody who has bought property relying on the assurance of the Government, which was affirmed and reaffirmed from time to time, that the janmi was the proprietor of the soil. Now these people have to forego much—the greater part of their income which they thought was ensured to them.

“The proposition that I want to advance before the House is this. There are a number of people—some of them are my friends—who have purchased lands, outstanding on kanams. The basis of the purchase is this. They assess the full janmam value of the property. The kanam that is an encumbrance on the property is reserved with the purchaser, and the balance is paid over to the owner of the property. Generally, the michavaram is very low. That michavaram would not cover the interest on the money advanced by the janmi. I have got a considerable number of instances, actual instances taken out from documents registered and certified to be correct, where several janmis have purchased the janmam right at the full market value deducting therefrom the kanam amount which is reserved. Many of these lands are still outstanding on kanam, probably because the original kanamdar went and requested the janmi to continue him on the holding. . . . How can the janmi make up the interest on his money? Generally the michavaram is very small. Large sums amounting to Rs. 20,000 and Rs. 30,000 are given for the purchase of janmam rights. The janmi realizes a reasonable rate of interest on the sums advanced by him by collecting a renewal fee that would be adequate for the purpose. Now after this Bill, how would he be able to realize the rate of interest. I submit to the House, with a full sense of my responsibility, that even one per cent could not be made on the money. I have got a number of instances, but it would be unfair to the House were I to take it through all of them one by one. It was the business of the Select Committee. Even there there was any amount of hurry. The House is, I should think, much more considerate and willing to listen. Therefore I have decided at last to submit to the House the facts as I know them. The small michavaram reserved to be paid to the janmi would not touch the fringe of the interest due. Two and a quarter years’ profits as renewal fee will not meet it. The Government themselves have sold escheat properties. I have got a document here which belongs to Mr. Prabhakaran Tampam. In Malabar one great family became extinct; all the lands escheated to Government and all of them were sold. Some of them were outstanding on kanam. The Government exacted the full market value of the property as on the date of the sale minus the kanartham. These properties are even to-day outstanding on kanam. A heavy price has been paid for them. How can these people who have relied on the policy of the Government, on the assurance of the Government, be said to be fairly dealt with if you levy 2½ times as the renewal fee? You simply expropriate these men. They will not get anything like a reasonable rate of interest on their investment. The Government are prepared to go back on their own policy. They refused to do so in 1926. They tamely accept it to-day.

“Not only that. Large land acquisitions have been going on in Palghat. The South Indian Railway Company are extending their line from Palghat

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to Pollachi and there was also an extension between Nilambur and Shoranur, and janmam properties have been bought. When these properties were bought, the apportionment took place in this way. If there was an unexpired term, the kanamdar was allowed to take the money and keep it in the place of the land acquired, only to be returned to the janmi when the time expired and he is evicted. In all cases where his term had expired, or where he had consented to give up the lease, what was done was this. He was given his kanartham, he was also given the value of his improvements, and for any unexpired term remaining, a share of the profits. All the balance of the money went to the janmi. Directly this Bill is passed, the whole thing would be upside down. Where I stand, the kanamdar will stand; where he stands I shall have to stand. Is this the policy of the Government? What is the justification for it?

"My hon. Friend Mr. Madhavan Nayar says that the Government are justified in doing it because he says 'here is a large body of cultivators who will be benefitted'. He was proving that the kanamdars were cultivators, and he quoted my friend Kavalappara Muppil Nayar. If Kavalappara Muppil Nayar committed an indiscretion, so has my clever friend the Member for Malabar? My hon. Friend Mr. Madhavan Nayar had devoted three long pages to prove that the kanamdars are not cultivators. The fact is they are not. I have already dealt with that subject when I was speaking on another motion. If they are not cultivators are they the people who improve the land? There is some hazy idea in the mind of the Raghavayya Committee that the kanamdars are people who somehow or other improve the land. So far as the evidence placed before the Committee was concerned, there was very little proof in support of that impression. I am in a position to place before the House the evidence of a few typical kanamdars, to the effect that the kanamdars have not yet learned the habit of improving the land let by them on verumpattam. The evidence is so very important that even at the risk of having to continue my speech to-morrow, I beg that I may be allowed to place it before the House. At page 25 of the evidence, Mr. Raman Nayar, a typical kanamdar, says:

Q.—'You know several lakhs of rupees worth of fish manure is exported from here to Japan and other places?'

A.—'Might be.'

Q.—'The kanamdar is not in the habit of buying such manure and helping the verumpattam tenant under him?'

A.—'He has not learned that habit.'

"Then turning to pages 142-143 of the report itself, Mr. P. C. Unnikumaran Nayar says:

'Kanamdars in this taluk do not spend any money for making improvements on their kanam wet lands when they leased them out to verumpattamdars; they do not give the verumpattamdars any money for manuring the land or for otherwise improving the yield. There are no big kanamdars in this taluk as in the Palghat taluk and they do not make much profit.'

"At page 139 of the Report here is this: 'He (kanamdar) admitted that he gave nothing to the verumpattamdar for manure and he has not spent any money at any time on the improvement of the wet lands. The income from the paramba according to him is Rs. 25 per year.'

"Sir, the Bill propounded by Mr. Krishnan Nayar was in many respects exactly similar to the present Bill. There is really no marked difference between the two. He professed to confer on the tenantry permanent occupancy rights, but he did not really do so. What he did was to give a sort of fixity of tenure exactly similar to the right that is being conferred on the tenants under the present Bill. The Government may say:

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In Mr. Krishnan Nayar's Bill there is the occupancy right; here you have only a qualified tenure. My answer is this, that there is nothing more or less in this Bill than what was in Mr. Krishnan Nayar's Bill, with this difference—that this Bill is a little more confiscatory than the other Bill which was deemed confiscatory and therefore vetoed. Why should Government have taken all this trouble of constituting a committee, holding a joint conference and then drawing up a report? Was it their intention to prove that Mr. Krishnan Nayar was in the right and all the others were in the wrong? Let me repeat, if anything this Bill is worse than Mr. Krishnan Nayar's. There is no justification for a low rate of renewal fee."

* The hon. the PRESIDENT:—"The House will continue to sit till the hon. Member closes his speech."

* Mr. E. SANKARAN UNNI:—"Mr. Krishnan Nayar's Bill proposed 5 p.m. one year's net produce as renewal fee. Taking the fair rent as Rs. 100 the net produce under the formula of the present Bill would be Rs. 150. So Mr. Krishnan Nayar would have given us Rs. 150, whereas the Bill under consideration gives only Rs. 130-8-0."

"I have heard that the hon. the Revenue Member is a distinguished mathematician and I am perfectly sure that he will be able to tell the House how Rs. 130-8-0 is more than Rs. 150. If that is established, I think the Government would establish their case."

"There is another matter. As I said, there is hardly a single person who has ever supported this piece of legislation."

* The hon. the PRESIDENT:—"I am afraid the hon. Member is making a third reading speech. He has to confine himself to the question of the renewal fee."

Mr. E. SANKARAN UNNI:—"I think I had better close. This renewal fee is less than what we are collecting. This does not even cover three years' profit. This is less than what Mr. Krishnan Nayar proposed in his Bill. This is confiscation of the interest of the janmi without giving him compensation and is against the declarations of this Government made by them ever since they have been a Government in this country. It is even opposed to the confession of faith made by them in the statement of objects and reasons attached to the Bill."

"I cannot add anything to what I have said. I leave it to the House to deal with the matter fairly."

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

IV

PAPER LAID ON THE TABLE OF THE HOUSE.

Notification * regarding the temporary withdrawal from the Srivilliputtur Municipal Council of the privilege of electing its Chairman.

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

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APPENDIX I.

[Vide answer to question No. 765 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 7th October 1929, page 758 supra.]

Statement.

(a) (i) Number of Agricultural Demonstrators in the Province ..	145	(ii) Natives of each of the other districts—cont.	
(ii) Number of Agricultural Demonstrators in the Ceded districts ..	19	North Arcot ..	3
(b) (i) Natives of Ceded districts ..	9	South Arcot ..	1
(ii) Natives of each of the other districts—		Madras ..	1
Ganjam ..	9	Tanjore ..	16
Vizagapatam ..	5	Trichinopoly ..	2
East Godavari ..	9	Madura ..	5
West Godavari ..	2	Ramnad ..	4
Kistna ..	3	Tinnevelly ..	20
Guntur ..	6	Salem ..	4
Nellore ..	2	Coimbatore ..	10
Chingleput ..	3	Malabar ..	17
Chittoor ..	2	South Kanara ..	8
		(iii) Indian States—	
		Podukkottai State ..	3
		Coorg ..	1
		Total ..	136

APPENDIX II.

[Vide answer to question No. 773 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 7th October 1929, page 762 supra.]

Statement.

Ganjam ..	7	Ramnad ..	3
Vizagapatam ..	6	Tinnevelly ..	29
East Godavari ..	6	Salem ..	13
West Godavari ..	5	Coimbatore ..	14
Kistna ..	2	Malabar ..	18
Guntur ..	10	The Nilgiris ..	...
Nellore ..	10	South Kanara ..	5
Cuddapah ..	1	Madras ..	8
Anantapur ..	...	Podukkottai ..	2
Bellary ..	4	Travancore ..	7
Kurnool ..	1	Mysore ..	7
Chittoor ..	1	Bangalore ..	3
Chingleput ..	5	Coorg ..	1
North Arcot ..	14	Cochin ..	7
South Arcot ..	5	British Cochin ..	1
Tanjore ..	32		
Trichinopoly ..	4		
Madura ..	4		
		Total ..	235

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APPENDIX III.

[Vide answer to question No. 774 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 7th October 1929, page 763 supra.]

Distribution of 555 sub-assistant surgeons according to the districts to which they belong.

Name of the district.	Number belonging to each district.	Name of the district.	Number belonging to each district.
Anantapur *	1	Nilgiris ...	1
North Arcot ...	7	Ramnad ...	12
South Arcot ...	10	Salem ...	3
Bellary *	8	Tanjore ..	58
Chingleput ...	10	Trichinopoly ...	14
Chittoor ...	4	Tinnevelly ...	59
Coimbatore ...	8	Vizagapatam ...	64
Cuddapah *	2	Madras ...	18
Ganjam ...	13	Bombay ...	1
East Godavari ...	47	Mysore ...	6
West Godavari ...	16	Travancore ...	18
Guntur ...	11	Berar ...	1
South Kanara ...	23	Ceylon ...	1
Kistna ...	12	Outtack ...	2
Kurnool *	Nil.		
Madura ...	22	Total ...	555
Malabar ...	91		
Nellore ...	12		

* Represents the Ceded district.

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APPENDIX IV.

[Vide answer to question No. 777 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 7th October 1929, page 765 supra.]

(a) (i) Number of Sub-Registrars in the Province ...	608	(ii) Natives of each of the other districts—cont.	
(ii) Number of Sub-Registrars in the Ceded districts ...	46	Trichinopoly ...	21
(b) (i) Natives of the Ceded districts ...	14	Madura ...	28
(ii) Natives of each of the other districts—		Ramnad ...	7
Ganjam ...	25	Tinnevelly ...	39
Vizagapatam ...	29	Salem ...	17
East Godavari ...	38	Coimbatore ...	19
West Godavari ...	18	Malabar ...	88
Kistna ...	19	South Kanara ...	24
Guntur ...	12	Tanjore ...	87
Nellore ...	8	(iii) Natives of Indian States, etc.—	
Chingleput ...	29	Cochin ...	7
Chittoor ...	8	Travancore ...	3
North Arcot ...	14	Pudukkottai ...	2
South Arcot ...	13	Mysore ...	1
Madras ...	26	Pondicherry ...	2
		Cuttack ...	5
		Total ...	603

Remarks.—The difference between (a) (i) and (b) is due to some posts not being filled up.

APPENDIX V.

[Vide answer to question No. 778 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 7th October 1929, page 765 supra.]

Statement.

Native district.	Number of Senior Deputy Inspectors.	Number of Junior Deputy Inspectors.	Native district.	Number of Senior Deputy Inspectors.	Number of Junior Deputy Inspectors.
Ganjam ..	11	5	Madura ..	1	2
Vizagapatam ..	19	5	Ramnad ..	..	2
East Godavari ..	26	4	Tinnevelly ..	11	5
West Godavari ..	17	5	Coimbatore ..	12	2
Kistna ..	4	5	Malabar ..	20	9
Guntur ..	12	3	South Kanara ..	7	6
Nellore ..	6	4	Native States—		
Anantapur ..	5	1	Travancore ..	..	1
Cuddapah ..	1	8	Cochin ..	1	..
Bellary ..	9	5	Pudukkottai ..	2	..
Kurnool ..	3	2	Bombay (other Presidency) ..	1	..
Chittoor ..	3	4	Karaikal (French). ..	1	..
North Arcot ..	4	1	Bangalore ..	1	..
Madras ..	10	3	Orissa ..	6	..
Chingleput ..	7	8			
South Arcot ..	5	2			
Tanjore ..	43	17			
Trichinopoly ..	11	6			
Salem ..	5	3			
			Total ..	268	108

[7th October 1929]

APPENDIX VI.

[Vide Item IV "Paper laid on the table of the House", page 831 supra.]

LOCAL SELF-GOVERNMENT DEPARTMENT.

Notification No. 1574, published on page 607 of Part I-A of the "Port St. George Gazette", dated the 1st October 1929.

In consequence of the increase in the number of electoral wards of the Srivilliputtur Municipality from six to eighteen the Municipal Council will be dissolved with effect from the 1st November 1929 and be reconstituted as soon as the necessary preliminaries are over. To enable the administration of the municipality to be carried on between dissolution and reconstitution and the work connected with the holding of the elections for the council to be reconstituted to be attended to, it is necessary to appoint a Chairman temporarily. The Municipal Council has agreed to the temporary withdrawal of the privilege of electing its chairman and Government accordingly direct under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920, that with effect from the 1st November 1929 the Chairman of the Srivilliputtur Municipal Council shall be appointed by them.

HILTON BROWN,
Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 8th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Mahmud Sahamnad Sahib Bahadur.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Marudavanam Pillai, Mr. O.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Meera Ravattar Bahadur, K. P. V. S., Muhammad.
Subbarayan, The hon. Dr. P.	Muniswami Nayudu, Rao Bahadur B.
Muthiah Mudaliyar, The hon. Mr. S.	Muniswami Pillai, Mr. V. I.
Sethurathnam Ayyar, The hon. Mr. M. R.	Muppil Nayar of Kavalappara, The
Abdul Hameed Khan Sahib Bahadur.	Muthulakshmi Reddi, Dr. (Mrs.) S.
Abdul Rasook Sahib Bahadur, Khan Bahadur S. K.	Muthuranga Mudaliyar, Mr. C. N.
Achutan, Mr. A.	Nanjappa Bahadur, Subadar-Major S. A.
Adinarayana Chettiyar, Mr. T.	Narayana Raju, Mr. D.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumantbakudi Mustafa.	Narayanan Chettiyar, Mr. Al. Ar.
Anjaneysulu, Mr. P.	Narayanan Nambudripad, Rao Bahadur O. M.
Appavu Chettiyar, Mr. O. D.	Narayanaswami Pillai, Mr. T. M.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Natesa Mudaliyar, Rao Bahadur C.
Arpudaswami Udayar, Mr. S.	Obi Reddi, Mr. C.
Basheer Ahmad Sayeed Sahib Bahadur.	Patro, Kt., Rao Bahadur Sir A. P.
Bheemayya, Mr. J.	Premayya, Mr. G. R.
Chidambaranatha Mudaliyar, Mr. T. K.	Rajan, Mr. P. T.
Cotterell, C.I.E., I.C.S., Mr. C. B.	Ramaachandra Padayachi, Mr. K.
Dorai Raja, Mr. S. N.	Ramamurti, I.C.S., Mr. S. V.
Ellappa Chettiyar, Rao Bahadur S.	Raman Menon, Mr. K. P.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Ramanath Goenka, Mr.
Foulkes, Mr. E.	Ramjee Rao, Mr. V.
Gangadhara Siva, Mr. M. V.	Ramaswami Ayyar, Mr. U.
Gopala Menon, Mr. C.	Ranganatha Mudaliyar, Mr. A.
Govindan Nayar, Mr. C.	Robertson, Mr. R. J. O.
Govindaraja Mudaliyar, Mr. C. S.	Sankaran Unni, Mr. E.
Gray, C.I.E., I.C.S., Mr. J.	Sahajanandam, Swami A. S.
Guruswami, Rao Sahib L. C.	Saldanha, Mr. J. A.
Harisarvottama Rao, Mr. G.	Sami Venkatachalam Chetti Mr.
Hearson, Mr. H. F. P.	Sarabha Reddi, Mr. K.
Hilton Brown, I.C.S., Mr.	Satyamurti, Mr. S.
James, Mr. F. E.	Sitarama Reddi, Rao Bahadur K.
John, Mr. V. Ch.	Siva Raj, Mr. N.
Kaleswara Rao, Mr. A.	Soundara Pandian, Mr. W. P. A.
Kameswara Rao Nayudu, Mr. V.	Srinivasa Ayyangar, Mr. E.
Karant, Mr. K. B.	Srinivasan, Rao Sahib E.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Subrahmanya Moopnar, Mr. S.
Khadir Mohidin Sahib Bahadur, Muhammad.	Swami, Mr. K. V. E.
Koti Reddi, Mr. K.	Tajudin Sahib Bahadur, Syed.
Krishnan, Mr. K.	Tulasiram, Mr. L. K.
Krishnaswami Nayakar, Mr. K. V.	Uppi Sahib Bahadur, K.
Kumaraswami Reddiyar, Diwan Bahadur S.	Vanavudaiya Goundar, Mr. S. V.
Leach, I.C.S., Mr. A. G.	Venkatapathi Raju, Mr. P. C.
Madhavan Nayar, Mr. K.	Venkataramam Nayudu, Mr. C.
	Venkataratnam, Mr. B.
	Venkiah, Mr. S.
	Watson, I.C.S., Mr. H. A.
	Wood, Mr. C. E.
	Zamindar of Mirzapuram, The
	Zamindar of Seithur, The

[8th October 1929]

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Depressed Classes

Apprentices in the Perambur Industrial School for depressed classes.

* 801 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Home Member be pleased to state—

(a) the number of apprentices in the Perambur Industrial School for depressed classes;

(b) how many of them are Christians;

(c) whether there is any proposal to increase the number of apprentices next year; and

(d) what steps were taken to give publicity to the opening of the institution among the depressed classes?

A.—(a) The school has been abolished and the buildings have been converted into a hostel for industrial students or apprentices. The present strength of the hostel is 61.

(b) Forty-four, of whom 24 belong to criminal tribes and 20 to the other depressed classes.

(c) No.

(d) Applications for admission were invited by advertisement in three daily papers in Madras.

Mr. V. I. MUNISWAMI PILLAI:—“May I know why 44 out of 61 were recruited from Christians?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“Criminal tribes are under the Commissioner of Labour and he is administering the subject and as such 24 students belonging to the criminal tribes had to be provided for.”

Mr. V. I. MUNISWAMI PILLAI:—“May I know the reason why 24 students drawn from the Criminal Tribes were taken into this hostel?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“Criminal tribes are depressed classes.”

Mr. V. I. MUNISWAMI PILLAI:—“With reference to the answer to clause (d), may I know whether the advertisement was published in the vernacular papers?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“The advertisement was published in the ‘Madras Mail’ the ‘Hindu’ and the ‘Swarajya.’”

Mr. V. I. MUNISWAMI PILLAI:—“In view of the fact that a large percentage of the depressed classes do not know English, will the Government consider the advisability of publishing such advertisements in vernacular papers?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“The suggestion of the hon. Member will be considered.”

8th October 1929]

Labour

Amendment of the law relating to kudimaramat.

* 802 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state what steps are being taken to place the law in regard to kudimaramat on a proper and efficient basis?

A.—The Government have at present no proposals under consideration for the amendment of the Madras Compulsory Labour Act, 1858.

Mr. G. HARISARVOTTAMA RAO:—“May I ask whether the Collectors were not asked to report on the subject of kudimaramat recently?”

The hon. Mr. A. Y. G. CAMPBELL:—“When?”

Mr. G. HARISARVOTTAMA RAO:—“Last year or so?”

The hon. Mr. A. Y. G. CAMPBELL:—“I must ask for notice of the question. I believe, however, that the whole question was considered a year ago.”

Mr. G. HARISARVOTTAMA RAO:—“If it was considered, may I know if the hon. the Revenue Member will be pleased to place the reports of the Collectors on the table of the House?”

The hon. Mr. A. Y. G. CAMPBELL:—“I will consider the suggestion.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“May I know how the system of kudimaramat is working?”

The hon. Mr. A. Y. G. CAMPBELL:—“That is a matter of opinion.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“It is stated in the answer that the Government have at present no proposals under consideration for the amendment of the Madras Compulsory Labour Act, 1858. Are they satisfied with the working of the Act?”

The hon. Mr. A. Y. G. CAMPBELL:—“We do not propose to make any change in the Act.”

Mr. G. HARISARVOTTAMA RAO:—“May I ask whether there is any modification of the Board's Standing Orders relating to this subject under consideration?”

The hon. Mr. A. Y. G. CAMPBELL:—“I think the Board's Standing Orders were modified early this year. No further modification is in contemplation.”

Police

Reorganization of the Mufassal Police on the lines of the Madras City Police.

* 803 Q.—Mr. P. SIVA RAO: Will the hon. the Home Member be pleased to state—

(a) whether there is any proposal to reorganize the ‘Mufassal Police’ on the lines of the recent reorganization of the Madras City Police;

(b) what is the scale of pay recently sanctioned in the case of the European sergeants working in the Madras City Police and whether that would be extended to the sub-inspectors working in the City and mufassal; and

(c) if not, what is the reason for the distinction?

[8th October 1929]

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(c) if not, what is the reason for the distinction?

[8th October 1929]

- 4.—(a) The Government are not aware of any such proposal.
 (b) The following scale of pay was sanctioned from 1st April 1929 :—

	Pay. Rs.
Sergeants-Major	220
Sergeants—First grade	200
Sergeants—Second grade	175
Sergeants—Third grade	150

There is no proposal to sanction the same scale of pay to sub-inspectors.

- (c) Different scales of pay have been fixed for them because of the differences between their duties, age at the time of recruitment, previous training, and prospects.

Mr. T. ADINARAYANA CHETTIYAR :—“ With reference to the answer to (c), may I know whether it is a fact that the sergeants have not got any investigation work as the sub-inspectors in the mufassal have got to do ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ I think so. ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Then how does the hon. the Home Member consider that the duties of the sergeants are more arduous and responsible than those of the mufassal sub-inspectors ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ Their duties are more exacting there is no doubt as they have to stand in the sun for several hours in the day. ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Is it not a fact that the traffic constables have to stand in the sun for even longer hours than the sergeants ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ They have also to stand in the sun for several hours in the day. ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Has their pay been correspondingly increased, Sir ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ No, Sir. ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Why ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ No representation has been received from the Inspector-General to that effect. ”

Mr. T. ADINARAYANA CHETTIYAR :—“ Is it a fact that the sergeants have been asking that some responsible work like investigation should be entrusted to them ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ Notice, Sir. ”

Mr. D. NARAYANA RAJU :—“ May I know whether the Indian sub-inspectors were put on duties done by the sergeants and found wanting ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ Notice, Sir. ”

Mr. S. SATYAMURTI :—“ With reference to clause (b), may I know why there is no proposal to sanction the same scale of pay to sub-inspectors ? ”

[8th October 1929]

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ There is no proposal because no proposal to that effect has been sent to the Government by the Inspector-General. ”

Mr. S. SATYAMURTI :—“ May I know whether the Government do not initiate these proposals at all and only wait for the subordinates to take the initiative in these matters ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ Proposals of this sort are expected to emanate from the head of the department. ”

Mr. S. SATYAMURTI :—“ May I know whether the Government have satisfied themselves that the present scale of pay of sub-inspectors is adequate and does not compare unfavourably with that of the pay of the sergeants ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ The Sub-Inspectors have better prospects of promotion. They can hope to get promoted as Deputy Superintendents and even as Superintendents if they are capable and fit. ”

Mr. G. HARISARVOTTAMA RAO :—“ May I enquire whether the Sub-Inspectors are allowed opportunities to make representation on behalf of their class to higher authorities as an association ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ I must ask for notice. ”

Mr. S. SATYAMURTI :—“ May I know whether there are any Indian sergeants ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ No. ”

Mr. S. SATYAMURTI :—“ Why is the sergeants' cadre kept as a preserve for non-Indians ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ I think I have stated the answer to that during the last budget season. ”

Mr. K. V. R. SWAMI :—“ May I know what the educational qualifications of these sergeants are ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ Notice, Sir. ”

Mr. S. N. DORAI RAJA :—“ May I ask whether the Government will be pleased to give the same facilities to sergeants as they are giving to the sub-inspectors for training and promotion ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ I should like to have notice of the question in order to state definitely whether the Government could give any kind of instruction to the sergeants. ”

Mr. K. V. R. SWAMI :—“ May I ask whether they are educationally qualified to receive any such instruction as the sub-inspectors receive ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—
 “ As I said, I want notice. ”

[8th October 1929]

Mr. S. SATYAMURTI :—" In view of the hon. the Home Member's budget speech, may I ask whether the Government have any proposal to remove the racial barrier in respect of the recruitment of sergeants ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" It is not a question of racial barrier. As stated before, the sergeants are taken into the service at a much later age and their prospects are very limited."

Mr. S. SATYAMURTI :—" May I ask why they are taken at a later age and paid higher salaries ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Because, for the duties they have to perform, they require military training."

Mr. S. SATYAMURTI :—" May I know if the Government have tried to recruit Indians with military training for this purpose ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No."

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

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" There was no occasion."

Forests

Questionnaire regarding the forest policy of the Government.

* 804 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Law Member be pleased to state—

(a) whether the Government have considered the replies of the Chief Conservator of Forests to the questionnaire regarding the forest policy of the Government and allied questions ;

(b) whether the Government propose to publish the questionnaire, the replies and their own conclusions thereon ; and

(c) whether they propose to take any further action to overhaul the whole forest policy and if so, what it is ?

A.—(a), (b) & (c) The replies of the Chief Conservator are still under the examination and until it is completed it is not possible to state what action the Government propose to take on them.

Mr. G. HARISARVOTTAMA RAO :—" May I ask the hon. the Law Member how long it will yet take for the Government to finish consideration of this question ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am sorry I am not able to give a definite answer."

Mr. K. V. R. SWAMI :—" May I know for how long has it been under the consideration of the Government ? At the last session also the same answer was given."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It has been under consideration of Government for some months now."

Mr. K. R. KARANT :—" May I ask whether the grievances of the public in regard to the forests form part of the questionnaire ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, I think, Sir."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know what items of forest policy are under consideration ? "

[8th October 1929]

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It is not possible to say that now."

Mr. S. SATYAMURTI :—" Is the impossibility due to ignorance or anything else ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I would rather not answer such a question." (Mr. Satyamurti : 'Hear, hear.')

Constitution of Districts and Divisions

Abolition of the Polavaram Agency division.

* 805 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(a) whether Government will be pleased to place on the table papers relating to the proposals for the abolition of the Polavaram Agency division ; and

(b) whether Government have received the report of the Board of Revenue on the said proposals, and if so, what it is ?

A.—(a) The papers* containing the proposals for the abolition of the Polavaram division are laid on the table.

(b) The report of the Board of Revenue has just been received. The question of placing it on the Council table will be considered.

Mr. D. NARAYANA RAJU :—" From the papers laid on the table, am I to understand that the representation made by the East Godavari District Association in the year 1912 is being taken up now in the year 1929 ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The whole history of the question has been set out in the representation made to His Excellency the Governor."

Mr. D. NARAYANA RAJU :—" What are the circumstances under which this representation made in 1912 is taken up in the year 1929 ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I have nothing more to add to what has been stated in the papers laid on the table."

Mr. D. NARAYANA RAJU :—" May I know from the Government the circumstances under which this question was taken up in 1929 on the basis of a representation made 17 years ago ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I must ask for notice. If the hon. Member will read the first paragraph of the paper laid on the table he will see that recently there was discussion between the Land Revenue Commissioner and the Collector."

Mr. D. NARAYANA RAJU :—" May I ask whether this proposal has been supported by the Board of Revenue ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The report has just been received and the question whether it can be laid on the table will be considered."

Mr. K. V. R. SWAMI :—" Was this question considered when the representation was received in 1912 ? "

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

* Separately laid on the Council table.

[8th October 1929]

Mr. K. V. R. SWAMI:—"May I know whether the distance between Polavaram and Bhadrachalam is not less than 100 miles?"

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

Mr. K. V. R. SWAMI:—"Is there any connecting road between Polavaram and Bhadrachalam?"

The hon. the PRESIDENT:—"That is cross-examination."

Mr. D. NARAYANA RAJU:—"Since this proposal is based on a representation made by the East Godavari District Association, may I know whether the Government will be pleased to refer it back and take once again the opinion of the same Association whether the same conditions prevail now?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think the Association will have had an opportunity of expressing its views."

Mr. K. V. R. SWAMI:—"May I enquire whether it is a fact that the people concerned met in conferences and meetings in several places and sent representations?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must have notice."

Forest Panchayats

Complaints regarding the elections to Forest Panchayats in Kurnool district.

* 806 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) how many complaints have been received by the Collector of Kurnool during the years 1926 to 1929 up to date in regard to the elections to Forest Panchayats in the district of Kurnool and from whom;

(b) how many complaints have been received by the Collector of Kurnool during the years 1926 to 1929 up to date in regard to other matters relating to Forest Panchayats; and from whom;

(c) how many of these complaints in (a) and how many in (b) have been inquired into by the Collector; and

(d) how the others were disposed of?

A.—(a) to (d) The Government have not the information.

Mr. G. HARISARVOTTAMA RAO:—"May I ask the hon. the Revenue Member whether he will call for the information?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir, I will call for the information."

Land Revenue

Number of Muslims qualified for appointment as Sub-Magistrates and Tahsildars in South Arcot district.

* 807 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) how many Muslims in the Revenue Department in the South Arcot district are qualified for being included in the list of Sub-Magistrates and Tahsildars; and

(b) whether any of them have been included in the lists and if not, why they have not been so included?

A.—(a) & (b) The Government have not the information.

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Mr. BASHEER AHMED SAYEED:—"May I ask whether the hon. the Revenue Member will call for the information and include in the list all those who are qualified?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think any useful purpose will be served by calling for this information. The lists are drawn up and revised from time to time."

Mr. BASHEER AHMED SAYEED:—"May I know if the hon. Member is aware that a large number of Muslims who are qualified have not been included in the list?"

The hon. Mr. A. Y. G. CAMPBELL:—"No, Sir. It is quite possible as the list is made up by selection of the best and does not include every one who is qualified by examination."

Mr. BASHEER AHMED SAYEED:—"May I know whether he will redress the grievances of those who are qualified but are not included in the list?"

The hon. Mr. A. Y. G. CAMPBELL:—"Any individual grievance will be considered if the matter is brought to the notice of the Collector."

Mr. BASHEER AHMED SAYEED:—"Is the hon. the Revenue Member aware that representations were made to the Collector and yet the grievances were not redressed?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am not aware."

Public Service

Application of the communal Government Order by the District Collector of Kurnool.

* 808 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the District Collector of Kurnool is applying the recent Government Order relating to the communal proportion in Government services to ordinary departmental promotions; and

(b) if so, whether he was instructed to so apply the Government Order?

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

(b) No.

Mr. G. HARISARVOTTAMA RAO:—"In view of the answer to clause (b) that the Government have not given any instructions in the matter, may I know whether the Government will call for the information asked for in clause (a)?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes."

Rao Bahadur C. NATESA MUDALIYAR:—"May I ask whether it is necessary that instructions should be issued to Collectors to follow the Government Orders? Is it not their duty to follow them?"

The hon. Mr. A. Y. G. CAMPBELL:—"There is no such Government Order issued."

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Increments to unpassed clerks in Civil and Criminal Courts.

* 809 Q.—MR. K. V. R. SWAMI: Will the hon. the Member for Revenue be pleased to state—

(a) the number of unpassed matriculate or school final clerks who were in the permanent service by 1926 in the Civil Courts;

(b) the number of such clerks in the Revenue Department;

(c) the number of such clerks in Criminal Courts;

(d) whether all of them get the increments along with other clerks;

and

(e) if not, why not?

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

(d) & (e) The attention of the hon. Member is invited to the answer given to question No. 111 on 8th August 1929.

11-15 a.m. MR. K. V. R. SWAMI:—"May I know whether these clerks even if they are unpassed candidates were given increment automatically?"

The hon. Mr. A. Y. G. CAMPBELL:—"Orders have been passed granting increments in some cases and the clerks would get the increments when there are such orders."

Settlement*Proceedings of the conference of Revenue Members regarding Land Revenue Settlement.*

* 810 Q.—MR. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) the subjects discussed at the recent conference of the Revenue Members of the several Provincial Governments held at Simla and whether the legislation of the principles of land revenue settlements was discussed thereat;

(b) the views of the Madras Government propounded thereat; and

(c) the conclusions arrived at the conference and when they will be brought into effect?

A.—(a), (b) & (c) The attention of the hon. Member is invited to the answer given to clauses (b) and (c) of question No. 218 on 10th August 1929.

MR. S. SATYAMURTI:—"With reference to the answer given here which refers us again to the answer given on the 10th August 1929, may I know specifically from the hon. the Revenue Member, whether he will be pleased to give out the names or the nature of the subjects discussed, at the conference of the Revenue Members of the several Provincial Governments held at Simla and whether any proposals regarding land revenue legislation for this Presidency were discussed there?"

The hon. Mr. A. Y. G. CAMPBELL:—"I cannot answer that. It is for the Government of India to publish this information by means of a communiqué, if they wish to do so."

MR. S. SATYAMURTI:—"May I know with reference to the answer given to clause (b) what were the views of the Madras Government that were propounded at that conference with regard to land revenue legislation?"

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The hon. Mr. A. Y. G. CAMPBELL:—"It rests with the Government of India to publish them."

MR. S. SATYAMURTI:—"May I know the reasons why this Government cannot publish them?"

The hon. Mr. A. Y. G. CAMPBELL:—"Because the matter is confidential."

MR. S. SATYAMURTI:—"Sir, Mr. President, I think this matter came up before you once . . . ?"

The hon. the PRESIDENT:—"Government gave the answer. They do not say that they will not give the answer. But what they say is they are not prepared to publish the proceedings that took place at the conference of Revenue Members."

MR. S. SATYAMURTI:—"May I know if the Government are not prepared to throw any light on this subject, and if not, why not?"

The hon. Mr. A. Y. G. CAMPBELL:—"We have to leave the matter to the Government of India and they will publish it, if they think fit."

MR. S. SATYAMURTI:—"May I know whether the views of this Government were placed before the Government of India at all? And if so, why do the Government refuse to publish its own views?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think I can add anything more."

MR. G. HARISARVOTTAMA RAO:—"May I know if there has been any communication between this Government and the Government of India after the adjournment of the Revenue Members' conference on the subject?"

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

MR. S. SATYAMURTI:—"May I know if it was a fact that this Government was against any kind of satisfactory legislation on land revenue settlement for this Province?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am not able to answer that question."

Proposed introduction of a Land Revenue Settlement Bill.

* 811 Q.—MR. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government propose to introduce a Land Revenue Settlement Bill and if so, when; and

(b) what are the districts in the Presidency in which the re-settlements are due and in progress?

A.—(a) The attention of the hon. Member is invited to the answer to clauses (a) and (b) of question No. 111 answered on 4th September 1928.

(b) Resettlement is due in the districts of East Godavari, West Godavari and Kistna. Operations connected with resettlement are in progress in these districts and in Salem, Malabar and South Kanara.

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Mr. S. SATYAMURTI :—" With reference to the earlier answer given with reference to the resolution that was passed by this Council may I know whether any communiqué has since been issued by this Government? "

The hon. Mr. A. Y. G. CAMPBELL :—" Not so far as I am aware. "

Mr. S. SATYAMURTI :—" With reference to the answer given by the late Revenue Member who is now the Governor that he could not prophesy the date when a Land Revenue Settlement Bill would be introduced, may I ask the present hon. the Revenue Member whether he is in a position to throw any light on the matter and whether this Government has any intention of addressing the Government of India with regard to the introduction of a satisfactory Land Revenue Settlement Bill? "

The hon. Mr. A. Y. G. CAMPBELL :—" This Council passed a resolution on the subject recently and the Government will consider what action they will take on the resolution. "

Mr. S. SATYAMURTI :—" May I know when the Government are going to take action in the matter? "

The hon. Mr. A. Y. G. CAMPBELL :—" I hope they will consider the matter very shortly, Sir. "

Mr. S. SATYAMURTI :—" May I ask whether a Land Revenue Bill will be introduced before the lifetime of the present Council? "

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

Mr. A. KALESWARA RAO :—" In view of the unanimous resolution that was passed by this Council recently, may I know whether the Government will postpone the collection of higher rates till the Land Revenue Bill is introduced. "

The hon. the PRESIDENT :—" The question does not arise out of the present question. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the consideration of the resolution of this House is pending with the Government pending the resolution of the Government of India on the matter? "

The hon. Mr. A. Y. G. CAMPBELL :—" No, Sir. We have not taken up consideration at all. "

Village Establishment

Conduct of the Village Officers' examinations.

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

(a) the number of papers set for the karnam and munsif candidates respectively who appear for the Village Officers' examinations and the subjects for which they are set; and

(b) whether the candidates concerned are permitted the use of books to answer each of the question papers and if not, why not?

A.—(a) Two papers are set for each class of candidates on the subjects shown below—

Karnam—

(i) Village Manual of Accounts.

(ii) Powers and duties of village officers.

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Munsif—

(i) Powers and duties of village officers.

(ii) Village sanitation.

(b) The use of books is allowed only for the examination in the Village Manual of Accounts. The other subjects relate to the principles of village administration which the village officers should know how to put into practice at any time without reference to books.

Education

Teaching of agriculture in elementary schools.

* 813 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to place on the table of the House a copy of the report of the committee appointed by the Government to consider the question of the introduction of teaching of agriculture in elementary schools?

A.—The suggestion will be considered.

Proposed construction of a road to Srisaillam in Kurnool district.

* 814 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state what steps he proposes to take to lay the road to Srisaillam in the Kurnool district?

A.—The attention of the hon. Member is invited to the answer to Legislative Council question No. 487, dated 25th September 1929. The Government do not propose to take any further steps in the matter.

Proposed dissolution of Tanuku Union Board in West Godavari district.

* 815 Q.—Mr. A. KALESWARA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what are the reasons that led to the dissolution of Tanuku Union Board in West Godavari district;

(b) who is in charge of the Board now; and

(c) when fresh elections will be held?

A.—(a) The Board has not yet been dissolved. The ground on which the notice of dissolution was served on the Board, however, was the existence in it of serious party factions, resulting in maladministration. The Board has not rebutted these charges.

(b) M.R.Ry. Foliseti Venkataratnam Nayudu Garu.

(c) If the Board is eventually dissolved, fresh elections will be held as soon as possible after such dissolution.

Mr. A. KALESWARA RAO :—" With reference to the answer given to clause (a), may I know what the maladministration referred to therein is? "

The hon. Dr. P. SUBBARAYAN :—" Notice. "

Mr. A. KALESWARA RAO :—" May I know who the gentleman referred to in clause (b) is? "

The hon. Dr. P. SUBBARAYAN :—" Notice, Sir. "

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Mr. A. KALESWARA RAO :—" May I know whether he is nominated by the Government or he is the old President of the District Board ? "

The hon. Dr. P. SUBBARAYAN :—" Notice."

Bifurcation of the Chingleput Taluk Board.

* 816 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the steps for the bifurcation of the Chingleput Taluk Board were taken at the Government's own initiative and, if so, the reasons for taking the steps;

(b) if answer to (a) be in the negative, whether the Government have acted on the suggestion of the Chingleput District Board and if so, whether the Government will place on the table a copy of the resolution of the district board on which the Government have acted; and

(c) whether the Government have received a representation from some members of the district board objecting to the constitutional nature of the resolution as being ultra vires?

A.—(a) No.

(b) On a number of memorials received and on the recommendation of the district board—a copy of the latter ^a is placed on the table.

(c) Yes, but Government were unable to accept the validity of the objection.

Mr. C. N. MUTHURANGA MUDALIYAR :—" With regard to the answer given in clause (b) may I know how many memorials have been received and by whom the memorials were sent and what is the nature of these memorials ? "

The hon. Dr. P. SUBBARAYAN :—" A number of memorials were received both from the Madurantakam and Chingleput Taluk Board areas."

Mr. C. N. MUTHURANGA MUDALIYAR :—" With regard to (c) may I know what was the objection raised by the district board members against the resolution of the board ? "

The hon. Dr. P. SUBBARAYAN :—" The answer is contained in the statement appended."

Alleged protest against the bifurcation of the Chingleput Taluk Board.

* 817 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the Chingleput Taluk Board raised objection to its bifurcation;

(b) whether the Government will place on the table copy of the statement submitted by the Chingleput Taluk Board to the Government;

(c) whether it is a fact that the proposed bifurcation leads to a deficit of Rs. 3,000 per year;

^a Printed as Appendix I on pages 910-911 infra.

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(d) whether it is a fact that the District Collector of Chingleput wrote to the Government expressing his opinion against the proposal and if so, whether the Government will lay on the table a copy of the note submitted by the District Collector;

(e) whether it is a fact that a similar proposal to bifurcate the Chingleput Taluk Board was made by the District Board in 1926, and that the Government dropped the proposal ultimately; and

(f) whether the Government asked the District Collector to issue a gazette extraordinary, if necessary, to announce the order of the bifurcation, and the reasons for such urgency in the matter?

A.—(a) Yes.

(b) Government do not consider that any useful purpose will be served by laying the paper in question on the table.

(c) According to one method of calculation the deficit might amount to about Rs. 3,000.

(d) No.

(e) Yes.

(f) Yes. The question had been pending a long time and it was decided to effect the bifurcation on the 1st September 1929.

Mr. C. N. MUTHURANGA MUDALIYAR :—" With reference to the answer given in clause (a), may I know what is the nature of objection raised by the Chingleput Taluk Board to this bifurcation ? "

The hon. Dr. P. SUBBARAYAN :—" They did not want it to be bifurcated."

Mr. C. N. MUTHURANGA MUDALIYAR :—" With regard to (c) is there any other method of calculation and what is the deficit arrived at according to some other method suggested in the hon. Minister's reply ? "

The hon. Dr. P. SUBBARAYAN :—" The calculation that was arrived at proved to be the most satisfactory method of calculation."

Mr. C. N. MUTHURANGA MUDALIYAR :—" With reference to the answer given to clause (d) may I know if the District Collector advised the Government to wait till the end of the official year ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I am aware, no."

Mr. C. N. MUTHURANGA MUDALIYAR :—" Why did not the Government wait till the end of the official year or till the beginning of next year ? "

The hon. Dr. P. SUBBARAYAN :—" The Government thought that it was not necessary."

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I take it that the bifurcation was hurried in order to oblige the president of the district board where re-election is to come off in March next ? "

The hon. Dr. P. SUBBARAYAN :—" That is not so."

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I ask what was the recommendation of the Collector ? "

The hon. Dr. P. SUBBARAYAN :—" That is a confidential communication and I am not prepared to disclose it."

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Nominations to the newly constituted Chingleput and Madurantakam taluk boards.

* 818 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether, in the matter of nominations to the newly constituted Chingleput and Madurantakam taluk boards, the Government consulted the local officers;

(b) whether one person nominated to the Chingleput Taluk Board was undergoing imprisonment in the criminal jail on the date of the nomination;

(c) why two nominated members of the original taluk board were not re-nominated again;

(d) why Mr. N. Srinivasachari, member originally representing a ward in the Conjeeveram taluk, was nominated to the newly constituted Madurantakam Taluk Board; and

(e) whether the Government consulted only the President of the Chingleput District Board in the matter of nominations to the newly constituted taluk boards or whether they consulted anybody else?

A.—(a), (c), (d) & (e) The appointments were made on the recommendations of the President of the Chingleput District Board. The practice in such cases is to consult only the President, District Board.

(b) The Government have no information.

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether the District Collector was consulted in the matter of nomination as is usually done?”

The hon. Dr. P. SUBBARAYAN:—“It is not usual to consult the Collector.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether one Nadar who has been nominated to the Board was in Civil Jail at the time and has since been declared insolvent?”

The hon. Dr. P. SUBBARAYAN:—“I have no information on that question.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“Will he be pleased to call for the information?”

The hon. Dr. P. SUBBARAYAN:—“I shall do so.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether that gentleman still continues to be the member?”

The hon. Dr. P. SUBBARAYAN:—“I think the hon. Member knows the provisions of the Act as well as I do.”

Mr. S. SATYAMURTI:—“May I know if the President's lists were approved as they were by the hon. Minister or whether any changes were made therein?”

The hon. Dr. P. SUBBARAYAN:—“I think the President's list was approved.”

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Municipalities

Nominations to the Conjeeveram Municipality.

* 819 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether two vacancies occurred among the nominated members of the Municipality of Conjeeveram in the months of January and February 1929;

(b) the respective dates when the two seats fell vacant;

(c) the date when one of the seats was filled up by the Government;

(d) why the other seat has not so far been filled up;

(e) whether it is a fact that the District Collector has already sent his recommendation to the Government;

(f) whether the Government propose to fill up the seat, and if so, when; and

(g) the reasons for the undue delay in filling up the vacancies?

A.—(a) Yes.

(b) The 26th January and the 17th February 1929.

(c) The 7th May 1929.

(d) to (g) The matter is still under correspondence with the Collector and it is hoped to make the appointment in the near future.

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know why there should be so much delay in these nominations?”

The hon. Dr. P. SUBBARAYAN:—“I have said that the matter is under correspondence as to what communities should be represented.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know that the hon. the Minister and the Collector recommending certain names did not agree with each other, with regard to the name to be selected?”

The hon. Dr. P. SUBBARAYAN:—“There is no question about that.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“Is it a fact that Mr. W. P. A. Soundara Pandiya Nadar and Mr. Kannappar of the *Dravidin* had a hand in these nominations?”

The hon. Dr. P. SUBBARAYAN:—“They did not.”

Excise

Action taken on the memorial from the Madras Non-Gazetted Excise Officers' Association.

* 820 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Public Health be pleased to state—

(a) whether he has received any memorial from the Madras Non-Gazetted Excise Officers' Association;

(b) whether he has taken any and, if so, what action thereon; and

(c) if not, why not?

A.—(a), (b) & (c) A memorial regarding the revision of the pay and prospects of the non-gazetted officers of the Excise Department has been received from the Association. It has been referred to the Commissioner of Excise for remarks.

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Mr. S. SATYAMURTI:—"May I know if the Government have received any report stating what amount of additional expenditure the revision of their pay would involve?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"At present I have no idea."

Registration

Opening of a registration office in Shirva village.

* 821 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Public Health be pleased to state, with reference to my question No. 258, dated 10th August 1929, regarding the opening of a registration office in the village of Shirva, whether he has received any and, if so what report in the matter?

A.—A copy of the report* received from the Inspector-General of Registration is placed on the table.

Mr. K. R. KARANT:—"May I ask the hon. Minister whether he will have the question of opening a fixed temporary office in the village for a day or two in a week?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I shall consider the suggestion."

Agriculture

Alleged destruction by pest of groundnut crops in Polur and Tiruvannamalai taluks.

* 822 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether it is a fact that a pest insect attacked groundnut produce in Polur and Tiruvannamalai taluks in North Arcot district last year;

(b) whether it is a fact that it is multiplying enormously in a few days and covers the whole area of cultivation and surrounding waste lands;

(c) whether any investigation was made into the causes and whether any remedial measures were adopted;

(d) whether it is a fact that the Agricultural department is advising cultivators to pick them up and burn them;

(e) whether it is a fact that they are too numerous to be dealt with in this fashion;

(f) whether it is a fact that these pests have appeared this year also in the same area;

(g) whether it is a fact that other produces are also affected by the pest in those areas; and

(h) what immediate steps the Government propose to take for the eradication of the evil?

A.—(a) Yes. There was a report of an outbreak of 'hairy caterpillar pest' from the Tandarai firka.

(b) Yes.

(c) Yes. The attacked areas were examined by the Agricultural Demonstrator, Tiruvettipuram, and hand-picking of moths was suggested.

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(d) Yes.

(e) No. If the hand-picking of moths is attended to, the pests can be effectively tackled. If, on the other hand, one waits till the caterpillars hatch out, the pest becomes too numerous to be dealt with.

(f) Yes.

(g) Yes. The pest attacks cumbu, castor, gingelly and pulses.

(h) The village from which the report was received is being examined by an officer of the Entomology section. It is too late now to undertake the demonstration of remedial measures. If the residents of the affected villages are willing, arrangements for the enforcement of the Pest Act will be made next year.

Mr. T. ADINARAYANA CHETTIYAR:—"May I ask the hon. Minister whether modern science has not devised any other method than that of picking out the millions of pests from the crops?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The matter is under investigation."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know whether any preliminary report has been received?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"No, Sir."

Mr. G. HARISARVOTTAMA RAO:—"May I know what arrangements have been made to appraise the cultivators on the necessity of hand-picking of the insects at a very early stage and whether any attempt has been made in that direction?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I cannot say anything at present, since the report is not published."

Mr. G. HARISARVOTTAMA RAO:—"Will he make an attempt to educate the people in the methods of picking the pests at the earliest stage?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"I shall consider the suggestion."

Mr. T. ADINARAYANA CHETTIYAR:—"What will be the consequence of the introduction of this Pest Act on the people of the village?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The disease will be eradicated."

Mr. T. ADINARAYANA CHETTIYAR:—"At Government expense or the expense of the villagers?"

Opening of an Agricultural Middle school in the Telugu districts.

* 823 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) whether there is any reason for locating both the Agricultural College and Middle school in the Tamil districts and none in the Telugu districts; and

(b) whether any Agricultural Middle school will be started in the Northern Circars?

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A.—(a) The Agricultural College was located at Coimbatore as it was considered to be the most suitable place for it. As regards Agricultural Middle schools, a school opened in the Telugu area at Anakapalle had to be closed for want of pupils. Buildings are under construction for the opening of a school at Kalahasti. The only other existing middle school is located at Taliparamba in Malabar area.

(b) The hon. Member is referred to the answer to question No. 697 answered at the meeting of the 3rd October 1929.

Mr. A. KALESWARA RAO :—" May I know how many Andhra students are there in the Coimbatore Agricultural College ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" Notice, Sir."

Fisheries

Loans advanced to the two fishermen societies in Malabar for the purchase of nets and boats.

* 824 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to state—

(a) what the amount of loan given to the two fishermen societies in Malabar is for the purchase of nets and boats;

(b) the terms on which the loan has been given;

(c) the amount so far repaid;

(d) why the whole amount has not been repaid; and

(e) whether the Government propose to extend the period of repayment?

A.—(a) Each society was given a loan of Rs. 1,500.

(b) The loans were subject to the following conditions:—

(1) the Fisheries Department should undertake close and intensive supervision of the societies;

(2) the boats and nets to be purchased by the societies should be mortgaged to Government as security for the loan;

(3) the rate of interest on the loan shall be $7\frac{1}{4}$ per cent. A penal rate of 10 per cent will be charged on all overdue instalments of principal or interest from the due date to the date of payment;

(4) the loan should be repaid within a maximum period of three years;

(5) the Director of Fisheries shall fix the date and number of instalments for the repayment of the loan;

(6) the boats and nets shall be periodically inspected by the officers of the Fisheries Department who will submit a report about their condition to the Director of Fisheries after every inspection;

(7) the boats and nets shall be kept in repair at the cost of the society.

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(c) Information has been called for.

(d) The societies began work in 1927-28 and there is still time for repayment of the loan.

(e) No application has reached Government for any extension of time.

Public Works

Supply of Bell's Asbestos cement sheets to Public Works Department.

* 825 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether the Public Works Department invariably provide in their estimate, for the supply of Bell's Asbestos cement sheets, whenever Asbestos sheets are required and if not, which other Asbestos sheets are provided for in their estimates;

(b) whether the Public Works Department have made any tests as regards the strength, etc., of sheets of different manufacturers, e.g., Italite, Poilite, Salonite, Coverite Bells, etc., and if so, which of them were found to satisfy their test; and

(c) the relative cost of sheets of different makes now in the market?

A.—(a) No; there are no orders prescribing or precluding the use of any particular type of Asbestos sheets.

(b) No.

(c) The relative costs of sheets are as follows:—

	Description.		Price per sq. ft.		
			RS.	A.	P.
(1)	Bells Asbestos Poilite—Flat	... 3/16" thick	...	0	3 2
(2)	Italite	" ... 3/16" "	...	0	6 6
(3)	Eternit	" ... 3/16" "	...	0	2 6
(4)	Salonite	" ... 3/16" "	...	0	2 9
(5)	Bell's Asbestos Everite	Corrugated 9/32" "	...	0	6 0
	for roof.				

Mr. G. HARISARVOTTAMA RAO :—" The answer given to clause (a) is 'There are no orders prescribing or precluding the use of any particular type of Asbestos sheets'. May I know what is the practice? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" As I understand, the practice is this: that either cement or asbestos may be used. There is no rule prohibiting either the one or the other."

Mr. G. HARISARVOTTAMA RAO :—" May I know what exactly is the practice in regard to the selection of the class of asbestos? I want to know whether any particular class of asbestos is preferred to any other class? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" No particular class is preferred. However I am asking the Superintending Engineer to report on the matter."

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UNSTARRED QUESTIONS**Forests**

Classification of the Godumalai hill in the Salem district as a reserved forest.

826 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware of the fact that the Godumalai hill and the lands surrounding it in the Salem district have been classed as a reserved forest; and

(b) whether the Government are in receipt of the resolution passed at the Conference at Kattuveppalaipatti on 14th August 1926 and in the Gokhale Hall in March 1926 recommending the transfer of the said reserve to class V and if so, what action they have taken thereon?

A.—(a) & (b) Yes, Government have received the resolutions passed at two meetings of villagers held at Kattuveppalaipatti on 19th March 1926 and 7th August 1926 requesting disreservation and reclassification respectively of Godumalai reserved forest. Both the requests were negatived.

Loans

Loans advanced for the construction of new wells in the Anantapur district during the last five years.

827 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) what is the total amount of loans advanced in the Madakasira taluk and for the whole Anantapur district for the construction of new wells during the last five years ending with 31st March 1929 and at what rate of interest;

(b) what is the total amount of loans advanced for repairs of old irrigation wells in the area for the same period and at what rate of interest;

(c) whether it is a fact that in the Anantapur district there has been a continued short fall of rain for the past ten years; and

(d) whether the Government have any proposal under consideration to write off loans or to reduce the rate of interest thereon.

A.—(a) & (b) The Government have not the information.

(c) The following table shows the rainfall (average for the district) in each of the past ten faslis and the average rainfall (for the district) of the preceding 51 years:—

Fasli.	Rainfall in inches.	Average rainfall of the 51 years ending with 1920.
1329	26.36	} 22.7 inches.
1330	13.40	
1331	25.1	
1332	17.5	
1333	11.9	
1334	23.1	
1335	22.5	
1336	16.6	
1337	25.2	
1338	23.1	

(d) The Government are examining the state of the loan balances in the district.

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Settlement

Amount of subdivision charges collected in the last two years in each of the districts of Northern Circars.

828 Q.—Mr. V. KAMESWARA RAO NAYUDU: Will the hon. the Member for Revenue be pleased to state—

(a) how much was collected in the shape of subdivision charges at Rs. 2 per subdivision in the last two years in each of the districts in the Northern Circars; and

(b) whether the charge is the same for big subdivisions and subdivisions of a few cents each?

A.—(a) The information will be found in Appendix IV to the Survey and Settlement Administration Reports for the years 1927-28 and 1928-29, which have been placed at the disposal of the Press.

(b) Yes.

Municipalities

Construction of the new college building in Salem town.

829 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) in what stage the question of constructing the new college building in Salem town stands; and

(b) if he has no information whether he will call for the necessary information?

A.—Government have no information nor do they consider it necessary to call for it at this stage.

Public Health

Supply of drinking water to Salem town from Cauvery-Mettur Project.

830 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Minister for Public Health be pleased to state—

(a) whether a deputation from Salem town waited upon the Government regarding the supply of drinking water to Salem town from Cauvery-Mettur Project in May last; and

(b) if so, what is the result of that deputation and when the work for laying out pipe lines, etc., will be commenced?

A.—(a) Yes.

(b) The Government are considering the question as to how the scheme is to be financed.

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

II

THE MALABAR TENANCY BILL.

Clause 17.

Sub-clause (1).

* The hon. the PRESIDENT :—"The Council will now resume discussion on the Malabar Tenancy Bill. The amendment of Mr. Madhavan Nayar, viz., that in line 5, sub-clause (1), clause 17, for the words 'two and one-fourth,' the words 'one and a half' be substituted is for the consideration of the House."

* **Mr. K. P. RAMAN MENON** :—"I have known from what you remarked yesterday that the amendment ranged over a wide field. All that I want to say is with reference to the renewal fee that has been levied and is proposed to be levied. Now turning to the kanam tenant of Malabar I take him to be the actual cultivator of the soil. In this connexion this is what the Raghavayya Committee report says on page 151 of their report.

"The number of kanams created before 1852 is 56,317."

11-80
a.m. The hon. Mr. A. Y. G. CAMPBELL:—"May I know the page the hon. Member is reading from?"

Mr. K. P. RAMAN MENON :—“ Page 151 of the Raghavayya Committee Report for fasli 1336. In column No. 7 it is stated that the number of kanams created before 1852 is 56,317. The extent of land actually cultivated by kanamdars inclusive of sub-kanamdars is 484,108 acres. The total cultivated area is 1,287 thousand acres and odd—column 3. The extent of cultivable waste is 1,113 thousand acres—column 2. It is the experience of everybody who has been in Malabar that almost every day reclamation is going on in Malabar. There are still 1,113 thousand acres of land which may be converted into arable land. Is it stated by anybody that the janmis began the reclamation of these lands and that all the existing cultivated lands were reclaimed by the janmis of Malabar? I have not heard that statement made till now. I was waiting to see whether my hon. Friend Mr. Sankaran Unni would refer to this point when he appealed to the House, in connexion with this matter. The statement at pages 47 and 48 of the Raghavayya Committee Report has not been challenged by him with reference to the kanam tenant. What they say with reference to the kanam tenant is this. In paragraphs 100 and 101, their statement is to this effect:—

The Committee has given its anxious consideration to this question. So far as the kanam-dars are also the actual cultivators, the Committee's task has not been difficult. For, there are economic grounds similar to and stronger than those stated with reference to verumpattamdars in support of any proposal to grant this class of kanamdars some sort of fixity.

“ Referring to the non-cultivating kanamdar, this is what the Committee say :—

But the Committee has come to the conclusion that, in this matter, no distinction need be made between him and the cultivating kanamdar. There are numerous families which have been allowed to hold on kanam the same lands for a century and over, and if evictions have attracted special attention it is partly because, in spite of the Courts' decrees, the kanamdars have been believing, it may be, that they would be allowed to continue on the land, if only they paid the renewal fee and rent regularly. In the second place, kanamdars form a very large section of the middle class of Malabar, drawn chiefly from the professional classes, Government servants and people of like status, and it seems to be desirable to give them some sort of fixity in the interests of general social well-being.

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"I lay special emphasis on the following statement:—

' Apart from this, the impression left on us by the evidence is that, in many cases, these kanamdars must have materially contributed during long course of years towards the cost of improving the lands which they hold and often for conversion of waste lands into cultivable ones, and are materially assisting in the proper cultivation of the lands by advancing to the actual cultivator funds necessary for carrying on cultivation.

‘Then again, a little lower down, they say:—

"Moreover, the kanamdar occupies in the social economy of Malabar a place of some distinction. As has been said by more than one, the extent of the kanam interest is often the measure of the dignity of the janmi, and the status of the janmi is heightened, according to feeling in Malabar, by the number of persons holding kanam under him. In fact, as one witness put it, it is not the ownership of the soil that makes a man a janmi; it is the fact that he has kanamdars under him. He who has none such may be a landlord or landowner, but, in popular estimation, he is not a janmi. It seems to the Committee, in view of the several considerations adverted to above, that any legislation which does not take note of the kanamdar would be truncated and would not bring about that cordial relationship between the landlord and the tenant which it is the object of the Government to bring about."

“ I may take it that it is practically admitted that the kanamdars have contributed very much to the material prosperity of the district. If that is so, and if it can be postulated that the most of the land that is now under cultivation has been brought under cultivation by the kanamdar, then the question that arises is whether the kanamdar should be protected by being given fixity of his holding and whether that fixity is to be secured to him on terms which are not very hard and which will be worth his while. If the rent of renewal fee levied from him is too high, certainly this class of kanamdars will deteriorate. Even as it is, on account of heavy renewal fees that have been collected in years past and on account of the economic stress that probably, the kanamdar has deteriorated to a considerable extent. But it is gratifying to note that 484,108 and odd acres of land are still held by them and they have been in possession from before the year 1852. That is the position, Sir, and this question has to be considered carefully before we fix the renewal fee that is to be levied from the kanamdar. What is the argument of my hon. Friend, Mr. Sankaran Unni ? He said yesterday that the kanamdar is a mere mortgagee. The estate is in his hand only because he has paid money to the janmi. When the janmi pays the amount that is payable to the kanamdar, the latter has no further right to hold the land and he must quit the land. These are statements made by my hon. Friend. He further asks, in these circumstances, why should any mercy be shown to the kanamdar ? Why should he not shell out the entire profit that he must have made, i.e., the difference between the interest of the kanam amount and the cultivation expenses and the outturn of the land ? That was the question of my hon. Friend, Mr. Sankaran Unni. He further said that at least half of 12 years, i.e., six years' profit should be given to the janmi. Give us at least six years' rent. That was the burden of his song. We shall not go into the past history of the tenures. We shall take it as a transaction entered into between the janmi on the one hand and the kanam tenant on the other on our supposing that the janmi was the owner of the janmam, that he reclaimed the land, made it arable, and then gave it to the kanamdar. Then can you for a moment suppose that the janmi was so generous-minded as to reduce the rent payable by the kanamdar and that he gave the land for a small rent ? Human nature is the same everywhere, whether it is the janmi or the kanam tenant. If it is regarded as a business proposition, you must suppose that the janmi entered into some contract with the kanam tenant and said that if the land yielded 100 paras of paddy, then that

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amount of paddy must be accounted for. The janmi levied certain amount over the land. The amount of the rent must cover the interest on the kanam money advanced and the Government revenue on the land. The balance of the amount should be paid to the janmi. That must be the position; it will not do to say that any concession in favour of the kanamdar was made in this matter. Without going back to the ancient history of the land, we shall take it as a business transaction and we shall analyse the facts on that basis. What is the position of the present day rents which were originally settled between the kanamdar and the janmi? Mr. Sankaran Unni contends 'take the present day rents of the land and calculate on that basis.' Suppose the rent now paid is 100 paras of paddy; deduct the interest on the kanam amount, deduct the revenue of the land; the balance for the 12 years is payable by the tenant to the janmi. The fact that the present rent is higher than the old janmapattam has been mentioned by more than one witness. It is unnecessary to read out the evidence of many witnesses. I shall read what one of them, a most respected and important witness, says, Mr. Srivirarayan Raj, then fourth Raja, now third Raja of Calicut. At page 518 of the evidence, he says with reference to (b) and (c) 'Suppose from a field of one acre in extent 100 paras of paddy is received as verumpattam. Half of it must be considered as kanapattam due to the janmi.' My hon. Friend will say that half of it, i.e., 50 paras of paddy should be paid to the janmi. The terms janmapattam and kanapattam are the same. I am not going to tire the patience of the House, by quoting the evidence of other witnesses which has been recorded by the Committee. This evidence is enough. The question put to this witness is 'all these leases where you say the janmapattam is less than half of the verumpattam are very old leases?' The answer given by the witness is 'yes, they are records which are 60 or 70 years old.' If, as a matter of fact, as stated above the janmapattam is about half the present rent, then six years' verumpattam rent would be equal to six years' janmapattam to which the janmi alone is entitled. If six years' verumpattam rent is to be taken into calculation in coming to a settlement on this matter, the claim of the hon. Mr. Unni is automatically reduced by half. Then again, Sir, you will see that, in connexion with settlement proceedings, the Government have always laid down that 15 per cent at least should be taken for the vicissitudes of the season and if you take one and one-third year's rent out of six years' rent, which is equal to 15 per cent of the six years' rent, the resulting balance is four and two-thirds. What is the proposal under the provisions of the Bill? You should give the janmi $2\frac{1}{2}$, i.e., a little less than half the remaining balance which is in the hands of the tenants. The contention of the hon. Mr. Unni is, as shown above, absolutely baseless. Our submission to the Council is that this incidence is too heavy and that it ought to be reduced. If you take one and a half which will be one-third of the balance in the hands of the tenants, I submit, Sir, that this demand is not exorbitant. Otherwise, while the kanamdar has only four and two-thirds years' profit, if you demand a higher renewal fee, he will have to supplement his means by other ways. That is an extraordinary proposition. I submit that this Council should not accede to the proposition laid down by my hon. Friend, Mr. Sankaran Unni.

"Then again, it will be observed from the Government revenue records and settlement records that most of these lands were at the time of the first

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settlement yielding only a single crop, and not double crop as they are now yielding. If that is so, when you once admit that the kanamdar entered into the possession of the lands after paying the necessary kanam amount and has been holding it as a kanamdar all along, I ask, who is it that has converted these lands from single crop lands into double crop lands? It must be either the verumpattamdar who has been holding the land under the kanamdar or the kanamdar himself. If you are simply considering the claims of the cultivating tenant, and not confusing it by other considerations of the land having been let to the verumpattam tenant, etc., then surely the answer to the question is very simple, that the land must have been so converted by the kanam tenant and by no one else. If, on the other hand, the kanamdar has let out the land to the verumpattam tenant, I submit it is unreasonable to expect a verumpattam tenant who has no capital, who ekes out an existence from the profits that he gets, to be in a position to lay out the necessary capital and improve the land, make it a double crop land and yield better than what it did at the time the land was originally granted to him. I submit it would be an absurd proposition to expect him to do that. It will be seen therefore that whether the land was let out to the verumpattam tenant or whether it was cultivated by the kanamdar himself, it is the kanamdar who has been mainly responsible for increasing the yield of the land through putting his capital into it, and working at it. If that is so, I ask how is the janmi entitled to claim any portion of those profits? It certainly appears extraordinary that any claim should be made by the janmi on the profits of the land which has been improved solely at the instance or through the efforts of the kanamdar.

"Then again, Sir, there is another aspect of the question which should be taken into consideration. Taking the illustration which is mentioned in the original Bill as drafted by the Government and by the Raghavayya Committee, it will be seen that Rs. 130-8-0 is the avakasam or the renewal fee on a property yielding about 100 paras of paddy. It has been assumed in the Raghavayya report that this amount is an adjustment of the past profits of the land between the landlord and the tenant. But it is not so; as a matter of fact, these Rs. 130 odd which the tenant pays is for the right to hold the property for another period of twelve years; it is not sharing the profits of the past twelve years. Therefore, it is practically an advance payment. Mr. Unni has himself stated that it takes nearly three and a half years for the tenant to wipe off this advance payment from the extra income received from the land which as I have shown above is mostly his; because there will not be any balance left after making all the payments—as Mr. Unni stated yesterday—and even if there is any balance left, it will be hardly sufficient to meet even the interest payable on the money to be paid by the tenant for the twelve years as renewal fee. I do not want to tire the patience of this Council with quoting intricate figures—but would the janmi be prepared to part with his janmam right for a payment of six years' rent on the land? The janmi would certainly repudiate any such suggestion. Notwithstanding what Mr. Unni has said with reference to section 46 of the Estates Land Act—to which I shall presently refer—no janmi would be prepared to say that he would part with his janmam right of the land for six years' profits of the land. It will be seen, therefore, that two and one-fourth years' profits, far from being a very low estimate, is nearly half the amount the tenant is enabled to

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make out of the kanam land. It is therefore obvious that the entire basis of the argument put forward by Mr. Unni before this House is fallacious and cannot be accepted.

"Then again, Sir, there was another suggestion. One of the amendments is that three years' profits should be the amount of renewal fee. That will come to about three-fourths of the four and two-thirds that the tenant has in his hands. In that case, is the tenant to get nothing at all for all the trouble and labour on his part in tilling the land and improving it? Is he to pay everything to the landlord who does absolutely nothing, who does not stretch a helping hand even in times of difficulty? Is the tenant who is undergoing the risk consequent on the tilling of the land, to be denied even a portion of the profits? I dare say this House will repudiate any such suggestion.

"Mr. Unni also took his own case and said that he has a land in his own possession, from which he is getting a profit of nearly Rs. 2,000. Although he did not say so specifically, I think he wanted to make out that he is allowed these profits on account of the fact that the land is in the janm of his own karnavan. But if, on the other hand, the land was let out on easy terms, I submit that is no criterion by which we should judge other kanam lands. If in the same family the karnavan or the ananthravan holds the lands on easy terms, is it, I want to know, a test for considering what should be the renewal fee to be paid on the land? As a matter of fact, Mr. Unni said that about Rs. 1,000 was being paid on the land as renewal fee but according to the present calculations, it would come to about Rs. 4,000. Supposing the karnavan belongs to a different family, or that the land is not let out on easy terms, then surely an amount of Rs. 4,000 odd will have to be shelled out. Whatever it is, his own case is no analogy, because it can be explained away that the land has been let out on easy terms because the karnavan belongs to the same family. Anyway, it is not a safe guide to accept in matters of this sort.

"Mr. Unni went on to say: if the kanam tenant so much complained that the renewal fee as laid down in the Bill is too high and that it is impossible for him to get renewals of the lands that he holds on payment of such renewal fee, why should not the kanam tenants throw up their hands in despair and let the Bill go? Why should they not disown the Bill? Well, Sir, I do not want to read any passages from the report of the Raghavayya Committee, but I would invite the attention of the hon. the Revenue Member particularly to the evidence printed at page 57 of the Raghavayya Report. There it is stated for what reasons people have been evicted; and it is to escape such painful incidents in life—which I shall not dilate upon now here—that this agitation has been started, and until you put some restriction on the power of the landlord to utilize his land as an agency by which he can bend anybody to his will, there will be this agitation. If there is no such agitation, I am sure it will break out in some other form, which God forbid. If the hon. the Revenue Member will kindly read the evidence given by Mr. Sankunni Menon, a retired Tahsildar, at page 57 of the report where he gives instances of social oppression, he will find out the necessity for this legislation. Of course, Mr. Sankunni Menon reluctantly made that statement on a separate piece of paper and handed it over to the Committee; and of course when it once went into the hands of the Committee, it was

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naturally printed. After seeing that, the Committee found that it would not be conducive to any harmony between the landlords and tenants if they went on enquiring into the social side of the question. So, they dropped it altogether and therefore no further instances are cited in the report. One of the reasons why we do not disown the Bill is that; the second reason is this: the landlords may not be sick of this agitation because they are sure that all along they have been recognized as janmis or absolute owners of land; but we on our side are certainly sick of this agitation. We want to have peace, we want at least half a loaf and we prefer that to continuing this agitation and strife. If we can have some concessions at least from the hands of the Government, we shall be thankful for the small mercies that are doled out to us. It is not because we are satisfied with this measure; we are satisfied with the justness of the measure and we are satisfied that we are receiving at any rate some relief at the hands of the Government. We accept this Bill because there is no escaping the fact that under the law as it is being administered by the British courts, any tenant can be turned out at the will and pleasure of the landlord and any landlord can use his land as an engine of oppression to evict his tenant. That is why we do not disown the Bill and that is why we do not say that we do not want this legislation.

"Then, again, Mr. Unni probably thought that he could play upon the feelings of this House by saying that he and his class have all along been espousing the cause of the verumpattamdar. I know it is a delicate point; for this House and some people also look upon the cultivating tenants as persons entitled to particular protection at the hands of the Legislature, and rightly so, because the cultivating tenant is the man who contributes mostly to the profits and the improvement of the land. But he said the janmis were espousing the cause of the cultivating tenants. Would the House seriously take him when he says that they are anxious to protect the interests of those cultivating tenants? Certainly not for this reason: that if the cultivating tenant was such a *persona grata* in the eyes of the janmis, why did not any janmi introduce any Bill here to safeguard the interests of the cultivating tenant? All attempts at legislation from the time of Mr. Logan, emanated from the side of the tenants and not from the side of the janmis. When they found the current was very strong for them . . .

* The hon. the PRESIDENT:—"I am trying my best to follow the hon Member and see the relevancy of the reference to the verumpattamdar and the janmi to this discussion."

Mr. K. P. RAMAN MENON:—"It was referred to yesterday, Sir. That is why I refer to it now."

* The hon. the PRESIDENT:—"On that account, everything that he says does not become relevant."

* Mr. K. P. RAMAN MENON:—"It is not on account of the bountiful 12 mercy arising from the bosom of the janmis that the janmi representative noon. has brought forward this argument, but because he thought that if he turned the attention of the House in that direction, it might be possible for him to prejudice the mind of the House; and I am sure that the House is not going to accept the arguments of my hon. Friend the janmi expert."

"Again, Mr. Unni stated that when section 46 of the Estates Land Act was enacted, it was accepted that the zamindars should be given compensation for the deprivation of their right to evict the tenant. I seriously ask

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if any janmi would take two and a half years' rent and be done with the right to redeem. I know that entirely different conditions prevail with the zamindars on this side of the House. So that the position is this. Mr. Unni may say in the stress of arguments that two and a half years' rent is sufficient, but certainly, as Mr. Unni disowns one of the most prominent janmis of Malabar, Raja Vasudevan Raja of Kollengode, he will also in his turn be disowned by the other janmis"

* The hon. the PRESIDENT:—"He disowned the representative character of the Raja of Kollengode."

* Mr. K. P. RAMAN MENON:—"The two and a half times the annual rent that Mr. Unni offers is absolutely no solatium for the rights of the janmis."

* Mr. E. SANKARAN UNNI:—"I never said that."

* Mr. K. P. RAMAN MENON:—"Then, again, can Mr. Unni, with the interest on the property, namely, 2,500 paras of paddy which would mean about Rs. 25,000 being the annual profits for two and half years at Rs. 10,000 per year, assign away the janmam right to the tenant? Certainly not, and no janmi in Malabar would do it. In respect of this, I may also add a note of personal explanation. It may be some information to some hon. Members of this House, particularly with reference to me who has been all along advocating the cause of kanam tenants, that personally I am myself more a janmi than a kanamdar. Of the Rs. 20,000 rent, that my family collects as rent from our family property the rent from the janmam lands comes to about Rs. 17,000 or Rs. 18,000 and it is only the balance that comes out of kanam lands. Again, with reference to my hon. Friend who adorns the Treasury Bench now, when he moved his Bill in this Council, I may assure this House that not one inch of land was owned by him as kanam land and that all the lands that his family and he himself holds are janmam lands. So that, the House will see that it is not because we are representatives of kanam tenants, nor because we want to make the kanam tenants the practical owners of the lands, we accept the Bill but because we know that an agitation is gathering force in Malabar, that there is a great onrush of currents against the janmis and that it will not be possible for the janmis to have foot-hold of the land if they fail to recognize the facts of the times. It is also because we are afraid of it and because of the fact that the economic condition of the district of Malabar is bound up with the prosperity of the tenant, we want to see that the janmi is deprived of some of his rights."

"Mr. Unni then referred to the incidence of renewal fees taken by janmis. Mr. Unni stated in the course of that argument that Mr. Madhavan Nayar seems to say that the janmi has been a good fellow; if that is so, why should you have any legislation at all. We are not, here, Sir, of course to sing 'he is a jolly good fellow' at all. We say that the respectable janmi has been calculating the renewal fee at a certain rate. Mr. Unni mentioned certain instances to show that this statement is wrong. I have to point to certain statements which were made by some of the prominent witnesses before the Raghavayya Committee to prove that Mr. Unni's statements are wrong. On page 35 of the Evidence Volume, Mr. Sankunni Menon says in reply to a question put to him—of course you may be aware that the questionnaire varied with witnesses and one of the questions put to him was: 'What

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was the renewal fee collected hitherto?' In his answer he says: 'Out of one year's rent, tax and michavaram should be deducted and the balance may be made available to the janmi as renewal fee.' Then, as to the exact rate prevailing in his taluk, he stated: 'Each janmi has his own rate.' Even now there are a few janmis who are satisfied with the ancient rate of 25 per cent on the kanam amount. Vadakkumkara Nambudripad in Kulukkallur amsam, Palghat taluk, is one of them. I understand that Kuthiravattath Nayar, a stani, who also owns considerable janmam lands in the taluk, was hitherto collecting renewal fees at the rate of 100 rupees per acre of wet land. The present stani, it seems, has raised it to 130 rupees per acre. My janmis are Venganad Kovilagam and the Valia Raja of Walluvanad. They do not collect more than one year's rent.' So that, this Rs. 130 per acre on a ten para land works out to one year's rent and nothing more."

"Then again, Mr. Sankunni Menon was quoted by Mr. Unni and he was careful enough not to read that portion of the evidence showing that the renewal fee was less than one year's rent. On page 52 when questioned by Raja Vasudevan Raja of Kollengode he says—

'Q.—I have looked into the figures and I find that it is Rs. 218 that you have to pay on the wet lands every year. And Rs. 8,500 is the renewal fee that you are paying every twelve years?'

A.—It was Rs. 8,500 that I paid last time.

Q.—Rupees 8,500 is the highest amount that you have paid on lands that yield about 10,000 paras of paddy every year for which you pay 1,000 paras of paddy as rent and about Rs. 218 as assessment every year? I am asking the existing state of affairs?

A.—Yes.

Q.—You have been telling Mr. Pate that you have no complaint so far as your janmis are concerned. So, I take it that Rs. 8,500 is not an exorbitant rate of renewal fee and you are quite satisfied with it?

A.—If the tax and michavaram are deducted, it will be fair.

"Then again on page 56, he says: 'We will take, for instance, my case and see how it works. The estimated verumpattam rent is Rs. 8,000. Michavaram is 1,000. Then there is 7,000. Deducting tax, i.e., 300 rupees, the balance is 6,700. Interest on the kanam amount of Rs. 50,000 at 6 per cent will come to 3,000. The balance is 3,700. Half of that is 1,850. So for 12 years it will be 20,000 odd and half of that is 10,000'. So that, you will see that the outside figure that he arrives at is Rs. 10,000, which is equal to one year's rent. Therefore, I submit that the quotation of Mr. Unni is not correct."

"My hon. Friend, Mr. Unni, then referred to Mr. Raman Nayar's evidence. You will find on page 32 from the particulars given in the annexure, item (4), that the rent of land at 7½ fold was 300 paras of paddy and the cost of the last renewal was Rs. 307-14-0. Here again, you will see that the calculation works out to a figure which is nearly equal to one year's rent."

"I shall not tire the patience of the House by reading out other portions. As a matter of fact, it has never been the practice to pay more than one year's rent and no janmi witness has said so and therefore it is absurd to say that the renewal fee is more than one year's rent. Then my friend referred to the evidence of certain others stating that they were collecting

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at the rate of six years' profits. In this connexion, Mr. S. K. Ramaswami Ayyar was also quoted. Mr. Parameswara Ayyar, the agent of the Mana, was examined. I do not agree with Mr. Unni in his statement that the Poomulli Mana Nambudripad was in straitened circumstances at any time."

Mr. E. SANKARAN UNNI:—"I got the information from the Nambudripad himself."

Mr. K. P. RAMAN MENON:—"Mr. Parameswara Ayyar says on page 463 of the evidence as follows:—

'I have not worked it out that way. The renewal fee is generally calculated on quite a different method in the Mana. In olden days it was calculated for some time on the verumpattam amount. Afterwards it was changed and it is now being calculated on the kanapattam.'

"Similarly, with reference to another point, namely, that these renewal fees are calculated on six years' rent, it will be observed from page 114, another witness says in answer to a question:—

'Q.—What is your view regarding the rate of renewal fee stated by Mr. S. K. Ramaswami Ayyar in his evidence?

A.—I beg to differ from my learned friend Mr. S. K. Ramaswami Ayyar who gave evidence here regarding this. I do not think he is correct. The rate of renewal fee which he gave was, as stated by him, that adopted by Melathur Appathara Pattar who is no other than the Appathara Pattar referred to in Logan's Malabar Manual, Volume I, page 584.'

These are the two tangible instances that have been mentioned in the course of the enquiry and it will be seen on a closer study that six years' rent was never in vogue in Malabar. But, says Mr. Unni, it does not follow that because six years' rent was not levied you cannot do it under the law. If the law is enforced, you have to pay. But the question really is, when you are enacting a law to regulate the renewal fee to be paid by the tenant to the landlord whether he is a cultivating tenant or a non-cultivating tenant, we should see what it is that he could legitimately bear and what should be the compensation that has to be paid on account of the law that is now being promulgated. Sir, when this has to be ascertained, naturally one would like to ask janmis what they have been levying hitherto from the various tenants and add to that, something by way of compensation and that that amount alone should be taken. In this connexion, I may also read what another witness says in regard to the compensation. He says that suppose from a field of one acre, half is considered as kanam pattam, the renewal fee of 25 paras will be Rs. 100 and that will be the amount to be paid by the tenant to the janmi. He says that Rs. 700 may be given in a lump sum or in instalments as the case may be. That is the full compensation that he wants to get and that would be seven year's total rental on the property. So that, you will see there is no point in what Mr. Unni stated with reference to irrelevancy of the renewal fee levied in the past. It is next necessary to consider what extra amount should be imposed as sufficient compensation to the janmi. This has to be done on the basis of the calculations that I have already placed before the House.

12-15 p.m. "Then my friend referred to the case of escheat sales and he quoted one instance in support of his contention. I submit the very case he quoted is its own refutation. For he said: 'The Kudiravattathu Nayar purchased lands in escheat sales and has allowed the old tenants to be still in possession of the lands, renewing the lease from time to time.' My friend went on to point out that as a matter of fact in these sales large amounts of money have

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been invested in the hope that the interest may be reimbursed from the produce of the land. I suppose the House will credit the Kudiravattathu Nayar with the ordinary prudence of an average man, and is it reasonable to suppose that he would have allowed the kanam tenants to be in possession of the land if he was not able to realize the interest? I think he must have realized at least 5 or 6 per cent interest on his capital outlay and the very fact that he has allowed the tenants to continue on the lands shows that he does not suffer on account of largeness of his investments.

"I would also in this connexion invite the attention of the House to a statement in the dissenting minute of the Kavalappara Muppil Nayar, where he says that the renewal fee, by a comparison of the figures, would be more than the renewal fee that has been hitherto paid. I don't want to tire the House by reading the passage. Anyhow I will say this: There is a statement made there that the increase is a 100 per cent. This is also a very good indication to show that 2½ times which the Government propose to fix is certainly not too low.

"Then Mr. Unni referred to the fact that with reference to the kanam tenants not one of the officers who have dealt with the question, had a good word to say about them. Fortunately the Raghavayya Committee were able to get at the figures as to the number of kanamdars before 1852. Those Government officials who wrote strongly against the kanam tenants were carried away by the fact that since the agitation came from the kanamdars and that since some of the vakils belonged to that class, since most of the gentlemen of the learned professions were recruited from the body of kanam tenants, they never actually cultivated the land. They probably thought that inasmuch as the agitation came from the middle class—and here I must draw the attention of the House to the fact that the Government officials as a class are generally against all sorts of agitation—they must side with the landlords. The officer or officers for the time being thus thought that the kanamdars were responsible for all this trouble. Then again this is what we find in Mr. Logan's report as to on whom the occupancy right is to be conferred:—

'I mean not merely the tenant of the land, but the cultivating proprietor or the farmer who rents and cultivates the land employing hired labour or the renting cultivator pure and simple who is dependent for the necessary labour on the services of his own family. The man in short, whoever he may be, who finds labour and capital necessary for cultivation and who accepts the risks and takes the profits of the cultivation work to which that labour and capital are applied, is the man whose position it seems to me to be most necessary to secure. I emphasise "who accepts the risks and takes the profits of the cultivation work, etc."'

"Who is it that takes the risks and profits of cultivation? Is it the janmi or is it the kanam tenant? Certainly not the janmi? What is he? He is but a drone in society. The less drones there are in society the better. (Mr. G. Harisavottama Rao: Hear, Hear.)

"Then again Mr. Unni stated that the present Bill is a little more confiscatory than the Bill of Mr. Krishnan Nayar. I submit there are a great many circumstances in which the present Bill differs from the previous Bill. He says that the fixity of tenure is but another mode of conferring occupancy tenure. That confusion of thought is not peculiar to him. This was present in the minds of some witnesses examined by the Raghavayya Committee, and it took some time before it was dispelled.

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"I may invite the attention of the House to Mr. Suryanarayana Rao's evidence at page 580—

'Q.—Now we will go to the more important subject under "Remedies." You say the only solution for the disabilities of tenants is to give them fixity of tenure, fixity and fair rent and freedom of sale subject to certain restrictions. Grant of permanent occupancy rights alone is the panacea for the disabilities from which the tenants suffer. Don't you recognize that these two terms are different?

'A.—Fixity of tenure and fixity of rent and freedom of sale and transfer go together. I cannot think of any difference between the grant of permanent occupancy right and the granting of fixity of tenure. I thought both the expressions meant the same.

'Q.—The difference is this. In one case you say the tenant must be allowed to continue on the land provided he pays his renewal fee and michavaram to the landlord and provided he does not dispute the janmi's title. That is in the case of the kanamdar. In the case of the verumpattamdar, he should be allowed to continue on the land provided he paid the rent properly and on some other conditions which must be necessary. This is fixity of tenure. If the tenant makes any default the landlord has got the right to take the land back and cultivate it himself, or give it to another tenant. But in the case of the permanent occupancy right, even for default of rent the landlord cannot evict the tenant, he can only attach his interest and sell it and if the property is sold in public auction he can only bid for the land as anybody else.'

"Then again, Sir, there is considerable difference between sections 6 and 30 of Diwan Bahadur Krishnan Nayar's Bill as passed by the Legislative Council, section 8 of Mr. Krishnan Nayar's new Bill, and sections 20, 23 and 25 of the present Bill. What is stated in Mr. Krishnan Nayar's Bill is this. With reference to the land being caused to be surrendered at the instance of the landlord, the landlord could resume the land only if the tenant was unable to find the necessary capital outlay. Now this qualification is completely taken away from the present Bill. And what is stated in the present Bill is that the landlord has simply to say, or rather he has to convince the Court, when the question arises, that he wants to cultivate it himself and that his demand is *bona fide*. And not only that; any member of his family who has got any proprietary right can come and put forward this plea and the tenant has to surrender even when the latter is able to find any amount of capital. Again, there are differences with regard to other clauses such as building leases, buildings to be erected by the landlord, renewal fees, etc., so that it is idle to say that the present Bill goes upon the same line as the old one.

"Then again, Sir, it is stated that the provisions regarding renewal fee in Mr. Krishnan Nayar's Bill were more favourable to the landlord and the tenant. This I submit is wrong. What is stated there is one year's net produce; in the Select Committee it was taken away, but it was reinstated in the Council, and no attempts were made to define what was meant by net produce. Thus you will see that the renewal fee mentioned there is not the same renewal fee as in the present Bill. So that it is idle to say that the present Bill runs along the same lines as Mr. Krishnan Nayar's Bill and that the present Bill is confiscatory.

"I do not propose to enter the question as to who is the old proprietor of the land, the kanam tenant or the janmi. That has been settled by the Government Order and it is useless to go into that question. The fact remains that for hundreds of years the kanam tenants have been enjoying these rights. If this is not the case, why should they build temples and residences upon these lands? There are cases like the Pathiakovilagam,

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the residence of one of the families of the Zamorin of Calicut, which is built on kanam land. If the right is so insecure, would they have built the residence on that land? Or is it reasonable to suppose that janmis in the position of Zamorins rose up one fine morning and found themselves impecunious and raised small loans of five rupees and ten rupees from the numerous tenants? Sir, it is a well-known fact that during all these years, as long as the kanam has been on land, cognate tenures like mortgages were co-existent. Therefore it is clear that they have substantial rights. Hence I submit that the attempt on the part of the janmis to raise the renewal fee and get six times the annual profits is absolutely unwarranted. I submit the renewal fee fixed by the Government is a little bit too high and ought to be reduced."

* Rao Bahadur Sir A. P. PATRO :—"Sir, the House has been treated to 12-30 p.m. a very closely reasoned address from the learned advocate for one full hour. Yesterday we were treated to a similar address for the same period by Mr. Sankaran Unni. After hearing these speeches, it seems to me that both parties rely on the evidence adduced before the Raghavayya Committee, but curiously enough both parties neglected to read the findings of the Raghavayya Committee, nor have they drawn attention to what it was that that Committee recommended. In judging between the conflicting claims of the janmi and the kanamdar, the Committee recommended as a matter of compromise that the renewal fee should be what is stated in the Bill, namely, three times. That being so, neither the janmi nor the kanamdar seems to have challenged that finding of the Raghavayya Committee based on the evidence adduced before them. Mr. Raman Menon, clever advocate that he is, referred to evidence not particularly relevant to that matter, but read some evidence only for controverting the arguments of Mr. Unni. The whole question before the House is whether what is provided in the Bill and what has been passed by the Select Committee is a reasonable compromise or not. The provisions of the Bill, as passed by the Select Committee, are based on the compromise that was arrived at as between the janmi and the kanamdar at a conference."

Mr. E. SANKARAN UNNI :—"May I make a submission, Sir? There was no compromise on this question at all between the janmi and the kanamdar or any other party."

* Rao Bahadur Sir A. P. PATRO :—"Even if it is not a compromise, the Government gave it as their finding that two and quarter times was reasonable; when the janmi claimed three times and the kanamdar claimed one and half times, they thought that it could be settled half and half. I know that the complaint has hitherto been in Malabar that the renewal fee is most arbitrary, and that there is no fixed principle on which the renewal fee is fixed by the janmi or paid by the kanamdar. I do not think it would be relevant now to go into the question whether the kanamdar has contributed to the economic development of Malabar or what the janmi has done for it, or whether it is true that the janmi is a lazy drone, as described by Mr. Raman Menon, and has not spent his labour or capital on the land. On the other hand, the results show that both have been doing their best for the improvement of the land, because we know there are very good janmis who have improved their estates and take much interest in developing

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them. We also know that there are capitalists among kanamdars who have invested their capital on the land, and they want to make the best out of the bargain. Therefore it is quite irrelevant to say whether the janmi or the kanamdar has contributed money or labour to the improvement of the land. But this much can be stated that a statement of an experienced administrative officer like Mr. Pate can be accepted as impartial. He says that the claim of one and a half times made by the kanamdars is based on the evidence given by some witnesses belonging to the Palghat taluk, that the practice in Palghat taluk does not apply to the whole of Malabar, and that the rate differs very widely in Malabar. I would invite the attention of hon. Members to the statement at page 49 of the Raghavayya Committee Report which runs as follows:—

‘There is, however, one additional factor to be borne in mind in the case of kanams, namely, that provision should be made for the deduction of interest on the kanam amount and the assessment payable to the Government from out of the joint funds; to say of the janmi and the kanamdar. To illustrate, suppose the fair rent in the case of any land is Rs. 100; from out of that, the amount of assessment of, say, Rs. 10 is deducted; then a further deduction should be made of the amount due for interest on the kanam. Assuming that to be Rs. 20, the balance would be Rs. 70. This is now shared by the kanamdar and the janmi. A portion of this Rs. 70 is paid as michavaram to the janmi. Taking it to be Rs. 10, the balance which goes into the pockets of the kanamdar is Rs. 60. In addition to paying this Rs. 10 every year as michavaram, the kanamdar pays at present at every renewal a renewal fee the amount of which varies according to the custom or the “cupidity of the janmi”. The complaint is the renewal fee is arbitrarily fixed, but in most cases it seems to be about a year’s net produce. The Committee’s proposal is that out of the Rs. 60 now taken every year from the kanamdar, he should pay, if he is to claim renewal as a matter of right $\frac{12 \times 60}{4}$ or Rs. 180 in the place of the present renewal fee and as compensation for the right to claim renewal’.

“This is the finding of the Committee and on the basis of this finding they say that three times the annual rent is the proper renewal fee and on the payment thereof the kanamdar is expected to claim renewal through the appointed agency. The Report goes on:

‘Here again it may be easily said from the point of view of the janmi that the compensation is too small and from the tenant’s view-point that is too much. This has also been essentially a matter of compromise; and the compensation would have been greater if the tenants’ representatives had not agreed to the landlord having the power, referred to above, of taking the land back for his own cultivation or use. The Committee is of opinion that the compromise is, on the whole, fair, taking all circumstances into account, and hopes that it would be accepted by all concerned’.

“Therefore the Raghavayya Committee took into consideration all sides of the question and after weighing the evidence which they have recorded, found that what they have recommended in their report is a fair compromise acceptable to both the parties concerned. Even with regard to this finding Mr. Pate says in his minute attached to the Report:

‘It is to the regulation of the renewal fee that the Committee’s proposals are primarily directed. Briefly stated, these proposals are to secure to all kanamdars, whether cultivators or not, the right to claim and obtain a renewal of their kanams on the payment of renewal fees according to a prescribed scale. So far the scheme is an attractive one. But the first criticism of it remains unanswered. The formula is based upon a custom which, we were told, prevails in some parts of the Palghat taluk; I do not think we found that it existed elsewhere. Under the custom referred to, the kanamdar, we were told (though the statement was contested by a subsequent witness), paid as renewal fee not one-fourth but one-half of his “net profit”. It is thus clear that janmis who follow this custom will not only lose a considerable amount of rent but will receive nothing to compensate them for the curtailment of a valuable right. The remedy might be to double the proposed renewal fee, but this figure again would be no more than a guess.’

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“Thus, Mr. Pate also found that in the circumstances if you take the custom prevailing in Malabar into consideration, what is recommended by the Committee and what is provided by the Government in this Bill is a fair and reasonable solution of the question and is not an inadequate compensation. The Select Committee were guided by the fact that in accordance with the discussions at the conference of janmis and tenants the rate was adjusted at two and a quarter times as a *via media*, and so they accepted that rate. That may be accepted by this House as a sort of compromise. Whatever may be our personal views, I do not think even for such a learned advocate as Mr. Raman Menon it would be easy to argue that this two and a quarter times is excessive. He has not adduced any arguments to show that this is excessive. On the other hand, he spent all his energy and eloquence in combating the arguments advanced by Mr. Unni; but he has not established a case for himself that one and a half times is the proper and fair rate. Mr. Unni’s argument in favour of six times seems to me to have taken the wind out of his sails. It seems to be exorbitant. I would be glad if the finding of the Committee adopted by the Government in this Bill is accepted by this House. As I said, the Select Committee accepted it only as a matter that had been agreed upon before the conference. Therefore there is absolutely no reason to change the provision contained in the Bill.”

* The hon. Mr. A. Y. G. CAMPBELL:—“Mr. President, Sir, I should like, in the first place, to comment on one remark made by the hon. the expert Member yesterday with reference to the proceedings of the Select Committee. He stated that he had certain documents which he wanted to produce before the Select Committee, but he did not produce them because the Government were hurrying on with the Bill. Well, Sir, I think that the remark implying that the Government hurried on with the Bill and the Committee agreed to that course is unjust and unfair to the Chairman of the Committee, the members of the Committee and to the Government. I cannot remember, Sir, a single occasion on which either my hon. Colleague or myself pressed that the discussion should be closed on any matter under discussion at the time, and I am quite sure that we have endeavoured to consider fairly and reasonably the arguments urged by either party; and the Chairman and members of the Committee, I am sure, would support me in saying that everything was done to afford opportunity for fair discussion in the Select Committee.

“Coming to the merits of this case, we have heard both parties and I would only refer to the fact that evidence on this point was recorded by the Raghavayya Committee. In the questionnaire issued they had two questions on renewal fees, (a) ‘on what principles would you regulate the extent of renewal fees,’ and (b) ‘what is the rate of renewal fee prevailing in your taluk.’ Now, Sir, if one goes through the answers to those questions, the first thing which strikes one is the great variety of the renewal fees. In some cases apparently the janmis do not collect any renewal fee at all. In other cases, they collect one year’s rent, sometimes twice the rent; in other cases ‘the cumulative full annual net income for half the period’ is paid; another witness says that it is one year’s net produce of garden land and half the net produce of wet land in the case of renewal of a lease of twelve years’ or five years’ holding respectively. Another witness says that it is sometimes one year’s rent or twice the rent or three times the rent or four times the rent. Another witness said that it was sometimes five or six times the rent

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especially in urban areas, and elsewhere it was two or three times the rent. More than one witness said that it was twice the annual rent. Another witness said that it was Rs. 4 to Rs. 6 per hundred seers of rent in regard to leases for five years and something more in regard to leases for seven or twelve years. Yet another witness told the Committee that it was sometimes fixed on the kanam amount, sometimes according to the para scale, sometimes according to the verumpattam. One witness summed it up by saying 'so many janmis, so many rates, would appear to be the rule'.

"Well, Sir, it must be quite clear from this that it is very difficult to fix any rate which would cover the whole of the existing practice. But that is no reason why we should fix exorbitant renewal fees. Looking to the proposals made to the Committee I find that one witness suggested rent for one year less land revenue and michavaram; others suggested twice the annual rent; one witness suggested six times the annual assessment and another one four times the annual Government assessment. Another suggested two-thirds of net produce, and another 30 per cent of the kanam amount. Finally the Government fixed $2\frac{1}{4}$ times the fair rent minus certain deductions, and from the evidence which was taken by the Raghavayya Committee it seems to me that this is a fair solution of the question. It is no doubt true that documentary evidence of actual cases can be produced to support both views placed before this House. One party can produce evidence of cases in which six times the annual rent is levied as renewal fee now and the other side can produce instances in which very small renewal fees or no renewal fees at all are levied. Therefore, Sir, we cannot lay very much stress on particular instances to which our attention may be drawn. They only give us the extreme limits within which we must look for our solution. We must look at the whole problem from a very broad point of view and try to visualize the whole matter for the whole district, and I think, Sir, from that point of view the proposals embodied in the Bill are as sound as can be reasonably arrived at."

Mr. S. ARPUDASWAMI UDAYAR:—"I move that the question be put."

15 p.m. * The hon. the PRESIDENT:—"The question is that the question be now put."

The motion was put and carried.

* The hon. the PRESIDENT:—"I will now put the amendments which are of a similar nature one after another. I will put first the amendment (No. 233) of Mr. Madhavan Nayar. The question is: 'In line 5, for the words "two and one-fourth", substitute the words "one and a half".'"

The amendment was negatived.

* The hon. the PRESIDENT:—"Then there is the other alternative amendment of Mr. Madhavan Nayar. The question is: 'In line 5, for the words "two and one-fourth" substitute the word "two".'"

The amendment was put and declared lost.

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Mr. K. Madhavan Nayar demanded a poll, and the House divided thus:—

Ayes.

- | | |
|-----------------------------------|-----------------------------------|
| 1. Mr. P. C. Venkatapathi Raja. | 10. Mr. K. Madhavan Nayar. |
| 2. " J. A. Saldanha. | 11. " C. Obi Reddi. |
| 3. " G. Harisavottama Rao. | 12. " Ahmed Miran. |
| 4. " C. S. Govindaraja Mudaliyar. | 13. " C. N. Muthuranga Mudaliyar. |
| 5. " Abdul Hameed Khan. | 14. " K. V. Krishnaswami Nayakar. |
| 6. " L. K. Tulasiram. | 15. " C. Venkatarangam Nayudu. |
| 7. " K. V. R. Swami. | 16. " B. Venkataratnam. |
| 8. " D. Narayana Raja. | 17. " K. P. Raman Menon. |
| 9. " K. R. Karant. | 18. " C. Gopala Menon. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 26. Mr. V. I. Muniswami Pillai. |
| 2. " Sir Thomas Moir. | 27. " S. Subrahmanya Mooppanar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 28. Rao Sahib R. Srinivasan. |
| 4. " Mr. A. Y. G. Campbell. | 29. Mr. E. Sankaran Unni. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 30. " S. N. Dorai Raja. |
| 6. " Mr. S. Muthiah Mudaliyar. | 31. " S. Arpudaswami Udayar. |
| 7. " Dr. P. Subbarayan. | 32. " K. Ramachandra Padayachi. |
| 8. Diwan Bahadur P. Kesava Pillai. | 33. " G. R. Premayya. |
| 9. Mr. Hilton Brown. | 34. Swami A. S. Sahajanandam. |
| 10. " H. A. Watson. | 35. Mr. C. E. Wood. |
| 11. " A. G. Leach. | 36. " F. E. James. |
| 12. " J. Gray. | 37. " R. J. C. Robertson. |
| 13. " S. V. Ramamurti. | 38. " R. Srinivasa Ayyangar. |
| 14. " C. B. Cotterell. | 39. " Sami Venkatachalam Chetti. |
| 15. " V. Ch. John. | 40. " S. Satyamurti. |
| 16. " Syed Tajudin. | 41. " Basheer Ahmed Sayeed. |
| 17. " J. Rheimayya. | 42. " T. Adinarayana Chettiyar. |
| 18. " E. Foulkes. | 43. Rao Bahadur Sir A. P. Patro. |
| 19. " Mahmud Sahamnad. | 44. " S. Ellappa Chettiyar. |
| 20. The Muppi Nayar of Kavalappara. | 45. Mr. Kadir Mohideen. |
| 21. Subadar-Major S. A. Nanjappa Bahadur. | 46. Diwan Bahadur S. Kumaraswami Reddi. |
| 22. Mr. Al. Ar. Narayanan Chettiyar. | 47. Rao Bahadur B. Muniswami Nayudu. |
| 23. Rao Bahadur O. M. Narayanan Nambudripad. | 48. " C. Natesa Mudaliyar. |
| 24. Mr. M. V. Gangadhara Siva. | 49. " K. Sitarama Reddiyar. |
| 25. Rao Sahib L. C. Guruswami. | 50. Mr. K. Sarabha Reddi. |
| | 51. " A. Ranganatha Mudaliyar. |

Ayes 18.

Noes 51.

The amendment was negatived.

* The hon. the PRESIDENT:—"I will now put the amendment of Mr. Sankaran Unni to vote. The question is: 'In line 5, for "two and one-fourth" substitute "six".'"

The amendment was negatived.

* The hon. the PRESIDENT:—"The next amendment is that of Mr. Narayanan Nambudripad. The question is: 'In line 5 for "two and one-fourth", substitute "four".'"

The amendment was negatived.

* The hon. the PRESIDENT:—"The next amendment is that of Mr. Sankaran Unni. The question is: 'In line 5 for "two and one-fourth" the word "three" be substituted.'"

The amendment was put and declared lost.

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The Muppil Nayar of Kavalappara demanded a poll, and the House divided thus :

Ayes.

1. Diwan Bahadur P. Kesava Pillai.
2. The Muppil Nayar of Kavalappara.
3. Rao Bahadur O. M. Narayanan Nambudripad.
4. Mr. S. V. Vanavudaiya Goundar.

Noes.

- | | |
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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 29. Mr. R. J. C. Robertson. |
| 2. „ Sir Thomas Moir. | 30. „ S. N. Dorai Raja. |
| 3. „ Diwan Bahadur M. Krishnan Nayar. | 31. „ G. R. Premayya. |
| 4. „ Mr. A. Y. G. Campbell. | 32. „ P. C. Venkatapathi Raju. |
| 5. „ Mr. M. R. Seturathnam Ayyar. | 33. „ Sami Venkatachalam Chetti. |
| 6. „ Mr. S. Muthiah Mudaliyar. | 34. „ S. Satyamurti. |
| 7. „ Dr. P. Subbarayan. | 35. „ J. A. Saldanha. |
| 8. Mr. Hilton Brown. | 36. „ G. Harisarvottama Rao. |
| 9. „ H. A. Watson. | 37. „ Abdul Hameed Khan. |
| 10. „ A. G. Leach. | 38. „ L. K. Tulasiram. |
| 11. „ J. Gray. | 39. „ K. V. R. Swami. |
| 12. „ S. V. Ramamurti. | 40. „ D. Narayana Raju. |
| 13. „ C. B. Cotterell. | 41. „ K. R. Karant. |
| 14. „ V. Ch. John. | 42. „ K. Madhavan Nayar. |
| 15. „ Syed Tajudin. | 43. „ T. Adinarayana Chettiyar. |
| 16. „ R. Foulkes. | 44. „ A. Kaleswara Rao. |
| 17. „ Mahmud Schamnad. | 45. „ B. Venkatarathnam. |
| 18. Subadar-Major S. A. Nanjappa Bahadur. | 46. „ A. Ranganatha Mudaliyar. |
| 19. Mr. Al. Ar. Narayanan Chettiyar. | 47. „ K. P. Raman Menon. |
| 20. „ K. Krishnan. | 48. „ C. Gopala Menon. |
| 21. „ M. V. Gangadhara Siva. | 49. Rao Bahadur Sir A. P. Patro. |
| 22. Rao Sahib L. C. Guruswami. | 50. „ G. Natesa Mudaliyar. |
| 23. Mr. V. I. Muniswami Pillai. | 51. „ S. Ellappa Chettiyar. |
| 24. „ S. Subrahmanya Mooppanar. | 52. Mr. Kadir Mohideen. |
| 25. Rao Sahib R. Srinivasan. | 53. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 26. Mr. A. Achutan. | 54. Rao Bahadur K. Sitarama Reddiyar. |
| 27. „ C. E. Wood. | 55. „ B. Muniswami Nayudu. |
| 28. „ F. E. James. | 56. Mr. K. Sarabha Reddi. |

Ayes 8. Noes 56.

The amendment was negatived.

* The hon. the PRESIDENT :—“The next amendment is to add a proviso to clause 17 (1) by Mr. Sankaran Unni. (Voices: We have not got it.) The amendment has been before me for the last two days. For the convenience of hon. Members, I shall read the amendment, which is as follows :

‘ Add the following proviso to clause 17 (1):

“ Provided that for a period of twelve years from the commencement of this Act, the current rent shall be regarded as fair rent for the purpose of calculating the renewal fee under this section.”

* Mr. E. SANKARAN UNNI :—“Sir, I am extremely obliged for your kindness. In moving it, I shall not detain the House longer than to say

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[Mr. E. Sankaran Unni]

this. So far as the actual cultivating tenant is concerned, he has got to pay the present rent for a period of twelve years from the commencement of this Act. For the purpose of the renewal fee however, the kanamdar is given the advantage of having fair rent assessed directly this Bill is passed. This question at any rate was not considered by the Select Committee. It was not brought to the notice of the Select Committee at all. It escaped my notice, having so many things to do, and I do not think either the Government or the Select Committee were alive to this defect. This seems to me to be a reasonable proposition; if the rents are not to be disturbed for a period of twelve years, because we do not want to wreck family budgets, there is no reason why for the purpose of calculating the renewal fee, the present rent should be disturbed. The janmi's family budget is a matter of importance to him. I think it is a very logical and reasonable course. I would request the Government to accept this amendment, which is in consonance with the provisions we have already introduced into the Bill.”

The MUPPIL NAYAR OF KAVALAPPARA :—“I beg to second the amendment, Sir.”

* The hon. Mr. A. Y. G. CAMPBELL :—“Mr. President, Sir, I am not prepared to accept this amendment which will materially affect the scheme of the Bill. So far as this renewal fee is concerned, it has been based on the fair rent and not on the actual rent.”

The amendment was put and negatived.

Mr. E. Sankaran Unni asked for a poll.

The hon. the President asked the Ayes and Noes to rise in their places, and after counting, declared, “The Noes have it; the demand for a poll was frivolous.”

Sub-Clause (2).

* Mr. G. HARISARVOTTAMA RAO :—“Sir, I move—

‘ For sub-clause (2) of clause 17 together with the proviso thereto, the following be substituted :—

“ When the amount of interest per annum, or, the sum total of the revenue payable on the kanam property to Government by the kanamdar and the amount of interest, or, the rate of interest, is not specified in the kanam deed, interest shall, for the purposes of sub-clause (1), be calculated—

(1) In North Malabar—at 5 per cent per annum and

(2) In other places—at 12 per cent per annum when the kanartham does not exceed one thousand rupees; at 9 per cent per annum subject to a minimum of one hundred and twenty rupees per annum when it exceeds one thousand rupees but does not exceed three thousand rupees; and at six per cent per annum subject to a minimum of two hundred and seventy rupees if it exceeds three thousand rupees.

Provided that, when any usage governing kanam transactions, fixes a rate of interest lower than what is provided for in this sub-clause, the interest shall be calculated at such rate.”

[Mr. G. Harisavottama Rao] [8th October 1929]

"Sir, my motive in moving this amendment is merely to make the sub-clause clearer. When I went through the sub-clause as it stands, in the Select Committee's report, I did not myself well understand what it was. Therefore I went through the whole thing and have suggested this amendment. I feel, Sir, there is no objection to its being accepted, and I also feel that the hon. the Revenue Member is almost prepared to accept it."

Mr. K. R. KARANT:—"I second it."

* The hon. the PRESIDENT:—"There is already a verbal amendment to read sub-clause (1) as sub-section (a). So here too, for 'sub-clause' we shall read 'sub-section'."

"Before I put the amendment to the vote of the House, we have to dispose of all the amendments with respect to this. The amendment of Mr. Harisavottama Rao is for the consideration of the House. Others will have to be moved as amendments to this."

* Mr. E. SANKARAN UNNI:—"I move that—

'For the existing sub-clause the following be substituted:—

"(2) notwithstanding anything contained in the deed evidencing the kanam, for the purpose of sub-section (1), interest shall be calculated—

(i) at 5 per cent per annum in the taluks of North Malabar and in the taluks of Ponnani and Calicut, and

(ii) at 6 per cent per annum in the other taluks."

"Sir, the conditions prevailing in the taluks of Ponnani and Calicut are similar to those obtaining in North Malabar. Therefore the rate of interest, 5 per cent, ought to apply to those taluks also. The division of the district into North and South Malabar is a division made for administrative convenience. The only distinction that we know of is this: certain taluks have been placed under the charge of one District Judge and certain other taluks under another District Judge. There are more gardens in these taluks than paddy fields and the kanams are mere usufructuary mortgages with nominal kanams. Therefore the House would be just furthering the object it has in view if this clause is made to include Ponnani and Calicut taluks. The rate of interest in North Malabar is 5 per cent, but in South Malabar the rate prescribed in the Bill, i.e., 12 per cent up to Rs. 1,000, 9 per cent between Rs. 1,000 and Rs. 3,000 and 6 per cent above Rs. 3,000, seem to be exceedingly high. Why is this distinction made? People who invest money in lands do not expect such high rates of interest. Even if they were getting such high rates before, that is no justification for perpetuating them, especially when they are acquiring new rights for which they have not got to pay anything. Now that they have become practically owners of land with a liability to eviction under very stringent conditions, they need not ask for heavy rates of interest. If they have been allowed to continue as old kanamdars with liability to eviction in the usual way then a higher rate of interest may be charged. As the House has invested them with practical ownership, let them not also have the advantage which they had as kanamdars. Let them have either the one or the other."

The MUPIL NAYAR OF KAVALAPPARA seconded the amendment.

Mr. Sankaran Unni's amendment was put and negatived.

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The amendment of Mr. Harisavottama Rao was put and adopted.

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

'After the proviso to sub-clause (2) the following explanation be inserted:—

'Explanation:—For the purpose of this sub-section, "North Malabar" means the taluks of Chirakkal, Kottayam and Kurumbranad.'

"Sir, the object of this explanation is to supply a lacuna in this Bill; some definition should be put in for purposes of this sub-section."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was adopted.

Sub-clause (3).

The hon. Mr. A. Y. G. CAMPBELL:—"In order to make this sub-clause clearer, I beg to move the following amendment:—

'For sub-clause (3) of clause 17 the following be substituted:—

'(3) Nothing in this section shall apply to a kanam—

(a) where the kanartham exceeds sixty per cent of the value of the janmi's rights in the holding; or

(b) where all the lands covered by the kanam are dry lands.'

Explanation:—For the purposes of this sub-section the janmi's rights in the holding shall be valued at twenty times the excess of the annual fair rent of the holding over the annual revenue payable thereon to Government:

(1) in the case of a kanam existing on the date of the commencement of this Act, on such date; and

(2) in the case of a kanam created after the commencement of this Act, on the date of the kanam.'

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

* Mr. A. ACHUTAN:—"Sir, I beg to move the following as an amendment to the hon. the Revenue Member's amendment:—

'(i) In line 2 after the figure "(1)" the words "in South Malabar" be inserted:

(ii) In line 2 after the words "sixty per cent" the words "and in North Malabar forty per cent", be inserted and the following explanation be added at the end:—

'Explanation—For the purpose of this section "South Malabar" means "The taluks of Palghat, Ponnani, Walluvonad, Ernad and Calicut" and "North Malabar" means the taluks of Chirakkal, Kottayam and Kurumbranad.'

"Sir, this amendment seeks to differentiate North Malabar from South Malabar in respect of the treatment of kanams. Before asking for the acceptance of the amendment, I would request the hon. the Revenue Member to refer to the manifesto by the Valiaraja of Chirakkal circulated among the hon. Members, which contains the requisite alterations required in respect of North Malabar kanams.

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"The Valia Raja of Chirakkal Kovilagam in that manifesto pleads not only for the janmis of North Malabar but also for the tenants of North Malabar. The fact of the matter is that if this amendment is not allowed to be incorporated by the Government, it would mean considerable hardship not only to the janmis of North Malabar, but also to the tenants who are more numerous than the janmis. The sum and substance of that manifesto issued by the Chirakkal Raja which is a faithful representation of the people of North Malabar is that what is meant for South Malabar would turn out to be poison for North Malabar. In this amendment I am voicing the feelings of the janmis and the tenants of North Malabar that failure to differentiate between the kanam holdings of North Malabar and South Malabar would work great hardship.

"The kanams in North Malabar and the kanams in South Malabar are quite different in their genesis, growth and development. The South Malabar kanams have a historical back-ground and the rights of the kanamdars are as substantial as janmam rights. But the kanams in North Malabar have a very different origin. They had their origin in comparatively modern times. They simply took the form of contracts. The essence of South Malabar kanam is that it is a tenure. That is not the case with the North Malabar kanams. That is the fundamental difference and this difference has persisted through many long years that not even the unifying influence of British rule and British legislation has been able to wipe it out. It is this differentiation that I request this House to maintain in framing this legislation. This had been noted and given proper effect to by the hon. Mr. Krishnan Nayar in his Bills. In both his Bills there was a section providing for excluding North Malabar kanams from the operation thereof. The Raghavayya Committee also have included a paragraph for the differential treatment of the kanams in the two parts of Malabar. They recognize that there is a vital difference between North Malabar kanams and South Malabar kanams. Now, as this difference has not been provided for in the clause under consideration, this amendment of mine became necessary. Of course I do not ask for a radical amendment of this clause. All that I ask is that in sub-clause (3) 'forty' may be substituted for 'sixty'. I think this will satisfy the requirements. In asking the House to vote for this amendment, I am only making a modest request."

* Mr. K. KRISHNAN :—"I second the amendment. So far as kanams are concerned, even when tenants mortgage their interests to other persons in North Malabar, that transaction is also treated as kanam. So, where the tenant mortgages his property to another tenant, if this rule is applied, it may work a hardship. Seeing as I do the necessity for this amendment, I support this. I hope the hon. the Revenue Member will consider that even in the present Bill there is a difference in the interest provided for kanams in North Malabar and for those in South Malabar. In the Select Committee it was stated that kanams there were more or less substantial kanams and therefore it was that the interest was made smaller. In the circumstances, I believe no interests will be prejudiced by accepting this amendment."

* The hon. the PRESIDENT :—"The amendment for consideration of the House is this:

'In sub-clause (3) for the words "nothing in this section shall apply to a kanam where the kanartham exceeds 60 per cent of the value of the

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janmi's right in the holding" substitute the following words: 'Nothing in this section shall apply to kanam (1) where the kanartham exceeds in South Malabar 60 per cent and in North Malabar 40 per cent of the value of the janmi's right in the holding' and add the following explanation:

"For the purpose of this sub-section 'South Malabar' means the taluks of Palghat, Ponnani, Valluvanad, Ernad and Calicut, and 'North Malabar' means the taluks of Chirakkal, Kottayam and Kurumbranad."

Mr. K. MADHAVAN NAYAR :—"Mr. President, I strongly support the amendment and appeal to the Government to accept it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, in spite of being appealed to by my Friend Mr. Madhavan Nayar, I regret I am unable to accept the amendment. The Raghavayya Committee carefully considered the difference between the kanams in North Malabar and South Malabar and the reason why they fixed the figure at 60 per cent was that the proportion indicating a real security or mortgage, as fixed in the explanation to section 66 of the Transfer of Property Act, is 66½ per cent and over, of the value of the mortgaged property. I think the present figure is a fair solution of the difficulty. I cannot accept the amendment."

* Mr. E. SANKARAN UNNI :—"Mr. President, it ought to be a welcome and agreeable surprise to the Government that we on both sides of the House are agreeable to this motion; it is a guarantee of the justice of the claim. When such an amendment comes up before the House it is a pity that the Government should oppose it. I hope the House will take the matter into its own hands. The question deserves the most careful consideration. In the Bill that was passed by this House at the instance of the hon. the Law Member, North Malabar was excluded. Of course it was taken exception to by the hon. Sir Thomas Moir who said that a Bill which excluded half of Malabar was no Bill at all. Now, the Government have taken the one and are very careful to bring the whole of Malabar within the ambit of the present Bill. While I appreciate the tactical advantage of bringing the whole of Malabar under these provisions, I do not think in the face of the facts we have before us, it is right to do so. The fact that the conditions and kanams in North Malabar differ very much from those in South Malabar has been repeated *ad nauseam* in this House. It has become necessary to prescribe a standard which would exclude as large a number of kanams as possible. That is the real purpose of this amendment. The position is this: In order to make the Bill look alright we have taken in North Malabar; but on account of the existence of a large variety of conditions in the district, it has become necessary to keep out by some device or other a large number of kanams, so that the people concerned may not be hurt by this Bill. That is the advantage. I hope the Government will accept this motion which has the great recommendation that my hon. Friends opposite and I are in perfect agreement on this."

* Mr. S. SATYAMURTI :—"I have been swearing by the Select Committee as the Bible so far, on this Bill. But I am sure my hon. Friend, the Revenue Member, will bear me out when I say that this particular aspect was not before the Select Committee, viz., the amendment of my hon. Friend, the expert Member. It was not before it and was not considered by it. I think there is a good deal of force in what the expert Member says. He

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said, Sir, if I heard him aright, that not only the janmis so-called, but a large number of tenants in North Malabar, will be prejudicially, and seriously prejudicially affected, if his amendment was not accepted by this Honourable House. I think that point was not met by the hon. the Revenue Member. No doubt, we have a series of expert authorities to choose from. We have the Raghavayya Committee which recommended 60 per cent for all Malabar, North and South. But they did not have this fact in their mind that there was likely to be caused some serious hardship to the tenants in North Malabar. For, the conditions so far as kanam tenure is concerned differ very materially there, from those in South Malabar. And when the expert Member, whom the Government have appointed, gets up from his seat and tells us that the non-acceptance of his amendment would lead to very serious consequences prejudicial to the tenants of North Malabar and when that position is supported by my hon. Friend from Malabar sitting in this block,—he represents the kanam interests with very great ability and enthusiasm in this House—and when it is further supported by my hon. Friend the Janmi expert who fights a forlorn cause with singular vigour and courage, I think there must be very much more powerful arguments than the hon. the Revenue Member has yet advanced, why this Honourable House should not accept this amendment. I want also to add one word, Sir. In the Bill of the hon. the Law Member introduced by him when he was a non-official on this side of the House, as it was passed by this House, and in the Bill which he introduced again after the Bill as passed by this Honourable House had been vetoed by the Governor, section 4, sub-clause (1), read thus: ‘Nothing in this Act shall affect lands in North Malabar held on kanam tenure.’ The amendment of my hon. Friend the expert Member is, I submit, a compromise between the two extreme positions, the one extreme in the earlier Bills of the hon. the Law Member which sought to exclude all kanams in North Malabar, and the other extreme in the present Bill which recognizes no distinction, between North Malabar and South Malabar. I would respectfully commend to the Government and to the House the acceptance of the amendment, in the interests of the tenants and the janmis of North Malabar alike.”

* The hon. the PRESIDENT :—“ The question is : For paragraph (1) of the amendment of the hon. the Revenue Member, substitute the following :—

‘ Nothing in this section shall apply to a kanam (1) where the kanam exceeds in South Malabar 60 per cent and in North Malabar 40 per cent of the value of the janmi’s right in the holding’ and add the following explanation at the end:

‘ Explanation : For the purpose of this section, “ South Malabar ” means the taluks of Palghat, Ponnani, Valluvanad, Ernad and Calicut; and “ North Malabar ” means the taluk of Chirakkal, Kottayam and Kurumbranad.’ ”

The amendment was put and adopted.

The hon. the Revenue Member’s amendment as amended by Mr. Achuthan was then put and adopted.

* The hon. the PRESIDENT :—“ The explanation of the hon. the Revenue Member to sub-clause (2) becomes unnecessary, because this explanation is the same as his, and this covers both North and South Malabar. The hon. Member may formally move for that omission now or he may do so at the third reading stage.”

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The hon. Mr. A. Y. G. CAMPBELL :—“ I shall move it at the third reading stage.”

The hon. the PRESIDENT :—“ The question is that clause 17 as amended shall stand part of the Bill.”

The motion was adopted and clause 17 was added to the Bill.

The Council adjourned for lunch.

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

The hon. the PRESIDENT :—“ Clause 18 is for the consideration of the House.”

Clause 18

Sub-clause (1).

Mr. S. ARPUDASWAMI UDAYAR :—“ I beg to move the amendment that stands in my name, viz.,

‘ (i) In line 1, after the word “ shall ” a comma be inserted and the following be added ‘ on the expiry of the kushikanom lease under which he holds,’.

“ Sir, this is merely a verbal amendment and I move it.”

Mr. S. SATYAMURTI :—“ I second it.”

The hon. Mr. A. Y. G. CAMPBELL :—“ I accept it.”

The amendment was put and adopted.

Mr. S. ARPUDASWAMI UDAYAR :—“ I beg to move that.

‘ In line 4, for the words “ kushikanom under which the claimant holds ” the words “ the same ” be substituted.’

“ This is also a verbal amendment and I formally move it.”

Rao Bahadur B. MUNISWAMI NAYUDU :—“ I second it.”

The hon. Mr. A. Y. G. CAMPBELL :—“ I accept it.”

The amendment was put and adopted.

* Mr. E. SANKARAN UNNI :—“ I beg to move the amendment that stands in my name—

‘ In line 5, for “ one-fourth ” the words “ one-third ” be substituted.’

“ Sir, the proportion of one-fourth that is fixed here is hardly sufficient. There does not seem to be any kind of reason for fixing it at one-fourth. For myself I should like to have the renewal fee assessed on some reasonable basis, the reasonable basis being the fair rent for the property. The one-fourth that is prescribed is very much less than what is being collected by the janmis. If this consideration is relevant to the issue then I think my amendment ought to be supported by the House. One-fourth is a good deal less than what the Raghavayya Committee recommended. That Committee recommended that for the purpose of fixing the renewal fee one year’s gross produce should be taken into account to whomsoever the trees belong. If the House thinks that that proportion is very large, the fixation of one-fourth is equally unsatisfactory from the point of view of the janmis. The Janmis in North Malabar will be badly hurt by the proposal. I therefore move that one-third be substituted for ‘ one fourth ’. Granting for the sake of argument that one-fourth is the correct figure, how is twice that proportion fair when all the trees belong to the janmi? That is the

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difficulty that I have always felt. Supposing there are 100 trees belonging to the tenant if you fix that one-fourth of the gross produce of these trees is to be given to the janmis, I understand it. Supposing these 100 trees belong to the janmi, then the proposition here is that you shall give him one-half. Take the gross income from the garden and deduct from it the cost of maintenance; a fair proportion of the balance may be given to the tenant. All the rest should go to the janmi; for the trees belong to him and he is entitled to a reasonable rate of interest on his investment. Two-thirds of the gross produce as the renewal fee will be fair. Just as you give the tenant the interest on the value of his improvement on the land, so also you must give the value of his improvement to the janmi. To arrive at the renewal fee when all the trees belong to the janmi it is not sufficient to multiply the amount payable where all the trees belong to the tenant by 2. I would like to ask the hon. the Revenue Member to tell the House, how he arrived at this figure. I have made a close examination of the figures and I think the proportion suggested by me is fair."

* The MUPPIL NAYAR OF KAVALAPPARA :—" I second the amendment."

* Mr. E. SANKARAN UNNI :—" I beg to move that in line 7, after the word 'holding' the words 'including the minor produce thereof' be inserted."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* Mr. E. SANKARAN UNNI :—" I beg to move—

'that in line 8, for the words 'one-half' the words 'two-thirds' be substituted'."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* Mr. E. SANKARAN UNNI :—" The fourth amendment that stands in my name runs thus :—

'that at the end of the sub-clause the words "including the minor produce thereof" be added.'"

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* The hon. the PRESIDENT :—" The question is that in line 5, for 'one-fourth' substitute 'one-third', in line 7, after 'holding' insert 'including the minor produce thereof', in line 8, for 'one-half' substitute 'two-third' and add at the end of the sub-clause 'including the minor produce thereof'."

The amendments were put and negatived.

The hon. the PRESIDENT :—" The question is that clause 18, as amended, shall stand part of the Bill."

The motion was adopted and clause 18 was added to the Bill.

Clause 19.

Sub-clause (a).

* Mr. K. MADHAVAN NAYAR :—" I beg to move—

'that after the word 'kuzhikanamdar' in line 1, the words 'or kanamdar' be added.

"The clause reads thus : 'In case the tenant is not a cultivating kuzhikanamdar, two-thirds of the renewal fee in the year next after the termination of the expiring transaction and one-third in the next following year'."

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[Mr. K. Madhavan Nayar]

"Sir, with regard to the cultivating tenant, the Bill makes certain concessions and he need not pay the renewal fee in lump sum. That principle seems to have been accepted by the Raghavayya Committee and also by the Select Committee. Probably it is due to an omission that cultivating kanamdar has not been given that favourable treatment. Both the kuzhikanamdar and the kanamdar must be placed on the same footing and the cultivating kanamdar ought to be given the special consideration shown to the kuzhikanamdar to pay the renewal fee in instalments."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I do not think I can accept this amendment. This provision is intended to apply only to kuzhikanamdars and not to kanamdars. I do not think the hon. Member is correct in thinking that the word 'kanamdar' was omitted by mistake. It was done deliberately." 2-45 p.m.

* The hon. the PRESIDENT :—" The question is 'after the word "kuzhikanamdar" in line 1 add the words "or kanamdar"'. "

The amendment was put and negatived.

The hon. the PRESIDENT :—" The question is that clause 19 shall stand part of the Bill."

* Mr. E. SANKARAN UNNI :—" Sir, I oppose this motion on the ground that it is very unfair to the janmi to split these payments into instalments. The janmi has been collecting the renewal fee in a lump sum. (A voice : In all cases.) Yes; in all cases. There is no instance in the history of Malabar where renewal fee has been collected in instalments. Now you are splitting the payment of the renewal fee in two instalments and making it payable on different dates. If it is intended to do a favour to the tenant, of course it is very good. But you have to take into consideration the position of the janmi. The janmi has not been dealt with indulgently. If this clause is retained, the janmis will be placed in a difficult position. What is the reason for making the renewal fee payable in instalments? Is it the Government case that the fee that has already been fixed is so exorbitant that it ought to be split into instalments? If that is so, let us hear it. I say that this clause ought not to find a place in the Bill. If you want to give fair treatment to the janmi, you must leave the existing conditions as they are. There is no justification for splitting the renewal fee into parts. A great many families in Malabar depend upon the renewal fee. There are many occasions arising once in twelve years the expenses of which are met by the renewal fees collected. If you permit the fee to be paid in instalments, the janmis will be in difficulties. There is no justification for, or tradition behind this proposition. This is not the practice in any place. We have never heard of such things in Malabar; conditions there do not admit of this proposal."

* The hon. the PRESIDENT :—" The question is that clause 19 do stand part of the Bill."

The motion was adopted and clause 19 was added to the Bill.

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Clause 20.

* The hon. the PRESIDENT:—"There is one verbal amendment in the name of Mr. Karant, but he is not present. The amendment is 'in the first line for the words "legal proceeding" substitute the word "suit."'"

Sub-clause (1).

Mr. G. HARISARVOTTAMA RAO:—"Sir, I beg to move

'that for the words "legal proceeding" occurring in clause 20 (1) the word "suit" be substituted.'"

"This amendment is more comprehensive."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I beg to second the amendment."

The amendment was put and adopted.

Sub-clause (2).

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move the following amendment:—

'At the end of the sub-clause the following be added.

"Wilful waste" shall for the purpose of this sub-clause include the following:—

I. That the tenant erected or allowed others to erect any building on any wet land comprised in the holding or planted or allowed others to plant thereon trees other than plantains:

II That where rent is payable in kind, the tenant failed without sufficient cause to cultivate the lands in the manner and to the extent customary in the locality in which the lands are situate."

"I shall add only one word. A similar amendment was considered in connexion with verumpattam lands. The conditions are not the same in both these cases and the vote need not be the same, I submit."

The MUPPIL NAYAR OF KAVALAPPARA:—"I beg to second the amendment."

The amendment was put and negatived.

Sub-clause (5).

* Mr. K. KRISHNAN:—"Sir, I move

'that after the word "that" in line 1, the words "after the expiry of the period of the demise or lease" be inserted.'"

The hon. the PRESIDENT:—"There is an amendment to the same effect given notice of by the hon. the Revenue Member."

* Mr. K. KRISHNAN:—"Both are to the same effect. The sub-clause says that the landlord may require the holding for his own cultivation. That must be only after the expiry of the period of the demise or lease. Once you give renewal, it is not right to ask the tenant to quit the land during the period of the lease. It is only for that, the tenant pays the renewal fee and gets the property. For a period of twelve years, he must have the privilege of enjoying it. It is only after that period that the landlord can take the land for his own cultivation. The tenant gets a renewal for a fixed

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[Mr. K. Krishnan]

term of twelve years and during that period he should not be disturbed. My point is that the landlord can take the land for his own cultivation only after the period of the lease for which he is paid for. I therefore say that the words 'after the expiry of the period of the demise or lease' should be inserted after the word 'that.'

* Mr. K. MADHAVAN NAYAR:—"Sir, I second the amendment. Once a renewal is granted and the renewal fee is paid in advance for a period of twelve years, it was not dreamt of by anybody that the landlord would be entitled, before the expiry of the period of twelve years, to claim back the land for his own cultivation. Nobody thought when this section was passed by the Select Committee that such a difficulty would arise. Anyhow, as the amendment has been moved, I hope the Government will accept it. This is a clear question of law. Once a renewal is granted for a period of twelve years, the landlord has no right to recover the land before the expiry of that period. That is one of the primary conditions on which the advance of renewal fee is paid. I think the Select Committee failed to include these words when they drafted this sub-clause, by oversight. I therefore submit that the Government should accept the amendment."

* The hon. the PRESIDENT:—"I think there is only a verbal difference between the amendment of the hon. the Revenue Member and that of Mr. Krishnan. According to the amendment of the hon. the Revenue Member, no demand for surrender of the land can be made except between the period of the expiry of the lease and its renewal. I think this point is not made clear in the amendment of Mr. Krishnan. Therefore, I would advise the House to take up for consideration the amendment of the hon. the Revenue Member."

Mr. K. KRISHNAN:—"Sir, I beg to withdraw my amendment."

The amendment was, by leave, withdrawn.

Sub-clause (5).

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

'that in line 1, before the words "the landlord" the words "the period of the verumpattam, kanam or kuzhikanam as the case may be has expired and there has been no renewal and" be inserted.'

"The reasons for moving this amendment have already been explained by the mover and seconder of the previous amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second the amendment."

* Mr. E. SANKARAN UNNI:—"Sir, this is a very strange thing for the Government to do. The clause relates to the right of eviction. If the Government say, as the amendment puts it, that no eviction can take place except after the expiry of twelve years, then the right of resumption will become still more illusory. If a janmi wants to build a house, is he to wait for twelve years? If the janmi wants the land for his own cultivation, he ought to have the right of taking it irrespective of the fact whether the term has expired or not. The right to resume is the only advantage which the Bill reserves to the janmi. To water it down as is proposed is not proper. The Government should not have brought forward this amendment. The Select Committee did not make any change in this clause. There is precedent for the clause in Mr. Krishnan Nayar's Bill. I hope the House will reject the amendment."

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* **MR. S. SATYAMURTI**:—"Sir, as a Member of the Select Committee, I must confess that this is not the way in which the Government should introduce new ideas by some inspiration, without putting forward this proposition before the Select Committee. I have no objection, if they are drafting or consequential amendments. But I do suggest to the House that this amendment introduces a new idea altogether. The idea is this; hon. Members will kindly notice the nature of the amendment, 'that the period of the verumpattam, kanam or kuzhikanam as the case may be has expired and there has been no renewal and the landlord requires the holding for his own cultivation'. It comes to this; that only within the five minutes or ten minutes, or within the five days or ten days as the case may be, between the expiry of the subsisting lease, verumpattam, kanam or kuzhikanam and renewal is given, only then, once in twelve years can the landlord exercise the right of resuming the land for his own cultivation. That I think is a serious infringement of the right which the Select Committee conferred upon the landlord; the right of exercising this right at any time, provided the landlord bona-fide wants the land for his own cultivation or for the members of his family, is now sought to be restricted and is made a periodical right exercisable for five minutes or ten minutes, five days or ten days and that only once in twelve years."

3 p.m. "I should like to know what is the method behind this madness. Sir, if this clause is to be taken as governing the whole section, I can understand some reason. It comes to this, Mr. President: That if the tenant willfully denies the title, the landlord can evict him at any time; if he commits acts of waste, he can evict him; if he has allowed a stranger to encroach on the holding, he can evict him; but so far as his own cultivation purposes are concerned, or the purposes of cultivation of any member of his family are concerned, this sub-clause is sought to be restricted in this way, viz, that it can be done only once in twelve years and that within a short period of a few days.

"Turning now to the Bill of the hon. Diwan Bahadur Krishnan Nayar, I find in the Bill as passed by the Council printed at page 169 of the Raghavayya Committee report, the following provision:

'A kanamdar or a kuzhikanamdar or verumpattam tenant entitled to permanent right of occupancy or permanent tenure right under sections 6 and 7 may, at the end of any agricultural year, be evicted from the whole or a portion of his holding in any of the following cases:—

(a) If a holding or a portion thereof, not being the site of a residential house or the garden or compound appurtenant thereto, is required by the landlord:—

(1) for the bona-fide purpose of extending the residential house of himself or the members of his family, or for building a new and permanent house for the residence of himself or the members of his family; or

(2) for bona-fide cultivation by himself, or for agricultural improvement, which requires capital outlay and which the tenant is not willing to undertake or is not capable of undertaking.'

"There it was provided that this eviction on the ground of cultivation for himself or for the purposes of the members of his family can be done only at the end of an agricultural year. I quite see the reasonableness of that provision. Moreover, Sir, in the second Bill of the hon. Mr. Krishnan Nayar, this provision was included, that at the end of the agricultural year, the janmi could evict a kanamdar on the same grounds as are contained

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[Mr. S. Satyamurti]

here. So, this provision is found both in the original Bill as passed by the Council which was vetoed and in the second Bill of my friend Diwan Bahadur Krishnan Nayar. I do suggest that the hon. the Revenue Member must give some more substantial reasons than he has given for asking the House to go back on those provisions and to introduce a change to the effect that the landlord can exercise his right, whether he wants the land either for his own cultivation purposes or for building a house, only once in twelve years and that too for a very short period of time. I think the very basis of this Bill is this: that we ought to allow all cultivating people to flourish on the land, and make it possible for the cultivating people to enjoy greater prosperity, in order that Malabar may become more and more prosperous. Therefore, you ought not to put any restriction on any landlord who bona-fide wants to cultivate the land himself; and if he really wants to have it, the only limitation that ought to be put is that he should take it at the end of an agricultural year, without any disturbance to the crops that may be already there. But with one stroke of the pen, as it were, to say that it should not be done at any time except once in twelve years, is too large an order for this hon. House to consume. I think, Sir, that neither in the original Bill the Government introduced, nor in the Raghavayya Committee's report is there any support for the position which the Government have now taken. I do plead with the House to reject the amendment and accept the Select Committee's provision as it stands."

* **MR. J. A. SALDANHA**:—"Sir, I am afraid my hon. Friend the Member for the University has overlooked the distinction that exists between the provisions in the Bill of Mr. Krishnan Nayar brought forward by him in 1925 and the existing provision. It was provided there on the basis of the Cochin Regulation that the landlord could evict the kanamdar for the bona-fide purpose of extending the residential house or for building a new and permanent house for the residence of himself or the members of his family. That is so far as building was concerned; but so far as cultivation was concerned, it said 'for bona-fide cultivation by himself or for agricultural improvement which requires capital outlay and which the tenant is not willing to undertake or is not capable of undertaking'. That is a very important restriction on the right of the landlord. It meant that the landlord should ask the tenant whether he was willing to spend capital and if he was unwilling, then only the right is given to the landlord to evict the kanamdar. That was reasonable and that right could be exercised at any time within the twelve years. But now a very arbitrary right is given by which if the landlord requires the land for cultivation either by himself or by the members of his family, he can evict the kanamdar; and it is reasonable that Government should see that this power is exercised only once in twelve years on the expiry of the period of renewal. That is why Mr. Krishnan representing the tenant class has, of his own accord, brought in an amendment to this effect, and the Government also have thought it fit to move an amendment for this purpose. I think this distinction between the two provisions in the former Bill and this Bill is important and should be borne in mind. Mr. Satyamurti has overlooked this distinction. I think the present amendment is quite reasonable, and as the Government has thought it proper to restrict the wide powers of the landlord by this amendment, I hope the House will support the amendment of the hon. the Revenue Member."

[Mr. Mahmud Schamnad] [8th October 1929]

Mr. MAHMUD SCHAMNAD:—"Sir, I am glad to find Mr. Saldanha for once at least supporting an amendment of the Government, as it perhaps affects his own constituency. I beg to submit, Sir, that the amendment suggested by the hon. the Revenue Member is entirely against the other provisions of the Bill, and it will affect the interests of the janmis vitally. Formerly, the Government's position was stated to be that they did not want to make any vital change in the Bill as reported on by the Select Committee except perhaps some drafting amendments here and there. But now, they have come forward with an amendment which is practically changing the entire scope of the Bill. If a landlord who has no house wants to build one or if he wants to cultivate his land himself, he will have to wait for twelve years, and by that time, the landlord himself may die or his children who wanted to cultivate the land might lose the taste for cultivation. So, it is very unjust to say that the landlord should wait for twelve years in order to get back his land, which is mortgaged as it were, even for the purpose of building a house or cultivating it himself. Therefore, I very strongly object to this amendment."

* Mr. K. KRISHNAN:—"Sir, my hon. Friend the Member for the University has probably forgotten that a very large renewal fee is paid in advance by the tenant for the use and enjoyment of the land for the next twelve years, and there is no provision in the whole Act for a refund of that renewal fee once it is given, if any question of the recovery of possession of the property arises in the interval. When after considerable difficulty, a renewal has once been effected after payment of a very large sum of money, there is no provision in the Bill for a refund of the money which the tenant has advanced for the enjoyment of the land for a period of twelve years after the agreement; and I fail to understand the logic of the argument that after doing all this, the landlord should be given power to turn round and say: 'Never mind the renewal fee; I have received it; but I want the land for my own cultivation, give it back to me; I am not going to give you back the fee that you paid, because there is no provision so far in the Bill for the refund of the money once paid'. That, Sir, is a very important consideration. Secondly, Sir, is there any question of asking for a refund either? The parties have entered into an agreement, the landlord has received the money and the land has been renewed for twelve years. How can there be any question of a refund? Moreover, I can understand the landlord claiming the land back in the case of a verumpattam tenant because he is generally there only for one year. Under clause 13 I moved an amendment and it was accepted by the hon. the Revenue Member that in the case of a verumpattamdar, if the landlord wanted his land back for cultivation by himself, he could do so at the end of the agricultural year; but here in the case of the customary verumpattamdar, the kanamdar and the kuzhikanamdar who are all on the land for a period of twelve years, the contract which has once been entered into for that period must hold good, and it is no good saying that at any period after the transaction is completed, after payment of the registration fees, etc., the landlord can turn round and say 'I want the property for my own cultivation.' My Friend the hon. Member for the University said that it is not in Mr. Krishnan Nayar's Bill; Mr. Krishnan Nayar has now discovered the mistake in his Bill and it is because of that that this amendment has been brought before this House. I submit, Sir, it is very necessary; and if this amendment is not carried, it

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[Mr. K. Krishnan]

will practically nullify all that we have done so far to relieve the tenant from the oppression of the janmi. For, immediately after the renewal is effected the janmi will turn back and say 'I want the property for cultivation purposes.' It may be said that there are other safeguards; but we know what those safeguards are, and the janmi will very easily evade all those safeguards. Under these circumstances, I say that having paid for enjoyment of the land for another twelve years, the tenant must be allowed to continue in the land for that period without any trouble from the landlord."

Mr. P. C. VENKATAPATHI RAJU:—"Mr. President, Sir, it is really surprising to find the Government coming forward with amendments to this Bill. After vetoing the Bill of the hon. Mr. Krishnan Nayar on the ground that it was confiscatory they are now bringing forward amendments which are more confiscatory. The hon. the Revenue Member was telling us all through that when any existing rights of the janmis were being taken away they have provided safeguards; and one of the safeguards is that the janmi has the right to evict the tenant if he wants the land for his own cultivation or building purposes. But now, by moving this amendment, he puts a stop to all incentive on the part of the janmi to take to cultivation, contrary to the statement so often trotted out here that the janmis should have safeguards. When the right to evict is taken away, I cannot understand that any landlord should be asked to wait till the expiry of the lease even though he feels a necessity for extending his own cultivation. As it is, up to now, until this Bill becomes law, the tenants have no right to remain on the land. Now, by means of this legislation, the Government want to create fixity of tenure and the House is of course right in justly supporting them. In the case of the verumpattamdar, fixity is given permanently and the landlord is given the right to enter into the land only if he wants it for his own cultivation or for building purposes. It is admitted even by the supporters of the tenants that even though fixity is given to the tenant, yet the option is given to the landlord to take back such portion of the land which may be required for his building—of course, bona fide—and for cultivation purposes; then why should he be asked to wait and put off the necessity till the expiry of the renewal period? I can understand if some amendment is brought forward to the effect that in cases of taking away the land for cultivation after renewal, some sort of compensation, proportionate to the unexpired period of the lease, may be given to the cultivator, but to ask the landlord to put off his necessity of building a house till the expiry of the lease is really taking away the safeguard. By means of this legislation we are preventing the landlord from having for his own legitimate use his land, except as a collector of rents. Even in the bona fide case of the landlord requiring the land for his own purpose, it is really of no advantage to him if he cannot have when it is wanted. Under these circumstances, I think it is not fair on the part of the hon. the Revenue Member in having come forward with this amendment. It is not fair even for the supporters of the tenants who have somehow or other agreed that the landlord should have got that right. I derived the impression from the speeches made by the supporters of the tenants' head like the Democle's sword this right which is hanging over tenants' head like the Democle's sword and he can enter on the land for his own cultivation or building purpose. In this case, a proportionate amount of the renewal fee may be refunded to the tenant. First of all Mr. Krishnan introduced a verbal amendment and it is not right to go now by this amendment

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[Mr. P. C. Venkatapathi Raju] [8th October 1929]

into the vital principle of giving some sort of compensation to the janmi for the loss of right which he has claimed from time immemorial ”.

Mr. K. MADHAVAN NAYAR :—“ Sir, my Leader, Mr. Venkatapathi Raju does not really understand the seriousness of this question. If he has correctly understood it, I am sure he would not have made that speech. In Malabar, it is a very serious matter, it is not a matter to be trifled with, and that is why I, in all earnestness, appeal to my Leader and to the Members of this House to consider this question very carefully. If this right is given to the janmi, he can any day recover the land even though the renewal had been granted and a contract has been entered into by which the tenant is given the right to enjoy the property for twelve years. If, after receiving the renewal fee and allowing the tenant to enjoy the land for a period of twelve years, the janmi is given the right to take back the land the next day, I am sure this legislation is not going to do any good to Malabar at all. I therefore appeal to the House seriously to consider the situation. Now, the janmi never enjoyed till now the right to recover the property when once he granted the renewal for a period of twelve years. That is the custom and law in Malabar. When once a contract is entered into between the parties, that contract can never be violated by the parties. The sanctity of a contract must be respected. Of course, the janmi has got the right at the end of the 12 years to recover the property and that has been the practice before. What this legislation has tended to do is that the right of the janmi to take back the property at the end of the period of twelve years is restricted to his own purpose of cultivation. Till now the janmi or landlord had the right to take back the land after the expiry of the twelve years, without any such restriction and give it to another. It is on the expiry of the period of renewal that he has to decide either to recover the property or renew it. When once he decides to renew, he certainly cannot go back upon his contract for twelve years, because that is the period for which kuzhikanam, the kanam or the customary verumpattam is granted. You are violating all these principles of contract when you say that on the very next day after the contract is entered into, the janmi can take back the land. This is so palpable and undoubted that nobody disputed it till now. That is why Mr. Krishnan Nayar's Bill and the Select Committee never bestowed any thought upon it. This section 20 was not in the original Bill, but was introduced in the Select Committee by a member and that is why this error was not found out. For a landlord to give a right to the tenant to enjoy the property for twelve years and then for him to come the next day saying ‘I want it for my own cultivation,’ will be negating all known principles of law. I certainly think that my hon. Friend Mr. Satyamurti who rightly or wrongly sticks to the Select Committee's report and my hon. Friend Mr. Venkatapathi Raju, who thinks that the Select Committee must have considered all these aspects, are quite mistaken in opposing this amendment. I, therefore, appeal to my hon. Friends to reconsider the matter as it involves very serious consequences. If you oppose this amendment and reject it you will be doing a great disservice to the tenants of Malabar.

“ With regard to the verumpattamdar, it is only a year-to-year tenancy. It is only with regard to the customary verumpattamdar that there is the period of twelve years. So far as the verumpattamdar is concerned, the period enures only for one year and therefore, at the end of the agricultural year, if the landlord want to take the land back for his cultivation, he can recover it as there is no contract for enjoyment for a longer period and no renewal fee

[Mr. K. Madhavan Nayar] [8th October 1929]

and no consideration has to be paid for such enjoyment. Here in this case, there is consideration paid for the enjoyment of the land for a definite period, and a sacred contract is entered into from which the parties cannot resale. On the other hand, if the janmi wants the land at the end of the twelve years, he has of course the right to resume the land for his own use. It is a well known fact. I thought no Member from Malabar, not even my hon. Friend Mr. Unni, the Expert Member, would oppose this amendment.”

Mr. E. SANKARAN UNNI :—“ On a point of personal explanation, Sir.”

The hon. the PRESIDENT :—“ Order, order.”

Mr. K. MADHAVAN NAYAR :—“ I never thought that even the expert Member would oppose this amendment.”

* Mr. K. P. RAMAN MENON :—“ Mr. President, Sir, I want to make the position clear. What the Government amendment means is this. It is not so revolutionary as the hon. Member, Mr. Raju thinks. What the Government say is this. When the contract term expires, the landlord should decide whether he wants the land for himself or he does not want it and when once he has given away that right for a period of twelve years, he cannot go back upon that after receiving the renewal fee. He cannot say after one or two years ‘No, I want the land for myself.’ There are exigencies that might have arisen and that is the position taken up by the Government. The question is whether in those fresh exigencies which were not in the mind of the landlord at the time he made the renewal, he might renew in favour of the tenant. It is quite possible that the exigencies might or might not have arisen. I do not want to minimise that point. My point is, when you have entered into a contract for twelve years after receiving the value for that right, to go back upon that is not fair. Further we have to consider various aspects of the question. After entering into a contract and taking money from the tenant, the landlord should not be given the liberty to say that a new exigency has arisen—that is also a possibility. (Mr. E. Sankaran Unni :—‘Bona fide.’) But, bona fide is a matter of proof.

“ Then again, some Members seem to be under the impression that inasmuch as the Select Committee never made any specific provision about this matter, the Select Committee never thought of this, but if the Select Committee thought that the landlord should be given the right to recover the land within the term granted by the landlord, certainly, they would have stated, that the janmi or the landlord must refund to the tenant an amount proportionate to the unexpired period of the contract. So, in the absence of any such provision made by the Select Committee in the Bill as drafted by them, whereby the landlord will be compelled to refund a portion of the renewal fee, it must be presumed that they negatived that right. Moreover, the Select Committee never thought that such a right would be claimed. I believe it will be clear from all this that the Select Committee considered the question that a landlord may be permitted to take the land for his cultivation only at the end of the period of twelve years and not before. I therefore, submit that the amendment moved by the hon. the Revenue Member is quite reasonable and ought to be accepted.”

Mr. B. VENKATARAMAN spoke in Telugu.

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p.m.

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I am afraid the Government have landed themselves in an awkward hole (cries of, 'no no') by moving this amendment, and without making corresponding changes in the Bill. I am afraid there is an analogy between the cultivating verumpattamdar on one side and the customary verumpattamdar and other tenants on the other side. The mere fact that there is a renewal fee does not exclude the kanamdar and others from the operation of this analogy. The principle underlying this enactment is this, that the cultivating verumpattamdar is given fixity of tenure in perpetuity and he can be evicted at the end of one year, one single year, one agricultural year, if the janmi wants the land for his own cultivation or for the cultivation of a member of his family. But here in the case of others, it is contended that because the renewal fee is paid, it becomes a contract for twelve years. I am afraid that is not so. It is not a contract for rent. It is only a contract for allowing the kanamdar to continue on the land. The fact is that by this amendment it is sought to make the janmi incapable of resuming his land during the period of twelve years, though you have given him the right over the land and though you have given him absolute proprietorship over the land. This I believe is a very wrong principle in legislation. If you had agreed to other aspects of legislation, namely, not to make the janmi absolute landlord, things would have been different. But having made him absolute landlord, having given him power over the cultivating verumpattamdar to evict him, for the purpose of his own cultivation and having also given him the right to rent, the renewal fee can be construed only as a fee given to the janmi for continuance on the land and not as a rental contract for twelve years. Take the case of a janmi who gets into trouble in the course of these twelve years. Supposing he has nothing to fall back upon except his kanam land. Supposing he is able to make money enough to resume his land, are you going to prohibit the janmi for twelve years from entering upon his land and cultivating it for his own benefit when he finds himself in great trouble? In fact what you are doing is that you are giving him property with one hand and taking it away with the other. I think this amendment has a far reaching effect and if the Government really want to protect the kanamdars the only course open, having made the renewal fee a condition, is to enact a clause that when a cultivating tenant is evicted from the land within twelve years it shall be so after a proportionate remission of the renewal fee. I can understand that position and it is open for the Government to allow to remit a part of the fee. That would be the proper course. The position of the renewal fee with regard to the kanamdar is the same as the right of the verumpattamdar to occupy in perpetuity. It is only a difference for purposes of tenure. It is not a part of a rental contract for a future period of twelve years. In one case it is fixed in perpetuity and in the other it is only for twelve years and on condition of payment of renewal fee. I therefore feel this House should not support this amendment."

* Mr. K. R. KARANT :—" Sir, though I was not present for the whole of the debate on this clause I can say this that this amendment is necessary. In the Select Committee it was not intended that the janmi can come at any time, and the Select Committee considered the renewal fee only as an advance payment of a portion of the profits to the janmi. He cannot therefore come forward at any time and ask the tenant to quit the land. My friend who

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[Mr. K. R. Karant]

spoke just now was comparing the case of the verumpattamdar with that of the kanamdar. The difference is quite clear. In the case of the verumpattamdar there is no renewal fee payable, whereas in the case of the kanamdar he has to pay the renewal fee. But he is not allowed to take money to-day and come forward to-morrow asking the tenant to quit the land. Moreover, under the existing law no kanamdar can be evicted when the period of tenure lasts. He has got that right under the present law and I do not think the House would be right in introducing a new law, an additional weapon in the hands of the janmi. Therefore I think the present amendment should be supported."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am afraid, Sir, I say this with very great respect to my hon. Friends who have just spoken against this motion, that there is a considerable amount of misapprehension on this clause. Under the existing law, a kanamdar has the right to be in possession for twelve years from the date of the original kanam or that of its renewal. So long as the kanam endures the landlord cannot evict the kanamdar. Under the existing law, the janmi can evict the kanamdar on the expiry of the period, without assigning any reasons. And if he is granted renewal, he has the right to be in possession of the land for another period of twelve years. And on the expiry of the period the janmi can again resume the land without assigning any reasons. That is the existing law. And similarly with reference to the verumpattam tenures which are generally for a year, so long as the crops are on the land, the janmi, even if he wants to cultivate the land himself, has no right to evict the tenant. He can do it only at the end of the agricultural year. Now in the Bill as it was passed by the Select Committee, there was an omission with reference to clause 13 (5) under which the landlord is given the power of taking the land from the possession of the verumpattam tenant. The words 'at the end of the agricultural year' were not inserted. It was an omission. And it was rectified by an amendment in this Council. It is on that analogy that this amendment is moved. Now, as soon as the kanam period has run out and before the renewal is granted the janmi can resume the land for himself and it is reasonable that he should be given his land when he wants it. But once he grants the renewal either voluntarily or through court he ought to have no right to evict the kanamdar during the currency of the kanam. So, there is nothing revolutionary, nothing new in this amendment. Practically it is a lacuna like the expression 'at the end of the agricultural year'. My Friend Mr. Satyamurti, I am sorry I do not see him in his seat, pointed out that in my Bill there is no such thing. May I say this that it is specifically stated at page 170. 'A kanamdar or kuzhikanam tenant', of course the customary verumpattamdar was not included, 'on the expiry of his demise or lease and any other tenant at the end of any agricultural year may be evicted from his holding' for one of the following reasons. (A voice: 'Is that included in the Bill passed by the Council?') I am not responsible for that. I am only responsible for my Bill. As one coming from Malabar and knowing the conditions there I inserted this clause in my Bill. There is nothing revolutionary, nothing new in this amendment."

* The hon. the PRESIDENT :—" The question is, in clause 20, sub-clause (5), in line 1 before the words 'the landlord' insert the words 'the period of the verumpattam, kanam or kuzhikanam as the case may be has expired and there has been no renewal and'."

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The amendment was put to the House and declared carried. A poll was demanded and the House divided thus:

Ayes.

3-45 p.m.

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|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sabib Bahadur. | 30. Mr. G. R. Premayya. |
| 2. " Sir Thomas Moir. | 31. " V. Ramjee Rao. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 32. " K. Koti Reddi. |
| 4. " Mr. A. Y. G. Campbell. | 33. " Sami Venkatachalam Chetti |
| 5. " Mr. M. R. Seturatnam Ayyar. | 34. " J. A. Saldanha. |
| 6. " Mr. S. Muthiah Mudaliyar. | 35. " Abdul Hameed Khan. |
| 7. " Dr. P. Subbarayan. | 36. " L. K. Tulasiram. |
| 8. Mr. Hilton Brown. | 37. " K. V. R. Swami. |
| 9. " H. A. Watson. | 38. " K. R. Karant. |
| 10. " A. G. Leach. | 39. " K. Madhavan Nayar. |
| 11. " J. Gray. | 40. " C. Obi Reddi. |
| 12. " S. V. Ramamurti. | 41. " T. Adinarayana Chettiyar. |
| 13. " C. B. Cotterell. | 42. " K. V. Krishnaswami Nayakar. |
| 14. " V. Ch. John. | 43. " C. Venkatarangam Nayudu. |
| 15. " J. Bheemayya. | 44. " B. Venkataratnam. |
| 16. " R. Foulkes. | 45. " D. Narayana Raju. |
| 17. Subadar-Major S. A. Nanjappab Bahadur. | 46. " A. Kaleswara Rao. |
| 18. Mr. K. Krishnan. | 47. " A. Ranganatha Mudaliyar. |
| 19. " N. Siva Raj. | 48. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 20. Rao Sahib J. C. Guruswami. | 49. Mr. K. P. Raman Menon. |
| 21. Mr. V. I. Muniswami Pillai. | 50. " C. Gopala Menon. |
| 22. " W. P. A. Soundara Pandian. | 51. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 23. " S. Subrahmanya Mooppanar. | 52. Rao Bahadur C. Natesa Mudaliyar. |
| 24. Rao Sahib R. Srinivasan. | 53. Rao Bahadur S. Ellappa Chettiyar. |
| 25. Mr. A. Achutan. | 54. Khan Bahadur S. K. Abdul Razaack Sahib Bahadur. |
| 26. " C. E. Wood. | 55. Mr. Khadir Muhidin. |
| 27. " F. E. James. | 56. Rao Bahadur K. Sitarama Reddiyar. |
| 28. " H. F. P. Hearson. | 57. " B. Muniswami Nayudu. |
| 29. Swami A. S. Sahujanandam. | 58. Mr. K. Sarabhu Reddi. |

Noes.

- | | |
|-------------------------------------|---------------------------------|
| 1. Mr. Mahmud Schammad. | 7. Mr. P. C. Venkatapathi Raju. |
| 2. The Muppil Nayar of Kavalappara. | 8. " R. Srinivasa Ayyangar. |
| 3. Mr. S. V. Vanavudaiya Gowndar. | 9. " S. Satyanurti. |
| 4. " S. Venkiah. | 10. " G. Harisarvottama Rao. |
| 5. " E. Sankaran Unni. | 11. The Zamindar of Seithur. |
| 6. " U. Ramaswami Ayyar. | |

Ayes 58. Noes 11.

The amendment was adopted.

* Mr. E. SANKARAN UNNI:—"Sir, I move—

'that in line 1 of sub-clause (5) the words 'bona fide' be omitted.

"I formally move this, as no further argument is necessary now."

The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

The amendment was put and negatived.

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move—

'that in line 2 of sub-clause (5), the words "or use" be inserted after the word "cultivation".'

The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

The amendment was put and negatived.

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move—

'that in lines 3 and 4 in sub-clause (5), the words 'who has a proprietary and beneficial interest therein' be deleted.'

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The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

The amendment was put and negatived.

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

'that in line 1 of sub-clause (6) before the words 'the landlord' the following words be inserted):—

'the period of the verumpattam, kanam or kuzhikanam as the case may be has expired and there has been no renewal and'.

"In view of the amendment of sub-clause (5) I do not think that I need say anything on this amendment and I hope the House will accept it."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was put and adopted.

Mr. J. A. SALDANHA:—"Sir, I beg to move

'that in sub-clause (6) after the word 'building' the words 'for residential' may be added'.

Mr. L. K. TULASIRAM:—"I second it."

The amendment was put and negatived.

* Mr. E. SANKARAN UNNI:—"Sir, I beg to move

'that in the first proviso for the words and figures 'clauses (4) and (6)', the word and figure 'clause (6)' be substituted. I may also move the connected amendment, i.e., 'in lines 2 and 3 of the first proviso, the words 'has been encroached upon' be deleted, and in line 3 of the first proviso the words 'as the case may be' be deleted.

"Sir, my object in moving this amendment is to make it clear that when a part of the property is encroached upon, you shall not force the landlord to recover that portion of the property alone. I have already submitted more than once that it will work as a penalty imposed upon the landlord for an injury that has been done to him. I have brought up this matter once again in this connexion, and I hope the House will sympathetically consider this amendment"

The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

The amendment was put and negatived.

* Mr. K. R. KARANT:—"Sir, I beg to move the following amendment:—

(a) Instead of the Proviso, call it an Explanation.

(b) Explanation.—In the case of a landlord governed by a law other than the Marumakkattayam law the wife or husband and the children of the landlord shall be deemed to be members of the landlord's family having a proprietary and beneficial interest in the holding.'

"A similar amendment was already moved in an earlier clause."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

The amendment was put and adopted.

* Mr. A. KALESWARA RAO:—"Mr. President, Sir, I beg to move that the following may be added as a new proviso:

'and provided further that any decree for eviction obtained by a landlord against the customary verumpattamdar, kuzhikanamdar or

[Mr. A. Kaleswara Rao]

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kanamdar shall not affect the permanent rights of occupancy conferred by section 10 of this Act on the cultivating verumpattamdar who is in actual possession of a holding.

"I move this because we see in sub-clause (1) of clause 20 that if the kanamdar has wilfully denied the title of the janmi before the date of such legal proceeding, the landlord (janmi) has a right to evict the kanamdar from the holding. So also in the case where a kanamdar does not care to take a renewal by paying the renewal fee under sub-clause (3), the janmi can evict the tenant. What I want to submit is that this amendment is necessary to provide a safeguard that even in cases where the kanamdar and the janmi collude or where the kanamdar misbehaves and is liable to be evicted at the hands of the janmi, the verumpattamdar should not suffer. For this reason I move this amendment."

Mr. K. R. KARANT :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I do not think that this amendment is necessary as I presume that under the law the eviction of the kanamdar from the kanam means that the landlord takes away from the kanamdar only his right in the land, and the eviction does not affect any other tenant's rights in the land under the kanamdar. Further under section 10, there is not a right of occupancy conferred on anybody but there is only fixity of tenure. The wording of the amendment is therefore irregular. So I think it is not necessary to pass this amendment."

The amendment was put and negatived.

* Mr. J. A. SALDANHA :—"Sir, may I draw your attention to an inadvertent omission? There is an amendment for the addition of a new proviso to sub-clause (5) in my name . . ."

The hon. the PRESIDENT :—"The hon. Member was not alert enough. We passed that sub-clause. The mere giving of a notice of an amendment does not cast a duty on the Chair to call it in its order. Members who have given notice of amendments must be alert and draw the attention of the Chair to them at the proper time."

"The question is that clause 20 as amended shall stand part of the Bill."

The motion was adopted and clause 20 was added to the Bill.

Clause 21.

Sub-clause (1).

* Mr. F. SANKARAN UNNI :—"Sir, I move
'that in line 5 of sub-clause (1) the words 'or mortgage with possession' be deleted.'

This matter has been argued at considerable length before the House and I cannot add to what I have already submitted. I would therefore leave it in the hands of the House."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was put and negatived.

Mr. K. MADHAVAN NAYAR :—"Sir, I formally move—

'In lines 6, sub-clause (1), the words "twelve" be substituted for the word "six".'

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Mr. K. R. KARANT :—"I second it."

The amendment was negatived.

* Mr. K. KRISHNAN :—"Sir, I beg to move—

'In line 6, sub-clause (1) after the word "verumpattam" the words "or transfers or leases the usufruct of all or any of the trees included in the holding" be inserted.'

"On a reading of this section, there is nothing in it to prevent a janmi who evicts a kuzhikanam tenant from leasing the usufruct of trees which is after all the only use the tenant can make of the property, to somebody else. The difficulty in regard to kuzhikanam tenant will be that he will not get fixity even though this House wishes to give it to him. You will find, Sir, that when a kuzhikanam tenant is evicted from his holding, quite unlike the paddy field there is no necessity for cultivating the holding later on as the trees are there. So, for six years the janmi can lease the usufruct of the trees and thus defeat the provisions of this law. The clause will read under my amendment thus: 'if the landlord who obtains such eviction transfers any of the lands to any person on any kind of lease or mortgage with possession or on kanam, kuzhikanam or verumpattam or transfers or leases the usufruct of all or any of the trees included in the holding within six years of such eviction. . .'. The usufruct of trees might not come within the definition of the word 'lease.' So, I propose these additional words to be inserted for safe-guarding the rights of the tenant, so that if the leasing of the usufruct of trees is also included the kuzhikanam tenant who has to get permission from the landlord to continue may also get this benefit which this House may give him. I request that this amendment may be accepted."

Mr. A. ACHUTAN :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I do not think we can go further than is provided in this clause, which covers the leasing of the land. A landlord may make use of the trees by permitting some kind of usufruct, and still the landlord may be cultivating the land himself. I think this amendment should be rejected."

Mr. K. UPPI :—"Sir, when I saw this amendment in the list of amendments, I was searching further to see whether there was any other amendment from Mr. Krishnan saying that the janmis shall not employ coolies to pluck coconuts from the trees! I thought Mr. Krishnan would not allow janmis even to pluck the coconuts. Sir, cultivation does not mean that the janmi should not give his trees on usufruct. Cultivation is with regard to the land and not with regard to the fruits and trees. Therefore, I strongly oppose this amendment."

The amendment was negatived.

Sub-clause (2).

Mr. S. ARPUDASWAMI UDAYAR :—"Sir, I move that—

'That in line 7, sub-clause (2), for the word "the" the word "such" be substituted.'

"It is merely a verbal amendment, Sir."

Mr. V. I. MUNISWAMI PILLAI :—"I second it."

The hon. Mr. A. Y. G. CAMPBELL :—"No objection, Sir."

The amendment was put and adopted.

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The hon. the PRESIDENT :—"The question is that clause 21, as amended, shall stand part of the Bill."

The motion was adopted and clause 21 was added to the Bill.

Clause 22.

Sub-clause (1).

* MR. E. SANKARAN UNNI :—"I beg to move—

'After the word "entitled" in line 5, sub-clause (1), the words "within two months after the expiry of the term of the previous demise" be inserted.'

"Sir, the clause reads, 'Notwithstanding any contract to the contrary (whether made before or after the commencement of this Act), a tenant of a holding who is entitled to claim renewal in respect of it under sections 16, 17 or 18 shall be entitled to apply to the court . . .'. This clause does not say when he shall apply. There is no time limit, and we are leaving it to him to apply at any time or not to apply at all. Without such a time limit, as I propose, you will be holding the janmi in suspense. How the janmi is to act under such circumstances? I believe this is a very serious omission, and certainly we ought not to leave it as it is. We ought to fix a period of time within which the tenant has to make up his mind to have a renewal or not and he ought to make an application within that period. If he does not do it, the janmi must be allowed to deal with his property as he likes. If some time or other is not fixed, I think the rights of the janmi will be seriously jeopardized, and this will be another hardship imposed on the janmi after all that you have taken away from him."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second the amendment."

Mr. K. P. RAMAN MENON :—"I believe Mr. Unni is under a misapprehension, and he is not correct in what he says. Now, under section 23 (b), the tenant is given the right to put forward his right to renewal even after a suit is brought. If he can do that even after suit is brought against him, I cannot see the force of this amendment."

Mr. E. SANKARAN UNNI :—"May I explain, Sir? What Mr. Raman Menon says does not seem to affect the position at all, if the tenant really wishes to take renewal. We are now dealing with the question when the tenant should apply. What he should do when a suit is filed against him is another matter. My amendment is that the right should be exercised within two months. It has nothing to do with the suit against him."

* The hon. Mr. A. Y. G. CAMPBELL :—"I doubt whether it is necessary to fix any period for making the application. As Mr. Raman Menon pointed out, the application may be made later on. And as regards the applications, under section 54 (2) (b), the Local Government may make rules for 'the period of limitation for applications under this Act for which no period is specifically fixed therein.' I think it can be done by rules, and there is no necessity for fixing the period here."

The amendment was put and declared lost.

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Mr. E. Sankaran Unni demanded a poll, and the House divided thus :

Ayes.

- | | |
|-------------------------------------|----------------------------------|
| 1. The Muppil Nayar of Kavalappara. | 6. Mr. G. Harisavottama Rao. |
| 2. Mr. E. Sankaran Unni. | 7. " K. Uppi Sahib. |
| 3. " K. Koti Reddi. | 8. " C. N. Muthuranga Mudaliyar. |
| 4. " B. Srinivasa Ayyangar. | 9. " K. V. Krishnaswami Nayakar. |
| 5. " S. Satyamurti. | 10. " C. Venkatarangam Nayudu. |

Noes.

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|---|--|
| 1. The hon. Khan Bahadur Sir Muhammad Uman Sahib Bahadur. | 27. Mr. S. Venkiah. |
| 2. " Sir Thomas Moir. | 28. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 29. Mr. A. Achutan. |
| 4. " Mr. A. Y. G. Campbell. | 30. " F. E. James. |
| 5. " Mr. M. R. Sathuram Ayyar. | 31. " S. N. Dorai Raja. |
| 6. " Mr. S. Muthiah Mudaliyar. | 32. " S. Arpudadaswami Udayar. |
| 7. " Dr. P. Subbarayan. | 33. " K. Ramachandra Padayachi. |
| 8. Mr. Hilton Brown. | 34. " G. R. Premayya. |
| 9. " H. A. Watson. | 35. Swami A. S. Sahajanandam. |
| 10. " A. G. Leach. | 36. Mr. V. Ramjee Rao. |
| 11. " J. Gray. | 37. " Abdul Hameed Khan. |
| 12. " S. V. Ramamurti. | 38. " L. K. Tulasiram. |
| 13. " C. B. Cotterell. | 39. " K. V. R. Swami. |
| 14. " V. Ch. John. | 40. " D. Narayana Raja. |
| 15. " Syed Tajudin. | 41. " K. Madhavan Nayar. |
| 16. " J. Bheemayya. | 42. " T. Adinarayana Chettiyar. |
| 17. " R. Foulkes. | 43. " A. Kaleswara Rao. |
| 18. " Muhammad Sahamud. | 44. " A. Ranganatha Mudaliyar. |
| 19. Subadar-Major S. A. Nanjappa Bahadur. | 45. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 20. Mr. K. Krishnan. | 46. Mr. K. P. Raman Menon. |
| 21. " N. Siva Raj. | 47. Diwan Bahadur P. C. Eshirajulu Nayudu. |
| 22. " M. Gangadhar Siva. | 48. Rao Bahadur C. Natesa Mudaliyar. |
| 23. Rao Sahib L. C. Guruswami. | 49. Mr. Kadir Mohideen. |
| 24. Mr. V. I. Munisami Pillai. | 50. Rao Bahadur K. Sitarama Reddiyar. |
| 25. " W. P. A. Soundara Pandian. | 51. Rao Bahadur B. Muniswami Nayudu. |
| 26. " S. Subrahmanya Mooppanar. | 52. Mr. K. Sarabha Reddi. |
| | 53. The Zamindar of Mirzapuram. |

Ayes 10.

Noes 53.

The amendment was negatived.

The hon. the PRESIDENT :—"The question is that clause 22 shall stand part of the Bill."

The motion was adopted and clause 22 was added to the Bill.

Clause 23.

Sub-clause (b).

* Mr. K. KRISHNAN :—"Sir, I move—

'In line 1, for the word "the" wherever it occurs, the word "a" be substituted.'

"Sir, you will find on reading clause 23 that the tenant has got a right to apply for fixity of tenure and also for the fixing of fair rent. An additional right is given to him, Sir, of making an application. The words in the clause are 'If the landlord sues to evict the tenant etc.' From the use of the word 'the' it would appear as if the tenant who has originally put in an application and whose application has been dismissed would be the only person who can come in and defend in the suit. I do not think that

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p.m.

[Mr. K. Krishnan]

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that was the idea either of the Select Committee or when the Bill itself was drafted. There was originally a proposal when the Raghavayya Committee made the report; it was a permissive legislation which gave a certain amount of rights to the tenant by putting in an application. That idea was practically given up and it was thought that even when a suit is brought against a tenant, the tenant shall have an opportunity to apply for fixity of tenure. If the word 'the' is there instead of 'a', an original application must be made before a tenant is entitled to sue. I do not think that was the idea either of the Government or even when the matter was discussed in the Select Committee stage. I believe it was a mistake which was not noticed, and so I move the amendment."

Mr. V. I. MUNISWAMI PILLAI:—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I think the clause as drafted carried out the intention. The landlord in the first line refers to the landlord mentioned in the previous sub-clause."

The amendment was put and negatived.

Mr. E. SANKARAN UNNI:—"I move—

'In line 3 the words "or a fresh application" be omitted.'

"Sir, since the House has rejected my amendment for a period to be fixed, the tenant ought not to be given an opportunity to come in with a fresh application when an application had been made by him and dismissed. When subsequently the landlord wants to evict him, then the tenant is allowed to make a fresh application. Why should this concession be given to him? It is not fair to the landlord and justice does not require it. I therefore move my amendment."

The MUPPIL NAYAR OF KAVALLAPPARA:—"I second the amendment."

The amendment was put and negatived.

* Mr. K. MADHAVAN NAYAR:—"I beg to move—

'In line 4, for the words "under sub-section (1) of Section 22" the words "for renewal" be substituted.'

"Sir, I hope the hon. the Revenue Member will understand the necessity for this amendment. It is more or less verbal. Now what is stated in this section is that the tenant shall be entitled to make an application under sub-section (1) of section 22. Sub-section 22 says: (1) 'Notwithstanding any contract to the contrary . . . a tenant . . . shall be entitled to apply to the court in the form prescribed for the execution of a renewal deed. (2) On the receipt of an application . . . notice thereof shall be sent to the landlord . . . fixing a date for the trial of the application'."

"Then 23 (a) says: 'On the date fixed under sub-section (2) of section 22, the court shall call upon the said landlord to state in writing whether he desires to evict the tenant . . . ; and if the landlord expresses his intention to do so, the application shall be dismissed'. The procedure therefore is when an application is made by a tenant, notice is served on the janmi, and the janmi is asked whether he wants the holding for himself. If he says he wants it, no enquiry is made whether he requires it for bona fide cultivation purposes or not. On the mere statement that he wants it, the application is dismissed. The landlord may ultimately change his mind. He may bring a suit later on under section 23 (a), and may put forth the

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[Mr. K. Madhavan Nayar]

ground that the time has expired and no renewal fee has been paid. In such a suit, if the tenant makes an application for renewal and notice is served on the janmi, there is no necessity for the procedure laid down in section 23, sub-section (1). But as the section now stands, there is a likelihood for the courts to doubt whether they should not follow the procedure laid down in sub-section (1). It is to avoid the possibility of that doubt that I move this amendment. Instead of saying that the application should be made under sub-section (1) of section 22, let it be said that an application for renewal may be made. Then it would be all right. Otherwise there is the danger of our moving in a vicious circle. Therefore I commend this amendment to the acceptance of the House."

* Mr. A. KALESWARA RAO:—"I second it. I submit that 23 (a) practically appears to be part of section 22, because 22 (1) speaks of application, 22 (2) of notice and 23 (a) says that the application shall be dismissed if the landlord expresses his intention in writing to take the land. Therefore 23 (b) is a new thing. When the landlord actually goes to the court to evict the tenant, this man should have the right to make an application or a fresh application for renewal. Therefore the words in 22 (1) restrict the procedure and also the result of the application. The result will be as mentioned in 23 (a). Therefore I should think that this verbal alteration is a necessary thing and I hope the Government will accept it."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I think the apprehensions expressed by the mover and seconder are groundless. Clause (a) of the section deals with all grounds of eviction except ground (3), that is when the period of the verumpattam, kuzhikanam or kanam has expired; and clause (b) deals with the excepted case. It is quite clear from the last words 'and the suit shall abide and follow the result of such application' that the suit brought on ground (3) in section 20 would be held up until the application has been disposed of. It is quite clear what the procedure is intended to be."

The amendment was put and negatived.

* Mr. J. A. SALDANHA:—"I beg permission to move the following amendment which stands in the name of Mr. A. Ranganatha Mudaliyar:—

'Omit the sub-clause and number 23 (b) as 23.'

"Sir, this sub-clause offers unnecessary facility and temptation to the janmi to seek for eviction. It is unnecessary to give two ways to the landlord to evict the tenant. He should file a suit for eviction. The fundamental necessity for all eviction is that there must be a suit for eviction. Here, on application for renewal by a tenant, the court asks the landlord, do you want to resume the land, do you want eviction? Such a temptation ought not to be placed before the janmi. There is a distinction between eviction and a suit for eviction. Application for continuance of the renewal should be kept distinct. The object of the Bill is that every facility should be given to the tenant to have the matter enquired into, his rights for renewal enquired into. If the landlord wants to object he should file a suit for eviction and be given the necessary facilities only then. I therefore move this amendment."

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Mr. A. RANGANATHA MUDALIYAR :—" I second it."

The amendment was put and negatived.

The hon. the PRESIDENT :—" The question is clause 23 shall stand part of the Bill."

The motion was adopted and clause 23 was added to the Bill.

Clause 24.

* Mr. K. MADHAVAN NAYAR :—" Sir, I move—

'In line 2, after the figure "23" the words "or an application is made under section 23 (b)" be added.'

"Sir, this is a very harmless amendment and it is really necessary. Under section 23 (b) "if the landlord sues to evict the tenant on ground (3) referred to in section 20, the tenant shall be entitled to make an application or a fresh application under sub-section (1) of section 22 and the suit shall abide and follow the result of such application." When a suit is brought on the ground that renewal fee has not been paid and the time has expired, the tenant can ask for a renewal and when he does so, the court has to go into the question and ask him to pay the renewal fee. Section 24 says: 'the court shall determine the amount to be paid as renewal fee under section 16, 17 or 18.' So that, when as a matter of fact the janmi comes forward with a suit only on the ground that no renewal fee has been paid, the court has to decide the renewal fee and grant a renewal but need not ask the janmi again whether he requires the land for his own cultivation. If he so requires it he ought to have stated it in the plaint and if he has not done so he cannot put forward that ground later on and he need not be invited to say so. Probably such difficulties may not arise. But why give room for doubts? These absurdities are the results of the sudden changes effected in the Bill by the Select Committee without looking into all the aspects. So I move the section to be amended thus: 'If the application is not dismissed under section 23 (a) or an application is made under section 23 (b), the court shall determine the amount to be paid as renewal fee' and so on. I submit that this amendment may be accepted."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, again I think the amendment is not necessary and the hon. Member has unnecessary fears. The section says: 'If the application is not dismissed under sub-section (a) of section 23, the court shall proceed to, etc.' The court will then have to proceed with reference to that application as provided in section 24."

The amendment was put and negatived.

* Mr. K. R. KARANT :—" Sir, I beg to move to substitute for the existing item (1) of sub-clause (ii) the following :—

'(1) So much of the renewal fee as is then payable by the tenant under the provisions of section 19, with interest at 12 per cent per annum from the date or dates when the same or portions thereof become payable, and'

"My object, Sir, is this: I think hon. Members will agree that there is no time limit fixed for an application by the tenant under any of the

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[Mr. K. R. Karant]

previous clauses; so that, supposing the time fixed for renewal has expired and there is no suit for eviction and the tenant does not care to pay the renewal fee and two or three years pass by. This clause ought to cover all such cases. My first point is this, that there is no time-limit fixed in the previous clauses within which the tenant is compelled to make an application dealt with in this clause. So that, when it is not fixed, the wording here 'two thirds of the renewal fee so determined in case the applicant is not a cultivating kuzhikanamdar and one-third if he is such kuzhikanamdar' applies to all cases except to a case where the application comes in the very first year. Under clause 19, it is said: 'in case he is a cultivating kuzhikanamdar, one-third of the renewal fee in the year next after the termination of the expiring kuzhikanam and the rest in five equal consecutive annual instalments in the years following the said year.' Suppose an application is made after the third year. Then this clause says that only two-thirds of the fee shall be paid. What about the subsequent instalments? There is no provision for that. I submit that the existing clause is defective.

"Secondly, I think that though I have been helping the kanamdars, I think some justice ought also to be done to the janmi. When we are prescribing the amount of deposit, what is there to show that some interest is payable for two or three years? Suppose a kanamdar does not take a renewal. Then there is no provision for interest at all. I want that in fairness to the janmi, we ought to provide for him interest on the renewal fee when he is in default after the period fixed for renewal. Therefore I have made a provision that he must pay 12 per cent on that amount. The wording of the clause as it is is simply a copy of clause 19. It is nothing more than that. Instead of that I have inserted the words 'so much of the fee as is then payable.' I have already stated that the wording of the clause as it stands is defective because it does not cover all cases. If a man is in default and does not care to take a renewal in time, I think he is bound to pay also interest to the janmi. I hope this amendment will be accepted."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, I think this amendment is unnecessary. When we go to clause 27 we will see 'where, in respect of any customary verumpattam, etc., (a) no application is filed under sub-section (1) of section 22 or (b) within six months after the termination of the period for which the said renewal deed enures and of every period of twelve years succeeding such period, the tenant does not secure a renewal on such terms as may be agreed to between him and the landlord, he may be deemed, at the option of such landlord, to have agreed to a renewal on the terms of the said deed for twelve years from the date of the termination of each of the said periods, and the said landlord shall be entitled to sue the said tenant for the renewal fee specified in section 16, 17 or 18.' I think, Sir, this covers any case of delay on the part of the tenant; if he fails to make arrangements for the renewal of the kanam for another period within six months of the expiry of the kanam period the landlord can sue him and the tenant will be put to the expense of defending the suit."

* Mr. E. SANKARAN UNNI :—" I am afraid the hon. the Revenue Member has not correctly apprehended all that there is in section 27."

[Mr. E. Sankaran Unni]

[8th October 1929]

Section 27 does not provide for interest at all. It speaks of the original terms which may be adopted for the purpose of a second renewal. Renewal fees do not include interest at all. When a renewal has taken place and another renewal takes place subsequently, the old terms may be incorporated in this, that is what it states. There is no provision for interest at all. If the only objection on the part of the hon. the Revenue Member to this amendment is that this has actually been provided for, then I submit that it is not so, and the amendment ought to be accepted. When you provide for payment of renewal fee in instalments—a thing which I submit is not known in Malabar—what is the inducement at all for the man to pay it if you do not make provision for the payment of interest? If a man does not pay his dues in time he must pay interest thereon. The idea is to induce him to pay. If even that inducement does not exist, I do not know what it is that can induce a man to pay the money that is due from him. It stands to reason that there should be interest on this money. I can assure hon. Members that section 27 does not provide for it at all. If the hon. the Revenue Member thinks that it does, may I suggest to him to consult his legal advisers on the matter and see if the clause means what he says? I am perfectly certain that it does not. I hope the amendment will be accepted by the Government."

Mr. K. P. RAMAN MENON :—" With reference to the observations of my hon. Friend regarding the provision for interest, may I draw the attention of hon. Members to clause 25 (2) ? It says :

' If the said deposit is made within the time fixed, the court shall

(i) execute a renewal deed containing such terms as it determines to be the terms of the expiring transaction and as are in accordance with law,

(ii) pass an order directing the person entitled to renewal under sections 16 to 18 to pay the landlord a further instalment or instalments of the renewal fee as provided for in section 19, with interest thereon at 6 per cent per annum from the respective dates of default, and

(iii) make such order as to costs of the proceedings before it as it may deem fit."

" So that interest is provided for in clause 25.

" There is no necessity for this amendment."

Mr. E. Sankaran Unni rose.

* The hon. the PRESIDENT :—" Another janmi representative may make the reply."

Mr. K. R. KARANT :—" May I just say, Sir, that clause 24 deals with the amount of deposit in respect of renewal fee that has already become payable. Clause 25 deals with further instalments that have to be paid hereafter. There is no use in saying that section 25 provides for interest where for years to come no payment has been made at all."

* The hon. the PRESIDENT :—" Does the hon. the Revenue Member propose to reply ?"

* The hon. Mr. A. Y. G. CAMPBELL :—" I assume that the court will order the payment of interest from the date of the institution of the suit. The payment of costs by the tenant to the landlord for driving him to the court will be an inducement to the tenant to get his renewal without delay."

The amendment was put and adopted.

8th October 1929]

Mr. K. R. KARANT :—" I beg to move that—

' between the words " arrears of rent " and the words " found due " the words " with interest thereon " be inserted.' "

Mr. G. HARISARVOTTAMA RAO :—" I second it."

4-45 p.m.

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

Mr. K. P. RAMAN MENON :—" May I suggest an amendment to the amendment of Mr. Karant and that is to add the words ' if any ' at the end."

Mr. K. R. KARANT :—" I accept it."

* The hon. the PRESIDENT :—" First of all the question is to add the words ' if any ' to the amendment of Mr. Karant."

Mr. E. SANKARAN UNNI :—" That amendment has not been seconded."

* The hon. the PRESIDENT :—" Sometimes the House is in a mood to go into the committee stage." (Laughter.)

Mr. D. NARAYANA RAJU :—" I second the amendment of Mr. K. P. Raman Menon."

* The hon. the PRESIDENT :—" The question is that the words ' if any ' be added to the amendment of Mr. Karant."

The amendment was put and adopted.

The amendment of Mr. Karant, as amended, was put and adopted.

The hon. the PRESIDENT :—" The question is—

' clause 24, as amended, shall stand part of the Bill.' "

The motion was adopted and clause 24 was added to the Bill.

Clause 25.

The hon. the PRESIDENT :—" The question is—

' that clause 25 shall stand part of the Bill.' "

The motion was adopted and clause 25 was added to the Bill.

The hon. the PRESIDENT :—" The question is—

' clause 26 shall stand part of the Bill.' "

The motion was adopted and clause 26 was added to the Bill.

Clause 27.

* Mr. E. SANKARAN UNNI :—" Sir, may I move the amendment of Mr. Nambudripad ?"

* The hon. the PRESIDENT :—" If it is a verbal amendment I have no objection. But if substantial amendments are to be moved I think I must object to them."

Then the hon. Member was not allowed to move the amendment of Mr. Narayanan Nambudripad.

[8th October 1929]

APPENDIX I.

[Vide answer to question No. 816 asked by Mr. C. N. Muthuranga Mudaliyar at the meeting of the Legislative Council held on the 8th October 1929, page 850 supra.]

Minutes of Proceedings of the Chingleput District Board passed at its special meeting held at the "Cotterell Buildings," (Municipal Office), Saidapet, at 5 p.m., on Wednesday, the 10th April 1929.

Read letter from M.R.Ry. P. R. Thiruvengada Reddiyar and nine other members of the District Board, dated 29th March 1929, to consider the following resolution of which notice has been given :—

Resolution.

"This Board resolves that the Taluk Board of Chingleput be requested to set apart a portion of their funds, as is now done by the other two taluk boards of the district, for—

- (1) Starting village libraries, with a reader.
- (2) Establishing Ayurvedic dispensaries in the interior villages.
- (3) Employing rural midwives at different important centres.
- (4) Starting baby welcome homes in a few places.
- (5) Training a batch of energetic teachers in the School of Rural Economy now started by the District Board to carry on the rural reconstruction work in some villages.
- (6) Providing drinking water facilities in villages where there is none at present, instead of wasting money in the repair of tanks.
- (7) Starting schools in places where there are no schools and where the population is more than a thousand.
- (8) Forming cart-tracks in places where there are no means of communications of any kind."

The above resolution was proposed by M.R.Ry. P. R. Thiruvengada Reddiyar and seconded by M.R.Ry. A. M. Elanjiyam Mudaliyar. At this stage M.R.Ry. T. Shanmugam Pillai proposed and M.R.Ry. Frank V. Venkatarangam seconded the following amended resolution :—

Amended resolution.

"This Board resolves that, with a view to improve the efficiency of the administration, the present Taluk Board of Chingleput be divided into the Taluk Board of Madurantakam and the Taluk Board of Chingleput, the latter consisting of the two Revenue taluks of Conjeeveram and Chingleput, and the Government be requested to give effect to it; and that in the meanwhile this Board also resolves to request the present Taluk Board of Chingleput to set apart a portion of their funds, as is now done by the Taluk Boards of Saidapet and Tiruvallur for—

- (1) Starting village libraries, with a reader.
- (2) Establishing Ayurvedic dispensaries in the interior villages.
- (3) Employing rural midwives at different important centres.

[8th October 1929]

- (4) Starting baby welcome homes in a few places.
- (5) Training a batch of energetic teachers in the School of Rural Economy now started by the District Board to carry on the rural reconstruction work in some villages.
- (6) Providing drinking water facilities in villages where there is none at present, instead of wasting money in the repair of tanks.
- (7) Starting schools in places where there are no schools and where the population is more than a thousand.
- (8) Forming cart-tracks in places where there are no means of communications of any kind."

Amended resolution carried by a majority, 9 voting against, 1 remaining neutral, and 19 voting for it.

M. KRISHNASWAMI REDDIYAR,
President, District Board.

APPENDIX II.

[Vide answer to question No. 821 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 8th October 1929, page 854 supra.]

Copy of letter from the Inspector-General of Registration, No. 126-Off., dated the 15th September 1929, to the Secretary to the Government of Madras, Law (Registration) Department.

[Sub-Registry office, Shirva (South Kanara district)—Opening.]

Shirva is an important village in the Udipi taluk situated at a distance of 11½ miles from Udipi, to which sub-district it is now attached. It has a branch post office, elementary schools for boys and girls, a rural dispensary and three Catholic churches. There is also a weekly market. It is a healthy station situated on a high level. It is connected with Udipi, Mulki and Karkala by road.

2. But to an office at that centre, only seven villages with 192 registrations from Mulki sub-district, nine villages with 155 registrations from Karkala sub-district and eleven villages with 259 registrations from Udipi sub-district can be conveniently attached. The new office will therefore start with only 606 registrations which is far below the district average of 1,506 registrations. The starting work is therefore insufficient to justify the opening of an office. In these circumstances, it is not practicable to open a sub-registry office at Shirva.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 9th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, *K.C.I.E.*, *C.S.I.*, *I.C.S.*, The hon. Sir Thomas.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, *C.S.I.*, *C.I.E.*, *O.B.E.*, *V.D.*, *I.C.S.*, The hon. Mr. A. Y. G.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hameed Khan Sahib Bahadur.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Achutan, Mr. A.
Adinarayana Chettiyar, Mr. T.
Ahmed Miren Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Arogyaswami Mudaliyar, Diwan Bahadur B. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmed Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Cotterell, *C.I.E.*, *I.C.S.*, Mr. C. B.
Dorai Raja, Mr. S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. E.
Gangadhara Siva, Mr. M. V.
Gopala Menon, Mr. C.
Govindan Nayar, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Gray, *O.B.E.*, *I.C.S.*, Mr. J.
Guruswami, Rao Sahib L. C.
Harisarvottama Rao, Mr. G.
Hearson, Mr. H. F. P.
Hilton Brown, *I.C.S.*, Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. B.
Kesava Pillai, *C.I.E.*, Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Ayyar, Mr. Alladi.
Krishnaswami Nayakar, Mr. K. V.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.

Leach, *I.C.S.*, Mr. A. G.
Madhavan Nayar, Mr. K.
Mahmud Sobamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Marudavanam Pillai, Mr. C.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, The
Muthulakshmi Reddi, Dr. (Mrs.) S.
Muthuranga Mudaliyar, Mr. C. N.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. E.
Raja of Kallikota, The
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, *I.C.S.*, Mr. S. V.
Raman Menon, Mr. K. F.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Robertson, Mr. R. J. C.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sankaran Unni, Mr. E.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Soundara Pandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Swami, Mr. K. V. R.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Vanavudaiya Goundar, Mr. S. V.
Venkatapathi Raju, Mr. P. C.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Watson, *I.C.S.*, Mr. H. A.
Wood, Mr. C. E.

[9th October 1929]

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Consideration of the Agricultural Colonization Scheme by the Agricultural Advisory Committee.

* 881 Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) whether the Agricultural Colonization Scheme has been placed before the Agricultural Advisory Committee, as promised in question No. 1924, dated the 27th March 1929;

(b) if so, when and with what result; and

(c) if not, why not?

A.—(a), (b) & (c) No. It will be placed before the Committee at the next meeting in October 1929.

Mr. K. V. R. SWAMI:—"May I know why this question was not placed before the Advisory Committee?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The Committee was constituted only in March 1929 and we will place the matter before them at the next meeting in October."

Industries

Formation of a Committee to examine the reports of the Special Officer for the survey of Cottage Industries.

* 882 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Development be pleased to state, what action he has taken to carry out the Resolution of the Council regarding the formation of a Committee to examine the reports of the Special Officer for the survey of Cottage Industries?

A.—Orders constituting a Committee in terms of the Resolution of the Council will issue very shortly.

Excise

Remittance of tree tax into the taluk treasury in South Kanara.

* 883 Q.—Mr. MAHMUD SCHAMNAD: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that tree-tappers and toddy and arrack shop contractors in South Kanara, at any rate in the Kasaragod taluk, have been ordered to pay their monthly dues, etc., in the taluk treasury direct, instead of to the village officers; and

(b) if so, whether the Government propose to order the payment of their monthly dues, etc., to the village officers as before?

A.—(a) & (b) The Government have no information but have called for a report.

[9th October 1929]

Complaints regarding the location of liquor shops.

* 834 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether complaints are being received by the Government from different parts of the Presidency that in the location of liquor shops the rules framed by Government are more honoured in the breach than in the observance, by the Revenue authorities;

(b) whether there have been complaints also that in regard to the closing and opening hours of liquor shops no principle is observed; and

(c) what steps the Government propose to take to put an end to the present state of things?

A.—(a) & (b) The Government have received a few complaints as regards the location of liquor shops and the hours during which they are kept open.

(c) The Government deal with each complaint on its merits.

Mr. A. B. SHETTY:—"May I know if the complaints referred to in answers (a) and (b) have come from different parts of the Presidency or from any particular place?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"From different parts."

Mr. A. B. SHETTY:—"How many such complaints were received?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"About 10 or 11."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the Government have information how many complaints were received by the Collectors and by the department?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"No, Sir."

Mr. K. V. R. SWAMI:—"May I ask whether these complaints were received by the Government direct or through the Collectors of the various districts?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Direct."

Mr. T. ADINARAYANA CHETTIYAR:—"May I ask in how many cases these complaints about the location of toddy shops were removed?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Notice, Sir."

Mr. G. HARISARVOTTAMA RAO:—"In view of the answer given that the Government are not aware how many complaints were received by the Collectors and the department, may I enquire whether he will make further enquiries in the matter and if there is a general complaint he would see to it that it is remedied?"

The hon. the PRESIDENT:—"That is a hypothetical question."

Mr. K. V. R. SWAMI:—"May I know whether the Government are aware how many complaints were received by the Collectors?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The Government have received about a dozen complaints direct."

Mr. T. ADINARAYANA CHETTIYAR:—"May I enquire whether out of these 10 or 11 cases, the location of one shop at least was changed as requested?"

[9th October 1929]

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[9th October 1929]

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The location of each shop has been considered on its merits."

Mr. G. HARISARVOTTAMA RAO :—"May I ask whether the hon. Minister will further investigate into the matter if there is a general complaint?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I do not know what is the investigation which the hon. Member wants me to make."

Medical

Report of the Committee appointed to examine the question of L.M.P. examination.

* 835 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased—

(a) to lay on the table of the House the report of the Committee appointed to examine the question of L.M.P. examination; and

(b) to state what action the Government propose to take in the matter?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 497-A at the meeting of the Legislative Council held on 25th September 1929.

Mr. G. HARISARVOTTAMA RAO :—"May I know whether the Government have decided to place the report on the table of the House since 25th September?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"Not yet, Sir."

Public Health

Enhanced rate of fees in the Government Headquarter Hospital at Ootacamund.

* 836 Q.—Mr. V. I. MUNISWAMI PILLAI: Will the hon. the Minister for Public Health be pleased to state—

(a) whether he has received representations as to the hardship felt by the enhanced rate of fees in the Government Headquarter Hospital at Ootacamund;

(b) what action the Government have taken thereon?

A.—(a) Yes.

(b) The Government have ordered that the scale of fees previously in force should be reintroduced pending settlement of the general question as regards all mufassal hospitals.

Mr. V. I. MUNISWAMI PILLAI :—"When the Government finally settled the question of fees will it give special concession to such of the Government Headquarter Hospitals on the Hills, as the living on the hills is costly?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"As has been stated in the answer, this matter is being considered by the Government."

[9th October 1929]

Representation from the President, Puttur Taluk Board, in regard to Sampaje and Panja dispensaries.

* 837 Q.—Mr. A. B. SHETTY: With reference to my question No. 1330 answered on 1st February 1929, will the hon. the Minister for Public Health be pleased to state whether the representation made by the Puttur Taluk Board President in regard to the Sampaje and Panja dispensaries has been considered by the Government and whether any orders have been passed thereon?

A.—The compassionate grant cut down from the taluk board has been given to the district board and the two local bodies have been asked to decide between themselves as to which will have it.

Mr. A. B. SHETTY :—"May I know whether the taluk board was asked if the money saved on account of the Government taking over the Taluk Headquarter Hospitals would be utilized for opening new dispensaries?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"There was a question on that point in February and the answer had been given to that question."

Mr. A. B. SHETTY :—"May I know whether the taluk board opened the Panja and Sampaje dispensaries in accordance with the Government circular with reference to this matter?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"The Government asked whether the amount would be utilized for opening additional dispensaries; they did not sanction the opening of further dispensaries."

Appointment of graduates of the Government School of Indian Medicine in Ayurvedic dispensaries maintained by local bodies.

* 838 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) the number of Ayurvedic dispensaries maintained by local boards and municipalities in this province; and

(b) the number of graduates of the Government School of Indian Medicine employed in these dispensaries?

A.—(a) One hundred and twelve.

(b) Thirty-three L.I.Ms. have so far been employed in these dispensaries.

Mr. A. B. SHETTY :—"The answer states that out of 112 dispensaries that are maintained, L.I.Ms. have been employed only in 33 of them. May I know whether in the rest of the dispensaries, the physicians employed hold qualifications recognized by the Government?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"L.I.M. is the only qualification recognized by the Government. There are other doctors in the other dispensaries practising various systems of medicine who have no degrees recognized by the Government."

Mr. K. V. R. SWAMI :—"May I ask how many passed out of the School of Indian Medicine?"

The hon. Mr. S. MUTHIAH MUDALIYAR :—"About 70."

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Dr. B. S. MALLAYYA :—" May I enquire why, when L.I.M. is a degree recognized by the Government, the men who teach for that degree have not been recognized by the Government? "

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether L.I.Ms. were not appointed in spite of their having applied for the posts? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" People who were offered appointments did not accept them; eleven persons were offered and they refused to take up the appointments. "

Mr. K. V. R. SWAMI :—" May I know whether any grant is given by the Government for these dispensaries? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I do not know to which dispensaries the hon. Member is referring. "

Mr. K. V. R. SWAMI :—" It is stated that there are 112 dispensaries. May I know whether any grant is given to these Ayurvedic dispensaries? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If the dispensaries are opened under the scheme of the starting of rural dispensaries, they are given grants. "

Mr. BASHEER AHMED SAYEED :—" May I ask whether the hon. Minister has enquired into the reasons why the persons who were offered appointments refused to take them up? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Perhaps they think that private practice is better. "

Mr. BASHEER AHMED SAYEED :—" May I know whether the hon. Minister will further enquire whether the pay offered is too low for them? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Whether it is too low or too high, is a question of individual choice. "

Registration

Unpassed matriculate clerks in the Registration Department.

* 839 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Minister for Public Health be pleased to state, with reference to the answers given to question No. 1744 on the 15th March 1929—

(a) whether the information was called for by the Government and whether the same was received;

(b) if so, whether the same would be placed on the table; and

(c) whether the benefit of the Government Order of 1926 was given to unpassed matriculate clerks?

A.—(a) & (b) Yes. The information is herewith appended.^a

(c) The orders apply to unpassed matriculates as well as to other unpassed clerks.

Mr. D. NARAYANA RAJU :—" With reference to answer (c), may I know whether unpassed Matriculates who were in permanent service before the Government Order was passed will be placed in the same footing as the S.S.L.C. candidates who were in service at that time and who did not obtain the prescribed number of marks? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" According to the Government Order they are in the same position. "

^a Printed as Appendix I on page 992 infra.

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Application of G.O. No. 712, Public, dated 2nd July 1929, regarding subordinate services under Government to sub-registrars.

* 840 Q.—Mr. L. K. TULASIRAM : Will the hon. the Minister for Public Health be pleased to state—

(a) whether G.O. No. 712, Public, dated 2nd July 1929, regarding the subordinate services under Government is applicable to sub-registrars;

(b) if the answer is in the affirmative whether the existing half a dozen vacancies in the selection grade of sub-registrars will be filled on the principle of seniority and merits or whether the communal rotation also will be taken into account;

(c) whether memorials were received from sub-registrars addressed to the Government of India through the Local Government against the Local Government's action in the matter of promotion to the selection grade and whether the same were withheld and if so, for what reasons?

A.—(a) Yes, subject to any special rules regarding the Registration Department.

(b) Appointments to the selection grade will be made with reference to the principle of seniority and merits and communal rule.

(c) Yes, the memorials were withheld under rule 11 (9) of the instructions regarding the submission of petitions to the Governor-General in Council reproduced below—

11. Local Governments are vested with discretionary power to withhold petitions addressed to the Governor-General in Council in the following cases :—

(9) When a petition is a representation against the non-exercise by the Local Government of a discretion vested in it by law or rule.

Mr. S. SATYAMURTI :—" With reference to answer (b), may I ask for some light as to whether the answer means that, while applying the communal rule, only those who are most senior and competent in those communities will be appointed in rotation? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Yes, Sir. "

Mr. S. SATYAMURTI :—" If so, may I know how many were appointed before the order was passed? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" This is a new grade; it was created in 1928. "

Mr. S. SATYAMURTI :—" Since that, how many places have been filled till the date of the Government Order? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It has been already answered. "

Mr. S. SATYAMURTI :—" May I know whether it was done in the discretion of the Government or whether in pursuance of a rule which the Government followed? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" In pursuance of the rule. "

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Mr. S. SATYAMURTI:—"May I enquire whether that rule has been embodied in the Government Order?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Yes, Sir."

Mr. S. SATYAMURTI:—"May I ask when these appointments were made and who was the Minister?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"In October 1928 when I was Minister."

Education

Shifting of headquarters of the Andhra University to Vizagapatam.

* 841 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the headquarters of the Andhra University has been shifted to Vizagapatam; and

(b) if not, what are the reasons therefor?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 707.

Action taken on Mr. Statham's report regarding elementary education.

* 842 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state what action has been taken on the several recommendations contained in the special report of Mr. Statham in regard to elementary education?

A.—The question of revising the Madras Elementary Education Act, 1920, is under the consideration of the Government.

Mr. G. HARISARVOTTAMA RAO:—"May I know which are the recommendations made by Mr. Statham that are being considered by the Government?"

The hon. Dr. P. SUBBARAYAN:—"All the recommendations that were contained in Mr. Statham's report were considered by a Committee which met here."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the recommendation that the minimum pay of the elementary school teachers should be Rs. 20 is being considered still?"

The hon. Dr. P. SUBBARAYAN:—"That is so."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government have given effect to some of the recommendations already?"

The hon. Dr. P. SUBBARAYAN:—"Recommendations that could be adopted departmentally have been given effect to as far as possible."

Mr. K. V. R. SWAMI:—"May I know whether the Madras Elementary Education Act Amending Bill will be introduced during the life-time of this Council?"

The hon. Dr. P. SUBBARAYAN:—"I submit this is a hypothetical question."

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Mr. S. SATYAMURTI:—"This is not a hypothetical question except that the position of the Ministers is hypothetical. May I know whether an amending Bill will be introduced during the life-time of this Council?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give that undertaking."

Reorganization of the Madras Educational Service.

* 843 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state what the final proposals for the reorganization of the Madras Educational Service are?

A.—Final orders have not yet been passed on the reorganization.

Mr. S. SATYAMURTI:—"May I know when final orders are expected to be passed on this matter?"

The hon. Dr. P. SUBBARAYAN:—"Final orders will be passed as soon as the token grant which will be moved for the reorganization of this service is passed by the Legislative Council."

Mr. S. SATYAMURTI:—"May I know whether the opinion of the Council is going to be ascertained by means of a token grant, without stating the amount that is required for the proposal of the reorganization of this service?"

The hon. Dr. P. SUBBARAYAN:—"I do not know what my hon. Friend means. The vote of the Council will cover sanction for the constitution of this new service."

Mr. S. SATYAMURTI:—"May I know whether the opinion of the Council is to be taken for the money asked for or for the nature of the proposal?"

The hon. Dr. P. SUBBARAYAN:—"Of course a token demand is asked for; the nature of the proposal also will be discussed. I see my hon. Friend had given notice of a token cut. He can, I am sure, get all the information he wants during the discussion of the token cut."

Government Secondary and Training schools for Women at Rajahmundry, Vizagapatam, etc.

* 844 Q.—Mr. R. NAGAN GOWDA: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of students this year in each of the classes I to V and forms I to VI in the Government Secondary and Training schools for Women at Rajahmundry, Vizagapatam, Masulipatam, Vellore, Anantapur and Coimbatore, the Government High School, Salem, and the Government Secondary School for girls at Bellary;

(b) the total number of students in each of the above schools;

(c) when the school at Bellary was opened and what has been the increase every year since it was opened;

(d) when the IV form was opened at Bellary;

(e) what provision is made in the budget for maintaining the IV form and for opening V form at Bellary next year; and

(f) whether the Government have issued a Government Order, dated 2nd August 1929, asking the Director of Public Instruction not to commit the Government for any extra expenditure in 1930-31 either for maintaining IV form or for opening V and VI forms?

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

(c) The school at Bellary was opened in June 1928. Information as to the strength in the school is not available.

(d), (e) & (f) No provision was made in the budget estimates for 1929-30 for the opening of the IV form in the school. The Director reported in July last that there were some girls who had secured promotion from form III in the school to form IV and that for the benefit of these he had approved the opening of form IV in the school on condition that no extra expenditure was incurred on that account. His action was approved by Government. The question of providing funds for the opening of form V in the school will be considered in connexion with the next year's budget if there is need for it.

Mr. A. RANGANATHA MUDALIYAR :—"It is stated in the answer that the Director approved the opening of form IV in the school on condition that no extra expenditure was incurred on that account. May I know how the additional form was opened without extra expenditure?"

The hon. Dr. P. SUBBARAYAN :—"The Government said that they would give no subsidy to the school, but the fourth form could be opened. If the District Board was prepared to meet the whole cost of this school the Government would have no objection."

Mr. A. KALESWARA RAO :—"May I know if there is any proposal for opening secondary schools for girls in any other place in the year 1930-31?"

The hon. Dr. P. SUBBARAYAN :—"I believe the Director has already formulated proposals with regard to the opening of new secondary schools for girls during the year 1930-31."

Mr. G. HABISARVOTTAMA RAO :—"In answer to clause (c) of the question it is stated that information as to the strength of the school is not available. May I enquire of the hon. the Minister whether he will get that information and consider what aid may be given for starting higher classes?"

The hon. Dr. P. SUBBARAYAN :—"I cannot give any undertaking at present; but I shall certainly get the information which the hon. Member wants."

Mr. A. KALESWARA RAO :—"May I know the places where the schools are proposed to be opened?"

The hon. Dr. P. SUBBARAYAN :—"I don't carry in my memory the names of places where they are to be opened."

Local Boards

Election of Mr. V. Kotam Raju to the Bapatla Taluk Board.

11-15 a.m. * 845 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the election of one Mr. V. Kotam Raju to the Bapatla Taluk Board from Appikatla firka was in dispute and that the Government at first passed orders on 15th July 1929 cancelling the said election;

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(b) whether it is a fact that on a petition presented by Mr. Kotam Raju, the Government refused on 10th August 1929 to reconsider their orders of 15th July 1929;

(c) whether it is a fact that the Government cancelled their orders previously passed on 15th July 1929 and passed fresh orders on 12th August 1929 confirming the election of Mr. Kotam Raju, and if so, why?

A.—(a) Yes.

(b) Yes. Mr. S. Satyamurti who interviewed my Secretary on behalf of Mr. Raju was so informed.

(c) Yes, in view of fresh considerations which were brought to the notice of Government.

Mr. D. NARAYANA RAJU :—"May I know what are the circumstances which happened between the 10th and 12th August necessitating a reconsideration of the order already passed?"

The hon. Dr. P. SUBBARAYAN :—"I did not know about this at the time the order was passed; or that these people were rushing to court without bringing the new facts to the notice of the Government, which would enable them to get the relief."

Mr. D. NARAYANA RAJU :—"May I know whether any new facts were brought to the notice of the Government and what was the agency employed by them?"

The hon. Dr. P. SUBBARAYAN :—"The new facts, I believe, were brought to the notice of Mr. Hilton Brown, Secretary in the Local Self-Government Department, through an application presented on behalf of Mr. Raju by Mr. Satyamurti."

Mr. D. NARAYANA RAJU :—"But that application was rejected on the 10th August. The answer says that. I want to know what fresh facts were brought to the notice of the Government after the rejection of that application?"

The hon. Dr. P. SUBBARAYAN :—"That application was rejected by the Secretary; but as I told Mr. Satyamurti himself when he came and saw me, the matter was not considered by me before that time."

Mr. D. NARAYANA RAJU :—"May I know if anybody else brought these facts to the notice of the hon. the Minister between the 10th and 12th August?"

The hon. Dr. P. SUBBARAYAN :—"As far as I can remember, nobody else brought them to my notice."

Eligibility of local fund servants for holding office in co-operative societies.

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

(a) whether the Government have prohibited local fund employees in schools or elsewhere from holding any office in the co-operative societies; and

(b) if so, why, and whether they will place a copy of their order on the table of the House?

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A.—Local fund employees have, on the analogy of Government servants, been prohibited from holding office in co-operative societies except those composed wholly of such employees or partly of such employees and partly of Government servants. A copy of G.O. No. 3368, L. & M., dated the 18th July 1929,* issued in the matter, is placed on the table.

Mr. T. ADINARAYANA CHETTIYAR :—“The Government Order refusing permission to local board employees to take any part in the management of co-operative societies was issued, as stated on page 12 of the answer paper, on a reference from the President of Madura District Board. May I know whether the President of the Madura District Board merely asked for enlightenment or had he any complaints to make of undue interference in such matters on the part of any local board employees?”

The hon. Dr. P. SUBBARAYAN :—“If the hon. Member will turn to the appendix he will find exactly that this order was issued on a reference from the District Board President, Madura.”

Mr. T. ADINARAYANA CHETTIYAR :—“Sir, I have read the reference. I am told that there was no complaint of any undue interference on the part of these employees. In the light of this, will Government be pleased to reconsider the matter?”

The hon. Dr. P. SUBBARAYAN :—“As far as I can see, I do not think any fresh considerations have been brought forward on which this question can be considered.”

Mr. G. HARISARVOTTAMA RAO :—“May I know, in view of the answer given in the appendix, whether the employees of local funds are precluded from accepting remuneration even if it be the honorarium voted by the general body for the President, or Secretary from the common good fund?”

The hon. Dr. P. SUBBARAYAN :—“I must ask for notice, Sir.”

Mr. ABDUL HAMEED KHAN :—“May I know what the Government mean by saying ‘except those composed wholly of such employees or partly of such employees and partly of Government servants’? I am unable to understand it.”

The hon. Dr. P. SUBBARAYAN :—“I am sorry, Sir, the hon. Member cannot understand this. It simply means that a co-operative society can be composed of Government servants wholly, or local board servants wholly or partly by local board servants and partly by Government servants.”

Mr. ABDUL HAMEED KHAN :—“May I know what the pay of these local fund employees is in schools and what is the remuneration they would get if they work in co-operative societies?”

The hon. Dr. P. SUBBARAYAN :—“I am afraid it is too much for me to carry in my head.”

Mr. B. VENKATARATNAM put a question in Telugu.

The hon. Dr. P. SUBBARAYAN :—“No, Sir. As has been said in the answer, this Government Order was issued on a representation received from the President of the Madura District Board.”

* Printed as Appendix II on pages 992-993 infra.

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Mr. G. HARISARVOTTAMA RAO :—“May I know if the hon. the Minister is prepared to investigate into the question of remuneration and to exclude the honorarium that may be voted from out of the common good fund?”

The hon. Dr. P. SUBBARAYAN :—“I am afraid I cannot give any undertaking of that kind.”

Mr. B. VENKATARATNAM put a question in Telugu.

The hon. Dr. P. SUBBARAYAN :—“As I said, Sir, there is no question of complaint at all. The order was based on a reference by the President of the Madura District Board.”

Mr. C. N. MUTHURANGA MUDALIYAR :—“May I know what is meant by ‘head of the office’ referred to in the explanatory note in the Appendix? Is it the local official or the Government department concerned?”

The hon. Dr. P. SUBBARAYAN :—“‘Head of the office’ referred to there, I think, refers to the head of the office in the district concerned.”

Mr. G. HARISARVOTTAMA RAO :—“May I know if the hon. the Minister is prepared to re-examine the order once again?”

The hon. Dr. P. SUBBARAYAN :—“As I have already said, unless fresh facts can be brought forward to convince me that this order should be reconsidered, I am not prepared to reconsider the matter.”

Navigation

Complaints from the firewood merchants in the city for not affording facilities for the transport of firewood.

* 847. Q.—Dr. B. S. MALLAYYA : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received complaints from the firewood merchants in the city regarding the delay in getting permits for the transport of firewood;

(b) whether he proposes to consider the question;

(c) whether he proposes to lower the licence fee now charged;

(d) whether he has received complaints that the closing of the Public Works water tap at Basin Bridge for some hours in the day is causing inconvenience to the firewood merchants;

(e) whether he will cause it to be kept open at all hours;

(f) what the cost of firewood per ton in the City of Madras now is and whether he has ascertained the reasons for this high price?

A.—(a), (b), (d) & (e) Complaints were received and sent to the Chief Engineer for Irrigation for disposal.

(c) No.

(f) The price per ton has been about Rs. 28 to Rs. 30 for the past month. The depot-keepers have used the closure of the canal as an excuse for raising the price. The canal was opened for through traffic on the 1st October 1929.

Dr. B. S. MALLAYYA :—“May I know whether the Government have issued instructions to the Chief Engineer to remedy the difficulties pointed out in the complaints?”

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The hon. Mr. A. Y. G. CAMPBELL :—"The complaints, as stated in the answer, were sent to the Chief Engineer for disposal; and the Chief Engineer or his officers will no doubt investigate them and pass such orders as are necessary, if they find the complaints well founded."

Dr. B. S. MALLAYYA :—"Delay in the issue of permits and other persecutions on the part of the Government officials led to enhancement of the rates of firewood in the city."

The hon. the PRESIDENT :—"The hon. Member is making a speech."

Dr. B. S. MALLAYYA :—"They are still ruling very high; I should like to know what the Government have done to lower these rates?"

The hon. Mr. A. Y. G. CAMPBELL :—"As regards the complaints, as stated in the answer, they have been sent to the Chief Engineer for disposal."

Dr. B. S. MALLAYYA :—"The reply to my question is not yet forthcoming. The question is whether there is any proposal to reduce the licence fee and the reply is no. I should like to know whether the lowering of the fee will not lower the prices of firewood in the city?"

The hon. Mr. A. Y. G. CAMPBELL :—"That is possible, but I do not know to what extent it will lower the prices."

Dr. B. S. MALLAYYA :—"The ruling price of firewood in the city is given as Rs. 28 to Rs. 30 in the answer. It was formerly only Rs. 8 or Rs. 10. I should like to know from the Government at what rate per ton they are selling firewood to the contractors from the forests?"

The hon. Mr. A. Y. G. CAMPBELL :—"I must ask for notice, Sir."

Dr. B. S. MALLAYYA :—"Sir, if the Government know that it was once sold at Rs. 8 and Rs. 10 a ton and is now sold at Rs. 30 a ton, what steps do the Government propose to take to see that the rate is lowered?"

The hon. Mr. A. Y. G. CAMPBELL :—"I do not propose to take any steps."

Mr. S. SATYAMURTI :—"May I know the reasons why the Government do not propose to lower the licence fee now charged?"

The hon. Mr. A. Y. G. CAMPBELL :—"Licence fees of all kinds have been fixed at certain rates; and unless special reasons are given for lowering them, I do not think that the question can be considered."

Mr. S. SATYAMURTI :—"May I know the reasons why the Government do not propose to lower the licence fee in view of the admitted hardship that is bound to be caused to the poor and middle classes in the city by the sudden rise in the price of a very necessary article used in all domestic households?"

The hon. Mr. A. Y. G. CAMPBELL :—"There has not been any sudden rise, I think."

Mr. S. SATYAMURTI :—"May I know if the Government have made any enquiries with regard to this matter and if they are satisfied that there has been no sudden rise, and if so, on what grounds?"

The hon. Mr. A. Y. G. CAMPBELL :—"I am speaking from memory. But my information is that it has risen recently only by Rs. 2 or Rs. 3. That may be a temporary rise in price and it may come down at any moment."

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Mr. S. SATYAMURTI :—"May I know if the Government will watch the course of prices, and if they do not come down, whether they will take the necessary steps?"

The hon. Mr. A. Y. G. CAMPBELL :—"If necessary, I shall do so."

Mr. K. V. R. SWAMI :—"May I know whether the Chief Engineer has disposed of those complaints?"

The hon. Mr. A. Y. G. CAMPBELL :—"I want notice of the question."

Mr. ABDUL HAMEED KHAN :—"May I know what the licence fee is?"

The hon. Mr. A. Y. G. CAMPBELL :—"I am sorry I cannot tell the hon. Member now."

Mr. ABDUL HAMEED KHAN :—"May I know if this licence fee has been in existence for a long time?"

The hon. Mr. A. Y. G. CAMPBELL :—"I believe so; however, I must ask for notice of the question."

Dr. B. S. MALLAYYA :—"May I know whether the hon. the Revenue Member will be pleased to ask the Forest department to open a few depots in the city to sell firewood at the rate of Rs. 5 or Rs. 8 a ton for a month or two?"

The hon. Mr. A. Y. G. CAMPBELL :—"The question should be addressed to the hon. Member in charge of Forests."

Mr. G. HARISARVOTTAMA RAO :—"May I know if the hon. the Revenue Member is aware of the fact that within recent times firewood was selling in Madras between Rs. 15 and Rs. 18?"

The hon. Mr. A. Y. G. CAMPBELL :—"I am not personally aware of that fact."

Famine

Failure of monsoon in the Bellary district.

* 848 Q.—Mr. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the last monsoon has been a failure in the district of Bellary;

(b) whether there has been no sowing of the preliminary crop in the district and the little extent sown has withered for want of timely rains;

(c) whether the 'Hingari' or late crop failed last year also and whether suspensions and remissions were granted as the result thereof;

(d) whether water is now scarce and the fodder is insufficient in the district;

(e) whether unemployment is acute among the labouring classes in the district; and

(f) what steps the Government propose to take to remedy the scarcity in the district?

A.—(a) The rainfall has been below the average for the period.

(b) The extent cultivated under 'wet' was nearly equal to that of last year but the extent cultivated under 'dry' was less than half. In the middle of September the dry crops were reported to be withering, but since then there has been heavy rain.

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- (c) Yes, in certain villages of the Bellary taluk. The collection of half of the revenue for fasli 1338 in 53 villages and of the entire revenue for the same fasli in 31 villages of the Bellary taluk was suspended. The remission and further suspension of the suspended revenue of fasli 1336 in some of the villages in the Bellary and Rayadrug taluks were also sanctioned.
- (d) Before the recent rains it was reported that drinking water was generally sufficient except in a few villages; that water was generally inadequate for irrigation, except in the Tungabhadra channels and the Kamalapuram tank of the Hospet taluk, and that fodder was running short.
- (e) The demand for agricultural labour was reported to be slackening.
- (f) No special measures are contemplated at present. The Collector is watching the progress of the season closely and will take such steps as he may find necessary, e.g., by expanding the programme of public works, to relieve any serious unemployment among the labouring population and the smaller ryots.

Forest Panchayats

Removal of some of the members of the Erragondapalam Panchayat.

* 849 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state with reference to answers to question No. 1565 answered on 1st March 1929—

- (a) whether the panchayat of which Mr. D. Narasimham Pantulu was the president, was an elected panchayat;
- (b) whether the order of the Forest Panchayat Officer which was said to have been disobeyed was passed in writing;
- (c) whether the Deputy Tahsildar for Forest Panchayats was present at some meetings of the Erragondapalam Panchayat during 1926-27 and whether he was present at the meeting at which it was decided to remove one of the watchers and at which the question of compounding the offence mentioned in charge No. (1) was also discussed and settled; and
- (d) if so, what advice he gave on the subjects discussed at the meeting?

A.—(a) All panchayats are elected by the general body of cattle owners of the villages concerned. The Government have no reason to suppose that this particular panchayat was not so elected.

(b) Yes; the order of the Forest Panchayat Officer was communicated to the president of the panchayat by the Panchayat Deputy Tahsildar with the necessary instructions in Telugu. Copies of the Forest Panchayat Officer's order and the instructions of the Panchayat Deputy Tahsildar were laid on the table of the House on 1st March 1929.

(c) & (d) The Government have not the information.

Mr. G. HARISARVOTTAMA RAO:—"With reference to the answer to clauses (c) and (d) of the question, may I know whether the hon. the Revenue Member will be pleased to call for the information?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir."

9th October 1929]

Irrigation

Examination of derelict tanks in Kurnool district by the Tank Restoration Scheme Party.

* 850 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state with reference to answer given to my question No. 292 on the 10th August last, regarding the examination of derelict tanks in Kurnool district by the Tank Restoration Scheme Party—

- (a) whether the Government have received the report called for; and
- (b) if so, what it is?

A.—(a) & (b) Yes. The Tank Restoration Scheme Party has not yet taken up derelict tanks in Kurnool district. It will start work in that district after completing the work in Cuddapah district which is expected to take another year.

Mr. G. HARISARVOTTAMA RAO:—"May I know why the examination by the Tank Restoration Scheme Party should not be carried on simultaneously in the districts within the area of the party?"

The hon. Mr. A. Y. G. CAMPBELL:—"Obviously, unless more money is to be spent on the restoration of tanks, there cannot be more work done in this direction; and it is more convenient to have the work concentrated, so that better supervision can be carried out."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether it would not be to the advantage of the tracts concerned if in all the districts the work is taken up simultaneously, at any rate urgent work and work which can be done easily?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think so. It will conduce to the diffusion of the staff and it will be very much more difficult to supervise the work in all places."

Mr. K. V. R. SWAMI:—"May I know if this party cannot be further strengthened, so that it can take up immediately such urgent work as should be attended to at once?"

The hon. Mr. A. Y. G. CAMPBELL:—"There has been some strengthening of the Tank Restoration Scheme Parties in the last year or two. Government think that there need not be any more strengthening at present; but if there is a demand for it, the matter will be considered at the time of the next budget."

Mr. K. V. R. SWAMI:—"May I know whether the whole amount sanctioned for the party can be spent within the year with the present staff?"

The hon. Mr. A. Y. G. CAMPBELL:—"The work done by this party is investigation, preparation of estimates, repairs to minor irrigation works, etc. Perhaps the hon. Member is not quite aware of what is being done by this party. There seems to be no reason why the allotment for the party should not be spent."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the Revenue Department is being required to work out the preliminaries to help this party in the districts, before it actually takes up the work?"

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

[9th October 1929]

Revised estimates for the Theppayapalem project.

* 851 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Chief Engineer has submitted the revised estimates for the Thippayapalem project; and

(b) whether any provision is being made for the work in the next budget?

A.—(a) No.

(b) If the revised estimate is received by Government in time, the question of making provision for the scheme in the next budget will be considered.

Mr. G. HARISARVOTTAMA RAO:—"May I know, in view of the long-standing nature of the project, whether the hon. the Revenue Member will ask the Chief Engineer to expedite the matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir; I shall do that."

Repairs to the supply channel in Kurnool district.

* 852 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state in reference to answers given to my question No. 291 answered on 10th August last regarding repairs to the supply channel in Kurnool district—

(a) whether the Government have received the report called for; and

(b) if so, what it is?

A.—(a) & (b) The report has not yet been received.

Mr. G. HARISARVOTTAMA RAO:—"In this case also, may I ask the hon. the Revenue Member to expedite the matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"We have already sent a reminder to the Chief Engineer."

Repairs to Gonteru drain.

* 853 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state—

(a) with reference to paragraph 4 of the letter from the Executive Engineer, Godavari Western Division, printed at pages 514 and 515, Volume 37 of the Council proceedings, whether a detailed report on the result of the observations made since 1924 has been submitted as to the necessary repairs to Gonteru drain and if so, what that report is;

(b) whether the Executive Engineer, Godavari Western Division, has received any representation from the people of Iragavaram village that their dwelling houses are also threatened with damage as a result of the present state of the drain near their village;

(c) whether it is a fact that the lands of Iragavaram and neighbouring villages are affected by submersion as a result of want of repairs to the upper portion of the Gonteru drain known as Konteru drain; and

(d) whether any proposals for repairs to the drain with a view to give relief to Iragavaram and neighbouring villages are under consideration?

A.—(a), (b), (c) & (d) The Government have called for a report.

9th October 1929]

Land Revenue*Kudimaramat in Cumbum and Markapur taluks.*

* 854 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state with reference to answers given to my question No. 327 on the 10th August last regarding kudimaramat in Cumbum and Markapur taluks—

(a) whether the Government have received the further information called for; and

(b) if so, what the answer is to (a) to (e) of my question No. 529 asked on the 11th of October 1928?

A.—(a) & (b) The information received is still incomplete. It has been necessary to call for a further report.

Mr. G. HARISARVOTTAMA RAO:—"May I know in view of the fact that this is also a longstanding affair, when the information was called for last?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think it was about a month ago."

Public Holidays*Substitution of a holiday for Gyarween-Shareef for the sectional holiday for Bakrid.*

* 855 Q.—Mr. BASHEER AHMAD SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) the names of the members of the Muhammadan public and the associations whose opinion the Government is stated in G.O. No. 87, Public, dated 26th January 1929, to have ascertained on the question of granting a holiday for Muhammadans for Gyarween-Shareef;

(b) whether a copy of all the opinions given by the Muhammadan public will be placed on the table of the House; and

(c) which of the individuals and associations of the Muslim community have suggested that a holiday for Muslims only on the 11th day of Rabi-us-Sani should be substituted for the existing sectional holiday for Bakrid, whose suggestion is stated to have been accepted by Government?

A.—(a), (b) & (c) The attention of the hon. Member is invited to the answer given to clauses (c) and (d) of question No. 1638 asked at the meeting of the Legislative Council on the 2nd March 1929. The Government do not consider that any useful purpose would be served by calling for the names of particular individuals and associations as suggested in clause (a) of the question, or for copies of their opinions as suggested in clause (b); the answer already given to question No. 1638 correctly summarizes the position.

Mr. BASHEER AHMAD SAYEED:—"May I know from the hon. the Revenue Member whether he will be pleased to place on the table the reports of the Collectors on which the Government is supposed to have acted?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will consider the suggestion."

[9th October 1929]

Mr. ABDUL HAMEED KHAN :—" Will the Government consider the fact that this will create heart-burning and discontent among those who are affected and will the Government be prepared to consult the Mussalman Member of this House in regard to the matter of substitution ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I will consider the suggestion. "

Mr. MAHMUD SCHAMNAD :—" May I know whether Government have consulted the Kazi of Madras, the Muhammadan Educational Council of Southern India, etc. ? "

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

Mr. BASHEER AHMED SAYEED :—" May I know whether the hon. the Home Member was consulted before the Government Order was issued ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The Government as a collective body is responsible for the order. It is not usual or expedient to disclose which particular Members were consulted before orders are issued. "

Mr. K. V. R. SWAMI :—" May I know whether the consent of the Home Member was obtained ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I have already answered the question. "

Mr. MAHMUD SCHAMNAD :—" May I know whether the Government will be pleased to reconsider the matter ? "

The hon. Mr. A. Y. G. CAMPBELL :—" If a case is made out I will consider the matter, but orders have already been passed after careful consideration. "

Mr. ABDUL HAMEED KHAN :—" May I know whether Government know the reasons for substituting a holiday for Gyarween for Bakrid ? "

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

Public Service

Powers of Assistant Secretaries in the Secretariat regarding appointment and punishment of subordinates.

* 856 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR : With reference to the answer given to question No. 216 answered at the meeting of the Council held on 10th August 1929 with reference to powers of Assistant Secretaries in the Secretariat regarding appointment and punishment of subordinates will the hon. the Member for Revenue be pleased to state whether the information has been collected and when it will be placed on table of this House ?

A.—The information has been collected and supplied to the hon. Member in the Public Department letter No. 985, dated 28th September 1929.

Mr. A. RANGANATHA MUDALIYAR :—" May I know from the hon. Member what the answer to the last part of this question is ? "

The hon. Mr. A. Y. G. CAMPBELL :—" If the hon. Members want the information I will place it on the table of the House. "

[9th October 1929]

Settlement of the powers of the Local Government and the Madras Services Commission.

* 857 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(a) whether in pursuance of the undertaking given during the discussions on the Madras Services Commission Bill, the Government have addressed the Secretary of State for a change in the classification rules with a view to settle the relationship between the Local Government and the Madras Services Commission ; and

(b) if so, what is the nature of the changes proposed by the Local Government ?

A.—(a) & (b) No. The proposals to be made are under the consideration of Government.

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

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think the Viceroy has given his assent to the Bill. "

Mr. S. SATYAMURTI :—" As soon as the Governor-General's assent is received will Government send up proposals ? "

The hon. Mr. A. Y. G. CAMPBELL :—" As soon as possible ; we are proceeding in the Secretariat on this assumption that the Governor-General will assent to the Bill. "

Village Establishment

Allowances to karnams attending Taluk offices.

* 858 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether any provision is being made in the next budget for granting allowances to karnams attending Taluk offices ; and

(b) if so, what the amount is ?

A.—(a) & (b) As the financial results of restoration of village officers cannot be known for some months no provision will be made in the budget estimates for 1930-31 for the purpose mentioned in the question.

Mr. G. HARISARVOTTAMA RAO :—" Will the hon. Member be pleased to consider the question of these allowances without reference to what may be the results of the restoration of village officers financially ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I think that is not possible, as the condition announced to this House was that former expenditure should not be exceeded. "

Mr. K. KOTI REDDI :—" May I know whether along with the question of karnams, the case of village menials also would be considered ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I presume that they will be considered, as well. "

[9th October 1929]

Conduct of the village officers' examination.

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

(a) whether printed question papers are given to candidates appearing for the village officers' examination and if not, when the practice ceased and why; and what the present practice is;

(b) whether the questions are now dictated to candidates to be taken down and if so, the average time occupied by the candidates in taking down the questions and whether that time is excluded from the three hours meant for answering the questions;

(c) whether the candidates are required to pay any fee for appearing for the village officers' examination; and

(d) if so, what the average income is from it, how much of it is normally spent as remuneration for setting the question papers, examining the answer papers, superintendence, stationery, etc., and what the savings, if any, amount to?

A.—(a) & (b) The Government have not the information.

(c) Yes; twelve annas each for persons belonging to the families of karnams, assistant karnams, headmen or munsifs holding office; and four rupees each for others. One payment of fees at these rates entitles a candidate to appear for the examination twice.

(d)

	RS.
Average receipts for three years ending 1928-29...	13,995
Average expenditure for three years ending 1928-29	6,051
Average savings	7,944

With effect from the current year, the scale of fees to be paid to examiners has been doubled. It is anticipated that the average annual savings will in future be about Rs. 2,000.

Mr. A. RANGANATHA MUDALIYAR:—"In view of the facts that if the question papers are dictated by the superintendents, it takes time for the candidates to take them down, that the dictation may be done well or badly, and that no allowance is made for the time taken in taking down the questions, will the Government call for the information as to what the exact practice now is?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the examination is held once a year or twice a year?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am sorry, I must ask for notice, Sir."

Mr. K. V. R. SWAMI:—"May I know from the hon. Member whether this dictation practice is not too antiquated?"

The hon. Mr. A. Y. G. CAMPBELL:—"The printing and circulation of papers for a large number of candidates and examination centres would cost a considerable sum of money."

9th October 1929]

Mr. K. V. R. SWAMI:—"May I know whether this Government is particular in making some money in this matter whether it suits the people examined or not?"

The hon. Mr. A. Y. G. CAMPBELL:—"No, Sir. We do not want to make money out of these examinations."

Forests*Supply of agricultural implements at stipulated rates.*

* 860 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Law Member be pleased to state, with reference to the answers to my question No. 285, answered on 10th August 1929, what action he has taken in the matter of requiring contractors to supply agricultural implements at stipulated rates not only at the edge of coupes but elsewhere also?

A.—The matter is under consideration.

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Law Member with whom this question is pending, whether in the Forest department, or the Collector or the Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"The matter is under correspondence with the Chief Conservator."

Revenue from grazing permits issued in the South Kanara district.

* 861 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state—

(a) the number of grazing permits issued in the South Kanara district to (i) cows and oxen, (ii) buffaloes; and

(b) the grazing fee derived under both the heads (i) and (ii) (including panchayats, if any) in each of the years 1900 to 1928?

A.—(a) & (b) A statement* is appended. There are no forest panchayats in South Kanara.

Mr. K. R. KARANT:—"With reference to the statement on page 993, may I ask the hon. Member whether Government have considered the question as to why the number of cattle are gradually decreasing from the year 1910-11?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir, the Government have not considered it."

Mr. K. R. KARANT:—"Will the Government be pleased to consider this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, I will consider the suggestion."

Mr. K. KOTI REDDI:—"Are there no forest panchayats in South Kanara?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No forests that can be handed over to panchayats."

* Printed as Appendix III on page 993 infra.

[9th October 1929]

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(a) whether printed question papers are given to candidates appearing for the village officers' examination and if not, when the practice ceased and why; and what the present practice is;

(b) whether the questions are now dictated to candidates to be taken down and if so, the average time occupied by the candidates in taking down the questions and whether that time is excluded from the three hours meant for answering the questions;

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[9th October 1929]

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A.—The matter is under consideration.

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(a) the number of grazing permits issued in the South Kanara district to (i) cows and oxen, (ii) buffaloes; and

(b) the grazing fee derived under both the heads (i) and (ii) (including panchayats, if any) in each of the years 1900 to 1928?

A.—(a) & (b) A statement^a is appended. There are no forest panchayats in South Kanara.

Mr. K. R. KARANT:—"With reference to the statement on page 998, may I ask the hon. Member whether Government have considered the question as to why the number of cattle are gradually decreasing from the year 1910-11?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir, the Government have not considered it."

Mr. K. R. KARANT:—"Will the Government be pleased to consider this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Yes, I will consider the suggestion."

Mr. K. KOTI REDDI:—"Are there no forest panchayats in South Kanara?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No forests that can be handed over to panchayats."

[9th October 1929]

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the Law Member has examined the question whether there are not enough forests to be handed over to panchayats ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Extent of cultivable land in the Kupgal and Nanlikal reserves of Adoni taluk.

* 862 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the extent of cultivable land available respectively in the Kupgal and Nanlikal reserves of Adoni taluk, Bellary district ?

A.—The extent of cultivable land available in Kupgal reserved forest and its addition is reported to be 177 acres on the west side of the railway line and 1,742 acres on the east side of the railway line. There is no reserve by name Nanlikal in Adoni taluk of Bellary district.

Mr. A. RANGANATHA MUDALIYAR :—" Since I sent this question last August, the Government may have ascertained the correct name of the forest from me. I ask now, whether Government will call for similar information in regard to Nowlikal forest which is the correct name ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If my hon. Friend will hand over to me, in writing, the name of the forest, I will enquire into that."

Jails

Formation of special division for prisoners.

* 863 Q.—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

- (a) when the special division of prisoners was formed ;
- (b) how many prisoners were placed in this division in each year since it was formed ;
- (c) the nature of offence committed by each such prisoner ; and
- (d) the court by which each was convicted ?

A.—(a) & (b) The attention of the hon. Member is invited to the answer given to question No. 383 on 13th August 1929.

(c) & (d) A statement^a is laid on the table.

Mr. K. V. R. SWAMI :—" May I know from the hon. the Law Member whether it is not a fact that this special division was formed in 1922 ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" In the answer given the hon. Member is referred to question No. 383 answered on 13th August 1929."

Mr. K. V. R. SWAMI :—" May I know whether all the prisoners undergoing imprisonment for political offences after this division was formed were placed in that division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I want notice, Sir."

^a Printed as Appendix IV on page 994 infra.

[9th October 1929]

Mr. S. SATYAMURTI :—" May I know why no prisoners have been placed in this division since 1923 ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am not in a position to answer that question."

Mr. S. SATYAMURTI :—" May I know why Mr. B. Sambamurti is not placed in the special division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice."

Mr. S. SATYAMURTI :—" May I know why Mr. Annapurniah is not placed in this division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

Mr. S. SATYAMURTI :—" May I know why Mr. Vellore Kuppaswami Mudaliyar is not placed in this special division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Same answer."

Mr. ABDUL HAMEED KHAN :—" May I know then, which are the prisoners that are placed in the special division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Persons who are generally sentenced to simple imprisonment make a request to the trying magistrate. When the trying magistrate grants that request, it comes to the Government and the Government has to give sanction."

Mr. ABDUL HAMEED KHAN :—" May I know if the Government do not place him in the division without a request from the prisoner himself ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Not ordinarily."

Mr. ABDUL HAMEED KHAN :—" May I know then, which are the extraordinary cases in which Government place them in that division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There has not been any such case till now."

Mr. K. V. R. SWAMI :—" May I know whether this rule of application to the trying Magistrate is intended to humiliate the prisoner ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. It is not meant to humiliate the prisoner."

Mr. S. SATYAMURTI :—" May I know if there are any principles on which Government acts in treating these prisoners as special, or not so treating them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The principle is this, that they must request the trying magistrate and he must grant the request."

Mr. S. SATYAMURTI :—" Have the Government issued or do they propose to issue any instructions to the trying magistrates, in respect of this matter ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" As a matter of fact, as I said the other day, all the rules in connexion with special division prisoners are under the consideration of Government."

Mr. BASHEER AHMED SAYEED :—" May I know whether it is not a fact that Government even now are empowered to take action *suo motu* in placing political prisoners in special divisions ? "

[9th October 1929]

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Certainly Government have ample powers in all these matters, but they do not exercise these powers unless the preliminaries are complied with."

Mr. T. ADINARAYANA CHETTIYAR :—"Now that the case of Annapurniah has been before the attention of the hon. Member, for several weeks, may I know why he still wants notice?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Because, it is only after I receive notice that I can get information from the authorities."

Mr. G. HARISARVOTTAMA RAO :—"May I know if there are any cases of political prisoners now in jails under the consideration of the Government, for inclusion in the special division?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"No."

Mr. S. SATYAMURTI :—"May I know if pending the final decision of this Government on the Jail Code, they have no principles governing the action with regard to the treatment of certain prisoners as special division prisoners?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I have already answered that question more than once."

Mr. B. VENKATARATNAM :—" (Put the question in Telugu.) Whether there has been any communiqué from the Government of India with regard to special division prisoners?"

The hon. the PRESIDENT :—"It has been answered."

Mr. BASHEER AHMED SAYEED :—"When the rules provide that Government themselves should move *suo motu*, why should they require a requisition from prisoners?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The rules do not provide that. What I said was that Government generally have power in all these matters."

Mr. A. KALESWARA RAO :—"Will the Government consider the question of placing the last communiqué from the Government of India on the table of the House?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I shall consider that suggestion."

Mr. C. S. GOVINDARAJA MUDALIYAR :—"Now that instances have been brought to the notice of Government, will the Government take action and place those persons whose names have been mentioned by my hon. Friend Mr. Satyamurti in the special division?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I shall consider the suggestion."

Mr. A. KALESWARA RAO :—"May I know whether Government are aware that in England all persons convicted of sedition are necessarily be placed in a first class division?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"My information is otherwise."

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Mr. S. SATYAMURTI :—"May I know what the consideration is which the Government are bestowing on this question of the treatment of political prisoners and what is the nature of the consideration they are now engaged in?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"They are taking the opinion of the officers connected with jails, non-official visitors and other non-officials, namely, some of the members of this Council and considering also the discussion that took place in this Council the other day."

Mr. S. SATYAMURTI :—"May I know whether political prisoners like my distinguished friend Mr. Yakub Hasan and others who have tasted the sweets of these places are proposed to be consulted by Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The opinion of some persons has been invited and I do not know whether in that list any person like Mr. Yakub Hasan is included."

Mr. S. SATYAMURTI :—"May I ask if in that list of persons, there are any persons who, to the knowledge of the Government, have been in jail for political offences and who know at first hand what the difficulties are and have the Government consulted them or do they propose to consult any political ex-convicts?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Notice, Sir."

Mr. A. KALESWARA RAO :—"May I know whether Government will place the proposals before this House and will allow discussion in this House?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I cannot give a definite answer to that now."

Mr. ABDUL HAMEED KHAN :—"The hon. the Law Member said that some of the members of this House have been consulted. May I know on what basis differentiation has been made between some members and others?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Some selection has to be made."

Mr. ABDUL HAMEED KHAN :—"On what basis the selection has been made?"

Mr. A. KALESWARA RAO :—"Is it on their experience in jails?"

Depressed Classes

Educational facilities for the depressed classes in Cheyyur Zamindari.

* 864 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Home Member be pleased to state—

(a) the number of cheris in Cheyyur Zamindari in Madurantakam taluk, Chingleput district;

(b) the approximate population of the depressed classes in these cheris;

(c) the number of public elementary schools;

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- (d) the number of labour schools;
 (e) the number of aided mission schools; and
 (f) the number of depressed classes children attending these schools?
 A.—The Government have no information.

Rao Sahib R. SRINIVASAN:—"Will the hon. the Home Member call for the information asked for?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir, taking into consideration the labour involved on that."

Mr. K. V. R. SWAMI:—"As it is a very important matter, will the hon. Member consider that the information should be called for?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"In a matter like this, a great deal of trouble and labour is involved and so I do not think it necessary to call for the information."

Educational facilities for the depressed classes in Chunampet Zamindari.

* 865 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Home Member be pleased to state—

- (a) the number of cheris in Chunampet Zamindari in Chingleput district;
 (b) the approximate population of the depressed classes in those cheris;
 (c) the number of public elementary schools;
 (d) the number of Labour schools;
 (e) the number of aided Mission schools; and
 (f) the number of depressed classes children attending those schools?
 A.—The Government have no information.

Rao Sahib R. SRINIVASAN:—"Will Government be pleased to call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir, it is not necessary."

Mr. S. SATYAMURTI:—"May I know why Government which professes to have so much sympathy, do not think it possible to call for information?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"If it could serve any useful purpose, I am prepared to call for the information. But, if we go on calling for information of this sort, the regular work of the office will suffer."

Mr. S. SATYAMURTI:—"May I know if Government thinks that the education of these unfortunate classes is too small a matter for consideration?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir, I have no objection if the information would be useful. If it is the wish of hon. Members that I should call for information, I am thoroughly prepared to do so."

Mr. K. V. R. SWAMI:—"Does the hon. Member expect that members of this House should go privately and request him with bended knees?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I refuse to answer that question."

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Police

Alleged attempt at rape by Mr. B. Ramachandra Rao, Sub-Inspector of Police, Hindupur.

* 866 Q.—Diwan Bahadur P. KESAVA PILLAI: Will the hon. the Home Member be pleased to state—

(a) whether on the 28th July last there was a complaint by a Vaisya girl of nine years of age against the Sub-Inspector of Hindupur (Anantapur district), B. Ramachandra Rao, of attempt at rape;

(b) whether the local officers of the department including the District Superintendent of Police, on enquiry, found the Sub-Inspector guilty and recommended his dismissal;

(c) whether the Deputy Inspector-General of Police regarded the matter as too trivial for punishment; and

(d) whether the Government will call for the papers and impress upon the Inspector-General of Police the gravity of the complaint made against the Sub-Inspector?

A.—(a) to (d) The Government have no information but have called for it.

Mr. C. OBI REDDI:—"May I know whether Government got the information since furnishing the answer?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir, as a matter of fact, the moment I received the complaint from my hon. Friend Mr. P. Kesava Pillai I called for the information. I have not yet received it."

Mr. K. V. R. SWAMI:—"May I know whether the matter was ever before the notice of the hon. the Home Member?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir. It was first brought to my notice by Mr. Kesava Pillai and immediately I called for the information."

Mr. S. SATYAMURTI:—"Will the hon. Member place the information on the table of the House when information is obtained?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I must consider that suggestion. It may not be possible, taking into consideration the delicate nature of the question."

Mr. S. SATYAMURTI:—"May I know what is the delicate nature in it? If it is a fact, it will be a fact. If it is not, it is not?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Government have to consider the question of the regulation of a young girl of a nine years which is involved in this case."

Civil Justice

Proposed appointment of a Legal Remembrancer.

* 866-A Q.—Mr. C. S. GOVINDARAJA MUDALIYAR: Will the hon. the Law Member be pleased to state—

(a) whether the Government have decided to create a new office, namely, that of a Legal Remembrancer;

(b) the main reasons and considerations therefor;

(c) on whose representation or representations the Government have acted;

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- (d) the emoluments that are to be attached to the office ;
 (e) whether the office is to be a provisional or permanent one ;
 (f) the functions to be discharged by the holder of the office ;
 (g) whether the Government propose to take the sanction of the Council before creating the office ;
 (h) whether the claims of the bar will be considered in filling up the vacancy ;
 (i) whether the Government propose to confine the selection to officers in the Judicial service ; and
 (j) if so, whether the claims of officers now serving in the mufassal will be considered.

4.—(a) to (j) The Advocate-General has suggested that a Legal Remembrancer may be appointed. The suggestion is under the consideration of Government.

Mr. C. S. GOVINDARAJA MUDALIYAR :—“ May I know whether Government will come to a decision before the present sitting of the Council is concluded ? ”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—“ I cannot give any such undertaking.”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I cannot give any such promise.”

Mr. S. SATYAMURTI :—“ It is all the same whether the Home Member gives the reply or the Law Member gives it. With reference to clause (g) I want to know whether the Government propose to take the sanction of the Council before creating the office and if not, why not ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ That is a hypothetical question. That contingency will arise only if the Government come to the conclusion of creating this office. So that, I am not prepared to answer the question of my hon. Friend, namely, if the Government come to the conclusion of creating this office, will the Government come before the Council.”

Mr. S. SATYAMURTI :—“ May I know when the Government will be in a position to come to a final decision ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ As early as possible ”

Mr. A. KALESWARA RAO :—“ Will it be months or years, Sir ? ”

The hon. the PRESIDENT :—“ That is cross-examination.”

UNSTARRED QUESTION

Civil Justice

Disposal of civil suits filed against Government in each of the Telugu districts in 1927 and 1928.

867 Q.—Mr. V. KAMESWARA RAO : Will the hon. the Law Member be pleased to state—

(a) how many civil suits were filed against Government in each of the Telugu districts in 1927 and 1928 ; and

(b) how many of them were decided against Government ?

A.—(a) & (b) Figures have been called for.

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

II

THE MALABAR TENANCY BILL.

11-45
a.m.

Clause 28.

* Mr. G. HARISARVOTTAMA RAO :—“ Mr. President, Sir, I move—
 ‘ that the proviso be deleted.’ ”

“ I do not want to take much time of the House. It is already admitted that there is rack-renting in Malabar by the Raghavayya Committee, and it is also admitted by the majority of those who know anything about that matter that rack-renting should cease immediately. I don't want that the tenant should be in suspense for twelve years, and should be suffering under rack-renting for all these long years. Therefore I move that this proviso should be deleted.”

Mr. BASHEER AHMED SAYEED :—“ I second it.”
 The amendment was put and negatived.

Proviso.

* Mr. A. RANGANATHA MUDALIYAR :—“ I beg to move, Sir—

‘ that for the words “ for a period of twelve years from such date ” the words “ till such time as the fair rent is fixed under the provisions of this Act ” be substituted.’ ”

“ My reasons for moving this amendment are simple and few. Sir, we are all proceeding on the assumption that there is at present rack-renting in Malabar, and that we propose in lieu of it to give fair rent. Now, I think it is hard for the tenants to pay rack-rent, and therefore the sooner it is put an end to the better. I do not see why they should be allowed to suffer under it for twelve years.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—“ I second it.”

* The hon. Mr. A. Y. G. CAMPBELL :—“ Mr. President, Sir, the reason why the present rent should continue for at least twelve years is that otherwise it would upset the economic position of the landlords very much. They are to be made to make some sacrifices, and if any sudden change is introduced it would upset their family budgets. It is therefore considered necessary that we should give the landlords some time to adjust themselves to the altered conditions, and the period of twelve years is considered sufficient for that purpose. The tenants have been accustomed to the present rents for so long that I hope they will be able to put up with them for a little time more. We don't want to make things too difficult for the landlords.”

* Mr. S. SATYAMURTI :—“ I quite sympathise with the view of the hon. the Revenue Member, that we ought not to disturb the landlord's budget, and therefore you should not support the amendment, which seeks to make the fair rent start immediately after the passing of this Act. Sir, the amendment of my hon. Friend, Mr. Ranganatha Mudaliyar, is a much more modest one. It simply leaves to the parties concerned, to see the fair rent fixed. Therefore, I think it is fair that from the date on which this Act comes into force, it should be open to the landlord and the tenant to go on the basis of

[Mr. S. Satyamurti]

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that fair rent. I do not want to repeat, but I think, the common basis of this Bill is that there is rack-renting in Malabar. To the new cultivating tenant, the Bill provides for the fixing of fair rent by resort to courts of law; but for the already existing cultivating tenant, the Bill does not afford any relief. I do not see any reason why he too should not have the benefit of this fair rent, so that he may not be put to the necessity of paying an admittedly high rent for more years than he must. Then, Sir, even from the point of view of the landlords, the present rates are not likely to affect them; for, in some cases, the present rates are not as high as fair rent, owing to the fact that there are arbitrary evictions. On the whole, this amendment enures to the benefit of the tenant and therefore, Sir, I would like the Government to reconsider its position, and the House to accept what seems to me, a modest and workable amendment."

* Mr. K. MADHAVAN NAYAR :—" Mr. President, I sincerely appreciate the motive of my Friends, Mr. Ranganatha Mudaliyar and Mr. Satyamurti. One fact I wish to submit to the House in this connexion. While I am agreeable to the abolition of rack-renting, there is one circumstance which the House should consider in deciding this amendment. There are very many contracts which are to enure for twelve years on the basis of this rent. The people have till now been getting this rent and they have entered into contract on the footing of this rent. Many of these contracts are for long periods and generally they last for twelve years. And this is one reason for retaining the present clause in addition to that of the disturbance of family budgets."

* Mr. K. R. KARANT :—" Mr. President, I beg to support the amendment for three reasons. One is that the economic argument that was urged cannot hold much water, because in the case of the janmi he has got the option of taking the renewal fee or not. Hereafter we have to discuss all questions on the basis of the fair rent, and I think it is on this basis that the proposition of the hon. Member representing the janmis was voted out in this House. Therefore when we are giving the janmi renewal fee on the basis of the fair rent, I wonder why the cultivating verumpattamdar should be compelled to pay the existing rent for twelve years. This is rack-renting, which admittedly is prevailing now in Malabar.

" Secondly, you will see from the proviso that in the case of all tenants who are let into the holdings hereafter that is the day after the date of the commencement of this Act, they are to have the advantage of the fair rent. But in the case of the already existing tenants who have been subject to rack-renting till now, they are not to have the benefit of the fair rent, but they are compelled to pay the existing rent, which is undoubtedly higher than the fair rent. I ask when we are bringing in an exemption to the new tenants, why not give the benefit of it to the old tenants also?

" The third reason is this. One of the reasons by which the landlord can evict a cultivating verumpattamdar hereafter is on the ground of non-payment of rent. To this extent we have changed the Bill as originally framed. In the Bill as originally framed if the cultivating verumpattamdar found the land he is cultivating unprofitable, he would not ask for fixity of tenure at all. Unfortunately we have altered it, and we have thrust fixity of tenure upon him. To that extent we have changed the original Bill. We have given a handle to the landlord to sue him in a court of law for evicting for non-payment of rent, and we have also given him the power, if the land does not yield sufficient produce, of resorting to the summary procedure and attaching

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[Mr. K. R. Karant]

his movable property and standing crops. Therefore, I think it is unfair that the cultivating tenant who is on the land already should be compelled to pay the rent for which he never bargained for.

" I therefore support this amendment."

* Mr. K. KRISHNAN :—" Mr. President, I rise to oppose this amendment. Sir, we have legislated on several matters so far. We have fixed the renewal fee, we have given fixity of tenure, and we have fixed fair rent. I submit we are, after everything is said, practically making a leap in the dark. We do not know how this would work in actual practice. Sir, we have made provisions for the fixing of fair rent when the renewal fee of the kanam tenant is to be ascertained; and now we are considering when the fair rent is to come into operation. The verumpattam tenant will then have opportunities to find out whether it would be advantageous for them to apply for fair rent or go without it. What I say is, give them an opportunity; see how the provision works and then legislate. At present it would be too much to ask the tenant to pay fair rent at once. Sir, these verumpattam tenants have been on the land paying rack-rent for the last fifty or seventy years, and after all twelve years will not be too long a period for them to wait. As I said, it is entirely a leap in the dark and it will not be safe at this stage suddenly to tell them that they should pay the fair rent. That would not be doing them a good turn at all. I am, therefore, obliged to oppose this amendment."

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noon

* Mr. K. UPPI SAHIB :—" Mr. President, Sir, this provision refers to the cultivating verumpattamdars, a set of people about whom Mr. Pate, the Collector of Malabar, has remarked to the following effect :

' When all this has been said, the fact remains that a large and gradually increasing number of these tenants lives very near the border line of bare subsistence. Their existence is from hand to mouth; they are at the mercy of the season and the money-lender. By ordinary standards the existence may fairly be described as miserable. If by any means it is possible to improve the lot of these people, the attempt should be made.'

" Now, Sir, this House will have to admit that so far as these people are concerned, we have not improved their lot, but on the contrary we made them more miserable. I say this because these people are not represented here. I am bound to say that the people who are represented here are the kanamdars, the kuzhikanamdars and the customary verumpattamdars. Whenever their case comes up before this House at once, there is a protest from these people, there are crocodile tears shed for them, but when actually effect is proposed to be given for that sympathy, as in the case of this amendment, these people attack them. That is why I say we have made their lot miserable. You have given fixity which they never asked you to give them. We have not given them the choice as we have given the choice to the richer class of people, that is, kanamdars, kuzhikanamdars and customary verumpattamdars. We have stuck these miserable people to the soil and we have made them virtual slaves, while we have given the janmis the right to evict them. We have also given the janmis the most oppressive machinery by means of the summary procedure. Now, when we come to this proposal to reduce their rent at least and collect fair rent from them, these, very people, these kanamdars, kuzhikanamdars and customary verumpattamdars come forward and oppose it. Therefore I would appeal to this House not to be a party to make these miserable people more miserable. I would ask hon. Members to

[Mr. K. Uppi Sahib]

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come to the rescue of these dumb millions of Malabar, the people who are toiling night and day in the drenching rain and scorching sun of Malabar. I would therefore request the House to accept at least this modest amendment of Mr. Ranganatha Mudaliyar."

Mr. A. KALESWARA RAO:—"Mr. President, Sir, I wish also to support this amendment. In this Act there are no sections corresponding to sections 27 and 28 of the Madras Estates Land Act wherein it is provided that all existing rents should be presumed to be fair for all time to come, fair and equitable, because in the zamindaris and other parts of the Presidency there were already presumptions raised by the courts that the ryots had occupancy rights. And only it was the zamindar that was to rebut the presumption and . . ."

* The hon. the PRESIDENT:—"I do not think the hon. Member will be justified in taking this opportunity of making a comment on the Estates Land Act."

Mr. A. KALESWARA RAO:—"But, here, Sir, in regard to Malabar the courts have always held that the janmis or the landlords have the right to eject their tenants, and therefore rack-renting must have been the rule. It is to protect the ryots from this rack-renting and to give them some sort of fixity of tenure that this whole Bill is intended. And when the fair rent fixed is admittedly fairer and better on the average than the existing rent paid by these cultivating verumpattamdars to the landholders, certainly this House must help the verumpattamdars in seeing that the fair rent is fixed as early as possible and to see that this existing rack-rent is not collected for such a long period as twelve years. Twelve years, as Mr. Madhavan Nayar, admits, is really too long a period. It is said that the family budgets and existing conditions would be disturbed. But it is to throw away all such existing conditions and to create better conditions for the agricultural population that we are attempting. In regard to the family budgets, under any tenancy legislation the family budgets of the zamindars and landholders cannot be maintained at their old level. Naturally the family budgets must be upset and we have to bring in a new set of conditions to better the position of the ryots, the persons who cultivate the lands. This amendment is very simple and very moderate and I would therefore appeal to every one here to support it."

Mr. Koti K. Reddi rose to speak.

* The hon. the PRESIDENT:—"The hon. Member cannot move his own amendment if he makes his speech on this amendment now. But he may move it as an amendment to the amendment now under discussion."

* Mr. K. P. RAMAN MENON:—"Sir, the amendment moved by my hon. Friend, Mr. Ranganatha Mudaliyar, is an important one and must be seriously and carefully considered by this House. The amendment is to the effect that liberty should be given to the parties to apply for fixing the fair rent and that that should be the rent payable by the tenant to the landlord thereafter. If as a matter of fact any tenant or any landlord goes to court and applies to have the rent fixed and such rent is fixed by the court within, say, six months or one year after the passing of this Act, then from the date of the order passed on the petition the rent payable shall be only as per that

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[Mr. K. P. Raman Menon]

order. That, Sir, practically overrides the provision in the proviso to section 28 which says that the present rents should be accepted for a period of twelve years. Moreover, Sir, I should think that this amendment is practically the same as amendment No. 351 and is similar to that which is moved by Mr. Harisarvottama Rao. Then again, Sir, there is this possibility which the House seems to have overlooked. This amendment is practically an invitation to the landlords and to the tenants to at once go to court. What the amendment proposes is this: here are the sections by which fair rent can be fixed. It may be in some cases fair rent is lower than the existing rent, or it may be the other way. In all cases in which the people have any the least doubt about the rent that is now being paid and the rent that is liable to be fixed under the provisions for fixing fair rent, those parties will be induced to go to court at once. And they will be flooding the courts with such petitions. Now, Sir, does this Council want to invite the persons concerned to go to courts of law? (Laughter). Then, Sir, there is this fact also to which attention should be drawn. What has been provided for in the proviso is only this much, that the landlord and the tenant can ask for fixation of fair rents after twelve years. Wait and see how things will work out, whether as a matter of fact the fair rent is less or more than the present verumpattam rent. It is better to wait and see and give a sort of locus penitentie to these people for twelve years. I submit that people should not be disturbed and they should not be invited to rush to courts."

* Mr. E. SANKARAN UNNI:—"Sir, it is always a treat to hear my hon. Friends opposite whenever they get up to indulge in special pleading. I am sorry that the House did not take into consideration the question as to what the fair rent should be when renewals are to be granted. I pleaded with the hon. the Revenue Member for keeping the present rents as fair rents for the purpose of renewals. I pointed out then that the kanamdar would be getting a large benefit, by getting from the tenants their present rents, while the janmi is denied that benefit. But that section is passed now. I have only to submit that all that has been said to-day does not make any appeal to me. I do not propose to take part in the voting on this motion, but would simply point out that a great injustice has been done to the janmi."

* Mr. MAHMUD SCHAMNAD:—"Sir, I am really at a loss to know the real conditions in Malabar. It is just like taking a jump in the dark as my Friend, Mr. Krishnan, said. Fair rent may be in many cases higher than the rent that is being paid now. So, whatever it is, if immediately after the Bill is passed into law, fair rent is to be paid, it will create sheer confusion everywhere, and, as has been stated by Mr. Raman Menon, immediately after this Bill is passed, the people concerned will all of them, both landlords and tenants, have to go to courts. So, Sir, it is better to wait and see what will be the effect of this Act and give some breathing time for the parties to consider and find out by experience whether the fair rent will be more or less than the existing rent. (Mr. K. R. Karant:—"They will be dead by that time"). They are paying that rent now and they will continue to pay it for some time more. For this reason, I do not think it is advisable to accept this amendment, and so I oppose it."

Mr. BASHEER AHMED SAYEED:—"Sir, I have been watching for some time past the speeches that have been made by my hon. Friends Mr. Krishnan and Mr. Raman Menon, but I do not understand what exactly they mean.

[Mr. Basheer Ahmed Sayeed] [9th October 1929]

Mr. Krishnan has said that the fair rent sought to be fixed by this Act is much more than the existing rent. Then I would ask him why he was so very enthusiastic about this Bill and why he voted against amendment after amendment sought to be moved by members interested in the ryots."

Mr. K. KRISHNAN :—" May I just make a personal explanation, Sir ? "

Mr. BASHEER AHMED SAYEED :—" I won't yield, Sir . . . "

* The hon. the PRESIDENT :—" The President wants to hear his personal explanation. Let him give it."

Mr. K. KRISHNAN :—" My personal explanation is this. As regards the question of rent, I have always been pleading that the fair rent that has been fixed in the Act is not fair rent at all."

Mr. BASHEER AHMED SAYEED :—" Then he ought not to have supported any provision in this Act. He must have been consistently opposing every proposition moved in this House, whether it was any clause of the Bill or amendments to the clauses. Then, again, Sir, in spite of all that Mr. Raman Menon has said, I am not convinced as to how exactly he makes out a case against this amendment. I fail to understand why if the verumpattamdar is to wait for twelve years after the passing of this Act and continue to pay the present rent, this Act should be brought into force at all. The Government can as well appoint a settlement officer and allow him to have the relationship between the janmi, the tenant and his immediate landlord, settled, and afterwards consider whether there is any necessity at all for passing an Act like this. I think the amendment moved by my hon. Friend Mr. Ranganatha Mudaliyar is just and fair and ought to be supported by this House. It gives an opportunity for either party for fixation of rent, and if the fair rent fixed in the Act is not fair, then why call it fair rent at all? You may call it unfair, and vote on these amendments accordingly as you deem fit. For these reasons, I would appeal to this House to accept the amendment moved by my hon. Friend Mr. Ranganatha Mudaliyar."

12-15
p.m.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, may I submit an amendment in place of Mr. Ranganatha Mudaliyar's amendment ? "

" The amendment which I wish to move, if the House grants me permission, is to add at the end of the proviso the words—

' unless the fair rent on the whole or a portion of the holding is fixed for the purposes of a renewal under Chapter IV, in which case the rent payable by the cultivating verumpattamdar on the holding or such portion thereof shall be such fair rent from the date of the renewal.'

" I will explain my object, Sir. This amendment will affect only cases in which there is an intermediary between the landlord and the tenant; for example, janmi may lease land to a kanamdar, and the kanamdar may lease it to a cultivating verumpattamdar; the kanam period may expire four years hence, and the kanamdar can then get the renewal fee fixed with reference to the fair rent. If we leave the rent payable by the cultivating verumpattamdar untouched at that stage, it would perhaps extend rack-renting without good reason. As the kanamdar has to pay renewal fee fixed on the basis of the fair rent, there is no particular reason why the cultivating verumpattamdar's rent should not also be fixed at the fair rent from that date.

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[Mr. A. Y. G. Campbell]

That ought to make no material disturbance to the kanamdar's family budget and it will not affect the janmi's budget, any more than if this amendment is not made.

" Then, Sir, there is another point which my hon. Friend, Mr. Raman Menon referred to. If the amendment of Mr. Ranganatha Mudaliyar is passed, it will mean that you will drive practically all the landlords and tenants to the court at once. If the fair rent is less than the existing rent, there will be a natural tendency for the landlord to apply to the court for an enhancement of the rent; on the other hand, if the fair rent is higher than the existing rent, there will be a tendency for the tenant to go to the court and get the advantage of the provisions of this Bill. It would not only involve a material alteration in all the family budgets in Malabar, but it would also mean a very large amount of work thrown upon the courts at one and the same time. The amendment proposed by me will have the effect of spreading out over twelve years the work which the courts have to do in connexion with bringing this Act into full effect. At another portion of the Bill we have made provision so that the work is spread out over twelve years. We have not provided that the fair rent should be fixed at once, with reference to the renewal fee. The time for fixing the renewal fee will arise in each case when the present lease expires. For these reasons I should like to put forward an alternative amendment to that of Mr. Ranganatha Mudaliyar."

* The hon. the PRESIDENT :—" The amendment of Mr. Ranganatha Mudaliyar is now before the House. Does the hon. the Revenue Member propose to move his amendment as a further proviso to the existing proviso ? "

* The hon. Mr. A. Y. G. CAMPBELL :—" As an addition to the existing proviso."

* The hon. the PRESIDENT :—" If the proviso stands as it is at present, then Mr. Ranganatha Mudaliyar's amendment has to be dropped."

* Mr. A. RANGANATHA MUDALIYAR :—" I accept that amendment, Sir."

* The hon. the PRESIDENT :—" No, Mr. Ranganatha Mudaliyar will have to withdraw his amendment on the undertaking that the hon. the Revenue Member will move his amendment as an addition to the existing proviso."

* Mr. A. RANGANATHA MUDALIYAR :—" Has he not moved the amendment, Sir."

* The hon. the PRESIDENT :—" The hon. the Revenue Member has only explained the scope of his amendment. If Mr. Ranganatha Mudaliyar's amendment is withdrawn, that amendment will be moved."

* Mr. A. RANGANATHA MUDALIYAR :—" I withdraw my amendment, Sir."

Mr. A. Ranganatha Mudaliyar's amendment was, by leave, withdrawn.

* The hon. the PRESIDENT :—" There are two amendments of Mr. A. B. Shetty and Mr. Koti Reddi, which may be disposed of now before the hon. the Revenue Member moves his amendment."

Mr. A. B. SHETTY :—" I do not propose to move mine."

* Mr. K. KOTI REDDI :—" Mr. President, Sir, I move—

' In line 4 of the proviso to clause 28, for the word ' twelve ' the word ' six ' be substituted.'

[Mr. K. Koti Reddi]

[9th October 1929]

"Sir, it is rather extraordinary that a piece of legislation should be put on the statute book, and at the same time we deny to the classes that are likely to be affected by this legislation the benefits thereof, by asking them to wait for twelve years. I say it is unparalleled in the history of legislation to ask people to wait for the benefits of a legislation for such a long period as twelve years. One reason that was given by the Government is that it was so intended in order to see that the family budgets of the janmis and the kanamdars should not be disturbed at once in our anxiety to see that the cultivating verumpattamdars get the benefits of this Bill. If there in any reasonable apprehension on the part of the janmis and the kanamdars is regard to their family budgets, I say, Sir, twelve years is too long a period, and a reasonable period much less than that should be sufficient for any adjustment. I should have myself preferred a period of three years, but as a sort of compromise I thought it reasonable to substitute six years for twelve years. I hope the Government as well as the representatives of the different classes that are likely to be affected by this Bill will vote for it. It is rather very strange that the representatives of the tenant class in this House should come forward and tell us that this piece of legislation does not benefit them at all. The attitude taken by the hon. Member Mr. K. Krishnan with regard to this matter is very surprising. If, as a matter of fact, the majority of the cultivating verumpattamdars are not going to be benefited by this legislation, it would be much more honest and straightforward if they come forward and oppose every clause and amendment to this Bill. If really there is no necessity of a safeguard against rack-renting, what is the fun of our passing this legislation which is intended to benefit the cultivating verumpattamdar? There might be some cases where the fair rent would be something more than what is being paid now. But in the majority of cases, I believe the tenants will be benefited by this legislation. I therefore hope the Government will be pleased to accept my amendment to substitute six years for twelve years, because the apprehension that is felt by the Government with regard to family budgets being affected will not exist if a sufficient time as is intended by this amendment is given."

* Mr. K. MADHAVAN NAYAR :—"I second this amendment. I stated already in connexion with a previous amendment that twelve years is too long a period for enforcing the fair rent fixed by this Act. I know the curtailment of the period will cause some hardship. But weighing one set of hardships against another, I am inclined to agree with Mr. Koti Reddi. I therefore have great pleasure in supporting this amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, it will be very much better if we do not disturb the period we have proposed. A period of twelve years was deliberately fixed as the period over which the bringing of this Act into full force should be spread, and the whole Bill has been drafted on that basis. That is the usual term for entering into kanam agreements in Malabar, and it is convenient to adopt it in this connexion. It would give a fair time for adjusting the family budgets and the economic condition in Malabar. I therefore oppose the amendment."

The amendment was put and declared lost.

[9th October 1929]

Mr. G. Harisarvottama Rao demanded a poll, and the House divided thus :

Ayes.

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| 1. Mr. A. B. Shetty. | 12. Mr. K. R. Karant. |
| 2. " P. C. Venkatapathi Raju. | 13. " K. Madhavan Nayar. |
| 3. " K. Koti Reddi. | 14. " P. Anjaneyulu. |
| 4. " R. Srinivasa Ayyangar. | 15. " C. Obi Reddi. |
| 5. " S. Satyamurti. | 16. " A. Kaleswara Rao. |
| 6. " G. Harisarvottama Rao. | 17. " K. Uppi Sahib. |
| 7. " Basheer Ahmed Sayeed. | 18. " C. N. Muthuranga Mudaliyar. |
| 8. " Abdul Hameed Khan. | 19. " K. V. Krishnaswami Nayakar. |
| 9. " L. K. Tulasiram. | 20. " C. Venkatarangam Nayudu. |
| 10. " K. V. R. Swami. | 21. " B. Venkataratnam. |
| 11. " D. Narayana Raju. | 22. " A. Ranganatha Mudaliyar. |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 21. Mr. S. Subrahmanya Mooppanar. |
| 2. " Sir Thomas Moir. | 22. " K. Krishnan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 23. " M. Gangadhara Siva. |
| 4. " Mr. A. Y. G. Campbell. | 24. Rao Sahib L. C. Guruswami. |
| 5. " Mr. M. B. Seturatnam Ayyar. | 25. Mr. V. I. Maniswami Pillai. |
| 6. " Mr. S. Muthiah Mudaliyar. | 26. " S. Venkiah. |
| 7. " Dr. P. Subbarayan. | 27. Rao Sahib R. Srinivasan. |
| 8. Mr. Hilton Brown. | 28. Mr. A. Achutan. |
| 9. " H. A. Watson. | 29. " E. Sankaran Unni. |
| 10. " A. G. Leach. | 30. " H. F. P. Hearson. |
| 11. " J. Gray. | 31. " F. E. James. |
| 12. " S. V. Ramamurti. | 32. " K. Ramachandra Padayachi. |
| 13. " C. B. Cotterell. | 33. " U. Ramaswami Ayyar. |
| 14. " V. Ch. John. | 34. " G. R. Premayya. |
| 15. Syed Tajudin Sahib Bahadur. | 35. Swami A. S. Sahajanandam. |
| 16. Mr. J. Bheemayya. | 36. Mr. S. Arpudadaswami Udayar. |
| 17. " R. Foulkes. | 37. " K. P. Raman Menon. |
| 18. " Mahmud Schamnad. | 38. " C. Gopala Menon. |
| 19. The Muppil Nayar of Kavalappara. | 39. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 20. Subadar-Major S. A. Nanjappa Bahadur. | 40. Rao Bahadur C. Natesa Mudaliyar. |
| | 41. " B. Muniswami Nayudu. |
| | 42. Mr. K. Sarabha Reddi. |

Ayes 22. Noes 42.

The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I beg to move the following words be added at the end of the proviso :—

'unless the fair rent on the whole or a portion of the holding is fixed for the purposes of a renewal under Chapter IV, in which case the rent payable by the cultivating verumpattamdar on the holding or such portion thereof shall be such fair rent from the date of renewal.'

"Sir, I have already explained my reasons for making this proposal, and I do not think it necessary to repeat them now."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

Mr. E. SANKARAN UNNI :—"Sir, it is a matter for regret that the Government is prepared to accept an amendment whenever they find there is sufficient voting strength behind it, while the most reasonable amendments proposed by a humble voice like mine are turned down on the ground that the Select Committee has considered the question, or that they are amendments

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p.m.

[Mr. E. Sankaran Unni]

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which go to the root of the Bill. Apart from the merit of this amendment, this is a fact which the House may very well take into consideration. It is very likely that the Government will help the passage of this amendment. But let me state my position very clearly. I consider that I have been deeply injured by the refusal on the part of the Government and of the House to make the current rent fair rent for the purpose of renewal fee. But this amendment, if accepted, will inflict another injury on the landlord. I do not expect that the Government at this last stage will change their attitude and come forward to help us. But if this is the sort of thing that is to go on in this House, if the Government have no considered opinion of their own, why do they undertake legislation of such a serious character as this? This is not a matter which affects only the people who are sitting here. It affects the whole of Malabar. There is no co-ordinated plan in this Bill. Even the Select Committee's arrangements are being disturbed when it suits the Government. If the Government with all the majority behind them cannot make a stand and refuse to be led by the Opposition, it passes my understanding why they have come forward with this legislation at all. So far as I am concerned, I do not want this amendment."

* Mr. S. SATYAMURTI :—"Sir, it is too late in the day for the janmi to say that the Government accepts proposals, when there is a majority behind them. I think that is the business of any Government, which does business; and a Government, if it is to govern, except autocratically, must listen to the voice of the majority in this House; and if the Government occasionally does so, I should congratulate them and not weep, because it hurts somebody. It seems to me that Mr. Sankaran Unni is losing his nerves, and feels that he is fighting a losing game. He has our sympathy. I think the position requires courage, and not tears."

"Now, the amendment of my Friend Mr. Ranganatha Mudaliyar is one which I should like to have seen accepted by Government and this hon. House, because the moment the courts are set in motion and fair rent is fixed once for all, I think it is but fair to the landlord and to the tenant alike, that that fair rent should be the rent, on which the land should be let or held. Does my hon. Friend dispute that proposition? I think it cannot be disputed, but it was felt that, in the interests of the landlords' budgets, a period of twelve years should be fixed, after the Bill becomes law. When, Sir, my hon. Friend here proposed that the period should be six years, my hon. Friend the janmi expert voted against it."

"Now my hon. Friend's amendment is that we shall not compel the courts of law to increase litigation; but, wherever parties have got to go to courts of law in order to get renewal fees prescribed, which involves the necessity of fixing of the fair rent also, once that process is gone through, the rent on the holding will be, at least from that date, the fair rent which has been so fixed."

"Now, I remember my hon. Friend the janmi more than once claiming for his class that they are not rack-renting the verumpattamdars, that in several cases they are paying less than they would have to pay, even the fair rent, under this Bill, that they are a good lot of people and therefore we ought to sympathize with them. Now they ought to welcome such a proposal. If really the cultivating tenants are not paying fair rent, but something less than what is payable, it is quite easy for the landlord to get increased fair rent from a date which is bound to be earlier in several cases, than the twelve

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[Mr. S. Satyamurti]

years prescribed here. I do not see why he should be hurt. If you are right when you say that several landlords have given up rackrenting and that the rent which they are paying is less than what it should be then I suggest that the landlord should be blessed, when he has got an opportunity of getting fair rent earlier than 12 years. So far as we are concerned, we wish that the Government had gone further and accepted the amendment of my hon. Friend.

"We propose therefore to support the amendment, while sympathizing with the feelings of my hon. Friend."

The amendment was put and declared carried.

Mr. E. Sankaran Unni demanded a poll, and the House divided thus:

Ayes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 36. Mr. G. R. Premayya. |
| 2. " Sir Thomas Moir. | 37. Swami A. S. Sahajanandam. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 38. Mr. P. C. Venkatapathi Raju. |
| 4. " Mr. A. Y. G. Campbell. | 39. " K. Koti Reddi. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 40. " E. Srinivasa Ayyangar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 41. " S. Satyamurti. |
| 7. " Dr. P. Subbarayan. | 42. " G. Harisarvottama Rao. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 43. " Abdul Hameed Khan. |
| 9. Diwan Bahadur P. Kesava Pillai. | 44. " L. K. Tulagiram. |
| 10. Mr. Hilton Brown. | 45. " K. V. R. Swami. |
| 11. " H. A. Watson. | 46. " D. Narayana Raju. |
| 12. " A. G. Leach. | 47. " K. R. Karant. |
| 13. " J. Gray. | 48. " K. Madhavan Nayar. |
| 14. " S. V. Ramamurti. | 49. " P. Anjaneyulu. |
| 15. " C. B. Cotterell. | 50. " C. Obi Reddi. |
| 16. " V. Ch. John. | 51. " T. Adinarayana Chettiyar. |
| 17. Syed Tajudin Sahib Bahadur. | 52. " A. Kaleswara Rao. |
| 18. Mr. J. Bheemayya. | 53. " K. Uppi Sahib. |
| 19. " R. Foulkes. | 54. " C. N. Muthuranga Mudaliyar. |
| 20. " Mahmud Schamnad. | 55. " C. Marudavanam Pillai. |
| 21. Subadar-Major S. A. Nanjappah Bahadur. | 56. " K. V. Krishnaswami Nayakar. |
| 22. Mr. K. Krishnan. | 57. " C. Venkatarangam Nayudu. |
| 23. " M. V. Gangadhara Siya. | 58. " A. Ranganatha Mudaliyar. |
| 24. Rao Sahib L. C. Guruswami. | 59. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 25. Mr. V. I. Muniswami Pillai. | 60. Mr. K. P. Raman Menon. |
| 26. " S. Subrahmanya Moopanar. | 61. " C. Gopala Menon. |
| 27. " S. Venkiah. | 62. Rao Bahadur Sir A. P. Patro. |
| 28. Rao Sahib R. Srinivasan. | 63. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 29. Mr. A. Achutan. | 64. Rao Bahadur C. Natesa Mudaliyar. |
| 30. " F. E. James. | 65. Khan Bahadur S. K. Abdul Rasack Sahib Bahadur. |
| 31. " R. J. C. Robertson. | 66. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 32. " H. F. P. Hearson. | 67. Rao Bahadur B. Muniswami Nayudu. |
| 33. " S. Arpudaswami Udayar. | 68. Mr. K. Sarabha Reddi. |
| 34. " K. Ramachandra Padayachi. | 69. " B. Venkataratnam. |
| 35. " U. Ramaswami Ayyar. | |

Noes.

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| 1. The Muppil Nayar of Kavalappara. | 2. Mr. E. Sankaran Unni. |
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Ayes 69. Noes 2.

The amendment was adopted.

The hon. the PRESIDENT :—"The question is that clause 28 as amended shall stand part of the Bill."

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The motion was carried, and clause 28 was added to the Bill.

Clause 29.

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

'In line 3, sub-clause (1), after the word "revenue" the words "payable to the Government" be inserted.'

"Sir, the Members of the House may remember that in the Government Bill there was a definition of the term 'revenue'. That definition was deleted by the Select Committee. It is therefore desirable to insert the words 'payable to the Government' here."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

Mr. E. SANKARAN UNNI :—"Mr. President, I beg to move that the following words be added to the amendment of the hon. Revenue Member, viz., 'as also the local cesses'.

"Sir, I do not know whether the word 'Government' includes local bodies. From the General Clauses Act I find that it is necessary for its full expression that the words 'as also the local cesses' should be added at the end. Otherwise the landlord will be in a serious difficulty."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I am prepared to accept this amendment, Sir."

The amendment was put and adopted.

The hon. the Revenue Member's amendment, as amended, was then put and adopted.

* The hon. the PRESIDENT :—"The question is that clause 29 as amended shall stand part of the Bill."

The motion was carried and clause 29 was added to the Bill.

Clause 30.

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

'in sub-clause (1), in lines 2 and 3 for the words "the holder thereof" the words "the cultivating verumpattamdar" be substituted.'

"This is merely a consequential amendment necessary owing to the grant of fixity of tenure to a cultivating verumpattamdar without application."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was put and adopted.

* The hon. the PRESIDENT :—"The question is that clause 30 as amended shall stand part of the Bill."

The motion was adopted and clause 30 was added to the Bill.

* The hon. the PRESIDENT :—"The question is that clause 31 shall stand part of the Bill."

The motion was adopted and clause 31 was added to the Bill.

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Clause 32.

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, I move that—
'for clause 32 the following clause be substituted :—

'Notwithstanding any contract to the contrary, express or implied, whether entered into before or after the coming into force of this Act, no cultivating verumpattamdar shall be liable to pay to his landlord anything more or anything else than the fair rent and no tenant who is entitled to claim a renewal under this Act shall for the purpose of obtaining the renewal be liable to pay anything more or anything else than the renewal fee provided by this Act.'

"This is not intended to introduce anything new into the Bill as amended by the Select Committee. The intention is only to make the meaning more precise and clearer."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

* Mr. K. MADHAVAN NAYAR :—"Sir, the hon. the Revenue Member seems to have not noticed the importance of one phrase in the original section 'save as otherwise provided in this Act'. We have been for some time discussing the question of the fair rent to be paid by the cultivating verumpattamdar for the next twelve years. This section may be so interpreted as to mean that the fair rent is payable at once. The words 'save as otherwise provided for in this Act' found a place in the section as originally framed. From the statement made by the hon. Member, I understood he did not want any substantial alteration in the section. The section therefore has to be amended. I do not know where this phrase is to be inserted in this section. It may perhaps be inserted"

* The hon. the PRESIDENT :—"I do not think the hon. Member has given notice of any amendment."

Mr. K. MADHAVAN NAYAR :—"I move an amendment to add 'Save as otherwise provided in this Act' at the beginning of the amendment of the hon. the Revenue Member."

Mr. G. HARISARVOTTAMA RAO :—"I second it."

* Mr. S. SATYAMURTI :—"My suggestion is that the wording of the clause in the Select Committee's report may be left as it is. Although English is a secondary consideration in statute-making, I think we ought not to consciously perpetrate such grossly inelegant things as will emerge by accepting the amendment. It will read like this: 'Save as otherwise provided in this Act', the word 'and' would be put by your Secretary, 'notwithstanding any contract to the contrary, etc.' Now, Sir, I do not think that that certainly improves the language of the section bad as it is. I take it the object of the hon. the Revenue Member is to improve the English, as far as I understood him. It is a drafting amendment. It is for the hon. House to consider how the language of this drafting amendment is better or more accurate or more elegant than the language of clause 32 as it has emerged from the Select Committee. That clause says: 'Save as otherwise provided in this Act, no cultivating verumpattamdar and no person in whose favour a renewal deed has been executed under the provisions of Chapter IV, shall be liable to pay to his landlord anything more than the fair rent and the renewal fee as fixed by this Act, and any stipulation, express or implied,

[Mr. S. Satyamurti]

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of whatever date, to pay anything more or anything else shall be void.' Now, that seems to me to satisfy the two objects we have in view, viz., the liability to pay fair rent and fix the renewal fee and secondly the liability to render void all contracts to the contrary.

"My hon. Friend, Mr. Madhavan Nayar, pointed out one difficulty with regard to the period. We have now fixed that the cultivating verumpattamdar should go on paying the existing rent for the first twelve years after the passing of the Act. The acceptance by this hon. House of the amendment moved by the hon. the Revenue Member that wherever the renewal fee has to be fixed by the court fair rent shall become payable would add another difficulty. Therefore for that reason also, the words 'save as otherwise provided in this Act' should be in the section as it is. I would still commend to my hon. Friend the Revenue Member the expediency of leaving the wording in the clause as it is. I do not think, except that this new clause adds more words, it brings out any new idea at all."

* The hon. the PRESIDENT :—"If the words 'save as otherwise provided in this Act' are added after the word 'shall' in line 3 of the amendment of the hon. the Revenue Member, I think it will remove the objection of Mr. Satyamurti."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Then there will be another difficulty. Will it apply to the tenant also? Unless we repeat the words 'save as otherwise provided in this Act', twice in the clause, it may not apply to the tenant."

* Mr. S. SATYAMURTI :—"I am afraid it will have to be repeated twice. But I still plead for conservatism and to leave the clause as it is in the report of the Select Committee."

* The hon. Mr. A. Y. G. CAMPBELL :—"This amendment has been moved at the instance of the Advocate-General who said that it may intentionally fix the liability to pay michavaram by the kanamdar. It is not the object of the Committee. The section as it stands would apparently rule out the payment of michavaram."

* Mr. E. SANKARAN UNNI :—"I am not quite sure that I have understood the objections raised by the hon. the Advocate-General. But I do feel that the more elaborate form in which it is put here is a great deal more acceptable than the cumbrous form in which we have it in the Bill. Since the language of the amendment is very much clearer than what it was in the original Bill I think it is better to accept the amendment."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"To avoid repetition of the words 'save as otherwise provided in this Act', if the amendment of the hon. the Revenue Member is to stand, these words may probably be put like this: 'Notwithstanding any contract to the contrary . . . this Act, save as otherwise provided in this Act, no cultivating verumpattamdar shall be liable to pay to his landlord anything more or anything else than the fair rent and no tenant . . . this Act.' It seems to me that if the words 'save as otherwise provided in this Act' are inserted in the place I have suggested, it will govern both the cultivating verumpattamdar and the tenant."

Rao Bahadur B. MUNISWAMI NAYUDU :—"I think the clause may be allowed to stand as it is. The clause as it is makes all stipulations void

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[Mr. B. Muniswami Nayudu]

whereas the clause as now put does not make all stipulations void. I therefore think that the section as it is is much more effective than the section as proposed."

* Mr. F. E. JAMES :—"May I suggest that the proposed amendment of the hon. the Revenue Member together with the suggestions put forward now might be considered by the Government Members and the Opposition members and a new amendment brought before the House? I am not prepared to vote for the hon. Member's amendment as it is. I move the postponement of the consideration of this clause till after the lunch interval."

Mr. S. ARPUDASWAMI UDAYAR :—"I second it."

The motion to postpone consideration of this clause was put and adopted.

Clause 33.

Sub-clause (1).

* Mr. K. UPPI SAHIB :—"I move—
'that sub-clause (1) of clause 33 be omitted.'

"Sir, this sub-clause was added by the Select Committee. It gives a 1 p.m. tenant a summary right to apply to a court offering to purchase kudiyruppu from the landlord if he has been in occupation of it for ten years. This will work a great hardship on the janmis of North Malabar. In North Malabar each holding comprises of only one paramba measuring half an acre or one acre of land. The kudiyruppu will be situated in the centre of it. If such kudiyruppu is purchased, the land left after the purchase will be of no use to the janmi. The verumpattam tenant has been given fixity of tenure. I do not see any reason why such a right should be given to the kudiyruppu tenant. In case the janmi goes to the court and evicts him, then the tenant can apply to the court and purchase the land. I therefore do not see any necessity for the existence of this sub-clause."

* Mr. K. R. KARANT :—"I beg to second the amendment. I think after the Select Committee met and deliberated upon this question many people have represented to us that it is no good either for the landlord or the tenant to empower the tenant to go to the court under this clause and apply. The great advantage of the old clause 28 was that it was only when there was a suit for eviction that the tenant could ask for the purchase of the kudiyruppu. The result of the existing clause would be that any tenant who has been there for ten years will come and ask for the purchase of the kudiyruppu, and to-morrow he may assign it to other persons who may be undesirable from the social point of view of the janmis to whatever community they may belong. It is largely a question of sentiment and you know full well, Sir, how social factors play their part in Malabar. The landlord may not like any new tenant to whatever community he may belong but all the same he likes to allow the present man to go on for any number of years. If you allow the tenant to purchase the kudiyruppu, he can go on transferring his right. The check that we have provided in clause 38 later for pre-emption is only illusory. It only says that in the case of sale the same man who may be entitled to the land may go and ask for pre-emption. It does not ask for either permanent lease, or mortgaging the possession or any other transfer of any other types. It is quite unnecessary and in the interests of parties themselves this clause should be deleted. I appeal to the hon. the Law Member

[Mr. K. R. Karant]

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who knows the conditions of Malabar much better than any of us to say whether this is not really a weapon which is quite unnecessary to the tenant and whether, if he is given that right, he would transfer it to undersirable persons to whatever party they may belong."

* The hon. Mr. A. Y. G. CAMPBELL :—" I am not prepared to accept this amendment. I do not think there is any necessity to safeguard the interests of the janmi in the way proposed. If the tenant has got fixity of tenure, he has paid for it. Kudiyruppu is part of the holding and, if he has paid for it, he is at liberty to transfer his kudiyruppu to whomsoever he likes. He does not care whether the person to whom he transfers is objectionable or not. Even if the clause is deleted it would be very difficult for the janmi to evict the tenant. It seems to me that the position is the same as far as the landlord is concerned. So on these grounds I object to this amendment."

* Mr. P. C. VENKATAPATHI RAJU :—" We are not surprised at the attitude of the hon. the Revenue Member that he is not prepared to accept any amendment that is brought forward by other Members. It seems to me that his impression is that the Bill should be amended in so far only as he is advised by his department or by his Advocate-General and not otherwise. That seems to be the prevailing feeling of the hon. the Revenue Member. He has been talking of fixity of tenure being given to people that are on the land and it is not the same, if you give him the fixity of tenure and the right of purchase. The hon. the Revenue Member must notice that giving the right to remain and enjoy the land is quite different from purchasing. I can quite understand the existence of a provision such as is mentioned in sub-clause (2) of this section which empowers the tenant to come forward and offer to purchase if there is a suit for eviction. But I cannot understand why this optional power of purchase should be given to the tenant. Then there is another thing and that is just as the Government have given fixity of tenure to cultivating verumpattamdars they also want that all the kudiyruppus should be purchased by the tenants irrespective of the fact whether they want to purchase them or not. I am not able to understand what is the grievance which the Government want to redress. If it is a loss to any person, it is to the janmi if these kudiyruppus are disturbed. If without any advantage to the tenants, it is sought to give them the right to pay for the kudiyruppus and bring any persons the tenants may like into the households of the janmis, I cannot understand such a position. The Raghavayya Committee do not think it necessary that such a provision is necessary to safeguard the interests of the kudiyruppu holders. The fact that the Select Committee, who, I am afraid, have very little understood the real implications of this Bill, have included such an amendment, ought not to deter the Government from accepting the proposed amendment. I may be excused for saying that not only the members of the Select Committee but even the expert members themselves who pretend to be the representatives of either the janmis or the tenants are simply making wild guesses when they say that this provision is inimical or that provision is disastrous to both the tenants and the landlords. There must be something wrong somewhere. The conditions of Malabar are quite peculiar and the acceptance of this amendment would have very adverse or diametrically opposite effect to what it is expected to have. In the case of the other amendments, the representatives of the one side or the other have said that a particular amendment is beneficial or disastrous to the one class or the other.

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But in this case the representatives of the tenants did not say that there was a real grievance on account of absence of such a provision as this. Under these circumstances, I support the motion before the House."

* Mr. S. ARPUDASWAMI UDAYAR :—" I think the reasons put forward by Mr. Karant have not been fully understood. The fact is this: it was represented to the Raghavayya Committee and the latter body, after proper inquiry, came to the conclusion that the tenants were subjected to unjust arbitrary eviction and so on. The Select Committee has gone much further in its recommendations than the Raghavayya Committee and has introduced this amendment which will work a real hardship on the janmi. Till now there has been no trouble of a social nature. Respect has been shown by the tenants towards the janmis because the janmis might bring about the eviction of the tenants if the latter did not make themselves socially agreeable to them. Hereafter, i.e., after this Bill becomes an Act, the tenants will become masters of their households, independent, and there will be no necessity for them to be deferential to and respect the caste scruples of the janmis. He may renew the lease or he may purchase the kudiyruppu and transfer it to other persons whose actions may be quite repugnant to the sentiments of the janmis. Supposing a Mappilla tenant becomes the owner of the kudiyruppu, he may do certain things which are morally repugnant to the sentiments of the janmi. There is no provision which will put a stop to this. Supposing a Mappilla purchases the kudiyruppu, he may slaughter a cow in his kudiyruppu which will be quite repugnant to the janmi. This may give rise to some serious disturbance and not harmony and concord which it is expected should prevail between the landlord and the tenant. That was really the object of my hon. Friend Mr. Karant and I wanted to make it clear. Sub-clause (1) goes far beyond the recommendations of the Raghavayya Committee who wanted to put a stop to arbitrary eviction of tenants who have long occupied a homestead, have been born and brought up there, where some of their ancestors lie buried and eviction from which will result in severance of ties and violence to feelings, delicate and tender, sacred and solemn."

* Mr. K. MADHAVAN NAYAR :—" There are certain matters in which people of Malabar agree. This is a matter on which, I believe, there will be no difference of opinion among the people of Malabar. The tenants' agitation in Malabar, is, as I have often stated, not to revolutionize the agricultural, economic and social condition of Malabar but for securing protection from arbitrary eviction. We claim a legislation on the line of least resistance. That is why we have been conceding very many of the janmi's claims, we have conceded to the janmi the right to recover the land for his own use and cultivation; we have conceded his claim to the renewal fee though we feel he is not entitled to it. The reason is that we do not want to revolutionize the whole system of land tenure in Malabar. Kudiyruppu-holder is the one person who is preeminently entitled to protection. More than the verumpattamdar, more than the kanamdar, more than the kuzhikanamdar, the kudiyruppu-holder is the person who feels most the pangs of separation from his holding. In my view this is the first person who should be entitled to protection from arbitrary eviction. But why he should have an additional right of purchasing the landlord's rights even before a suit for eviction is brought is not clear to me. Why should he have the right of pouncing upon the landlord and telling him

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'here is your money; give me the right over the property.' As a representative of the tenants of Malabar, I say that this right is not essential to the tenant. I therefore support the amendment. I would also submit that in the original Bill there was a provision for substituted kudiyruppu. Even that has been deleted now. It is necessary, therefore, that the amendment should be passed; let the conditions, as they were till now, be allowed to continue; let the man in possession enjoy the property. It is unlikely that a janmi will bring a suit for eviction; he will allow the kudiyruppu-holder to remain on the land. If so, there will be no trouble. Otherwise, the kudiyruppu-holder has the right of purchasing the property when a suit for eviction is brought against him. I therefore strongly support the amendment."

* Mr. E. SANKARAN UNNI:—"Sir, it is agreeable to hear my hon. Friend, Mr. Madhavan Nayar, say a kind word about the janmi. He has told the House that the janmi has not been evicting people from their homesteads. I have not heard of any single instance in Malabar where the janmi has gone out of his way and turned out a family from its home and hearth. But, the Raghavayya Committee and the Government thought it necessary to introduce a provision of this kind. This provision was altered by the Select Committee, at the instance of those who are now very anxious to have the old provisions restored. They recognize the error they have committed. It is somewhat satisfactory to think that at some stage or other, they discover their errors and ask that they may be rectified. I am hopeful that even the hon. Member for the University will recognize some of the errors he has committed in voting with the Government."

"This clause, as it stands, is not required by anybody in Malabar. It is hard to ask people to go out of their homesteads. But people are not, in fact, turned out of their homes; you are only putting here an amendment to create another source of trouble in Malabar. The Mappilla rebellion may not recur again. But we may have yet other troubles in the district. If you allow Mappillas to have their kudiyruppus along with a large number of Hindu families, the consequences may sometimes be very serious and dangerous. (A Voice: *Vice versa*.) Yes; *vice versa* also. If one Mappilla homestead is situated in the midst of a large number of Hindu families, the result may be dangerous to the Mappilla family. The class feeling is there. There is no use ignoring it; it would not disappear by your ignoring it either. Under these circumstances, it is better that you go back to the provisions of the original Bill and make it as little obnoxious as possible."

* Mr. H. F. P. HEARSON:—"Sir, the wording of the clause, as I understand it, is that the tenant may offer to purchase the land. It seems to me that the tenant must always have the right of offering it at any time and that no special legislation is necessary for this purpose. If the clause is intended to give the tenant the right of purchasing the land, it should make this clear."

* Mr. S. SATYAMURTI:—"Sir, I would suggest to the hon. the Revenue Member to accept this amendment. The difficulty of my hon. Friend, the Member for the Chamber of Commerce, does not arise. The offer to purchase is subject to the provisions in clauses 34, 35, 36, 37 and 38. The offer is merely an application to a court; it will, after the observance of the procedure laid down, confer practically the right of purchase under certain conditions. That difficulty does not arise."

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"But the point is this; so far as kudiyruppus are concerned, they were considered for the first time by the Raghavayya Committee in Chapter 9, at page 66. They say:

'Evictions of any sort have had a bad odour in all countries and at all times; and when it is the case of a tenant and his family being forced from their home—a melancholy train—it easily attracts popular sympathy, even when the tenant has not been blameless and has failed to abide by his terms. When a claim is made that that home is an ancestral home, where the tenant's forefathers have lived, died and been buried, public attention is easily focused on it and becomes at once the talk of the neighbourhood. Even one such case affects the general relations between the landlords and tenants and assumes more importance than very numerous evictions from other kinds of property do. Among the grievances prominently mentioned by advocates of tenancy law reform in Malabar is the frequency of evictions from homesteads.'

(That is the evil which this hon. House is now called upon to deal with.)

'The statistics at the disposal of the Committee do not warrant the conclusion that such evictions are common or even numerous. But, as stated above, even the few that do actually take place affect the situation and become a constant source of irritation. The present system of land tenure in Malabar does afford opportunities for an angry janmi to turn out of the homestead even a satisfactory tenant, and the situation is complicated by the fact that in Malabar there is ordinarily no Government property on which an evicted tenant can go and live without fear of disturbance, and if he is evicted by one landlord he has perforce to go to another for a site for his home. The Committee, therefore, thinks that something should be done to render such a contingency impossible.'

"Sir, this is the origin of the provision in the Bill, the necessity to protect the tenant from arbitrary eviction, at the hands of his landlord. Therefore, Sir, it is stated at page 82 of the report—Conclusions of the Raghavayya Committee:—"When a tenant is sued to be evicted from a kudiyruppu, he shall be entitled," etc. In accordance with the Bill drafted by the Raghavayya Committee at page 128, clause 28 runs as follows:—

'In any suit for eviction relating wholly or in part to a kudiyruppu, the tenant sought to be evicted if he has been continuously in occupation thereof for fifteen years on the date of the commencement of the said suit, shall be entitled to purchase the rights of the person who seeks to evict him in the kudiyruppu, at the market price on the said date.'

"Accordingly clause 28 was introduced in the Bill which was brought forward by the Government and which was referred to the Select Committee. The Select Committee provided for this contingency. It is already provided for in sub-clause (2) of clause 33 of the Bill, as reported on by the Select Committee. Therefore, throughout, the one idea of those who were dealing with the Bill was to protect the tenant from arbitrary eviction, and give him the right to purchase the homestead, if he is sought to be evicted by his landlord. If hon. Members will look at clause 33, sub-clauses (1) and (2) and read them together, they will find that sub-clause (2) provides ample protection for those few or many cases of evictions from homesteads. Because sub-clause (2) provides:—"In any suit for eviction relating wholly or in part to a kudiyruppu, which has been in the continuous occupation of a tenant or the members of his family for ten years on the date of the commencement of the said suit, such tenant shall be entitled to offer to purchase the rights in the kudiyruppu, of the landlord who seeks to evict him, at the market price on the said date."

"Sir, I am not frightened of a Mappilla kudiyruppu growing round Hindu houses. I do not think the peace of Malabar is going to be guaranteed, unless Hindus and Muslims agree to live in peace. I do not think any statutory provision can bring about that. The point is this: we are trying to take away the property from one class compulsorily and give it to another at market price. That is a principle which the State must accept with very

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rigorous restrictions. You know, Sir, that under the Land Acquisition Act, you cannot compulsorily acquire any man's property unless it be for a public purpose, that is to say, the purpose being to benefit the public as a whole or a section of the public. I do not think that any legislature in the world ought to be called upon, in order to acquire the land from one class of people at the expense of another and to transfer that property to another compulsorily even at the market price, unless some superior public purpose is going to be served. The only public purpose that has got to be served in this case is that people who have been in their homesteads for ten years shall not be arbitrarily evicted therefrom. If, as my hon. Friend Mr. Hearson said, there is a case of impecunious janmi who wants to part with his homestead and wants money, it is always open to him to sell it. But if a landlord is unwilling to part with his homestead, the State has got to interfere. That interference should be subject to this very serious limitation, viz., that it should be required for a public purpose. So long as the occupants of these homesteads are not sought to be evicted by the landlords, there is no reason why the State should use its mighty arm to compel him to sell the land. The fact is in this country, and in Malabar particularly, ownership of land has still got with it very many attractions. It cannot be translated into rupees, annas and pies. I do not think we ought to compel the landlords of Malabar to part with their property unless there is the danger of the landlord evicting the tenants from their homesteads. In those circumstances, in view of the ample provision contained in sub-clause (2) of clause 33, in view of the fact that this amendment is supported by the representatives of the kanamdars and the janmis themselves, I earnestly trust that the Government will see their way to accept this amendment."

* The hon. the PRESIDENT :—"The question is 'to omit sub-clause (1)'.
The amendment was put and adopted."

* The hon. the PRESIDENT :—"The House will now adjourn and re-assemble at 2-30 p.m."

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

III

BUSINESS BEFORE THE HOUSE DURING THE CURRENT SITTING.

* Mr. A. RANGANATHA MUDALIYAR :—"Mr. President, I wish you to kindly inform us how many more days it will take to finish the second and third readings of the Malabar Tenancy Bill, and how long this sitting will last."

The hon. Diwan Bahadur M. KRISHNAN NAYAR (in the absence of the hon. the Leader of the House) :—"What is it that my Friend Mr. Ranganatha Mudaliyar wants, Sir?"

* The hon. the PRESIDENT :—"He wants to know how long we are likely to sit, what are the items in the agenda which the Government want to finish during this meeting."

Mr. P. C. VENKATAPATHI RAJU :—"Mr. President, I also want to express the wish on behalf of my party that after finishing the second reading of this Bill, an interval may be given to them, so that such of them as want to go to their places for the Dasara festival may go. If the Council finishes the second reading this week and takes up the third reading some time next week, it would give the Members an opportunity to go to their places."

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I wanted to speak to the hon. the Leader of the House during the interval, but I could not do so as I understood he was busy. Therefore I could not ascertain his wishes in the matter."

* The hon. the PRESIDENT :—"The hon. Member may take another opportunity to have a talk with the Leader of the House. Unless the intentions of the Government are known to me, I do not think I shall be in a position to make any announcement, but I am made to understand by the Government that the items on the agenda should be finished during this sitting. That means, the supplementary demands, the standing orders, the introduction of two or three Bills of which they have given notice—all these will have to be finished. According to my calculations, the second reading of the Malabar Tenancy Bill will be finished by this evening. To-morrow and the day after will be utilized for miscellaneous Government work, and the third reading of the Malabar Tenancy Bill will be taken up on Monday. That is of course my calculation. In the meantime, if the Government let us know their intentions before the Council closes for the day, it will be very desirable."

Mr. T. ADINARAYANA CHETTIYAR :—"May I make an observation, Sir? In case there is to be a sitting next week, say on Monday and the following day, it will be convenient to most Members . . ."

* The hon. the PRESIDENT :—"At 5 o'clock to-day the matter will be attended to."

II—cont.

THE MALABAR TENANCY BILL—cont.

* The hon. the PRESIDENT :—"We shall now go back to clause 32, the consideration of which was adjourned."

Clause 32—cont.

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, during the lunch interval there have been some consultations regarding my proposed amendment to clause 32, and I think it is generally agreed that the words 'as renewal fee' should be inserted in the last but one line of my amendment, just after the words 'liable to pay', so that the whole clause as amended will read thus :

'Notwithstanding any contract to the contrary, express or implied, whether entered into before or after the coming into force of this Act, no cultivating verumpattamdar shall be liable to pay to his landlord anything more or anything else than the fair rent and no tenant who is entitled to claim a renewal under this Act shall for the purpose of obtaining the renewal be liable to pay as renewal fee anything more or anything else than the renewal fee provided by this Act.'

In any case, the cultivating verumpattamdar or the tenant has not to pay more than the rent or the renewal fee; and I move this amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR seconded it.

* The hon. the PRESIDENT :—"Before I put the clause as amended to the vote of the House, the other amendments given notice of may be taken up."

* Mr. K. MADHAVAN NAYAR :—"Sir, I feel one difficulty, and so I want to move my amendment, either to omit in line 7 the words 'or anything else' or to insert the words 'whose money value shall be more' after the word 'else'."

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* The hon. the PRESIDENT:—"Let me first of all know which of the two alternative amendments the hon. Member wants to move."

* Mr. K. MADHAVAN NAYAR:—"The second, Sir, that is, to insert the words 'whose money value shall be more' after the word 'else'." What is stated in the clause is 'shall for the purpose of obtaining the renewal be liable to pay . . . anything more or anything else than the renewal fee provided by this Act'. What is the meaning of 'anything else' there? That is my difficulty. Can it be 'anything less'? The object is that if it is paid in kind, it cannot have a greater money value than what is provided in this Act. Therefore it is that I move that 'whose money value shall be more' be inserted. I shall now read the latter portion of the clause as amended and make it clear:

'No tenant who is entitled to claim a renewal under this Act shall for the purpose of obtaining the renewal be liable to pay anything more or anything else whose money value shall be more than the renewal fee provided by this Act.'

If those words are not there, I fail to understand its meaning."

(Mr. Alladi Krishnaswami Ayyar rose to speak.)

* The hon. the PRESIDENT:—"The motion has not yet been seconded, because probably nobody understood it, I think."

Mr. K. V. R. Swami seconded the motion.

* The hon. the PRESIDENT:—"The question is that in the amendment of the hon. the Revenue Member, after the word 'else' wherever it occurs, the words 'whose money value shall be more' be inserted."

* Mr. ALLADI KRISHNASWAMI AYYAR:—"Sir, the object of the clause is to protect the tenant. This section cannot be availed of for the purpose of enhancing the rent as against the tenant. Therefore I feel that the apprehensions of the hon. Member who has moved this amendment are ill-founded, and the most expressive words are used in the clause as amended by the hon. the Revenue Member. I think this amendment is unnecessary."

* The hon. the PRESIDENT:—"The question is that in the amendment of the hon. the Revenue Member, after the word 'else' wherever it occurs, the words 'whose money value shall be more' be inserted."

The amendment was put and negatived.

The hon. the Revenue Member's amendment was then put and adopted.

New clause after clause 32.

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, the new clause which I propose to add after clause 32 is as follows:—

(1) *When a cultivating verumpattamdar having fixity of tenure in a holding pays rent in kind or the estimated value of a portion of the crop or at rates varying with the crop, or partly in any one of the ways and partly in another, or partly in any one of these ways and partly in cash, either the tenant or the landlord may apply to have the rent commuted to a money rent.*

(2) *The application may be made to the Collector or the Revenue Divisional Officer.*

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(3) *The officer receiving the application or the officer to whom the case is transferred, as the case may be, shall cause notice to be given in the prescribed manner to the opposite party and shall fix a date for determination of the case.*

(4) *If the application is opposed on the ground that—*

(1) *the rent in kind is mainly required to the subsistence of the landlord and his household and not for purposes of trade or (2) in the case of lands held under trust or other legal obligation for a religious or charitable purpose the rent in kind is required for consumption by or for the subsistence of the beneficiaries of the endowment or for the due performance of worship, the officer may, on being satisfied of such ground, order for continuance of payment of rent in kind only.*

(5) *If the application is unopposed unless for valid grounds set forth in sub-section (4), he shall determine the sum to be paid on commutation as money rent.*

(6) *In making the determination of the sum to be paid as money rent, the officer shall be guided by the average value of the rent actually received by the landlord during the preceding ten years.*

In arriving at the average value the list of prices published under section 51 (1) shall alone be taken into consideration.

"Sir, I think, this provision is necessary in the interests of the tenants. It may perhaps be objected to on the ground that the landlord may require the rent to be paid in kind to suit his domestic requirements. For that provision has been made in the clause itself. I may add that this provision is taken from the Bengal Tenancy Act which has been framed as a result of the recommendations of a committee appointed by that Government. I therefore commend this to the acceptance of the House."

* Mr. J. A. SALDANHA:—"I second the amendment. In doing so, I may point out that it is but reasonable that, as in other Land Tenure Acts, some discretion should be allowed to the Collector to commute the rent payable in kind. It may be for the benefit of both the landlord and the tenant that the rent should be paid in cash. In such cases, the difficulty will be, who is to fix the communication? The Collector or the Revenue Divisional Officer would be the proper persons who can do this. Therefore, I commend this for the consideration of the Council."

* Mr. K. P. RAMAN MENON:—"Mr. President, Sir, I regret I cannot support this amendment of my hon. Friend Mr. Mudaliyar. I am afraid it is due to the absence of any acquaintance with Malabar conditions and in his exuberance of sympathy for the tenants that my hon. Friend has brought forward his amendment. In Malabar, for centuries together and, I believe, for another century at least, rent will be paid and has been paid in kind. That has been the case in Malabar and nobody can raise any objection for being paid in kind. I would certainly object to the Revenue Divisional Officer or the Collector being allowed to fix this or that value. In my own case, I would prefer rice to money value. What the amendment aims at is this. It gives option to the tenant to pay the rent either in kind or in money and, if the tenant wishes to pay the rent in money, it is left to the Collector to say how

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many paras of paddy a family would require, how many for religious worship and so on. I would certainly object in the case of my own family to allow the Collector or, as a matter of fact, even His Excellency the Governor to say that my family would require so much of paddy and so on. We want for our family consumption our own rice. I may also inform the House that in Malabar it is regarded disgraceful for any land-owner to buy rice in the open market and that is the sentiment in Malabar which must be reckoned with. I therefore object to this amendment."

*The hon. the PRESIDENT:—"I take it that the House is ready for a vote."

"The question is to add a new clause regarding commutation of rents."

The amendment was put to the House and declared carried.

The hon. Diwan Bahadur M. Krishnan Nayar demanded a poll and the House divided thus:

Ayes.

- | | |
|-------------------------------|--------------------------------|
| 1. Mr. K. Krishnan. | 6. Mr. L. K. Tulasiram. |
| 2. " N. Sivaram. | 7. " K. V. R. Swami. |
| 3. " P. C. Venkatapathi Raju. | 8. " A. Kaleswara Rao. |
| 4. " J. A. Saldanha. | 9. " B. Venkataratnam. |
| 5. " Abdul Hameed Khan. | 10. " A. Ranganatha Mudaliyar. |

Noes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 24. Rao Sahib B. Srinivasan. |
| 2. " Sir Thomas Moir. | 25. Mr. A. Achutan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 26. " E. Sankaran Unni. |
| 4. " Mr. A. Y. G. Campbell. | 27. " C. E. Wood. |
| 5. " Mr. M. R. Seturathnam Ayyar. | 28. " S. N. Dorai Raja. |
| 6. " Mr. S. Muthiah Mudaliyar. | 29. " S. Arpudawami Udayar. |
| 7. " Dr. P. Subbarayan. | 30. " K. Ramachandira Padayachi. |
| 8. Mr. Hilton Brown. | 31. " G. R. Premasaya. |
| 9. " H. A. Watson. | 32. Swami A. S. Sahajanandam. |
| 10. " A. G. Leach. | 33. Mr. K. Madhavan Nayar. |
| 11. " J. Gray. | 34. " K. Uppi Sahib. |
| 12. " S. V. Ramamurti. | 35. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 13. " C. B. Cotterell. | 36. Mr. K. P. Raman Menon. |
| 14. " V. Ch. John. | 37. Rao Bahadur Sir A. P. Patro. |
| 15. " Syed Tajudin. | 38. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 16. " R. Foulkes. | 39. Rao Bahadur C. Natesa Mudaliyar. |
| 17. The Muppl Nayar of Kavalappara. | 40. Mr. P. T. Rajan. |
| 18. Mr. J. Kuppuswami. | 41. Mahomed Khadir Mohideen Sahib Bahadur. |
| 19. Subadar-Major S. A. Nanjappah Bahadur. | 42. Diwan Bahadur S. Kumaraswami Reldiyar. |
| 20. Mr. V. I. Muniswami Pillai. | 43. Rao Bahadur K. Sitarama Reddiyar. |
| 21. " W. P. A. Soundara Pandian. | 44. " B. Muniswami Nayudu. |
| 22. " S. Subrahmanaya Mooppanar. | 45. Mr. K. Sarabha Reddi. |
| 23. " S. Venkiah. | |

Ayes 10. Noes 45.

The amendment was negatived.

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Clause 33.

Sub-clause (2).

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I move that—
'In line 4, for the word 'commencement' the word 'institution' be substituted'."

"I understand, it is more usual to speak of 'the institution of a suit' rather than 'the commencement of a suit.'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it, Sir."

The amendment was put and adopted.

* The hon. the PRESIDENT:—"There are two amendments regarding the proviso, one is No. 381 and the other is by Mr. Unni. I allow only one amendment to be moved, because they are substantially the same. They may agree between themselves as to which they want to move."

Mr. E. SANKARAN UNNI:—"Mr. President, I move the following amendment:

'That the following proviso be added at the end: "Provided that such kudi-yiruppu is the only residential building the tenant has and that it is not situate adjacent to the residential building or other premises of the landlord and that it is not required for the extension of the premises of the landlord or a member of his family, tarwad or tavashi".'

"Mr. President, by this amendment, I seek to impose three conditions on a person who wants to purchase a kudi-yiruppu. First is that it should be the only kudi-yiruppu that he has. I believe the object of the legislature is not to enable capitalists to go about the country and buy homesteads wherever they can, but the real purpose I have in view is to see that no man is turned out of his house, but that every man who is in a kudi-yiruppu should be allowed to remain under his roof. If a person has one family house in one place, it is unfair that he should be allowed to purchase a family house in another place. The second condition I wish to impose is this 'that it is not situate adjacent to the residential building or other premises of the landlord'. Now, Sir, when discussing another motion a little while ago, it was brought to the notice of the hon. Members that the social conditions in Malabar are such that it would be extremely advisable that people are kept at arm's length from each other at least in regard to this matter. It is very necessary, especially in places like the place to which my hon. Friend Mr. Madhavan Nayar belongs, in Ernad and other places, that opportunities should not be given for people to come in conflict with each other. I therefore say that as far as possible when the landlord wants to extend his premises he must be allowed to extend it and that nobody who has got a house adjacent to his must be allowed to claim the right to purchase it."

* The hon. the PRESIDENT:—"I think that portion was discussed and voted upon by the House."

* Mr. E. SANKARAN UNNI:—"No, Mr. President, it was not discussed. It was in another connexion that the question arose. This is a separate clause by itself."

* The hon. the PRESIDENT:—"Does the hon. Member expect to try the vote of the House?"

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Mr. E. SANKARAN UNNI:—"This is an entirely different matter. It is very easy under the clause as it stands now and even as amended for a person to say that a particular house or building is his residence. Under the law, as I understand it, a man can be said to 'reside' in a place even though he occupies only a room and occasionally goes there. So, if a person has got a house in which his family 'resides' if there is the intention on his part to go and occupy that house even though for a short time, it may be his residential house. A man may thus have any number of houses and if he is rich enough he may compel the janmi to sell those house-sites.

3 p.m.

"I do not see why the janmi should be compelled to sell lands which are not absolutely essential for the happiness and well being of the tenant. I say this provision is necessary in the interests of the community as a whole. When the case is that of a poor man who has no home to live in I admit there is every reason why the legislature should lay down a provision compelling the janmi to sell the house-site. But a rich man who proposes to buy house-sites for investing his surplus capital should not be allowed to do so. Any one who knows the social condition of Malabar will agree with me. Sir, there was a time when Malabar was thinly populated. But the population is increasing rapidly, and every day the problem of accommodation is becoming acute and therefore it is all the more necessary that the legislature should see that the tenants do not build houses anywhere and everywhere, wherever land is available. If the matter is confined to places where the population is not thick, like Ernad, I would not have brought this amendment. But in thickly populated areas, there must be placed a check on the exercise of this right. Therefore I move that the amendment be accepted."

The MUPPIL NAYAR OF KAVALAPPARA—"I second it."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I am afraid, Sir, that Government cannot accept the amendment. With reference to the first condition, it says, 'provided that such kudiyruppu is the only residential building the tenant has'. I shall put before the House a simple illustration. There are many families in Malabar which contain many members. Personally I know of a family, known as the Chaliyadath family which I believe contains 400 to 500 members. (Hear, hear.) Naturally they live in a large number of houses. When I was practising, as a vakil at Calicut, it was 20 years ago, that family was residing in 28 houses. (Hear, hear.) They had in addition to that a family residence. So, what this amendment says is this: because this family has a residential tarwad house, no other house, which the members of this family may be occupying can be purchased by this family under this provision. The unsoundness of this provision is apparent, and without going to the consideration of the other clauses, I say that this amendment is unnecessary."

The amendment was put and negatived.

* Mr. MAHMUD SCHAMNAD:—"Mr. President, I beg to move that at the end of sub-clause 2, the words 'provided that such kudiyruppu is outside any municipal area' be added. Sir, there is every justification for authorizing the tenant to purchase the lands outside the municipal area. Malabar, as you

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all know, is a hilly country. The word 'Malabar' means 'hilly country.' All the level places available have been converted into paddy fields so much so that for residential houses the hilly parts should be levelled before any houses can be built. As regards municipal areas they have been converted into garden lands and they are very costly. So it will be doing no injustice to the owners of the land if they are deprived of their gardens by allowing the tenants to purchase them. And after all the tenants may require them for building warehouses, or factories, or houses for their sons or nephews. Therefore I move that the amendment be adopted."

Mr. S. ARPUDASWAMI UDAYAR:—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I do not feel inclined to accept this amendment. I don't see why those who live in municipal areas should be deprived of the right to purchase their residences when the landlord seeks to evict them. The provision in section 33 is already very limited in scope by the fact that the tenant or members of his family must have resided in the kudiyruppu for ten years, and so it is not the case that anybody can come and stop in a house for a short time and claim the right to purchase the property. It seems to me that if a family has been residing in the same residence for a period of ten years, it should be able to claim the right to purchase it, whether it is in a municipality or not.

"Further, in Malabar, even the municipalities contain a certain amount of rural area, where cultivation takes place. It is not altogether close to streets. Therefore it seems to me this section should apply to places both inside and outside municipal areas."

The amendment was put to the House and lost.

Mr. L. K. TULASIRAM:—"Mr. President, I beg to move that the following be added as a new sub-clause (3):—

'Any tenant who for ten years immediately preceding the date of the application hereinafter referred to has by himself or the members of his family been continuously in occupation of a kudiyruppu and against whom a suit has been filed or decree has been passed for eviction; but who has not lost the possession of the kudiyruppu on the date of the passing of this Act, may, at any time, by application made to the court offer to purchase the rights of his landlord in the kudiyruppu at its market price on the said date.'

"Sir, this is a supplement to clause (2). It is giving the right of purchase to a tenant who has been in occupation of the kudiyruppu for ten years and against whom a suit has been filed and a decree has been passed against him, but the decree has not been executed. This clause will provide for such extreme cases. Though such cases may be very few, the Act does not provide for such extreme cases and therefore I move this amendment."

Mr. G. HARISARVOTTAMA RAO:—"I beg to second it."

* The hon. Mr. A. Y. G. CAMPBELL:—"This sub-clause introduces two cases, one in which the suit has been filed for eviction, and this has been covered by clause (2), and the other in which a decree has been passed but has not been actually executed. The proviso to section 1 regulates the rights and obligations of the parties to suit for eviction, and so the first case has already

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been provided for. Cases in which a decree has been passed but not executed will be comparatively few in number; they have already been settled by the court and, following the decision of this House embodied in the proviso to section 1, they should not be re-opened. I oppose the amendment."

The amendment was put to vote and declared lost.

8-15 p.m. Mr. G. Harisarvottama Rao demanded a poll; and the House divided thus:—

Ayes.

- | | |
|-----------------------------|-------------------------------|
| 1. Mr. K. Koti Reddi. | 6. Mr. D. Narayana Raju. |
| 2. " G. Harisarvottama Rao. | 7. " K. Madhavan Nayar. |
| 3. " Abdul Hameed Khan. | 8. " C. Obi Reddi. |
| 4. " L. K. Tulasiram. | 9. " A. Ranganatha Mudaliyar. |
| 5. " K. V. R. Swami. | |

Noes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 20. Mr. W. P. A. Soundara Pandian. |
| 2. " Sir Thomas Moir. | 21. " S. Subrahmanya Moopanar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 22. " S. Venkiah. |
| 4. " Mr. A. Y. G. Campbell. | 23. Rao Sahib R. Srinivasan. |
| 5. " " M. R. Seturatnam Ayyar. | 24. Mr. A. Achutan. |
| 6. " " S. Muthiah Mudaliyar. | 25. " E. Sankaran Unni. |
| 7. " Dr. P. Subbarayan. | 26. " S. N. Dorai Raja. |
| 8. Mr. Hilton Brown. | 27. " S. Arpudawami Udayar. |
| 9. " H. A. Watson. | 28. " G. R. Premayya. |
| 10. " A. G. Leach. | 29. " K. Uppi Sahib. |
| 11. " J. Gray. | 30. " K. P. Raman Menon. |
| 12. " S. V. Ramamurti. | 31. " C. Gopala Menon. |
| 13. " C. B. Cotterell. | 32. Rao Bahadur C. Natesa Mudaliyar. |
| 14. " V. Ch. John. | 33. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 15. " Syed Tajudin. | 34. Mr. Muhammad Khadir Mohidin. |
| 16. " R. Foulkes. | 35. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 17. The Muppil Nayar of Kavalappara. | 36. Rao Bahadur K. Sitarama Reddiyar. |
| 18. Subadar-Major S. A. Nanjappa Bahadur. | 37. " B. Munuswami Nayudu. |
| 19. Mr. N. Siva Raj. | |

Ayes 9. Noes 37.

The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, in consequence of the deletion of sub-clause (1), I beg to move that the figure and brackets '(2)' be deleted."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was put and carried.

* The hon. the PRESIDENT:—"The question is that clause 33, as amended, shall stand part of the Bill."

The motion was adopted and clause 33 was added to the Bill.

Clause 34.

Mr. K. R. KARANT:—"Sir, I beg to move the following consequential amendment in lines 1 and 2 of sub-clause (1):

'The words, figures and brackets "sub-section (1) or sub section (2) of" be deleted.'

"This is simply a consequential amendment, Sir."

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Mr. G. HARISARVOTTAMA RAO:—"I second it."

The amendment was put and adopted.

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

'In sub-clause (3), item (a) in line 4 after the word "arrears," the words "if any" be inserted;

'In line 5, for the words "any" the words "payable to the Government by the tenant" be substituted.'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

Mr. E. SANKARAN UNNI:—"Sir, I beg to move the following amendment to the amendment of the hon. the Revenue Member which has just now been moved:—

'After the words "payable to the Government by the tenant" the words "as also the local cesses payable by the tenant" be inserted.'

"I mentioned about this matter some time ago and the hon. the Revenue Member said that I might move it when the occasion arises. In exactly similar circumstances the hon. the Revenue Member accepted an amendment like this."

The MUPPIL NAYAR OF KAVALAPPARA:—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I would accept the amendment moved by Mr. Sankaran Unni."

The amendment was put and adopted.

The amendment of the hon. the Revenue Member as further amended was then put and adopted.

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

'that in the penultimate line of sub-clause (3) (a) the words "if any" be omitted.'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was put and adopted.

* The hon. the PRESIDENT:—"The question is that clause 34 as amended shall stand part of the Bill."

The motion was adopted and clause 34 was added to the Bill.

Clause 35.

Mr. K. R. KARANT:—"Sir, I beg to move the deletion of the words 'dismiss the application made under sub-section (1) of section 33 or' and also the words 'sub-section (2) of' in this section.

"This amendment is only consequential on the deletion of sub-clause (1) of clause 33."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

The amendment was put and adopted.

* The hon. the PRESIDENT:—"The question is that clause 35, as amended, shall stand part of the Bill."

The motion was adopted and clause 35 was added to the Bill.

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Clause 36.

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

'that after the words and figure "under sub-section (5) of that section," the words and figure "together with the deposit of the arrears referred to in clause (a) of sub-section (3) of that section" be inserted.'

"This amendment is necessary, Sir, in order to carry out the intention of the section."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was put and adopted.

Mr. K. R. KARANT :—"Sir, I beg to move the deletion of the words 'the application made under sub-section (1) of section 33 shall be allowed or' and also the words 'sub-section (2) of', in lines 3, 4 and 5. This again is a consequential amendment, Mr. President."

Mr. G. HARISARVOTTAMA RAO :—"I second it."

The amendment was put and adopted.

* The hon. the PRESIDENT :—"The question is that clause 36, as amended, shall stand part of the Bill."

The motion was adopted and clause 36 was added to the Bill.

Clause 37.

3-30 P.M. The MUPPIL NAYAR OF KAVALLAPPARA :—"I move to delete the clause . . ."

* The hon. the PRESIDENT :—"The hon. Member will have to simply oppose the passing of this clause. The question is that clause 37 shall stand part of the Bill. The Muppil Nayar may now speak on the motion."

The MUPPIL NAYAR OF KAVALLAPPARA :—"I oppose the motion, Sir."

Clause 37 was then put, passed and added to the Bill.

Clause 38.

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, I move—

'For the words "in respect of" in line 3 the words "in the event of" be substituted, after the words "said order" in line 4 the words "or decree" be inserted, and after the word "executors" in line 5 the words "representatives in interest" be inserted.'

"These are merely verbal amendments. The clause will now read :

'The order or decree under section 36 shall operate as a sale to the tenant of the landlord's rights in the kudiyruppu subject to the condition that in the event of any sale of the kudiyruppu, subsequent to the said order or decree, by the tenant, his heirs, executors, representatives in interest or assigns, or in execution of a decree against them . . .'

The hon. Mr. M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

The hon. the PRESIDENT :—"The question is that clause 38, as amended, shall stand part of the Bill."

The motion was adopted and clause 38 was added to the Bill.

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Clause 39.

* Mr. K. R. KARANT :—"Sir, I beg to move—

'In line 2 for the words "under the present law", the words "under the law in force at the commencement of this Act" be substituted.'

"I think it is a drafting mistake to say that 'subject to the provisions of this Act, all rights which a tenant has under the present law or obtains under the provisions of this Act shall be heritable and alienable'. Because, both mean the same thing. What the draftsman meant was the law before the commencement of this Act, and after this Act is passed the rights would be governed by the provisions of this Act. Therefore, it will be better to make the language quite clear."

Mr. K. V. R. SWAMI :—"I second it."

The hon. Mr. A. Y. G. CAMPBELL :—"I accept it."

* Mr. S. SATYAMURTI :—"May I raise one point, Sir? It is also a mere drafting difficulty. I quite sympathise with my hon. Friends whatever their amendment may mean. But, Sir, is it suggested that two kinds of rights can exist even after the passing of this Act? I take it that once this Bill comes into force after it is passed by this hon. House and after it goes through all the processes which enable it to become the law of the land, there cannot be some rights subsisting in the tenant which are inconsistent with the rights which he will have under this Act, which rights have also to be made heritable and alienable. I would suggest that it simply means that all the rights of the tenant shall be heritable and alienable, and that would quite meet the situation. Otherwise, my difficulty is this, and I put it to the hon. the Revenue Member and to my other hon. Friends and to you yourself, Sir, in the interest of sane drafting, that we want to merely provide that all tenant's rights which he shall have shall be heritable and alienable. That heritability and alienability can attach naturally, unless you make it retrospective, only to those rights which he gets under this law. Once this Bill becomes law, I cannot contemplate the possibility of the co-existence simultaneously of two kinds or two extents of rights. Once this Bill becomes law, the tenant's rights will be a well-understood phrase, whatever those rights may be, e.g., the right of fixity of tenure, the right of getting fair rent fixed, the right of kudiyruppu and so on. We do not want to introduce an element of ambiguity, which may give rise to difficulties in practice. It seems to me, therefore, that if we merely say that all the tenant's rights shall be heritable and alienable, it will amply meet the needs of the situation. I quite see the present law is absurd as it stands. But the better remedy will be to omit the words 'under the present law or obtains under the provisions of this Act'. The words 'all rights which a tenant has shall be heritable and alienable' will amply meet the purpose which this hon. House has in view."

* The hon. the PRESIDENT :—"Perhaps, the clause may be amended thus :
'Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable'."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I think it will be better to have a reference both to the law which is in force on the date on which this Act comes into force and this law."

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* The hon. the PRESIDENT :—" Suppose some of those rights are taken away by this Act."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I believe there are rights which have not been touched by the provisions of this Act. With reference to those rights, a reference to the law in force on the date on which this Act comes into force will be necessary. For instance, coconut gardens which are not kuzhikanams and which have been granted on lease are not touched by the provisions of this Bill. They are even now transferable and heritable. I remember we discussed this matter in the Select Committee. Conceivably, of course, we have not taken an exhaustive list of all those rights, so that there can be other rights also which are not touched by the provisions of this Act. Inasmuch as those rights are heritable and transferable, I think it is necessary to have reference to the law already in force. As for the rights which are created by reason of this Act, it is necessary to say that the rights are heritable and alienable. I therefore think that it will be far better to retain those words in the clause."

* Mr. E. SANKARAN UNNI :—" It does not appear to me to be quite clear what exactly are the rights comprehended under the term 'under the present law'. The hon. the Law Member was not quite clear as to what he meant by it. Now, as it is not intended to affect any of the existing rights except to the extent and in the manner proposed to be altered or amended by this Act, what purpose will be served by having the words 'under the present law' in this ambiguous form, it is difficult to know. It will lead to difficulties as to what the present law is. What exactly will be the meaning of the rights under this Act as we pass it will itself be a matter of difficulty. If we add another difficulty to it, I think we shall be making matters a good deal more ambiguous. As the hon. Member for the University suggested, it is better that those words 'under the present law' be out of this section."

* The hon. the PRESIDENT :—" The clause runs thus :

'Subject to the provisions of this Act, all rights which a tenant has under the present law or obtains under the provisions of this Act shall be heritable and alienable.'

"That means, I think, whatever rights are there, either under the existing law or under the law now being enacted, are heritable."

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, if you consider the effect of the preamble, which says 'whereas it is necessary and expedient to define, declare, alter or amend, to the extent, in the manner and for the purposes hereinafter appearing,' we shall not be affecting the existing law except in so far as it is expressly stated in this Bill itself. I do not know whether the existing rights are heritable."

Mr. S. SATYAMURTI :—" So, it is not necessary. The argument of the hon. the Revenue Member is in favour of my contention. Sir, may I move the amendment in the form suggested by you?"

* The hon. the PRESIDENT :—" The better course is to move it. In that case, Mr. Karant's amendment will have to be withdrawn."

Mr. K. R. Karant's amendment was, by leave, withdrawn.

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Mr. S. SATYAMURTI :—" Sir, I move to substitute the following for the existing clause 39 :—

'Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.'

Mr. G. HARISARVOTTAMA RAO :—" I second it."

* Mr. E. SANKARAN UNNI :—" Mr. President, I think that is going a little farther than we intended. The phrase 'all the rights which a tenant has in his holding' is as wide a term as anything we can imagine. It is not an expression that will make matters less ambiguous. If it is the intention of the House to give a legal form to the rights of the tenant, that is not achieved by this. 'All the rights which a tenant has in his holding' is much too ambiguous. Let us not go from bad to worse."

* The hon. the PRESIDENT :—" The question is to substitute the following clause for the existing clause 39 :—

'Subject to the provisions of this Act, all rights which a tenant has in his holding shall be heritable and alienable.'

The amendment was carried, and the substituted clause was added to the Bill.

Clause 40.

* Mr. E. SANKARAN UNNI :—" Sir, I beg to move that—

'the exception to the clause be omitted.'

"The exception reads, 'No holder of a melcharth can when suing for eviction claim possession on grounds (5) and (6) of section 13 or on grounds (5) and (6) of section 20 as the case may be.' These sections refer to the right of a landlord to resume the holding for the purpose of cultivation by himself, or for the purpose of erecting a building for his own use or for the family. Now, we are allowing a melcharth to be granted under circumstances when a melcharth becomes absolutely inevitable. If the tenant is willing to renew, there can be no melcharth at all. A melcharth is granted because the tenant is not in a position, or unwilling, or thinks it is not worth while, to take a renewal. In such cases, you should not make it impossible for a man to come and take a melcharth. The necessity for the institution of melcharth really exists however much one may dislike it. When a tenant, who is rich and powerful, and who has made large and costly improvements on the property, refuses to renew and challenges the janmi to redeem the holding, the janmi who is not in a position to pay the kanamdar off and take back the land has only one remedy left to him, and that is to give a melcharth, that is to say, give another the right to evict the tenant in possession and stand in the place of the old tenant as a kanamdar. Now, what the exception says is that if a melcharth is granted to a person he shall not have the right to resume the land for the purpose of cultivation by himself or for building purposes of his own. That seems to be unfair. In the first place, nobody will come up and take a melcharth if the rights are so restricted.

"The man who wants to cultivate the land is not helped. It does not stand to reason that there should be an exception like this. If a janmi is up against a kanamdar and who will not renew, the janmi should be allowed to resort to melcharth and thus get over the difficulty. You must allow the man who

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goes in for it all the rights which you allow to the janmi. Otherwise you are, to use the very expressive phrase of my hon. Friend for the University, taking with the left hand what you gave with the right. So, I submit this exception ought to go."

The amendment was put and negatived.

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

'that clause 40 be re-numbered as 40 (1), that for the words and figures "in Chapter IV" the words and figures "of Chapter III or Chapter IV" be substituted; and that the exception to that clause be re-numbered as sub-clause (2), and that the word "exception" be omitted.'

"The insertion of Chapter III is to give the protection of this clause to the cultivating verumpattandar as well as the kanamdar, etc. The other amendments are verbal."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The amendment was put and adopted.

* The hon. the PRESIDENT :—" The question is that clause 40, as amended, shall stand part of the Bill."

The motion was adopted and clause 40 was added to the Bill.

Clause 41.

Mr. K. R. KARANT :—" Sir, I beg to move—

'In line 2, between the words "landlord" and "shall" the following words be inserted:—

"together with interest, if any, payable on the same".'

"Sir, the object of this amendment is to define the charge here more specifically."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept it."

The amendment was put and adopted.

* Mr. K. R. KARANT :—" Sir, I beg to move that—

'in the last line, between the word "revenue" and the word "due" the following words be inserted:—

"and any dues thereon payable to Government or to a local body and made a charge thereon by any other statute".'

"This amendment is quite necessary for this reason. I find for instance, there is a section in the Madras District Municipalities Act, section 85, which says that property tax on buildings and lands subject to the prior payment of land revenue due to the Government shall be the first charge on the said buildings or lands or on the movable property, etc. There is sure to be a similar provision in the Local Boards Act for local board cesses. If a local tax due to a local board is a charge next to revenue, and if in this statute you also say that the landlord's rent is a charge which comes after Government revenue, there is sure to be a conflict. Even otherwise, it must be admitted that the rent payable to the landlord should take, not precedence

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over a local tax, but must be a subsequent tax. Otherwise, the landlord and tenant may collude together and see that the local bodies are deprived of this tax. I think it is quite necessary to say that taxes due to a local board under any other statute should be made a prior charge over the charge for rent."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. Mr. A. Y. G. CAMPBELL :—" I accept the amendment."

Mr. A. RANGANATHA MUDALIYAR :—" I think, Sir, this amendment should be opposed. There are special Acts which contain provisions for the collection of these dues, and I do not see why a special machinery should be invoked for all and sundry items that may be due from one or other of the bodies."

* Mr. S. SATYAMURTI :—" Sir, the Government is a dominant partner in all taxes due to them, and this necessity has been recognized. There we are not able to say 'The landlord has the first charge.' Then, my Friends who are interested in local bodies and apprehend some difficulty in the collection of the local taxes, want to say that before the landlord gets his dues, either by way of renewal fees or arrears of michavaram or rent, you must get hold of the Malabar Tenancy Bill for getting priority for local cesses, over those dues to the landlord. That, I think, is a roundabout way of achieving the financial stability or equilibrium of the local bodies. I think they must depend on the confidence which they create in the tax payer and make their taxes realizable, and not seek the use of the machinery of the Malabar Tenancy Bill to put all the local bodies in Malabar on a superior footing. So far as the landlord's dues are concerned, this is an undesirable way of doing it. When the District Municipalities Act comes before the House for discussion, we may do something in that direction. So I do appeal to the Government that it is not right that they should accept this amendment at the last moment, and then try to disturb the financial adjustment as settled by the Select Committee and in the original Bill. The local bodies may deserve our sympathy, but we have to note the fact that we are now dealing with the question of adjustment of dues as between the landlords and tenants in Malabar."

Mr. A. KALESWARA RAO :—" Sir, I cannot understand the attitude of my hon. Friend for University. There is already a provision in the District Municipalities Act and in the Local Boards Act that all taxes due on those properties are to be collected as a first charge on them. There is such a provision there, and if this provision is to be contrary to that, then there will be a conflict. As soon as the Government revenue is collected, the landlord will say according to the Act 'here is my charge', and the local bodies will claim their charge. Then there will be conflict, confusion and trouble. Whatever we do now must be consistent with the Acts that already exist. Therefore, the hon. the Revenue Member is right in accepting the amendment."

The amendment was put and adopted.

The hon. the PRESIDENT :—" The question is that clause 41, as amended, shall stand part of the Bill."

The motion was adopted and clause 41 was added to the Bill.

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New clause after clause 41.

* Mr. K. R. KARANT :—" Sir, I beg to move that the following new clause be inserted after clause 41 :—

'Notwithstanding anything contained in section 24, no interest shall be payable for the period prior to the date of the commencement of this Act on any renewal fee or portion thereof falling due prior to such date.'

" Sir, yesterday when that motion was made and accepted by this House, it was never intended, nor was it thought of, that in respect of the past period, before the Act comes into force, the kanamdar shall be liable to pay renewal fee. I am told there are several cases in which for ten years or fifteen years no renewal has been made. It is not intended by any one in the House that for fifteen years the man must be compelled to pay interest at the rate of 12 per cent, for in that case, it will be practically denying him all the benefit of the previous provisions. All that was intended yesterday was with respect to the future, so that it may be an inducement to the janmi. He might get interest on the renewal fee, but it is not for a number of years in the past. I may also tell my janmi friends that that was not their amendment, but my amendment, and I brought it simply with a view to see that no janmi suffers injustice. It was never meant, as may be construed now, that they should collect interest for all the past years. I suppose my janmi friends will have the generosity to accept this amendment."

Mr. G. HARISARVOTTAMA RAO :—" I second it."

The hon. the PRESIDENT :—" I wish to know how this is relevant here."

* Mr. K. R. KARANT :—" This is a miscellaneous chapter."

* The hon. the PRESIDENT :—" The miscellaneous chapter does not deal with questions of interest. So the amendment is not within the scope of the miscellaneous chapter."

* Mr. K. R. KARANT :—" This provision is not already in one of the clauses in the Bill."

4 p.m. * The hon. the PRESIDENT :—" I would draw the attention of the hon. Member to Standing Order No. 32 (1) which says that an amendment must be relevant to and within the scope of the subject matter of the clause or motion to which it relates. Here the whole chapter is the subject matter. If the question of interest is one of the subjects dealt with in this chapter I have not the least objection to treat the amendment as relevant. But as that is not the case, before I give my ruling I would give an opportunity to the hon. Member to explain his position."

* Mr. K. MADHAVAN NAYAR :—" Sir, section 41 makes renewal fees and arrears of michavaram, etc., a charge on the land, and interest on renewal fee is included in renewal fee."

* The hon. the PRESIDENT :—" Is it a charge on the land? You are here trying to exclude a certain amount of interest due before the date of the commencement of this Act."

* Mr. K. MADHAVAN NAYAR :—" Renewal fee includes also the interest on it. Renewal fee is made a charge on the property by section 41."

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* The hon. the PRESIDENT :—" If this clause deals with the question of renewal fee I have no objection. But the hon. Member was saying that a certain amount of interest shall not become operative at the passing of this Act."

* Mr. K. MADHAVAN NAYAR :—" With due deference to you, Sir, I submit that that is not the case. Section 24 says that the court shall determine the amount to be paid as renewal fee and shall ascertain the interest on the renewal fee. That interest is included in the renewal fee. Therefore renewal fee and interest are made a charge on the property."

* The hon. the PRESIDENT :—" I am not satisfied that it is relevant. I rule the amendment out of order."

Clause 42.

* Mr. K. KRISHNAN :—" You will see, Sir, that where the landlord sues to evict a kuzhikanamdar or a tenant the decree provides for the payment of the value of improvements payable to the tenant. That money has to be deposited by the landlord before he can recover the land. At present there is no provision by which the landlord can bring a property to sale. It was only for the purpose of giving an opportunity to the landlord to get the money before the decree which he has obtained, was barred by limitation. Clause 42 was incorporated for that purpose. That is a new privilege which the janmis of Malabar are now not enjoying. All that I say now is, that there is a provision for bringing the land to sale. In the matter of the sale, in view of the existing relations between the janmi and the tenant, the latter would not be in a position to bid at the auction without hindrance from the janmi. No doubt he may get the full amount due to him, although other persons bid at the auction and get the property. But there will be instances when he would not be able to pay the full amount of the decree. Therefore, I say that if a landlord is to be given the power to sell a property, if there is any surplus or any amount necessary to make up the amount due to the tenant, the plaintiff must make up the amount. Sir, in the Marumakkattayam tarwad where the karnavan is given power for bringing a suit like that hundreds of suits will be brought against the tenants in the hope of selling the property and keeping the surplus with them and it might be an inducement for them to bring in eviction suits. But if there is a provision like this, it would be a check upon the landlord bringing in suits indiscriminately. I move therefore that the following may be added as a new sub-clause :

'(3) If the sale price is less than the amount due to the tenant, such tenant shall have a right to claim the difference from the plaintiff.'

Mr. V. I. MUNISWAMI PILLAI :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I do not quite follow the object of this sub-clause. I take it that any property that is sold will be sold with all the trees on it; these and all other improvements made on it, must bring in an amount exceeding the value of the improvements for which compensation has to be paid."

The amendment was put and negatived.

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The hon. the PRESIDENT :—"The question is that clause 42 shall stand part of the Bill."

The motion was adopted and Clause 42 was added to the Bill.

Clause 43.

Sub-clause (1).

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

'For sub-clause (1) of clause 43 the following be substituted:—

"43 (1) (a) A suit for restoration under sub-section (1) of section 14 or under sub-section (1) of section 21 shall be instituted within one year from the date of the transfer by the landlord.

(b) A suit for restoration under sub-section (2) of section 14 or under sub-section (2) of section 21 shall be instituted within one year from the expiry of the six years after the eviction."

"Sir, at first sight this might appear to be a far-reaching amendment of the section; but it is really only intended to be an amendment consequential to an amendment introduced in the Bill by the Select Committee. Hon. Members may remember that in the Government Bill the landlord had the right to take the land for his own cultivation. The Select Committee gave him that right in respect of land required for building purposes also. This clause was, I think inadvertently, not amended by the Select Committee. Sub-clause (a) relates to the transfer by the landlord to some tenant, mortgagee or some one of that kind, of land which he has resumed for his own cultivation; in that case a suit for restoration has to be brought within one year after the date of transfer by landlord to such tenant and clause (b) relates to cases where the landlord has got the land for the purpose of building on it and has failed to build within six years, and in that case, the tenant should have one year from the expiry of six years within which to bring a suit for restoration."

The hon. the PRESIDENT :—"Mr. Madhavan Nayar may move his amendment as an amendment to this."

* Mr. K. MADHAVAN NAYAR :—"Sir, I move to substitute the words

"three years" for the words "one year" in sub-clauses (a) and (b) of clause 43 (1) now moved by the hon. the Revenue Member."

"Sir, I submit that this may not be so lightly treated as a friend of mine seemed to do as soon as I began to move the amendment. The only right the tenant has after the landlord has recovered the property on the ground that he required it for his own *bona fide* cultivation or building purposes and does not so cultivate or build but transfer the land is to bring a suit for restoration. If the time limit of one year is to be fixed for the tenant to bring his suit, it would be as good as preventing him from exercising that right. The tenants may have no knowledge what all transactions the janmis enter into. They

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might not know that a transfer has been effected. The janmi may simply write up a document transferring the land and keeps it in his box. Nobody knows anything about it and he may bring it to light after the lapse of one year and the tenant then would be debarred from filing a suit for restoration. If the section had stated that the tenant should file a suit for restoration within one year after he comes to know of the transaction, there would have been no difficulty. But what is stated is that the suit for restoration shall be instituted within one year from the date of the transfer by the landlord. That is an absolute rule which makes it obligatory on the tenant to bring the suit within one year of the transfer. It gives room for possibilities of mischief and therefore it is essential that the period should be three years. The object of this legislation is to give the tenant the right to recover the property when as a matter of fact the landlord recovers the property not for his own *bona fide* cultivation, but simply to give it to another. That object is sure to be defeated by limiting the time within which the suit has to be brought. That is why I say that the period of one year should be extended at least to three years. It is a very modest and reasonable amendment and I submit that the House will kindly consider it and support it."

Mr. L. K. TULASIRAM :—"I second it."

* The hon. the PRESIDENT :—"The question is

'For the words "one year" in sub-clauses (a) and (b), substitute the words "three years".'

Mr. S. ARPUDASWAMI UDAYAR :—"I move

'that in the amendment of Mr. Madhavan Nayar for the words "three years" the words "two years" be substituted.'"

Mr. A. ATCHUTHAN :—"I second it."

The amendment was put and carried.

* The hon. the PRESIDENT :—"Mr. Madhavan Nayar's amendment as amended by the amendment of Mr. Arpudaswami Udayar is now for the consideration of the House."

* Mr. K. P. RAMAN MENON :—"Sir, it has to be borne in mind in this connexion that 'transfer' connotes the idea of actual physical possession. In that light there is no possibility of a tenant being deprived of his rights by the landlord executing a document and keeping it in his box. I therefore oppose this amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"I cannot accept the amendment for the reasons explained."

* Mr. J. A. SALDANHA :—"Sir, I wish to say a word after what has fallen from my hon. Friend from Calicut. The word 'transfer' means both actual physical possession and possession by deed. As a matter of fact, under the decisions of the Madras High Court, a transfer by document is a transfer and it is not necessary that it should be a physical transfer."

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4-15 p.m. "So it is not correct to say that the word 'transfer' is used in its physical sense. It is possible that this transfer has not come to the knowledge of the tenant. Therefore it is much better to provide for a longer period of two years instead of one year."

* The hon. the PRESIDENT :—"The question is that in the amendment of the hon. the Revenue Member in both clauses (a) and (b) the words 'two years' be substituted for the words 'one year'."

The amendment was put and negatived.

Then hon. the Revenue Member's amendment was put and adopted.

Sub-clause (2)(b).

Mr. E. SANKARAN UNNI :—"I beg to move

'that in line six, after the word, "restoration" the words "together with the kanartham" be inserted.'

"Sir, when a tenant is evicted and he wants to come back he cannot come exactly in the same position without paying the kanartham. That explains the need for my amendment."

The MUPPIL NAYAR OF KAVALLAPPARA :—"I second it."

Mr. K. P. RAMAN MENON :—"Of course I have no objection to the kanartham being repaid to the janmi which is his legitimate due. But I would add the word 'if any'."

The hon. Mr. A. Y. G. CAMPBELL :—"I accept the amendment, as amended by Mr. Raman Menon."

The amended amendment was put and adopted.

The hon. the PRESIDENT :—"The question is that clause 43 as amended shall stand part of the Bill."

The motion was adopted and clause 43 was added to the Bill.

Clause 44.

* Mr. J. A. SALDANHA :—"I beg to move that the following be added as a proviso to clause 44 :—

'Provided that such tenant offering to surrender his holding to his immediate landlord shall be entitled to claim refund of the kanartham or the value of the improvements which he would otherwise be entitled to demand under the Improvements Act, if he can prove that he cannot enjoy the holding without suffering loss on his outlay or without being subjected to harassing and vexatious meddling or persecution or oppression on the part of his landlord.'

"Under clause 44 it is stated that a tenant when he asks that his kanam or tenancy might be transferred is not entitled to the cost of improvement. This may be reasonable in the ordinary circumstances. But when the Act comes into operation it might place the tenant in a very awkward and precarious position and the janmi might compel him to surrender. It is quite probable that the janmi might oppress the tenant and compel him to surrender the kanam. All this by indirect pressure. In such circumstances it is quite reasonable that the tenant should be entitled to a refund of the kanam and to get the value of the improvements and I hope this amendment would be accepted."

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Mr. ABDUL HAMEED KHAN :—"I second it."

The amendment was put and negatived.

The hon. the PRESIDENT :—"The question is that clause 44 shall stand part of the Bill."

The motion was adopted and clause 44 was added to the Bill.

Clause 45.

The hon. the PRESIDENT :—"The question is that clause 45 shall stand part of the Bill."

The motion was carried and clause 45 was added to the Bill.

Clause 46.

* The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move the amendment that stands in my name as follows :—

'Renumber sub-clause (1) of clause 46 as clause 46 and in the clause as re-numbered in sub-clause (b), in line 1, for the word "assessment" substitute the word "revenue" and in sub-clause (c) for the words "agreed upon" substitute the words "payable in respect of the holding".'

"The reason for the first amendment is that it is unnecessary to retain the number as there is no other sub-clause."

"The reason for the second amendment is that what is contemplated here is the revenue due to the Government. The clause as it stands speaks of 'assessment' though in other parts of the Bill we have referred to 'revenue'."

"As regards sub-clause (c) the words 'agreed upon' are limited. I have therefore proposed that the words 'payable in respect of the holding' be substituted to cover all cases which might arise."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The MUPPIL NAYAR OF KAVALLAPPARA :—"I beg to move—

'that in line 1 of sub-clause (1) (b) the words "and other public dues" be inserted between the words "cesses" and "if",'

Mr. E. SANKARAN UNNI :—"I second it."

The hon. Mr. A. Y. G. CAMPBELL :—"I cannot accept it as it is too vague."

The amendment was put and negatived.

* Mr. K. MADHAVAN NAYAR :—"I submit that the original clause is much better than the proposed amendment. So far as the michavaram is concerned, it is arrived at after agreement between the parties. I hope there is no substantial change in the meaning by the proposed amendment."

The amendment of the hon. the Revenue Member was put and adopted.

The hon. the PRESIDENT :—"The question is that clause 46 as amended shall stand part of the Bill."

The motion was adopted and clause 46 was added to the Bill.

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Clause 47.

Sub-clause (2).

* Mr. E. SANKARAN UNNI :—"I beg to move—
'that sub-clause (2) of clause 47 be deleted.'

"Sir, I do not see the justification of throwing the burden on the landlord to prove what is due to him as arrears, because of the fact that it is not entered in the receipt. The tenant who obtains the receipt may as well take care to see that the figures are entered properly in the receipt. It is as much in the interest of the landlord as of the tenant. Why should the latter be placed at a disadvantage?"

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was put and negatived.

Sub-clause (3).

* Mr. E. SANKARAN UNNI :—"I beg to move—
'After the word "fails" the words "without sufficient cause" be inserted.'

"Sir, it is not sufficient for the tenant to say that the landlord has refused to grant a receipt. He must prove that the landlord has refused to grant him a receipt without sufficient cause. Unless it is so laid down, the tenant, when it is advantageous to him to send the money, will do so and evade payment in kind."

(A voice : What if he sends the money or gives the produce.)

* Mr. E. SANKARAN UNNI :—"It matters very much, Sir. The market rate of the produce may be very favourable to the tenant and he may take advantage of it and under cover that the landlord has refused to give him a receipt, send the money, instead of giving him the produce. Therefore, I submit that it is essential that there must be sufficient cause for the tenant to adopt such an unusual course. Otherwise this section will inflict a great loss on the janmis, and the janmis may not get the paddy necessary even for their domestic use. "There must be some reason for making a departure from the usual practice of delivering the rent in person. That is why I move the amendment."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second the amendment."

* The hon. the PRESIDENT :—"The question is 'after "fails" insert without sufficient cause.'"

The amendment was put and negatived.

The hon. the PRESIDENT :—"The question is that clause 47 shall stand part of the Bill."

The motion was adopted and clause 47 was added to the Bill.

The hon. the PRESIDENT :—"The question is that clauses 48, 49 and 50 shall stand part of the Bill."

The motion was adopted and clauses 48, 49 and 50 were added to the Bill.

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New clause after clause 50.

Mr. K. R. KARANT :—"I beg to move—

'that the following be added as new clause 50-A :—

'50-A. The award of costs in any proceeding under this Act, where the same has not been specifically provided in this Act, shall be in the discretion of the Court.'

(The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"This is the usual practice.")

"In some Acts you find that the cost of proceedings is specifically mentioned. In this case there is no such mention. In order to be on the safe side, I have moved this amendment. If hon. Members do not want this amendment I have no objection."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment."

The amendment was put and negatived.

Clause 51.

* Mr. E. SANKARAN UNNI :—"Sir, I move

'that after the word "arecanut" in line 4, the words "and other produce" be inserted'."

* The hon. the PRESIDENT :—"The hon. Member has moved this amendment in connexion with the previous clauses. This amendment would be a consequential amendment if his previous amendments had been carried. Since those amendments have been rejected, this amendment is not necessary."

Mr. E. SANKARAN UNNI :—"I do not move my amendment."

Sub-clause (2).

* Mr. E. SANKARAN UNNI :—"Sir, I move the following amendment :—

'For the existing sub-clause, the following be substituted—

'Where for any purpose under this Act paddy, coconut, arecanut has to be valued in terms of money, in the absence of evidence to the contrary, the rates published under sub-section (1) shall be conclusive evidence of such value.'

"Sub-clause (2) as it stands runs thus :

'Where any rent, michavaram or renewal fee payable under this Act is paid or is to be paid in money, in whole or in part, paddy, coconuts and arecanuts, shall be valued, for the purpose of determining the sum due, at the average market price of the previous five years as published under sub-section (1).'

"This makes it incumbent upon the court to accept the rates published in the Government Gazette. Sir, it is a notorious fact that the figures generally published in the Government Gazette do not always represent the correct market value. They are very much higher or lower than the market value, I have myself found out this fact, by comparing the figures. It is not at all safe to rely upon the notification of the Collector with regard to the price of these commodities. As hon. Members may know, these rates are always collected by underlings, and sent to the Collector; they are not collected with care and the people concerned may be seriously and adversely affected by these rates. If the sub-clause is allowed to remain as it is, it will be an inducement

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to the tenant not to pay the rent in kind. He will keep it for a time and pay it in money when the rates are low. This will lead to very serious difficulties. When family budgets are prepared, we rely on the price of paddy being at a certain rate. If the rates notified by the Collector falls below this rate, we are likely to suffer seriously and all the transactions that have been entered into will be affected. This will cause distress to all classes of people in Malabar, not only to the janmi but to all other classes of people who are in receipt of rent. My amendment seeks to make the notification conclusive only in the absence of evidence to the contrary. The parties should be allowed to adduce evidence as to the market value of the produce. My amendment must therefore find a place in the Bill."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second the amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I am not prepared to accept this amendment. We have endeavoured to avoid unnecessary litigation arising out of the Bill. We have here provided that the price shall be determined at the average market price for the previous five years. We may assume that the Collector will be perfectly fair to all sides and notify the correct prices so far as he can ascertain them after due enquiry. If we accept the amendment that is proposed, it will mean that in every case evidence will be produced that the rates are different. I am sorry, Sir, that I cannot accept the amendment."

The amendment was put and negatived.

The hon. the PRESIDENT :—"The question is that clause 51 shall stand part of the Bill."

The motion was carried and clause 51 was added to the Bill.

The hon. the PRESIDENT :—"The question is that clause 52 shall stand part of the Bill."

The motion was carried and clause 52 was added to the Bill.

Clause 53.

Mr. K. MADHAVAN NAYAR :—"Sir, I move that in line 2, the word 'landlord' for 'janmi' be substituted and that for the words 'to cut or enjoy the usufruct of trees belonging to him' the words :—

'(3). To cut and remove the trees or enjoy the usufruct of trees and pepper vines belonging to him' be substituted."

"Sir, Clause 53 runs thus: "Nothing in this Act shall affect the right of a janmi in any of his holdings, to cut or enjoy the usufruct of trees belonging to him." This amendment was moved by Mr. Sankaran Unni in the Select Committee stage. Unfortunately he omitted pepper vines because there are very few gardens where pepper vines thrive in South Malabar. In North Malabar there are a large number of such gardens and the landlords will be adversely affected, if this amendment is not accepted. It is only reasonable that you should give the landlord the right to enjoy the usufruct of pepper vines and trees belonging to him. It is for this reason that I move this amendment."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment."

* Mr. E. SANKARAN UNNI :—"I beg to move my amendment :

For the words "janmi in any of his holdings" substitute the following :
"landlord in any holding of which he is the janmi".

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"I am making it more readable. My reason is this. I make a distinction between a janmi and any other kind of landlord. The clause as amended would run thus :—"Nothing in this Act shall affect the right of a landlord in any holding of which he is the janmi, to make irrigation channels footpaths, roads and ways into adjacent and other holdings, etc." The kanamdar who holds land belonging to the janmi should not and cannot have this right of making irrigation channels, footpaths, etc. It is only the janmi who is the owner of the land should be given this right. The tenant, as such, whether he is a kanamdar, verumpattamdar or any other class, should not have this right. He does not possess it at present. The rights referred to are peculiarly the rights which belong to the proprietor of the soil. For these reasons I am unwilling to accept the amendment of Mr. Madhavan Nayar."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second the amendment."

The hon. the PRESIDENT :—"The question is for the words 'janmi in any of his holdings' substitute the following : 'landlord in any holding of which he is the janmi'."

The amendment was put to the House and negatived.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I do not think I can accept the amendment of Mr. Madhavan Nayar, because it goes very much further than the scheme of the Bill. It is intended to reserve this right to the janmi in his holding and this amendment would extend it very much and bestow it, as I have already pointed out, on people who are not entitled to claim it."

The hon. the PRESIDENT :—"The question is in line 2, substitute the word 'landlord' for 'janmi'."

The amendment was put to the House and negatived.

The hon. the PRESIDENT :—"The question is :—

'In the place of Sub-clause 3, substitute the following :—

'(3) To cut and remove the trees or enjoy the usufruct of trees and pepper vines belonging to him.'"

The hon. Mr. A. Y. G. CAMPBELL :—"I accept the amendment, Sir."

The amendment was put to the House and carried.

Mr. K. R. KARANT :—"I move the following amendment :—

'For the words "adjacent and other holdings" the words "his adjacent holdings" be substituted.

"I cannot understand why the janmi should have the right of making irrigation channels, path-ways, etc., in holdings which belong to others and not to him. Therefore I move this amendment'."

Mr. G. HARISARVOTTAMA RAO :—"I second the amendment."

Mr. E. SANKARAN UNNI :—"Sir, my hon. Friend has misunderstood the matter. I do not propose to make any channels, etc., in another man's holding. I shall have the right of making ways in my own holding which will enable me to get into another's holding whether it is mine or somebody else's. There is nothing to prevent me from making openings in my own holding which will enable me to pass on to another man's property."

* The hon. Mr. A. Y. G. CAMPBELL :—"I think in this instance I must stick to the provisions of the Bill and not accept this amendment. As has

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been pointed out by my hon. Friend there, it may be necessary for the janmi to allow a foot-path or something of that kind in his own holding leading into other adjacent holdings."

* The hon. the PRESIDENT :—"The question is that for the words 'adjacent and other holdings' the words 'his adjacent holdings' be substituted."

The amendment was put and negatived.

* The hon. the PRESIDENT :—"The question is that clause 53 shall stand part of the Bill."

The motion was adopted and clause 52 was allowed to stand part of the Bill."

Clause 54.

* The hon. the PRESIDENT :—"The question is that clause 54 do stand part of the Bill."

The motion was put to the House and carried, and clause 54 was allowed to stand part of the Bill.

New clause after clause 54.

* Mr. J. A. Saldanha :—"Sir, I beg to move my amendment. I have slightly altered it, and it reads as follows :—

'55. *The Local Government may, after the next revenue resettlement or revisional settlement in any taluk or part of a taluk, annually before the commencement of the agricultural year provide that the 'fair rent', 'michavaram', or 'renewal fee' be commuted in any taluk or part of a taluk into a multiple of revenue and fix such multiple of revenue which may be adopted for payment of receipt by a tenant or landlord, according to his option.*

"I need hardly point out, Sir, that it will be very difficult to arrive at a correct valuation of the fair rent. The opinion has been expressed by almost all the newspapers in this Presidency and also by many hon. Members of this House that there will be many difficulties in arriving at the correct fair rent or renewal fee, and that therefore it is very desirable that it should be fixed on some simple basis. In moving this amendment, I am following the instructions given to me by my own constituency. I have already placed before the House two petitions; I have now got another petition from one other part of my district in which the same prayer is repeated."

* The hon. the PRESIDENT :—"The hon. Member has got the right to present petitions till the third reading of the Bill is over."

* Mr. J. A. Saldanha :—"I shall now read a passage from a memorandum of Mr. A. G. Thomas, retired Sub-Registrar, Kottapadi, as it clearly sums up the argument in favour of this amendment:

'Some difficulty is felt as to fixing Renewal fee on kanam tenure. In the Pattambi Conference, held on the 16th instant, the mode suggested in the Bill was approved of by some members of the audience, though the speakers, notably Mr. Madhavan Nayar, pointed out that the fee was to an oppressive extent. Christians who abhor and detest litigation want the assessment tax should be a permanent multiplicand that should be increased by another factor for the product that forms the renewal fee. The soil is divided into several classes as one, two and so on according to the productive capacity of each kind in the assessment register. Some will be yielding seven or eightfold and some a higher fold. If this has been rightly done the gross produce can be easily ascertained. Deducting the several kinds of expenses incidental to cultivation and other items of expenditure in the shape of interest on kanam and michavaram payable to the janmi, the remainder will be the net income. The assessment tax multiplied by a certain factor to be fixed by the Council will be the renewal fee, if it is not deemed excessive.

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[Mr. J. A. Saldanha]

Giving the choice to the janmis and the tenants to fix the gross produce is dangerous, as the one will increase and the other decrease it and a flood of litigation will be the result. As the Council contains some of the ablest lawyers of Malabar, a taunt might also be cast at them that they adopted a course leading to a trickery of law to increase litigation."

"Sir, these are words of wisdom. They say that the flood gates of litigation will be opened; the amount of litigation is already so great that any increase is most undesirable. I am sure such litigation will be counteracted to a great extent if my amendment is accepted. After all, the amendment is not of a mandatory character; it is only of a permissive character. After the next revenue resettlement or revisional settlement in any taluk or part of a taluk, it enables the Government to commute the fair-rent of all kinds—there are five or six kinds of fair-rent—into a multiple of revenue or assessment. This provision, Sir, was made in the last Bill by my hon. friend Diwan Bahadur Krishnan Nayar, though it was a multiple which was made to apply only to one or two cases. But here, the multiple can be fixed by the Government after very careful investigation, in the case of all kinds of fair-rent. In that way, the Government will be saving the people from the evil effects of litigation which is sure to arise as a result of this Bill. I do not want to repeat the arguments so often advanced in this respect, and I am sure this House will accept this very modest and at the same time very useful amendment, which only gives power to the Government to decide what is good to the people of the country."

Mr. R. SRINIVASA AYYANGAR seconded the motion.

* The hon. the PRESIDENT :—"The question is to add the following as a new clause 55 :—

'55. *The Local Government may, after the next revenue resettlement or revisional settlement in any taluk or part of a taluk, annually before the commencement of the agricultural year provide that the "fair-rent", "michavaram" or "renewal fee" be commuted in any taluk or part of a taluk into a multiple of revenue and fix such multiple of revenue which may be adopted for payment or receipt by a tenant or landlord, according to his option.*

The motion was put to the House and lost.

* Mr. E. SANKARAN UNNI :—"Mr. President, Sir, I do not propose to trouble the House at this late hour by moving all the additional clauses of which I have given notice. But there is one which is very important, clause (v) "

* The hon. the PRESIDENT :—"The hon. Member does not propose to move clauses (i) to (iv) ?"

* Mr. E. SANKARAN UNNI :—"No, Sir. I am moving only clause (v) which runs thus:

'*Nothing in this Act shall apply to dry lands converted into wet by a landlord at his own expense, for a period of thirty years from the date of such conversion.*

"The object of this clause is this : . . ."

* The hon. the PRESIDENT :—"We have already dealt with one of the sections which excludes the operation of the Act in certain cases. I think it is clause 2."

Mr. E. SANKARAN UNNI :—"Mr. President, what we have done already relates to dry lands converted by the tenants' labour; but this relates to lands converted into wet by a landlord . . ."

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* The hon. the PRESIDENT :—"The whole question was gone into in clause 2. That is the proper place where the hon. Member ought to have brought in his amendment. It is not at all relevant to this Chapter, and therefore it is out of order."

Preamble.

* The hon. the PRESIDENT :—"The question is that the Preamble shall stand part of the Bill."

The Preamble was put and carried and made to stand part of the Bill.

The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I beg to move that the Bill be now passed into law."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

Mr. E. SANKARAN UNNI :—"Sir, I object to it."

* The hon. the PRESIDENT :—"The objection prevails."

III—*cont.*

STATEMENT REGARDING BUSINESS BEFORE THE HOUSE.

The hon. the PRESIDENT :—"The hon. the Leader of the House will now make a statement regarding the business before the House."

* The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—"Sir, as hon. Members know and as has been stated in the agenda, besides this Malabar Tenancy Bill, we have got the following business to be transacted :—

"(1) The two Bills of my hon. Colleague the Chief Minister which have already found a place on the agenda.

"(2) Demands for four supplementary grants in respect of which notice was given on the 19th September.

"(3) A Bill further to amend the Madras District Municipalities and Local Boards Amendment Act, 1921.

"(4) A Bill further to amend the Andhra University Act, 1925."

* The hon. the PRESIDENT :—"I think that is to be passed into law immediately?"

The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—"I think so."

The hon. Dr. P. SUBBARAYAN :—"Yes, Sir."

The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—" (5) A Bill to amend the Madras Town Planning Act, 1920.

* The hon. the PRESIDENT :—"That is to be referred to a Select Committee?"

The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—"I think so."

"(6) A Bill further to amend the Madras Village Courts Act, 1888."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The present idea is not to refer it to the Select Committee; but if hon. Members press for it, it will be referred to a Committee."

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The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur—

"(7) A Bill further to amend the Madras Medical Registration Act, 1914.

"(8) Resolution regarding guaranteeing of interest on debentures to be issued by the proposed Central Land Mortgage Bank.

"(9) Amendments to Standing Orders,

"(10) Further supplementary demands, notice of which was given on the 5th of this month.

"These are the official items, Sir."

* The hon. the PRESIDENT :—"The question is this: As far as I know, the Government want that agenda should be finished during the next week. But if a large section of the House wants not to have any sitting of the House on Friday, Saturday, Sunday and Monday, the Council may adjourn to-morrow evening, and re-assemble on Tuesday morning."

Mr. P. C. VENKATAPATHI RAJU :—"Mr. President, Sir, there was a representation made by many members of my party that we should adjourn immediately after the second reading of the Malabar Tenancy Bill was finished and this was made known to the hon. the Leader of the House."

* The hon. the PRESIDENT :—"It is settled that we are sitting to-morrow. The agenda for to-morrow has already been issued."

Mr. P. C. VENKATAPATHI RAJU :—"Is the Leader of the House agreeable to that?"

The hon. Khan Bahadur Sir Muhammad USMAN SAHIB Bahadur :—"I am quite agreeable to that, Sir, if the House decides so."

Mr. J. A. SALDANHA :—"Why not close the day after to-morrow?"

* The hon. the PRESIDENT :—"I have already said that if a large section of the House wants that the Council shall not sit on Friday, Saturday, Sunday and Monday, the Government will be agreeable to such a course."

Mr. SAMI VENKATACHALAM CHETTI :—"Why not sit on Monday, Sir?"

* The hon. the PRESIDENT :—"I shall ascertain the wishes of the Leaders of Parties, as to whether the Council shall sit on Monday next."

Mr. P. C. VENKATAPATHI RAJU :—"The wish of my party, Mr. President, is that we should sit on Tuesday, not on Monday."

Mr. A. RANGANATHA MUDALIYAR :—"We shall have it on Tuesday, Sir."

Rao Bahadur Sir A. P. PATRO :—"No objection to meet on Tuesday, Sir."

* The hon. the PRESIDENT :—"As all the large groups are in favour of sitting only on Tuesday next, the Council will not sit on Friday, Saturday, Sunday and Monday."

The Council then adjourned to meet again at 11 a.m. the next day.

IV

PAPER LAID ON THE TABLE OF THE HOUSE.

Statement^a regarding the number of bucket shops in the City of Madras (Vide answer to question No. 282 answered on 10-8-29).

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

[9th October 1929]

APPENDIX I.

[Vide answer to question No. 839 asked by Mr. C. Ramasomayajulu at the meeting of the Legislative Council held on the 9th October 1929, page 918 supra.]

1744 Q.—Mr. C. RAMASOMAYAJULU: Will the hon. the Minister for Public Health be pleased to state—

(a) the number of unpassed matriculate clerks who were in permanent service by 1926 in the Registration Department;

(b) how many of them have subsequently been appointed as sub-registrars;

(c) whether they have been receiving increments of salaries; and

(d) if the answers to clauses (b) and (c) are in the negative, the reasons for the same?

A.—(a) One hundred and twenty-six made up of two exempted to hold appointments as sub-registrars; 103 exempted to hold clerical appointments on pay exceeding Rs. 35; and 21 exempted to hold clerical appointments on Rs. 35 only.

(b) Not one of those men has been appointed as a permanent sub-registrar; but the two exempted to hold appointments as sub-registrars have occasionally been appointed to act as such.

(c) All, but the 21 exempted to hold clerical appointments on Rs. 35 only, have been granted increments.

(d) The 103 clerks referred to in the answer to clause (a) have not been appointed as sub-registrars for the reason that they are not qualified under the Public Service notification, nor exempted from the rules for that post; and the 21 clerks referred to in the answer to clause (c) could not be granted increments as their exemption from examination rules is restricted to enable them to hold clerical appointments on Rs. 35 only.

APPENDIX II.

[Vide answer to question No. 846 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 9th October 1929, page 973 supra.]

G.O. No. 3368, L. & M., dated 18th July 1929.

READ—the following paper:—

From the President of the Madura District Board, dated the 24th May 1929, R.O.C. No. 958/29.

Order—No. 3368, L. & M., dated 18th July 1929.

The President, District Board, Madura, is informed that local fund employees are at liberty to take part in the promotion of co-operative societies but that they should not hold office in any such society or serve on any committee appointed for its management. This restriction does not, however, apply in the case of a co-operative society composed wholly of local fund employees or partly of local fund employees and partly of Government servants, provided that the employee accepts no remuneration for his services

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and that he obtains the permission of the head of his office, who shall, however, satisfy himself that the work undertaken will not adversely affect his official duties.

(By order of the Government, Ministry of Education and Local Self-Government)

HILTON BROWN,
Secretary to Government.

To the President of the Madura District Board.

„ all other Presidents of District Boards and Chairmen of Municipal Councils.

„ all Collectors.

„ the Development Department.

APPENDIX III.

[Vide answer to question No. 861 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 9th October 1929, page 935 supra.]

Year.	Cows and oxen.		Buffaloes.	
	Number of animals.	Revenue.	Number of animals.	Revenue.
		RS.		RS.
1900-01	17,822	2,021	2,735	573
1901-02	16,779	2,753	2,212	729
1902-03	21,113	2,946	2,948	787
1903-04	17,743	3,549	2,327	1,665
1904-05	26,098	4,170	4,165	1,349
1905-06	29,904	5,241	4,694	1,654
1906-07	34,480	6,417	5,363	2,005
1907-08	36,292	6,805	5,460	2,047
1908-09	38,029	7,130	5,909	2,216
1909-10	39,342	6,935	6,534	1,974
1910-11	41,221	7,728	9,496	2,729
1911-12	44,298	7,952	12,133	2,842
1912-13	48,942	8,526	15,369	3,254
1913-14	38,895	7,292	5,532	2,075
1914-15	+ 17,249			
	37,031	6,943	5,317	1,994
1915-16	+ 17,820			
	38,939	7,132	5,468	2,051
1916-17	+ 8,853			
	38,947	6,928	5,461	2,025
1917-18	+ 20,352			
	36,936	6,925	5,628	2,111
1918-19	+ 21,069			
	35,634	6,682	5,433	2,036
1919-20	+ 9,221			
	36,329	6,812	5,267	1,975
1920-21	+ 15,369			
	30,163	11,312	4,052	2,532
1921-22	26,286	10,999	3,291	915
1922-23	27,132	13,449	3,432	2,145
1923-24	+ 26,204			
	28,700	13,970	3,779	2,362
1924-25	+ 24,861			
	29,377	12,798	3,777	2,361
1925-26	+ 14,257			
	29,091	10,909	3,514	2,196
1926-27	28,655	10,746	3,467	2,160
1927-28	29,499	12,378	3,364	2,102
	+ 10,521			

* NOTE.—Represents the number of cows, oxen and buffaloes and cattle admitted to Kulgunda Cattle Fair at 2 annas per head.

APPENDIX IV.

[9th October 1929]

[Vide answer to question No. 863 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 9th October 1929, page 936 supra.]

Name.	Section under which convicted.	Court by which convicted.
1. T. N. Nataraja Pillai ..	188 Indian Penal Code.	Subdivisional Magistrate, Madura.
	124-A Do.	District Magistrate, Madura.
	153-A Do.	Subdivisional Magistrate, Godavari district.
2. G. Satyanarayana ..	108 Criminal Procedure Code.	Presidency Magistrate, Madras.
3. N. Narayana Ayyar ..	124-A Indian Penal Code.	District Magistrate, Madura.
4. Yakub Hasan ..	124-A Do.	District Magistrate, Tanjore.
5. Balakrishna Sastri ..	123 Criminal Procedure Code.	Subdivisional Magistrate, Trichinopoly.
6. S. Krishnaswami Sarma.	103 Do.	Chief Presidency Magistrate, Madras.
7. Chandrasekara Reldi ..	108 Do.	Subdivisional Magistrate, Nellore.

APPENDIX V.

[Vide item IV "Paper laid on the table of the House" page 991 supra.]

PUBLIC (POLICE) DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the promise given by the Hon'ble the Home Member at the meeting of the Legislative Council held on the 10th August 1929, the following statement is laid on the table:—
Legislative Council Question No. 282 (starred) answered on the 10th August 1929—

- (a) The number of new bucket shops and fresh branches of existing bucket shops started since October 1928 is 110.
(b) The total strength of these clubs in the City at present is 215.

H. G. STOKES,
Acting Chief Secretary

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 10th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sabib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.
Krishnan Nayar, The hon. Diwan Bahadur M.
Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hameed Khan Sahib Bahadur.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Adinarayana Chettiyar, Mr. T.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Ari Gowder, Mr. H. B.
Arogyaswami Mudaliyar, Diwan Bahadur B. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cottrell, C.I.E., I.C.S., Mr. C. B.
Dorai Raja, Mr. S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhar Siva, Mr. M. V.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Govindan Nayar, Mr. C.
Gray, O.B.E., I.C.S., Mr. J.
Guruswami, Rao Sahib L. C.
Harisarvottama Rao, Mr. G.
Hearson, Mr. H. F. P.
Hilton Brown, I.C.S., Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Leach, I.C.S., Mr. A. G.
Madhavan Nayar, Mr. K.
Maharaja of Pithapuram.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara alias Kumarar Raman, Mr.
Mushulakshmi Reddi, Dr. (Mrs.) S.
Muthuranga Mudaliyar, Mr. C. N.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Patro, Kt., Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramaobandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Robertson, Mr. R. J. C.
Rutherford, Mr. T. G.
Sahajanandan, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sankaran Unni, Mr. E.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Soundarapandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Mooppanar, Mr. B.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, Mr. K.
Vanavudaiya Gounder, Mr. S. V.
Venkatapati Raju, Mr. P. C.
Venkatarangam Nayudu, Mr. C.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Mirzapuram.
Zamindar of Seithur.

[10th October 1929]

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Finance

Increase in the number of elected members of the Finance Committee.

* 868 Q.—Mr. J. A. SALDANHA: Will the hon. the Member for Finance be pleased to state what action Government have taken or contemplate taking on the resolution recommending the increase in the number of the elected members of the Finance Committee passed by the Legislative Council at its meeting on 8th August 1929?

A.—The question will be considered at the time of moving for the election of the next Finance Committee.

Mr. J. A. SALDANHA:—“Will the hon. Member for Finance be pleased to state why the question cannot be considered and decided at present?”

The hon. Sir THOMAS MOIR:—“The Government have decided not to consider the alteration of the constitution of the Finance Committee until the end of the year.”

Forests

Reorganization of the Forest Department.

* 869 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state the proposals now under the consideration of Government for the reorganization of the Forest Department?

A.—The hon. Member is referred to the answer given to question No. 323 by Mr. G. Harisavottama Rao on 10th August 1929. The question is still under consideration.

Mr. A. RANGANATHA MUDALIYAR:—“May I know whether Government will at least tell us what the proposals are that are under their consideration, so that those that are interested in the matter may offer their remarks?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The questionnaire that has been issued to the Chief Conservator of Forests relates to the organization and management of the department and the answers have been received. The Government have not yet examined those answers.”

Mr. G. HARISAVOTTAMA RAO:—“May I know, when the Government have considered the question they would issue the questionnaire and their remarks upon it for consideration by the members of this House even if the Council be not in session?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“I shall consider my friend's suggestions.”

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Consideration of the effects of growth of forests on cultivation.

* 870 Q.—Mr. J. A. SALDANHA: With reference to question No. 188 answered on 9th August 1929, will the hon. the Law Member be pleased to state whether the questionnaire issued by the Government to the Forest Department deals with the questions on the growth of forests and evils of this growth on ryots and cultivators, especially destruction of cattle by wild animals (average 4,500 animals in South Kanara alone)?

A.—It deals with the regeneration of forests from the point of view of the conservation and utilization of forests. It does not deal with the other points referred to in the question.

Mr. J. A. SALDANHA:—“May I enquire whether in this question of reorganization apart from the growth of forests and the evils of this growth on the ryots, there is any question of policy, and why it is regarded as policy?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The policy is one that relates to the administration of the Forest Department. Therefore it is called a question of policy.”

Marine

Works proposed to be undertaken at Tuticorin.

* 871 Q.—Mr. J. A. SALDANHA: With reference to question No. 102 answered on 8th August 1929, will the hon. the Law Member be pleased to state what the decision of Government is as to the future work to be undertaken at Tuticorin?

A.—The Government have not yet come to a decision.

Mr. J. A. SALDANHA:—“May I enquire, with reference to the answer given, whether any reference has been made to the Government of India and whether they will take it up as an Imperial work?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“No reference has yet been made, Sir.”

Mr. J. A. SALDANHA:—“May I enquire what are the issues that make it difficult for Government to come to a decision?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Chief Engineer for Harbour has submitted estimates to the Government for the construction of a harbour in Tuticorin, and another estimate for the construction of a harbour near the Hare Island and these two estimates are now before the Government. Both these estimates are now under the consideration of Government.”

Mr. J. A. SALDANHA:—“May I enquire whether, having regard to the stupendous nature of this work, Government will consider it fit to ask the Government of India to take it up as they did in the case of Vizagapatam Harbour?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“As I already said the whole question is under the consideration of this Government and when they come to a conclusion they will then consider as to what further steps they have to take.”

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Mr. J. A. SALDANHA :—" For more than a year, this question has been under their consideration. May I ask the approximate time when a reference to the Government of India will be made ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My hon. Friend is mistaken in thinking that the Government have been considering this question for more than a year. In fact, the estimates prepared by the Chief Engineer have been in possession of the Government only for some months."

Irrigation

Villages affected by the Kistna Reservoir and other projects.

* 872 Q.—Mr. G. R. PREMAYYA : Will the hon. the Member for Revenue be pleased to state—

- (a) how many villages there are in each taluk of the Guntur district;
- (b) how many villages out of them in each taluk of the said district are affected by (1) Kistna Reservoir, (2) Romperu and (3) Gundlakamma projects;
- (c) when the Government are going to carry out the projects;
- (d) how long ago did the Government grant pattas under project conditions; and
- (e) why the Government do not continue granting land as before under project conditions?

- A.—(a) The hon. Member is referred to the alphabetical list of villages.
- (b) The number of villages which will be affected (inclusive of zamindari and Agraharam villages) by the Kistna Reservoir project is :—
 Sattenapalle taluk (65); Guntur (99); Narasaraopet (53); Bapatla (67); Tenali (5); Ongole (49).
Romperu project.—It is presumed that the hon. Member is referring to the proposals for draining the Bapatla east swamp sanctioned in 1910. The number of villages affected by this work was 20 in Bapatla taluk.
Gundlakamma project.—Nineteen villages in Ongole taluk are affected by this project.

- (c) The Kistna reservoir project will not be taken up for consideration until after the completion of the Cauvery-Mettur Project. The work of draining the Bapatla east swamp referred to in the answer to clause (b) above has been completed. As regards the Gundlakamma project, the Government have recently ordered that gaugings should be taken at the sites of the proposed dam and anicut, and the discharges of the river observed for a period of five years. It cannot be said whether the project will be taken up until the results of the gaugings are known, and the estimates are revised and examined.
- (d) (1) *Kistna reservoir project.*—
 (a) Guntur, Sattenapalle and Ongole taluks :—
 From 15th December 1908.
 (b) Tenali, Repalle, Bapatla and Narasaraopet taluks :—
 From 3rd May 1910.

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(2) *Romperu project.*—

From 6th October 1908.

(3) *Gundlakamma project.*—

From 31st August 1915.

(e) The Government have not prohibited such assignments.

Mr. A. RANGANATHA MUDALIYAR :—" The question relates to the Kistna Reservoir and other projects and the Kistna Project is associated with the Tungabhadra Project. May I know therefore whether by the Kistna Project they distinguish that from the Tungabhadra Project ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The Kistna Reservoir Project and the Tungabhadra Project affect each other but they are different projects."

Land Revenue

Transfer of Mr. V. Achutam Pantulu from Chatrapur division.

* 873 Q.—Sriman BISWANATH DAS Mahasayo : Will the hon. the Member for Revenue be pleased to state—

- (a) the number of representations made for, and against the transfer of, Mr. V. Achutam Pantulu, Revenue Divisional Officer, Chatrapur (Ganjam district), from Chatrapur division to Bellary;
- (b) the number of representations said to have been made by or on behalf of zamindari ryots of Kallikote and Atagada Estates;
- (c) whether any representations were made to the Government either by the Manager, Kallikote Estate, or by the Raja of Kallikote;
- (d) whether they enquired into the bona fides or otherwise of representations referred to in clause (b);
- (e) the number of signed petitions submitted to the Government alleging the partiality of the said Revenue Divisional Officer towards the Kallikote Estate; and
- (f) the action taken on each of the petitions referred in clause (e) ?

A.—(a) & (b) The only representations received were two telegrams purporting to be from the ryots of Atagada and Kallikote Estates and a petition addressed to the Board of Revenue by the hon. Member himself on behalf of the Zamindari Ryots Association, Berhampur. All these representations were for the transfer of Mr. Achutham Pantulu to Bellary.

(c) No.

(d) No.

(e) & (f) A petition to this effect was received by the Board of Revenue in October last. It was referred to the Collector who reported that there was no truth in the allegation.

Two similar petitions were received this year by the Government. Both of them were transferred to the Board of Revenue for disposal.

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Mr. A. RANGANATHA MUDALIYAR :—" May I know the reasons why this officer was transferred? In the answer it is stated that all the representations were for the transfer of Mr. Achutham Pantulu to Bellary. Was it as a result of those representations that this gentleman was transferred? "

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

Pounds

Prosecutions for allowing cattle to stray on public roads.

* 874 Q.—Mr. J. A. SALDANHA : Will the hon. the Revenue Member be pleased to state how many persons were recently prosecuted in the town of Mangalore for allowing their cattle to stray on public roads, under what law they were prosecuted, how many of them were convicted and what fines were inflicted?

A.—The Government have not the information.

Mr. J. A. SALDANHA :—" May I know whether Government will be pleased to call for information on this subject? "

The hon. Mr. A. Y. G. CAMPBELL :—" As far as I know, Revenue officers are not responsible for stopping cattle from straying astray on public roads. If prosecutions were instituted by the police, the question should be addressed to the hon. the Home Member; if they were instituted by municipal authorities it should be addressed to the Minister for Local Self-Government."

Mr. J. A. SALDANHA :—" I put the question to the Law Member thinking it to be his. Now it is referred to the Revenue Member and if the Revenue Member thinks that he cannot answer, cannot the hon. Revenue Member transfer it to the Home Member? "

The hon. Mr. A. Y. G. CAMPBELL :—" It is not clear from the question as to who instituted the prosecutions to which the hon. Member refers. If the hon. Member will make his question more clear and more precise, it will be answered by the Member or Minister to whom it should be addressed."

Mr. J. A. SALDANHA :—" I know police always prosecute. I want to know why this prosecution is going on, and under what law? "

Mr. A. RANGANATHA MUDALIYAR :—" Do not Government consider that stray cattle on public roads are a nuisance? "

The hon. Mr. A. Y. G. CAMPBELL :—" Yes, Sir, very often they are."

Season

Extent of cultivation in Cumbum and Markapur taluks.

* 875 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state villagewar for the Betamcherla firka, Dhone taluk, Pitakayagulla firka, Cumbum taluk, and all the firkas of the Markapur taluk—

- the rainfall recorded from the 1st of June 1929 up to date;
- the area sown and the month in which it was sown since 1st June;
- the average area under cultivation in ordinary years;

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(d) the number of (1) cattle and (2) sheep and goats, if information is available with the Government;

(e) the grazing facilities that now exist (1) free, (2) with fees;

(f) the present state of supply of fodder for cattle; and

(g) whether any, and, if so, what special arrangements have been so far made to help the people to get food for their cattle?

A.—(a) to (d) The hon. Member is referred to the District Gazettes for the period, where he will find reported the rainfall recorded at the registering stations of Dhone, Peapalli, Cumbum and Markapur. As regards the rainfall in the villages referred to and the particulars asked for in clauses (b) to (d), the information is not available in any existing return or report.

(e) to (g) The grazing of cattle is permitted free of charge on all unreserved land at the disposal of the Government. Grazing in reserved forests is allowed subject, normally, to the payment of fees. In view of the scarcity of pasture and fodder in the Cumbum and Markapur taluks the Collector has sanctioned the concession of free removal of grass in head-loads and cart-loads in favour of the residents of those taluks.

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the information asked for in clause (b) is not available in the summary of crop returns that is maintained in Taluk offices? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think that such information is available in any return that reaches Government. As far as I know it is not available."

Rainfall in the Bellary district.

* 876 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Member for Revenue be pleased to state the actual rainfall in each of the months of April to August this year and in the corresponding months of any normal year or years in each of the taluks of the Bellary district?

A.—The actual rainfall during the months of April to September 1929 and the average rainfall during those months as recorded at the several registering stations of the Bellary district is given in the attached statement.^a

Mr. A. RANGANATHA MUDALIYAR :—" In view of scarcity of the rainfall, may I know what steps Government have taken to remedy the consequent deficiency in pasture? "

The hon. Mr. A. Y. G. CAMPBELL :—" My information is that the recent rains have very much improved the situation."

Settlement

Assessment on wet lands in Malabar.

* 877 Q.—Mr. K. R. KARANT : Will the hon. the Member for Revenue be pleased to state—

(a) the rates of assessment levied at the last settlement in Malabar for wet lands of different classes; and

^a Printed as Appendix I on page 1070 infra.

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(b) the details of the cost of cultivation as found at the settlement showing *inter alia* the proportion which the value of seed bears to the total cost of cultivation and the latter to the gross income as well as to the assessment levied for different classes of wet lands in Malabar?

A.—(a) The scale of single-crop wet rates fixed at the last settlement was as follows:—

Taram.			Rates.			Taram.			Rates.		
			RS.	A.	P.				RS.	A.	P.
I	...		6	0	0	V	...		2	0	0
II	...		5	0	0	VI	...		1	8	0
III	...		4	0	0	VII	...		1	0	0
IV	...		3	0	0	VIII	...		0	12	0

(b) The information given on these points in the scheme report for the last settlement is appended^a.

Mr. K. R. KARANT:—"May I ask the hon. the Revenue Member, with reference to the figures given in Appendix, whether Government in effecting settlement rates have accepted these figures of the settlement officers or have they varied?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice of the question. The settlement was done so many years ago."

Mr. J. A. SALDANHA:—"May I know whether the figures given in the Appendix regarding expenses of cultivation were borne in mind in drawing up the principle of fair rent in the Malabar Tenancy Bill?"

The hon. Mr. A. Y. G. CAMPBELL:—"I cannot say."

Mr. K. R. KARANT:—"May I know whether, if these figures are correct, the cost of cultivation is nearly seven and a half times the seed, and when that is the case why the Government only allowed two and a half times in the Malabar Tenancy Bill?"

The hon. Mr. A. Y. G. CAMPBELL:—"I cannot see how that question arises now. As hon. Members are aware, fair rent was put into the Malabar Tenancy Bill as the result of an enquiry by the Raghavayya Committee and further consultation with certain janmis and certain tenants at a Round Table Conference. As a result of those enquiries and on a consideration of all the information before the Government, the figures were put into the Malabar Tenancy Bill which was introduced by the Government."

The hon. the PRESIDENT:—"We are again getting into the Malabar Tenancy Bill. We shall reserve it for the third reading of the Bill."

Progress of resettlement in the Presidency.

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

(a) the number and the names of the districts in which settlement operations are going on with a view to the early introduction of resettlement rates;

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(b) whether the Government propose to suspend these operations pending the results of the Economic Enquiry Committee which has been appointed by this Council to enquire into the settlement operations in Godavari, West Godavari and Kistna districts; and if not, why not?

A.—(a) Six, namely, East Godavari, West Godavari, Kistna, Malabar and South Kanara.

(b) No. The operations now going on are necessary, whatever the results of the Committee's enquiries may be.

Mr. S. SATYAMURTI:—"With reference to the answer to clause (b), may I know why Government consider that these operations are necessary, if the Committee's enquiry result in a recommendation not to introduce resettlement rates?"

The hon. Mr. A. Y. G. CAMPBELL:—"Resettlement operations are not merely undertaken for the introduction of new rates, but also for bringing up to date the registers and includes such matters as transfers of land from one class to another and reclassification of sources of irrigation. All these operations have nothing to do with the introduction of new rates. The operations that are now being carried on are those which will not be affected by the variation in rates."

Mr. S. SATYAMURTI:—"May I know if there is any part of the operations that are now going on which depends upon the possibility of the early introduction of resettlement rates?"

The hon. Mr. A. Y. G. CAMPBELL:—"The operations which depend on the new rates will not be carried out until final orders are passed by the Government. What is being done now will not be affected by the rates."

Village Establishment

Publication and sale of the Village Officers' Manual.

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

(a) whether the present Village Officers' Manual deals with the powers and the duties of both the village munsifs and the karnams though the portions relating to each class of officers are contained in separate parts;

(b) whether the Government will have separate manuals prepared for the use of munsifs and karnams respectively, so that those in need of one of them only need not purchase the other;

(c) when the Village Officers' Manual was last published in (1) English, (2) Tamil, (3) Telugu and (4) Kanarese respectively;

(d) how many correction slips have since been issued to each of them;

(e) whether copies of manuals, in the different languages with corrections brought up to date are available for sale with the various book-sellers who are agents for the sale of Government publications and in the book depot at Mount Road; and

(f) the stock on hand with the Government?

A.—(a) Part I of the Manual deals with "Powers and Duties of Village Officers" and concerns both the village headman and the karnam. Part II of the Manual deals with "Village Sanitation" and directly concerns the headman only.

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- (b) Part I occupies 258 pages and Part II 21. The Government do not consider that any advantage will be gained by printing the two parts separately.
- (c) The last English edition was published in 1913. The Government have not the information about the editions in the vernaculars.
- (d) So far as the Government are aware, 29 correction slips have been issued to the English edition.
- (e) & (f) Fifty-four copies in Oriya and one copy in English with some of the correction slips are now in stock in the Mount Road depot. The Government have not the information regarding other book depots. The Manual is now under revision and will shortly be reprinted.

Mr. A. RANGANATHA MUDALIYAR :—"There seems to me to be some misapprehension in regard to the answer. I did not suggest that Part I and Part II should be published separately. What I meant to say was that the portions relating to the headmen should be printed as one volume and those relating to the karnam should be printed as a separate volume. Will the Government consider that suggestion?"

The hon. Mr. A. Y. G. CAMPBELL :—"The first part deals with powers and duties of all village officers, and the Government consider that both the headman and karnam should be acquainted with this part of the Manual."

Mr. A. RANGANATHA MUDALIYAR :—"Is the village headman examined in regard to the maintenance of accounts, which are peculiar to the karnam?"

The hon. Mr. A. Y. G. CAMPBELL :—"The village accounts are not given in the Village Manual but in a separate manual called the Village Accounts Manual."

Mr. A. RANGANATHA MUDALIYAR :—"There are many other things which are contained in the Manual, which are useful for the one and not for the other and do the Government expect the village officers both headmen and karnams to be acquainted with all those things?"

The hon. Mr. A. Y. G. CAMPBELL :—"Part I of the Village Officers' Manual is intended to include what the Government thinks both the headman and the karnam should know."

Mr. A. RANGANATHA MUDALIYAR :—"In view of the fact that these books are out of stock, will Government suspend the examination until these books are made available for those who wish to appear for the examination?"

The hon. Mr. A. Y. G. CAMPBELL :—"We hope to get a new stock soon. The proof of the revised edition is being examined in the Secretariat."

Education

Number of schools for Muslim boys and girls in South Arcot district.

* 880 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of new schools opened for the Muslim boys and girls in each of the taluks of the South Arcot district by (i) taluk boards, (ii) municipalities and (iii) the Government, during the last three years;

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(b) the number of Muslim schools abolished since 1920 up to date and the reasons why they were abolished;

(c) the number of new school buildings constructed by the Government and the local bodies including municipalities in the district of South Arcot and the number of new buildings set apart for Muslim boys' and girls' schools;

(d) the total number of Government scholarships awarded to boys in the elementary schools, high schools and colleges in the district of South Arcot and the proportion thereof awarded for Muslim boys in each of the said institutions; and

(e) whether any and if so, what has been made for the imparting of religious instruction to the boys and girls in the Muslim schools run by local bodies and the Government in the district of South Arcot and in the municipalities elsewhere in the Presidency?

A.—(a) to (e) The Government have no information. They are not directly maintaining any elementary schools except model schools attached to training schools and schools in the Agency tracts.

Mr. ABDUL HAMEED KHAN :—"May I know whether the Government are prepared to collect the information?" 11-16 a.m.

The hon. Dr. P. SUBBARAYAN :—"If the information is to be collected it will be so elaborate that I am afraid no useful purpose will be served by it."

Mr. ABDUL HAMEED KHAN :—"May I know whether there are no inspectors of schools for these schools through whom the information asked for can be gathered?"

The hon. Dr. P. SUBBARAYAN :—"There are deputy inspectors of schools in some districts who are particularly attached to the Muhammadan schools: for the rest there are no special inspectors of schools."

Mr. ABDUL HAMEED KHAN :—"May I know, Sir, in view of the fact that the matter is one affecting Muslim education, whether it will not be possible for Government to collect the information?"

The hon. Dr. P. SUBBARAYAN :—"I have already answered the question. The information to be gathered is so elaborate that I don't think any useful purpose will be served by it."

Admissions to the intermediate class in the Government College at Coimbatore.

* 881 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of applications received this year for admission to the junior intermediate class in the Government College at Coimbatore;

(b) the number of students admitted and the number now attending the class;

(c) the date when the (junior intermediate) class was opened; and

(d) whether it is a fact that the Selection Committee wanted all the applicants to be admitted and that the Principal of the College objected to this and if so on what grounds?

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- A.—(a) One hundred and thirty.
 (b) Sixty-one and 69 respectively.
 (c) The 22nd July 1929.
 (d) Yes; the objection was on the ground that the accommodation and equipment available for the Science Department were limited.

Mr. A. B. SHETTY :—" May I know what were the grounds on which the Selection Committee wanted all the applicants to be admitted ? "

The hon. Dr. P. SUBBARAYAN :—" Though the Selection Committee recommended all the candidates, as is said in my reply to the question, it is not possible to admit all the candidates that sought for admission as the accommodation and equipment available in the Science Department were limited."

Mr. A. B. SHETTY :—" May I know whether this matter was referred to the Director of Public Instruction ? "

The hon. Dr. P. SUBBARAYAN :—" Yes; I believe some of the members did meet Mr. Grieve at Coimbatore."

Number of students from other universities in the Professional Colleges in Madras.

* 882 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) the number of Andhra students studying in the Professional colleges, Madras, in each year for the last ten years; and
 (b) the number of students in these colleges in the same period who did not belong either to Madras or Andhra Universities ?

A.—The Colleges referred to are—

- (1) the Law College;
- (2) the Medical College;
- (3) the Teachers' College;
- (4) the College of Engineering;
- (5) the Lady Willingdon Training College;
- (6) the Veterinary College; and
- (7) the St. Christopher's Training College for Women.

The hon. Member's attention is invited to the annual reports on the working of colleges numbered (1) to (5) placed at the disposal of the Press which show the districts from which the students came. A statement^a is laid on the table in respect of No. (6). No. (7) is an institution under private management and the Government have no information regarding the areas from which the students have come.

Mr. A. KALESWARA RAO :—" May I know why there is a lot of difficulty in admitting the Andhra students into the College of Engineering ? "

The hon. Dr. P. SUBBARAYAN :—" I believe the hon. Member has asked another question on this, and from the answer to that it will be seen that as a matter of fact a large number of Andhra students are being admitted into the College of Engineering during the last two or three years. And the Syndicate of the Madras University is now considering in what ways the Andhra University degrees should be recognized."

^a Printed as Appendix III on page 1078 infra.

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Mr. A. KALESWARA RAO :—" May I know whether the admission of the Andhra students into the College of Engineering has been in proportion to the population of the Andhras ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I know, I think admission of Andhra students to the College of Engineering depends upon the applications that are received. As far as I have scrutinized them, I think Andhras have had a fair share."

Local Boards

Construction of a road from Hagari station to Chintakunta.

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

- (a) whether it is proposed to lay out a new road from the Railway bridge at Hagari station, Bellary taluk, Bellary district, to Chintakunta;
 (b) whether the road is planned to pass through Sidiginamola village site; and if so, whether it would go through the rickyard of one Dasari Timmayya and over granary pits and a graveyard; and
 (c) whether it is now intended to divert the road slightly to avoid the objections above stated ?

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

Mr. A. RANGANATHA MUDALIYAR :—" In view of the fact that the proposed road goes through a rickyard and over granary pits and a graveyard, may I know whether the Government will call for the information on that matter, if they have already no information ? "

The hon. Dr. P. SUBBARAYAN :—" I have no objection to call for the information."

Excise

Work done by the Licensing Boards in municipalities.

* 884 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Public Health be pleased to state—

- (a) the work that has been done by each of the Licensing Boards in the fifteen major municipalities from the time of their formation; and
 (b) the recommendations in each case that have been accepted by the Government ?

A.—(a) & (b) The Government have called for the information.

Issue of licences to Messrs. Parry & Co., etc., for manufacture of country liquor.

* 885 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Minister for Public Health be pleased to state—

- (a) when licences were issued to (1) Messrs. Parry & Co., (2) Mr. Virappa Chettiyar, (3) Messrs. A. Tiruvengada Mudaliyar & Sons, (4) Messrs. Fraser & Ross, (5) Mr. Ranganna, (6) Bellary Distillery, (7) Vizagapatam Commercial Corporation, (8) Aska Works and Distillery, to manufacture country liquor;

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- (b) for how many years such licence was issued ;
 (c) whether it was renewed and, if so when ;
 (d) on what conditions these licences are issued ; and
 (e) whether these are the only licensees in the areas mentioned in their licences ?

A.—(a) to (e) The Government have called for the information.

Medical

Report of the Committee on Medical Education in the Presidency.

* 886 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government will be pleased to publish the report of the Committee appointed to investigate questions relating to medical education in this Presidency ;

(b) whether any final orders have been passed on the said report, and if so, what they are ;

(c) whether any reduction has been made or is contemplated to be made with regard to the number of admissions into the various medical educational institutions in the Presidency ; and

(d) whether the Government will be pleased to give the figures of admissions during each of the last four years into each of the medical schools and colleges ?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 497-A at the meeting of the Legislative Council held on 25th September 1929.

(c) The question is under the consideration of the Government.

(d) A statement ^a is placed on the table.

Mr. D. NARAYANA RAJU :—“ May I know whether the hon. the Minister will be pleased to lay the report on the table of the House before final orders are passed on the recommendations of the Committee ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ As the answer shows, the question is under the consideration of the Government.”

Mr. ABDUL HAMEED KHAN :—“ May I know whether the Government are considering or will consider the question of introducing the indigenous system of medical education in the Province ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ This question deals with the system of allopathic medical education, and I don't know what it has to do with indigenous system.”

^a Printed as Appendix IV on page 1074 infra.

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Agriculture

Extent and nature of cultivation in Bellary district.

* 887 Q.—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Minister for Development be pleased to furnish the following particulars monthwar for the current fasli and for any previous normal fasli or faslis for each of the taluks of the Bellary district : (1) the total extent sown and (2) the extent out of it sown with (a) cholam, (b) cotton, (c) korra, (d) safja, (e) ragi, (f) paddy, (g) sugarcane, respectively ?

A.—The Government have no information but have called for a report.

Mr. A. RANGANATHA MUDALIYAR :—“ Will the Government see that the information called for is expedited ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ Yes, Sir.”

Minutes of the meetings of the Agricultural Advisory Committee since June 1929.

* 888 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to lay on the table of the House the minutes of the meetings of the Agricultural Advisory Committee held after the month of June 1929 ?

A.—Two meetings were held, one on the 15th August and the other on the 9th to the 12th September 1929. Copies of the minutes ^a of the meetings are placed on the table.

Mr. K. R. KARANT :—“ With reference to the minutes printed as Appendix V may I ask the hon. the Minister what action has been taken with regard to green manure ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ It is stated there that suitable action is being taken.”

Mr. K. R. KARANT :—“ May I know in view of the fact that the extent of land available for pasturage has declined of late in the reserve forests and particularly in the South Kanara district, may I know whether any new lands have been made available ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ We called for a report from the Conservator which when received was discussed.”

Mr. K. R. KARANT :—“ Will the hon. the Minister be pleased to have an inquiry of some sort made as to the causes for the decline in the extent of land available for pasturage in the reserve forests in the South Kanara district ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ I shall consider that matter.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know with reference to item 25 whether there is any Bill being drafted to make inoculation against rinderpest compulsory ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ Not yet.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know whether he intends to get a Bill drafted in that direction ? ”

^a Printed as Appendix V on pages 1074-1077 infra.

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The hon. Mr. M. R. SETURATNAM AYYAR :—" I think we have already a Bill to make inoculation compulsory in some districts."

Mr. G. HARISARVOTTAMA RAO :—" With reference to item 27, may I know what programme has been laid down for adult education in this matter ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" I must ask for notice."

Mr. G. HARISARVOTTAMA RAO :—" With reference to item 2, may I know whether the hon. the Minister is in communication with the Forest department to facilitate the procuring of fuel by villagers by collecting fallen dry twigs in the Reserves ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" This question does not entirely relate to the forests alone. Fuel and twigs are also collected from the trees standing on porambokes."

Mr. G. HARISARVOTTAMA RAO :—" With reference to item 14, may I know why it is not considered necessary to seek the help of the local bodies and associations for propaganda ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" Because Government do not think it necessary."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the Government will consider the advisability of putting these local bodies and associations in possession of funds for doing propaganda in matters of Agricultural Education ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" At present we do not think any further action is necessary."

Mr. G. HARISARVOTTAMA RAO :—" With reference to items 17 and 30 to 34 we see that no remarks are made. Are we to take it that those items were not considered ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" They were considered and we came to the conclusion that no action was necessary. And that is why we see no remarks were called for."

Mr. J. A. SALDANHA :—" With reference to item 25, may I know whether Government received any applications for grants for carrying on inoculation by the serum simultaneous method, and whether such applications were refused ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" No, Sir."

Mr. J. A. SALDANHA :—" May I know why the Government find it difficult to pass legislation in order to make inoculation against rinderpest compulsory ?"

The hon. Mr. M. R. SETURATNAM AYYAR :—" We have to go on gradually. That is the reason."

Minutes of the meetings of the Agricultural Advisory Committee since June 1929.

* 889 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) who are the non-official members of the Agricultural Advisory Committee ;

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(b) how many times the Committee met after the 15th June 1929 ; and
(c) the nature of the business done by the Committee at its meetings held after the 15th June 1929 ?

A.—(a) The following are the members :—

1. M.R.Ry. B. P. Sessa Reddi Garu of Bathamcherla, Kurnool district.
2. M.R.Ry. Rao Sahib V. Krishna Menon Avargal of Calicut.
3. " Rao Bahadur K. S. Venkatarama Ayyar Avargal of Negapatam.
4. The Raja of Parlakimedi.

(b) The Committee met twice after the 15th June 1929—on the 15th August and from the 9th to the 12th September 1929.

(c) Copies of the minutes of the two meetings were placed on the table of the House in reply to Mr. A. B. Shetty's question No. 888 answered on the 10th October 1929.

Re-organisation of the Agricultural Department.

* 890 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased—

(i) to place on the table of the House the report of the special officer appointed to suggest reorganization of the Agricultural Department and the orders of Government passed thereon ; and

(ii) to state—

(a) whether all the proposals have been given effect to ;

(b) if the answer to (a) is in the negative, the reasons for the delay in giving effect to them ?

A.—(i) The special officer did not submit a report to Government. He was put on special duty to help the Director in formulating a scheme for the reorganization of the department. The report of the Director of Agriculture, together with the orders of Government thereon, will be found in G.O. No. 937 (2-S), Development, dated 25th May 1929, copies of which have been placed in the Council Library.

(ii) (a) No.

(b) The reorganization is to be spread over a period of ten years. It will not therefore be possible to give effect to all the proposals immediately.

Work done by agricultural demonstrators in East Godavari district.

* 891 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Development be pleased to state—

(a) the number of villages visited by the agricultural demonstrators last year in East Godavari ; and

(b) the general nature of work done in those villages ?

A.—(a) One hundred and forty-six.

(b) Improvement of paddy cultivation by methods manurial, varietal, and cultural which have been proved to be profitable both by experiment and experience in the district.

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Intensive plantain cultivation including the growing of annual crops, selection of suckers, planting, manuring and conservation of the surplus suckers, leaves, and the stumps for manure.

The demonstration of the line method of sugarcane planting whereby the cost of production is reduced.

Miscellaneous work including supervision and maintenance of a breeding bull at Amalapuram, disposal of applications for advice, by post, delivering lectures at festivals and at the Collector's jamabandis, staging exhibitions and ploughing demonstrations.

Co-operative Societies

Representation of members of liquidated societies in co-operative unions.

* 892 Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(a) whether there are any rules or orders regarding the representation of members of a liquidated society in co-operative unions and central banks; and

(b) the effect of cancellation of registration of a society and if so, what they are?

A.—(a) The answer is in the negative.

(b) A society the registration of which has been cancelled ceases to exist as a corporate body. There are no rules or orders on the subject.

Mr. T. ADINARAYANA CHETTIYAR:—“May I know when a society has ceased to exist, whether it cannot send any representatives to the co-operative union?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“They have got the right of appeal.”

Mr. T. ADINARAYANA CHETTIYAR:—“I am afraid the hon. the Minister did not understand my question aright. Whether a society which has been liquidated, I ask, whether it has not got the right to send a representative to the co-operative union?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“The answer is in the negative.”

Local Boards

Transfer of certain clerks from the Saidapet Taluk Board.

* 892-A Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that, without previously consulting the President of the Saidapet Taluk Board, the President of the Chingleput District Board, transferred two clerks of the Taluk Board on 21st August 1929;

(b) whether when the President of the Taluk Board protested against the transfer, the President of the District Board insisted on the clerks being relieved;

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(c) whether it is a fact that the Government subsequently sent a wire to the Taluk Board President asking him to obey the President of the District Board and if so, why;

(d) whether the Government have since received from the Taluk Board President a communication explaining his point of view;

(e) whether the Government have gone into the merits of the question and what decision they have arrived at thereon; and

(f) whether they will place the correspondence on the Council table?

A.—(a) Yes, the President, District Board, reported that there was no time for previous consultation.

(b) Yes.

(c) Yes. Under the rules the orders of the President, District Board in regard to transfer of Taluk Board employees should prevail, whenever there is a difference of opinion between the President, Taluk Board and the President, District Board.

(d) Yes.

(e) Government have declined to reconsider their orders.

(f) No.

Mr. C. N. MUTHURANGA MUDALIYAR:—“Whether it is a fact that the rules lay down previous consultation?”

The hon. Dr. P. SUBBARAYAN:—“As far as I am aware they lay down previous consultation, but in this case the President, District Board, considered the matter urgent, as it was one of administration and therefore did not consult.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I take it that the President did not consult the Taluk Board President on account of his previous misunderstandings with him?”

The hon. Dr. SUBBARAYAN:—“I am not aware of the inner history of the previous misunderstandings.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether the rules are inconsistent with sections 68 to 72 of the Local Boards Act?”

The hon. Dr. P. SUBBARAYAN:—“That is a matter for legal opinion.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether the hon. Minister will refer this matter to the Advocate-General for his opinion?”

The hon. Dr. P. SUBBARAYAN:—“If I think it is necessary, I shall do so.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“In view of the working of the Compulsory Education scheme in the area, will the Government reconsider the matter and order the retention of one at least of the clerks transferred?”

The hon. Dr. P. SUBBARAYAN:—“I said Government are unable to interfere in the matter. The transfer of such clerks is entirely in the discretion of the President, District Board.”

Mr. ABDUL HAMEED KHAN:—“When the President, District Board, has behaved in this manner, do not Government think it necessary to investigate into the matter as a matter of policy so that no such thing might occur in future?”

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The hon. Dr. P. SUBBARAYAN :—" I don't think any useful purpose will be served by such investigation."

Mr. ABDUL HAMEED KHAN :—" May I know, Sir, before sending the wire, did the Government get any explanation from the President, District Board, or did they consult him ?"

The hon. Dr. P. SUBBARAYAN :—" As has been said more than once, this matter is entirely in the discretion of the President, District Board, and we cannot interfere in it."

Mr. A. KALESWARA RAO :—" May I know what was the urgency for the President, District Board, not consulting the President, Taluk Board ?"

The hon. Dr. P. SUBBARAYAN :—" I don't know of any urgency."

Mr. A. KALESWARA RAO :—" May I know whether Government went into the question, whether the President, District Board acted *bona fide* ?"

The hon. Dr. P. SUBBARAYAN :—" As I have said already, no useful purpose would be served by any investigation."

Mr. A. KALESWARA RAO :—" When the President, District Board, acts improperly, may I know whether Government are prepared to interfere in those matters ?"

The hon. Dr. P. SUBBARAYAN :—" The Government have no power to interfere."

Mr. S. SATYAMURTI :—" May I know whether Government have satisfied themselves that the District Board President acted according to rules ? Did he or did he not so act, and did he consult the President, Taluk Board, before orders were passed ?"

The hon. Dr. P. SUBBARAYAN :—" As I have said previously, I don't think previous consultation is one of the essentials for transferring a clerk from one taluk board to another."

Mr. S. SATYAMURTI :—" May I know, if in this case, Government do not consider that as a matter of courtesy the President, District Board, ought to have consulted the President, Taluk Board ?"

The hon. Dr. P. SUBBARAYAN :—" Notice."

Mr. S. SATYAMURTI :—" In answer to clause (e), may I know the reasons why Government decline to reconsider the orders ?"

The hon. Dr. P. SUBBARAYAN :—" I am afraid, I have been repeating the answer again and again. Government have no power to interfere. It is a matter entirely in the discretion of the President, District Board."

Mr. S. SATYAMURTI :—" May I know whether Government have received similar complaints from other persons regarding this President of District Board ?"

The hon. Dr. P. SUBBARAYAN :—" As far as we are aware, none."

Mr. S. SATYAMURTI :—" With reference to answer to clause (f), may I know why Government refuse to place the correspondence on the table of the House ?"

The hon. Dr. P. SUBBARAYAN :—" I am afraid that will not be in the public interest."

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Mr. S. SATYAMURTI :—" May I know whether there is anything in that correspondence which will affect the President, District Board ? Is that the reason why Government are not willing to place the correspondence on the table of the House ?"

The hon. Dr. P. SUBBARAYAN :—" There is nothing prejudicial in that to the President, District Board."

Mr. S. SATYAMURTI :—" Then, may I know what are the public interests that are likely to be affected ?"

The hon. Dr. P. SUBBARAYAN :—" As the matter is one which is entirely in the discretion of the President, District Board, any correspondence passing between district boards and Government is not to be made public property."

Mr. ABDUL HAMEED KHAN :—" It is said here that Government wired to the President, Taluk Board, to obey the orders of the President, District Board. May I know the wording of the wire ?"

The hon. Dr. P. SUBBARAYAN :—" I must ask for notice, because I cannot carry the wording of every wire I send in my mind."

Mr. S. MUTHURANGA MUDALIYAR :—" In view of the Minister's answer to a supplementary question that previous consultation is not essential, will the Minister consider the need for altering the rules accordingly ?"

The hon. Dr. P. SUBBARAYAN :—" If occasion arises that will be considered."

Mr. ABDUL HAMEED KHAN :—" May I know if the hon. Minister does not consider that the occasion has arisen in this case ?"

The hon. Dr. P. SUBBARAYAN :—" No, Sir."

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

ORAL QUESTION.

II

STATEMENT REGARDING THE TREATMENT AND CONDITION OF MR. ANANTACHARI AND MR. ANNAPURNAYYA IN VELLORE JAIL.

Mr. D. NARAYANA RAJU :—" I beg to ask the hon. the Law Member whether he can make any statement with regard to the treatment and the condition of Mr. Anantachari and Mr. Annapurnayya in the Vellore Jail ?" 11-30 a.m.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Both these are treated, Sir, just in the same way as other prisoners in the jail are treated. The food that is supplied to both of them is the same kind of food that is supplied to the other Brahman prisoners; and the vegetables that are brought into the jail for the preparation of this food, are examined by the medical officer both before they are cooked and after they are cooked. Both are allowed the same privileges regarding their movements in the jail as other prisoners are. The health of both these prisoners is, I submit, good. With reference to Annapurnayya, before he was admitted into the jail his weight was 140 lb. and after he was admitted into the jail he lost 6 lb. Then he was put on special milk diet and his present weight is 139 lb., that

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is, one pound less than 140 lb. the weight that he had when he was admitted into the jail. He is a person who has been sentenced to rigorous imprisonment, and the work that he does is spinning work, and that he does on the veranda of the jail.

"With reference to Anantachari, he is a simple imprisonment prisoner and he was kept in a block with other prisoners. At his own special request the other prisoners were removed to other blocks and he is alone in his block, and he is allowed to move a great deal during day time. And at night he is kept, as other prisoners are, in his own cell. On admission his weight was 95 lb. Now his weight is 100 lb. Both these prisoners are treated just in the same way as other prisoners are, both with reference to their movements and with reference to food, clothing, etc."

Mr. D. NARAYANA RAJU :—" May I know whether these two prisoners are allowed to mix freely with other prisoners, like any other prisoner in the jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am glad, Sir, that my hon. Friend has put that question. Yes. They are allowed to mix as freely as other prisoners are allowed to mix with their fellow prisoners."

Mr. T. ADINARAYANA CHETTIYAR :—" Are they allowed to take food along with other prisoners, or is food sent to them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My information is that they are treated just in the same way as other prisoners are treated. There is nothing peculiar in the way in which they are treated so far as their food is concerned."

Mr. G. HARISARVOTTAMA RAO :—" May I know where Mr. Annapurnayya is confined within the jail? Is it within the solitary cells or within separate cells or else in the barracks ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" He is not confined in a separate cell nor in a solitary cell, but he is confined along with other prisoners in the same block."

Mr. L. K. TULASIRAM :—" May I know whether these prisoners are prevented from talking to the other prisoners in the jail and whether they are kept in solitary confinement ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are not kept in solitary confinement and they are not prevented from talking to other prisoners."

Mr. ABDUL HAMEED KHAN :—" May I know, Sir, if that is the case both day and night ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" At night like other prisoners, they are kept in separate blocks and cells. Anantachari at his own request is kept separately."

Mr. C. N. MUTHURANGA MUDALIYAR :—" Are they allowed to move about as freely as the European and Anglo-Indian prisoners ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are allowed to move about as freely as the other prisoners in accordance with the jail rules."

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Mr. T. ADINARAYANA CHETTIYAR :—" Is Mr. Anantachari given the same food as others are given or is he given special food ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No special food. He is given the same food."

Mr. A. KALESWARA RAO :—" May I know whether Mr. Annapurnayya is allowed his own clothes and bedding ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, if Mr. Anantachari is allowed during day time to be out of his cell ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir. As a matter of fact, he moves about freely during the greater part of the day."

Mr. A. KALESWARA RAO :—" May I know, Sir, from the hon. the Law Member whether Annapurnayya is spinning wool or cotton fibre ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know, Sir."

Mr. S. SATYAMURTI :—" May I know, Sir, why the Government are not giving these two gentlemen the food to which they were accustomed before they were incarcerated ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are given rice with kulambu, the food to which they were accustomed."

Mr. S. SATYAMURTI :—" May I know, Sir, whether they are given ghee and butter-milk ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know."

Mr. G. HARISARVOTTAMA RAO :—" May I know what it was that reduced the weight of Mr. Annapurnayya by 6 lb. after he went to jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I suppose it is his mental anguish because he was confined, so far as I can see."

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, whether . . . "

* The hon. the PRESIDENT :—" Order, order. I think when party Members want to put supplementary questions, it is desirable that they should allow one member to exhaust his supplementary questions before another member gets up."

Mr. S. SATYAMURTI :—" May I know, Sir, if they are given any facilities for interviews with their friends or relations ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" According to my information they are given the same facilities that other prisoners are having with regard to interviews."

Mr. S. SATYAMURTI :—" May I know whether they are given any newspapers or books for reading ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not know."

Mr. S. SATYAMURTI :—" May I know, Sir, why there are no special facilities given to these two gentlemen ? "

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because there are no rules under which they can be placed in special divisions ; and so they have not been placed in a special division."

Mr. S. SATYAMURTI :—" May I know, Sir, once more for the fifth or the sixth time from the hon. the Law Member why he does not propose to place these two gentlemen in a special division ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" May I tell my hon. Friend once more for the fifth or the sixth time that the Government are considering the whole question with reference to the treatment of prisoners like these. And so far as the treatment of these two special prisoners is concerned, may I say for the fifth or the sixth time that the Government are considering the question ?"

Mr. S. SATYAMURTI :—" May I know, Sir, again for the fifth or the sixth time, when the Government are going to finish this consideration ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" May I tell my hon. Friend again for the fifth or the sixth time that I am not in a position to state when the consideration will be finished."

* The hon. the PRESIDENT :—" May I request both the hon. Members not to repeat the expression, the fifth or sixth time."

Mr. S. SATYAMURTI :—" May I know if before the Government make up their minds whether or not to treat these gentlemen as being fit to be placed in a special division, they will give an opportunity to this House to express an opinion on it ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I cannot give an undertaking of that kind, Sir."

Mr. S. SATYAMURTI :—" May I know why, Sir ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because there is no rule why I should give that undertaking."

Mr. S. SATYAMURTI :—" Is there no common sense or discretion in these matters ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes. It is according to common sense and discretion that I have given the answer."

Mr. G. HARISARVOTTAMA RAO :—" May I know, Sir, if at any time after admission into the jail, Mr. Annapurnayya was put into separate confinement or solitary confinement and was served food separately from other prisoners ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" To my knowledge not so."

Mr. T. ADINARAYANA CHETTIYAR :—" Is it a fact that the kulambu which is given to these prisoners in the Vellore Jail is a very thin liquid having no solid vegetables in it ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. The kulambu that is given to these two prisoners is just the same kulambu that is given to the other Brahman prisoners, and I may give the information for the benefit of my hon. Friend that it is very good kulambu."

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Mr. T. ADINARAYANA CHETTIYAR :—" I may congratulate the hon. the Law Member on his taste, but at the same time I wish to know whether the kulambu given in the Vellore Jail to the other prisoners as well as to these prisoners is of a very poor quality ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" It is of very good quality."

Mr. P. ANJANEYULU :—" How does the hon. the Law Member know that it is of very good quality, Sir ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because I have examined it."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether it is a fact that in the Vellore Jail the kulambu is prepared by mixing dholl into the liquid after keeping the dholl waiting for hours exposed on pans and whether it is a fact that the vegetable that goes into the kulambu is merely leaf vegetable ?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I am afraid that I am not an expert cook, and I do not know these details."

* The hon. the PRESIDENT :—" The Council will now proceed to the next item on the agenda."

Mr. Sami VENKATACHALAM CHETTI :—" Sir, I beg leave to move for the adjournment of the House, and the motion arises out of the answers given by the hon. the Law Member now. I have been just drafting it, and I shall submit it to you now."

* The hon. the PRESIDENT :—" The hon. Member need not take the trouble to bring it up now. He can give notice of it for Tuesday. I shall then consider the question of giving consent."

III

AMENDMENTS TO STANDING ORDERS Nos. 22 AND 23.

Mr. F. E. JAMES :—" Mr. President, I beg to present the report^a of the Select Committee appointed to consider certain draft amendments to Standing Orders Nos. 22, 23 and 41 and move that the report be taken into consideration."

Mr. S. SATYAMURTI :—" I second it."

The motion that the report be taken into consideration was then put and adopted.

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* The hon. the PRESIDENT:—"The question is in Standing Order No. 22—

For the words "at 2-30 p.m. the same day . . . of the President", substitute the following: "at 4 p.m. the same day: provided that the President may in his discretion allow the motion to be taken up at 4 p.m. the next day, if the Member of Government in charge of the subject matter of the motion makes such a request"."

* Mr. D. NARAYANA RAJU:—"Mr. President, Sir, I oppose this motion. It is curious that the hon. the Mover of this amendment did not give any statement of objects and reasons when he first gave notice of these amendments. It is a curious omission. Nor in moving the present motion now did he explain the objects and reasons which actuated him in bringing forward these amendments. But the effect of this amendment is clear. I is to relegate adjournment motions to a position of unimportance. He wants that these adjournment motions should be taken up at 4 p.m., and should be discussed up to 6 p.m., that is, at a time when the Council is wearied and tired. The interest that is due to these adjournment motions will not be forthcoming at the fag end of the day. If it is his intention to make any imputation regarding adjournment motions brought forward by the Opposition in this House, I think he is very wrong. The adjournment motions deserve as much consideration as any other motions in this House. They are on quite an equal footing as any other matter discussed on the floor of this House, and there is no reason why they should be treated in this manner. There may be a number of adjournment motions, but the frequency of these motions is due solely to the present political situation in the country; on account of an irresponsible Government we have to bring forward many grievances to the notice of this House by way of adjournment motions. If the House is going to treat them as matters of no importance at all and say that the regular time of the House should not be devoted to them, I submit that it is not a proper position to be taken up. Therefore this amendment ought to be rejected by the House."

11-45 a.m. Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I am afraid I will have also to oppose this amendment of the Standing Order. There are various reasons why we are compelled to oppose this amendment. First of all, Sir, I am surprised how some of the members of this House have agreed to this proposition in the committee. First of all, what is sought to be done is to reduce the time that has been hitherto allotted for an adjournment motion. The second consideration is that by relegating the consideration of these motions from 2-30 p.m. to 4 in the evening that amount of attention which is due to such questions will not be given in the circumstances. Sir, we are aware, and I am sure the House is also aware that the business of the House is adjourned only when a matter of great urgent public importance has to be considered. When we consider that only matters of very great importance and very great urgency have to be considered, I do not know why we should try to belittle their importance by reducing the time that should be allotted to these questions that have to be considered. Sir, we have seen from the various adjournment motions that have been moved during the lifetime of this Council that very, very important questions have been considered. It may be that one or two questions did not occupy the whole time that was allotted for these motions. But all the other motions were so important that even the time that was usually allotted under the existing Standing Orders was not sufficient.

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"Sir, we know the difficulties that the non-official Members of this Council have to face when they wish to bring forward any resolution. Every resolution has to go through the ballot and various other procedures before any important matter can be reached in this House. It is only by means of adjourning the business of the House that we can place any urgent matter for the consideration of the House.

"Sir, invariably, the adjournment motions have been brought forward by the Opposition, and it is only by that means that the Opposition can ventilate their grievances to the Government when it cannot be done by means of resolutions. We know that Government has been able to allot only two days—that is the maximum number of days—in every session for non-official business, and out of those two days, we take away one day for Bills and the other day is intended for consideration of resolutions. There are 15 or 20 resolutions tabled on the agenda, and we have seen from our experience that hardly six resolutions are reached, and the other resolutions, however important they might be, are not reached, and thus we are not able to consider them.

"So, Sir, I do not think we will be well advised in trying to interfere with the existing time that has been allotted for consideration of important questions. I understand, Sir, in the Assembly also they take up adjournment motions at 4 p.m. But, of course, things are different . . ."

* The hon. the PRESIDENT:—"That is just the time when the Assembly ordinarily adjourns. At the end of the sitting of the day, these motions are taken up in the Assembly."

Mr. ABDUL HAMEED KHAN:—"The conditions are so different from what obtains here; the climates are different. We know, as a matter of fact, in Delhi and in Simla very pertinently they sit for very late hours, whereas it is not possible here. I am sure the Government also was not for allowing this House to sit some time after 5 o'clock on very many occasions when we thought it necessary. Of course, that was when it suited the Government to do so. If we begin our sittings late at 12 noon or at 2 p.m., things will be different. As we begin at 11 and go on till 5, with only an hour's interval, it will be doing an injustice to prolong the sitting not only to the Members of the City but also to those of the mufassal, who would certainly be over-taxed. Therefore, there should be a certain limit of time for sitting here.

"As has been pointed out, adjournment motions are very important, and they should not be relegated to a late hour. The members should certainly be fresh enough to consider such important questions. Already, members have got a limitation of time on their speeches, and now it is also sought to curtail the time allotted for the discussion of adjournment motions. Therefore, I do not think we will be well advised in reducing the time in the first place and secondly in changing the hour from 2-30 to 4 p.m."

* Mr. S. N. DORAI RAJA:—"Sir, I have very great pleasure in supporting the motion of my hon. Friend, Mr. Narayana Raju, for the main reason adduced by him that adjournment motions should not be considered as interfering with the ordinary business of the House. That shows, Sir, that due importance is not attached to adjournment motions. Again, to curtail the time for the discussion of these motions by half an hour seems to me to derogate from the seriousness and importance which they deserve. If these motions are taken up at 4 o'clock at the fag end of the day, it may be that

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some of the members may not be able to be here and may go away. For these reasons, I do not think it is necessary to change the time."

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"There is another point. I have not the persuasion of Sir Patro. I should like to say that neither on my part nor on the part of those responsible for the Committee's decision is there any attempt to minimise the importance of adjournment motions. After all, we are legislating not for the next year but for the next several years, and it is quite possible in the near future, we may be in the Opposition, and may wish to move for the adjournment of the House to call attention to the delinquencies of an autonomous ministry. It is therefore of great importance that we should not grudge giving some of our extra time to it."

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The motion was adopted.

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IV

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, I now rise to introduce a Bill * to amend the District Municipalities Act. I do not think any lengthy statement is necessary from me, because this Bill has been under consideration for a very long time, and most of what I have to say is contained in the Statement of Objects and Reasons printed at the end of the Bill. I hope hon. Members will bear with me if I give a brief outline of the main changes that are proposed to be effected by this amending measure."

"First of all, we have the abolition of the system of nomination. I think all hon. Members are agreed that this system of nomination should go, and the only method I find for getting rid of nomination is reservation of seats. I am glad to say that hon. Members on all sides of the House were kind enough to help me in the drafting of this measure, and agreed that a certain number of seats, namely, one-fourth, should be reserved for the representation of communities like the Muhammadans, the depressed classes and other minority communities who may be in a minority in the constituencies concerned. There was some difference of opinion with regard to the representation of Europeans and Anglo-Indians, and even on this question, the hon. Members who were kind enough to attend the conference agreed that their representation would be achieved by the nomination of European and Anglo-Indian gentlemen as supernumerary members on these councils."

"The second main change is the removal of the disqualification of women for standing as candidates for municipal councils. This does not exist with regard to local bodies, and I think hon. Members will agree that this anomaly should be removed as far as municipal councils are concerned. It cannot be gainsaid that there are women who would be capable of helping the municipal council in the deliberation of its affairs, especially on questions of child welfare and maternity work."

"The third point is the question of quinquennial election. But I do not make it a matter of principle because that would not fit in when we consider adult suffrage, which has gone out. Now that the Bill provides for all taxpayers being on the electoral roll, I think the question of triennial elections may be the rule if the select committee thinks it necessary and the House approves of it. (Mr. G. Harisarvottama Rao: Why not adult franchise now?) I shall come to it later on."

* Published in the Fort St. George Gazette, dated 12th September 1929, as Bill No. 12 of 1929.

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"The fourth main point of the amendment is the entrusting of all affairs with regard to elections to outside authorities. I think it was Mr. Harsarvottama Rao who introduced his amendment to the Local Boards Bill by which he wanted all election proceedings to be conducted by revenue authorities, and all members who were present at the conference also agreed that it would be better to have these elections conducted by outside authorities. (Mr. Kaleswara Rao: 'Not at all.') Evidently you were in a minority. I am sorry I forget the minority for the time. The hon. Members were agreed on the main principle that it would be better, and that, however much the chairmen of municipal councils may try to be fair and impartial, it is impossible for outside people to recognize that they have acted in a fair way, and still there is this complaint. "That is the reason why 'prescribed authorities' is put in the Bill for the purpose of the conduct of these elections to municipal councils.

12-15
p.m.

"The next important point is the provision for votes of no-confidence in both chairmen and vice-chairmen. I am sure hon. Members will agree that this is necessary because very often it leads to conflict in municipal councils when the chairman has lost the confidence of the majority of the members of the council. It was felt necessary that the council should express its opinion whether they want to continue their chief officer as chairman or not. If by a two-thirds majority they turn out the chairman, that chairman will be removed. The office of the chairman of municipal councils will be thrown open to election by the provisions of this Bill. There will be no more nominations of chairmen except in the case of supersession.

"There are certain other minor amendments with regard to the provision for levy of taxes by municipalities.

"There is one point, I think, I should refer to in detail because I know that hon. Members who represent the Chamber of Commerce are very much concerned in it. I am referring to the levying of taxes on companies. The question is whether the tax should be levied on their capital or on their income. I know the solution that has been provided in the Bill is perhaps not the best; but that was the thing we could think of at the time and the hon. Member representing the Chamber of Commerce who has been put on the select committee will, I hope, suggest other amendments which will meet with the trouble the municipal councils have with regard to the collection of these taxes on companies.

"There is also a provision which has been asked for by all members of the House that the tax on agricultural land should be less than the tax on buildings. That has been now provided for in this Bill. I know that some hon. Members feel that in the case of agricultural lands there should be no municipal tax at all. But I think that is a difficult question, because after all the municipalities have to live on the rates and taxes that they levy in a locality and it would be impossible to exempt a great deal of land situated within a municipal area from any taxation whatsoever.

"Another of the main provisions which has been asked for by most members of this Council is a provision with regard to the amendment of schedules. They asked that proper power ought to be given to the Legislative Council to secure control. That has been provided for in the Bill. By this provision any rule altering a schedule should be placed on the table of the Legislative Council during its sittings for at least a month before it will become law.

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[Dr. P. Subbarayan]

"Another important provision which I would like to refer to is the provision made for the settlement of disputes between the various local bodies concerned. Often we have heard it stated that local bodies desire a provision in the Act by which they could have joint committees constituted. Now power is taken to compel local bodies to constitute such committees so that they could settle the disputes that might arise amicably.

"There is also the question of the location of toll-gates. There are always quarrels between municipal councils and local bodies especially with regard to the location of toll-gates. When they cannot agree, both of them have toll-gates very near each other which leads to the inconvenience of the travelling public. But now power is taken to make the toll-gates to be fixed only at particular distances so that this inconvenience to the travelling public may be got rid of (Mr. S. Satyamurti: 'Abolish them'). Mr. Satyamurti talks of the abolition of toll-gates. That is a question which is being dealt with in connexion with the recommendation of the Road Development Committee, and I hope when there is a general consensus of opinion with regard to the method that has been suggested as an alternative to the abolition of toll-gates, it will be possible to introduce a Bill to get rid of the toll-gates altogether. But as long as the toll-gates remain, I think it is but right that there should be certain power to restrict their location within particular limits.

"Mr. President, I have nearly done, but I would like to refer to the question of adult franchise. I think it has been clearly explained in the Statement of Objects and Reasons. We did think of the question of adult franchise. There was a strong cleavage of opinion in the conference that met and if I remember right, the question of adult franchise was carried by two votes. After a good deal of examination and scrutiny of the question the Government felt not only that the time was not ripe for the introduction of adult suffrage, but that even if that was the case, the machinery that would prepare the electoral rolls and conduct the elections on the basis of adult suffrage could not easily be devised or set up at the present moment. It is more on the question of practical convenience that we decided to resort to the system of having all tax-payers in the municipal area as voters. I am sure hon. Members will realize that this is a distinct advance on the present franchise that exists. After some time, if it is found that this vast electorate is working properly, then I feel it would be time for the introduction of adult suffrage.

"With these few words, Mr. President, I propose that this Bill be referred to a select committee consisting of the members in the list already circulated."

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I second the motion."

* The hon. the PRESIDENT:—"I shall split the motion into two. First the House will consider the motion for referring the Bill to a Select Committee and when that is carried, the motion for the constitution of the Select Committee may be considered.

"The question is that the Bill be referred to a Select Committee."

* Mr. S. SATYAMURTI:—"Mr. President, Sir, there is an end to everything under the sun, even to the Ministerial delay in respect of the introduction of the amending Bills, which have been demanded for more than the life-time of this Council at any rate. I am glad that, after all, my friend the hon. the Minister for Education has had the courage to

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come before this House with a Bill which, I hope, with necessary modifications, will get on to the Statute Book, as early as possible. I only wish, Mr. President, it were possible that the very excellent provisions to be found in the Bill of my hon. Friend from Bezwada and Tenali to amend the District Municipalities Act are also considered by this hon. House along with, or at least very soon after, this Bill is disposed of. I still have hopes that some machinery will be found by which we can deal with this amending legislation to our District Municipalities Act as a whole. I should like also, Sir, the Select Committee to consider whether they may not redraft the Madras District Municipalities Act, in the light of the amendments which they may agree to, rather than omit a word here, put in a word there, and thus radically amend a huge Act. I think legislation is bound to be much more satisfactory, if we redraft the whole District Municipalities Act in the light of the amendments which the Select Committee may agree to, at least all those clauses, in respect of which there are amendments, leaving only those clauses which the Bill does not seek to amend, in the form in which they are to-day in the earlier Act.

"Sir, local self-government in this country has been claimed both by the Government and by the people as the foundation of swaraj. But, to-day, in our municipalities with honourable exceptions—I trust I shall be pardoned if I am treading on delicate ground—there are factions and strifes; and intrigues and impossible situations dominate, so that the life of the Government is made miserable, and the hon. Minister in charge of Local Self-Government, I think, has got to summon all the tact and the patience and may I add, the subtler arts of simulation and dissimulation, in order to put off, or strive to satisfy, the numerous claims which the Act at present encourages the people to look up to the Government for their satisfaction. The most mischievous of the claims is the one for nominations, and I am glad that these nominations are to go. The distinguished predecessor of my hon. Friend the Minister for Local Self-Government stated in the House once that for every nomination that he made, he made one doubtful friend and lost many good friends. I think it is as true to-day as it ever was. Moreover, nomination is undemocratic; and it is likely to upset the balance of power, which should exist in our municipal councils as a result of the elections.

"Sir, I venture to join issue with my hon. Friend on the question of the special representation of Anglo-Indians and Europeans. It is not a racial question, but it is a question as to whether these Anglo-Indians and Europeans desire to maintain their separate entity in this country, or want to play their part as citizens of India. There is no discrimination and, in fact, there ought to be none, against Anglo-Indians and Europeans as such. If they are tax-payers, and if they live within the municipal area 120 days in a year, they get the vote, and I think that ought to be satisfactory to them. May I know what are the special Anglo-Indian or European interests which are sought to be protected? If it is because of their paying taxes on companies, then I think that the landlords who pay the bulk of the property tax may claim a separate electorate for themselves. And are we going to base the electorate on the tax-paying capacity of these people? On the other hand, Mr. President, I feel that the perpetuation of nominations for these two classes of people will tend to perpetuate racial distinctions. I shall be glad to welcome Europeans and Anglo-Indians into our municipal councils,

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as elected members, but not as the nominees of a Government and more so by special favour, than by their own right, as selected representatives of their countrymen.

"I wish there were no reservation of seats at all, for minority communities. That is the natural position for any Government to take. At the same time, I recognize that to-day we are not in such a healthy position, politically, that we can do away with such minority representation altogether. But I wish that there was a time-limit fixed, at the end of which either the reservations made might be modified in the light of experience or, if communal trust has been regained in the meantime, it may be done away with.

"I am glad that the electorate is not to be a communal electorate; and even the Muslims and Christians who are to be elected are to be elected by the whole electorate, irrespective of the caste or class to which they belong. But, Sir, there is one defect in the Bill which probably the Select Committee may look into. I mean the statutory reservation for Christians and Muslims and the depressed classes in every municipality whatever the percentage of population of these classes may be. It seems to me and I conceive it possible that in certain municipalities where the voters belonging to these religions or classes may be so insignificant in number that statutory reservation for them even on that basis may be unnecessary. Anyhow, it is a matter which, I think, deserves to be carefully examined by the Select Committee. 12.30 p.m.

"I see the hon. Minister has provided that elections should be held once in five years. The alteration into five years might have been necessary if there were to be adult suffrage. But now that it is not to be, a period of three years is neither too long nor too short.

"I am also glad that all chairmen are to be elected hereafter. I ask why should the Government make a provision for salaried chairmen. There is enough public spirit in the country, to provide for these councils honorary men. I am glad that the Government have taken away all the functions regarding elections from the chairmen and placed them in an independent authority. I think it is good that they do so. I think it is good for the municipal chairmen, it is good for the municipal councils, and it is good for all concerned, that the elections should be run by a body of people, in whose impartiality all people can have equal confidence. But I should like to know from the hon. Minister—he will pardon me if I refer to his opinions privately expressed to me—why he has not made provision for the creation of an executive officer in all the district municipalities, who will be primarily in charge of the executive machinery, the municipal chairman presiding only at meetings, and being the channel of communication between the municipal council and the Government. That is the system which prevails in the City of Madras, and although it may not be perfect, I think we can claim that, on the whole, the system has worked smoothly and efficiently. The president is merely an officer to preside at meetings and also to serve as a channel between the council on the one hand and the Government on the other. The Commissioner is in charge of the executive management of the affairs of the Corporation. That is the point, I wanted to refer to.

"Now I will deal with the main point. If you want to purify our municipal councils, if you want to remove the stigma of intrigues and factions between parties and parties, then the only remedy is to appoint an independent executive officer who shall have the supreme charge of all the

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executive affairs of the municipal councils, and who shall be appointed by the councils. That system obtains in the City Corporation, and I do not think it has been suggested seriously, that it has led to inefficiency or corruption. On the other hand, I remember that even the English newspapers in Calcutta such as the *Statesman* have borne testimony to the executive officer, the Swaraj executive officer, of the Calcutta Corporation. In these circumstances, I do think that this is a reform, which is very essential, if we are to develop our municipalities, on healthy and sound lines. In these circumstances, I should like to know again why this statutory provision for salaried chairmen has been made. I think we have enough of our countrymen, able and efficient, who command the confidence of their communities and who can be expected to discharge the high offices of chairmen, without any remuneration whatsoever.

"As for the power vested in the councils to move a vote of no-confidence in the chairman or the vice-chairman, it is a step for good, and I think section 40-A provides for a two-thirds majority, as necessary to vote for a chairman being removed. It also provides that, where a motion is carried by a bare majority falling short of a two-thirds majority, the Government has power to remove the chairman. In view of that provision, I should like to know why the Government should still retain and in fact extend the power, which they now have to remove the municipal chairman. Can they not trust the municipal councils, who have no longer any confidence in their chairmen, to table motions of no-confidence against them? I can quite understand the Government possessing the power of removal of the chairman, if the motion of no-confidence is carried by a bare majority. In these circumstances, I think it is inconsistent with the position which the municipal chairman occupies, while he is liable to be removed by a vote of no-confidence passed by the municipal council, he should also be removable by an executive order of the Government.

"As regards other subjects, such as adult franchise, I am not convinced by the arguments of my hon. Friend the Education Minister, although I appreciate his confession of academic faith in adult franchise. I recognize the difficulties pointed out by him; but I think the Government, by virtue of the powers vested in them, can introduce adult franchise in selected areas such as Madras, Madura, Trichinopoly or Cocanada or Calicut, where you feel that people by their education, by their advance in political and civic sense, and by their access to newspapers and political literature, can be trusted to exercise their franchise properly, and in the best interests of those concerned. My hon. Friend will agree that we should make experiments in adult franchise, before we actually introduce it, in some select places; and if we are satisfied with the working of the system in those selected areas, then we can extend it to other places. It seems to me, Mr. President, that adult franchise is the only permanent remedy for communalism, and that is why I advocate it so strongly.

"Sir, with regard to public officers holding seats on the municipal councils, Government have introduced the proviso that the incumbent should be a whole-time servant of the Government, and should be remunerated either by salary or by fees. I think whether a man is a whole-time or part-time servant of the Government, he ought to be excluded from a seat on the municipal council. There is one instance in Madras which I think the House knows. My Friend Mr. P. V. Nataraja Mudaliyar is for all practical

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purposes a Government servant, being a Commissioner of the Religious Endowments Board. I do not think that it is in the interests of the Corporation or the Religious Endowments Board or in the interests of Mr. Nataraja Mudaliyar himself, that he should be allowed to retain a seat in the Corporation.

"As for the disqualifications for municipal councillorships, I must express my disappointment at the Government not removing the disqualification, so far as offences against the State are concerned. I think the time has arrived when, if a man has committed offences against the State and he has paid for it by undergoing imprisonment, there should not be a double punishment for him, or vindictiveness on the part of the Government in trying to prevent him from not enjoying the confidence of his own countrymen, and being returned to the local bodies.

"While I am suggesting that the chairman's executive powers should be reduced, the Bill seeks to enhance them, by raising the chairman's powers with regard to contracting from Rs. 500 to Rs. 1,000. I quite agree that the chairman, if he is to exercise executive powers at all, should exercise powers over lump sum contracts and not small contracts. But it is not the small or large sum that is under consideration now; the point for consideration is that the whole system must be changed, that is, all the executive powers of administration should be vested in the executive officer of the council, and not in the chairman.

"I attach very great importance to the proposal which gives power to the Government to provincialize the municipal services. I would tell the Government, if municipal servants are to discharge their duties with honesty and efficiency and loyalty to the municipal council, they ought to be freed from the nightmare of their services being terminated or their prospects being affected by the change of a particular party or parties in a municipal council. I think if we are to have expert engineers, expert health officers and municipal educational supervisors and a competent and efficient clerical staff, they ought to be provincialized. They ought not to be subjected to the whims and caprices of particular chairmen or particular parties. I submit that this provincialization should be made a statutory obligation, and not left to the municipal councils either to agree or not to agree.

"The provision with regard to property tax has been amended. Well, there is one direction in which an amendment is necessary, and I think it should be made. I think a provision to exempt owners of houses, for example, paying less than Rs. 5 or Rs. 10 and also a provision to make property taxed on a graded scale on the basis of income-tax according to the extent of property held will tend to equalize the incidence of taxation and thus make the rich and the poor to pay according to their capacities.

"There is another clause to which the hon. Minister did not refer. I think I may invite the attention of the House to that clause. It reads thus:—

"(a) if the gross annual rent of buildings of a class not ordinarily let cannot in the opinion of the chairman be estimated the annual value of the premises shall be deemed to be six per centum on the sum."

"Whereas the power to levy was left to the chairman in the previous Act, it is not so left here. By the very fact of the wording of the amendment, it is clear that railway and Government buildings are sought to

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be excluded from the liability of property tax, beyond 6 per cent. I think that is a tall order on which the House would require a much more convincing explanation.

"With regard to the provision for the removal of rubbish from private houses, that is a violent change in the Bill. But, it is a very difficult matter to deal with. I do not propose to trouble the House by dwelling on it.

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p.m.

"There is one lacuna in the Bill as drafted, and that is a point on which there has been discussion in this House a few days ago. The municipal councils are given no control over the location of a toddy, arrack or foreign liquor shop. I think this is the time, when it must be introduced in the amending Bill a provision by which no toddy shop or arrack shop or a foreign liquor shop will be located within municipal limits, except with the previous sanction of the municipal council. I do hope that the argument will not be advanced that you will have them in the neighbourhood of towns. The district municipalities must prevent these shops growing up in or near the town. These are the main points on which, I think, the Bill required improvement. I hope it will be possible, for the Select Committee and for the Council later on, to examine this Bill carefully and see that these improvements are made therein. As I said, Sir, in the beginning, there are very many beneficial provisions which the Select Committee has introduced in the Bill of my hon. friend from Bezwada. I do hope that, by some means or other, it will be possible for the Select Committee and the House to consider this Bill along with these amendments, so that we may amend this Act in such a manner, as to guarantee that our municipalities perform their duties honestly, efficiently and loyally, and carry on the municipal administration to benefit all classes in these municipal areas."

* Mr. S. ARPUDASWAMI UDAYAR :—"Mr. President, Sir, I congratulate the hon. Minister for Education on this very important amending Bill which he has introduced in this House."

* The hon. the PRESIDENT :—"Such congratulations may be reserved for the final reading stage."

* Mr. S. ARPUDASWAMI UDAYAR :—"The hon. Member for the University has pointed out several defects in the Bill and I shall presently show that they are due to certain drawbacks which the hon. Minister is trying to amend and rectify. Even though there are certain defects, I should say that my countrymen have risen equal to the occasion and they have been looking after their own municipal affairs satisfactorily on the whole. If there are intrigues, jealousies and factions which mar the work of these councils, I think this state of things is attributable to three causes; first of all, the illiteracy, the apathy, indifference and the helplessness of the mass of the people. In European countries, especially in England, Germany and United States, there are facilities not only for primary and secondary but also for university education—Universities Extension lectures—by which it is possible for the poorest man, provided he has a taste for studies, to have the very best kind of education. Here unfortunately, our endeavours to spread elementary education are not resulting in that marked success which one would expect; so that we do not find the civic consciousness of the people in municipal areas aroused. They do not form tax-payers' associations; they do not take interest in municipal affairs; they do not dictate, as it were, to

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their representatives what action they should take; they do not place before their representatives their grievances regarding sanitation and other important matters. I hope that the progress of education will help very much local self-government."

* The hon. the PRESIDENT :—"I am not able to understand the relevancy of these remarks to the amending Bill before the House. There is no provision in the Bill regarding the spread of elementary education."

Mr. S. ARPUDASWAMI UDAYAR :—"I am coming to the point. Secondly the manner in which elections are conducted and especially the preparation of electoral rolls. These two serious defects the hon. Minister is trying to rectify. I think it was my hon. friend, Mr. Sami Venkatachalam Chetti, who moved a resolution in this Council that the preparation of electoral rolls should be undertaken by an outside authority, and that resolution was not accepted. I am glad to find now that the hon. Minister is altering the provisions and making it incumbent on an outside authority to prepare the electoral rolls. My hon. Friend the Member for the University said that we must have adult suffrage. I, for one, am for introducing adult suffrage even at this stage. Then, at least, we should know who the electors are. Now the difficulty for very many is to know who the electors are. There is a provision in this amending Bill by which the hon. Minister tries to put a stop to the juggling of taxes for election purposes. This kind of juggling is perhaps responsible for these irregularities. Some municipal councillors are used to enrol 200, 300, or 400 men who pay a profession tax of 8 annas as electors and the names of the persons and their occupation are known only to them, and not even to the other councillors. That system is certainly juggling with the payment of taxes for election purposes; I think these are responsible mostly for the many irregularities in elections to which my hon. Friend referred."

Mr. S. SATYAMURTI :—"Rise to the occasion"

* Mr. S. ARPUDASWAMI UDAYAR :—"It is possible to do so. But the provision in the amending Bill is making those irregularities impossible. Adult suffrage will minimise these evils. Then at least we should know who the electors are. At present you have a number of motor-cars and a number of jukkas with placards 'vote for so and so' carrying a number of people to the polling booths. How these things are done nobody knows. If we have a large number of voters, at least, there will be less inducement for the would-be councillors to have recourse to these elaborate methods. Many may not care to spend so much money when they have to deal with a large body of electors. I shall advert to this point later on.

"As my hon. Friend, the Member for the University, mentioned, many members of the municipal councils are interested in some contracts or other. The rates sanctioned by the council may or may not be very high and still after some time it is found that the council readily sanctions remission to the extent of Rs. 10,000 or 15,000. If, as my hon. Friend, the Member for the University, suggested, we could have an executive officer dealing with all details of the different branches of the administration directly to a certain extent and dealing with the municipal staff now subject to constant changes, we should have two advantages. First of all, we would not hear of intrigues or enthusiasm evinced by members . . ."

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* The hon. the PRESIDENT :—" May I know how the appointment of an executive officer is relevant to the amending Bill before the House? There are many things not provided for in the amending Bill. I do not think any useful purpose will be served by referring to matters that are not dealt with in this Bill. If this matter is within the scope of the Bill, then the hon. Member will be at liberty to speak on that matter. I have read the Bill carefully; I do not think there is any provision in the Bill regarding the appointment of executive officers."

Mr. SAMI VENKATACHALAM CHETTI :—" Certain important provisions have not been altered. . . ."

* The hon. the PRESIDENT :—" If it is the intention of the Council to vote down the Bill, then these remarks may be relevant."

Mr. SAMI VENKATACHALAM CHETTI :—" We may point out that some important and specific provisions have not been made in the Bill."

* The hon. the PRESIDENT :—" If hon. Members say that this Bill should not be referred to the Select Committee, then such remarks may be relevant. I do not think that there is a proposal to postpone the consideration of this Bill until those provisions are introduced. Criticisms must serve some useful purpose so far as this Bill is concerned. The provisions of the Bill, as they stand, do not provide for the appointment of any executive officer for any municipality."

"I want to make this point clear; I do not think the Select Committee can introduce any provision which is not within the scope of the Bill. Every matter that relates to the administration of municipalities is outside the scope of this Bill."

Mr. SAMI VENKATACHALAM CHETTI :—" Will you permit me to mention an instance? In one provision, the hon. Minister proposes to provincialize the municipal servants. I would include the chief executive officer in the list of such municipal servants."

* The hon. the PRESIDENT :—" There is no provision in the Bill for the appointment of executive officers. There is provision in the Bill for the appointment of health officers and engineers. Unless there is provision in the Bill on this matter, the Select Committee cannot make any changes, and no new provision can be inserted."

* Mr. F. E. JAMES :—" Sir, this Bill deals with a very important matter. The Bill includes proposals for the appointment of certain officers to municipalities. I take it, it will be relevant to discuss those points now. What I wish to ask is this; is it not relevant at this stage to refer to what the House may consider an important omission in the list of persons who may be appointed to municipalities?"

* The hon. the PRESIDENT :—" The Bill, as it is at present, provides for the appointment of engineers and health officers. The hon. Minister has introduced a provision to provincialize only those appointments. As I understand from the debate, the idea is to propose the appointment of executive officers to municipalities. There are no provisions in the Bill referring to the appointment of executive officers. If you refer to the City Municipal Act, you will find that there are certain provisions which refer to the appoint-

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ment of the Commissioner. To introduce a provision now for the appointment of an executive officer and to provincialize that appointment is, I think, beyond the scope of the Bill. I wish to know from hon. Members how this matter is within the scope of the present Bill."

Mr. K. R. KARANT :—" Sir, clause 51 of the Bill seeks to delete the old clauses and it provides for the appointment of new officers. It is open to the Council to amend that provision. The clause says 'any municipal council, by special resolution, may sanction a post of health officer and a post of municipal engineer.' It is quite possible for the Select Committee to add to the list of these appointments, when the hon. Minister seeks to substitute new clauses for old sections."

* The hon. the PRESIDENT :—" There is a number of clauses by which the executive authority is vested in the municipal council; some clauses vest the executive authority in the chairman. There is no provision in the Bill for taking away the executive authority either from the Municipal Council or from the chairman."

Mr. K. R. KARANT :—" May I submit, Sir, that in clause 7 of this Bill, it is said: 'For the word "chairman" the words "prescribed authority" shall be substituted'?" 1 p.m.

* Rao Bahadur Sir A. P. PATRO :—" Sir, clauses 50 and 51 of the Bill deal with this matter of appointment. Clause 50 says :—

'The sanction of the council shall be obtained for all proposals for fixing or altering the number, designations and grades of municipal officers and servants and the salaries, fees and allowances payable to them.'

"Clause 51 in affirming what is already contained in section 71 of the Act says :—

'Any municipal council, by special resolution may, and every council which during three consecutive years has realized an income of one hundred thousand rupees from ordinary receipts shall, if so required by the Local Government, sanction a post of health officer and a post of municipal engineer.'

"Neither clause 50 nor clause 51 refers to an executive officer, but they are both in general terms. They simply refer to the change in the designations, grades and salaries of the officers by the council. Beyond that, those clauses do not refer to anything specifically about an 'executive officer.' Clause 51 however specifically refers to the appointment of two officers on the condition that the income of the municipality exceeds Rs. 1,00,000."

* Mr. A. RANGANATHA MUDALIYAR :—" I do not know, Sir, if it will matter much if we call the officer by a different name. I find in section 71 (1) that the post of Secretary can be created in cases where the chairman does not receive any pay. The secretary very often does a good deal of the executive work of the council, and for our purpose he may be treated as an executive officer, and he may be called by that designation. It is quite open to the Select Committee to propose the appointment of an officer, whatever be his name, to attend to the executive work of the council. I think it will be worth while to elicit the opinions of members here on that point."

* The hon. the PRESIDENT :—" The point is this: at present, as the Act stands, the executive authority is exercisable either by the chairman or by the municipal council. The secretary exercises the executive authority only by delegation, and that delegation has to be approved by the Government. That is my reading of the Municipal Act. Therefore, it cannot be said for a moment that the executive powers are vested in anybody except the municipal council or the chairman. The executive power is divided between,

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the council and the chairman, and if an outside authority—call him the secretary or the executive officer, or anything else—is to take away these powers, then I say this Bill does not provide for that.”

Mr. SAMI VENKATACHALAM CHETTI:—“It may not be our intention, Sir, to take away any of the powers now possessed by the council or the chairman, and reduce their responsibility, but when once the secretary is to be appointed, the question as to how he is to be appointed, whether his services are to be provincialized, and other like questions which will arise . . .”

* The hon. the PRESIDENT:—“So long as you refer to the secretary, it means that the executive authority vests in the municipal council or the chairman and only on that understanding you can refer to it.”

* Mr. S. SATYAMURTI:—“May I [make a submission, Sir? Section 70 of the present Act which is sought to be amended by this Bill gives the chairman the power to lay before the council a schedule containing the designations and grades of the officers and servants, and it also gives to the council power to sanction such schedule with or without modifications. I submit it is open to the council to include in the schedule an executive officer and to vest in him such powers as it thinks fit, subject to revision by the council itself. It is not as if an executive power is taken away from the council. Even in Madras, although certain powers are vested in the Commissioner for final disposal, the council is the supreme authority, and his actions are liable to be reviewed by the Corporation. My submission is this: calling him an ‘executive officer’ does not mean that he becomes a supreme autocrat, not amenable either to the control of the chairman or the council, as the case may be, in certain matters.”

* The hon. the PRESIDENT:—“Yes, he exercises only the executive functions.”

Mr. SAMI VENKATACHALAM CHETTI:—“Of the chairman or the municipal council.”

* Mr. S. SATYAMURTI:—“Yes, under the existing Act, Sir. But the suggestion here is that some of those executive functions may hereafter be exercised by the executive officer, that is to say, in matters like entering into contracts up to certain limits, the appointment of certain people up to certain limits . . .”

* The hon. the PRESIDENT:—“Those are the things which the secretary does by delegation from the municipal council with the approval of the Government.”

* Mr. S. SATYAMURTI:—“That is not the point. So far as that is concerned, I quite agree with you; but the question with which we are now dealing is whether the subject of the desirability of creating an executive officer who will, to the extent to which he is given powers, dispose of all those matters finally, is relevant to the discussion at this stage or not. My submission on that point is this: That the clauses of the Act which are sought to be amended by this Bill provide a real opportunity for the Select Committee first and for the House later to introduce those changes. I am pointing out a few places where it can be so done, e.g., in clause 50 of the Bill, we can argue that the council shall sanction the schedule with the addition of an executive officer.”

* The hon. the PRESIDENT:—“But then he shall only exercise such of his functions as are conferred on him by statute.”

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* Mr. S. SATYAMURTI:—“With regard to the functions, Sir, if you will kindly notice the later sections, certain functions are sought to be discharged by the chairman; for example, the power to enter into Contracts in cases where the value does not exceed Rs. 500. It will be open to the Select Committee to say that contracts up to, say, Rs. 500 may be entered into by the executive officer. In dealing with that section, the committee may say that contracts up to a value of Rs. 500 may be entered into by the executive officer, and those exceeding that value by the chairman, or by the council.”

* The hon. the PRESIDENT:—“I am not objecting to that, for you reduce him to the position of a secretary. Your idea of executive authority is not there.”

* Mr. S. SATYAMURTI:—“In the Corporation also, the Commissioner can enter into contracts up to a limit of Rs. 10,000 and the Standing Committee up to a limit of Rs. 50,000, and beyond that limit the Council must sanction. What applies to the Commissioner must equally apply to the executive officer in the other municipalities—I am sure the House will agree with me—with regard to the question of contracts, appointments, etc. My submission therefore is that the creation of a post with stated powers—taking the very comprehensive scope of the amending Bill—is quite relevant at this stage of the discussion. Otherwise, Sir, we shall not be able to alter a comma or semi-colon in the various clauses of this Bill. When the schedule comes before the Council, why should not the Council say that it should include an executive officer? Clause 51 of the Bill says:

‘Any municipal council, by special resolution, may and every council which during three consecutive years has realized an income of one hundred thousand rupees from ordinary receipts, shall, if so required by the Local Government, sanction a post of health officer and a post of municipal engineer.’

“May we not introduce an amendment to omit the words ‘if so required by the Local Government’, and also add the words ‘an executive officer’ at the end? That is to say, that every council which realizes an income of Rs. 1,00,000 every year should have an executive officer?”

* The hon. the PRESIDENT:—“That is exactly my trouble.”

* Mr. S. SATYAMURTI:—“May I know where the trouble comes?”

* The hon. the PRESIDENT:—“Because sections 13 to 18 of the Act deal with the functions of the various authorities and those sections are not dealt with in this Bill.”

* Mr. S. SATYAMURTI:—“This is only an addition, Sir. The question of renumbering the sections is only a matter of detail.”

* The hon. the PRESIDENT:—“The main sections of the Municipal Act (13 to 18) deal with the functions of the various authorities.”

* Mr. S. SATYAMURTI:—“Sections 13 to 18 merely deal with the functions of the chairman, the emergency powers of the chairman, etc. We can say that the chairman shall delegate his powers in respect of such matters . . .”

* The hon. the PRESIDENT:—“That is not open to you, for section 18 is not proposed to be amended by this Bill.”

* Mr. S. SATYAMURTI:—“Then it will be without delegation. The executive officer will get statutory powers. My point is that the chairman

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may delegate any of his powers to the Vice-Chairman or somebody else, or the council can do that. Supposing this amending Bill takes away the powers of the chairman and vests them in the executive authority, that means the powers of the chairman *pro tanto* are reduced."

* The hon. the PRESIDENT :—" I recognize the matter. I am only troubled about the relevancy of all these things to the debate at this stage."

* Mr. S. SATYAMURTI :—" I submit, Sir, it is relevant."

Mr. ABDUL HAMEED KHAN :—" As I understand you, Sir, your point is that under the present amending Bill the Select Committee cannot establish a third authority; and if the Select Committee cannot do that, we cannot discuss that question now?"

* The hon. the PRESIDENT :—" Yes."

Mr. A. KALESWARA RAO :—" In Bill No. 17 of 1928—that is my Bill—which is still alive and which will also come up for discussion before the Council just after this Bill is disposed of, the Select Committee proposed the appointment of an executive officer in many sections—just by adding the words 'an executive officer' along with the other officers already mentioned in the Act."

* The hon. the PRESIDENT :—" I have seen those provisions, and that is the main reason why I had to study this question."

Mr. A. KALESWARA RAO :—" The second thing is this: they did not introduce changes in any other section of the Act except in section 71, about the functions of the executive officer."

* The hon. the PRESIDENT :—" If the Select Committee put in some things which could not be introduced in the Bill, the rule is that the Bill should be recommitted to the Select Committee for omitting such things, as the Council cannot proceed with those things in the open Council."

Mr. A. KALESWARA RAO :—" What I submit is that even here, without going into the amendments regarding other sections, a proviso as was made in the case of the other Bill may be added at the end of this clause 51, namely, that the functions and duties of the executive officer shall be settled by the Council by certain by-laws."

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Mr. L. K. TULASIRAM :—" I shall say one word, Sir. In the amending Bill under clause 15, the words 'or the executive officer' may be added at the end of 'the Chairman may, by an order in writing, delegate any of his functions to the vice-chairman'."

* The hon. the PRESIDENT :—" Whether it is a question of the statute conferring the powers on the executive officer or the chairman delegating those powers, the moment you say so, the functions of the executive officer become merely the functions of the secretary—call him by any name you like. I am only pointing out the difficulty. It is always understood that when the statute confers some powers on the executive officer, it is taking away those powers either from the municipal council or from the chairman."

* Mr. S. ARPUDASWAMI UDAYAR :—" Coming now to the next question, Sir, the question that interests me—that is, the representation of the

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minority communities—I regret that nominations are to go under this Bill. When the provision for nominations was inserted in the original Bill in the last pre-reformed Council, the object was to give representation to real minority communities—Muhammadans, Indian Christians, the depressed classes, Europeans and Anglo-Indians. But, unfortunately, even rich persons who could ordinarily have entered the municipal councils by election have been nominated, and certain communities were split into several subdivisions; and all these various subdivisions were regarded as minority communities. On account of this unhealthy rivalry and competition between these minority communities which were no minority communities at all, the real minority communities had to go without adequate representation. It is a matter for regret that this very beneficial provision is bound to disappear on account of the provisions above referred to under this Bill.

" Sir, my Friend the hon. Member for the University asked 'what special interests have these Europeans and Anglo-Indians?' There are municipalities where these people have large interests. Speaking from my own experience and knowledge, I may say that in Trichinopoly the railway authorities have certainly very large interests; and there are certain other places also where there are large Anglo-Indian populations, and it will be very difficult for Indian Christians, Muhammadans and the depressed classes also in some places to ordinarily come to the Council through election. Unless therefore nomination is resorted to in their cases, it will be impossible for them to become members of the Council. (Mr. Basheer Ahmad Sayeed : Question.) It will be so of course only in some places like Trichinopoly where there is a large population of Muhammadans; my Mussalman Friend may be sure of adequate representation. In other places they will feel the need and importance or utility of nomination. I am glad, Sir, that the hon. the Minister for Education has at least reserved some seats for these minority communities, viz., Muhammadans, Indian Christians and the depressed classes. I hope that this new scheme will work better than the old one. If it does not work very well in actual practice, it will be very desirable that some provision is made to see that these minority communities are returned to the Council in fair numbers, thus ensuring a real and effective representation of the interests of communities which ought to have such representation on municipal councils for their healthy progress and development.

" Sir, there is another point which the hon. the Chief Minister tries to make clear in his amending Bill, especially in regard to joint committees. I know of cases where even after years of arbitration between municipalities and district boards no satisfactory settlement has been arrived at, and this has been provided for in this Bill. 1-15 p.m.

" As regards the question of adult franchise, the hon. the Chief Minister is quite justified in making a provision, which I think is on the whole to the safety of the minority communities. I think the reservation of seats, coupled with the fact that there is no adult franchise, will on the whole work beneficially to the minority communities provided it operates within restricted areas or wards. This thing, will, I hope, engage the anxious consideration of the members of the Select Committee and I trust that everything will be done to see that the clauses are so amended as to make it absolutely possible for the minority communities to have adequate representation on the new councils. This is not after all a very important thing if the other and

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may delegate any of his powers to the Vice-Chairman or somebody else, or the council can do that. Supposing this amending Bill takes away the powers of the chairman and vests them in the executive authority, that means the powers of the chairman *pro tanto* are reduced."

* The hon. the PRESIDENT :—" I recognize the matter. I am only troubled about the relevancy of all these things to the debate at this stage."

* Mr. S. SATYAMURTI :—" I submit, Sir, it is relevant."

Mr. ABDUL HAMEED KHAN :—" As I understand you, Sir, your point is that under the present amending Bill the Select Committee cannot establish a third authority; and if the Select Committee cannot do that, we cannot discuss that question now?"

* The hon. the PRESIDENT :—" Yes."

Mr. A. KALESWARA RAO :—" In Bill No. 17 of 1928—that is my Bill—which is still alive and which will also come up for discussion before the Council just after this Bill is disposed of, the Select Committee proposed the appointment of an executive officer in many sections—just by adding the words 'an executive officer' along with the other officers already mentioned in the Act."

* The hon. the PRESIDENT :—" I have seen those provisions, and that is the main reason why I had to study this question."

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making lengthy remarks on the clauses which particularly interest us. I know that the hon. the Chief Minister has suggested my name as a member of the Select Committee, so that the clauses which are of interest to us may be satisfactorily dealt with at that stage."

* The hon. the PRESIDENT:—"The Council will now adjourn and re-assemble at 2-30 p.m."

After lunch—(2-30 p.m.).

Mr. S. SUBRAMANYA MOOPANAR made a speech in Tamil.

* Mr. V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to support the motion before the House. I am sure this measure will bring in a certain amount of relief to those who are living in towns under the existing Municipalities Act. Those of the members of this House who have had the opportunity of standing for election and who have an intimate knowledge of how the elections are being conducted, will join with me in saying that the present elections in most of the towns are mere farce. Now the amending Bill contemplates changes in several important points. Taking the first, which affects the depressed classes, is the abolition of the system of nominations. I do not think my community or rather the depressed classes have come to that stage to accept the abolition of the system of nominations. The economic condition of the depressed classes and the social oppression that exists now will not tend to encourage the depressed classes for seeking election through the general electorate. The Bill contemplates for the return of the depressed classes through the general electorate. There are streets where pigs and swine wander freely, but where the shadow of the depressed classes is considered to be an abomination. Now if the Bill is to come into force and if the depressed classes are to seek election through the general electorate, how the members of that community can approach those streets is not stated. And this appears to me to be putting the cart before the horse. Now if the Government were to make some legislation whereby the depressed classes can go about freely to any part of the town, I am sure the contemplated idea of the depressed classes keeping connexion with the general electorate would sound well. Sir, the hon. Member for the University, in the course of his speech, said that there should be a time limit for the reservation of seats for the minority communities. I do not think it is necessary to consider that at this stage, for that is a matter which may be safely considered later on. The Bill contemplates for general election once in five years. But in the conference of the select members of this legislature it was thought that adult suffrage should be given, to which the members of the depressed classes also agreed. Unfortunately Government vetoed it. After all it is the depressed classes, the Adi-Dravidas and the Adi-Andhras and such other minority communities that have to get themselves accustomed to the democratic institutions, and so it would be better if the elections are held once in three years. Sir, one of the most important changes that this Bill proposes is to conduct elections by a separate body other than the municipality. I heartily welcome this. As I already pointed out, the present form of elections is nothing but a farce. Sir, in most of the municipalities the very idea of the depressed class members standing for election is considered bad; and such members are treated as criminals. Again those members and parties that are against us in the municipal councils go to the voters and threaten the candidate and

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voters in so many ways that it is not possible for any member of my community to get through by elections. And even to-day there are many municipalities, where, due to these tricks, the number of representatives of the depressed classes is nil.

"Sir, at the time of elections it is not an independent body of persons that is asked to be the polling officers. The very overseers of the municipalities are appointed as polling officers and I do not think that such men should be appointed as polling officers as the sanctity of such a position will be lost. Another point which this Bill contemplates is that only certain municipal officers can be provincialized. I would urge that municipal officials that draw a salary of Rs. 100 and above should be made eligible for joining that cadre, so that they may not be tempted to join the party cliques, or to favour the chairman of the municipality and his party.

"Now coming to the taxes and tolls, those who are already in the urban area will well know that the citizens are overburdened with so many taxes. I know of municipalities which take as much as 20 per cent by way of taxes. And this Bill contemplates further taxes. I am not sure whether this is in the right direction. It is proposed to levy a tax on non-agricultural lands which are not appurtenant to buildings but which are of capital value. This sounds well, but if one thinks over the idea, it will mean that every open space of land, which, though not forming part of the building, but still adjacent to it is liable to be taxed."

* The hon. the PRESIDENT:—"May I point out to the hon. Member that he is going into the details of the Bill, which is the work of the Select Committee?" 2-45 p.m.

* Mr. V. I. MUNISWAMI PILLAI:—"Another point which must be considered by the Select Committee is whether the municipalities should have paid or honorary chairmen. Generally I support the idea of having honorary chairmen, but there may be some municipalities which cannot be run without paid chairmen. So it is a point for the Select Committee to consider which of those municipalities are to have paid chairmen and which may be administered by honorary chairmen. With these observations, I welcome this measure."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I am really sorry that the Government were not able to accept the Bill of my hon. Friend Mr. Kaleswara Rao, and that the Government have brought forward this Bill in order to amend the District Municipalities Act. The object in revising the existing Act is to make it more democratic. But I find that in the very fundamental thing, that is, in the matter of the franchise, the Government Bill is lagging behind. If the object of the Government and the hon. the Minister is really to increase the number of electors in each municipality, he should have accepted the proposal with regard to the introduction of adult franchise. Sir, as has been stated by the hon. Member for the University, it is only by the introduction of adult franchise that we will be removing most of our difficulties. Similarly, the communal problem will be solved.

"With regard to the question of the abolition of nominations and the substitution of elections therefor, I wish to point out that it is really an advance made by the Government over the old institution of nomination. The consensus of opinion is opposed to the retention of nomination, because

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both the Government as well as those that were nominated have suffered a good deal from this institution and there is no doubt that the time has come when nominations should go. But we must examine how and by what means we are going to substitute another system for nominations. The proposal in the Government Bill is to reserve a certain percentage of seats for the minority communities. And I find that 25 per cent of the seats are to be reserved for Mussalmans, Indian Christians and Adi-Dravidas and others. With regard to this matter I should like to say that if really the purpose that the Government have in view is to be served, that is, if on these municipal councils we should have representatives of minority communities, we should remember, Sir, that it must be done on the basis of the population of those minority communities in the various districts. There is no provision in the Bill by which we can achieve that object. A certain definite percentage of 25 has been fixed and seats are reserved for all these minority communities to that extent. In the actual giving effect to this provision the Bill does not say how they are going to allot those seats among the various communities for whom reservation is given. Besides, there may be certain districts where the Mussalmans may be in a majority. If you are going to fix this percentage of seats for these minority communities without giving them the right to stand for election in the general electorate, I am afraid, Sir, we will not be doing these communities the required amount of justice. They will be prevented from getting the majority that they deserve on account of their population basis. That is a difficulty which I am sure the Select Committee will consider and will try to remove. Further, Sir, with regard to the question as to who the minority communities are, I must say in that connection that the minority communities are to be classed as Mussalmans, Christians and Adi-Dravidas. But I am afraid, if the Government go beyond that, they will certainly be doing injustice to the Muslim and Christian communities. If the Government do not confine these minority communities to the Mussalmans, Christians and Adi-Dravidas and if they include in that term any other minority communities, backward communities as they are called, then, Sir, the object of this reservation will be frustrated. I know there are any number of castes, as has been mentioned by my hon. Friend on the other side, Mr. Moopanar, and they seem to be unlimited. If we are going to give representation to all those castes and sub-castes, I do not know if it will be possible for us within the limited number of 25 per cent of the seats, to be able to allot seats for all these communities. I do not know what will happen to the major communities among the minority communities, namely, the Mussalmans and Christians. Besides, I find from the Bill itself that the intention of the hon. Mover is that the whole area of the municipality will be the electoral area for the minority communities. For instance, let us take the Mussalmans. I believe according to the Bill, if a Mussalman wants to stand for the reserved seats, he will have to move the whole of the municipal area. That may be advantageous to the community, but my fear is that it will be too impracticable a solution. No doubt, a particular Mussalman, if he is rich enough to spend a sufficient amount of money in order to see that he gets the support of a majority of that electorate, may succeed, but it will be certainly difficult for a really deserving and poor Mussalman or Christian whoever he may be, to succeed in such a large area. Therefore I think the Select Committee will have to devise means by which it can restrict the area of the electorate from which these gentlemen for whom seats are reserved are to be elected.

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"Speaking with regard to the representation of Europeans and Anglo-Indians on the municipal councils, I wish to say that by this method of co-option of a supernumerary member, which I believe the hon. the Minister may sometimes call superfluous, we are retaining nomination to some extent. I am sure the European community would like very much to get into these municipal bodies by means of election. If seats are reserved for them also, as seats have been reserved for other minority communities, I am sure it would be better than keeping this pernicious system of nomination lingering on in these municipal institutions.

"In regard to the ban on people who have been sentenced for sedition or similar offences, the present Act does not enable them to stand for election. I think, Sir, the Select Committee will have to remove that ban from such persons. Then, Sir, I am glad that the Bill is removing the ban on women from having any franchise or standing for election and taking part in the deliberations of the municipalities. Certainly their presence will be advantageous to the municipal councils and municipal administration. But in this connection, the Muslim community suffers a great deal. The elections that are held by these municipal bodies are conducted in a way which does not give any facilities for Mussalman ladies who observe purdah to exercise their franchise. It has been impossible especially in the City,—and I do not know what the conditions are in the mufassal,—for Mussalman ladies who observe gosha to go to the polls. . ."

* The hon. the PRESIDENT :—"May I point out to the hon. Member that we are now dealing with the mufassal municipalities?"

MR. ABDUL HAMEED KHAN :—"I take it, Sir, the same conditions as in the City exist in the mufassal also."

* The hon. the PRESIDENT :—"But the hon. Member said that he did not know the conditions in the mufassal. That is why I pointed out to him that this Bill deals with mufassal municipalities."

MR. ABDUL HAMEED KHAN :—"I believe, Sir, the Mussalman ladies in the mufassal also observe purdah, and if they are given votes, certainly they will not be able to exercise the franchise unless the Government see to it that they are encouraged to go to the polls and give their votes.

"With regard to the authorities of the municipalities I wish to say this much. As it is, we have only two authorities, the chairman and the municipal council. If there is a class of opinion in this House which wishes to bring into existence an executive officer, that officer will have to be appointed by Government as in the case of the City Corporation, so that he will be independent of the party that is in power in a particular municipal council, or he will have to be independent of the chairman. If he is to be appointed by the municipal council itself, he will certainly have to be dependent upon the party in power. But such an executive officer will certainly not form another third party in the municipality. Therefore I feel, Sir, that we must be satisfied with only the secretary to the chairman to whom the chairman should delegate certain powers whenever necessary. I do not think any pur- pose will be served by appointing any independent executive officer who will not be dependent upon either the municipality or the chairman. I am afraid that is a move in the wrong direction. We ought to give more privileges and more power to the chairman. There is no doubt that the action or

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conduct of that chairman should be guided by the decisions and resolutions of the municipal body. He must put into effect the resolutions of that body, but with regard to the administration and executive work, the chairman should be all in all and he should get the work done through his secretary either paid or unpaid. I am afraid if we do not give the chairman the facilities of recompensing, at least by remuneration if not by salary, it is difficult to get a gentleman who is expected to give his whole time to the work of the municipality. Even if a gentleman may come forward offering to do the work gratis, I am sure we will not get proper persons for the work. Therefore I do not agree with my friends who seem to believe that we must abolish the system of salary altogether. If they are not to be paid salaries, something in the shape of remuneration should be given to the chairman to enable him to give all his time and attention to the work. Unless he is able to give his best attention and whole time to the work, the real purpose of local self-government will not be achieved."

3 p.m. * The hon. the PRESIDENT:—"I will now ask Mr. Premayya to move his amendment to refer the Bill to a committee of the whole House. After the disposal of that question, the question of reference to the Select Committee will be settled, and the members of the Select Committee will be appointed. Then, the question of 'instructions' to the Select Committee will have to be dealt with. That is the procedure I should like to follow."

Mr. P. C. VENKATAPATHI RAJU:—"Sir, there are one or two hon. Members who want to speak on the main motion."

* The hon. the PRESIDENT:—"I think the motion has been sufficiently debated upon. But still I wish to know whether the House wants to continue the debate till Tuesday."

* The hon. Dr. P. SUBBARAYAN:—"May I make a submission, Sir? I think hon. Members are aware that there is plenty of Government business which we must get through before the end of next week. I will give only two instances. One is that it is essential that the Andhra University Amendment Act should be passed into law. Otherwise, the students in the Ceded Districts colleges will find it very difficult, because under the recommendation of the Syndicate of the Madras University it is not possible for them to get affiliated fully at present. The second is the Amending Bill with regard to the oath of members of local bodies. Because many members elected to the local bodies have not been able to take their oath, many elections have become invalid, for the simple reason that they have not taken the oath as members of a union board or a taluk board as the case may be, before calling the meeting. It is very essential that these Bills should be passed in this sitting of the Council; besides, there are other items of business like supplementary demands and the third reading of the Malabar Tenancy Bill. If really the House wishes to finish all that business, I think we will have to expedite the discussion on this Bill. I therefore appeal to the hon. Leaders of parties in this House that we should, as far as possible, restrict the speeches, and see at least this Bill is referred to the Select Committee before we rise this evening and the reference to the Select Committee of the Local Boards Bill is finished by the afternoon of Tuesday next."

Mr. P. C. VENKATAPATHI RAJU:—"Sir, we will heartily co-operate with the hon. the Minister for Local Self-Government in seeing that these Bills are somehow or other proceeded with as quickly as possible. With due

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deference to his wishes, the members of my party also have agreed that some members should speak on this Bill and some others on the other Bill. We will try our utmost, Mr. President, to bring the discussion on this Bill to a close, as early as possible, so that the other Bill also may be introduced at least this evening. I may say again that members who speak on this Bill have agreed not to speak on the other Bill."

* Rao Bahadur Sir A. P. PATRO:—"Sir, there are three points in this Bill to which I wish to invite the attention of the House. The first is entrusting all functions connected with elections to authorities prescribed by rules, removing them from the control of the municipal council; the second is vesting the executive power in the Government for the dismissal of a chairman; and the third is the levy of property tax on agricultural lands."

"With regard to the first point, Sir, I submit I was very much surprised to see that the hon. Member for the University characterized the administration of district municipalities as scandalous. He said that with a few honourable exceptions the municipalities were torn with factions, and were full of intrigues, corruption and so on. That is a statement coming from a leader of the Congress Party, and the President of the Tamil Nadu Congress Party, who is very loud in urging for the immediate grant of a large measure of constitutional reforms advancing political changes in this province. I must take strong exception to that statement, when he has got no experience of the administration of district municipalities. I am sorry his experience of the administration of the Madras Municipality is such that he is not able to look beyond his nose. If he looks at others in the light of the Madras City municipal administration, he is mistaken very much. He should not characterize all other municipalities as being bad from his experience of the Madras municipal administration. I have known municipalities which have been labouring under great difficulties, where the chairmen have been shouldering their responsibilities with credit to themselves and to the municipality they represent. It is a serious indictment on those selfless workers who have been devoting their time and energy for the improvement of civic matters. I was pained to hear such reflections cast against those honorary workers. . ."

Mr. S. SATYAMURTI (from the 'Justice' bench):—"On a point of personal explanation, Sir."

* The hon. the PRESIDENT:—"For any personal explanation, he must come to his seat."

Mr. S. SATYAMURTI (from his seat in the front Opposition Bench):—"On a point of personal explanation, I may say I did not intend to cast any slur on selfless men who are working in municipal councils. But I did say and do say that there are factions in several municipalities including the one with which the hon. Member for Ganjam is most acquainted."

* Rao Bahadur Sir A. P. PATRO:—"It is due to the presence of such persons as my hon. Friend that we meet with such a state of things, not only in the Madras Municipality but in other municipalities, and only those persons who are really responsible for factions are loudest in casting reflections on others and charge honest workers with factious spirit which they do not deserve at all, and the hon. Member for the University must be ashamed of such statements which he is not able to substantiate."

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"Sir, coming to the merits of this Bill, I say that the House may remember that at the time when the Act of 1920 was passed it was at the recommendation of the Decentralisation Commission that this power of managing their own civic affairs was vested in the municipalities. The Decentralisation Commission considered the evidence before it, and when they recommended that this power should be entrusted to the municipalities they said, 'they may make mistakes, but they should learn by mistakes.' That is to say, they recommended that municipalities should have experience of a democratic form of government, namely, local self-government. In that view, they recommended to give this power of controlling elections to the municipalities themselves. Hence we have that provision in the Act of 1920. Since 1920, what is it that has happened, in order to take away the power from the municipality itself? The chief executive officer of the municipality is the chairman, and the chairman everywhere has been arranging for the conduct of elections. There have been irregularities in some cases, and those cases of irregularities which have come before the Government are like those cases that have gone before courts. What is it urged in the law courts in these cases? Authorities in local self-government in England are cited in our law courts either for or against the matter. That clearly shows that the administration of local self-government even in such an advanced country like England must be subject to similar difficulties. Where there are different parties in municipalities there must necessarily be some irregularities. One party will charge against another, and they must go to the court. Is it the fault of the municipal system or is it the fault of the particular municipality that it is not able to conduct its affairs in an ideal state? What is it we find in the case of Government administration itself? We find from the reports of the Public Accounts Committee placed before us from time to time that no adequate explanation is forthcoming for those irregularities occurring in Government departments. Is the House satisfied with the explanations furnished by the Secretariat Departments and the heads of departments with regard to the irregularities pointed out by the audit? We find in the audit report a number of adverse criticisms against the management of those departments. Is that any reason to say at once that there is much corruption and deterioration in the standard of administration? Are you to tell them, 'you are incapable of managing your own affairs, you must not be entrusted with the power of managing those affairs'? I believe, Sir, it is really very unsatisfactory to say that this power of controlling the elections vested in the municipalities by the Act of 1920 must be taken away from them because there have been some irregularities and defects in some municipalities. Is it the only remedy that you can provide in order to rectify the condition of affairs? Is it not the Government that has to frame the rules for the elections? If in the rules framed by the Government there are defects and difficulties, if those rules did not enable the proper administration of municipal affairs, is it the fault of the municipality? Have you given any power to the municipality to amend these rules? Have you given any authority to the chairman to make any amendment whenever he finds there is some difficulty in the working of the rules? Having deprived them of that power, are you justified in saying that we should not entrust this responsibility to be discharged by the municipal councils? The remedy really lies in amending the rules of election providing for necessary safeguards against irregularities. The remedy proposed

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in this Bill is so drastic that I am not able to accept it. It is really casting a slur on the political knowledge and experience of the chairmen of municipalities in this province. On the other hand, Sir, the evidence placed before the Royal Commission was that the municipalities of this province have been so efficiently managed that the standard of administration will compare favourably with that of municipalities in other civilized countries. That was the evidence of not only the non-officials but also official witnesses. What is it that the Government is going to do? Take away the power because there have been irregularities! If there is a defect, cut away the part!! The remedy lies in the rules for the proper administration of municipal affairs, and thus you meet the difficulty. Sir, if there are parties in municipalities and appeals come before the Government and the law courts, you cannot say, 'you cannot manage your own affairs; therefore you cannot expect any progress or advance in the constitution'.

"Sir, the next thing I wish to refer to is the question of summary power vested in the executive Government for the removal of the chairman, that is provided for in this Bill. I enter my strong protest against a provision of that sort. I know there was no such power before, and the power is now vested by this Bill. You have got double powers, namely, the power vested in the executive Government and the power vested in the municipal council, when a chairman has not conducted himself properly or misbehaved, through a motion of no-confidence. When a motion of no-confidence against the chairman is passed by a two-thirds elected majority in the municipal council, the chairman must go out. When you have given that power to the people themselves, why should the executive Government also reserve this power of dismissal? Moreover, there is the emergency power, in case where there is an irregularity or any resolution by the council is against the rules and public interests power is given to the Collector to suspend such a resolution and to report it to the Government. When these clauses are there in the Bill, I do not see why the Government should have this power of dismissing the chairman. This would place the chairman in an awkward position. I do not think any self-respecting man would undertake the responsibility of standing for chairmanship. How can an honorary chairman carry on the administration under such circumstances? This is not really entrusting the people with the power to manage their own affairs. It is only placing difficulties in the way of honourable people discharging their responsibility as chairman of a municipality. It may be, Sir, that a few chairmen here 3-16 and there have not discharged their duties properly, but there is the remedy provided in the Bill and there was a remedy before also. Therefore I fail to see why any such power is necessary.

"The third point I venture to refer to is this, the tax on agricultural lands. My conviction is that agricultural lands ought not to be taxed at all, unless as in the cases of houses, you give certain facilities for their improvement. The house-tax is reasonable but you should not extend it to agricultural lands. Instead of improvement a great deal of damage is done to these lands within the municipal limits, on account of the drainage water going there and destroying the crops. Sometimes even the streets are flooded with this drainage water. Even if the lands are not flooded, if it is water-logged, the growth becomes impossible. Therefore all that the municipality does is to bring down the value of the land and not improve it in any way. It does not in the least contribute to the cultivation of the

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lands or improvement of the crops. Agricultural land pays revenue assessment and other taxes. So how are we justified in taxing agricultural lands within municipal limits? These are the points that I put before the House for consideration, and I daresay the matter will be considered by the Select Committee."

* Mr. R. SRINIVASA AYYANGAR :—" Mr. President, I should like to offer a few remarks on the merits or absence of merit—I won't call demerits—of some of the provisions in the Bill. The Bill contains some very good provisions to which no objection can reasonably be taken. It reminds me of a big fruit, greater portion of which is very delicious, the remaining portion being somewhat sour, and it is perfectly open for the Select Committee to make it more acceptable and palatable if necessary, by adding some sugar to it. The hon. Member from Trichinopoly who is always a champion of Government wanted to turn the proposal of the Government doing away with nominations upside down by remarking that he still wants the power of nomination to inhere in the Government. The persons who have been exercising this power have been disgusted with it; the people outside are tired of it, and the evil consequences flowing from all kinds of nominations, good, bad and indifferent, are too well-known to every party here except the hon. Member who hails from Trichinopoly. For reasons which he has not made manifest he still insists on the power of nomination to continue to inhere in the Minister. My hon. Friend Mr. Moopanar had a fling at the Brahmans, especially at the Ayyangar community to which I belong. He implored the Government not to think of the Ayyangar community in particular in the matter of nominations. On behalf of the Brahman community, and in particular the Ayyangars, I wish to disabuse him of that impression, because I am always opposed to nomination. Therefore let him not think that any one of us will stand in the way of the depressed classes being nominated, or any member of the Ayyangar community standing in the way of members of the depressed classes getting a few seats here and there. I am for members of the depressed classes getting in in large numbers, not by nomination but by reservation. Therefore I was glad that after all, the Minister recognizing the force, the volume and intensity of public opinion, has made up his mind to do away with the bugbear of nomination, and for that, if for nothing else, he deserves our warmest thanks

"So far as the establishment of an outside agency is concerned, I fear I have to differ largely from the two hon. Members who have so far adverted to the subject and criticized it, one being the hon. Member for the University, and the other being the ex-Minister and ex-floor leader. He warmed himself so much and soared so high on this subject when he said that this provision in the Bill is likely to cast a slur on the integrity, independence, patriotism and lofty ideals and selfless work of men who have been doing this work honourably all these years. But in our anxiety to foster high ideals, let us not shut our eyes to actualities and realities. If we examine the general administration of the municipalities, we are struck with this distressing fact that in most of them, with very few exceptions—and the exceptions may not exceed five per cent—the administration is of such sickening character, and we find that all devices, all tricks, all manoeuvres, known and unknown to law, contemplated or not contemplated by rules, are resorted to so far as elections are concerned. By elections I mean the word

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to embrace in its category all stages, from the preliminary stage of the preparation of electoral roll down to the final stage of the publication of the results. I can speak on it with a certain amount of first-hand knowledge, for, in my professional career as a lawyer, I have had to deal with a number of such cases. I have known instances of voters whose identity no man can impugn being asked to stand outside and told 'You are not the man and sent away. Mr. Chakrapany Ayyar, Vakil, who was one of the voters, appeared before the polling officer who, however, refused to allow him as in the electoral roll his name was printed as Chukrapany Ayyar. Other particulars are all quite right. And yet he was told 'Well, Sir, your name is not here: you may go.' I have known of a pleader, whose name was given all right, whose village name was given all right, whose qualifications were given all right, but still his nomination was rejected on some flimsy ground. Therefore I welcome the creation of this outside agency, for experience has pointed to us the danger of allowing this state of things to continue. Now, this provision vesting this power in the municipal chairman was made with the best of intentions, because the Government had no reason to think that party feelings and other considerations would develop so fast and so quick and in such a fashion as to give the go—by to all sense of fairness, decency, honour and self-respect; and when the Government is confronted with these facts, it is but natural that they should review the situation, and arrange to vest that power in some other outside agency. There is no use of blaming the Government, and we may thank ourselves for the change which the Government has made in its wisdom and the circumstances which made such a change necessary.

"Then, although it is said by some hon. Members that the removal of the disqualification under which women have been suffering has to some extent been beneficial, in practical working it will be found that it will confer no substantial benefit unless they co-opt one or two women as the case may be. It will take a number of years before we can think of any women facing election. (Voices: Question.) My hon. Friend Mr. Karant and some of my party friends may question, but when we come to realities, when we begin to view things in their true perspective, take any constituency, any ward for example, it is impossible in the real nature of things to reach that ideal, unless some other considerations are allowed to come in. Dr. Muthulakshmi Reddi has dwelt on that aspect. It will take many many long years before such a thing can be achieved. You can make it possible only by co-opting, by conferring concessions such as you are conferring on Anglo-Indians and Europeans, otherwise this provision will continue to remain a dead letter till the Greek Kalends. That is my humble opinion about that.

"Then, Sir, in the Select Committee I hope and trust that there will be made a statutory provision for raising the number of wards, so that the number may correspond to the number of elected seats. The present system of having a small number of wards assigning to them a number of seats carries with it too many disadvantages. Caucus parties are formed and the minority party which otherwise might have a chance of getting in is always kept out. Something must be done to remedy this state of things.

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to this. I may explain it to the House. In the old Act of 1884, there was a provision whereby the Government had the power of removing a municipal chairman if in its opinion it thought or felt that his continuance in office was likely to bring the administration into contempt. But somewhere about the year 1907 (I am not quite sure) that provision was deleted. Now, Sir, there is one argument against this new provision 40 (a) which empowers two-thirds of the members of the council to pass a no-confidence motion and turn out those undesirable chairmen or vice-chairman as the case may be. Let us analyse the situation. So long as the chairmen has no working majority, section 40 (a) will apply, because he will be afraid of the existence of a majority against him, and in the event of any misconduct or misbehaviour on his part, he will be threatened with a no-confidence motion. Let us take the converse case of a municipal chairman misconducting himself with a sufficiently strong majority at his back. The administration goes down. The administration in every conceivable direction suffers and deteriorates, and yet there is no scope in such cases for the application of section 40 (a). Is the Government to keep quiet and sit tight? So far as section 40 is concerned it only deals with two or three classes of cases and I see no reason why this Government, having regard to our knowledge of the working of a large number of municipalities, should not be permitted to have this reserve power."

* The hon. the PRESIDENT:—"May I point out to the hon. Member that he is going too much into the details? I find that he is also put as a Member on the Select Committee along with Sir A. P. Patro. I am sure he can settle these things with him there."

Mr. R. SRINIVASA AYYANGAR:—"I bow to your ruling, Sir. With these observations I support the motion."

* Mr. A. RANGANATHA MUDALIYAR:—"I do not want to take up the time of the Council for more than two or three minutes. I submit, Sir, that many irregularities are being perpetrated by many municipalities now and as such there is scope for better and purer administration. I would rather, therefore, have this Bill as it is now, even if it is not improved further. Whatever my differences with the Minister may be, so far as I am concerned, I am prepared to give him my co-operation to have this Bill passed into law with if possible whatever improvements we may be able to effect."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I do not know if I am striking a discordant note when I say that I cannot congratulate the hon. the Chief Minister for having brought forward this legislation. For, I see that this is only an attempt at superficial tinkering with the existing provisions of the Act. Though in some points he has the support of the majority of the House, viz., with regard to the abolition of nominations, with regard to the provisions for the representation of minority communities by other means than nomination and with regard to the provision for making women eligible to stand as candidates for councillorship, I am afraid, in other respects the Bill is far too short of the expectations we formed, especially seeing that it is a Bill introduced by an England-retained gentleman like the hon. the Chief Minister. I was only surprised to hear the speech of my hon. Friend Sir A. P. Patro who to-day belongs to the same party as the hon. the Chief Minister, but who still had the impropriety to criticise the fundamental provisions of this Bill which is sponsored by his own party man. Sir, even upon the merits of the Bill I am inclined to differ from the views propounded by hon. Sir Patro. Though he might charge the city Member with

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inexperience of district municipalities, I still claim to have some experience of district municipalities and am firmly of opinion that the conduct of elections should be removed from the chairmen of these municipalities. (Mr. S. Satyamurti: Hear, hear.) Facts are too stubborn to yield to mere sentimentalism. It is true that we wanted to invest the chairmen of municipalities with powers of conducting their own affairs including elections. But it is beyond human nature to expect that they could be unselfish when their own interests are concerned. Each chairman is desirous of strengthening his own party in the Council. Having that predominant inclination in his mind, he cannot but, so far as those acts are undiscoverable, manipulate the elections to suit his convenience and his best interests. The whole mistake arises in putting the wrong men in such places. (Mr. S. Satyamurti: Hear, hear.) All this was due to the fact that the Government which was in power three years ago and which is still in power, encouraged men of this sort to be in charge of the administration of local boards. If only the electorate had been given the full chance of selecting suitable persons, for the administration of the affairs of local boards, there would have been no necessity to ask that the power to conduct the elections should be removed from the chairmen.

"Now, with regard to this Bill, Mr. President, I submit that the experience of the administration of local bodies in other countries, as could be gathered from the literature concerning them, is that such legislation as this could only be with regard to the constitution and powers of these boards. The functions to be carried out by them are dealt with in other Acts. For instance, in regard to matters concerning sanitation, and public health there is a separate Act. In regard to matters concerning engineering works there is a separate Act. These Acts are allowed to be administered by the local bodies. The Local Bodies Act confines itself to the provisions for the constitution and powers of administration of the various Acts in regard to sanitation, etc. If the improvement in the Local Boards Bill was in that direction, it would have been possible to further improve it in the Select Committee. Now, the Chief Minister is besieged by a number of petitions submitted in person and in writing from the chairmen, from the defeated chairmen, from competing chairmen, defeated candidates and from competing candidates. So much so, his vision could not go beyond the constitution of the councils. I am sure that in the actual administration of the District Municipalities Act, any disinterested chairman would have felt the necessity for improving the provisions relating to public health, food adulteration, weights and measures, public markets and many other such things.

"Sir, I see no provision is made in this Bill for enabling the municipalities to run their public utility services. In order to augment their sources of income it is necessary that the local bodies should be invested with the power of running their own public utility services which we see in the West have progressed very well such as municipal insurance, municipal banking, etc.

"Sir, with regard to the purchase of stores for their work, it is very desirable that municipalities which are engaged in some kind of work or other ought to be enabled to join hands and start their own workshops in order to manufacture the goods required for their needs and thus save a lot of expenditure which otherwise has to be met from municipal funds. These provisions ought to be embodied in this Bill. In this connexion I am glad

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to see that the hon. the President has given us permission to move amendments with regard to the instructions to be issued to the Select Committee in order to embody some of them. I hope the hon. the Chief Minister, with his experience of the West, would have no formidable objection to accepting such amendments as might be found suitable for incorporating in the Bill.

"Only one word more with regard to women franchise. My hon. Friend, the Deputy President, Dr. Muthulakshmi, is not, I see, satisfied with throwing open the councillorship, by means of election, to women. She is afraid that women might not be returned at the elections and therefore wants that some power should be reserved with the Government to nominate them. There seems to be something inconsistent in that argument. While on the one hand she pleads for more privileges and independence of action and for all the privileges that are now enjoyed by men to be given to women in the matter of election, on the other hand, she still asks for nomination. That I am afraid will be hindering the freedom of action and privileges of such of the ladies as would like to compete with men and try to defeat them. (Mr. K. R. Karant: Hear, hear.) With regard to the independence of women, I am afraid they have got more of it than men. (The hon. Dr. P. Subbarayan: Hear, hear.) Sometimes I have thought that we might be relieved of this political work and allowed freedom to eke out our livelihood undisturbed and women might be left to tackle political problems so that they may enjoy what we are now enjoying." (Laughter.)

* The hon. the PRESIDENT:—"I am afraid it is a matter of detail. (Renewed laughter.) The Select Committee may easily devise methods by which some municipalities could be left entirely in the hands of ladies." (Laughter.)

MR. SAMI VENKATACHALAM CHETTI:—"I also see that it is a matter of great detail. Without entering into more details I resume my seat."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"A word of personal explanation, Sir, I wanted reservation and not nomination; but if women do not avail themselves of the reservation provided for them, then they may be given seats." (The hon. Dr. P. Subbarayan: Both ways?).

MR. L. K. TULASIRAM:—"Sir, I welcome this Bill very heartily. I know that the hon. the Chief Minister has bestowed a good deal of attention in drafting it. It would have been more generous on his part if he had incorporated the Bill of my hon. Friend from Bezvada which reached the Select Committee stage. The hon. Minister himself came and took part in the Select Committee. That Bill had passed the second reading stage. Of course it contained a provision for adult suffrage. If that had been deleted from that Bill, he would save himself a lot of trouble. Anyhow, let us give credit to the hon. the Chief Minister for having thought it fit to introduce his Bill with this salutary provision for getting rid of nominations. Sir, this power of nomination in the hands of several chairmen of municipalities has denied to numerous deserving persons the opportunity to come in by way of election. I regret to see that the power of nomination still exists although to a very limited extent in the case of Anglo-Indians and Europeans. I find, Sir, that the largest number of these gentlemen in any municipality does not exceed 60. Now, if you are going to give them two seats in all municipalities it will mean that you are giving very great representation to a community whose population in the whole presidency is

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only 7,000. I am not afraid of their sitting on the municipal councils. Really I want them to be given more privileges. But at the same time I do not want them to take away the better portion of the loaf. Really, Sir, if in the municipalities where the members of these two communities predominate, they are given one or two seats that would be all right.

"Then, Sir, as regards the representation of minority communities, several of our friends belonging to those communities which are only four according to the Bill, viz., Christians, Muhammadans, Adi-Dravidas, Adi-Andhras and others, have not realized the difficulty or disadvantage in joining the general electorate. I am a member of the Madura municipality. Let us take the case of the Madura municipality. It contains now 18,000 voters. Do you want the Muhammadan gentlemen to go and woo all these 18,000 voters in order to get elected? It is a very impossible affair. I therefore object to that. There are several localities inhabited by Muhammadans or Christians only. For the purpose of this Act, I suggest that these localities may be termed municipal territorial wards for Christians or Muhammadans and so on. And the members of that locality who are also voters in the general electoral area may be asked to form an electorate and thus save all the trouble. Sir, in a rich city like Madura a man has to spend Rs. 6,000 for canvassing. Do you want the members of the Muslim and Christian communities and the depressed classes to go on with money bags and spend so much and get their seats? It would be very difficult.

"So, what I would say is that instead of having general electorates, if you have territorial electorates consisting of small areas where particular communities dominate it would be better. 3-45 p.m.

"Sir, coming to the electoral functions my hon. Friend Sir Parasuram said that it was a sin to entrust these functions to the revenue authorities. May I say that in the Madura municipality the Chairman was not able to identify me and I had to go to a court of law and prove that I am Mr. Tulasiram? Do you want any more instances to prove this? I had to spend Rs. 500 to prove my identity. Every year one-third of the number of wards are open for election and certain communities represent seven or eight wards and the Chairman wants that all these wards should go on with their election on a particular day he says 'Oh! If I hold the election on the same day, to whatever community you may belong and whatever your influence or canvassing strength may be, you will be frittering away your strength and thus I will see that you are defeated'. That is the way in which the Municipal Chairman behaves. Let Sir Parasuram come and ask me and I will assure him that this is a fact.

"In the matter of forming electoral rolls you are now giving express powers to the chairman to include 8 annas voters. You are giving power to the chairman to manufacture for the time being, just when there are three or four days before the commencement of election, a list of voters, say of 150 or 200 men who say that they are getting Rs. 100 or Rs. 200 income, but really do not get any income at all. The electoral list is being changed year after year."

* The hon. the PRESIDENT:—"May I suggest to the hon. Member the desirability of leaving out these details to the Select Committee."

MR. L. K. TULASIRAM:—"Yes, Sir, I will leave out these details."

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"Now, Sir, coming to the motion of vote of no-confidence in the chairman, the hon. the Minister has prescribed two-thirds majority for the purpose of removing a chairman. Sir, it will be very difficult to find a two-thirds majority. Not even one out of twenty cases will be like that. Any how, Sir, there is a salutary provision that in case there is a small majority the Government will consider the advisability of ending the services of such a municipal chairman.

"As regards the amendment of schedules, I thank the hon. Minister for having given power to place all the schedules on the table of the Legislative Council. You know that the handloom industry in the case of handloom weavers of Cannanore was interpreted to be a dangerous and offensive trade. Some learned vakils had to sit for two days together to interpret that this handloom industry was not offensive and dangerous. Several rice mills have been banned on the score that rice mill industry was a dangerous and offensive trade. So that if the schedule is to be placed before the Legislative Council I am pretty sure that this House will not ban these industries as offensive or dangerous.

"Now ladies are at liberty to stand as candidates for election. My hon. Friend Dr. Muthulakshmi Reddi was telling that till we are economically better it will be difficult for ladies to come through the open door of election. I say let all the ladies have a separate electorate for themselves and let them come through their electorates."

A VOICE :—"They cannot defeat men."

MR. L. K. TULASIRAM :—"Although they cannot defeat, they have got more certainty of coming through their own electorates.

"Sir, I say there are a lot of improvements in the Bill and I have to congratulate the hon. the Chief Minister for having brought forward this sound and wise legislation. If this Bill is passed, I am sure it will be an epoch-making legislation for the whole of the Madras Presidency."

* MR. J. A. SALDANHA :—"Sir, I shall be short. So far as this Bill is concerned, from a democratic point of view, the Bill of my hon. Friend Mr. Kaleswara Rao will have to be incorporated into the provisions of this Bill. We shall try our utmost to do that. If we do not succeed we shall fall back upon that Bill. I do not want to dwell more upon this point.

"So far as the reservation of seats to certain communities is concerned, I may refer to certain difficulties that have been pointed out with regard to nominations of Europeans and Anglo-Indians. I think if we allow such a provision it will amount to making an invidious distinction between one community and another, and as my hon. Friend Mr. Tulasiram pointed out we would be giving a larger number of seats to certain communities which will be disproportionately high to their total strength of the population. I would therefore suggest that we have to incorporate them with Christians—because Europeans are Christians—and there should be reservation of seats for all of them combined. If that is done it will do away with the distinction between Europeans, Anglo-Indians and Indian Christians. In this Bill it is left to the Government to give reservation of seats to certain communities. But Mr. Kaleswara Rao's Bill is based on certain proportion of the population. I would therefore incorporate that provision here.

"Sir, there is another point to which I would like to refer. Here in the Madras Municipal Corporation, the President of the Corporation is a person

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distinct from the Chairman of the Executive Committee. There are many respectable old venerable gentlemen who may be experienced enough and who may be willing to place their services at the disposal of the Corporation. I think such men deserve to be elected to Presidents or Mayors of the city. But I do submit that the chairman of the Executive Committee should be an able and energetic man. I have got before me the two Acts passed for the major municipalities and minor municipalities of Bombay. They have got what is called the Chairman of the Executive Committee. This gentleman must be active and he is selected for administrative purposes of the municipality. If we do likewise we may not require a paid officer.

"Sir, coming to the question of women candidates, they are quite welcome to compete with men candidates. But if they have not got sufficient political experience to compete with men, it is not the fault of men. As they get themselves more educated they will gradually elected. But I have some doubts about the suggestions of my hon. Friend. She said that they had not the necessary economic independence. I wonder what she means by it. As education spreads among women in all parts of India I think they will acquire self-dependence. Women in India, as a rule, are conservative in their political and economic views as well as socially, and exercise great restraint on the men.

"With these few words I shall resume my seat."

* MR. A. KALESWARA RAO :—"Sir, the present District Municipalities Act was enacted when there was a nominated majority in this Council in 1920. Though nine years have elapsed no real amending Act was introduced till now. So in pursuance of the mandate of my party when we met informally in December 1926, I prepared a Bill in order to make local self-government in municipalities more real and more democratic, and presented it to the Secretary of the Council as early as August 1927.

"The hon. Minister talked of democratising municipal institutions and abolishing nominations as early as February or March 1927. I am glad to find that at least now, he has come forward with a Bill embodying many liberal provisions. But I must submit that his attitude towards the Bill of non-official Members has been very unfair. He wanted to knock down my Bill by opposing the motion for referring it to a Select Committee. It was only by a chance, by one vote, it was referred to the Select Committee. Again when the Bill came up for consideration before the Council after it was considered by the Select Committee, which made several good and important changes in the provisions of the Bill, he opposed the Bill being considered. It was by the help of my hon. Friends, Messrs. James and Munid swami Nayudu, it escaped the jaws of death. I do not want to go into the various provisions of the Bill. My Bill and this Bill have many provisions in common, abolition of nominations, throwing open of all seats for election, reservation of seats for minority communities, removal of sex disqualification, elections of chairmen, no-confidence motions against chairmen, abolition of one-third annual elections by rotation, reversion to elections once in three years—the hon. Minister has no objection now to go back to three years, I understand—widening of franchise, giving more powers to the Legislative Council, and lessening the powers of the Government to amend the schedules themselves without reference to the Legislative Council. These are all common points. Of course, there are some differences in

[Mr. A. Kaleswara Rao] [10th October 1929]

details. With reference to nominations, the hon. Minister wants supernumeraries. I would like to have separate representation even for Anglo-Indians and Europeans and remove nominations altogether. With regard to women franchise I would have two seats reserved in the general election. With regard to joint electorates, the Government and myself agree. The hon. Minister does not want separate electorates. The candidates for reserved seats going to all the voters for seats is a very difficult matter. I would like that seats should be reserved in particular localities. Of course this is a matter of detail. All these points we would urge before the Select Committee who will consider such questions.

"I want to say a word about the widening of the franchise. When I introduced my Bill, I said that all the tax payers in the municipalities should be voters without reference to the payment of the taxes, i.e., all those who are assessed of taxes. That is the provision that was included in the Bill. By the time we went to the Select Committee, there was the Nehru Report before the country, which advocates adult franchise. At least, advanced and enlightened localities like the municipalities ought to experiment with adult franchise. Many provisions which are in my Bill do not find a place in this Bill, e.g., removal of the control of Collectors over municipalities, lessening of Government control over municipal councils in matters of spending money for education, sanitation and such other subjects which are in their particular charge. With regard to surcharge, my Bill provides that the auditors should give sufficient notice and the period of limitation for appeal against the auditor's sur-charge should be one month instead of 14 days. These questions will be considered when this Bill is referred by this House to the Select Committee.

"There are some new provisions in this Bill; one is the entrusting of the conduct of municipal elections to a prescribed authority. Who would be the prescribed authority is not stated in the Government Bill. When the question came up before the conference, there was some difference of opinion and the hon. Dr. Subbarayan said that revenue authorities may be entrusted with this work. I should submit that revenue authorities are not the proper authorities who should conduct the elections. I entirely agree with my hon. Friend, Sir Patro, that the chairmen of municipal councils and the representatives of the people should not be distrusted. The real test whether a provision is right or not, whether it is a good one or a bad one ought to be whether we are trusting the people and their representatives more and more after ten years of the passing of the Act or whether we are distrusting them. We show greater trust towards the people by widening the franchise, by giving votes to a larger number of people. We must also trust the representatives of the people. People may commit mistakes. I am not talking in the capacity of a chairman. Unless representatives of the people are allowed to commit mistakes and to rectify them, there is no use.

"Another reactionary provision sought to be introduced in the Bill is to give more power to the Government to remove chairmen and to dissolve councils, etc. The Legislative Council in 1920 thought that the only instance in which this should be done was when the provisions of section 49 applied. Instead of abolishing that section, the hon. Minister is introducing various vague, hazy and indefinite provisions which may mean anything and which

[10th October 1929] [Mr. A. Kaleswara Rao]

will only be a pretext for the Government to interfere in these municipalities. The good principle that should be adopted is that the Collector should not interfere at all with municipalities, that the Government should interfere less in municipal administration and that people and their representatives should be trusted more and more. These points will be pressed in the Select Committee and I hope a good Bill will emerge from such discussions."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the District Municipalities Act, 1920, be referred to a Select Committee."

The motion was put to the House and carried.

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, I now move that the Bill be committed to the same Select Committee that was appointed to consider the Bill of my hon. Friend, Mr. Basheer Ahmed, whose names have been circulated to hon. Members :—

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| 1. Mr. P. C. Venkatapathi Raja. | 24. Mr. T. M. Narayanaswami Pillai. |
| 2. " J. A. Saldanha. | 25. " A. B. Shetty. |
| 3. " S. Satyamurti. | 26. " Mr. W. P. A. Soundara Pandian. |
| 4. " A. Kaleswara Rao. | 27. Subadar-Major I. M. Nanjappa Bahadur. |
| 5. " Basheer Ahmed Sayeed. | 28. Mahmud Schammad Sahib Bahadur. |
| 6. " B. Venkataratnam. | 29. Rao Sahib R. Srinivasan. |
| 7. " G. Harisarvottama Rao. | 30. Mr. D. Thomas. |
| 8. " U. N. Muthuranga Mudaliyar. | 31. The hon. Mr. S. Muthiah Mudaliyar. |
| 9. " C. Venkatarangam Nayudu. | 32. Mr. L. K. Tulasiram. |
| 10. " A. Ranganatha Mudaliyar. | 33. Mr. J. A. Davis. |
| 11. " T. C. Srinivasa Ayyangar. | 34. " Hilton Brown. |
| 12. " P. Anjaneyulu. | 35. Rao Bahadur K. Sitarama Reddiyar. |
| 13. Rao Bahadur Sir A. P. Patro. | 36. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 14. " C. S. Ratnasabapathi Mudaliyar. | 37. Mr. T. Adinarayana Chettiyar. |
| 15. Diwan Bahadur S. Kumaraswami Reddiyar. | 38. " R. Srinivasa Ayyangar. |
| 16. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. | 39. " N. Siva Raj. |
| 17. The Raja of Kallikota. | 40. " P. T. Rajan. |
| 18. Rao Bahadur B. Muniswami Nayudu. | 41. " A. V. Bhanaji Rao. |
| 19. Mr. F. E. James. | 42. " K. R. Karant. |
| 20. " H. F. P. Hearson. | 43. Sriman Biswanath Das Mahasayo. |
| 21. " T. G. Rutherford. | 44. Mr. S. Arpudaswami Udayar. |
| 22. " C. Govindan Nayar. | 45. Khan Sahib T. M. Moidoo Sahib Bahadur. |
| 23. The hon. Dr. P. Subbarayan. | 46. Mr. Sami Venkatchalam Chetti. |
| | 47. Rao Bahadur S. Ellappa Chettiyar. |
| | 48. Mr. Ahmed Miran Sahib. |
| | 49. " V. I. Muniswami Pillai. |
| | 50. The hon. the Advocate-General. |

"I move also that the hon. the President be added as a Member of the Select Committee."

The hon. Mr. M. R. SETURATNAM AYYAR :—"I second the motion."

The motion was put and adopted.

* The hon. Dr. P. SUBBARAYAN :—"I move, Sir, that the name of the hon. the President be added to the list of Members of Select Committee which was constituted for the purpose of considering Mr. Basheer Ahmed's Bill."

The hon. Mr. M. R. SETURATNAM AYYAR :—"I second it."

The motion was adopted.

Instructions.

* Mr. G. HARISARVOITAMA RAO :—"I move, Sir,

'that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to municipal insurance.'

[Mr. G. Harisarvottama Rao] [10th October 1929]

"This is intended to modernise the municipal bodies. I understand that a large number of municipalities in America carry on a great deal of business and husband their resources as much as possible. This amendment is in the nature of adding to the powers of the municipalities to institute insurance for their own purposes and to conduct business of insurance to serve their own financial resources. I feel that nothing more need be said about the matter and I commend the amendment to the acceptance of the House."

Mr. C. S. GOVINDARAJA MUDALIYAR :—"I second it."

* The hon. Dr. P. SUBBARAYAN :—"Sir, I have no objection to this amendment going before the Select Committee. I am glad that the present wording of the instructions is such that it will not be mandatory for the Select Committee to incorporate provisions, but only to consider and to accept or reject them."

* Mr. A. RANGANATHA MUDALIYAR :—"I have some difficulty as regards the form of the motion. If the Select Committee have this power, I do not see any reason why they should be reminded of the power they already possess. On the other hand, if the idea of the House is that the Committee should consider this particular question, probably the better form will be 'the Select Committee do consider the desirability or otherwise of this particular provision.' I do not know how this motion will help the Select Committee if they have no power."

* The hon. the PRESIDENT :—"I understand that this is the proper form in which 'instructions' are given."

The motion was adopted.

Mr. C. S. GOVINDARAJA MUDALIYAR :—"Sir, I beg to move,
'that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to joint ownership of workshops and water works.'

Mr. G. HARISARVOTTAMA RAO :—"I second it."

The motion was adopted.

Mr. T. ADINARAYANA CHETTIYAR :—"Sir, I move the following amendment :—

'that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to Municipal Banking.'

In Europe and America it has been recognized that municipal banking has been highly beneficial to encourage thrift on the part of the people. One institution that has achieved notable success is the Birmingham municipality. It has enabled a large number of people to save. It is better that in India also we have this system."

Mr. AHMED MIRAN SAHIB :—"I second the motion."

The motion was adopted.

4-15 P.M. Mr. K. B. KARANT :—"Sir, I beg to move that instruction be given empowering the Select Committee to amend the Act, incorporating provisions for the appointment of an executive officer or vesting executive powers in committees of the council. I do not wish to say anything on this matter, as the necessity for such provisions is obvious."

Mr. L. K. TULASIRAM seconded the motion.

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The hon. Dr. P. SUBBARAYAN :—"The wording seems to be different from the others, Sir."

* The hon. the PRESIDENT :—"I shall put it in proper form."

"The question is that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to the appointment of an executive officer or for vesting executive powers in committees of the council."

The motion was adopted.

Mr. ABDUL HAMEED KHAN :—"In the absence of Dr. Mallayya, I move the following :—

'That instruction be given to the Select Committee that they have power to amend the Act incorporating provisions relating to superintendence and withholding of licences to certain houses connected with taverns, etc.'

Mr. G. HARISARVOTTAMA RAO seconded the motion.

* The hon. the PRESIDENT :—"The question is that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to superintendence and withholding of licences to certain houses connected with taverns, etc."

The motion was adopted.

Mr. Abdul Hameed Khan rose to move another motion.

* The hon. the PRESIDENT :—"A Member cannot move more than one instruction to the Select Committee."

Mr. K. KOTI REDDI :—"I shall move it, Sir."

* Mr. J. A. SALDANHA :—"I shall move it, Sir, with your permission."

* The hon. the PRESIDENT :—"Mr. Saldanha will move the instruction."

* Mr. J. A. SALDANHA :—"Sir, I move that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to licences to be issued to buses and other vehicles."

Mr. L. K. TULASIRAM seconded the motion.

* The hon. the PRESIDENT :—"The question is that it be an instruction to the Select Committee that they have power to amend the Act incorporating provisions relating to licences to be issued to buses and other vehicles."

The motion was adopted.

* The hon. the PRESIDENT :—"That exhausts the list of instructions to the Select Committee."

* Mr. J. A. SALDANHA :—"May I enquire, Sir, under what Standing Order these instructions may be issued to the Select Committee?"

* The hon. the PRESIDENT :—"Standing Order No. 79 gives power to the President to prescribe any procedure not provided for by the rules or Standing Orders; and in doing so, the President is generally expected to follow the practice in the House of Commons. I have adopted the practice in the House of Commons in this case and exercised my power under Standing Order No. 79. I hope Mr. Saldanha is satisfied."

Mr. J. A. SALDANHA :—"I am very thankful to you, Sir, and the House must be thankful too."

[10th October 1929]

Mr. A. RANGANATHA MUDALIYAR :—" May I enquire how the hon. Member moved his amendment, Sir, without knowing the Standing Order under which he was moving it ? " (Laughter.)

* The hon. the PRESIDENT :—" Let us get to serious work. "

V

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. Dr. P. SUBBARAYAN :—" Mr. President, Sir, I now introduce a Bill to amend the Madras Local Boards Act, 1920, and move that it be referred to a Select Committee. "

" Mr. President, eight years have elapsed, as I said in regard to the Municipalities Act Amendment Bill itself, since the Madras Local Boards Act was passed. An attempt was made as far back as 1923 to amend this measure, but as it was not acceptable to some Members of the Council then, it was withdrawn and circulated to local boards for their opinions. Again in the year 1925, there was a Bill which was going to be referred to a Select Committee; but that again was dropped because of the opposition that was found to that measure. Again in the year 1928, the Government proposed a measure which dealt with the abolition of taluk boards and only having district boards and village panchayats as units of local self-government. That also met with a certain amount of opposition. After this, I called a meeting of certain members of this Legislative Council for suggesting methods of local board reform, and the Bill as it is now presented to the Council, is the outcome of the decisions arrived at by that conference. That conference decided that panchayats should be the unit of local self-government and should be given more powers than they possess at present under the Village Panchayats Act of 1920. That has been accomplished in this Bill. "

" The question of taxation with regard to the village panchayats was naturally a thorny one and was considered by the conference. The conference decided that it would be better to have an enabling provision by which panchayats could tax themselves, if they wished to, though no compulsory taxation need be provided for in the Bill: and that is what finds a place in clause 78 of the present Bill, "

" The question of the abolition of taluk boards was also considered, but hon. Members of the conference felt that there should be an intermediary body which would co-ordinate the work of all the village panchayats and they also thought that such a co-ordinating body ought to be smaller than the present taluk boards which control large areas, because, they did agree that it is not necessary for two large boards to function in a district, that is, the district board and the taluk board having power to control vast areas which led to conflicts between these two bodies. The present solution which is provided for in the Bill is intended to satisfy this. But I feel that it will lead to the co-ordination of the work of village panchayats only when we can say that village panchayats have been established all over the province in every village. Perhaps that will be the time to think of getting rid of these intermediary bodies. But as long as village panchayats do not exist in every village, then every one must admit that there is to be an intermediary body "

* Published in the Fort St. George Gazette, dated 12th September 1929, Bill No. 13 of 1929.

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[Dr. P. Subbarayan]

which will do the work of the village panchayats for villages which have no panchayats themselves. And that is the function which is given to the circle board under this Bill. "

" The question of nominations I have already dealt with, with regard to the District Municipalities Act. The same principle is followed here also. Of course, in the case of village panchayats there will be no nominations at all, because all Members will agree—and I am sure the European Members present here will also agree—that there is no necessity for the representation of either Europeans or Anglo-Indians on these village panchayats. But, with regard to the district boards, the power to nominate Europeans and Anglo-Indians is retained, because hon. gentlemen will admit that there are certain European and Anglo-Indian interests which may have to be represented on a big district board which deals with main lines of communication, in which Europeans in this country are as much interested as any one belonging to any other community. And that is the reason why nomination has been provided for with regard to Europeans and Anglo-Indians in the case of district boards. "

" Another thing which was dealt with even as far back as when the Bill of 1923 was considered, was the question of direct election to district boards. That is a special feature of this Bill; because it has been felt that the opinion of the district ought to be represented on the district board, and not merely the opinion of the various circle boards in the areas concerned. So, now at least half the seats of a district board will be representative of the general body of the electorate, and not of the taluk boards as is at present the case. "

" Again, the same provision with regard to the conduct of elections as applies in the case of local bodies also finds a place in the Local Boards Bill. I know Sir Parasuramdas Patro and Mr. Kaleswara Rao expressed the opinion that it is not necessary to take away this power from the local bodies concerned; but unfortunately, my own experience as Minister of Local Self-Government has been anything but happy in the matter of the conduct of these elections by presidents of local boards, or the chairmen of municipal councils. Human nature being what it is, I think it is very difficult when you place such a power in the hands of the president, to avoid the idea of candidate A, B or C being in his favour or candidate D not being in his favour. I do not go to the extent of criticising these elections as some hon. Members here have done, that it is being done in a haphazard manner and that personal considerations have come into play. I believe there have been municipal chairmen and presidents of local boards who have been able to conduct these elections without any slur on them; but, as I said, human nature being what it is, there are certain difficulties, and I think it is best that such elections should be conducted by an outside authority. Sir Parasuramdas Patro, I know, was referring to the question of the bureaucrats controlling the election. But, after all, any country in the world has got to go on with its bureaucracy. Even most advanced countries like England, which are under a democratic system of government, are entirely governed by the bureaucracy. The influence which the members of the Home Civil Service have on their Ministers is a thing which could only be known to one who has had any experience of the working of the office at Whitehall. There you will find that the Under Secretary of State has an influence on the Secretary of State which is not seen by the outside world, but which

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[10th October 1929]

Mr. A. RANGANATHA MUDALIYAR :—" May I enquire how the hon. Member moved his amendment, Sir, without knowing the Standing Order under which he was moving it ? " (Laughter.)

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V

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" The question of taxation with regard to the village panchayats was naturally a thorny one and was considered by the conference. The conference decided that it would be better to have an enabling provision by which panchayats could tax themselves, if they wished to, though no compulsory taxation need be provided for in the Bill: and that is what finds a place in clause 78 of the present Bill,

" The question of the abolition of taluk boards was also considered, but hon. Members of the conference felt that there should be an intermediary body which would co-ordinate the work of all the village panchayats and they also thought that such a co-ordinating body ought to be smaller than the present taluk boards which control large areas, because, they did agree that it is not necessary for two large boards to function in a district, that is, the district board and the taluk board having power to control vast areas which led to conflicts between these two bodies. The present solution which is provided for in the Bill is intended to satisfy this. But I feel that it will lead to the co-ordination of the work of village panchayats only when we can say that village panchayats have been established all over the province in every village. Perhaps that will be the time to think of getting rid of these intermediary bodies. But as long as village panchayats do not exist in every village, then every one must admit that there is to be an intermediary body

10th October 1929] [Dr. P. Subbarayan]

which will do the work of the village panchayats for villages which have no panchayats themselves. And that is the function which is given to the circle board under this Bill.

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" Another thing which was dealt with even as far back as when the Bill of 1923 was considered, was the question of direct election to district boards. That is a special feature of this Bill; because it has been felt that the opinion of the district ought to be represented on the district board, and not merely the opinion of the various circle boards in the areas concerned. So, now at least half the seats of a district board will be representative of the general body of the electorate, and not of the taluk boards as is at present the case.

" Again, the same provision with regard to the conduct of elections as applies in the case of local bodies also finds a place in the Local Boards Bill. I know Sir Parasuramas Patro and Mr. Kalewara Rao expressed the opinion that it is not necessary to take away this power from the local bodies concerned; but unfortunately, my own experience as Minister of Local Self-Government has been anything but happy in the matter of the conduct of these elections by presidents of local boards, or the chairmen of municipal councils. Human nature being what it is, I think it is very difficult when you place such a power in the hands of the president, to avoid the idea of candidate A, B or C being in his favour or candidate D not being in his favour. I do not go to the extent of criticising these elections as some hon. Members here have done, that it is being done in a haphazard manner and that personal considerations have come into play. I believe there have been municipal chairmen and presidents of local boards who have been able to conduct these elections without any slur on them; but, as I said, human nature being what it is, there are certain difficulties, and I think it is best that such elections should be conducted by an outside authority. Sir Parasuramas Patro, I know, was referring to the question of the bureaucrats controlling the election. But, after all, any country in the world has got to go on with its bureaucracy. Even most advanced countries like England, which are under a democratic system of government, are entirely governed by the bureaucracy. The influence which the members of the Home Civil Service have on their Ministers is a thing which could only be known to one who has had any experience of the working of the office at Whitehall. There you will find that the Under Secretary of State has an influence on the Secretary of State which is not seen by the outside world, but which is

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[Dr. P. Subbarayan] [10th October 1929]

always present; and naturally the Secretary of State relies on the experience the Under Secretary has had, because very likely he has been in that office for 33 or 35 years, whereas a great politician might enter that office even on the very day when he assumes the office of Secretary of State. In these circumstances, I think this criticism of the bureaucracy is misplaced, and I feel that we must understand that under a democratic system of government we have to rely on the permanent services of the Government who do not care whether it is A, B or C who sits on the Treasury Bench but only care for the administration being carried on in the right way, so that good administration and good government might be the outcome of the working of the constitution. When such is the case, I feel that no objection need be made to revenue officials conducting elections to these bodies. Because, after all, they will not be concerned with the elections being held in favour of A, B or C or in favour of the chairman of a particular municipal council or the chairman of a particular local body concerned.

"The Local Boards Act has at present no provision with regard to supersession. This difficulty has been met with again and again in the administration of the district boards and often local boards have had to be got rid of and officers put into their places to conduct the affairs of the local boards. That provision which exists in the District Municipalities Act has been provided for with regard to the local boards also in this Bill.

4-30
P.M.

"The same provision with regard to vote of no-confidence on the president has also been provided for in this Bill and I do not think I need labour the point with regard to the necessity for this provision in this Bill, as I find hon. Members opposite as well as hon. Friends behind me are agreed on the point that there should be provision for a vote of no-confidence both on the chairmen of the municipal councils and on the presidents of local boards.

"Then the question of provincialization of officers and servants of local boards need not be also laboured upon either, except that I would say this, that provision with regard to the provincialization of officers has been made, because Government have power to appoint officers on a provincial basis. When this Bill is passed, power will rest in the Government in regard to the appointment of any officer who may be provincialized on a vote of the district board or the municipal council concerned.

"I have already explained as to the question of the levy of a tax in regard to the panchayats and the levy of company's tax has also been explained with regard to the Municipal Bill and the difficulty that commercial men feel in the districts, and so the Government have provided that the levy of that tax should be based on the income rather than on capital. But, as I have already said in regard to the Municipal Bill, there has been considerable difference of opinion and I hope some other way would be found which would satisfy all parties concerned with regard to the taxing of these companies.

"As I said with regard to the Municipal Bill, more effective provision for the adjudication of disputes also finds a place in this Bill. These are the main provisions. Of course certain difficulties have arisen with regard to the working of local bodies and these have been sought to be met in this Bill. I hope, therefore, Mr. President, there will be no objection to this Bill being referred to a Select Committee."

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The hon. Mr. M. R. SETURATNAM AYYAR :—"I second it, Sir."

* The hon. the PRESIDENT :—"The question is that the Bill be referred to a Select Committee."

Mr. D. NARAYANA RAJU :—"Mr. President, Sir, I move :-

'that the Bill be circulated for the purpose of eliciting opinion thereon.'

"In making this motion my object is, the Bill may be circulated to all the taluk and district boards and some important village panchayats that have been working in the Presidency, so that they may offer their remarks on this Bill. I am aware that a Bill to amend the Local Boards Act was circulated in April 1928; but that Bill was fundamentally different from the one that is now introduced by the hon. the Chief Minister. The main provisions underlying this Bill are quite new and were totally absent from the Bill that was circulated to local bodies in April 1928. The important provisions in this Bill are (1) the inclusion of the village panchayats within the scope of the Act, the conversion of the union boards into panchayats and the consequent repeal of the Madras Village Panchayats Act of 1920; (2) the abolition of the taluk boards and the institution of numerous other bodies with smaller areas in their stead; (3) general quinquennial elections to local boards; (4) provision for a vote of no-confidence in presidents and vice-presidents of local boards; and (5) the removal of the president and vice-president by Government *suo motu*. These are some of the more important provisions which find a place for the first time in the Bill now before the House.

"Mr. President, as a matter of fact, the Bill that was circulated to the local boards before, was for the concentration of local self-government administration and for reducing the number of local boards in the Presidency. That Bill was for centralization, whereas the present one is for decentralization and to bring into existence more boards than there are already in the Presidency. The local boards that are now working in the country are not at all given an opportunity to offer their remarks. The changes that are now sought to be introduced in this Bill are very very important and have got very far-reaching consequences. For instance, village panchayats are included in this Bill and the Panchayat Act of 1920 is sought to be repealed. I agree with hon. Members who say that the village panchayats should form the unit of local self-government, but that does not mean that the village panchayats should be brought into the machinery of other local bodies. Even in 1920 when the present Local Boards Act and the Village Panchayats Act were considered together and passed, they found the necessity that the village panchayats should have a simpler administrative machinery than the one which was provided for other local bodies. This simplicity of machinery is sought to be removed by taking all the village panchayats under this Local Boards Act. The village panchayats are not at present required to keep any office or any establishment to carry on their work and that simplicity of administrative machinery is quite in consonance with the aptitudes and wishes of the rural population. Now, to bring in this complicated machinery and ask the village panchayats to work it, is a very difficult proposition for the rural population. The moment they are brought in under this Bill, the cost of the village panchayat

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administration will be greatly increased as they will perforce be obliged to have some establishment, to have an office and so on; for they have to prepare assessment books, issue notices to tax-payers, send up administration reports, frame budgets and so on. These are things which are not required under the present Act. If they are, on the other hand, brought under the scope of this Bill, they have to maintain a costly establishment, as this is required under the provisions of the present Bill. The minimum cost required for this establishment will work up to something like this: Rent for the office or the charges for maintenance and repairs, if they have got a building of their own, would come to Rs. 5 per month or Rs. 60 per annum. Then there should at least be one clerk who will have to prepare all the assessment books, notices, etc., and he will require at least Rs. 20 per month or Rs. 240 per annum. There must be a peon to serve these notices, etc., and even if the sweeper and the peon are combined in one and only one man is engaged, we cannot secure a man for anything less than Rs. 12 per month and that will come to Rs. 144 per annum. Besides, there is stationery, postage and other miscellaneous expenditure required to run the office and that would come to at least Rs. 5 per mensem or Rs. 60 per annum. Altogether for the establishment alone, the cost would come to Rs. 500 per annum. That will be the minimum that the village panchayat will have to incur. Suppose, there is a village with a population of 500 people, to justify the expenditure of Rs. 500 on the establishment, they must raise at least thrice this amount of Rs. 1,500 from a population of 500 persons. Now, to raise this amount of Rs. 1,500 from a population of 500 persons, what will it come to? For these 500 persons, there will be about 100 families and out of these 100, there will be at least 20 families which cannot be taxed at all and the tax will have to be borne only by the other 80 families. For, there will certainly be some people in the village, who cannot pay any tax whatsoever, and they have to be excluded. Now, for these 80 families, to raise a fund of Rs. 1,500, means that each family will have to contribute Rs. 18-12-0. That is per year. This amount of Rs. 18-12-0 per year for a family in a village will be a very enormous sum for them to bear. Only a few years ago, when the duty on salt was increased by 4 annas, there was a hue and cry in the country and when they cannot bear that small increase of 4 annas on salt, if you ask them to contribute each Rs. 18-12-0 for the village panchayat, it will be a very heavy sum for them to raise.

"Then, with regard to men. We cannot find people in the villages fit to run these panchayats, on the lines proposed in this Bill. Of course, in India, there have been village panchayats all along, but then, all these western notions of framing of budgets, preparation of assessment books and other things are not at all known to the rural population. At present, what they are doing in the village panchayats is this. Whenever they have got to raise funds for any particular work, they would do so without any establishment whatsoever and they do not engage any clerk or any peon. That is the simple way in which they have been going on under the Act of 1920. Now, if all these things are brought in, it will be very difficult for the villagers to find men who can understand these things and to run the administration successfully and to the satisfaction of the people. Unless a man is trained in western methods of local self-government, he will not be a successful village panchayat president. That is the sort of machinery that is provided for under this new Bill.

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"It is also stated that they will have to go in for new taxation under the present Bill and this taxation is enough to frighten away the villagers. The presidents of district boards and taluk boards will bear me out when I say that even in the matter of extending the union boards in villages, great difficulty is being felt. For big villages or towns there are union boards, but there are some villages which are finding it very difficult to go on with union boards and it is with very great difficulty that the presidents of taluk boards and district boards have been able to induce even big villages to go in for union boards, because if they have union boards, they have to incur taxation and have to maintain an establishment, etc. If that is the case even with big villages, what would be the case of smaller villages? I know there were certain villages which offered civil disobedience to get rid of the union boards and there are also cases in my own district where people suffered all sorts of hardships to get rid of their unions.

"Therefore when you say you want to establish panchayats what you are ⁴⁻⁴⁵ doing is simply compelling the people against their will to form minor ^{p.m.} unions to which they are averse on account of the compulsory nature of taxation and the costly administration imposed thereby. Of course even in the present village panchayats there are defects, and they are asking for revision of their powers. But what they ask is not on the lines which find a place here. What they want is that the Village Panchayat Act of 1920 should be revised and the panchayats should be continued. They want more powers and more freedom. But what we see here is a change for the worse. That is why I say that the present Bill should be circulated among the village panchayats for their remarks. It is the people who are running the machinery that are fit to judge the present Bill correctly. They were not consulted on these provisions, and in the Bill that was circulated in 1928 these provisions did not find a place.

"Now another important provision is for the establishment of circle boards. In this connexion I shall read a few sentences from the objects and reasons which the hon. the Chief Minister himself wrote in April 1928. The most important of the changes made by this Bill is the abolition of taluk boards. Few taluk boards are financially in a position to develop and improve the public services for which they are responsible; while in the case of many of them the maintenance of accounts and general administration is not what it ought to be.

"Therefore what was sought under the previous Bill was the abolition of the taluk boards, on the ground that they were unable to maintain their establishment, to maintain their accounts properly and to run the administration satisfactorily. If that is the case I don't understand why the present Bill should go in for more boards of the same kind. And now the present Bill contains a provision for numerous circle boards which runs counter to the remarks of the hon. the Chief Minister made in April 1928. I do not know whether his remarks in the amending Bill of 1928 are correct, or the remarks in the present Bill are correct. Personally I feel that there is no room for such numerous bodies called the circle boards in the Presidency. That would only add to the cost of administration. Are you going to pay all the circle boards' members their travelling allowances? If you don't pay, they may not attend the meetings. As a matter of fact it is very difficult to get people in the same village to attend the meetings in the

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village. I don't know what the intention of the hon. the Chief Minister is. If the travelling allowances are to be paid to all the members I am afraid it would come up to a pretty large sum and I don't know whether we can afford to spend such large sums. Now already some of the taluk boards are not financially able to maintain their establishments and I don't know whether the circle boards would be able to maintain their establishments. If you look into the nature of the duties and obligations that are cast upon these circle boards you will understand the necessity for their costly establishments.

"Then there are to be quinquennial elections. With regard to this also the remarks of the local bodies are not obtained. No opportunity was given for eliciting their opinion. We are now making here a good many radical changes. Without consulting them it would not be advisable to introduce these changes. To have triennial elections may be better. I fear these things are not based upon experience of actual administration of these local bodies. That is my feeling in the matter. Therefore I feel that this Bill should be referred to the local bodies and village panchayats and an opportunity given to them to express their views with regard to these radical changes.

"In this connexion I would like to offer a few remarks with regard to one or two other important things. For instance, taking away the power of conducting elections from the taluk and district boards and entrusting the same to outside agencies. I am sorry I have to differ on this point from some of my friends on this side of the House. I am not blind to the fact that there are mismanagements in taluk board elections. But that is no reason why the whole class should be condemned. I think where there have been misdeeds and mismanagements there is a strong public opinion growing against them. That is a healthy sign. Indeed these things must be controlled by public opinion. It is only when public opinion is created and is strong that it can put a stop to all these misdeeds and mismanagements. Such a thing is growing in the country and we can safely trust to it. We must try to help the cultivation of such public opinion and to make it strong enough to act as a check against all these acts on the part of the taluk and district boards. But when once you take away this right from the local boards in favour of an outside agency I don't think it is a change for the better. After all what is the agency to which we are going to entrust the conduct of elections? As was said by the hon. the Chief Minister it is to be given to the revenue authorities. Are you sure that these revenue underlings are not influenced by outside considerations? From what I know even these men who are in the services are influenced by party and political feelings. That is my experience at least in the matter. I will go a step further and say that the men in service are responsible for the good many factions amongst the people. It is they who spread the canker of communalism. Therefore these men in service are as bad as the presidents of the taluk and district boards. Further the presidents of the local boards have to satisfy their constituencies. But may I know whom are the men in service going to satisfy? Of constituency they have none. Of the healthy check of public opinion they have none. Therefore if you can't trust these constituencies I don't know how the local self-government machinery would work at all.

"With regard to the reservation of seats for certain communities like the Adi-Andhras, Christians and Muhammadans I am also at one with hon. Members of this House when they say that nominations must go. There can be no

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two opinions on that matter. But what is it that you are proposing in its stead? You propose to reserve some seats on communal lines for some communities in a general electorate. I am afraid by reservation of seats you are allowing communalism to take root deeply and spread in places where till now it had not made its appearance. When once you give the communities this privilege I am afraid it will be difficult to make them give up that privilege?"

* The hon. the PRESIDENT :—"Does the hon. Member propose to occupy more time?"

Mr. D. NARAYANA RAJU :—"Yes, Sir."

* The hon. the PRESIDENT :—"The House will now adjourn and meet at 11 a.m. on Tuesday, the 15th October 1929."

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

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APPENDIX I.

[Vide answer to question No. 876 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council, held on the 10th October 1929, page 1001 supra.]

Monthly rainfall record.

Rain-registering stations.	April.		May		June.		July.		August.		September.	
	Actual.	Average.	Actual.	Average.	Actual.	Average.	Actual.	Average.	Actual.	Average.	Actual.	Average.
1. Yemmiganur ..	0.83	0.64	0.28	1.17	0.85	2.49	0.88	3.66	2.54	4.05	6.56	5.60
2. Adoni ..	2.06	0.67	0.90	1.44	2.26	3.32	3.79	3.86	1.65	4.98	4.11	6.78
3. Alur ..	5.50	0.68	0.34	1.62	1.38	2.44	0.77	2.84	1.79	3.87	4.98	5.67
4. Srirangappa ..	4.02	0.72	0.27	1.66	3.14	2.75	1.53	2.87	1.62	4.22	7.63	6.28
5. Bellary ..	2.73	0.74	1.76	1.91	0.11	2.06	0.23	1.68	0.09	2.17	6.68	4.95
6. Rayadrug ..	1.65	0.61	4.38	2.10	0.27	2.04	1.29	1.52	0.71	2.28	8.79	4.79
7. Kampli ..	2.01	0.67	0.50	1.79	0.49	2.21	0.84	1.83	0.55	2.98	8.18	6.00
8. Hospet ..	1.52	0.71	1.81	2.29	1.95	3.09	0.92	3.14	3.82	4.40	6.60	6.40
9. Hadagalli ..	3.60	0.90	1.62	2.30	2.26	2.42	1.58	2.63	0.83	2.95	4.06	4.98
10. Harpanahalli ..	2.39	0.82	4.52	2.71	1.34	2.83	3.14	3.25	1.05	3.22	2.96	4.82
11. Kudligi ..	1.73	0.79	4.05	2.35	1.80	2.79	1.68	2.87	1.42	3.83	8.01	6.07
12. Kottur ..	1.72	..	2.65	..	0.86	..	0.61	..	0.24	..	3.87	..
13. Kanakal ..	1.20	..	2.28	..	0.40	..	0.03	..	0.16	..	3.19	..
14. Kosgi ..	3.60	..	0.35	..	2.48	..	0.80	..	1.24	..	8.40	..
15. Kurugodu ..	2.57	..	1.55	..	0.20	..	0.67	..	0.33	..	7.54	..

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APPENDIX II.

[Vide answer to question No. 877 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 10th October 1929, page 1001 supra.]

Wet lands.—The Special Settlement Officer's estimate of the cost of cultivation expenses for an acre of the best wet land was based on the following data:—

Ploughing cattle.—A pair of tilling cattle costs on an average Rs. 30. They last five years and they sell for Rs. 10. They can plough 2 acres per annum—

	RS.	A.	P.	RS.	A.	P.
The cost therefore of bullocks for 1 acre per annum	...	...	...	2	0	0

Seed.

For best wet land only 6 paras of seed are required. This at Rs. 125 per garce .	...	1	10	0
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Manure.

Seventy baskets at 35 baskets per rupee	...	2	0	0
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Implements.

(a) A yoke and plough cost Re. 1 and last for two years; cost per annum	0	8	0
(b) A mamutti costs 10 annas and lasts two years. Two are required; so cost per annum	0	10	0
(c) A chavattumaram costs 6 annas and lasts eight years; annual cost	0	0	9
(d) An ootchamaram costs Rs. 1-1-6 and lasts eight years; annual cost	0	2	3
Total cost of implements	...	1	5 0

Wages.

There are two main methods of cultivation, viz., by broadcast sowing and by transplanting—

Edangalis.

RS. A. P.

(a) Broadcast sowing—	
(1) Ploughing 10 times takes a man 17 days at two edangalis a day.	34
(2) Breaking clods, levelling, repairing bunds, sowing, etc., four coolies	8
(3) Weeding twice, seven coolies	14
(4) Watching, one man for 2 acres for 20 days at 2 edangalis a day; cost per acre	20

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Edangalis.

(5) Reaping, thrashing, etc., at one-eleventh of the gross produce. For 7/1 land the outturn is 900 Madras measures = 1,286 edangalis	...	...	...	...	117
Total	...	...	...	...	193

(b) Transplanting—

Under this head the cost of ploughing the nursery and transplanting are the only additional items; allowing twenty edangalis for this, the cost is. 213

Average of (a) and (b) = 203 edangalis, which at Rs. 125 per garce

Total cost per acre	...	...	5	8	10
	...	...	12	8	1

Based on this estimate the cultivation expenses for the different classes of wet lands were deduced to be—

Taram.	Cultivation expenses.	Taram.	Cultivation expenses.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
I ...	12 8 0	V ...	8 8 0
II ...	12 0 0	VI ...	7 0 0
III ...	11 0 0	VII ...	5 8 0
IV ...	10 0 0	VIII ...	4 0 0

The following statement gives information about—

(1) outturn per acre, (2) grain value, (3) cultivation expenses and (4) the assessment levied, for the different classes of wet land :—

Taram.	Outturn per acre in Madras measures.	Grain value at Rs. 125 per garce of 3,200 Madras measures.	Cultivation expenses.	Sanctioned rates.
RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1 ...	900	25 2 6	12 8 0	6 0 0
2 ...	800	31 4 0	12 0 0	5 0 0
3 ...	700	27 5 6	11 0 0	4 0 0
4 ...	625	24 6 7	10 0 0	3 0 0
5 ...	500	19 8 6	8 8 0	2 0 0
6 ...	400	15 10 0	7 0 0	1 8 0
7 ...	300	11 11 6	5 8 0	1 0 0
8 ...	200	7 13 0	4 0 0	0 12 0

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APPENDIX III.

[Vide answer to question No. 882 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 10th October 1929, page 1006 supra.]

Statement relating to students in the Veterinary College.

Year and class.	Number of Andhra students.	Number of students who did not belong either to Andhra or Madras Universities.
1920 ... { A. B. C.	5 2 7	1 1 1
1921 ... { A. B. C.	4 6 3	2 ... 1
1922 ... { A. B. C.	6 6 3	2 3 ...
1923 ... { A. B. C.	4 6 7	5 2 2
1924 ... { A. B. C.	6 5 7	... 3 3
1925 ... { A. B. C.	7 6 4	2 2 3
1926 ... { A. B. C.	4 8 4	8 1 3
1927 ... { A. B. C.	4 5 7	8 7 3
1928 ... { A. B. C.	11 6 5	1 8 6
1929 ... { A. B. C.	23 9 6	4 2 5

APPENDIX IV.

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[Vide answer to question No. 886 asked by Mr. D. Narayana Raju at the meeting of the Legislative Council held on the 10th October 1929, page 1008 supra.]

Statement showing admissions to the Medical Colleges and schools during the last four years.

Name of institution.	Admissions.			
	1925-26.	1926-27.	1927-28.	1928-29.
Medical Colleges—				
1. Madras Medical College—				
(i) M.B.B.S. class	93	98	104	108
(ii) Apothecary class	7	3	7	6
(iii) B.S.Sc. class	5	12	26	7
(iv) Medical Officers of Health Junior grade	7	8	13	13
Chemist and Druggist class	1	1	1	3
Sanitary Inspector's class	64	61	72	83
2. Vizagapatam Medical College	30	32	32	32
Medical Schools—				
1. Rayapuram Medical School	61	49	95	88
2. Lady Willingdon Medical School for Women, Madras	20	13	24	20
3. Tanjore Medical School	35	21	31	25
4. Vizagapatam Medical School	33	18	(closed)	50
5. Coimbatore Medical School	34	15	28	

APPENDIX V.

[Vide answer to question No. 888 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 10th October 1929, page 1009 supra.]

MINUTES OF THE MEETING OF THE AGRICULTURAL ADVISORY COMMITTEE HELD ON THE 15TH AUGUST 1929.

A meeting of the Agricultural Advisory Committee was held at the Committee room, Secretariat, Fort St. George, on 15th August 1929. His Excellency the Governor presided.

PRESENT:

The hon. the Finance Member.
 " the Minister for Development.
 The Director of Agriculture.
 The Registrar of Co-operative Societies.
 The Director of Public Instruction.
 " of Industries.
 " of Veterinary Services.
 " of Fisheries.
 " of Public Health.

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M.R.Ry. B. P. Sesha Reddi Garu.

" Rao Sahib V. Krishna Menon Avargal.

" Rao Bahadur K. S. Venkatarama Ayyar Avargal.

The Secretary to Government, Development Department.

[SUBJECT 1.—Proposals of the Director of Agriculture for increasing the number of breeding bulls in the Presidency.]

The scheme of the Director of Agriculture is generally approved. Enquiry will be made of the Collector of Guntur whether there will be administrative difficulties in trying as an experiment the proposals made by the Deputy Director of Agriculture, Livestock, for the control of breeding among cattle grazing in the reserved forests of the Palnad taluk of the Guntur district.

[SUBJECT 2.—Agricultural demonstrations.]

The system under which the cultivator's land is used for demonstration was agreed to be the better one. Discussion of the subject was not however concluded when the meeting adjourned.

S. V. RAMAMURTI—17-8-29.

MINUTES OF THE MEETING OF THE AGRICULTURAL ADVISORY COMMITTEE HELD AT OOTACAMUND FROM THE 9TH TO THE 12TH SEPTEMBER 1929. HIS EXCELLENCY THE GOVERNOR PRESIDED.

PRESENT:

The Hon'ble the Minister for Development.

Finance Member.

The Director of Agriculture.

" Veterinary Services.

" Industries.

" Fisheries.

" Public Instruction.

" Public Health.

The Registrar of Co-operative Societies.

M.R.Ry. Rao Sahib V. KRISHNA MENON AVARGAL.

" Rao Bahadur K. S. VENKATARAMA AYYAR AVARGAL, B.A.

The Secretary to Government, Development Department.

(The Chief Conservator of Forests attended on invitation on the 12th.)

Item (1) in the agenda—*Manure*.—Research will continue on the lines now followed and the Agricultural department will collect information and publish it.

A consolidated bulletin giving the results about manures arrived at so far and about which the department is certain may be published.

Item (2)—*Substitution for farm yard manure used as fuel*.—In order to help in providing fuel in place of farm yard manure, the question may be investigated whether ryots may not be allowed to grow trees other than fruit trees on minor channel banks and take the wood free.

Item (3)—*Night-soil manure*.—The Local Self-Government Department may advise municipal councils to convert night-soil into poudrette and sell it in neighbouring villages, transporting it in lorries or municipal carts.

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- Item (4)—*Green manure*.—Suitable action is being taken.
- Item (5)—*Exemption of seeds from import duty*.—Recorded.
- Item (6)—*Distribution of seeds*.—Steps should be taken by the Director of Agriculture to increase the supply of good seed whether by opening or extending seed farms or by other means.
- Item (7)—*Improved methods of tillage and popularizing the same*.—Suitable action is being taken.
- Item (8)—*Problems of dry and precarious tracts*.—The starting of a farm to study dry tracts with red soil may be considered.
- Item (9)—*Methods of demonstration*.—The provisional decision of the last meeting under subject (2) was confirmed after further discussion. (The decision was that the system under which the cultivators' land was used for demonstration was the better one.)
- Item (10)—*Use of implements*.—Demonstrations of the use of improved implements are being given. There is not much demand for the hiring out of the more expensive implements either by the department or by manufacturers.
- Item (11)—*Agricultural shows*.—Suitable action is being taken.
- Item (12)—*Cinema films*.—Magic lantern slides will be more useful in villages than cinema films.
- Item (13)—*Propaganda through Co-operative department*.—The tour programmes of Agricultural Demonstrators may be communicated to co-operative societies in advance so that the latter may co-operate with the demonstrators.
- Item (14)—*Propaganda through local bodies and associations*.—No action in this direction is called for.
- Item (15)—*Propaganda through district officers*.—There is no need to attach agricultural assistants to the camps of district officers for the purpose of propaganda work.
- Item (16)—*Increase in the number of demonstration maistris*.—This may be investigated by the Director of Agriculture.
- Item (17)—*Sheep and goat-breeding*.—No remarks.
- Item (18)—*Cattle-breeding*.—The proposal of Rao Bahadur K. S. Venkata-rama Ayyar to open a cattle-breeding farm in the Tanjore district.—The matter may be investigated.
- Item (19)—*Cattle-fodder*.—No remarks.
- Item (20)—*Urban milk supply*.—The Local Self-Government Department may address the Corporation of Madras with a view to carrying out the proposals made by the Registrar of Co-operative Societies for pasteurising and cooling milk. Similar work may be taken up in other municipalities.
- Item (21)—*Cattle-shows and fairs*.—The Agricultural department may revive the cattle fair at Ongole. The question of reviving the cattle-show may be considered when there is a local demand.
- Item (22)—*Export of cattle with special reference to Ongole breed*.—The proposals of the Director of Veterinary Services are generally suitable for the present.
- Item (23)—*Castration of bulls*.—No remarks.

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- Item (24)—*Grazing in forests*.—The Committee is generally against the raising of grazing fees. The attempts of the Agricultural department to encourage stall-feeding of cattle should be continued. The Forest department may encourage the cutting of grass in forests. As an experiment in certain places, cattle may be kept confined in pens and grass cut and taken to them. If particular forest areas have to be specially protected, they may be closed to cattle.
- Item (25)—*Inoculation against rinderpest*.—The Committee is generally in favour of legislation to make inoculation against rinderpest by the serum-simultaneous method compulsory. But the question of the supply of serum and of the support the Legislative Council may give to the proposal for compulsory legislation has to be considered.
- Item (26)—*Curriculum for the Veterinary College*.—The Committee cannot examine the details of the scheme but points out that as expenditure is to be incurred on the college, possible economies should be considered.
- Item (27)—*Adult education and cinemas*.—The policy of advancing adult education has already been accepted by Government but there are financial limitations in the way of carrying it out. The use of cinematographs in connexion with adult education is desirable but not essential.
- Item (28)—*Agricultural education in schools*.—One or two schools of the 'Loni' type may be tried with fees charged to see if there is a demand for such education. Agriculture should not be taught as part of the general educational curriculum. The maintenance of school gardens need not be taken in the narrow sense but should include cultivation generally—of crops as well as flowers, though not crops on a farming scale.
- Item (29)—*Fuel supply*.—Concessions may be given to villagers to encourage the raising of fuel plantations near villages, the fuel being taken by the villagers who grow the trees. The growth of trees on poramboke lands may be encouraged. Conditions have to be laid down carefully to prevent the monopolising of porambokes by rich people. Trees may be permitted to be grown in tank-beds.
- The question may be examined.
- Item (30)—*Development of forest industries*.
- Item (31)—*Disafforestation for irrigation works*.
- Item (32)—*Afforestation for regeneration*.
- Item (33)—*Classification of forests*.
- Item (34)—*Management of panchayat forests*.
- Item (35)—*Agricultural training for newly recruited forest officers*.—The Committee does not consider this necessary.
- Item (36)—*Encouragement of fish diet*.—The proposals of the Director of Fisheries may be considered.
- Item (37)—*Board of Economic Research*.—A note will be prepared on the working of the Board of Economic Enquiry in the Punjab.

[10th October 1929]

APPENDIX VI.

To

[Vide item III "Amendments to Standing Orders", page 1019 supra.]

THE HONOURABLE MEMBERS OF THE MADRAS

LEGISLATIVE COUNCIL.

WE, the undersigned Members of the Select Committee appointed to report on the draft amendments of Mr. F. E. James to Standing Orders Nos. 22, 23 and 41 of the Madras Legislative Council, have the honour to submit the following interim report.

2. We met on the 4th October 1929 to consider the draft amendments. The hon. the Leader of the House was also present.

3. We consider that the discussion of a special motion like the motion for the adjournment of the business of the Council should be given special time and should encroach as little as possible upon the ordinary business of the Council. We agree to the commencement of its discussion at 4 p.m. instead of at 2-30 p.m. We also think that a period of two hours is sufficient for its discussion. We therefore accept the first two amendments of Mr. James. A copy of the amendments is annexed.

4. The other amendment of Mr. James is for the substitution of the words 'within such time as the Select Committee may fix for the purpose' for the words 'at the same time' in Standing Order No. 41 (4). As we consider that the whole procedure relating to legislation in our Council requires examination and as the hon. the President has proposed to have the question examined at a Conference of the Leaders of all parties, we do not make any report upon this amendment and think that its consideration may await the result of the deliberations of the Conference.

C. V. S. NARASIMHA RAJU.
P. C. VENKATAPATI RAJU.
S. SATYAMURTI.
B. MUNISWAMI NAYUDU.
R. N. AROGYASWAMI MUDALIYAR.
F. E. JAMES.
A. KRISHNASWAMI.
S. MUTHULAKSHMI REDDI.

4th October 1929.

I

Standing Order No. 22.

For the words 'at 2-30 p.m. the same day . . . of the President' substitute the following: 'at 4 p.m. the same day: Provided that the President may in his discretion allow the motion to be taken up at 4 p.m. the next day if the Member of Government in charge of the subject matter of the motion makes such a request.'

II

Standing Order No. 23.

For '5 p.m.' substitute '6 p.m.'

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Tuesday, the 15th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Mallayya, Dr. B. S.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Manikkavelu Nayakar, Mr. M. A.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., C.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Marudavanam Pillai, Mr. C.
Subbarayan, The hon. Dr. P.	Meara Ravuttar Bahadur, K. P. V. S. Muhammad.
Muthiah Mudaliyar, The hon. Mr. S.	Muniswami Nayudu, Rao Bahadur B.
Seturatnam Ayyar, The hon. Mr. M. R.	Muniswami Pillai, Mr. V. I.
Abdul Hameed Khan Sahib Bahadur.	Muppil Nayar of Kavalappara.
Abdul Razaek Sahib Bahadur, Khan Bahadur S. K.	Muthulakshmi Reddi, Dr. (Mrs.) S.
Achutan, Mr. A.	Muthuranga Mudaliyar, Mr. C. N.
Adinarayana Chettiyar, Mr. T.	Nanjappa Bahadur, Subadar-Major S. A.
Anjaneyulu, Mr. P.	Narayana Raju, Mr. D.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Narayanan Nambudripad, Rao Bahadur O. M.
Arpudaswami Udayar, Mr. S.	Natesa Mudaliyar, Rao Bahadur C.
Basheer Ahmed Sayeed Sahib Bahadur.	Obi Reddi, Mr. C.
Bheemayya, Mr. J.	Parthasarathi Ayyangar, Mr. C. R.
Chidambaramatha Mudaliyar, Mr. T. K.	Patro, Kt., Rao Bahadur Sir A. P.
Cotterell, C.I.E., I.C.S., Mr. C. B.	Premayya, Mr. G. R.
Dann, Mr. R.	Rajan, Mr. P. T.
Dorai Raja, Mr. S. N.	Ramachandra Padayachi, Mr. K.
Ellappa Chettiyar, Rao Bahadur S.	Ramachandra Reddi, Mr. B.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Rammurti, I.C.S., Mr. S. V.
Foulkes, Mr. R.	Raman Menon, Mr. K. P.
Gangadhara Siva, Mr. M. V.	Ramanath Goenka, Mr.
Gnanavaram Pillai, Mr. P. J.	Ramasomayajulu, Mr. C.
Gopala Menon, Mr. C.	Ramjee Rao, Mr. V.
Govindaraja Mudaliyar, Mr. C. S.	Ranganatha Mudaliyar, Mr. A.
Govindan Nayar, Mr. C.	Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Gray, C.B.E., I.C.S., Mr. J.	Robertson, Mr. R. J. C.
Guruswami, Rao Sahib L. C.	Saldanha, Mr. J. A.
Harisarvottama Rao, Mr. G.	Sami Venkatachalam Chetti, Mr.
Hearson, Mr. H. F. P.	Sankaran Unni, Mr. E.
Hilton Brown, I.C.S., Mr.	Sarabha Reddi, Mr. K.
John, Mr. V. Ch.	Satyamurti, Mr. S.
Karant, Mr. K. R.	Shetty, Mr. A. B.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Sitarama Reddi, Rao Bahadur K.
Khadir Mohidin Sahib Bahadur, Muhammad.	Siva Raj, Mr. N.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Siva Rao, Mr. P.
Krishnan, Mr. K.	Soundara Pandian, Mr. W. P. A.
Krishnaswami Nayakar, Mr. K. V.	Srinivasan, Rao Sahib R.
Kumara Raja of Venkatagiri.	Subrahmanya Moopanan, Mr. S.
Kumaraswami Reddiyar, Diwan Bahadur S.	Tajudin Sahib Bahadur, Syed.
Kuppuswami, Mr. J.	Tulasiram, Mr. L. K.
Leach, I.C.S., Mr. A. G.	Uppi Sahib Bahadur, K.
Madhavan Nayar, Mr. K.	Venkatapathi Raju, Mr. P. G.
Maharaja of Pithapuram, C.B.E.	Venkatarama Ayyar, Mr. K. R.
Mahmud Schamnad Sahib Bahadur.	Venkataramana Ayyangar, Mr. C. V.
	Venkataraman Nayudu, Mr. C.
	Venkiah, Mr. S.
	Watson, I.C.S., Mr. H. A.
	Wood, Mr. C. E.
	Zamindar of Mirzapuram.

[15th October 1929]

I

NEW MEMBERS.

The following Members who had been nominated as Special Members for the consideration of the Madras Town-Planning Act, made the prescribed oath or affirmation of allegiance to the Crown and then took their seats :—

Mr. R. DANN.

Mr. C. GOVINDAN NAYAR.

II

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Public Works

Construction of headquarters buildings at Ellore.

* 893 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Minister for Development be pleased to state—

(a) what progress has been made with regard to the construction of headquarters buildings at Ellore; and

(b) when they are expected to be completed?

A.—(a) & (b) The information required is furnished in the attached statement.*

Mr. D. NARAYANA RAJU :—“ In the statement it is mentioned that provision for Rs. 5,64,000 has been made in the current year's budget. But in my question I did not ask for the provision in the budget but I asked as to what progress has been made in the construction of headquarters buildings at Ellore. May I know what progress has been made? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ The progress has also been mentioned in the statement, Sir. ”

Mr. D. NARAYANA RAJU :—“ May I know, Sir, why provision has been made in the current year's budget without even settling the question of designs for residences of district officers and without even drawing up plans and estimates for the headquarters hospital and so on? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ The Government have already got some designs. Meanwhile we have appointed a Standard Designs Committee to go into the question of the suitability of the designs. ”

Mr. D. NARAYANA RAJU :—“ May I know what portion of the budget allotment for the current year is going to be spent during this year? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ It all depends on the progress made in the current year. ”

* Printed as Appendix I on page 1160 infra.

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Number of Upper and Lower Subordinates in the Ceded districts and in the Presidency.

* 894 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Development be pleased to state—

(a) the number of Upper and Lower Subordinates, Public Works Department, in the Province and in the Ceded districts; and

(b) how many out of the total number are natives of the Ceded districts and of each of the other districts respectively?

A.—(a) Five hundred and ninety Upper Subordinates and 221 Lower Subordinates in the Province and 39 Upper Subordinates and 15 Lower Subordinates in the Ceded districts.

(b) The Government have called for the information.

Public Health

Free distribution of quinine in Kurnool district.

* 895 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) whether any opinion has been called for either from the District Collector or from the District Health Officer of Kurnool as to the degree of urgency of free distribution of quinine in the local areas in that district; and

(b) if not, whether he will consider the advisability of ascertaining such degree of urgency and giving relief to some more areas than Koilkuntla?

A.—(a) No.

(b) The Director of Public Health has been asked to consider the suggestion in connexion with his proposals for extending the scheme of free distribution of quinine.

Mr. J. A. SALDANHA :—“ May I enquire with reference to clause (b) of the answer, which states that ‘ the Director of Public Health has been asked to consider the suggestion in connexion with his proposals for extending the scheme of free distribution of quinine, ’ whether these proposals will be considered in connexion with the budget for 1930-31? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ I am not sure of that. ”

Grants to private allopathic dispensaries.

* 896 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Government are paying any grants to any private allopathic dispensary or hospital in places where there are Government or local bodies' hospitals; and

(b) if so, which they are and what contribution is being given to each of them?

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A.—(a) Yes.

(b) The information is furnished below :—

Name of the institution.	Recurring contribution.
(1) Union Mission Tuberculosis Sanatorium, Madanapalle.	Net cost subject to a maximum of Rupees 37,500 per annum.
(2) Visrantipuram Tuberculosis Sanatorium, Rajahmundry.	One half of the net annual expenditure subject to a maximum of Rs. 3,000.
(3) Victoria Hospital for Women and Children, Vizagapatam (managed by the Countess of Dufferin Fund).	Fixed annual contribution of Rs. 3,000.

Education

Stipends to depressed classes teachers undergoing training.

* 897 Q.—Rao Sahib R. SRINIVASAN: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of teachers trained in the Depressed Classes Training School in Madras for the last four years;

(b) the amount of stipends paid to each pupil during his training;

(c) the nature of the stipulations in general under which they entered the training school; and

(d) (i) the number of teachers so trained who have left the schools in which they were employed;

(ii) the number of teachers so trained who are still in service; and

(iii) the number of persons so trained who never became teachers?

A.—(a) There is no separate training school for the depressed classes in Madras at present. There is a Government higher elementary training school for masters which is open to all communities. The number of teachers trained in that school each year is given in the subsidiary tables appended to Volume II of the annual report on Public Instruction.

(b) & (c) The attention of the hon. Member is invited to rules 117 and 125 of the Madras Educational Rules.

(d) (i), (ii) & (iii) The information is not available.

Rao Sahib R. SRINIVASAN:—“ May I know whether members of the depressed classes are admitted into sessional schools to qualify themselves as teachers ? ”

The hon. Dr. P. SUBBARAYAN:—“ I do not know whether the hon. Member is referring to towns outside Madras. The depressed classes have been admitted in large numbers in the training school in the city.”

Local Boards

Damages to the Moir causeway at Uttukkottai.

* 898 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government is aware of the recent damage caused to one of the archways of the Moir causeway at Uttukkottai in the Chingleput district;

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(b) whether the Government will cause an enquiry to be made as to the cause of the damage and lay the report on the Council table;

(c) whether the Government will lay on the Council table the results of the enquiry made by the Government about the damage previously caused to the Uttukkottai causeway, and particularly the statement submitted by the District Board Engineer; and

(d) whether it is a fact that another sum of about Rs. 46,000 has been recently sanctioned by the Chingleput District Board for works in the same causeway?

A.—(a), (b) & (d) The Government have called for a report from the President, District Board, Chingleput.

(c) No.

Mr. C. N. MUTHURANGA MUDALIYAR:—“ Sir, with regard to the answer to clause (c), may I know what is the objection of the Government to place the report as well as the statement of the Engineer on the table of the House ? ”

The hon. Dr. P. SUBBARAYAN:—“ As I have already stated in answer to a previous question on the floor of the House, it is not in the interests of the public to publish the reports submitted by officers of Government to the Government as confidential communications.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“ As regards the report, may I know what public interest will be impaired by the report being placed on the table ? ”

The hon. Dr. P. SUBBARAYAN:—“ The public interest is the interest of the services themselves.”

Mr. T. ADINARAYANA CHETTIYAR:—“ In view of the serious damage caused to this causeway and the public interest aroused, will the Government reconsider the decision and place the report on the table of the House so that people may know the actual situation ? ”

The hon. Dr. P. SUBBARAYAN:—“ I am afraid I cannot place it on the table.”

Mr. ABDUL HAMEED KHAN:—“ May I know from the Government the amount of money that was spent on this archway and the amount spent on the actual causeway ? ”

The hon. Dr. P. SUBBARAYAN:—“ I must ask for notice.”

Mr. T. ADINARAYANA CHETTIYAR:—“ May I know whether the archway was constructed by the Engineer under his own supervision or was it done by the contractors ? ”

The hon. Dr. P. SUBBARAYAN:—“ These are matters of detail and I must ask for notice.”

Mr. T. ADINARAYANA CHETTIYAR:—“ Will the Government call for the information ? ”

The hon. Dr. P. SUBBARAYAN:—“ I have said already we have called for a report from the President of the District Board and when that comes we will consider this matter.”

[15th October 1929]

Municipalities*Alleged prosecutions in connexion with elections to the Tiruppattur Municipality.*

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

(a) whether in respect of the election of the second ward of the Tiruppattur Municipality in September 1927, the Government accorded sanction for the prosecution of two individuals;

(b) whether such sanction was accorded after the case against them had been thrown out by the Subdivisional Magistrate, Tiruppattur; and

(c) what is the total cost incurred by Government in conducting the prosecutions against the two individuals?

A.—(a) Yes.

(b) No.

(c) Government have no information on the point.

Mr. T. ADINARAYANA CHETTIYAR:—“May I know the date on which the Subdivisional Magistrate discharged the accused and the date on which the Government accorded sanction?”

The hon. Dr. P. SUBBARAYAN:—“I am not acquainted with the facts. I shall give the hon. Member the information he wants or place it on the table of the House after I obtain it.”

Mr. T. ADINARAYANA CHETTIYAR:—“Will the Government call for the information referred to in clause (c)?”

The hon. Dr. P. SUBBARAYAN:—“I do not know whether any useful purpose will be served by it.”

Mr. T. ADINARAYANA CHETTIYAR:—“Will the hon. the Minister place on the table the information contained in (b)? This matter has exercised the minds of the people of the locality.”

The hon. Dr. P. SUBBARAYAN:—“No useful purpose will be served.”

Religious and charitable endowments*Nominations to Temple Committees.*

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

(a) whether it is a fact that even after the expiry of the tenure of the present members of temple committees there is to be no election of committee members, but only nominations;

(b) whether it is a fact that the Government propose to nominate members as a party measure without reference to the communities to which the worshippers may belong; and

(c) whether they propose to invite suggestions for nominations from Divisional Officers and Collectors; and if not, why not?

A.—(a) No. Elections will be held wherever possible. Where, however, elections are not possible either because of the inability of the committee to finance them or of other reasons, nominations will be made.

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(b) No.

(c) The practice at present is to invite recommendations from the Hindu Religious Endowments Board and to get the suitability of the nominees for appointment confirmed by Collectors. Government see no reason to change this practice.

Mr. S. SATYAMURTI:—“May I know how long the practice referred to in (a) will be continued?”

The hon. Dr. P. SUBBARAYAN:—“Till we know that these committees are able to conduct the elections and they have the finances for such elections.”

Mr. S. SATYAMURTI:—“May I know whether the Government propose to take any steps to make it possible for these committees to conduct their own elections?”

The hon. Dr. P. SUBBARAYAN:—“I cannot give any undertaking.”

Mr. S. SATYAMURTI:—“May I know whether the Government have considered the undesirability of making nominations, when there is a machinery provided under the Act for elections?”

The hon. Dr. P. SUBBARAYAN:—“It is rather troublesome to the Government to make these nominations, but unfortunately, as the finances of these committees stand at present, it is impossible to hold these elections.”

Mr. S. SATYAMURTI:—“May I know whether Government have any proposal to make either the elections cheaper or to increase the finances of these bodies?”

The hon. Dr. P. SUBBARAYAN:—“The Government are exploring the avenues for bringing about such a desirable result.”

Mr. S. SATYAMURTI:—“In answer to clause (c), may I know if the Government do not appoint any person whom the Collector disapproves or do they appoint people irrespective of that condition?”

The hon. Dr. P. SUBBARAYAN:—“As a matter of fact, the names of all people who are recommended by the Religious Endowments Board are sent to the Collector to consider whether they are suitable and only such persons are nominated.”

Mr. A. RANGANATHA MUDALIYAR:—“May I know whether no appointments are made outside the recommendations made by the Religious Endowments Board?”

The hon. Dr. P. SUBBARAYAN:—“No, Sir. There are other appointments made outside this but even then those are sent to the Collector for his report.”

Mr. S. SATYAMURTI:—“May I know if these appointments are made only in accordance with the recommendation of the Collector?”

The hon. Dr. P. SUBBARAYAN:—“These appointments are made after considering the report of the Collector.”

Mr. S. SATYAMURTI:—“If the recommendations are accepted or rejected, may I know on what grounds they are so accepted or rejected?”

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The hon. Dr. P. SUBBARAYAN :—" Usually, the Collector's recommendations are accepted. I cannot give the different grounds on which these are rejected."

Mr. S. SATYAMURTI :—" May I know what the unusual conditions are on which they are rejected ?"

The hon. Dr. P. SUBBARAYAN :—" Notice."

Mr. S. SATYAMURTI :—" Are they based on communal considerations ?"

The hon. Dr. P. SUBBARAYAN :—" Sometimes, communal considerations also have to come into play, because we do not want that there should be a preponderance of any one community."

Mr. S. SATYAMURTI :—" Is it to have the balance of political power in this House ?"

The hon. Dr. P. SUBBARAYAN :—" No, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know what the total number of committees is and how many committees are in a position to run their own elections out of the total ?"

The hon. Dr. P. SUBBARAYAN :—" I must ask for notice."

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I know whether, with regard to the Kumbakonam Temple Committee, the election was stopped by the Minister when the Committee itself had arranged for it ?"

The hon. Dr. P. SUBBARAYAN :—" No, Sir. The Committee made a reference that the finances at its disposal would not allow of an election being held."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know who is to judge as to whether a committee has enough finances to run an election ?"

The hon. Dr. P. SUBBARAYAN :—" The Hindu Religious Endowments Board on the report of the committee itself."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know whether the Government cannot contribute something towards the election expenses if they should consider nomination objectionable ?"

The hon. Dr. P. SUBBARAYAN :—" No."

Mr. S. SATYAMURTI :—" May I know who conducts the enquiry before accepting the recommendations of the Board ?"

The hon. Dr. P. SUBBARAYAN :—" I am not acquainted with the details of the procedure adopted in these cases."

Mr. V. I. MUNISWAMI PILLAI :—" With reference to clause (c) may I know whether the Hindu Religious Endowments Board has at no time submitted the names of members of depressed classes for nomination to the temple committees ?"

The hon. Dr. P. SUBBARAYAN :—" I would like to submit for your consideration, Sir, that such a question does not arise out of the answer to this question."

The hon. the PRESIDENT :—" The question is admissible."

The hon. Dr. P. SUBBARAYAN :—" No names of members of the depressed classes were submitted."

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Rao Bahadur C. S. RATNASABHAPATHI MUDALIYAR :—" May I know whether it is not a fact that the Committee members often put up the bogey of want of finance for conducting elections ?"

The hon. Dr. P. SUBBARAYAN :—" I am not sure."

Mr. A. RANGANATHA MUDALIYAR :—" With reference to the Kumbakonam Committee, did the hon. the Minister satisfy himself that the Committee has no funds at its disposal for conducting an election ?"

The hon. Dr. P. SUBBARAYAN :—" The Hindu Religious Endowments Board has to satisfy itself."

Mr. S. SATYAMURTI :—" May I know if the Government propose to satisfy themselves in this case that the plea of want of funds is *bona fide* or merely put up for getting nomination ?"

The hon. Dr. P. SUBBARAYAN :—" As far as possible, the Government try their best to satisfy themselves that it is *bona fide*."

Mr. S. SATYAMURTI :—" What is the extent and the manner in which Government satisfy themselves that the plea put forward is *bona fide*."

The hon. Dr. P. SUBBARAYAN :—" To the extent that the *bona fide* can be known to the Hindu Religious Endowments Board, and we have to rely on them."

Mr. S. SATYAMURTI :—" That is why I want to know whether the Hindu Religious Endowments Board makes any enquiries, apart from the statements of the committees themselves, as to the truth of these pleas put forward ?"

The hon. Dr. P. SUBBARAYAN :—" The Hindu Religious Endowments Board knows the facts."

Mr. V. I. MUNISWAMI PILLAI :—" Will the Government nominate members of depressed classes to the District Temple Committees if such names were to be proposed by the Hindu Religious Endowments Board ?"

The hon. the PRESIDENT :—" That is a hypothetical question."

Mr. C. N. MUTHURANGA MUDALIYAR :—" May I know once again, with regard to the Kumbakonam Committee and other Tanjore Committees, whether it is a fact that the President of the Board was for throwing them open to election and that he was satisfied as to the financial conditions of these committees ?"

The hon. Dr. P. SUBBARAYAN :—" That is not my information."

Mr. G. HARISARVOTTAMA RAO :—" May I ask whether the Minister will consider the question of putting a time-limit on these committees and if they do not find money within that time, dissolve them ?"

The hon. Dr. P. SUBBARAYAN :—" Even when a new committee comes to be appointed, the old committee is dissolved."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know what amount is required for the legitimate expenses of an election ?"

The hon. Dr. P. SUBBARAYAN :—" Notice."

Mr. P. SIVA RAO :—" May I know what steps are being taken to improve their finances ?"

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The hon. Dr. P. SUBBARAYAN:—"I submit I have already answered that question."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"In view of the obvious claims of the depressed classes which the Minister admits have not been met, will the Government consider the advisability of appointing depressed class men on the Religious Endowments Board?"

The hon. Dr. P. SUBBARAYAN:—"I am afraid it is a matter which requires further consideration. It cannot be answered now."

Assignment of Lands

Extent of land occupied by Moghars and Billavars in Chitrap village.

* 901 Q.—Mr. J. A. SALDANHA: With reference to my question No. 103 answered on 8th August 1929, will the hon. the Member for Revenue be pleased to state what land in the village of Chitrap, Mangalore taluk, apart from the common land allotted to Moghars and Billavars, is occupied by members of those communities for residential or cultivation purposes?

A.—The Government have not the information.

Mr. J. A. SALDANHA:—"May I ask whether the Government will call for the information?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think, Sir, any useful purpose consistent with the labour involved would be served by calling for this information. It would involve a considerable amount of labour."

Mr. J. A. SALDANHA:—"May I know whether there are any other villages in which similar grants of land are made? My information is that in other villages . . . ?"

The hon. the PRESIDENT:—"The hon. Member is taking advantage of this opportunity to furnish information."

Mr. J. A. SALDANHA:—"May I enquire whether there are any other villages in which grants have been made to communities other than Adi-Dravidas for residential purposes?"

The hon. Mr. A. Y. G. CAMPBELL:—"It is usual to allot lands on application or darkhast."

Mr. J. A. SALDANHA:—"May I know whether in this Chitrap village grants have been made to Moghars and Billavars, who are not Adi-Dravidas, and whether such grants have been made to any such particular community in any other villages?"

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

Irrigation

Proposed closing of the Dongal cheruvu tank.

* 902 Q.—Mr. M. V. GANGADHARA SIVA: Will the hon. the Member for Revenue be pleased to state whether the Government have any proposal under consideration for closing the storage of water in Dongal cheruvu tank in Cuddapah town?

[15th October 1929]

A.—The hon. Member's attention is invited to the answer to clause (a) of question No. 673 answered on 1st October 1929.

Mr. M. V. GANGADHARA SIVA:—"Will the hon. the Member be pleased to abandon this proposal for closing the Dongal cheruvu tank, considering the difficulties of the depressed classes and the ryots?"

The hon. Mr. A. Y. G. CAMPBELL:—"I have already stated in an earlier answer that the whole question has been referred to the Board of Revenue for their remarks. The question will be considered by the Government on receipt of the report of the Board of Revenue."

Mr. G. HARISARVOTTAMA RAO:—"May I know if the Board of Revenue has been asked to consider more especially the question of clearing the rank vegetation instead of closing up the tank?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not know if that special question in particular has been referred to the Board of Revenue; I do not think it has. But the whole question has been referred to the Board of Revenue."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. the Revenue Member will kindly draw the attention of the Board of Revenue to that particular aspect of the matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir."

Report on the re-examination of the Gudempad Project.

* 903 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state whether the Executive Engineer, Kurnool, has submitted his report after re-examining the Gudempad Project and if so, what it is?

A.—No. It is not expected that the examination of the project by the Executive Engineer will be completed before January 1930.

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I know, Sir, if the Government has any intention of sanctioning this project even if the Tungabhadra Project is taken up for execution?"

The hon. Mr. A. Y. G. CAMPBELL:—"I cannot say, Sir, till we receive the report of the Executive Engineer."

Report of the Chief Engineer on the Thokapalle Project.

* 904 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state in regard to the Thokapalle Project in the Kurnool district—

- (a) whether the revised plans and estimates have been received;
- (b) whether the report of the Chief Engineer has been received; and
- (c) what action the Government propose to take thereon?

A.—(a) & (b) No.

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Revenue Member in view of the fact that this has been a long-standing matter, whether he will expedite matters in regard to the Thokapalle Project?"

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The hon. Mr. A. Y. G. CAMPBELL:—"I will see whether anything can be done to expedite matters, but necessarily it takes time to prepare plans and estimates and investigate the scheme."

Improvements to the Vijjeswaram head sluice.

* 905 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state—

- (a) what is the nature of the improvements to the Vijjeswaram head sluice that were sanctioned by the Government;
- (b) what is the amount of extra discharge that is provided for by the contemplated improvements;
- (c) whether the Government will be pleased to place on the Council table the relevant papers to show the nature and details of the contemplated improvements; and
- (d) what progress, if any, has been made with regard to these improvements and when the improvements are expected to be completed?

A.—(a) The widening of the waterway and the provision of a new and improved type of shutter.

(b) 780 cusecs.

(c) A copy of the Executive Engineer's 'Note' to accompany the proposals for improvements to Vijjeswaram head sluice is placed upon the table.

(d) An indent for the shutters required has been placed with the General Superintendent, Public Works Workshops. Actual execution will be commenced during the next closure of the canals. It is expected that the work will be completed during 1931-32.

Mr. D. NARAYANA RAJU:—"With reference to clause (b), with the increase of 750 cusecs, at what duty is water expected to be supplied to the Godavari Western delta?"

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

Land Revenue

Number of Muslims in the Revenue Department, South Arcot district.

* 906 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

- (a) the number of permanent Tahsildars, Stationary Sub-Magistrates, Head Accountants and Revenue Inspectors in the South Arcot district;
- (b) how many of them are Muslims; and
- (c) the reasons for the disparity, if any, in the proportion of Muslims in the Revenue Department of the South Arcot district?

A.—(a) & (b) The hon. Member is referred to the list of revenue establishments in the South Arcot district corrected up to 1st April 1929, a copy of which is available in the Legislative Council Library.

(c) The relatively low proportion of Muslims is presumably due to the fewness of qualified Muslim candidates.

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Mr. ABDUL HAMEED KHAN:—"The Government say in answer to (c) that it is presumed that the qualified Muslim candidates are few. May I know the qualification that is expected of the candidates for these posts?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think the hon. Member will find them in the Board's Standing Orders."

Mr. ABDUL HAMEED KHAN:—"May I know whether the information of the Government is that there are few numbers of Muslim candidates who possess the required qualifications?"

The hon. Mr. A. Y. G. CAMPBELL:—"I have not got definite information as to the number, but the Government have already issued orders which are embodied in the Board's Standing Orders that an endeavour should always be made to divide principal appointments in each district among the various castes and communities."

Public Service

Principles governing appointments to posts in the All-India Service.

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

(a) whether it is a fact that the local Government has been addressed by the Secretary of State and the Government of India recently regarding the principles which should be kept in view when appointments are made to the selection grades or posts in the All-India Services;

(b) if so, whether the Government will place the text or gist of the communication on the table of the House; and

(c) if not, why not?

A.—(a) The Government of India have addressed the local Governments in the matter.

(b) & (c) The gist of the communication is in G.O. No. 873, Public, dated 29th August 1929. A copy of it is laid on the Council table.

Mr. S. SATYAMURTI:—"May I know whether the text of the communication will be placed on the table of the House?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am not at liberty to do that."

Mr. S. SATYAMURTI:—"May I know if the Government propose to act up to the gist of the communication irrespective of communal principles?"

The hon. Mr. A. Y. G. CAMPBELL:—"The communication relates to the All-India Services, and it will be applied to them."

Mr. J. A. SALDANHA:—"May I enquire if this Government have departed from the principle laid down in this resolution of the Government of India?"

The hon. Mr. A. Y. G. CAMPBELL:—"Not in many cases."

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Notifications regarding recruitment to Public Services.

* 9.8 Q.—Mr. P. SIVA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) under what authority the several notifications directing the recruitment to public offices in the various departments by 'rotation' on a 'communal' basis are issued;

(b) whether it is proposed to re-enact them as rules under the Madras Public Services Commission Bill newly passed into law, to lay them on the table of the Legislative Council and to offer them for its scrutiny;

(c) if so, whether the Government propose to suspend the operation of these notifications till the rules are framed under the said Act and scrutinized by the Legislative Council; and

(d) whether the above notifications hitherto issued relate only to the initial recruitment or to the promotion and appointment to the selection grades also?

A.—(a) Under the Civil Services (Governors' Provinces) Delegation Rules, 1926.

(b) & (c) No.

(d) They relate to initial recruitment to the services except in one case.

Mr. A. RANGANATHA MUDALIYAR:—"With reference to (d), may I know which is the excepted case?"

The hon. Mr. A. Y. G. CAMPBELL:—"The members of the Registration Service."

Mr. S. SATYAMURTI:—"May I know, Sir, the reasons why it is proposed to do so?"

The hon. Mr. A. Y. G. CAMPBELL:—"The Government consider it necessary that in that particular service the communal rule should be applied to the selection grade and the upper grade."

Mr. S. SATYAMURTI:—"May I know if the Government have considered the deleterious effects on the efficiency and loyalty of the service if members of the service are denied what is their due, for efficiency and loyalty in the service?"

The hon. Mr. A. Y. G. CAMPBELL:—"The Government have considered all aspects of the case. Obviously, there are disadvantages and advantages in any course that may be adopted. And they have considered in this particular case this rule should be applied in this way."

Mr. S. SATYAMURTI:—"May I know whether the Government propose to reconsider the matter in view of all these considerations, and if not, why not?"

The hon. Mr. A. Y. G. CAMPBELL:—"The Government see no reason to reconsider the conclusion arrived at by them."

Mr. S. SATYAMURTI:—"May I know if the Government propose to restrict it to this department or to extend it to other departments?"

The hon. Mr. A. Y. G. CAMPBELL:—"As far as I know, there is no suggestion to apply it to any other service."

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Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether it is not a fact that assistant inspectors of excise are promoted on a communal basis?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think the assistant inspectors of excise are included in the Provincial service."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I ask, Sir, whether in promoting assistant inspectors of excise to inspectors' posts, this communal rule is not practically followed?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think it is because that is recruitment to a different service."

Mr. J. A. SALDANHA:—"May I know whether, in making the appointments to the grade of subordinate judges what rule will be followed, the communal rule or the rule of merit?"

The hon. the PRESIDENT:—"That is a hypothetical question."

Mr. A. RANGANATHA MUDALIYAR:—"The hon. the Revenue Member said that there are some considerations which distinguish the Registration department from other departments. May I know what those considerations are?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think, Sir, there was a preponderance of Brahmans in that department."

Mr. S. SATYAMURTI:—"May I know if the Government consider the presence of these hardworking men who have rendered honest, strenuous, efficient and loyal service to the Government as an administrative evil because they are Brahmans which the Government has to put down by extraordinary means?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think so. But the evil is the large predominance of a particular caste in this particular service."

Mr. P. SIVA RAO:—"May I know, Sir, with reference to (a), whether the approval of the Government of India or the Secretary of State has been obtained to the notifications?"

The hon. Mr. A. Y. G. CAMPBELL:—"No, Sir. It is not necessary."

Mr. P. SIVA RAO:—"May I know whether those notifications have taken the form of executive instructions or are the rules framed under the Civil Service Delegation Rules?"

The hon. Mr. A. Y. G. CAMPBELL:—"In some cases the rules have been issued under the Civil Service Delegation Rules, and in some cases they are issued as executive orders."

Mr. P. SIVA RAO:—"May I know why it is not found necessary to re-enact them as rules under the Madras Public Services Commission Act, and submit them to the scrutiny of the Legislative Council?"

The hon. Mr. A. Y. G. CAMPBELL:—"That is under consideration. The rules are being drafted."

Mr. P. SIVA RAO:—"Do the rules come under Madras Services Commission Bill?"

The hon. Mr. A. Y. G. CAMPBELL:—"I misunderstood the question, Sir. It is not necessary to do so."

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Mr. P. SIVA RAO :—" May I know whether the Services Commission Bill recently passed by the Legislative Council does not provide for the framing of rules in regard to this particular matter ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think it provides for rules on this particular matter. Under that Bill, we can make rules for the procedure of the Commission. Rules regarding the conditions of service and recruitment are made under the Delegation Rules and the Classification Rules."

Mr. P. SIVA RAO :—" Is it a fact that the rules framed under the Services Commission Bill recently passed by the Legislative Council are subject to the close scrutiny of this Council ? I want to know why it has been thought necessary to deprive the Legislative Council of an effective voice in this matter of recruitment to public services."

The hon. Mr. A. Y. G. CAMPBELL :—" I have tried to explain that the rules relating to the recruitment to services are not to be framed under the Madras Services Commission Bill. These rules are made by the Local Government under the powers delegated to them direct by the Secretary of State by the Delegation Rules and the Classification Rules."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" May I know whether Government propose to adopt the method pursued by them in the case of the Registration department, in the case of other departments also ? "

The hon. Mr. A. Y. G. CAMPBELL :—" There is no proposal at present."

Mr. J. A. SALDANHA :—" With reference to the answer to clauses (b) and (c), may I inquire whether Government have any objection to issue the rules for the information of the public ? "

The hon. Mr. A. Y. G. CAMPBELL :—" They are so issued."

Mr. S. SATYAMURTI :—" May I know why, apart from relying upon communal justice being done at the stage of initial recruitment which will duly redress any inequalities, the Government propose to apply the communal principle also at the stage of promotion in the case of this one particular Registration department ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I do not think I can add anything more to what I have already stated."

Yeomiahs

Grant of Yeomiah allowance to Khazi Muhammad Fasi-ud-din Sahib.

* 909 Q.—Dr. B. S. MALLAYYA: Will the hon. the Member for Revenue be pleased to state—

(a) whether Khazi Muhammad Fasi-ud-din Sahib in whose name the Government have registered the 'Yeomiah' allowance for reciting congregational prayers in the Mamoor Mosque, Angappa Naicken Street, Madras, has since such registration ceased to perform the duties attached to the office for which 'Yeomiah' was granted; and

(b) if so, when he ceased to do so, and why the 'Yeomiah' is still continued in his name ?

A.—(a) & (b) The Government are not aware that the facts are as suggested.

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Mr. BASHEER AHMED SAYEED :—" May I know whether the Government is aware who is performing the service in the Mamoor Mosque ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I take it it is being done by the person in whose name the Government have registered the 'Yeomiah' allowance, or by some one on his behalf."

Mr. BASHEER AHMED SAYEED :—" Is it a mere presumption, or has the Government investigated into the matter ? "

The hon. Mr. A. Y. G. CAMPBELL :—" We have not made any enquiry. But we have no reason to think it is otherwise."

Mr. BASHEER AHMED SAYEED :—" May I know whether it is not a fact that the man in whose name the 'Yeomiah' allowance is registered is not actually performing service, and whether Government will make an investigation into the matter and set right the matter ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I shall make enquiries."

Mr. K. P. V. S. MUHAMMAD MEERA RAVUTTAR :—" May I know from the hon. the Revenue Member whether he is aware that when Yeomiah is granted to a person he or his deputy can do the duties for which the Yeomiah is granted ? "

The hon. Mr. A. Y. G. CAMPBELL :—" Yes, Sir."

Mr. K. P. V. S. MUHAMMAD MEERA RAVUTTAR :—" May I know whether the Government are aware that the Jumma prayers in the Mamoor Mosque in the Angappa Naicken Street, Madras, are not being properly performed by the deputy of Khazi Muhammad Fazi-ud-din Sahib ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I have just stated that I will enquire into the matter."

Proposed stopping of the 'Yeomiah' held by Mr. Fasi-ud-din Sahib.

* 910 Q.—Dr. B. S. MALLAYYA: Will the hon. the Member for Revenue be pleased to state whether there is any proposal now before the Government to cease the 'Yeomiah' held by Mr. Fasi-ud-din and grant it to a member of the family of the original incumbent ?

A.—The answer is in the negative.

Mr. BASHEER AHMED SAYEED :—" May I know why the Government still retain the Yeomiah in the name of a person who is not performing the duties attached to that Yeomiah ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I cannot answer this question because it is assumed that the service is not performed by him."

Civil Justice

Average income of the Official Assignee.

* 911 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR: Will the hon. the Law Member be pleased to state what has been the average income per month of the Official Assignee, Madras, during each of the last 15 years ?

A.—The Government have no information.

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Mr. SAMI VENKATACHALAM CHETTI :—" May I know if Government have addressed the concerned department for the information ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. SAMI VENKATACHALAM CHETTI :—" Why, Sir ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because, the Government do not think it will be in the public interests to take all the trouble involved."

Mr. SAMI VENKATACHALAM CHETTI :—" Are the Government of opinion that the answer that may be given to this question will not be in the public interest ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government are of opinion that the trouble and labour involved in collecting the information will be out of all proportion to the public benefit."

Mr. SAMI VENKATACHALAM CHETTI :—" Will the Government think it troublesome to address the Official Assignee asking what his income was for every month ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Collection of figures for 15 years will be very troublesome, and it will not serve any public purpose."

Mr. SAMI VENKATACHALAM CHETTI :—" May I know whether Government will be prepared to get the information at least for the last five years ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider it."

Mr. S. SATYAMURTI :—" May I know whether Government are aware that the Official Assignee is making much more money than his duties justify ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Government are not aware."

Mr. S. SATYAMURTI :—" Will the Government satisfy themselves on the point, and if so, will they take any necessary measures ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes, Sir."

Mr. BASHEER AHMED SAYEED :—" May I know whether Government propose to fix a salary for the Official Assignee's post ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Proposed establishment of a Subordinate Judge's Court at Tanuku.

* 912 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Law Member be pleased to state—

(a) whether there is any proposal to establish a Subordinate Judge's Court at Tanuku in West Godavari district;

(b) what are the local limits of the jurisdiction of the proposed Subordinate Judge's Court and what are the consequent changes suggested with regard to the local jurisdictions of the present Subordinate Judges' Courts in the district;

(c) what are the recommendations of the District Judge and of the High Court in this respect;

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(d) whether Government have received any representations from the people in the district and to what effect; and

(e) whether Government have passed final orders on the proposal in question and if so, what they are?

A.—(a), (b), (c) & (e) There is no such proposal before the Government as is referred to in clause (a).

(d) Representations have been received to the following effect :—

- (i) Protesting against the establishment of a third permanent Sub-Court for the West Godavari district;
- (ii) deprecating the establishment of a Sub-Court at Tanuku; and
- (iii) requesting that a Sub-Court may be established at Bhimavaram.

Mr. D. NARAYANA RAJU :—" May I know whether there is any proposal for the establishment of an additional Sub-Court for West Godavari at Tanuku or elsewhere ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There is no proposal at all. The High Court has not made any recommendation."

Mr. P. ANJANEYULU :—" May I know whether Government propose to establish any sub-courts in the Northern Circars ? "

The hon. the PRESIDENT :—" The question does not arise."

Travelling allowance to municipal employees serving as jurors.

* 913 Q.—Mr. SAMI VENKATACHALAM CHETTI : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that municipal employees when summoned to serve as jurors are not paid travelling allowance;

(b) whether Government employees when similarly summoned are paid the travelling allowance by a recent modification of the rules relating to such payments;

(c) whether the Government contemplate a similar modification of the rules in regard to municipal employees; and

(d) if not, why not?

A.—(a) The attention of the hon. Member is invited to rule 228 of the Criminal Rules of Practice.

(b) There has been no modification of the rule recently.

(c) & (d) The questions do not arise.

Memorials from copyists regarding their pay and prospects.

* 914 Q.—Mr. P. SIVA RAO : Will the hon. the Law Member be pleased to state—

(a) whether the Government have received numerous 'Mahazars' from the 'copyists' working in the civil courts praying for the increase of their salaries and the improvement of their prospects; and

(b) if so, whether they have considered them and passed final orders thereon?

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4.—Copies of certain memorials addressed to Government through the High Court have been received direct. The latter has not forwarded the memorials to Government.

Mr. C. RAMASOMAYAJULU :—“ May I know, in elucidation of the answer to clause (b) of the question, whether Government have considered the memorials, and if so, what orders were passed ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The originals of those memorials have not been received by the Government, and therefore they were not considered.”

Mr. C. RAMASOMAYAJULU :—“ May I take it that the Government will call for the memorials and consider them ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ If the High Court forwards them, the Government will consider the memorials.”

Mr. T. ADINARAYANA CHETTIYAR :—“ Are the Government aware that this question has been pending for several years, and therefore will they kindly remind the High Court to forward the memorials ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The Government considered such memorials some time ago, and recently no memorials reached the Government.”

Jails

Water-supply and diet for under-trial prisoners in sub-jails.

* 915 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that no arrangements for water-supply are made in the sub-jails for under-trial prisoners as well as convicts for washing purposes when calls of nature have to be answered ;

(b) when the present rate of rations was fixed for prisoners in remand ;

(c) whether the Government have received any complaints that the rations that are now supplied to the under-trial prisoners, especially in sub-jails, are both bad in quality and insufficient in quantity ; and

(d) whether there is any proposal under Government to enhance the rate of rations given to the prisoners especially in these sub-jails ?

A.—(a) The Government have no information ; but they have called for it

(b) In the year 1913.

(c) No.

(d) The revision of the rules relating to the diet of prisoners and their treatment in general is under the consideration of Government.

Treatment of prisoners convicted for offences against the State.

* 916 Q.—Mr. S. SATYAMURTI : Will the hon. the Law Member be pleased to state—

(a) the number and the names of persons convicted of offences against the State now undergoing imprisonment in the jails of the Presidency ;

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(b) whether they are given any special facilities, and if so, what they are ; and

(c) whether the Government propose to issue a circular to all magistrates directing them to include all persons convicted of offences against the State in the special division whether they apply for it or not ; and if not, why not ?

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

(b) None ; the rules in the Madras Jail Manual do not make any distinction between those convicted of offences against the State and others.

(c) The Government will consider.

Mr. S. SATYAMURTI :—“ May I know why the name of Mr. Bulusu Sambamurti is not included in the list of prisoners ? Is it a deliberate omission or for any other reason ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I believe it must be an omission. Certainly it is not deliberate.”

Mr. S. SATYAMURTI :—“ May I know whether this list is exhaustive of the names of all prisoners who are now undergoing imprisonment whether for substantial convictions or merely for failure to furnish security under section 108 of the Criminal Procedure Code—I mean those people who preferred to go to prison rather than furnish security ? ”

The hon. the PRESIDENT :—“ This question refers to convictions and not to all those cases. The hon. Member may shape his question suitably.”

Mr. S. SATYAMURTI :—“ May I know if the list contains the names only of those persons who have been convicted substantially of an offence after trial ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Yes, Sir.”

Mr. S. SATYAMURTI :—“ With reference to the answer to clause (b), may I know why Government have not exercised the power vested in them under the rules of the Madras Jail Manual of putting any person in the class of European prisoners and thereby giving him special treatment ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Because there did not arise any particular case till now.”

Mr. S. SATYAMURTI :—“ May I know whether Government act only on the request of the prisoner himself ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Yes, Sir.”

Mr. S. SATYAMURTI :—“ May I know, with reference to the answer to clause (c), whether this question is being considered separately, apart from the consideration of the Government of India's letter ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ It is part of the consideration arising out of the Government of India's communication.”

Mr. C. RAMASOMAYAJULU :—“ May I know whether Government have any intention of getting this matter investigated by a committee ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ The Government are considering this question of appointing a committee, but they have not come to a conclusion.”

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Honorary visitors of central jails in this Presidency.

* 917 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) the names of persons who have been appointed as honorary visitors of the central jails in this Presidency;

(b) the period for which these appointments have been made; and

(c) the number of visits paid by each of these persons to the different jails since their appointment?

A.—(a) to (c) A statement^a is placed on the table.

Mr. A. B. SHETTY:—“May I know on whose recommendation these appointments are made and what matters are taken into consideration in making the appointments?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The appointments in the mufassal are made by the District Magistrate, and in the Presidency town by the Government.”

Mr. A. B. SHETTY:—“What are the matters taken into consideration in making these appointments?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The matter is whether the person who is to be appointed will take interest in matters of jail discipline and the interests of prisoners.”

Mr. ABDUL HAMEED KHAN:—“May I know on what basis and on what qualifications these gentlemen are appointed as visitors to the jails, whether they have any experience of jails, or are they appointed to look after the interests of the jail authorities or the prisoners themselves?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The qualifications are these, namely, that the persons nominated to these posts must be persons who take interest in matters of jail discipline and the interests of prisoners.”

Mr. ABDUL HAMEED KHAN:—“How do the Government know that they do so?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Because, they come in contact with these persons.”

Mr. ABDUL HAMEED KHAN:—“Do they come into contact before or after their appointment?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Before as well as after their appointment.”

Mr. ABDUL HAMEED KHAN:—“Do they apply for these posts?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“Some of them apply; others do not.”

Mr. SAMI VENKATACHALAM CHETTI:—“May I know if the period of non-official visitorship is a probationary period for getting titles?” (Laughter.)

The hon. the PRESIDENT:—“The question does not arise.”

^a Printed as Appendix V on pages 1165-1167 infra.

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Mr. G. HARISARVOTTAMA RAO:—“May I know whether Government have considered the question of appointing such gentlemen as have had, through the kindness of the Government, experience within the jails?” (Laughter.)

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Government have not considered that question till now, Sir.”

Mr. ABDUL HAMEED KHAN:—“May I know if Government are aware that out of six or eight gentlemen who visit the Madras Penitentiary, one is a father and the other is his son?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Government are not aware of it.” (Laughter.)

Mr. ABDUL HAMEED KHAN:—“May I know if Mr. G. Janakiram Chetti and his father Mr. G. Narayanaswami Chetti are not visitors to the Madras Penitentiary?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Government are not aware. But they will enquire.”

Mr. G. HARISARVOTTAMA RAO:—“May I know if Government will hereafter have such men as have some real experience of jail life because that will help to understand the interests of the prisoners?”

The hon. the PRESIDENT:—“The question shall not contain arguments.”

Mr. BASHEER AHMED SAYEED:—“May I know whether Government are aware that some of those jail visitors are people who have never seen any prisoners that have been within the jails for years?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“I do not understand my hon. Friend's question.”

Mr. ABDUL HAMEED KHAN:—“May I know whether Government contemplate nominating people who are not title-hunters?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“The Government have appointed some gentlemen who are title-holders and others who are not.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether Government will consider the question of appointing people, who have had actual jail experience within the jail, as visitors, and whether such people are not available?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“As I said, the Government have not yet considered the valuable suggestion made by my hon. Friend.”

Kazis Act*Number of marriages solemnized by the Kazi of Madras.*

* 918 Q.—Mr. K. UPPI SAHIB: Will the hon. the Law Member be pleased to state—

(a) whether the Government will place on the table a statement showing the number of marriages solemnized and the number of divorces awarded by the Government Kazi of Madras personally, since his appointment;

(b) whether the Government Kazi has fixed any standard rate of fees for awarding divorces;

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(c) whether he maintains an account of fees received by him in divorces ; and

(d) if so, the total amount received by him on account of such fees ?

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

Mr. A. RANGANATHA MUDALIYAR :—“ Is it open to the Kazi to levy any fees at all for awarding divorces ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ It is entirely within his discretion.”

Mr. BASHEER AHMED SAYEED :—“ The answer is, ‘ the Government have no information.’ Will the Government call for the information ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ I shall consider the suggestion.”

Mr. A. RANGANATHA MUDALIYAR :—“ Is there any maximum limit beyond which the Kazi cannot charge fees ? ”

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—“ Notice, Sir.”

Pensions

Grant of pension to officers in the Revenue Department, South Arcot district.

* 919 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Member for Finance be pleased to state—

(a) how many officers in the Revenue Department in the South Arcot district who compulsorily retired during the last five years were not given full pension on retirement and what were the reasons for not giving full pension to each of them ; and

(b) whether any of such cases have been brought to the notice of the Government and what action Government have taken thereon ?

A.—(a) One. The officer's conduct was not satisfactory.

(b) No.

Public Health

Enquiry into the Law College Sewage Pumping Station Tragedy.

* 919-A Q.—Mr. C. S. GOVINDARAJA MUDALIYAR : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the report of the Sanitary Engineer to Government on the Law College Pumping Station Sewage Tragedy called for, has been considered and with what result ;

(b) whether the report was transmitted to the Corporation of Madras for remarks ; and

(c) whether the remarks or explanation of the Corporation have been received and if so, whether the same will be laid on the table along with the Sanitary Engineer's report and the orders thereon ?

A.—(a) No.

(b) Yes.

(c) No.

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Land Revenue

A representative conference to discuss the principles of a Land Revenue Bill.

* 919-B Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state whether the Government have any intention of summoning a representative conference to discuss the principles of a satisfactory Land Revenue Bill ?

A.—The Government have at present no such intention.

Mr. C. RAMASOMAYAJULU :—“ Can I take it that the Government have no idea of introducing a Land Revenue Bill at all ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ I answered the question on a previous date. The Government will take into consideration the resolution passed by this Council.”

Mr. BASHEER AHMED SAYEED :—“ May I know the reason for the delay in considering the question ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ It was due to the consideration of other matters. Further the hon. Member is aware that there will shortly be changes in the personnel of the Government.”

Mr. S. SATYAMURTI :—“ May I know the reason, apart from any change in the personnel of the Government, which ought to be no reason for any Government, why the Government do not have any intention of summoning a conference to discuss the principles of a Land Revenue Bill ? ”

The hon. the PRESIDENT :—“ The hon. Member will simply put the question without comment. Then I will allow it.”

Mr. S. SATYAMURTI :—“ May I know, Sir, the reason why the Government have no intention of summoning a conference to discuss the principles of a Land Revenue Bill ? ”

The hon. Mr. A. Y. G. CAMPBELL :—“ The hon. Member put his question at short notice. I have stated that at present we have no such intention. It is quite possible the Government will consider the hon. Member's suggestion.”

Public Service

Amendment of the delegation and classification rules regarding public service.

* 919-C Q.—Mr. S. SATYAMURTI : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have addressed the Secretary of State for India on the delegation and classification rules relating to public service ;

(b) if so, when ; and

(c) whether the Government will place their letter on the table of the House ?

A.—(a), (b) & (c) It is presumed that the hon. the Member for the University is referring to the amendments to the Classification and Delegation Rules consequent on the passing of the Madras Services Commission Bill. If so, he is referred to the answer to question No. 857 (1031) answered on the 9th October and to the answers to the supplementary questions asked in connexion with that question.

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Mr. S. SATYAMURTI:—"Sir, do the Government propose to consult this Council about these rules before they are finally submitted to the Secretary of State?"

The hon. Mr. A. Y. G. CAMPBELL:—"No, Sir."

Mr. S. SATYAMURTI:—"May I know the reasons why they do not propose to do so?"

The hon. Mr. A. Y. G. CAMPBELL:—"The rules cannot be submitted until the assent of the Governor-General to the Madras Services Bill has been received; it would cause great delay if the draft rules could not be submitted to the Government of India till the Legislative Council had had an opportunity of discussing them at its next meeting."

UNSTARRED QUESTIONS

Religious and Charitable Endowments

Collection of contributions due to the Hindu Religious Endowments Board.

920 Q.—Mr. V. KAMESWARA RAO NAYUDU: Will the hon. the Minister for Education and Local Self-Government be pleased to state what steps do the Government propose to take to facilitate collection of contributions due to Hindu Religious Endowments Board and District Temple Committees and put an end to the accumulation of arrears due to them?

A.—The attention of the hon. Member is invited to the answer given on the 7th August 1929 to Mr. A. B. Shetty's question No. 68.

Village Accounts

Entry of survey numbers in receipts for payment of water charge.

921 Q.—Mr. V. KAMESWARA RAO NAYUDU: Will the hon. the Member for Revenue be pleased to state—

(a) why in the receipts given by village officers for water charge and penal water charge, the survey numbers to which they relate are not mentioned; and

(b) whether the Government will be pleased to issue orders for the insertion of this information in such receipts?

A.—(a) The form of receipt is No. 18 of the Revised Forms of Village Accounts. It shows the number of the patta on account of which the payment is made and not each individual field included in the patta. A reference to section II of the patta (Form No. 11) shows how much is due on account of charges for water; the survey numbers on which the charge is levied can be ascertained by an inspection of village account No. 6; that account may be inspected by the ryot and he may make notes of entries in it or he may apply to the Tahsildar or Deputy Tahsildar for a certified extract from the account.

(b) The Government are not prepared to issue orders as suggested in the question, as the payments are made on account of a patta and not on account of individual fields in the patta and the entry of survey numbers in the receipt would involve an appreciable increase of work and delay in granting receipts at the time of payment. It would involve a reference to the village accounts at the time of each payment; the village accounts may not be always readily available at the time of payment.

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

III

PETITION TO THE COUNCIL.

* The hon. the PRESIDENT:—"Mr. Saldanha will present the last of the series of his petitions."

Mr. J. A. SALDANHA:—"I beg to present a humble petition from the Syrian Christians of Ponnani and other taluks, copies of which have been distributed to the Members. It again concerns the Malabar Tenancy Bill, which was considered in this Council. I may invite attention to the first and second paragraphs which bear on the amendments which I have given in connexion with the third reading of this Bill."

IV

THE MALABAR TENANCY BILL.

* The hon. the PRESIDENT:—"I think the hon. the Revenue Member has to move that the Bill be passed into law. Then the amendments will be taken up."

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move that the Malabar Tenancy Bill be passed into law."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

Clause 1.

Sub-clause (2).

* The hon. the PRESIDENT:—"Mr. Uppi Sahib has to move his amendment."

* Mr. K. UPPI SAHIB:—"Mr. President, Sir, I move—

'Substitute for the existing sub-clause (2) of clause 1, the following:—

"It shall apply to the taluks of Palghat, Ponnani, Walluvanad, Ernad and Calicut of the Malabar district and to such other taluk or taluks of the said district as the local Government, by notification in the Fort St. George Gazette, may deem fit to extend, provided that such notification is placed on the table of the Legislative Council for a period of three months while the Council is in session prior to its publication."

"Sir, I am one of those who want to see a tenancy legislation for Malabar passed in this House. But at the same time I think the legislation must make only the minimum changes in the existing customs, and as far as possible try to protect the tenants from the oppression of the janmis. Sir, the object of this amendment is to protect the impecunious janmis of North Malabar owning an acre or two of lands. The Raghavayya Committee, so far as garden lands are concerned, recommended two-thirds in the case of janmis' trees and one-third in the case of tenants' trees to be given as rent. After the Conference held by the Government, this was reduced to two-fifths and one-fifth respectively that is about 25 per cent and the renewal fee is reduced by 66½ per cent. I plead that this will hit hard the impecunious small janmis of North Malabar. I request therefore to exclude certain areas by notification."

* The hon. the PRESIDENT:—"I request the hon. Member to come to the point very quickly."

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a.m.

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* Mr. K. UPPI SAHIB :—" My amendment is only to defer the application of this Bill till the Government are convinced that it will not hit very hard the landlords of Malabar, till they have further enquired into the conditions of North Malabar. I commend it for the acceptance of the House."

Mr. P. ANJANEYULU :—" I second it."

Mr. K. P. RAMAN MENON :—" Mr. President, this amendment is covered by the amendment which was discussed by this House on the 24th September."

* The hon. the PRESIDENT :—" The main consideration that weighed with me in allowing these amendments to be discussed is that this is the last chance for moving such amendments in the third reading stage; because, the Select Committee on the Standing Orders has adopted the principle that no substantial amendments shall be moved at the third reading stage."

" I hope we will be able to dispose of these amendments quickly."

The amendment was put and negatived.

Sub-clause (3), proviso.

Mr. J. A. SALDANHA :—" Sir, I move—

'That in lines 1 and 2, for the words "after the 30th July 1929" the words "after the 15th March 1929" be substituted.'

" Sir, the 15th of March corresponds to the first day of the agricultural year in Malabar. This House has been pleased to give retrospective effect to this Bill, i.e., from 30th July 1929, the date on which it was published in the *Fort St. George Gazette*. I am only asking for extending this concession a bit, to give retrospective effect to it from 15th March 1929, the beginning of the agricultural year—as a matter of justice to those against whom suits for eviction have been brought in view of this pending legislation. This is a very small concession which I hope the House will be pleased to grant."

* The hon. the PRESIDENT :—" For want of a seconder the motion is lost."

Clause 2.

Sub-clause (1).

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I move the following amendment :—

'For the words "for planting tea, coffee or rubber" the following words be substituted :—

"for planting tea, coffee, rubber, cinchona or any other special crop prescribed by a rule made by the Local Government, or the erection of any building for the purpose of or ancillary to, the cultivation of such crop, or the preparation of the same for the market:

Provided that no rule under this clause shall affect any land in respect of which any cultivating verumpattamdar has a right of fixity of tenure under this Act or any customary verumpattamdar, kanamdar or kuzhikanamdar has a right of renewal under this Act, so long as such rights subsist; "

" Sir, the object of this amendment is this: The clause as drafted was intended to exclude plantations. In the notification relating to the Wynaad settlement which was published again in 1926, there was a definition of 'Estate lands' and 'Estate developed lands'. Estate developed lands are defined as 'lands within estates planted with tea, coffee, rubber, cinchona or any other

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[Mr. A. Y. G. Campbell]

special crop or occupied by buildings required for or ancillary to the cultivation of these crops or their preparation for the market'. The clause as it exists now mentions only buildings such as warehouses and shops as excluded and it might lead to litigation as to whether this exclusion covers buildings of the nature mentioned in my amendment. I have added a proviso to the rule to make it quite clear that no prescription of any special crop by the Government should affect any rights which have already been acquired under the Act so long as those rights subsist. I have stated that the crop must be prescribed by a rule made by the local Government in order that the House may have an opportunity of criticising any such proposal."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The amendment was put and adopted.

Sub-clause (3).

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, I beg to move—
'that before the words "the site thereof," in this sub-clause, the word "and" be inserted.'

"This is only a verbal amendment intended to make the clause apply to buildings and the site thereof."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The amendment was put and adopted.

New sub-clause (4).

* Mr. E. SANKARAN UNNI :—" Mr. President, I move that the following be added as new sub-clause (4) :—

'Dry lands converted into wet by a landlord at his own expense for a period of thirty years from the date of such conversion.'

" Sir, this amendment will exclude lands which are converted into wet by the landlord at his own expense. If after converting it, he lets it to a cultivating verumpattam tenant, I suggest that that cultivating verumpattam tenant should not acquire fixity of tenure under this Act for this reason that the landlord has spent considerable sums of money and has reclaimed the land that is let to the verumpattam tenant. At least for a period of thirty years the landlord may be allowed to enjoy the full benefit of it. It will be an inducement to the landlords to bring more lands under cultivation and to put his money into the land and add to the productive wealth of Malabar. I believe it is an amendment which will hurt nobody."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* Mr. K. P. RAMAN MENON :—" I am afraid I cannot support the amendment. An identical amendment on the agenda was not moved by Mr. Unni when that item was reached."

Mr. E. SANKARAN UNNI :—" A word of personal explanation, Sir?"

* The hon. the PRESIDENT :—" It is no personal explanation to say that the President disallowed that amendment on that occasion."

* Mr. K. P. RAMAN MENON :—" The object of the amendment is to exclude such lands from the operation of this Act so that the present condition may remain unchanged and the verumpattamdars may go without fixity of tenure."

[Mr. K. P. Raman Menon]

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There is also another thing that has to be taken into consideration and that is that no fair rent can be fixed so far as these lands are concerned. If this House says that with reference to these lands rack-renting is permissible, I shall simply be astounded. This amendment should be voted down."

The amendment was put and negatived.

New clause 2-A after clause 2.

Mr. J. A. SALDANHA :—"I move that the following be added as a new clause after clause 2 :—

' 2-A. Any area, classes of holders of land or land tenures in the district of Malabar may be excluded from the operation of the whole or part of this Act by a resolution of the Legislative Council.'

"A resolution of the Legislative Council defined by me later on . . ."

* The hon. the PRESIDENT :—"If this is carried, we shall consider that question."

* Mr. J. A. SALDANHA :—"Sir, what I mean is that it is not an easy thing to get a resolution moved by the local Government or by a Member of the Council with the concurrence of the said Government and the consent of the President. It will not, again, be passed unless there are very good reasons for it. In cases of this kind where land tenures are dealt with, certain provisions like this are always made. This is a very necessary and desirable provision. For the sake of uniformity we have agreed to have the Act for the whole of Malabar. It may be found sooner or later that this Act ought not to apply to a certain class of holders or to certain areas. If this simple provision is there, it will save us a lot of cumbersome procedure. I hope this simple provision will meet with the approval of the House."

Mr. L. K. TULASIRAM :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I cannot accept this amendment. It seems to me that if the Legislative Council wishes to alter the application of this Act, it should proceed to do so by means of a Bill to amend it. That is the usual way in which such things are done. So far as the rule-making power is concerned, it is vested in the Government. It is not usual to retain that power in the hands of the Legislative Council."

The amendment was put and negatived.

Clause 3.

Sub-clause (i) (1).

* The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move—
'that the words "for the purpose of this Act" be omitted.'

"These words are unnecessary and I therefore move that they be omitted."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

Sub-clause (k).

* Mr. E. SANKARAN UNNI :—"I beg to move—

'That after the word "person" the words "or persons" be inserted.'

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"Sir, the definition of the word 'janmi' runs thus :—"janmi" means a person entitled to the absolute proprietorship of land and includes a trustee in respect thereof." The reason why I suggest this amendment is that there are some new facts which have come to my notice and which have to be taken into consideration. There are certain lands to which there is more than one owner. All of them are proprietors of the land and all of them are registered as owners. In the case of devaswam lands there are always several uralers. All of them may be described as owners of property. So that if you say in the definition that 'janmi' means a person entitled to the absolute, etc., etc., it may not apply to all persons who enjoy these lands and who are entitled to proprietorship. If you leave the definition as it is, it will create trouble. I therefore move my amendment."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was negatived.

Sub-clause (l), Item (1).

* Mr. E. SANKARAN UNNI :—"I beg to move—
'that after the word "consideration" the word "paid" be inserted.'

"It is merely a verbal amendment. Surely when you use the word 'consideration' you necessarily mean 'consideration paid'."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was negatived.

Sub-clause (l), Item 5.

* Mr. K. MADHAVAN NAYAR :—"I beg to move—

'that for the words "for a further period of twelve years" the words "for a further period" be substituted.'

"Sir, the Select Committee made an amendment in item (4) thus : 'the right of transferee to enjoy the said property for twelve years or any other period.' It was an omission in drafting in not having made the consequential amendment in item (5). Originally there were no words 'or any other period' in item (4) and these were added only in the Select Committee. So, a consequential amendment ought to have been made in item (5) substituting the words 'for a further period' instead of the words 'for a further period of twelve years.' Moreover, you will see in the definition of kuzhikanam that 'kuzhikanam' means and includes 'a transfer by a landlord to another (called the kuzhikanamdar) of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer for the enjoyment of those trees . . . which transfer includes the right of the transferee to enjoy the lands for twelve years or for any other period.' Unfortunately the consequential amendment was not carried out in item (5). It is only to amend the clerical error and the accidental omission that I move this amendment."

Mr. K. R. KARANT :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I accept the amendment."

Mr. E. SANKARAN UNNI :—"The hon. the Revenue Member thinks that it is merely a verbal amendment and therefore has accepted it. It is far from being a verbal amendment. Instead of the words 'for a further period of twelve years' the words 'for a further period' are proposed to be substituted. If this amendment is carried out it may mean any number of years. I therefore oppose this amendment."

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The amendment was put and declared lost.

A poll was demanded by Mr. K. Madhavan Nayar and the House divided thus :

Ayes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 24. Mr. S. Venkiah. |
| 2. " Sir Thomas Moir. | 25. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 26. Mr. A. Achutan. |
| 4. " Mr. A. Y. G. Campbell. | 27. " C. E. Wood. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 28. " H. F. P. Hearson. |
| 6. " Mr. S. Muthiah Mudaliyar. | 29. " S. N. Dorai Raja. |
| 7. " Dr. P. Subbarayan. | 30. " K. Ramachandra Padayachi. |
| 8. Mr. Hilton Brown. | 31. " G. R. Premayya. |
| 9. " H. A. Watson. | 32. " V. Ramjee Rao. |
| 10. " A. G. Leach. | 33. " J. A. Saldanha. |
| 11. " J. Gray. | 34. " Abdul Hameed Khan. |
| 12. " S. V. Ramamurti. | 35. " L. K. Tulasiram. |
| 13. " C. B. Cotterell. | 36. " D. Narayana Raju. |
| 14. " V. Ch. John. | 37. " K. R. Karant. |
| 15. " R. Foulkes. | 38. " M. Madhavan Nayar. |
| 16. " P. J. Gnanavaram Pillai. | 39. " C. Ramasomayajulu. |
| 17. Subadar-Major S. A. Nanjappa Bahadur. | 40. " T. Adinarayana Chettiyar. |
| 18. Mr. K. Krishnan. | 41. " K. V. Krishnaswami Nayar. |
| 19. " N. Siva Raj. | 42. " K. P. Raman Menon. |
| 20. " M. V. Gangadhara Siva. | 43. " K. R. Venkatarama Ayyar. |
| 21. Rao Sahib L. C. Guruswami. | 44. " C. Gopala Menon. |
| 22. Mr. V. I. Muniswami Pillai. | 45. " B. Ramachandra Reddi. |
| 23. " S. Subrahmanya Mooppanar. | 46. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |

Noes.

- | | |
|---|---|
| 1. Rao Bahadur O. M. Narayanan Nambudripad. | 4. Mr. S. Arpudaswami Udayar. |
| 2. The Muppil Nayar of Kavalappara. | 5. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 3. Mr. E. Sankaran Unni. | 6. The Maharaja of Pithapuram. |

Ayes 46. *Noes* 6.

The amendment was adopted.

Sub-clause (m) (1).

- * The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move—
'that in line 3 before the words "other lands" the word "such" be inserted.'
"So that the kudiyruppu will include 'such other lands as are necessary, etc.' It is purely a verbal amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."
 The amendment was adopted.

Sub-clause (n).

- The hon. Mr. A. Y. G. CAMPBELL :—" I beg to move—
'that in the penultimate line for the words "the said property" the words "the said lands" be substituted.'
"The word 'lands' is used elsewhere in this Bill and therefore I propose the same word might be used here also. This is purely a verbal amendment."
 The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."
 The amendment was adopted.

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Sub-clause (x).

* The hon. the PRESIDENT :—" The hon. Member Mr. Madhavan Nayar has given notice of two amendments. He has not managed to have a copy put into my hands. He can move only one of his amendments."

Mr. E. SANKARAN UNNI :—" I object to the amendment being moved."

* The hon. the PRESIDENT :—" I have given him an opportunity to choose one and he chose one and gave up the other amendment. But now as objection prevails, he cannot move this either."

Mr. K. MADHAVAN NAYAR :—" I suppose there is no objection to my moving the other amendment."

* The hon. the PRESIDENT :—" He has given up his chance of moving the one he was allowed to move."

Mr. K. P. RAMAN MENON :—" I move the second amendment that stands in my name as follows :—

'For the present definition, the following be substituted :—

"Wet land means land which is adapted for raising at least one crop of paddy every year".'

" Sir, the original definition has been altered and the definition as now given has the effect of including any dry land on which paddy is grown in the definition of wet land. Although a land may not be registered in the Government register as wet, yet if that land is fit for wet cultivation, with paddy it may be classified as wet. For instance, ponam crop is very often sown in dry lands, that is to say, in forests cut down and burned and there is also modan, both paddy crops. So my fear is that even these lands on which these paddy crops are sown may be included as wet crop lands. That is the reason for my amendment."

Mr. J. A. SALDANHA :—" I second it."

* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, Mr. Raman Menon's fear that lands on which paddy is not raised every year, may be classified as wet lands is unfounded. Where paddy is not raised every year, then it is fugitive cultivation to which the Act will not apply. There is really no need for this amendment. Moreover, this matter has already been considered most carefully." 12-15 p.m.

* The hon. Mr. A. Y. G. CAMPBELL :—" I think, Sir, the existing definition is correct. I do not think the present amendment is necessary."

* The hon. the PRESIDENT :—" The question is 'Wet land means land which is adapted for raising at least one crop of paddy every year.'"

The amendment was put and negatived.

Clause 7.

Sub-clause (2), proviso.

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

'In line 3, for the word "sub-clause" the word "sub-section" be substituted.'

"This is only a verbal amendment."

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second the amendment."

The amendment was adopted.

Clause 8.

* Mr. J. A. SALDANHA :—"Sir, I beg to move the following amendment :—

'The following be added at the end of the clause :—

"in the case of other lands such multiple of revenue as may be fixed by a resolution of the Legislative Council from time to time in lieu of fair rent as described in sections 5 to 7 aforesaid."

"Clause 8, as it stands, runs thus :—'Fair rent in the case of dry lands shall be three times the assessment payable in respect thereof per annum.' Clauses 5 to 7 describe what will be fair rent in the case of other lands. I also urge that in the case of dry lands, three times the assessment may be considered fair rent. What I wish to emphasize now is it is very easy for the Legislative Council to fix, by resolution, a multiple of assessment in the case of other lands. It will save lot of litigation. That is the reason why I move this amendment."

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

The amendment was put and declared lost.

Mr. J. A. Saldhana demanded a poll. The hon. the President called upon those Members, in all the blocks, who were in favour of the amendment to stand; those against also were called upon to stand. After counting the heads for ayes and noes, the hon. the President observed that the demand for poll was frivolous.

Clause 11.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I move the following amendment :—

'In the penultimate line for the word "paid" the word "payable" be substituted.'

"This is intended to bring this clause into line with other clauses of the Bill, where the same expression is used."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it"

The amendment was adopted.

Clause 12, sub-clause (iii).

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I move the following amendment :—

'For the word "paid" substitute the word "payable".'

The amendment was adopted.

Clause 13, sub-clause (i).

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

'In line 2, for the words "legal proceeding" the word "suit" be substituted.'

"We made similar amendments in the second reading of the Bill."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it,"

The amendment was adopted.

[15th October 1929]

Clause 13, sub-clause (5).

* Mr. S. ARPUDASWAMI UDAYAR :—"Sir, I move—

'In line 2, remove the words "bona fide" from the present place and insert "bona fide" between the words "own" and "cultivation".'

"I want these words 'bona fide' to qualify the act of cultivation and not the intention, because it is very difficult for courts to enquire and decide the motive or intention. If this amendment is not carried, it is open to the tenant to ask and for the court to go into the question whether the janmi requires the land and why he requires it. It is very difficult for the court to go into the question of the motive, whether there exists the right intention, viewed as an abstract. We want that the words 'bona fide' should qualify the act of cultivation. In that case it will be very easy for the court to determine the fact, the question of fact, whether there is evidence that the landlord is in earnest in bringing the land under cultivation. The court can decide on the point whether the janmi has paid or will pay compensation and whether he has engaged the requisite labour. I request the House to accept my amendment; the words 'bona fide' must qualify the act of cultivation and not the intention."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second the amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"I think the words 'bona fide' are inserted in the right place. I am not prepared to accept the amendment. The janmi must prove whether he really wants the land for his own cultivation."

* Mr. P. C. VENKATAPATHI RAJU :—"Sir, the right position of putting the words 'bona fide' is the place where they will qualify the act of cultivation or the building of houses. The intention of the Bill seems to be to give the landlord necessary power to use the land for cultivation or for building purposes. If you put the words in the wrong place they are now, they may mean anything or nothing. 'Bona fide cultivation' may mean that the janmi wants the land really for his own cultivation. If the clause stands as it is, even if the janmi wants the land really for his own cultivation, it will be very difficult to prove it. We have to consider the object of the Bill. The object of the Bill is to allow the janmi to take the land if he requires it legitimately for his own cultivation or for building purposes. If the clause is allowed to stand as it is, the tenant may come forward and say 'of course the landlord wants land; but why does he require such a big plot; he has already got enough land for his own cultivation and he does not want it bona fide.' There will be no difficulty if the words 'bona fide' are put before the words 'cultivation'. Otherwise it will lead to many complications and the tenant that is sought to be evicted may bring forward the plea that the land is not required bona fide. In these circumstances, I strongly urge upon the hon. the Revenue Member to reconsider the position and accept this amendment, in order to mitigate the hardship to which the janmi and the tenant will be put to and in order not to drive them to court. If this amendment is accepted both the parties will be benefited. I would very much like that expert Member like Mr. Raman Menon, should inform the House the purposes for and the circumstances under which the janmi may be said to require the land bona fide, and what are the circumstances under which it is to be decided that the land is not

[Mr. P. C. Venkatapathi Raju] [15th October 1929]

required by the janmi bona fide. The clause, as it is, is too vague. Instead of leaving the matter in doubt, it is better that we should define it clearly and make it impossible for anybody to interpret the clause as it suits either the janmi or the tenant."

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, may I also join the Leader of the Opposition in making the appeal to the Government? The object of the Government, I trust, is not to drive the janmis away from the land. I hope that the appeal coming from such an influential quarter will have more effect."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"I think, Sir, the amendment that has been proposed deserves the consideration of the House, because the Government will lose nothing by accepting this amendment. If you do not accept this amendment, I think there is the possibility of real hardship. Let me quote an instance. Suppose the janmi has got one house; he may want to put up another house for the members of his tarwad or for some other purpose; or the existing house may be insufficient and he may want to put up another house. The janmi may be asked 'Why do you want to put up another house?' The bona fides of the janmi may be questioned and he may be told that he has put in this application to evict the tenant and to turn him out. I think the Government would lose nothing by accepting this amendment. I appeal to the hon. the Revenue Member to reconsider his attitude and accept the amendment."

Mr. K. P. RAMAN MENON:—"Sir, cultivation can never be a matter of bona fides or mala fides. Cultivation is a physical act, whereas bona fide refers to a mental condition. Cultivation is always bona fide but the requisition by the landlord under this section may not be so and that distinction can be brought out only by retaining the words bona fides where they now are. Whether it is bona fide or mala fide is a matter which the court can enquire into and decide. The words 'bona fide' are in their proper place."

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I quite agree with what Mr. Raman Menon stated. Unless the land is required really for his own cultivation, or for that of his family, it is not intended that the janmi should recover the land. The requisition should be bona fide. Suppose the janmi has got as much land as he and his family can cultivate, that will be a reason for saying that he does not require more land. If a janmi owns 15 acres and cultivates 8 acres and wants the remaining 7 acres for cultivation, this clause will enable him to do so. I submit that the words 'bona fide' are in the right place where they are now."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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| 1. The Mappil Nayar of Kavalappara. | 10. Mr. D. Narayana Raju. |
| 2. Rao Bahadur O. M. Narayanan Nambudripad. | 11. " K. Uppi Sahib. |
| 3. Mr. E. Sankaran Unni. | 12. " K. P. V. S. Muhammad Meera Ravuttar. |
| 4. " S. Arpudaswami Udayar. | 13. " A. Ranganatha Mudaliyar. |
| 5. " P. C. Venkatapathi Raju. | 14. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 6. " G. Harisservottama Rao. | 15. The Maharaja of Pithapuram. |
| 7. " Basheer Ahmed Sayeed. | 16. Rao Bahadur Sir A. P. Patro. |
| 8. " O. S. Govindaraja Mudaliyar. | |
| 9. " Abdul Hameed Khan. | |

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Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 26. Mr. S. Venkiah. |
| 2. " Sir Thomas Moir. | 27. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 28. Mr. A. Atehotan. |
| 4. " Mr. A. Y. G. Campbell. | 29. " C. E. Wood. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 30. " S. N. Dorai Raja. |
| 6. " Mr. S. Mathiah Mudaliyar. | 31. " H. F. P. Hearson. |
| 7. " Dr. P. Subbarayan. | 32. " K. Ramachandra Padayachi. |
| 8. " Diwan Bahadur P. Kesava Pullai. | 33. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. |
| 9. Mr. Hilton Brown. | 34. Mr. G. Premayya. |
| 10. " H. A. Watson. | 35. " V. Ramjee Rao. |
| 11. " A. G. Leach. | 36. " S. Satyamurti. |
| 12. " J. Gray. | 37. " C. V. Venkataramana Ayyangar. |
| 13. " S. V. Ramamurti. | 38. " J. A. Saldanha. |
| 14. " C. B. Cotterell. | 39. " L. K. Tulasiram. |
| 15. " V. Ch. John. | 40. " K. Madhavan Nayar. |
| 16. " Syed Tajudin. | 41. " C. Obi Reddi. |
| 17. " A. B. Shetty. | 42. " T. Adinarayana Chettiyar. |
| 18. " J. Bheemayya. | 43. " K. P. Raman Menon. |
| 19. " R. Foulkes. | 44. " K. R. Venkatarama Ayyar. |
| 20. Subadar-Major S. A. Nanjappa Bahadur. | 45. " P. Siva Rao. |
| 21. Mr. K. Krishnan. | 46. " C. Gopala Menon. |
| 22. " M. V. Gangadhara Siva. | 47. Rao Bahadur C. Natesa Mudaliyar. |
| 23. Rao Sahib L. C. Guruswami. | 48. " S. Ellappa Chettiyar. |
| 24. Mr. V. I. Muniswami Pullai. | 49. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 25. " S. Subrahmanya Mooppanar. | 50. Mr. Muhammad Khadir Mohidin. |
| | 51. Rao Bahadur B. Muniswami Nayudu. |

Ayes 16. Noes 51.

The amendment was negatived.

The hon. the PRESIDENT:—"There is a similar amendment by the Mappil Nayar of Kavalappara under sub-clause (6). I shall put it to the vote of the House." 12-30 p.m.

The question is that—

"In line 2, remove the words "bona fide" from the present place and insert "bona fide" between the words "for" in line 2 and "building" in line 3."

The amendment was negatived.

Clause 14.

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, with your permission, I move all the three amendments standing in my name under this clause, that—

"In line 2, in each of the sub-sections (1), (2) and (3) for the word "sub-section" the word "clause" be substituted."

"In section 13, we have referred to the paragraphs as 'clauses' and not as 'sub-sections'."

The hon. Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment. The amendment was adopted.

* Mr. E. SANKARAN UNNI:—"I move my amendment that—

"After the word "court" in line 3 of sub-clause (3), the words "at the first hearing" be inserted."

[Mr. E. Sankaran Unni]

[15th October 1929]

"Sir, if the amendment is made, it will be an advantage to the janmi, but it will not be a disadvantage to the tenant if he is asked to pay the amount into court at the first hearing. When a case is once filed, the tenant can as well make up his mind even at the first hearing to pay the money or not. There is nothing uncommon in this. It is the tenant who compels the janmi to go to law and, if he desires to avoid the consequences, he must make up his mind at the first opportunity. I therefore move this amendment."

The MUPPIL NAYAR OF KAVALAPPARA seconded the amendment.

The amendment was put and negatived.

Clause 15.

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

'In line 1 of sub-clause (1) (a), after the words "rent is not paid" the words "by a cultivating verumpattamdar" be inserted.'

"This is only to make it clear that the section refers only to the cultivating verumpattamdar. I also move a similar amendment under sub-clause (1) (b), that—

'In line 1 of sub-clause (1) (b), after the words "the immediate landlord" the words "of the cultivating verumpattamdar" be inserted.'

"I also move another verbal amendment, viz.,—

'In line 2 of sub-clause (2) (c) (ii), for "clause (c) (i)" substitute "sub-clause (i)".'

The hon. Diwan Bahadur M. KRISHNAN NAYAR seconded the amendments.

The amendments were adopted.

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

'In lines 1 and 2 of sub-clause (3) of clause 15, the words "of this section" be omitted', as they are unnecessary.'

The hon. Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment.

The amendment was adopted.

Clause 16.

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

'In line 2 of clause 16, the word "existing" be omitted' as it is unnecessary.'

The hon. Diwan Bahadur M. KRISHNAN NAYAR seconded the amendment.

The amendment was adopted.

* Mr. MAHMUD SCHAMNAD :—"Sir, I want to move that—

'In line 6, for the words "difference between (1) the annual fair rent and (2)", the words "balance of the annual fair rent after deducting" be substituted.'

"The section, as amended, will read thus :

'A customary verumpattamdar shall on the expiry of the verumpattam lease under which he holds be entitled to claim and his immediate landlord shall be bound to grant a renewal, ensuring for a period of twelve years, of the same, on payment to him, as renewal fee, of three times the balance of the annual fair rent after deducting the annual rent payable under the previous lease together with the annual Government revenue in cases where the revenue is payable by such customary verumpattamdar.'

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[Mr. Mahmud Schamnad]

"Sir, my object in moving this amendment is to remove the ambiguity that are in the words 'difference between (1) the annual fair rent and (2)'. If they are allowed to be there, the section will mean that even if the fair rent is not more than the present rent, the customary verumpattamdar will have to pay three times the difference. What I suggest is practically a verbal drafting amendment, and it is quite in conformity with the language used in section 17. Hon. Members will notice, therefore, that I am not making any alterations here vital to the interests of either the janmi or the customary verumpattamdar. The only alteration is, instead of 'difference between the annual fair rent and', I insert 'balance of the annual fair rent after deducting'. I hope the House will accept the amendment."

Mr. V. I. MUNISWAMI PILLAI seconded the amendment.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, I accept the amendment."

* The hon. the PRESIDENT :—"There is also Mr. Karant's amendment in regard to this same matter."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I think Mr. Karant's amendment is better, Sir, so far as the wording is concerned."

* The hon. the PRESIDENT :—"In that case, the better thing will be for the hon. Member to withdraw his amendment and to allow Mr. Karant to move his."

* Mr. MAHMUD SCHAMNAD :—"Sir, I beg leave to withdraw my amendment."

The amendment was, by leave, withdrawn.

Mr. K. R. KARANT :—"Sir, I beg to move that—

'In lines 6 to 8 of clause 16, for the words "the difference between . . . Government revenue" the words "the balance of the annual fair rent of the lands covered by the verumpattam lease after deducting both the annual rent payable under the previous lease and the annual Government revenue" be substituted.'

"The other words in the section will remain. Sir, I do not think any arguments need be advanced to commend this amendment to the acceptance of the House. The whole point is that where the fair rent is less than the annual rent, it is unjust to expect the customary verumpattamdar to pay three times the difference. You will also notice, Sir, that in section 17, the wording is: 'The balance of the annual fair rent of the lands covered by the kanam after deducting' the revenue, the interest and the michavaram, etc. That supposes that the fair rent is more than the michavaram. But in this section the same wording has not been followed. We expect the customary verumpattamdar to pay the difference only if the fair rent is more than the rent he has to pay. Otherwise, it will be unjust. I hope, Sir, this amendment will be accepted by the House."

Mr. K. MADHAVAN NAYAR seconded the amendment.

* Mr. E. SANKARAN UNNI :—"May I point out that this matter has already received the attention of the House? My Friend Mr. Karant made a suggestion in regard to this matter but the House did not accept it. Apart from this, Sir, the Raghavayya Committee has taken into consideration the question of the difference between the fair rent and the present rent. I do

[Mr. E. Sankaran Unni] [15th October 1929]

not think there is any possibility that the fair rent will be very much larger than the present rent. Therefore this amendment will go directly against the principle enunciated in this section and accepted by the Raghavayya Committee and also acceded to by the Government. The difficulty complained of is not likely to arise."

* The hon. the PRESIDENT :—"The question is :

In lines 6 to 8, for the words "the difference between . . . Government revenue", substitute the words "the balance of the annual fair rent of the lands covered by the verumpattam lease after deducting both the annual rent payable under the previous lease and the annual Government revenue".

The amendment was put and declared carried. Mr. Sankaran Unni demanded a poll and the House divided thus :—

Ayes.

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|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 24. Mr. V. I. Muniswami Pillai. |
| 2. " Diwan Bahadur M. Krishnan Nayar. | 25. " S. Subrahmanya Moopanar. |
| 3. " Sir Thomas Moir. | 26. Rao Sahib R. Srinivasan. |
| 4. " Mr. A. Y. G. Campbell. | 27. Mr. A. Achutan. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 28. " V. Ramjee Rao. |
| 6. " Mr. S. Muthiah Mudaliyar. | 29. " S. Arpudadaswami Udayar. |
| 7. " Dr. P. Subbarayan. | 30. " C. S. Govindaraja Mudaliyar. |
| 8. Mr. Hilton Brown. | 31. " Abdul Hameed Khan. |
| 9. " H. A. Watson. | 32. " L. K. Tulasiram. |
| 10. " A. G. Leach. | 33. " D. Natayana Raju. |
| 11. " J. Gray. | 34. " K. R. Karant. |
| 12. " S. V. Ramamurti. | 35. " K. Madhavan Nayar. |
| 13. " C. B. Cotterell. | 36. " C. Obi Reddi. |
| 14. " V. Ch. John. | 37. " C. Ramasomayajulu. |
| 15. " Syed Tajudin. | 38. " K. P. Raman Menon. |
| 16. " A. B. Shetty. | 39. " P. Siva Rao. |
| 17. " J. Bheemayya. | 40. " C. Gopala Menon. |
| 18. " R. Foulkes. | 41. Rao Bahadur C. Natesa Mudaliyar. |
| 19. " Mahmud Schamnad. | 42. " S. Ellappa Chettiyar. |
| 20. Subadar-Major S. A. Nanjappa Bahadur. | 43. Mr. Kadir Mohidin. |
| 21. Mr. K. Krishnan. | 44. Khan Bahadur S. K. Abdul Razaek Sahib Bahadur. |
| 22. " N. Siva Raj. | 45. Rao Bahadur B. Muniswami Nayudu. |
| 23. Rao Sahib L. C. Guruswami. | 46. Mr. K. Sarabha Reddi. |
| | 47. The Kumararaja of Venkatagiri. |

Noes.

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|---|--------------------------------|
| 1. Rao Bahadur O. M. Narayanan Nambudripad. | 3. Mr. E. Sankaran Unni. |
| 2. The Muppil Nayar of Kavalappara. | 4. The Maharaja of Pithapuram. |

Ayes 47. Noes 4.

The amendment was adopted.

Clause 17.

Sub-clause (b).

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I move the following amendments to sub-clause (b) of clause 17 :—

'For the words beginning with "When the amount of interest per annum" and ending with "is not specified" the words "When neither the rate of interest nor the amount of interest per annum nor the sum total of the

15th October 1929] [Mr. A. Y. G. Campbell]

annual revenue payable on the kanam property to Government by the kanamdar and the amount of interest per annum, is specified" be substituted.

For the figures "5", "12", "9" and "6" occurring in lines 7, 9, 11 and 14, the words "five", "twelve", "nine" and "six" respectively, be substituted; and

'the explanation at the end be omitted.'

"The first two amendments are only verbal amendments. The explanation at the end now becomes unnecessary in view of the explanation which is proposed to be added at the end of the next sub-clause."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second the amendment, Sir."

* Mr. K. MADHAVAN NAYAR :—"There are two amendments standing in my name. If the first amendment is lost, I will move the second amendment."

* The hon. the PRESIDENT :—"I have made up my mind not to select both of them. I have got the right to select amendments, but I give the option to the hon. Member to choose one of the amendments."

* Mr. K. MADHAVAN NAYAR :—"So, I move my second amendment, which is as follows :—

'For paragraph 1, substitute the following :—

"Where the rate of interest or the quantum of interest per annum (either separately or together with the revenue of the kanam property) is not ascertainable from the kanam deed, interest shall for the purposes of sub-section (1) be calculated."

"Mr. President, my object in moving the amendment is this: though the amendment that was accepted by the Government at the second reading is better in language than the original clause, it gives rise to certain difficulties, and it is to remove that I am moving this amendment. It is very seldom that the total of the revenue and the interest are mentioned indeed. Probably the section as now stands may not mean that the total amount has to be mentioned to bring it under the section. Sum total may mean the exact amount or it may not. It is to remove any possible doubt that I want to substitute my amendment for the first paragraph of the sub-clause. I therefore move my amendment for the acceptance of the House."

* The hon. the PRESIDENT :—"The amendment is lost for want of a seconder."

Mr. K. UPPI SAHIB :—"I second it."

* The hon. the PRESIDENT :—"Too late. The hon. Member is requested to be more alert hereafter."

Mr. G. HARISARVOTTAMA RAO :—"The same amendment stands in the name of Mr. Raman Menon and he may move the amendment."

* The hon. the PRESIDENT :—"He ought to have seconded it. I will now put the amendment of the hon. the Revenue Member to the vote of the House."

[The President]

[15th October 1929]

"The question is:

'For the words beginning with "When the amount of interest per annum" and ending with "is not specified" the words "When neither the rate of interest nor the amount of interest per annum nor the sum total of the annual revenue payable on the kanam property to Government by the kanamdar and the amount of interest per annum, is specified" be substituted;

'For the figures "5", "12", "9" and "6" occurring in lines 7, 9, 11 and 14, the words "five", "twelve", "nine" and "six" respectively, be substituted; and

'the explanation at the end be omitted.'

The amendment was adopted.

Sub-clause (c).

* The hon. Mr. A. Y. G. CAMPBELL :—"I move the following amendment to sub-clause (c):—

'For the explanation to clause 17 (c) and the explanation to clause 17, the following explanations be substituted:—

"Explanation I.—For the purpose of sub-sections (b) and (c), 'North Malabar' means the taluks of Chirakkal, Kottayam, Kurumbranad and Wynaad and 'South Malabar' means the other taluks in the district of Malabar.

"Explanation II.—For the purpose of sub-section (c), the janmi's rights in the holding shall be valued at twenty times the excess of the annual fair rent of the holding over the annual revenue payable thereon to Government—

(1) in the case of a kanam existing on the date of the commencement of this Act, on such date and

(2) in the case of a kanam created after the commencement of this Act, on the date of the kanam."

"Mr. President, the first explanation that I now propose is not quite the same as the explanation in the Bill, because the explanation in the Bill does not cover the whole of Malabar. Therefore it seems desirable to include certain taluks in North Malabar and to define 'South Malabar' as meaning the other taluks in the district. I believe the explanation that I now propose meets the intention of the House. The second explanation that is introduced is what was the explanation to sub-section (c)."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second the amendment."

* Mr. E. SANKARAN UNNI :—"May I ask what was the reason that induced Government to include Wynaad in North Malabar? So far as I know, some portions of Wynaad are under the jurisdiction of the District Judge of South Malabar. I am myself unable to say to which part of Malabar, Wynaad ought to belong. I am very anxious to know from the considerations which weighed with the Government in including Wynaad in North Malabar, before I can vote on the amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"The conditions of Wynaad are more akin to the taluks of Chirakkal, Kottayam and Kurumbranad than the taluks of Calicut, Palghat, Ponnani, Walluvanad and Ernad and that is the only reason."

[15th October 1929]

* Mr. E. SANKARAN UNNI :—"May I ask . . ."

* The hon. the PRESIDENT :—"This is not the opportunity for the hon. Member for putting questions."

The amendment was adopted.

Clause 18, sub-clause (2)

* The hon. Mr. A. Y. G. CAMPBELL :—"I move that—

'In line 1, of sub-clause (2) of clause 18, after the words "intermediary of the kuzhikanam shall", the words "on the expiry of the kuzhikanam under which he holds" be inserted and in line 4, for the word "kuzhikanam" the word "same" be substituted.'

"Sir, similar amendments in other sections of the Bill have been passed and it is only for the sake of uniformity that I propose this amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

Clause 19, sub-clause (b).

Mr. K. UPPI SAHIB :—"I move that—

'in line 3, for the word "five" the word "two" be substituted.'

"Now, Sir, interest has been calculated on the whole amount of renewal fees for 12 years and it will be very unjust to ask the janmi to pay interest for the money which he has not received and which is in the hands of the tenant. I therefore propose the amendment for the acceptance of the House."

Mr. ABDUL HAMEED KHAN :—"I second it."

The amendment was negatived.

Clause 20, sub-clause (5).

* Mr. S. ARPUDASWAMI UDAYAR :—"I beg to move—

'For the words "bona fide for his own cultivation" the words "for his own bona fide cultivation" be substituted.'

"Sir, I wish to call the attention of the House to the fact. . . ."

* The hon. the PRESIDENT :—"I may assure the hon. Member that the House is not in a mood to hear, because it is the same point as was already discussed."

* Mr. S. ARPUDASWAMI UDAYAR :—"I wish to draw the attention of the House to the question of principle underlying my amendment. I do not think it fair that the power of the janmi to take back his land for his own cultivation should be restricted by the burden of proof being laid on the janmi, that he has the right intention. As it is, the clause savours of socialism. As a matter of principle, I think it proper to place this view before this Council."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

* The hon. the PRESIDENT :—"As a matter of principle, if once the House has given its vote on the same subject matter, I shall simply put that matter to the vote of the House and I cannot allow further speeches on that."

The amendment was negatived.

[15th October 1929]

Clause 20, new sub-clause (7)

* Mr. E. SANKARAN UNNI:—"I move the following amendment standing in my name:—

The following be added as a new sub-clause:—

"(7) If the kanam tenant refuses to pay additional kanartham which the landlord requires for a family necessity not exceeding the annual fair rent of the holding provided that the interest on such additional kanam at the rate specified in sub-section (c) of section 17 shall not exceed 25 per cent of the net profits of the land as calculated under sub-section (1) of section 17.

"When a kanam tenant is liable to eviction under this sub-section and the landlord sues to evict such tenant, if, at the first hearing of the suit or within such time as the court may fix, he pays into the court the additional kanartham together with the landlord's cost of the suit, the court shall dismiss the suit."

"Mr. President, Sir, this seems to be a very necessary clause to be inserted in this Bill. The condition of the janmis is this: they may have plenty of land, but if they want actual cash, they have got to wait for long periods before they can get any income. Very often occasion arises when money has got to be found. If you do not make any provision in this Bill to enable the janmi to raise such amounts of money, I am afraid the janmi will be in a very difficult position. Under the provisions of the Bill, there is nothing that a janmi can demand of the kanamdar except michavaram and the renewal fee. Therefore the janmi will be put to very great hardship and this is a fact which is well known, especially to the hon. the Law Member and also to my hon. Friend Mr. Raman Menon. The circumstance is not peculiar to the janmis of Malabar, but it is more or less the same in the case of landholders everywhere. Therefore some chance must be given to the janmi to borrow funds to meet difficult circumstances. I might give any number of instances. Sometimes, it happens that family property is put up for sale for arrears of land revenue. If there is no renewal available at the time, the karnavan of the family has to find the necessary money otherwise. If this Bill is passed, no kanam tenant would ever give anything more than what is prescribed in it and there will be no other source left to the janmi to raise the money when a dire necessity arises. Or it may be some other calamity befalls the family, as, say, the lands are flooded and the crops destroyed; or it may be a residential building has collapsed and the family may be in dire need of rebuilding it. The landlord would have to wait for 12 years to do any of these things and this, the House will I am sure admit, is not fair to the landlord. Therefore I hope this amendment would commend itself to the House. This amendment is really necessary in the peculiar social conditions of Malabar. I may also state in this connexion that my amendment is supported by unimpeachable authority. You find a similar clause in the Bill introduced by Mr. Krishnan Nayar.

"I suggest that the kanamdar should have a margin of three-fourths of the profits of an year left to him. The amount the janmi may borrow from the kanamdar should not exceed one year's fair rent and the interest thereon should not exceed 25 per cent of the profits. This in effect means that the janmi can borrow only small sums of money and the tenant will not have any difficulty in meeting the demand. I hope the House will consider the position that I have placed before it."

15th October 1929]

[Mr. E. Sankaran Unni]

The MUPPIL NAYAR of KAVALAPPARA:—"I second it."

* Mr. K. P. RAMAN MENON:—"Mr. President, I am afraid this amendment comes as a surprise to most of us. As a matter of fact, this amendment is introducing a new principle altogether. It enables the landlord to force the kanam tenant to advance sums of money from time to time, and thus it will disturb the tenants holding land almost frequently. Again it will be seen from the provisions as to renewal fee that the figure is arrived at by means of calculations based on the michavaram payable by tenant. If therefore the michavaram is enhanced as per this amendment, that will affect the rate of renewal fee and the adoption of this amendment will mean the dislocation of the other sections in the Bill. Then again what is a legal necessity is left unsettled, even though there are many decisions of courts on this matter. Every time when the plea of family necessity is trotted out by the janmi the tenant will have to go to court and dispute that claim. Under these conditions, I oppose the amendment."

The amendment was negatived.

Clause 22.

Sub-clause (1).

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I move the following amendment in clause 22, sub-clause (1):—

'For the words and figures "a tenant of a holding who is entitled to claim renewal in respect of it under sections 16, 17 or 18," the words "a customary verumpattamdar, kanamdar, or kuzhikanamdar" be substituted.'

"This is a verbal amendment which shortens the section and also saves the reader the trouble of referring back to other sections."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was adopted.

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, I move that—

'in line 5 after the word "entitled" the words "within two months after the expiry of his term" be inserted.'

"The clause as per my amendment would read thus: 'Notwithstanding any contract to the contrary (whether made before or after the commencement of this Act), a tenant of a holding who is entitled to claim renewal in respect of it under sections 16, 17, or 18 shall be entitled, within two months after the expiry of his term, to apply to the court in the form prescribed for the execution of a renewal deed.' Sir, I do not find in this Act any time-limit within which the tenant should apply for renewal. This would leave matters, so far as the janmi is concerned, indefinitely. For there is no knowing when the tenant would apply. He may apply whenever it is convenient for him, regardless of the convenience of the janmi. It stands to reason therefore that nothing is lost if the tenant is asked to apply soon after the expiry of the term. If the section is allowed to stand as it is, it would force the janmi to avail the pleasure of the tenant or file a suit for eviction. This will increase the number of eviction suits and lead to the increase of an evil which it is our desire to avoid."

The MUPPIL NAYAR of KAVALAPPARA:—"I second it."

The amendment was put to vote and declared lost.

[15th October 1929]

Mr. E. Sankaran Unni demanded a poll and the House divided thus:

Ayes.

- | | |
|---|--|
| 1. Mr. A. B. Shetty. | 10. Mr. K. R. Karant. |
| 2. The Muppl Nayar of Kavalappara. | 11. " P. Anjaneyulu. |
| 3. Rao Bahadur O. M. Narayanan Nambudripad. | 12. " T. Adinarayana Chettiyar. |
| 4. Mr. E. Sankaran Unni. | 13. " K. Uppi Sahib. |
| 5. " P. C. Venkatapathi Raju. | 14. " K. V. Krishnaswami Nayar. |
| 6. " Sami Venkatachalam Chetti. | 15. " A. Ranganatha Mudaliyar. |
| 7. " S. Satyanurti. | 16. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 8. " C. V. Venkatramana Ayyangar. | 17. The Maharaja of Pithapuram. |
| 9. " G. Harisarvottama Rao. | |

Noes.

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| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 23. Mr. V. I. Muniswami Pillai. |
| 2. The hon. Sir Thomas Moir. | 24. " S. Subrahmanya Moopamar. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 25. Rao Sahib R. Srinivasan. |
| 4. " Mr. A. Y. G. Campbell. | 26. Mr. A. Achutan. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 27. " L. K. Tulasiram. |
| 6. " Mr. S. Muthiah Mudaliyar. | 28. " K. Madhavan Nayar. |
| 7. " Dr. P. Subbarayan. | 29. " C. Ramasomayajulu. |
| 8. Diwan Bahadur P. Kesava Pillai. | 30. " K. P. Raman Menon. |
| 9. Mr. Hilton Brown. | 31. " C. Gopala Menon. |
| 10. " H. A. Watson. | 32. Rao Bahadur C. Natesa Mudaliyar. |
| 11. " A. G. Leach. | 33. " S. Ellappa Chettiyar. |
| 12. " J. Gray. | 34. Khan Bahadur S. K. Abdul Razaack Sahib. |
| 13. " S. V. Ramamurti. | 35. Mr. Muhammad Khadir Mohidin. |
| 14. " C. B. Cotterell. | 36. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 15. " V. Ch. John. | 37. Rao Bahadur K. Sitarama Reddiyar. |
| 16. " Syed Tajuddin. | 38. " B. Muniswami Nayudu. |
| 17. " J. Bheemayya. | 39. Mr. K. Sarabha Reddi. |
| 18. " R. Foulkes. | 40. " F. E. James. |
| 19. " P. J. Gnanavaram Pillai. | 41. " S. N. Dorai Raja. |
| 20. " K. Krishnan. | 42. " G. R. Premayya. |
| 21. " M. V. Gangadhara Siva. | 43. " V. Ramjee Rao. |
| 22. Rao Sahib L. C. Guruswami. | 44. " S. Arpudaswami Udayar. |

Ayes 17.

Noes 44.

The amendment was negatived.

Clause 24.

Mr. K. R. KARANT:—"Mr. President, Sir, I beg to move that for clause 24 the following be substituted:—

'24. If the application is not dismissed under sub-section (a) of section 23, the court shall

(1) determine

(a) the amount to be paid as renewal fee under sections 16, 17 or 18,

(b) the amount of each instalment under section 19, and

(c) the date on which each instalment was or will become due; and

(2) make an order for the deposit, within a time to be fixed in the said order, of

(a) the instalment or instalments due on or before the date of the order,

(b) interest at 12 per cent per annum on each such instalment from the date on which it became due or from the date of the commencement of this Act, whichever is later, and

(c) all arrears of rent with interest thereon at the contract date, if any, found due up to the date of the order if the landlord claims that any arrears of rent are due.'

15th October 1929]

[Mr. K. R. Karant]

"Sir, I beg to inform the House that the major part of this amendment is merely verbal amendment."

* The hon. the PRESIDENT:—"May I know how far the hon. Member has moved his amendment."

Mr. K. R. KARANT:—"I moved only clauses 1 and 2.

"Sir, there is only one new point in this amendment. Sir, this House voted in the course of the second reading on an amendment brought by me that if the tenant does not claim renewal immediately after the expiry, but comes later on, he must be asked to pay interest on the renewal fee. I moved that amendment without understanding the real state of things in Malabar, namely, that before this Act comes into force there are hundreds of kanams in which no renewals have been made. It was not my intention that in all these cases of 15 years or 12 years, interest should be paid at 15 per cent or 12 per cent. When I came to know of the real state of things, I brought an amendment and that was rejected. This amendment is only to do justice. I do not think it will be fair on the part of the jannmis in asking the kanamdars to pay interest for the period anterior to the Act coming into force. It was at my instance that the amendment was made, because I felt the House has not stipulated any period within which the start should be made. The effect of the present section is that a large number of kanams will be excluded from the operation of this Act. And I don't think the jannmis will take advantage of a mistake."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

* The hon. the PRESIDENT:—"There are some other amendments to clause 24." 1-15 p.m.

Mr. K. MADHAVAN NAYAR:—"I wish to move an amendment, Sir."

* The hon. the PRESIDENT:—"I cannot allow both the amendments to be moved. I have not selected them. The hon. Members must concentrate their attention on this amendment. The President is given the power of choosing the amendment, and I exercise my right in this matter, and I refuse to select them."

Mr. K. MADHAVAN NAYAR:—"I am not moving my amendment now. I shall move my amendment as an amendment to the amendment of Mr. Karant."

* The hon. the PRESIDENT:—"I am going to allow that. And what about the proviso? Will the hon. Member Mr. Karant now move a proviso to this?"

Mr. K. R. KARANT:—"I do not move anything more than that, Sir."

* The hon. the PRESIDENT:—"So, the other things will not be allowed to be moved. Mr. Madhavan Nayar may move his amendment to Mr. Karant's amendment which has just now been moved."

* Mr. K. MADHAVAN NAYAR:—"I move, Sir, to add a proviso to the section as now moved by Mr. Karant, which is as follows:—

'Provided that no such interest shall be payable if the landlord has refused a valid tender of the renewal fee payable under section 19 or if an application under sub-section (1) of section 22 has been dismissed under section 23 (a).'

[Mr. K. Madhavan Nayar] [15th October 1929]

"Now, Sir, I am not going to change the spirit of the original section or the amendment now moved by Mr. Karant. His amendment as it stands may work a hardship and a great injustice in this way. The janmi may deliberately refuse to receive the renewal fee, or an application made by the tenant under section 22 (1) may be dismissed on account of the janmi's opposition. If the application is made by the tenant for renewal and notice is served on the janmi, he has simply to say 'I want the land for my own cultivation', and the petition will be dismissed. It is open to him after the lapse of some years to come forward and claim the land on the ground that no renewal is taken. And even in such a case the janmi may be entitled to claim interest as the clause now stands. That will be sheer injustice. But according to my amendment, if a proper and valid tender has been made for the renewal fee and if the application under section 22 (1) for renewal has been dismissed under section 23 (a), the janmi will not be entitled to interest on that renewal fee. I therefore move this amendment and commend it for the acceptance of the House and I hope the Government and the Expert Member, Mr. Unni, will accept it. (Mr. Sankaran Unni:—'You need not appeal to me.') I shall appeal to you though you are callous."

* The hon. the PRESIDENT:—"May I remind the hon. Member of the necessity of addressing the Chair?"

* Mr. K. MADHAVAN NAYAR:—"I am sorry, Sir."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

Mr. K. P. RAMAN MENON:—"May I move an amendment, Sir?"

* The hon. the PRESIDENT:—"Yes, if it is in my hands."

Mr. K. P. RAMAN MENON:—"It is already there, Sir, i.e., for the figure and words '12 per cent' substitute the words 'six per cent'."

* The hon. the PRESIDENT:—"I understand Mr. Madhavan Nayar has moved only the addition of a proviso. It is division of labour, I suppose."

Mr. K. P. RAMAN MENON:—"Am I in order, Sir, if I move my amendment about six per cent?"

* The hon. the PRESIDENT:—"Certainly the hon. Member is not in order, Mr. Madhavan Nayar must move it, because the whole of it appears in my hand."

Mr. K. MADHAVAN NAYAR:—"I move it, Sir, and I request that it may be put separately."

* The hon. the PRESIDENT:—"That is left to the discretion of the Chair."

Mr. G. HARISARVOTTAMA RAO:—"I second the amendment."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, Sir, I am not prepared to accept the last amendment, that is, to substitute six per cent for 12 per cent. That matter has been already considered very carefully both by this House as well as by the Select Committee. As regards Mr. Karant's amendment, I shall be prepared to accept it. And as regards the proviso suggested by Mr. Madhavan Nayar, if he will insert the words 'on a renewal fee or a portion thereof' after the words 'no such interest', I shall have no objection to accept it."

* The hon. the PRESIDENT:—"Is the hon. Member moving it in the form in which he suggested?"

[15th October 1929]

"The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move that after the words 'no such interest' in the proviso moved by Mr. Madhavan Nayar, the words 'on a renewal fee or a portion thereof' be inserted."

Mr. P. ANJANEYULU:—"I second it."

* Mr. E. SANKARAN UNNI:—"Mr. President, Sir, it looks as if the Government are prepared to go to any length if they could only help the kanamdar. My hon. Friend Mr. Karant gets up in his place and says that he had made a mistake and wants to correct it. I may say, Sir, mistakes are not often made on the other side so far as I know, and no friend of the kanamdar has ever made a mistake, and if they err at all, they err on the side of the kanamdar. Mr. Karant says that for fifteen years and twenty years some kanams are not renewed at all. If so, may I know whose fault it is? Why should the kanamdar who enjoys an enormous rate of interest on his kanam fail to renew? My hon. Friend Mr. Karant may not be acquainted with the actual conditions of Malabar, and instead of coming and taking instructions from his neighbours if he takes instructions from me, he will not have to commit so many errors. I am sorry, Sir, that at this stage of this Bill important questions are being re-considered. If the question of renewal fee is to be re-opened for the consideration of the House, if this important question is going to be considered again and again by the Government, then I think the House will be justified in considering that . . ."

* The hon. the PRESIDENT:—"The Standing Orders do not provide for a fourth reading of the Bill."

Mr. E. SANKARAN UNNI:—"It is unfortunate that the 4th, 5th or even the 6th reading is not provided for in the Standing Orders. For then the Government will be finding it extremely convenient to have further and further opportunities of destroying the janmi. Our rights are to be taken away and if the fair rate of interest on unpaid renewal fee which the House has granted is also to be taken away at this the third reading of the Bill with the active connivance of Government simply because my hon. Friend gets up and tells the House that he has made a mistake, it is, to say the least, not fair. The Government have made up their minds to go on with this Bill, without paying any heed to the protests I have been making here. Nothing that I have said has ever appealed to Government. They are deaf to my entreaties. But any suggestion coming from the other side, however unjust, is welcome to them. I make a sporting offer to Government. I ask them to remove the provision for interest altogether; I ask them to move for the deletion of this clause. They are strong enough to carry out their intentions. I shall be the first to vote with them. That will be a more straightforward way."

* Mr. S. SATYAMURTI:—"Sir, to some of us who are standing by the Select Committee, it must be a matter of extreme regret that the Government go on accepting amendment after amendment, at this stage, thus upsetting the delicate compromise on which the Select Committee passed this Bill. I do not complain about it, because it is for the House to vote as it pleases. But the Government having a dominating voting strength, I do suggest that before they accept amendments on the advice of a colleague of theirs who, it seems to me, is certainly identified first with the kanamdar's aspect of this question and then anything else (A voice:—"Question"), they must pause and consider. That is my honest opinion about the hon. the Law Member, that he is a kanamdar so far as his opinions are concerned. (The hon. Diwan

[Mr. S. Satyamurti]

[15th October 1929]

Bahadur M. Krishnan Nayar :—“I am not a kanamdar at all”). I know, Sir, that he is a janmi. But his views are those of kanamdars. But what I say and repeat on this matter is that it would be very unsafe for the Government of Madras to go on accepting amendments at this last stage. We do not know what the implications of these amendments will be, even so far as the drafting amendments are concerned. And I think there ought to be six readings to this Bill (Hear, hear) before it can emerge in a grammatical form from this House. And I think the voice which spoke last should not be neglected even by the Government. You can change the Bill in favour of kanamdars with your voting strength. But what I would reiterate is that this Bill is not intended to do injustice to anybody, but only to solve the economic problem of Malabar and to promote the economic prosperity of the tenant. And it seems to me that both the House and the Government will be well advised not to accept amendments, except of a purely drafting nature at this stage. Otherwise, you will ruin the chances of this Bill.”

* Mr. K. P. RAMAN MENON :—“Sir, there is really no occasion for any heat being imported into this matter. I must say, Sir, that, as a matter of fact, Mr. Satyamurti with all his insight into the Bill was wrong when he stated that this amendment touches something that has been considered by the Select Committee. However, if I may be permitted to instruct him, this amendment with reference to the payment of the renewal fee, the necessity to make a demand and the consequences of failing to make a demand were actually sprung on the House by Mr. Karant. If hon. Members turn to the Bill as amended by the Select Committee and read this amendment side by side, it will be seen that this provision was not there. In sub-clause (ii) it is stated thus: ‘so much of the renewal fee as is then payable by the tenant under the provisions of section 19, with interest at 12 per cent per annum from the date or dates when the same or portions thereof become payable’. This is introduced in the Bill at the second reading by Mr. Karant. It was not in the original Bill as drafted by the Raghavayya Committee or as passed by the Select Committee. So that the hon. Member for the University is not correct when he stated that the Government is doing wrong when they accept amendments which are moved by this side of the House. As a matter of fact, Mr. Karant, after moving this amendment and after getting it passed by the House, found that in Malabar innumerable kanams remain unrenewed for 15 years and more, and Mr. Unni has not contradicted that statement of Mr. Karant and Mr. Karant wants to correct the mistake originally made and has sought to do so by this amendment. Hereafter, if this amendment is not carried when there is no renewal for a number of years, even though they have the right to claim interest for all those previous years, even though they accrued as due before the promulgation of this Act. That is not what was intended by Mr. Karant’s original amendment. There is sufficient reason for this and it is this. This Bill and this Bill alone it is that gives the landlord the right to claim renewal fee as a debt. If anybody has a conception of what a debt is, it is that interest accrues on it; and interest accrues on an amount only if it is a debt and not on an unascertained amount. No suit for renewal will lie in Malabar Law now, and it will become part of the law only after the Bill is passed. It may not be unprofitable to bring to your notice the provisions of the interest Act. It says interest is payable only after a demand is made. That is under Act XXXIX of 1855 or so. Otherwise no interest is payable at all. Unless there is a contract to pay interest, interest is payable

15th October 1929] [Mr. K. P. Raman Menon]

under the above Act. And it becomes a debt only if this Act comes into force. This Act enables the janmi to sue for the renewal fee, and makes what was hitherto an unliquidated amount a liquidated amount, a debt under the definition of debt. And it is quite reasonable to say that interest should be calculated only when the demand is made and when the demand ripens into a debt. I submit therefore that there is absolutely nothing wrong in the amendment proposed by Mr. Karant which the Government is prepared to accept.”

* The hon. the PRESIDENT :—“I may tell the hon. the Revenue Member 1-30 that there is no fourth reading of the Bill, and I do not know whether he p.m. thinks that the wording of the clause is satisfactory. I will now put first the amendment of Mr. K. Madhavan Nayar regarding the rate of interest to the vote of the House. The question is: in the amendment of Mr. Karant, for ‘12 per cent’ substitute ‘6 per cent.’

The amendment was negatived.

* The hon. the PRESIDENT :—“I will now put the amendment of the hon. the Revenue Member to the proviso of Mr. Madhavan Nayar. The question is: after the words ‘Provided that no such interest’, insert the words ‘on a renewal fee or a portion thereof.’”

The amendment was adopted.

* The hon. the PRESIDENT :—“I now put the amended amendment of Mr. Madhavan Nayar to the vote of the House, that is, to add the following as a proviso to the amendment of Mr. K. R. Karant :—

‘Provided that no such interest on a renewal fee or a portion thereof shall be payable if the landlord has refused a valid tender of the renewal fee payable under section 19 or if an application under sub-section (1) of section 22 has been dismissed under section 23 (a).’”

The amendment was adopted.

* The hon. the PRESIDENT :—“I now put the amendment of Mr. Karant as amended by Mr. Madhavan Nayar to the vote of the House. The question is: for clause 24, substitute the following:

‘24. If the application is not dismissed under sub-section (a) of section 23, the court shall

- (1) *determine*
 - (a) *the amount to be paid as renewal fee under sections 16, 17 or 18,*
 - (b) *the amount of each instalment under section 19, and*
 - (c) *the date on which each instalment was or will become due; and*
- (2) *make an order for the deposit, within a time to be fixed in the said order, of*
 - (a) *the instalment or instalments due on or before the date of the order,*
 - (b) *interest at 12 per cent per annum on each such instalment from the date on which it became due or from the date of the commencement of this Act, whichever is later, and*
 - (c) *all arrears of rent with interest thereon at the contract rate, if any, found due up to the date of the order if the landlord claims that any arrears of rent are due.*

[The President]

[15th October 1929]

'Provided that no such interest on a renewal fee or a portion thereof shall be payable if the landlord has refused a valid tender of the renewal fee payable under section 19 or if an application under sub-section (1) of section 22 has been dismissed under section 23 (a).'

The amendment was put and declared carried.

A poll was demanded, and the House divided thus :

Ayes.

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|--|--------------------------------------|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 26. Mr. R. J. C. Robertson. |
| 2. " Sir Thomas Moir. | 27. " S. N. Dorai Raja. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 28. " G. R. Premayya. |
| 4. " Mr. A. Y. G. Campbell. | 29. " V. Rameeswarar. |
| 5. Diwan Bahadur P. Kesava Pillai | 30. " J. A. Saldanha. |
| 6. Mr. Hilton Brown. | 31. " G. Harisavottama Rao. |
| 7. " H. A. Watson. | 32. " C. S. Govindaraja Mudaliyar. |
| 8. " A. G. Leach. | 33. " L. K. Tulasingam. |
| 9. " J. Gray. | 34. " K. R. Karant. |
| 10. " C. B. Cotterell. | 35. " K. Madhavan Nayar. |
| 11. " V. Ch. John. | 36. " P. Anjaneyulu. |
| 12. " J. Bheemayya. | 37. " C. Obi Reddi. |
| 13. " R. Foulkes. | 38. " C. Ramasomayajulu. |
| 14. " P. J. Gnanavaram Pillai. | 39. " T. Adinarayana Chettiyar. |
| 15. " Mahmud Sehamnadi. | 40. " K. Uppi Sahib. |
| 16. Subadar-Major S. A. Nanjappah Bahadur. | 41. " C. N. Muthuranga Mudaliyar. |
| 17. Mr. K. Krishnan. | 42. " K. V. Krishnaswami Nayakar. |
| 18. " N. Siva Raj. | 43. " C. Venkatarangam Nayudu. |
| 19. " M. Gangadhar Siva. | 44. " K. P. Raman Menon. |
| 20. Rao Sahib L. C. Guruswami. | 45. " K. R. Venkatarama Ayyar. |
| 21. Mr. V. I. Muniswami Pillai. | 46. " C. Gopala Menon. |
| 22. " W. P. A. Soundara Pandiyan. | 47. Rao Bahadur C. Natesa Mudaliyar. |
| 23. " S. Subrahmanya Moopanar. | 48. " S. Ellappa Chettiyar. |
| 24. Rao Sahib R. Srinivasan. | 49. Mr. Abdul Razack Sahib. |
| 25. Mr. A. Achutan. | 50. " Kadir Mohideen. |
| | 51. Rao Bahadur B. Muniswami Nayudu. |
| | 52. Mr. K. Sarabha Reddi. |

Noes.

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| 1. The Muppil Nayar of Kavalappara. | 5. Mr. S. Satyamurti. |
| 2. Rao Bahadur O. M. Narayanan Nambudripad. | 6. Diwan Bahadur R. N. Arogiyaswami Mudaliyar. |
| 3. Mr. E. Sankaran Unni. | 7. The Maharaja of Pithapuram. |
| 4. " Sami Venkatachalam Chetti. | |

Ayes 52. Noes 7.

The amendment was adopted and the substituted clause was added to the Bill.

The Council then adjourned for lunch.

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

Clause 25.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I beg to move the following amendment in sub-clause (2) (ii) of clause 25 :—

'For the existing item (ii), substitute the following.—

'(ii) pass, where necessary, an order directing the person entitled to the renewal deed to pay the landlord a further instalment or instalments of the renewal fee in accordance with section 19 with interest at six per cent per annum on each instalment from the due date to the date of payment, and.'

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" Sir, this is mainly a verbal amendment to make the clause clearer."

Mr. K. R. KARANT :—" I second it."

The amendment was adopted.

Clause 26.

* Mr. E. SANKARAN UNNI :—" I beg to move, that

'In sub-clause (2) of clause 26, the illustration be omitted.'

" The scope of the section is this, that when a janmi has got a kanamdar and a kanamdar a sub-kanamdar under him the kanamdar may grant a renewal to the sub-kanamdar for a period of 12 years. The kanamdar who has only a term of 6 years may give a renewal fee for a period of 12 years. But this right, according to the section, is subject to the right of the janmi to evict the tenant under section 20. Section 20 says that when the period granted by the landlord has expired then he will have the right to sue for eviction when he wants the land for his own bona fide purposes of cultivation or for raising a building for himself. In fact, under section 26, the right of the janmi or the landlord to evict the tenant on the grounds specified in section 20 other than the ground of non-payment of renewal fee will ensue when the term granted by the janmi has expired, irrespective of the fact whether the term granted by the kanamdar has expired or not. That is how the law stands, so far as section 26 is concerned. If you retain the illustration there will be a contradiction of the statement of law contained in the previous clause. Therefore, I move, that the illustration be deleted. If it is not deleted, there will be serious doubt as to the exact meaning of the words in the last four lines of clause (1) of section 26."

The MUPPIL NAYAR OF KAVALLAPPARA :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I am not prepared to accept the deletion of the illustration. It is purposely put in to make the section clear."

The amendment was negatived.

Clause 27.

* Mr. E. SANKARAN UNNI :—" I move, that—

'In line 3, for the words "under the provisions of this chapter" the words "after this Act comes into force" be substituted'

" I submit the renewal must be executed after the Act comes into force. This will remove whatever possible doubt there may be as to the character of the eviction."

The MUPPIL NAYAR OF KAVALLAPPARA :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, the substitution seems to be unnecessary. No renewal can be made under the provisions of this Chapter until the Act comes into force."

The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL :—" I move that

'in the last line for the word "section" the word "sections" be substituted.'

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The amendment was adopted.

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Clause 23.

Proviso.

* Mr. E. SANKARAN UNNI :—" I move that for the words 'under Chapter IV' the words 'effected after this Act comes into force' be substituted. The same reasons that I adduced on behalf of my previous amendment apply here also."

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

The amendment was negatived.

Clause 29 (1).

* The hon. Mr. A. Y. G. CAMPBELL :—" I move that in lines 3 and 4 for the words "as also the local cesses" the words "and the local cesses payable to a local authority" be substituted."

"Sir, it is purely a verbal amendment."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

* The hon. the PRESIDENT :—" According to section 88 of the Local Boards Act, cesses are not payable to the local authority; they are only payable to the Government."

The hon. Mr. A. Y. G. CAMPBELL :—" I withdraw the amendment."

The amendment was by leave withdrawn.

Clause 30.

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, I move that for clause 30 the following clause be substituted :—

- '30. (1) At any time after the expiry of twenty years from the date of an order fixing the fair rent in respect of a holding or from the date of the last confirmation or revision of such order under this section, the cultivating verumpattamdar or his immediate landlord shall be entitled to apply, in the form prescribed, to the court for the revision of such order so far as the fair rent is concerned.
- (2) On the receipt of such an application, the court shall, after notice to the landlord or the cultivating verumpattamdar, as the case may be, determine the fair rent and confirm or revise the order.
- (3) If the order is revised, the cultivating verumpattamdar shall be bound to pay rent according to the revised order from the beginning of the agricultural year next after the date of such revision.'

"Sir, this amendment is not intended to carry out any substantial alterations in the Bill. It is intended to make the clause somewhat clearer. In the clause as in the Bill there are two orders referred to and there are references to determinations and declarations. In order to make it clearer, it seemed better to recast the clause so that there may be only one order referred to. We still retain the provision that after such confirmation or revision, a fresh confirmation or revision may be applied for after the lapse of 20 years."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I second it."

The amendment was put and adopted.

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Clause 32.

* Mr. E. SANKARAN UNNI :—" Mr. President, I move to add the following as sub-section (b) :—

'When the michavaram of a kanam holding is less than the annual fair rent of such holding, the jarmi thereof may at the time of the renewal increase the michavaram to the extent of the balance left of the fair rent after deducting therefrom the interest on the kanartham and the revenue of the holding when it is payable by the kanamdur, provided that such enhancement shall not exceed 20 per cent of the michavaram payable at the date of such renewal.'

"Sir, this amendment seeks to provide for increasing the michavaram. The tenant is given the opportunity of revising the rent once in twenty years. In this Bill the janmi is compelled to accept for ever and ever the michavaram that is now payable. It means also that the renewal fee that would be payable to the janmi would continue to be exactly what it is now a hundred years hence. Sir, in a similar case, in the case of the kuzhikanam tenant, provision has been made for revision of rent once in twenty years. In the case of the verumpattam tenant also there is the right to revise the rent. But in the case of kanams the janmi has no right to revise the michavaram. This, I submit, is not reasonable and is not fair. If any hon. Member fears that Michavaram may be unduly increased and that the tenant may be put to loss, I would suggest this answer. Wherever there is an increase of michavaram there will be a corresponding diminution in the renewal fee payable. For, as the House is very well aware, renewal fee is calculated after deducting from it, michavaram, Government revenue and the interest on the kanartham. Therefore an increase of rent will naturally mean a decrease in renewal fee and there is this advantage to the tenant that he would not have to borrow large sums of money for paying renewal fee to the janmi. It very often happens that the tenant borrows and gets into trouble and eventually loses his holding. This provision, if accepted, will give the janmi a chance of increasing the michavaram without doing any sort of injury to the tenant. Not only that. It would provide the tenant a means of safety in that he would not have to borrow large sums of money for renewal fee. This is a very fair amendment and I hope this may be acceptable to the Government."

* Rao Bahadur O. M. NARAYANAN NAMUDRIPAD :—" In seconding this amendment and asking for its adoption, the House should bear in mind that no compensation of any kind has been provided for the janmi for depriving him of his proprietary rights. As far as the kanams are concerned, the rate of renewal fee provided is, in my opinion, very much lower than what the janmi is now getting and therefore the Bill is undoubtedly of a confiscatory character. I should therefore strongly urge that he should be enabled to enjoy the full benefits of his property which the Act allows him. He is entitled to the fair rent of a holding subject to the payment of interest on the kanartham and Government assessment. If he is allowed to claim it, he cannot have any reasonable objection to this measure. The kanamdur or the verumpattamdar under him need not be disturbed. Wherever fixity of tenure is granted to the tenant, fair rent also goes with it. In regard to kanams there ought to be a fair michavaram. As the kanamdur is entitled only to the interest on the money that he has advanced to the janmi and the value of

[Mr. O. M. Narayanan Nambudripad] [15th October 1929]

improvements made by him on a holding, he cannot reasonably object to this proposal. If he feels that his income will be thereby reduced, he can take up the cultivation in his own hands and enjoy the profits thereof. The principle of increasing rent or michavaram is accepted by the House in regard to kuzhikanams. To avoid such imminent hardship this amendment suggests that such increase shall not exceed 20 per cent of the michavaram payable at the time of such increase."

* The hon. Mr. A. Y. G. CAMPBELL:—"Mr. President, I am sorry I cannot accept this amendment in spite of the appeal of the Expert Member. This is a new principle which has not been embodied in the Bill, viz., that michavaram should be liable to enhancement. The scheme of the Bill is based upon the idea that michavaram should not be enhanced. Provision has been made for increasing the renewal fee."

The amendment was put and negatived.

Clause 34.

Sub-clause (3) (a).

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I am not moving the whole of the amendment under this clause, but only a portion of it as you suggested. I move—

'In line 5, for the word "and" occurring before the word "revenue" substitute the word "the" and in line 6, for the words "as also" substitute the word "and".'

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."
The amendment was adopted.

Clause 40.

Sub-clause (1).

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

'In line 3, for the word "in" substitute the word "of".'

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."
The amendment was adopted.

Clause 41.

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I move
'that in the penultimate line for the word "body" the word "authority" be substituted and in the last line for the words "other statute" the words "law for the time being in force" be substituted.'

"These are only verbal amendments, Sir."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was adopted.

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Clause 43 (2).

Proviso.

* The hon. Mr. A. Y. G. CAMPBELL:—"Sir, I move the following amendment:—

'After the words "person claiming restoration shall" insert the words "before such restoration is effected", for the word "transfer" in the penultimate line substitute the word "suit" and omit the words "before such restoration is effected" at the end.'

"Sir, the first and last of these amendments are purely verbal and the other though not purely verbal is really only consequential on an amendment made in the Bill by the Select Committee when they allowed the janmi the right to evict a tenant when he wished to have the land for building purposes. As this proviso now runs it only applies in the case of transfer of land which has been required by the landholder for the purpose of cultivation. The substitution of the word 'transfer' by the word 'suit' would make the proviso equally applicable to all cases."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

The amendment was adopted.

Clause 44.

* Mr. J. A. SALDANHA:—"Mr. President, I move—

'In the second paragraph of clause 44, omit the last sentence contained in the last four lines.'

"This clause refers to the surrender of holdings. It provides in the last sentence that when a holding is surrendered by a tenant he will not be entitled to the refund of the kanartham or the payment of the value of the improvements. I think this will hit the tenant very hard. If a tenant really does surrender the holding on which he has set his heart for centuries, it must be due to obvious reasons. The landlord must have been carrying on vexatious litigation against it. It is only such things that make the men surrender their holdings. In such cases, I think it is necessary that he should be entitled to the kanartham which has been taken by the landlord and the value of the improvements. I therefore move that this very harsh provision may be deleted."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL:—"I cannot accept this amendment. It is based upon the assumption that the holding is a valuable one and that the tenant would be entitled to compensation for his improvements. If the holding is valuable, the tenant will have the right to sell it. That right is given to him under clause 39 of this Bill. Therefore it seems to me quite unnecessary to lay upon the landlord the necessity for paying the kanartham and value of improvements in cases where the tenant chooses to surrender his holding to the landlord instead of selling his rights on it."

The amendment was put and negatived.

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Clause 45.

8 p.m. * The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move the amendment standing in my name which runs as follows

'For clause 45 substitute the following :—

"45. If (1) a cultivating kanamdar who consents to be redeemed or (2) a cultivating customary verumpattamdar who gives up his rights as such, desires to continue on the holding as a cultivating verumpattamdar, the provisions of this Act shall apply to him as if he were a cultivating verumpattamdar."

"This is purely a verbal amendment and I move it."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

Clause 50.

Sub-clause (1).

* The hon. Mr. A. Y. G. CAMPBELL :—"I beg to move *'that after the figure "XL" the words "of the first schedule" be inserted.'*

"Sir, this amendment is intended for the sake of accuracy as the orders referred to are included in the first schedule of the Code of Civil Procedure, 1908."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

The amendment was adopted.

Clause 51.

Sub-clause (2).

* Mr. E. SANKARAN UNNI :—"I beg to move *'that sub-clause (2) of clause 51 be omitted.'*

"The clause as it stands reads thus: 'Where any rent, michavaram or renewal fee payable under this Act is paid or is to be paid in money in whole or in part, paddy, coconuts and arecanuts shall be valued, for the purpose of determining the sum due, at the average market price of the previous five years as published under sub-section (1).'

"Sir, my reason for moving this amendment is this: that the average price that might be notified by the Collector may not be quite correct or accurate. I have examined a list containing the average price for five years and it works out in different ways. So far as the prices of coconut and arecanut are concerned, they are very high, far higher than the market price. So far as the price of paddy is concerned, I find it is 30 per cent less than the market price. You have conferred the rights of renewal and other rights on the tenant. The janmi is the only loser. I think the janmi must be allowed to enjoy his rent. If the market price is not to be paid, the tenant would have no inducement to pay the rent. He would like to wait until such time when the prices fall, so that he may pay at a lower rate. This arrangement does not exist anywhere else and I do not see any reason why it should exist in this Act alone."

The MUPPIL NAYAR OF KAVALAPPARA :—"I second it."

The amendment was put and negatived.

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Clause 53.

Sub-clause (3).

* Mr. MAHMUD SCHAMNAD :—"I beg to move the amendment that stands in my name as follows :—

Add at the end the words 'at the end of an agricultural year'. In the proviso in line (1) after the word 'be' insert the words 'given one month's notice and shall be'.

"Sir, clause 53 reads :

'Nothing in this Act shall affect the right of a janmi in any of his holdings—

(1) to make irrigation channels, footpaths, roads and ways into adjacent and other holdings;

(2) to work laterite and other quarries and

(3) to cut and remove the trees or enjoy the usufruct of trees and pepper vines belonging to him.'

"Sir, there is no section in the Bill which is as absurd and impracticable as this clause. I request the House to calmly consider this clause. What will be the effect of this clause? The janmi will be entitled to pluck and enjoy the fruits without giving any notice to the tenants. Under this Bill the tenant is given fixity of tenure. In spite of that here the janmi is given the right without the permission of the tenant who is in possession of the trees, etc., to go and pluck the fruits or cut the trees night or day, morning or evening, whenever he likes. The only consolation for the tenant is that he can go to a court and file a suit for compensation for damages done by plucking fruits, etc., from the janmi. It sometimes happens that the tenant who is in possession of the garden and the trees in it sells the coconuts and receives some money in advance; but he did not pluck the fruits from the trees and deliver them to the purchaser because at the time of selling they were not fully ripe. Before the time the fruits become fully ripe if the janmis are allowed to go and cut the trees or pluck the fruits, it would be very hard for the tenants. The tenant might invite some of his friends to partake some of his fruits with him but if the janmi is allowed to pluck the fruits at any time, it will be a sad disappointment to the tenant when he comes with his guests and sees that all the fruits have been taken away by the janmi. I hope my hon. Friend Mr. Satyamurti, who is always anxious to protect the interests of the tenants will come forward and strongly support my amendment. If this amendment is not carried and if the clause is left as it is, serious consequences may arise, because it was stated by some of the members that the Mappillas in Ernad and Walluvanad are very excitable and if things such as I have described were to take place and if the janmis were to cut away the trees or pluck the fruits without giving them notice, the Mappillas might come down upon the janmis and very serious consequences would follow. So I request the hon. the Revenue Member to consider this question calmly and accept my amendment."

Mr. K. KRISHNAN :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I am not prepared to accept this amendment. This clause is intended merely to safeguard certain rights of the landlords. I have not heard of any complaints on this point and in spite of what the hon. Mover of the amendment has said, I do not think the janmis have abused their power in this respect before, nor do I anticipate

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they will do so in future, to any greater extent than in the past or to such an extent as to require a limitation of their exercise of that power. I cannot therefore accept the amendment."

The amendment was put and declared lost.

Mr. Mahmud Schamnad demanded a poll and the House divided thus:

Ayes.

- | | |
|------------------------------|--|
| 1. Mr. Mahmud Schamnad. | 8. Mr. L. K. Tulasiram. |
| 2. " K. Krishnan. | 9. " D. Narayana Raju. |
| 3. " N. Siva Raj. | 10. " K. Madhavan Nayar. |
| 4. " V. I. Muniswami Pillai. | 11. " C. Obi Beddi. |
| 5. " J. A. Saldanha. | 12. " C. Ramasomayajulu. |
| 6. " G. Harisarvottama Rao. | 13. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 7. " Abdul Hameed Khan. | |

Noes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 24. Mr. A. Achutan. |
| 2. " Sir Thomas Moir. | 25. " E. Sankaran Unni. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 26. " G. E. Wood. |
| 4. " Mr. A. Y. G. Campbell. | 27. " S. N. Dorai Raja. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 28. " S. Arpudaswami Udayar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 29. " K. Ramachandra Padayachi. |
| 7. " Dr. P. Subbarayan. | 30. " G. R. Premayya. |
| 8. Mr. Hilton Brown. | 31. " V. Ramjee Rao. |
| 9. " H. A. Watson. | 32. " Sami Venkatachalam Chetti. |
| 10. " A. G. Leach. | 33. " S. Satyamurti. |
| 11. " J. Gray. | 34. Diwan Bahadur R. N. Arogyaswami Mudaliyar. |
| 12. " S. V. Ramamurti. | 35. Mr. K. Uppi Sahib. |
| 13. " C. B. Cotterell. | 36. The Maharaja of Pithapuram. |
| 14. " V. Ch. John. | 37. Rao Bahadur C. Natesa Mudaliyar. |
| 15. " Syed Tajudin. | 38. Mr. P. T. Rajan. |
| 16. " R. Foulkes. | 39. Rao Bahadur S. Ellappa Chettiyar. |
| 17. " P. J. Gnanavaram Pillai. | 40. Khan Bhadur S. K. Abdel Razaek Sahib Bahadur. |
| 18. The Muppil Nayar of Kavalappara. | 41. Mr. Kadir Mohideen. |
| 19. Mr. J. Kuppuswami. | 42. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 20. Subadar-Major S. A. Nanjappa Bahadur. | 43. Rao Bahadur K. Sitarama Reddiyar. |
| 21. Rao Bahadur O. M. Narayanan Nambudri. | 44. " B. Muniswami Nayudu. |
| 22. Mr. S. Subrahmanya Mooppanar. | 45. Mr. K. Sarabha Reddi. |
| 23. Rao Sahib R. Srinivasan. | 46. The Zamindar of Mirzapuram. |
| | 47. The Kumararaja of Venkatagiri. |

Ayes 13. Noes 47.

The amendment was negatived.

Clause 54.

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move the following amendment:—

"In the 2nd line of sub-clause (2) for the word "powers" substitute the word "power".

Proviso.

"For the proviso, substitute the following sub-clause:—

"(3) All rules made under this section shall be placed on the table of the Legislative Council while it is in session for a period of not less than three months before they come into force."

"The object of this change is to make it clear that the proviso applies not only to the rules made under sub-clause (2) but also to the rules made under sub-clause (1). I believe that is the intention of the House."

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The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second the amendment."

The amendment was adopted.

The hon. the PRESIDENT:—"In order to give the last chance to Mr. Saldanha, I select the amendment of Mr. Sankaran Unni."

* Mr. E. SANKARAN UNNI:—"I beg to move, Sir, the following amendment:—

"Add the following as a new clause:—

"Nothing contained in this Act shall affect or reduce the janmi's share of the compensation payable under the Land Acquisition Act, 1894, when lands held on verumpattam of every descript on or kanam or kushikanam are acquired under the said Act."

"Sir, I have doubts as to what the effect will be of this Act on our rights when lands are being acquired under the Land Acquisition Act. We are anxious to preserve such rights as we possess in the land, even when the Act comes into force. At present our rights are pretty well defined. I hope they will still be reserved for us under this Act."

The MUPPIL NAYAR of KAVALLAPPARA:—"I second the amendment."

The amendment was put and negatived.

New clause after clause 54.

* Mr. E. SANKARAN UNNI:—"Sir, the last amendment to the last clause, which I wish to move, runs this way:—

"Notwithstanding anything contained in this Act the janmi of a holding shall be entitled to one-fourth of the value of the trees in such holding when such trees belong to the tenant when they are cut and sold."

"It is the universal custom in Malabar for janmis to get 25 per cent of the value of the trees although the tenant may be the owner of these trees. (Mr. K. P. Raman Menon:—Question.) It is very difficult to convince my hon. Friend on the other side. I will make a statement of fact. It is usual for the janmi to get 25 per cent of the value of the trees when they are cut and sold. A large number of janmis there are who collect considerable sums annually in this way. If my hon. Friend, Mr. Raman Menon, questions the correctness of this fact I will only say that he questions every fact that is put forward from this side, because it is of great advantage for him to do so. However, it will not be denied that an allowance of 25 per cent is made in favour of the janmi in calculating compensation on eviction. I ask that that principle may be recognized here."

The MUPPIL NAYAR of KAVALLAPPARA:—"I second the amendment."

* Mr. K. P. RAMAN MENON:—"Sir, I am in good company when I question that statement, for the Madras High Court, in a case reported in I.L.R. 24, Madras, 47, has by a Full Bench ruling held that all trees raised by the tenant can be cut and sold by him without paying a single pie to the landlord. It is not admitted that the janmi has power to get any portion of the sale amount. He is of course entitled to get when the case falls under the Improvements Act. One-fourth of the share is deducted in order to

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cover any deficiency or rise in value that may arise. It is not law to say that the janmi is entitled to get one-fourth of the value of the trees when such trees belong to the tenant and when the trees are cut and sold."

* Mr. K. MADHAVAN NAYAR :—"Sir, how far the statement of my hon. Friend, Mr. Sankaran Unni, is correct may be tested by this statement made by the Raghavayya Committee. They say in the report: 'Under the customary law the tenant has right to cut down all trees planted by him.' Nothing more need be said on the point."

* Mr. E. SANKARAN UNNI :—"It is not stated that nothing need be paid to the janmi."

* The hon. the PRESIDENT :—"Does the hon. Member (Mr. Sankaran Unni) propose to reply?" (Laughter.)

The amendment was put and negatived.

* Mr. J. A. SAIDANHA :—"Sir, I beg to move the following amendment :—

Add the following as a new clause after clause 54 :—

"55. The Local Government shall prepare a record of rights of the holdings with a fixity of tenure or other holdings entitled to fixity of tenure on renewal under the operation of this Act".

"There is provision in the Estates Land Act for preparing a record of rights. This Government wanted to bring forward a Bill to prepare a record of rights in this Presidency with regard to ryotwari lands. The Government prepared the Bill and sent it round to all the members to obtain their opinions. I was told in answer to a question that only one member was in support of that Bill. It was myself (loud laughter). I am told that, at the recent resurvey of the districts of Malabar and South Kanara, the Government have gone so far as to completely ignore the existence of permanent tenure in South Kanara. The same procedure has been followed in the case of Malabar also. They ignore the existence of kanam tenants. There is no provision for making a survey of these holdings and for recording the rights of the permanent tenants that are to be created under this Act. I think it is quite desirable that there should be provision in this Bill for preparing a record of rights. I therefore beg to move that this provision be added to the Bill. Rules have to be made by the Government under clause 54 and these rules will provide how the records should be prepared and to what extent. I hope this amendment will meet with the approval of the House as well as the Government."

Mr. SAMI VENKATACHALAM CHETTI :—"Sir, I have much pleasure to second this amendment."

* The hon. Mr. A. Y. G. CAMPBELL :—"I regret, Sir, very much I cannot accept this amendment. One of the principal objects of the Bill is to give fixity of tenure to the verumpattamdar; certain rights have been given to kuzhikanamdars, etc. We hope that the landlords or the tenants will not have recourse to any outside authority but will settle matters of dispute among themselves. I do not think it is necessary to hold an enquiry and prepare a record of rights, because everybody will then be forced to go and put forward their claims to the revenue officer who will prepare the record of rights, and this will precipitate the dissensions between landlords and tenants which we wish to avoid as far as possible. I submit that I cannot accept this amendment."

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The amendment was put and negatived.

* The hon. Mr. A. Y. G. CAMPBELL :—"Mr. President, Sir, I now put forward my proposition that the Bill be passed into law. I do not think, Sir, it is necessary for me, at this stage, to repeat to the House the principles on which the Bill has been drafted or to draw the attention of the House to the main provisions that have been embodied in the Bill. Hon. Members of this House have taken a very deep interest in this Bill. I should only like to express, Sir, my thanks and my appreciation of all the assistance which I have received from Members of this House on all sides in connexion with this Bill and especially to the Chairman and Members of the Select Committee. One cannot help being struck by the very remarkable way in which this Bill has been dealt with by this House. There has been a clear and definite desire on the part of every Member of the House to deal, as fairly as possible, with all parties who are going to be affected by the Bill. Voting on this Bill has taken place, independently of party considerations, and the same Members have been supporting sometimes the janmis and sometimes the tenants. I think that there has been a general feeling of sympathy with the actual cultivator; but there has also been the feeling that, while the tenant is given certain rights and while he should be saved from oppression, we should not be unduly severe upon the landlord, and that we should see that the landlord should be given a fair and reasonable share in the produce of the land which he possesses. Those, Sir, are principles which all Members of this House had in their minds. I hope that this Bill will be of lasting benefit to the district of Malabar, will bring about better relations between the landlords and the tenants, that improved methods of cultivation will be adopted and that prosperity will increase throughout the district."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second the motion."

* Mr. E. SANKARAN UNNI :—"Sir, I wish I could share the hope that was expressed by the hon. the Revenue Member that things in Malabar will improve and get better as a result of our enterprise here. For myself I feel that the hon. the Revenue Member and the Government have brought into Malabar a sword and not peace. The Bill that we have passed to-day is a Bill that will set the landlord against the tenant and will disturb what little harmony there is in Malabar between these two classes of people. But, Sir, that is a matter which will have to be tested by future events. No prophecy which he may make or I may indulge in may come true; but I do trust and hope that his prophecy will become true and mine will become untrue. All the same, I feel that the hope that he entertains is not quite warranted; and I proceed to place before the House certain facts to show why I consider that the Bill now before the Council is not acceptable to the janmis."

"Sir, in the first place, I wish to submit that this Bill, in spite of the fact that we have spent nearly three weeks on it in this House, is a piece of hasty legislation. The Bill was first published on the 30th July 1929. It came on for the second reading on the 24th September; and even the three months' period which is usually allowed to elapse between the publication of a Bill and its coming up here for the second reading did not elapse in this case. Well, Sir, the Select Committee made great changes in the Bill. Although it did not think it necessary to republish the Bill in order to give information to the public as to what changes had been made, it is a curious fact—a fact

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which cannot be denied—that many Members of the House when they came in to take part in the divisions or to discuss the Bill, were not in a position to give an intelligent vote on the questions submitted for decision. (Honourable Members: Question.) Sir, I cast no reflection on anybody, but I make only a statement of fact, and that statement of fact would be supported, I am sure, by many Members opposite. For, it was very often complained on the floor of the House that Members did not know what they were doing; and I also suspect that many responsible Members in this House were in an equally sad predicament. They did not know what the Bill contained, and therefore were not in a position to give an intelligent vote. The Raghavayya Committee report on which this Bill is based, had not been circulated to Members of the House. If the report was the basis on which the Government brought forward this Bill, then they ought to have circulated that report to the Members. (Hon. Members: It was circulated.) I submit that the report was not circulated at the early stage, and when Members came to this House to vote on or to discuss the provisions of the Bill, they had not the necessary material before them and the Government did not place the report before them, to enable them to give an intelligent vote. As I submitted already, I do not cast any reflection on the votes of the House; because I know that within the limits allowed to it, the House has been extremely anxious to do its best by all parties. I consider that some of the decisions arrived at are detrimental to the interests of the class to which I belong; but all the same I would not be a party to any statement that the House has not dealt with the janmis fairly and in a way in which a responsible House like this ought to and is expected to do. Let no one misunderstand the statement I have made, because I cast no aspersion. . . .”

Mr. J. A. SALDANHA:—“On a point of order, Sir. He is casting aspersion and yet he is saying ‘I am not casting any aspersion’. He blames not only the Members for their views, but he says the whole House has not properly appreciated the Bill.”

* The hon. the PRESIDENT:—“If I heard him aright, he said that certain Members of the House voted without understanding the implications of the provisions of the Bill. If he said ‘the whole House’, then it would be a serious matter. Perhaps what he said includes himself.”

Mr. E. SANKARAN UNNI:—“I am not surprised, Sir, that the hon. Member has got up to protest, because he thinks that it was he whom I meant. . . .”

Mr. S. SATYAMURTI:—“I submit, Sir, that my hon. Friend is not right in casting any reflection on any Member of the House: and certainly if he indicates any particular Member, he is wholly out of order.”

* The hon. the PRESIDENT:—“If the hon. Member referred to any particular Member . . .”

Mr. G. HARISARVOTTAMA RAO:—“He now referred to Mr. Saldanha, Sir.”

* The hon. the PRESIDENT:—“I did not hear the hon. Member. If he has particularly referred to Mr. Saldanha, I request the hon. Member to withdraw the statement, before he makes his exit out of the Council. (Laughter.)”

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* Mr. E. SANKARAN UNNI:—“Sir, nothing will give me greater pleasure than to conform to the rules of procedure in this House, and to withdraw any statement that is in the least calculated to injure the feelings of any hon. Member of this House; because the House has been more than indulgent to me. It is not my intention to hurt the feelings of any hon. Member here; but if in my inexperience I had used words which would wound the feelings of anybody here, then I request the House will certainly excuse me and allow me to proceed. (An hon. Member: Yes, because this is your last speech.) Why, I hope I will yet come here, and this may not be my last speech here.”

“Sir, I shall now place before the House a few facts to show what exactly would be the results of this Bill, as I conceive it to be. In the first place, I submit this is an exceedingly unworkable Bill. Take the definition for instance, of a ‘customary verumpattamdar’. There are many definitions in this Bill which are bad; but the definition of the ‘customary verumpattamdar’ does not apply to the class of tenure to which the definition is designed to apply.”

* The hon. the PRESIDENT:—“May I point out to the hon. Member that this is not the occasion to make a comment on the provisions of this Bill?”

Mr. E. SANKARAN UNNI:—“I was simply pointing out the provisions in this Bill which make it incumbent on me to oppose the motion. I was submitting that the Bill contains a clause which is intended to apply to a large class of tenures but which does not apply to them because a great mistake has been committed in the drafting of the definition. I may now be permitted to read that definition—

‘Customary verumpattamdar means any verumpattamdar who is entitled by custom of the locality in which the land is situate to possession of the said land for a definite period of years. . . .’

“Sir, I make this statement with a full sense of responsibility, and I leave it to the Government to contradict me, if they can. The statement is this: that there is no such local custom, that there is no such custom in any locality applicable to all the holdings situate therein. Wherever there are customary verumpattam lands, they are situated in the midst of other lands also, and there is no locality where only the customary verumpattam lands are situate. The House may be well aware that a local custom implies that every holding that is situated in that locality will have the custom attached to it. If there is a locality in which there are different kinds of holdings and if any special custom attaches to any particular holdings that custom, I say, does not attach to every holding that is situated in that locality; and there is no meaning in describing that custom as a local custom. It may be a custom of the holding. Therefore, I say the provisions of this Act which are intended to apply to customary verumpattam lands will not apply to such lands, because there is no local custom with regard to all such lands. That is one point which I hope the House and the Government will remember.

“Sir, I submit this Bill is unworkable from many points of view. As I have already pointed out, the definition’s portion is one. The pivotal point in this Bill is the fair rent proposition. It is not known how it will be possible to arrive at the gross produce of a land for three past years. There is no data available, so far as I am aware, and there is no custom in the country by which the produce of a particular field is divided between landlord and tenant. There is no traditional division of produce. We will be turning the whole country into a land of litigation and driving people to the courts as a

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result of this Bill. Sir, it would have been so very much better if the House had accepted the amendment that was proposed in this House, to the effect that the present rent might continue as fair rent for a period of six or twelve years, with a provision for checking any increase in rent, as was suggested by my friend Mr. Shetty. This Bill does intense injury to the verumpattamdar whom it professes to protect. In stating that a verumpattamdar may have all the lands that are now included in his holding, we have done him a great injury; because there are, as I pointed out the other day, large and extensive dry lands on which he is now paying no rent at all and the moment this Bill comes into force and three times the Government revenue is assessed on them, he will be compelled to pay as rent large sums of money thereon. When I pointed out to the House the injury that would be done to the tenant by allowing him to keep lands which are not absolutely necessary for cultivation of the wet lands, the House simply laughed at me; but I repeat now that that is an injury which has been done to him and that it is a very serious injury. It may not be easy for him to recover from that position. The verumpattamdar may not be my special love; but yet I say that the House should have protected him against such a danger.

"Sir, even in Bills which did not see the light of day, people had not the courage to include provisions such as those included in the Bill which is now before the Council. Government themselves have all along been consistent opponents of all such ideas; and yet to-day we have got a Bill just on the verge of being passed into law which more seriously infringes the interests of the janmis than any previous attempt at legislation.

"Sir, the renewal fee is to be calculated on the basis of the fair rent. The presumption is that the current rents are always higher than what the fair rent is likely to be. The kanamdar gets the right to rackrent the tenant for a period of twelve years, while the janmi, at the time of the renewal is to base his calculation on the fair rent. How can this provision work at all? How can fair rent on a property be assessed except under the conditions mentioned in the Bill? Section 12, I believe, allows an immediate landlord of a cultivating tenant to go to court and have the fair rent fixed. Supposing the kanamdar who renews is not the immediate landlord of the cultivating tenant, how is the fair rent on the property to be assessed, I should like to know. There is no authority given to a tenant who is directly under the janmi but who has got a sub-kanamdar under him to enable him to bring the cultivating tenant to court; and the immediate landlord is not an interested party either, for, he is not dealing with the janmi. Therefore, it is just possible, two fair rents may be fixed for the same property. Fair rent when a renewal is effected may be one amount; and fair assessment arrived at between the cultivator and the immediate landlord who is sued or and his immediate landlord may be another. The former may be assessed at a lower rate for the benefit of the kanamdar when he renews with the janmi; and one may depend upon it that it will be higher when the kanamdar renews with his under-tenant.

"There is another unwelcome aspect to this Bill. I say this Bill is a large bundle of contradictions, especially Chapter IV. Chapter IV, section 17—hon. Members will remember—lays down that renewal is for a period of twelve years, and the renewal fee also is to be paid for a period of twelve years. Section 17 is the section relating to renewal of kanams, and section 18 relates to the renewal of kuzhikanams. That section also lays down the same principle, and renewal cannot be obtained except by paying the prescribed fee in instalments under section 24. Section 26—I won't trouble the House by

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reading the whole section, I shall only give the gist of what it says—lays down that a kanamdar may grant a renewal to his sub-tenant over the head of the janmi and he may grant it for even a longer period than he himself has. The janmi is to get only the proportionate renewal fee, and even that fee is to be got piece-meal for shorter terms than twelve years. I trust the House has understood the position. Under section 17, a renewal can take place only for a period of twelve years and that too on payment of renewal fee. Under section 26, we are providing for renewals which may be for shorter terms and that too, not granted by the janmi himself but by another who can, if he chooses, give renewal for longer terms than he himself has. When such renewal takes place, the janmi is entitled to get only a proportionate share of the renewal fee. Therefore, the idea of a renewal for twelve years vanishes. You can have renewals of all sorts for all sorts of periods, that is, from one year to twelve.

"Sir, then there is a further fact that this renewal fee may be paid by instalments. I do not know if the House contemplated the idea that when a renewal is granted by or is imposed upon the janmi, the janmi should have the right under section 26 to collect the renewal fee only in instalments. If that is so, a more serious injury to the janmi can hardly be imagined. As I pointed out a little while ago, section 20 enables a janmi to evict a tenant when he wants the land for his own cultivation purposes; but under section 26 the kanamdar has got the right to grant a renewal for a period of twelve years. Can a janmi evict a kanamdar or a person under him before that period of twelve years granted to the sub-tenant has expired? It was in view of this difficulty that I sought to have the illustration deleted. As the illustration stands part of the Bill, it contradicts the main provisions of the Bill. If the main provisions of the Bill are good, then the illustration is bad and if the illustration is going to be operative, then, the main provisions of the Bill become useless.

"Then, Sir, I invite the House to look at the procedure prescribed in Chapter IV. Section 20 gives power to the kanamdar to apply for renewal, but no time-limit is fixed. There was time-limit in the Bill introduced by Government. According to section 23 (a), the application made by a kanamdar for a renewal may be dismissed, if the janmi claims the land for his own purposes; then section 23 (b) allows the tenant to come in with a fresh application if the janmi sues for eviction on the ground that no renewal fee has been paid and no renewal has been taken. So, what is the object of putting in that section? Is it the suggestion of anybody that any landlord when he sues for the eviction of a tenant will confine his plaint to that one ground, namely that he has not paid the renewal fee? The only result of this section is this; there will be an application, a suit, a fresh application, and so on. The only object seems to be to increase litigation and to create trouble between the landlord and the tenant. However, it will harass the janmi by driving him to court to sue for eviction and thus allowing the tenant to deposit the renewal fee. Eviction suits are costly proceedings involving the payment of heavy court fees. After the janmi has incurred heavy expenditure and filed a suit for eviction the tenant is allowed to evade the consequences of it by offering to take a renewal.

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applicable to the whole of Malabar. I am exceedingly glad that the janmis of North Malabar have been saved from this Bill, though not entirely, at least in some part. However, that may be, this shows the absence of a system of thought behind this Bill. First they come in with proposals that are intended to be applied to the whole of Malabar and as soon as they examine the provisions, they find that they cannot apply to the vast majority of the kanam holdings in North Malabar. The Government knew,—they ought to have known—that the kanam in North Malabar is a different thing from the kanam in South Malabar. They now seek to restrict operation by dropping portion after portion, and taluk after taluk. Yet they have retained the original words that 'it shall extend to the whole of Malabar.' It was objected in regard to another Bill, when it was opposed by Sir Thomas Moir, that if the Bill excluded half Malabar, it is not a Bill at all. I suppose, it is with a view to avoid such criticism that it is said to extend to the whole of Malabar. But we all know that it does not and cannot so apply.

"I have dwelt at considerable length on more than one occasion on the injury this Bill has done to the janmi in respect of the renewal fee and I do not think I shall be justified in repeating any of those arguments. I will not repeat any one of the arguments that have been advanced before. I will only say this with regard to the two and one-fourth times: that nearly three-fourths of the value of the janmi's rights has been lost and that the kanam tenant becomes the owner of three-fourths of the property. Loss of pepper, where it is not the principal crop; loss of minor produce on garden lands such as fibre, leaves, etc.; loss of palmyra, tamarind, jack, mango, etc., even where they actually belong to the janmi; all these are unnecessary injuries inflicted on the janmi. That the property that belongs to the janmi should be given to him is not a principle that offends against any notion of justice or fair-play. No cultivating tenant has ever objected to it. He is much fairer and more reasonable than his doubtful friends here. The reason that is sought to be urged is that the Select Committee rejected it. Even though the Select Committee had rejected it, yet the Council I believe would have restored it, if the Government had agreed to it.

"But I may be told that section 53, as we have passed it, helps the janmi in this respect. Now, section 53 lays down that if by the taking away of the usufruct, there is loss of profits to the tenant, then there will be a corresponding reduction in rent or michavaram. Therefore, section 53 is really no answer to my charge that the janmi's properties have been confiscated without making any provision for compensation.

"Sir, two-thirds of the immovable property in Malabar belongs to the sthanis and the devaswams. By the use of the words 'who have a proprietary or beneficial interest therein,' they will be excluded from the beneficial operation of the clause that allows the janmi to redeem the property for his cultivation by himself or a member of his family. Now all this deprivation has gone to the benefit of the kanamdar and the kanamdars in Malabar have acquired or will acquire two-thirds of the immovable property in Malabar without paying even a pie as compensation. Take for instance the case of a janmi like the Zamorin. He is a sthani and a gentleman past the age of 75 or 78 and there are many like him. The chance of any one of these janmis evicting the tenants in order to carry on cultivation by himself is known to be utterly impossible to gentlemen opposite. This is a provision which the janmi may not be able to take advantage of at any time. Therefore it is that this

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provision has been put in. The exclusion of devaswam lands is equally objectionable. Many of the lands have been bought by the janmis with their own private money and it is unreasonable to prevent the janmis from evicting strangers for the benefit of the members of their families. The result is that to-day the kanamdars are gifted with two-thirds of the immovable properties in the district.

"There is another handicap that has been placed on the janmi. The right of redemption would have been exceedingly valuable if certain of these impositions have not been made. Take the clause against mortgage with possession. It is likely, as was suggested, that the provision may be abused but because there is a likelihood of a provision being abused, you ought not to inflict so serious an injury on a class who are the owners of the property. When you lay down that a janmi shall not have the right to mortgage his property with possession to his creditor, you practically and effectively prevent him from evicting the kanamdar. The janmi as I have already submitted, has very little fluid capital of his own; he has got to go about borrowing for meeting the outlay required for eviction. And lenders prefer to have the security of mortgage with possession as interest will not fall into arrear. The right to resume with all the impediments, is really futile and cannot help the janmi at all. Not that I am against it; that is the only concession we have received. But as the Bill stands, there is no possibility of any kanamdar being evicted from his property so long as the provision preventing borrowing the requisite capital remains part of this Bill.

"Another injury that has been inflicted is the refusal of the right to increase the michavaram. There was provision for it in Mr. Krishnan Nayar's Bill. The kanamdar may increase his rent once in twenty years, but the janmi is confined for ever to the receipt of the present low michavaram. This is, by far, the most unjust provision in the Bill. May I submit that this is a Bill that is designed in its essence to benefit only one class of people in Malabar and that is the South Malabar kanamdars. The Government have not felt any difficulty and my hon. Friends opposite have not also felt any difficulty in allowing slices to be taken away where North Malabar was concerned, but when it came to the question of the South Malabar kanamdar, there is not one of them who was ready to fight and that is very natural. A class has grown up in South Malabar as a result of the land system that has prevailed there, a class that is now so rich, so powerful and so influential that it cannot tolerate the idea of a janmi at all and it is impatient to get rid of him by fair means or foul. They want social prestige and influence. They would have been quite prepared to pay for it if the Government had thought it worth while to ask them to do so. But Government are now ready to make them a free gift of other people's properties, although so very recently as 1926 they were of opinion that the kanamdars, as a class, were middlemen, mere nobodies who deserved no consideration at all. There is nothing strange in my hon. Friends opposite being ready to pocket the legislation and run away to Malabar. It is a sensible thing to do. I am not quite sure that I would not do what they are doing if I found myself in such a profitable and advantageous situation. I do not blame them. I however thought there was a party here that was just and inclined to look after people who were helpless as we are. (Mr. Sami Venkatachalam Chetti: Misplaced confidence.) Perhaps, it is. But I am not ready to walk into the parlour of my hon. Friends opposite. I do not want to be between the unmentionable one and the deep sea.

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"Sir, there is no precedent for this Bill. Nobody ever suggested that every class of kanamdars should get it. For the first time it was introduced in Mr. Krishnan Nayar's Bill. Even there a nice distinction was made between cultivating and non-cultivating kanamdars and between kanamdars who had held lands before 1852 and who had come in subsequently. Now, for the first time every class of kanamdars, be he a melcharthdar or not, is entitled to hold lands and get all the benefit of the Bill against the janmi. Not one person who has written or spoken on this subject has ever said one word in favour of such a proposal. I do not mean to say that Government have referred this Bill to their officers, but Mr. Krishnan Nayar's Bill was in essence just what this Bill is. That Bill had the advantage of being circulated among many officers of Government, and public men. No one will suggest that the Englishman is more fond of the janmi than the middle-class men in Malabar. Every one of them, Collector after Collector, except, I believe, Mr. Innes, who is now the Governor of Burma, every officer of Government who has held any responsible place, including Members of Government, condemned proposals of this kind in terms which I dare not use. I will only say that they have all condemned it in very ugly terms. Such a Bill has been accepted by Government and is about to be placed on the Statute Book. I am sure the hon. the Revenue Member's hopes will be fulfilled by one class of people in Malabar—the kanamdars. So far as the janmi is concerned he will disappear from the field in course of time, leaving Malabar in the undisturbed possession of the New Ruler.

4 p.m. "Sir, by this legislation the House is taking away the property of the janmis and passing it on to a class of people who have no right to hold it. They are as much absentee landlords as the janmis are. If we do not cultivate our lands, they too do not cultivate the lands. So it does not seem to be in any way improving the economic condition of the district to confer fixity of tenure on the kanamdars. None of the benefits derived by them from the land goes back to it.

"Sir, I am anxious to know why Government, after professing for a century and more to protect our rights, should now have thought fit to take away our lands from us. We would not have objected if the Government had provided for payment of compensation. For a century they made us believe that they would protect our vested interests. But now what do you see? They are now actively helping in an act of spoliation. Why are they doing it? Apparently to get credit with the middle class. But there is no political or economic necessity alleged for this Bill. There is peace in Malabar. And Government have always used our influence in that behalf. Perhaps they feel safe and are ready to throw us overboard, although we, as a class, have stood by them when their new friends were doing their best to undermine the Government."

Mr. S. SATYAMURTI :—"You suffer for that."

Mr. E. SANKARAN UNNI :—"May be so. But have we deserved it?"

"I say this Government have betrayed us. In times of danger we have stood by them and helped them. Instead of protecting our rights and property they are calling the non-co-operationists, the Khilaphatists and the revolutionaries, to come and loot us. The Government have before them only a brief hour or two. May be they feel that they can now afford to drop all their friends. They seem to be in a desperate mood. Sir, if it is the object of the Government to extinguish the janmis of Malabar, they have

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done it in no half-hearted manner. I do not believe that the history of British rule in India holds record of a worse case of heartless betrayal. I oppose the motion."

* The MAHARAJA OF PITHAPURAM :—"Sir, I beg to enter my emphatic protest against this unjust measure, which is of a confiscatory nature. It is most painfully surprising and disappointing to see that Government are a party to this measure. It is the duty of the Government to protect the interests of the minority communities (Hear, hear.) On the other hand I find to my great regret, I must say, that Government have shown utter disregard for the interests of the janmis. At this rate Heaven alone knows where this attitude will end."

* Rao Bahadur C. NATESA MUDALIYAR :—"Mr. President, Sir, let me congratulate the hon. the Revenue Member for having so ably piloted this Bill into the stage of being passed into law. Sir, it was a long-standing grievance, in Malabar; the grievance existed ever since the British Government took charge of the administration of the Malabar district and that is sought to be redressed in a short time. The grievance has been there for over 50 years. For over half a century attempts were being made time and again to redress it by the appointment of committees and legislative acts but all these were not of much avail till comprehensive measures were conceived by the late Dr. T. M. Nair and the present Law Member, Diwan Bahadur M. Krishnan Nayar. We know, many of us who were members at that time know, how Diwan Bahadur M. Krishnan Nayar struggled to get through the Bill through the several stages and how we sat day after day for many days, and with all that when the Bill was passed into law by this House His Excellency did not give his assent. Anyhow His Excellency felt the necessity for a legislation and this Bill is the outcome of it. The Logan Committee, Madhava Rao Committee, and Raghavayya Committee all wanted the amorphous mass of Malabar Tenancy affair crystallized into a legislation.

"When this Bill is passed into law, I am sure, the agrarian distress in Malabar will be much abated. There would be mutual goodwill, mutual trust and mutual regard among the parties concerned. Sir, under this law, land will improve, production will be greater and consequently the economic condition will be raised. I hope His Excellency will give his assent to the Bill."

* The hon. the PRESIDENT :—"The hon. Member is not entitled to refer to His Excellency."

* Rao Bahadur C. NATESA MUDALIYAR :—"I hope the Malabar Tenancy Act will become an accomplished fact."

* Mr. C. GOPALA MENON :—"Mr. President, Sir, I heartily congratulate the hon. the Revenue Member for the successful manner in which he has piloted this Bill through the Council. The people of Malabar will be greatly indebted to him when they hear the news that this Bill has passed through the House. It has been said by the janmi expert Mr. Unni that this is a hasty legislation and that this Bill has been rushed through the Council. It is unnecessary to go into that question now, for the agitation for a legislation has been in the air for the last 50 years and more. In fact it has been one of the causes for the lack of improvement of agriculture in Malabar and therefore this Bill, which is now on the eve of being passed would produce

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immense good to Malabar. It will be left to the janmis and the cultivating tenants to take the Bill in its right spirit and work it up. In fact this Bill has conferred advantages on all parties. It is an improvement on the previous Bill (introduced by the hon. Mr. Krishnan Nayar) which has been passed by this Council and subsequently vetoed.

"Take for instance fair rent; it is a peculiar thing that is not in existence in any tenancy legislation anywhere. Then it provides for differential treatment of fair rent in the case of dry land converted into wet land with the labour of the tenant. Then again there is the concession given instalment payment in the case of renewal fees and price of kudiyruppus. Then there is the privilege given to tenants to deposit money, arrears of rent and renewal fee, that has fallen in arrears in court, when the janmi has filed a suit for eviction; and then there is the fixing of price of the produce by the district official. This last is an advantage to both parties. Then there is the permission granted by court to set off, at the time of auction, the value of improvement (compensation) due to him against the bid value. Again there is the exemption of dry land from the renewal fee. Under the present Bill the cultivating verumpattandar practically gets fixity without paying renewal fee as long as he pays his dues to the landlord regularly. This is an important concession and I consider it as most democratic. I feel sorry, however, that when an amendment was brought by Government asking the cultivating tenant to furnish one year's security it was voted down by this House. In the present economic condition of Malabar it is necessary that the cultivating tenant should have fixity of tenure, because it is through his efforts, through his labour that the yield of the land is increased. Hence it is essential that he should have fixity of tenure instead of having an year to year occupancy. Since he gets fixity his land acquires a market value and the cultivating tenant will be stimulated to raise the value of the land to that level. Under such circumstances it is but fair to the landlord to get a security. That, however, is a serious omission.

"I may add that amendments after amendments were brought forward by the janmi expert Mr. Unni to destroy the very frame-work of this Bill. But I am glad that the Select Committee and the Council in the second reading stage threw out all those amendments and stuck to the original shape of the Bill as far as possible. I may in this connexion touch on the keen interest which the Chairman of the Select Committee, Mr. Muniswami Nayudu and the members of the Congress party, particularly Mr. Satyamurti and Mr. Karant, and Mr. Ranganatha Mudaliyar evinced to better the cause of the cultivating tenants. The Congress group has been particularly anxious to protect their interests, and I am glad to say that the cultivating tenant has got several concessions, under the Bill. He has obtained an ownership in the land if he only pays his rent promptly.

"It cannot be said that the janmis have not gained anything under this Bill. Now-a-days it is very difficult to collect arrears of rent. But this Bill gives them the advantage of having recourse to the summary procedure and by this the collection of rent will be very much facilitated. Then they have got an increase of their renewal fees. Section 27 gives the janmi the right to evict a tenant when he challenges his right or refuses renewal on the plea of heavy payment of improvement which the janmi may have to make at the time of eviction. Another aspect of the matter that was pointed out is that, when this legislation is brought into force, litigation in Malabar will increase.

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As I have already said, if the legislation is taken up in its right spirit and worked properly, I feel sure that litigation will be greatly minimised. The only point on which there may be legitimate disputes is with regard to fair rent. With regard to that if the landlord or the tenant would only try certain test cases, cases not of real rack-renting but those not of an exorbitant or prohibitive character and apply that to certain areas, then I think litigation with regard to fair rent could be avoided as much as possible. With these remarks I once more heartily congratulate the hon. the Revenue Member, Mr. Campbell, for piloting this Bill through the Council so successfully and bringing to a termination, this much vexed problem."

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* The hon. Sir THOMAS MOIR :—"Mr. President, in the first place, I should like to congratulate my hon. Colleague, Mr. Campbell, on the skill, patience and mastery of detail with which he has piloted through the House this Bill of the Government on a very important and contentious matter. I can assure him that we are indeed grateful to him.

"Now, Sir, I think there has been some misapprehension as to the intentions with which the Government undertook this piece of legislation. Mr. Unni dwelt upon the complexity of the Bill and on its various provisions. But the complexity is really ingrained in the subject, and for that complexity Malabar alone is responsible (Hear, hear). And may I go further and say that the janmis are responsible for it? (Hear, hear.) We, Sir, by the enactment of this Bill are indeed closing a chapter in the history of land tenures in Malabar which really goes back and extends over a hundred years, and may I say that during all that time the janmis have had full warning of the position that was developing. It is perfectly true that about a century and a half ago it was an entirely different spirit which characterised the relations between the landlord and tenant in Malabar; it partook much more of the feudal spirit, and the kanamdar and janmi found themselves bound together by relations which were largely those of sentiment and of feeling. To be a kanamdar under a large janmi in those days was regarded as a high honour. At the same time, the janmi regarded it, I understand, as an honour to have enrolled on this list of kanamdars, the leading people of his district. And I would put it to the janmis to say whether that was the case or not. I think that any one who has listened to the tenor of the debate in this House would say that this cordial spirit has entirely gone, and that the janmis as represented by Mr. Unni on the one side and the kanamdars as represented by Mr. Madhavan Nayar on the other side, have developed in Malabar in the last 50 years into two communities, if I may use that word, who are entirely hostile to each other. Now, Sir, this question, I may say, has been agitating Malabar for more than 50 years. The Government were most reluctant to legislate on the matter because they knew the difficulties and complexities that lay in their way. But now they have done it, and although to a large section of the House other subtleties may not be a matter of the least concern, perhaps by means of this legislation we have been able to lighten the burdens of the immediate cultivator of the soil. That sentiment is, I feel sure, shared by every Member of this House, and every one will agree that that is something gained. After all, what we have been discussing here is the division of that portion of the produce which is left over when the tenant had been paid the wages of his labour and other expenses. And if in the Bill we have in one or two respects given perhaps something more than what he may legitimately receive, I feel sure no one in this House will quarrel with that, not even

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Mr. Unni. And may I say this is in the best interests of the superior landlord, whether a kanamdar or a janmi. It is better that in the long run they should recognize the terms of the tenure and also recognize in a spirit of liberality the share which goes to the cultivator. Otherwise, a point of that kind would continue to be a subject of perpetual dispute between the landlord and tenant.

"Then, Sir, Mr. Unni objects to our having taken up this legislation in which the kanamdar is given an important place and he gains much. Well, Sir, the kanamdar is the janmi's creation and nothing else. He exists in Malabar, and in spite of this warning which I may say goes over nearly a century that the old feelings and sentiments were disappearing and that the kanamdar was beginning to recognise that his relation to the janmi was purely a matter of investment, of business and economics, the janmi has failed to realise that fact. The janmis still go on creating kanamdars. They at any rate went on doing so long after the question of tenancy first arose. And even when this hostile feeling came about, they still went on creating kanams, although as I have said, the feeling between the two had entirely altered. And may I say also that we have in this Bill recognized the kanamdar simply because he is there, and because he is an important part in the land tenure system of Malabar. It is not because we like him. I suppose that some person should attend to the management of land, be he a middleman or not. We have been told again and again that this kanamdar, this middleman now does nothing for the benefit of cultivation or of the cultivator. The janmi, of course, in the old days handed over the task of management to the kanamdar. He was too great a man to take an interest in fostering and developing agriculture. He told the kanamdar, 'you take my land; pay me so much and I will hand over to you the land to manage or mismanage as you like'. And the inevitable result has happened. But, as I have said, we have accepted the kanamdar because he is there and neither Mr. Unni nor I can get rid of him, and unless a much more drastic measure were to be introduced (hear, hear) relating to the land tenure of Malabar, it is essential that we should recognize him. But Mr. Unni has said that this Bill by means of which we hope in part at least to solve the present problem will simply bring a sword into Malabar. I do not think so and I feel certain that if Mr. Unni to-morrow calmly thinks over it, he will recognize that that is not the intention of the Government but that our whole desire was that if disputes should arise in future there should be some method by which they can be determined. We sincerely trust that this Act will very seldom be called into operation, and that landlord and tenant will settle their disputes in amity and with due consideration of the facts which they alone know. But, if, as Mr. Unni informs us, this Bill will bring a sword into Malabar instead of peace, then I would appeal both to the janmi and the kanamdar to think whither they are going. If the agitation which we hope would have been appeased by this measure is going to break out in increasing volume, I have no doubt that at some future date the Government that takes our place will have to legislate still further on this matter. And in that case, if Mr. Unni or the kanamdar is going to use this Bill simply as a means of pursuing their private vendettas, where do they think it will end? I for one am perfectly certain that if that is so the middleman may disappear because there is no room for him and he is an excrement and not only the janmi may say that the kanamdar whom he has brought into existence is not necessary but may use that for his own purposes. And I warn the janmis and ask them if they are

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going to lead the country into further legislation, whether they are by any means sure that such legislation will be a solution of their troubles and will be content to mould itself on the complex system by which land tenures are governed in Malabar at present. But I hope that they will adopt the wiser policy and use the provisions of this Bill only where it is absolutely necessary, but make no appeal to it where matters in dispute can be settled by friendly co-operation with the sub-tenant under him."

* Mr. K. MADHAVAN NAYAR :—"Sir, I quite appreciate the note of warning sounded by the hon. the Finance Member and I appreciate also the spirit in which it is offered. But I may assure him and also assure this House that there is absolutely no ground for the fear that this legislation is going to create any discord among the people in Malabar. The House might have found me on this side and Mr. Unni on the other side fighting like Kilkenny cats but I may assure the House that we are the best friends outside the House and we will continue to be friends even after this legislation is passed. Whatever be the fight that is put up in the Council, I may assure this House that there is going to be more harmony between the janmis and tenants of Malabar hereafter because the janmis are going to gain enormously by this legislation and the tenants get safety from arbitrary eviction. The janmis as a class are not opposed to restriction on arbitrary eviction and that is what witness after witness on the janmis' side has been saying before the Raghavayya Committee. They were prepared not to evict their tenants so long as the rents and the renewal fees due to them were secured by them. And it was because of this and because of the fact that the kanamdars were mainly responsible for the improvement of the land that the Raghavayya Committee appointed by the Government at a time when the Government had no sympathy with the tenants was forced to recommend to the Government that a Bill should be passed giving fixity of tenure not only to the cultivating verumpattamdar but also to the kanamdars who, I may still assert with all the force I can command, are not middlemen, not leeches as they are depicted to be but persons who have as much interest in the land as the janmi and the majority of whom are actual cultivators of the soil.

"I know, Sir, that there are a few kanamdars who are not cultivators, and I sound a note of warning to these kanamdars who are not cultivators that their days are over, and that the time is not far distant when they will have to go out of the land altogether. If they want to exist as a class, they will have to go back to the land. And if the janmis want to enjoy the full benefits of land, they too will have to go back to land. It is only the cultivating verumpattamdar or the cultivating kanamdar or the cultivating customary verumpattamdar that will hereafter be helped, encouraged and countenanced by any legislature or by any Government.

"With these remarks, I shall now proceed to say one or two words with regard to the arguments advanced by Mr. Unni. Now, there are three classes of people who are sought to be benefited by this Bill. How far they are benefited is a matter of dispute. But I am not going into that question at present. Whatever that may be, there can be no doubt some benefits are conferred on certain classes of people, and these classes of people are the verumpattamdars, the kudiyruppu holders, the kanamdars and kuzhikanamdars. These are the four classes of people that are affected by this Bill.

"With regard to the verumpattamdar, to whom the janmis, whether really or professedly were so enthusiastic about giving fixity of tenure, the janmis cannot complain that this measure is confiscatory. They did not want any

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compensation for conferring such fixity, nay they did not even want security for rents and all of them excepting one Member voted against security and the one who did not vote against it remained neutral. So, they cannot complain that fixity has been given to the cultivating verumpattamdar and that the rights of the janmi have in any way been injured by the grant of such fixity.

"With regard to kudiyruppu holders Mr. Unni has been professing and some other janmis as I see from the Madras papers have been professing that they were for giving the right of purchase to kudiyruppu holders and protecting them from arbitrary eviction."

* The hon. the PRESIDENT:—"The hon. Member will not be justified in referring to what the newspapers said and trying to answer them on the floor of this House."

* Mr. K. MADHAVAN NAYAR:—"I shall not refer to them, Sir. So that, that is the position so far as the cultivating verumpattamdars and the kudiyruppu holders are concerned. Then there is the other class of people, the kanamdars and the kuzhikanamdars. With regard to kanamdars, the House will understand that at present, the janmi, if he wants to enjoy the full benefits of the property and realize the full fair rents has not only to pay the full value for reclaiming the land and the value for converting single crop land into double crop land where there is such reclamation, but has also to pay the value of improvements made on other lands included in the holding, i.e., value for houses erected on such holdings and value for trees planted in the holding and reduce all the properties included in the demise to his possession. For such heavy investments he may not often get anything in return. Now without the liability of spending a pie the janmis are going to get a fair proportion of this fair rent in the shape of enhanced renewal fee which is three or four times what most of them were getting hitherto. I do not think it is necessary for me to elaborate this point now because after the long discussion that has gone on in this House in connexion with the renewal fee it must be clear to the House that the renewal fee fixed under the Act will work out at about three or four times what they were getting till now. Yesterday, a tenant was taunting me 'well, Mr. Madhavan Nayar, after all you have got a janmi legislation passed by the Council. It is not at all a tenancy legislation. The renewal fee you make us pay is outrageous.' I do not think that this legislation is after all so bad as that tenant apprehends. But there is some truth even in his statement. The tenants are prepared to make this heavy sacrifice because they want to retain the holding or are unwilling to part with lands which have been in the possession of themselves or their ancestors for several decades and even centuries. Though Mr. Unni was out to ruin the kanamdars, we have been always fair to the janmis and several of our amendments were calculated to improve the lot of the janmi, so that you will see that though the janmis have not been cultivating the land for years and centuries and though they were not in touch with the land themselves and though the renewal fee that they were getting hitherto was in a large number of cases only 30 or 40 or 50 per cent of the verumpattam, they are going to get a fair share of the total fair rent as renewal fee besides interest, michavaram and revenue, though they are not entitled to anything other than the rent mentioned in the kanam deeds. You have always to remember that they have never improved the land, that they are not able for the conversion of dry lands into wet lands, for the conversion of single crop land into double-crop land, for levelling, deepening or effecting

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such other improvements. So that you will see that the tenant whether he is a kanamdar or a customary verumpattamdar who had to improve the land and who had to spend all his money and labour on the land is giving to the janmi not only what was legitimately due to him—because what is legitimately due to him is the rent fixed under the kanam for the lands in the condition in which they were at the time the kanam was granted—but something in excess of that, a fair proportion of the surplus proceeds from the land which is due mainly and solely to the improvement made by the tenant in the land. You are going to give the janmi in advance about two and one-fourth times the annual surplus which will work out with interest, as was pointed out by Mr. Unni, at more than three times such annual surplus. Out of twelve years' surplus six years' surplus will be consumed by vicissitudes of the season and out of the six remaining years the janmi gets more than half without any liability on his part to pay a single pie for value of improvements, etc., and without all the troubles which an eviction suit involves. At the same time, he can receive the land when he wants it for his own cultivation. If, as a matter of fact, permanency of occupation has been conferred on the tenant and the janmi was deprived of all his rights to recover the property, he might have claimed full compensation, if the surplus was not the result of any improvement effected by the tenants. But when he is not entitled to such surplus as a matter of right and his rights have been only nominally or slightly curtailed, is he entitled to this heavy compensation that the Bill gives him? What is the value of his right in land? It is the full value of the property minus the value of the improvements on the land made by the kanamdar or the tenant and the value of every work that is done upon the land by the tenant. Sir, the janmis have been complaining that where there are large improvements effected on kanam lands, they found it very difficult to realize the rent or the renewal fee, and they were often helpless and at the mercy of the tenants. But, hereafter, all such difficulties vanish when once the tenant gets a deed of renewal executed under the provisions of Chapter IV of the Act and renewal fees are moreover made a charge on the property and they can file suits for realizing such rent and renewal fees without being obliged to file a suit for eviction.

"In this connexion, I must congratulate the Raghavayya Committee not upon the proposals they made about the rate of rent and renewal fee which were outrageous but on their thorough mastery of the subject and the scheme they formulated for solving the tenancy problem in Malabar. Look at any portion of their report and you will see what care they had bestowed upon this tenancy problem. Above all, I must congratulate them for discovering the principle for fixing the renewal fee, for formulating that admirable formula based on surplus income which I must confess nobody either in Travancore or in Cochin or in Malabar who had anything to do with tenancy legislation has been able to find out till now. What the legislature in Cochin has done is to make the tenant pay a percentage of the kanam as renewal fees. Other legislators recommended one year's rent or one year's produce as renewal fee. The percentage of the kanam as renewal fee is often arbitrary. Where the kanam is high, the tenant will have to pay high though his profits are small. Where the kanam is small, the tenant will have to pay a small amount, though his profits may be high. That is the evil of fixing a percentage of the kanam as renewal fee. So also, if it is fixed with reference to the net produce, in case the rent or the kanam or customary verumpattam deed is more than the fair rent or equal to

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the rent fixed in the kanam, the janmi who gets a renewal fee in addition will be rack-renting the tenant, which no Government can tolerate. A proportion of the surplus, even though unjust when such surplus is due to improvements made by the tenant, is less oppressive than rack-renting and therefore more acceptable. And the janmi must congratulate himself that the renewal fee which has been more or less a blackmail for allowing the tenant freedom from eviction for twelve years has been legalized and that on terms very favourable to him.

"There is one advantage, Sir, to the tenant, and that is, by this Bill the poisonous fangs of the janmi are taken out of him. I do not want to be unfair by characterizing the whole of the janmis of Malabar in that way. There are several good janmis, but there are also janmis in Malabar—and Mr. Unni will, I am sure, be prepared to admit the fact—who exact and exact much more than what is due to them and what the land can possibly yield. In the case of the six years' surplus being given as advance for renewal fee by the tenant, it would mean ruin to the tenants and the receipts of more than the capitalized value of all the surplus income not once for all but once in every twelve years by the janmi. Rupees 58 is the annual surplus in the illustration to section 11 in the original Bill and interest at 16 per cent on six times that amount gives to the janmi the whole of the surplus as interest alone. The capital is there and at the end of twelve years he gets again another Rs. 348 (58×6) and so on; this injustice is perpetuated. It is to remove the flagrant injustice that the tenants have been crying for legislation and at last it has come though not in the form in which the tenants wanted it, at least, in a tolerable form. That is why, Sir, we welcome this legislation. Now the tenants can breathe a sigh of relief, because they can remain on the holding so long as they pay rent and renewal fee to the landlord, even though it is exorbitant and the landlord can evict them only for his own cultivation or building purposes.

"As for kuzhikanam, the rent and renewal fee payable under this Bill, will be, as the proceedings of Round Table Conference show, one-third of the net, where the trees belong to the tenant, and two-third of the net, where the trees belong to the janmi. No janmi can legitimately claim more than this as his share. As for janmis' trees, section 53 gives the janmi the right also of cutting and removing or enjoying the usufruct thereof.

"Sir, we are not going to fight in courts or outside after this legislation is passed. Neither the janmis nor the tenants need go to a court so often as is apprehended by some. For, in the majority of cases the kanamdar will go to the janmi, fix the renewal fee and continue on the holding without the janmi's further interference. Only in cases where there is no possibility of satisfying an unreasonably greedy janmi that the tenant will have to go to the court. I feel sure—and I hope I am correct in saying—that the regime of the vakil-raj in Malabar is at an end. There will be hereafter only some simple petitions for fixing fair rent, and even those will be very few. I do not think for a moment that for fixing fair rent in every holding the people will be going to the court. So long as the verumpattamdar is not rack-rented, he will not go to the court to fix the fair rent. It is only in cases where there is appreciable difference between fair rent and the present rent that verumpattamdar will have to seek the aid of the court and I believe such cases are not common throughout Malabar. It will not be in the interest of the verumpattamdar to go to the court if the fair rent will be more

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than the rent that he is paying at present. Where there is rack-renting, he will have to go to the court, but such cases may not be large. So also in the case of the kanam, there will be very little litigation. On the whole, this Bill may not be entirely satisfactory to the tenant; it may not be satisfactory to the janmis. But this Bill is a wise and moderate step in the right direction, and I congratulate the Government for having brought forward this measure, which from the very fact of being unsatisfactory to both the parties is indicative of being fair and impartial. I am sure it is capable of doing good to the people of Malabar in general.

"I cannot resume my seat, Sir, without expressing my thanks to the hon. Members of this House who, whatever Mr. Unni might say, have taken such considerable interest in this Malabar Tenancy Problem. I was so agreeably surprised at the fairness and impartiality shown by the whole House on this matter. I shall not say much about the Members of my own party. How fair and impartial my party was is evident from the fact that I always found the greatest difficulty to bring my leader to my way of thinking and he has always been exercising his vote quite irrespective of the fact that his follower was inclined in one way. So also the Members of my party voted on that side which in their judgment appeared to be right.

"Mr. Muniswami Nayudu, the Chairman of the Select Committee, has put 4-45
to shame even the representatives of Malabar by his intimate knowledge of the p.m.
the tenancy problem of Malabar, and the various other members including my Friend Mr. Karant who have shown a keen interest in this question deserve our thanks. I therefore submit that the House as a whole deserves to be congratulated and more than all, the hon. the Revenue Member, whose suavity of manner, impartiality and fairness of judgment has been of such great help in the piloting of this Bill and to him all credit is due for the successful passing of the Bill. I hope, Sir, that the House will unanimously pass this Bill into law."

* Mr. K. P. RAMAN MENON :—"Mr. President, Sir, I do not want to take up the time of the House by touching on the points already traversed by the previous speakers. The main object of the Bill is to bring about harmony of feeling in the district of Malabar between the various classes now existing, and that has been achieved. There are, mainly speaking, three classes, the janmi who is the absolute owner, the intermediary tenant who is made a kanamdar or a kuzhikanamdar, and the cultivating verumpattam tenant, the lowest of the three. The verumpattam tenant, without any agitation on his part is by this Bill given the right of fixity of tenure. That is a very large concession to him and I hope he will be benefited by that concession to the extent that is possible. Then, again, Sir, with reference to the kanam or kuzhikanam tenant, who is not the actual cultivator—he is supposed to be a middleman having no *locus standi*—I am glad the Raghavayya Committee, if it has served any purpose has served to expose the fallacy of that belief. The Raghavayya Committee said that more than half the land in Malabar is cultivated by the kanam tenants. Therefore, it is quite clear that the kanam tenant is not a mere middleman. If he is a middleman, the janmi is much more a middleman. There can be only two classes, the Government which is the owner of the soil, and the cultivating tenants. There is no place either for the janmi or the kanam or kuzhikanam tenant.

[Mr. K. P. Raman Menon] [15th October 1929]

"Again, Sir, I do not at this late hour want to take up the time of the House to expound the position of the kanam tenant in Malabar. The kanam tenant has rights given to him by this Bill, and as long as he pays the rent due to his landlord, and as long as he fulfils the conditions provided under the Act, he can hold the land and will not be evicted arbitrarily. Again, turning to the Government Order on which this Bill is based, while it recognizes the absolute proprietary right of the janmi, it recognizes also that there are arbitrary evictions, and also that the tenant should be given some permanency. These three items are mentioned prominently in the Government Order, and these are carried out in the letter as well as in spirit by the Bill. With regard to arbitrary evictions, the kanam and kuzhikanam tenants have been given a qualified fixity as I have already mentioned. With reference to the janmi, his rights are also secured. He is given the right to sue for renewal which he never had before. There was an attempt made by the Zamorin in that direction, and it was held in 11 Madras that a suit would not lie for a renewal fee. He is now allowed to sue for renewal fee. Then again he is allowed to collect a large amount of renewal fee, which according to the Raghavayya Committee, was very much smaller, before. That is another right secured to him.

"Then again, Sir, the right of summary remedies which is not in vogue anywhere else, is given to him. In the face of all these things, I may say, with very great respect to the representatives of the janmis, it was rather graceless on their part to say that the Government have dealt harshly with them. These are very valuable concessions and they ought to have been accepted by the janmis in the spirit in which they have been given. Particularly, I want to bring to their notice the extreme care that has been taken by the Raghavayya Committee in building up the scheme of the entire Bill. They went over the country, and though some of us boycotted that Committee—I myself was one of them—they have been able to collect a volume of evidence, and have evolved a scheme which has helped to solve the question in a most satisfactory manner.

"Then again, the particular right which is given to persons who own homesteads, is given for the first time under this Bill. They are allowed to purchase properties. That is a very large concession. So, the three fundamental points recognized in the Government Order have been very carefully kept in view. These were very carefully considered by the Raghavayya Committee and the modifications made in the Select Committee and in the Council are so few that they have not affected the principles on which the Raghavayya Committee drew up their report. I congratulate them for the way in which they have helped us in piloting a measure of this kind. So far as this tenancy matter is concerned, we, when the cause of the tenants was at its lowest and when our hearts were filled with despondency, went on deputation to His Excellency the Governor in 1927. The present Revenue Member—who was also the Revenue Member then—suggested the possibility of a joint conference between the janmis and the tenants of Malabar. For the appointment of the Raghavayya Committee which made its report,—a report which has certainly benefited both the Government and ourselves,—we owe a debt of gratitude to the hon. the Revenue Member. By this Bill the Government have as a matter of fact consolidated the landowning, classes into one whole. It is, I submit, a great asset that the Government is going to create by this Bill, which will stand against attacks of socialism on

[Mr. K. P. Raman Menon] 15th October 1929]

things sacred to humanity. Therefore I congratulate the Government on their very statesmanlike labours on behalf of the people of Malabar, which I am sure will lead to the ultimate prosperity of all the classes of people whose rights are affected by this Bill.

The question that the Malabar Tenancy Bill be passed into law, was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

- | | |
|--|--|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 36. Mr. V. Ramjee Rao. |
| 2. " Sir Thomas Moir. | 37. " P. C. Venkatapathi Raju. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 38. " Sami Venkatachalam Chetti. |
| 4. " Mr. A. Y. G. Campbell. | 39. " S. Satyamurti. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 40. " C. V. Venkataramana Ayyangar. |
| 6. " Mr. S. Muthiah Mudaliyar. | 41. " J. A. Saldanha. |
| 7. " Dr. P. Subbarayan. | 42. " G. Harisarvottama Rao. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 43. " C. S. Govindaraja Mudaliyar. |
| 9. Mr. Hilton Brown. | 44. " Abdul Hameed Khan. |
| 10. " A. G. Leach. | 45. " L. K. Tulasiram. |
| 11. " J. Gray. | 46. " D. Narayana Raju. |
| 12. " S. V. Ramanamurti. | 47. " K. Madhavan Nayar. |
| 13. " V. Ch. John. | 48. " C. Obi Reddi. |
| 14. " M. A. Manikkavelu Nayakar. | 49. " C. Ramasomayajulu. |
| 15. " Syed Tajudin Sahib. | 50. " T. Adinarayana Chettiar. |
| 16. " A. B. Shetty. | 51. " K. V. Krishnaswami Nayakar. |
| 17. " J. Rheemayya. | 52. " C. Venkatarangam Nayudu. |
| 18. " R. Foulkes. | 53. " A. Ranganatha Mudaliyar. |
| 19. " Mahmud Schamnad. | 54. " K. P. Raman Menon. |
| 20. " J. Kuppaswami. | 55. " P. Siva Rao. |
| 21. " K. Krishnan. | 56. " C. Gopala Menon. |
| 22. " N. Siva Raj. | 57. Rao Bahadur C. S. Ratnasabapathi Mudaliyar. |
| 23. " M. Gangadhara Siva. | 58. Rao Bahadur Sir A. P. Patro. |
| 24. " V. I. Muniswami Pillai. | 59. Liwan Bahadur P. C. Ethirajulu Nayudu. |
| 25. " W. P. A. Soundara Pandian. | 60. Rao Bahadur C. Natesa Mudaliyar. |
| 26. " S. Subrahmanya Moopanar. | 61. Mr. P. T. Rajan. |
| 27. " S. Venkiah. | 62. " T. K. Chidambaranatha Mudaliyar. |
| 28. Rao Sahib R. Srinivasan. | 63. Rao Bahadur S. Ellappa Chettiar. |
| 29. Mr. A. Achutan. | 64. Khan Bahadur S. K. Abdul Razack Sahib Bahadur. |
| 30. " C. E. Wood. | 65. Kadir Muhi-ud-din Sahib Bahadur. |
| 31. " S. N. Dorai Raja. | 66. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 32. " S. Arpudaswami Udayar. | 67. Rao Bahadur K. Sitarama Reddiyar. |
| 33. " K. Ramachandra Pedayachi. | 68. " B. Muniswami Nayudu. |
| 34. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 69. Mr. K. Sarabha Reddi. |
| 35. Mr. G. R. Premayya. | |

Noes.

- | | |
|---|--------------------------------|
| 1. The Muppil Nayar of Kavalappara. | 3. Mr. E. Sankaran Unni. |
| 2. Rao Bahadur O. M. Narayanan Nambudripad. | 4. The Maharaja of Pithapuram. |

Ayes 69.

Noes 4.

The motion was adopted and the Bill was passed into law.

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

V

PAPERS LAID ON THE TABLE OF THE HOUSE.

* Report of the Committee on Fisheries in Madras 1929.

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

[15th October 1929]

APPENDIX I.

[Vide answer to question No. 893 asked by Mr. D. Narayana Raju at the meeting of the Legislative Council held on the 15th October 1929, page 1080 supra.]

Headquarters buildings at Ellore.

A total provision of Rs. 5,64,000 has been made in the current year's budget for the following works :—

Name of work.	Provision during 1929-30.
RS.	
(1) Constructing a District Registrar's office ...	62,000
(2) Collector's office ...	2,00,000
(3) Residence for the Collector ...	20,000
(4) Residence for the District Judge, West Godavari.	10,000
(5) Constructing a combined court-house for the District Judge, Subordinate Judge and District Munsif ...	1,00,000
(6) Quarters for the Armed Reserve Police ...	50,000
(7) Office for the District Superintendent of Police, West Godavari ...	35,000
(8) Quarters for the District Superintendent of Police, West Godavari ...	10,000
(9) Combined offices for the District Educational Officer and the Deputy Inspector of Schools ...	27,000
(10) Headquarters hospital ...	50,000
	<u>5,64,000</u>

Items 1 & 9.—The works are expected to be completed in the current year.

Items 2 & 6.—The works are expected to be completed before April 1931.

Items 3, 4 & 8.—The schemes are lying over as the question of designs for residences of District Officers is not yet settled.

Items 5 & 7.—The works are now in progress.

Item 10.—Approximate plans and estimates for the work received from the Surgeon-General in August were sent to the Chief Engineer for scrutiny and are now under the consideration of Government.

APPENDIX II.

[Vide answer to question No. 905 asked by Mr. D. Narayana Raju at the meeting of the Legislative Council held on the 15th October 1929, page 1090 supra.]

Note to accompany the proposals for improvements to Vijjeswaram Head Sluice.

The inadequacy of the present head sluices to meet the numerous difficulties obtaining at different times of the year and at different stages of the river owing to their obsolete design and the insufficiency of the water-way provided to meet the present requirements of the delta have been already admitted and need no further explanation.

[15th October 1929]

In connexion with the question of remodelling the Vijjeswaram* scouring sluice for the purpose of obtaining adequate scouring action at different stages of the river which has been the subject of serious consideration for some time past it has been definitely recognized that there can be no improvement on the existing stage of things without adequately improving the head sluices also along with the scouring sluices. Further, the Superintending Engineer, II Circle, in his letter No. 492/W., dated 22nd September 1920, communicated with Chief Engineer's Endorsement No. 5200/20-A-1, dated 29th September 1920, brought to notice the insufficiency of the water-way provided for the Vijjeswaram head sluice to meet the present requirements of the irrigation under it. It has therefore been decided to remodel the front of the Vijjeswaram head sluice in order to provide for the rapid opening and closing of the shutters and to accommodate six vents of 17' 6" × 10' in place of the existing fifteen vents 6' × 7' 6".

2. The numerous difficulties involved in remodelling are due to the limitations introduced by the existing structure which is proposed to be made use of as far as possible.

The remodelling will thus consist of the following :—

(i) Each of the existing span of 40' between the piers will be divided into two spans of 17' 6" each by an intermediate pier 5' wide thus replacing five vents of 6' × 7' 6" in each bay by two vents of 17' 6" each.

(ii) These intermediate piers will be founded on reinforced concrete slabs laid over the existing two lines of 4' 6" diameter wells of the existing small piers as far as they exist and on the new wells to be sunk in line with the existing ones to the required length of the intermediate pier.

In this connexion trial pits are being dug to ascertain the nature of the existing foundations of the small piers and the results will be reported later after the pits are completed.

(iii) Each span of 17' 6" thus formed will be provided with two iron shutters one above the other to a total height of 10 feet so as to provide a ventway of 17' 6" × 10' in each span.

(iv) The lower shutter will be 4' high and the upper 6' and they will be placed one behind the other so as to provide for the independent working of one another.

(v) Gearing to be capable of lifting the shutter rapidly.

3. In designing the shutters and the masonry piers, the maximum head in front of the head sluices has been taken as 24' 41" which is obtained from the maximum flood level recorded at that site, viz., plus 56' 41".

(Maximum flood level plus 56' 41"—Sill level of the head sluices plus 32' 00" = Head 24' 41".)

The stability diagram on plan G.H. No. 44-D of the proposed piers indicates that the length of the proposed piers should be the same as the abutment piers to resist the overturning moment due to the maximum water pressure. The same has been adopted in this design.

4. On plate G.H. No. 44-L of 1920-21, the existing 40' arch of the existing scouring sluices which is similar to that of the head sluices in every respect has been tested to see if it would carry a concentrated load of 10 tons at its crown and it is found that the arch is unable to carry that load. The

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weight of the proposed shutters and gearings for each ventway of the head sluice is more than 10 tons and therefore the 40' arch cannot be safely loaded with the proposed gearings.

It is therefore proposed to run in front another line of cut stone arches of 17' 6" clear span on existing and proposed piers. These will carry only the proposed shutters gearings, etc., and the existing 40' arch will carry the road in rear as now existing.

5. The shutters have been designed so as to be light and efficient consistent with the strength required and economical in section. The shutters are proposed to work on Stoney's patent live roller. The general arrangement adopted in this case consists of nine rollers of 6" diameter fixed in an angle iron cage which moves in a guide channel and which is hung in position by means of a movable pulley supported by a wire rope of $\frac{1}{2}$ " diameter one end of which is secured to a fixed girder at the top and the other is attached to the shutter rod at the point where the rod is attached to the pitch chain.

This enables the cage and the rollers to move up or down with the shutter at half the speed of the shutters. The cage is designed to carry nine rollers placed at 1' intervals with a view to have the six rollers in contact with the shutter from its lowest to the highest working position in the case of the upper shutter which is 6' wide. It will be noticed that the deflection of the shutter also has no effect on the rollers. The loads indicated in plate G.H. No. 44-D of 1920-21 have been computed on the actual spans as detailed in plan G.H. No. 44/A of 1920-21 and the sections of the R.S. beams accordingly chosen.

Upper shutter.—Except for the top and bottom girders of this shutter section 12" $\times$ 6" $\times$ 54 lb. has been chosen to withstand a maximum pressure of 14.6 tons on a span of 20' (the maximum safe load for this section being 15 tons).

Maximum loads on top and bottom girders being only 7.3 tons section 12" $\times$ 5" $\times$ 32 lb. is found ample for these two girders.

Bottom shutter.—Section 12" $\times$ 6" $\times$ 44 lb. has been chosen for the girders of this shutter to withstand the maximum pressure of 11.92 tons on a span of 18' 4" (maximum safe load for this section with 19' unsupported length of the girder being 13 tons). The deflection is somewhat large. But in shutters slightly excessive deflection is no bar; because there is ample room for shutters to deflect without endangering the supports or bringing unnecessary friction. The two shutters have been placed one behind the other to permit independent working. To prevent leakage between the two shutters the sections of the bottom girder of the top shutter and of the top girder of the bottom shutter have been so chosen as to give nearly equal deflection. The deflection of the bottom girder of the upper shutter with the maximum load that will come on it when there is maximum depth of water in front of head sluice will be 0.506" as against the deflection of 0.477" of the top girder of the bottom shutter under similar conditions. The difference is only 0.029" which is negligible.

6. *Lifting gear.*—The desirability of rapid lifting of the shutters has already been recognized and the lifting gear has been designed with a velocity ratio 252:1 resulting in one complete revolution of the sprocket wheel per 252 turns of the winch handle. The circumference of the sprocket wheel is

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57 $\frac{1}{2}$ " and hence 252 turns of the winch handle will raise the shutter by 57 $\frac{1}{2}$ " or 4' 9 $\frac{1}{2}$ " the number of turns necessary to raise the shutter by 1' = $\frac{252 \times 12}{57\frac{1}{2}}$ = 52 as against 132 turns of the worm arrangement that we have in the Dowlaiswaram under sluices. The rise is therefore quicker and the time of lifting is (reckoning twenty revolutions of winch handle per minute) $52/20$ = 2.63 minutes per foot rise of the shutter or 26.3 minutes for the whole 10' height. I should think that four men working on each shutter, two at each handle should be able to exert a total pull of 80 lb. at a radius of 12" working at 20 revolutions per minute. This would give the power of a man to be $\frac{80}{4} \times \frac{22}{7} \times 20 \times 2'$ lb. = 2,514 or, say, 2,500 lb. which is quite an average value of an average working man.

The shutter rises at a rate of ($\frac{20}{52} \times 12"$ or) 4.6" per minute and the work conveyed to the shutter taking a value of efficiency 50 per cent of gearing— $\frac{46}{12} \times x = \frac{1}{2} \times 4 \times 2,500'$ lb. where x denotes pull on the shutter.

Then $x = \frac{1}{2} \times \frac{4 \times 2,500 \times 12}{4.6} = 13,044$, say, 5.82 tons. Bottom shutter withstands a maximum pressure of 48 tons. Taking $u = 1$ for rollers, we have friction = 4.8 tons and difference in weight of counterweight and shutter = $\frac{1}{4} \times 6,690$ lb. = 1,672 lb. or, say, $\frac{2}{3}$ ton. Therefore total pull required = 4.8 + .75 = 5.55 tons and this is the maximum pull necessary when the water in front is at the highest flood level ever recorded and that in rear is nil. Static friction will be a little greater which is a little more than the weight of the shutter leaving alone the counterweight. So, it is quite modest assumption to say that four men can operate the shutter without difficulty and even if they are slow, the shutter will clear the vent in 30 minutes. If men are working on both the shutters simultaneously half an hour will be maximum time for opening both the shutters.

There is a peculiar advantage in this type of shutters which is absent in the screw gearing shutter and that is, that during lowering there is no positive drive as in the screw shutter, but it has what may be termed as slack drive. Should the velocity of water be very great the shutter would get slack on its chain and cause its whole weight to be exerted on the water.

The counterweight has been designed so that it is three-fourths the weight of the shutter to allow for the buoyancy and at the same time to overcome the velocity of water to facilitate closing of the shutters.

7. The upper shutter will weigh about 9,500 lb. and the lower one 6,690 lb. and they will be made as per standard specification.

H. R. DOGRA,

25th January 1921.

Executive Engineer, Godavari Headworks division.

[15th October 1929]

APPENDIX III.

[Vide answer to question No. 907 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 15th October 1929, page 1091 supra.]

G.O. No. 873, Public, dated 29th August 1929.

The Secretary of State and the Government of India have emphasized the importance of adhering to the principles which, in their opinion, should govern the making of appointments (whether officiating or substantive) to selection grades or posts in All-India Services. The main principle governing this matter is that such promotion should be determined solely by merit, seniority only being regarded where other qualifications are practically equal. The intention underlying the creation of selection grades or posts is that they should be filled by the selection of men of special ability and that they should not become a field for ordinary seniority promotion. Where, however, there is a number of officers who are equal to the duties of a post it may not be easy to assess with confidence the value of their varying qualifications and experience. In such cases seniority may come to be an element of importance; but there is always a danger that seniority may assume too great importance and that what should be a system of selection may degenerate into a mere rejection of the unfit. The Government of India desire that this should be guarded against carefully, and that whenever it is necessary to make an appointment to a selection grade or post (whether officiating or substantive) in an All-India Service, the Local Government should make a definite selection from among the officers whose claims to promotion deserve consideration.

(By order of the Governor in Council)

H. G. STOKES,
Chief Secretary.

To the Departments of the Secretariat (all sections).
„ all Heads of Departments, including Collectors and District and Sessions Judges.
„ the Hon'ble the Chief Justice (with C.J.).
„ all members of the All-India Services on the Madras Cadre.

APPENDIX IV.

[Vide answer to question No. 916 asked by Mr. S. Satyamurti at the meeting of the Legislative Council held on the 15th October 1929, page 1098 supra.]

List of persons confined in the jails of this Presidency for offences against the State in September 1929.

Serial number and name.	Serial number and name.
1. Madduri Annapurniah.	9. K. Kunhodu.
2. Devanayagam.	10. T. Alavi.
3. B. C. Kammu Kutti.	11. Kuda Valasiah.
4. Sodapalle Somayya.	12. Meattari Pokkaji.
5. Kunda Komiah.	13. M. Narayana Menon.
6. Kakkuru Gangadu.	14. Jortha Gautayya.
7. Palakkathodi Barutti.	15. Kuppuswami Mudaliyar.
8. Dorakonda Lakshmudu.	

15th October 1929]

APPENDIX V.

[Vide answer to question No. 917 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 15th October 1929, page 1100 supra.]

Statement showing the names of non-official visitors to Central Jails, the dates of their appointment and the number of visits paid by each.

Serial number and name of Central Jail.	Name of the non-official visitor.	Period for which appointed.	Date of appointment.	Number of visits paid since the date of appointment.
1. Rajahmundry	M.R.Ry. S. Kameswara Rao Garu.	YES.	10th Oct. 1927	6
2. Do.	P. Govinda Rao Nayudu Garu.	2	16th Jan. 1928	2
3. Do.	D. Umamaheswara Rao Pantulu Garu.	2	12th April 1929.	4
4. Do.	A. Rama Rao Pantulu Garu.	2	16th April 1929.	7
5. Do.	Janab Abdul Azeiz Sahib Bahadur.	2	10th Oct. 1927	10
6. Do.	M.R.Ry. Jepuddi Seshagiri Rao Garu.	2	Do.	4
7. Vellore	Khan Bahadur Haji Mouli Ziauddin Sahib Bahadur.	2	19th April 1929.	Nil.
8. Do.	Dr. Anna Deunning	2	18th June 1928	3
9. Do.	M.R.Ry. V. S. Padmanabha Mudaliyar.	2	28th July 1929	Nil.
10. Do.	Viraswami Mudaliyar,	2	Do.	1
11. Do.	M. P. Santosh	2	Do.	Nil.
12. Do.	M.R.Ry. Rao Sahib T. K. Nayanar (Honorary Secretary, Discharged Prisoners' Aid Society).	2	28th July 1929.	8
13. Do.	Janah Syed Abdul Ali Sahib Bahadur.	2	Do.	1
14. Do.	Mrs. Meshak Peter	2	Do.	3
15. Trichinopoly	Mr. Innes Baillie	2	7th May 1929.	1
16. Do.	M.R.Ry. T. M. Narayanaswami Pillai Avargal, M.A., B.L., M.L.C.	2	15th May 1929.	1
17. Do.	Rao Sahib V. R. Ramaswami Ayyangar, Assistant Secretary to Agent, South Indian Railway.	2	27th May 1929.	2
18. Do.	N. Ramaswami Ayyar, Advocate.	2	Do.	2
19. Do.	Mr. P. Sherufuddin Sahib, Advocate.	2	24th July 1929.	1
20. Do.	M. K. Muhammad Ibrahim Bahadur, Chairman, Municipal Council, Trichinopoly.	2	14th Sep. 1929.	..

[15th October 1929]

Statement showing the names of non-official visitors to Central Jails, the dates of their appointment and the number of visits paid by each—*cont.*

Serial number and name of Central Jail.	Name of the non-official visitor.	Period for which appointed.	Date of appointment.	Number of visits paid since the date of appointment.
21. Coimbatore ..	M.R.Ry. P. N. Krishnaswami Ayyangar, B.A., B.L.	YRS. 2	6th July 1928.	12
22. Do. ..	„ Tirunavukkarasa Mudaliyar.	2	28th April 1929.	Nil.
23. Do. ..	Dr. T. A. Raju ..	2	22nd May 1928.	13
24. Do. ..	M.R.Ry. B. A. Padmanabha Ayyar.	2	28th April 1929.	4
25. Do. ..	Mrs. Eapen ..	2	12th Sep. 1929.	..
26. Do. ..	Mrs. Ramaswami Sivan † ..	2	12th Sep. 1929.	..
27. Do. ..	M.R.Ry. P. S. G. Venkataswami Nayudu.	2	Do.	..
28. Do. ..	„ F. B. Selvarayagan ..	2	Do.	..
29. The Penitentiary.	„ A. Manikka Mudaliyar ..	2	4th Feb. 1929 ..	3
30. Do. ..	Khan Bahadur Mir Mushruddin Sahib Bahadur.	2	6th May 1929 ..	Nil.
31. Do. ..	M.R.Ry. G. Janakiram Chetti Garu.	2	8th Dec. 1928 ..	8
32. Do. ..	„ Rao Sahib P. Ranganatham Chettiyar.	2	9th April 1928.	7
33. Do. ..	„ Rao Bahadur G. Kothandaramanujulu Nayudu Garu.	2	6th Aug. 1928..	7
34. Do. ..	„ Diwan Bahadur G. Narayanaswami Chetti Garu.	2	28th July 1928.	112
35. Do. ..	Mrs. K. M. Leach ..	2	27th Oct. 1927.	5
36. Do. ..	Mrs. Alamelumangathayammal ..	2	28th May 1928.	7
37. Cannanore ..	A. C. Koyamma Thangal Sahib Bahadur Raja of Arokkal.	2	18th June 1927.	12 *
38. Do. ..	Mr. A. T. Christian ..	2	Do.	16 **
39. Do. ..	Mr. James Albert Brooks ..	2	22nd Feb. 1928 ..	7
40. Do. ..	M.R.Ry. Rao Sahib P. Govinda Panikkar.	2	28th June 1928 ..	37
41. Do. ..	T. P. Muhammad Sahib Bahadur	2	10th Oct. 1928 ..	7
42. Do. ..	M.R. Ry. K. K. Subba Rao ..	2	14th Feb. 1929 ..	4
43. Salem ..	„ B. A. Kandaswami Chettiyar.	2	1st Feb. 1929 ..	1
44. Do. ..	„ V. N. Chellam Ayyangar.	2	Do. ..	9
45. Do. ..	„ D. P. Chennakrishna Chettiyar.	2	Do. ..	5
46. Do. ..	Bernad Thomas, Esq., B.A. ..	2	26th May 1929 ..	2
47. Do. ..	Rev. T. C. Whitney, B.A. ..	2	18th June 1929 ..	5
48. Do. ..	Janab S. K. I. Abdul Rahman Sahib Bahadur.	2	1st Feb. 1929 ..	6
49. Bellary ..	M.R.Ry. Rao Sahib J. Papiiah Chetti Garu.	2	9th Mar. 1928 ..	11

* Reappointed. Paid 17 visits during the previous period of office.

† Reappointed. Paid 11 visits during her former term.

** Term of office expired. District Magistrate's order reappointing these two gentlemen not yet received.

15th October 1929]

Statement showing the names of non-official visitors to Central Jails, the dates of their appointment and the number of visits paid by each—*cont.*

Serial number and name of Central Jail.	Name of the non-official visitor.	Period for which appointed.	Date of appointment.	Number of visits paid since the date of appointment.
50. Bellary ..	Rev. H. Sumitra, B.A. ..	YRS. 2	9th Mar. 1928 ..	6
51. Do. ..	M.R.Ry. P. Siva Rao Garu, B.A., B.L., M.L.C.	2	Do.	1
52. Do. ..	E. D. Martin, Esq., B.A.	2	15th April 1928..	8
53. Do. ..	M.R.Ry. K. Balappa Garu ..	2	31st June 1929 ..	5
54. Do. ..	„ V. Krishnama Chetti Garu, B.A., B.L.	2	26th July 1929 ..	Nil.
55. Alipuram ..	Janab D. Moideen Sahib ..	2	9th Mar. 1928.	10
56. Do. ..	Dr. N. Ramanni ..	2	Do.	9
57. Do. ..	Janab Abdul Nabi Sahib ..	2	Do.	12
58. Do. ..	„ Hye Sahib, M.L.C. ..	2	Do.	2
59. Do. ..	M.R.Ry. C. Balaji Rao, B.A., B.L.	2	27th Mar. 1928.	9
60. Do. ..	„ J. Veera Mallappa ..	2	Do.	8
61. Vizagapatam ..	„ Rao Sahib S. Ranga Rao Nayudu Garu.	2	10th June 1928.	10
62. Do. ..	„ M. Appalanarasayya Nayudu Garu.	2	Do.	7
63. Do. ..	„ P. Narasinga Rao Pantulu Garu.	2	Do.	12
64. Do. ..	„ R. Gurunath Nayudu Garu.	2	Do.	6
65. Do. ..	„ N. Rama Rao Pantulu Garu.	2	11th Nov. 1928.	5
66. Do. ..	„ K. V. Somanna Chetti Garu.	2	1st Dec. 1928.	11

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 16th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Mahmud Sohamnad Sahib Bahadur.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Mallayya, Dr. B. S.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Manikkavelu Nayakar, Mr. M. A.
Subbarayan, The hon. Dr. P.	Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Muthiah Mudaliyar, The hon. Mr. S.	Muniswami Nayudu, Rao Bahadur B.
Seturatnam Ayyar, The hon. Mr. M. R.	Muniswami Pillai, Mr. V. I.
Abdul Hameed Khan Sahib Bahadur.	Muppil Nayar of Kavalappara.
Abdul Razaq Sahib Bahadur, Khan Bahadur S. K.	Muthulakshmi Reddi, Dr. (Mrs.) S.
Adinarayana Chettiyar, Mr. T.	Muthuranga Mudaliyar, Mr. C. N.
Anjaneyulu, Mr. P.	Nanjappa Bahadur, Subadar-Major S. A.
Appavu Chettiyar, Mr. C. D.	Narayana Raju, Mr. D.
Arogyaswami Mudaliyar, Diwan Bahadur E. N.	Narayanan Nambudripad, Rao Bahadur O. M.
Arpudaswami Udayar, Mr. S.	Natesa Mudaliyar, Rao Bahadur C.
Basheer Ahmed Sayeed Sahib Bahadur.	Obi Reddi, Mr. C.
Bheemayya, Mr. J.	Patro, Kt., Rao Bahadur Sir A. P.
Chidambaramanatha Mudaliyar, Mr. T. K.	Premayya, Mr. G. R.
Cotterell, C.I.E., I.C.S., Mr. O. B.	Rajan, Mr. P. T.
Dann, Mr. E.	Ramachandra Padayachi, Mr. K.
Dorai Raja, Mr. S. N.	Ramachandra Reddi, Mr. B.
Ellappa Chettiyar, Rao Bahadur S.	Ramamurti, I.C.S., Mr. S. V.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Ramasomayajulu, Mr. C.
Foulkes, Mr. E.	Ramjee Rao, Mr. V.
Gangadhara Siva, Mr. M. V.	Ranganatha Mudaliyar, Mr. A.
Gnanavaratn Pillai, Mr. P. J.	Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Gopala Menon, Mr. C.	Robertson, Mr. R. J. C.
Govindaraja Mudaliyar, Mr. C. S.	Rutherford, Mr. T. G.
Govindan Nayar, Mr. C.	Sami Venkatachalam Chetti, Mr.
Gray, C.B.E., I.C.S., Mr. J.	Sarabha Reddi, Mr. K.
Guruswami, Rao Sahib L. C.	Satyamurti, Mr. S.
Harisarvottama Rao, Mr. G.	Shetty, Mr. A. B.
Hearson, Mr. H. F. P.	Sitarama Reddi, Rao Bahadur K.
Hilton Brown, I.C.S., Mr.	Siva Raj, Mr. N.
John, Mr. V. Ch.	Siva Rao, Mr. P.
Kaleswara Rao, Mr. A.	Soundara Pandian, Mr. W. P. A.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Srinivasa Ayyangar, Mr. B.
Khadir Mohidin Sahib Bahadur, Muhammad.	Srinivasan, Rao Sahib B.
Khalif-ullah Sahib Bahadur, Khan Bahadur P.	Subrahmanya Moopnar, Mr. S.
Koti Reddi, Mr. K.	Tajudin Sahib Bahadur, Syed.
Krishnaswami Nayakar, Mr. K. V.	Uppi Sahib, Mr. K.
Kumaraswami Reddiyar, Diwan Bahadur S.	Venkatapathi Raju, Mr. P. C.
Kuppuswami, Mr. J.	Venkatarama Ayyar, Mr. K. B.
Leach, I.C.S., Mr. A. G.	Venkataramana Ayyangar, Mr. C. V.
Maharaja of Pithapuram.	Venkataram Nayudu, Mr. C.
	Venkiah, Mr. S.
	Watson, I.C.S., Mr. H. A.
	Wood, Mr. C. E.
	Zamindar of Mirzapuram.

[16th October 1929]

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Depressed Classes

Starting of Co-operative Societies for Kallars.

* 922 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Home Member be pleased to state—

(a) how many co-operative societies have been started in the Tanjore district as part of the Kallar Reclamation scheme and how many officers have been lent for this purpose by the Co-operative department; and

(b) what steps have been taken to wean Kallars of the Tanjore district from the habit of drink?

A.—(a) The number of societies on the 31st March 1928 was 113 (including 40 societies financed by the Tanjore Co-operative Central Bank) under the supervision of four Co-operative Inspectors.

(b) In pursuance of the general policy of the Government steps have been taken from time to time to diminish the facilities for obtaining liquor in the areas inhabited by Kallars (as in other areas) for example by the reduction of the number of shops and the strength of liquor supplied and by limiting the private possession of arrack without licence.

Mr. S. ARPUDASWAMI UDAYAR:—“May I know whether toddy is included under liquor in clause (b) of the answer to this question?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“I think so. I am not sure.”

Police

Alleged search of Mr. Somayajulu's articles at Tanjore.

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

(a) whether it is a fact that when Mr. Somayajulu, Editor, “Young Tamilian,” was on the platform of the Tanjore Railway station recently, the Sub-Inspector of Police demanded to search a hand bag which he (Mr. Somayajulu) was carrying and that when Mr. Somayajulu protested against his action the Sub-Inspector threw away the box and left the place; and

(b) whether Government have sent any instructions to molest Congress workers and to annoy them?

A.—(a) The Government have no information but have called for it.
(b) No.

Mr. T. ADINARAYANA CHETTIYAR:—“May I enquire how it is that since 12th August 1929 the Government have not had time to obtain the particulars?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“We have called for the information, but have not received it.”

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Mr. T. ADINARAYANA CHETTIYAR:—“Is it so very difficult to get information about a certain incident that took place in Tanjore over two months ago?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“As soon as I received the question, I called for the information from the Inspector-General of Police.”

Mr. ABDUL HAMEED KHAN:—“May I ask whether the report will ultimately come from the inspector with regard to whose action this question had arisen?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“I do not think so. I think the Inspector-General will call upon the Superintendent of Police to make personal enquiries and report.”

Reinvestigation of the Mannadi murder case by the Criminal Investigation Department.

* 924 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the newly created Crimes Branch of the City Police has taken up the reinvestigation of the Mannadi murder case;

(b) if so, in what stage it is;

(c) if not, whether the Government propose to direct the reinvestigation of the same; and

(d) if not, why not?

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

(c) No.

(d) The matter is one within the competence of the Commissioner of Police.

Mr. C. S. GOVINDARAJA MUDALIYAR:—“May I know why information has not been called for?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“There is no necessity. It is stated in the answer that the matter is one within the competence of the Commissioner of Police.”

Mr. C. S. GOVINDARAJA MUDALIYAR:—“If the Commissioner is not taking action, is it not incumbent on the Government to ask him to take action?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“It is not necessary.”

Mr. C. S. GOVINDARAJA MUDALIYAR:—“Is not the murder of a student a matter important enough to compel the Government to take action?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“I think the Police have made honest attempts to trace the murderer but failed.”

Mr. C. S. GOVINDARAJA MUDALIYAR:—“Could not the Crimes Department take action?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—“No, Sir.”

[16th October 1929]

Alleged compulsion of village congress committees in Andhra districts to disclose the names of members.

* 925 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Home Member be pleased to state—

(a) whether the police in the Andhra districts are requiring village congress committees to disclose the number and the names of members enrolled; and

(b) if so, under what authority they are doing so?

A.—(a) No.

(b) Does not arise.

Mr. G. HARISARVOTTAMA RAO:—“With reference to clause (a), may I ask what enquiries the hon. the Home Member made in the matter and whether he enquired definitely regarding matters in West and East Godavari districts?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“I asked the Inspector-General to make enquiries. He did so and reported to the Government.”

Mr. P. C. VENKATAPATHI RAJU:—“May I know whether the hon. the Home Member will be pleased to ask the Inspector-General of Police to enquire whether the Sub-Inspector of Ellore annoyed the congress committee there as reported in the newspapers?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“Yes, Sir; if the allegation is true.”

Mr. P. ANJANEYULU:—“May I know whether he will be pleased to give instructions to the police not to harass Congress men in the manner suggested?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“Certainly.”

Mr. S. SATYAMURTI:—“May I know if the answer given in clause (a) is based on any report or information called for and obtained by the hon. the Home Member?”

The hon. the PRESIDENT:—“That question has been answered.”

Rules regarding the constitution of juries at inquests.

* 926 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether the Police Commissioner has recently made rules or issued instructions regarding the constitution of juries at the inquests held by the police in connexion with accidental deaths, etc.;

(b) whether he will place a copy of the rules or of the instructions on the table of the House and if not, why not; and

(c) whether the Government have any intention of reviving the office of Coroner and if not, why not?

A.—(a) & (b) The Government have no information, but have called for it.

(c) No. The Government consider that there is no need for a Coroner.

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Mr. S. SATYAMURTI:—“Will the hon. the Home Member be pleased to place the information on the table of the House as soon as it is received?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“The suggestion of the hon. Member will be considered.”

Mr. S. SATYAMURTI:—“May I know why the Government considered that there is no need for the revival of the office?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“The Government think that the present system is working properly.”

Mr. S. SATYAMURTI:—“In view of the fact that in connexion with more than one inquest recently, there have been complaints, will the Government consider the question of the revival of the office of Coroner, which obtains in other Presidency towns in India?”

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—
“Certainly. The question will be considered.”

Civil Justice

Inconveniences of jurors and assessors.

* 927 Q.—Mr. J. A. SALDANHA: With reference to my question No. 81 answered on 7th August 1929 regarding the inconveniences of jurors and assessors, will the hon. the Law Member be pleased to place on the Council table any orders Government have passed on the subject?

A.—The hon. the Judges of the High Court have been requested to arrange for the accommodation of the jurors and assessors in the existing buildings as far as possible. Where, however, it is found impossible to do so, proposals have been called for for the provision of additional accommodation. As regards the other points referred to by the hon. Member in his communication, the Government do not consider that any action is necessary.

Mr. S. SATYAMURTI:—“In view of the fact that fresh buildings are being erected in the High Court compound for the Courts of Small Causes, may I know whether the Government will be pleased to give instructions to provide better accommodation to the jurors and assessors?”

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—“This question has reference to the inconvenience caused to the jurors and assessors in the mufassal.”

Income from and expenditure on process service.

* 928 Q.—Mr. J. A. SALDANHA: With reference to my question No. 206, dated 10th August 1929, will the hon. the Law Member be pleased to state—

(a) the amount of process fees as levied in Civil Courts in this Presidency within and outside the City of Madras and the expenditure in connexion with process service in the years 1927-28 and 1928-29; and

(b) the estimates for the year 1929-30?

A.—(a) & (b) The information is given in the appended statement.*

[16th October 1929]

Mr. C. RAMASOMAYAJULU :—" May I request the hon. the Law Member to do something to ameliorate the position of the process-servers, Sir ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. The question was fully considered and the Government came to the conclusion that it was not possible to do anything."

Mr. C. RAMASOMAYAJULU :—" May I take it that the Government intend to make money from this department? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir."

Mr. C. RAMASOMAYAJULU :—" If that is not so, may I ask the reason why they make a saving from the process fees ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The process fee forms part of the income of the judicial department and the expenditure is taken as a whole."

Criminal Justice

Alleged omission of the substance of the evidence in the charge-sheet.

* 929 Q.—Mr. P. SIVA RAO : Will the hon. the Law Member be pleased to state—

(a) whether the charge-sheets now prepared in the criminal cases contain only the name of witnesses without reciting the substance of the evidence given by them ;

(b) whether hitherto the charge-sheets used to contain the substance of the evidence of the witnesses also ;

(c) what are the reasons for this change of practice and who is responsible for it ; and

(d) whether the Government have issued any instructions in respect of the same ?

A.—(a) to (d) The attention of the hon. Member is invited to the answer given to question No. 560 on 27th September 1929.

Mr. S. SATYAMURTI :—" In the answer to this question I am referred to another question. May I know the reasons why the Government have made this change leaving out the substance of the evidence of each witness in the charge-sheet ? "

The hon. the PRESIDENT :—" The answer was given to that question on the last occasion."

Mr. S. SATYAMURTI :—" But no reasons were given."

The hon. the PRESIDENT :—" There was a similar supplementary question and it was answered."

Mr. S. SATYAMURTI :—" I have only got this thing, Sir. May I know whether the Government will consider the desirability of putting in these charge-sheets the substance of the evidence of each prosecution witness in order to enable the defence to meet the same ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" No, Sir. It was after mature deliberation that it was so decided."

[16th October 1929]

Jails

Possibilities of supplying No. 6 count yarn by hand-spinning in jails.

* 930 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Law Member be pleased to state in reference to answers delivered to my question No. 324 on 10th August last, whether the Government have investigated the possibility of supplying No. 6 count yarn by introducing hand-spinning in the jails ?

A.—No.

Mr. G. HARISARVOTTAMA RAO :—" May I ask the hon. the Law Member whether he is aware that No. 6 count yarn can be produced by hand-spinning at as cheap rates as in the case of machine-made yarn if not cheaper ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The Inspector-General of Prisons has reported that the machinery in the jails now produce all that is necessary for consumption in the jails and that in course of time this particular count of yarn can also be produced."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. the Law Member is aware that the Inspector-General did say that No. 6 count yarn was being used in the jails and that it was not produced in jails now, but bought from outside ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" What he has stated is that the machinery now produces other counts and that in course of time it would be able to produce this particular count also."

Mr. G. HARISARVOTTAMA RAO :—" Exactly, Sir. May I know from the hon. the Law Member, in view of what the Inspector-General says, whether he would introduce hand-spinning so that it can be produced now before it is produced by means of machinery ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion, Sir."

Details of expenditure in the Penitentiary and other jails.

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

(a) how much of the Rs. 73-14-0 the cost per head in the Penitentiary, Madras, in 1928 is due to the employment of European Warders and the grant of house-rent and other compensatory allowances to the subordinate staff ;

(b) how much of the cost per head of Rs. 58-10-5 in the Rajahmundry jail represents the leave allowance paid to the Superintendent ; and

(c) what part of the cost per head of Rs. 56-4-7 in the Central Jail of Vizagapatam represents the cost of the extra warder force employed to control the incorrigible habituals incarcerated in the jail ?

A.—(a) to (c) The Government have no information but have called for it.

[16th October 1929]

Mr. C. S. GOVINDARAJA MUDALIYAR :—" May I know whether the information called for will be laid on the table when received ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I shall consider the suggestion."

State Prisoners

Allowances to the families of Mappilla prisoners.

* 932 Q.—Mr. BASHEER AHMED SAYEED : Will the hon. the Law Member be pleased to state—

(a) the number of Mappilla State prisoners resident in the districts of South Arcot, Salem, Coimbatore and Nilgiris, respectively ;

(b) whether the Government have enquired about the number of members who constitute the family of each of these detainees ;

(c) the subsistence allowance that is granted to each one of the State prisoners per mensem and the extra allowance, if any ;

(d) whether it is a fact that representations were made to the hon. the Law Member by prominent members of the Muslim public and members of the Legislative Council on the question of granting enhanced allowances to the Mappilla State prisoners all over the Presidency ; and

(e) whether the hon. the Law Member has taken any steps to enhance the said allowance, and with what result ?

A.—(a) The number is as follows :—

South Arcot	...	...	...	...	...	13
Salem	...	...	...	...	...	12
Coimbatore	...	...	...	...	...	1
The Nilgiris	...	...	...	...	...	Nil.

(b) Yes.

(c) One of the prisoners is granted Rs. 30 per mensem.
Six of the prisoners are granted Rs. 12 each per mensem.
Two of the prisoners are granted Rs. 11 each per mensem.
Seventeen * of the prisoners are granted Rs. 5 each per mensem.

(d) Yes.

(e) The Madras State Prisoners Regulation, 1819, provides for specific cases in which allowances are considered inadequate being brought to the notice of the Government. Such cases when reported are duly dealt with on their merits. The Government consider that there is no case for a general enhancement of the allowances.

Mr. ABDUL HAMEED KHAN :—" May I know if the sum of Rs. 5 each now granted to 17 of the prisoners is sufficient for them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If the District Magistrate reports on the request of these prisoners that it is insufficient, the Government will consider the matter."

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. the Law Member whether any case of inadequacy of the allowance was brought to his notice ? "

* Of these 17, four have wife and children residing with them ; of these four, two are granted family allowances of Rs. 5 each and the other two Rs. 3 and Rs. 4, respectively, according to the number of children.

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Oh, yes, and the Government have considered such requests and in some cases have granted them increased allowance."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know in how many cases they granted increased allowance and what the increase was ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" I do not remember. There were four or five cases, I believe."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I ask whether the Government are considering the desirability of sending these people to Malabar ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They considered the case of each of these prisoners separately recently and came to the conclusion that it was not desirable to send them to Malabar."

Mr. ABDUL HAMEED KHAN :—" May I know how it is undesirable ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because it would not be conducive to the peace of the district."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (c) of this question, may I know on what considerations these differential allowances are based ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are based on the position which these prisoners occupied in society before they were taken into custody."

Mr. S. SATYAMURTI :—" May I ask, if in fixing Rs. 11 or 12 for their allowances, the Government considered the question whether it is possible for these unfortunate people to live on that sum ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes ; in view of the fact that in addition to this income they are allowed to work and earn other income."

Mr. S. SATYAMURTI :—" May I know whether the Government are allowing them to do extra work ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Yes. Some of these people keep tea shops and are able to supplement their allowances considerably."

Mr. ABDUL HAMEED KHAN :—" Are the Government of opinion that, even after the passing of the Malabar Tenancy Bill, the peace of Malabar will be disturbed if these people are allowed to go back ? "

The hon. the PRESIDENT :—" The opinion of the Government cannot form the subject matter of a supplementary question."

Mr. T. ADINARAYANA CHETTIYAR :—" May I know in what year this sum of Rs. 6 was fixed ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" The rates are being revised from time to time."

Mr. T. ADINARAYANA CHETTIYAR :—" When was the last revision made ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" As I said, these rates are being revised according to the circumstances and according to the capacity of these prisoners to earn money by other means."

[16th October 1929]

Mr. T. ADINARAYANA CHETTIYAR :—" Have the Government taken into consideration the increased cost of living and increased price of provisions since this fixing ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They have taken all these things into consideration."

Assignment of Lands

Assignment of certain lands to the ryots of Vellur village.

* 933 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the ryots of Vellur village in Chengam taluk, North Arcot district, have repeatedly applied to the Collector of North Arcot asking for assignment to them for cultivation purposes of a plot of land about 1,000 acres in extent, south of the boundary of Pushudur village in Chengam taluk, west of Pinjur village, east of Vedanguppam village boundary and north of the road to Vanakambadi; and

(b) whether the Government propose to enquire into the grievances of these ryots and pass suitable orders on their application?

A.—(a) & (b) The Government have not the information. A report has been called for.

Proposed assignment of a certain poramboke to Mr. Balasundaram Mudali in Arni Jaghir.

* 934 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government propose to assign Government poramboke S. No. 1 of Arnipalaiyam and Sharpanapet, Arni Jaghir, North Arcot district, to Balasundaram Mudali for rearing and flower garden;

(b) whether the ryots of the above villages are objecting to the assignment and if so, on what grounds; and

(c) whether the Government propose to enquire into the matter?

A.—(a) to (c) There is no such proposal before the Government.

Constitution of Districts

Restoration of certain villages to Adoni taluk.

* 935 Q.—Mr. P. SIVA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the following villages, viz., (1) Naganathanahalli, (2) Danapuram, (3) Naranapuram, (4) Chyagi, (5) Musanahalli, (6) Peddagonehalli, (7) Maddilingadahalli, (8) Ingaladahal, (9) Chinnagonehalli, (10) Chinna Harivanam and (11) Taugardona, formerly belonged to the Adoni taluk in the Bellary district and are now comprised in the Alur taluk of the same district;

(b) whether these villages are very close to Adoni and far off from Alur and whether they were added to the Alur taluk on account of the then unwieldy nature of the Adoni taluk;

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(c) whether the old Siruguppa taluk has been since restored and whether the Adoni taluk has now assumed a normal extent; and

(d) whether there is any proposal to restore the above villages to the Adoni taluk?

A.—(a) Yes.

(b) The villages were transferred from Adoni taluk to Alur taluk for the reasons that they were close to Alur and that the Tahsildar of Adoni required relief.

(c) The old Siruguppa taluk has been reconstituted with certain changes. The number of villages in Adoni taluk prior to the reconstitution of Siruguppa taluk was 210; after the reconstitution the number is 177.

(d) No.

Mr. P. SIVA RAO :—" Are the Government in possession of information regarding the distance between these villages and Adoni town ? "

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

Mr. P. SIVA RAO :—" May I enquire whether the Government will be pleased to enquire whether these villages could not be restored to Adoni taluk ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I think this matter has been quite recently considered and decided. I do not think therefore it is desirable to reopen the question so soon."

Irrigation

Plans and estimates for the Kanchalamma tank project.

* 936 Q.—Mr. G. HARISARVOTTAMA RAO : Will the hon. the Member for Revenue be pleased to state—

(a) whether the detailed plans and estimates for the Kanchalamma tank project are now ready;

(b) what the amount of the estimate is; and

(c) whether provision is being made in the next budget for the same?

A.—(a) No

(b) The Government have no information.

(c) No.

Mr. G. HARISARVOTTAMA RAO :—" May I know if the detailed plans and estimates are under examination in the office of the District Executive Engineer, Cuddapah ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I have not the information. I must ask for notice."

Mr. G. HARISARVOTTAMA RAO :—" May I know if the hon. the Revenue Member is aware that this project is a productive project ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I cannot say until the plans and estimates are received."

Mr. G. HARISARVOTTAMA RAO :—" May I know if he will enquire into the matter and, if possible, provide for it in the next budget ? "

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The hon. Mr. A. Y. G. CAMPBELL:—"I do not think we shall be able to include it in the next budget. We have not received the plans and estimates yet."

Mr. G. HARISARVOTTAMA RAO:—"May I know if he will enquire into the matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"I will enquire how matters stand."

Examination of the Gajuladima and Krishnapuram projects.

* 937 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state whether the Government propose to examine the Gajuladima (Hindri) and Krishnapuram projects in the Kurnool districts irrespective of the Tungabhadra project?

A.—The attention of the hon. Member is invited to the answer to question No. 14 given to him on 3rd September 1928.

Objections in regard to the fixation of the second crop zone in Godavari delta.

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

(a) whether any objections have been received from the ryots of Koovada, Bhimavaram taluk, West Godavari district, to the proposals of the 'special duty' Executive Engineer, in regard to the fixation of the second crop zone in Godavari western delta, published at pages 1021 to 1078 in the *Fort St. George Gazette* of May 1929; and

(b) if so, how they have been disposed of?

A.—(a) Yes.

(b) The petition from the ryots was sent to the Board of Revenue with reference to paragraph 1 of G.O. No. 990 I., dated 22nd March 1929, which has already been placed on the Council table.

Silt clearance in Nattar river.

* 939 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are in receipt of a communication from Mr. P. S. Ramakrishnan on behalf of the ryots of Tanjore district with reference to the silt clearance in Nattar river, etc.; and

(b) if so, what action the Government have taken thereon?

A.—(a) & (b) Yes; the communication was sent to the Chief Engineer for Irrigation for disposal.

Season

Failure of seasonable rains in Ganjam district.

* 940 Q.—Sriman BISWANATH DAS Mahasaya: Will the hon. the Member for Revenue be pleased to state whether it is a fact that there has been a failure of seasonable rains in the Ganjam district and that in consequence the paddy crops in practically all non-canal areas is far below normal?

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A.—The hon. Member is referred to the Weekly Season reports published as Supplement to Part II of the *Fort St. George Gazette*. The Government have no separate information about the condition of the paddy crops in the non-canal areas of the Ganjam district.

Village Establishment

Record of statements in connexion with the transfer of pattas.

* 941 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the karnams in the Kurnool district are being required to record statements from joint pattadars, tenants of such pattadars and the transferees in all cases of transfers effected at the Registration office and for which transfer applications are forwarded to the Revenue Department;

(b) if the answer to (a) be in the positive, whether that is being done under instructions from the Government; and

(c) whether the karnams are additionally remunerated for this work?

A.—(a) The form^a of questionnaire to be answered by the village headman and karnam in all cases of applications for transfer of registry including those received through Registration officers is attached. The hon. Member will observe that the village officers have not to record statements but only to answer the questionnaire and where necessary to obtain the signatures of the parties concerned.

(b) The questionnaire was issued by the Board of Revenue with the general approval of the Government.

(c) There is no question of additional remuneration. It is one of the duties of village officers to report on applications for transfer of registry and the questionnaire is only intended to simplify and facilitate their work.

Mr. G. HARISARVOTTAMA RAO:—"May I ask whether the hon. the Revenue Member is aware that a number of matters contemplated in the instructions such as description of land, consent of the applicant, etc., are not now covered by the examination that is made in the Sub-Registrar's office?"

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

Alleged levy of fines on karnams in Kurnool district.

* 942 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that karnams in the Kurnool district are being fined in amounts rising up to Rs. 10 at a time on the report of the Land Records Inspector; and

(b) if the answer to (a) be in the positive, whether he proposes to issue instructions in regard to the amount of fines that may be permissible and the nature of the offences deserving of fines?

A.—(a) & (b) The Government have not the information.

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Mr. G. HARISARVOTTAMA RAO:—"May I know if the Land Records inspector is directly responsible to the Collector of the district?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must have notice of the question."

Wild Animals

Number of wild animals killed in South Kanara.

* 943 Q.—Mr. J. A. SALDANA: With reference to my question No. 222 answered on 10th August 1929, will the hon. the Member for Revenue be pleased to state the number of wild animals (panthers, cheetas, wild boars) shot dead or otherwise killed in South Kanara by—

- (a) Government officers and Revenue officers; and
- (b) private individuals or other shikar parties in 1925-26 and 1927-28?

A.—(a) & (b) The Government have not the information.

Education

Opening of a training school for girls at Srivilliputtur.

* 944 Q.—Mr. S. ARPUDASWAMI UDAYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether the Roman Catholic Mission applied for permission to start a training school for girls at Srivilliputtur, Tinnevely district;
- (b) whether the Education Department made any enquiries through its officers regarding the educational needs of the Roman Catholic community and its total strength in the Ramnad and Tinnevely districts;
- (c) on what grounds permission was not granted; and
- (d) whether it is a fact that there are training schools in the Ramnad and Tinnevely districts exclusively for Hindu girls?

A.—(a) Yes.

(b) Yes; the Inspectress was asked to report on the need for the opening of a training school at Srivilliputtur.

(c) Permission was not granted as the question whether the Mission's requirements could not be met by the Government Training Schools at Ramnad and Tinnevely had to be investigated. Further, there was no provision in the budget estimates for the current year for grants to the school.

(d) No. The Government Training Schools in these districts are open to all communities.

11-15 a.m. Mr. S. ARPUDASWAMI UDAYAR:—"With reference to clause (c) of the answer, may I ask the hon. the Minister whether, as a result of the investigation into the matter and in view of modern schemes for extension, there is room for a training school for girls by the Roman Catholic Mission?"

The hon. Dr. P. SUBBARAYAN:—"As I have stated in the answer the Government felt that the existing Government Training School was sufficient for the purpose."

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Proposed enhancement of school fees in the Presidency.

* 945 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether it is a fact that there is a proposal before the Government to fix an enhanced rate of school fees in the Presidency;
- (b) whether it is a fact that some conferences were held between the members of the public and the Director of Public Instruction on this matter; and

(c) if so, whether the hon. Minister will place on the Council table the proposal of the Director of Public Instruction and the opinion of the members of the public and organizations which were consulted on the matter?

A.—(a), (b) & (c) No such proposal is under the consideration of Government.

Mr. BASHEER AHMED SAYEED:—"May I know from the hon. Minister whether the Director of Public Instruction invited certain representatives of the Muslim community to consult with them on the question of the enhancement of fees in schools?"

The hon. Dr. P. SUBBARAYAN:—"As I have stated no such proposal is under consideration of the Government."

Mr. ABDUL HAMEED KHAN:—"May I know if the Government are aware that in the case of Muslim girls, fees have been enhanced?"

The hon. Dr. P. SUBBARAYAN:—"Not that I am aware of."

Mr. BASHEER AHMED SAYEED:—"May I know whether it is a fact that certain representatives of the Muslim Educational Association of Southern India met the Director of Public Instruction on his invitation, and may I know what were the conclusions arrived at in that conference?"

The hon. Dr. P. SUBBARAYAN:—"I am not aware of any such deputation."

Mr. BASHEER AHMED SAYEED:—"May I know from the hon. Minister whether he will be pleased to place on the Council table any data which the Director of Public Instruction has collected for the enhancement of fees?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give any such undertaking."

Organization of travelling parties for collecting manuscripts.

* 946 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

- (a) whether there are any travelling parties organized by the Government to go round and collect manuscripts in South India;
- (b) if so, how many such parties there are;
- (c) how many volumes have been collected during the course of the last three years and the cost incurred in the collection of such manuscripts; and

(d) the subject matter of each of these manuscripts and their language?

A.—(a), (b), (c) & (d) At present no travelling parties organized by the Government are at work. The Curator however sends out occasionally and as funds permit a member of the library staff for the collection of manuscripts. The latest report on the

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working of the library, viz., that for the triennium ending 1927-28 printed in G.O. No. 2267, Education, dated the 24th November 1928, and placed at the disposal of the press, contains a record of the work done in the direction during the period.

Increase of the salary of pandits in colleges and schools.

* 947 Q.—Mr. K. R. KARANT: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Director of Public Instruction or the Government has made any and if so, what proposals to raise the salaries of pandits in the colleges and high schools?

A.—The matter is under consideration.

Mr. C. RAMASOMAYAJULU:—"May I know whether there are any definite proposals before the Government regarding this question?"

The hon. Dr. P. SUBBARAYAN:—"The Government have not asked for any proposals."

Mr. S. SATYAMURTI:—"May I know whether the Government is aware that the University Commission has stated that their pay is inadequate?"

The hon. Dr. P. SUBBARAYAN:—"It is on that we are considering taking action."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. the Minister whether these pandits will be given the same status as that of lecturers and professors of colleges?"

The hon. Dr. P. SUBBARAYAN:—"The pandits will be put on a different scale of their own."

Mr. BASHEER AHMED SAYEED:—"May I know whether pandits also include Hindustani and Arabic Munshis?"

The hon. Dr. P. SUBBARAYAN:—"I think it does."

Mr. G. HARISARVOTTAMA RAO:—"May I know why the case of pandits is being differently considered from others?"

The hon. Dr. P. SUBBARAYAN:—"Even the University Commission in its report have recommended that the pandits should be treated in a different manner from that of lecturers and professors in colleges."

Selection of Adi-Dravida candidates for Teacher's training in North Malabar.

* 948 Q.—Mr. V. I. MUNISWAMI PILLAI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how many Adi-Dravidas were selected for Teacher's training during the years 1928-29 and 1929-30 by the District Educational Officer, North Malabar;

(b) what is the total number of Adi-Dravidas who applied to him for selection for training during the same period; and

(c) whether it is a fact that the District Labour Officer for Malabar sent up two Adi-Dravidas for training and whether they were selected by the District Educational Officer?

A.—The Government have called for the information.

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Grants to the Seva Sadan, Mylapore.

* 949 Q.—Dr. (Mrs.) S. MUTHULAKSHMI REDDI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have considered the application for grants in respect of the educational section of the Seva Sadan, Mylapore; and

(b) whether they propose to make any grants this year and how much?

A.—(a) & (b) The application is under the consideration of the Government.

Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"May I know how long will this application be under the consideration of the Government?"

The hon. Dr. P. SUBBARAYAN:—"I cannot prophesy on that point."

Dr. (Mrs.) S. MUTHULAKSHMI REDDI:—"May I know whether the hon. Minister is aware of the resolution passed in this Council in the year 1927 recommending to the Government the sanction of a grant to this institution?"

The hon. Dr. P. SUBBARAYAN:—"Evidently the hon. Member refers to her resolution and the action taken by the Government depends upon the work done by that institution."

Mr. P. ANJANEYULU:—"May I know whether this institution has been given any grant at all?"

The hon. Dr. P. SUBBARAYAN:—"No grant has been made to the educational section. But I think the Department of Industries are giving a grant with regard to the industrial section."

Mr. S. SATYAMURTI:—"Are there any proposals before the Government to make adequate grants to this institution?"

The hon. Dr. P. SUBBARAYAN:—"The proposals are going to be placed before the Finance Committee for sanctioning adequate grants to this institution."

Mr. S. ARPUDASWAMI UDAYAR:—"May I know whether any grant has been included in the next year's budget?"

The hon. Dr. P. SUBBARAYAN:—"No grant has been included in this year's budget."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the hon. Minister will expedite matters so that he may include this item in the next year's budget?"

The hon. the PRESIDENT:—"The question does not arise."

Amendment of the Grant-in-Aid Code.

* 950 Q.—Mr. S. SATYAMURTI: Will the hon. the Minister for Education and Local Self-Government be pleased to state when the Government propose to pass orders amending the Grant-in-Aid Code?

A.—Orders will be issued as early as possible.

Mr. S. SATYAMURTI:—"May I know the lines on which the Government are going to pass orders in connexion with the revision of the Grant-in-aid Code?"

The hon. Dr. P. SUBBARAYAN:—"The Government hope to consider this in their next year's budget with regard to Part II scheme."

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Mr. C. V. VENKATARAMANA AYYANGAR :—" May I know how far this question has been considered by the Government ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I am aware, only for the last two years."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I ask whether the Government have not been considering this matter for the last six years ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I am aware, this question has been under consideration in connexion with the report submitted by Mr. Statham in October 1926."

Action taken on the Beasley Committee's report on physical education.

* 951-A Q.—Mr. ABDUL HAMEED KHAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have taken any steps to give effect to the Beasley Committee's report regarding physical education; and

(b) if no action has been taken, what are the reasons for the same ?

A.—The recommendations of the Committee have been examined. The Government hope to issue orders shortly.

Mr. ABDUL HAMEED KHAN :—" May I ask the hon. the Minister for the reasons for delaying the consideration of this report ? "

The hon. Dr. P. SUBBARAYAN :—" As I have already stated, the Government have had to consider the financial implications involved in giving effect to the report of this Committee. They hope to issue orders on this very shortly because conclusions have been come to."

Mr. S. SATYAMURTI :—" May I know whether orders will be issued for any proposals being included in the next year's budget ? "

The hon. Dr. P. SUBBARAYAN :—" Yes, Sir. That is so."

Action taken on the report of the Physical Education Committee.

* 951-B Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state when the Government propose to pass orders on the report of the Physical Education Committee ?

A.—The attention of the hon. Member is invited to the answer to question No. 951-A.

Communication to the Council of the orders passed on the Physical Education Committee's report.

* 952 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to lay on the table of the House the orders passed by the Government on the report of the Physical Education Committee ?

A.—The question will be considered.

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Grievances of Junior Deputy Inspectors of Schools.

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

(a) whether he has received any representations on or is otherwise aware of the grievances of Junior Deputy Inspectors of Schools ;

(b) whether he proposes to take any action to redress those grievances ; and

(c) if not, why not ?

A.—(a), (b) & (c) The Government have not received any representations on the subject. The attention of the hon. Member is, however, invited to the questions asked by Mr. K. P. V. S. Muhammad Meera Ravuttar at the meetings of the Legislative Council held in February and March 1929 and the answers thereto.

Discouragement of sectarian messes in college hostels.

* 954 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) which all college hostels provide sectarian messes ;

(b) in which college hostels there are voluntary cosmopolitan messes ; and

(c) whether, in view of the recommendation made by the Inspection Commission, the Government propose to take any steps to discourage sectarian messes ?

A.—(a) & (b) A statement^a relating to hostels attached to Government colleges is laid on the table.

(c) The suggestion will be considered.

Mr. A. B. SHETTY :—" With reference to the statement given in the Appendix, may I know why in several colleges although there is a common mess, Brahman and non-Brahman students are served in separate dining halls ? "

The hon. Dr. P. SUBBARAYAN :—" For the simple reason that the idea of a common mess has not entered the heads of sectarian people."

Mr. S. SATYAMURTI :—" May I ask whether it is the intention of Government to give facilities for starting common messes, wherever it is possible ? "

The hon. Dr. P. SUBBARAYAN :—" That is the intention of the Government."

Reconstruction of the buildings for the Arts College, Rajahmundry.

* 955 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Education and Local Self-Government be pleased to state with reference to question No. 1773, dated 18th March 1929, regarding reconstruction of the building of the Arts College, Rajahmundry—

(a) whether the Director of Public Instruction has submitted proposals regarding the reconstruction of the said buildings ; and

(b) whether the Public Works Department have prepared the necessary documents ?

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A.—(a) & (b) The attention of the hon. Member is invited to question No. 628 answered at the meeting of the Legislative Council held on the 30th September 1929.

Local Boards

Notification of the election of Mr. Pallam Raju as President of the East Godavari District Board.

* 956 Q.—Mr. K. KOTI REDDI: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the date of the meeting of the District Board of East Godavari when Mr. Pallam Raju was elected President of the District Board;

(b) the date on which the term of Mr. P. Govinda Rao Nayudu, President of the District Board of East Godavari, expired;

(c) the date on which the name of Mr. Pallam Raju was gazetted in the *Fort St. George Gazette*;

(d) the cause of the delay and who is responsible for the delay; and

(e) what steps the Government propose to take to prevent, in future, such delays in publishing elections to the presidentships of local boards?

A.—(a) The 15th August 1929.

(b) The 24th August 1929.

(c) The 24th September 1929.

(d) The hon. Member's attention is invited to the answer to question No. 712.

(e) None, as the delay was not avoidable.

Mr. K. KOTI REDDI:—"May I know whether it is not possible to get the information by registered post?"

The hon. Dr. P. SUBBARAYAN:—"I have already answered that the thing which is supposed to have been sent by the Vice-President did not reach the Government."

The hon. the PRESIDENT:—"I take it that the hon. Member from Cuddapah suggests that in future all these things be sent by registered post."

The hon. Dr. P. SUBBARAYAN:—"As a matter of fact this is the only irregularity I am aware of and if they become more frequent, the suggestion of the hon. Member will be considered."

Mr. C. RAMASOMAYAJULU:—"May I know what action the Government have taken in this matter?"

The hon. the PRESIDENT:—"That was answered already."

Mr. C. RAMASOMAYAJULU:—"With reference to this incident, may I know whether the Government have taken any further action to trace out the irregularity?"

The hon. Dr. P. SUBBARAYAN:—"As I have stated repeatedly before in answer to a similar question, it is not possible to take any action and the only thing I can say that the Government will see that such things do not occur in future."

Mr. ABDUL HAMEED KHAN:—"Are the Government satisfied that the action of the Vice-President was bona fide?"

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The hon. Dr. P. SUBBARAYAN:—"I do not know whether the Vice-President was bona fide or not in his action."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government have satisfied themselves that such things will not recur in future?"

The hon. Dr. P. SUBBARAYAN:—"Government have already told the Vice-President that in their opinion he acted in a manner not worthy of his office." (Hear, hear.)

Religious and Charitable Endowments

Appointment of the President of the Coimbatore Taluk Temple Committee.

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

(a) whether he is aware that the Coimbatore Taluk Temple Committee is split into factions and that a suit has been filed in the District Court against the Religious Endowments Board in respect of the scheme of management of the Perur temple;

(b) whether it is a fact that the present President of the Coimbatore Taluk Temple Committee was appointed as a member thereof in spite of several mahazars and representations; and

(c) what were the special reasons for his appointment?

A.—(a) No.

(b) I presume Mr. C. K. Subrahmanya Mudaliyar is referred to. Certain mahazars were certainly received against his appointment to the Committee when this was under consideration, but against these there were others which were for his appointment.

(c) The only reason for his appointment was that he was considered a suitable person for such appointment.

Mr. S. SATYAMURTI:—"With reference to the answer given to clause (a), may I ask whether the Government have satisfied themselves that there are factions?"

The hon. Dr. P. SUBBARAYAN:—"As far as I am aware, I must acknowledge there are."

Mr. S. SATYAMURTI:—"In answer to clause of the question 'whether he is aware that the Taluk Temple Committee is split into etc.' the printed answer on the paper I have got is 'No'. Now orally the hon. Minister has said that 'there are factions'. May I know how he gives that answer?"

The hon. the PRESIDENT:—"That is cross-examination."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—"May I know whether any suit was filed against Mr. C. K. Subrahmanya Mudaliyar's appointment?"

The hon. Dr. P. SUBBARAYAN:—"I believe that the suit referred to by the hon. Member has now been withdrawn."

Mr. S. SATYAMURTI:—"May I know which answer of the hon. Minister is correct, whether the printed answer or the oral answer?"

The hon. the PRESIDENT:—"I will not admit that question."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR:—"May I know whether Mr. Subrahmanya Mudaliyar is the President of the Committee?"

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The hon. Dr. P. SUBBARAYAN :—" I believe so."

Mr. S. SATYAMURTI :—" May I know whether the Government took into consideration the several mahazars received and satisfied themselves that the appointment under question was made on its own merits? "

The hon. Dr. P. SUBBARAYAN :—" There were several mahazars both ways and it was impossible to say which was correct and which was not. The Religious Endowments Board recommended Mr. Subrahmanya Mudaliyar as a suitable person and he was appointed."

Representation of Brahmans in the Coimbatore Taluk Temple Committee.

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

(a) whether it is a fact that there is not a single Brahman member on the Coimbatore Taluk Temple Committee and if so, the reasons therefor; and

(b) whether it is a fact that the present President of the Taluk Committee is a person against whom there were sanctioned proceedings pending under the old Act which had to be dropped in 1926 under the new Act?

A.—(a) Yes. No suitable Brahman gentleman was recommended for appointment.

(b) Government have no information.

Mr. S. SATYAMURTI :—" May I know what are the criteria of suitability of Brahman gentlemen who were recommended for the Coimbatore Taluk Temple Committee? "

The hon. Dr. P. SUBBARAYAN :—" As a matter of fact there was no recommendation of any Brahman gentleman."

Mr. S. SATYAMURTI :—" I am sorry I am unable to put questions which will be commendable to you, Sir, Mr. President. The answer given orally is 'no Brahman gentleman was recommended'. But the answer printed on the paper is 'no suitable Brahman gentleman was recommended'. I want to know whether any Brahman gentleman was recommended."

The hon. the PRESIDENT :—" That is what is called cross-examination, and I cannot allow it."

Mr. S. SATYAMURTI :—" May I know under what Standing Order you are ruling me out? "

The hon. the PRESIDENT :—" The President is not bound to reply to these questions."

Mr. BASHEER AHMED SAYEED :—" May I know how many Brahmans were recommended? "

The hon. Dr. P. SUBBARAYAN :—" None."

Mr. G. HARISARVOITAMA RAO :—" May I know why the Government did not make an enquiry as to why no Brahman was appointed? "

The hon. Dr. P. SUBBARAYAN :—" I did not think any useful purpose would be served by making that enquiry."

Mr. C. V. VENKATARAMANA AYYANGAR :—" May I take it that the word 'suitable' is therefore unnecessarily included in the question? "

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The hon. Dr. P. SUBBARAYAN :—" The hon. Gentleman is entitled to judge in his own way."

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the old Committee consisted of Brahmans? "

The hon. Dr. P. SUBBARAYAN :—" I do not carry these things in my memory."

Mr. S. SATYAMURTI :—" May I know if the Government considered the claims of the Brahman community for representation on this Committee? "

The hon. Dr. P. SUBBARAYAN :—" Certainly if a member is again to be nominated to the Committee, the claims of the Brahman community will be taken into consideration."

The hon. the PRESIDENT :—" The question is whether the claims of the Brahman community were taken into consideration at that time."

The hon. Dr. P. SUBBARAYAN :—" At that time we did not make any enquiries whether any suitable Brahman candidate was available or not."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I take it that these questions are put on the ground of communal representation and that is why representation for Brahmans is sought for? "

The hon. Dr. P. SUBBARAYAN :—" I do not know what is in the minds of hon. Members opposite. Certainly it must be due to communal ideas."

Mr. P. ANJANEYULU :—" May I know what connotes suitability? "

The hon. Dr. P. SUBBARAYAN :—" It varies from person to person. It is very difficult to define it."

Mr. BASHEER AHMED SAYEED :—" May I know whether the hon. Minister thinks that he is doing justice to the particular community when he has not nominated any members from that community? "

Provincialization of the Hindu Religious Endowments Board.

* 959 Q.—Mr. P. SIVA RAO : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that the Religious Endowments Board and the District Temple Committees are suffering for want of finance;

(b) what steps the Government intend taking for the amelioration of their condition;

(c) whether the Government have finally considered the scheme for the provincialization of the Religious Endowments Board and if so, what orders have been passed thereon; and

(d) whether any Bill amending the Madras Religious Endowments Act has been prepared by the Government and when it is likely to be introduced in the Legislative Council?

A.—(a) Yes, the Board and some Committees.

(b) None so far as the Committees are concerned. The financial position of the Board is, however, under the consideration of Government.

(c) No.

(d) A Bill has been prepared and is undergoing scrutiny. It will be introduced as soon as it is ready.

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Mr. P. SIVA RAO:—"May I know what steps the Government are taking for the amelioration of the finances of the District Temple Committees?"

The hon. Dr. P. SUBBARAYAN:—"I do not know what the hon. Gentleman means by amelioration. If he means financial help there is no such proposal to give any definite aid."

Mr. P. SIVA RAO:—"May I know what are the reasons?"

The hon. Dr. P. SUBBARAYAN:—"I do not think it will be possible to meet these expenditure from provincial funds."

Mr. P. SIVA RAO:—"May I know that in the future Bill there will be provision for provincializing religious endowments?"

The hon. Dr. P. SUBBARAYAN:—"This matter is under consideration, and I cannot give any definite answer now."

Mr. P. SIVA RAO:—"The Bill is undergoing scrutiny. May I know whether there is any provision there to provincialize religious endowments?"

The hon. Dr. P. SUBBARAYAN:—"The Bill is undergoing scrutiny by the Government and as no definite decision has been arrived at with regard to provincialization, I cannot give a definite answer now on that point."

11-30 a.m. Mr. C. N. MUTHURANGA MUDALIYAR:—"May I know how long this Bill has been undergoing scrutiny?"

The hon. Dr. P. SUBBARAYAN:—"As hon. Members are aware this matter has been under consideration for the last two years."

Mr. A. KALESWARA RAO:—"May I know the reasons why the Government have not given any financial help at least for the purpose of throwing open the seats of members of these committees to election?"

The hon. Dr. P. SUBBARAYAN:—"As I have said, Sir, the question of giving provincial aid is not one on which I can give any undertaking."

Mr. A. KALESWARA RAO:—"May I know, Sir, when the hon. Minister is likely to introduce the Bill?"

The hon. Dr. P. SUBBARAYAN:—"As I have repeatedly said, it is impossible to say when the Bill is likely to be introduced."

Mr. S. SATYAMURTI:—"May I know whether it will be introduced during the life-time of this Council?"

The hon. Dr. P. SUBBARAYAN:—"I cannot give any undertaking."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. Minister whether there is any intention of repealing the Act altogether?"

The hon. Dr. P. SUBBARAYAN:—"No, Sir."

Public Health

Duties of District Health Officers.

* 960 Q.—Mr. C. GOPALA MENON: Will the hon. the Minister for Public Health be pleased to state—

(a) the nature of the work of the District Health staff especially the Health Inspectors;

(b) whether the Health Inspectors are required to do health propaganda by means of lectures, magic lantern shows, etc.;

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(c) whether each Health Inspector is supplied with a magic lantern and sets of slides;

(d) whether the Health Inspectors are required to visit elementary schools and report on the health and sanitation of the localities in which the schools are located;

(e) whether the Health Inspectors are also required to visit schools and deliver lectures to the pupils on preventable diseases; and

(f) whether the Government have issued instructions to this effect?

A.—(a) Copies of G.Os. No. 1393, P.H., dated 11th August 1926, No. 2356, P.H., dated 7th November 1928, and No. 2595, P.H., dated 7th December 1928, defining the duties of District Health Officers are laid on the table. The duties of Health Inspectors are examination of village registers relating to vital statistics, vaccination and epidemics, inspection of villages and reporting on sanitary defects, verification of vaccination, prevention and control of epidemics, supervision of sanitary arrangements at fairs and festivals, health propaganda and such other duties in relation to public health as may be assigned to them from time to time.

(b) Yes.

(c) Yes, in most cases.

(d) Yes, if directed by the District Health Officers.

(e) Yes.

(f) No.

Acquisition of lands for the Ahobilam water-supply scheme.

* 961 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state in view of answer given to my question No. 340 answered on the 10th August last regarding acquisition of lands for Ahobilam water-supply scheme—

(a) whether the Government have received the report called for; and

(b) if so, what it is?

A.—(a) Yes.

(b) A copy of the report received from the President, District Board, Kurnool, on the subject is annexed to this answer.

Aid to private Ayurvedic and Unani dispensaries.

* 962 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Public Health be pleased to state what provision will be made in the next budget for rendering aid to Ayurvedic, Unani and Siddha dispensaries and hospitals run by private medical practitioners?

A.—The applications for grants from private medical practitioners are under consideration.

^a Printed as Appendix IV on pages 1255—1260 infra.

^b Printed as Appendix V on page 1260 infra.

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Mr. G. HARISARVOTTAMA RAO :—" May I know from the hon. Minister whether he is taking credit for a lump sum so that he may be in a position to give grants to these dispensaries if it is necessary ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Individual applications will be examined. "

Mr. G. HARISARVOTTAMA RAO :—" My definite question is whether the hon. Minister is taking credit for a lump sum so that he may consider the applications that may be received during the course of the year ? "

The hon. the PRESIDENT :—" The hon. Member may put the question clearly in this form : whether there will be a lump sum provision in the budget ? "

Mr. G. HARISARVOTTAMA RAO :—" I am asking whether there will be any lump sum provision in the budget so that the hon. Minister may give grants to individuals when they apply during the year. "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" If the question of giving aid to these private medical practitioners is once settled, then we can provide for any sum that may be necessary, either in the budget or by supplementary grants. "

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the hon. Minister will give grants to practitioners who apply ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" These applications from private practitioners are under consideration. "

Mr. C. ORI REDDI :—" May I know whether practitioners practising ayurvedic, unani and siddha systems of medicine will be entitled to be given Government grants in spite of the fact that there are Allopathic dispensaries in these areas run by Government or local bodies ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The applications from individuals will be each considered on its merits. "

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether there are any rules with regard to giving grants to private medical practitioners, regarding their qualifications, etc. ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" As they have not given any grants so far, there are no rules at present. As soon as the question of giving grants to these people is settled, framing of rules will be considered. "

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know whether preference will be given to applications from local bodies ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The dispensaries of the local bodies will certainly be preferred to private individuals. "

Mr. A. RANGANATHA MUDALIYAR :—" May I know whether the hon. Minister will give an opportunity to Members of the House to offer their opinion with regard to the rules that may be framed, before they are adopted by the Government ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The question of giving aid itself has not been settled. When the rules are framed, we will consider the suggestion. "

Mr. ABDUL HAMID KHAN :—" May I know if the Government have accepted the desirability of giving aid to these private practitioners ? "

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The hon. Mr. S. MUTHIAH MUDALIYAR :—" This very matter is under consideration. "

Mr. G. HARISARVOTTAMA RAO :—" May I know how long this question has been under consideration and when the hon. Minister is likely to come to a final conclusion ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" It has been under consideration for the last seven or eight months. "

Mr. G. HARISARVOTTAMA RAO :—" May I know if the Government will come to a decision early so as to make provision in the next year's budget ? "

The hon. the PRESIDENT :—" That question has already been answered. "

Nominations to the District Prohibition Propaganda Board, South Arcot.

* 963 Q.—Swami A. S. SAHAJANANDAM : Will the hon. the Minister for Public Health be pleased to state—

(a) whether the nine members constituting the District Prohibition Propaganda Board of the South Arcot district except one member belonging to the depressed class, belong to classes addicted to drinking ;

(b) on what grounds they were nominated to the Board ; and

(c) why the Padayachi community has not been represented in the Board ?

A.—(a) The members are—

(1) M.R.Ry. Rao Bahadur K. Sitarama Reddi Avargal, B.A., B.L., M.L.C., President, District Board, Cuddalore.

(2) " M. G. Parthasarathi Mudaliyar Avargal, President, Taluk Board, Vriddhachalam.

(3) " R. K. Venugopal Nayudu Avargal, Chairman, Municipal Council, Cuddalore.

(4) " R. Krishnaswami Ayyangar Avargal, Advocate, Government Pleader, President, Central Bank, Main road, Pudupalaiyam, Cuddalore N.T.

(5) Janab T. J. Muhammad Ismail Sahib Bahadur, President, Union Board, Tindivanam.

(6) Swami Sahajananda Avargal, Nandanar Mutt, Chidambaram.

(7) M.R.Ry. P. Muttayya Chettiyar Avargal, B.A., B.L., Advocate, Cuddalore.

(8) " R. A. Sivananda Mudaliyar Avargal, President, South Arcot District Co-operative Federation, Sivanandapuram, Cuddalore O.T.

(9) District Health Officer.

and Government have not classified any caste as addicted to drink.

(b) In the scheme of propaganda sanctioned by Government they have laid down that the District Committees shall consist of representatives of local bodies, social service and temperance and co-operative organizations and individuals interested in the movement. The members were nominated on this principle.

(c) It was not practicable to represent every community on the Committee.

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Mr. A. RANGANATHA MUDALIYAR :—“ It is stated in the answer that the Government have not classified any caste as addicted to drink. May I know if pracharakas are asked to be appointed by Temperance Committees preferably from classes who are addicted to drinking and what is the criterion by which the question whether pracharakas belong to drinking castes is to be decided ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ It is impossible to classify generally, in each district. The district committees will decide for themselves taking into account the local conditions.”

Mr. K. KOTI REDDI :—“ May I know how the district committees are constituted ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ It depends upon the circumstances of each district.”

Mr. K. KOTI REDDI :—“ I am referring to the district of South Arcot.”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ It is left to the South Arcot Committee to decide which communities are addicted to drink.”

Mr. K. KOTI REDDI :—“ Are members appointed from majority communities ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ Likely.”

Mr. K. KOTI REDDI :—“ May I ask why the Padayachi community, a major community, has not been represented on the committee ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ There is no rule that every majority community ought to be represented.”

Mr. S. SATYAMURTI :—“ May I know whether the Government have satisfied themselves that the members of the propaganda committee are not members addicted to drinking ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ The committee thought so.”

Mr. BASHEER AHMED SAYEED :—“ May I know whether the hon. Minister is aware that a good majority of the Padayachi community are addicted to drinking ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ I am not sure whether the Padayachi community will relish the insinuation contained in the question.”

Mr. A. KALESWARA RAO :—“ May I know whether the hon. Minister is satisfied that the members of the propaganda committee are not addicted to taking foreign liquor ? ”

The hon. the PRESIDENT :—“ That question has already been answered.”

Mr. G. HARISARVOTAMA RAO :—“ May I know the reasons why the Padayachi community has been excluded from nomination ? ”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ Nobody thought of exclusion. The committee was appointed by a sub-committee and these are the members who were selected.”

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Contributions for the extension of the Women's and Children's Hospital at Mangalore.

* 964 Q.—Mr. J. A. SALDANHA : Will the hon. the Minister for Public Health be pleased—

(i) to place before the Council a statement showing
(a) the contributions from the public and from the Government in connexion with the extension of the women's and children's hospital at Mangalore;

(b) the expenditure incurred up to date by the Extension Fund Committee for collecting the public contribution and keeping their account; and

(ii) to state
(a) whether the accounts of the fund have been audited by any responsible audit officer;

(b) what further extension of the building has yet to be made;

(c) what the staff of lady doctors, nurses and midwives is and at what cost;

(d) what the average attendance of out-patients and admission of in-patients has been since April last;

(e) what the provision is for beds for in-patients; and
(f) whether any patients were refused admission during the last six months and if so, why?

A.—(i) & (ii) The Government have called for the information.

Registration

Unpassed matriculates in the Registration department.

* 965 Q.—Mr. K. V. R. SWAMI : Will the hon. the Minister for Public Health be pleased to state the objects for which it was organized.

(b) Enquiries, as authorized by section 35 of the Co-operative Societies Act, have been conducted into the affairs of the following unions and the reports are under the consideration of the Registrar :—

Satyavedu	...	...	...	...	Chingleput.
Talaivasal...	...	...	...	...	Salem.
Valavanur	...	...	...	...	} South Arcot.
Ulundurpet	...	...	...	...	
Nellikuppam	...	...	...	...	
Panruti	...	...	...	...	

(c) The constituent societies come under the direct supervision of the district federation until a new union is formed or a re-arrangement of existing unions is made to cover the societies whose union has been abolished.

Mr. T. ADINARAYANA CHETTIYAR :—“ With reference to answer (c) may I ask in districts where there are no federations working, what is to become of the primary societies attached to unions, which have been liquidated ? ”

The hon. Mr. M. R. SETURATNAM AYYAR :—“ They are supervised by some other unions.”

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(c) whether the Government will consider the advisability of appointing to the post an Indian with necessary qualifications in preference to a European?

- 4.—(a) Yes; for the posts of Bio-chemist and Physiological Botanist.
 (b) No. For the post of Bio-chemist an Indian has already been selected. No selection has been made in regard to the post of Physiological Botanist.
 (c) Yes.

Allotment of demonstrators for each district.

* 967-A Q.—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state—

(a) the basis on which the number of demonstrators is fixed for a particular district; and

(b) the reason why only two demonstrators are allotted to each district?

(c) if no orders have been passed, what are the causes for the delay?

A.—(a) to (c) Orders have been issued on most of the recommendations of the Townsend Committee but on a few, they have yet to issue. Copies of the orders will be placed on the Council table when all the recommendations have been dealt with.

Action taken on the recommendations of the Townsend Committee.

* 969-B Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Development be pleased to place on the table of the House a statement giving full information of the action taken by the Government on the various recommendations of the Townsend Committee?

A.—The attention of the hon. Member is invited to the answer to question No. 869-A.

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask whether the hon. Minister will place on the table of the House the orders passed by the Government on the recommendations of the Townsend Committee to the extent to which orders have already been issued?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“I hope that complete orders will be issued in the course of a few days.”

Starting of a Land Mortgage Bank in the Nilgiris.

* 970 Q.—Mr. V. I. MUNISWAMI PILLAI: Will the hon. the Minister for Development be pleased to state—

(a) when the proposed Land Mortgage Bank in the Nilgiris will be started; and

(b) why there is so much delay in starting this bank and who is responsible for this delay?

A.—(a) & (b) The Government have approved the draft by-laws for the working of the bank and have asked the Registrar of Co-operative Societies to see that the bank is opened as early as possible and the money utilized within the current year.

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Mr. V. I. MUNISWAMI PILLAI:—“May I ask whether the hon. Minister will place on the table of the House a copy of the by-laws?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“I do not think it is necessary. Anybody applying to the Registrar will get a copy.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. Minister whether he did not say that the formation of land mortgage banks will have to wait till the formation of the Central Bank? I wish to know whether these will be started as independent units?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“The Government have already sanctioned the opening of the Bank in the Nilgiris as an independent unit?”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know why the Registrar of Co-operative Societies is withholding registration of several primary land mortgage banks in various places in the Salem district?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“This question has nothing to do with Salem.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know why the registration of some land mortgage societies in some districts is asked to wait till the Central Bank is formed, while in other districts, the Registrar is apparently registering primary land mortgage banks?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“This case is quite different; they have a separate land mortgage bank.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I know why special treatment was given to the Nilgiris district?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“For the amelioration of the depressed classes, viz., the Badagas.”

Industries

Encouragement to spinning as a cottage industry.

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

(a) whether he has done or proposes to do anything to encourage spinning as a cottage industry; and

(b) if not, the reasons therefor?

A.—(a) & (b) The subject of handspinning has been examined by the Special Officer engaged on the Survey of Cottage Industries in the Presidency and his recommendations are contained on pages 6-7 of the Cuddapah District Report and page 67 of the Presidency Report. The views of the Government were explained in the answer to question No. 1753 given on 15th March 1928. A Committee has since been set up to consider the report of the Special Officer and its recommendations will be awaited.

Mr. S. SATYAMURTI:—“May I know when the Government expect to receive the recommendations of the committee?”

The hon. Mr. M. R. SETURATNAM AYYAR:—“As soon as the committee meets and decides the question.”

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Mr. S. SATYAMURTI:—"May I know when the committee is expected to meet?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Probably the first week of November, Sir."

Mr. T. ADINARAYANA CHETTIYAR:—"May I know the personnel of the committee and the qualifications of the members of the committee?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"A Government Order regarding the personnel of the committee has already been issued. Messrs. Tulasiram, Nagan Gowda and Wood, Members of this House, are on the committee. The other members of the committee are the Mr. Victor Rev. Theill and Mr. Kalidoss Ayyar, President of the Cottage Industries Association, Tanjore."

Mr. BASHEER AHMED SAYEED:—"May I know if there are any advocates of handspinning on the committee?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"That I do not know. I believe there are some people on the committee who are interested in handspinning."

Mr. K. KOTI REDDI:—"May I know the names of those gentlemen?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Mr. Tulasiram and Rev. Theill are interested in handspinning; there are others also."

UNSTARRED QUESTION

Civil Justice

Alleged defalcations in the District Court at Salem.

972 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that there were two serious defalcations in the District Court of Salem, one by the Central Nazir in 1925 and the other by the Head Clerk in 1928 and that they were both prosecuted criminally and convicted;

(b) if so, who is the chief ministerial officer of the Court during the period in question;

(c) why such defalcations were not discovered earlier;

(d) whether the Sarishtadar has completed his maximum service; and

(e) if he has, why his services were extended?

A.—(a) Yes; the facts are as stated by the hon. Member.

(b) & (d) The attention of the hon. Member is invited to the list of establishments of the Judicial Department.

(c) The matter will be investigated.

(e) Under the Fundamental Rules a ministerial officer can be retained in service till he completes his sixtieth year,

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

II

A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920.

The hon. the PRESIDENT:—"Mr. Narayana Raju will continue his speech on his motion that the Bill be circulated."

Mr. D. NARAYANA RAJU:—"Mr. President, Sir, I shall add a few remarks to what I have already stated. As you are aware, Sir, under the Village Panchayat Act of 1920, there is provision for the appointment of an officer to look after the village panchayats. I refer to the Registrar-General of Panchayats. He looks after these panchayats. These panchayats are directly in touch with this officer; they are fortunate in having had good officers so far; Messrs. Gopalaswami Ayyangar and Rutherford did their best, have been doing and are still doing their best to encourage the village panchayat movement. The panchayats are in direct touch with the Registrar-General of Panchayats. They get their grants speedily; they are not subject to delays to which local boards are subject at present. If these panchayats are made to occupy a subordinate position in the local board administration, they will not have this advantage; they will have to go through a circuitous route to get their grants and to get their work done. At present, the case is that you have a separate officer in charge of these village panchayats, called the Registrar-General of Panchayats. This system is very advantageous in more respects than one. For instance, the ordinary antagonism of the revenue subordinates which is generally shown towards the taluk boards is not shown towards the village panchayats, purely because there is a high officer to look after the interests of these village panchayats. The interests of the village panchayats themselves require that they should be looked after by an officer whose only business is to look after them. Under the Bill now proposed, there can be no provision for this post of Registrar-General of Panchayats, and the village panchayats will consequently occupy only a very subordinate position hereafter. That would be detrimental to the growth of village panchayats in the country. Further, the scope of the Village Panchayats Act of 1920 is much wider than the scope of the present Bill. Under that Act of 1920, the panchayats can extend their activities in any direction they please; but under the provisions of the present Bill, they will have to confine themselves to the sub-jects given to them by the circle boards, i.e., sanitation, lighting, etc. Therefore, if you bring these panchayats under this Bill, I am sure you will be restricting the scope of these panchayats; and that is the reason why I say that they should not be brought under this Bill. That is why I ask in my motion that before these radical changes are made as regards the constitution of these panchayats, the opinions of persons who are interested in them should be obtained. There are many men now connected with the village panchayats, who are interested in them and who have been doing their best to promote the growth of these panchayats. It is not fair to them that we should make these radical changes without consulting them in the first instance. These sweeping changes that are proposed do require further careful consideration; and the persons most competent to give us help in this direction are the people who have got experience of the working of these panchayats. I think the Minister should not introduce such radical

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changes as are contained in this Bill before he is thoroughly convinced that the provisions of the Bill are for the good of these panchayats. He has not, I am afraid, bestowed sufficient thought on the matter. Whether the proposed changes are for the better or not can be judged only by persons who have been in the field and by persons who are now working these panchayats. So, if you are really interested in the cause of the village panchayats, you must make sure first of all that the changes proposed in the Bill are for their good; and in order to ensure that, you must consult the wishes of people who have got experience in the line.

"Sir, I have already referred to the question of the splitting up of the present taluk boards into many smaller boards; that is a change on which the opinion of the present local and district boards should be obtained. These changes should receive consideration at the hands of the persons who are at present running the administration of Local Self-Government. After all, Sir, the success of the future Government of India depends on the success of the working of the Local Self-Government Department. Therefore, when you make radical changes in and when you want to overhaul the whole local self-government machinery it is absolutely necessary that you should think twice before you undertake the task. You must allow sufficient time for the public to express their opinion on the provisions of the Bill. As I have already pointed out, the Bill that was circulated in the year 1928 was very fundamentally different from the Bill that is now before us, and no opportunity has been given to the public, the taluk boards and the village panchayats themselves, to express their opinions on this Bill. I will even go further and say that if you really want to try these changes, why not try them as an experiment in some select districts or areas? Even under the present Local Boards Act, you have got the power to split up the taluk boards into smaller boards for smaller areas; you can try the experiment in one or two districts and await the results of that experiment before making these changes which will affect the whole province. You can then be in a position to decide whether the results will be good or not. If, on the other hand, without giving any consideration to all these things, you take this rash step, and introduce these sweeping changes, I am afraid, the result will not be in any way good to the country.

"Sir, if the hon. the Minister is for the abolition of nominations, that can be effected in the Bill of my hon. Friend Mr. Basheer Ahmed Sayeed. His amending Bill to the Local Boards Act has already been referred to a Select Committee. The abolition of nominations is the only matter that has been agreed to by all sections of this House and also by the country. That can be achieved by introducing the necessary changes in the amending Bill of my friend Mr. Basheer Ahmed Sayeed. With regard to the other changes contained in the Bill of the Minister, it is but right and fair that sufficient time should be given to the people to consider them and give their opinions thereon. If my friend the Minister is anxious to have some Bill or other to his credit before he goes out of office, of course there is the Bill to amend the District Municipalities Act which has been referred to a Select Committee. I decided to withdraw my opposition to that Bill because the changes that are proposed there are not so sweeping and far-reaching as those contained in the present Bill to amend the Local Boards Act. Further, the District Municipalities Bill that was circulated to the municipalities in the year 1928

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was not so very different from the Bill that was referred to the Select Committee the other day. So, the Minister can satisfy himself for the present with the Bill to amend the District Municipalities Act. It is not necessary that both the Bills should go together. It is true that there are some analogous provisions in both the Bills, but the Bills are on a different footing altogether, and it is not necessary that this Local Boards Act Amending Bill should be taken up along with the Bill to amend the District Municipalities Act.

"Again, Sir, it is not fair to the people connected with the administration of local boards in this province that the Ministry should introduce these sweeping changes at a time when its office is coming to a close. The present Ministry will not be there to administer the provisions of this Bill and it is not therefore right that they should throw upon the country these changes, when they are not themselves going to see the effects thereof. The Bill should not be hurried through; I hope the Minister will see the merits of my motion and will not try to stand on prestige and see somehow that this Bill is referred to a Select Committee. I hope, Sir, that this House will not have any serious objection to refer this Bill to the local and district boards for the purpose of eliciting their opinion, especially when the present Bill is quite different from the one which was circulated in 1928. With these words, Sir, I move that the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. ABDUL HAMEED KHAN :—Sir, if I rise to second the motion of my hon. Friend Mr. Narayana Raju, I do so deliberately, even though I know that the majority of the Members of this House are anxious to see that some sort of reform is introduced in the administration of local bodies in this province. No doubt there are many provisions in this Bill which are salutary (Mr. S. Satyamurti : Hear, hear), but this Bill seeks to alter the very fundamentals of administration of local self-government in this province. As has been pointed out by the hon. Mover of this motion, it is really dangerous to deal with panchayats in the way in which this Bill seeks to do. It has been admitted on all hands and by those who are interested in the growth of local self-governing bodies in this province that it must be our endeavour to strengthen the village panchayats now existing. What the Bill seeks to do is the other way. By having these village panchayats administered by the district or circle boards, the Government will be relegating them to a position of insecurity and unimportance. If any Indian is anxious to develop local self-government in this country, if anybody is anxious to see that the nucleus of Self-Government is strengthened and that we should develop the tree of democracy in this country to its full height, it will be his duty to see that these village panchayats are not crushed, as they are sought to be done by the present Bill. If these panchayats are allowed to grow independently of any control by the district or circle boards for some time to come, I am sure we will be giving a good impetus to the development of local self-government. Even as things stand at present, we know these panchayats are not developed sufficiently. That was the reason why the Government appointed a special officer to be in charge of these panchayats. He has been there only for a short time and he has not had enough time to see that these panchayats are developed sufficiently and that the spirit of democracy sufficiently enters into these bodies. Before we have been able to establish strong and really self-reliant panchayats in every village of the

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noon province, I do not think it is proper to bring these bodies under the control of any organization like the circle board or the district board. What will happen is that in the actual administration, the district boards and the circle boards will require a lot of money for establishment charges and for other purposes. They will not bestow sufficient attention and give sufficient money to the panchayats themselves and as such the panchayats will be starved and will ultimately die an unnatural death. Sir, I know that the majority of the Members of this House are anxious to see that this Bill is passed with or without modification that is sought to be made. If the Government are really anxious to see that the local self-governing institutions are developed from the very beginning, the nucleus itself, namely, the village panchayats, into a really natural tree of local self-government, they would see that they do not hurry up with this Bill and that they take the consent of the gentlemen who are interested in the development of these village panchayats before dealing with the matter.

"Then, I do not know how they can constitute these circle boards. One can understand the existence of taluk boards, because in the administration of the machinery, we find the division of a district into taluks, and that will certainly help the working of the machinery. Now, what is sought to be done is to constitute a certain number of villages into a circle. When the actual working of this Act takes place, I am sure there will be conflict between the other departments of the Government in these areas and the local bodies. Sir, we know that we should not increase the number of these local self-governing institutions in the districts. Now, we have the district boards and by increasing the number of local self-governing institutions in the districts, we would be increasing the establishment and establishment means considerable cost to the administration of local self-governing bodies; and instead of allotting money for necessary work, a large amount of money will have to be spent on establishment alone. On the other hand, it should be the endeavour of Government to reduce the number of these institutions. Therefore, I think that the circle boards should go. Then there are certain fundamental changes in regard to details, which of course the Select Committee will go into and deal with. But, since it is sought to change the very fundamental principle of local self-government, I think it is advisable that the Government should circulate this Bill among those gentlemen who are anxious to see that our local self-government institutions are developed into real village units."

* The hon. the PRESIDENT:—"The question is that in the motion of the hon. the Minister that the Bill be referred to a Select Committee, for the words 'be referred to a Select Committee' the words 'be circulated' be substituted."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, Sir, I have listened with great interest to the speech made by my hon. Friend from West Godavari, Mr. Narayana Raju. I can quite understand the difficulties that he has met with in this Bill. Under the provisions of this Bill the village panchayats will become compulsory and will not be based on a voluntary basis as was the case under the Village Panchayats Act of 1920. As stated by Mr. Narayana Raju, the work of the village panchayats will become restricted in the sense that they will not deal with other matters except purely matters of local self-government. This matter was considered both when the Bill which dealt with the abolition of taluk boards was

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considered and also the other Bills. And when this was considered in the Conference of hon. Members of this Council, they felt that the village panchayats should be made the first unit in local self-governing institutions and I felt at the time that there was great force in the argument that was put forward, especially by my hon. Friend from Chittoor, Mr. Muniswami Nayudu, and Mr. G. Harisarvottama Rao from Kurnool, and I felt that it was right and proper that we should include the village panchayats as the first unit of local self-government. Such being the case, it was only right that the question of village panchayats should be dealt with in a comprehensive Bill rather than in a separate Bill on village panchayats as suggested by my hon. Friend Mr. Narayana Raju.

"Another point urged was the expenditure that would be involved when these boards start working. This question was brought to my notice by Mr. Rutherford, who has had experience of the working of these panchayats for the last fourteen months or so and he did feel that if these panchayats are going to be on a compulsory basis, the expenditure might be enormous, but after some consideration, we felt that the question of expenditure might be considered later on and that we might restrict the amount that might be spent on the staff, not only on the village panchayats but also on all local bodies, including municipal councils. That, I think, will get over the trouble mentioned by my hon. Friend Mr. Narayana Raju in his speech.

"Mr. Narayana Raju also felt that the village panchayats, from being of natural growth as they are at present, might become westernized under the provisions of this Bill. I am afraid I cannot agree with him, because when we are working these western institutions, it is but right that we should begin the reform also in local self-governing institutions and that we should teach our villagers the advantages of the vote, which is not the case at present, under the Village Panchayats Act of 1920. What is usually done under the Village Panchayat Act of 1920 is that some people gather and they select the members of the panchayat and we have often heard complaints from the villagers where village panchayats exist that those representatives do not really constitute the representatives of the village, because they have not been elected by the villagers themselves. That sort of complaint will certainly go under this Bill, because elections will be held on proper lines and the representatives will be the representatives of the village, for, they will be voted for under the system of ballot. I am sure hon. Members of this House will admit that this will be an improvement on the old system, because we do want to get the representatives of these people on these bodies, so that these bodies will really be, in the true sense of the word, representatives of the village and will possess the confidence of the villagers and will be properly elected by the villagers.

"The second point that my hon. Friend urged with regard to circulation was the question of the circle boards. I dealt with this question in the speech I made while introducing this Bill. I will only repeat that we are not committed to these circle boards being small. If the Select Committee agree that the circle boards ought to manage a larger area than is provided for under the Bill, that change might be made, because I do not think this is a matter of principle, though I feel that the smaller boards will be an advantage especially to villages where village panchayats are not easy to be started at present.

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"Mr. Hameed Khan spoke in general terms of the Bill and I could not quite gather whether he was really in favour of circulation or whether he was speaking on the motion for referring the Bill to a Select Committee. Mr. Narayana Raju's point I quite understood and I felt all the time that he was really in favour of circulation. But Mr. Hameed Khan's speech left me the impression that he was half and half and that he did not know on which side he was standing; whether he was standing for circulation or for the Bill being referred to a Select Committee. So, I do not think that I need deal with the speech of Mr. Hameed Khan, except to say that he made some points with regard to panchayats and circle boards which I have already dealt with. I would therefore oppose the motion for the circulation of this Bill and press for the Bill going before the Select Committee."

* Rao Bahadur Sir A. P. PATRO:—"Sir, when the Member for West Godavari urged the points for circulation, he should have remembered that all the points which he has urged now, were already dealt with by the committee that was appointed by the Minister, that sufficient opportunity was given to non-official members concerned in this matter, and that the representatives of local bodies and taluk boards were consulted. They have considered all the aspects of the question. Many of the provisions of this Bill were introduced at their instance. The Minister must be open to the conviction that the principles which have been set forth either in regard to the panchayats or circle boards will be modified by the Select Committee."

"There are four points to which I wish to draw the attention of the House and I think the Government have done wrong in going back upon what was considered to be the fundamental principles laid down for the guidance of this country by the Decentralization Commission and by the discussions held in 1920. (An hon. Member: That is ancient.) Yes, ancient but still necessary, ancient but still profitable, ancient yet still enlightening. If you do not remember and would not remember what is the connexion between the past and the present, it is necessary that I should remind them of what took place before they thought of politics. I would remind hon. Members of the discussion which took place at the time of the introduction of the Bill in regard to Village Panchayats. Then Mr. (now hon.) C. V. S. Narasimha Raju raised an important principle as to what would be the position of the village panchayats. Advantage was then taken of clause 4 of the Bill, when the hon. Member in charge of the Bill, Sir P. Rajagopala Achariyar made a statement. . . ."

* The hon. the PRESIDENT:—"Sir P. Rajagopala Achariyar as President of this Council wanted to establish a convention not to refer to the speeches made by the Presidents while they were members of the Council."

* Rao Bahadur Sir A. P. PATRO:—"I was not referring to his speeches but I was referring to the fact that this question was raised by you at the time and that the policy of the Government was unmistakably stated by that great politician, Sir P. Rajagopala Achariyar, that the object of starting village panchayats on a separate basis was to revive the village life and to give responsibility to the villagers, so that the villagers may conduct their affairs in a manner that would make them self-reliant and self-sufficient. That was the policy enunciated on behalf of the Government while the Bill was considered in 1920."

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"These are the words:—'It is believed that this measure may help to rouse the communal spirit and enable the villagers to work together more and more for common purposes, to gather experience in managing affairs affecting their health and prosperity and to fit themselves in course of time to take a more fruitful and active part in promoting the broader interest of their district, province and country.' 12-15 p.m."

"That was the statement of the policy of the Government relating to the Village Panchayat Act of 1920. The Decentralization Commission recommended that the village panchayats should be given judicial powers also. But the Madras Government said that the judicial functions should be separated from that body and the Village Courts Act was passed. Sir, that Panchayat Act was passed with the distinct object of developing local self-government in the country. That Act did not leave the starting of village panchayats optional, but the present Bill makes it optional and makes an undesirable departure."

"Another reason suggested for including the Panchayats Act of 1920 in the present Bill is that that Act was a restricted one in its scope and therefore it is thought necessary to bring it under this Bill to widen its field of activity. But I submit the reason assigned is not at all sound. For, what were the powers of the panchayats under the Act of 1920? They were to look after village sanitation, village health, village irrigation, and the removal of prickly pear. By these activities the panchayats have raised village life to its old self-governing unit. In fact the Administration Report of the Panchayats shows what an extraordinary amount of useful work has been turned out by these panchayats. About 2,800 panchayats have been started till now. Not only that; with regard to education, they have made it free and compulsory in some places, and they are acting as supervising bodies over schools started by local boards. The administration report states that the schools started by the panchayats were more efficient and better managed, and better education was imparted in them than in schools started by the local boards. In short, the esprit de corps was best developed in the villages under the provisions of the Village Panchayats Act of 1920. It all depends upon the view that the Registrar of Village Panchayats takes in the matter. If he keeps a tight hold on the finances of these organizations the panchayats with very little funds will have to go to the wall. But if the Registrar is lenient and sympathetic toward them they will be able to turn out good work. Thus the success or failure of the panchayats depends upon the attitude of the Registrar of the Panchayats."

"Prior to 1925, there were no grants for the village panchayats. But in that year grants were made for purposes of education and opening of libraries. On the good work done by libraries I need not expatiate. The village libraries disseminate knowledge among the people. After a day's work they gather together in the evenings or in their leisure hours, and profitably spend their time in these libraries. The Administration Report for 1928 says 'that 267 panchayats received grants for libraries out of the allotment of Rs. 20,000, 771 panchayats ran 800 schools with the aid of Government grants. As many as 50 of those schools were started during the year under review. Their average attendance was 80.8 per cent of the pupils on the rolls. The villagers are reported to take more interest in these schools than in aided or board schools.' I hope the House will note that."

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information available Adi-Dravida and Adi-Andhra children were studying in 25 per cent of these schools. Compulsory education was in force in four panchayat areas. Thus the House will see the great work done and great results achieved by these panchayats. With regard to public health, 67 panchayats cleared prickly-pear, 43 attended to lighting of their villages, 89 maintained regular sanitary staffs, 246 undertook provision of water-supply or roads and pathways. Four panchayats maintained or contributed to dispensaries.

"Now any one interested in local self-government will see that these activities cannot be safely entrusted to union boards. For the union boards stand on a different footing altogether. The principle on which union boards are started is that they are small municipal units with a population of 5,000, with the prospect, when their population increase, of becoming a full-fledged municipality. And thus they form the nucleus for municipal work. Therefore the idea of giving these functions of the village panchayats to the union boards seems to me to be altogether unacceptable. If the Bill is to be accepted, what is to become of areas with a population of less than 5,000? Thus this Bill creates a big gap in the local self-government areas."

Diwan Bahadur P. KESAVA PILLAI:—"May I know whether you are supporting or opposing the Bill." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"Why are you in a hurry, wait and see."

* The hon. the PRESIDENT:—"I request Sir Patro to address the Chair, and I request Mr. Kesava Pillai not to disturb the speaker. (Laughter)"

Rao Bahadur Sir A. P. PATRO:—"Sir, I believe that other members will have some sense of dignity and respect for the House and not carry on conversation across the benches. I hope they will be more decorous, more dignified and maintain high standards."

"With regard to the miscellaneous activities of the panchayats, the report says:—'So far as information is available, 25 panchayats undertook kudimaramat, 8 managed irrigation, 18 undertook the regulation of the village system of crop protection and the collection of fees and 14 managed markets.' These are important functions which the panchayats are now performing, and these cannot be satisfactorily discharged by any other body. (A voice: Why not?) Because the functions of local boards are entirely different. This question again betrays ignorance of the rudimentary principles of local self-government. A perusal of the Panchayats Act will show that the functions entrusted to them are quite different from those mentioned in the present Bill. And if the ignorance of the interrupters is such that they cannot distinguish union boards from panchayats, I am unable to convince them; I can only pity their condition. (Laughter.) The functions of the union boards are more limited than those of the taluk and circle boards. Few union boards look after education, water-supply, irrigation forests, and kudimaramat, and these functions are assigned to and find a place in the Panchayats Act of 1920. These are altogether neglected in the present Bill. Therefore I am for restoring the village panchayats to their original form, so that they may be self-governing units in the rural area. It is for this reason, Mr. President, I say that the panchayats should be treated separately under the Panchayats Act and not be brought under the present Bill."

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Mr. G. HARISARVOTTAMA RAO:—"On a point of order, may I know how the speech of the hon. Member is relevant on the motion for circulation of the Bill."

* The hon. the PRESIDENT:—"From the half-hearted way in which the hon. Member is putting the question I see that the hon. Member himself feels it is not a good point of order."

* Rao Bahadur Sir A. P. PATRO:—"The second point for the consideration of the House is with regard to the splitting up of the taluk boards into circle boards. This again leads to great confusion. (Mr. A. Kaleswara Rao: Hear, hear.) There were 97 taluk boards in 1919-20, and that number rose to 125 in 1925-26 as a result of the splitting of the existing boards. For it was found that in some taluk boards the area was large and the Government, after examining the financial and other considerations, ordered bifurcation. And now, though it is ten years since the Act was passed, there is only an increase of 30 in the number of taluk boards. Now by the starting of circle boards you have to maintain a new establishment with an executive to carry out its orders. Roughly speaking, at the rate of one circle board for a circle or taluk there will be 700 to 800 circle boards if the provisions of the present Bill are to be accepted. I ask why all this complexity and multiplication of machinery? The second reason I wish to urge in this connexion is that you are now multiplying the work of the office. Now the union boards have to correspond with taluk boards in connexion with the disposal of matters. Now since you create this new body there is proportionate increase in the matter of correspondence and you shall have to invest these circle boards with fresh powers of taxation to meet the additional expenditure. And then it is also found from experience that it would not be possible to secure competent presidents for all these 600 and more circle boards. At present we have been finding much difficulty in obtaining competent presidents through election process, and when we have circle boards with constitution as provided here, we will find it very difficult to secure proper and competent persons for the post of president of the circle boards. I submit, Sir, for all these reasons it is not practicable to change the taluk boards, to split them up into circle boards and convert unions and villages with a population of 5,000 into panchayats. After all, unless we have got a special officer to organize these panchayats in the villages, it would be very difficult to persuade these villagers themselves to start panchayats; and it requires a sympathetic officer to bring together the conflicting elements in the village and reconcile factions generally existing therein in order to form a panchayat in the village. It is by no means an easy task, and it requires ability, sympathy and foresight of a very capable officer for carrying out this kind of work. Hon. Members remember what happened when the Government started co-operative societies in the year 1904. When these societies were started in the beginning, people were very reluctant to form such societies in the villages or towns. I know when officers came to my district, we found it very difficult to persuade even educated people to form societies, and subscribe Rs. 4 or Rs. 5 so that they may become members of the society and with that capital the society might be registered. People had their own doubts and suspicions about it. But now, after all this spade work was done, we find that applications are rushing from every direction and the movement has taken root in the country under the control and guidance of very sympathetic officers. Similarly in regard to panchayats, they will work well as separate units, and if you attempt to include them as

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a sort of union boards in the Bill, you will be tolling the death-knell of the village organizations. If you include these panchayats into this Bill, they will simply be carrying work similar to that of the union boards, doing routine work, but nothing like reviving village life and activity. Now, Sir, everyone is talking of rural reconstruction work. How can it be carried on without an organization in each village which would have to perform certain defined functions, which would have certain powers vested in it and which would have certain duties to discharge? Therefore in order to carry on rural organization work and rural revival, as it is sometimes called, it is absolutely necessary that there should be an agency like the panchayats in each village to restore the old village life and foster the common spirit in the villages, so that they may carry on their work with great union and strength.

"Sir, I have to refer to another feature of this Bill and that is the additional cesses proposed to be imposed by means of this Bill. This Bill imposes in addition to the usual one-anna cess and the three pies optional cess for the purpose of the district Board or the taluk board, an extra half anna cess and an optional one and half pies cess. And these additional cesses are to be paid not by the professional people, not as a professional tax, not by all persons who talk loud on the platforms, but by the poor cultivator and the poor ryot or land-owner. That is a principle which cannot at all be approved by us. If these cesses are to be distributed fairly among all classes of the people, there may be reason to consider the matter, but to saddle the ryot, the cultivator, the agriculturist and the landholder with this additional taxation is not at all justifiable. Therefore, I submit that this principle introduced into this Bill of levying additional cesses is altogether unnecessary and undesirable. My remarks in criticizing the District Municipalities Act, namely, that there should not be any extraneous agency for the purpose of conducting elections, hold good in regard to this Bill also. It was considered essential and necessary that responsibility."

* The hon. the PRESIDENT:—"Does the hon. Member propose to develop arguments upon the question of elections by authorities other than the local bodies? The Council had the advantage of hearing the hon. Member on that aspect of the question on the previous Bill."

Rao Bahadur Sir A. P. PATRO:—"I will submit a few remarks. This is a retrograde step, i.e., that the power of conducting elections should be taken away from the presidents of local bodies and vested in revenue officers. We have had experience of the work of revenue officials prior to 1920, and in 1920 it was thought by an official majority in the Legislative Council, not an elected majority but official majority, that it was necessary that the system should be changed and that the work of elections should be entrusted to the councillors themselves. I am also against the provision for the removal of chairmen and presidents. So, for all these reasons the Bill requires considerable modification and if the House and hon. the Minister agree that these matters could be dealt with in the select committee, then I would support his motion."

* The hon. the PRESIDENT:—"The question is:

'In the motion of the hon. the Chief Minister "that the Bill be referred to a select committee", for the words "be referred to a select committee" substitute the words "be circulated".'

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The motion was put and declared lost.

Mr. Narayana Raju demanded a poll and the House divided thus:

Ayes.

1. Mr. R. Foulkes.
2. " C. V. Venkataramana Ayyangar.
3. " Abdul Hameed Khan.
4. " D. Narayana Raju.
5. " C. Ramasamayajulu.

6. Mr. T. Adinarayana Chettiyar.
7. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
8. Mr. P. Siva Rao.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. " Sir Thomas Moir.
3. " Diwan Bahadur M. Krishnan Nayar.
4. " Mr. A. Y. G. Campbell.
5. " Mr. M. R. Seturatnam Ayyar.
6. " Mr. S. Muthiah Mudaliyar.
7. " Dr. P. Subbarayan.
8. Diwan Bahadur P. Kesava Pillai.
9. Mr. Hilton Brown.
10. " H. A. Watson.
11. " A. G. Leach.
12. " J. Gray.
13. " S. V. Ramamurti.
14. " C. B. Cotterell.
15. " V. Ch. John.
16. " M. A. Manikkavelu Nayakar.
17. Syed Tajudin Sahib Bahadur.
18. Mr. A. B. Shetty.
19. " J. Bheemayya.
20. " P. J. Gnanavaram Pillai.
21. " Mahmud Schamrad.
22. The Muppil Nayar of Kavalappara.
23. Mr. J. Kuppuswami.
24. Subadar-Major S. A. Nanjappah Bahadur.
25. Rao Bahadur O. M. Narayanan Nambudripad.
26. Mr. N. Siva Raj.
27. " M. V. Gangadhara Siva.
28. Rao Sahib L. C. Guruswami.
29. Mr. V. I. Muniswami Pillai.
30. " S. Subrahmanya Mooppanar.
31. Rao Sahib R. Srinivasan.

32. Mr. T. G. Rutherford.
33. " C. Govindan Nayar.
34. " C. E. Wood.
35. " R. J. C. Robertson.
36. " S. N. Dorai Raja.
37. " S. Arpudaswami Udayar.
38. " K. Ramachandra Padayachi.
39. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
40. Mr. V. Ramjee Rao.
41. " R. Srinivasa Ayyangar.
42. " S. Satyamurti.
43. " G. Harisarvottama Rao.
44. " P. Anjaneyulu.
45. " C. N. Muthuranga Mudaliyar.
46. " K. V. Krishnaswami Nayakar.
47. " C. Venkatarangam Nayudu.
48. The Maharaja of Pithapuram.
49. Mr. C. Gopala Menon.
50. " B. Ramachandra Reddi.
51. Rao Bahadur B. Muniswami Nayudu.
52. " Sir A. P. Patro.
53. " C. Natesa Mudaliyar.
54. Diwan Bahadur P. C. Ethirajulu Nayudu.
55. Mr. K. Chidambaramatha Mudaliyar.
56. Rao Bahadur S. Ellappa Chettiyar.
57. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
58. Mr. Khadir Mohidin Sahib Bahadur.
59. Diwan Bahadur S. Kumaraswami Reddiyar.
60. Rao Bahadur K. Sitarama Reddiyar.
61. Mr. K. Sarabha Reddi.

Ayes 8. Noes 61.

The motion was negatived.

* Mr. C. V. VENKATARAMANA AYYANGAR:—"Sir, I move—

'that for the words "select committee", the words "committee of the whole House" be substituted.'

"This question was raised before, but we all remember that it was defeated by a majority of only two. After hearing the various points that have been mentioned in connexion with this matter, I think it would be better if the whole House sits as a committee and discusses this Bill. If really the House is anxious to see that the Bill is passed into law during the sittings of this House before this Council is dissolved, I think my motion should be adopted for the very good reason that if it goes to the select committee and the various differences of opinion are to be conciliated and all the points thoroughly discussed, it will take a very long time before the Bill

[Mr. C. V. Venkataramana Ayyangar] [16th October 1929]

emerges from the select committee. And even if it is elaborately discussed in the select committee, after it comes here we know what the duration is likely to be. Even in the case of the Malabar Tenancy Bill which contains only about 50 sections, of which only 20 may be said to be controversial, although the select committee spent a lot of time over it, we have found that practically three weeks were spent on the discussion of that Bill in this House. Therefore, there is no doubt whatever that if this Bill goes to the select committee, it will take three months or so and when it comes here afterwards, if at all, for consideration, it will take a very long time to dispose of it, and the House will have no time to go through it. Also it is very important that all the controversial matters should be threshed out in this House in the course of the second reading itself instead of waiting for the report of the select committee. In view of the consideration that this Bill has introduced very important points, as admitted by the hon. Minister himself, and in view of the fact that many of us are anxious that this Bill should become law as early as possible after a thorough discussion of all the points underlying the whole Bill, with a view to facilitate the discussion later on at the third reading, I submit my motion should be adopted. Even when the Standing Order is passed that there should be no amendments at the third reading stage unless they are clerical, my fear is that in the course of the second reading itself, the Bill will take a very long time. So, with a view to facilitate the passing of this Bill, I would appeal to the House to go into committee over this Bill. So far as the members are concerned, we have already more than 50 members and there are some suggestions, I understand, to include additional members. Therefore, there should be no difficulty at all if this House resolves itself into a committee instead of referring the Bill to a select committee composed of 50 and odd members. So, I strongly urge that the House may adopt the course I am proposing. I may say, Sir, for the matter of precedent, if we believe in the wisdom of the House of Commons, we should adopt the precedents of the House of Commons so far as this point is concerned.

12-45
p.m.

"In the House of Commons in England, it is usual for every Bill being discussed by the whole House itself going into a committee. The only difference in the procedure there when the House goes into a committee is that the Speaker vacates the Chair, and it is occupied by one of the Chairmen. Sir, we want to imitate the procedure of the House of Commons in all important matters, and our ideal is to approach the procedure in the House of Commons as much as possible, and here is a very important matter in which we can adopt that procedure. So, I believe the House will by a majority accord its support to my motion."

Mr. C. S. GOVINDARAJA MUDALIYAR :—"I second it."

* The hon. Dr. P. SUBBARAYAN :—"Mr. President, I have already, in connexion with a similar motion on the floor of this House, dealt with the difficulties that will arise if the whole House is to go into a committee. I see that this motion is almost like the other one with a slight change. So, I appeal to the hon. Members of this House that it is better that this Bill is allowed to go to a select committee."

* The hon. the PRESIDENT :—"The question is: 'In the motion of the hon. the Chief Minister for the words "a select committee", substitute the words "a committee of the whole House".'"

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The motion was put and declared lost.

Mr. C. V. Venkataramana Ayyangar demanded a poll, and the House divided thus :

Ayes.

- | | |
|-------------------------------------|-------------------------------------|
| 1. Diwan Bahadur P. Kesava Pillai. | 13. Mr. Basbeer Ahmed Sayeed. |
| 2. Mr. J. Bheemayya. | 14. " C. S. Govindaraja Mudaliyar. |
| 3. " S. Venkiah. | 15. " Abdul Hameed Khan. |
| 4. " G. R. Premayya. | 16. " D. Narayana Raju. |
| 5. " V. Ramjee Rao. | 17. " P. Anjaneyulu. |
| 6. " P. C. Venkatapathi Raju. | 18. " C. Obi Reddi. |
| 7. " K. Koti Keddi. | 19. " C. Ramasomayajulu. |
| 8. " R. Srinivasa Ayyangar. | 20. " A. Kaleswara Rao. |
| 9. " Sami Venkatachalam Chetti. | 21. " C. Venkatarangam Nayudu. |
| 10. " S. Satyamurti. | 22. Diwan Bahadur R. N. Arogyaswami |
| 11. " C. V. Venkataramana Ayyangar. | Mudaliyar. |
| 12. " G. Harisarvottama Rao. | 23. Mr. P. Siva Rao. |

Noes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 27. Mr. S. Subrahmanya Mooppanar. |
| 2. " Sir Thomas Moir. | 28. Rao Sahib R. Srinivasan. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 29. Mr. T. G. Rutherford. |
| 4. " Mr. A. Y. G. Campbell. | 30. " C. Govindan Nayar. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 31. " C. E. Wood. |
| 6. " Mr. S. Muthiah Mudaliyar. | 32. " R. J. C. Robertson. |
| 7. " Dr. P. Subbarayan. | 33. " S. N. Dorai Raja. |
| 8. Mr. Hilton Brown. | 34. " S. Arpudaswami Udayar. |
| 9. " H. A. Watson. | 35. " K. Ramachandra Padayachi. |
| 10. " A. G. Leach. | 36. Khan Bahadur P. Khalif ul-Jah Sahib Bahadur. |
| 11. " J. Gray. | 37. The Maharaja of Pithapuram. |
| 12. " S. V. Ramamurti. | 38. Mr. B. Ramachandra Reddi. |
| 13. " C. B. Cotterell. | 39. Rao Bahadur C. S. Ratnasabapathi |
| 14. " V. Ch. John. | Mudaliyar. |
| 15. " M. A. Manikkavelu Nayakar. | 40. " R. Muniswami Nayudu. |
| 16. Syed Tajudin Sahib. | 41. " Sir A. P. Patro. |
| 17. Mr. A. B. Shetty. | 42. " C. Natesa Mudaliyar. |
| 18. " R. Foulkes. | 43. Diwan Bahadur P. C. Ethirajulu Nayudu. |
| 19. " P. J. Gnanavaram Pillai. | 44. Mr. T. K. Chidambaramatha Mudaliyar. |
| 20. " Mahmud Schammad. | 45. Rao Bahadur S. Ellappa Chettiar. |
| 21. The Muppil Nayar of Kavalappara. | 46. Abdul Razaek Sahib Bahadur. |
| 22. Subadar-Major S. A. Nanjappa Bahadur. | 47. Khan Bahadur J. K. Kadir Mohidin Sahib Bahadur. |
| 23. Mr. J. Kuppuswami. | 48. Diwan Bahadur S. Kumaraswami Reddiyar. |
| 24. Rao Bahadur O. M. Narayanan Nambudripad. | 49. Rao Bahadur K. Sitarama Reddiyar. |
| 25. Mr. M. Gangadhara Siva. | 50. Mr. K. Sarabha Reddi. |
| 26. " V. I. Muniswami Pillai. | |

Ayes 23. Noes 50.

The motion was negatived.

* The hon. the PRESIDENT :—"The Council will now discuss the motion of the hon. the Chief Minister that the Bill be referred to a Select Committee."

* The MAHARAJA OF PITHAPURAM :—"Mr. President, Sir, I wish to protest with all the emphasis that lies in my power against the provisions made in the Bill for enhancing the land cess. Land is already very heavily burdened with taxation. This view was given expression to on various occasions by several competent authorities. That great statesman, a Member of the Government and afterwards a distinguished President of this Council, the late lamented Sir P. Rajagopala Achariyar of honoured memory, accepted this principle. In 1920, I had the pleasure and privilege of serving along with that great statesman on the Select Committee appointed

[The Maharaja of Pithapuram] [16th October 1929]

to consider the Local Boards Bill. The hon. Sir P. Rajagopala Achariyar on behalf of the Government entered into a compromise with us, the result of which was embodied in the report submitted by that Select Committee, and I propose, Sir, with your permission to read a few extracts from that report:

'Strong objection has been taken to the attempt made in the original Bill to enhance the rate of land cess. . . . We have discussed this matter at very great length. The argument has appealed to us that the tax burden on land is already considerable and that taxes on the return from land are so levied and collected that they bear most heavily on the poor and thus offend against the principle of equity. We therefore think that, before we call upon the landed interest to substantially increase its contribution to local revenues, an attempt should be made to exploit all other available sources of revenue. The companies' and profession tax, the larger powers of licensing and levying fees and the widening of the sphere for developing productive investments like markets and transport services—for all of which the amended Bill makes ample provision—will, we hope, make such an addition to local board revenues that the need for increasing the burden on land will not arise for some time to come. We have accordingly fixed the maximum rate of land cess at 1½ annas in the rupee, which is only three pices more than the maximum under the existing Act for all districts other than Malabar, South Kanara and the Nilgiris.'

"I therefore hope that the Select Committee will be pleased not only to delete that provision in the Bill but also reduce the existing rate of land cess."

* Mr. P. C. VENKATAPATHI RAJU :—" Mr. President, Sir, after all, the hon. the Minister for Local Self-Government has come forward with a Bill to amend the Local Boards Act of 1920. It would have been better if he had annulled the whole Act of 1920 and brought forward a new Bill comprising the ideas that are essential for a Local Boards Bill which will fit in with the times. I know he was one of those who agreed to the memorandum of the Government saying that this province is fit for complete provincial autonomy, and I do not think it would come with any good grace from him to say that the local self-government institutions in this Presidency should not be conferred complete popular control and complete independence. In all countries where local self-government bodies are successfully working, it is thought necessary that they should embrace the cardinal principles of full participation of the people in that administration and largest possible freedom from external control. Even the Montford Report said about ten years back that local bodies should have complete popular control and that they should be given the largest freedom from external control. Under these circumstances, for a Bill to be brought forward now just before the inauguration of a substantial measure of reforms in the Government of the whole of India, a Bill tinkering with a provision here and with a provision there, and at times trying to secure more control by the Central Government over the local bodies, is quite out of date. The tendency has been of late more to bring the local bodies under the thumb of the centralized bureaucracy by means of issuing executive orders, as Government Orders, whether they have the power to do so or not. It is not a rare thing to find that the local board administration, and so also the municipal, has been carried on more by the Central Government by their interfering in each and every detail by way of instructions and by means of Government Orders. It has been observed that the power of rule making has been much abused in trying to issue all sorts of instructions and rules, which are really against the cardinal principle of autonomy, that was accepted even in 1920. If at all a Bill was to be brought forward at this late time, it ought to have been a new Bill embodying the cardinal principles which were accepted to be the real soul of self-governing institutions in any country.

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"The mere new division of the functions of these bodies will not in any way be an improvement. I fail to understand how circle boards are in any way different from the taluk boards. Anybody who has been conversant with the provisions of the Local Boards Act may have known that a taluk board need not confine to a taluk, it may comprise more than a taluk or it may comprise a portion of a taluk. By notification you can declare any portion of a district as a taluk. I did not expect that the hon. the Chief Minister, with all his intimate knowledge of foreign institutions, would come forward with a Bill providing for all sorts of intermediary bodies instead of cutting at the root of the evil that hinders the path to real self-government in this country. I do not think this is an achievement he can be proud of.

"I do not mean to say that there are not some changes made which would improve the existing state of things. For instance, he has done well in removing the system of nominations to these local bodies, through which the Government were controlling these bodies, and, I am sorry to add, owing to which, local self-government in this land has been brought into contempt. I do not throw the blame entirely on Government. Various influences were brought into play in the matter of securing these nominations. With reference to the representation of special interests by nominations on these local bodies, I cannot understand how a provision of this kind will in any way be to the interests of those communities. After all, the presence of one or two members in a body consisting of 40 or 50 members will not materially affect the decisions of that body.

"Then, there is another thing. Anglo-Indians if they have any interests requiring special seats will have the qualification of a voter. Once he is a voter, he has got the right to get into these local bodies without having recourse to nomination, when nomination even for the depressed classes is removed.

"Then, much was made about the inclusion of villages under the name of village panchayats. Here again I have to complain that a change is made which is not at all needed. As for the unions, they are now to be declared as village panchayats. The village was a self-sufficient unit in ancient days and I do not know why that principle should not be adopted now. A village may be notified now as consisting of some four or five villages; and nothing prevents the Government from notifying that a portion of a circle is a village under the Act as it stands.

"By the Village Courts Act, some powers were conferred on the village courts and those powers may be conferred on village panchayats. The village must be a unit and all the functions necessary for the welfare of that village must be entrusted to that one body.

"As to the financial provisions, the taluk boards and the district board come in for a share in the existing income and the panchayats were given power of taxation to secure income. In the compulsory land cess, some portion is to be set apart for carrying on the administration of the district boards and some portion, of the taluk boards. Little of it will be left to these panchayats for carrying on their administration. I am afraid the hon. the Chief Minister has failed to appreciate the difficulty of putting additional taxes on land in villages. It was found even difficult in the case of local bodies

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like taluk boards and district boards. First of all, if these panchayats are to function by taxing the local people, there will be considerable amount of ill-will between these bodies and the people. Under these circumstances, he ought not to have allowed the village panchayats to depend for their primary functions upon this power of taxation.

"I am sorry to find the hon. the Chief Minister has withdrawn the provision regarding adult franchise. He said, he used to say in this House, that it would be considered when introducing the Local Boards and Municipal Bills. He has brought the village panchayats under the present Bill. I am sorry he has given up the adult franchise which is now existing in the village panchayats. It was conceded even in the Montford Report that for the constitutional progress of the country, the franchise of the local bodies must be widely extended so that the people at large might be educated in the duties and responsibilities of citizenship. He did not introduce even this adult franchise in the case of village panchayats where it is now existing in the matter of election of panchayatdars. I do not want to raise that now since it is going to come before us in the select committee. All these things are going to be pressed in the select committee and if we agree to the Bill being referred to a select committee, it is in the hope that it will be so changed there as to make it really a law for bringing about true local self-government in this country."

* Diwan Bahadur S KUMARASWAMI REDDIYAR :—"Mr. President, Sir, in supporting the motion of the hon. the Chief Minister, I may be permitted to make a few observations on what may be considered to be the general principles of this Bill. As the hon. the Chief Minister has pointed out more than once, this Bill is not the result of Government's unaided thought, but is the outcome of the deliberations of a joint conference to which representatives of all the parties in this House were summoned, and the Bill is to a great extent based on the decisions of that conference. But I do realize, as many other Members of this House have done, that there are several provisions in this Bill which do require very careful consideration at the hands of the select committee which is going to be formed; and it is gratifying to see that the select committee in this particular case is going to be a large and representative one. One point on which we have heard a great deal of criticism is the inclusion of the rural bodies called the village panchayats within the scope of the present Bill. A fear has been entertained by these critics that as a necessary corollary of this transfer, a considerable restriction of the functions and powers of the late panchayats will also follow. I should submit, Sir, that it does not necessarily follow as a consequence of the transfer of these bodies from the purview of one Act to that of another. It may be observed that even in the Bill as it stands, the functions of the village panchayats have been very greatly enlarged as compared with those of the union boards that exist at present under the Local Boards Act of 1920.

1-15 P.M. "Several powers which the union boards do not at present possess have been given to the village panchayats which are sought to be formed under the present Bill. The improvement of agriculture and agricultural stock, promotion and encouragement of cottage industries and many other similar measures of rural amelioration have all come now within the scope of the activities of these village panchayats under this Bill.

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"I may also mention, Sir, that there is a motion by the leader of our Party that it be an instruction to the select committee that they have power to amend the Act incorporating the provisions of the Village Panchayat Act other than those that are in the present Bill. I submit, therefore, Sir, that the Bill even as it is, has enlarged the powers of the village panchayats and there is this instruction which, if accepted, will empower the select committee to incorporate all such provisions in the present Village Panchayats Act which it may consider necessary to be incorporated in the present Bill also.

"Another point, Sir, on which a good deal of criticism has been advanced is with regard to the constitution of the circle boards. The hon. the Chief Minister told us that these circle boards are going to be larger in number than the present taluk boards and that the area of their jurisdiction was going to be reduced. But there is nothing in the Bill itself, Sir, to justify that statement. I do not know how this idea got into the mind of the hon. the Chief Minister. I was a member of the conference of which I made mention a minute ago and, in that conference, while opinion was almost unanimous that there must be an intermediate body between the village panchayats and the district boards to which would be assigned the function of co-ordinating the activities of the various village panchayats, I do not believe it was agreed or there was any large body of opinion in favour of this view that that intermediate body must be either smaller in size or the number of such bodies should be larger than it is at present. In fact, I do not think, Sir, that it will be at all necessary to constitute a larger number of bodies at all than we have at present by the name of taluk boards. These village panchayats will take several years to be constituted in many of the villages and their number should for a long time necessarily be small. The chief function which these intermediate bodies are intended to discharge is the co-ordination of the work of these village panchayats. When these rural bodies are themselves small in number, I do not see any object in multiplying the number of bodies which are charged with the function of supervising these village panchayats. So I do not think that there is any reason to fear that the number will be increased, nor is there any necessity for increasing the number. And the fear that the establishment charge will be so very heavy as to be entirely out of proportion to the work that these central bodies can do is an unfounded sort of fear.

"Then, Sir, I am in entire agreement with the Maharaja Sahab of Pithapuram when he raised a protest against any further taxation of the land in this Presidency. It is already very heavily burdened. And any provision in any piece of legislation which has for its object the increase of the taxation on land to any extent would necessarily meet with a considerable amount of opposition from all classes of people. I may at the same time point out, Sir, that even under this Bill certain anomalies of taxation that exist in the present Act are still retained. One instance I shall mention. The salaries of any officer within the non-municipal areas of a district are not assessable to professional tax at all under the Act as it stands. Any person who holds any appointment, private or public, is exempt from paying professional tax. It was pointed out, I believe on the floor of this House and elsewhere, that there was no justification at all to exempt people who were drawing large amounts of salaries. While a betel-monger in a village getting Rs. 30 a month is liable to pay profession tax, a sub-collector or an assistant engineer

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in a mufassal station who draws a thousand rupees and more is not liable to pay even a pie of any local rate to the local bodies of the district. This is certainly very unjust and I find that in the present Bill also, the same provision is continued to the effect that 'any person who holds any appointment, public or private, or is in receipt of any pension or income from investments shall not be liable to pay any profession tax on his salary, pension or income from investments, as the case may be'. I see, however, Sir, that this is one of the sections in which amendments are sought to be introduced and so the whole system will come within the purview of the select committee. I hope the select committee will bestow its thought on this rather anomalous provision and see that if local rates are to be enhanced or fresh sources of income have to be found, that is made one fresh and useful source of taxation.

"With regard to another point also on which there has been a great amount of criticism is the one dealing with the assignment of all functions dealing with elections to the revenue authorities. I do not find in the Bill itself any provision which compels the transfer of these functions to revenue authorities at all. All that is found in the Bill is that these functions will be transferred to authorities prescribed for that purpose. It will be competent to the select committee to go into the question as to what authority should be prescribed. With regard to the elections to local bodies I would however point out this difference between them and municipalities. If it is thought necessary to entrust this function of holding the elections in a municipality to any officer who is not likely to be influenced by party feeling or considerations of a similar nature, it may be necessary perhaps to assign it to revenue or other outside officials. But in the case of local bodies I submit, Sir, that it would be unnecessary to do so. We are to have a series of local bodies in the district beginning with the local panchayat and ending with the district board. If elections to the village panchayats are entrusted to the presidents of the local bodies next above them, i.e., circle boards and if the elections to the circle boards are entrusted to the presidents of the bodies above them, viz., district boards, I think, Sir, the main objection now advanced would necessarily be obviated. But as this Bill provides for election to district boards also directly, the only point that will then have to be settled by the select committee will be how to devise the best method of holding these elections without seeking the help of revenue officials even against whom I imagine accusations of partiality and corruption will be made as freely as against these local authorities. I submit it would be quite easy for the select committee to devise some means by which these complaints of partiality and the like may be obviated. I submit, therefore, Sir, that there is no serious objection to the provisions of the Bill as it stands. There are many salutary provisions which have long been overdue and my hon. Friends to the right have been expressing very freely the fear that a Bill of this nature would never emanate from the Government. Now, when it has come, attempts have been made to shelve it so that it may not see the light of day, possibly within the lifetime of this Council itself. (Swarajists: 'No', 'Question'.) Now that we are going seriously to discuss the Bill in the select committee I hope, Sir, that from the select committee, the Bill will emerge in an even better form than it is."

* Mr. A. RANGANATHA MUDALIYAR :—"Mr. President, Sir, I agree that the village should be the ultimate unit of self-government in this province.

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While I say that, Sir, I also realize the importance of giving the utmost latitude to the villages to develop on lines peculiar to themselves. Anyone who is acquainted with the working of the Panchayat Act in our province will realize the diversity that obtains among the villages in regard to taxation and many another detail. So, I would deprecate any attempt on the part of the Government to lay down detailed rules for the guidance of these panchayats on all and sundry matters. I do not like, for example, that these panchayats should be asked each to have an office of its own. At present, Sir, we have ever so many panchayats. There is the panchayat court. They have not got a building of their own to hold their office and yet they are managing their business all right. There is the irrigation panchayat. There is the forest panchayat and so on. I think, Sir, nothing should be done to make the administration of these panchayats more costly than they need be. Also, Sir, the village panchayats must be given the power to manage all affairs pertaining to the villages. For example, I notice a serious omission in the case of the draft Bill. In the year 1922 or so, I gave notice of a resolution deprecating the multiplication of panchayats in the villages and urging that at least the panchayat courts may be abolished and the administration of civil and criminal justice in their areas may be entrusted to the panchayat committees. The then Minister, the Raja Saheb of Panagal, wrote to me to say that he himself would undertake legislation to that end and asked me to withdraw the resolution standing in my name. It was not surely a matter of great consequence as to in whose name this reform was carried out and I readily agreed that the Government should do so as I thought that one could be surer of the enactment being carried out through governmental agency than through a private Member of this House. And I must say that the Raja Saheb did try to fulfil his promise by drafting a Bill in 1924 wherein he made a provision for the panchayats being entrusted with civil and criminal jurisdiction in their respective areas. I do not know, Sir, what were the reasons then which delayed the introduction of the Bill. Then, towards the end of 1926, by the courtesy of my then Colleague, the hon. Dr. Subbarayan, panchayats were transferred to my portfolio and a Bill was drafted wherein the panchayats were empowered to exercise civil and criminal jurisdiction in the villages. I now find in the draft Bill before us that there is no provision for that at all. This, Sir, is a serious omission and it should be rectified. If we take the Panchayat Acts of other parts of India, we find, for instance in Mysore, the Government have taken power to entrust the panchayats with such additional functions as they may choose from time to time to entrust. They can ask the panchayats to exercise magisterial and civil power in their areas. I think that omission has to be made good. I understood the hon. Minister to say that the institution of panchayats should be made compulsory; that is to say that all villages should be required to come under one or the other of the panchayats. I do not want a mere assurance on the floor of the House. I should like to see it made part of the Bill itself.

"Sir, as regards the circle boards, I agree with the apprehension expressed by some of the hon. Members that there may be too many of these boards being constituted. Take my own district of Bellary for example. You have got nine taluks, but only four taluk boards. It would be enough if the Government see that there is one taluk board for each taluk. After all, if panchayats are constituted for every village and all village affairs are looked after by the panchayats, there will surely be much less work for the

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taluk board to do than there is at present. So I should deprecate any tendency on the part of the Government to utilize this permissive proviso in the Bill and create too many circle boards with consequences one would not be able to visualize at present.

1-30
p.m.

"The cost pertaining to establishments should I think be limited not only in the case of panchayats but in the case of taluk and district boards as well. As regards the agency to conduct elections I am not able to agree with the last speaker that the taluk and the district board presidents should have power to conduct elections."

* The hon. the PRESIDENT :—"Does the hon. Member wish to continue his speech?"

Mr. A. RANGANATHA MUDALIYAR :—"I shall finish in a few minutes, Sir."

* The hon. the PRESIDENT :—"The Council will now adjourn for lunch and re-assemble at 2-30 p.m."

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

* The hon. PRESIDENT :—"The Council will now resume debate on the amending Bill of the hon. the Chief Minister."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, when we adjourned for lunch I was referring to the methods proposed to be adopted by this Bill for conducting elections. Objection was taken to the Revenue agency being employed for conducting elections and it was pointed out that unnecessary distrust was shown towards the local board officials. Sir, it is not a matter of trust or distrust, but it is a question of what the principle involved is. It cannot be denied that local boards and local board officials are interested parties so far as elections are concerned. It stands to reason that those who have an interest in the results of an election should as far as possible have nothing to do with that matter. My hon. Friend Sir Patro was severely chastising the hon. Member for the University for his distrust of local board officials to conduct elections. I do not see any reason why he should have singled out the hon. Member for the University, for his criticism, when worse things have been said of the local board presidents in the memoranda and statements of objects and reasons prepared by the Government. These papers furnish abundant materials for the proposed change. I may in this connexion say that steps should be taken to preserve greater secrecy with regard to elections. The system of symbols adopted in Bombay Presidency deserves the serious consideration of this Government. From my enquiry I am able to say that the system has been working satisfactorily there and that we will do well to introduce it here also.

"Sir, the panchayats have been suffering because of want of association between the district and taluk board presidents on the one side and the panchayats on the other. Whenever a panchayat is functioning well you may rest assured that it is due largely to the fact that the president of the local board concerned has been taking a genuine interest in the welfare of the panchayats. Generally the district board and taluk board presidents are somewhat jealous of these panchayats and therefore it is that they are not keen in lending a helping hand to the panchayats. I know of instances where the Registrar-General has asked for elections being held for choosing members to the panchayat, but yet the papers are lying idle for months together

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with the presidents of taluk boards without any action being taken upon them. I think that co-operation between panchayat officials and officials of local bodies will go a great way to further the work of the panchayats. I would like the House to consider in this connexion as to why we should not do the same thing by the district board as we practically agreed to do in the case of municipalities. The question of appointment of an executive officer was discussed in this House and I think on the whole it was received favourably. I would strongly urge that a similar provision be inserted in the Local Boards Act whereby the executive part of work may be done by one responsible official with sufficient standing and status.

"My hon. Friend Mr. D. Narayana Raju deplored that this Bill was too late. What cannot be helped, has to be endured. We may, at least now, be satisfied that it has been introduced. We started with a ministerial assurance in the beginning of 1927 that he would introduce a Local Boards Amendment Bill and that he would see that nominations were abolished. Well, we have had to wait for this amending Bill for so long. The hon. Minister taking advantage of the faults in the previous Bill postponed enacting a new Bill so that he might go on with his nominations. Where is the guarantee that, if this Bill is not allowed to pass through, the next Ministry will not exploit the defects in the present Acts as their predecessors did and bring an amending Bill after another three years, when it may be turned down again by one Member or another of this House? I think it is far better that we take up this Bill and help to pass it with whatever improvements we can effect so that there may be no scope for the same mistakes as are daily being committed now. It does not matter if some of us suffer, as the result of the working of the transitory provisions but others are bound to benefit later on.

"One thing more I have got to say. This Bill makes provision for some money being made available to the panchayats. At whose expense? It does not want to take away anything from the revenue that is being collected by district boards and taluk boards. It says that if the panchayats want more money they must levy a cess of another 6 pies. If the panchayats are going to do much of the work that is being done now by district and local boards, I do not see any reason why these district and local boards should claim all the revenue they are deriving now. I would rather suggest that out of the amount they are now collecting a portion may be earmarked for expenditure by the panchayats without compelling them to have recourse to any additional taxation. If the hon. Minister will take the trouble to see how much the Government is spending for purposes of education, roads, sanitation and several other things and how much of it comes from the general revenue, then he will see the reasonableness of making a provision in the Bill that something like 6 pies for every rupee collected as land revenue should be made available for panchayats. That I think would be a more satisfactory way of dealing with the panchayats. They will have a certain assured sum of money to start with and if they want more they are free to resort to local taxation. With these remarks, I support the motion for reference of the Bill to the Select Committee."

* Mr. P. SIVA RAO :—"Sir, at this stage of the Bill I wish to offer my criticisms of the main provisions of the Bill. For my part I think that the hon. the Chief Minister should have brought forward a more comprehensive

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Bill, a new Bill altogether in supersession of the old one. The hon. Members will find considerable difficulty in dealing with this Bill. Whenever they feel the need for a new provision, they feel that they are considerably handicapped and that is why they have now resorted to the course of issuing instructions to the members of the select committee to enable them to consider some new provisions. I have searched the Standing Orders and I do not find any provision authorizing such a procedure. Apart from the practice in the House of Commons I do not find any warrant for issuing such instructions to the members of the select committee. Whatever that may be, the privilege has been conceded to individual members to issue these instructions.

“Having said so much, I now turn my attention to the most important provisions in this Bill. There are some welcome provisions. For instance, the provision for the abolition of nomination, the one for throwing open the presidentships of all district and taluks boards for election, the one for passing vote of no-confidence and the one for direct election to district boards are all beneficial to the interests of the local boards. But while I am alive to these advantages, let me not forget the most obnoxious features of the Bill. The first objection I take is with regard to the inclusion of the village panchayats. To me it looks as though it was at a very unfortunate moment that the hon. the Chief Minister made up his mind to merge the existence of these village panchayats in the local administration of the country. Now, Sir, the revival of these panchayats is a very longstanding question and you know the history of this legislation which finally culminated in the Village Panchayat Act as a result of the recommendations of several commissions—the Decentralization Commission being one of the prominent of them—and as a result of the instructions issued to local Governments by the Secretary of State and by the Government of India. It is a well-known fact that these village panchayats from time immemorial have been known to manage all the affairs relating to the village without any external control. The idea now is to make them subject to the local boards. I remember how, in the beginning, we tried to put the village panchayats on a voluntary basis. We at last succeeded in putting them on a statutory basis by an Act of 1920. The idea was that the procedure of these village panchayats should be as simple as possible, that the work of the village panchayats should be as little expensive as possible and that they should be free from all extrinsic control as much as possible. Under the Panchayat Act latitude is given to villagers to tax in the best manner suited to their own purposes subject to the sanction of the Government. It also provides for adult franchise; every man over, say, 25 years, was at liberty to vote. Now, Sir, these village panchayats which have evolved so well and have been carefully fostered and developed are destroyed by the hon. the Chief Minister by a stroke of the pen. I may remind him, Sir, that these local village panchayats do not exist for the restricted local purposes only, such as cleaning and lighting the streets. They do not exist merely to look after village sanitation or the removal of rubbish. The functions of the local boards and union boards are very much restricted. In those days when these village panchayats were revived, it was not pretended that their functions should be restricted. The idea was to restore to them full and absolute autonomy in their own affairs, not only in local affairs, but in all matters affecting the welfare of the village. For instance, I may mention that it was proposed to give them the

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management of tanks and irrigation channels in their own jurisdiction and forests also. It was at one time proposed by the late Raja of Panagal in the Bill No. 18 of 1924 to vest even judicial powers, civil and criminal powers, in these village panchayats. That Bill for some reason or other proved abortive; it did not come up before the Legislative Council. It was the policy then that there should be only one kind of panchayat which should be vested with all the functions relating to the affairs of the village. The multiplication of panchayats existing for several purposes, was then thought undesirable. It was proposed then that these panchayats should be given the management of the forest panchayats, and that they should be given judicial powers. This Bill does not provide for these panchayats being vested with judicial powers. In case we want to entrust these panchayats with judicial powers, it is necessary that the constitution of these panchayats should be quite different from that of the local boards. I do not propose to take any more of the valuable time of this House. I may say that this is a retrograde step, a step in the wrong direction.

“One of the main features of this Bill is that while it proposes to abolish communal electorates, it seeks to perpetuate them in another form. Whatever may be the reason for having it in the field of the Legislative Council elections, so far as I am aware, there is no need for communal representation in the field of local bodies. Now, Sir, the hon. the Chief Minister takes credit for abolishing communal electorates; but he perpetuates them by proposing reservation of seats on some unknown basis though they will be elected hereafter by the general electorate. He has modelled his proposal on the recommendations of the Nehru Committee. It is proposed to spread this system of communal representation which exists only in the case of the Legislative Council, to the village panchayats also. Why the hon. the Chief Minister should still retain the power of nominating Anglo-Indians and Europeans passes one's comprehension. For my part I think the time has arrived when the field of local self-government must be free from communal representation. That Hindus and Muslims must stand shoulder to shoulder, explain their policy and justify their conduct before common electorates. I think, Sir, the experiment should be tried in the field of local self-government.

“Another main change in the Bill is this; my hon. Friend, the Maharaja of Pithapuram and several other Members on this side of the House, have already protested against the levy of an additional burden on the land. After scrutinizing the provisions of the Bill I find that power is given to increase the land-tax to about As. 1-6; 6 pies for the purposes of the village panchayat; additional 3 pies for the district board purposes only; another additional 3 pies for taluk board purposes only and so on. It is a notorious fact that land is already overburdened with tax. It was stated on former occasions that land would not be taxed any further.

“One other change is the substitution of circle boards for taluk boards. What is the use of multiplying these intermediary boards? I thought that a taluk board for each taluk would be quite sufficient. You multiply these agencies and the cost that will be thus entailed will be very great. I am afraid that the little money that is realized by the imposition of this additional cess would be consumed by these additional bodies. I ask in all sincerity what is the need for the increase of these boards, and what they are supposed to do. Every village is expected to have a village panchayat and

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what is supposed to be done by these circle boards is supervising and co-ordinating the activities of several panchayats. If that is the idea, I think one taluk board for a taluk is quite sufficient for the purpose. I think, Sir, that the time has come when these intermediary boards like taluk boards should be abolished altogether.

"There are many other obnoxious provisions in the Bill. I am sorry I am not on the Select Committee. I take this opportunity of having my say here. I appeal to the hon. the Chief Minister and to the Members of the Select Committee to delete all provisions regarding village panchayats from the Bill and to omit all references to circle boards. Then the Bill will be acceptable to a large number of Members in this House."

* MR. C. V. VENKATARAMANA AYYANGAR :—"Sir, I want to say a few words before this Bill is referred to the Select Committee, so that the Members of the Select Committee may go into the various questions carefully. Although the Bill contains several objectionable provisions, I want to deal with only two or three of them which I consider to be very important.

"The first and most important matter is the inclusion of village panchayats within the scope of this Bill. I think it is very clear from the speeches delivered already on the floor of this House that it is practically against the inclusion of panchayats within the provisions of this Bill. Those who know the working of the village panchayats are very well aware that they are working very satisfactorily because they are not under the control of the taluk boards or district boards. Once you bring them into the politics of the taluk boards, then the panchayats will vanish altogether. The test regarding the satisfactory working of the panchayats is that, while even the union boards have gone to the civil courts in the matter of elections, the panchayats have not gone to the courts at all. No member of a panchayat or anybody connected with the working of the panchayat has ever thought of going to the court for the purpose of settling the election of a member or the president. Once you introduce the panchayats into the politics of the taluk boards, which you know very well is not very good in some places, then the panchayats also will be subject to these bad influences. The panchayats have now got full liberty to work their own destiny. There is no restriction about the population, about taxation, etc.; therefore, these indigenous bodies have got full liberty to work their own destinies and are therefore very successful. The idea should be to start a large number of panchayats and to give them more powers. It has been suggested already that they should be given civil and criminal powers. They may also be given the power of controlling irrigation works. They may be given control over forests also. It is impossible to give them these powers under the present Bill however much you may try. I therefore think that it is desirable that the Select Committee should omit all references to panchayats in the Bill. It is impossible to give these powers to the panchayats because under the provisions of the present Bill they will have to be under the control of the circle boards which should also be given similar powers.

"Then, Sir, I do not see the reason for changing the name of the taluk boards into circle boards. I think there is only one reason. I hope I am not giving out anything confidential. From the very beginning the hon. the Chief Minister has been dead against the existence of these taluk

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boards; perhaps he is now satisfied by changing the name of the taluk board into circle board, which will have all the powers of mischief it has at present. Why should we change the name of taluk board which has become very popular and which is well known for a long time past?

"My attention has been drawn by some readers of the Bill to the new provision regarding village officers standing for election. Under the existing law, a village munsif may stand for election to local bodies; but a karnam cannot stand. An attempt was made by an hon. Member on this side to remove this distinction between a village munsif and a karnam and to allow the latter also to stand for election to local bodies. The present Bill attempts to disqualify even the village munsif from standing as a candidate. I do not see any reason why this should be done. A village munsif can stand as a candidate for the Legislative Council and I think there are one or two such Members adorning this House. There is absolutely no reason why they should be prevented from standing as candidates for district boards and taluk boards if they are properly qualified and if they are popular. This is a matter, Sir, which I think will be deeply considered by the Select Committee. In several rural parts, there are several village munsifs who are very popular ^{3 p.m.} in their places, and who have been unanimously returned or elected as members of taluk and district boards. There is no reason why a ban should be attempted now to be placed on such people coming into the taluk and district boards. So far, Sir, as the question of panchayats are concerned, I am afraid it is a question of jealousy on the part of a number of people who probably think that as far as possible, people who have been successful must be got rid of. I do not know if the hon. the Minister has not got a cynical jealousy against these people and those departments who are very popular; and that is why probably he has brought in a provision to abolish these panchayats altogether. If it is not so, why is it that he wants now to abolish these panchayats? Similarly, I do not know if it is a question of jealousy with some members to prevent the coming in of village munsifs and village karnams into the local boards and district boards, because they are successful and because they are popular. There is absolutely no reason, in this democratic age, why we should not enable as many people as possible to compete and to come into the local bodies.

"One other point, Sir, has been referred to by many previous speakers—on which the hon. the Minister got a lot of congratulations—and that is the abolition of these nominations. No doubt there will be a strong opinion against the abolition both in the Select Committee and in the Council later, but I hope the hon. the Minister will stick to his present opinion so long at least as he is in charge of this Bill.

"There is, however, one thing which I cannot but mention which is equally bad or even worse than the abolition of nominations and that is the provision in the Bill giving power to the Government to dissolve at any time any local body. And, Sir, if a local body is dissolved, the Government have got the power to nominate all the members of the local body that will come into existence, it may be for one year, for two years, for three years, or for any indefinite period. The Government will have the power to nominate, not only one-fourth but all the members of the local body. What will be the result? It may be that when the new Legislative Council elections are coming on, under this new Bill when it comes into force, all the local bodies

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in the Presidency will be dissolved and the power to nominate all members to all the local bodies will be in the hands of the hon. the Minister. What will be the result? We know it; it is obvious. The hon. the Minister himself has over and over again said that this is a very mischievous power, that it is troublesome for himself though of course he has been exercising it all the same. Therefore, the Select Committee should look into this matter of the power of the Government to dissolve local bodies and to nominate all the members of the local bodies that may take their places. I believe, Sir, the abolition of these village panchayats is wrong and the power of the Local Government to dissolve any local bodies is not justified and unless something is done to have the elections held before a local body is dissolved, this abolition of nominations will be only in name and in some cases will prove more injurious to the interests of local self-government than even nominations are at present.

"Sir, I will now refer to only one other point which has been referred to by my Friend the hon. the Maharaja, and that is the question of additional taxation on land. I do not know what the Maharaja meant by saying that when the present Act was in the Bill stage, an attempt was made to levy some new cesses. I do not exactly understand what he meant; but we all know that, as a matter of fact, even at the time the present Act came into force there was additional taxation. I believe before this Act came into force there was only one anna duty and after it came into force it was made $1\frac{1}{2}$ annas. The Government are trying to amend certain provisions of certain sections of the Act, but whether they succeed in having the changes enacted or not, we know of one thing, that the Government are for cutting off another slice from the income of the poor landholders. Sir, so far as Southern India is concerned, we know that it is full of small pattadars. If you take the number of pattadars who pay less than Rs. 10 as kist, you will find the number is very large indeed. To say that those poor people should be made to pay more purely because the nominations are to go or because the taluk boards are to be converted into circle boards—after all, these people do not care whether you call them circle boards or taluk boards—is really cruel. I am sure the whole House is trying its level best to put an end to the system of resettlement coming up once in 30 years. All of us—no doubt in the case of some with some qualifications—want that the present land tax should never be increased. While that is the case, what are we now doing? Instead of a thirty years' revision, you will be having under the present Bill a ten years' revision. In 1920, before the present Act was passed, the tax was only one anna; after it came into force, the tax became one and a half annas; but now before ten years it is going to be raised to two annas. I therefore say that we should not in any way support this idea; we should by all possible means resist any attempt on the part of the Government to increase the tax on the land. The Government are already getting enormous income from land tax. Within the past ten years, the total income of this Government has grown from 12 crores to 17 or 18 crores and the expenditure—if we ignore the contribution to the Central Government—has gone up from 8 crores to about 18 crores. If land tax is the main source of income of this Government, I ask who has supplied this large increase in their income? It is really the poor landowners that have supplied this additional amount. Now, Sir, another attempt is made to collect large sums of money, which may even come to several lakhs, from the poor landholders and that is an attempt

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which should be very vigorously checked. I hope, Sir, hon. Members of this House will as a body vote down this provision both when the matter comes up before the Select Committee and when it comes before this House, when perhaps another attempt will be made by the Government, if their attempt fails in the Select Committee, to carry this provision.

"These are some of the points, Sir, on which some of us feel very strongly and I hope the Members of the Select Committee will make the way smooth for this Bill to have an easy passage in this Council when it comes before it. With these few words, Sir, I support the motion that the Bill be referred to a Select Committee."

* Mr. M. V. GANGADHARA SIVA :—"Mr. President, Sir, I shall only deal with the question of the abolition of nominations. The abolition of nominations is a blessing in disguise to the country, but not on the principle now based in the amending Bill. It is a well-known fact to every hon. Member of this House that the difficulties of the depressed classes regarding social oppression and financial stringency have been represented ably on the floor of this House by many representatives of the depressed classes on many occasions. Till now, Mr. President, in my opinion there has been no disunion among us; but I fear and I am sure under the existing Bill the caste Hindus will take advantage and do a lot of mischief in creating disunion among the classes during the general elections. A president who is in power may get his uneducated horse-groom to compete in the election and thereby he can nullify the interests of the depressed classes. Therefore I say that a standard of educational qualification or status should be laid down for election to the local boards. An hon. Member of this House, Mr. L. K. Tulasiram, has explained very well the other day the vagaries and corruption during the elections, and I need not say anything more on that point.

"Mr. President, if I am allowed, I would only like to give an example here. Last month, on the 26th, two Muhammadaus competed for the seventh ward in the Cuddapah municipality. It so happened that about sixty of our men were voters . . ."

* The hon. the PRESIDENT :—"I request the hon. Member to give examples of local board elections."

* Mr. M. V. GANGADHARA SIVA :—"Yes, Sir. I shall do so."

* The hon. the PRESIDENT :—"I cannot allow the hon. Member to refer to municipal elections."

* Mr. M. V. GANGADHARA SIVA :—"Mr. President, it so happened that sixty members of the depressed classes were voters . . ."

* The hon. the PRESIDENT :—"Is the hon. Member talking about municipal elections?"

* Mr. M. V. GANGADHARA SIVA :—"No, Sir. I am saying generally it is the case. It so happened that sixty of our depressed class members were voters. Both the parties in the election enter the depressed class quarters and threaten the people in the worst possible manner, saying that they would burn their houses and would dispense with their services if they did not vote for them. During the election, our poor women and men were actually dragged or carried to the polling booths and were compelled to vote. Such is the pitiable condition of the depressed classes, though they are

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voters. So, it is better, Mr. President, that we are given separate electorates so that we can elect our own men; and that electorate should be within the jurisdiction of a district association under the supervision of the Collector of the district in which the election is conducted.

"Mr. President, the nominated members have behaved well and have given their right opinion on many occasions on the floor of this House against the Government and elsewhere in the local boards also, whereas the elected members supported Government in season and out of season on many occasions just for the sake of jobs and other favours. It is no wonder, Mr. President, that a nominated member supports the benign Government which has given us the privilege of coming into the Council and representing our grievances. When such is the case, why should it be open to severe abuse on several frivolous grounds, as stated by the Minister here?"

"Mr. President, if our countrymen and brethren really intend doing good to us, why did they not bring a depressed class man in an election and thereby set an example to the public and to the Government? Will the hon. Members of this House give at least one example in which their parties put up a depressed class man for election? Not one. (A voice: Yes, once.) There might be one occasion probably; but, Sir, it is the benign Government that gave us sufficient scope to enter the Council, give vent to our feelings, and do something for the community by our own agitation. Anyhow, I understand the object of this Bill is that we should not be under the obligation of the Government; and we are entering a new field. I leave it entirely in the hands of this House to see that if this Bill is carried and passed, it should be an experimental one for a definite period; and afterwards, if we find it works soundly, it can be retained, and I will have under these circumstances no objection to the abolition of the nominations."

* Mr. S. N. DORAI RAJA:—"Mr. President, Sir, in rising to support my hon. Friend the Chief Minister, I should like to make a very few observations which I think, and may I say, Sir, ought to receive some considerate treatment at the hands of the hon. Members of the Select Committee? The draft Bill, which was circulated by the hon. the Minister early in 1928, contained some sane and sound provisions which have unfortunately been dropped in this Bill, namely, that the taluk board should be abolished according to the draft Bill, because it was rightly considered by the Chief Minister to be a fifth wheel in the coach, and that the district boards could very well do what the taluk boards were doing.

3-15 p.m. "Another important provision in the old Bill was that an officer who ought to be independent of the influence of the votes of the electorates should be empowered to levy fees and taxes. Another important provision was the entrusting of the electoral functions in the hands of the District Collector and Divisional Officer because they would be persons above all party politics. These were some of the important provisions that are dropped from this Bill. Instead, the electoral functions are to be undertaken by authorities prescribed by the rules, and the circle boards are to take the place of the taluk boards.

"Well, Sir, about these circle boards, I honestly believe that they are no better or no worse than the present taluk boards and the multiplication of these circle boards will multiply petty jealousies and disputes. To entrust to

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such an authority the village panchayats is absolutely objectionable and it at the same time indicates a total want of understanding of the scope of the Panchayat Bill. It is a misnomer to say that these village panchayats are children and want to be nourished. But, they are grown up men which are absolutely starved for want of proper nourishment. It is my intention and, I hope, it is the intention of every one that the village panchayats should be made the real units of local self-government in this country, and a basis of political representations. I would rather have the local boards abolished than these panchayats are starved and neglected.

"Then, in regard to nominations, I have got only one word to say. If the hon. the Chief Minister has stated that all nominations should go, I could understand the position. But, unfortunately, he has stated that one or two communities should be nominated. Surely a thing is right or wrong, but it could not be half right or half wrong. As regards the question of nomination itself, is it seriously contended that the electorate is the only source that can send to these bodies able men? Take, for instance, the case of my hon. Friend the Member for the University. He is a nominated member to the Senate of the Annamalai University and I would like to know his opinion about nominations. Of course nominations are temporary evils and they are intended for certain purposes. If anybody can tell us that nominations must go because the millennium has arrived, I can only say he exhibits colossal ignorance of the present state of affairs. I hope and trust that the members of the Select Committee will pay particular attention to these remarks made by hon. Members and I take it it will be made an acceptable and workable Bill by the Select Committee."

* The hon. the PRESIDENT:—"I take it that the House is ready for a vote.

"The question is that the Bill be referred to a Select Committee."

The motion was put and adopted.

The hon. Dr. P. SUBBARAYAN:—"Sir, I move that Standing Order No. 40 (2), which says that the number of members of a Select Committee should not exceed fifteen, be suspended."

The hon. Mr. M. R. SETURATNAM AYYAR:—"I second the motion, Sir."

* The hon. the PRESIDENT:—"The question is that sub-clause (2) of Standing Order No. 40 be suspended."

The motion was put and adopted.

The hon. Dr. P. SUBBARAYAN:—"I move that the Bill be referred to a Select Committee consisting of the following members:—

1. Mr. P. O. Venkatapathi Raju.
2. " J. A. Saldanha.
3. " S. Satyamurti.
4. " A. Kaleswara Rao.
5. " Basheer Ahmed Sayeed.
6. " B. Venkataratnam.
7. " G. Harisambharam.
8. " C. N. Muthuranga Mudaliyar.
9. " C. Venkatarangam Nayudu.
10. " T. C. Srinivasa Ayyangar.
11. " P. Anjaneyulu.
12. " R. Bahadur Sir A. P. Patro.
13. " C. S. Ratnasabhapathi Mudaliyar.

15. Diwan Bahadur S. Kumaraswami Reddiyar.
16. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
17. The Raja of Kallikota.
18. Rao Bahadur B. Muniswami Nayudu.
19. Mr. F. E. James.
20. " H. F. P. Hearson.
21. " T. G. Rutherford.
22. " C. Govindan Nayar.
23. The hon. Dr. P. Subbarayan.
24. Mr. T. M. Narayanaswami Pillai.
25. " A. B. Shetty.
26. " W. P. A. Soundara Pandian.
27. Subadar-Major S. A. Nanjappa Bahadur.

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28. Mr. Mahmud Schamnad.
 29. Rao Sahib R. Srinivasan.
 30. Mr. D. Thomas.
 31. The hon. Mr. S. Muthiah Mudaliyar.
 32. Mr. L. K. Tulasiram.
 33. „ J. A. Davies.
 34. „ Hilton Brown.
 35. Rao Bahadur K. Sitarama Reddiyar.
 36. Diwan Bahadur P. C. Ethirajulu Nayudu.
 37. Mr. T. Adinarayana Chettiyar.
 38. „ R. Srinivasa Ayyangar.
 39. „ N. Siva Raj.
 40. „ P. T. Rajan.

41. Mr. A. V. Bhanoji Rao.
 42. „ K. R. Karant.
 43. „ Biswanath Das Mahasaya.
 44. „ S. Arpudawami Udayar.
 45. Khan Sahib T. M. Moidoo Sahib.
 46. Mr. Sami Venkatachellam Chetti.
 47. Rao Bahadur S. Ellappa Chettiyar.
 48. Mr. Ahmed Miran.
 49. „ V. I. Muniswami Pillai.
 50. The hon. the Advocate-General.
 51. „ the President.
 52. The Maharaja of Venkatagiri.”

The hon. Mr. M. R. SETUBATNAM AYYAR :—“ I second the motion, Sir.”

Mr. S. SATYAMURTI :—“ Is the name of any District Board President left out, Sir ? ”

* The hon. the PRESIDENT :—“ That requires a more careful analysis.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ May I know whether under Standing Order No. 40, when you are one of the members of the Select Committee, you can nominate yourself as chairman ? ”

* The hon. the PRESIDENT :—“ As far as precedents are concerned, I have already performed the pleasant duty in the case of the Andhra University Bill.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ So far as Standing Order No. 40 is concerned, I want to know whether that Standing Order enables the President to nominate himself if he is one of the members of the Select Committee to be the chairman of the Select Committee.”

* The hon. the PRESIDENT :—“ That is exactly the reason why the President also gets into the Select Committee.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ My submission is whether you can nominate yourself as chairman.”

* The hon. the PRESIDENT :—“ The point is this : we have sometimes to go by precedents. We have already established a convention that the President can nominate himself and I always insist upon the condition that all the Leaders must agree unanimously to such a course.

“ Then, we have to take up the list of various amendments to this motion.”

As none of the amendments given notice of were moved, the motion that the Bill be referred to a Select Committee consisting of the 52 members (above referred to) was put and adopted.

* The MAHARAJA OF PITHAPURAM :—“ Mr. President, Sir, I beg to move—
‘ That it be an instruction to the Select Committee that they have power to introduce necessary amendments in order to enable Government to collect land cess directly from the intermediate landholders holding on an under-tenure granted by a landholder.’ ”

“ Mr. President, Sir, the object of my motion is to relieve the zamindars from the unfair and unnecessary burden of paying that portion of the land cess which, as a matter of fact, has to be paid by the intermediate land-holder. At the same time, it does not involve any additional expenditure to the intermediate landholder. According to the existing law,

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the Government can proceed against a zamindar in a summary manner to recover land cess and the zamindar will be put to the necessity of paying the whole amount and at times even by borrowing the amount at an exorbitant rate of interest; and the zamindar will, in his turn, have to wait long to get that money back from the intermediate landholder and even then he will have to go to a civil court for the purpose.

“ Thus the zamindar is unnecessarily put to the worry and expense, which he really does not deserve. The Government, till the other day, had been adopting the method which I am recommending. Further, as I have already pointed out, the intermediate landholder need not pay a pie more than what is actually due from him whether he pays it to Government direct or to the zamindar. I may also mention that several of these landholders have been exercising full rights of proprietorship. They have been submitting their own rent rolls; they have also the right to vote for the representatives of landholders at the elections to the Legislative Council; they have the right to nominate the village servants. The Government will find it very easy to recover these land cesses direct from the intermediate landholders, as the village servants are their servants also. In fact they seem to be more theirs than ours. My explanation will, I am sure, satisfy the Select Committee, who will, I hope, favourably consider my request.”

* Mr. C. V. VENKATARAMANA AYYANGAR :—“ I second it, Sir, and I will only add that if this is accepted, it will put an end to unnecessary litigation. Therefore, I hope that the Select Committee will not only consider the matter but will approve of the suggestion made by the hon. Member, the Maharaja.”

The hon. Dr. P. SUBBARAYAN :—“ I support it.”

The motion was put to vote and carried.

* The hon. the PRESIDENT :—“ Mr. Basheer Ahmed Sayeed has given notice of a motion ‘ that it be an instruction to the Select Committee to consider the question of entrusting the panchayat with civil and criminal powers.’ I consider it outside the scope of the present Bill and I disallow it.”

“ He has given notice of another motion ‘ that it be an instruction to the Select Committee to consider the question of limiting outside control over panchayats to the minimum.’ I think the instruction is unnecessary.

“ Mr. Sami Venkatachalam Chetti has given notice of a motion, ‘ that instructions be issued to the Select Committee to consider that it shall be provided in the Bill that circle boards shall not be smaller units than taluks.’ It is a matter of detail for the consideration of the Select Committee and therefore it is unnecessary.

“ Mr. Muthuranga Mudaliyar has given notice of a motion, ‘ that instructions be issued to the Select Committee to consider the question of having a specific provision in the proposed Bill to abolish the circle boards altogether after a certain period to be defined by which time panchayats should have been established in almost all the villages.’ I have carefully gone into the question and I find it is outside the scope of the Bill and therefore the instruction is unnecessary.

“ Mr. Adinarayana Chettiyar has given notice of a motion, ‘ that instructions be issued to the Select Committee to consider the question of having a provision in the Bill disqualifying presidents of district boards from

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standing as candidates for election either for the Legislative Council or for the Central Legislature. Since the present Bill has nothing to do with the qualification or disqualification of franchise for the legislatures, this motion is beyond the scope of the Bill."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Why not it be put thus: that no member of the Legislative Council can be a member of the district board."

* The hon. the PRESIDENT:—"That is again a matter of detail for the Select Committee and for that no instruction is necessary."

"Mr. Abdul Hameed Khan and Mr. R. Srinivasa Ayyangar have given identical motions and I have selected Mr. Abdul Hameed Khan's motion."

"There is some doubt with regard to Mr. Muniswami Nayudu's motion and that will be dealt with in the Select Committee. I admit the motion."

"Mr. Anjaneyulu's motion with regard to the removal of disqualifications of persons convicted for political offences is in order and I admit it."

"Mr. G. Harisarvottama Rao has given notice of a motion, 'that instructions be issued to the Select Committee to consider the question of removing the powers of nominating members to local boards under section 240 of the Madras Local Boards Act, 1920.' The amending Bill contains a provision to this effect and therefore this is unnecessary."

"Mr. Venkatarangam Nayudu has given notice of a motion, 'that instructions be issued to the Select Committee to consider the question of abolishing district and taluk boards and constituting only circle boards comprising three or four revenue taluks.' As there is provision for this in the amending Bill, this is unnecessary."

"I allow Mr. Kaleswara Rao's motion and I shall take up the allowed motions one by one."

* Mr. K. KOTI REDDI:—"Mr. President, Sir, I move—

'that instructions be issued to the Select Committee that they have power to incorporate provisions abolishing either the taluk or the district boards.'

"Sir, I believe that the existence of both the bodies is a mere duplication. The bodies are maintained for doing the same functions but at the same time without any increase in the efficiency. Mr. President, the functions of the taluk and district boards are the same in most matters. For example, both are dealing with dispensaries, the maintenance of roads, etc. But all the same the efficiency is in no way increased. Therefore I am sure that all the members of the House will agree with me in saying that one of them is unnecessary, though there may be difference of opinion as to which of them should be abolished. There are several points for the abolition of the taluk boards. Some important considerations point to the abolition of district boards. Whatever it may be it seems to me to be unnecessary to maintain two bodies. In the Bill circulated by the hon. the Chief Minister last year, there was provision only for one of these boards, and therefore I am led to believe that Government also are in favour of abolishing one of these bodies. Again there is provision in the present Bill for the incorporation of a large

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number of village panchayats. If you have a number of local bodies, you cannot expect the right type of men to be sent up to all these bodies. Therefore this is another ground for abolishing one of these boards."

* The hon. the PRESIDENT:—"May I request the hon. Member to confine himself to the wording of the instruction and not go into the details of the Bill?"

* Mr. K. KOTI REDDI:—"I believe there is no necessity for the existence of both the bodies. If there be a number of bodies like these, there will be too many elections, because there will be Legislative Council elections, taluk board elections, district board elections, village panchayat elections, religious endowments board elections, etc., and I suppose by and by we are to have elections for temperance societies too. I think in the interest of avoiding confusion amongst the electors, we should have as few elections as possible. And I may also mention here that steps will have to be taken in the present Bill to secure secrecy of voting even for the illiterate."

* The hon. the PRESIDENT:—"I am afraid the hon. Member is again drifting away from the provisions of the Bill."

Mr. K. KOTI REDDI:—"I only want to say that a proper system of recording votes should be maintained. I strongly feel there is no necessity for more than two institutions for Local Self-Government, say, the village panchayat as the unit at the bottom and the district or taluk board over it."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

The motion was adopted.

Mr. ABDUL HAMEED KHAN:—"I move—

'that instructions be issued to the Select Committee empowering them to amend the Act incorporating the provisions for the appointment of an Executive Officer or for vesting the executive power in committees of the Board.'"

Mr. R. SRINIVASA AYYANGAR:—"I second it."

The motion was adopted.

Rao Bahadur B. MUNISWAMI NAYUDU:—"I move—

'that it be an instruction to the Select Committee that they have power to amend the Act incorporating the provisions of the Village Panchayat Act other than those adopted in the present Bill.'"

Mr. S. SATYAMURTI:—"I second it."

The motion was adopted.

Mr. A. KALESWARA RAO:—"I move—

'that instructions be issued to the Select Committee to consider the question of removal of all control or interference of the District Collectors over the administration of the Local Boards.'

Mr. S. SATYAMURTI:—"I second it."

The motion was adopted.

* The hon. the PRESIDENT:—"Does Mr. Obi Reddi want to move his amendment? I don't think it is necessary."

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Mr. C. OBI REDDI:—"Sir, I want to move it.

"In the existing Act in Schedule V, rule 4, sub-rule (2) runs as follows:
'A local board may with the sanction of the Local Government contribute to any charitable fund or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease.'

"And now I want to move that instructions be issued to the Select Committee to introduce a clause in Schedule V doing away with the necessity of obtaining the previous sanction of the Local Government specified in sub-rule (2). And therefore I move—

'that instructions be issued to the Select Committee to consider the question of amending Schedule V so as to confer larger powers to local boards with regard to expenditure for the various purposes mentioned therein.'

3-45 P.M. "The instruction which I propose to be given to the select committee is this, Sir. The necessity for obtaining the sanction of the Local Government where the local body seeks to spend its monies on such charitable and laudible purposes might be done away with in the new Bill."

Mr. A. KALESWARA RAO:—"I second it."

* The hon. the PRESIDENT:—"The question is

'that instructions be issued to the Select Committee to consider the question of amending Schedule V so as to confer larger powers to local boards with regard to expenditure for the various purposes mentioned therein'.

The motion was adopted.

Mr. P. ANJANEYULU:—"I apologise to you and to the House, Sir, for my absence. I beg to move—

'that instruction be issued to the Select Committee to consider the question of removing disqualifications of persons convicted of political offences.'

"The reasons for moving this motion are obvious, Sir, and I need not say anything on the matter."

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

* The hon. the PRESIDENT:—"I find that the Bill provides for the substitution of new sections for sections 54, 55, etc., of the Act. So, the whole subject matter of this motion is touched upon in the Bill. Therefore I think this instruction is unnecessary."

Mr. A. KALESWARA RAO:—"May I submit one thing, Sir?"

* The hon. the PRESIDENT:—"Is it anything new that the hon. Member wants to say?"

Mr. A. KALESWARA RAO:—"The spirit of the sections is not changed, Sir, in this Bill. Can we put in amendments which are substantial ones?"

* The hon. the PRESIDENT:—"We shall examine it in the Select Committee. You shall have the assistance of the President then."

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Mr. A. KALESWARA RAO:—"It may be said then that it is too late, Sir."

* The hon. the PRESIDENT:—"Then we may have an amending Bill."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, I have given notice of the following instruction:

'that it be an instruction to the Select Committee that they have power to amend the Act incorporating specific provisions in the Bill that the existing unions which are to be transformed into panchayats shall be constituted into as many village panchayats as there are villages comprising particular unions'."

* The hon. the PRESIDENT:—"That matter is within the scope of the Bill, and so the instruction is unnecessary."

* Mr. C. RAMASOMAYAJULU:—"I have given notice of the following instruction which I now move, Sir:

'that it be an instruction to the Select Committee that they have power to issue questionnaire to and invite answers from the several local bodies in the Presidency regarding the chief provisions of the Bill'.

"I might anticipate a possible objection from the Chief Minister that this is likely to cause some delay, and I suggest that a near date may be fixed for receiving answers from the several local bodies with reference to the chief provisions of the Bill as to what they think about the provisions. In that way the delay can be avoided. When once the question of circulation is voted down, at least the local bodies concerned, who will have to administer the Bill hereafter, must be allowed an opportunity to have their say."

Mr. D. NARAYANA RAJU:—"I second it."

* Mr. S. SATYAMURTI:—"On a point of order, Mr. President. I do not want by any instruction to the Select Committee that we should restrict the powers which the Select Committees have now got, under the Standing Orders of the House as they stand. You will remember, Sir, that there is a Standing Order which provides that the Select Committee shall have power to hear expert evidence and the representatives of interests affected by a Bill; and in exercise of that power you remember that both in the case of the Andra University Bill and in the case of the Brothels Bill to my knowledge, we did send out a questionnaire, we did invite answers, and we did examine witnesses at the table of the Select Committee. I am not now speaking on the merits of this motion at all. I am only raising a point of order as to whether this motion is not unnecessary in the first place and secondly whether it is not likely to affect the powers of the Select Committee."

* The hon. the PRESIDENT:—"What is the point of order?"

* Mr. S. SATYAMURTI:—"I am submitting both these points of order for your consideration, namely, that this instruction is unnecessary and . . ."

* The hon. the PRESIDENT:—"The instruction being unnecessary cannot be a point of order. If the instruction is ultra vires, then it will be a point of order."

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* Mr. S. SATYAMURTI :—"I am putting it this way, Sir, that, if an instruction like this is held to be in order, it may be argued that unless there is an instruction similar to this in the case of every Select Committee appointed by this House, the Select Committee will not have that power, or on the other hand if this motion is defeated, this Select Committee will not have the power. I say it is ultra vires, because the possible defeat of this motion may amount to this, that the power vested in the Select Committee under the Standing Orders to hear expert evidence and to hear the interests affected may be impliedly held to have been taken away (by the defeat of this instruction). I am anxious, Sir, that the instruction should not interfere with the inherent power of the Select Committee under the Standing Orders as they stand, to hear any evidence they may choose."

* The hon. the PRESIDENT :—"The only question for consideration now is whether the House has got the power to issue instructions that in this particular case a questionnaire should be issued; and what effect the decision of this House will have on the power vested in the Select Committee does not arise now. That question I am not prepared to take into consideration unless the question actually arises on a proper occasion. But now the only question is whether the House has got the power to issue instructions to the Select Committee."

* Mr. S. SATYAMURTI :—"May I respectfully invite attention to the wording of the instruction? It is to the effect that the Select Committee have power to issue questionnaire, and to hear evidence. But, as a matter of fact, the power to issue questionnaire or take evidence is not conferred by this instruction at all. That power is there already. I am quite agreeable that this House might express its opinion that it is necessary to invite witnesses. This instruction may suitably be amended to that effect, i.e., to convey an expression of opinion of this House that in its judgment, in the case of this Bill, evidence should be collected. In that case I do not certainly raise a point of order. But I object to the word 'power', because this power is there already; and I do not want the House by any unconscious procedure, if I may respectfully say so, to interfere with that power by saying now in effect that it will not have that power, unless instruction is given to it. If the motion is amended as you suggested, namely, that the discretion of the Committee should be exercised now in the case of this Bill, I will agree to it."

* Mr. C. RAMASOMAYAJULU :—"Sub-clause (4) of Standing Order 40 says that 'a Select Committee may hear expert evidence and the representatives of any special interests affected by the measure before them', that is to say, the Select Committee themselves have the power. I do not deny it. But what I say is that in this case the Select Committee should exercise that power. So, why not let it be an instruction to the committee that they have the power to hear evidence?"

* The hon. the PRESIDENT :—"Mr. Satyamurti has referred to the past practice of the Select Committee, e.g., the Andhra University Bill and the Brothels Bill. The strict wording of the Standing Order is this: 'A Select Committee may hear expert evidence and the representatives of any special interests affected by the measure before them'. Here, the issuing of a questionnaire to the local bodies cannot be called 'hearing expert evidence'. And as far as my memory goes, the expression 'special interests affected'

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does not include the local bodies. That is how, if I remember rightly, it was construed in the House of Commons. Therefore this is outside the scope of the Standing Order regarding the Select Committee."

* Mr. C. RAMASOMAYAJULU :—"Why I am particular to have this instruction is this. There was a motion for circulating the Bill to obtain the opinions of the general public and the local bodies concerned on the main provisions of the Bill. That motion was defeated. Now, I do not wish to reopen that general matter again. I only request that at least the opinions of the local bodies concerned, the presidents of those bodies who have been in the field of Local Self-Government and whose word upon that matter must necessarily have some weight, may be invited on the important provisions of this Bill. A near date may be fixed within which they may be asked to send answers. If they are not on the alert in the matter, it cannot be helped."

* The hon. Dr. P. SUBBARAYAN :—"I am afraid, Mr. President, I cannot accept the motion of my hon. Friend Mr. Ramasomayajulu to give this instruction to the Select Committee, because in the first place this is a motion which will really have the effect of delaying the consideration of the Bill by the Select Committee in spite of his pleading that a date may be fixed early enough. The time available for us is such that if the report of the Select Committee is to be submitted before the 14th of December as it is the intention at present, it won't be possible to obtain answers meanwhile. I think if this instruction is adopted, it means that we may not be able to finish the report of the Select Committee by that date. I would also like to point out that on the Select Committee we have a number of presidents of district boards whose experience in local board matters no one can deny. Presidents of local bodies like my hon. Friends Diwan Bahadur P. C. Ethirajulu Nayudu who had been in charge of a district board for six years, Diwan Bahadur Kumaraswami Reddiyar, Rao Bahadur B. Muniswami Nayudu, Rao Bahadur C. S. Ratnasabhupati Mudaliyar, all these gentlemen have got actual experience of the work of controlling local bodies for a long time. I think therefore the hon. Members will admit that the Select Committee will have the assistance of all these gentlemen who have had experience of conducting local board affairs. I would therefore ask the House to reject this motion."

* The hon. the PRESIDENT :—"I will now put the motion of Mr. C. Ramasomayajulu to the vote of the House. The question is: 'that 4 p.m. it be an instruction to the Select Committee that they have power to issue questionnaire to and invite answers from the several local bodies in the Presidency regarding the chief provisions of the Bill.'"

The motion was negatived.

III

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30.

GRANT XXV—CO-OPERATIVE SOCIETIES—TRANSFERRED.

* The hon. Mr. M. R. SETURATNAM AYYAR :—"Sir, on the recommendation of His Excellency the Governor, I move—

'That the Government be granted a further sum not exceeding Rs 100 under Grant XXV—Co-operative Societies—Transferred.'

* This token demand is for the loan of services of an Agricultural Demonstrator to the Avanashi Co-operative Union. The necessity for this demand

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is explained in detail in the explanatory note circulated to the hon. Members of this House. The Finance Committee has recommended this grant, and I hope the House will sanction the grant."

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

'that the allotment of Rs. 100 for Co-operative Societies—Transferred be reduced by Re. 1.'

"My object is to ask the Government whether they would adopt similar methods for introducing better varieties of seed and better methods of cultivation for crops other than cotton. Now, Sir, cotton is a very important crop in which other interests than Indian are largely represented. But there are other crops of equal importance, if not of more importance, to the ryots, such as ground-nuts, paddy and so on. I wish to ask whether Government will not provide similar facilities for improving those crops also."

* Mr. C. GOPALA MENON :—"Sir, I beg to second the amendment of Mr. Ranganatha Mudaliyar. The object of the amendment is to draw the attention of the Government to take steps to improve other varieties of seeds such as paddy, oil-seeds, etc. The Royal Commission on Agriculture has emphasised the fact that varieties of crops and seed farms should be improved by the Agricultural Department. There are at present only two farms for supplying paddy seeds to the ryots in this Presidency, one at Aduturai and the other at Pattambi. The seeds raised in these two farms are immediately taken up by the ryots, and still there is a great deal of demand for improved variety of paddy seeds. In other provinces, especially in the Central Provinces, they have advanced to a very great extent in this respect, and I find there are 3,430 wheat seed farms, 1,368 paddy seed farms, 1,627 cotton seed farms and 1,041 groundnut seed farms. Therefore, it is necessary that the Government should make attempts to provide in this province for the improvement and evolving of better varieties of other crop seeds than cotton. I understand this question formed one of the subjects of discussion at the Agricultural Advisory Committee meeting held at Ootacamund recently, and it will be interesting to know what decision was arrived at with regard to this matter. With these words, I second the amendment."

* The hon. Mr. M. R. SETURATNAM AYYAR :—"Sir, I quite appreciate the wish of the hon. Members that encouragement should be given for improving the varieties of other crops than cotton. So far as we are aware, there is no other compact area, where attempts have been made to form co-operative societies for improvement of seed varieties. It is only at Avanashi that we have a number of cotton societies which are going to form themselves into a co-operative union, and so Government have taken this step in regard to that union. This is only a trial, and if the experiment succeeds, we will try to extend it to other crops wherever possible. If societies for other crops also are formed in large numbers in a compact area, we will certainly be able to give such help to them. With these words, I hope the amendment will be withdrawn."

Mr. A. RANGANATHA MUDALIYAR :—"I beg to withdraw the amendment"

The amendment was by leave withdrawn.

The demand was then put, adopted and the grant was made.

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GRANT XXX—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED.

* The hon. Dr. P. SUBBARAYAN :—"Sir, on the recommendation of His Excellency the Governor, I move—"

'That the Government be granted a further sum not exceeding Rs. 100 under Grant XXX—Civil Works—Grants-in-aid—Transferred.'

"As will be seen from the explanatory memorandum, this demand is for a grant of over Rs. 12,000 to be made to the Cocanada Municipal Council for the damages caused to the roads during the floods. I hope hon. Members will accept this motion, because it is very necessary that the municipality should get relief on account of this unforeseen expenditure."

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

'That the allotment of Rs. 100 under Grant XXX—Civil Works—Grants-in-aid—Transferred be reduced by Re. 1.'

"In moving for this reduction, I only wish to know what the policy of the Government is in the matter of giving these grants, whether they give grants only when the damages are caused by acts of God and when the local bodies concerned are not able to find the necessary money themselves for repairing the damages, or whether the Government will try to help also poor boards to execute works of this sort which may be urgently needed there but which they are financially unable to find money for. That is all I want to know."

* The hon. Dr. P. SUBBARAYAN :—"Sir, in this particular case, the principle involved is that the Cocanada Municipal Council was badly hit by the consequences of the flood damages that happened, and their funds would not permit the necessary expenditure for putting these flood damages in order. So Government had to go to their relief. If my hon. Friend wants to know the principle whether these grants are made for damages caused by acts of God, for which the Municipal Council find it impossible to provide the necessary funds for repairing them, I may say that is the only principle involved in giving this grant."

Mr. A. RANGANATHA MUDALIYAR :—"I beg to withdraw the amendment."

The amendment was, by leave, withdrawn.

* Mr. C. RAMASOMAYAJULU :—"Sir, I move—"

'For the reduction of the allotment of Rs. 100 by Re. 1 (to discuss the necessity for granting the full amount needed for repairing the damages, to the Municipal Council).'

"Now, the floods of October 1928 was a calamitous event and there was a large amount of damage done to roads, to buildings and dwelling houses not only in that municipality but also in the country all round. On account of this damage, some roads were washed away, and a number of dwelling houses also were washed away, so much so it was found necessary to undertake a good deal of expenditure, and there was a bridge which was damaged too, which involved a pretty large expenditure for repair. The Government in their note say that, so far as the bridge is concerned, they are prepared to give Rs. 9,000 for the reconstruction of the damaged portion and Rs. 770 for the construction of a temporary bridge pending the reconstruction. So far as the repairs to the roads are

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concerned, they are prepared to give only half the amount necessary for the repair. So far as the contribution made by the Municipal Council to the Flood Relief Committees and the provision of gas lights in the flood-affected areas are concerned, they are not prepared to give anything at all. My complaint is this: while we expected to get the whole amount that we asked for, the Government is not justified in giving only half the portion for the repair of the roads and in denying any grant towards the contribution made by the municipal council to the Flood Relief Committees and for the provision of gas lights. I may submit, Sir, with reference to the repair of the two roads, that they were really washed away by the floods. On account of this unforeseen calamity, the municipality became unable to function as such due to the large drain on their slender resources. My grievance is that the Government ought to make good the whole amount necessary for the repair of these two roads.

"With reference to the last two items, namely, the contribution made by the municipal council to the Flood Relief Committees and the provision of gas lights, my point is this. These Flood Relief Committees were organized for giving relief to the people when the Government themselves did not come forward to give any relief. The relief given by the Government was entirely inadequate. The council was therefore certainly justified in making a contribution to these Flood Relief Committees which were doing a great deal of relief work. Therefore, the Government ought to have seen its way to make a grant to the municipal council for this item. It was in the last week of October 1928 that the floods began. During those days, it was impossible to go from one place to another. So in these parts, gas lights were put up. Therefore, Sir, that contribution is a perfectly legitimate contribution, and any man on the spot would have known the excellent work that the Flood Relief Committees were able to do, and they would not have been able to give adequate relief to the people but for the contribution from the municipal council and other bodies. The Government must be aware—the Collector was aware—that these Flood Relief Committees did really very good work, and these Committees are still functioning. As it was not possible to repair the damage then and there, some relief work is still being carried on by the Flood Relief Committee, for instance, in the reconstruction of certain roads and streets. Therefore, Sir, the contribution made by the council to these Committees was perfectly legitimate, as also the provision made for gas lights. The municipal council was very modest in asking for these grants from Government. I may say in this connexion that relief was also given out of voluntary subscriptions and donations. However, only for meeting those particular items I already mentioned that grants were asked for from the Government. So, the Government will not be justified in giving us only half the amount necessary when we asked for the whole lot."

4-15
p.m.

The hon. Dr. P. SUBBARAYAN:—"Mr. President, I would like to tell the hon. Member from Cocanada that this municipal council is not in any way being treated differently from other bodies who were of course more prompt in their application, viz., the District Boards of Vizagapatam and West Godavari and the Anakapalli Municipal Council, for whom provision was provided in the budget for 1928-29. Of course I do not blame the municipality for the delay. I can understand the delay on their part, but what I say is that it is not in any way treated in a different way from other bodies. As has been admitted, in cases of necessity as in damages to bridges, the

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Government are prepared to give the full grant, and in case of road damage, the Government are giving only half grants. I am sure the hon. Member will admit that the municipality which performs functions like lighting up streets during these times deserves some help, and the Collector has said that the Cocanada municipality is to be treated more liberally than the three other bodies mentioned before, and in order to alleviate its financial straits, the Government have given it a little more grant than was given to the other bodies. With these words, I hope the hon. Member will not press his reduction."

The amendment was put and negatived.

The demand was then put and adopted and the grant was made.

GRANT XXXI—CIVIL WORKS—TRANSFERRED.

* The hon. Mr. M. R. SETURATNAM AYYAR:—"On the recommendation of His Excellency the Governor, I move that the Government be granted a further sum not exceeding Rs. 200 under Grant XXXI—Civil Works—Transferred.

"This provides for token demands for—

	RS.
(a) Construction of tiffin and motor sheds for the Board of Revenue at Chepauk, Madras	100
(b) Strengthening the river bund round the Nagayattippa village, Divi taluk, Kistna district	100

"Sir, the necessity for this grant is given in the explanatory note, and there is no necessity for me to go through it again. The Finance Committee has also recommended this grant. Therefore, I request the House will pass this grant."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move—

"To reduce the allotment of Rs. 100 for "Civil Works—Transferred" by Re. 1 (to ascertain the rules, if any, regulating the grant of permission for the use of the motor sheds").

"I wish to know what principles the Government have laid down for themselves in regard to this matter of providing motor sheds. For example, I should like to have some information as to the class and number of officers expected by the Government to maintain cars, and the rent for these sheds. If the number of sheds actually provided is less than the requirements, how would they distribute the sheds among the officers, whether they begin from the officers at the top or from those at the end?"

Mr. SAMI VENKATACHALAM CHETTI:—"May I ask for information whether the Development Minister considers it consistent with the policy of the Government to provide motor accommodation for the cars belonging to the hon. Members of the Legislative Council? Now our cars are being parked outside."

* The hon. the PRESIDENT:—"This motion is only confined to motor sheds attached to the office of Board of Revenue. The hon. Member cannot raise a general question on this motion."

* The hon. Mr. M. R. SETURATNAM AYYAR:—"We have already got some tiffin sheds and motor sheds now used by the Members of the Board of Revenue. Now, these sheds have been handed over to the University of Madras

[Mr. M. R. Seturatnam Ayyar] [16th October 1929]

for their library. And so we have to construct instead new tiffin sheds and motor sheds in another place. That is the reason why the demand is brought before the House."

* The hon. the PRESIDENT :—"Mr. Ranganatha Mudaliyar wants to know the principle on which the sheds are allotted to the various officers."

* The hon. Mr. M. R. SETURATNAM AYYAR :—"There are no hard and fast rules for giving priority either to the one or the other. But as it is, we give preference to the motor cars belonging to the Members of the Board of Revenue and other senior officers. It is only for that purpose we want to construct 10 sheds."

The amendment was, by leave, withdrawn.

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

'To reduce the allotment of Rs. 100 for "Civil Works—Transferred" by Re. 1 to ascertain the causes for the delay in execution and the steps taken by the Government against the recurrence of similar delays hereafter.'

"Sir, the policy pursued by the Government calls for some attention at the hands of this House. If the same thing had been done by any private person, I think he would be justly held guilty of culpable negligence and liable for damages. Here is a necessary work which is being delayed for no adequate reason. And the result is that the poor people are made to suffer. You will also see that the cost of this has gone up considerably because of this delay. When the estimate was fixed for a low amount, the villagers were required to pay a particular portion. Now after this long delay the cost has gone up, with the result that the poor villagers who were required to pay a small amount at first are now required to pay very much more. Government have not stated here what the reason was which contributed to this delay. They simply say, for one reason or another. If the delay was avoidable, who was the officer responsible for it, and what notice was taken of his conduct which has resulted in this increased cost?"

* The hon. Mr. M. R. SETURATNAM AYYAR :—"Sir, I regret very much that there has been a delay of such a long time. It is not that the matter was delayed by Government itself. The matter has been under correspondence with one department or another and with the district authorities. The estimate was made according to the current schedule rates. With regard to the acquisition of sites, the value of the land will be returned to the ryots. As to the officers responsible for the delay, we have already taken action for their negligence. On this account the villagers need not still suffer. I therefore request that the grant be passed."

The amendment was, by leave, withdrawn.

* Dr. C. NATESA MUDALIYAR :—"Mr. President, Sir, I have no objection for motor garages and tiffin rooms being erected for the various offices. But, Sir, incessant construction of buildings in the Chepauk gardens is highly objectionable. Formerly there was only one building where the Revenue Board office is located, that is, the Nawab's buildings; and the Chepauk gardens extended from the Governor's gardens to Pycroft's road. That was a relief to the congested localities of Triplicane, Chepauk, Amir Mahal and Tiruvatteeswaranpet divisions. People put up in the overcrowded streets of these localities used to take a stroll in these gardens for airing themselves,

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[Dr. C. Natesa Mudaliyar]

either in the morning or evening. Now it is all a new place. It is not the old Nawab's gardens. In 1921, I moved a resolution that no buildings shall be erected there. To that, the hon. Mr. Habib-ul-lah (now Sir Habib-ul-lah) Sahib replied 'I therefore beg to conclude, Sir, by assuring the hon. Member, that we have come to a definite conclusion that no building shall be permitted, and no application for assignment of any land will be granted by the Government, unless the Town-Planning Trust considers that it is unobjectionable, and even then of course it will not be done without the consultation of the Madras Corporation, for it has got the immediate possession of the land for the time being.'

"Sir, in spite of that, the Government have alienated a portion to the Madras University. They are to have huge buildings there. Not only that we have not got a place where our people in the southern portion of the city can air themselves or spend their evenings or mornings, but these buildings obstruct the passage of pure air passing into the southern portion of Madras. It is high time that the Government put a stop to buildings being erected here. I do not know what the Sanitary, Engineering and Archaeological expert advisers are doing. Sir, in the southern portion, buildings are being erected almost to a suffocation. In the northern portion, the sea has encroached and submerged some fishermen villages. The Nawab's palace must be kept as a monument intact with the gardens. Instead of that, by construction of a net-work of buildings, they are being deteriorated. In Mount Road they are to-day demolishing a landmark in the city, the Round Tana Vizianagram fountain. With these few words, I request the hon. the Minister not to erect sheds inside the Chepauk gardens, but seek a place outside, say, in the Bell's Road or elsewhere."

Mr. A. KALESWARA RAO :—"Sir, in addition to the excellent arguments of my hon. Friend Dr. Natesa Mudaliyar, I shall also bring to the notice of the House that the Board of Revenue has been considered to be an unnecessary and superfluous body by this Council."

* The hon. the PRESIDENT :—"We are now concerned only with the buildings and not with the inmates of the buildings."

Mr. A. KALESWARA RAO :—"There have been resolutions passed for its abolition. I only submit that any expenditure with reference to the Board of Revenue, particularly such a big amount as Rs. 21,750, is a waste, because we are going to abolish it, sooner or later, sooner than later. Therefore I oppose this grant."

The demand was put and declared carried.

Mr. G. Harisarvottama Rao demanded a poll, and the House divided thus :—

Ayes.

- | | |
|--|---|
| 1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur. | 11. Mr. A. G. Leach. |
| 2. " Sir Thomas Moir. | 12. " J. Gray. |
| 3. " Diwan Bahadur M. Krishnan Nayar. | 13. " S. V. Ramamurti. |
| 4. " Mr. A. Y. G. Campbell. | 14. " C. B. Cotterell. |
| 5. " Mr. M. R. Seturatnam Ayyar. | 15. " V. Ch. John. |
| 6. " Mr. S. Muthiah Mudaliyar. | 16. " M. A. Manikkavelu Nayakar. |
| 7. " Dr. P. Subbarayan. | 17. " Syed Tajudin. |
| 8. Dr. (Mrs.) S. Muthulakshmi Reddi. | 18. " J. Bheemayya. |
| 9. Mr. Hilton Brown. | 19. " R. Foulkes. |
| 10. " H. A. Watson. | 20. " P. J. Gnanavaram Pillai. |
| | 21. " Mahmud Shammad. |
| | 22. Subadar-Major S. A. Nanjappa Bahadur. |

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Ayes—cont.

23. Mr. N. Siva Raj.
24. „ M. Gangadhara Siva.
25. Rao Sahib L. C. Guruswami.
26. Mr. V. I. Maniswami Pillai.
27. „ W. P. A. Soundara Pandian.
28. „ S. Subrahmanya Mooppanar.
29. „ S. Venkiah.
30. Rao Sahib R. Srinivasan.
31. Mr. S. N. Dorai Raja.
32. „ S. Arpudaswami Udayar.
33. „ K. Ramaiahndra Padayachi.
34. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
35. Mr. G. R. Premayya.
36. „ V. Ramjee Rao.

37. Mr. C. V. Venkatarammann Ayyangar.
38. „ A. Ranganatha Mudaliyar.
39. „ P. Siva Rao.
40. „ C. Gopala Menon.
41. Rao Bahadur B. Muniswami Nayudu.
42. Sir A. P. Patro.
43. Diwan Bahadur P. C. Ehirajulu Nayudu.
44. Mr. P. T. Rajan.
45. „ T. K. Chidambaramatha Mudaliyar.
46. Khan Bahadur S. K. Abdul Razaak Sahib Bahadur.
47. Mr. Khadir Mohideen.
48. Diwan Bahadur S. Kumaraswami Ittadiyar.

Noes.

- | | |
|-----------------------------------|--------------------------------|
| 1. Mr. P. C. Venkatapathi Raju. | 8. Mr. Abdul Hameed Khan. |
| 2. „ K. Koti Reddi. | 9. „ D. Narayana Raju. |
| 3. „ R. Srinivasa Ayyangar. | 10. „ C. Obi Reddi. |
| 4. „ Sami Venkatachalam Chetti. | 11. „ K. Uppi Sahib. |
| 5. „ G. Harisavottama Rao. | 12. „ C. Ramasomayajulu. |
| 6. „ Basheer Ahmad Sayeed. | 13. „ A. Kaleswara Rao. |
| 7. „ C. S. Govindaraja Mudaliyar. | 14. „ C. Venkatarangam Nayudu. |

Neutral 2.

- | | |
|---|-------------------------------------|
| 1. Diwan Bahadur R. N. Arogyaswami Mudaliyar. | 2. Rao Bahadur C. Natesa Mudaliyar. |
|---|-------------------------------------|

Ayes 48. Noes 14. Neutral 2.

The demand was adopted, and the grant was made.

IV

A BILL TO AMEND THE MADRAS TOWN-PLANNING ACT, 1920.

* The hon. Mr. S. MUTHIAH MUDALIYAR :—“ Sir, I beg leave to introduce a Bill^a to amend the Madras Town-Planning Act, 1920 (Bill No. 14 of 1929), and move that the Bill be referred to a Select Committee consisting of the members mentioned in the list circulated separately.

“ Sir, the Town-Planning Act was enacted in 1920 and, soon after, the necessity for amending it was felt. Serious difficulties were experienced in working the Act in connexion with the Mambalam town-planning scheme. For the Mambalam extension a trust was formed but it was unable to carry out the work and it had to be given over to the Corporation of Madras. In the matter of this transfer some difficulty was felt. Under the Act, as it is, there is provision for constituting a fund for town-planning.

“ Further, the existing Act implies a distinction between town-planning and town improvement. It is limited to town-planning. We have had cases where works necessary for the improvement of towns could not be taken in hand on account of this limitation in the Act. Again, as regards moneys to be raised by the various local bodies for taking up town-planning schemes, there are some restrictions and some more provisions are necessary to enable them to realize the full benefit of this Act. There was a Bill introduced in 1924 with the object of removing the difficulties felt in connexion with the Mambalam scheme, but that Bill was withdrawn with the idea of introducing a more comprehensive amending Bill. This has been under consideration for five or six years. A Bill has been now drafted, and I beg

^a Published in the *Fort St. George Gazette*, dated 17th September 1929, as Bill No. 14 of 1929.

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[Mr. S. Muthiah Mudaliyar]

to introduce it for the purposes mentioned in the Statement of Objects and Reasons. It is unnecessary for me to enumerate the chief changes intended to be effected in the Act. They are to be found at page 14 of the Bill circulated to hon. Members. I beg to introduce the Bill and move that it be referred to a select committee consisting of the following Members :—

- Mr. C. Ramasomayajulu.
 „ C. Obi Reddi.
 „ C. S. Govindaraja Mudaliyar.
 „ A. Parasurama Rao Pantalu.
 „ A. Ranganatha Mudaliyar.
 „ C. Gopala Menon.
 Rao Bahadur C. Natesa Mudaliyar.
 Mr. T. K. Chidambaramatha Mudaliyar.
 „ R. Dann.
 „ Alladi Krishnaswami Ayyar.
 „ C. Govindan Nayar.
 „ R. J. C. Robertson.
 „ G. R. Premayya.
 „ S. N. Dorai Raja.
 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
 The Mover (the hon. Mr. S. Muthiah Mudaliyar).”

The hon. Dr. P. SUBBARAYAN :—“ I second it.”

The motion was put and carried.

* The hon. the PRESIDENT :—“ I appoint Mr. A. Ranganatha Mudaliyar as Chairman of the Select Committee.”

V

A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1921.

* The hon. Dr. P. SUBBARAYAN :—“ Sir, I introduce a Bill^a further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, and move that the Bill be taken into consideration at once.

“ This Act, Mr. President, concerns only with the oath to be taken by the members of the local bodies. In the working of the Act, regarding the taking of oath certain difficulties have been met with. It is found that it is not possible for members who have not taken the oath of allegiance to conduct a sitting of a local body as temporary president. Certain decisions of the District Court of Tanjore have made it difficult for a local board president to appoint as temporary chairman members who have not taken the oath. This has led to difficulties and courts have set aside the elections on this score. To meet that difficulty this amending Bill has been introduced.”

The hon. Mr. S. MUTHIAH MUDALIYAR :—“ I second it.”

The motion was put and carried.

* The hon. the PRESIDENT :—“ The question is that clauses 1 to 4 shall stand part of the Bill.”

The motion was put and carried and clauses 1 to 4 were added to the Bill.

The hon. the PRESIDENT :—“ The question is that the Preamble shall stand part of the Bill.”

^a Published in the *Fort St. George Gazette*, dated 6th August 1929, as Bill No. 10 of 1929.

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The motion was put and carried.

The hon. Dr. P. SUBBARAYAN :—"I now move that the Bill be passed into law."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I second it."

The motion was put and carried and the Bill was passed into law.

VI

A BILL FURTHER TO AMEND THE ANDHRA UNIVERSITY ACT, 1925.

* The hon. Dr. P. SUBBARAYAN :—"Sir, I introduce a Bill^a further to amend the Andhra University Act, 1925, and move that the Bill be taken into consideration at once."

The hon. Mr. S. MUTHIAH MUDALIYAR :—"I second it."

* Mr. G. HARISARVOTTAMA RAO :—"Mr. President, Sir, I am afraid the hon. the Minister for Education has been committing us to a great deal of confusion in the matter of the Andhra University. He started with accepting whole-heartedly the Bill to exclude Cuddapah, Kurnool, Bellary, Anantapur and Chittoor from the operation of the Andhra University Act. To-day he is coming before us with a new Bill to correct one aspect of it. I do not know whether this Bill is really necessary under the law. So far as the amendment that was hurriedly passed in this House at the instance of my hon. Friend from Chittoor is concerned, it is true that the Act, as passed, has been published in the *Fort St. George Gazette*. It was published on the 2nd of July. But the original Act was subject in its operation to a clause and that is this: sub-clause (2) of section 1 of the original Act says, 'It shall come into force on such date and in such local areas as the Local Government may by notification appoint.' Now, Sir, the Act that was passed at the instance of my hon. Friend from Chittoor was not a repealing Act. It was an Act that was amending in its nature. So long as an Act is of an amending nature, it is certain that all the provisions of the original Act apply to the amending Act in so far as they are not repealed by it. Now, sub-clause (2) of clause 1 has not been amended and therefore it applies to the Act that has now come into force. That Act therefore cannot come into force till the Local Government by notification declare that it comes into operation from a particular date. To-day the original Andhra University Act is in operation and it is bound to be in operation till such time as the Local Government chooses to appoint a date and publish that date for the operation of the new amendment. The Government have not done it and they have not done it advisedly I should believe. There are a number of difficulties in their way in declaring by notification the extension of the Amendment Act and the Government have really power to achieve their object of exclusion by another section in the University Act. As a matter of that, they have power under sub-section (4) of section 1 to exclude any district from the operation of the Act and to achieve the object of the amending Act. They could have published a notification and excluded these districts by such an act of notification.

"Without going into the Act carefully, without realizing the implication of the several provisions of the Act, the hon. the Chief Minister in a hurry, in a confused state of mind, has expedited this amending Bill which will create a good deal of mischief. There is a

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great deal of trouble even in regard to the constitution of the Andhra University. A number of questions have arisen and a number of questions will have to be solved. The question relating to the headquarters, the question relating to the constitution, and the question relating to the representation of districts that have been excluded—all these will have to be carefully considered by this Government before they issue any notification of the kind referred to in section 1. I therefore feel that, instead of making another Act on the floor of this House which would equally require a notification that is contemplated under sub-section (ii) of section 1, the hon. the Minister for education would have done better if he had relied upon the old Act and allowed it to go on as usual and saved us from the trouble of considering the question as to whether we should do away with the Ceded districts or to keep them as they are. I shall not detain the House any further except by saying that the hon. the Chief Minister will do well to examine the real legal implications and come up before this House with a more comprehensive amendment or take such action as may be necessary in the interests of the University. It is no good tinkering with the legislation here and there, having committed some mistake somewhere and trying to correct it. Nothing stands to the credit of the hon. the Chief Minister in regard to the Andhra University Act and everything has been left in confusion and the Andhra University is suffering very badly for it. I believe it will not be to the credit of the hon. the Chief Minister to come forward with a temporary measure to-day and enact it into law and put it into execution to-morrow. I believe under the old Act as matters stand to-day he has the right to demand that the Andhra University do go on as usual and that the Andhra University do take the students of these districts as long as the law has not been effectually modified. I believe therefore this legislation is unnecessary. It merely adds to the volume of legislation and may lead to more confusion on issues which have not been settled definitely. I ask the hon. Minister before he asks for the vote of this House at the third reading stage of this Bill, to carefully consider whether he has not sufficient powers under the existing law to go on with the affiliation of these districts to the Andhra University and whether the introduction of this amending Bill will not lead to further complications which may require further tinkering of the Act."

* Mr. P. SIVA RAO :—"Sir, this is an amending Bill which seeks to amend Act VI of 1929. I am afraid that the enactment of Act VI of 1929 has landed us in several anomalies and difficulties. I quite agree with the remarks of my hon. Friend from Kurnool that the position of the Ceded districts has not been clearly defined. No attempt has been made by the hon. the Chief Minister to scrutinize the whole bearing of the amending Bill on the Madras Act VI of 1929 and on the Andhra University Act. He has not considered for a moment what consequential amendments would be necessary. I would mention one anomaly. We have been excluded by the operation of the Madras Act VI of 1929 from the Andhra University area. One of the colleges of the Ceded districts, I mean the National College at Madanapalle, applied for affiliation to the Madras University and their application was summarily rejected. Sir, this is not an enviable position for us. We are hanging in the mid air as it were. Another anomaly which I may enumerate for the consideration of the hon. the Chief Minister is this: when the Legislative Council was asked to send representatives to the

^a Published in the *Fort St. George Gazette*, dated 1st October 1929, as Bill No. 15 of 1929.

[Mr. P. Siva Rao]

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Andhra University, the residents of the Ceded districts have been excluded from contesting for the seats. The Legislative Council had sent up five representatives all from the northern districts. We had no place in any of the authorities of the Andhra University, nor in the old Madras University. Another anomaly I would like to mention is this: when the local bodies in the Ceded districts and Chittoor have been allowed to send two representatives each to the Andhra University, then the question arises whether the principals of the colleges in the Ceded districts and Chittoor would continue as ex officio members of the Andhra University Senate. The further difficulty is whether the registered graduates in the excluded districts would have the right to send up fifteen representatives to the Andhra Senate. All these matters have to be cleared up.

"So, Sir, in these circumstances, I would ask the hon. the Chief Minister to consider the entire bearing of the amending Act VI of 1929 on the Andhra University Act and to see for himself whether any consequential amendment is necessary to define our position clearly. All these matters require an early clearing up. I also wish to know whether the idea of making Vizagapatam as the headquarters of the Andhra University was not to convert it into a teaching and residential university instead of having it as an affiliating one. I would also ask the hon. the Minister what would become of Rajahmundry College, whether it would be affiliated to the Andhra University or the Madras University."

* The hon. the PRESIDENT:—"I am not able to follow how these remarks are relevant."

Mr. P. SIVA RAO:—"I shall omit any reference to Vizagapatam."

* The hon. the PRESIDENT:—"Rajahmundry College also."

* Mr. P. SIVA RAO:—"With regard to Rajahmundry College, I wanted to know what its present position is, whether it can be affiliated to the Andhra University, how the Government have decided upon making Vizagapatam a residential and teaching university with some constituent colleges attached to it. Never mind, Sir, that may not be germane to the question at issue."

"Sir, to come to the point, I want the position of the Ceded districts to be clearly defined. Our status and position should be settled also. I would tell the hon. the Chief Minister there is absolutely no use of hurrying with such kinds of piecemeal legislation. Let him take time, and bring up a comprehensive Bill."

* Mr. K. KOTI REDDI:—"The hon. the Chief Minister has brought forward this amending Bill without considering the position of the Ceded districts. He has not stated exactly what the position of the Ceded districts is at present. There is no use of hurrying with piecemeal legislation such as this. I do not see any difficulty in getting affiliation of the Ceded Districts colleges by the Madras University, though some temporary provision may be necessary. I do not think it ought to be for a period of five years as provided in this Bill."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, I thought this was a non-controversial measure when I introduced this Bill. I am sorry I did not explain the reasons for the measure. As a matter of fact, if my hon. Friend Mr. Harisarvottama Rao has looked into the Bill which was passed, he

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[Dr. P. Subbarayan]

would have found that it was not necessary to notify it. As a matter of fact when the Bill received the assent of His Excellency the Governor-General, it became law, and when the Bill became law the Ceded Districts colleges applied for affiliation to the Madras University. The University of Madras had to set up a commission to examine these two colleges and after the inspection was over the Principal of the Ceded Districts college took care to write to the Vice-Chancellor of the University of Madras whether he could prepare the students for the examination of the University of Madras. The reply of the Vice-Chancellor was that he would be doing so at his own risk because till affiliation was granted there was no use in preparing them for the examination of the Madras University. The Principal took the matter in hand and at once wrote to us to remove this anomaly. The Act provides that the students in the Ceded Districts colleges should be allowed to take up the examinations of the Andhra University for the next five years, so that till affiliation is granted by the University of Madras they will continue to avail themselves of the examinations of the Andhra University. Hon. Members of the Ceded districts at least generally gave me to understand, with the exception of one or two, that the Ceded districts being nearer to the Madras University should be affiliated to the Madras University.

"Naturally this is not a question of tinkering with the Andhra University or slighting the Ceded districts as my hon. Friend, Mr. Koti Reddi, said. It is really to help the students in these two colleges so that their position need not be anomalous, so that their position can be safeguarded by enabling them to obtain degrees to which they will be entitled to after undergoing courses in the two colleges mentioned."

"I know there are some other points which my hon. Friend, Mr. Siva Rao, touched with regard to the question of the election to the Andhra University Senate. As far as the Ceded districts are concerned, I think it is perfectly clear that they are entitled to send their district representatives to the Andhra University Senate. (Voices: Question.) I shall examine this question and see whether, in the amending Bill, which I hope to introduce in the next Council with regard to the financial assistance that is to be given to the Andhra University, we cannot consider also this point at issue with regard to the representation of the Ceded districts and put them on a safe basis so that this anomaly of the Ceded districts representative not being admitted to the Senate of the Andhra University may be removed."

* The hon. the PRESIDENT:—"The question is that the Bill further to amend the Andhra University Act, 1925, be taken into consideration."

The motion was put to the House and carried.

The hon. the PRESIDENT:—"The Council will now adjourn and re-assemble to-morrow at 11 o'clock."

VII

PAPER LAID ON THE TABLE OF THE HOUSE.

* G.O. No. 2810 W., Public Works and Labour, dated 5th October 1929, relating to the Secretary of State's sanction for the execution of the Pykara Electric Scheme.

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

[16th October 1929]

APPENDIX I.

[Vide answer to question No. 928 asked by Mr. J. A. Saldanha at the meeting of the Legislative Council held on the 16th October 1929, page 1173 supra.]

Statement.

		City.	Mufassal.
		RS.	RS.
(1) Amount of process fees levied ...	{ 1927-28	94,601	23,11,129
	{ 1928-29	87,822	22,93,284
(2) Expenses in connexion with process service ...	{ 1927-28	23,649	19,93,332
	{ 1928-29	24,778	20,03,936
(3) Budget Estimate for 1929-30 ...	...	25,300	20,30,300

APPENDIX II.

[Vide answer to question No. 941 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 16th October 1929, page 1181 supra.]

Form of Questionnaire.

1. (a) Have the description of land, area, assessment, survey and subdivision number entered in the application been checked with village accounts Nos. 2 and 10 (1) and found to agree? If not, note the discrepancy. If the survey or subdivision number or other detail entered in the application is found incorrect, ascertain and note the correct particulars.

(b) Note the names of all the registered holders of the land under transfer and also its assessment.

2. Is the land under transfer Government or minor inam? If it is minor inam, is it enfranchised or unenfranchised? State the number of title-deed. What is the purpose of the inam? Are there any other fields included in the title-deed?

3. Is the transferor the sole or a joint registered holder of the land?

4. (a) If he is the sole or a joint holder, has he given his consent in the application? If not, get his signature in the application in your presence. If the registered holder does not reside in the village or if his signature could not be obtained for reasons to be stated, note his full name and address so that a registered notice may be issued to him direct from the taluk office.

(b) Has the transferor alienated his entire interest in the land or does he still retain any rights?

(c) If the transferor be a joint holder, do the remaining joint holders agree to the transfer? If so, get their signatures in the application in token of their consent in your presence. If they object or do not live in the village, note their full names and addresses so that registered notices may be issued to them direct from the taluk office.

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5. If the transferor is not the registered holder of the land, state clearly what his rights are and how he derived them. If the registered holder or holders agree to the transfer, get their signatures in the application in token of their consent in your presence. If they do not agree or do not live in the village, note their full names and addresses so that registered notices may be issued to them direct from the taluk office.

6. Are there any other lands in the holding except the one sold? What is the number of the patta? Also what is the number of the last patta in the village?

7. (a) Is the land under transfer an entire subdivision or survey field or a part?

(b) If part, has the transferee remitted the necessary subdivision fees? If so, quote the number and date of chalan or attach the receipt obtained from the village munsif.

(c) If the land under transfer is part of an existing subdivision or survey field, are there ridges or other marks showing separate enjoyment on the ground? If so, and if the necessary subdivision fees have been paid, prepare and annex subdivision sketches and statements.

8. If the transferee has paid subdivision fees but has not put up ridges in spite of your requisition, note his full name and address so that a notice may be issued to him direct from the taluk office, if one has not already been issued.

9. Has the transferee already got a patta in his name in the village? If so, quote the number of his patta.

10. Has the transferee's consent been obtained in the application? If not, get his consent in your presence. If he does not live in the village or if his signature could not be obtained for reasons to be stated, note his full name and address so that a registered notice may be issued to him direct from the taluk office.

11. Has the land been mortgaged to Government under the Land Improvement or the Agricultural Loans Act? What is the number of the loan order issued under the Loans Act?

12. Is the land under transfer one assigned subject to special conditions regarding alienation? If so, does the transfer constitute a violation of the special conditions?

Dated

Village Munsif.

Karnam.

[16th October 1929]

APPENDIX III.

[Vide answer to question No. 954 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 16th October 1929, page 1187 supra.]

Serial number and name of the college to which a hostel or hostels are attached.	Whether there is a sectarian mess.	Whether there are voluntary cosmopolitan messes.	Remarks.
(1)	(2)	(3)	(4)
1. Government Arts College, Rajahmundry.	Yes	No	.....
2. Ceded Districts College, Anantapur.	No	No	There is only one vegetarian mess in the hostel but Brahman and Non-Brahman boarders are served in separate dining halls.
3. Presidency College, Madras.	Yes	Yes	Of the forty students in the hostel about ten belong to the Brahman mess and the rest to the voluntary cosmopolitan mess.
4. Government Muhammadan College, Madras.	No	..	Only Muhammadans are in the hostel.
5. Queen Mary's College for Women, Madras.	Yes	Yes	....
6. Government College, Kumbakonam.	No	No	There is a common mess but Brahman and Non-Brahman boarders are served at the same time in separate dining halls.
7. Victoria College, Palghat.	No	No	The cooking is the same for both Brahman and Non-Brahman messes but the food is served in separate places.
8. Teachers' College, Saidapet.	Yes	Yes	....
9. College of Engineering, Guindy.	Yes	No	....
10. Lady Willingdon Training College, Madras.	Yes	No	....
11. Government College, Mangalore.	Yes	..	There are twenty-five members in the hostel, of whom twelve are Malayalees and thirteen are Goorgs. They have separate non-vegetarian messes.

N.B.—There are no hostels attached to the Brennen College, Tellicherry, Government College, Coimbatore, Law College, Madras, and Government Training College, Rajahmundry.

16th October 1929]

APPENDIX IV.

[Vide answer to question No. 960 asked by Mr. C. Gopala Menon at the meeting of the Legislative Council held on the 16th October 1929, page 1192 supra.]

G.O. No. 1393, P.H., dated 11th August 1926.

READ—the following papers:—

G.O. No. 143, P.H., dated 18th January 1926.

From the Director of Public Health, dated 31st March 1926, No. 59-1 P.

From the Surgeon-General, dated 15th May 1926, Ref. No. 726-1.

Order—No. 1393, P.H., dated 11th August 1926.

In G.O. No. 143, P.H., dated 18th January 1926, the Government approved the proposal of the Director of Public Health that the duties formerly discharged by the District Medical Officer in regard to the administration of public health in municipalities where no separate Health Officers are employed should be transferred to the District Health Officer. The Director of Public Health now reports that it is found difficult to give effect to this proposal in practice as the District Health Officer has not sufficient time to undertake the routine supervision of the municipal sanitary and vaccination staff in such areas. He accordingly recommends that the orders issued may be modified so as to provide that all routine duties in these areas should continue to be performed by the District Medical Officers, Civil Surgeons or their subordinates, but that the District Health Officer should deal with vaccination and vital statistics returns and should also have authority to inspect and investigate personally within those areas whenever any epidemics occur. The Surgeon-General agrees with revised views put forward by the Director of Public Health.

2. The Government therefore accept the proposals and direct that it shall be the duty of the District Health Officer—

(i) to deal with the returns of vaccination and vital statistics in municipalities which do not employ a separate Health Officer;

(ii) to inspect such municipalities at least once a year (except those which have been inspected by the Director of Public Health or his Assistants) and also to visit them whenever any disease breaks out in epidemic form and to recommend such action as he may consider necessary to prevent the spread of infection to the adjoining rural areas.

G.O. No. 143, P.H., dated 18th January 1926, is accordingly cancelled.

3. The rules regulating the duties of District Health Officers, which are appended to G.O. No. 143, P.H., dated 18th January 1926, are now revised so as to be in conformity with the present decision and are published as an annexure to these proceedings.

(By order of the Government, Ministry of Local Self-Government)

H. R. UZIELLI,
Deputy Secretary to Government.

To the Surgeon-General.
„ the Director of Public Health.
„ all Presidents of District Boards.
„ all Collectors.
„ all Chairmen of Municipal Councils.
„ the Registrar-General of Panchayats.

[16th October 1929]

*Annexure.**Rules regulating the duties of District Health Officers.*

1. The District Health Officer is the executive head of the health staff employed in a district. He shall be on duty in places other than his headquarters not less than 60 days in each quarter; but consistently with the proper performance of his duties and public interests in reference to epidemic diseases gazetted holidays may be accepted as part of the 60 days so spent.
2. By the 23rd of each month the District Health Officer shall submit to the President of the District Board programmes showing the localities which he intends to inspect during the following month.
3. The District Health Officer may depart from his programme if an outbreak of disease or other urgent cause necessitates his presence elsewhere. In such case he shall immediately report the fact, with reasons, to the President, District Board.
4. Programmes should be so arranged that all unions and other important villages may be inspected by the District Health Officer not less than once in each year.
5. The District Health Officer shall maintain a diary in which he should make brief daily entries as to the work done. This diary shall be submitted to the President, District Board, monthly and to the Director of Public Health and Assistant Directors of Public Health on their tours of inspection.
6. It is the duty of the District Health Officer—
 - (1) to examine and verify village vital statistics not merely by examining the registers and initialling them but by intensive investigation and if necessary by house-to-house inquiry in the village and by checking the information thus collected with the events reported in the registers. He should give instructions as to the proper classification of causes of death and generally advise as to the correct maintenance of birth and death registers;
 - (2) to note important sanitary defects in villages inspected and to make recommendations for remedying them;
 - (3) to make proposals for improving the supply of drinking water in villages inspected;
 - (4) to attend important fairs and festivals outside municipal towns, to advise beforehand as to the sanitary arrangements to be made thereat and to supervise the conduct of such arrangements in accordance with G.O. No. 1722, P.H., dated 13th December 1922;
 - (5) to visit localities where epidemics occur, to supervise the arrangements made and, if necessary, to concentrate part or all of his district health staff in order to check them;
 - (6) to verify the work of District Health Inspectors, to inspect the vaccination registers and test their accuracy and to call attention to any defects, false returns or excess in the number of unvaccinated children;
 - (7) to perform such other duties as the Director of Public Health or the President of the District Board may call on him to perform.
- Reports by the District Health Officers shall be submitted to the President of the District Board, who shall forward them with his remarks to the Director of Public Health.
7. A copy of the monthly vital statistical returns shall be communicated to the District Health Officer. He will forward them to the President of the District Board with such remarks as he may think advisable.

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8. Copies of daily cholera, smallpox and plague reports should be sent by the authorities concerned direct to the District Health Officer as well as to the District Medical Officer and the Director of Public Health.
9. Whenever, by perusal of statistical returns or otherwise, the District Health Officer has reason to consider that the mortality in any local area is abnormal or that any local area is threatened with epidemic disease, he shall bring the fact to the notice of the President of the District Board or the Chairman of the Municipal Council, as the case may be, with his recommendations on the subject. The defects noticed in vaccination work in municipalities which do not employ separate Health Officers shall be reported by the District Health Officer to the District Medical Officer who will instruct the local medical officer to carry out the improvements suggested.
10. Every Sanitary Inspector employed in local fund areas shall maintain a diary in a form prescribed by the Director of Public Health and approved by Government. This diary shall be open to inspection by the District Health Officer during his tours or at any time when he may think necessary to call for it.
11. It shall be the duty of the District Health Officer to assemble the health staff and to examine the conservancy plant in localities inspected by him, after giving due notice to the local authorities concerned, and he shall report in the manner stated in rule 5 as to the sufficiency, efficiency and economy of menial staffs and of plant employed.
12. The District Health Officer shall deal with the returns of vaccination and vital statistics in municipalities which do not employ a separate Health Officer. He shall also inspect all such municipalities at least once a year except those which have been inspected by the Director of Public Health or his Assistants. He shall bring to the notice of municipal chairmen the proximity of any dangerous epidemic disease or conditions observed in rural areas surrounding the town that may endanger its water-supply or otherwise threaten the health of the inhabitants. He shall also visit such municipalities whenever any disease breaks out in epidemic form and recommend such action as he may consider necessary to prevent the spread of infection to the adjoining rural areas.
13. The District Health Officer shall make recommendations to the President of the District Board as to the provision in any special locality of disinfectants and sanitary equipment, and during his inspection shall satisfy himself as to the efficiency and conditions of such equipment as may be ordered to be supplied.
14. The District Health Officer shall examine the village sanitary inspection book, make suitable entries therein and call attention to defects in their maintenance.
15. In his attitude towards the population, it is important that the District Health Officer should remember that changes in sanitary conditions should be effected by persuading people of their necessity. He should during inspection discuss matters with the people in a friendly manner and endeavour to show them that it is worth while to follow sanitary directions. In this respect the assembly of the people on the evening following an inspection of a village and talking over with them the conditions found may be of utility. Lantern lectures, cinema lectures and demonstrations may also be arranged. Health propaganda work should constitute one of the most important items of the District Health Officer's functions.

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16. The District Health Officer should attend meetings of the district board, taluk boards and union boards at which any important sanitary matter is about to be discussed, and he may state his views, if the presiding officer requests him to do so.

17. In connexion with vaccination the District Health Officer shall make himself acquainted with all matters likely to prejudice its satisfactory conduct and shall endeavour to persuade all persons showing unwillingness to accept it. The importance of the revaccination of adults should be constantly brought to notice.

18. The District Health Officer shall not engage in private practice.

19. The District Medical Officer has no disciplinary control over the District Health Officer, but the two should co-operate with each other in public health work such as the management of epidemics, fairs and festivals, etc., the District Medical Officer arranging for the treatment of possible patients and the District Health Officer for the prevention of disease. In short, there should be a free exchange of views and mutual help between the two.

G.O. No. 2356, P.H., dated 7th November 1928.

READ—the following paper:—

From the Director of Public Health, R. No. 4040-1, P.H., dated 22nd October 1928.

Order—No. 2356, P.H., dated 7th November 1928.

The Director of Public Health proposes that the Government should direct that it shall be the duty of District Health Officers to visit municipalities where there is no Health Officer, during important festivals that take place therein in order to supervise the sanitary arrangements made and also to advise chairmen of municipal councils in regard to any improvements that might be necessary. The Government consider that municipal councils which do not employ Health Officers should utilize the services of District Health Officers during important festivals and that the travelling allowance of these officers for the journeys performed in connexion with such festivals should be borne by the councils concerned according to G.O. No. 2158, dated 12th October 1928. The rule appended to this order will be inserted in the rules regulating the duties of District Health Officer issued with G.O. No. 1393, P.H., dated 11th August 1926. The Government hope that municipal councils will take advantage of this rule and request the District Health Officers concerned to help them in making satisfactory sanitary arrangements at important festivals held within their jurisdiction.

2. The Director of Public Health is informed that G.O. No. 143, P.H., dated 18th January 1926, has been cancelled in paragraph 2 of G.O. No. 1393, P.H., dated 11th August 1926.

(By order of the Government, Ministry of Public Health)

S. RANGANATHAN,
Deputy Secretary to Government.

To the Director of Public Health.
„ the Surgeon-General.
„ all Presidents of District Boards.
„ all Chairmen of Municipal Councils.
„ all Collectors.
„ the Accountant-General.
„ the Examiner of Local Fund Accounts.

[16th October 1929]

Appendix.

The following rule will be inserted as rule 12 (a) in the rules annexed to G.O. No. 1393, P.H., dated 11th August 1926:—

Rule.

12. (a) The District Health officer may visit municipalities referred to in rule 12 whenever important festivals take place therein in order to supervise the sanitary arrangements made in connexion with the festivals and also to advise municipal councils in regard to the sanitary improvements which should be carried out.

G.O. No. 2595, P.H., dated 7th December 1928.

READ—the following paper:—

From the Director of Public Health, No. 183-2 V.S., dated 28th May 1928.

Order—No. 2595, P.H., dated 7th December 1928.

Under the Madras Educational Rules, the inspection of schools forms part of the duties of District Health officers. The Director of Public Health points out that the duties of the District Health officers in this connexion have not been embodied in G.O. No. 143, P.H., dated 18th January 1926, which defines the duties of these officers and he requests the Government to remove the discrepancy. The Government approve the proposal of the Director of Public Health and the following rules will be inserted after rule 19 of the rules appended to G.O. No. 1393, P.H., dated 11th August 1926, in which G.O. No. 143, P.H., dated 18th January 1926, has been cancelled:—

20. The District Health officer shall examine as part of his ordinary duty all Government and Local Board and Municipal secondary schools situated in rural areas and in municipalities where there are no Health officers for the issue of sanitary certificates, for purposes of recognition. Managers of secondary schools under private management situated in such areas may also apply to the District Health officer for a sanitary certificate in connexion with the recognition of their schools or on any subsequent occasion when they may be required by the Director of Public Instruction to produce such a certificate and the District Health officer should comply with such request. The District Health officer shall inspect all such schools, whether Government, local body or private management, as far as possible, during his ordinary tours. If in any case a special journey is found necessary for the inspection of Government or private management schools, the travelling allowance in connexion with the journey will be met from Provincial funds.

21. The fee payable to the District Health officer by the manager of a school under private management for the grant of a sanitary certificate is Rs. 5.

The following is the form in which the certificate should be drawn up:—
“I hereby declare that I have inspected the school,
building and premises on the and certify that the

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accommodation provided for each of the several classes is sufficient for the maximum number of pupils taught therein and is properly ventilated and lighted; that the building is maintained in substantial repair; that it is neat and clean; that the latrine arrangements are adequate and satisfactory; that the supply of drinking water is wholesome and that in all other necessary respects the sanitation is good.

STATION,

Date

Signature."

22. During his tour the District Health officer will visit secondary schools and report on their sanitary condition to the educational authorities concerned but he will not be allowed to charge fees except for a first inspection with a view to recognition or where additions or extensions of buildings are required to be certified.

(By order of the Government, Ministry of Public Health)

S. RANGANATHAN,
Deputy Secretary to Government.

To the Director of Public Health.

„ the Surgeon-General.

„ all Presidents of District Boards.

„ all Chairmen of Municipal Councils.

„ all Collectors.

„ all Presidents of Taluk Boards through Presidents of District Boards.

„ the Accountant-General through the Finance Department.

„ the Examiner of Local Fund Accounts

„ the Director of Public Instruction through Law and Education Department.

„ the Inspector of Municipal Councils and Local Boards.

„ the (Law Education) Department.

„ the Finance Department.

APPENDIX V.

[Vide answer to question No. 961 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 16th October 1929, page 1193 supra.]

Copy of letter from the President, District Board, Kurnool, R.C. No. 492/21, dated 10th August 1929.

With reference to Government Memorandum No. 28989-1/D-2 P.H., dated 9th August 1929, I have the honour to state that the Collector has not granted patta for the forest lands. He has asked whether the temple authorities who have agreed to execute the work would supply water through a pipe to the forest subordinates throughout the year and would undertake the repairs of the pipe whenever necessary. The temple authorities have not agreed to this condition and the matter is still under correspondence with the Collector.

2. Survey Nos. 280 and 281 which were originally stated to be private lands are now reported by my District Board Engineer to be poramboke lands. The Sub-Collector, Nandyal, has been requested to alienate them.

3. The work will be taken up as soon as patta for the forest land is received from the Collector and as soon as orders sanctioning the alienation of poramboke lands are received from the Sub-Collector.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 17th October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, Kt., The hon. Khan Bahadur Sir Muhammad.	Kuppuswami, Mr. J.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.	Leech, I.C.S., Mr. A. G.
Krishnan Nayar, The hon. Diwan Bahadur M. Campbell, C.S.I., C.I.E., C.M.E., V.D., I.C.S., The hon. Mr. A. Y. G.	Leech, Mr. A. J.
Subbarayan, The hon. Dr. P.	Maharaja of Pithapuram, The.
Muthiah Mudaliyar, The hon. Mr. S.	Mallayya, Dr. B. S.
Seturatham Ayyar, The hon. Mr. M. R.	Manikkavelu Nayakar, Mr. M. A.
Abdul Hameed Khan Sahib Bahadur.	Meera Ravuttar Bahadur, K. P. V. S.
Abdul Razaak Sahib Bahadur, Khan Bahadur S. K.	Muhammad.
Adinarayana Chettiyar, Mr. T.	Muniswami Nayudu, Rao Bahadur B.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumantakudi Mustafa.	Muniswami Pillai, Mr. V. I.
Anjaneyulu, Mr. P.	Muppil Nayar of Kavalappara, The.
Appavu Chettiyar, Mr. C. D.	Muthulakshmi Reddi, Dr. (Mrs.).
Arogyaswami Mudaliyar, Diwan Bahadur R. N.	Muthuranga Mudaliyar, Mr. C. N.
Arpudaswami Udayar, Mr. S.	Nanjappa Bahadur, Subadar-Major S. A.
Basheer Ahmed Sayeed Sahib Bahadur.	Narayanan Chettiyar, Mr. Al. Ar.
Bheemayya, Mr. J.	Natesa Mudaliyar, Rao Bahadur C.
Chidambaramatha Mudaliyar, Mr. T. K.	Obi Reddi, Mr. C.
Cottrell, C.I.E., I.C.S., Mr. C. B.	Patro, Kt., Rao Bahadur Sir A. P.
Dorai Raja, Mr. S. N.	Premayya, Mr. G. R.
Ellappa Chettiyar, Rao Bahadur S.	Rajan, Mr. P. T.
Ethirajulu Nayudu, Diwan Bahadur P. C.	Ramachandra Padayachi, Mr. K.
Foulkes, Mr. R.	Ramamurti, I.C.S., Mr. S.V.
Gangadbara Siva, Mr. M. V.	Ramasamayajulu, Mr. C.
Gnanavaram Pillai, Mr. P. J.	Ramjee Rao, Mr. V.
Gopala Menon, Mr. C.	Ranganatha Mudaliyar, Mr. A.
Govindan Nayar, Mr. C.	Ratnasibapathi Mudaliyar, Rao Bahadur C. S.
Govindaraja Mudaliyar, Mr. C. S.	Sahajanandam, Swami A. S.
Gray, C.S.I., I.C.S., Mr. J.	Saldanha, Mr. J. A.
Guruswami, Rao Sahib L. C.	Sami Venkatachalam Chetti, Mr.
Harisarvottama Rao, Mr. G.	Sarabha Reddi, Mr. K.
Hearson, Mr. H. F. P.	Satyamurti, Mr. S.
Hilton Brown, I.C.S., Mr.	Shetty, Mr. A. B.
John, Mr. V. Ch.	Siva Raj, Mr. N.
Kaleswara Rao, Mr. A.	Siva Rao, Mr. P.
Kameswara Rao Nayudu, Mr. V.	Soundara Pandian, Mr. W. P. A.
Kesava Pillai, C.I.E., Diwan Bahadur P.	Srinivasa Ayyangar, Mr. R.
Khadir Mohidin Sahib Bahadur, Muhammad.	Srinivasan, Rao Sahib B.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.	Subrahmanya Moopanar, Mr. S.
Koti Reddi, Mr. K.	Tajudin Sahib Bahadur, Syed.
Krishnaswami Ayyar, Mr. Alladi.	Tulasiram, Mr. L. K.
Krishnaswami Nayakar, Mr. K. V.	Uppi Sahib Bahadur, K.
Kumaraswami Reddiyar, Diwan Bahadur S.	Venkatapathi Raju, Mr. P. C.
	Venkatarama Ayyar, Mr. K. R.
	Venkataramana Ayyangar, Mr. C. V.
	Venkataramam Nayudu, Mr. C.
	Venkaiah, Mr. S.
	Watson, I.C.S., Mr. H. A.
	Wood, Mr. C. E.
	Zamindar of Mirzapuram, The.

[17th October 1929]

I
QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Industries

Development of the toy-making industry at Kondapalli.

* 973 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Development be pleased to state—

(a) whether the Government are aware that the toy-making industry at Kondapalli, Kistna district, was a famous one and is now in a decaying condition; and

(b) whether the Government intend to take any and if so, what steps to revive it and when?

A.—(a) Yes.

(b) The Government propose to await the recommendations of the Committee which will sit shortly to examine the Special Officer's report on the survey of cottage industries.

Mr. A. KALESWARA RAO:—"May I know when the recommendations of the Committee are expected to reach the Government?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"As soon as the Committee meets and decides the question."

Mr. A. KALESWARA RAO:—"When is the Committee expected to meet?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The Committee will meet early in November."

Veterinary

Betterment of the pay and prospects of Veterinary Surgeons.

* 974 Q.—Mr. J. A. SALDANHA: With reference to questions Nos. 158 and 159 answered on 9th August 1929, will the hon. the Minister for Development be pleased to state—

(a) what steps are being taken, or have been taken, or are contemplated to be taken for bettering the pay and prospects of the Veterinary Assistant Surgeons; and

(b) whether the Government are finding it difficult to attract students to the Veterinary College and recruits to the department, and if so, whether they have investigated the reasons why?

A.—(a) The question is still under the consideration of Government.

(b) Although the Government found some difficulty in attracting students until this year there was a rush of applicants including non-stipendiary students this year. The number of stipends had been increased. It is anticipated that in future there will be no difficulty in attracting sufficient students to the College.

Mr. A. B. SHETTY:—"May I know when the Government expect to reach a decision with reference to the matter referred to in clause (a)?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Before the consideration of the budget for the next year."

[17th October 1929]

* Medical

Proceedings of the Conference of District Medical Officers.

* 975 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Health be pleased to state what matters were considered at the Conference of the District Medical Officers called at the instance of the Surgeon-General in August 1929 in Madras?

A.—A list of subjects discussed at the Conference is laid on the table.

Mr. A. B. SHETTY:—"May I draw the attention of the hon. the Minister to the subjects mentioned at the appendix and may I know whether the Government propose to open any special clinics for the treatment of the diseases mentioned there?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Oh, yes; clinics for the diagnosis and treatment of these diseases have already been opened and further uses are being considered."

Mr. A. B. SHETTY:—"With reference to item No. 10, may I know whether any proposals were made in the Conference for providing facilities for the treatment prescribed by medical examiners for students?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The idea was that arrangements should be made for the medical treatment also of pupils; but no definite conclusion was arrived at in the matter."

Mr. ABDUL HAMEED KHAN:—"May I know what recommendations have been made with regard to rural dispensaries?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"As I have stated already, the Conference did not arrive at any decisions; matters were generally discussed and the opinion of the members were obtained."

Mr. A. KALESWARA RAO:—"With regard to expansion of rural dispensaries, may I ask whether they include those dispensaries under the charge of L.I.Ms.?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"It means rural dispensaries of both classes."

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether more medical schools are going to be opened in the Presidency?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"No idea at present."

Mr. C. V. VENKATARAMANA AYYANGAR:—"As regards item 14, may I know whether the scheme includes the appointment of honorary surgeons and physicians to taluk headquarter hospitals also?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Yes, Sir."

Mr. ABDUL HAMEED KHAN:—"The hon. Minister said, with regard to rural dispensaries, they did not come to any conclusion. May I know what the general opinion of the Committee was?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"They discussed the matter generally and no definite conclusions were arrived at; each person expressed his own opinion."

Mr. G. HARISARVOTTAMA RAO:—"Arising from the answer which the hon. Minister gave, may I know whether the rural dispensaries run by the indigenous system of medicine are included in the scheme?"

The hon. the PRESIDENT:—"This question does not arise at all."

Public Health

[17th October 1929]

Prohibition propaganda in Salem district.

* 976 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Public Health be pleased to state—

- (a) what efforts are being made to make the district of Salem dry;
- (b) whether the district of Salem is one of the areas where total prohibition is being experimented;
- (c) whether any committee has been constituted for carrying on the scheme of total prohibition;
- (d) if so, how many constitute the committee and their names and the taluks they belong to;
- (e) whether the taluks of Krishnagiri and Dharmapuri are also included in the scheme of total prohibition laid down by the Government;
- (f) whether there are any separate taluk committees constituted for these two taluks; and
- (g) if not, whether there is any proposal before the Government to constitute such committees for these taluks?

- A.—(a) All the arrack shops in the Attur taluk have been closed with effect from 1st April 1924 and all those toddy shops in the Namakkal, Rasipuram and Tiruchengodu taluks for which the bids did not reach the reserve price at the original sales have been closed for the lease commencing from 1st October 1929.
- (b) No experiment of the kind is being made in the Salem district;
- (c) to (e) A committee consisting of the following persons has been constituted for the Salem district as a whole to carry on the scheme of propaganda sanctioned by Government against the use of alcoholic liquors and intoxicating drugs:—

Members of the Salem District Committee.

- (1) M.R.Ry. S. Ellappa Chettiyar Avargal, President, District Board, Salem.
- (2) „ V. V. C. Natesa Mudaliyar Avargal, Dubash, The Kaleeswarar Mills, Limited, Tiruchengodu.
- (3) „ S. K. Sadagopan Avargal, Municipal Councillor, Mittadar, Car Street, Salem.
- (4) „ K. Sundara Rajan Avargal, Secretary, District Co-operative Federation, Pottipuram, Omalur taluk, Salem district.
- (5) Janab P. Muhammad Osman Sahib Bahadur, President, Union Board, Namakkal.
- (6) Rev. T. C. Witney, London Mission, Salem.
- (7) M.R.Ry. K. Varadan Avargal, Municipal Councillor, Salem.
- (8) „ Kumaravelu Kavundar Avargal, Mittadar, Kumarapatti, Rasipuram taluk.
- (9) The District Health Officer (ex-officio).

(f) & (g) No.

Mr. BASHEER AHMED SAYEED:—“May I know whether the experiment of total prohibition is being conducted in any other district?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“In other districts it is done in the same manner as it is done in the Salem district.”

[17th October 1929]

Mr. BASHEER AHMED SAYEED:—“May I know whether total prohibition is being tried in any district at all and, if so, in which districts?”

The hon. the PRESIDENT:—“This question has been answered.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. Minister whether he is aware that rural re-construction work is going on on an extensive scale in the Salem district and whether several prominent persons approached the hon. Minister and requested him that total prohibition might be tried in a limited area at least?”

The hon. the PRESIDENT:—“The hon. Member must put the question in this form; ‘whether it is a fact . . .’”

Mr. T. ADINARAYANA CHETTIYAR:—“Is it a fact, Sir?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“It is said that rural re-construction work on an extensive scale is being done in Salem district; I am not in a position to say how far it has been effective; it is true that some respectable gentlemen called on me and requested that total prohibition might be tried there.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask what steps the hon. Minister proposes to take in connexion with the representation made by that deputation?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“As I have said on a previous occasion with reference to this question, we have decided not to adopt that measure for the present.”

Mr. BASHEER AHMED SAYEED:—“With reference to answer (a) may I ask for what period from 1st October 1929 these shops have been closed?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The lease is for one year; the shops have been closed for this period.”

Mr. G. HARISARVOTTAMA RAO:—“May I enquire whether these shops will be re-opened if there are bidders?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Not in the course of the present year.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“May I know whether the Government have, apart from the appointment of propaganda committees, got any other ideas or methods for reaching the goal of total prohibition?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I think I have answered more than a dozen times in this Council that rationing is tried in three municipalities and that the number of shops is being reduced.”

Mr. G. HARISARVOTTAMA RAO:—“May I know whether the shops referred to in answer (a) will be closed by the Government permanently?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The shops have been closed at present for the present lease period only.”

Mr. ABDUL HAMEED KHAN:—“With reference to answer (c), may I ask whether total prohibition or any other temperance experiment is being tried apart from the constitution of a committee to carry on propaganda against the use of alcoholic liquors and intoxicating drugs?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The Government Order referring to the whole matter was placed on the table of the House on a previous occasion.”

[17th October 1929]

Mr. J. A. SALDANHA:—“With reference to answer (a), may I know whether any foreign liquor shops have been closed in the Attur taluk?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I am not quite sure whether there was a foreign liquor shop there.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“May I know whether there has been reduction in the number of trees in the Salem district?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I cannot give the information definitely.”

Mr. BASHEER AHMED SAYEED:—“May I know the number of shops closed in the Namakkal, Rasipuram and Tiruchengodu taluks?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I cannot give the exact number; it will be about 30.”

Mr. BASHEER AHMED SAYEED:—“Does the number represent the whole or a portion of the shops?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“The question was how many shops were closed and I gave the number of shops closed.”

Mr. A. KALESWARA RAO:—“May I know whether the Revenue Divisional Officers send instructions to the village officers to encourage and bring bidders for these shops?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“May I ask, Mr. President, whether this supplementary question arises from the main question?”

The hon. the PRESIDENT:—“The hon. Member may ask whether this was done in the Salem district.”

Mr. A. KALESWARA RAO:—“May I know whether it is a fact that in the Salem district, Revenue Divisional Officers send instructions to the village officers to encourage and bring bidders for these shops?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“I am not aware of it.”

Mr. BASHEER AHMED SAYEED:—“May I ask what proportion these 30 shops represent in the three taluks?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“A reference to the Excise report will give the information.”

Mr. A. KALESWARA RAO:—“If such practice exists, may I know whether the Government will issue orders, in view of the changed policy of the Government in this matter, to the Revenue Divisional Officers not to issue instructions in that way?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“If it will in any way interfere with the success of the propaganda work.”

Anti-malarial measures in Mopad and other places.

* 977 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Public Health be pleased to state the measures taken by the Government to stamp out malaria in Mopad, Duttalur and Udayagiri after their malarial survey of those tracts in 1926 and 1927, together with their results?

17th October 1929]

A.—Udayagiri taluk has been included in the scheme of free distribution of quinine throughout specially malarial tracts in the Presidency. In the report of the working of the scheme in the taluk recently submitted to Government the Special Malaria Officer has stated that the incidence of malaria in the taluk as a whole is now lower than in previous years. The Special Malaria Officer's report on the malaria survey in the villages was also communicated to the Nellore District Board for necessary action by those boards concerned. A report^a on the action taken by those boards received from the President, District Board, Nellore, is placed on the table. As the prevalence of malaria in Mopad is said to be due to the irrigation system the Government have under consideration a proposal to carry out improvements to the Mannaru river and the irrigation channels in the area.

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“May I know the nature of the recommendations made by the Special Malaria Officer?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“If the hon. Member will tell me to which taluk he refers, I shall be able to give the information.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“I am referring to Udayagiri.”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“Free distribution of quinine.”

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—“May I enquire whether the recommendations of the Special Malaria Officer include anti-malarial operations also?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“It is reported that anti-malarial operations are being conducted in the Mopad area, so far as I remember.”

Supply of drinking water to Salem from the Mettur Dam.

* 978 Q.—Rao Bahadur S. ELLAPPA CHETTIYAR: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Salem Municipal Council approached Government for supplying drinking water to Salem town from the Mettur Dam; and

(b) if so, what steps Government have taken regarding the matter?

A.—The attention of the hon. Member is invited to the answer given in question No. 830.

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. Minister whether any progress has been made since question No. 830 was replied to?”

The hon. Mr. S. MUTHIAH MUDALIYAR:—“No, Sir.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. Minister whether any difficulties are anticipated about levels for bringing water to Salem town?”

[17th October 1929]

Mr. J. A. SALDANHA :—“ With reference to answer (a), may I know whether any foreign liquor shops have been closed in the Attur taluk ? ”

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The hon. Mr. S. MUTHIAH MUDALIYAR :—“ No, Sir . ”

Mr. T. ADINARAYANA CHETTIYAR :—“ May I ask the hon. Minister whether any difficulties are anticipated about levels for bringing water to Salem town ? ”

[17th October 1929.]

The hon. Mr. S. MUTHIAH MUDALIYAR:—"As far as I am aware, no difficulty about levels has been anticipated; the financial aspect of the question is being considered."

Mr. T. ADINARAYANA CHETTIYAR:—"May I enquire in what state the consideration of the financial aspect is?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Just as it was when question No. 830 was answered."

Execution of the drainage scheme for Bezwada.

* 979 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) whether the Public Works Department has undertaken to execute the drainage scheme for Bezwada town sanctioned by the Government; and

(b) if so, when it is likely that the construction of the scheme will be begun by them?

A.—(a) Yes.

(b) Detailed working plans and estimates have to be prepared after taking levels which is being done. The work will be taken up for execution as soon as these are ready.

Extension of the water-supply scheme at Bellary.

* 980 Q.—Mr. P. SIVA RAO: Will the hon. the Minister for Public Health be pleased to state—

(a) whether a deputation of the Municipal Council of Bellary waited on him in the month of May last at Ootacamund regarding the extension of the water scheme at Bellary and introduction of house service;

(b) what final orders have been passed thereon;

(c) whether the extension and the house service have been sanctioned; and

(d) if so, what is the percentage of the additional cost to be borne by the Government and the municipality respectively?

A.—(a) to (d) A deputation of the Bellary Municipal Council was received by the hon. the Minister for Public Health on 22nd May 1929 in connexion with the scheme for the extension of water-supply to Brucepet. As the Municipal Council agreed to finance the extension scheme on the half grant and half loan basis, orders have been issued sanctioning the preparation of detailed plans and estimates for the scheme. The question of granting house connexions has been deferred until the construction of the headworks has been completed and the supply has been extended to other parts of the town.

Mr. P. SIVA RAO:—"May I know when the detailed plans and estimates to extend the scheme are expected to reach the Government?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I cannot give a definite answer."

Mr. P. SIVA RAO:—"May I know when the construction of headworks will be completed?"

[17th October 1929.]

The hon. Mr. S. MUTHIAH MUDALIYAR:—"The work will be started as soon as the plans and estimates are ready."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I enquire whether the Government are satisfied that the supply will be sufficient to give house connexions?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"That is why house connexions are not to be given till the whole works are complete and the supply ascertained."

Mr. P. SIVA RAO:—"May I know what was the percentage which the Municipal Council bore in the execution of the original scheme?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"I think it is 75 per cent though I am not sure."

Mr. P. SIVA RAO:—"May I ask why the original percentage was deviated from?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"Because the Municipal Council is in a better financial position; it can pay this percentage."

Education

Proposed institution of new courses in the Ceded Districts College, Anantapur.

* 981 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what new lines of activity are proposed to be taken up in the Ceded Districts College, Anantapur, during the year 1930-31; and

(b) what additional financial provision is being made for such new developments?

A.—The attention of the hon. Member is invited to the answer to question No. 522 asked at the meeting of the Legislative Council held on the 26th September 1929.

Mr. C. OBI REDDI:—"May I know whether the Director of Public Instruction has been requested to send his proposals for opening Honours and Science courses of studies?"

The hon. Dr. P. SUBBARAYAN:—"Science courses will not be opened now; the opening of Arts courses is under consideration."

Mr. C. OBI REDDI:—"Why not in Science?"

The hon. Dr. P. SUBBARAYAN:—"For the simple reason that laboratory arrangements are not adequate."

Mr. C. OBI REDDI:—"May I also know whether recently the Ceded Districts College was equipped with new laboratories for the B.A. course of studies?"

The hon. Dr. P. SUBBARAYAN:—"That is so; those laboratories that were recently completed are necessary for the pass course."

Mr. C. OBI REDDI:—"May I ask whether proposals have been sent up for starting Honours courses of studies?"

The hon. Dr. P. SUBBARAYAN:—"We have not yet got proposals for that purpose."

[17th October 1929]

Affiliation of the Ceded Districts College to the Madras University.

* 982 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) to what University the Ceded Districts College is at present affiliated; and

(b) what arrangements have been made to enable the several classes of candidates from that college who had partly qualified themselves for degrees in the Andhra University to complete the courses of examinations relating to such degrees?

A.—(a) The Ceded Districts College, Anantapur, has gone out of the jurisdiction of the Andhra University as a result of the passing of the Andhra University (Amendment) Act, No. IV of 1929. Steps are being taken to get the college affiliated to the Madras University.

(b) The attention of the hon. Member is invited to clause 3 of Bill No. 15 of 1929, published on page 188 of Part IV of the *Fort St. George Gazette*, dated the 1st October 1929.

11-15
a.m.

Admission of Andhra students to the B.E. classes in the Engineering College.

* 983 Q.—Mr. A. KALESWARA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) how many students there have been in the B.E. classes in the years 1927-28, 1928-29 and 1929-30 in the Civil Engineering College, Madras;

(b) how many of them belonged to the Andhra districts in those years respectively;

(c) how many applications for admission for B.E. have been received in 1928-29 and 1929-30 respectively; how many of them came from Andhra students and how many from non-Andhra students; and

(d) how many Andhra students and how many non-Andhra students have been given seats in the College?

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

Mr. A. KALESWARA RAO:—"May I know, Sir, if the Government consider that 45 out of 216 and 55 out of 230 form a reasonable number of Andhra students with reference to the population and area of the Andhra country?"

The hon. Dr. P. SUBBARAYAN:—"I am afraid, Sir, the hon. Member has not read the answer to the question properly. The number of applications received from the non-Andhra area was 228, out of which 46 were selected. The number of applications received from the Andhra area for 1929-30 is 110, out of which 23 were selected."

Mr. A. KALESWARA RAO:—"May I refer, Sir, the hon. the Chief Minister to clauses (a) and (b) of the appendix? It is said that the number of students in the B.E. class in 1928-29 was 216 and the number in 1929-30 is 230, out of which only 45 and 55 respectively belong to the Andhra area?"

^a Printed as Appendix III on page 1364 infra.

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The hon. Dr. P. SUBBARAYAN:—"The simple reason is that the applications from Andhra students did not come in large numbers in previous years. If the hon. Member will refer to the appendix, he will find that in 1928-29, the applications received from the Andhra students were only 81."

Mr. A. KALESWARA RAO:—"May I know whether even with reference to the applications received, the proportion selected is reasonable?"

The hon. Dr. P. SUBBARAYAN:—"I am sorry, Sir, the hon. Member is not able to understand my English and the more so, I am afraid, this morning. As I have pointed out, the number of students referred to by my friend refers to the students now in the Engineering College, but if he refers to the number of applications received in the years concerned, he will find that adequate representation has been afforded to the Andhra students."

Mr. A. KALESWARA RAO:—"May I know, with reference to the existence of a small number of Andhra students in the college, whether the Government will issue instructions to the Principal of the Engineering College to take in more students of the Andhra area till the proportion of the students with reference to the Andhra area is reached?"

The hon. Dr. P. SUBBARAYAN:—"I do not think there is any ground for the apprehensions of my hon. Friend from Bezvada, because he would see from the figures for 1928-29 and 1929-30, that adequate representation is being afforded to the students from the Andhra area, in the College of Engineering."

Mr. P. ANJANEYULU:—"May I point out to the hon. the Chief Minister that the number actually selected from out of the 81 applications received in 1928-29 from the Andhra students is only 14 and not 46?"

The hon. Dr. P. SUBBARAYAN:—"I am sorry to contradict the hon. Member again. I was referring to the year 1929-30, in which year the number selected from the non-Andhra area was 38 out of 246 and the number from the Andhra area was 22 out of 110."

Supply of water to the Engineering College.

* 984 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether any arrangements other than the emergency water-supply scheme of last year are under contemplation to provide a reasonably certain water-supply to those in the compound of the Engineering College and if so, what they are?

A.—A scheme of water-supply designed to meet the needs of the Engineering College, the Teachers' College and Todhunternagar has just been proposed by the Chief Engineer.

Recognition of Catholic schools in South Kanara.

* 985 Q.—Mr. J. A. SALDANHA: With reference to my question No. 60, answered on the 7th August 1929, will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have fixed any number as 'reasonable number' within the meaning of G.O. No. 104, Education, dated the 15th January 1929; and

[17th October 1929]

(b) whether the Government have considered the claim of Catholics to have their own schools on the ground that they are required by their own laws?

A.—(a) No.
(b) Yes.

Mr. J. A. SALDANHA :—“ May I enquire what the meaning of the words ‘reasonable number’ is?”

The hon. Dr. P. SUBBARAYAN :—“ ‘Reasonable number’ is always a relative term, and it is difficult to say what exactly the meaning of ‘reasonable number’ is.”

Mr. J. A. SALDANHA :—“ May I enquire then what this reasonable number is?”

The hon. Dr. P. SUBBARAYAN :—“ It is a matter for the hon. Member to fix the reasonable number himself; he may have his own opinion.”

Mr. J. A. SALDANHA :—“ My question is, Sir, what is the reasonable number, not in the opinion of the Minister, but in the opinion of the Government?”

The hon. the PRESIDENT :—“ My reply is that the hon. Member is not entitled, at the time of questions, to get the opinion of the Government.”

Amendment of the Elementary Education Act and the Hindu Religious Endowments Act.

* 986 Q.—Mr. S. SATYAMURTI : Will the hon. the Minister for Education and Local Self-Government be pleased to state when he hopes to be in a position to introduce Bills to amend the Elementary Education Act and the Hindu Religious Endowments Act?

A.—The draft Bills to amend the Elementary Education Act and the Hindu Religious Endowments Act are under scrutiny and will be introduced as early as practicable.

Mr. S. SATYAMURTI :—“ Sir, with regard to the Bill to amend the Elementary Education Act, may I know when the Government will be in a position to introduce it?”

The hon. the PRESIDENT :—“ ‘As early as practicable’; that is the answer.”

Mr. S. SATYAMURTI :—“ I want something more approximate than that, Sir.”

The hon. the PRESIDENT :—“ Then he will have to put it clearly.”

Mr. S. SATYAMURTI :—“ May I know, Sir, what the phrase ‘as early as practicable’ means?”

The hon. Dr. P. SUBBARAYAN :—“ It means as early as practicable.”
(Laughter.)

Mr. S. SATYAMURTI :—“ May I know, Sir, whether it will be before the end of March next year?”

The hon. Dr. P. SUBBARAYAN :—“ I cannot give any undertaking, as I have already stated.”

[17th October 1929]

Mr. G. HARISARVOTTAMA RAO :—“ May I know if the hon. Minister will be able to introduce the Bill within six months to come if he remains in office?”

The hon. Dr. P. SUBBARAYAN :—“ I am not able to give any undertaking.”

Mr. ABDUL HAMEED KHAN :—“ May I know, if the Bill is ready, where is the necessity for the delay in introducing it?”

The hon. Dr. P. SUBBARAYAN :—“ Because the Bill is again to be placed before the Committee which sat to consider it some time ago.”

Mr. ABDUL HAMEED KHAN :—“ May I know, Sir, if the Bill is ready, what the principles of that Bill are?”

The hon. Dr. P. SUBBARAYAN :—“ I am afraid I cannot give any information on this point until the final draft is settled.”

Mr. J. A. SALDANHA :—“ May I enquire whether it is a fact that the hon. Minister induced me to withdraw my own Education Bill because he said his Bill would be coming up?”

The hon. the PRESIDENT :—“ I think the hon. Member must be aware of that better than the hon. the Minister.”

Mr. S. SATYAMURTI :—“ May I know what the word ‘scrutiny’ there means?”

The hon. Dr. P. SUBBARAYAN :—“ Scrutiny in the Drafting department, so that the draft of the Bill might be proper.”

Mr. S. SATYAMURTI :—“ May I know from the hon. Minister whether any steps have been taken to expedite this Bill?”

The hon. Dr. P. SUBBARAYAN :—“ I am trying my best to see that this Bill is made ready as soon as practicable.”

Mr. G. HARISARVOTTAMA RAO :—“ May I know if the Bill codifies the existing practices or whether it introduces any new elements in regard to elementary education?”

The hon. Dr. P. SUBBARAYAN :—“ As I said, I cannot give any information on this point now.”

Mr. P. ANJANEYULU :—“ May I know, Sir, how long this Elementary Education Bill will be under scrutiny?”

The hon. Dr. P. SUBBARAYAN :—“ It has been under scrutiny, as far as I am concerned, only for two years and not for any longer period.”

Strength of elementary aided non-mission schools for depressed classes in Chingleput district.

* 987 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state in respect of the elementary aided non-mission schools for depressed classes in the Chingleput district—

(a) (i) whether the total strength of the schools increased or decreased during the last three years, and (ii) the extent of the increase or decrease; and

[17th October 1929]

(b) the number of pupils who were left to stagnate in one and the same standard without promotion for a period (i) of two years, (ii) of three years, (iii) of four years, and (iv) of five years and over?

A.—(a) & (b) The information is not available. The Government do not think that any useful purpose will be served by collecting it.

Rao Sahib R. SRINIVASAN :—" May I know whether the information cannot be found from the inspection notes ? "

The hon. Dr. P. SUBBARAYAN :—" As I have said in the answer, it is very difficult to collect the information, and I feel that the labour involved in the collection of the information is heavy, especially in view of the fact that Government do not think that the information is necessary."

Rao Sahib R. SRINIVASAN :—" Will the Government call for the information at least in respect of one taluk, the Saidapet taluk ? "

The hon. Dr. P. SUBBARAYAN :—" The collection of the information for one taluk will be as difficult as collection for all the taluks."

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* 988 Q.—Rao Sahib R. SRINIVASAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state in respect of the elementary aided mission schools for depressed classes in the Chingleput district—

(a) (i) whether the strength of the schools increased or decreased during the last three years, and (ii) the extent of such increase or decrease; and

(b) the number of pupils who were left to stagnate in one and the same standard without promotion for a period (i) of two years, (ii) of three years, (iii) of four years and (iv) of five years and over?

A.—(a) & (b) The information is not available. The Government do not think that any useful purpose will be served by collecting it.

Shifting of the headquarters of the Andhra University to Vizagapatam.

* 989-A Q.—Mr. P. C. VENKATAPATHI RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state the steps hitherto taken, and now proposed to be taken, by the Government, to have the headquarters of the Andhra University shifted to Vizagapatam in accordance with the Andhra University (Amendment) Act, 1929?

A.—The question of making arrangements for moving the Andhra University headquarters to Vizagapatam is under consideration.

Shifting of the headquarters of the Andhra University to Vizagapatam.

* 989-B Q.—Mr. P. C. VENKATAPATHI RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the extent and nature of the accommodation now enjoyed by the Andhra University at Bezwada;

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(b) what is the temporary accommodation that is required at Vizagapatam for shifting the University to that place from Bezwada; and

(c) whether any steps were taken either by the Government or by the University to secure such temporary accommodation at Vizagapatam and with what results?

A.—(a) The official residence of the Executive Engineer, Kistna West Division, Bezwada, has been temporarily placed at the disposal of the Andhra University authorities for use as an office. The Government have no information as to the extent of accommodation available.

(b) & (c) The attention of the hon. Member is invited to the answer to question No. 989-A.

Correspondence regarding the shifting of the headquarters of the Andhra University to Vizagapatam.

* 990-A Q.—Mr. P. C. VENKATAPATHI RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government will be pleased to place the correspondence between them and the Vice-Chancellor of the Andhra University on the question of shifting the University headquarters to Vizagapatam on the table of the House?

A.—The Government do not propose to publish the correspondence referred to.

Selection of sites for the buildings of the Andhra University.

* 990-B Q.—Mr. P. C. VENKATAPATHI RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether instructions were issued as stated in letter No. 1535/C-1, dated 6th May 1929, from the Government to the Vice-Chancellor, Andhra University, to Public Works Department and Revenue local officers to assist him in the selection of site for the buildings of the University;

(b) whether any reports were received from such officers and from the site selection committee appointed by the Syndicate;

(c) if so, what are the opinions expressed by them; and

(d) whether the Government will be pleased to place those reports on the table of the House?

A.—(a) Yes.

(b) Yes

(c) & (d) The attention of the hon. Member is invited to the answer to question No. 990-A.

Inspection of sites available at Vizagapatam for the Andhra University.

* 991 Q.—Mr. P. C. VENKATAPATHI RAJU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Director of Public Instruction and the Chief Engineer inspected the sites available at Vizagapatam for the Andhra University;

(b) whether any sites were approved by them; and

(c) if so, what those sites are?

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- A.—(a) The Chief Engineer inspected the sites available. The Government are not aware that the Director of Public Instruction inspected them.
- (b) & (c) Various sites have been suggested and the question of securing sites for the University is under consideration.

Statutory provision of grants for the Andhra University.

* 992-A Q.—Mr. P. C. VENKATAPATHI RAJU: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether the Government propose to bring in legislation to make an endowment grant, non-recurring grant for buildings and equipment, and recurring contribution to the Andhra University and when?

A.—The question of introducing a Bill providing for the payment to the Andhra University of the grants referred to is under consideration.

Statutory provision of grants for the Andhra University.

* 992-B Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Minister for Education and Local Self-Government be pleased to state when he proposes to make the necessary alteration in the Andhra University Act making the promised contribution of the Government compulsory?

A.—The attention of the hon. Member is invited to the answer to question No. 992-A.

Notifications for bringing into force the Andhra University (Amendment) Acts.

* 993 Q.—Mr. P. C. VENKATAPATHI RAJU: Will the hon. the Minister for Education and Local Self-Government be pleased to state whether notifications for bringing the Andhra University (Amendment) Acts, 1929, into force have been published by Government and if not, when they propose to do so?

A.—The Act relating to the exclusion of the Ceded districts and Chittoor from the jurisdiction of the Andhra University has come into force with effect from the 2nd July 1929. The other Acts will be brought into force as soon as accommodation is secured for the University at Vizagapatam.

Mr. P. C. VENKATAPATHI RAJU:—"Sir, in answer to question No. 989-A, it is stated that the question of making arrangements for moving the Andhra University headquarters to Vizagapatam is under consideration. May I know what is under consideration, whether the steps to be taken are under consideration or the accommodation, or what?"

The hon. Dr. P. SUBBARAYAN:—"The answer points out that the arrangements in connexion with the shifting of the Andhra University headquarters from Bezvada to Vizagapatam is under consideration."

Mr. P. C. VENKATAPATHI RAJU:—"I want to know what steps have already been taken and what steps are now being taken. Are we to understand that no steps are now being taken at all for shifting the headquarters?"

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The hon. Dr. P. SUBBARAYAN:—"The fact that the question is under consideration means that steps are being taken."

Mr. P. C. VENKATAPATHI RAJU:—"Will the hon. Minister be pleased to elucidate in what way the matter is engaging the consideration of the Government?"

The hon. Dr. P. SUBBARAYAN:—"The question of finding proper accommodation temporarily for the offices of the Andhra University is under consideration."

Mr. P. C. VENKATAPATHI RAJU:—"May I know from the hon. Minister whether he has asked the Revenue officers or the District Collector whether any accommodation is available there in Government buildings, without any reference to the availability of rented private buildings?"

The hon. Dr. P. SUBBARAYAN:—"Not only have we addressed the District Collector, but we are also consulting the Public Works Department."

Mr. P. C. VENKATAPATHI RAJU:—"May I know whether the hon. Minister has written to the Collector asking him whether accommodation is available in any of the Government buildings at Vizagapatam wherein the Andhra University offices could be located temporarily until they are shifted to new buildings?"

The hon. Dr. P. SUBBARAYAN:—"I have not personally written to the Collector, Sir."

Mr. P. C. VENKATAPATHI RAJU:—"May I know whether the Government have asked the Collector to provide temporary accommodation for the University offices in the old Collector's office?"

The hon. Dr. P. SUBBARAYAN:—"We have not referred to any particular building in our letter to the Collector; we have asked him to find accommodation for the location of the Andhra University offices there."

Mr. P. C. VENKATAPATHI RAJU:—"May I know if the Government have asked the Collector merely to secure some rented building for the location of the University offices, or whether they have asked him to ascertain the possibility of locating the offices in some of the Government buildings in Vizagapatam?"

The hon. Dr. P. SUBBARAYAN:—"The suggestion in the letter has not been either for securing rented buildings or for the location of the University offices in Government buildings. It was a general suggestion to find adequate accommodation for the University."

Mr. P. C. VENKATAPATHI RAJU:—"May I know, Sir, whether in that letter the Government have suggested that the Collector should secure only rented private buildings for the University? Was there not any suggestion in that communication that he is expected to find only private buildings for the location of the University offices?"

The hon. Dr. P. SUBBARAYAN:—"As far as I can recollect, I do not think any specific instruction in regard to securing only rented buildings was given in that communication of the Government to the Collector of the district."

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Mr. P. C. VENKATAPATHI RAJU:—"Will the hon. Minister be pleased to ascertain from the Collector what steps are being taken by him to see that sufficient accommodation is available; and whether accommodation is not available in the old Collector's office which will suit the needs of the Andhra University, for a temporary period until a better building is secured for it?"

The hon. Dr. P. SUBBARAYAN:—"In view of the assurance given by my hon. Friend, the Leader of the Opposition, I should certainly bring to the notice of the Collector the fact that a part of the old Collector's office can be made available for the location of the University offices."

Mr. S. SATYAMURTI:—"May I know if the Government have examined the question as to how long they can take for the shifting of the headquarters of the University from Bezwada to Vizagapatam after the passing of the Andhra University Amendment Act?"

The hon. Dr. P. SUBBARAYAN:—"The Government have examined this question and they are of opinion that the matter may be deferred till the notification with regard to the coming into force of that Act is published."

Mr. S. SATYAMURTI:—"May I know then whether the time for the publication of that notification depends upon the expedition with which the Public Works Department is able to secure accommodation for the location of the headquarter offices?"

The hon. Dr. P. SUBBARAYAN:—"Not only the Public Works Department, but the Vice-Chancellor of the Andhra University, the Collector of Vizagapatam, the Executive Engineer at Vizagapatam, have all been asked to see whether they could get some buildings where the headquarter offices could be located temporarily until some decision is arrived at with regard to the site for the buildings of the University. As soon as that problem is settled, the notification will be published and the headquarters of the University will then be shifted."

Mr. S. SATYAMURTI:—"With reference to question No. 990-A, may I know the reason why the Government do not propose to publish the correspondence between the Vice-Chancellor and the Government?"

The hon. Dr. P. SUBBARAYAN:—"Because it is a confidential communication between the Vice-Chancellor and the Government, and the Government feel that it is not in the public interests to publish the correspondence, especially in view of the fact that the communication from the Vice-Chancellor was of a confidential nature."

Mr. S. SATYAMURTI:—"May I know if the Vice-Chancellor insisted on the transfer being effected immediately, or whether he wanted the University offices to continue to be in Bezwada?"

The hon. Dr. P. SUBBARAYAN:—"That is another way of asking for the correspondence to be placed on the table, I submit, Mr. President."

The hon. the PRESIDENT:—"The hon. Minister may say that he does not think it is in the public interests to reveal the facts?"

The hon. Dr. P. SUBBARAYAN:—"That is my answer exactly, Sir."
(Laughter).

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Mr. S. SATYAMURTI:—"If that is his answer, then may I know what are the public interests which are affected adversely by publishing this communication, that Mr. C. R. Reddi prefers to remain in Bezwada for six more months, or that he does not want to go to Vizagapatam six months earlier?"

The hon. Dr. P. SUBBARAYAN:—"Whether Mr. C. R. Reddi prefers to stay in Bezwada or not is not, I think, a question of public interest."

The hon. the PRESIDENT:—"I request both the Members to use the words 'Vice-Chancellor of the Andhra University'."

Mr. S. SATYAMURTI:—"I am sorry, Sir. May I know what are the public interests that will be affected by informing this House of the preferences of the Vice-Chancellor for either Bezwada or Vizagapatam?"

The hon. Dr. P. SUBBARAYAN:—"Administrative convenience connected with the Andhra University."

Mr. S. SATYAMURTI:—"May I know, with reference to the answer to question No. 992-A—I suppose, Mr. President, that question also comes under the present list regarding the Andhra University?"

The hon. the PRESIDENT:—"Every question connected with the shifting of the headquarters of the Andhra University."

Mr. S. SATYAMURTI:—"May I know, Sir, whether the Government propose to introduce this Bill providing for the payment of grants to the Andhra University in time for the grants to be placed before the House as a part of the Budget for the next financial year?"

The hon. Dr. P. SUBBARAYAN:—"Yes, Sir; that will be done."

Mr. G. HARISARVOTTAMA RAO:—"May I know from the hon. Minister whether he has any objection to place on the table of the House a summary of the correspondence relating to the shifting of the headquarters of the Andhra University between him and the Vice-Chancellor?"

The hon. Dr. P. SUBBARAYAN:—"I have already said that I am not prepared to lay this on the table."

Mr. G. HARISARVOTTAMA RAO:—"May I know, in view of the fact that the Government have addressed the Public Works Department for finding a temporary habitation for the Andhra University, whether the hon. Minister has referred to the available space in the Collector's office, in that communication?"

The hon. the PRESIDENT:—"That has been answered."

Mr. P. C. VENKATAPATHI RAJU:—"May I know from the hon. Minister, in view of the reply given to Mr. Satyamurti with reference to administrative inconvenience, if the Vice-Chancellor set forth any administrative inconvenience by changing the headquarters from Bezwada to Vizagapatam?"

The hon. Dr. P. SUBBARAYAN:—"I think I have already answered that in view of the confidential nature of the communication, I am not prepared to lay the information on the table."

Mr. A. KALESWARA RAO:—"May I know what the cost of the proposed site is?"

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The hon. Dr. P. SUBBARAYAN :—"I do not know what the hon. Member from Bezvada refers to in asking 'what the cost of the proposed site is'. I would therefore like him to elucidate it further."

Mr. A. KALESWARA RAO :—"With reference to the answer to clauses (b) and (c) of question 991, it is stated : 'Various sites have been suggested and the question of securing sites for the University is under consideration'. May I know what the cost of the sites is?"

The hon. Dr. P. SUBBARAYAN :—"The cost of these sites have not yet been worked out."

Mr. A. KALESWARA RAO :—"May I know whether it was considered that the sites at Vizagapatam would cost enormously and therefore there is delay in shifting the headquarters and whether that is a point in consideration now?"

The hon. Dr. P. SUBBARAYAN :—"No, Sir, we are considering the question whether suitable sites can be found near Vizagapatam for the location of the University and within the limits of the amount that can be provided by Government."

Mr. G. HARISARVOTTAMA RAO :—"May I know from the hon. Minister, in view of the fact he has stated that the Vice-Chancellor pleaded administrative inconveniences, whether he has himself examined the inconveniences seriatim and come to the conclusion that the inconveniences do exist?"

The hon. Dr. P. SUBBARAYAN :—"I am afraid I did not say anything about the Vice-Chancellor pleading administrative inconveniences. What exactly I stated was that if the correspondence between the Vice-Chancellor and the Government were placed on the table, it would lead to administrative inconvenience with regard to the working of the Andhra University Act."

Mr. A. KALESWARA RAO :—"May I know whether the grants referred to in question No. 992-A include grants for the establishment of a Government first-grade college at Vizagapatam?"

The hon. Dr. P. SUBBARAYAN :—"There is no question of establishing any Government College at Vizagapatam at all at present."

Mr. A. KALESWARA RAO :—"May I know whether there is any proposal to establish any Agricultural College there?"

The hon. Dr. P. SUBBARAYAN :—"As far as I am aware, none at present."

Local Boards

Application for loan by the Corporation of Madras.

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

(a) whether Government have passed any orders on the application of the Corporation of Madras for a loan ;

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(b) whether it is a fact that in applying for a loan the Corporation stated that many urgent and important schemes are awaiting execution pending the sanction of this loan by the Government; and

(c) when the Government propose to pass orders on this application for loan ; and the reasons for the delay ?

A.—The Corporation sent in four applications for loans towards the end of April last, two loans from Government, one of Rs. 8 lakhs for water-supply and drainage and the other of Rs. 2 lakhs for Mambalam town-planning, and two loans to be raised in the open market, one of Rs. 1.5 lakhs for school buildings and the other of Rs. 9.87 lakhs for miscellaneous purposes. The ability of the Corporation to finance these loans had to be examined in detail but, pending completion of this examination, the loan required for Mambalam and Rs. 2 lakhs out of the loan required for water-supply and drainage, which were said to be urgently required, were sanctioned last August. Meanwhile, the Corporation gave up the idea of going to the open market for the two other loans and decided to get these also from Government. A decision has lately been arrived at in the matter, and another Rs. 4 lakhs for water-supply and drainage for which there was provision in the estimates has just been sanctioned. The balance of Rs. 2 lakhs required for this purpose, together with Rs. 1.5 lakhs for school buildings and Rs. 5 lakhs for general purposes, will be sanctioned as soon as the Council votes the supplementary grant which has separately been sought.

Mr. S. SATYAMURTI :—"May I know why there was this delay in granting the loan?"

The hon. Dr. P. SUBBARAYAN :—"The delay was due to the fact that the budget of the Corporation of Madras was not presented in proper form and that had to be scrutinized in the Finance Department before Government came to the conclusion that the loan could be given to the Corporation."

Mr. S. SATYAMURTI :—"May I know why the loan of 9.87 lakhs asked for by the Corporation was cut down to 5 lakhs?"

The hon. Dr. P. SUBBARAYAN :—"Because after scrutiny, Government felt that the finances of the Corporation could only bear a loan of 5 lakhs for general purposes."

Mr. S. SATYAMURTI :—"May I know then that if the finances of the Corporation are improved in some manner or other, the Government will increase the grant?"

The hon. Dr. P. SUBBARAYAN :—"As this is a financial matter and as this question has to be considered by my hon. Colleague the Finance Member and other Members of the Cabinet, I am not at present in a position to give any undertaking in regard to it."

Mr. S. SATYAMURTI :—"May I know whether the Government advised the Corporation not to go to the open market for the loan?"

The hon. Dr. P. SUBBARAYAN :—"I think Government did advise the Corporation, because of the tightness of the money market."

[17th October 1929]

Application for sanction to prosecute some persons for false personation at Tiruvallur elections.

* 995 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether it is a fact that one Mr. C. Chokkalinga Mudaliyar of Tiruvallur, in the Chingleput district, applied to the Government under section 196, Criminal Procedure Code, for sanction to prosecute five persons who falsely personated at the election to the first ward of the Tiruvallur Union Board;

(b) whether sanction was given by the Government as applied for, and if not, why not;

(c) whether the Government held any investigation on the matter, before coming to the conclusion;

(d) whether the Government will place on the table the results of such investigation referred to in (c); and

(e) what are the considerations on which the Government give or refuse sanction to prosecute persons under section 196 of the Criminal Procedure Code for falsely personating at elections?

A.—(a) Yes.

(b) & (c) The matter was investigated and it was reported that there was no reasonable chance of a successful prosecution in the case on the evidence available. Sanction was therefore refused.

(d) Government consider that no useful purpose will be served by laying the correspondence in the matter on the table which is presumably what the hon. Member desires.

(e) No general considerations can be laid down: it is a question of the merits of each individual case.

Mr. A. RANGANATHA MUDALIYAR:—“May I know whether any legal opinion was taken as to whether the prosecution would be successful or not on the evidence available?”

The hon. Dr. P. SUBBARAYAN:—“As a lawyer myself, I looked into the question as to whether a successful prosecution would be possible, and considering the fact that the number of opinions that are asked for from the Advocate-General is increasing, I thought that in a matter like this, *prima facie*, there was no reasonable chance of a successful prosecution and that no sanction need be given.”

Mr. T. ADINARAYANA CHETTIYAR:—“May I ask the hon. the Chief Minister, whether, short of the Advocate-General, he cared to consult any other lawyer a little more eminent than the hon. the Chief Minister?”

The hon. Dr. P. SUBBARAYAN:—“I do not understand what the hon. Member means by the term ‘more eminent’. I am myself an eminent lawyer.”

Mr. P. ANJANEYULU:—“May I know whether this gentleman Mr. Chokkalinga Mudaliyar who applied for sanction, was given any facilities to adduce any evidence before Government came to a decision?”

The hon. Dr. P. SUBBARAYAN:—“As a matter of fact, all the available evidence that Mr. Muthuranga Mudaliyar was pleased to give, was put in the petition that he signed for asking for prosecution.”

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Mr. P. ANJANEYULU:—“May I know whether before the hon. Minister was consulted, as eminent for his legal knowledge, and before he gave his opinion, this gentleman was given any further chance to place more evidence for a successful prosecution?”

The hon. Dr. P. SUBBARAYAN:—“It is not the practice to ask private members to appear before the Ministers.”

Mr. S. SATYAMURTI:—“May I know if the hon. the Chief Minister proposes hereafter to dispense with taking legal advice and himself advise on legal questions coming up before him?”

The hon. Dr. P. SUBBARAYAN:—“Except wherever he thinks the question is of such intricate importance that he should consult the proper legal adviser to the Crown, he proposes to act on his own opinion.”

Mr. S. SATYAMURTI:—“May I know whether this question has been considered by Government whether a Member of Government can seek the advice of the Advocate-General only whenever he feels that he should be consulted and whether he may advise himself?”

The hon. Dr. P. SUBBARAYAN:—“I do not think any decision of the Cabinet is necessary on a matter of this kind.”

Mr. C. N. MUTHURANGA MUDALIYAR:—“May I know whether the hon. the Minister perused the death certificates and the statements of the persons concerned, which were submitted along with the petition, with his lawyer's mind?”

The hon. Dr. P. SUBBARAYAN:—“I do not know what my hon. Friend means by referring to the ‘lawyer's mind’?”

The hon. the PRESIDENT:—“What the hon. Member means is whether the hon. Minister has read those records attached to the petition with a lawyer's mind.”

The hon. Dr. P. SUBBARAYAN:—“He has given his decision as a lawyer.”

Mr. A. KALESWARA RAO:—“May I know from the hon. Minister whether he has seen any death certificates?”

The hon. Dr. P. SUBBARAYAN:—“I believe he must have looked at them.”

Action taken on the recommendations of the Roads Committee.

* 996 Q.—Mr. J. A. SALDANHA: With reference to my questions Nos. 232 and 233 answered on 10th August 1929, will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) what action is being taken on the recommendations of the Roads Committee;

(b) whether there is any prospect of any road, especially the Charmadi road, being taken over by Government; and

(c) whether any temporary provision has been made to make it fit for ordinary motor and cart traffic?

A.—(a) The action to be taken is under correspondence with the Government of India.

(b) The question of Government taking over the Charmadi Ghat road will be considered after the orders of the Government of India are received.

(c) The question is under consideration.

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Mr. J. A. SALDANHA :—" May I enquire what the proposals of this Government to the Government of India are ? "

The hon. Dr. P. SUBBARAYAN :—" I do not know what my hon. Friend means when he refers to 'the proposals of this Government'. This Government did send their recommendation as far as the report of the Road Development Committee was concerned."

Mr. J. A. SALDANHA :—" May I know what the recommendations of this Government are and whether this road will be taken over by the Government ? "

The hon. Dr. P. SUBBARAYAN :—" I do not understand to what particular road my hon. Friend refers."

Mr. J. A. SALDANHA :—" I mean the Charmadi Ghat Road ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think it comes under the proposals of the Road Development Committee. This particular road is a trunk road of the South Kanara District Board."

Mr. J. A. SALDANHA :—" May I know, with reference to the answer to clause (c), what the amount of the grant is that the district board asked for for mending the Charmadi Ghat road in order to make it fit for ordinary motor and cart traffic ? "

The hon. Dr. P. SUBBARAYAN :—" I must ask for notice of this, because I cannot carry these figures."

Mr. BASHEER AHMED SAYEED :—" May I know what are the main features of the recommendation made by the Government ? "

The hon. Dr. P. SUBBARAYAN :—" The letter to the Government of India from this Government is confidential."

Municipalities

Alleged inaccuracy of electoral rolls in municipalities.

* 997 Q.—Khan Bahadur S. K. ABDUL RAZACK SAHIB Bahadur: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have received any complaints that the electoral rolls in many municipalities are defective;

(b) whether the certificate of correctness to be appended to the electoral roll is attached to it in every case; and

(c) what action, if any, the Government have taken in cases brought to their notice in which no certificate is attached or only a formal certificate is attached?

A.—(a) The hon. Member's attention is invited to the answer to clause (a) of Mr. Adinarayana Chettiyar's question No. 713.

(b) Government have no information on the point but presumably the certificate is attached.

(c) Only one such case is readily traceable and in this case, the person concerned was reprimanded.

[17th October 1929]

Mr. T. ADINARAYANA CHETTIYAR :—" In view of the admitted fact that in several municipalities, such inaccurate and fabricated lists have been used for election purposes, will the hon. Minister kindly see that a certificate like this is compulsorily attached on all future occasions ? "

The hon. Dr. P. SUBBARAYAN :—" The Government are trying to do what they can to bring the elections into proper order. That is one of the reasons why in the new Bill, the authority for conducting elections has been made quite different from the municipal chairman."

Mr. T. ADINARAYANA CHETTIYAR :—" With reference to the answer to clause (c), may I know whether a mere reprimand is the only or a suitable punishment for dealing with cases of this kind ? "

The hon. Dr. P. SUBBARAYAN :—" The Government thought that would be adequate under the circumstances."

Mr. A. KALESWARA RAO :—" May I know whether in the electoral rolls prepared by the divisional officers with regard to local bodies, mistakes or inaccuracies occurred ? "

The hon. Dr. P. SUBBARAYAN :—" I would like to submit for your consideration, Mr. President, whether this supplementary question arises out of this question ? "

Mr. A. KALESWARA RAO :—" I want to know whether the hon. Minister, while considering the transfer of the preparation of the electoral rolls to Revenue Divisional Officers, considered that such inaccuracies and errors have crept in the electoral rolls prepared by Revenue Divisional Officers with regard to local boards which they are already preparing ? "

The hon. Dr. P. SUBBARAYAN :—" The question that I submit for your consideration, Mr. President, is that this question refers to the alleged inaccuracies in the electoral rolls connected with municipalities."

The hon. the PRESIDENT :—" I think what the hon. Member intends to ask is whether the hon. Minister has considered the fact of such inaccuracies creeping in in the electoral rolls for the local boards when they are prepared by Revenue Divisional Officers, and having that fact in view, whether the hon. Minister has proposed the transfer of these things to the Revenue authorities ? "

The hon. Dr. P. SUBBARAYAN :—" I must thank you, Mr. President, for your kind elucidation, but I would like to point out that the preparation of the electoral rolls by these Revenue Divisional Officers, as far as I can understand, has been more satisfactory than the preparation by chairmen of municipal councils."

Mr. A. KALESWARA RAO :—" May I know whether several complaints have not come to the notice of Government even in regard to the electoral rolls prepared by the Revenue Divisional Officers ? "

The hon. Dr. P. SUBBARAYAN :—" There have been some complaints, but for one complaint in regard to local boards, there have been as many as twenty in regard to municipal councils."

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Mr. J. A. SALDANHA :—" May I enquire what the proposals of this Government to the Government of India are ? "

The hon. Dr. P. SUBBARAYAN :—" I do not know what my hon. Friend means when he refers to 'the proposals of this Government'. This Government did send their recommendation as far as the report of the Road Development Committee was concerned."

Mr. J. A. SALDANHA :—" May I know what the recommendations of this Government are and whether this road will be taken over by the Government ? "

The hon. Dr. P. SUBBARAYAN :—" I do not understand to what particular road my hon. Friend refers."

Mr. J. A. SALDANHA :—" I mean the Charmadi Ghat Road ? "

The hon. Dr. P. SUBBARAYAN :—" I do not think it comes under the proposals of the Road Development Committee. This particular road is a trunk road of the South Kanara District Board."

Mr. J. A. SALDANHA :—" May I know, with reference to the answer to clause (c), what the amount of the grant is that the district board asked for for mending the Charmadi Ghat road in order to make it fit for ordinary motor and cart traffic ? "

The hon. Dr. P. SUBBARAYAN :—" I must ask for notice of this, because I cannot carry these figures."

Mr. BASHEER AHMED SAYEED :—" May I know what are the main features of the recommendation made by the Government ? "

The hon. Dr. P. SUBBARAYAN :—" The letter to the Government of India from this Government is confidential."

Municipalities

Alleged inaccuracy of electoral rolls in municipalities.

* 997 Q.—Khan Bahadur S. K. ABDOUL RAZACK SAHIB Bahadur: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether the Government have received any complaints that the electoral rolls in many municipalities are defective;

(b) whether the certificate of correctness to be appended to the electoral roll is attached to it in every case; and

(c) what action, if any, the Government have taken in cases brought to their notice in which no certificate is attached or only a formal certificate is attached?

A.—(a) The hon. Member's attention is invited to the answer to clause (a) of Mr. Adinarayana Chettiyyar's question No. 713.

(b) Government have no information on the point but presumably the certificate is attached.

(c) Only one such case is readily traceable and in this case, the person concerned was reprimanded.

[17th October 1929]

Mr. T. ADINARAYANA CHETTIYAR :—" In view of the admitted fact that in several municipalities, such inaccurate and fabricated lists have been used for election purposes, will the hon. Minister kindly see that a certificate like this is compulsorily attached on all future occasions ? "

The hon. Dr. P. SUBBARAYAN :—" The Government are trying to do what they can to bring the elections into proper order. That is one of the reasons why in the new Bill, the authority for conducting elections has been made quite different from the municipal chairman."

Mr. T. ADINARAYANA CHETTIYAR :—" With reference to the answer to clause (c), may I know whether a mere reprimand is the only or a suitable punishment for dealing with cases of this kind ? "

The hon. Dr. P. SUBBARAYAN :—" The Government thought that would be adequate under the circumstances."

Mr. A. KALESWARA RAO :—" May I know whether in the electoral rolls prepared by the divisional officers with regard to local bodies, mistakes or inaccuracies occurred ? "

The hon. Dr. P. SUBBARAYAN :—" I would like to submit for your consideration, Mr. President, whether this supplementary question arises out of this question ? "

Mr. A. KALESWARA RAO :—" I want to know whether the hon. Minister, while considering the transfer of the preparation of the electoral rolls to Revenue Divisional Officers, considered that such inaccuracies and errors have crept in the electoral rolls prepared by Revenue Divisional Officers with regard to local boards which they are already preparing ? "

The hon. Dr. P. SUBBARAYAN :—" The question that I submit for your consideration, Mr. President, is that this question refers to the alleged inaccuracies in the electoral rolls connected with municipalities."

The hon. the PRESIDENT :—" I think what the hon. Member intends to ask is whether the hon. Minister has considered the fact of such inaccuracies creeping in in the electoral rolls for the local boards when they are prepared by Revenue Divisional Officers, and having that fact in view, whether the hon. Minister has proposed the transfer of these things to the Revenue authorities ? "

The hon. Dr. P. SUBBARAYAN :—" I must thank you, Mr. President, for your kind elucidation, but I would like to point out that the preparation of the electoral rolls by these Revenue Divisional Officers, as far as I can understand, has been more satisfactory than the preparation by chairmen of municipal councils."

Mr. A. KALESWARA RAO :—" May I know whether several complaints have not come to the notice of Government even in regard to the electoral rolls prepared by the Revenue Divisional Officers ? "

The hon. Dr. P. SUBBARAYAN :—" There have been some complaints, but for one complaint in regard to local boards, there have been as many as twenty in regard to municipal councils."

[17th October 1929]

Mr. P. ANJANEYULU :—" Is it not a fact that as soon as the electoral rolls are made ready by the Revenue Divisional Officers, a copy should be sent to the Collector ? "

The hon. Dr. P. SUBBARAYAN :—" That is so. "

Mr. P. ANJANEYULU :—" May I know whether Government insist on this copy being sent ? "

The hon. Dr. P. SUBBARAYAN :—" As far as I am aware, I believe Government do insist on this copy being sent, but before I can give an answer definitely to my hon. Friend, I must ask for notice. "

Mr. S. N. DORAI RAJA :—" With reference to the answer to clause (c), may I know the name of the person concerned who was reprimanded ? "

The hon. Dr. P. SUBBARAYAN :—" I am afraid I do not carry these names in my mind. "

Mr. A. KALESWARA RAO :—" May I know how many complaints have been received from local boards and municipalities this year ? "

The hon. the PRESIDENT :—" It has been already answered that the proportion is 1 to 20. "

Mr. A. KALESWARA RAO :—" May I know whether he has given the answer in a general euphemistic way or whether it is 1 to 20 actually ? "

The hon. Dr. P. SUBBARAYAN :—" I cannot guarantee as to the accuracy of this, but I may say that the proportion is almost the same as I have stated. "

Agency

Dr. Munro's report on the possibilities of developing the Agency tracts.

* 998 Q.—Mr. D. NARAYANA RAJU : Will the hon. the Member for Revenue be pleased to state—

(a) when Mr. D. G. Munro submitted his report to Government on the possibilities of developing the Agency tracts ;

(b) whether Government have passed any orders on the said report ; and

(c) whether the Government will be pleased to place it on the table of the House ?

A.—(a) Mr. Munro's report was received by Government in April 1928.

(b) No.

(c) The question will be considered when issuing orders on the report.

Mr. ABDUL HAMEED KHAN :—" May I know, in view of the fact that it is really necessary to develop the possibilities of the Agency tracts, whether the Government consider that they should remain what they are or whether the Government will consider their development ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The Government have been considering the report. A reference was made to the Director of Agriculture and we are waiting for his reply. Recently we have sent a reminder asking him to send in his reply as soon as possible. "

[17th October 1929]

Assignment of Lands

Transfer to ayan of a certain poramboke in Gudiyattam taluk.

* 999 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the late Collector of North Arcot had ordered the transfer to ayan of grazing ground poramboke in about twenty villages of Gudiyattam taluk ; and

(b) whether these lands have been transferred to ayan ?

A.—(a) & (b) The Government have not the information.

Mr. T. ADINARAYANA CHETTIYAR :—" May I the ask hon. the Revenue Member whether after this information was supplied, he has called for the information ? "

The hon. Mr. A. Y. G. CAMPBELL :—" No, Sir. I do not think it necessary to do so. But if anybody feels that he has a grievance in consequence of the order of the Collector, he should apply to the Board of Revenue. "

Mr. T. ADINARAYANA CHETTIYAR :—" May I tell the hon. Member that this is not a solitary case, but there are scores of such cases of hardship ? "

The hon. the PRESIDENT :—" The hon. Member is not entitled to tell anything now. "

Mr. T. ADINARAYANA CHETTIYAR :—" There is not one case, but there are scores of cases of common pasture lands of villages being transferred to ayan. Will the hon. Member look into the matter and call for the information ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The villagers should address the Board of Revenue in the first instance. "

Mr. T. ADINARAYANA CHETTIYAR :—" Now that the question has come before the hon. the Revenue Member in the Council and since the villagers are generally mute, will he call for the information and, if the number of such transfers is alarmingly large, will he be pleased to deal with the question in a suitable manner ? "

The hon. Mr. A. Y. G. CAMPBELL :—" It will involve considerable trouble to collect the information. The persons affected should in the first instance address the Board of Revenue. "

Mr. T. ADINARAYANA CHETTIYAR :—" May I ask the hon. the Revenue Member to get information at least for three years ? "

The hon. Mr. A. Y. G. CAMPBELL :—" No, Sir. I am not prepared to call for it. "

Irrigation

Extension of irrigation in Salem and Coimbatore districts.

* 1000 Q.—Rao Bahadur S. ELLAPPA CHETTIYAR : With reference to the resolution of this Council, dated 29th November 1928, regarding the reconsideration of G.O. No. 2616 J., dated 19th October 1928, will the hon. the Member for Revenue be pleased to state—

(a) whether any investigation has been made on the subject dealt with by it ; and

(b) if so, whether the Government will be pleased to place the report of the investigation on the table ?

[17th October 1929]

A.—(a) It is presumed that the hon. Member refers to the extension of irrigation in the Coimbatore, Salem and Trichinopoly districts. His attention is invited to the statement placed on the Council table on the 6th August last. Investigations are now going on in the Salem and Trichinopoly districts.

(b) After the Chief Engineer's reports on the investigations are received, the question of placing them on the Council table will be considered.

Irrigation of Salem and Coimbatore districts by water from the Mettur dam.

11-45
a.m.

* 1001 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the final report has been received from the Chief Engineer for the Mettur Project regarding the feasibility and cost of irrigating some portions of the Salem and Coimbatore districts with water from the Mettur dam; and

(b) if it has been received, whether the Government have an idea of placing it on the table of the House and if so, when; and if not, why not?

A.—(a) & (b) The final report has not been received.

Mr. C. V. VENKATARAMANA AYYANGAR:—"May I know whether any interim report has been received from the Chief Engineer as to the possibility of taking water from the Mettur dam to the districts of Salem and Coimbatore?"

The hon. Mr. A. Y. G. CAMPBELL:—"I don't think we have got any interim report relating to Salem since the present investigation was begun; but as regards Coimbatore we had a report—G.O. No. 1974 I., dated 16th December 1926—which was published some time ago."

Mr. C. V. VENKATARAMANA AYYANGAR:—"Since we discussed on that report, may I know whether Government did call for any report and whether any reports were received from the Chief Engineer, Mettur?"

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

Mr. T. ADINARAYANA CHETTIYAR:—"May I know whether Government will obtain a preliminary report from the Chief Engineer as regards the possibility of water being taken from the Mettur dam to the Salem district?"

The hon. Mr. A. Y. G. CAMPBELL:—"I don't know on what points we are to call for a preliminary report."

Mr. T. ADINARAYANA CHETTIYAR:—"As regards the possibility of taking the Mettur water to the Salem district."

The hon. Mr. A. Y. G. CAMPBELL:—"I am still uncertain on what points we should call for a preliminary report. It is not possible to say what will be the cost of taking the water to the Salem district till the report is received."

Mr. T. ADINARAYANA CHETTIYAR:—"Apart from the financial aspect, may I know whether the Government will call for a report as to whether the levels and other things will permit the water reaching Salem?"

[17th October 1929]

The hon. Mr. A. Y. G. CAMPBELL:—"I don't think water can be taken to Salem district otherwise than through a tunnel."

Mr. O. V. VENKATARAMANA AYYANGAR:—"May I know whether any special staff has been appointed in Coimbatore?"

The hon. Mr. A. Y. G. CAMPBELL:—"I don't believe any special staff has been appointed in the Coimbatore district."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"In view of the fact that Salem is suffering from scarcity of water, may I know whether Government propose to try taking Mettur water to that district?"

The hon. Mr. A. Y. G. CAMPBELL:—"It is not possible to say anything until we get the report."

Investigation of the Tungabhadra Project.

* 1002 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) what staff has been engaged on the investigation of the Tungabhadra Project;

(b) how long they have been so engaged; and

(c) whether any work other than making of trial pit and borings has been carried out?

A.—(a) A list^a of the staff engaged is annexed.

(b) The investigation was conducted by a small staff from November 1927 till July 1928, when the full staff referred to in clause (a) was employed.

(c) The investigation includes the survey and taking of levels of 420 square miles, the charting of the river, the calculation of the capacity of the reservoir at various heights, the rough alignment of the main and subsidiary canals, the fixing of approximate commanded areas in three districts, investigation of water duties in the area, etc. For further details a reference is invited to the answer to question No. 1568 given on 1st March last.

Mr. G. HARISARVOTTAMA RAO:—"With reference to answer (c), which says, 'the investigation includes the survey and taking of levels of 420 square miles, etc.', may I know whether in that area is included any portion of Kurnool and Anantapur in addition to Bellary?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must refer the hon. Member to the Superintending Engineer's report placed on the table of the House on the 1st of March; I think that report is exhaustive."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"May I know whether any special staff has been appointed for the proposed canal line running past the Pennar into the Anantapur district and if so, may I know what work is being done by them?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think there is a special staff; and I will ask the hon. Member to refer to the Superintending Engineer's report placed on the table of the House on the 1st March last."

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[17th October 1929]

Mr. K. KOTI REDDI:—"With reference to the answer given on the 1st March 1929, where I find a number of items under the heading 'work yet to be done', may I know, whether after this answer was given any staff has been ordered to take the alignment for taking water?"

The hon. Mr. A. Y. G. CAMPBELL:—"No further staff has been appointed."

Mr. C. OBI REDDI:—"In view of the recommendation in favour of the Ceded districts contained in the answer to clause (c), may I know whether Government will appoint a special staff?"

The hon. Mr. A. Y. G. CAMPBELL:—"I shall consider the suggestion."

Mr. K. KOTI REDDI:—"May I know if this answer to clause (c) applies to all the three districts?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think they are mentioned in the paper which the hon. Member has in his hand."

Mr. A. RANGANATHA MUDALIYAR:—"Are Government of opinion that no special staff is necessary to look into this matter?"

The hon. Mr. A. Y. G. CAMPBELL:—"I am not quite sure."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Did Government consult the Government of Bombay on this matter?"

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

Mr. C. OBI REDDI:—"With reference to the answer to clause (c), may I know what are the three districts that are referred to there?"

The hon. Mr. A. Y. G. CAMPBELL:—"Bellary, Anantapur and Cuddapah."

Mr. G. HARISARVOTTAMA RAO:—"What about the channels in the Kurnool district?"

The hon. Mr. A. Y. G. CAMPBELL:—"I think a portion of Kurnool might come in."

Mr. P. SIVA RAO:—"May I know whether any preliminary report was received from the investigating officers?"

The hon. Mr. A. Y. G. CAMPBELL:—"As I said on another occasion, we have had a report as regards the site of the dam, and we are waiting till the water goes down in the river when the geologist can examine the spot."

Mr. P. SIVA RAO:—"May I know whether any reference has been made to the Revenue officers to find out the possible return of income?"

The hon. Mr. A. Y. G. CAMPBELL:—"Notice."

Mr. G. HARISARVOTTAMA RAO:—"Pending the investigation of the Government geologist, may I know whether the other parts of the work are being carried on?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"Did Government receive any representation asking for the re-opening of the question of site with a view to locate the dam at a place close to the Nizam's territories?"

The hon. Mr. A. Y. G. CAMPBELL:—"Notice, Sir."

[17th October 1929]

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Have the Government come to any agreement with the Bombay Government and the Nizam's Government for apportioning the Tungabhadra waters?"

The hon. Mr. A. Y. G. CAMPBELL:—"I must ask for notice, Sir."

Repairs to the Owk tank in Kurnool district.

* 1003 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Owk tank in the Kurnool district and its channels are in need of repair;

(b) whether any estimates have been proposed for such repairs and if so, what they are; and

(c) what the amount is that has been spent on the repairs of the said tank and channels within the last 25 years?

A.—(a) to (c) A report has been called for.

Report of the Superintending Engineer on the Duvaleru Project.

* 1004 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Superintending Engineer's report regarding the Duvaleru Project has been received;

(b) if so, what the report is; and

(c) what action the Government propose to take upon it?

A.—(a) to (c) The Superintending Engineer's report has not yet been received.

Report of the Chief Engineer on the Pullampet Project.

* 1005 Q.—Mr. G. HARISARVOTTAMA RAO: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the report of the Chief Engineer regarding the Pullampet Project in the Cuddapah district;

(b) if so, what the report is; and

(c) what action the Government propose to take thereon?

A.—(a) Yes.

(b) A copy of the report * is laid on the table.

(c) In the circumstances stated by the Chief Engineer (Irrigation), the Government decided that the project must be abandoned.

Mr. K. KOTI REDDI:—"With reference to the answer to clause (c), it has been said in regard to the Pullampet scheme, 'that the surplus available for storage after meeting the requirements of lower irrigation is too poor to warrant any consideration of the project.' May I know whether water from the Tungabhadra may be taken into the Pennar so that this project may be proceeded with to benefit the Nellore district?"

The hon. Mr. A. Y. G. CAMPBELL:—"I do not think we are justified in proceeding with the scheme until we are quite sure that water from the Tungabhadra can be taken into the Pennar."

[17th October 1929]

Alleged dispute in connexion with the Ramasagaram anicut.

* 1006 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether there was any recent dispute between the ryots of Ramasagaram, Kample and other villages of Hospet taluk, Bellary district, on the one hand and the ryots of Jantakal of His Exalted Highness the Nizam's State on the other in connexion with the Ramasagaram anicut and whether, as a result of it, the crops on the entire wet ayacut in a number of villages in the British territory were threatened with serious loss and in some cases actually suffered;

(b) whether the Government have taken any action on the matter;

(c) if so, how the matter has been finally disposed of; and

(d) if it has not yet been finally disposed of, what the temporary arrangements are for equitable distribution of the water available in the river to the ryots owning wet lands under the channels on either side of the river?

A.—(a) Such a dispute was reported in May 1927; about 2,500 acres were affected.

(b) Yes.

(c) The matter is under examination by the Local Public Works Department officers.

(d) It has not been found possible to make any temporary arrangements as suggested.

Mr. A. RANGANATHA MUDALIYAR:—“In view of the fact that so many ryots suffered loss of crop, may I know whether Government will give them any compensation or remission of land cess?”

The hon. Mr. A. Y. G. CAMPBELL:—“I must ask for notice, Sir.”

Alleged crack in the scouring sluice at the Grand Anicut.

* 1007 Q.—Swami A. S. SAHAJANANDAM: Will the hon. the Member for Revenue be pleased to state—

(a) on whom the responsibility lies for the crack formed in the newly constructed scouring sluice at the Grand Anicut;

(b) under whose supervision the work was executed;

(c) whether the Superintending Engineer inspected the site with necessary plans and estimates;

(d) how the loss was made good and what steps were taken to recover the loss from the officers concerned; and

(e) whether the hon. Member will be pleased to place on the table the records connected with the above newly constructed scouring sluice?

A.—(a) to (e) The Government have no information but have called for a report.

Land Revenue

Alleged compulsory retirement of Tahsildars in South Arcot district.

* 1008 Q.—Mr. BASHEER AHMAD SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) the number and names of Tahsildars and Stationary Sub-Magistrates that were made to retire compulsorily during the last ten years in the South Arcot district and the community to which they belonged; and

[17th October 1929]

(b) the reasons for such compulsory retirements and the charges that were ‘framed’ and ‘proved’ against them?

A.—(a) & (b) The Government are not aware of any such case.

Mr. ABDUL HAMEED KHAN:—“May I know whether Government are aware that a large number of Muslim Tahsildars have been forced to retire before their time, and if so, will they find out the reasons for the same?”

The hon. Mr. A. Y. G. CAMPBELL:—“Government are not aware of the fact.”

Reinstatement of dismissed subordinates in the South Arcot district.

* 1009 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state how many cases of dismissals of subordinates in the Revenue Department who were subsequently reinstated on appeal have occurred in the South Arcot district during the last five years?

A.—The Government have not the information.

Mr. BASHEER AHMAD SAYEED:—“May I know whether Government will place on the table of the House a list of dismissals and subsequent reinstatements, in view of the alarming number of such cases in that district?”

The hon. Mr. A. Y. G. CAMPBELL:—“I shall consider the suggestion.”

Extent of land cultivated with dry and garden crops in Godavari Western Delta.

* 1010 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state—

(a) what is the extent of land cultivated with dry and garden crops in each of the five faslis previous to fasli 1338 in Godavari Western Delta and what is the extent of land so cultivated in fasli 1338; and

(b) what is the amount of penal assessment imposed and collected in fasli 1338 for raising dry and garden crops in the delta without the previous permission of the Collector?

A.—(a) The hon. Member is referred to the season and crop reports of the faslis concerned, which give the area sown with each kind of crop for each district. The report for fasli 1338 has not yet been published. Published reports are available in the Secretariat library.

(b) The Government have not the information.

Minor Irrigation

Irrigation of lands included in the ayacut in Kalavapudi village.

* 1011 Q.—Mr. D. NARAYANA RAJU: Will the hon. the Member for Revenue be pleased to state—

(a) whether the aqueduct across the Addala creek to carry water to the lands included in the ayacut in Kalavapudi village has been completed, and if so, when and at what cost;

[17th October 1929]

(b) what is the extent of the ayacut for which the aqueduct is designed;

(c) whether any channel is dug to take water to the fields newly included in the ayacut;

(d) whether it is a fact that wet assessment is being collected for all lands included in the ayacut though the facilities for irrigation are not yet completed and though consequently the lands are not cultivated with wet crops; and

(e) whether Government will consider the advisability of levying wet assessment only on lands actually under wet cultivation?

A.—(a) to (e) The Government have called for a report.

Public Service

Application of the communal rule regarding appointments to public service.

* 1012 Q.—Mr. C. N. MUTHURANGA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have issued a Government Order that the principle of communal rotation should not be applied to cases of confirmation of acting appointments; if so, whether it will be laid on the Council table;

(b) whether the Government is aware that some district officers have applied the principle of communal rotation to certain cases of confirmation of acting appointments, contrary to the Government Order referred to in (a); and

(c) whether the Government propose to clearly instruct the district officers and other heads of departments about the Government Order referred to in (a)?

A.—(a) Yes; a copy of G.O. No. 226, Public, dated 27th February 1929, is placed on the table.

(b) No.

(c) The attention of the hon. Member is invited to rule 5 of the General rules for the Subordinate services published with Public Department Notification No. 292, dated 2nd July 1929.

Mr. C. N. MUTHURANGA MUDALIYAR:—"May I know whether a copy of the Government Order has been communicated to the heads of departments in the mufassal stations?"

The hon. Mr. A. Y. G. CAMPBELL:—"Notice."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether it applies to the Registration department also?"

The hon. Mr. A. Y. G. CAMPBELL:—"Yes, Sir."

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Mr. S. SATYAMURTI:—"With reference to clause (b), may I know whether Government will call for information from the district officers whether they have applied this rule in the case of confirmations contrary to the Government Order?"

The hon. Mr. A. Y. G. CAMPBELL:—"No, Sir. I am afraid that will involve a great deal of trouble."

Mr. S. SATYAMURTI:—"May I know whether Government will take steps to see that this Government Order is correctly observed by the district officers?"

The hon. Mr. A. Y. G. CAMPBELL:—"I don't think any further action is necessary as the order has been or will be communicated to the several officers."

Village Establishments

Disbursement of the subdivision fees to karnams.

* 1013 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) why out of the fees collected in 1928-29 for effecting subdivisions only Rs. 35,319 instead of Rs. 54,689-6-0 was disbursed to the karnams;

(b) whether the non-disbursement of the difference of Rs. 19,370-6-0 was due to the fact that it was not found to be due to the karnams and if so, for what reasons; and

(c) the amount which was due to the karnams for subdivision work but was not disbursed to them in 1927-28?

A.—(a) & (b) The moiety due to karnams cannot be exactly one-half of the total fees collected, as the karnam will not be entitled to the moiety when he does not measure the subdivision correctly or when for some special reason the revenue inspector does the original measurement. Further, in certain circumstances the fee collected is refunded to the party and there is in consequence no half share for the karnam. All the same, the fee is included in the 'collections', the refund being separately debited against Government.

(c) The Government have not the information.

Mr. A. RANGANATHA MUDALIYAR:—"Will the Government consider the question of opening additional columns to show how much of the moiety is not, for one reason or another, due to the karnam?"

The hon. Mr. A. Y. G. CAMPBELL:—"I shall consider the suggestion."

Forests

Prevention of people carrying a bill-hook in reserved forests.

* 1014 Q.—Mr. K. R. KARANT: Will the hon. the Law Member be pleased to state whether it is a fact that people in South Kanara district are prevented from carrying a bill-hook into a reserved forest or walking over a reserved forest except through specified paths, even though they go there in the exercise of their legitimate right to cut manure leaves?

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A.—Unauthorized persons are not allowed to enter reserved forests with bill-hooks. It is also not permissible to stray from specified paths. These limitations however will not apply to privilege holders or other authorized persons engaged in the exercise of a privilege or right.

Free grazing of cattle in Bellary district.

* 1015 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether in view of the deficient rainfall and unfavourable character of the season in the Bellary district, any arrangements have been made for the free grazing of cattle in the Government and panchayat reserves in the district and, if so, what they are?

A.—The Government have no information whether the Collector who is competent to allow free grazing in reserved forests under departmental control in times of drought has made any arrangements but information has been called for. As regards forests under panchayat management the question is one for panchayats to consider. There is no information whether panchayats have made any such arrangement.

Mr. G. HARISARVOTTAMA RAO:—"May I know whether the forest panchayats are not under a contract to pay rent to Government every year?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"So far as I am aware, yes, Sir. But it is not under my administration."

Mr. G. HARISARVOTTAMA RAO:—"May I know whether Government are prepared to remit a portion of the contract amount when the panchayats allow free grazing in times of insufficient fodder?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I am sorry that I cannot answer that question, as the panchayat forests are not under my control."

Jails

Alleged grievances of Sub-Assistant Surgeons in the Jail Department.

* 1016 Q.—MR. M. V. GANGADHARA SIVA: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received any representation regarding the grievances of Sub-Assistant Surgeons in the Jail Department; and

(b) whether he has taken or proposes to take any steps to redress their grievances and, if so, what?

A.—(a) Yes.

(b) The matter is under consideration.

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Kazi's Act

Alleged inability of the Kazi to recite the marriage sermon.

* 1017 Q.—MR. K. UPPI SAHIB: Will the hon. the Law Member be pleased to state—

(a) whether Government have received any complaints that when marriages are solemnized in the presence of the Government Kazi he is unable to recite the usual marriage sermon as is required of him, but invariably employs another to do the same; and

(b) whether the Government propose to take steps to prevent such a practice?

A.—(a) & (b) No such complaints have been received by the Government.

Mr. BASHEER AHMED SAYEED:—"May I know whether Government will consider the desirability of appointing a new Kazi since the present one is proved to be incapable of reciting the usual marriage sermon?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I do not admit the correctness of the premises of my hon. Friend."

Depressed Classes

Supervision of the Government Adi-Dravida hostel at Calicut by an Advisory Committee.

* 1018 Q.—MR. V. I. MUNISWAMI PILLAI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government Adi-Dravida Hostel, Calicut, is now managed by a Committee;

(b) if so, who the members of the Committee are;

(c) whether the members are allowed their travelling allowances for attending the Committee meetings;

(d) whether a visitors' book is kept in the hostel; and

(e) if so, whether the remarks contained in the book for the past six months will be placed on the table?

A.—(a) & (b) The hostel is under the supervision of the Collector of Malabar assisted by an Advisory Committee of six members.

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

Mr. V. I. MUNISWAMI PILLAI:—"With reference to clauses (c), (d) and (e), may I know whether the Government will call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The suggestion will be considered."

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Elections

Revision of the electoral rules regarding the Privileges of Fellows of the Madras University in Legislative Council elections.

* 1019 Q.—Mr. S. N. DORAI RAJA: Will the hon. the Home Member be pleased to state with reference to the answer to question No. 756 answered on 28th November 1928 whether the question of the revision of the electorate was brought to the notice of the Statutory Commission?

A.—Yes.

Mr. S. N. DORAI RAJA:—"May I know whether the nature of the communication is favourable towards effecting a revision of the electorate?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The question has been brought to the notice of the Statutory Commission."

Date of the next elections to the Legislative Council.

* 1020 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether Government are now in a position to state when the next elections will take place;

(b) if not, when they hope to be in a position to make a statement; and

(c) whether this Government have been consulted by the Government of India on this question?

A.—(a) No.

(b) After His Excellency the Governor decides the question of dissolution of the present Council.

(c) No.

Mr. S. SATYAMURTI:—"May I know whether the Government of Madras consulted His Excellency the Governor as regards the time for the dissolution of this Council?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"No, Sir."

Legislative Council

Supply of Statutory Rules and Orders to the Members of the Legislative Council.

* 1021 Q.—Mr. C. S. GOVINDARAJA MUDALIYAR: Will the hon. the Home Member be pleased to state whether the Government have issued instructions to the Superintendent, Government Press, not to supply the copies of the volumes of Statutory Rules and Orders to the Members of the Legislative Council, and if so, why?

A.—The publication is intended for official use only.

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Mr. S. SATYAMURTI:—"May I know why copies of the volumes of Statutory Rules and Orders are supplied only to official members?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"Because they are necessary for the use of the officials only."

Mr. S. SATYAMURTI:—"May I know why they should not be issued to non-officials when they want to use them?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"The suggestion will be considered."

UNSTARRED QUESTION**Excise**

Revenue from toddy and liquor shops in 1928-1929.

1022 Q.—Mr. S. VENKIAH: Will the hon. the Minister for Public Health be pleased to state—

(a) the revenue derived by the Government of India by the sale of toddy and liquor shops during the year 1928-29;

(b) the revenue derived by Local Government under the following heads during the year 1928-29 for the Presidency of Madras:

(i) Toddy;

(ii) Arrack and other indigenous liquors;

(iii) Foreign liquors; and

(c) the revenue derived by Local Government from the Kistna district during the year 1928-29 under the following heads:

(i) Toddy;

(ii) Arrack and other indigenous liquors;

(iii) Foreign liquors?

A.—(a) The revenue derived from the sale of toddy and liquor shops is entirely provincial.

	RS.
(b) (i) Toddy	2,52,27,756
(ii) Arrack and other indigenous liquors (excluding licence fees on the latter).	2,29,80,697
(iii) Foreign liquors (including licence fees on locally made foreign liquors) ...	7,36,896
	5,60,178
(c) (i) Toddy	
(ii) Arrack and other indigenous liquors (excluding licence fees on the latter).	14,46,256
(iii) Foreign liquors (including licence fees on locally made foreign liquors) ...	7,620

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

II

CHAIRMANSHIP OF SELECT COMMITTEES ON THE BILLS TO AMEND
THE MADRAS DISTRICT MUNICIPALITIES ACT AND THE MADRAS
LOCAL BOARDS ACT.

* The hon. the PRESIDENT :—" In connexion with the Bills to amend the District Municipalities Act and the Local Boards Act, at the request of the Leaders of Parties, I have accepted a place on the Select Committee and will ordinarily preside at the meetings of the Select Committee. If at any time I am unable to preside, I will nominate a Chairman of the Panel who is also a Member of the Select Committee, to preside at its meetings."

III

THE ANDHRA UNIVERSITY (AMENDMENT) BILL.

The consideration of the Andhra University Bill was then resumed.

* The hon. the PRESIDENT :—" The question is that clauses 1 and 2 shall stand part of the Bill."

The motion was adopted and clauses 1 and 2 were added to the Bill.

Clause 3.

Mr. A. KALESWARA RAO :—" Mr. President, I wish to oppose the passing of clause 3 into law. Clause 2, I admit, is a very necessary one, but with regard to clause 3 I wish to submit that the hon. the Chief Minister, having pursued the policy of accepting the principle of separation of the Ceded Districts and Chittoor from the jurisdiction of the Andhra University area, ought to boldly follow up that policy. I of course disagree with him in his policy. He could have retained those districts within the jurisdiction of the Andhra University. He could have opposed the proposal of my hon. Friend Mr. Muniswami Nayudu. But for his strength, that clause relating to the secession of the Ceded Districts from the Andhra University area or the partition of the Andhradesa in that way could not have been effected. Whatever the past might be, now it is his duty to follow up that policy. Now, the position is this. The Act having received the assent of His Excellency the Governor-General, the jurisdiction of the Andhra University over those districts has ceased, and consequently the power of affiliation has automatically gone. The two colleges, the Ceded Districts College at Anantapur and the Theosophical College at Madanapalle do not belong to the Andhra University, nor are they affiliated to the Madras University. The Madras University has not agreed to take them in, and the Andhra University has lost them. So, they are, thanks to the policy of the hon. the Chief Minister, in the position of what may be called *Trisankhu Swargam*. Now, he wants to force the Andhra University to take them back temporarily, that is to say, to take those students for the purpose of the Andhra University examinations, to make arrangements for their examination under the Andhra University curriculum for a period of five years. I should submit, Sir, that if he believes in his previous policy, he ought to force the Madras University to make arrangements to bring up a similar amendment to the Madras University Act, to make arrangements for their examination. If he thinks that they should continue

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in the Andhra University area, and as he promised yesterday he is going to consider the question of retaining them in the Andhra University for some time, let him confess his error, and let him bring in an amending Bill before next February or March, after a period of one year has elapsed from the date of passing of the previous Act, to include those districts in the Andhra University area again. His statement yesterday that most of the members of the Ceded Districts are for tacking on those colleges to Madras University because they are nearer to Madras is not a fact. The majority of the representatives of the Ceded Districts voted against the separation of those districts. Therefore if he is for the separation, he must force the Madras University to make arrangements for these colleges. Then, this clause is unnecessary. But if he believes that the Ceded Districts are part and parcel of the Andhra desa or Andhra University area—whether the university headquarters is at Vizagapatam or anywhere else that is a different matter if he believes that Andhra desa is one and should not be divided, then let him confess that he had committed an error, and let him bring in an amending Bill in three or four months to include that area in the Andhra University's jurisdiction. Then again this becomes unnecessary. In any case this clause is superfluous, unnecessary or erroneous, and I therefore submit that I oppose the passing of it."

* Mr. S. SATYAMURTI :—" Mr. President, I entirely agree with my hon. Friend from Kistna in saying that this Government does not deserve to be congratulated on its ability in dealing with the Andhra University, and if we can punish the Government, in some less undesirable form and some more effective way than what is suggested by my hon. Friend, then, I shall certainly be one with my hon. Friend in visiting on the Government our displeasure. But this proposal of his appears to me to be, if I may say so, cutting the nose to spite the face. As a member of the Commission which the Madras University sent out recently to inspect the colleges at Anantapur and Madanapalle, I beg to invite the attention of this hon. House to the fact that the students there are in a very pitiable state; owing to the hurried manner in which my hon. Friend the Chief Minister, as is usual with him, pilots legislation in this House, lacunæ are left in these Acts. I may say this, Sir, that the decisive turn in the course of that Bill (Andhra University Bill) was taken after my hon. Friend stated on the floor of this House, that he was in favour of this provision which sought to exclude the Ceded Districts from the area of the Andhra University. I have no doubt in my mind that, if at that stage, the hon. the Minister applied to you for an adjournment, in order to put in all the necessary clauses, to make the transition from one university into another easy and free from difficulties, you and the House would have been very pleased to give him the necessary time. As usual, he did not think of the consequences and hurried through with it, and the result is, thanks to the way in which this legislation was piloted in this House, that the students in these two colleges are neither here nor there. really in the position of *Trisankhu*, because they are neither here nor there. The Madras University cannot conduct examinations for them, until the colleges are affiliated to the Madras University. And I want to assure my hon. Friend from the Andhra desa that the Madras University has been taking, as quick steps as possible, to affiliate these colleges to the University of Madras. Again, Sir, the department which my hon. Friend administers took a lot of time in making up its mind, whether it should apply to the

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Madras University for affiliation or not. My hon. Friend claimed this morning that he was an eminent lawyer, wherever questions of law are involved; but on this question his knowledge failed him and he did not come to a decision quickly. I know the file regarding the matter went to the hon. the Advocate-General; and it was only after the hon. the Advocate-General gave his opinion that the Government made up their minds, and the Director of Public Instruction made up his mind, to apply for affiliation. All this took time, for which nobody in this House is responsible except the hon. the Chief Minister. As soon as the applications were received, the University of Madras sent out the Commission, and the Commission has inspected the colleges, and the report will be ready, I expect, in a few weeks, and the colleges will be affiliated, before the end of this year. Even then, there are students in these colleges who have undergone one year's course, either in the Intermediate classes or the B.A. classes with the Andhra University syllabus; and it would be a thousand pities, if, for these people who have undergone their course of study in the Andhra University, there are no examinations which the Andhra University can conduct. As the law stands at present, there is not only no provision for these people under the Andhra University Act, but the Andhra University has no power to conduct examinations for them. Therefore, it is necessary, in order to help these unfortunate students, that this clause should be passed, so that they may get the degrees for which they have qualified themselves. Then, there are students who have been admitted in this academic year, in the last term, in both these colleges, the Ceded Districts College as well as the Madanapalle College, and they are being educated for the courses which are now prescribed in the Andhra University for the Intermediate and the B.A. degree examinations. They had to be so educated because both these colleges have not been affiliated to the Madras University. (Mr. A. Kaleswara Rao: 'Why not send them back?') I have no objection, and if I were the Minister I would certainly do so, but unfortunately neither myself nor my hon. Friend from Bezwada is the Minister. Sir, it seems to me to be a very peculiar manner of showing our resentment against the Minister to punish the Ceded Districts. I would appeal to my hon. Friend that we ought not to conduct ourselves in a manner which seems to indicate that we are more anxious to vent our resentment on the Minister than to help these students. (Mr. A. Kaleswara Rao: 'I want them back.'). The best way, if my hon. Friend wants them back, to carry out his intention is to serve them. Let this House turn down this Bill and let these students be denied the opportunity of applying for affiliation; then I assure my friend that the chances of their coming to the Madras University are closed. If he wants them to come back, then he must vote for this clause. Therefore I plead before this House that it will not listen to the voice of resentment—the just resentment of my hon. Friend from Bezwada—but will allow this clause to go through, in the interests of the innocent students who have no politics, except that they want to pass their examinations. It does not matter to them, whether it is the Madras University or the Andhra University that must pass them. If this clause does not go through, they can pass neither examination. So I do hope that the House will accept this clause."

Rao Bahadur B. MUNISWAMI NAYUDU:—"Sir, I very much regret that the hon. Member from Bezwada, Mr. Kaleswara Rao, has made a speech opposing this clause. And I hope sincerely that my hon. Friends from the

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Circars and other Andhra gentlemen would share that regret with me. It may be a regrettable fact that in the question of Andhra desa and the Andhra Province, the Ceded Districts and Chittoor should hold a different opinion and secede from the University. But if anybody was responsible for that desire, I can assure my hon. Friends here that it is not the Ceded Districts and Chittoor, but only the members coming from the Circars. And further, I may say, Sir, that if anything has tended to estrange them still further, it is the speech and the arguments that fell from Mr. Kaleswara Rao. And I am sure every other member from the Andhra districts will disown him, as he represents only himself but not the general Andhra opinion. In the Bill a provision is left enabling the Andhra districts to still continue together if the question can be settled in a manner acceptable to the Ceded Districts. But if my hon. Friend says that the students should be punished because the Ceded Districts have not joined the Andhra University, and if there is no university to which they can apply, I certainly think that the best way for them is for all time to secede from the University. I am sure Mr. Kaleswara Rao will only be deceiving himself if he thinks that by this step he can compel the Ceded Districts to join the University or punish those districts for not coming under the Act hitherto. But on the other hand I may make it clear that now I feel that the step I have taken in regard to the Andhra University Bill has been more than amply justified.

"However, Sir, on the merits of the question, it is purely a question of the students who already took up the Andhra University course. The present Act does not provide for the affiliation to the Madras University. As the hon. Member for the University has said, the affiliation can be effected some time afterwards, but till then those who have put in one year's course according to the Andhra University syllabus have to be examined and degrees given to them and this Bill provides for that. I may say, Sir, that the practices of some Andhra members, as we have found in this case, are not going really to solve the Andhra problem."

* Mr. C. RAMASOMAYAJULU:—"It is really a curious situation, Mr. President, but the position taken up by my hon. Friend from Bezwada is rather not very desirable. This is not a desirable course of expressing displeasure at the unfortunate move taken by my hon. Friend from Chittoor which has resulted in the practical separation of the Andhra desa into two. It was a most unexpected event about which all of us feel keenly, and I feel it was a most unexpected event about which all of us feel keenly, and I feel it not in any way less than what my hon. Friend from Bezwada feels. But all the same, Sir, I wish to point out to the House that where the interests of the students are concerned, it is not at all desirable to make them the target of our unfortunate feelings in this matter. It is no doubt true—and I myself feel about it no less than any other member from the Andhra desa—that this unfortunate secession of the Ceded Districts is being felt very keenly by every resident of the Circars. They feel that Ceded Districts form a very important slice cut off from the Andhra University area. And we have been regretting it ever since that unfortunate decision was taken. But in this case a large number of students have been studying under the Andhra University syllabus and it is unfortunate that the Madras University whose representative has just spoken has not chosen to take over these two colleges. I suppose, Sir, that if my hon. Friend, the Member for the University Commission, the greater promptness in the deliberations of the University Commission, the inspection report would have been completed by now. On the other hand, it

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is being rather delayed. But, whatever it is, to give the students the scope for appearing for examinations for which they have been preparing is certainly the duty of every one of us. I suppose it is prescribing a wrong remedy to the particular grievance to say that this clause ought not to be allowed to pass. I certainly concede that, so far as this measure is concerned, we are at one with the Government in thinking that that facility should be given to the students. But, Sir, I wish to sound a note of warning, that we are not responsible for the situation that has been created by the Government consenting to the proposal of the hon. Member from Chittoor for secession of the Ceded Districts and Chittoor, which has resulted in a good deal of misgiving in the Andhra desa. I am sure my hon. Friend from Chittoor will think seriously about the feelings aroused in the coastal districts, while the cry has been for the formation of an Andhra province. My point, Sir, is this: let this cleavage be not there for all time. So, to begin with, let us have this move in the matter of the Andhra University area. I request my hon. Friend, Mr. Muniswami Nayudu, to see that those districts are once more included in the Andhra University area. So far as these transitory provisions are concerned, I think it is certainly a laudable idea, and they ought to be passed."

Mr. P. ANJANEYULU:—"Mr. President, Sir, I fear that the real motive with which this opposition was voiced for consideration by my hon. Friend from Bezwada has not been properly understood. I take it he only wanted to provoke this sort of discussion with a view to seeing what my hon. Friend from Chittoor who is solely responsible for the situation had to say on the matter. I am glad that, though my hon. Friend from Bezwada put the case with an amount of feeling, he was willing to accept clause 3 of this Bill, and thus both my hon. Friends from Bezwada and Chittoor are getting themselves reconciled. Even though we the elder members from the Andhra desa are fighting on this question, the next generation, the students who are there, would not allow this state of things to continue. Next year, perhaps, another amending Bill may come, and then the Ceded Districts and Chittoor may come into the Andhra University area. For the present, we hope to have these students for the next five years. I am perfectly sure, and I almost prophesy, that Chittoor and the Ceded Districts will come back to us."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, I must thank the hon. Member for the University and Mr. Muniswami Nayudu for having put the point clearly, and I must thank also Mr. Ramasomayajulu and Mr. Anjaneyulu for pointing out why this clause should stand part of the Bill. My task is thus made easy. But I must say a few words as a protest against the statement made by the hon. Member for the University who wants to take every opportunity to criticize the action of the Government and point out under what circumstances the Andhra University Bills were passed. Everyone knows that the question of the Andhra University headquarters has been under consideration for two or three years, and these Bills had to be passed because this question of headquarters had to be settled. Then the other question came in, because the Ceded Districts said that the removal of the headquarters so far away as Vizagapatam should release them from affiliation to the Andhra University. That is the reason why the Government accepted that proposal. Then, naturally, I felt that there was some lacuna to which my hon. Friend, Mr. Satyamurti, referred. He also referred to the

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reference to the Advocate-General. I am glad he is well posted with information from the Secretariat.

* Mr. S. SATYAMURTI:—"On a point of personal explanation, Sir. The file came to me as a member of the Syndicate of the University of Madras, and in that connexion I had to peruse the whole file. I am not in the habit of posting myself with information from the Secretariat."

* The hon. Dr. P. SUBBARAYAN:—"As a member of the Syndicate, he should have known it was a confidential communication."

* Mr. S. SATYAMURTI:—"On a point of personal explanation again, Sir. There was nothing marked 'confidential' about it at all."

* The hon. Dr. P. SUBBARAYAN:—"It may not be marked 'confidential' at all. So far as I am aware, in a matter in which the Syndicate is carrying on correspondence, in the interest of the work of the Syndicate, I think, my hon. Friend should know, that it should be rather treated as confidential. (Mr. S. Satyamurti: Nothing of the kind.) He should not use his position as a member of the Syndicate to disclose the communication."

* The hon. the PRESIDENT:—"Let us go to the provisions of the Bill."

* The hon. Dr. P. SUBBARAYAN:—"As the hon. Member for the University knows . . ."

* The hon. the PRESIDENT:—"I am not able to understand how any communication from the members of the Syndicate is relevant to this discussion."

* The hon. Dr. P. SUBBARAYAN:—"It is relevant in this way, Sir. The hon. Member for the University referred to it himself. He got possession of the information in the Secretariat because he was a member of the Syndicate. So, I point out to him the fact that he ought not to use such information."

* The hon. the PRESIDENT:—"The question is this: when a reference was made to the hon. Member for the University that he got the information from the Secretariat, he was justified in giving a personal explanation that he had the information from the Syndicate. Whether the hon. Member is justified in referring to a communication which he received as a member of the Syndicate is not at all relevant to this debate. No reference need therefore be made to it."

* The hon. Dr. P. SUBBARAYAN:—"All right, Sir. I shall not refer to it further. The hon. Member got the information as a member of the Syndicate, and he was able to give out the information here. I hope he will continue to give such useful information to hon. Members of this House from the information he gets from the Syndicate."

"Mr. President, as I said, the Government had accepted that proposal, because at that time they felt that a solution of the Andhra University headquarters should be come to definitely. That is why it was accepted. That is the only point I wished to reply. As for the necessity for this clause 3, it has already been brought out clearly by hon. Members who spoke before me."

* Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, I desire to say just a few words on this matter. I am particularly sorry that any reference should have been made to my hon. Friend from Chittoor that he is solely responsible for the so-called separation of the Andhra desa into two parts. I

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know, Sir, there is a very strong feeling in the districts to which I belong, that those districts have not been fairly dealt with by my hon. Friends from the north. I know, Sir, that my hon. Friend from Chittoor only voiced the feeling of a section of the people in those districts. We have been trying to bring these two sections together, and I am sure that my hon. Friends from the Circars will do nothing either by word or act to increase the cleavage that exists for reasons that may not be discussed. I feel sure that the hon. the Minister for Education who has brought in this amending Bill and who is giving the facility for students of our districts to appear for the Andhra University examinations will not give any further cause for such exchange of views on the floor of this House. I want that all of us should co-operate together after all, in the interests of a higher cause that pertains to the whole of the Andhra desa. I am sure that all these feelings will disappear with the real establishment of the Andhra University and with the real development of Anantapur by the Government."

* The hon. the PRESIDENT :—"The question is that clause 3 shall stand part of the Bill."

The motion was carried, and the clause was added to the Bill.

* The hon. the PRESIDENT :—"I will now put the Preamble to the vote of the House."

The Preamble was put, passed and added to the Bill.

The hon. Dr. P. SUBBARAYAN :—"I now move that the Bill be passed into law."

The hon. Mr. M. R. SETURATNAM AYYAR :—"I second it."

* The hon. the PRESIDENT :—"The question is that the Bill further to amend the Andhra University Act, 1925, be passed into law."

The motion was adopted and the Bill was passed into law.

IV

A BILL FURTHER TO AMEND THE MADRAS VILLAGE COURTS ACT, 1888.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I introduce a Bill^a further to amend the Madras Village Courts Act, 1888, and move that the Bill be taken into consideration at once. The Bill, as stated in the Statement of Objects and Reasons, seeks to enable the munsif within whose jurisdiction a village court which has passed a decree may happen to be situated, to send the decree for execution to another munsif. As the provision in the Village Courts Act now stands, it is only the particular munsif within whose jurisdiction the village court that passed the decree is situated, that can execute the decree. It cannot be executed by any other munsif. The provision that is made in this Bill is to enable any other munsif than the one within whose jurisdiction the Court that passed the decree is situated, to execute the decree. Care is also taken to provide distinctly that any munsif can send the decree for execution only to a village court situated within his own jurisdiction. Then, opportunity is also taken to make it clear that an order passed by a District Munsif in respect of movable property in execution is not appealable. The orders passed by a village court in execution in respect of movable property are not appealable. Therefore it will be anomalous if the orders of

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the District Munsif to whose court such decrees are sent for execution should become appealable to higher courts. Provision is therefore made to make it clear that the orders passed by a District Munsif in execution of decrees passed by village courts in respect of movable property are not appealable. I move that the Bill be taken into consideration."

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

* The hon. the PRESIDENT :—"The question is that a Bill further to amend the Madras Village Courts Act be taken into consideration."

The motion was carried.

* The hon. the PRESIDENT :—"I will now put the clauses to the vote of the House. The question is that clauses 1 to 3 shall stand part of the Bill."

The motion was carried.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I move, Sir, that the Bill be passed into law."

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

* The hon. the PRESIDENT :—"The question is that the Bill be passed into law."

The motion was adopted and the Bill was passed into law.

V

A BILL FURTHER TO AMEND THE MADRAS MEDICAL REGISTRATION ACT, 1914.

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"Sir, I introduce a Bill^a further to amend the Madras Medical Registration Act, 1914, and move that the Bill be taken into consideration at once."

"In the Medical Registration Act of 1914, we have provided for one member to be elected by the Medical Faculty of the Madras University, to the Medical Council, and also representation is given on it to graduates belonging to the University of Madras. Now that the Andhra University has come into existence, we want to see that the Medical Faculty of the Andhra University sends a representative to the Medical Council, and also that representation on it is given to the graduates belonging to the Andhra University. For this simple purpose, I move that my Bill be taken into consideration."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I second it."

* The hon. the PRESIDENT :—"The question is that a Bill further to amend the Madras Medical Registration Act, 1914, be taken into consideration."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is that clause 1 shall stand part of the Bill."

The motion was adopted and clause 1 was added to the Bill.

* The hon. the PRESIDENT :—"The question is that clause 2 shall stand part of the Bill."

^a Published in the Fort St. George Gazette, on 5th February 1929, as Bill No. 6 of 1929.

^a Published in the Fort St. George Gazette, dated 27th August 1929, as Bill No. 11 of 1929.

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"Mr. Harisarvottama Rao has just handed to me a list of amendments, which are the same as amendments standing in the name of Mr. Biswanath Das. They will be treated as new amendments by Mr. Harisarvottama Rao."

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I take objection."

The hon. the PRESIDENT:—"The objection prevails."

* Mr. G. HARISARVOTTAMA RAO:—"Mr. President, Sir, I am afraid that this amendment to the Act does not go far enough. There is no doubt an anxiety on the part of the Government to include the representatives of the Andhra University in the Medical Council. The Government has long accepted the theory of developing the Indian systems of medicine, and my Friend the hon. Sir Usman who now adorns the Treasury Bench, was responsible for the first report on the indigenous systems of medicine in this country. He has been so closely connected with one of the indigenous systems that one would have expected that he would include in this amending legislation such of those as could be included from the standpoint of indigenous medicine. He cannot plead that there are no institutions from which he could draft representatives. The Government has established an institution and it has been in existence for some time."

* The hon. the PRESIDENT:—"I do not think that what is not provided for in the Bill can be relevant to this clause."

* Mr. G. HARISARVOTTAMA RAO:—"The provisions of clause 2 is for consideration."

* The hon. the PRESIDENT:—"A reference to what is not provided in the clause cannot be relevant to the discussion."

* Mr. G. HARISARVOTTAMA RAO:—"Then, Sir, I shall take another opportunity to make my remarks."

Mr. P. ANJANEYULU:—"May I ask whether if we are going to oppose the clause we cannot say we oppose it for the following reasons?"

* The hon. the PRESIDENT:—"There may be motives."

"The question is that clause 2 shall stand part of the Bill."

The motion was adopted and clause 2 was added to the Bill.

The preamble was then put, passed and added to the Bill.

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur:—"I beg to move that the Bill be passed into law."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

* Mr. BASHEER AHMED SAYEED:—"Sir, I object to the motion made by the hon. the Home Member. It comes with ill grace from him that he should object to an amendment that was sought to be moved by my Friend from Kurnool. The amendment had been given notice of by my Friend from Ganjam, and the hon. the Home Member had enough time to consider it; and if he had really left the amendment for discussion in the House and put forth his reasons for not accepting it, that would have been sensible."

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But from a member of that committee, nay, from the chairman of that committee this Government appointed some time ago to investigate into the systems of medicine called indigenous, which included the Unani, Ayurvedic and Sidda systems, I expected some concession being shown towards the attempt made in this House to give some recognition to the indigenous systems of medicine. Sir, the Government itself has established an institution called the School of Indian Medicine, under the able principalship of a gentleman who combines in himself a knowledge of both the allopathic and Indian systems of medicine; and though the institution is not working in as satisfactory a manner as one would desire, yet it is a factor which has to be reckoned with in this country. And that a chairman of the committee which recommended the establishment of such an institution, and member of the board which is supposed to supervise that institution, should have opposed this amendment or should not have allowed it even for discussion in this House, to say the least of it, is not graceful. Mr. President, when the amendment to the Medical Registration Act is being considered, this is just the time when the other institutions that are existing in this country should also be given a representation on the Medical Council. If the hon. the Home Member had said that the institutions which are sought to be given the privilege of electing their representatives are not competent and do not deserve any such recognition, that would have been intelligible. But far from saying anything of the kind he has not only objected to the amendments brought forward, but proceeded straight away into making this measure a law. I would warn the hon. the Home Member that what he has been doing all these four and a half years and what he might propose to do in future, as far as we can learn from the trend of events, are not really in the interest of himself or in the interests of the country, and much less in the interests of the community to which he says he belongs. The grievances that the Muslim community has against him and also the country outside has against him are numerous, and this is but one addition to that long list. I am really sorry to make these remarks. Having an interest in the system called the Unani, and knowing much more than the hon. the Home Member does profess to know or claim to know, I think that it is a direct insult and an injustice done to the Unani, Ayurvedic and Sidda systems of medicine in not having allowed them some representation on the Medical Council. I know, Sir, that those who practice the allopathic system and those who are controlling that system are doing a good deal to stifle these indigenous systems. They have not yet accorded recognition to the certificates and diplomas issued by the Government School of Indian Medicine. Although the examinations were held and the results were announced pretty long ago, yet the diplomas have not been issued to the successful candidates and no Government Orders have been passed to enable them to register themselves."

* The hon. the PRESIDENT:—"The whole administration of that system of medicine cannot be relevant to this discussion. The non-inclusion of these graduates in the list is, I think, not relevant to this debate."

* Mr. BASHEER AHMED SAYEED:—"Already injustices and insults have been heaped on the Indian systems of medicine, and I consider this additional one as in no way creditable to the Government or to those who represent the Government, especially when they themselves claim to have a personal interest

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or connexion with these systems of medicine. I therefore oppose the passing of this measure into law, and I appeal to my hon. Colleagues in this House not to accord their sanction to this measure."

* Mr. G. HARISARVOTTAMA RAO :—" Mr. President, Sir, I beg leave of you to permit me to appeal to the hon. the Home Member in a softer strain than that which has been adopted by my Friend Mr. Basheer Ahmed. I hope, Sir, that the hon. the Home Member has realized by this time the mistake he has committed. (Mr. Basheer Ahmed: Will he realize?) I hope, Sir, that he has also understood the implications of the objection that he raised. I still feel that there must be somewhere in his heart a fibre that must respond to the touch of national appeal. It is an appeal not coming from me, but it is an appeal coming from the numerous Vaithians, Hakims and others with whom my hon. Friend the Home Member has had a great deal to do. In a moment of inadvertence it is quite possible that he forgot his old associations and that he omitted any reference to the indigenous systems of medicine in bringing his amending Bill before the House. He will recognize, Sir, that the omission of any provision to include representatives of the indigenous systems is a grave omission, and that it ought to be made good as quickly as possible. He could have made it good in this amendment. He has brought in a piece of legislation which is absolutely disappointing and incomplete when we look at it from the standpoint of the progress of the national systems of medicine. I therefore feel, Sir, that if I am able to appeal to his heart, I shall be able to convince him that he should drop his motion at this stage, that he should give himself more time, that he should think more carefully about the fate that hangs ready to overtake the indigenous systems.

"He must be conscious, Sir, that the indigenous systems have been ruled out of existence under his very nose by the policy that has been adopted hitherto. He knows, Sir, that the indigenous systems have not been recognized as fit for even registration; and it must be open to him to understand very clearly that if he made some provision for representation of Indian medicines on the Medical Council there might be a chance for the Medical Council to consider that question in a favourable light and give an impetus to the indigenous systems to the extent to which a vain-glorious service like the Indian Medical Service could. He has not thought out the question carefully and he has not found methods for introducing such a small measure as giving the indigenous systems representation on the Medical Council of this Presidency. I wish, Sir, he had given more thought to this question. I wish, Sir, that he kept true to his earlier traditions. Let him not belie his previous professions. He is now an hon. Member in the Treasury Bench. But he was a distinguished doctor, with a distinguished parentage in the line of doctors, and it is not open to him to come and tell us that he will decline to consider this question in a favourable light, and it is not open to him to tell us that he will go on with this legislation, and in a rough and ready manner trample under foot the chances of indigenous systems. It is quite possible he will rise in his place and say that the matter will be very sympathetically considered and that another opportunity would be taken to include these systems. We have known what all these professions have meant already and what they will mean hereafter. Therefore it is up to him to drop this legislation. I am not pressing on his attention the claims of the indigenous systems for acceptance immediately on the floor of the House.

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"It is quite possible, Sir, that he will have to contend against heavy odds 12-45 even in the Cabinet even if he wants to bring in a piece of legislation of that kind. I do not know what his difficulties are. It is not my privilege or my misfortune to be in his position. I am glad that I am not, because he must have been feeling the difficulty of it being himself in favour of a measure like this that we are pressing. I therefore appeal to him to drop the motion at this stage and take it up at a later stage providing for the inclusion of representatives of the Indian systems of medicine on the Medical Council and retrieve the fair name that he once had in regard to this matter."

Mr. P. C. VENKATAPATHI RAJU :—" Mr. President, I am at a loss to understand the pleadings of my own party men in regard to this measure. This is an Act intended to bring under some control the allopathic medical practitioners and to prevent all sorts of people claiming to be medical practitioners making experiments on the lines of their fellowmen. I for one would have thought it a great injustice now to bring in a Bill to control and register the indigenous medical practitioners. Sir, we all know that when a Bill to bring the allopathic medical practitioners under control was first thought of, it was felt that it would inflict a great hardship on them. Again, Sir, when a Bill for the registration of Dhais and Midwives was introduced, it was felt that it would further restrict the already too small number of indigenous midwives. It was then thought that as there was no sufficient supply for the demand, we should not think of bringing them under that Bill and restrict the activities of people who, although not academically qualified, were considered to be quite competent to do their work. With regard to practitioners of the Indian systems of medicine also, I think we would be doing a great disservice if just at the infant stages of these systems we limit their activities by disqualifying them if they do not possess the prescribed certificates. I fail to understand how the registration of these men would give an impetus to these systems of medicine. Of course, if my hon. Friends would convince me how by dropping this Bill it would be possible to bring in persons qualified under the Indian Medical system, I for one would certainly support them. But now, under the existing circumstances, unless we systematize and bring these Indian systems of medicine to their proper condition, we should not think of limiting the activities of the indigenous medical practitioners only to the men that come out of the School of Indian Medicine. I know that there are many medical practitioners in the Indian systems of medicine who are not qualified in this institution, but at the same time are quite capable of treating persons in some cases far better than even the allopathic doctors. So I ask why we should oppose the passing of this Bill."

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" Mr. President, Sir, my hon. Friend Mr. Harisarovottama Rao appealed to me to drop this Bill at this stage. If I follow his advice what will happen is that the Andhra University will go without representation on the Madras Medical Council. I do not think it is a desirable state of affairs.

"As regards the question of registering the indigenous medical practitioners, the hon. the Leader of the Opposition has viewed the question in its proper perspective. He has brought to the notice of the House certain difficulties. There are, I am told, about 20,000 indigenous medical practitioners in the presidency and there are only a few schools to train them.

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* The hon. Sir THOMAS MOIR :—" May I point out that the resolution creates a possible liability upon the Government and not a charge on the Government ? "

* Mr. S. SATYAMURTI :—" On a point of order, Mr. President. May I know whether the hon. the Minister's information that the sanction of the Governor has been obtained is correct, and if so, on what basis was it obtained ? Or the hon. the Finance Member's statement that it is a contingent liability is correct ? "

* The hon. Mr. M. R. SETURATNAM AYYAR :—" We had a talk about this in the Cabinet and I remember that I gave notice of this the other day to your office. "

* The hon. the PRESIDENT :—" I want to know whether sanction is necessary or not. "

* The hon. Sir THOMAS MOIR :—" May I point out that there is no charge involved in this ? It is merely a contingent liability and the Government thought it desirable to get the assent of the Council to such a proposal. If the movement becomes successful, as I hope it will, there will be no necessity for the Government to meet any interest charge at all. The acceptance of this resolution would merely mean a contingent liability. If it had been a liability it could have been assessed in the form of a revenue and we would have adopted a different procedure. We would have moved for a supplementary grant. It is merely a guarantee that in the event of something unforeseen happening the Government will guarantee interest at 6 per cent on the capital invested. Assuming that there will be a liability it will not go beyond a contingent liability. In the event of a failure of the bank we shall be bound to bring in a motion before this House either at the budget time or as a supplementary grant that Government should meet the deficit. There is no question of liability involved at present and we merely wish to get the approval of this Council to give this contingent guarantee. "

* Mr. ALLADI KRISHNASWAMI AYYAR :—" I think section 80-C has no application to the resolution before the House. 80-C is merely a rider to 80-A which deals with the law-making power of the local Legislative Council. The word 'measure' in 80-C can have reference only to legislative measures. This is merely a recommendation of the Executive to take a particular course of action. At this stage the hon. the Minister for Development as a Member of this Council is suggesting to the Government a particular course of action. His suggestion is : 'That this Council recommends to Government, etc.', and is in the form of a resolution. At any rate, 80-C has no application to a case of this kind. 80-C runs thus :

'It shall not be lawful for any member of any local Legislative Council to introduce, without the previous sanction of the Governor, Lieutenant-Governor or Chief Commissioner any measure affecting the public revenues of a province or imposing any charge on those revenues.'

"The measure that is referred to there is the class of measures that is referred to in 80, and is a restriction on the general powers of bringing in legislation under section 80-A."

* The hon. the PRESIDENT :—" The Council will now proceed to discuss the resolution. "

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* Mr. C. V. VENKATARAMANA AYYANGAR :—" I want to say a few words. Although the hon. the Finance Member said that this is only a possible liability, if the Government had brought forward a supplementary grant or included it in the budget about this possible loss, I would certainly have gladly supported the motion. When once this House passes this resolution and the Government accepts it, it means for 25 years at least there will be no further chance to repudiate the responsibility that is involved in this resolution. Most of us are strongly in sympathy with this resolution. I would urge that the Government would go carefully into this matter and let us know how we stand. The resolution guarantees interest on 50 lakhs of rupees so far as subscription to the Central Bank is concerned. We know that a number of banks have been started in the mufassal and at least five banks have already collected debentures. We therefore want to know whether this resolution cannot be made clearer and whether the guarantee of 6 per cent interest would apply to all the debentures that have already been taken or are hereafter to be taken, either by the Central Bank or any other bank in the mufassal. If that is not made clearer several difficulties would crop up. That is one of the important points which I wanted to mention and we do hope that Government would clarify the position. We do urge that Government should support a number of land mortgage banks that have been already instituted and are hereafter to be instituted throughout the Presidency. I would request the hon. Minister to consider the suggestion whether he would permit the omission of the word 'Central Bank' in the resolution. "

* The hon. the PRESIDENT :—" Is that an amendment ? "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" I am only suggesting that to the hon. Minister as an amendment as if we were in a committee. "

* The hon. the PRESIDENT :—" I think the House is always in the habit of getting into a committee. "

* Mr. C. V. VENKATARAMANA AYYANGAR :—" Quite so, I think you are very readily encouraging us to do so in that direction more than in other ways. "

"Sir, we are very thankful, so far as this particular question is concerned, to the Government for having brought forward this resolution. But this resolution raises several important questions in that the Government are going to guarantee for the next 25 years interest at the rate of 6 per cent on the debentures collected. They guarantee at the rate of 6 per cent on 50 lakhs which means 3 lakhs per year. For 25 years it comes to 75 lakhs. To make the movement more popular, I would appeal to the hon. Minister to agree to bring an amendment. There is no necessity to have this security or guarantee of interest only upon the debentures issued by the proposed Central Bank. I appeal to the hon. Minister and the Government to take into consideration the land mortgage banks that have been already started in the mufassal. There have been three started in the Coimbatore district and some debentures have been already subscribed. After all, it is the mufassal banks that are to advance more money upon mortgage, and collect the money advanced on mortgages and it is the mufassal banks that should see that the loans are properly applied. I never thought the Government would say that they were not

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going to encourage these banks in the mufassal at all. But if these banks in the mufassal are to function properly, I ask why the Government should not directly encourage those that have been started or are going to be started in the mufassal. Many of us are willing to take debentures in this guaranteed scheme. I am sure there will be a very large number of people who will be prepared to take debentures in this scheme especially when the interest is guaranteed at 6 per cent. Investment at 6 per cent, especially when Government guarantees it, is a sound business from an investor's point of view and I ask the hon. Minister if he cannot move an amendment to omit the words 'by the proposed central land mortgage bank'. It should be made clear to the House that the issue may be either by the proposed central bank or the mufassal bank, but the first option should be given to the mufassal banks. It may be that people from other provinces may like to take debentures. In this connexion I may say that in one of the cases where there was a call for a debenture of 6 lakhs at $6\frac{1}{2}$ per cent the Maharaja of a certain State sent a cheque for the whole amount and several other people had to go disappointed. Therefore what I say is that Government's guarantee of 6 per cent is likely to induce a large number of people from outside this province to subscribe. I am not exaggerating when I say that many Americans will be ready to take the whole of 50 lakhs of rupees. Therefore I do strongly urge that these debentures should be restricted to the people of this Presidency and the issue should be strictly confined to the mufassal banks first. It is the mufassal banks that should be given the first option so that they may shape the policy of sanctioning loans on mortgages and collecting them.

"The second point that I would ask the Government is whether the Government are going to take any portion of the principal? The note says that first of all, so far as mufassal banks are concerned, 'we are agreeable to take half of the debentures'. It says that, Government in each of these mufassal banks takes 50,000 rupees debentures provided the banks are able to get debentures for another 50,000 rupees. I believe the interest in that case was to be 7 per cent.

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"The first part of the note says 'the Government undertake to take up debentures to the extent of Rs. 50,000 in each bank provided that the public first take up the other Rs. 50,000'. In the second paragraph there is reference to the interest of 7 per cent payable on these debentures. Therefore the original idea of the Government was to encourage the formation of land mortgage banks in the mufassal by undertaking to subscribe Rs. 50,000 if the public subscribed the other Rs. 50,000. At that stage there was no guarantee of interest. It is fair and proper that when the Government would give a guarantee of interest, they should, as a matter of course, reduce the rate of interest to 6 per cent. In view of this guarantee which the Government have given, I wish to know what is to become of their undertaking to subscribe Rs. 50,000 for debentures if the public are able to subscribe an equal sum. I think that mufassal banks have been started on this understanding. I wish to know if the Government are going to give this undertaking and if so, under what qualifications. Are they going to continue to undertake to take up debentures to the extent of Rupees 50,000 : of course 6 per cent interest ought to be paid on the debentures. That is a very important question. I hope the

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hon. Minister would make the position of the Government very clear. There is no use of having only one committee in Madras making recommendations and the Government accepting only one of the recommendations.

"You will see at page 3 of the memorandum that recommendations are made to frame many by-laws. The Government are giving effect to only one of those recommendations. I want to know what will become of the other by-laws to be framed. I wish to know whether the Government are going to guarantee the principal. So far as the interest is concerned, it may be paid. The period fixed at present for these debentures is, I believe, ten or twenty years. They are trying to make it 25. I want to know whether the Government are going to guarantee any portion of the principal that has already been subscribed on the original undertaking given by the Government or to be subscribed hereafter? At page 3 of the memorandum circulated to us, many by-laws are recommended to be prepared. I do not know whether the Government approve of all those by-laws. The first by-law is that the bank should have a sinking fund and that it should purchase its debentures whenever necessary to prevent depreciation. Are the public to subscribe on the possibility of this by-law being framed? Have the Government given their approval to that by-law? If so, a number of complicated questions will arise. Of course the bank must be asked to pay a guaranteed interest. If the bank's receipts are not sufficient to have a sinking fund, what are the Government going to do? I am putting to you one of the complications that is likely to arise. People will say afterwards: you said that the bank should have a sinking fund and it should purchase its debentures. Not only will I get a guaranteed interest for 25 years, but I can sell my shares, if necessary, to the bank at any time. I need not go to the share market to sell these debentures. Supposing the debentures get depreciated in value, the Government should enable the bank to purchase these debentures. What then is the position of the tax-payer? Not only is he responsible for the payment of 75 lakhs of rupees by way of interest but also for payment towards the sinking fund. I say these are very important questions and before debentures are taken from the public, these points should be cleared up. The hon. Minister may refer us to item (5) that 'no guarantee of the principal is necessary and it is sufficient if interest is guaranteed during the currency of the loan.' What I wish to ask is, is this by-law inconsistent with the previous by-law that the bank should have a sinking fund and what is more it should purchase these debentures whenever necessary? The time when it may become necessary to purchase the debentures may not be long in coming and I wish to know what the Government propose to do in that case. There are a number of other points to which I need not refer now.

"I want to ask the hon. Minister one more question; he must make it clear—there is no mention of it here—whether this debenture interest will be income-tax free. We all know, Sir, that all dividends received by shareholders of co-operative banks are free from income-tax. If I am a shareholder of a co-operative bank, I need not pay any tax on the dividend I get. And the question arises whether the debenture holders should be considered as shareholders or not. You know that 6 per cent interest means 9 annas income-tax. Therefore it should be made clear whether the interest we get

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will be 6 per cent actually or something less, say, about 5.45 per cent deducting the income-tax. I know, of course, there is the possibility of the income-tax being refunded. I am not going into that complicated question now but I am asking the Government to make all these points clear and tell us exactly, before this resolution is passed, how we stand and how the Government stand.

"From the suggestion made by you and the answer given by the hon. Minister, we thought that the matter had been seriously considered when the sanction of His Excellency the Governor was obtained. Evidently no sanction has been given by His Excellency. The hon. Advocate-General said this was only a recommendation to the Government. The hon. Minister has moved this resolution. Of course this motion is couched in the language of a resolution. But we must understand that it is not a private Member that is moving this resolution but a Minister. He is moving it on behalf of the Government, and so we are entitled to know whether the matter has been fully thrashed out in the Cabinet and whether they have arrived at definite conclusions. Some of these questions were of course raised at the conference composed of banking experts. But, coming as I do from the mufassal I know a little about the condition of these land mortgage banks and the way in which these debentures are likely to be subscribed, and I think it is better that the House is enlightened on all these points. If some of these points require further consideration, then, before the public are asked to subscribe to these debentures, the hon. Minister may take some time and come before the House some time later.

"Of course I fully approve of the scheme of the Government. We in the Coimbatore district have been suffering from bad seasons for the last eight or nine years; many landlords have already gone to the insolvency courts or are on the verge of doing so, because of the large amount of interest they have to pay on the large loans they have already taken from various money-lenders and ordinary banks. Immediate relief to the large landholders is, therefore, extremely necessary. Even this sum of Rs. 50 lakhs for a whole Presidency is nothing; this will be only a drop in the ocean as there will be a large number of applications from the landlords. Rural indebtedness, especially of landlords, is so great that anything by way of financial help will be availed of at once and there will be very good securities also forthcoming so far as the mortgages are concerned. At the same time it is better to avoid disappointments. You will find that, within a short time, even this large sum of Rs. 50 lakhs is insufficient for the purpose for which the scheme is started. So it is better that we go into the whole question very carefully before we pass this resolution. The Government must tell us and, through us, to the public at large, what exactly the implications of this scheme are. While I strongly support the resolution generally and while I agree to its main principles, I should certainly ask the Government to give us more information and agree to support the mufassal banks in preference to the Central Bank; then this scheme will be very successful.

"I have to deal with one other point and that will be the last one. At page 3 of the memorandum, it is stated 'subsequent mortgages by debtors should be prevented by legislation'; and it adds that 'the maximum amount of loan that can be borrowed by an individual is to be raised later on to Rs. 5,000.' We, who come from the mufassal, know that unless these land mortgage banks give loans at least to the extent of Rs. 5,000 to start with,

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it will be quite useless. The question has been raised before that the maximum should be at least Rs. 5,000. The rule at present is Rs. 2,000. That is probably the reason why the scheme as it is is not so popular. The maximum should be immediately raised to Rs. 5,000. I do not know why the maximum should be limited even to Rs. 5,000. I would strongly appeal to the Government to raise both the minimum and the maximum. The minimum may be Rs. 1,000 or Rs. 2,000, but the maximum should go even to Rs. 10,000. If the maximum is only Rs. 5,000 the scheme will not be very popular. I think it is better that the rule is changed at once and that the maximum is raised at once to at least Rs. 5,000. Personally I think it should be Rs. 10,000."

* The hon. the PRESIDENT:—"The Council will now adjourn and re-assemble at 2-30 p.m."

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

* The hon. the PRESIDENT:—"The Council will now resume the debate on the motion of the hon. the Minister for Development."

* Mr. T. ADINARAYANA CHETTIYAR:—"Mr. President, Sir, I find the hon. the Development Minister looking a bit anxious about the fate of his motion. Sir, I can assure him that this resolution will be safe in the hands of this House; I can assure him that it will be passed; not because . . ."

* The hon. the PRESIDENT:—"Perhaps everybody is anxious about the duration of the sitting."

* Mr. T. ADINARAYANA CHETTIYAR:—"I am also equally anxious, Sir. I say so, because everybody is anxious to have some measure of the kind that has been adumbrated by the hon. the Development Minister. In fact a measure like that has not come a day too soon. All people who are concerned with the conduct of the co-operative movement in this province know full well how the middle class land-owner is suffering for want of timely loans, adequate loans and loans for a period which will be of real help to him in wiping off the millstone of debt which, according to an authority that must carry respect, is about Rs. 20 to Rs. 30 crores in this province. Sir, there is also urgency about it, because until the other day loans to rural primary societies were granted for a period of ten years, but now for the last one year or so, loans are granted to primary societies only for a period of two or three years. It is evident that in order to wipe off prior debt, a loan of two or three years' duration is absolutely useless. In all civilized countries where a system of debt-redemption by a system of land mortgage banking is in vogue, the period of amortization often extends to seventy years. Therefore, I need not adduce any further arguments to show that this measure is an urgent and an absolute necessity. But at the same time, Sir, the way that the department or rather the Registrar—because nowadays the department means only one person, that is, Mr. Hood, I.C.S., Registrar of Co-operative Societies—only one person, that is, Mr. Hood, I.C.S., Registrar of Co-operative Societies—the way in which he has gone about this business causes apprehension. Sir, it is a year, perhaps more, since a properly drafted application was sent to the Registrar for registering a land mortgage bank on lines almost similar to the one now being organized. I believe I was the first signatory; but besides myself there were other people like the hon. Mr. V. Ramdoss, Diwan

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Bahadur Ramachandra Rao, Dr. Swaminathan, Dr. Pattabhiramayya and several others whose names ought to be a guarantee, with all their experience in the field of co-operation, for sound co-operative principles. May I know what has become of that application? How is it that this omnipotent Registrar attempts to burke that application and does not send even a courteous reply to the signatories who have put in almost a life-time of service in the field of co-operation? Can the Registrar deny that he almost engineered a second application for a land mortgage bank. May I know, Sir, whether this House can take it that the action of the Registrar was not based on prejudice—I need not say what kind of prejudice it is. The way in which that first application was burked and the second application was worked up, fills the public with apprehension. May I ask in what respects the second application which he presumably engineered, is better? In the first application it was arranged that the management of the Central Land Mortgage Bank should vest, for administrative convenience, in the apex bank, otherwise popularly known as the Madras Central Urban Bank, Limited. We know, Sir, the Madras Central Urban Bank which I referred to as the apex bank, is the first institution of its kind in the whole of India. Its successful working has practically filled with envy the other provinces. Its business capacity and its successful history with twenty-five years' service behind it, ought to be a guarantee that if that bank is entrusted with the serious work of a Central Land Mortgage Bank, it will work very well. In the original application, Sir, that bank was sought to be made the trustee; and the reason why under the present arrangement, the Registrar seeks to constitute himself the trustee is a thing which the Government will have to explain. Is it because after twenty-five years' working in the co-operative movement, the non-officials cannot be trusted to work this land mortgage bank with credit? If you simply pass over this matter, I am sure it cannot satisfy the people. Strong and cogent reasons for making the Registrar constitute himself the trustee, without entrusting this business to the apex bank, must be given.

"Sir, whether the Central Urban Bank, if entrusted with this business, could get on with the work, whether it would be able to attract debentures, etc., need not be doubted at all. For, in spite of the fact that the Madras Central Urban Bank has reduced the rate of interest on deposits to 4 and $4\frac{1}{2}$ per cent it has not suffered to any appreciable extent, and in the matter of deposits, it continues to attract enough working capital. Even as regards the twenty banks about which the Minister told us this morning and of which he said only five are working successfully, I can challenge him by saying that all the twenty banks would have been working well and flourishing to-day if only they had been started by the right people and worked in the right manner. Sir, I can give one instance where a very pliant Deputy Registrar using his communal bias, started a bank in the North Arcot district, at a place called Ambur, where there was absolutely no chance of a bank working properly at all. And after 24 months of working, it was found that the bank was not able to attract even Rs. 2,000 by way of debentures. Whereas, in the district of Salem, in a flourishing taluk, Namakkal, people were anxious to have a land mortgage bank in their midst and were petitioning the Government every day for starting a bank there; but the communal prejudice of a Deputy Registrar—

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I do not want to give out his name—made him select Ambur for starting the bank. Just as an old proverb goes: 'Give the dog a bad name if you want to beat it', Namakkal was given up in favour of Ambur. And that bank at Ambur did not work in the way in which it ought to work. But, had the Deputy Registrar and the other officials gone about their business in the right way things would have been different. Sir, it fills us with apprehension that under this new scheme which is to be started by the hon. the Development Minister or by the Registrar in the name of the Development Minister, they are going to have three expensive Deputy Registrars? with. Is there any need for these three expensive Deputy Registrars? Is there no time within measurable distance when non-officials with sufficient experience in this direction can get on without the help of these Deputy Registrars? There is a proposal not only for three Deputy Registrars, but also for ten Assistant Registrars or Sub-Deputy Registrars, a jaw-breaking name now given to the old Assistant Registrars."

* The hon. the PRESIDENT :—"The hon. Member is getting into a review of the whole department of co-operation."

* MR. T. ADINARAYANA CHETTIYAR :—"I only want to show, Sir, that the scheme is unworkable. I do not want to go into details, Sir; but what is the charm about these officials? Why should so many officials be appointed, and how are they appointed? Hundreds of men are being appointed in the Co-operative department, in anticipation of the sanction of Government, and people who have not been there for any length of time are appointed as officials in charge of responsible posts in spite of their not possessing the requisite qualifications. . . ."

* The hon. the PRESIDENT :—"I am afraid the hon. Member's remarks are not relevant to the motion before the House."

* MR. T. ADINARAYANA CHETTIYAR :—"There is no responsibility attached to these officials. They are going to deal with lakhs and lakhs of rupees; and what is the responsibility attached to these Deputy Registrars? They are mere birds of passage. . . ."

* The hon. the PRESIDENT :—"May I request the hon. Member to pass over another page?" (The hon. Member was seen to have some sheets containing notes in his hand).

* MR. T. ADINARAYANA CHETTIYAR :—"It is not a question of pages; they contain some relevant notes. I can give one instance, in the district of Salem where in the Yercaud, Shevaroy Hills, one Assistant Registrar light-heartedly recommended loans to the extent of Rs. 50,000 most of which has since become irrecoverable. . . ."

* The hon. the PRESIDENT :—"I have to say for the third time, that the hon. Member's remarks are not at all relevant to the motion before the House."

* MR. T. ADINARAYANA CHETTIYAR :—"I am sorry, Sir. There is also a further apprehension, Sir, that things are drifting in the management of the department of Co-operation; and this scheme is likely to become advantageous to the Imperial Bank, not in the interests of Indians, but in the interests of foreigners. Because, Sir, . . ."

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* The hon. the PRESIDENT :—" I would call the attention of the House to the fact that the hon. Member's speech is not relevant to the motion before the House."

* Mr. T. ADINARAYANA CHETTIYAR :—" I will not say anything further on that matter, Sir. I would only like to say that before the House gives its sanction to this scheme, before it takes up the responsibility of guaranteeing interest on debentures for such a long period as 25 years, it should consider deeply the pros and cons. Whether the things that have taken place in the past have justly filled the people with apprehensions or not, I will leave it to be judged by the House. But if we guarantee this interest for such a long period as 25 years, we will surely be making a plunge in the dark if things are managed in the way the department is now managing things; and before we do so, I would only ask the House to get an assurance from the Government that the mistakes that have been committed in the past will not be repeated in regard to this matter of the Central Land Mortgage Bank."

* Mr. C. GOPALA MENON :—" Sir, I shall only deal with the principle involved in this resolution without going into the details of the working of the land mortgage bank. The hon. Member from Coimbatore dealt with some of the details, which we shall have to deal with when the land mortgage bank actually comes into existence. What we are now concerned with is whether the Government are justified in giving a guarantee of a rate of interest 'not exceeding 6 per cent' on the full value of the debentures raised by the Central Land Mortgage Bank in order to finance the primary land mortgage banks. Sir, with a view to give help to the Central Land Mortgage Bank, the Government are to guarantee interest for a period of 25 years on debentures to the extent of Rs. 50 lakhs. That is the principle involved in this resolution. Sir, the agitation for a Central Land Mortgage Bank has been insistent; it is not a recent demand. Ever since the day of Sir Frederick Nicholson who first originated this idea of a land mortgage bank, and brought out his report on agricultural co-operative banks this Presidency has been agitating for the establishment of such a bank. The question at present, therefore, is whether Government subsidy or subvention is required, because the period for which the Central Land Mortgage Bank will have to lend money to the primary societies will be of a long duration. No Member of the House will deny the fact that such a subsidy or subvention from the Government is absolutely necessary in order to raise the ryots of the province from the pitiable condition in which they are placed to-day."

"The Ninth Conference of Registrars which met at Bombay in 1926 considered this question and they recommended that subsidy from Government to the extent proposed in this resolution would be a desirable one. The Townsend Committee on Co-operation and the Royal Commission on Agriculture have also given their opinion that the Government may guarantee interest not exceeding 6 per cent per annum for a period of 25 years on Rs. 50 lakhs in all to be raised by the Central Land Mortgage Bank within a period of five years. In other Presidencies also, similar banks have been started and the Government have come forward to guarantee the interest at which these debentures have to be raised. At the commencement, it is only proposed that 50 per cent should be reserved for primary banks and 50 per

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cent for individuals, and that these individuals should not borrow from the bank. That is a sufficient guarantee to see that those who take debentures from the Central Land Mortgage Bank come in not for the purpose of getting any financial assistance, in the way of loans, but in order to help the movement of the land mortgage bank.

"Turning to the question of the constitution of a sinking fund and the redemption of debentures, I think, these are details to be dealt with later on and it is unnecessary for us at the present moment to go into. It has been raised by Mr. Venkataramana Ayyangar, why no guarantee of principal is necessary by Government and why should not Government come forward to purchase 50 per cent of the debentures that will have to be issued by these banks. It is necessary that the public and the primary land mortgage banks, for whom this Central Land Mortgage Bank will form an apex bank, should come forward and it is also necessary that the people of the country should show their interest in an institution like this. It is therefore necessary that in the initial stage Government should take debentures. I therefore consider that Government should come in with this help that is necessary in support of the movement. With these remarks, I heartily support the resolution before the House."

* Mr. S. ARPUDASWAMI UDAYAR :—" Mr. President, Sir, I have very great pleasure in supporting this resolution. My hon. Friend Mr. Venkataramana Ayyangar spoke of agricultural indebtedness in his own district and how unfavourable seasons have driven large numbers of agriculturists into insolvency. Although agricultural indebtedness has reached a very acute stage in his own district, this question of indebtedness, especially rural agricultural indebtedness, is so general and so well-established a fact that it is a matter for gratification that at long last the Government have come forward with this scheme of a Central Land Mortgage Bank. If any moribund land mortgage bank is not working properly or is in a moribund condition or if there is no inducement to start any of these banks, I think this is mostly attributable to the lack of a Central Land Mortgage Bank, i.e., a central unifying and co-ordinating agency. Now, this scheme will be very welcome, for the Central Land Mortgage Bank will serve the needs of the primary banks. It will be the heart of the whole system, and the primary banks, the arteries, through which a vivifying influence will be spread over all rural areas."

"I am glad to find that this Central Land Mortgage Bank is guaranteed Government support. During the first five years Government should be required to guarantee interest or in the alternative to take up debentures at least to the extent of 50 per cent. Then again, we find that the Townsend Committee adopted the resolution that a guarantee of interest by Government for a certain period was of the highest importance. This guarantee from the Government will certainly result not only in the proper working of the Central Land Mortgage Bank but will also go a great way towards the successful working of the primary banks and especially the realization of the objects for which Government are starting this bank. For, I find that it is intended not only to relieve agricultural indebtedness, but also to promote the improvement of land and intensive methods of cultivation. These latter would also be within the scope of the Central Land Mortgage Bank. Now it will be readily admitted that the second object is certainly very good and all

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members who have any interest in land will be glad that by the institution of the Central Land Mortgage Bank, the Government are also trying to improve intensive cultivation.

"In regard to these primary banks, we read that they are going to have a separate establishment in connexion with the grant of loans, investigation of titles, valuation of properties, etc. It is but natural that they should have their own staff and be entrusted with these duties. They are in a better position than a central agency to know the actual state of things in a given local area and take charge of such duties as must necessarily devolve on them. It is a beneficial provision to see that subsequent mortgages by debtors are prevented by legislation, and that the maximum amount of loan that can be borrowed by an individual should be raised to Rs. 5,000, as the object is that the poor average cultivator should be benefited by this scheme. Then with regard to the Central Land Mortgage Bank which floats debentures, it will be a central collecting centre, taking charge of all mortgages and exercising an effective check on the primary banks neglecting their duties in regard to mortgages or assets.

"I find, that there is a provision that the individual shareholders should share in the management, but that they should not be allowed to borrow from the bank. I consider that to be a very good provision, for the intention is to benefit the cultivator and to relieve his indebtedness and not to enrich the shareholders. There is also another provision which says that at the commencement, of the authorized share capital, 50 per cent should be reserved for primary banks and 50 per cent for individuals. That is also another well-thought-out provision. But there is one provision which I fear may not work very satisfactorily, because we read that no individual shareholder should hold more than 100 shares and at the same time it is said that there shall be one vote for each share. I have a doubt whether this may not lead to plurality of votes and give rise to some kind of disturbance or agitation."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Every shareholder and not for each share. Evidently it is a mistake"

* Mr. S. ARPUDASWAMI UDAYAR :—"My hon. Friend tells me it is a mistake. I am glad to be told that it is a printer's mistake and that no such difficulty as I foresee will arise. Mr. Venkataramana Ayyangar has a great deal of experience of banking and therefore he wants more light to be thrown on certain questions of detail. My hon. Friend Mr. Gopala Meron has tried to answer some of the points raised by him and I hope the hon. Minister will fully solve these doubts and enlighten him on the remaining points. As a layman not generally conversant with these banking matters, it is unnecessary for me to deal at any great length with such matters of detail. These various primary banks form as it were so many arteries to the central bank which will function as the heart, as the collector of all the assets to be transferred from the primary banks, as the directing and governing centre. These are important provisions which will go a great way to relieve agricultural indebtedness which, as I have already stated, is a widespread evil requiring urgent remedy. On this account, the Central Mortgage Bank is certainly very welcome, and I hope the other provisions will also prove beneficial and will, on the whole, work satisfactorily. I do not think that the apprehensions entertained by my hon. Friend from North Arcot are really very serious, because a great deal depends upon the active

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working of the primary banks and, provided the agriculturist is assured of the benefit of the full loan, that will be an inducement for him to make a good and proper use of the bank. The primary banks will thus be kept up in a state of efficiency. As I know from practical experience, most of the landholders being illiterate, they do not know how to apply for loans, how to approach the proper authorities and have the full benefit of the loan and very often they have to spend a lot of time in getting a loan. If the rules are framed in such a way as to make the primary banks the real and effective channels for the distribution of these benefits to the agriculturists in rural areas, I think in a very short time, we shall have some satisfactory result accruing from this measure. Now, many of the agriculturists are in a state of chronic indebtedness and are very often driven into the clutches of usurers or as we often find in the southern districts, they do not know how to extricate themselves out of difficulties and recover their lands. Therefore, I think that this measure, though it comes rather very late in the day, is nevertheless very beneficial to the agriculturists. Therefore, I think, though it comes late, it is better late than never to have this scheme of a central mortgage bank."

* The hon. Mr. M. R. SETURATNAM AYYAR :—"I am glad, Sir, that Members from all sides of the House are agreed in regard to this measure except in regard to the details. I would like first to answer some of the points raised by Mr. Venkataramana Ayyangar. With regard to the question of guarantee for the principal, principal of loan is only up to 50 per cent of land mortgaged. Hence there is ample security for the principal. It is the prompt payment of the interest that requires to be guaranteed. Primary banks will not hereafter issue any debentures under this scheme. They will collect mortgages and pass them on to the central bank. The latter will command better credit than several individual village banks and thereby get money more easily and more cheaply for the village banks than they can get themselves. Help through the central bank instead of helping village banks direct is of the essence of the scheme. About debentures already issued, it is under consideration whether they will be transferred to the central bank or will continue to be dealt with by the primary bank. The amount of debentures already issued is only about Rs. 6 lakhs of which the public have taken 4 lakhs and Government 2 lakhs.

"In regard to item No. 10 in the by-laws, we have addressed the Government of India to amend the Transfer of Property Act. As regards the exemption from income-tax, the Government of India have not agreed but stated that they would refer the matter to the Banking Enquiry Committee and I hope something will be done by that committee. There are also very many other points raised by Mr. Venkataramana Ayyangar which will be taken into account when we frame the by-laws.

"Mr. Adinarayana Chettiyar stated something about the action of the Registrar of Co-operative Societies in respect of the Madras Central Urban Bank. In regard to that I can say that the Registrar has done nothing of the sort.

"There is an impression in the minds of some people that the money-lenders in the town and from the mufassal who have invested in the Madras Central Urban Bank will take a prominent part and that they will become all powerful and so they think that the department must become more democratic.

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They therefore want that the Government themselves should start the bank and that they would give an undertaking that they would take debentures on a large scale. Therefore, we are now considering whether Government should start the land mortgage bank themselves.

3 p.m. "With regard to other matters, they are comparatively not of much public importance and I have neither the time nor the material here to deal with them adequately. Mr. Gopala Menon has ably dealt with the objections raised by Mr. Venkataramana Ayyangar and I do not wish to add anything to what he had already said. I finally appeal to hon. Members of this House to see that the Central Land Mortgage Bank is started as early as possible. With these words I commend the motion for the acceptance of this House."

The resolution was put to the House and adopted.

VII

AMENDMENTS TO STANDING ORDERS.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I rise to present the report of the Select Committee appointed by this Council to consider certain amendments moved by me the other day in the Council, and I move that the report be taken into consideration. I do not think many words are necessary to commend this proposition to the acceptance of the Council. Sir, you were pleased to convene a conference of the Leaders of all Parties to consider the advisability of revising some of the Standing Orders which it had become necessary to revise. In that conference a decision was come to and in pursuance of that decision, a series of amendments to the Standing Orders were moved by me. These amendments were considered by the Select Committee and the Select Committee unanimously accepted these amendments, the report in respect of which I have the honour to present to-day. Consideration of amendments with reference to which there was difference of opinion, was adjourned. With these observations I beg to present the report of the Select Committee."

The hon. Dr. P. SUBBARAYAN :—"I second it."

* The hon. the PRESIDENT :—"The question is that the amendments to Standing Orders be taken into consideration."

The motion was adopted.

* The hon. the PRESIDENT :—"I now put the amendments to the vote of the House."

"The question is—

Standing Order No. 3.

'For the existing Standing Order No. 3, substitute the following :—

3. (1) When, owing to the existence of any vacancy in the office of a Deputy President, the election of a Deputy President is necessary, the Governor when there is no President, or the President when there is a President, shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.
- (2) At any time before 3 p.m. on the day preceding the date so fixed any member may nominate another member for

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election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating

- (a) the name of the member nominated and
- (b) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.

- (3) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy President by ballot.
- (4) For the purpose of clause 3 a member shall not be deemed to have been duly proposed or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation, as members of the Council.
- (5) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates as the case may be.
- (6) Where at any ballot one of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under clause (5) the determination as between the candidates whose votes are equal, of the candidate who has to be excluded, shall be by drawing lots.
- (7) No member who has been elected Deputy President and whose election has not been approved by the Governor shall be nominated as a candidate during the continuance of the same Council."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is—

Standing Order No. 5.

'For the existing Standing Order No. 5, substitute the following :—

5. (a) On days other than those allotted by the Governor for the business of non-official members of the Council, the Government may arrange Government business in such order as they think fit.

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- (b) (1) On days allotted by the Governor for the business of non-official members of the Council, unless any days have been allotted for any particular class of non-official business when non-official business of that class shall have precedence, the arrangement of the business shall be in the following order :—
- (i) Motions other than those falling under (ii) and (iii) below—hereinafter referred to as special motions;
 - (ii) Motions relating to Bills; and
 - (iii) Motions which are recommendations to Government—Resolutions.
- (2) Motions relating to Bills shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order :—
- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
 - (ii) Bills for which the next stage is a motion that the Bill as reported upon by a Select Committee be taken into consideration;
 - (iii) Bills referred to a Select Committee for which the next stage is the presentation of the report of the Select Committee, or the appointment of the actual members of the Select Committee;
 - (iv) Bills which have been introduced but have not been proceeded with as far as the stages set out above;
 - (v) Bills which are to be introduced and Bills in respect of which the motion is only for leave to introduce.
- (3) As among the Bills falling under each of the clauses (i), (ii) and (iii) of clause (3), the relative precedence shall be determined according to the priority of their introduction in the Council.
- (4) The relative precedence (a) of Bills falling under (iv) and (v) of clause (3), and (b) of resolutions shall be determined by ballot.
- (5) A separate ballot shall be held (a) for motions relating to Bills and (b) for resolutions.
- (6) The ballot shall be for the names of members giving notices of motions which are eligible for discussion at the meeting in respect of which the ballot is held.
- (7) Each member whose name has been drawn in the ballot shall be entitled to have entered against his name one motion of each of the classes in respect of which the ballot has been held. No member shall be entitled to have more than one such motion entered against his name. All other admitted motions of which a member has given notice and from which he could have made his choice shall be deemed to have been withdrawn.

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- (8) The ballot shall be held at such time as may be determined by the President and may be repeated as often as may be necessary with reference to the state of non-official business.
 - (9) The precedence of motions as determined by each ballot shall hold good for thirty days from the date on which the ballot is held exclusive of the day on which it is held;
Provided that any motion which is under the consideration of the Council at the time of an adjournment shall be taken as the first item of non-official business of the same class as itself on the next day available for non-official business of that class.
 - (10) Not more than fifteen resolutions shall be set down for any day on which resolutions are to be considered by the Council.
- (c) In cases not provided for by rules or the Standing Orders, the President shall have power to determine the order of precedence of any business to be transacted at any sitting."

The motion was adopted.

* The hon. the PRESIDENT :—" The question is that after Standing Order No. 5 the following new Standing Order be inserted :—

' When a Bill which has been passed is returned by the Governor to the Council for reconsideration, it shall be entered as the first item of business after questions

(1) on the first available day for Government business, if the Bill is a Government Bill;

(2) on the first available day for non-official business if the Bill is one introduced by a non-official Member."

The motion was adopted.

* The hon. the PRESIDENT :—" The question is to omit Standing Order No. 10."

The motion was adopted.

* The hon. the PRESIDENT :—" The question is that the following be substituted for the existing Standing Order No. 14 :—

' 14. (1) Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary :

(a) Provided that the President may, with the consent of the member in charge of the department concerned, order a question to be entered in the list of questions with shorter notice than seven days; and

(b) Provided also that, in case the answer to a question cannot be sent to the Secretary before the sitting of the Council immediately following the period of seven days' notice, the President may extend the time for answering the question

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- (2) Questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. All questions which are not so called, with the answers thereto, shall be included in the printed proceedings of the Council."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is to omit Standing Order No. 16."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is that in Standing Order No. 33 (2), the word 'original' be omitted."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is in Standing Order No. 31—

For the full stop at the end of this Standing Order, substitute a colon and add the following :—

"Provided that nothing in the Standing Order shall enable a member to move, that any meeting at which the general discussion of the budget or the consideration of any demand for budget grants is to take place, or such general discussion or consideration, be adjourned or postponed."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is—

'For the existing sub-clause (1) of Standing Order No. 46, substitute the following :—

46. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered :

Provided that the President may in his discretion admit an amendment with shorter notice than three days."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is—

'Re-number the Standing Orders in serial order in accordance with the foregoing alterations'."

The motion was adopted.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I now move that the Standing Orders as amended be passed."

The hon. Dr. P. SUBBARAYAN :—"I second it."

The motion was adopted.

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VIII

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30

GRANT VIII—ELECTRICITY—RESERVED.

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, on the recommendation of His Excellency the Governor I move—

'That Government be granted a further sum not exceeding Rs. 5,42,000 under grant VIII—Electricity—Reserved.'

"Sir, the object of this motion is to enable Government to have funds to proceed with what is known to this House as the Pykara Hydro-Electric scheme. There is a smaller scheme, known as the Glen-Morgan scheme, which cost about 13 lakhs and the works connected with this smaller scheme have been completed. If we do not get funds now to proceed with the Pykara Hydro-Electric scheme for which the sanction of the Secretary of State has been obtained, it will become necessary to disband the staff including the officers, who have already been collected and who were till now engaged in the Glen-Morgan scheme.

"In addition to that, some of the mills in Coimbatore and other places which are anxious to receive current from the Pykara scheme, are becoming impatient. Already, they are clamouring for a guarantee that within a period of two years we shall be prepared to supply them with current. Otherwise they will go in for machines for supplying current for their mills and ultimately we shall become losers. All the other circumstances connected with this demand have been set out in the explanatory note, copies of which have been circulated amongst the Members of this House and I hope they have gone through it. In addition to this, there is further information available in the papers which have been placed on the table of this House and which consist of letters of this Government to the Government of India requesting the latter Government to make recommendations to the Secretary of State to sanction the scheme, and the further correspondence that took place between this Government and the Government of India, and the telegrams and letters that passed between the Government of India and the Secretary of State."

Mr. C. V. VENKATARAMANA AYYANGAR :—"Excluding of course the important papers." (Laughter.)

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"As a matter of fact all the important papers connected with the scheme have been placed before the House, and I am sorry that my Friend Mr. Venkataramana Ayyangar should speak like this. The whole literature available is placed in the Council Library. It is specifically stated in the papers laid on the table of the House that the bulkier and voluminous papers which contain fuller information and copies of which are not available for distribution are placed in the Council Library. I am exceedingly sorry that my hon. Friend who takes a keen interest in this project should say that important papers have been withheld."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I never said that they were withheld."

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* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I said, Sir, that because of their bulk it was not possible to place those papers on the Council table, and therefore they have been placed in the Council Library."

"With these remarks, Sir, I commend the motion to the acceptance of the House."

* Mr. G. HARISARVOTTAMA RAO :—"Mr. President, Sir, I move that the allotment be reduced by Rs. 100. My intention in moving this motion is to draw the attention of the House to the business aspect of the undertaking. This scheme has been with us for some time past and attempts have been made to appraise the Government of the difficulties that may arise in regard to this scheme. And to-day, Sir, we are asked to vote for a substantial motion which involves lakhs of rupees, not merely the lakhs of rupees that are now asked for but lakhs that are yet to come. Therefore I feel it my duty to sound a note of warning to start with. This scheme is a scheme which has the reminiscence of a pleasant fairy land. For, centuries ago Spencer Herbert decried the tendency in human nature to look at the ornament in preference to the utility, or rather in preference to comparative utility. In regard to this investment of Government the necessity has arisen to see what utility is served by this pleasant fairy land of electric lights and electric conveyances for areas around Pykara. What we should now do is to examine carefully the implications of this scheme from a national standpoint. If this is a national business, as is adumbrated by Government in the Government Order that is placed on the table of the House and the records that are placed at our disposal, I do not quite see the category into which this business comes. I am really surprised to see that the Madras Government are proposing to raise large loans in open market to utilize them for the purpose of this venture, without at the same time making provision for liquidating the debt that may thus arise. I shall deal with this matter at a later stage. I am not prepared to support schemes of this nature in preference to a large number of other schemes that are of great urgency. The great necessity of this country at the present day is to improve agricultural production and start irrigation schemes therefor and these have been accepted to be necessary by all. I do not want to say that we do not want development in other directions. But when preference is being given by the Government in getting large loans for this scheme it is incumbent upon us carefully to understand the implications before we vote for this kind of supplementary demand. I know that this comes out of loan funds, but I would impress upon the attention of hon. Members of the House through you, Sir, that commitments like this do affect ultimately the tax-payer and his capacity to pay for the interest charges. And it may also affect the borrowing powers of a provincial Government like this. Now, Sir, this business, or the success of it, has been doubted, with all the attempt that has been made by the Government to show it up as a very successful piece of work that they are undertaking. I refer to page 5 of the Government Order which has been placed in our hands. However much the Government may explain away the matter, there it occurs that they themselves protested against a certain opinion given by somebody, whom I am not able to discover. It is said in the Government Order: 'It would be well nigh impossible for such a modest hydro-electric development to prove a "white elephant".' I do not know, Sir, which expert called it a 'white elephant' and in what communication it has occurred, but there it is. In this Government Order the Government recognizes that the scheme was characterised as a white elphaent and also tries to answer that charge.

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"Then, Sir, with regard to the Secretary of State's despatch, I refer to page 11. The Secretary of State is very careful in his despatch. He expresses the hope that 'careful consideration will be given to the recommendation in regard to the propaganda measure on page 7, part III, General report'. To prove that this will be a very good business, to make it a very good business, the Secretary of State is cautious enough to state that a great deal of propaganda is necessary. And it is an admission that not enough circumstance is already in existence to make it a successful business. And again, Sir, the Government of India's guarded expression of opinion at page 10 must be noted by the House. They say: 'We regret that we have not been able to obtain an independent expert opinion on the proposals in their entirety.' They go further and say that they had made up their minds to help the Madras Government and they also say that Mr. Howard is an officer of considerable experience. Beyond that it is very clear that the Government of India admits by this regret that the scheme has not been examined in its entirety. And at the end of page 3 of the Government Order it is clear that the Government of Madras itself is very anxious that it should appear well in the eyes of the Government of India and the Secretary of State. They say: 'If the Government of India should so desire, the Government of Madras will instruct their Chief Engineer to proceed to Delhi or to any other place to further explain or elucidate the project'. It is about these circumstances, Sir, of very grave doubts as to the wisdom of taking it up in such an immediate fashion, it is in regard to that that I have made the quotations. The main causes urged for taking up this scheme are said to be firstly that it is not easy to obtain the services of experts who have been engaged on the Glen Morgan scheme. Well, Sir, if the scheme is likely to be of utility, if the scheme is to be examined further, and if the scheme has not undergone the thorough examination that it deserves, this one item should not influence the Government to launch on a scheme which is fraught with very grave consequences. Then, Sir, with regard to the scheme itself, what is it that has happened? There was an original scheme which was called scheme A. There were two further schemes which were called schemes C and D. With scheme D we are not concerned. It is scheme C with which we are now concerned. The original scheme which is now sought to be taken up immediately. The original scheme, remember, Sir, depended upon railway electrification on a large scale, and when the original scheme was thought of, scheme C was not thought of. Scheme C was thought of at a later stage when the original scheme was considered not feasible, because railway electrification did not come in handy. So that from the original scheme A this new scheme C is a contraction. It is not as if this is an independent scheme, a scheme that was thought of independently in an original manner and considered to be feasible. This was an after-thought on the scheme A and it is by itself not carefully considered. That is my contention. Now, Sir, I say that this has not been carefully considered, and this will be evident from what is stated about scheme A and scheme C. On page 3, again, Sir, there is this observation: 'The criticism of Messrs. Merz & Partners has tended mainly to increase Mr. Howard's figures of cost and is accounted for principally by their insistence on a higher standard of material than Mr. Howard with his experience of similar works elsewhere thinks necessary'. Taking that as a basis, scheme A was argued upon. What has not been done with regard to scheme C, whether this scheme has been examined, with reference to the figures furnished by that

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company or on the basis of the better material that that company wanted to use, what the difference is between that and this, have not been elucidated anywhere. I have carefully tried to find out even in the volumes placed in our library if there is any guidance or information.

"And again, Sir, you will find that this scheme C has got in contemplation some improvement or extension. At page 4 it is stated: 'This naturally involves a more expensive transmission line than is necessary for the actual initial requirements of the scheme and a certain amount of non-productive investment is involved, but is unavoidable'. It is thus accepted that there is unavoidable non-productive investment in this.

"Then, Sir, I come to the question of the loads. These loads have been divided into three or four categories. First let us take the Railway load. When the Government first took the scheme into consideration, they thought that the South Indian Railway would come to their rescue, but to-day it is clear that the South Indian Railway have given up electrification to any section of their Railway, and therefore the consideration of that load vanished. Then there is the industrial load. In the industrial load, there are planters who are believed to be taking up some part of the electricity that will be available. And the planters form a big enough group in taking up that load. Again, Sir, at page 3 there is the industrial load with reference to mills and other things. But I may point out, Sir, that the mills have already modernized their plant. A few I believe are still waiting to modernize their plant. It is that fear also that induced the Government to go on quickly with this scheme. There are a few mills that would take electricity if the Government should establish this activity. Now, Sir, what I find is that some mills have modernized while a few other mills have not so modernized yet. And has the Government examined whether there would not be competition enough against this scheme in other powers, whether inventions in the world are not going on fast apace and whether the electricity they are trying to give to the mills will not be replaced by other methods of generating power within reach? And, moreover, there is the other difficulty. In the expenses that have to be paid, the distribution lines have been excluded from the estimates. The energy does not go direct to the mills. The switch-board of the mills is somewhere outside in the ordinary line of communication of electricity that is being thought of by the Government. Therefore there is an added cost for the supply of energy. And without this cost electricity in this scheme would cost a little below one anna per unit. I am told, Sir, that improvements in steam engines are developing very fast and in certain Western countries it appears that a unit that corresponds to our electricity unit herein mentioned is available at a very much lower rate—half an anna. Here the electricity units cost a little more than one anna. It is true that in the papers that are placed on the table, there is an important reference to this load, and the writer says that these loads cannot at the beginning be as cheap as we want. It is not easily understandable so far as my comprehension goes.

"With regard to industrial load, there are small mills, rice mills, ginning presses, etc. But I do not know whether the Government have made any contracts with these people or have had any assurances in writing. Whenever we talk of irrigation, the Government at once are ready to pounce upon the ryot and say, 'you execute bonds, and tell us at what rate you will take the water. What do you pay to us in return for the water we supply to

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you?' All these undertakings are taken with regard to matters of irrigation. Where has the wisdom of the Government gone in this matter? Why do the Government not insist upon the prospective consumers to tell them exactly what will be the rate at which they will take the energy? Why they have not done it now is a matter which I cannot really understand. A careful Government, when it goes on launching schemes like this has to assure itself of the possible field and the possible markets for the energy. I doubt very much whether there really exists any such market. An additional argument is advanced, Sir, that this is a province where coal is not available. I am sure coal is produced in Bengal and other places in the North, and it is quite possible for the Government, either the Government of India or the Government of Madras, themselves, at any time to get it for others, as this scheme would apply only to one or two districts. Industrial schemes develop in all districts. And if electricity cannot be found, it becomes incumbent upon the Government to make power very cheap and see that coal is easily carried to this province at concession rates. Then what would happen to the electrical scheme if it should have to run cheaper and there should be competition of coal and steam as against these electrical installations?

"With regard to the agricultural load that has been spoken of, I think it is a mere mythical story. I shall refer to page 10 of the Government Order, and there we are told that

'The old argument that the ryots need cattle for cultivation, manure and other purposes and will therefore, in most cases, prefer to lift their water for irrigation by the same means, is not applicable to all cases.'

"Of course, there may be a few cases where the ryot is well posted with some of these modern conceptions and fancies. But the generality of ryots in this country is not educated to electricity, and I do not believe that the Government can educate them to electricity so soon as they believe they can. Then we find the following:

'A commercial division must be organized soon after construction work is started, and an energetic and consistent policy pursued. A properly qualified engineer should be engaged and an intensive propaganda campaign started.'

"What is the cost of all these measures? Do not all these measures mean further enlarging the scope of the scheme and increasing the cost to the consumer? How are you going to meet the situation when competition arises? Then, with regard to pumping and lighting, I have not been able to understand from the records at my disposal, and to the extent I was able to go through them, I have not been able to discover what the Government has to say. With regard to lighting, from page 6 of the Government Order, we find only six or seven towns which may require electricity for lighting purposes. But Railway lighting is disposed of by the following remark at the end of page 5:

'There will be little difficulty experienced in lighting all the railway stations and electrifying the pumping installations near the projected transmission lines. This would bring in a load of about 100,000 units per annum, but has not been included in the estimate as being a little uncertain.'

"There it is disposed of. Thus, the lighting system that would be materially possible for the Government to expect under this scheme refers only to six or seven towns. Of course, it is not easy for me to gauge how much this would be in the sum total.

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"Now, Sir, I find in the report that certain depreciation figures and assumed lives of machinery are referred to. But what are the lives of the machinery assumed to be? For how many years? On what basis that calculation is made is not to be found anywhere in the records. I know it is possible to calculate the life of a machine at twenty years. To work out figures on that basis would not be correct, if the life of the machine turns out to be only ten years. Nowhere do I find any provision made for paying up the capital outlay. If an ordinary municipality applies for help, the Government come forward with the plea that they would pay half the grant and ask the municipality to take the other half as a loan and repay it within a certain number of years with interest. The Government are trying to benefit certain classes of people and certain industries, and in that endeavour they have not taken even a hundred years as a stretch of time within which the capital may be paid up. I will not quarrel if they will take even a longer stretch of time. With that I have no quarrel. If they do not make any provision for the redemption of this large capital but will only come forward to launch forth a scheme of this dimension, however well it may appear, however much it may appear to be public utility so far as a few places are concerned, I do not think that I can find my way to vote for this grant. I am sorry, Sir, that I have not been convinced of the real efficiency and utility of this particular scheme. Under the present British Government we have been treated to high standards of life. But I would like the Government to remember that high standards are not efficient standards, and the efficient standard for India is not really the standard that may obtain in other countries. I speak comparatively. Efficiency is comparative, in so far as the resources of the nations are concerned. In this country, efficiency has to be worked up not on a high standard. I feel quite sure that this may be a scheme which will help the high living of certain great personages residing in great towns around the scheme and those inhabiting particular portions around. This can never be an efficient scheme for developing the resources of the country. It may be argued that this will help industrial concerns. But, as I have pointed out, the industrial concerns that may be using coal to-day may be prepared at this moment to get some help from the Government. Still, they may find themselves in a position where they are not able to go on taking power from the Government under the scheme. All these things have to be considered very carefully, and without considering them, the figures have been arrived at that it will pay 6.87 per cent on the investment. I have very grave doubts about the percentages that have been worked out. I have not yet been able to find out all the exact items of expenditure that are involved in this scheme. I feel it will cost much more than what is estimated. For we have had the experience of the Mettur project. Let us not repeat that experience in the Pykara project. I sound a note of warning with regard to this matter. I feel, Sir, that for my part I am not convinced how I have to vote on this grant. I repeat I feel very great difficulty in voting on this matter."

MR. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, in seconding this amendment, I propose to confine myself entirely to the business aspect of the question, or in other words to the economical aspects of the scheme. I do not mind if the outlay that is put upon this scheme does yield any interest or no interest, in so far as the Government are making a move in the right direction of using its natural resources for the benefit of the country. I am

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only concerned with the manner of the execution of the scheme. Our experience with the schemes which have been undertaken by the Government points out that there has been much wasteful expenditure in several directions in the schemes already taken on hand. The moment this grant is passed by the Council, I am afraid the hon. Member in charge of this subject loses entire control over the whole scheme, and funds are placed at the disposal of the heads of departments to be used. I do not know how they use the funds. In most matters, it looks as though the heads of departments are not very much concerned with the economic aspects, but rather with the placing of large contracts or buying large and costly machinery from places outside India, which is not very much in the interests of this country. It is to that aspect which is not very much in the interests of this country. It is to that aspect of the question that the hon. Member in charge of the subject must pay his closest attention. We have been hearing very many stories about the Mettur project. We do not want that the same thing should be repeated in connexion with this scheme. It is only to impress that aspect of the question that I rose to second this amendment which I cheerfully do."

* Rao Bahadur C. NATESA MUDALIYAR:—"Sir, I rise to support the demand for supplementary grant. Any amount of money spent upon such projects as this, is worth spending. Sir, the Glen Morgan project, which is considered to be a preliminary to the Pykara scheme, is, I learn, a decided success. It is ready to supply current to Ootacamund, Coonoor, Wellington and the tea estates. I also learn that there is demand for more power than they are able to supply. Sir, in this connexion, I have to congratulate Mr. Howard, the Chief Engineer in charge of Hydro-Electric Development at Madras, for having completed the scheme in the stipulated time and within the budgeted estimate. He is a gentleman of considerable experience, and I am given to understand that to-day he stands second to none in India in works of such nature. Sir, the Pykara project is nothing but a continuation of the Glen Morgan scheme. So, in order to continue the whole scheme, it is better that it is taken up immediately before the organization connected with the Glen Morgan scheme is dislocated. Now, the Glen Morgan project will supply only 1,500 horse-power. If Pykara is completed, which will be by 1932, I think there will be 30,000 horse-power developed. Both the Nilgiris and Coimbatore will be supplied with electricity. Now, Sir, the would-be consumers and the industrial concerns in Coimbatore, I learn, are very impatient to get a supply of electricity, and they cannot afford to wait long. Further, we need not have even the load on the Railways for this concern to be profitable on the Railway. Even without the load, this project can be extended to Trichinopoly, Tanjore, Calicut, Madras and other places with profit. It is capable of developing, I learn, 100,000 horse-power. Now, it is estimated that they will get 6.87 per cent return. When it is completed, I learn, Sir, it will give 10 to 12 per cent return.

"Sir, it is said the machinery is brought from outside India. What can we do if the machinery is not available in India? If available in India they must be bought here. So long as the machinery is not available in India, we cannot buy the machinery from within the country. I learn also that there is one piece of machinery that cannot be had anywhere else in the world except in one place on the continent of Europe. For such things, how can we say that they should be bought only in India? So, Sir, the Government were quite right in undertaking this scheme. I will also say that the Government should not rest content with that alone but should take up the

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Periyar scheme, the Papanasam scheme, the Godavari and Kistna canal schemes, and Kalam project so that we may have electric power available throughout this Presidency, especially as our Presidency is not a coal-producing one. Sir, by the schemes electric power can be carried to the villages. It is not necessary then that all our industrial concerns should be concentrated in towns and cities. While other provinces are spending crores of rupees for such schemes, I do not think that the expenditure of about one crore and twenty-six lakhs over this scheme is too much for us. Out of that estimate, we want only about 5 lakhs and odd for expenditure in the current official year. With these words, I strongly support the demand for supplementary grant."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Mr. President, I rise to support the cut motion. It is not for any of those reasons given by the Mover since with most of these I disagree. I believe, Sir, I can offer a few remarks on some of those technical aspects of the question, and one of the reasons put forward."

* The hon. the PRESIDENT:—"So far as the discussion on this cut motion is concerned, the hon. Member will have to confine his remarks to the business aspects of the question."

Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—"Yes, Sir. One point concerning the business aspect of it will, I hope, be relevant. The greater part of the orders for electrical machinery must necessarily go to foreign countries. I hope they will be placed in the cheapest market. So far as that point is concerned, the hon. Member in charge of the subject should, in return for the large orders that we are placing in other countries, insist on facilities being given to our electrical engineering students to be taken as apprentices in the large electrical firms in those countries which receive our orders. I hope, Sir, that Government will give this assurance. I think this scheme is one with which we should go forward, and, so far as this Presidency is concerned, this is one of the schemes fraught with great potentialities for good."

The motion was put and negatived.

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move that the allotment of Rs. 5,12,000 for Electricity—Reserved be reduced by Rs. 100.

"This is to ascertain the details about the superior staff employed on the Glen Morgan project, their pay, race, etc., and the measures, if any, taken by the Government to train Indians to successfully supervise and carry out similar schemes and maintain them in good order after completion.

"Sir, the reasons which actuated me in tabling this motion are briefly indicated in the note accompanying it. Sir, I am not slow to recognize the value of the services of those who are in charge of the work. I join Dr. Natesa Mudaliyar in offering my tribute of praise to Major Howard for the exceedingly good work done by him. If I may say so, it is he who made the scheme practical and workable. At first the idea was to have one big scheme. After Mr. Howard came, he split it up into parts, and each part can be worked separately without prejudice to the whole scheme. But what I am anxious about is what steps the Government are taking to find the necessary men in the province or in India to carry on this work or similar work hereafter. I take it that the people who are now in charge of the work are recruited on short-term contracts, perhaps for five years. If that is so, how are

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the Government going to find substitutes for them when their term expires? That is the point I want the Government to consider and give their opinion about. Are there or are there not institutions in India where people can be trained in this work? If there are not such institutions, Government should try to provide facilities for training men in the province or for helping with scholarships students to go abroad and get themselves trained in such subjects. I am not raising a racial question, and if my European friends would only during the period of their stay with us in this country, identify themselves with Indians and their aspirations, they would certainly agree that it is a reasonable desire on our part that we should try to be as self-contained and self-reliant as possible. With that object I have tabled this motion, and I ask the Government to tell us what steps they are going to take to train Indians to carry out this work now and hereafter."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, I think my hon. Friend Mr. Ranganatha Mudaliyar has raised a question which concerns me more than my hon. Colleague the Law Member, for this reason. Electrical Engineering classes are going to be opened in the Government College of Engineering from 1930-31, and we have got a professor from England, Mr. Wales, who has been trained in some of the big electrical engineering firms and who will be able to teach Electrical Engineering to the students who join the Madras Engineering College. (Mr. Sami Venkatachalam Chetti: Has he got Cambridge qualifications?) He has no Cambridge qualifications at all, and efficiency in a subject like Electrical Engineering comes by experience. This gentleman has been brought out here in consultation with Major Howard who will also help him I hope by delivering special lectures in such matters. I believe the hon. Member representing the University would be able to tell us that the Madras University have under consideration the starting of a Degree in Electrical Engineering specially. In that way the consummation that my hon. Friend Mr. Ranganatha Mudaliyar hopes for will be brought about, and we will have the necessary men trained in the Engineering College during the next four or five years who will be able to take their place in the project and also serve the province in that way."

The motion was put and negatived.

* Mr. C. V. VENKATARAMANA AYYANGAR:—"I want to speak generally on the motion for the grant. I heartily support the motion that has been brought by the hon. the Mover. Sir, doubts have been raised from more than one quarter as to the businesslike methods of carrying on this work and the result that is to flow from it. If we examine the project before Government take it up, all such doubts will disappear. A number of Indian and European firms negotiated and obtained from the Government licences for carrying out electrical schemes practically at this place. The Government then thought that it would be in their interests and of the people of this country if they took these projects themselves and in the case of a particular firm they had even to pay compensation to the extent of Rs. 10,000 to purchase their rights. When that was done, the matter came up before the House and was fully discussed, and it was clearly proved that even at the cost of purchasing that right and compromising with some of the licence-holders, the matter was worth while for the Government to undertake. The

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scheme is very moderate and likely to prove useful from the financial point of view. People who visit the Nilgiris next summer season will have the benefit of enjoying electric lights and fans. As that portion of the scheme has now been practically completed, we have now to look into the business aspect of that. As one however who owns large mill shares in that place and as one of large agriculturists, on whose behalf many words have been spoken, I want to support this motion very strongly. So far as mills are concerned, no doubt India produces coal, but it is in places north of Madras, and to get coal from the mines to Coimbatore at the cheapest rates costs Rs. 26 per ton. From Hyderabad also we get coal. But we do not get such good coal as is required for these mills. Therefore a large number of wagons now used for coal will be left free to be used in other places and for other purposes. Anyhow for the economic working of the mills, there is no doubt whatever that the replacement of coal power and fuel power by electric power will be to their great advantage.

"Doubts have been raised as to the capacity of these mills to take up and pay for this power when the time comes. As to that I may say that, unless one is able to draw electricity from the air and get it for nothing, all people will have to pay for electricity, and the rate that has been given now, including the main line, is about one anna per unit. We know we are paying five annas for it here, and in Coimbatore we are now paying six annas. Therefore the mills should be able to get this power very cheap.

"Then advantage was made to the competition between steam and electric power. I may say, even as it is, the mills prefer electric power to steam power, because yarn is more smoothly made with electric power than with steam, with the result that in the market yarn made in the electrically run mills commands a higher price, about two annas more than the yarn from the steam-run mills. Therefore, from the economic point of view, if we have to compete with the English and Japanese yarn, we have to prepare a better kind of yarn, and for that electricity is necessary. And the mills at Coimbatore are prepared to take any amount of load that can be spared for them. Therefore the Government have not blindly entered into this commitment. I am very sorry that some of my friends have got very short memories about this question. We know already, from what has been stated in this House, that the Government have appointed one of their best Deputy Collectors to go into the question as to whether there will be a sufficient market for this electric power. After an elaborate enquiry, that gentleman made a report that it would be worth while financially to carry out this scheme. Therefore, from the point of view of industrial concerns there can be no doubt whatever that this will be very useful. At the same time, I must say that the Government should take care to fix the maximum rate for the contracts to be entered into by the distributing agencies. I take it from the note that has been placed in our hands, that the Government are not going to distribute the power, and it is very proper that it should be so, because it is one of these firms, the Nilgiris Power Syndicate, who began this work originally, that is waiting after investing lots of money to take up this distributing work. Government have given them a promise and I hope it will not be broken. Only they must see that reasonable terms are entered into with consumers. Even to-day for industrial purposes, the firms in Coimbatore are getting electric power at four annas per unit, whereas for ordinary domestic purposes, they are charged six annas.

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"As regards improved systems of agriculture, electricity is required for irrigation purposes and electric power will be very useful for well irrigation. That is a very important matter so far as Coimbatore is concerned. Coimbatore was once a very good garden land. The industrious agriculturists there have dug up a number of wells, but the God Varuna was against them, and for the last nine years or so, there have been no rains, and even at the depth of 50 or 60 feet there is no water, and people in their poor condition are not able to sink deeper wells. But we expect we are coming to brighter days, and if the Government stick to the promise of supplying power to the cultivators of the Coimbatore district, it would be indeed a great blessing. The ordinary agriculturists cannot afford to take this power at a high cost as they have got in addition to maintain their bullocks also for other purposes and it is the duty of the Government therefore to supply power to these people at very low rates.

"One thing I want to say here. The Government need not restrict this power to the district of Coimbatore alone. Portions of the Salem district bordering on the Coimbatore district, on the other side of the Cauvery, are equally in a bad position. There the wells are dug very deep, and there is no other way of irrigation to their lands. Therefore it is necessary for the Government first to see how they spend this power for the purpose of industries as well as for irrigation purposes. When the general question of irrigation in the Salem district was discussed in the House, the hon. Member then in charge of this subject said, on the authority of the then Chief Engineer, that the first thing that would be done with this electricity, when the Pykara scheme becomes successful, would be to supply cheap power to the people owning lands on both sides of the Cauvery.

"I hope that the Government will have a long memory and that they will remember this old promise of theirs. I would appeal to them to see that they supply us with cheap power. After all, the rate at which power is given at Mettur to-day by the Mysore Government is much less than one anna per unit. If a foreign Government can take power over a distance of several miles and supply power to the British Government at a rate far below one anna there is no reason why the Madras Government should not do so. They should look into this question. Anyhow the scheme itself is capable of doing much good.

"In this connexion I would say that there is no dearth of Indian talents to work this scheme. There are several Indian engineers, electrical engineers who have gone to Europe and got qualified in Switzerland and other places. Provided the Government do not neglect them and do not prefer foreign degrees for the degrees of our University, Indian talents can be made use of and that at comparatively cheap cost. The scheme also could be finished as early and as cheaply as possible."

Mr. L. K. TULASIRAM :—"Sir, this scheme is a very useful one and therefore I have great pleasure in supporting the demand. But, Sir, on the question of taking apprentices, I have to suggest this. The electrical firms are getting large orders from us. As a matter of fact, the biggest firm which deals with electrical machinery is the Vickers, Limited. They have a number of students on their waiting list and they charge something like £1,500 for one apprentice. Sir, we have not got many facilities to send our students to

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the Victoria Jubilee Technical Institute at Bombay. Madras students are denied admission there and therefore I was very glad to hear the hon. Dr. Subbarayan say that an electrical engineering department will be opened in the Madras University. But, Sir, I only urge in this connexion that a few students may be trained in the various firms which receive large orders for the Pykara scheme. It may be made a condition at the time of accepting their tender, that such firms as receive large orders from us, should take at least half a dozen students as apprentices. No doubt there will be orders placed with German firms. I feel that even in those cases it must be made a condition that they must take at least half a dozen apprentices from our Presidency. In Turin which I have visited there is a very big firm. They are sure to get some orders in connexion with the Mettur scheme and they may be asked to train some Indian apprentices so that we may have a number of men trained in hydro-electric schemes who may serve the country long. With these words I have great pleasure in supporting this demand for the furtherance of a scheme which is a very useful one for industrial concerns, especially the mills which will be started in South India."

The demand was put and carried and the grant made.

* The hon. Dr. P. SUBBARAYAN:—"I move, Sir, that Grant XXXVII on the agenda be disposed of before the Grants XX, XXX, XXXI and XXXV are taken up."

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

The motion was put and adopted and Grants XX, XXX, XXXI and XXXV were accordingly postponed.

GRANT XXXVII—LOANS AND ADVANCES BY PROVINCIAL GOVERNMENTS.

* The hon. Dr. P. SUBBARAYAN:—"Sir, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a further sum not exceeding Rs. 4,00,000.'

"As has been explained in the memorandum which has been distributed to hon. Members, this is for enabling the Government to give a further loan to the Madras Corporation for drainage, widening of roads, constructing buildings for educational institutions and so on which the Corporation have undertaken but cannot complete without a loan granted by the Government. The Corporation originally intended to float a loan in the open market, but on the advice of the Government that the money market was not in such a state as would enable the Corporation to get a loan at favourable terms, they have now decided to take a loan from the Government. And this grant is to enable the Government to give the Corporation a loan for the purposes I have mentioned. I hope the House will agree to it."

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second it."

* Mr. S. SATYAMURTI:—"Sir, the motion I have given notice of, viz.—
'to reduce the allotment of Rs. 4,00,000 for loans and advances by Provincial Governments by Rs. 100'
is a friendly motion really.

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[Mr. S. Satyamurti]

"I want the Government to provide more than 4 lakhs. I feel that the Madras Corporation deserves a better and more prompt treatment, at the hands of the Government. It is not that I am wanting in gratitude to the Government, for such loans as they have advanced to the Madras Corporation. But, Sir, I think, hon. Members will realize that the city of Madras is to-day very much behind what cities of the size and importance of Madras should be in matters of public health. A former Commissioner of Madras described Madras as 'the death trap of the province' and I regret to see that in spite of the several improvements we have made in the matter of water supply, drainage, tarring of roads, and lighting of streets, we have not been able to bring down the death rate in the city to the normal level, which it should be in a normally healthy town. Especially in the case of child mortality, Mr. President, our figures vary from 250 to 300 per thousand. I think it is a tragic fact, which hon. Members should take notice of. Of course, I do not want to urge the claims of Madras at the expense of the mufassal. If mufassal municipalities want more grants or loans, I will support them; but Madras has a peculiar claim on the attention of the Government of Madras as being the headquarters of the province—a place where the High Court and several colleges are situated. (A Voice: 'And the Legislative Council') and, as my hon. Friend says, where the hon. Members of this House meet. I may also say, Mr. President, that latterly, the Corporation of Madras have raised the taxes practically up to the level at which they were maintained before the last reduction took place and we are doing our best to set the finances of the Corporation in order. There are schemes which are ready for execution, for which we wanted a loan of Rs. 11½ lakhs and the Government have been pleased to grant only Rs. 5 lakhs. I believe, from the answer which the hon. Minister gave this morning, that the Government cut down the grant on the ground that the finances of the Corporation justified only the grant of that amount of loan. I believe that cannot be the true reason because, according to the Act, our solvency is much greater than what my hon. Friend the Minister thinks it is to-day. Sir, to-day, at the fag end of a long session, I am not anxious to detain the House over this. I only plead for a prompter and more liberal treatment of the applications of the Madras Corporation for loans at least from next year."

Mr. G. HARISARVOTTAMA RAO:—"I second it."

* The hon. Dr. P. SUBBARAYAN:—"Mr. President, I am glad that this is only a friendly motion, but even in friendly motions much heat can be produced by my hon. Friend for the University. I was glad that in this particular instance he did not produce heat at all.

"I admit that according to the City Municipal Act the Corporation are entitled to more loans than they are getting even now. Under that Act certainly the Corporation can take more loans. But the question remains that the Government have also got to consider up to what amount they could advance loans to the Corporation. I do not think the mere fact that up to one-twelfth of the property value they could take loans is the thing that has been taken into consideration with regard to the granting of the loans. The fact whether the Corporation would be able to pay back the loan within the years specified was the thing that was taken into consideration and that was one of the reasons which made my hon. Colleague the Finance Member to suggest the grant of a loan to the Corporation up to the amount that we are proposing

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now. Another reason is that the portion of the loan now out off is really composed of items which, some of them at least, do not exceed even Rs. 2,000. The Government think that such expenditure ought to be met rather from the revenues of the Corporation than from loans. All schemes which cost more than Rs. 10,000 have been accepted by the Government. Even then the amounts covered by the loan now proposed to be granted are really small sums. That is the only reason why some amounts have been excluded.

"I regret that there has been some considerable delay with regard to the granting of this loan. The Government have tried their best to expedite this and the fact that this supplementary demand is being moved to-day is really due to the expeditious way in which the matter has been dealt with in a month or so. In this connexion I must thank my hon. Colleague the Finance Member for kindly agreeing to give this loan in spite of the scrutiny that has been undertaken in the Finance Department not having been concluded yet. I hope, therefore, hon. Members will have no objection to pass this grant."

The motion for reduction by Rs. 100 was by leave withdrawn.

* The hon. the PRESIDENT:—"The next cut motion stands in the name of Mr. Govindaraja Mudaliyar. The hon. Member wants to discuss the audit report on the accounts of the Corporation of Madras for 1927-28 submitted by the Examiner of Local Fund Accounts. I think it has nothing to do with the loan."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"The audit report refers directly to the loan amounts. The Corporation has on hand unspent loans and that being the case, I am raising the question of the necessity for granting this loan."

The hon. Dr. P. SUBBARAYAN:—"I cannot see any relevancy, Sir."

* The hon. the PRESIDENT:—"Does it refer to the solvency or unbusinesslike habits of the Corporation?"

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, they are unable to spend the loan amounts already in their hands."

* The hon. the PRESIDENT:—"Then I will give the hon. Member an opportunity to oppose the grant."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"I do not want to oppose the grant of the loan. I only want to discuss the inability of the Corporation of Madras to spend the loans already granted."

* The hon. the PRESIDENT:—"If the Corporation is not able to spend any moneys borrowed from the Government it shows that it is not a businesslike body. Therefore the hon. Member may oppose the grant."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Then I will speak on the motion, Sir."

* The hon. the PRESIDENT:—"How is the other cut motion about the Law College tragedy relevant?"

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, that tragedy shows how the schemes on which these moneys are spent are mismanaged and how they are a danger to the public. That is a matter which is relevant to the matter before the House."

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* The hon. the PRESIDENT:—"Is really the Government responsible for the tragedy that happened? It is the Corporation that is responsible. No opportunity should be taken by the Members of this House to criticise bodies outside this House."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"If in any way the Corporation of Madras is responsible for the tragedy, when they come to this House with a begging bowl, it is not within the competence of this House to say that they (the Corporation) do not deserve this grant?"

* The hon. the PRESIDENT:—"I concede that the first point that the hon. Member raises will be relevant to this motion. I do not think the other point will be relevant to this motion."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"A loan is for the purpose of water-supply, etc. This provides for the grant of a further loan to the Corporation of Madras for water-supply, drainage and building of schools, etc. Drainage is one of the objects for which this loan is asked for. Therefore that Law College tragedy is quite a relevant issue when we are discussing the drainage scheme."

* The hon. the PRESIDENT:—"No discussion which is not intended to criticise the Government can be allowed on this motion. I do not think there is any administrative responsibility on the part of the Government as far as this tragedy is concerned. Therefore it is out of order."

Mr. SAMI VENKATACHALAM CHETTI:—"If the hon. Member had intended that if the loan had been granted earlier the deaths would have been averted, then would a discussion be relevant?"

* The hon. the PRESIDENT:—"I think it is after all an old incident."

"The question is that Government be granted a further sum not exceeding Rs. 4,00,000 under Grant No. XXXVII—Loans and Advances by Provincial Governments. The motion is for the discussion of the House."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, the Corporation is now asking for this loan and the Government is recommending it. The affairs of the Corporation are undergoing scrutiny. An auditor is sent to audit the accounts of the Corporation and point out whether the administration is being run on economic and businesslike lines. Here in this report which covers some 7½ pages the auditor says"

* The hon. the PRESIDENT:—"Does the hon. Member propose to read all the pages?"

Mr. C. S. GOVINDARAJA MUDALIYAR:—"No, Sir, I shall only give a resume to show a number of irregularities and also the unbusinesslike way in which the affairs of the Corporation of Madras are being conducted. One of them is that the loan that has been sanctioned has not been utilized. This is what he says:—

- 'Loans received from Government for capital expenditure are allowed to remain instead of being utilized for the purpose for which they were drawn.'
- 4. 'Remunerative enterprise—There was an unspent balance of Rs. 3,94,382 at the beginning of 1927-28 and the actual expenditure for the whole year was Rs. 47,507 against the budgeted amount of Rs. 2,61,040.'
- 5. 'Under water-supply and drainage there was Rs. 2,85,833 and a further loan of Rs. 8 lakhs was received in October 1927 and expenditure was only Rs. 2,53,355. That is to say, from a loan of 8 lakhs of rupees received in October 1927 only 2 lakhs of rupees were spent and the Corporation had to pay interest unnecessarily on unutilized loan balance of Rs. 5,85,459.'

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"Sir, these figures constitute a terrible indictment on the incapacity of the Corporation to deal with the money deliberately borrowed for a set purpose. It is a matter for pity that this report which was sent on the 9th February 1929 has not been taken up by the Corporation. On the other hand I find from the papers that the matter came up before the Corporation meeting only a few days back and they shelved it and put it off to some other date as there was some information to be called for. This is what I find in the papers:— 'Discussion on the report was adjourned.' This is the brief report of the happenings of the Corporation as I find it in the *Hindu*.

"With regard to the other portion in the report as to how the departments are being managed, especially the Drainage department, this has been the subject-matter of enquiry. As soon as the sewage tragedy occurred I wrote to the hon. Minister for Public Health and asked him if he would look into the matter and refer it for a report to the Director of Public Health . . ."

* The hon. the PRESIDENT:—"I am not convinced as to the relevancy of that discussion. The hon. Member will have to take another opportunity for raising a discussion on it."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"There is no other opportunity. May I point out that in answer to a question of mine whether the report of the Sanitary Engineer would be placed on the table of the House, a curt reply was given by the Government that it would not be placed on the table of the House. But the next evening I found from the daily newspapers that the information was given to them. That is the courtesy with which we are treated on the floor of this House."

* The hon. the PRESIDENT:—"It certainly shows that the hon. Member should take some other opportunity to give expression to his views. But I cannot allow him to refer to that matter in this debate."

Mr. C. S. GOVINDARAJA MUDALIYAR:—"Sir, there are various other matters to show the unbusinesslike manner in which the affairs of the Corporation of Madras are being conducted. But I do not want to take up the time of the House by going through the various irregularities now. I would submit that until the Government are satisfied that better conditions prevail in the Corporation they must insist upon guarantees and promises being given by the Corporation that they will use the money that is now asked for and utilize it in the best manner possible."

Dr. B. S. Mallayya rose to speak.

* The hon. the PRESIDENT:—"Are you seconding it?"

Dr. B. S. MALLAYYA:—"No, Sir. I am speaking on some of the points raised by my hon. Friend Mr. C. S. Govindaraja Mudaliyar. I would certainly ask the hon. the Chief Minister when we wanted the money very badly why he did not grant it. There are also rumours in the city that the Government compelled the Corporation to raise their property-tax and also the profession-tax before they gave the loan and the granting of a loan was held out as a bait to the Corporation, and that if the Corporation authorities had not raised the property-tax and profession-tax, they would not have got the loan. Now that the property-tax and profession-tax have been raised, the Government come forward with a tardy proposal to give the Corporation a few lakhs. I do not know how the Corporation are going to spend this money.

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"Sir, the Government have committed another blunder in that they took away a man—I mean Mr. Dann—who was employed for a set purpose and who would be very useful for that purpose. They take away a man just at the time when he would be very useful to us and they give us money when we do not want it.

"I would like to know from the hon. the Chief Minister whether he would rectify the mistake and give us back Mr. Dann who is very useful to us."

Mr. SAMI VENKATACHALAM CHETTI:—"It is only the hon. Member representing the City of Madras who feels much concerned about the unsatisfactory condition of affairs of the Corporation. Being in the city and perhaps being very desirous of improvement in the welfare of the Corporation he could only see the dark side of it and could not institute comparisons with other places. I am afraid he has been very pessimistic with regard to the conditions of the Corporation of Madras. The Corporation of Madras, when compared to other institutions, is not in my opinion less businesslike or less systematic in their administration of the affairs concerning the welfare of the city. My hon. Friend Mr. C. S. Govindaraja Mudaliyar when referring to the report was referring to matters that took place in the year 1926-27. Since then three years have elapsed and he perhaps does not know the large improvements that have been effected in simplifying the accounts and exercising greater scrutiny and supervision over Corporation accounts. I am very sorry that he made a reference to the Law College tragedy though that reference was ruled out of order. Nobody deplores the tragic death of those five coolies more than the Corporation and they are doing their very best . . ."

* The hon. the PRESIDENT:—"I do not think the hon. Member requires another repetition of my ruling."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, with regard to the loan that is asked for, I endorse every word that has been said by my hon. Friend Mr. Satyamurti. With regard to the granting of these loans the Corporation has been requesting the Government time after time to grant them as early as possible, so that they may complete the schemes which they have in hand. Sir, whenever the Government come forward with a grant to the Corporation of Madras it is usual for the mufassal Members to oppose it, but luckily they have not done so this time seeing perhaps the reasonableness of the demand. (Voices: 'No, no, they are coming.')

"Sir, we are trying to reduce the mortality rate, especially the rate of child-deaths and to reach that consummation it is desirable that we must complete the drainage schemes and water-supply schemes and also improve the suburban areas like Mambalam, Nungambakkam and Mylapore. Therefore to the extent that support is given to this motion they will be helping the Madras Corporation in trying to put down death-rate. Any opposition will only mean that they do not care for the death-rate in the City of Madras."

* Rao Bahadur C. NATESA MUDALIYAR:—"I thank you for giving me this opportunity of speaking on this motion. I associate myself with my other colleagues in thanking the hon. the Chief Minister for having expedited the granting of this loan. We were in dire necessity for money. We had to improve our Zoo (Laughter) and we had to improve many buildings. Time after time whenever we apply for loans the Government have been

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delaying the grant. Now I thank the hon. the Chief Minister, especially to-day, for having taken up this demand first before taking up any other demand so that he may expedite the matter. I have nothing more to say except to congratulate him and ourselves."

The demand was put and adopted and the grant made.

4-30 p.m. * The hon. Dr. P. SUBBARAYAN:—"Sir, I move that Grant XXX at page 5 of the agenda be disposed of before other grants are taken up."

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

The motion was adopted.

GRANT XXX—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED.

* The hon. Dr. P. SUBBARAYAN:—"Sir, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a further sum not exceeding Rs. 200 under Grant XXX—Civil Works—Grants-in-aid—Transferred.'

"This token demand is divided into two heads, first, a non-recurring grant for certain roads and bridges in West Godavari, Nellore and North Arcot districts. The explanatory note explains the need for this grant. The second one is for a grant to the Tinnevely District Board on account of special repairs to trunk road, which they have undertaken. I hope the House will have no objection to make this grant."

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

The demand was put and adopted and the grant made.

GRANT XXXI—CIVIL WORKS—TRANSFERRED.

* The hon. Mr. M. R. SETURATNAM AYYAR:—"Sir, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a further sum not exceeding Rs. 100 under Grant XXXI—Civil Works—Transferred.'

"This token demand provides for improvements to the Nilambur-Kalikavu-Karuvarakundu Road. The note accompanying the demand explains the need for this grant. There is no necessity on my part to explain the matter further."

* The hon. Dr. P. SUBBARAYAN:—"I second it."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, I move the motion standing against my name:—

'To reduce the allotment of Rs. 100 for improvements to the Nilambur-Kalikavu-Karuvarakundu Road by Re. 1.'

"In so doing, I wish to ask the Government the purpose for which the Government have taken up the maintenance of this road. The usual practice in regard to these matters is to find out the average expenditure which the Board may have been spending on the road which the Government want to take over. I wish to know whether the Board will pay this average amount to the Government hereafter, because the Board will not have to spend that amount on the road. I wish to know the amount the Board has agreed to give to the Government and how that amount was arrived at."

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Mr. G. HARISARVOTTAMA RAO:—"I second the motion."

* The hon. Mr. M. R. SETURATNAM AYYAR:—"We do not know what amount was usually spent by the district board on this road. The Government had been giving lump sums for the maintenance of all the second-class roads in the district. This road is now proposed to be taken over by the Government as the road is considered by the military authorities to be of great importance in the event of troops being called out in aid of the civil power in the Mappilla area. It is therefore necessary to maintain this road in proper condition. The road will not be handed over to the district board hereafter and the Public Works Department will take up the management of the road."

* The hon. the PRESIDENT:—"The question is 'to reduce the allotment of Rs. 100 for improvements to the Nilambur-Kalikavu-Karuvarakundu Road by Re. 1.'"

The motion was put to the House and declared lost.

Mr. S. Satyamurti demanded a poll and the House divided as follows:—

Ayes.

1. Mr. P. C. Venkatapathi Raju.
2. " K. Koti Reddi.
3. " B. Srinivasa Ayyangar.
4. " Sami Venkatachalam Chetti.
5. " S. Satyamurti.
6. " C. V. Venkataramana Ayyangar.
7. " G. Harisarvottama Rao.
8. " C. S. Govindaraja Mudaliyar.
9. " Abdul Hameed Khan.
10. " L. K. Tulasingam.
11. Dr. B. S. Mallayya.
12. Mr. P. Anjaneyulu.

13. Mr. C. Obi Reddi.
14. " C. Ramasomayajulu.
15. " T. Adinarayana Chettiyar.
16. Moulvi Hafiz A. M. Ahmed Miran Sahib.
17. Mr. A. Kaleswara Rao.
18. " K. V. Krishnaswami Nayakar.
19. " C. Venkatarangam Nayudu.
20. " A. Ranganatha Mudaliyar.
21. Diwan Bahadur E. N. Arogyaswami Mudaliyar.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. " Sir Thomas Moir.
3. " Diwan Bahadur M. Krishnan.
4. " Nayar.
5. " Mr. A. Y. G. Campbell.
6. " " M. R. Seturatnam Ayyar.
7. " " S. Muthiah Mudaliyar.
8. " Dr. P. Subbarayan.
9. Diwan Bahadur P. Kesava Pillai.
10. Mr. Hilton Brown.
11. " H. A. Watson.
12. " A. G. Leach.
13. " J. Gray.
14. " S. V. Ramamurti.
15. " C. B. Cotterell.
16. " V. Ch. John.
17. " M. A. Manikkavelu Nayakar.
18. " Syed Tajudin.
19. " A. B. Shetty.
20. " J. Bheemayya.
21. " R. Foulkes.
22. " P. J. Gnanavaram Pillai.
23. " J. Kuppuswami.
24. Subadar-Major S. A. Nanjappa Bahadur.
25. Mr. N. Siva Raj.

26. Rao Sahib L. C. Guruswami.
27. Mr. V. I. Muniswami Pillai.
28. " W. P. A. Soundara Pandian.
29. " S. Subrahmanya Moopanar.
30. " S. Venkiah.
31. Rao Sahib R. Srinivasan.
32. Mr. A. J. Leach.
33. " S. N. Dorai Raja.
34. " S. Arpudaswami Udayar.
35. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
36. Mr. G. R. Premayya.
37. " V. Ramjee Rao.
38. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
39. " Sir A. P. Patro.
40. " C. Natesa Mudaliyar.
41. Mr. P. T. Rajan.
42. Rao Bahadur S. Ellappa Chettiyar.
43. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
44. Mr. Khadir Mohideen.
45. Diwan Bahadur S. Kumaraswami Reddi.
46. The Zamindar of Mirzapuram.

Ayes 21. Noes 45.

The motion was negatived.

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* The hon. the PRESIDENT :—"The question is that 'the Government be granted a further sum not exceeding Rs. 100 under Grant XXXI—Civil Works—Transferred'."

The demand was adopted and the grant made.

GRANT XXXV—AGENCY TRACTS—RESERVED.

* The hon. Mr. A. Y. G. CAMPBELL :—"Sir, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a further sum not exceeding Rs. 100 under Grant XXXV—Agency Tracts—Reserved.'

"This is a token grant to bring before the House proposals for the construction of offices and quarters for the Agency Public Works division at Narasapatam. Hon. Members of the House are aware that in recent years the Government have adopted the policy of opening up and developing the Agency tracts. In that connexion this division has been created and it is necessary to construct offices and quarters for the officers of the Public Works Department and their staff. The total cost of the scheme will be about Rs. 2 lakhs. I request that the Government be granted a sum of Rs. 100 for this purpose and the rest of the amount required this year will be met by re-appropriation."

* Mr. A. RANGANATHA MUDALIYAR :—"Sir, I beg to move the motion standing against by name, viz.,—

'that the allotment of Rs. 100 for Agency Tracts—Reserved—be reduced by Re. 1'.

"I wish that the Government would give us some particulars, to have a correct idea of the business aspect of the matter. We find that it is proposed to construct quarters for the Executive Engineer, three Subdivisional Officers, five supervisors, etc. I should like to know what would be the average rent the Government expect to get from the officers who are going to occupy these quarters. Item 10 relates to the quarters for Divisional Office staff and a sum of Rs. 35,000 is provided for this purpose. I wish to know for how many clerks accommodation is going to be provided. I want similar information with regard to the quarters for subdivisional clerks."

Mr. G. HARISARVOTTA RAO :—"I second the motion."

The hon. Mr. A. Y. G. CAMPBELL :—"Sir, the rent that will be collected from the supervisors and officers occupying the quarters will be not more than 10 per cent of their emoluments. The average pay of an Executive Engineer recruited in Europe is Rs. 1,500 a month and that of the Engineer recruited in India is Rs. 1,120. The average pay of a Sub divisional Officer, who is an Assistant Executive Engineer recruited in Europe, is Rs. 675, and that of a similar officer recruited in India is Rs. 445 a month. The average pay of a Subdivisional Officer who is a member of the Provincial Service is Rs. 475 a month. The average pay of a supervisor is Rs. 175. The actual pay drawn by these officers may be more or less. I am sorry that I am not able to give readily at present the other information which the hon. Member wants. I will send it to him."

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Mr. A. RANGANATHA MUDALIYAR :—"I have no doubt that the hon. the Revenue Member will make the information available to us. I do not want to press the motion."

The motion was, by leave, withdrawn.

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

The hon. Dr. P. SUBBARAYAN :—"I do not propose to move now the motion standing against my name, i.e., Grant XX."

The hon. the PRESIDENT :—"As hon. Members are aware, the District Municipalities Bill and the Local Boards Bill are to be reported on by the Select Committee; it is not known when the Select Committee will be able to make the report ready. Therefore I adjourn the House *sine die*."

IX

PAPER LAID ON THE TABLE OF THE HOUSE.

* Report of the Committee on Fisheries in Madras for the year 1929.

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

^a Grant XX—Education—Transferred—
The hon. Dr. P. Subbarayan, will move that the Government be granted a further sum not exceeding Rs. 100. (Note.—This token demand provides for the reorganization of the Superior Educational Service.)
^b Printed separately.

[17th October 1929]

APPENDIX I.

[Vide answer to question No. 975 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 17th October 1929, page 1263 supra.]

Important subjects discussed at the Conference of District Medical Officers held at Madras in August 1929.

1. Opening of special clinics for the diagnosis and treatment of (a) venereal diseases, (b) leprosy, (c) tuberculosis and (d) ophthalmic diseases.
2. *Drug supplies*—Control of the work of compounders—Care in the selection of drugs.
3. *Improvement in the system of purchasing medicines, equipment, instruments, clothing, food, etc., and controlling leakage through contractors and subordinate staff.*
4. *Hospital management.*—Control of bugs and flies—Disposal of clothing used by infected persons.
5. *Out-patients department.*—Need for greater attention.
6. *Unethical conduct.*—Detection and punishment of offences.
7. *Rural dispensaries.*—Limit of expansion.
8. Co-operation between the Medical and Public Health Departments.
9. *Infectious diseases hospitals.*—Location and management.
10. *Medical inspection of schools.*—Provision for treatment as well as inspection.
11. *Medical literature.*—Greater use of district libraries—Publication of a monthly medical bulletin.
12. *Hospital construction.*—Preparation of a well-considered programme—Economy in buildings.
13. *Hospital staff.*—Improvement of the conditions of the nursing service—Recruitment and training of compounders and nursing orderlies—Post-graduate training of sub-assistant and assistant surgeons.
14. *Honorary Surgeons and Physicians.*—Successful working of the scheme.
15. Inspections of medical institutions.

APPENDIX II.

[Vide answer to question No. 977 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 17th October 1929, page 1266 supra.]

Letter from the President, District Board, Nellore, Reference No. 367-Sup./D.B. of 1928, dated the 19th April 1929.

Adverting to Government Memorandum No. 6595-1/D-2-P.H., dated the 18th February 1929, I have the honour to state that on receipt of G.O. Mis. No. 2112, P.H., dated the 6th October 1928, regarding anti-malarial measures to be carried out at Udayagiri and Duttalore villages, the matter

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was placed before the district board, at its meeting held on 30th November 1928 and the Board in its resolution No. 328, dated 30th November 1928 (copy enclosed) resolved to give effect to the recommendations of the Special Malaria Officer as far as circumstances permit. Sanction was accorded for the appointment of a temporary Sanitary Inspector on a pay of Rs. 40 plus 5 and six coolies on a pay of Rs. 10 each per mensem, and they were required to work under the control of the District Health Officer, Nellore. The Sanitary Inspector assumed charge of his duties on 4th March 1929. The work is now in progress. Necessary provision has been made in the anti-budget estimate of the district board for 1929-30, for carrying out anti-malarial measures. The President, Taluk Board, Atmakur, has been requested to take action under section 123 of the Madras Local Boards Act, 1920, to fill up the disused wells and to deepen and repair the wells that are in use by issuing notices to the persons concerned.

Nellore District Board Resolution No. 328, dated 30th November 1928.

[*Subject.*—The following subjects placed before the Public Health Committee of the District Board at its meeting held on 19th November 1928 and the recommendations made by the Committee on those matters.]

(1) G.O. No. 2112, P.H., dated 6th October 1928, requesting the District Board and the Taluk Board, Atmakur, to take steps to carry out anti-malarial measures in Udayagiri and Duttalore villages.

Resolution of the Public Health Committee.—The general principles enunciated in the report of the Malaria Officer will be carried out as far as circumstances permit. The services of the Udayagiri Village Panchayat and the Sub-Assistant Surgeon and the Health Inspector can be utilized for carrying out the measures. The programme of operations will be drawn up by the District Health Officer on the lines indicated in the report of the Malaria Officer and carried out by the Special Health staff appointed for the purpose. The staff suggested in the Government Order and in the report will be appointed except that an Assistant Sanitary Inspector on Rs. 30 to Rs. 40 will take the place of the Health Inspector. The Assistant Sanitary Inspector will be attached to the Udayagiri Village Panchayat and he will work under the control of the President of the Panchayat subject to the general supervision of the President of the Atmakur Taluk Board. The malaria season having already commenced, the measures suggested will be carried out as far as possible from the 1st December 1928, after the District Board accords its sanction at the next meeting. The District Health Officer will be instructed to utilize the board school teachers for the free distribution of quinine through and with the aid of presidents of taluk boards concerned.

Resolution of the District Board.—Approved, subject to the modification that the Sanitary Inspector will work under the control of the District Health Officer and that the Panchayat will also exercise general supervision over his work. 'Assistant Sanitary Inspector' will be altered into 'Sanitary Inspector'. He will be given pay Rs. 40 and allowance of Rs. 5. It will be started from 1st December 1928.

A. S. KRISHNA RAO,
President, District Board, Nellore.

APPENDIX III.

[17th October 1929]

[Vide answer to question No. 983 asked by Mr. A. Kaloswara Rao at the meeting of the Legislative Council held on the 17th October 1929, page 1270 supra.]

	1927-28.	1928-29.	1929-30.
(a) Number of students in the B.E. class	192	216	230
(b) Number belonging to Andhra area.	35	45	55
(c) Number of applications received	...	309	356
(1) Number of applications from Andhra area	...	81	110
(2) Number of applications from Non-Andhra area	...	228	246
(d) (1) Number selected from Andhra area	...	14	22
(2) Number selected from Non-Andhra area	...	46	38

APPENDIX IV.

[Vide answer to question No. 1002 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 17th October 1929, page 1289 supra.]

I. Executive Engineer's Office.

One Executive Engineer.	One routine clerk.
One head draughtsman.	One tracer.
One assistant draughtsman.	One typist.
One accounts clerk.	Five peons.

II. Subdivision Office, Hospet.

One Assistant Engineer.	One clerk.
Ten supervisors.	Thirteen peons.

III. Subdivision Office, Bellary.

One Assistant Engineer.	Three peons.
One clerk.	

APPENDIX V.

[Vide answer to question No. 1005 asked by Mr. G. Harisarvottama Rao at the meeting of the Legislative Council held on the 17th October 1929, page 1291 supra.]

Copy of letter No. 1439/28 C-4 to the Secretary to Government, Public Works and Labour Department, dated 21st March 1929.

The project was expected to command 70,000 acres requiring an annual storage of 14,000 m.c.ft. But from an examination of the gauged discharges for ten years it is seen that only in two years the supply would

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have been sufficient for the commandable 70,000 acres and excepting in one year which was very bad, the supply received in the other years would have been sufficient for 20,000 acres. The question of how far this project will affect the irrigation lower down under the Nellore and Sangam anicuts is now being examined. A further report on the result will be submitted to Government.

Copy of letter No. 1439/28-C.E.P. from the Chief Engineer for Irrigation, to the Secretary to Government, Public Works and Labour Department, dated 27th March 1929.

On an examination of how far the project will affect the irrigation lower down, it is observed from the gauge readings at the Nellore anicut that a material portion of the gauged discharges referred to in this office No. 1439/28 C-4, dated 21st March 1929, is being used up for irrigation lower down and that the surplus available for storage after meeting the requirements of lower irrigation is too poor to warrant any consideration of the project. The question may therefore be dropped.

APPENDIX VI.

[Vide answer to question No. 1012 asked by Mr. C. N. Muthuranga Mudaliyar at the meeting of the Legislative Council held on the 17th October 1929, page 1294 supra.]

G.O. Mis. No. 226, Public, dated 27th February 1929.

A doubt has arisen whether the communal rule which has been prescribed by the Government for recruitment to specific services or posts should be applied at the stage of confirmation in the service or post or at the time of appointment to act, to be temporary or to be on probation. For purposes of the communal rule the term "Initial recruitment" used in the orders means the first appointment of a person to act, to be temporary or to be on probation in the service or post and it is at this stage that the communal rule should be applied.

2. In other words the communal rule does not apply in the case of men who were already acting or temporary or on probation before the order applying the communal rule to the service or post was issued, but they should be dealt with on their merits subject to any other rules that may apply to them.

(By order of the Governor in Council)

A. Y. G. CAMPBELL,
Chief Secretary.

To all Departments of Secretariat.

[17th October 1929]

APPENDIX VII.

[*Vide* Item VII "Amendments to Standing Orders" at page 1326 *supra*.]

To

THE HONOURABLE MEMBERS OF THE
MADRAS LEGISLATIVE COUNCIL.

We, the undersigned Members of the Select Committee appointed to report on certain draft amendments to Standing Orders of the Madras Legislative Council moved by the hon. Mr. Krishnan Nayar at the meeting of the Legislative Council held on the 1st October 1929, have the honour to submit the following preliminary report.

2. We met on the 4th October 1929 to consider the draft amendments. The hon. the Leader of the House was also present.

3. Amendments Nos. I, II and XI relate to Standing Orders Nos. 2 (2) and 49 (2) and (3) and these Standing Orders are part of the Standing Orders dealing with the procedure of legislation. We consider that the whole procedure of legislation regarding Bills in this Council requires to be examined in the light of the procedure followed in the House of Commons. The hon. the President has agreed to a discussion of this question by a conference of the Leaders of all the parties. We have not, therefore, made any recommendation in regard to these amendments and have postponed their discussion to a later date. As a result of this postponement, we have also postponed consideration of Amendment No. XII relating to Standing Order No. 64.

4. Regarding the other amendments, we have accepted all of them. As regards Amendment No. IV relating to Standing Order No. 5, we have slightly altered the sequence of the clauses and re-numbered the clauses so as to make them more logical. We have also omitted the words "other than Government Bills" in clause 3 of the draft Standing Order as the clause refers only to non-official Bills. As a consequence of enacting the new Standing Order No. 14, the existing Standing Order No. 16 becomes unnecessary and so we recommend that it be omitted.

5. In Amendment No. 10, relating to Standing Order No. 46, we have omitted the words "for sufficient cause" as we consider that they are unnecessary.

6. Standing Order No. 8 provides that the first hour of every sitting shall be available for the asking and answering of questions. It has been the practice in this House for the President, after consultation with the Leader of the House and the Leader of the Opposition, to make available, more time for the asking and answering of questions, if at any particular sitting, the number of questions is so large as to necessitate an extension of the time for questions. We are of opinion that this practice may continue and that no amendment to Standing Order No. 8 is necessary.

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7. The amendments which we have recommended are shown in the accompanying list.

C. V. S. NARASIMHA RAJU.
P. C. VENKATAPATHI RAJU.
S. SATYAMURTI.
J. A. SALDANHA.
R. N. AROGYASWAMI MUDALIYAR.
C. NATESAN.
F. E. JAMES.
M. KRISHNAN NAYAR.
A. KRISHNASWAMI.
S. MUTHULAKSHMI REDDI.

4th October 1929.

I

Standing Order No. 3.

For the existing Standing Order No. 3 substitute the following :—

- "3. (1) When, owing to the existence of any vacancy in the office of a Deputy President, the election of a Deputy President is necessary, the Governor when there is no President, or the President when there is a President, shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.
- (2) At any time before 3 p.m. on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating
- (a) the name of the member nominated and
- (b) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.
- (3) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy President by ballot.
- (4) For the purpose of clause 3 a member shall not be deemed to have been duly proposed or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation, as members of the Council.
- "

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- (5) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates; the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates as the case may be.
- (6) Where at any ballot one of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under clause (5) the determination as between the candidates whose votes are equal, of the candidate who has to be excluded, shall be by drawing lots.
- (7) No member who has been elected Deputy President and whose election has not been approved by the Governor shall be nominated as a candidate during the continuance of the same Council."

II

Standing Order No. 5.

For the existing Standing Order No. 5 substitute the following :—

- "5. a. On days other than those allotted by the Governor for the business of non-official members of the Council, the Government may arrange Government business in such order as they think fit.
- b. (1) On days allotted by the Governor for the business of non-official members of the Council, unless any days have been allotted for any particular class of non-official business when non-official business of that class shall have precedence, the arrangement of the business shall be in the following order :—
 - (i) Motions other than those falling under (ii) and (iii) below—hereinafter referred to as special motions;
 - (ii) Motions relating to Bills; and
 - (iii) Motions which are recommendations to Government—Resolutions.
- (2) Motions relating to Bills shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order :—
 - (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed;
 - (ii) Bills for which the next stage is a motion that the Bill as reported upon by a Select Committee be taken into consideration;

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- (iii) Bills referred to a Select Committee for which the next stage is the presentation of the report of the Select Committee, or the appointment of the actual members of the Select Committee;
 - (iv) Bills which have been introduced but have not been proceeded with as far as the stages set out above;
 - (v) Bills which are to be introduced and Bills in respect of which the motion is only for leave to introduce.
- (3) As among the Bills falling under each of the clauses (i), (ii) and (iii) of clause (3), the relative precedence shall be determined according to the priority of their introduction in the Council.
 - (4) The relative precedence (a) of Bills falling under (iv) and (v) of clause (3), and (b) of resolutions shall be determined by ballot.
 - (5) A separate ballot shall be held (a) for motions relating to Bills and (b) for resolutions.
 - (6) The ballot shall be for the names of members giving notices of motions which are eligible for discussion at the meeting in respect of which the ballot is held.
 - (7) Each member whose name has been drawn in the ballot shall be entitled to have entered against his name one motion of each of the classes in respect of which the ballot has been held. No member shall be entitled to have more than one such motion entered against his name. All other admitted motions of which a member has given notice and from which he could have made his choice shall be deemed to have been withdrawn.
 - (8) The ballot shall be held at such time as may be determined by the President and may be repeated as often as may be necessary with reference to the state of non-official business.
 - (9) The precedence of motions as determined by each ballot shall hold good for thirty days from the date on which the ballot is held exclusive of the day on which it is held;

Provided that any motion which is the under consideration of the Council at the time of an adjournment shall be taken as the first item of non-official business of the same class as itself on the next day available for non-official business of that class.
 - (10) Not more than fifteen resolutions shall be set down for any day on which resolutions are to be considered by the Council.
- c. In cases not provided for by rules or the Standing Orders, the President shall have power to determine the order of precedence of any business to be transacted at any sitting."

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III

New Standing Order.

After Standing Order No. 5 insert the following new Standing Order:—

“When a Bill which has been passed is returned by the Governor to the Council for reconsideration, it shall be entered as the first item of business after questions,

- (1) on the first available day for Government business, if the Bill is a Government Bill;
- (2) on the first available day for non-official business, if the Bill is one introduced by a non-official Member.”

IV

Standing Order No. 10.

Omit Standing Order No. 10.

V

Standing Order No. 14.

For Standing Order No. 14 the following shall be substituted:—

“14. (1) Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary;

(a) Provided that the President may, with the consent of the member in charge of the department concerned, order a question to be entered in the list of questions with shorter notice than seven days; and

(b) Provided also that, in case the answer to a question cannot be sent to the Secretary before the sitting of the Council immediately following the period of seven days' notice, the President may extend the time for answering the question.

(2) Questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. All questions which are not so called, with the answers thereto, shall be included in the printed proceedings of the Council.”

VI

Standing Order No. 16.

Omit Standing Order No. 16.

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VII

Standing Order No. 33.

In Standing Order No. 33 (2) omit the word ‘original’.

VIII

Standing Order No. 34.

For the full stop at the end of this Standing Order substitute a colon and add the following:—

“Provided that nothing in the Standing Order shall enable a member to move, that any meeting at which the general discussion of the budget or the consideration of any demand for budget grants is to take place, or such general discussion or consideration, be adjourned or postponed.”

IX

Standing Order No. 46.

For the existing sub-clause (1) of Standing Order No. 46 substitute the following:—

“46. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered; Provided that the President may in his discretion admit an amendment with shorter notice than three days.”

X

Re-number the Standing Orders in serial order in accordance with the foregoing alterations.

