681

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, *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., C.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 Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Biswanath Das Mahasayo, Sriman.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Ellappa Chettiyar, Rao Bahadur S.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gopala Menon, 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.
Hilton Brown, I.C.S., Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Naydu, Mr. V.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
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.
Mahmud Sehamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Marudavanam Pillai, Mr. C.
Moidoo Sahib Bahadur, Khan Sahib T. M.
Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, The
Muthulakshmi Reddi, Dr. (Mrs.) S.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayana Rao, Mr. M.
Narayanan Chettiyar, Mr. Al. Ar.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Parasurama Rao, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Rajan, Mr P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramjee Rao, Mr. V.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Robertson, Mr. R. J. C.
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.
Srinivasa Ayyangar, Mr. R.
Srinivasa Ayyangar, Mr. T. C.
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.
Vanavadaiya 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
Zamindar of Seithur, The

DIGITIZED

D
Ø11, 32' N29
N29.50.3/12

70538

70538
I

[4th October 1929

QUESTIONS AND ANSWERS.

STARRED QUESTION.

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."

D
V811, 30 N89
N89. 30

4th October 1929]

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 disirict.

*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."

[4th October 1929

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 know?"

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

4th October 1929]

(*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.

[4th October 1929

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

4th October 1929]

(*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.

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 Peddapur 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 Peddapur 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 (*h*) 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.

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?

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;

4th October 1929]

(*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

[4th October 1929

(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.

4th October 1929]

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 ? "

[4th October 1929

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 $1\frac{1}{2}$ 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 ? "

4th October 1929]

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.
Mahbukal.	Gurpur.	Kumbla.
Sitanadi.	Netravati.	Kasargod.
Udayavar.		

[4th October 1929

It is also reported to have spread from Padukere to Udayavar and from Malpe to Haugarkatta and to Adkathbail, Schmnad, Nileshwar, Hosdrug and Chervathur.

The Act is in force throughout the distr iot.

(*c*) Does not arise.

(*d*) The following staff has been sanctioned for dealing with the affected trees :—

One special revenue inspector One peon Four coolies	for one year.
One special revenue inspector Eight coolies	for six months.

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 ? " 11-15 a.m.

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 scrutnised 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."

[4th October 1929

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 get 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?"

4th October 1929]

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. TULASIRAM :—"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."

[4th October 1929

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. BAHEER 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."

4th October 1929]

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

[4th October 1929

(*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.

4th October 1929]

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.

[4th October 1929

[*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 TRIPLICANE.

*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. 28, 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

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." 11-30 a.m.

*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."

[4th October 1929

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

4th October 1929] [Mr. S.Arpudaswami Udayar]

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 to-day I should ask for the deletion of the words 'bona fide.' I think I have very

11-45 a.m.

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

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.

[4th October 1929

* 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 tarward 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

4th October 1929] [Mr. E. Sankaran Unni.]

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 KAVALAPPARA 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

12 noon

[Mr. A. Kaleswara Rao] [4th October 1929

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 saidothat 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 residental 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 residental

4th October 1929] [Mr. L. K. Tulasiram]

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 grieulture."

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

[Mr. K. Krishnan] [4th October 1929

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."

4th October 1929]

The MUPPIL NAYAR OF KAVALAPPARA :—" 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 d'ont think that we should be right in prescribing eviction from the holding as a punishment for having permitted an encroachment." 12-15 p.m.

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 Marumakattayam 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. K. 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 Marumakkatayam 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

[Mr. K. R. Karant] [4th October 1929

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 grandmother. 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."

4th October 1929]

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.*" 12-30 p.m.

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 usufructuarily, 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

[Mr. A Y. G. Campbell] [4th October 1929

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. May 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."

4th October 1929]

* 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. HARISARVOITAMA 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

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 jammis, 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.'

"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
12-15 p.m. 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 tranfers 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 verumpattamdar. 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 verumpattamdar can claim

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 NAMBUDRIPAD:—"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.

[Mr. E. Sankaran Unni] [4th October 1929

"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

4th October 1929] [Mr. K. Uppi Sahib]

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

[Mr. K. Uppi Sahib] [4th October 1929

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 by 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.

4th October 1929] [Mr. A. Kaleswara Rao]

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 Mahasayo :—" 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

[Sriman Biswanath Das Mahasayo] [4th October 1929

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."

4th October 1929]

Mr. L. K. TULASIRAM :—" 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 cock-pit 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." 3-30 p.m.

* 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

[Mr. G. Harisarvottama Rao] [4th October 1929

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

4th October 1929] [Mr. J. A. Saldanha]

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 every 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."

[4th October 1929

3-45 p.m. * 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

4th October 1929] [Mr. S. Satyamurti]

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 realisation 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

[Mr. S. Satyamurti] [4th October 1929

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 Raju.
2. ,, G. Harisarvottama Rao.
3. ,, Abdul Hameed Khan.
4. ,, L. K. Tulasiram.
5. ,, K. V. R. Swami.
6. ,, D. Narayana Raju.
7. ,, K. R. Karant.
8. ,, A. Parasurama Rao.
9. Mr. Ahmed Miran.
10. Sriman Biswanath Das Mahasayo.
11. Mr. K. Uppi Sahib.
12. ,, K. V. Krishnaswami Nayakar.
13. ,, C. R. Parthasarathi Ayyangar.
14. Rao Bahadur C. Natesa Mudaliyar.

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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, R. Foulkes.
16. The Muppil Nayar of Kavalappara.
17. Subadar-Major Nanjappah Bahadur.
18. Mr. K. Krishnan.
19. ,, N. Siva Raj.
20. Mr. M. V. Gangadhara Siva.
21. ,, V. I. Muniswami Pillai.
22. ,, S. Subrahmanya Moopanar.
23. ,, S. Venkiah.
24. Rao Sahib R. Srinivasan.
25. Mr. A. Achuthan.
26. ,, E. Sankaran Unni.
27. ,, F. E. James.
28. ,, V. Ramjee Rao.
29. ,, R. Srinivasa Ayyangar.
30. ,, S. Satyamurti.
31. ,, C. V. Venkataramana Ayyangar.
32. ,, J. A. Saldanha.
33. ,, K. Madhavan Nayar.
34. ,, C. Obi Reddi.
35. ,, A. Ranganatha Mudaliyar.
36. ,, K. P. Raman Menon.
37. ,, C. Gopala Menon.
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.

4th October 1929]

Mr. E SANKARAN UNNI:—"Sir, I move 4 p.m.

'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."

[4th October 1929

* 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 distrain the property of these poor cultivating tenants. It is reasonable probably to say that the landlord himself must have the right to distrain, 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 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:

4th October 1929] [*Mr. K. Madhavan Nayar*]

> '*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 effaee 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.

"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."

4th October 1929]

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 Committe 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.
2. Mr. P. C. Venkatapathi Raju.
3. ,, K. Koti Reddi.
4. ,, J. A. Saldanha.
5. ,, G. Harisarvottama Rao.
6. ,, Abdul Hameed Khan.
7. ,, L. K. Tulasiram.
8. ,, K. V. R. Swami.
9. ,, D. Narayana Raju.
10. Dr. B. S. Mallayya.
11. Mr. K. R. Karant.
12. ,, K. Madhavan Nayar.
13. ,, C. Obi Reddi.
14. ,, A. Parasurama Rao.
15. ,, Ahmed Miran.
16. ,, A. Kaleswara Rao
17. ,, K Uppi Sahib
18. ,, A. Rangamatha Mudaliyar.
19. ,, C. R. Parthasarathi Ayyangar.

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. ,, ,, M. R. Seturatnam Ayyar.
6. ,, ,, 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. B. Cotterell.
14. ,, R. Foulkes.
15. The Muppil Nayar of Kavalappara.
16. Mr. K. Krishnan.
17. ,, N. Siva Raj.
18. ,, M. V. Gangadhara Siva.
19. Rao Sahib L. C. Guruswami.
20. Mr. V. I. Muniswami Pillai.
21. ,, S. Subrahmanya Mooppanar.
22. ,, S. Venkiah.
23. Rao Sahib R. Srinivasan.
24. Mr. A. Achuthan.
25. ,, E. Sankaran Unni.
26. ,, S. Arpudaswami Udayar.
27. ,, R. Srinivasa Ayyangar.
28. ,, S. Satyamurti.
29. ,, K. P. Raman Menon.
30. ,, T. C. Srinivasa Ayyangar.
31. Rao Bahadur Sir A. P. Patro.
32. ,, C. Natesa Mudaliyar.
33. Mr. P. T. Rajan.
34. Rao Bahadur S. Ellappa Chettiyar.
35. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
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)."

4th October 1929]

* 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 movable properties should not be attached. So I hope Government will see its way to support my amendment to improve the position of the verumpattamdar." 4-30 p.m.

Mr. ABDUL HAMEED KHAN :—" I second it."

4-45 p.m. The amendment was put and declared lost. A poll was demanded and the House divided thus—

Ayes.

1. Mahmud Schamnad Sahib Bahadur.
2. Mr. P. C. Venkatapathi Raju.
3. ,, K. Koti Reddi.
4. ,, Sami Venkatachalam Chetti.
5. ,, G. Harisarvottama Rao.
6. ,, Abdul Hameed Khan.
7. ,, L. K. Tulasiram.
8. ,, K. V. R. Swami.
9. Mr. D. Narayana Raju.
10. ,, K. R. Karant.
11. ,, C. Obi Reddi.
12. ,, A. Parasurama Rao.
13. Sriman Biswanath Das Mahasayo.
14. Mr. A. Kaleswara Rao.
15. ,, K. Uppi Sahib.
16. ,, C. R. Parthasarathi Ayyangar.

Noes.

1. The hon. Khan Bahadur Sir Mahammad 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. B. Cotterell.
14. ,, R. Foulkes.
15. The Muppil Nayar of Kavalappara.
16. Subadar-Major S. A. Nanjappah Bahadur.
17. Mr. K. Krishnan.
18. Mr. N. Siva Raj.
19. ,, M. V. Gangadhara Siva.
20. Rao Sahib L. C. Guruswami.
21. Mr. V. I. Muniswami Pillai.
22. ,, S. Subrahmanya Mooppanar.
23. ,, S. Venkiah.
24. Rao Sahib R. Srinivasan.
25. Mr. A. Achuthan.
26. ,, E. Sankaran Unni.
27. ,, V. Ramajee Rao.
28. ,, S. Satyamurti.
29. ,, K. P. Raman Menon.
30. Rao Bahadur Sir A. P. Patro
31. ,, C. Natesa Mudaliyar.
32. ,, S. Ellappa Chettiyar.
33. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
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 NAMBUDRIPAD :—" 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."

The hon. Mr. A. Y. G. CAMPBELL :—" I am prepared to accept the amendment as, it seems to me, it brings out the intention." [4th October 1929

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 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 sugestion. 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 verumpattamdar 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 [a] 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.

[a] Printed on pages 746—755.

[4th October 1929

(*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 Pedarayavaram.
Rajanna tank of Rayabhupalapatnam.
Raju tank of Peddapuram.
Peddapuram tank.
Malludora tank of Lakshmipuram.
Venkateswarlu tank of Narendrapatnam.
Konetivari tank of Bhavaram.
Timmaraju tank of Cingamparti.
Yetikalva tank of Jagapathinagaram.
Pedda tank of Jagapathinagaram
Venkandora tank of Pedasankarlapudi.
Venkateswarlu tank of Uttarakanchi.
Gokavarapu Eticalva 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. Ananthavaram—
   13. Gundraju tank.
3. Arempudi—
   14. Rudravani tank.
   15. Cherukuvani tank.
   16. Madanavari tank.
   17. Kotta tank.
   18. Kotta and Vuppayya 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. Kurumpatruni tank.
   26. Dora tank.
   27. Latchireddipalem gedda tank.
6. Billavaka—
   28. Butchiramudu 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. Musalayya tank.
   40. Jeggaraju tank.
   41. Deyyamgoyyi tank.
   42. Komati tank.
   43. Vadlavari tank.
   44. Govindu tank.
   45. Karragattu tank.
   46. Kakkitagoyyi tank.

4th October 1929]

Peddapuram taluk—cont.

8. Doddigunta—*cont.*
   47. Papudu tank.
   48. Dhammudugoyyi tank.
   49. Surai tank.
9. Dontamur—
   50. Vura tank.
   51. Duppalapudivari tank.
   52. Karnamvari tank.
   53. Komatigunta tank.
   54. Reddi tank.
   55. Mulagoyyi tank.
   56. Gubbalavadi tank.
   57. Sodasanivari tank.
   58. Poleramma tank.
   59. Muneswarudi tank.
   60. Idula tank.
   61. Kancherabunda tank.
   62. Karrivani 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. Madugagoyyi tank.
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. Chinna tank.
14. J. Thimmapuram—
   86. Perumallaraju tank.
   87. Vemavarapu tank.
   88. Gangaboyina tank.
   89. Veeraraju tank.
15. J. Annavaram—
   90. Jaggareddi Dora tank.
   91. Tokalankaitank.
   92. Vura tank.
   93. China Jaggareddi Dora tank.
   94. Kanakamma 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. Ramudu 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. Yetamsettivari 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. Polisetti tank.
   149. Madigavallu tank.
   150. Yerra Venkatayi tank.
   151. Narayudu Kuramudi.
   152. Nalla tank.
   153. Mangalavani tank.
   154. Chakalavani tank.
   155. Gudi tank.
   156. Gopalapuram Polisetti tank.

Peddapuram taluk—cont.

24. Mallepalli—*cont.*
    157. Palepunadiveni tank.
    158. Bangaru tank.
    159. Pedanarayudukurimidi tank.
25. Mukundavaram—
    160. Somayabunda tank.
    161. Vizurauvani tank.
    162. Komati tank.
    163. Chitikamvari tank.
26. Mulagapudi—
    164. Thokkirikamani tank.
    165. Bhavaraju tank.
27. Marripudi—
    166. Adapa Veerappa tank.
    167. Pollisettivari tank.
    168. Venkanna tank.
    169. Kotta tank.
    170. Kaspavari tank.
    171. Midithavari tank.
    172. Konala Settenna tank.
    173. Raju tank.
    174. Adabalavari 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. Marriveda—
    185. Bondavani tank.
    186. Nithanampudivari tank.
    187. Mallaparaju 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. Gunduvari 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. Lakshmipuram tank.
    208. Perraju tank.
    209. Ramadevari tank.
    210. Bhavaram Konetivari tank.
    211. Lakshmipuram 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. Madina 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. Varamkunta tank.
    239. Mangalavadi tank.
36. Peddapuram—
    240. Venkatapathiraju tank.
    241. Thammayya tank.
    242. Ramanna tank.
    243. Venkataraju tank.
    244. Chintala tank.
37. Parimtadaka—
    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 Atchenna tank.
    252. Malagani tank.
    253. Marribunda tank.
    254. Satyalamma tank.
    255. Bharatam Atchenna tank.
40. Rayabhupalapatnam—
    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.

Peddapuram taluk—cont.

42. Rowtalapudi—
    264. Chuttu 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. Veradhikelva.
44. Subhadrampeta—
    285. Chinna tank.
    286. Gandi 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. Gubbalamma tank.
    295. Razula tank.
    296. Mangamma tank.
    297. Vammanna tank.
46. Soorampalem—
    298. Papamma tank.
    299. Papiah tank.
    300. Chitralla tank.
    301. Raju tank.
    302. Ayyanna tank.
    303. Soramma tank.
47. Singampalli—
    304. Tirumala tank.
    305. Karri Mari tank.
    306. Venkatramudu tank.
    307. Gurappa tank.
    308 Poosalavadi tank.
    309. Gollavadi tank.
48. Tirupatirajapuram South—
    310. Parimvari tank.
    311. Danduvari tank.
    312. Venkatramudu tank.
    313. Veerappa tank.
    314. Talla tank.
    315. Tadigothi tank.
    316. Markondraju tank.
    317. Nallamohiveri tank.
49. Vuttarakanchi—
    318. Ramisetti 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. Nallumoluvari tank.
    330. Ramudu tank.
    331. Gangadevikunta.
    332. Peraya tank.
    333. Kodandaramudu tank.
    334. Vellepalliveri tank.
    335. Melegunta tank.
    336. Kondayagunta tank.
    337. Bollinavari tank.
    338. Allam Jagganna tank.
    339. Sundarayya tank.
    340. Mallayya tank.
    341. Appanabhottlakunta.
    342. Kammaravani tank.
    343. Venkayyagari tank.
    344. Kamalanabhuni tank.
    345. Medhavani tank.
    346. Moortireddivari tank.
51. Valtimmapuram—
    347. Pagidi tank.
    348. Appalaraju tank.
    349. Papiah 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.

Cocanada taluk.

1. G. Medapadu—
    1. Karnamvari tank.
    2. Chintala tank.
    3. Sitaramudu tank.
    4. Asina tank.
    5. Jangambanda tank.
    6. Kotta tank.
    7. Atchutaramudu tank.
    8. Merla tank.
    9. Venkatapathi cheruvu.
    10. Pedaramudu cheruvu.
2. Pedabrahmadevam—
    11. Rayapuraju tank.
    12. Devalla Krishnamma tank.
    13. Yenugubanda and Upamakaraju tank.

Cocanada taluk—cont.

2. Pedabrahmadevam—*cont.*
   14. Papayya tank.
   15. Kota tank.
   16. Venkataraju tank.
   17. Nedunurivari tank.
   18. Narayanaraju tank.
   19. Padalavari tank.

Cocanada taluk—cont.

3. Vetlapalem—
   20. Venkatapatiraju tank.
   21. Jogi tank.
   22. Perraju tank.
   23. Ura tank.
   24. Nelliambanda tank.

List of irrigation tanks in zamindari lands in Cocanada 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. Chellayyammaraogari 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. Burugupudi—
   24. Duslam tank.
   25. Yerra tank.
5. Tirupatirajupeta—
   26. Nutula tank.
   27. Hanumallu tank.
6. Rajapudi—
   28. Venkateswarudi tank.
   29. Medinedivari tank.
   30. Narsaraju tank.
   31. Komatigunta.
   32. Setti tank.
   33. Somalingam tank.
   34. Agadtu tank.
   35. Jaggayya tank.
   36. Tirupati tank.
   37. Jogibanda tank.

Jaggampeta 'A' & 'D' Estates—*cont.*

6. Rajapudi—*cont.*
   38. Chakalikunta.
   39. Jaggayya 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 kunta.
   49. Rajammakunta.
   50. Kapileparu tank.
8. Talluru—
   51. Nalla tank.
   52. Narasayi tank.
   53. Chinnaya 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. Ramayi tank.
11. Uppalapadu—
   73. Tirupati tank.
   74. Papayi tank.
   75. Doddivani tank.
   76. Pantulu tank.
   77. Reddi tank.
   78. Kakivari tank.
   79. Doddavari tank.
   80. Dudekula tank.
   81. Timmanakunta.
   82. Chakala tank.

4th October 1929]

Jaggampeta 'A' & 'D' Estates—*cont.*

11. Uppalapadu—*cont.*
   83. Kotturu tank.
   84. Subbayyamma 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 Sankarayya tank.
   98. Jeebi tank.
   99. Suramma tank.
   100. Vajjulavari tank.
   101. Kamayi tank.
   102. Sambbayya tank.
   103. China tank.
   104. Pedda tank.
   105. Narayudu tank.
13. Borrampalem—
   106. Nandurivari Voora tank.
   107. Kesana tank.
   108. Jotulavani tank.
   109. Vadlavani tank.
14. Mamidada—
   110. Sitaramudu tank.
   111. Achanna tank.
   112. Jangamvani tank.
15. Govindapuram—
   113. Vura tank.
   114. Yerra tank.
   115. Gangana tank.
16. Irripaka—
   116. Gopalaraju 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. Perumallaraju 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. Pedaperumallraju tank.
   2. China Perumallaraju.
   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.

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. Chinnammi tank.
   12. Achiraju tank.
   13. Jaggaraju tank.
   14. Adabalraju or Kotta Nakkavani tank.

4. Chillangi—
   15 Ramakrishnamma tank.

RAYAVARAM ESTATE.

1. Rayavaram—
   1. Panta tank or Timmaraju 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. Venkataraju tank.
   8. Kalapureddivari tank.
   9. Ramachendraraju tank.

KIRLAMPUDI 'A-3' ESTATE.

1. Chinasenkarlapudi—
   1. Kadumula tank.

List of irrigation tanks in inam and mokhasa villages of Peddapuram taluk.

1. Illapalli—
   1. Sattenna tank.
   2. Vura tank.
   3. Puttivari tank.
   4. Devalla tank.

2. Tummalapalli—
   5. Akkamma tank.

3. Rallakhandrica—
   6. Ammanna tank.

PEDDIPALEM MOKHASA.

1. Peddipalem—
   1. Pedda tank.
   2. Padilamvari tank.

PYDAVARI JAGANNADHAPURAM MOKHASA.

1. Pydavari Jagannadhapuram—
   1. Pantacheruvu.

GAJJANAPUDI MOKHASA.

1. Gazzanapudi—
   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. Chitraju tank.
   5. Veerraju tank.

VENKATANAGARAM MOKHASA.

1. Venkatanagram—
   1. Marrimanu tank.
   2. Chintamanu tank.
   3. Veerayyadhora tank.
   4. Yerra tank.

CHINTALURU MOKHASA.

1. Chintaluvi—
   1. Kotha tank.
   2. Yerra tank.
   3. Pedda tank.

GIDAZAM MOKHASA.

1. Gidzam—
   1. Karrivani tank.
   2. Rajayya tank.
   3. Somandora Narappa tank.

MALLAVARAM MOKHASA.

1. Mallavaram—
   1. Yerra tank.
   2. Gavirammakattu.
   3. Dasarivari tank.
   4. Tatibandala tank.

UPPAMPALEM MOKHASA.

1. Uppampalem—
   1. Yerrakaragattu.
   2. Komati tank.

LATCHIREDDIPALEM MOKHASA.

1. Latchireddipalem—
   1. Kotta tank
   2. Daminadi tank.
   3. Gorramvari kattu.

NAMAGIRI NARENDRAPATNAM MOKHASA.

1. Namagiri Narendrapatnam—
   1. Kotta tank.
   2. Regulavani tank.
   3. Meenamvari tank.
   4. Vura tank.

R. VENKATAPURAM MOKHASA.

1. R. Venkatapuram—
   1. Kotha tank.

RAJAVARAM MOKHASA.

1. Rajavaram—
   1. Mogili tank.

GANGAVARAM MUTTA.

1. Diguvadharapalli—
   1. Thallabanda.

2. Ramakrishnapuram—
   2. Vegu tank.
   3. Acheyya banda.

3. Gangavaram—
   4. Rayavarapuvari tank.
   5. Pandirimamidibanda.
   6. Mogilikatta.

AREMPUDI MUTTA MOKHASA VILLAGES.

1. Kontangi—
   1. Balaraju tank.
   2. Kannamma tank.
   3. Doddipatlavari tank.
   4. Pedabapandhora tank.

2. Seetayyammapeta—
   5. Vura tank.

3. Koduru—
   6. Gollamvari tank.
   7. Ayyappadora tank.
   8. Tatitota tank.
   9. Bavimanu tank.
   10. Mamidimanu tank.

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. Garravani tank.

7. Tirupatampeta—
   15. Naila tank.

8. Vajrakutam—
   16. Vura tank.

9. Kondempudi—
   17. Purushottapu tank.
   18. Ayyappa tank.

10. Ramannapalem—
    19. Chakaladani 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. Kesarapuvari tank.

4. Penumarti—
   1. Panta cheruvu.

5. Nemam—
   1. Nallacharyula Panta cheruvu.
   2. Posina Govinda Konenu Panta cheruvu.
   3. Akka cheruvu.
   4. Malapalli cheruvu.
   5. Poturaju banda cheruvu.
   6. Poohina Venkatachelam's cheruvu.
   7. Rattam Pemu cheruvu.
   8. Yerakanna cheruvu
   9. Palla cheruvu.
   10. Jeegunta cheruvu.
   11. Nuthulagunta cheruvu.

PITHAPURAM ESTATE—*cont.*

5. Nemam—*cont.*
   12. Yerranulagunta cheruvu.
   13. Jaggubhotla cheruvu.
   14. Appanna gothulu.
   15. Joduguntala cheruvu.
   16. Ramanujulu 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.

PITHAPURAM ESTATE—*cont.*

9. Jaggammagaripeta—*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. Rachapalli—
   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. Tummala 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. Vannepudi—
   18. Voora tank.
   19. Babaji tank.
   20. Tummala 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. Fakiruddinpalem—
   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. Gorsa—
   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. Vakatippa—
   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.

4th October 1929]

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. Chuttu 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. Kunchevani 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, *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.
Achutan, Mr. A
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.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Davis, O.B.E., Mr. J. A.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Govinda Nayar, Mr. C.
Gray, O.B.E., I.C.S., Mr. J.
Guruswami, Rao Sahib L. C.
Harisarvottama Rao, Mr. G.
Henrson, 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.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Ayyar, Mr. Alladi.
Krishnaswami Nayakar, Mr. K. V.
Leach, I.C.S., Mr A. G.
Madhavan Nayar, Mr. K.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Marudavanam Pillai, Mr. C.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Moidoo Sahib Bahadur, Khan Sahib T. M.
Muniswami Pillai, Mr V. I.
The Muppil Nayar of Kavalappara alias Kumaran Raman.
Muthulakshmi Reddi, Dr. (Mrs) S.
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayanan Chettiyar, Mr. Al. Ar.
Narayana Nambudripad, Rao Bahadur O. M.
Natesa Mudaliyar, Rao Bahadur C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Robertson, Mr. R. J. C.
Rutherford, C.I.E., I.C.S., Mr. T. G.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Sankaran Unni, Mr. E.
Siva Raj, Mr. N.
Soundarapandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Swami, Mr. K. V R.
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.
Zamindar of Seithur.

I [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.[a]

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 Tonse.

*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 Udipi representing the grievances of the people of Tonse 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.

* Printed as Appendix I at page 832 infra.

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.[a]

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."

[a] Printed as Appendix II on page 832 infra.

7th October 1929]

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.[a] 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

[a] Printed as Appendix III on page 833 infra.

[7th October 1929

(*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."

7th October 1929]

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. [a]

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.

[a] Printed as Appendix IV on page 834 infra. [b] Printed as Appendix V on page 834 infra.

[7th October 1929

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."

7th October 1929]

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?" 11-15 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.

[7th October 1929

(*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."

7th October 1929]

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?"

[7th October 1929

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, Cooncor, 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."

7th October 1929]

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 ;

[7th October 1929

(*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. RAMASOMAYAJULU : 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 ? "

7th October 1929]

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."

[7th October 1929

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 18¾ per cent at a time; and

(*c*) if so, why this policy was deviated from in the case of the town of Bellary?

[7th October 1929

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 18¾ per cent.

(*c*) The limit of 18¾ 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."

7th October 1929]

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."

[7th October 1929

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."

7th October 1929]

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."

[7th October 1929

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 MULALIYAR :—"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. ABDUL 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."

7th October 1929]

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

(*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;

(*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.

[7th October 1929

Tours

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."

* 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:

11-45 a.m.

> '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

7th October 1929] [Mr. K. Madhavan Nayar]

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 wet lands 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 tenan 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 innundations 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

[Mr. K. Madhavan Nayar] [7th October 1929

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 janmapatam. It will double itself in fifteen years. Making an allowance
12 noon. 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.

7th October 1929] [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 jaumis."

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,"

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 approximates 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 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] [7th October 1929

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 verumpattamdar 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

7th October 1929] [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.

[7th October 1929

Mr. G. Harisarvottama Rao demanded a poll which was taken with the following result :—

Ayes.

1. Mr. K. Krishnan.
2. ,, V. I. Muniswami Pillai.
3. ,, P. C. Venkatapathi Raju.
4. ,, K. Koti Reddi.
5. ,, J. A. Saldanha.
6. ,, G. Harisarvottama Rao.
7. ,, L. K. Tulasiram.
8. ,, K. V. R. Swami.
9. ,, D. Narayana Raju.
10. Mr. K. R. Karant.
11. ,, K. Madhavan Nayar.
12. ,, A. Parasurama Rao
13. ,, B. Venkataratnam.
14. ,, A. Ranganatha Mudaliyar.
15. ,, K. P. Raman Menon.
16. ,, R. Nagan Gowda.
17. ,, C. Gopala Menon.

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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, J. A. Davis.
16. ,, R. Foulkes.
17. Mr. Mahmud Schamnad.
18. The Muppil Nayar of Kavalappara.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Mr. Al. Ar. Narayanan Chettiyar.
21. Rao Bahadur O. M. Narayanan Nambudripad.
22. Mr. N. Siva Raj.
23. ,, M. V. Gangadhara Siva.
24. ,, S. Subrahmanya Moopanar.
25. Rao Sahib R. Srinivasan.
26. Mr. R. Srinivasa Ayyangar.
27. ,, S. Satyamurti.
28. Ahmed Miran Sahib Bahadur.
29. K. Uppi Sahib Bahadur.
30. Mr. C. N. Muthuranga Mudaliyar.
31. ,, C. E. Wood.
32. ,, F. E. James.
33. ,, H. F. P. Hearson.
34. ,, S. N. Dorai Raja.
35. ,, S. Arpudaswami Udayar.
36. ,, U. Ramaswami Ayyar.
37. ,, V. Ramjee Rao.
38. Rao Bahadur S. Ellappa Chettiyar.
39. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
40. Khan Sahib T. M. Moidoo Sahib Bahadur.
41. Mr. K. Sarabha Reddi.
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."

7th October 1929]

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.*

(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 found 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."

* 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."

[7th October 1929

12-45 p.m. * 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 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 princi palexponents 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

7th October 1929] [Mr. K. Madhavan Nayar]

[Mr. K. Madhavan Nayar] [7th October 1929

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 30 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.

1 p.m. "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,

7th October 1929] [Mr. J. A. Saldanha]

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 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 Re. 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

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 sowjanyam 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 confication. 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.

1-15 p.m. "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

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 [illegible] 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."

70538

[7th October 1929

* 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

7th October 1929] [Mr. E. Sankaran Unni]

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 TRIPLICANE.

* 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

[Mr. S. Satyamurti] [7th October 1929

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.

7th October 1929] [Mr. S. Satyamurti]

"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 Brahmans, 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

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.

2-45 p.m. "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

wish and the best interest of all these institutions and the enterprise is frought 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. ARCGYASWAMI 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

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, buffetted 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.

"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 surpise to us. Sir, the shop that was closed in 1925 in Chepauk division

[Mr. C. Natesa Mudaliyar] [7th October 1929

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 Chettiyar. 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

7th October 1929] [Dr. (Mrs.) S. Muthulakshmi Reddi]

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." 3-15 p.m.

* 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 purusing 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 emasculate 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

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 if the Government will continue the location of the shop there in spite of the 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

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

3-30 p.m.

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 this description. If anybody goes through Mount Road near that Muhammadan 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

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

[Mr. S. Muthiah Mudaliyar] [7th October 1929

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."

7th October 1929]

* 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 without 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." 3-45 p.m.

* 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

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

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 thown 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.

"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

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." 4 p.m.

*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 Licencing 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

[Mr. Mahmud Schamnad Sahib] [7th October 1929

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.

1. Mr. K. Ramachandra Padayachi.
2. ,, G. R. Premayya.
3. ,, V. Ramjee Rao.
4. ,, P. C. Venkatapathi Raju.
5. ,, K. Koti Reddi.
6. ,, R. Srinivasa Ayyangar.
7. ,, Sami Venkatachalam Chetti.
8. ,, S. Satyamurti.
9. ,, J. A. Saldanha.
10. ,, G. Harisarvottama Rao.
11. ,, Basheer Ahmed Sayeed.
12. ,, C. S. Govindaraja Mudaliyar.
13. ,, Abdul Hameed Khan.
14. ,, L. K. Tulasiram.
15. ,, K. V. R. Swami.
16. ,, D. Narayana Raju.
17. ,, K. R. Karant
18. ,, K. Madhavan Nayar.
19. ,, A. Parasurama Rao Pantulu.
20. Mr. T. Adinarayana Chettiyar.
21. ,, Ahmed Meeran.
22. ,, A. Kaleswara Rao.
23. ,, K. Uppi Sahib.
24. ,, V. Kameswara Rao Nayudu.
25. ,, C. N. Muthuranga Mudaliyar.
26. ,, K. V. Krishnaswami Nayakar.
27. ,, K. P V. S. Muhammad Meera Ravuttar.
28. ,, C. Venkatarangam Nayudu.
29. ,, B. Venkataratnam.
30. ,, A. Ranganatha Mudaliyar.
31. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
32. The Zamindar of Seithur.
33. Mr. K. P. Raman Menon.
34. ,, C. R. Parthasarathi Ayyangar.
35. Rao Bahadur C. Natesa Mudaliyar.
36. ,, S. Ellappa Chettiyar.

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. B. Cotterell.
14. ,, V. Ch. John.
15. Mr. J. Bheemayya.
16. ,, R. Foulkes.
17. The Muppil Nayar of Kavalappara.
18. Subadar-Major S. A. Nanjappah Bahadur
19. Mr. K. Krishnan.
20. ,, N. Siva Raj.
21. ,, M. V. Gangadhara Siva.
22. ,, W. P. A. Soundara Pandian.
23. ,, S. Subrahmanya Moopanar.
24. ,, F. E. James.
25. ,, R. J. C. Robertson.
26. ,, H. F. P. Hearson.
27. ,, S. N. Dorai Raja.
28. Rao Bahadur Sir A. P. Patro.
29. Mr. P. T. Rajan.
30. ,, T. K. Chidambaranatha Mudaliyar.

Neutral.

1. Dr. (Mrs.) S. Muthulakshmi Reddi.
2. Rao Bahadur O. M. Narayanan Namboodripad.
3. Mr. V. I. Muniswami Pillai.
4. Mr. S. V. Vanavudaiya Gounder.
5. Mr. S. Venkiah.
6. Rao Sahib R. Srinivasan.
7. Mr. Mahmud Schamnad.

Ayes 36. *Noes* 30. *Neutral* 7.

7th October 1929]

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.

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 2¼. 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

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 2¼ 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.

[Mr. E. Sankaran Unni] [7th October 1929

4-30 p.m.

"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 20,000 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."

7th October 1929]

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

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 offord 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 janmipattam 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

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 Tampan. 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 $2\frac{1}{2}$ 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. 4-45 p.m.

"Not only that. Large land acquisitions have been going on in Palghat. The South Indian Railway Company are extending their line from Palghat

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:

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 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. 5 p.m.

"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.

* Printed as Appendix VI on page 835 infra.

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) Number of Agricultural Demonstrators in the Ceded districts	19
(b) (i) Natives of Ceded districts	9
(ii) Natives of each of the other districts—	
Ganjam	9
Vizagapatam	5
East Godavari	9
West Godavari	2
Kistna	3
Guntur	6
Nellore	2
Chingleput	3
Chittoor	2
(ii) Natives of each of the other districts—*cont.*	
North Arcot	3
South Arcot	1
Madras	1
Tanjore	16
Trichinopoly	2
Madura	5
Ramnad	4
Tinnevelly	20
Salem	4
Coimbatore	10
Malabar	17
South Kanara	8
(iii) Indian States—	
Pudukkottai State	3
Coorg	1
Total	136

APPENDIX II.

[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 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	...	Pudukkottai	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	Total	235
Madura	4		

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	Cuttack	2
Kurnool *	Nil.		
Madura	22	Total	555
Malabar	91		
Nellore	12		

* Represents the Ceded district.

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)	Number of Sub-Registrars in the Ceded districts	46
(*b*) (i)	Natives of the Ceded districts	14
(ii)	Natives of each of the other districts—	
	Ganjam ...	25
	Vizagapatam ..	29
	East Godavari ...	38
	West Godavari.	18
	Kistna	19
	Guntur	12
	Nellore	8
	Chingleput ...	29
	Chittoor ...	8
	North Arcot ...	14
	South Arcot ...	13
	Madras	26
(ii)	Natives of each of the other districts—*cont.*	
	Trichinopoly ...	21
	Madura ...	28
	Ramnad ...	7
	Tinnevelly ...	39
	Salem	17
	Coimbatore ...	19
	Malabar ..	88
	South Kanara ...	24
	Tanjore ...	87
(iii)	Natives of Indian States, etc.—	
	Cochin	7
	Travancore ...	3
	Pudukkottai ...	2
	Mysore ...	1
	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.
Ganjam	11	5
Vizagapatam ..	19	5
East Godavari ..	26	4
West Godavari ..	17	5
Kistna	4	5
Guntur	12	3
Nellore	6	4
Anantapur ..	5	1
Cuddapah ..	1	3
Bellary	9	5
Kurnool	3	2
Chittoor	3	4
North Arcot ..	4	1
Madras	10	3
Chingleput ..	7	3
South Arcot ..	5	2
Tanjore	43	17
Trichinopoly ..	11	6
Salem	5	3
Madura	1	2
Ramnad	..	2
Tinnevelly	11	5
Coimbatore	12	5
Malabar	20	2
South Kanara ..	7	9
Native States—		6
Travancore Cochin	..	1
Pudukkottai ..	1	..
Bombay (other Presidency) ..	2	..
Karaikal (French).	1	..
Bangalore ..	1	..
Orissa	5	..
Total ..	263	103

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 "Fort St. George Gazette", dated the* 1*st 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.
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.
Sethuratnam 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 Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
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. 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.
Leach, I.C.S., Mr. A. G.
Madhavan Nayar, Mr. K.
Mahmud Sahamnad Sahib Bahadur.
Marudavanam Pillai, Mr. C.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Munaiswami 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.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Narayanaswami Pillai, Mr. T. M.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramjee Rao, Mr. V.
Ramaswami Ayyar, Mr. U.
Ranganatha Mudaliyar, Mr. A.
Robertson, Mr. R. J. C.
Sankaran Unni, Mr. E.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
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.
Zamindar of Mirsapuram, The
Zamindar of Seithur, The

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."

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.

*808 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

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	
Sergeants—First grade	220
Sergeants—Second grade	200
Sergeants—Third grade	175
	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. ARCGYASWAMI 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[a] 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."

[a] Separatel 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 AHMAD 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.

8th October 1929]

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."

[8th October 1929

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?"

8th October 1929]

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.

[8th October 1929

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.

8th October 1929]

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 Srisailam 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 Srisailam 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. Polisetti 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."

[8th October 1929

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;

* Printed as Appendix I on pages 910-911 infra.

8th October 1929]

(*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 MUDALIAR :—"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."

[8th October 1929

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."

8th October 1929]

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 *Dravidan* 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.

[8th October 1929

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[a] 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.

[a] Printed as Appendix II on page 911 infra.

8th October 1929]

(*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 ?

[8th October 1929

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 7½ 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.

8th October 1929]

(*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 for roof.	Corrugated	9/32" ,,	...	0	6	0

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."

[8th October 1929

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.

8th October 1929]

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.

[8th October 1929

[*Note.*—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."

11-30 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 kanamdars 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 :—

'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. 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 classes 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.'

8th October 1929] [Mr. K. P. Raman Menon]

"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 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

[Mr. K. P. Raman Menon] [8th October 1929

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 knam 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 2½, 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

8th October 1929] [Mr. K. P. Raman Menon]

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 except a verumpattam tenant who has no capital, who eks 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

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

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 mercy arising from the bosom of the janmis that the janmi representative 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. 12 noon.

"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

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 strong 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 signs 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 [illegible] Committee to prove that Mr. Unni's statements are wrong. [illegible] of the Evidence Volume, Mr. Sankunni Menon says in reply to [illegible] put to him—of course you may be aware that the questionnaire [illegible] with witnesses and one of the questions put to him was: 'What

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

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.

" 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

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. Harisarvottama 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.

[Mr. K. P. Raman Menon] [8th October 1929

"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 disabilties from which the tenants suffer. Don't you recognise 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 Puthiakovilagam,

8th October 1929] [Mr. K. P. Raman Menon]

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."

12-30 p.m. *Rao Bahadur Sir A. P. PATRO:—"Sir, the House has been treated to 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

[Sir A. P. Patro] [8th October 1929

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 as 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 $\frac{12\times60}{4}$ 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 kaname 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.'

8th October 1929] [Sir A. P. Patro]

"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 everyting 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

[Mr. A. Y. G. Campbell] [8th October 1929

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 2½ 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."

12-45 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.

8th October 1929]

Mr. K. Madhavan Nayar demanded a poll, and the House divided thus:—

Ayes.

1. Mr. P. C. Venkatapathi Raju.
2. ,, J. A. Saldanha.
3. ,, G. Harisarvottama Rao.
4. ,, C. S. Govindaraja Mudaliyar.
5. ,, Abdul Hameed Khan.
6. ,, L. K. Tulasiram.
7. ,, K. V. R. Swami.
8. ,, D. Narayana Raju.
9. ,, K. R. Karant.
10. Mr. K. Madhavan Nayar.
11. ,, C. Obi Reddi.
12. ,, Ahmed Miran.
13. ,, C. N. Muthuranga Mudaliyar.
14. ,, K. V. Krishnaswami Nayakar
15. ,, C. Venkatarangam Nayudu.
16. ,, B. Venkataratnam.
17. ,, K. P. Raman Menon.
18. ,, C. Gopala Menon.

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. ,, Syed Tajudin.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, Mahmud Sahamnad.
20. The Muppil Nayar of Kavalappara.
21. Subadar-Major S. A. Nanjappah Bahadur.
22. Mr. Al. Ar. Narayanan Chettiyar.
23. Rao Bahadur O. M. Narayanan Nambudripad.
24. Mr. M. V. Gangadhara Siva.
25. Rao Sahib L. C. Guruswami.
26. Mr. V. I. Muniswami Pillai.
27. ,, S. Subrahmanya Moopanar.
28. Rao Sahib R. Srinivasan.
29. Mr. E. Sankaran Unni.
30. ,, S. N. Dorai Raja.
31. ,, S. Arpudaswami Udayar.
32. ,, K. Ramachandra Padayachi.
33. ,, G. R. Premayya.
34. Swami A. S. Sahajanandam.
35. Mr. C. E. Wood.
36. ,, F. E. James.
37. ,, R. J. C. Robertson.
38. ,, R. Srinivasa Ayyangar.
39. ,, Sami Venkatachalam Chetti.
40. ,, S. Satyamurti.
41. ,, Basheer Ahmed Sayeed.
42. ,, T. Adinarayana Chettiyar.
43. Rao Bahadur Sir A. P. Patro.
44. ,, S. Ellappa Chettiyar.
45. Mr. Kadir Mohideen.
46. Diwan Bahadur S. Kumaraswami Reddiyar.
47. Rao Bahadur B. Muniswami Nayudu.
48. ,, C. Natesa Mudaliyar.
49. ,, K. Sitarama Reddiyar.
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.

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 C. M. Narayanan Nambudripad.
4. Mr. S. V. Vanavudaiya Goundar.
5. Mr. E. Sankaran Unni.
6. ,, S. Arpudaswami Udayar.
7. ,, R. Srinivasa Ayyangar.
8. ,, Basheer Ahmed Sayeed.

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. Setturatnam 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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, Syed Tajudin.
16. ,, R. Foulkes.
17. ,, Mahmud Schamnad.
18. Subadar-Major S. A. Nanjappah Bahadur.
19. Mr. Al. Ar. Narayanan Chettiyar.
20. ,, K. Krishnan.
21. ,, M. V. Gangadhara Siva.
22. Rao Sahib L. C. Guruswami.
23. Mr. V. I. Muniswami Pillai.
24. ,, S. Subrahmanya Moopanar.
25. Rao Sahib R. Srinivasan.
26. Mr. A. Achutan.
27. ,, C. E. Wood.
28. ,, F. E James.
29. Mr. R. J. C. Robertson.
30. ,, S. N. Dorai Raja.
31. ,, G. R. Premayya.
32. ,, P. C. Venkatapathi Raju.
33. ,, Sami Venkatachalam Chetti.
34. ,, S. Satyamurti.
35. ,, J. A. Saldanha.
36. ,, G. Harisarvottama Rao.
37. ,, Abdul Hameed Khan.
38. ,, L. K. Tulasiram.
39. ,, K. V. R. Swami.
40. ,, D. Narayana Raju.
41. ,, K. R. Karant.
42. ,, K. Madhavan Nayar.
43. ,, T. Adinarayana Chettiyar.
44. ,, A. Kaleswara Rao.
45. ,, B. Venkataratnam.
46. ,, A. Ranganatha Mudaliyar.
47. ,, K. P. Raman Menon.
48. ,, C. Gopala Menon.
49. Rao Bahadur Sir A. P. Patro.
50. ,, O. Natesa Mudaliyar.
51. ,, S. Edappa Chettiyar.
52. Mr. Kadir Mohideen.
53. Diwan Bahadur S. Kumaraswami Reddiyar.
54. Rao Bahadur K. Sitarama Reddiyar.
55. ,, B. Muniswami Nayudu.
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

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." 1 p.m.

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. Harisarvottama 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. Harisarvottama 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 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 practially 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 MUPPIL NAYAR OF KAVALAPPARA seconded the amendment.

Mr. Sankaran Unni's amendment was put and negatived.

8th October 1929]

The amendment of Mr. Harisarvottama 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, Walluvanad, 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.

[Mr. A. Achutan] [8th October 192

1-15 p.m. "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 meat 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 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.*"'"

8th October 1929] [The President]

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, inspite 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 66⅔ 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 cue 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 allright 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

[Mr. S. Satyamurti] [8th October 1929

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 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 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."

8th October 1929]

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 kuzhikanom 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 "kuzhikanam 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 revewal 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

[Mr. E. Sankaran Unni] [8th October 1929

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'.*

8th October 1929] [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.

Clause 20. [8th October 1929

* 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

8th October 1929] [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."

[8th October 1929

* 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 wilfully 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 kuhikanamdar 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

8th October 1929] [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

8th October 1929] [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, cause that the landlord has 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

3-15 p.m.

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 negativing 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

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 resile. 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 Commtitee 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. VENKATARATNAM spoke in Telugu.

3-30 p.m.

[8th October 1929

*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

8th October 1929] [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 enures 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'."

[8th October 1929

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

Ayes.

3-45 p.m.

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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, J. Bheemayya.
16. ,, R. Foulkes.
17. Subadar-Major S. A. Nanjappah Bahadur.
18. Mr. K. Krishnan.
19. ,, N. Siva Raj.
20. Rao Sahib L. C. Guruswami.
21. Mr. V. I. Muniswami Pillai
22. ,, W. P. A. Soundara Pandian.
23. ,, S. Subrahmanya Moopanar.
24. Rao Sahib R. Srinivasan.
25. Mr. A. Achutan.
26. ,, C. E. Wood.
27. ,, F. E. James.
28. ,, H. F. P. Hearson.
29. Swami A. S. Sahajanandam.
30. Mr. G. R. Premayya.
31. ,, V. Ramjee Rao.
32. ,, K. Koti Reddi.
33. ,, Sami Venkatachalam Chetti
34. ,, J. A. Saldanha.
35. ,, Abdul Hameed Khan.
36. ,, L. K. Tulasiram.
37. ,, K. V. R. Swami.
38. ,, K. R. Karant.
39. ,, K. Madhavan Nayar.
40. ,, C. Obi Reddi.
41. ,, T. Adinarayana Chettiyar.
42. ,, K. V. Krishnaswami Nayakar.
43. ,, C. Venkatarangam Nayudu.
44. ,, B. Venkataratnam.
45. ,, D. Narayana Raju.
46. ,, A. Kaleswara Rao.
47. ,, A. Ranganatha Mudaliyar.
48. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
49. Mr. K. P. Raman Menon.
50. ,, C. Gopala Menon.
51. Diwan Bahadur P. C. Ethirajulu Nayudu.
52. Rao Bahadur C. Natesa Mudaliyar.
53. Rao Bahadur S. Ellappa Chettiyar.
54. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
55. Mr. Khadir Muhidin.
56. Rao Bahadur K. Sitarama Reddiyar.
57. ,, B. Muniswami Nayudu.
58. Mr. K. Sarabha Reddi.

Noes.

1. Mr. Mahmud Schamnad.
2. The Muppil Nayar of Kavalappara.
3. Mr. S. V. Vanavudaiya Gowndar.
4. ,, S. Venkish.
5. ,, E. Sankaran Unni.
6. ,, U. Ramaswami Ayyar.
7. Mr. P. C. Venkatapathi Raju.
8. ,, R. Srinivasa Ayyangar.
9. ,, S. Satyamurti.
10. ,, G. Harisarvottama Rao.
11. The Zamindar of Seithur.

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.*"

8th October 1929]

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] [8th October 1929

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.

1 p.m.

Sub-clause (1).

* Mr. E. 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 substitued for the word "six".'*"

8th October 1929]

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.

[8th October 1929

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.

8th October 1929]

Mr. E. Sankaran Unni demanded a poll, and the House divided thus :

Ayes.

1. The Muppil Nayar of Kavalappara.
2. Mr. E. Sankaran Unni.
3. ,, K. Koti Reddi.
4. ,, R. Srinivasa Ayyangar.
5. ,, S. Satyamurti.
6. Mr. G. Harisarvottama Rao.
7. ,, K. Uppi Sahib.
8. ,, C. N. Muthuranga Mudaliyar.
9. ,, K. V. Krishnaswami Nayakar.
10. ,, C. Venkatarangam Nayudu.

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. Setunatnam 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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, Syed Tajudin.
16. ,, J. Bheemayya.
17. ,, R. Foulkes.
18. ,, Muhammad Sohamnad.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Mr. K. Krishnan.
21. ,, N. Siva Raj.
22. ,, M. Gangadhara Siva.
23. Rao Sahib L. C. Gurnswami.
24. Mr. V. I. Munisami Pillai.
25. ,, W. P. A. Soundara Pandian.
26. ,, S. Subrahmanya Moopanar.
27. Mr. S. Venkiah.
28. Rao Sahib B. Srinivasan.
29. Mr. A. Achutan.
30. ,, F. E. James.
31. ,, S. N. Dorai Raja.
32. ,, S. Arpudaswami Udayar.
33. ,, K. Ramachandra Padayachi.
34. ,, G. R. Premayya.
35. Swami A. S. Sahajanandam.
36. Mr. V. Ramjee Rao.
37. ,, Abdul Hameed Khan.
38. ,, L. K. Tulasiram.
39. ,, K. V. R. Swami.
40. ,, D. Narayana Raju.
41. ,, K. Madhavan Nayar.
42. ,, T. Adinarayana Chettiyar.
43. ,, A. Kaleswara Rao.
44. ,, A. Ranganatha Mudaliyar.
45. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
46. Mr. K. P. Raman Menon.
47. Diwan Bahadur P. C. Ethirajulu Nayudu.
48. Rao Bahadur C. Natesa Mudaliyar.
49. Mr. Kadir Mohideen.
50. Rao Bahadur K. Sitarama Reddiyar.
51. Rao Bahadur B. Muniswami Nayudu.
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.

4-15 p.m.

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

[Mr. K. Krishnan] [8th October 1929

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 KAVALAPPARA:—"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 28 (*a*), and may put forth the

8th October 1929] [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."

[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 fees 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

* Mr. E. SANKARAN UNNI :—" I beg to move the amendment that stands in my name—

' *For the existing clause substitute the following* :—

" (1) *If within three months of the expiry of the term of a customary verumpattam, kanam or kuzhikanam the tenant fails to take a renewal of his customary verumpattam, kanam or kuzhikanam under the provisions of this chapter, the landlord may sue the said tenant for the recovery with interest thereon at* 12 *per cent per annum of the renewal fee or the instalment thereof as the case may be , as specified in section* 16, 17 *or* 18.

" (2) *A decree passed under this section shall have the same effect as if it was a renewal deed executed by the landlord himself and shall entitle the tenant to enjoy the holding for twelve years from the date of the termination of the previous demise.*' "

" Sir, the clause as it stands enables the janmi against whom a tenant has already enforced renewal under the Act to sue for the renewal fee on subsequent occasions. If a renewal is taken by the kanamdar or the kuzhikanamdar or any other class of tenants under the provisions of this Act, after the lapse of 12 years the janmi will have the right to sue. But under the existing clause, the option of taking a renewal is left to the tenant. This is a matter which affects the janmi vitally. As it is in Malabar the janmi has the right of giving renewal or not giving it. The tenant under the provisions of this Bill is given the right to enforce a renewal as against the janmi but the janmi has not the right to ask for the renewal fee if he so chooses. In a case where it is advantageous to the tenant to obtain renewal he will do so with alacrity. But in a case where it is not favourable to him and where it is impossible or difficult for the janmi to evict him he will challenge the janmi to redeem him. The House is very well aware what I mean. In all cases where the kanamdar or other tenant has made costly improvements and where the janmi is not in a position to evict him the tenant can defy his landlord. Supposing there is a kanam tenant who has made extensive improvements on the property. As soon as the Act is passed the janmi goes and asks him whether he will take a renewal or not. He may say 'No, you had better pay me my money, the kanam and the value of the improvement effected by me.' That is the disadvantage under which you are placing the janmi. The kanamdar is allowed to stand out of the Act if he chooses. This is surely an injustice to the janmi, especially the poor janmi. Every rich kanamdar will take advantage of the provision and refuse to take a renewal. The poor kanamdar who has not effected improvements and who is unwilling to leave the land will, of course, renew. Therefore this provision will operate as a weapon in the hands of the rich kanamdar to defy the janmi. This is a section that will inure to the benefit of the man who can afford to forego his land and will go hard against the poor janmi who is not in a position to compel renewal. I ask why should the kanamdar who has fought for this right for more than half a century should now fight shy of it and try to stand out of the Act. The rich man may be able to take care of himself. But the question is why should we give the kanamdar, who is really in a better position than the janmi and who is a monied man and not an impecunious person, this extraordinary advantage to fight the poor janmi. I hope the House will accept the amendment."

8th October 1929]

The MUPPIL NAYAR OF KAVALAPPARA :—" I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—" I cannot accept this amendment It seems to me to make an important change in the present clause 27. In the first place as the hon. Mover has pointed out the amendment, if accepted, will take away the right of the customary verumpattamdar and the kanamdar to exercise their option of renewing or not on the first occasion that the lease is due for renewal after the Act has come into force.

" The second point is that a period of six months is prescribed under the clause as it stands. The amendment seeks to put it at three months."

Mr. E. SANKARAN UNNI :—" I will not press that point."

* The hon. Mr. A. Y. G. CAMPBELL :—" Although he does not press that point, I am afraid I cannot accept the other part of the amendment."

The amendment of Mr. Sankaran Unni was put and negatived.

The hon. the PRESIDENT :—" The question is—

' *that clause* 27 *shall stand part of the Bill*'."

The motion was adopted and clause 27 was added to the Bill.

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

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

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 Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Arogyaswami Mudaliyar, Diwan Bahadur B. N.
Arputaswami 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. R.
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 Sohamnad 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. R.
Raja of Kallikota, The
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
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.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Consideration of the Agricultural Colonization Scheme by the Agricultural Advisory Committee.

*831 *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.

*832 *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.

*833 *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.

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

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 form 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."

[9th October 1929

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.

9th October 1929]

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."

[9th October 1929

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."

9th October 1929]

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, Vizayapatam, 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 ?

[9th October 1929

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. HARISARVOTTAMA 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.

1-15 p.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;

9th October 1929]

(*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?

[9th October 1929

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. 3868, 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.

9th October 1929]

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?"

[9th October 1929

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."

9th October 1929]

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.

[9th October 1929

(*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?" 11-30 a.m.

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 1909 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 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."

[a] Printed as Appendix III on page 993 infra.

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 prisioners 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 Kuppuswami 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 to be placed in a first class division ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My information is otherwise."

9th October 1929]

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 ;

[9th October 1929

(*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 these 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."

9th October 1929]

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;

(*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.

A.—(*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.

[*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] [9th October 1929

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

9th October 1929] [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." 12 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] [9th October 1929

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

9th October 1929] [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 penitentiæ 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."

15 * The hon. Mr. A. Y. G. CAMPBELL :—" Sir, may I submit an amend-
1. ment 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,

9th October 1929] [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 unparallelled 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.

1. Mr. A. B. Shetty.
2. ,, P. C. Venkatapathi Raju.
3. ,, K. Koti Reddi.
4. ,, R. Srinivasa Ayyangar.
5. ,, S. Satyamurti.
6. ,, G. Harisarvottama Rao.
7. ,, Basheer Ahmed Sayeed.
8. ,, Abdul Hameed Khan.
9. ,, L. K. Tulasiram.
10. ,, K. V. R. Swami.
11. ,, D. Narayana Raju.
12. Mr. K. R. Karant.
13. ,, K. Madhavan Nayar.
14. ,, P. Anjaneyulu.
15. ,, C. Obi Reddi.
16. ,, A. Kaleswara Rao.
17. ,, K. Uppi Sahib.
18. ,, C. N. Muthuranga Mudaliyar.
19. ,, K. V. Krishnaswami Nayakar.
20. ,, C. Venkatarangam Nayudu.
21. ,, B. Venkataratnam.
22. ,, A. Ranganatha Mudaliyar.

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. B. Cotterell.
14. ,, V. Ch. John.
15. Syed Tajudin Sahib Bahadur.
16. Mr. J Bheemayya.
17. ,, R. Foulkes.
18. ,, Mahmud Schamnad.
19. The Muppil Nayar of Kavalappara.
20. Subadar-Major S. A. Nanjappah Bahadur.
21. Mr. S. Subrahmanya Moopanar.
22. ,, K. Krishnan.
23. ,, M. Gangadhara Siva.
24. Rao Sahib L. C. Guruswami.
25. Mr. V. I. Muniswami Pillai.
26. ,, S. Venkiah.
27. Rao Sahib R Srinivasan.
28. Mr. A. Achutan.
29. ,, E. Sankaran Unni.
30. ,, H. F. P. Hearson.
31. ,, F. E. James.
32. ,, K. Ramachandra Padayachi.
33. ,, U. Ramaswami Ayyar.
34. ,, G. R. Premayya
35. Swami A. S. Sahajanandam.
36. Mr. S. Arpudaswami Udayar.
37. ,, K. P. Raman Menon.
38. ,, C. Gopala Menon.
39. Diwan Bahadur P. C. Ethirajulu Nayudu.
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:— 12-30 p.m.

'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

[Mr. E. Sankaran Unni] [9th October 1929

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

9th October 1929] [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.

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. Dr. (Mrs.) S. Muthulakshmi Reddi.
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. Syed Tajudin Sahib Bahadur.
18. Mr. J. Bheemayya.
19. ,, R. Foulkes.
20. ,, Mahmud Schamnad.
21. Subadar-Major S. A. Nanjappah Bahadur.
22. Mr. K. Krishnan.
23. ,, M. V. Gangadhara Siva.
24. Rao Sahib L. C. Guruswami.
25. Mr. V. I. Muniswami Pillai.
26. ,, S Subrahmanya Moopanar.
27. ,, S. Venkiah.
28. Rao Sahib R. Srinivasan.
29. Mr. A. Achutan.
30. ,, F. E. James.
31. ,, R. J. C. Robertson.
32. ,, H. F. P. Hearson.
33. ,, S. Arpudaswami Udayar.
34. ,, K. Ramachandra Padayachi.
35. ,, U. Ramaswami Ayyar.
36. Mr. G. R. Premayya.
37. Swami A. S. Sahajanandam.
38. Mr. P. C. Venkatapathi Raju.
39. ,, K. Koti Reddi.
40. ,, R. Srinivasa Ayyangar.
41. ,, S. Satyamurti.
42. ,, G. Harisarvottama Rao.
43. ,, Abdul Hameed Khan.
44. ,, L. K. Tulasiram.
45. ,, K. V. R. Swami.
46. ,, D. Narayana Raju.
47. ,, K. R. Karant.
48. ,, K. Madhavan Nayar.
49. ,, P. Anjaneyulu.
50. ,, C. Obi Reddi.
51. ,, T. Adinarayana Chettiyar.
52. ,, A. Kaleswara Rao.
53. ,, K. Uppi Sahib.
54. ,, C. N. Muthuranga Mudaliyar.
55. ,, C. Marudavanam Pillai.
56. ,, K. V. Krishnaswami Nayakar.
57. ,, C. Venkatarangam Nayudu.
58. ,, A. Ranganatha Mudaliyar.
59. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
60. Mr. K. P. Raman Menon.
61. ,, C. Gopala Menon.
62. Rao Bahadur Sir A. P. Patro.
63. Diwan Bahadur P. C. Ethirajulu Nayudu.
64. Rao Bahadur C. Natesa Mudaliar.
65. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
66. Diwan Bahadur S. Kumaraswami Reddiyar.
67. Rao Bahadur B. Muniswami Nayudu.
68. Mr. K. Sarabha Reddi.
69. ,, B. Venkataratnam.

Noes.

1. The Muppil Nayar of Kavalappara.
2. Mr. E. Sankaran Unni.

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."

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.

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,

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

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 kudiyiruppu 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 kudiyiruppu will be situated in the centre of it. If such kudiyiruppu 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 kudiyiruppu 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 kudiyiruppu. 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 kudiyiruppu, 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 kudiyiruppu, 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

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. Kudiyiruppu is part of the holding and, if he has paid for it, he is at liberty to transfer his kudiyiruppu 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 kudiyiruppus 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 kudiyiruppus are disturbed. If without any advantage to the tenants, it is sought to give them the right to pay for the kudiyiruppus 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 kudiyiruppu 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 exoused 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.

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 kudiyiruppu 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 kudiyiruppu, 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 kudiyiruppu, he may slaughter a cow in his kudiyiruppu 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. Kudiyiruppu-holder is the one person who is preeminently entitled to protection. More than the verumpattamdar, more than the kanamdar, more than the kuzhikanamdar, the kudiyiruppu-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

1-15 p.m.

[Mr. K. R. Karant] [9th October 1929

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 undesirable 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. Kudiyiruppu is part of the holding and, if he has paid for it, he is at liberty to transfer his kudiyiruppu 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 kudiyiruppus 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 kudiyiruppus are disturbed. If without any advantage to the tenants, it is sought to give them the right to pay for the kudiyiruppus 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 kudiyiruppu 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.

9th October 1929] [Mr. P. C. Venkatapathi Raju]

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 kudiyiruppu 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 kudiyiruppu, 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 kudiyiruppu, he may slaughter a cow in his kudiyiruppu 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. Kudiyiruppu-holder is the one person who is preeminently entitled to protection. More than the verumpattamdar, more than the kanamdar, more than the kuzhikanamdar, the kudiyiruppu-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

1-15 p.m.

'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 kudiyiruppu. 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 unlikly that a janmi will bring a suit for eviction; he will allow the kudiyiruppu-holder to remain on the land. If so, there will be no trouble. Otherwise, the kudiyiruppu-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 kudiyiruppus 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,

"But the point is this; so far as kudiyiruppus 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 kudiyiruppu, 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 kudiyiruppu, 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 kudiyiruppu, 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 kudiyiruppu, 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 kudiyiruppu, of the landlord who seeks to evict him, at the market price on the said date.'

"Sir, I am not frightened of a Mappilla kudiyiruppu 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

[Mr. S. Satyamurti] [9th October 1929

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. Rangaatha 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.

9th October 1929] [Mr. P. C. Venkatapathi Raju]

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 '."

[9th October 1929

* 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 a 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.*

9th October 1929] [Mr. A. Ranganatha Mudaliyar]

(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." 2-45 p.m.

* 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

[Mr. K. P. Raman Menon] [9th October 1929

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.
2. ,, N. Sivaraj.
3. ,, P. C. Venkatapathi Raju.
4. ,, J. A. Saldanha.
5. ,, Abdul Hameed Khan.
6. Mr. L. K. Tulasiram.
7. ,, K. V. R. Swami.
8. ,, A. Kaleswara Rao.
9. ,, B. Venkataratnam.
10. ,, A. Ranganatha Mudaliyar.

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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, Syed Tajudin.
16. ,, R. Foulkes.
17. The Muppil Nayar of Kavalappara.
18. Mr. J. Kuppuswami.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Mr. V. I. Muniswami Pillai.
21. ,, W. P. A. Soundara Pandian.
22. ,, S. Subrahmanaya Mooparar.
23. ,, S. Venkiah.
24. Rao Sahib R. Srinivasan.
25. Mr. A Achutan.
26. ,, E. Sankaran Unni.
27. ,, C. E. Wood.
28. ,, S. N Dorai Raja.
29. ,, S. Arpudaswami Udayar.
30. ,, K. Ramachandra Padayachi.
31. ,, G. R. Premayya.
32. Swami A. S. Subajanandam.
33. Mr. K. Madhavan Nayar.
34. ,, K. Uppi Sahib.
35. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
36. Mr. K. P. Raman Menon.
37. Rao Bahadur Sir A. P. Patro.
38. Diwan Bahadur P. C. Ethirajulu Nayudu.
39. Rao Bahadur C. Natesa Mudaliyar.
40. Mr. P. T. Rajan.
41. Mahomed Khadir Mohideen Sahib Bahadur.
42. Diwan Bahadur S. Kumaraswami Reddiyar.
43. Rao Bahadur K. Sitarama Reddiyar.
44. ,, B. Muniswami Nayudu.
45. Mr. K. Sarabha Reddi.

Ayes 10. *Noes* 45.

The amendment was negatived.

9th October 1929]

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 kudiyiruppu 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 tavazhi".'

"Mr. President, by this amendment, I seek to impose three conditions on a person who wants to purchase a kudiyiruppu. First is that it should be the only kudiyiruppu 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 kudiyiruppu 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."

[9th October 1929

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 dowp 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 kudiyiruppu 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 kudiyiruppu 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

9th October 1929] [Mr. Mahmud Schamnad]

all know, is a hilly country. The word 'Malabar' means 'hilly country.' All the level places available have been converted into paddy fields s o 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 kudiyiruppu 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 kudiyiruppu and against whom a suit has been filed or decree has been passed for eviction; but who has not lost the possession of the kudiyiruppu 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 kudiyiruppu 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 kudiyiruppu 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

[Mr. A. Y. G. Campbell] [9th October 1929

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.

3-15 p.m. Mr. G. Harisarvottama Rao demanded a poll, and the House divided thus:—

Ayes.

1. Mr. K. Koti Reddi.
2. ,, G. Harisarvottama Rao.
3. ,, Abdul Hameed Khan.
4. ,, L. K. Tulasiram.
5. ,, K. V. R. Swami.
6. Mr. D. Narayana Raju.
7. ,, K. Madhavan Nayar.
8. ,, C. Obi Reddi.
9. ,, A. Ranganatha Mudaliyar.

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. ,, ,, M. R. Seturatnam Ayyar.
6. ,, ,, 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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, Syed Tajudin.
16. ,, R. Foulkes.
17. The Muppil Nayar of Kavalappara.
18. Subadar-Major S. A. Nanjappah Bahadur.
19. Mr. N. Siva Raj.
20. Mr. W. P. A. Soundara Pandian.
21. ,, S. Subrahmanya Moopanar.
22. ,, S. Venkiah.
23. Rao Sahib R. Srinivasan.
24. Mr. A. Achutan.
25. ,, E. Sankaran Unni.
26. ,, S. N. Dorai Raja
27. ,, S. Arpudaswami Udayar.
28. ,, G. R. Premayya.
29. ,, K. Uppi Sahib.
30. ,, K. P. Raman Menon.
31. ,, C. Gopala Menon.
32. Rao Bahadur C. Natesa Mudaliyar.
33. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
34. Mr. Muhammad Khadir Mohidin.
35. Diwan Bahadur S. Kumaraswami Reddiyar.
36. Rao Bahadur K. Sitarama Reddiyar.
37. ,, B. Munuswami Nayudu.

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."

9th October 1929]

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.

[9th October 1929

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 KAVALAPPARA :—" 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 KAVALAPPARA :—" 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 kudiyiruppu subject to the condition that in the event of any sale of the kudiyiruppu, 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.

9th October 1929]

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 kudiyiruppu 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."

[Mr. E. Sankaran Unni] [9th October 1929

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 verumpattamdar 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

9th October 1929] [Mr. K. R. Karant]

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.

[9th October 1929

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."

).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."

9th October 1929]

* 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 Marumakkatayam 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.

[9th October 1929

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 kowledge what all transactions the janmis enter into. They

9th October 1929] [Mr. K. Madhavan Nayar]

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."

[Mr. J. A. Saldanha] [9th October 1929

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 KAVALAPPARA :—"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 kanarthom 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."

9th October 1929]

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 KAVALAPPARA :—"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.

[9th October 1929

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
4-30 p.m. 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.

9th October 1929]

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

[Mr. E. Sankaran Unni] [9th October 1929

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".'

9th October 1929] [Mr. E. Sankaran Unni]

"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 enble 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

4-45 p.m.

[Hon. Mr. A. Y. G. Campbell] [9th October 1929

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 multiplicant 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.

9th October 1929] [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 . . ."

*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".

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 fas 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* 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.

* Printed as Appendix V on page 994 infra.

[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

9th October 1929]

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	2,763	2,212	729
1902-03	21,113	2,946	2,948	787
1903-04	17,743	3,549	2,327	1,665
1904-05	26,096	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	9,534	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	+ * 8,353 36,947	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	3,457	2,160
1927-28	29,499 + * 10,521	12,378	3,364	2,102

* NOTE.—Represents the number of cows, oxen and buffaloes and cattle admitted to Kulgunda Cattle Fair at 2 annas per head.

APPENDIX IV.

[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. Natarja Pillai ..	188 Indian Penal Code. 124-A Do. 153-A Do.	Subdivisional Magistrate, Madura. District Magistrate, Madura.
2. G. Satyanarayana ..	108 Criminal Procedure Code. 124-A Indian Penal Code.	Subdivisional Magistrate, Godavari district. Presidency Magistrate, Madras.
3. N. Narayana Ayyar ..	124-A Do.	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.	108 Do.	Chief Presidency Magistrate, Madras.
7. Chandrasekara Reddi ..	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 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.
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 R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmad Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Dorai Raja, Mr. S. N.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara 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.
Hesrson, 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 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.
Nuppil Nayar of Kavalappara alias Kumaran Raman, Mr.
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. R.
Rajan, Mr. P. T.
Ramachandra 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
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.
Soundarapandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib B.
Subrahmanya Moopanar, Mr. S.
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.

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. Harisarvottama 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. HARISARVOTTAMA 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."

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."

[10th October 1929

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.

10th October 1929]

(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. Atchutham 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.

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 cattles 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—

(*a*) the rainfall recorded from the 1st of June 1929 up to date ;
(*b*) the area sown and the month in which it was sown since 1st June ;
(*c*) the average area under cultivation in ordinary years ;

(*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 relieve the consequent deficiency in pasture ? "

The hon. Mr. A. Y. G. CAMPBELL :—" The 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.

70538

(*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;

[a] Printed as Appendix II on pages 1071-1072 infra.

(*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 the East Godavari, West Godavari and Kistna districts; and if not, why not?

A.—(*a*) Six, namely, East Godavari, West Godavari, Kistna, Salem, 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.

[10th October 1929

(*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 aquainted 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;

10th October 1929]

(*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?" 11-15 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?

[10th October 1929

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 1073 infra.

10th October 1929]

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;

[10th October 1929

(*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.

10th October 1929]

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.

[10th October 1929

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 ;

10th October 1929]

(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. Sesha 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-organization 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 (2-8), 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.

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;

10th October 1929]

(*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?"

[10th October 1929

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 Governmet 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."

10th October 1929]

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 ? " 11-3 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

[10th October 1929

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."

10th October 1929]

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 Mr. KRISHNAN NAYAR :—"I do not know."

Mr. S. SATYAMURTI :—"May I know, Sir, why there are no special facilities given to these two gentlemen?"

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."

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.

[a] Printed as Appendix VI at page 1078 infra.

[10th October 1929

* 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. It 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."

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.

10th October 1929] [Mr. Abdul Hameed Khan]

"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 overtaxed. 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

[Mr. S. N. Dorai Raja] [10th October 1929

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."

* Mr. S. SATYAMURTI :—" Mr. President, if I had thought like my hon. Friends who opposed this change in the Standing Orders, that this will be an attempt to belittle the importance or the seriousness of adjournment motions, I should not have signed the report, along with the Leader of my Party, the Leader of the Opposition, on which this amendment of the Standing Order is based. I do not know, Sir, if I am right in bringing this matter to the notice of the House, but I think it was not any very great anxiety on the part of the Government, which is responsible for these amendments of the Standing Orders. The Government, I think, are not very enthusiastic over being called upon to sit here on certain days beyond 5 and up to 6 p.m. It is because some of us feel that these motions must be treated with the seriousness and the importance which they deserve, that we want all sides of the House, when we are discussing such serious and important matters, to sit even for one hour beyond the usual time. If it is contended that members will become tired at 5 o'clock, so far as this side of the House is concerned, I think I can say I never see any sign of anybody being tired, even when we begin the sitting at 11 o'clock. So far as the other side is concerned, they are so rarely here that they need not complain of being tired ; they come and go and then can come at 4 and go at 6 respectively. I think we should be able to deal with the work even at 6 o'clock. (A voice : Other engagements.) I think the time is fast coming, when those who desire to serve the country in these Councils, must give up their other engagements (A voice : Beach meetings), including beach meetings, which may have to be held at 11 o'clock in the night. I think every country in the world has found, if Parliamentary Government is going to be a serious affair, that those who serve Parliament must devote the best of their time to their Parliament. In England, in spite of the fact that London is a place where one's time is crowded with any number of social and other engagements, they meet there day after day, for more than 150 days in the year from 3 to 11 p.m. I think that, if we aspire for Parliamentary Government in this country, we must change our notions about those things. Even in this country, Mr. President, you will find at Delhi or Simla, where the Assembly meets, that, under Standing Orders 47 and 48 of the Assembly, the adjournment motion is taken up at 4 p m. and is over at 6 p.m. I think adjournment motions of the Assembly have not lost their seriousness or their importance ; and having been a distant observer of the Assembly, I do not think their adjournment motions suffer in comparison with our motions, because they begin the discussion at 4 and end at 6. In the House of Commons, Mr. President, the normal sitting of the House lasts from 3 to 11 p m. and when adjournment motions are tabled, they are taken up at 8 o'clock, that is, after the House has sat for five hours. In the circumstances, it seems to me, Mr. President, that we shall be consulting the convenience of the largest number of Members of this House, if we agree to this change in the Standing Orders.

" I may also add, Mr. President, that till about three or four years ago, under the Standing Orders then in force, these motions were taken up at 4 and ended at 6 p.m. So, it is in no way foreign to the usages of this House ; and I think we can now adopt the old rule. As my hon. Friend, the Muslim Member from Madras, stated that we are getting very few days for

10th October 1929] [Mr. S. Satyamurti]

non-official business, I want to advance an argument on that very basis, to support the change. When non-official days are so few, what happens now is that when an adjournment motion has to be discussed on one of those days, the whole afternoon is lost to us by the present practice.

" Moreover, Sir, the question as to whether it should be two hours or two and half hours is different. I myself would be willing if it should not be reduced. But for all practical purposes, when a majority in this House have sufficiently discussed the question we can move a closure,—and you, Mr President, will put the closure if the matter has been sufficiently discussed, —if the question has to be voted upon. If it is going to be talked out, it does not matter whether it is talked out for two hours or for two and half hours. I, for one, think that we can bring it to a close, in any case, within two hours. It is in the interests of non-official business, in the interests of the Members of this House, and in the interests of the seriousness and importance of these motions, that I beg of this House to support this amendment to the Standing Orders."

Mr. P. ANJANEYULU :—" Mr. President, Sir, I regret very much to have to differ from my hon. Friend, Mr. Satyamurti, on this point. I have not been able to know, of all the reasons he has advanced this morning, why he should support the old rule. I was myself in this Council when the old rule was in force. Why should it have been changed, and why was the present rule, namely, that the adjournment motion should be taken up at 2-30 and discussed till 5 p.m., adopted ? Possibly because, a sitting from 4 to 6 was not conducive either to the business of the House or to the convenience of the Members of the House including the Government Members. (Mr. S. Satyamurti :—The Government wanted it.) Whether the Government wanted it or the Members, both must have come to a common agreement. It is not unnecessarily that they made this change. My hon. Friend says that if these adjournment motions are taken up on non-official days we shall have to lose one afternoon. After all, we shall now gain only one hour more by having the adjournment from 4 to 6. I do not know how much important non-official business we would lose within that one hour. I would rather think that the normal business of the House should be stopped for an adjournment motion, so that the attention of the House may be riveted to this particular matter. I am perfectly sure that the normal course of business should be put a stop to, to discuss a matter of some urgent public importance. For these reasons, Sir, I find it hard to accept the proposals made by the Select Committee on the Standing Orders, which were so ably supported by my hon. Friend Mr. Satyamuri."

* The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— 12 noon.
" Mr. President, Sir, when this question came up before the Select Committee under the distinguished chairmanship of the hon. the President of this House, my hon. Colleague Mr. Krishnan Nayar on behalf of the Government did not agree to the change at all ; but when he found that it was the unanimous desire and wish of the members of the Select Committee he agreed to it. We intend to support the motion on account of the fact that it is the unanimous desire of the Select Committee that the hours should be changed."

Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, it seems to me that the difference in the attitude of some of the members of our party towards

this question is due to the fact that we were unaware of the fact that the Leader of our party has consented to this arrangement. We were informed that our party has agreed to this arrangement only very lately."

Mr. P. C VENKATAPATHI RAJU :—"Sir, in order to clear the position and attitude of various members adverted to by the Leader of the House and by my hon. Friend Mr. Satyamurti, I have to point out that at the beginning, as was mentioned by the Leader of the House, the Government were against it; some of my friends and Mr. Satyamurti were for it, and I had some reluctance in agreeing to the proposal. But when it was pointed out to me that by agreeing to this amendment we shall be gaining one and a half hour's time on non-official days for other business I thought I should not stand against it and asked Government to agree to it. But that does not preclude members of my party from expressing their independent views. I would prefer that the question is decided on its merits."

* Rao Bahadur Sir A. P. PATRO :—"Sir, in a matter like this, I see the most disciplined party in the House is hopelessly divided in its views. It seems to me that the discipline is such that while the Leader and Deputy Leader are on one side, other members are holding in a different way on such a small matter, whether the adjournment motion should begin at 2-30 or 4 o'clock. The Member for the University made out a case and the most advanced member of his party should have accepted the views. Whether it is to be 2-30 or 4 o'clock, it is immaterial; it is not going to take away the time of the House. Non-official time is not at all taken away by adjournment motions. It is for the House to regulate its own business, and if a motion is dragging on unnecessarily, the House could ask the question to be put. Therefore, I do not see any reasonable objection to the proposal made."

* Mr. F. E. JAMES :—"Mr. President, Sir, I do not agree with the last speaker in some of the remarks that he made. There is no question of a party discipline or want of it. Nor should this be a party matter. In any legislative assembly, if a proposal like this is made, although it is agreed to by the leaders of the Government and Opposition parties, there is always no hesitation on the part of back-benchers to accept it. It is quite natural, and it would be a healthy sign if we agreed to this motion without debate. Individual members should express their individual views, if each member is affected.

"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.

"Moreover, I feel very strongly that the days allotted for non-official business are very few and this proposal would give the House more time for its own business.

"There is one other observation and that is this. This is the only Council in the whole of the country which is willing to give up such a large portion

of its working time to adjournment motions. In Bombay, in the United Provinces, and in all the other Provincial Councils the House has to sit longer on such occasions. Therefore I think that is an additional reason for supporting this motion. I hope the House will accept it."

Mr. W. P. A. SOUNDARAPANDIAN :—"I move that the question be now put."

* The hon. the PRESIDENT :—"I shall put the main motion to the vote of the House. I shall not put the closure motion as nobody wants to continue the discussion."

The motion was adopted.

* The hon. the PRESIDENT :—"The question is 'In Standing Order. *for* No. 23 '5 p.m.' *substitute* '6 p.m.' "

The motion was adopted.

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 [a] 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 sufferage, 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.

[a] Published in the *Fort St. George Gazette*, dated 12th September 1929, as Bill No. 12 of 1929.

"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. Harisarvottama 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
12-15 p.m. authorities' is put in the Bill for the purpose of the conduct of these elections to municipal councils.

"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.

"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 alway 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

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,

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

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 failing 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 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

[Mr. S. Satyamurti] [10th October 1929

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.

12-45 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 equired 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

10th October 1929] [Mr. S. Arpudaswami Udayar]

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 jutkas 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 . . ."

* 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 appointment 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

[The President] [10th October 1929

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 the functions as are conferred on him by statute."

10th October 1929]

*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

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."

* The hon. the PRESIDENT :—"When that Bill comes up for consideration, we shall consider that question. As it is, we have to see the relevancy to the debate of the question of appointment of an executive officer."

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

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

[Mr. S. Arpudaswami Udayar] [10th October 1929

more important work, namely, the administration of the council, is properly done. I hope the amendments proposed by the hon. Minister, especially those relating to the revision of the electoral roll, will be of very great advantage to the proper administration of the municipal councils. With these few words, I support the motion."

Mr. F. E. JAMES :—" Mr. President, Sir, there is only one thing which I wish to say in regard to this Bill. That has been raised by the hon. Member for the University, namely, the proposed method of nomination for Europeans and Anglo-Indians. I may say at the outset that the particular proposals put in the Bill by the hon. Minister are not included in the form in which it appears. I know that the hon. the Chief Minister is anxious as we are all anxious that we should be given a continued opportunity of serving in those municipalities in which we reside and in which we earn our livelihood. But, I think, I can safely say that we are not necessarily wedded to a particular system. Nomination with most of us is not the only system by which a continuance of this kind of service can be maintained. I would like to say at this stage that we leave the particular method by which we may be continued in our service to these municipalities to the Select Committee. We think that various communities throughout the Presidency are not agreeable that Europeans and Anglo-Indians should be given an opportunity to serve on the municipalities. If my assumption is right, then I am quite sure that the Select Committee will find a way to achieve that object. But, if the Select Committee decide that nomination is repugnant to it as a method, I do not agree with them. If the Select Committee decide that that system is not a right system, then I suggest that the Committee should provide certain other alternative methods whereby reservation of seats or some other method may be devised, so that we can be assured of a continuance of this privilege to serve in various parts of Southern India. Therefore, I wanted to make that point quite clear at this stage. We are not willing to resist nomination. If, on the other hand, hon. Members of this House think that the system of nomination is not good and if you remove that particular method, we do ask them to give serious consideration to the point of continuing representation upon municipalities of a community, which I venture to say, has deserved well of India in the past."

* Dr. (Mrs.) S. MUTHULAKSHMI REDDI :—" Mr. President, Sir, I am very grateful to the hon. Minister for having brought forward this amending Bill for the removal of sex disqualification, which will enable women to stand the chance of election along with men candidates. But, I find in one of the clauses he allots some reservation of seats to some minority communities and backward classes, such as Muhammadans, Indian Christians, Adi-Dravidas and Adi-Andhras. I desire to point out in this connexion the legal and economic position of women in this country especially of the Hindu women is very inferior to men of the depressed and the backward classes. We know that in the districts, however educated, however useful and however intelligent a women may be she is considered always inferior to men. Again, the number of women voters are very few as there are very few tax-payers among women and hence the women candidates cannot depend upon the women voters themselves. I learn from a very reliable source that men candidates have to spend a good amount of money upon elections and our women have no economic independence and very few of them are wage-earners. We do not inherit our fathers' property and we are not entitled to the property of our husbands and most of our women are married at a very

10th October 1929] [Dr. (Mrs.) S. Muthulakshmi Reddi]

early age and become wives and mothers. So how can you expect the women to find money to spend at the election campaign? (Mr. S. Satyamurti: Women have jewels.)

" Sir, the hon. Member for the University says that the women are adorned with jewels. Yes—that is so because men adorn them with jewels, give them silk sarees and they may even give motor cars to go to the beach; but independence is quite a different matter. They are like dolls in our homes quite subservient to our men. For some years more, till women are educated, till we get economic independence and get equal share in the property, when even daughters are entitled to a share in the property as sons and also the wives share the husbands' property, as the Muhammandan Law or the Christian Law allows now, we would not be in a position to face the elections along with men candidates.

" Then again, there are not many working class women here in India as in England, where it is the labourers and workers that have returned the dozen women candidates to the Parliament. We have no such women workers here to realize their interests and to see that women are returned to these representative bodies. (A voice: What about the tyranny of the home?) As an hon. Member has stated, the Hindu woman is no doubt the mistress of the house. Our men always take a pride in stating that the Hindu woman is mistress of the house I do not deny that they are masters so far as the giving of food and looking after the children and washing of the clothes and cleaning of the houses are concerned; but when it comes to the matter of spending money, the wife cannot give even a rupee subscription for a good object without getting the permission of the mother-in-law or the husband, or cannot even oblige a brother or a friend with a loan of money or car. That is the position of Hindu women.

" In regard to the importance of women serving on these municipalities, I contend that the functions of a municipality are in a large measure the functions of a house. A healthy family and a happy family will depend upon the supply of pure water, good provisions, a well-lighted and well-ventilated house and a good drainage system. But what are the duties of a woman in the house. Her duty is to keep the house tidy and clean, to prepare food for her husband, to look after the children and to see that they get adequate medical relief and proper education. I ask the hon. Members whether these are not the duties of municipalities? When the women is the recognized mistress of the house, why not our City fathers consider them as such in the administration of municipalities. Therefore I plead before this hon. House that when they take up this question in the Select Committee, they might amend the Bill suitably so that they may at least reserve two seats for women in every municipality and also as Mr. James has suggested, in his speech, if you keep nomination, you may also show us that concession till our laws between the sexes are equalized."

Mr. H. F. P. HEARSON :—" Mr. President, Sir, as representing the constituency of the Madras Chamber of Commerce, I agree with the hon. the Chief Minister that the Members of the Chamber of Commerce, that is my constituency, have very many interests in various clauses of the Bill. On their behalf, when Government bring forward a Bill of this nature, I feel glad to support the proposition to refer the Bill to a Select Committee. No doubt the Select Committee will take some time to thrash it out and at this stage I do not think I can take much of the time of the House in

[Mr. H. F. P. Hearson] [10th October 1929

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

10th October 1929] [Mr. V. I. Muniswami Pillai]

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

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.

"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 purpose 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

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 o enable him to give all his time and attention to the work. Unless he is atle 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 amendmemt 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

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."

[Sir A. P. Patro] [10th October 1929

"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

10th October 1929] [Sir A. P. Patro]

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 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. 3-15 p.m.

"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

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 manœuvres, 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

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.

"Again, the hon. Sir A. P. Patro had a fling at the Minister with regard to clause 41, whereby the local Government takes power to remove any chairman or vice-chairman by notification. I cannot understand any serious objection

[Mr. R. Srinivasa Ayyangar] [10th October 1929

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."

3-30 p.m.

* 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-returned 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 Members with

10th October 1929] [Mr. Sami Venkatachalam Chetti]

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

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 Bezwada 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

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. 3-4 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.

"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 salutory provision that in case there is a small majority the Government will considar 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

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 4 p.m.
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 Muniswami 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

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

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 :—

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. ,, C. S. Ratnasabapathi 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. ,, Mr. W. P. A. Soundara Pandian.
27. Subadar-Major I. M. Nanjappah Bahadur.
28. Mahmud Sohamnad Sahib Bahadur.
29. Rao Sahib R. Srinivasan.
30. Mr. D. Thomas.
31. The hon. Mr. S. Muthiah Mudaliyar.
32. Mr. L. K. Tulsiram.
33. Mr. 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.
40. ,, P. T. Rajan.
41. ,, A. V. Bhanoji Rao.
42. ,, K. R. Karant.
43. Srijuan Biswanath Das Mahasayo.
44. Mr. S. Arpudaswami Udayar.
45. Khan Sahib T. M. Moidoo Sahib Bahadur.
46. Mr. Sami Venkatachalam 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. HARISARVOTTAMA 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.

10th October 1929]

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. SALDAHNA :—"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 a 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 smallar 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. 18 of 1929.

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.

"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 is

[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 democractic 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."

10th October 1929]

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

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 to discharge their duties, either by imposing taxes or fees. 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.

"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 doing is simply compelling the people against their will to form minor 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. 4-45 p.m.

"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 meeings in the

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 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

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.

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.
	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.	INCHES.
1. Yemmiganur ..	0·83	0·64	0·28	1·17	0·85	2·49	0·88	3·66	2·54	4·06	6 66	5·60
2. Adoni	2·06	0·67	0·90	1·44	2·26	3·33	3·79	3·86	1·65	4·98	4·11	6·78
3. Alur	5·60	0·68	0·34	1·62	1·38	2·44	0·77	2·84	1·79	3·87	4·98	5·67
4. Siruguppa ..	4·02	0·72	0·27	1·55	3·14	2·75	1·53	2·87	1·52	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	1·62	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	1·64	2·30	2·26	2·42	1·58	2·63	0·83	2·95	4 06	4·98
10. Harpanahalli ..	2·38	0·82	4·52	2·71	1·34	2·33	3·14	3·25	1·05	3·22	2 96	4·82
11. Kudligi	1·73	0·79	4 05	2·36	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. Kosigi	3·60	..	0·35	..	2·18	..	0·80	..	1·24	..	8·40	..
15. Kurugodu ..	2·67	..	1·55	..	0·20	..	0·67	..	0 33	..	7·54	..

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 garee .	...	1 10 0
Manure.		
Seventy baskets at 35 baskets per rupee ...	...	2 0 0
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

Edangalis.

	Rs.	A.	P.
(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 ...	...	5	8 10
Total cost per acre ...	...	12	8 1

Based on this estimate the cultivation expenses for the different classes of wet lands were deduced to be—

Taram.	Cultivation expenses. Rs.	A.	P.	Taram.	Cultivation expenses. 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. Rs.	A.	P.	Cultivation expenses. Rs.	A.	P.	Sanctioned rates. Rs.	A.	P.
1	900	35	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

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.	5	1
	B.	2	1
	C.	7	1
1921	A.	4	2
	B.	6	...
	C.	3	1
1922	A.	6	2
	B.	6	3
	C.	3	...
1923	A.	4	5
	B.	6	2
	C.	7	2
1924	A.	6	...
	B.	5	3
	C.	7	3
1925	A.	7	2
	B.	6	2
	C.	4	3
1926	A.	4	8
	B.	8	1
	C.	4	3
1927	A.	4	8
	B.	5	7
	C.	7	3
1928	A.	11	1
	B.	6	8
	C.	5	6
1929	A.	23	4
	B.	9	2
	C.	6	5

APPENDIX IV.

[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	103
(ii) Apothecary class	7	3	7	6
(iii) B.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	80	82	82	82
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. Visagapatam Medical School	33	18	(closed)	..
5. Coimbatore Medical School	34	15	28	50

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.

10th October 1929]

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.

[10th October 1929

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. Venkatarama 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.

10th October 1929]

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.*
} No remarks.

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.

[Vide item III "Amendments to Standing Orders", page 1019 supra.]

To

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.

pr... the p...

Item (2).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 Bahadu 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., C.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.
Anjaneyulu, Mr. P.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmed Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Dann, Mr. R.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
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.
John, Mr. V. Ch.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P.
Krishnan, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumara Raja of Venkatagiri.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Leach, I.C.S., Mr. A. G.
Madhavan Nayar, Mr. K.
Maharaja of Pithapuram, C.B.E.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Marudavanam Pillai, Mr. C.
Meera Ravuttar Bahadur, K. P. V. Muhammad.
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.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar, Rao Bahadu C. S.
Robertson, Mr. R. J. C.
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.
Siva Rao, Mr. P.
Soundara Pandian, Mr. W. P. A.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Venkatapathi Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Mirzapuram.

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.[a]

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."

[a] Printed as Appendix I on page 1160 infra.

15th October 1929]

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 ?

[15th October 1929

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;

15th October 1929]

(*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 CHETIIYAR:—"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.

15th October 1929]

(*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?"

[15th October 1929

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."

15th October 1929]

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. SATYAMARTI :—" 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 ? "

[15th October 1929

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 ank 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?"

[15th October 1929

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[a] 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.

[a] Printed as Appendix II on pages 1160-1163 infra.

15th October 1929]

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[a] 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."

[a] Printed as Appendix III on page 1164 infra.

[15th October 1929

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."

15th October 1929]

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."

[15th October 1929

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.

15th October 1929]

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.

[15th October 1929

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;

15th October 1929]

(*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 ?

[15th October 1929

A.—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 ;

15th October 1929]

(*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."

[a] Printed as Appendix IV on page 1164 infra.

[15th October 1929

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.

15th October 1929]

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;

[15th October 1929

(*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.

15th October 1929]

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." 11-3 a.m

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.

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 or 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.

[*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 66⅔ 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." 11-20 a.m.

* The hon. the PRESIDENT :—" I request the hon. Member to come to the point very quickly."

*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 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] [15th October 1929

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.'

15th October 1929] [Mr. E. Sankaran Unni]

"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."

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.
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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, R. Foulkes.
16. ,, P. J. Gnanavaram Pillai.
17. Subadar-Major S. A. Nanjappah Bahadur.
18. Mr. K. Krishnan.
19. ,, N. Siva Raj.
20. ,, M. V. Gangadhara Siva.
21. Rao Sahib L. C. Guruswami.
22. Mr. V. I. Muniswami Pillai.
23. ,, S. Subrahmanya Moopanar.
24. Mr. S. Venkiah.
25. Rao Sahib R. Srinivasan.
26. Mr. A. Achutan.
27. ,, C. E. Wood.
28. ,, H. F. P. Hearson.
29. ,, S. N. Dorai Raja.
30. ,, K. Ramachandra Padayachi.
31. ,, G. R. Premayya.
32. ,, V. Ramjee Rao.
33. ,, J. A. Saldanha.
34. ,, Abdul Hameed Khan.
35. ,, L. K. Tulasiram.
36. ,, D. Narayana Raju.
37. ,, K. R. Karant.
38. ,, M. Madhavan Nayar.
39. ,, C. Ramasomayajulu.
40. ,, T. Adinarayana Chettiyar.
41. ,, K. V. Krishnaswami Nayakar.
42. ,, K. P. Raman Menon.
43. ,, K. R. Venkatarama Ayyar.
44. ,, C. Gopala Menon.
45. ,, B Ramachandra Reddi.
46. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.

Noes.

1. Rao Bahadur O. M. Narayanan Nambudripad.
2. The Muppil Nayar of Kavalappara.
3. Mr. E. Sankaran Unni.
4. Mr. S. Arpudaswami Udayar.
5. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
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 kudiyiruppu 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.

15th October 1929]

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."

[15th October 1929

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 intentded 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.

1. The Muppil Nayar of Kavalappara.
2. Rao Bahadur O. M. Narayanan Nambudripad.
3. Mr. E. Sankaran Unni.
4. ,, S. Arpudaswami Udayar.
5. ,, P. C. Venkatapathi Raju.
6. ,, G. Harisarvottama Rao.
7. ,, Basheer Ahmed Sayeed.
8. ,, O. S. Govindaraja Mudaliyar.
9. ,, Abdul Hameed Khan.
10. Mr. D. Narayana Raju.
11. ,, K. Uppi Sahib.
12. ,, K. P. V. S. Muhammad Meera Ravuttar.
13. ,, A. Ranganatha Mudaliyar.
14. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
15. The Maharaja of Pithapuram.
16. Rao Bahadur Sir A. P. Patro.

15th October 1929]

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. ,, Syed Tajudin.
17. ,, A. B. Shetty.
18. ,, J. Bheemayya.
19. ,, R. Foulkes.
20. Subadar-Major S. A. Nanjappah Bahadur.
21. Mr. K. Krishnan.
22. ,, M. V. Gangadhara Siva.
23. Rao Sahib L. C. Guruswami.
24. Mr. V. I. Muniswami Pillai.
25. ,, S. Subrahmanya Moopanar.
26. Mr. S. Venkiah.
27. Rao Sahib R. Srinivasan.
28. Mr. A. Achutan.
29. ,, C. E. Wood.
30. ,, S. N. Dorai Raja.
31. ,, H. F. P. Hearson.
32. ,, K. Ramachandra Padayachi.
33. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
34. Mr. G. Premayya.
35. ,, V. Ramjee Rao.
36. ,, S. Satyamurti.
37. ,, C. V. Venkataramana Ayyangar.
38. ,, J. A. Saldanha.
39. ,, L. K. Tulasiram.
40. ,, K. Madhavan Nayar.
41. ,, C. Obi Reddi.
42. ,, T. Adinarayana Chettiyar.
43. ,, K. P. Raman Menon.
44. ,, K. R. Venkatarama Ayyar.
45. ,, P. Siva Rao.
46. ,, C. Gopala Menon.
47. Rao Bahadur C. Natesa Mudaliyar.
48. ,, S. Ellappa Chettiyar.
49. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
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 Muppil 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, enuring 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.'

15th October 1929] [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

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.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. ,, Diwan Bahadur M. Krishnan Nayar.
3. ,, Sir Thomas Moir.
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. B. Cotterell.
14. ,, V. Ch. John
15. ,, Syed Tajudin.
16. ,, A. B. Shetty.
17. ,, J. Bheemayya.
18. ,, R. Foulkes
19. ,, Mahmud Schamnad.
20. Subadar-Major S. A. Nanjappa Bahadur.
21. Mr. K. Krishnan.
22. ,, N. Siva Raj.
23. Rao Sahib L. C. Guruswami.
24. Mr. V I. Muniswami Pillai.
25. ,, S. Subrahmanya Moopanar.
26. Rao Sahib R. Srinivasan.
27. Mr. A. Achutan.
28. ,, V. Ramjee Rao.
29. ,, S. Arpudaswami Udayar.
30. ,, C. S. Govindaraja Mudaliyar.
31. ,, Abdul Hameed Khan.
32. ,, L. K. Tulsiram
33. ,, D. Narayana Raju.
34. ,, K. R. Karant.
35. ,, K. Madhavan Nayar.
36. ,, C. Obi Reddi.
37. ,, C. Ramasomayajulu.
38. ,, K. P. Raman Menon.
39. ,, P. Siva Rao.
40. ,, C. Gopala Menon.
41. Rao Bahadur C. Natesa Mudaliyar.
42. ,, S. Ellappa Chettiyar.
43. Mr. Kadir Mohidin.
44. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
45. Rao Bahadur B. Muniswami Nayudu.
46. Mr. K. Sarabha Reddi.
47. The Kumararaja of Venkatagiri.

Noes.

1. Rao Bahadur O. M. Narayanan Nambudripad.
2. The Muppil Nayar of Kavalappara.
3. Mr. E. Sankaran Unni.
4. The Maharaja of Pithapuram.

Ayes 47. *Noes* 4.

The amendment was adopted.

Clause 17.

Sub-clause (*b*).

2-45 p.m. * 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 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 chose 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 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
p.m. 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.
2. The Muppil Nayar of Kavalappara.
3. Rao Bahadur O M. Narayanan Namboodripad.
4. Mr. E. Sankaran Unni.
5. ,, P. C. Venkatapathi Raju.
6. ,, Sami Venkatachalam Chetti.
7. ,, S. Satyamurti.
8. ,, C. V. Venkatramana Ayyangar.
9. ,, G. Harisarvottama Rao.
10. Mr. K. R. Karant.
11. ,, P. Anjaneyulu.
12. ,, T. Adinarayana Chettiyar.
13. ,, K. Uppi Sahib.
14. ,, K. V. Krishnaswami Nayakar.
15. ,, A. Ranganatha Mudaliyar.
16. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
17. The Maharaja of Pithapuram.

Noes.

1. The hon Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. The hon. 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. ,, Syed Tajuddin.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, K. Krishnan.
21. ,, M. V. Gangadhara Siva.
22. Rao Sahib L. C. Guruswami.
23. Mr. V. I. Muniswami Pillai.
24. ,, S. Subrahmanya Moopanar.
25. Rao Sahib R. Srinivasan.
26. Mr. A. Achutan.
27. ,, L. K. Tulsiram
28. ,, K. Madhavan Nayar.
29. ,, C. Ramasomayajulu.
30. ,, K. P. Raman Menon.
31. ,, C. Gopala Menon.
32. Rao Bahadur C. Natesa Mudaliyar.
33. ,, S. Ellappa Chettiyar.
34. Khan Bahadur S. K. Abdul Razack Sahib.
35. Mr. Muhammad Khadir Mohidin.
36. Diwan Bahadur S. Kumaraswami Reddiyar.
37. Rao Bahadur K. Sitarama Reddiyar.
38. ,, B. Muniswami Nayudu.
39. Mr. K. Sarabha Reddi.
40. ,, F. E. James.
41. ,, S. N. Dorai Raja.
42. ,, G. R. Premayya.
43. ,, V. Ramjee Rao.
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 janmis 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 janmis 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, the janmi will 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 that there is no fourth reading of the Bill, and I do not know whether he 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.' 1-30 p.m.

The amendment was nagatived.

* 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.

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. Diwan Bahadur P. Kesava Pillai
6. Mr. Hilton Brown.
7. ,, H. A. Watson.
8. ,, A. G. Leach.
9. ,, J. Gray.
10. ,, G. B. Cotterell.
11. ,, V. Ch. John.
12. ,, J. Bheemayya.
13. ,, R. Foulkes.
14. ,, P. J. Gnanavaram Pillai.
15. ,, Mahmud Schamnad.
16. Subadar-Major S. A. Nanjappah Bahadur.
17. Mr. K. Krishnan.
18. ,, N. Siva Raj.
19. ,, M. Gangadhara Siva.
20. Rao Sahib L. C. Guruswami.
21. Mr. V. I Muniswami Pillai.
22. ,, W. P. A. Soundara Pandiyan.
23. ,, S. Subrahmanya Moopanar.
24. Rao Sahib R. Srinivasan.
25. Mr. A. Achutan.
26. Mr. R. J. C Robertson.
27. ,, S. N. Dorai Raja.
28. ,, G. R. Premayya.
29. ,, V. Ramjee Rao.
30. ,, J. A. Saldanha.
31. ,, G. Harisarvottama Rao.
32. ,, C. S. Govindaraja Mudaliyar.
33. ,, L. K. Tulasiram.
34. ,, K. R Karant.
35. ,, K. Madhavan Nayar.
36. ,, P. Anjaneyulu.
37. ,, C. Obi Reddi.
38. ,, C. Ramasomayajulu.
39. ,, T. Adiinarayana Chettiyar.
40. ,, K. Uppi Sahib.
41. ,, C. N. Muthuranga Mudaliyar.
42. ,, K. V. Krishnaswami Nayakar.
43 ,, C. Venkatarangam Nayudu.
44. ,, K. P. Raman Menon.
45. ,, K. R. Venkatarama Ayyar.
46. ,, C. Gopala Menon.
47 Rao Bahadur C. Natesa Mudaliyar.
48. ,, S. Ellappa Chettiyar.
49. Mr. Abdul Razaak Sahib.
50. ,, Kadir Mohideen.
51. Rao Bahadur B. Muniswami Nayudu.
52. Mr. K. Sarabha Reddi.

Noes.

1. The Muppil Nayar of Kavalappara.
2. Rao Bahadur O. M. Narayanan Nambudripad.
3. Mr. E. Sankaran Unni.
4. ,, Sami Venkatachalam Chetti.
5. Mr. S. Satyamurti.
6. Diwan Bahadur R. N. Arogiyaswami Mudaliyar.
7. The Maharaja of Pithapuram.

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.'

15th October 1929] [Mr. A. Y. G. Campbell]

" 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 KAVALAPPARA :—" 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 KAVALAPPARA :—" 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.

[15th October 1929

Clause 28.

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 ceses*" *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.

2-45 p.m. * 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.

15th October 1929]

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 janmi 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 kanamdar, 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 NAMBUDRIPAD :—" 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 kanamdar 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 kanamdar 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.

15th October 1929]

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.

[15th October 1929

Clause 45.

3 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 51.

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.

15th October 1929]

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

[Mr. A. Y. G. Campbell] [15th October 1929

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.
2. ,, K. Krishnan.
3. ,, N. Siva Raj.
4. ,, V. I. Muniswami Pillai.
5. ,, J. A. Saldanha.
6. ,, G. Harisarvottama Rao.
7. ,, Abdul Hameed Khan.
8. Mr. L. K. Tulasiram.
9. ,, D. Narayana Raju.
10. ,, K. Madhavan Nayar.
11. ,, C. Obi Reddi.
12. ,, C. Ramasomayajulu.
13. Diwan Bahadur P. C. Ethirajulu Nayudu.

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. B. Cotterell.
14. ,, V. Ch. John.
15. ,, Syed Tajudin.
16. ,, R. Foulkes.
17. ,, P. J Gnanavaram Pillai.
18. The Muppil Nayar of Kavalappara.
19. Mr. J. Kuppuswami.
20. Subadar-Major S. A. Nanjappah Bahadur,
21. Rao Bahadur O M. Narayanan Nambudripad
22. Mr. S. Subrahmanya Moopanar.
23. Rao Sahib R. Srinivasan.
24. Mr. A. Achutan.
25. ,, E. Sankaran Unni.
26. ,, C. E. Wood.
27. ,, S. N. Dorai Raja.
28. ,, S. Arpudaswami Udayar.
29. ,, K. Ramachandra Padayachi.
30. ,, G. R. Premayya.
31. ,, V. Ramjee Rao.
32. ,, Sami Venkatachalam Chetti.
33. ,, S. Satyamurti.
34. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
35. Mr. K. Uppi Sahib.
36. The Maharaja of Pithapuram.
37. Rao Bahadur C. Natesa Mudaliyar.
38. Mr. P. T. Rajan.
39. Rao Bahadur S. Ellappa Chettiyar.
40. Khan Bhadur S. K. Abdul Razack Sahib Bahadur.
41. Mr. Kadir Mohideen.
42. Diwan Bahadur S. Kumaraswami Reddiyar.
43. Rao Bahadur K. Sitarama Reddiyar.
44. ,, B. Muniswami Nayudu.
45. Mr. K. Sarabha Reddi.
46. The Zamindar of Mirzapuram.
47. The Kumararaja of Venkatagiri

Ayes 13. *Noes* 47.

The amendment was negatived.

Clause 54.

15 a. * 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."

15th October 1929]

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 description or kanam or kuzhikanam 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 KAVALAPPARA:—"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 KAVALAPPARA:—"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

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. SALDANHA :—"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."

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. 3-3 p.m.

"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

[Mr. E. Sankaran Unni] [15th October 1929

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.)"

15th October 1929]

*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

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

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. 3-45 p.m.

"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.

"Another point which I wish to place before the House is that this Bill does not apply to the vast majority of kanams in North Malabar. When the Government introduced this Bill it was intended that it should be made

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

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 essense 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.

[Mr. E. Sankaran Unni] [15th October 1929

"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 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."

15th October 1929] [Mr. E. Sankaran Unni]

* 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

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 kudiyiruppus. 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 verumpattamdar 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.

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." 4-15 p.m.

* 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

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 excrescence and not only the janmi may say that the kanamdar whom he has brought into existence is not necessary but may use that fact for his own purposes. And I warn the janmis and ask them if they are

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.

4-30 p.m.

"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 kudiyiruppu 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

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 kudiyiruppu 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 kudiyiruppu 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 kudiyiruppu 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 responsible for the conversion of dry lands into wet lands, for the conversion of one-crop land into double-crop land, for levelling, deepening or effecting

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 if 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

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 ligitimately 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

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 to shame even the representatives of Malabar by his intimate knowledge of 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." 4-45 p.m.

* 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.

"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

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.
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. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr. Hilton Brown.
10. ,, A. G. Leach.
11. ,, J. Gray.
12. ,, S. V. Ramamurti.
13. ,, V. Ch. John.
14. ,, M. A. Manikkavelu Nayakar.
15. ,, Syed Tajudin Sahib.
16. ,, A. B. Shetty.
17. ,, J. Bheemayya.
18. ,, R. Foulkes.
19. ,, Muhmud Sohamnad
20. ,, J. Kuppuswami.
21. ,, K. Krishnan.
22. ,, N. Siva Raj.
23. ,, M. Gangadhara Siva.
24. ,, V. I. Muniswami Pillai.
25. ,, W. P. A. Soundara Pandian.
26. ,, S. Subrahmanya Moopanar.
27. ,, S. Venkiah.
28. Rao Sahib R. Srinivasan.
29. Mr. A. Aohutan.
30. ,, C. E. Wood.
31. ,, S. N. Dorai Raja.
32. ,, S. Arpudaswami Udayar.
33. ,, K. Ramachandra Padayachi.
34. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
35. Mr. G. R. Premayya.
36. Mr. V. Ramjee Rao.
37. ,, P. C. Venkatapathi Raju.
38. ,, Sami Venkatachalam Chetti.
39. ,, S. Satyamurti.
40. ,, C. V. Venkataramana Ayyangar.
41. ,, J. A. Saldanha.
42. ,, G. Harisarvottama Rao.
43. ,, C. S. Govindaraja Mudaliyar.
44. ,, Abdul Hameed Khan.
45. ,, L. K. Tulasiram.
46. ,, D. Narayana Raju.
47. ,, K. Madhavan Nayar.
48. ,, C. Obi Reddi.
49. ,, C. Ramasomayajulu.
50. ,, T. Adinarayana Chettiyar
51. ,, K. V. Krishnaswami Nayakar.
52. ,, C. Venkatarangam Nayudu.
53. ,, A. Ranganatha Mudaliyar.
54. ,, K. P. Raman Menon.
55. ,, P. Siva Rao.
56. ,, C. Gopala Menon.
57. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
58. Rao Bahadur Sir A. P. Patro.
59. Diwan Bahadur P. C. Ethirajulu Nayudu.
60. Rao Bahadur C. Natesa Mudaliyar.
61. Mr. P. T. Rajan.
62. ,, T. K. Chidambaranatha Mudaliyar.
63. Rao Bahadur S. Ellappa Chettiyar.
64. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
65. Kadir Muhi-ud-din Sahib Bahadur.
66. Diwan Bahadur S. Kumaraswami Reddiyar.
67. Rao Bahadur K. Sitarama Reddiyar.
68. ,, B. Muniswami Nayudu.
69. Mr. K. Sarabha Reddi.

Noes.

1. The Muppil Nayar of Kavalappara.
2. Rao Bahadur O. M. Narayanan Nambudripad.
3. Mr. E. Sankaran Unni.
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.

[a] Report of the Committee on Fisheries in Madras 1929.

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

[a] Printed separately.

[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
	5,64,000

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

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″ × 6″ × 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″ × 5″ × 32 lb. is found ample for these two girders.

Bottom shutter.—Section 12″ × 6″ × 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

$57\frac{1}{2}$″ 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 Dowlaishweram 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 $x = \frac{1}{2} \times \frac{4 \times 2{,}500 \times 12}{4 \cdot 6} = 13{,}044$, 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, $\frac{3}{4}$ 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,
Executive Engineer, Godavari Headworks division.

25th January 1921.

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. Kunhudu.
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.	

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.
		YRS.		
1. Rajahmundry .	M.R.Ry. S. Kameswara Rao Garu.	2	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 Azez 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.
	Dr. Anna Deunning	2	18th June 1928 .	3
8. Do.	M.R.Ry. V. S. Padmanabha Mudaliyar.	2	28th July 1929 .	Nil.
9. Do.	Viraswami Mudaliyar,	2	Do.	1
10. Do.	,, M. P. Santosh	2	Do.	Nil.
11. Do.	M.R.Ry. Rao Sahib T. K. Nayanar (Honorary Secretary, Discharged Prisoners' Aid Society).	2	28th July 1929.	8
12. Do.	Janab Syed Abdul Ali Sahib Bahadur.	2	Do.	1
13. Do.	Mrs. Meshak Peter	2	Do.	3
14. Do.	Mr. Innes Baillie	2	7th May 1929.	1
15. Trichinopoly ..	M.R.Ry. T. M. Narayanaswami Pillai Avargal, M.A., B.L., M.L.C.	2	15th May 1929.	1
16. Do. ..	,, Rao Sahib V. R. Ramaswami Ayyangar, Assistant Secretary to Agent, South Indian Railway.	2	27th May 1929.	2
17. Do. ..	,, N. Ramaswami Ayyar, Advocate.	2	Do.	2
18. Do. ..	Mr. P. Sherufuddin Sahib, Advocate.	2	24th July 1929.	1
19. Do. ..	M. K. Muhammad Ibrahim Bahadur, Chairman, Municipal Council, Trichinopoly.	2	14th Sep. 1929.	..
20. Do. ..				

[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.
		YRS.		
21. Coimbatore ..	M.R.Ry. P. N. Krishnaswami Ayyangar, B.A., B.L.	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. Alamelumangathayarammal .	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. Papiah 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 an 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.
		YRS.		
50. Bellary	Rev. H. Sumitra, B.A.	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. Ramunni	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.	5
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.
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.
Anjaneyulu, Mr. P.
Appavu Chettiyar, Mr. C. D.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmed Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. S.
Dann, Mr. R.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
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.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnaswami Nayakar, Mr. K. V.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Leach, I.C.S., Mr. A. G.
Maharaja of Pithapuram.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara.
Muthulakshmi Reddi, Dr. (Mrs.) S.
Muthuranga Mudaliyar, Mr. C. N.
Nanjappah Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayanan Nambudripad, Rao Bahadur O. M.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramachandra Reddi, Mr. B.
Ramamurti, I.C.S., Mr. S. V.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Robertson, Mr. R. J. C.
Rutherford, Mr. T. G.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Sitarama Reddi, Rao Bahadur K.
Siva Raj, Mr. N.
Siva Rao, Mr. P.
Soundara Pandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Tajudin Sahib Bahadur, Syed.
Uppi Sahib, Mr. K.
Venkatapathi Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Mirzapuram.

I [16th October 1929

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."

16th October 1929]

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.

16th October 1929]

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.[a]

[a] Printed as Appendix I on page 1262 infra.

[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 detenues;

(*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 [a] 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?"

[a] 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 Re. 4, respectively, according to the number of children.

16th October 1929]

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

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 Mahasayo: 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?

16th October 1929]

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.

[a] Printed as Appendix II on pages 1262-1263 infra.

[16th October 1929

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. SALDANHA: 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, Tinnevelly 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 Tinnevelly 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 Tinnevelly 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 Tinnevelly 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."

16th October 1929]

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

[16th October 1929

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.

16th October 1929]

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."

[16th October 1929

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.

16th October 1929]

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 * 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?

* Printed as Appendix III on page 1254 infra.

[16th October 1929

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?"

16th October 1929]

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?"

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. HARISARVOTTAMA 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 ? "

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.

[16th October 1929

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.;

16th October 1929]

(*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 preventible 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.[a] 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[b] 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.

[16th October 1929

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. OBI 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 HAMEED KHAN :—"May I know if the Government have accepted the desirability of giving aid to these private practitioners ?"

16th October 1929]

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.

[16th October 1929

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. HARISARVOTTAMA 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."

16th October 1929]

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—

(*a*) the number of unpassed matriculate clerks who were in permanent service by 1926 in the Registration department;

(*b*) how many of them have been subsequently appointed as Sub-Registrars; and

(*c*) how many of the rest get increments ?

A.—(*a*), (*b*) & (*c*) The hon. Member is referred to the answer to clauses (*a*) and (*b*) of question No. 839.

Agriculture

Appointment of an Indian as the investigator of diseases to cotton plants.

*966 *Q.*—Mr. C. N. MUTHURANGA MUDALIYAR : Will the hon. the Minister for Development be pleased to state—

(*a*) whether the Government have attempted to secure the services of qualified Indians in this or other provinces in this country for the appointment of investigator of diseases to cotton plants;

(*b*) whether the Government have decided to appoint to the post a European undergoing training outside India who is a relative of a responsible officer of the department; and

(*c*) whether the Government will consider the advisability of appointing to the post an Indian with necessary qualifications in preference to a European?

A.—(*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 fixed for East Godavari whereas ten are fixed for Malabar, Tanjore and Trichinopoly and fifteen for Coimbatore?

A.—(*a*) The number of demonstrators for any particular district is based on the number of taluks in the district and the particular stage of development of work there, e.g., if the supply of seed is important in any district, extra men are put on for this work.

(*b*) There are three demonstrators in East Godavari. The small number of demonstrators in the district as compared with the other districts is due to the fact that a sufficient number of Telugu-knowing men are not available while there is no difficulty in getting men who know Tamil and Malayalam.

Alleged disproportionate allotment of demonstrators in Tamil and Telugu districts.

* 967-B *Q.*—Mr. K. V. R. SWAMI: Will the hon. the Minister for Development be pleased to state what is the reason for the disproportionate allotment of demonstrators to Telugu and Tamil districts, i.e., 40 and 80 respectively?

A.—The hon. Member is referred to the answer to his question No. 967-A.

Mr. P. ANJANEYULU:—"May I know what are the attempts that were made to secure Telugu-knowing demonstrators?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"Those people who are available are appointed."

Mr. P. ANJANEYULU:—"May I take it that there is no Telugu-knowing man who is qualified and who is not employed?"

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

Mr. P. ANJANEYULU:—"Will the hon. Minister be pleased to make enquiries in the matter?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"No useful purpose will be served."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether any candidates coming from the Telugu districts will be given any preference in the matter of admission to the Agricultural College?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The applications of candidates coming from each district will be considered."

Mr. A. RANGANATHA MUDALIYAR:—"In view of the preponderance of officers knowing one language, will the Government give preference to candidates knowing other languages?"

The hon. Mr. M. R. SETURATNAM AYYAR:—"The suggestion will be considered by the selection committees who are appointed for this purpose."

Co-operative Societies

Liquidation of co-operative supervising unions.

* 968 *Q.*—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(*a*) how many co-operative supervising unions were liquidated up to this time and what they are and the reasons for liquidation;

(*b*) how many are proposed to be liquidated and what they are; and

(*c*) if the unions are liquidated, how is supervision provided over societies affiliated to them?

A.—(*a*) The Thousand Lights Co-operative Supervising Union, Limited, in Madras City, is the only one the registration of which has been cancelled by the Registrar of Co-operative Societies, as the union did not carry out 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."

Mr. T. ADINARAYANA CHETTIYAR:—"What is to become of the societies if they are not affiliated to any other unions in districts where there are no federations working? Will the hon. Minister enquire into the matter and furnish the information?"

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

Orders passed on the Townsend Committee's report.

*969-A Q.—Mr. T. ADINARAYANA CHETTIYAR: Will the hon. the Minister for Development be pleased to state—

(*a*) what orders were passed on the report of the Townsend Committee on Co-operation;

(*b*) whether the hon. the Minister will be pleased to place them on the table; and

(*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.

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."

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.

[*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 subjects 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

11-45 a.m.

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 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 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

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.

21 noon

"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 Governmentin 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

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.

[Dr. P. Subbarayan] [16th October 1929

"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 introduced in 1920.

16th October 1929] [Sir A. P. Patro]

"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. 'According to the

[Sir A. P. Patro] [16th October 1929

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, 39 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 of 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 interruptors 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."

16th October 1929]

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 he 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

12-30 p.m.

[Sir A. P. Patro] [16th October 1929

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 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".'"

16th October 1929]

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. Ramasomayajulu.
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. Setturatnam 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 Schamnad.
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 Moopanar.
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 S. Muniswami Nayudu.
52. ,, Sir A. P. Patro.
53. ,, C. Natesa Mudaliyar.
54. Diwan Bahadur P. C. Ethirajulu Nayudu.
55. Mr. K. Chidambaranatha 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".'"

16th October 1929]

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.
2. Mr. J. Bheemayya.
3. ,, S. Venkiah.
4. ,, G. R. Premayya.
5. ,, V. Ramjee Rao.
6. ,, P. C. Venkatapathi Raju.
7. ,, K. Koti Reddi.
8. ,, R. Srinivasa Ayyangar.
9. ,, Sami Venkatachalam Chetti.
10. ,, S. Satyamurti.
11. ,, C. V. Venkataramana Ayyangar.
12. ,, G. Harisarvottama Rao.
13. Mr. Basheer Ahmed Sayeed.
14. ,, C. S. Govindaraja Mudaliyar.
15. ,, Abdul Hameed Khan.
16. ,, D. Narayana Raju
17. ,, P. Anjanevulu.
18. ,, C. Obi Reddi.
19. ,, C. Ramasomayajulu.
20. ,, A. Kaleswara Rao.
21. ,, C. Venkatarangam Nayudu.
22. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
23. 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. Mr. Hilton Brown.
9. ,, H. A. Watson.
10. ,, A. G. Leach.
11. ,, J. Gray.
12. ,, S. V. Ramamurti.
13. ,, C. B. Cotterell.
14. ,, V. Ch. John.
15. ,, M. A. Manikkavelu Nayakar.
16. Syed Tajudin Sahib.
17. Mr. A. B. Shetty.
18. ,, R. Foulkes.
19. ,, P. J. Gnanavaram Pillai.
20. ,, Mahmud Schamnad.
21. The Muppil Nayar of Kavalappara.
22. Subadar-Major S. A. Nanjappah Bahadur.
23. Mr. J. Kuppuswami.
24. Rao Bahadur O. M. Narayanan Nambudripad.
25. Mr. M. Gangadhara Siva.
26. ,, V. I. Muniswami Pillai.
27. Mr. S. Subrahmanya Moopanar.
28. Rao Sahib R. Srinivasan.
29. Mr. T. G. Rutherford.
30. ,, C. Govindan Nayar.
31. ,, C. E. Wood.
32. ,, R. J. C. Robertson.
33. ,, S. N. Dorai Raja.
34. ,, S. Arpudaswami Udayar.
35. ,, K. Ramachandra Padayachi.
36. Khan Bahadur P. Khalif-ul-Jah Sahib Bahadur.
37. The Maharaja of Pithapuram.
38. Mr. B. Ramachandra Reddi.
39. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
40. ,, B. Muniswami Nayudu.
41. ,, Sir A. P. Patro.
42. ,, C. Natesa Mudaliyar.
43. Diwan Bahadur P. C. Ethirajulu Nayudu.
44. Mr. T. K. Chidambaranatha Mudaliyar.
45. Rao Bahadur S. Ellappa Chettiyar.
46. Abdul Razack Sahib Bahadur.
47. Khan Bahadur J. K. Kadir Mohidin Sahib Bahadur.
48. Diwan Bahadur S. Kumaraswami Reddiyar.
49. Rao Bahadur K. Sitarama Reddiyar.
50. Mr. K. Sarabha Reddi.

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 permssion 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 pies 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.

16th October 1929] [Mr. P. C. Venkatapathi Raju]

"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. 1 p.m.

"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

[Mr. P. C. Venkatapathi Raju] [16th October 1929

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.

-15 "Several powers which the union boards do not at present possess have
.m. 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.

16th October 1929] [Mr. S. Kumaraswami Reddiyar]

"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 get 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 Saheb 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

[Mr. S. Kumaraswami Reddiyar] [16th October 1929

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.

16th October 1929] [Mr. A. Ranganatha Mudaliyar]

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 villages affairs are looked after by the panchayats, there will surely be much less work for the

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

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

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 vey 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.

2-45 p.m. 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 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

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

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

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

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

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 Muhammadans 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

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.

-15 "Another important provision in the old Bill was that an officer who ought
p.m. 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 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. 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. ,, 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. Nanjappah Bahadur.

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 Mahasayo.
44. ,, S. Arpudaswami Udayar.
45. Khan Sahib T. M. Moideo 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 Kumararaja of Venkatagiri ".

The hon. Mr. M. R. SETURATNAM 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,

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."

3-30 p.m.

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

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. Anjaneylu'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

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."

[16th October 1929

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."

16th October 1929]

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."

* 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'

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. Ratnasabhapati 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 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.'" 4 p.m.

The motion was negatived.

XII

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1929-30.

GRANT XXV—CO-OPERATIVE SOCIETIES TRANSFERRED.

* The hon. Mr. M. R. SETHURATNAM 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

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.

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

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 loaf."

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

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 stringency, 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 Nagayatippa 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 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 Ma[illegible] Jahadur.

[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 Viruvatteeswaranpet divisions. People put up in the overcrowded streets of these localities used to take a stroll in these gardens for airing themselves,

16th October 1929] [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. Mover, 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 Archæological 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.
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. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr. Hilton Brown.
10. ,, H. A. Watson.
11. Mr. 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.
18. ,, J. Bheemayya.
19. ,, R. Foulkes.
20. ,, P. J. Gnanavaram Pillai.
21. ,, Mahmud Schamnad.
22. Subadar-Major S. A. Nanjappah Bahadur.

4-30 p.m

[16th October 1929

Ayes—cont.

23. Mr. N. Siva Raj.
24. ,, M. Gangadhara Siva.
25. Rao Sahib L. C. Guruswami.
26. Mr. V. I. Muniswami Pillai.
27. ,, W. P. A. Soundara Pandian.
28. ,, S. Subrahmanya Moopanar.
29. ,, S. Venkiah.
30. Rao Sahib R. Srinivasan.
31. Mr S. N. Dorai Raja.
32. ,, S. Arpudaswami Udayar.
33. ,, K. Ramachandra Padayachi.
34. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
35. Mr. G. R. Premayya.
36. ,, V. Ramjee Rao.
37. Mr. C. V. Venkataramana 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. Ethirajulu Nayudu.
44. Mr. P. T. Rajan.
45. ,, T. K. Chidambaranatha Mudaliyar.
46. Khan Bahadur S. K. Abdul Razaok Sahib Bahadur.
47. Mr. Khadir Mohideen.
48. Diwan Bahadur S. Kumaraswami Reddiyar.

Noes.

1. Mr. P. C. Venkatapathi Raju.
2. ,, K. Koti Reddi.
3. ,, R. Srinivasa Ayyangar.
4. ,, Sami Venkatachalam Chetti.
5. ,, G. Harisarvottama Rao.
6. ,, Basheer Ahmad Sayeed.
7. ,, C. S. Govindaraja Mudaliyar.
8. Mr. Abdul Hameed Khan.
9. ,, D. Narayana Raju.
10. ,, C. Obi Reddi.
11. ,, K. Uppi Sahib.
12. ,, C. Ramasomayajulu.
13. ,, A. Kaleswara Rao.
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.

16th October 1929] [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 Pantulu.
,, A. Ranganatha Mudaliyar.
,, C. Gopala Menon.
Rao Bahadur C. Natesa Mudaliyar.
Mr. T. K. Chidambaranatha 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 seecond 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.

[16th October 1929

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.

4-45 p.m.

"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 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. 16 of 1929.

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 exofficio 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

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 reassemble to-morrow at 11 o'clock."

VII

PAPER LAID ON THE TABLE OF THE HOUSE.

[a] 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.

[a] Printed separately.

[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.

16th October 1929]

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. (1)	Whether there is a sectarian mess. (2)	Whether there are voluntary cosmopolitan messes. (3)	Remarks. (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 Coorgs. 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* 11*th 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.

16th October 1929]

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.

[16th October 1929

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

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 latcine 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.
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.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmed Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Chidambaranatha Mudaliyar, Mr. T. K.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gnanavaram Pillai, Mr. P. J.
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.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, 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.
Leech, Mr. A. J.
Maharaja of Pithapuram, The.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
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.).
Muthuranga Mudaliyar, Mr. C. N.
Nanjappa Bahadur, Subadar-Major S. A.
Narayanan Chettiyar, Mr. Al. Ar.
Natesa Mudaliyar, Rao Bahadur C.
Obi Reddi, Mr. C.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Rajan, Mr. P. T.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S.V.
Ramasomayajulu, Mr. C.
Ramjee Rao, Mr. V.
Ranganatha Mudaliyar, Mr. A.
Ratnasabapathi Mudaliyar, Rao Bahadur C. S.
Sahajanandam, Swami A. S.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sarabha Reddi, Mr. K
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Siva Raj, Mr. N.
Siva Rao, Mr. P.
Soundara Pandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.
Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib Bahadur, K.
Venkatapathi Raju, Mr. P. C.
Venkatarama Ayyar, Mr. K. R.
Venkataramana Ayyangar, Mr. C. V.
Venkataraugam Nayudu, Mr. C.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Mirzapuram, The.

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Industries

Development of the toy-making industry at Kondapalli.

*978 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."

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 facilties 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."

* Printed as Appendix I on page 1352 infra.

[17th October 1929

Public Health

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 Oosman 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 prohibition is being conducted in any other district?"

The hon. Mr. S. MUTHIAH MUDALIYAR:—"In other districts it is done in some 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 AHMEDSAYEED:—"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 Mópad 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

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 the local 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 Mannern 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 ? "

---

[a] Printed as Appendix II on pages 1352-1353 infra.

[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 22 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 1354 infra.

17th October 1929]

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 Bezwada, 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."

Strength of elementary aided mission schools for depressed classes in Chingleput district.

* 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;

17th October 1929]

(*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?

[17th October 1929

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 Bezwada 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?"

17th October 1929]

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."

[17th October 1929

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."

17th October 1929]

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?" 11-8 a.m

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?"

[17th October 1929

The hon. Dr. P. SUBBARAYAN :—"I do not know what the hon. Member from Bezwada 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 ;

17th October 1929]

(*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."

17th October 1929]

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.

[17th October 1929

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."

[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 I., 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. C. 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."

[a] Printed as Appendix IV on page 1364 infra.

[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 Duvvaleru 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 Duvvaleru 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 [a] 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."

---

[a] Printed as Appendix V on pages 1354-1355 *infra*.

[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."

* Printed as Appendix VI on page 1355 infra.

17th October 1929]

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 ?

[17th October 1929

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.

17th October 1929]

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."

[17th October 1929

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.

17th October 1929]

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
(*c*)	(i) Toddy	5,60,178
	(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

[*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.

12 noon. 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 ditsricts 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

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 recenly 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 left in the lurch. They are 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

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

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 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, had shown greater promptness in the deliberations of the University Commission, the inspection report would have been completed by now. On the other hand, it

12-15 p.m.

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

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

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

[a] Published in the *Fort St. George Gazette*, on 5th February 1929, as Bill No. 6 of 1929.

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." 12-30 p.m.

[a] Published in the *Fort St. George Gazette*, dated 27th August 1929, as Bill No. 11 of 1929.

"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.

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 themelves claim to have a personal interest

[Mr. Basheer Ahmed Sayeed] [17th October 1929

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.

17th October 1929] [Mr. G. Harisarvottama Rao]

"It is quite possible, Sir, that he will have to contend against heavy odds 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." 12-45 p.m.

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 indigeous 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. Harisarvottama 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.

Among these 20,000 there are only about 500 who are trained in the existing schools. If you are going to register only these 500 men, what should happen to the 19,500 people who have not gone through any recognized course of instruction? Therefore, that question is a very difficult one. I have no doubt that it will receive the earnest attention of the Government. Hon. Members are aware that we have established an indigenous school of medicine where every year a number of men are trained. When the number of such men increases, we will certainly take into consideration the question of registering them. But we should remember that the Bill before the House is one relating to the Council of Allopathic medical practitioners. According to the Act, only registered medical practitioners should find a place on that Council. I must say, Sir, that it is not possible for me to give representation on that Council to the indigenous medical practitioners.

"As for the speech of my hon. Friend Mr. Basheer Ahmed, I have heard it with very great amusement. His speech showed nothing but gross ignorance. I would request the House to pass this motion."

The motion that the 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.
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. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Diwan Bahadur P. Kesava Pillai.
10. Mr. Alladi Krishnaswami Ayyar.
11. ,, Hilton Brown.
12. ,, H. A. Watson.
13. ,, A. G. Leach.
14. ,, J. Gray.
15. ,, S. V. Ramamurti.
16. ,, C. B. Cotterell.
17. ,, V. Ch. John.
18. ,, M. A. Manikkavelu Nayakar.
19. ,, Tajudin.
20. ,, A. B. Shetty.
21. ,, J. Bheemayya.
22. The Muppil Nayar of Kavalappara.
23. Subadar-Major S. A. Nanjappah Bahadur.
24. Mr. N. Siva Raj.
25. ,, M. Gangadhara Siva.
26. Rao Sahib L. C. Guruswami.
27. Mr. V. I. Muniswami Pillai.
28. ,, S. Subrahmanya Moopanar.
29. Rao Sahib R. Srinivasan.
30. Mr. S. N. Dorai Raja.
31. ,, S. Arpudaswami Udayar.
32. ,, K. Ramachendra Padayachi.
33. Mr. G. R. Premayya.
34. Swami A. S. Sahajanandam.
35. Mr. V. Ramjee Rao.
36. ,, P. C. Venkatapathi Raju
37. ,, K. Koti Reddi.
38. ,, R. Srinivasa Ayyangar.
39. ,, S. Satyamurti.
40. ,, C. V. Venkataramana Ayyangar.
41. ,, G. Harisarvottama Rao.
42. ,, L. K. Tulasiram.
43. ,, Ahmed Miran.
44. ,, K. Uppi Sahib.
45. ,, C. N. Muthuranga Mudaliyar
46. ,, A. Ranganatha Mudaliyar.
47. Rao Bahadur Sir A. P. Patro.
48. ,, C. Natesa Mudaliyar.
49. Diwan Bahadur P. C. Ethirajulu Nayudu.
50. Mr. P. T. Rajan.
51. ,, T. K. Chidambaranatha Mudaliyar.
52. Rao Sahib S. Ellappa Chettiyar.
53. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
54. Mr. Khadir Mohidin.
55. Diwan Bahadur S. Kumaraswami Reddiyar.
56. Mr. K. Sarabha Reddi.
57. Rao Bahadur B. Muniswami Nayudu.
58. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
59. Mr. K. R. Venkatarama Ayyar.
60. ,, P. Siva Rao.
61. ,, C. Gopala Menon.
62. Rao Bahadur C. S. Ratnasabapathi Mudaliyar.
63. Mr. C. Ramasomayajulu.

Noes.

1. Mr. Basheer Ahmed Sayeed.
2. ,, Abdul Hameed Khan.
3. Mr. C. S. Govindaraja Mudaliyar.
4. ,, A. Kaleswara Rao.

Ayes 63. *Noes* 4.

The motion was adopted and the Bill was passed into law.

VI

RESOLUTION REGARDING DEBENTURES TO BE ISSUED BY THE CENTRAL LAND MORTGAGE BANK.

* The hon. Mr. M. R. SETURATNAM AYYAR:—"Sir, I move—

'That this Council recommends to Government that interest not exceeding 6 per cent per annum may be guaranteed from Provincial revenues for a period of 25 years on debentures to the extent of Rs. 50 lakhs to be issued by the proposed Central Land Mortgage Bank during the first five years.'

"Sir, for the convenience of the Members a note explaining the objects and reasons of this scheme has been circulated."

* The hon. the PRESIDENT:—"I have not as yet received any copy."

* The hon. Mr. M. R. SETURATNAM AYYAR:—"It was laid on the Council Table."

Mr. K. KOTI REDDI:—"Even then, does it prevent the hon. Minister from giving a summary of it?"

* The hon. Mr. M. R. SETURATNAM AYYAR:—"I shall gladly give a summary. Sir, 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 for giving relief to the small landholders and to relieve their indebtedness by providing loans for the redemption of mortgages on agricultural land and the discharge of prior debts not secured by mortgages. These banks were to obtain money from share capital, deposits and principally debentures. There are about 20 such banks now in existence and of these five are working satisfactorily. The chief difficulty experienced has been in selling debentures locally in spite of promises. To find a remedy for this state of affairs, the Registrar in 1927 convened a conference of the representatives of the existing banks and, as a result of it, proposed a scheme that 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. This scheme was twice considered by the Government with prominent co-operators in the presidency. We have already got the sanction in the budget for the necessary staff for the inspection and the proper working of these banks, and, as the formation of central agency alone may not advance debentures unless it is backed up by Government, we propose to guarantee interest at 6 per cent per annum for Rs. 50 lakhs to be raised by the bank within five years for a period of 25 years The question has been pending for a very long time and the Conference of Registrars has recommended this. I hope the House will pass the motion."

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

* The hon. the PRESIDENT:—"As it is a charge on the Provincial revenues, I wish to know whether the hon. Minister has obtained the leave of His Excellency the Governor for moving it?"

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

* The hon. the PRESIDENT:—"He has not yet communicated such a message to me or to my office." 1 p.m.

[17th October 1929

* 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. SETHURATNAM 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

17th October 1929]

* 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

[Mr. C. V. Venkataramana Ayyangar] [17th October 1929

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 6½ 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.

1-15 p.m. "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

17th October 1929] [Mr. C. V. Venkataramana Ayyangar]

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 not 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

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,

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—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

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 4½ 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—

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 Deputy Registrars to begin 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 lightheartedly recommended loans to the extent of Rs. 59,000 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, ..."

* The hon. the PRESIDENT :—" I would call the attention of the House to the fact that the hon. Member's speech is not relevant tho te 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.

2-45 p.m. " 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

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 mufassal 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 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

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 Menon 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 wide-spread 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

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.

[Mr. M. R. Seturatnam Ayyar] [17th October 1929

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 [a] 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

[a] Printed as Appendix VII at pages 1356–1361 infra.

17th October 1929] [The President]

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.

[The President] [17th October 1929

(*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 (2), 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 (2), 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.

17th October 1929] [The President]

(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

(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 adoped.

* 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. 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.'"

The motion was adopted.

* The hon. the PRESIDENT :—"The question is—

'*for* the existing sub-clause (1) of Standing Order No. 16, *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.

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."

[17th October 1929

*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.

3-15 p.m.

17th October 1929] [Mr. G. Harisarvottama Rao]

"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. It is this 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

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

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 3-30 p.m.

> '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.

[Mr. G. Harisarvottama Rao] [17th October 1929

"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

17th October 1929] [Mr. Sami Venkatachalam Chetti]

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 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

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. 5,42,000 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

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

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 advertance 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.

"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. 4 p.m.

"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

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.

"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

now. Another reason is that the portion of the loan now cut 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 unbusiness-like 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."

*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." 4-15 p.m.

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 tregedy 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.'

'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.'

[Mr. C. S. Govindaraja Mudaliyar] [17th October 1929

"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.

17th October 1929] [Dr. B. S. Mallayya]

"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

[Mr. C. Natesa Mudaliyar] [17th October 1929

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 Tinnevelly 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."

17th October 1929]

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. ,, R. 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. Tulasiram.
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. Yenkatarangam Nayudu.
20. ,, A. Ranganatha Mudaliyar.
21. Diwan Bahadur R. N. Arogyaswami Mudaliyar.

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. ,, ,, M. R. Seturatnam Ayyar.
6. ,, ,, 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.
18. ,, A. B. Shetty.
19. ,, J. Bheemayya.
20. ,, R. Foulkes.
21. ,, P. J. Gnanavaram Pillai.
22. ,, J. Kuppuswami.
23. Subadar-Major S. A. Nanjappah Bahadur.
24. Mr. N. Siva Raj.
25. Rao Sahib L. C. Guruswami.
26. Mr. V. I. Muniswami Pillai.
27. ,, W. P. A. Soundara Pandian.
28. ,, S. Subrahmanya Moopanar.
29. ,, S. Venkiah.
30. Rao Sahib R. Srinivasan.
31. Mr. A. J. Leech.
32. ,, S. N. Dorai Raja.
33. ,, S. Arpudaswami Udayar.
34. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
35. Mr. G. R. Premayya.
36. ,, V. Ramjee Rao.
37. Rao Bahadur C. S. Ratnasabhapati Mudaliyar.
38. ,, Sir A. P. Patro.
39. ,, C. Natesa Mudaliyar.
40. Mr. P. T. Rajan.
41. Rao Bahadur S. Ellappa Chettiyar.
42. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
43. Mr. Khadir Mohideen.
44. Diwan Bahadur S. Kumaraswami Reddiyar
45. The Zamindar of Mirzapuram.

Ayes 21. *Noes* 45.

The motion was negatived.

* 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. HARISARVOTTMA 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."

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 [a]."

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.

[b] 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.

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 1268 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. 867-Sup./D.B. of 1928, *dated the 19th April* 1929.

Adverting to Government Memorandum No. 6505-1/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

17th October 1929]

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 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 [illegible] 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. Kaleswara 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 draugtsman.	One tracer.
One assistant draughtsman.	One typist.
One acco unts 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

17th October 1929]

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.

17th October 1929]

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.

(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 ;

(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."

[17th October 1929

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.

17th October 1929]

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 considere';

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.

