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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

His Excellency Lieut.-Col. the Right Hon. Sir GEORGE FREDERICK STANLEY, F.C., G.C.I.E., C.M.G. Took his seat on the 12th November 1929.

Members of the Executive Council.

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

I.—Provincial Subjects.

- | | |
|--|--|
| 1. Police, including Railway Police and C.I.D. | 12. Government Houses, Staff and equipment of His Excellency the Governor. |
| 2. Regulation of betting and gambling. | 13. Government Presses. |
| 3. Prevention of cruelty to animals. | 14. Elections for Indian and Provincial Legislatures. |
| 4. Control of poisons. | 15. Industrial matters included under the following heads :— |
| 5. Control of vehicles. | (a) Factories. |
| 6. Control of dramatic performances and cinematographs. | (b) Settlement of labour disputes. |
| 7. Control of newspapers, books and printing presses. | (c) Boilers. |
| 8. Laccadives. | (d) Gas. |
| 9. European vagrancy. | (e) Smoke nuisances. |
| 10. European and Anglo-Indian education. | (f) Welfare of labour including depressed classes. |
| 11. Regulation of medical and other professional qualifications and standards. | 16. Criminal tribes. |
| | 17. Stores and Stationery (required for Reserved Departments). |

II.—Central Subjects.

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

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

I.—Provincial Subjects.

- | | |
|--|---|
| 1. Administration of justice, including constitution, powers, maintenance and organization of courts of civil and criminal jurisdiction within the province. | 3. Administrator-General and Official Trustees. |
| 2. Provincial law reports. | 4. Escheats. |
| | 5. Coroners. |
| | 6. Treasure-trove. |
| | 7. Non-judicial and judicial stamps. |
| | 8. Prisons and prisoners. |

I.—Provincial Subjects—cont.

- | | |
|--|--|
| 9. Industrial matters included under the following head :
Electricity, including hydro-electric scheme. | 10. Forests (including Cinchona) except panchayat forests. |
| | 11. Minor Ports. |

II.—Central Subjects.

- | | |
|---|--|
| 1. Civil law.
2. Inventions and designs.
3. Copyright.
4. Criminal law.
5. Major ports. | 6. Shipping and navigation.
7. Lighthouses.
8. Port quarantine and marine hospitals. |
|---|--|
3. The hon. Sir ARCHIBALD CAMPBELL, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., Member in charge of Revenue. Took his seat on the 29th June 1929 and is in charge of the following portfolios :—

I.—Provincial Subjects.

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

II.—Central Subjects.

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

4. The hon. Mr. H. G. STOKES, C.S.I., C.I.E., I.C.S., Finance Member. Took his seat on the 19th March 1930 and is in charge of the following portfolios :—

I.—Provincial Subjects.

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

II.—Central Subjects.

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

Ministers.

1. The hon. the RAJA OF BOBBILI, Minister for Local Self-Government. Took his seat on the 5th November 1932 and is in charge of the following portfolios :—

- | | |
|--|---|
| 1. Local Self-Government including village panchayats. | 5. Adulteration of food-stuffs and other articles. |
| 2. Medical administration. | 6. Light and Feeder Railways and Tramways within municipal areas. |
| 3. Public Health and Sanitation and Vital Statistics. | 7. Stores and Stationery (required for Transferred Departments). |
| 4. Religious and Charitable Endowments. | |

2. The hon. Mr. P. T. RAJAN, Minister for Public Works. Took his seat on the 5th November 1932 and is in charge of the following portfolios :—

- | | |
|---|----------------------------|
| 1. Agriculture. | 4. Co-operative Societies. |
| 2. Civil Veterinary Department. | 5. Registration. |
| 3. Public Works (Buildings, Roads, Ferries, Rope-ways, etc.). | 6. Weights and Measures. |

3. The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR, Minister for Education and Excise. Took his seat on the 5th November 1932 and is in charge of the following portfolios :—

- | | |
|--|---|
| 1. Education (other than European and Anglo-Indian education). | 4. Fisheries. |
| 2. Excise. | 5. Libraries, Museums and Zoological Gardens. |
| 3. Development of Industries. | 6. Pilgrimage within British India. |

PRINCIPAL OFFICERS OF THE MADRAS LEGISLATIVE COUNCIL.

President.

The hon. Mr. B. RAMACHANDRA REDDI.

Deputy President.

M.R.Ry. Rao Bahadur G. JAGANNADHA RAJU Garu.

Panel of Chairmen.

M.R.Ry. M. A. MUTHIAH CHETTIYAR Avargal.

„ M. DEVADASAN Avargal.

YAKUB HASAN SAHIB Bahadur.

M.R.Ry. K. R. VENKATARAMA AYYAR Avargal.

Secretary to the Council.

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

Assistant Secretary to the Council.

M.R.Ry. D. K. V. RAGHAVA VARMA Garu, B.A., B.L.

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL.

Name of member.	Name and class of constituency.
1 Abdul Hameed Khan Sahib Bahadur.	Madras City, Muhammadan Urban.
2 Ahmed Meeran Sahib Bahadur, Moulvi Hafeez Anumanthakudi Mustapha.	Ramnad cum Tinnevely, Muhammadan Rural.
3 Alagannan Chettiyar, Rao Sahib A. S.	Madura, N.-M. Rural.
4 Alamelumangathayaramma, Mrs. K.	NOMINATED.
5 Annamalai Chettiyar, S. A. A.	Nattukottai Nagarathars' Association.
6 Appadurai Pillai, Diwan Bahadur A.	Central Districts—Indian Christian.
7 Arasu, V. T.	NOMINATED.
8 Ari Gowder, H. B.	The Nilgiris, N.-M. Rural.
9 Basheer Ahmed Sayeed Sahib Bahadur.	Central Districts, Muhammadan Rural.
10 Basu Dev, C.	NOMINATED.
11 Bayappa Reddi, P.	Anantapur, N.-M. Rural.
12 Beyabani Sahib Bahadur, S. M. K.	Ceded Districts, Muhammadan Rural.
13 Bhanoji Rao, A. V.	NOMINATED.
14 Birley, Frank	Madras Chamber of Commerce.
15 Campbell, K.C.I.E., C.S.I., C.B.E., v.d., I.C.S., The hon. Sir Archibald.	EX OFFICIO.
16 Davis, O.B.E., J. A.	Anglo-Indian.
17 Devadasan, M.	NOMINATED.
18 Dharmalingam Pillai, Rao Sahib V.	NOMINATED.
19 Duraiswami Reddiyar, K. M.	South Arcot, N.-M. Rural.
20 Ellappa Chettiyar, Diwan Bahadur S.	Salem, N.-M. Rural.
21 Foulkes, R.	NOMINATED.
22 Gopalaswami Ayyangar, Diwan Bahadur N.	NOMINATED.
23 Gopalaswami Mudaliyar, Diwan Bahadur M.	Beilary, N.-M. Rural.
24 Harischandrudu Nayudu, A. ..	Godavari East, N.-M. Rural.
25 Hood, I.C.S., H. M.	NOMINATED.
26 Indriah, C.	Godavari West, N.-M. Rural.
27 Jagannadha Raju, Rao Bahadur G. (Deputy President).	Vizagapatam, N.-M. Rural.
28 Jagannatham, H. M.	NOMINATED.
29 Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.

Name of member.	Name and class of constituency.
30 Kesava Ramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
31 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly cum Srirangam, Muhammadan Urban.
32 Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
33 Koti Reddi, K.	Cuddapah, N.-M. Rural.
34 Krishnamurti, Rao Sahib D. ..	NOMINATED.
35 Krishnan, C.	NOMINATED.
36 Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M.	EX OFFICIO.
37 Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	NOMINATED.
38 Krishnayya Choudari, P. V.	Guntur, N.-M. Rural.
39 Kumara Raja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendrule Bahadur Varu).	Nellore, N.-M. Rural.
40 Kumaraswami Reddiyar, The hon. Diwan Bahadur S. (Minister).	Tinnevely, N.-M. Rural.
41 Kuppuswami Choudari, J. ..	Guntur, N.-M. Rural.
42 Ladden, W. W.	Madras Trades Association.
43 Lakshmana Reddi, G.	Anantapur, N.-M. Rural.
44 Langley, W. K. M.	Madras Planters.
45 Madanagopal Nayudu, R. ..	Madras City, N.-M. Urban.
46 Madhusoodhanan Thangal, P.	NOMINATED.
47 Maharaja of Venkatagiri (Sri Raja Velugoti Sir Govinda Krishna Yachendrule Bahadur Varu, K.C.I.E., Lieutenant-Colonel).	North Central Landholders.
48 Mahboob Ali Baig Sahib Bahadur.	Northern Circars, Muhammadan Rural.
49 Mahmud Schamnad Sahib Bahadur, Khan Bahadur.	South Kanara, Muhammadan Rural.
50 Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
51 Moidco Sahib Bahadur, Khan Bahadur T. M.	Malabar, Muhammadan Rural.
52 Moses, P. C.	Northern Districts, Christian.
53 Muhammad Meera Ravuttar Bahadur, K. P. V. S. ..	Madura cum Trichinopoly, Muhammadan Rural.
54 Muniswami Nayudu, Diwan Bahadur B.	Chittoor, N.-M. Rural.
55 Muniswami Pillai, Rao Sahib V. I.	NOMINATED.
56 Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.

Name of member.	Name and class of constituency.
57 Muthiah Chettiyar, M. A. ..	Southern India Chamber Commerce.
58 Muthu Chettiyar, Rao Bahadur P. C.	Madura, N.-M. Rural.
59 Nachiyappa Gounder, K. A. ..	Salem, N.-M. Rural.
60 Nadimuthu Pillai, A. Pl. N. V.	Tanjore N.-M. Rural.
61 Nanjappa Bahadur, Subadar-Major S. A.	NOMINATED.
62 Narasa Reddi, T.	Cuddapah, N.-M. Rural.
63 Narasimhaswami, Rao Sahib, D. V.	Godavari East, N.-M. Rural.
64 Narayanan Nambiyar, V. P.	Malabar, N.-M. Rural.
65 Narayanaswami Pillai, Rao Bahadur T. M.	Trichinopoly, N.-M. Rural.
66 Natesa Mudaliyar, Rao Bahadur C.	Madras City, N.-M. Urban.
67 Palat, R. M.	West Coast Landholders.
68 Pannirselvam, Rao Bahadur A. T.	Tanjore and Trichinopoly cum Madura, Christian.
69 Parthasarathi Ayyangar, C. R.	Chittoor, N.-M. Rural.
70 Patnaik Mahasayo, Sriman M. G.	Ganjam, N.-M. Rural.
71 Patro, Kt., Rao Bahadur Sir A. P.	Ganjam, N.-M. Rural.
72 Pattabhiramayya, K.	Kistna, N.-M. Rural.
73 Pattagar of Palayakottai (Rao Bahadur Nallathambi Sarkarai Manradiyar).	Coimbatore, N.-M. Rural.
74 Peddi Raju, P.	Godavari West, N.-M. Rural.
75 Pocker Sahib Bahadur, B. ..	Malabar, Muhammadan Rural.
76 Premayya, G. R.	NOMINATED.
77 Rajagopala Pillai, P. V. ..	NOMINATED.
78 Raja of Bobbili, The hon. (Sri Ravu Swetachallapathi Ramakrishna Ranga Rao) (Minister).	Vizagapatam, N.-M. Rural.
79 Raja of Kallikote (Raja Sri Ramachandra Marda Raja Deo Garu).	Northern Landholders, I.
80 Raja of Parlakimedi (Sri Sri Krishna Chandra Gajapathi Narayana Deo Garu).	Ganjam, N.-M. Rural.
81 Rajan, The hon. Mr. P. T. (Minister).	Madura, N.-M. Rural.
82 Ramachandra Padayachi, P. K.	South Arcot, N.-M. Rural.
83 Ramachandra Reddi, The hon. Mr. B. (President).	Nellore, N.-M. Rural.
84 Ramakrishna Reddi, A. ..	Kurnool, N.-M. Rural.
85 Ramalingam Chettiyar, Rao Bahadur T. A.	Coimbatore, N.-M. Rural.

Name of member.	Name and class of constituency.
86 Ramamurti, Rao Sahib Pandit Ganala.	NOMINATED.
87 Raman Menon, K. P. ..	Malabar, N.-M. Rural.
88 Ramaswami Ayyar, T. S. ..	Madras University.
89 Ramaswami Mudaliyar, V. M.	North Arcot, N.-M. Rural.
90 Ranganatha Mudaliyar, A. ..	Bellary, N.-M. Rural.
91 Ranganatha Mudaliyar, G. ..	Tanjore, N.-M. Rural.
92 Ranganatha Mudaliyar, M. D. T.	Tinnevelly cum Palamcottah, N.-M. Urban.
93 Rangaswami Reddi, M. B. ..	North Arcot, N.-M. Rural.
94 Ratnasabhapatil Mudaliyar, Diwan Bahadur C. S.	Coimbatore, N.-M. Rural.
95 Sahajanandam, Swami A. S. ..	NOMINATED.
96 Sami Venkatachalam Chetti ..	Madras City, N.-M. Urban.
97 Sessa Reddi, B. P.	Kurnool, N.-M. Rural.
98 Shetty, A. B.	South Kanara, N.-M. Rural.
99 Simhachalam Pantulu, Gade.	Guntur, N.-M. Rural.
100 Singam Ayyangar, K. ..	Trichinopoly cum Srirangam, N.-M. Urban.
101 Siva Raj, Rao Sahib N. ..	NOMINATED.
102 Sivasubrahmanya Ayyar, K. S.	Tanjore, N.-M. Rural.
103 Smith, C.I.E., I.C.S., E. Conran.	NOMINATED.
104 Soundara Pandian, W. P. A.	NOMINATED.
105 Sreshta, M. S.	West Coast, Christian.
106 Srinivasa Ayyangar, T. C. ..	Ramnad, N.-M. Rural.
107 Srinivasan, Rao Bahadur, R.	NOMINATED.
108 Sriramulu, G.	NOMINATED.
109 Stanes, F. J.	Madras Chamber of Commerce.
110 Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.	EX OFFICIO.
111 Subbarayan, Dr. P. (Zamindar of Kumaramangalam).	South Central Landholders.
112 Subrahmanyam Chetti, Rao Sahib P.	NOMINATED.
113 Subrahmanya Bhatt, U. C. ..	South Kanara, N.-M. Rural.
114 Sundara Rao Nayudu, T. ..	Madras City, N.-M. Urban.
115 Syed Tajuddin Sahib Bahadur, Khan Sahib.	Tanjore, Muhammadan.
116 Thomas, Daniel	Ramnad cum Tinnevelly, Christian.
117 Thorne, C.I.E., I.C.S., J. A. ..	NOMINATED.
118 Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed.	EX OFFICIO.
119 Vasudeva Pillai, V. G. ..	NOMINATED.
120 Vedaachala Mudaliyar, M. ..	Chingleput, N.-M. Rural.
121 Venkatarama Ayyar, K. R. ..	Madura City, N.-M. Urban.
122 Venugopal Nayudu, Rao Bahadur R. K.	South Arcot, N.-M. Rural.

Name of member.	Name and class of constituency.
123 Viswanatha Rao, Rao Bahadur V. N.	NOMINATED.
124 Wright, W. O.	European, Madras Presidency.
125 Yahya Ali Sahib Bahadur, Khan Bahadur.	East Coast, Muhammadan Rural.
126 Yakub Hasan Sahib Bahadur.	North Arcot cum Chingleput.
127 Zamindar of Bodinayakkanur (Kamaraja Pandia Nayakar, T. V. K.)	Southern Landholders.
128 Zamindar of Chemudu (Sri Vyricherla Narayana Gajapati Raju).	Vizagapatam City, N.-M. Urban.
129 Zamindar of Ettayapuram (Raja Jaga Veera Rama Kuntara Venkateswara Ettappa Nayakar Ayyan).	Tinnevely, N.-M. Rural.
130 Zamindar of Kirlampudi (Raja Ravu Ramakrishna Ranga Rao).	NOMINATED.
131 Zamindar of Minampalli (K. C. M. Venkatachala Reddiyar).	Trichinopoly, N.-M. Rural.
132 Zamindar of Mirzapuram (Mirzapuram Raja alias Venkataramayya Appa Rao).	Northern Landholders, II.

Special Members.

133 Ramachandra Bahadur M.	Rao, Diwan	Nominated for the consideration of the Co-operative Land Mortgage Banks Bill.
134 Hall, C.I.E., O.B.E., I.C.S., J. F.		Nominated for the Periyar Irrigation Tank Preservation Bill.
135 Smith, Erlam		Nominated for the consideration of the Madras Public Libraries Bill.
136 Krishnaswami Ayyar, K. V.		

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

OFFICIAL REPORT.

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

Monday, the 30th October 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.O.I.E., The hon. Khan Bahadur Sir Mahomed.	Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M.	Kolanda Reddi, Rai Sahib C.
Campbell, K.O.I.E., C.S.I., O.B.E., V.D., I.C.S., The hon. Sir Archibald.	Krishnayya Choudari, Mr. P. V.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.	Krishnamurti, Rao Bahadur D.
Raja of Bobbili, The hon. the Rajan, The hon. Mr. P. T.	Krishnan, Mr. C.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.	Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.
Abdul Hameed Khan Sahib Bahadur.	Kumara Raja of Venkatagiri, The.
Ahmed Meeran Sahib Bahadur.	Kuppuswami Choudari, Mr. J.
Alagannan Chettiyar, Rao Sahib A. S.	Ladden, Mr. W. W.
Alamelumangathayaramma, Mrs. K.	Lakshmana Reddi, Mr. G.
Annamalai Chettiyar, Mr. S. A. A.	Langley, Mr. W. K. M.
Appadurai Pillai, Diwan Bahadur A.	Madanagopal Nayudu, Mr. R.
Arasu, Mr. V. T.	Maharaja of Venkatagiri, The.
Basheer Ahmed Sayeed Sahib Bahadur.	Mahboob Ali Baig Sahib Bahadur.
Bayappa Reddi, Mr. P.	Mahmud Schamnad Sahib Bahadur, Khan Bahadur.
Beyabani Sahib Bahadur, S. M. K.	Manikkavelu Nayakar, Mr. M. A.
Bhanoji Rao, Mr. A. V.	Moidoo Sahib Bahadur, Khan Bahadur, T. M.
Birley, Mr. F.	Moses, Mr. P. C.
Davis, Mr. J. A.	Muhammad Meera Ravuttar, Mr. K. P. V. S.
Dharmalingam Pillai, Rao Sahib V.	Muniswami Nayudu, Diwan Bahadur B.
Duraiwami Reddiyar, Mr. K. M.	Muniswami Pillai, Rao Sahib, V. I.
Ellappa Chettiyar, Diwan Bahadur S.	Muthiah Chettiyar, Mr. M. A.
Foulkes, Mr. R.	Muthu Chettiyar, Rao Bahadur P. C.
Gopalaswami Ayyangar, Diwan Bahadur N.	Nachiyappa Gounder, Mr. K. A.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Nanjappa Bahadur, Subadar-Major S. A.
Hall, C.I.E., O.B.E., I.C.S., Mr. J. F.	Narasa Reddi, Mr. T.
Hood, I.C.S., Mr. H. M.	Narasimhaswami, Rao Sahib D. V.
Indraiah, Mr. C.	Narayanan Nambiyar, Mr. V. P.
Jagannatham, Mr. H. M.	Narayanaswami Pillai, Rao Bahadur T. M.
Jayaram Nayudu, Rao Sahib C.	Natesa Mudaliyar, Rao Bahadur C.
Kesava Ramamurti Nayudu, Mr. K.	Palat, Mr. R. M.
	Pannirselvam, Rao Bahadur A. T.

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PRESENT—cont.

Parthasarathi Ayyangar, Mr. C. R.
 Patnaik Mahasayo, Sriman M. G.
 Patro, Kt., Rao Bahadur Sir A. P.
 Pattabhiramayya, Mr. K.
 Pattagar of Palayakottai, The.
 Peddiraju, Mr. P.
 Pocker Sahib Bahadur, B.
 Premayya, Mr. G. R.
 Rajagopala Pillai, Mr. P. V.
 Raja of Kallikote, The.
 Ramachandra Padayachi, Mr. P. K.
 Ramachandra Rao, Diwan Bahadur M.
 Ramakrishna Reddi, Mr. A.
 Ramalingam Chettiyar, Rao Bahadur
 T. A.
 Ramamurti, Rao Sahib Pandit Ganala.
 Raman Menon, Mr. K. P.
 Ramaswami Ayyar, Mr. T. S.
 Ramaswami Mudaliyar, Mr. V. M.
 Ranganatha Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. G.
 Ranganatha Mudaliyar, Mr. M. D. T.
 Rangaswami Reddi, Mr. M. B.
 Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Shetty, Mr. A. B.
 Simhachalam, Mr. Gade.
 Singam Ayyangar, Mr. K.

Siva Raj, Rao Sahib N.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Soundara Pandian, Mr. W. P. A.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. O.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Stanes, Mr. F. J.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. O.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan
 Sahib.
 Thangal, Mr. P. M.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan
 Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Mirzapuram, The.

I.—SWEARING IN OF NEW MEMBERS.

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

Mr. J. F. HALL, C.I.E., O.B.E., I.C.S.

M.R.Ry. Rao Bahadur D. KRISHNAMURTI Garu.

M.R.Ry. Diwan Bahadur N. GOPALASWAMI AYYANGAR Avargal.

II.—HIS EXCELLENCY THE GOVERNOR'S MESSAGE.

The hon. the PRESIDENT:—"I have received the following Message from His Excellency the Governor:—

"I had intended to address you in person, but as doctors have advised me not to do so, I am sending you this Message through the hon. the President.

"Mr. President and hon. Members of the Legislative Council,—

"When I last addressed the Legislative Council, I announced that I intended to extend the life of this Council but that, at the moment, I was not prepared to say for how long. I have now decided that the extension shall be for one year from the date when the Council would normally cease to exist and a notification will be issued to that effect."

"2. Since my last speech to the Legislative Council, there has been an attempt—mainly by people from other Provinces—to introduce terrorism into this Presidency—an attempt which failed and failed utterly. It failed, not only because of the efforts of the Police, who, as usual, behaved admirably, but also because of the assistance in

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combating the menace which was given to the Government by all sections of the community and I desire to pay public tribute to that assistance. Hon Members of the Council, as one would expect of them, not only granted the extra money, which they realized was necessary to increase the Criminal Investigation Department, but they vied with each other in expressing disapproval of such outrages—the General Public gave courageous and loyal support to the Police in the actual capture of the offenders and the attitude of the Presidency showed that, whatever may be the case elsewhere, the people of Madras have no belief in or use for terrorism. They realize, as a whole, though some misguided individuals do not, that such methods do not advance their cause one iota, and I can say, from my own personal knowledge, that the only result of such actions is to make infinitely more difficult the task of framing and of carrying through the British Parliament a scheme of Self-Government that will be acceptable.

"3. The economic situation continues to cause the Government grave concern. In accordance with promises that have been made to endeavour to assist in this time of difficulty, various steps have been taken by the Government, the most effective of which has been the reduction of freights on the South Indian Railway which was followed almost immediately by an increase in the export of Tanjore rice to Ceylon. It had been hoped that a syndicate of millowners and landholders in Tanjore might be formed but this unfortunately fell through. I trust it may be possible to revive this scheme in some form or other in order to start organization in the hitherto disorganized industry. On behalf of the trade in the Northern Deltas, endeavours have been and still are being made to come to certain agreements with His Exalted Highness the Nizam's Government but, so far, without complete success. A scheme for the inauguration of a Provincial Marketing Board, with an expert Marketing Officer is under consideration and will, I hope, come into existence.

"4. Further, the Government have suspended the collection of land revenue to the extent of some Rs. 33 lakhs and it is difficult to see what more the Government can do. As every one knows, there is constant pressure to reduce land-tax but there is also pressure to expend money in numerous other directions and I must point out to hon. Members that it is impossible to have it both ways—to reduce taxation and, at the same time, to continue the nation-building services which hon. Members are anxious—and rightly so—not only to retain but to expand.

"5. An Estates Land Act Amendment Bill was introduced by the Government and passed through the Select Committee but further consideration of the measure was postponed last January in the hope that the parties might come to an agreement as to the best procedure to follow in the interests of both landlord and tenant. That hope has, unfortunately, not been entirely realized but discussion has shown that on many points a substantial amount of agreement can be reached. Many of these agreed points can be incorporated in the Government Bill and it is proposed therefore to go forward with it during this session."

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6. I have been considering for some time whether the Standing Orders of the Council can be amended in the light of past experience to meet the greater convenience of hon. Members and to save Parliamentary time. I have asked you, Mr. President, the hon. the Leader of the House and the hon. Member leading the Opposition, if they will be kind enough to act as a small committee with me to examine in what direction, if any, alterations can be made and the result of our deliberations will be placed before hon. Members at the next meeting of the Council. There is one point, however, in this connection to which I will refer now and which is entirely in the hands of hon. Members themselves. Every day I read through the questions that are to be asked and the replies thereto and I am struck by the frequency of the answer that there is no foundation in fact for the statement or the suggestion made in the question. I have no desire to curb the thirst for information of hon. Members and question time undoubtedly fulfils a very useful purpose, but I would submit to them that their own dignity demands that they should be sure any question they may put is founded on fact and not on mere supposition or hearsay.

7. I do not intend to refer at any length to the work of the Joint Select Committee in London except to say that their task is being handled with due regard to its importance and that the Members of the Committee are conscientiously endeavouring to grapple with facts as they are so that they may evolve a constitution which shall enable this great Empire of India to take her rightful place in the comity of nations which constitutes the British Empire."

III.—(i) CONDOLENCE RESOLUTION ON THE DEATH OF DR. ANNIE BESANT.

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I move—

that this Council places on record its deep sense of sorrow at the death of Mrs. Annie Besant.

"I do not think many words are needed from me to commend this resolution to this House. It is a well-known fact that Mrs. Besant took a foremost part in the struggle for home-rule, soon after the Great War. Her's was a dynamic personality, which gave impetus to the movement and if we are in a state of advance towards the fulfilment of our national aspirations the country owes a deep debt of gratitude to Mrs. Besant. Mrs. Besant's name will live not only for the work she did for India, but also for the world at large. She came of a great family of Irishmen and it is a well-known fact that one of her near relations held the place of Lord Chancellor—Lord Hatherly—and his work as Lord Chancellor is well known not only to lawyers, but also to public men. Mrs. Besant was married to Rev. Frank Besant but she found the ideals of Christianity as expounded by the orthodox church was not acceptable to her, and soon left Mr. Besant in order to work for the causes she held dear. Her work with regard to the uplift of the lowly and poor is well known. Afterwards, she threw herself into the Fabian

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movement and felt that a socialist commonwealth will be the ideal to work for. But soon after, she came under the influence of Madame Blavatsky and joined the Theosophical Society and succeeded to the presidentship of the Theosophical Society in the year 1895, and her work as a theosophist is well known in India and India will ever be grateful to her for the great work she has done in the field of education, both at Benares and here at Adyar. Not only India but many people in the world will mourn the great loss that has been caused by her death. I am sure her spirit lives and will be an inducement for future generation for constructive work."

* The hon. Sir MAHOMED USMAN:—"Mr. President, I beg to second the resolution moved by the hon. the Leader of the Opposition and take this opportunity of expressing on behalf of the Government of Madras our regret at the death of Dr. Besant."

* Mr. F. BIRLEY:—"Mr. President, Sir, I desire to associate myself on behalf of the European Group with the expressions of sympathy expressed in connexion with the death of Mrs. Annie Besant."

* The hon. the RAJA OF BOBBILI:—"On behalf of my Party, I consider it a privilege to associate myself with the sentiments expressed by the hon. the Leader of the Opposition. In the death of Mrs. Annie Besant, the world has lost a great figure in the cause of humanity. Her activities were many-sided. Education was the main thing in her programme in which she has left a record of public service which can never be forgotten. Although there may not have been complete unanimity on her political activities, I am sure everyone will agree that she was undoubtedly a very sincere well-wisher and friend of India, her knowledge of oriental lore and fascination for the east and sympathy with Indian aspirations found an outlet in a practical and tangible form and she founded the Central Hindu University, which is sure to interpret the nucleus of the modern Hindu culture through the medium of modern education and, so long as this University exists, her name will be remembered as a benefactor of India. With these words I have great pleasure in supporting the resolution."

* Mrs. K. ALAMELUMANGATHAYARAMMA supported the motion by a Tamil speech.

The following is an English rendering of it:—

"Mr. President, Sir—Some of my brother councillors have spoken in sympathetic terms of the late Dr. Besant. As I am a representative of women in this Council, I should like to say a few words. There is no doubt that Dr. Besant, after she came to India, did immense service to this country by her many-sided activities. She took great efforts to bring about reformation in Hindu Society, abolish differences between religion and religion, improve the prevailing educational system and, last but not least, create a mass consciousness in India for the freedom of the country from foreign rule. Her work in the religious sphere has been not a little responsible for the appreciable lessening of the number of converts from Hinduism to Christianity. Dr. Besant spent

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a.m.

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more than half of her life in India. A great follower of Madame Blavatsky and Colonel Olcott, she was the moving soul and guiding spirit of the Theosophical Movement.

"She arrived in India about forty years ago, and since then, she has been a great expounder of the principles of Hinduism. Her efforts in the field of education include the establishment of schools and colleges in different parts of the country, the publication of books and periodicals and the founding of the Central Hindu College at Benares.

"Though first she did not identify herself with the Congress movement, she joined it later and had the honour of presiding over an annual session of the Congress. She was of the view that Indians should not be content with progress in the religious sphere, but that they should advance greatly in the political sphere as well. It was with this object that she started 'The New India' in Madras and started a political association for the purpose of realizing her objects.

"Though born a woman, she possessed qualities of courage and statesmanship of an unrivalled character. As a speaker, she occupied the front-rank among politicians in India. Born in a poor family, by dint of perseverance and industry, she educated and equipped herself to play a great part in the political affairs of the land of her adoption. India can little afford to forget the services she has rendered to her political progress. Dr. Besant achieved great fame and renown as a politician, as an educationist, as a speaker and a religious reformer.

"The activities of the Theosophical Movement resulted in the lessening of the differences between religion and religion and community and community. Indians in general particularly liked her religious propaganda, because it brought about a feeling of brotherhood among the communities. This feeling was shown in inter-sectional, inter-caste and inter-racial marriages. There was also engendered a feeling of equality between the sexes.

"A characteristic feature of her courage, independence and individuality was shown when she argued her own case in the famous Alcyone case against Sir C. P. Ramaswami Ayyar who was the Counsel for the other side.

"Though politically we had differences of opinion I want to take this opportunity of paying my tribute to a great woman of an alien land, who loved this country and adopted it and who inspired Indian womanhood to rise to its heights and achieve progress on sound and healthy lines. She had bewailed on many occasions that she had not the good fortune of being born in India. She loved this country and its people as few foreigners have done. She was a great patriot and a great leader. She died full of years and full of achievements. I deem it a melancholy privilege to support the condolence resolution."

The hon. the PRESIDENT:—"The motion before the House is—

'that this Council places on record its deep sense of sorrow at the death of Mrs. Annie Besant.'"

The motion was carried in silence, all Members standing.

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(ii) CONDOLENCE RESOLUTION ON THE DEATH OF MR. V. J. PATEL.

* Dr. P. SUBBARAYAN:—"Mr. President, I move—

'that this House places on record its deep sense of sorrow at the death of Mr. Vithalbhai Patel, the first elected President of the Legislative Assembly.'

"Mr. President, Mr. Patel's name will live in the future as the first elected President of the Legislative Assembly. We have here in our midst the present President of the Legislative Assembly, who has himself paid his meed of tribute to his predecessor-in-office, and has told the public in what way his rulings have been most helpful to him in the Chair. Of course, Mr. Patel will also be remembered as a great fighter for the cause of Indian liberty and his last words even before he died were this very topic, and he wished the struggle for India's freedom will result in her being a free country in the near future. I am sure those words will be remembered by every Indian who is worthy of his country in order to achieve freedom for which Mr. Patel and his confreres have struggled for the last quarter of a century.

"Mr. Patel came of peasant origin in Gujarat. As is customary with the peasants of Gujarat, he had also their strength of mind and character, which made him a fighter for the cause of Indian liberty. In politics, he was a follower of the late Mr. Tilak, and was very much inclined to follow the policy laid down by Mr. Tilak for the achievement of Indian freedom. But when the dynamic personality of the Mahatma came into the Indian struggle, though he did not agree with the Mahatma's plans, he felt that Mahatma Gandhi was the one man who would lead the nation to its goal, and was prepared to follow the Mahatma's teachings in his struggle for Indian freedom. But, when he found that the first Non-Co-operation Movement did not achieve the result which was expected of it, he boldly threw in his lot with the late Pandit Motilal Nehru and the late Mr. C. R. Das in order to start the Swarajya Party, and his work as an ordinary Member in the first Legislative Assembly was of great help in this direction. But when the party themselves felt that Mr. Patel's work will be more useful to the nation if he occupied the Chair of the Assembly, he was willing to leave the arena of active politics for the Chair, and his work in the Chair is very well known to the public, as I have already referred to it. But, when the second Non-Co-operation Movement began, Mr. Patel naturally felt that his place was among his confreres of the Congress, and resigned the office, and was immediately sent to prison for some breach of law. His health was greatly impaired by such imprisonment, and eventually he had to go to Europe seeking medical aid. Even in his retirement in Europe, his thoughts were centred in the struggle for Indian freedom that was going on in the country. When he found that anti-Indian propaganda was being carried on in America, he in spite of his weak health went to the United States and tried to do what he could to put forward the view of the Indian nationalists to the American public, and I believe it has had its own effect. When he came back from America, his health broke down, and in

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spite of the medical aid given to him in the great medical centre of Vienna, he lost his life. I am sure his spirit and the last message he has given will live for ever and will impel us to struggle for the cause which was so dear to his heart."

* The hon. Sir MAHOMED USMAN:—"In seconding this resolution, I should like to associate the Government of Madras with it and express our sorrow at the death of Mr. Patel, the first elected President of the Legislative Assembly."

* The hon. the PRESIDENT:—"The motion before the House is—
that this House places on record its deep sense of sorrow at the death of Mr. Vithalbhai Patel, the first elected President of the Legislative Assembly."

The motion was carried, all Members standing.

IV.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of Cinematographs

Ban on the Cinematograph film displaying the funeral procession of Mr. J. M. Sen Gupta.

* 105 Q.—Mr. A. B. SHETTY: Will the hon. the Home Member be pleased to state whether it is a fact that the Madras Government have banned the film of the funeral procession of the late Mr. J. M. Sen Gupta and, if so, for what reasons?

A.—This Government have not banned the film.

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, are any restrictions placed in the matter of the exhibition of the film of the funeral procession of the late Mr. Sen Gupta, and if so, what are they?"

The hon. Sir MAHOMED USMAN:—"The question does not arise. The Government have not banned the film, as stated in the answer."

Mr. BASHEER AHMED SAYEED:—"May I know whether this film has been banned by the Government of India, or any other authority?"

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

Law and Order (General)

Alleged oppression of the Depressed Classes of Pallikondan village, Vellore taluk.

* 106 Q.—Swami A. S. SAHAJANANDAM: Will the hon. the Home Member be pleased to state whether the Government have received any complaints that the caste Hindus are oppressing the depressed classes at Pallikondan village, Vellore taluk?

A.—No complaint appears to have been received.

Alleged unfriendly relations between the Nattars and the Adi-Dravidas in the Ramnad district.

* 107 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the Home Member be pleased to state—

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(a) whether the Government have received memorials and petitions from responsible people as to the strained relationship between the Nattars and Adi-Dravidas in the Ramnad district during the past four months; and

(b) whether the Government have taken any action on these representations?

A.—(a) & (b) Two petitions were received from certain persons on the subject and they were transferred to the District Magistrate of Ramnad for such action as he might consider necessary.

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know from the hon. the Home Member when these petitions were received and when they were forwarded to the District Magistrate of Ramnad?"

The hon. Sir MAHOMED USMAN:—"I think one was received in February and the other in June."

Police

Result of the investigation by the Police into the find of a pistol in the Council Chamber, Fort St. George.

* 108 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) what the result is of the investigation by the police into the find of the pistol in the premises of the Council Chamber of this Council some time back; and

(b) whether the ownership of the pistol has been traced to any person; if so, why no action has been taken against the said person till now?

A.—(a) No clue has been found.

(b) (i) No.

(ii) Does not arise.

Mr. SAMI VENKATACHALAM CHETTI:—"May I know the number of the pistol?"

The hon. Sir MAHOMED USMAN:—"I am unable to answer it now."

Mr. SAMI VENKATACHALAM CHETTI:—"Is the hon. Home Member aware that every pistol has got a number?"

The hon. Sir MAHOMED USMAN:—"I am thankful to the hon. Member for the information."

Apprehension of the culprits concerned in the revolver incident at the Council Chamber, Fort St. George.

* 109 Q.—Mr. G. R. PREMAYYA: Will the hon. the Home Member be pleased to state—

(a) whether the police have till now been able to trace out the culprit or culprits who placed a loaded revolver in the Governor's Box during the last session of the Council;

(b) what the steps are that have been taken by the police till now to find out the offenders; and

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(c) how far the police have been successful in their efforts?

A.—(a) & (c) The attention of the hon. Member is invited to the answer to question No. 108.

(b) The Government do not propose to disclose the steps taken by the police in the matter.

Special treatment to Kallars with regard to appointments in the Police department.

* 110 Q.—Mr. V. T. ARASU: Will the hon. the Home Member be pleased to state—

(a) whether any memorials have been received either by the Government or by the Inspector-General of Police asking for special treatment being meted out to the members of the Kallar community with regard to the appointments and promotions in the Police department; and

(b) whether the Government have taken any special steps to encourage members of this community to join the Police service in large numbers?

A.—(a) No.

(b) Kallars are included among depressed classes for purposes of recruitment to the public service. The Government have intimated to the Inspector-General and the Commissioner of Police their desire that depressed classes should be recruited in large numbers to the lower ranks of the police force in accordance with the principle that all communities should, as far as possible, be represented in the public service. Beyond this no special steps have been taken to encourage Kallars to join the Police service.

Promotion of head constables as sub-inspectors of Police.

* 111 Q.—Mr. M. DEVADASAN: Will the hon. the Home Member be pleased to state—

(a) whether there is a Government Order directing the appointment of 30 per cent of sub-inspectors of police from among the ranks of head constables in every district;

(b) in how many districts of this Presidency the principle embodied in the Government Order is adhered to;

(c) whether it is a fact that since 1929 no head constable was promoted to the rank of sub-inspector in the district of Tinnevely;

(d) if so, why; and

(e) how many head constables are acting as sub-inspectors in Tinnevely district at present?

A.—(a) Recruitment to the Madras Police Subordinate Service is now regulated by the Statutory Rules framed for that service and not by executive orders. Those rules provide that not more than 30 per cent of the cadre of Sub-Inspectors shall be filled by promotion from the ranks of head constables and reserve head constables including armourers.

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(b) The rules referred to in the answer to clause (a) apply to the entire Police Subordinate Service of this Presidency.

(c) No.

(d) Does not arise.

(e) Six head constables.

Alleged variations in the acting allowances admissible to head constables acting as Sub-Inspectors of Police.

* 112 Q.—Mr. M. DEVADASAN: Will the hon. the Home Member be pleased to state—

(a) whether it is true that if five head constables are made to act for Sub-Inspectors, only two or three of them are allowed to draw acting allowance while the others are denied the same; and

(b) if so, why such a treatment is meted out to head constables?

A.—(a) & (b) There is a reserve of Sub-Inspectors of Police calculated at 14 per cent of the sanctioned strength of Sub-Inspectors, Inspectors and Deputy Superintendents of Police to provide for men under training and on leave and for vacancies caused by other casualties in those grades. This reserve excludes probationary Sub-Inspectors undergoing training at the Police Training School, Vellore, whose number is determined by the Government each year. When head constables are appointed to perform the duties of Sub-Inspectors owing to shortage of Sub-Inspectors available in the vacancy reserve they do not get any officiating allowance. Officiating allowance is admissible to them in the following cases:—

(1) when appointed to act as Sub-Inspectors in special duty arrangements when officers of the rank of Sub-Inspector, Inspector and Deputy Superintendent of Police are deputed on special duty, and

(2) when appointed to act as Sub-Inspectors in other vacancies up to the number of probationary Sub-Inspectors under training in the Police Training School, Vellore.

Acting allowances to Sub-Inspectors and head constables acting as Circle Inspectors and Sub-Inspectors, respectively.

* 113 Q.—Mr. M. DEVADASAN: Will the hon. the Home Member be pleased to state—

(a) whether the Sub-Inspectors of Police acting for Circle Inspectors are entitled to acting allowance for the acting period;

(b) whether all the head constables acting for Sub-Inspectors are given the allowances of Sub-Inspectors during the acting period; and

(c) if not, why not?

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(a) Yes.

(b) The attention of the hon. Member is invited to the answer to question No. 112.

Administration of Justice

Transfer of Mr. E. E. Mack, I.C.S., District and Sessions Judge, Anantapur.

* 114 Q.—Mr. T. NARASA REDDI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that E. E. Mack, Esq., I.C.S., District and Sessions Judge, Anantapur, has been transferred from Anantapur within a short period of seven months;

(b) whether it is a fact that he was transferred because he criticized the administration of the Police in the district in a sessions case from Prasannapalli; and

(c) if the answer to clause (b) is in the negative, what necessitated the transfer of the Judge within such a short period?

A.—(a) Mr. Mack was District and Sessions Judge of Anantapur for 8 months and 8 days before he was transferred.

(b) No.

(c) The transfer was effected in the general interest of the public service.

Representation of Settibalijas on the Court of Bench Magistrates at Bhimavaram.

* 115 Q.—Mr. G. SEIRAMULU: Will the hon. the Law Member be pleased to state—

(a) when the Court of Bench Magistrates was constituted at Bhimavaram in the West Godavari district; and

(b) whether there is any "Settibalija" now as a Special Magistrate on the Bench?

A.—(a) In September 1918.

(b) No.

Criminal Law

Repeal of the Mappilla Outrages Act.

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

(a) whether the Government have received the resolution passed unanimously at the second session of the Kerala Muslim Conference held at Calicut, under the presidentship of Sir Muhammad Habib-ullah, K.C.S.I., K.C.I.E., LL.D., appealing to the Government to repeal the Mappilla Outrages Act and to remove the special police from Malabar; and

(b) if so, what action the Government have taken in the matter?

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A.—(a) & (b) The Government have received a copy of the resolution referred to. No action was taken on it as the proposals had already been examined before and found to be not feasible.

Mr. ABDUL HAMEED KHAN:—"May I know from the hon. the Law Member what exactly is the question and when the question that seems to have been examined by the Government was considered?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There were questions about this recently in the Council; at the time of answering these questions the question was examined."

Mr. ABDUL HAMEED KHAN:—"Will the hon. the Law Member be pleased to state whether the Government have examined this question after receipt of the unanimous resolution of the people of Malabar?"

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

Mr. ABDUL HAMEED KHAN:—"May I know whether it is not a fact that in the Administration Report the Government have emphatically and categorically stated that the Mappilla prisoners had all been released and that the state of affairs in Malabar was such that there was no need for retaining this law?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I want notice of that question. I am afraid that the last portion of my friend's statement could not have appeared in the Administration Report."

Mr. YAKUB HASAN:—"Will the hon. Member state some of the reasons why this Act is still continued?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"In the interests of the tranquillity of the district."

Mr. ABDUL HAMEED KHAN:—"May I know, Sir, what facts and figures the Government possess in order to show that the tranquillity of the district has been disturbed in the last few years since the rebellion occurred?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The rebellions that broke out after this Act was passed are evidence of the need for the Act."

Mr. ABDUL HAMEED KHAN:—"May I know what exactly are the facts which the Government have in order to continue this Act?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The safety and tranquillity, as I submitted, of the district."

Mr. SAMI VENKATACHALAM CHETTI:—"Has not the hon. the Law Member now evidence before him of the peace prevailing in the district?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Partially."

Mr. SAMI VENKATACHALAM CHETTI:—"Is there any partial consideration for the repeal of this Act?"

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

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Electricity*Transmission of electric power from Pykara to Calicut.*

* 117 Q.—Mr. M. S. SRESHTA: Will the hon. the Law Member be pleased to state—

(a) whether the Hydro-Electric department has been considering the possibility of transmitting electric power from Pykara to Calicut;

(b) if so, whether an estimate of the cost of the proposal has been made, and what the estimated cost is;

(c) whether the Government have ever obtained an estimate of what the extra cost will be of an extension of the line to Mangalore;

(d) whether an estimate has been made of the probable load at Mangalore and all the important intermediate places, such as, Calicut, Tellicherry, Cannanore, Badagara and Kasaragod;

(e) what the longest line from Pykara is at present and what the longest line proposed to be undertaken is;

(f) how do those distances compare with the distance of the places mentioned in clause (d) above; and

(g) whether the Government have explored the possibility of having a hydro-electric station in the South Kanara district?

A.—(a) Yes.

(b) A very approximate estimate was made some time ago. The cost will be about 12 lakhs.

(c) No.

(d) A load survey has been made only for Calicut.

(e) The main 66 K.V. line from Pykara to Coimbatore is 49 miles, the 22 K.V. tower line from Coimbatore to Erode is 58 miles and the 22 K.V. pole line from Erode to Salem is 36 miles.

There is a proposal under consideration to construct a 120-mile 66 K.V. line from Coimbatore to Trichur and Ernakulam.

(f) The line from Pykara to Mangalore will be about 200 miles long. The farthest point now supplied from Pykara is Salem, 143 miles.

(g) Hydro-electric possibilities of the South Kanara district were examined some time ago. Kunchikal Abbi scheme, the site of which is about 65 miles from Mangalore was reconnoitered in 1920 but was dropped, as it was not considered sufficiently attractive.

Mr. K. P. RAMAN MENON:—“May I ask the hon. the Law Member what the distance is from Pykara to Calicut?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“Seventy miles.”

Mr. M. S. SRESHTA:—“It is said that a load survey has been made only for Calicut. May I know the result of that survey?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“The result of the survey is that the taking of power to Calicut will prove to be profitable.”

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Mr. M. S. SRESHTA:—“Is it under consideration to extend the electric line to Calicut?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“Yes; in course of time.”

Mr. M. S. SRESHTA:—“May I know when it would be taken up?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“I am afraid I cannot give a definite answer to that question.”

Mr. M. S. SRESHTA:—“With regard to clause (g), may I know from what point of view the continuation of the line to Mangalore was not found to be attractive?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“From a commercial point of view.”

Mr. M. S. SRESHTA:—“May I know whether the extension of the line to Coimbatore, and further on to Erode and Salem, has been found attractive?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“Yes, Sir.”

Mr. M. S. SRESHTA:—“May I know exactly on what facts the Government come to the conclusion that any line would be commercially profitable or not?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“We take a survey of the load and then of the cost, and then we compare one with the other and see whether ultimately the transaction will prove profitable or not.”

Mr. M. S. SRESHTA:—“In these commercial matters, is there not a principle governing them, that the provision of a facility creates the demand for it?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“To some extent.”

Mr. M. S. SRESHTA:—“Will that principle be borne in mind in considering the question whether the line should be extended to Mangalore or not?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“When that question is taken up, it will be considered.”

Forests

Judicial decision in the dispute between the Courtallam temple and the Government in re: their respective rights to the Courtallam waterfalls.

* 118 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Law Member be pleased to call for and place before the Council the copy of the latest judicial decision in regard to the rights of the Courtallam Waterfalls (Tinnevely district) which were in dispute between the Courtallam temple on the one side and the Government on the other?

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A.—The hon. Member presumably refers to the order passed by the Judicial Committee of the Privy Council in 1917. A copy of it is placed on the table.*

Reservation of the Chittaruvi Waterfalls for Europeans and Officers exclusively.

* 119 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Law Member be pleased to state whether it is a fact that the Chittaruvi Waterfalls in the Reserve Forest is reserved for Europeans and Officers only?

A.—No.

Mr. V. T. ARASU:—“ May I know whether the hon. the Law Member is aware that the Forest officer in charge of this area has put up an enclosure round this falls and is restricting admission to this falls to a favoured few like Europeans and officers of Government? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ My Friend is partially right and partially wrong. He is right in saying that the Forest officers have put up an enclosure, but he is wrong in thinking that it is intended for the convenience of Europeans and officers. It is intended for respectable Indians and Goshala ladies. As a matter of fact, the Europeans now-a-days do not generally bathe in these falls.”

Reservation of forests in South Kanara.

* 120 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) when the forests of Todar and Hosabettu in South Kanara district were declared to be reserved;

(b) to what class did the said forest belong and what the character and condition of the forest and the growth of trees on it were;

(c) if they were treated as fuel forests, whether they have served and do serve the purpose for which they were reserved without the expenditure thereof exceeding the profits;

(d) when the forest village system was introduced in the adjoining villages in respect to the said forests and under what concessions;

(e) whether the system has been withdrawn and for what reasons; and if so, whether notices of warning were given to the villagers and in what manner; and

(f) whether representations have been received from the villagers concerned and from others and what action has been taken concerning the said grievances?

A.—(a) They were declared reserved forests from 15th December 1890 and 1st September 1888 respectively.

(b) The forests were not classified at the time of reservation. They are at present in class I. At the time of reservation the forests had been greatly devastated by kumri cultivation. The subsequent growth consists mainly of fuel species.

* Printed as Appendix I on pages 116-117 infra.

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(c) The forests have never been worked for fuel.

(d) The forest village system was introduced in the adjoining villages in respect of these forests in 1923. The concessions granted are contained in the agreements executed by the panchayats. A copy of the agreement* executed by the panchayat of Todar is appended. The concessions are the same for both the panchayats.

(e) The forest village system has not been withdrawn but certain concessions granted to the panchayats were withdrawn after adequate notice by publication in the District Gazette and by beat of tom-tom in the villages concerned. The Range Officer was also directed to inform all the villagers of the withdrawal of the concessions.

(f) No representation was received until 30th March 1933 although adequate steps had been taken to make sure that every village concerned was informed at least twice of the withdrawal of the concessions as long ago as last January.

Mr. U. C. SUBRAHMANYA BHATT:—“ With reference to clause (f), may I know as to whether any representations have been made to the Forest Officer? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Representations have been made to the Government.”

Mr. U. C. SUBRAHMANYA BHATT:—“ Then why does the answer say that no representation has been received at all? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ No representation was received by anybody till that date; after that, representations were received by Government.”

Mr. A. B. SHETTY:—“ May I know whether the resolution passed by the meeting called by the South Kanara District Landholders' Association was not communicated to Government before 30th March 1933? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Government received no communication or representation on that subject before that date.”

Reservation of the Hosabettu and Todar reserve forests.

* 121 Q.—Mr. M. S. SRESHTA: Will the hon. the Law Member be pleased to state—

(a) how many acres of lands have gone out of cultivation since Hosabettu and Todar reserve forests were formed;

(b) what income has been derived from those reserve forests every year since they were reserved and what has been the expenditure on them every year; and

(c) how many cattle of the adjoining villages were destroyed by wild animals since the reservation of these forests?

* Printed as Appendix II on pages 117-119 infra.

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- A.—(a) The Todar reserve was formed with effect from 15th December 1890 and Hosabettu with effect from 1st September 1888. No lands have gone out of cultivation within the last ten years owing to their being in the neighbourhood of these reserves. No information is available for the period prior to that.
- (b) A statement* is appended showing the income from these forests from 1905-06 and the expenditure from 1897-98 up to date.
- (c) The following are the number of cattle destroyed by wild animals in the neighbouring villages of Todar, Puchamogaru and Hosabettu:—

Name of village.	1930.	1931.	1932.
Todar	1	10	3
Puchamogaru	23	16	17
Hosabettu	..	14	19

No information is available for the period previous to 1930.

Mr. M. S. SRESHTA:—"With regard to clause (b), may I know whether any forecasts have been made at any time to find out whether the revenue will exceed the expenditure?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"These are not intended for revenue purposes; so I am afraid the revenue will not ordinarily exceed the expenditure."

Mr. M. S. SRESHTA:—"May I know why these forests have been made reserved forests?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"For climatic and other purposes."

Mr. M. S. SRESHTA:—"Is it for climatic purposes that forests are made reserved forests, while on the other hand considerable hardship is caused to the public? If that is the reason, I want to ask the hon. the Law Member on what facts has his conclusion been based?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"General knowledge of forestry."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether it is not a fact that the growth of these reserved forests causes also the growth of malaria in the vicinity?"

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

Mr. U. C. SUBRAHMANYA BHATT:—"May I know whether the Malaria officer, who was sent to investigate this question, has not found that the growth of forests was one of the reasons?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Mr. M. S. SRESHTA:—"Is not the hypothetical climate reason outweighed by the hardship to the public caused by reservation?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I deny both the premises and the conclusion of my hon. Friend."

* Printed as Appendix III on page 120 infra.

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Withdrawal of forest concessions in South Kanara.

* 122 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) whether there are villages in South Kanara where forest concessions have been existing without the forest village system; and what the said concessions are and in which villages they have been existing;

(b) whether any of such concessions which the villagers have been enjoying have been withdrawn or are going to be withdrawn; if so, which of the concessions are to be withdrawn and for what reasons; and

(c) whether such concessions are allowed or are going to be allowed in villages from which forest panchayats are withdrawn; if not, for what reasons?

A.—(a) Yes. The hon. Member is referred to the answer given to question No. 743 asked at the meeting of the Legislative Council held on the 22nd March 1933. The concessions were extended to all the reserves in the South Kanara district.

(b) The withdrawal is in respect of all the concessions. They were withdrawn because they were reported to have been much abused.

(c) Panchayats under the forest village system have not been withdrawn. The question of withdrawal does not therefore arise.

Proceedings of a meeting held on the 11th July 1933 at Nayakanakatte in Coondapoor taluk, regarding certain forest grievances.

* 123 Q.—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(a) whether the Government have received a copy of the proceedings of a meeting held on the 11th July 1933 at Nayakanakatte in Coondapoor taluk;

(b) whether they have considered the grievances set forth in the resolutions passed at the meeting; and

(c) whether they propose to restore the concessions which the people had in the matter of removing manure leaves and fuel from the reserves?

A.—(a) Yes.

(b) Yes.

(c) No.

Mr. A. B. SHETTY:—"May I know whether the Government have enquired and found out that the ryots living in the vicinity of the reserved forests depend on manure leaves from those forests for their cultivation?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Government are not aware of it."

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Mr. A. B. SHETTY:—"Will the Government be pleased to make enquiries?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall look into the matter."

Prisons and Prisoners

Police surveillance of Mappilla prisoners released before the expiry of their term of imprisonment.

* 124 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) whether any conditions have been imposed on those Mappillas who were convicted of offences connected with the Malabar Rebellion of 1921 and who have been released by the Government before the expiry of their terms;

(b) if so, what those conditions are;

(c) whether such Mappillas are required to present themselves before the police periodically at the respective police stations of their residence, after their return to Malabar;

(d) if so, whether the period during which they are so required to present themselves before the police is more than the period during which such Mappillas would have had to remain in prison, if no remission had been made;

(e) whether the Government are aware that many such Mappillas who are so released reside in places which are at very great distance from the police station and that the periodical presentation of themselves at the police station causes great hardship to such Mappillas; and

(f) whether the Government have considered the advisability of requiring such Mappillas to present themselves before the adhikari of their respective amsams or any responsible Government officers in their respective amsams, instead of requiring them to present themselves at the police stations?

A.—(a) Yes.

(b) The conditions are—

(1) that they shall remain of good behaviour; and

(2) that they shall report themselves once a month at a police station to be specified by the District Magistrate of Malabar up to the date on which they would normally have been released.

(c) Yes.

(d) No.

(e) & (f) No general complaint on the point has been received by Government. Where, however, it has been found that men are unable to move about on account either of old age, ill-health or other causes, Government have on the recommendation of the District Magistrate of Malabar either exempted them wholly from reporting themselves to the police periodically or ordered them to report themselves to the amsam adhikari instead of to the police.

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Mr. ABDUL HAMEED KHAN:—"May I know whether the hon. the Law Member will be pleased to revise the order and allow these men to report themselves to the adhikari of their respective amsams instead of to the police, in view of the fact that they are very poor people and unfortunately are not in a position to appeal to Government with regard to their disabilities?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"If my hon. Friend reads the printed answer to questions (e) and (f) he will find that in necessary cases the Government have already adopted those steps."

Mr. ABDUL HAMEED KHAN:—"There is a general complaint prevalent about the difficulties these people are put to; that is why I ask him whether in the case of all these persons a revised order will not be passed allowing them to report not to the police but to the adhikari of their respective amsams?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government are not prepared to pass such a general order. But if individual complaints are received, Government will certainly consider them and pass orders."

Mr. ABDUL HAMEED KHAN:—"May I know whether, if the Mappilla hon. Members from Malabar bring to the notice of the hon. the Law Member the difficulties these people are experiencing, Government will consider it?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"In all these cases where difficulty has been experienced, orders have been passed in their favour."

Land Revenue Administration

Rates of assessment on wet, dry and garden lands in the districts of South Kanara and Malabar.

* 125 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) what the rates of assessment are on wet, dry and garden lands in South Kanara and in Malabar; and

(b) how the existing rates of assessment on these three classes of land in South Kanara compare with the enhanced rates of assessment as fixed by the recent resettlement on similar classes of land in Malabar?

A.—(a) & (b) The rates referred to are contained in the settlement notifications of the respective districts which have been published. Extracts are appended.*

Mr. U. C. SUBRAHMANYA BHATT:—"May I know as to whether it is not a fact that the enhanced rates of assessment in Malabar are much less than the present rates of assessment in South Kanara?"

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The hon. Sir ARCHIBALD CAMPBELL:—"I would draw the hon. Member's attention to the statement that has been printed as appendix to this answer, from which he will be able to verify his conclusion."

Action taken by the Government on the representations of the South Kanara District Landholders' Association and the Puttur Taluk Landholders' Association.

* 126 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the representations made to the hon. the Revenue Member by the South Kanara District Landholders' Association at Mangalore and the Puttur Taluk Landholders' Association at Puttur during his recent visit to the district have been considered by the Government; and

(b) if so, what action has been taken in the matter?

A.—(a) & (b) The representations are still under the consideration of the Government.

Mr. BASHEER AHMED SAYEED:—"May I know what the subject-matter of this representation was?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice of that question."

Tax on coconut trees standing on poramboke in the Trichinopoly district.

* 127 Q.—Mr. K. SINGAM AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are collecting 8 annas instead of 2 annas, the previous rate, as tree tax on coconut trees situated on poramboke in the Trichinopoly district;

(b) what the rate is of such tree tax in the Tanjore district; and

(c) why such enhanced tax is collected in the Trichinopoly district?

A.—(a) Yes.

(b) One anna and three pies per coconut tree in respect of trees planted before 1st July 1927 over which the Government have recognized the proprietary rights of the owners. For trees planted after that date a rate of 8 annas per tree is being levied.

(c) The tax on coconut trees was revised in the year 1921 in all districts but in view of the peculiar history of the tree-tax system in the Tanjore district, the old rate, viz., one anna and three pies per coconut tree, was allowed to continue in that district for trees over which the Government have recognized proprietary rights. The attention of the hon. Member is invited to G.Os. No. 2207, Revenue, dated 4th October 1921, No. 136, Revenue, dated 24th January 1923, and No. 1184, Revenue, dated 22nd June 1927,

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which have been made available to the Press. The tax on other coconut trees in the Tanjore district is the same as that levied in the Trichinopoly district.

Mr. K. SINGAM AYYANGAR:—"With reference to the answer to clause (c), may I know what 'the peculiar history of the tree-tax system in the Tanjore district' is? Is it based on climatic conditions?"

The hon. Sir ARCHIBALD CAMPBELL:—"I am sorry I must ask for notice of that question."

Sale of lands in the North Arcot district during the kist season of fasli 1342.

* 128 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Member for Revenue be pleased—

(a) to give talukwar figures in the North Arcot district for land sales during the kist season from the first month of the kistbandi of fasli 1342; and

(b) to state—

(i) whether it is a fact that tahsildars have advised the village officers to proceed with the land sales;

(ii) whether the village officers were compelled to pay from their pockets the land tax due from the defaulters at the end of the kist season; and

(iii) if so, in how many cases (figures may be furnished talukwar)?

A.—(a) A statement* is annexed.

(b) (i) The Government have no information.

(ii) The answer is in the negative.

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government will be able to tell this House the reasons for this abnormal number of sales amounting to 244 and 163 in the taluks of Wallajah and Arkonam?"

The hon. Sir ARCHIBALD CAMPBELL:—"I have not got the information; I shall call for it."

Protection of wild birds and animals

Cattle destroyed by wild beasts in South Kanara.

* 129 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Member for Revenue be pleased to place on the table of the House a statement showing the number of heads of cattle carried away by wild beasts in the villages of South Kanara, during the years 1928-29 to 1931-32 and to state—

(a) whether the statistics of the cattle killed by wild beasts are published in Government publication, and if not, what the reasons are for not publishing;

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(b) what the various kinds of wild beasts thriving in South Kanara are;

(c) whether their number is increasing with the growth of reserve forests and their improvement in the district;

(d) what steps the Government have taken to check the increase and depredation of wild beasts; and

(e) what facilities are placed at the disposal of cultivators for checking such depredation?

A.—A statement is annexed.*

(a) No. Until 1916 the statistics were included in the Annual return showing the measures taken for the destruction of wild animals submitted to the Government by the Board of Revenue. In 1916 this Government at the instance of the Government of India ordered that the particulars showing the number of cattle killed by wild animals should be omitted from the return. The return was discontinued altogether from 1929 as it was considered that the figures given were unreliable.

(b) & (c) Wild animals which may be dangerous to life are tigers, panthers, and elephants; others that may be destructive of crops are deer, monkeys and pigs.

The Government are not aware whether the numbers of such animals are increasing.

(d) The Government offer and grant rewards for the destruction of certain wild animals. The hon. Member's attention is invited to Board's Standing Order No. 196.

(e) People are allowed to hunt certain species of wild animals in reserved forests during July to January subject to the condition that the previous permission of the Collector or the Revenue Divisional Officer is obtained and that an officer of the Forest Department is present at the time of the hunt. Gun licences are also granted by the District Magistrate at his discretion.

Secretariat

Appointment of outsiders as superintendents in the Secretariat.

* 130 Q.—B. POKKER SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that, in some of the vacancies that arose in the cadre of superintendents in some of the departments of the Secretariat during the past one year, outsiders working as head clerks or managers in city offices were appointed as superintendents in the Secretariat; and

(b) if so, the names of the persons so appointed with their qualifications and the pay drawn at the time of the appointment as superintendent?

* Printed as Appendix VI on page 123 infra.

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A.—(a) Yes.

(b) The information is given below :—

Name of superintendent.	Qualification.	Pay drawn before appointment as superintendent.
<i>Development Department.</i>		
M.R.Ry. V. S. Mahadeva Ayyar Avargal, Manager, office of the Director of Industries.	B.A., Revenue Test, Criminal Judicial Test, Account Test, Survey Training, Revenue Inspector's Training, previous experience as clerk for nearly 12 years and as Superintendent for six months in the Secretariat.	240
<i>Finance (Marine) Section.</i>		
M.R.Ry. K. Appu-swami Ayyar Head clerk, Presidency Port office.	S.S.L.C.; Book-keeping, Theory and Practice of Commerce (Inter.), Typewriting (Ele.), Account Test (First Class), P.W. Account Test, Port Department Test, 17 years' experience in various offices in the Marine department.	135

Local Fund Audit

Half-yearly audit of the accounts of taluk boards.

* 131 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government contemplate introducing the system of half-yearly audit in the case of taluk boards as in the case of municipalities; and

(b) whether the Government contemplate including panchayat boards under Local Fund Audit?

A.—(a) No.

(b) The accounts of such panchayats as were union boards on the 25th August 1930 are audited by the Local Fund Audit department and the accounts of all other panchayats are inspected and checked by Tahsildars and Deputy Tahsildars. It is not proposed to make any change in the present procedure.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether it is not advisable to extend the Local Fund Audit to the panchayat boards also?"

The hon. Mr. H. G. STOKES:—"It may be advisable, but the number of panchayats is so large and the cost involved may be so heavy for them to bear that it has not been considered necessary to extend this system to them also."

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Mr. P. V. KRISHNAYYA CHOUDARI:—"Are not the panchayats spending more money than the regular union boards?"

The hon. Mr. H. G. STOKES:—"Notice, Sir."

Local Self-Government

Reasons for the supersession of the Bezwada Municipal Council.

* 132 Q.—Rai Sahib C. KOLANDA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

- (a) why the Bezwada municipality was superseded;
- (b) whether it was because it failed to pass its budget before 31st March 1933;
- (c) how many and which of the municipalities and local boards did not pass their budgets before 31st March 1933;
- (d) why were they not superseded and why was Bezwada municipality alone singled out for supersession;
- (e) what the date was of supersession of the Bezwada municipality and what the date was of the Kistna District Board elections;
- (f) when was the order of supersession passed and when was it notified in the Gazette;
- (g) whether it is not a fact that the budget of the Bezwada municipality was passed soon after the notice to show cause why it should not be superseded was served on it;
- (h) whether it is not a fact that 20 out of 32 councillors, who formed chairman's party put in a petition that the Council should not be superseded, especially in view of the fact that a Commissioner was shortly to be appointed;
- (i) whether a deputation waited on the Chief Minister at Ootacamund and showed cause why the Council should not be superseded; and
- (j) whether the failure to pass the budget before the end of March was the sole ground mentioned in the notice to show cause why the Council should not be superseded?

A.—(a) The grounds on which the Bezwada Municipal Council was superseded are stated in G.O. No. 1387, L. & M., dated 7th April 1933, and paragraph 1 of G.O. No. 1589, L. & M., dated 25th April 1933. Copies of the orders referred to are placed on the table.*

- (b) One of the several reasons was that the council persistently refused to pass the budget for 1933-34, in spite of a clear warning from Government.
- (c) So far as information is available, eight municipalities (Guntur, Bezwada, Palni, Palacole, Vizagapatam, Vaniyambadi, Tiruppattur and Chittoor), four District Boards (East Godavari, Madura, Malabar and Nellore) and fourteen taluk boards did not pass their budgets before 31st March 1933.

* Printed as Appendix VII on pages 123-125 infra.

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- (d) As already stated, the failure to pass the budget before 31st March 1933 was not the only reason why Bezwada Municipal Council was superseded. There were several other cogent reasons which did not exist in the case of other local bodies.
- (e) 25th April 1933 and 2nd May 1933 respectively.
- (f) The order was issued on 25th April 1933 and was notified in the Fort St. George Gazette on the same day.
- (g) The Chairman informed Government that the budget was passed at a meeting of the council held on 12th April 1933 which was attended by 15 councillors only. Government also received a telegram and a petition from 17 councillors of the opposite faction to the effect that they abstained from attending the meeting, apprehending a recurrence of the disorder and free fight between opposing factions of the council, which disgraced the proceedings of the council on 31st March 1933.
- (h) The Chairman presented a petition to that effect and stated that it had the support of 20 councillors.
- (i) Yes.
- (j) Vide answer to clauses (a), (b) and (d).

Mr. V. T. ARASU:—"In answer to clause (d) it is stated 'There were several other cogent reasons' why such a step was not taken in the case of the other municipalities and taluk boards. May I request the hon. the Chief Minister to state on the floor of this House the cogent reasons that existed in the case of those municipalities and taluk boards?"

The hon. the RAJA OF BOBBILI:—"In other cases, it was short delay in passing and sending the budget, but in those cases it is the refusal of the local bodies concerned to pass the budgets."

Mr. V. T. ARASU:—"May I know whether the hon. the Chief Minister is aware of the fact that the Bezwada municipality had passed its budget immediately after the receipt of the Government Order asking them to show cause why they should not be superseded if they did not pass the budget for the year 1933-34?"

The hon. the RAJA OF BOBBILI:—"The answer is given there. Immediately after the orders, they refused to pass the budget. Subsequently, during the absence of the majority of councillors, the remaining councillors passed the budget."

Mr. SAMI VENKATACHALAM CHETTI:—"Did not the delay complained of occur in the regime of the previous chairman?"

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

Mr. V. T. ARASU:—"May I know the date on which the Government sent their notice asking the municipality to have their budget estimates passed?"

The hon. the RAJA OF BOBBILI:—"I must ask for notice."

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Mr. V. T. ARASU:—" May I know from the hon. the Minister the date on which the meeting of the Bezwada municipality was held at which the budget estimates were adopted? "

The hon. the RAJA OF BOBBILI:—" I must ask for notice."

Mr. V. T. ARASU:—" May I know whether the hon. the Minister is aware that not more than one week had elapsed between the receipt of the notice of Government and the passing of the budget estimates? "

The hon. the RAJA OF BOBBILI:—" When the order was issued the municipality actually rejected the budget; subsequently they passed it."

Mr. M. A. MANIKKAVELU NAYAKAR:—" Is the hon. the Minister proposing to supersede any other municipalities? "

Service record of Mr. B. Adiseshiah, Special Officer, Bezwada municipality.

* 133 Q.—Rai Sahib C. KOLANDA REDDI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether Mr. B. Adiseshiah, the Special Officer of Bezwada municipality, is only an acting tahsildar and a permanent clerk;

(b) why a Deputy Collector was not appointed as Special Officer of the Bezwada municipality; and

(c) whether he is functioning now both as receiver of Bobbili villages and as Special Officer of the Bezwada municipality?

A.—(a) No; he is a permanent Tahsildar.

(b) Because the finances of the municipality could not afford a special officer of the grade of Deputy Collector.

(c) Yes.

Mr. V. T. ARASU:—" May I know whether the Government have received any complaint from the residents of either Guntur or Kistna district making certain allegations against this officer while he was Tahsildar of the Guntur district? "

The hon. the RAJA OF BOBBILI:—" I have no information."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know from the hon. the Minister whether Mr. Adiseshiah is employed by the court as a Receiver of Bobbili villages or is he a private employee of the hon. the Raja of Bobbili? "

The hon. the RAJA OF BOBBILI:—" He was appointed by the District Court as a Receiver."

Mr. SAMI VENKATACHALAM CHETTI:—" Is he then part-time servant so far as Bezwada municipality was concerned? "

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

Mr. SAMI VENKATACHALAM CHETTI:—" Does he therefore draw some remuneration as the Receiver of Bobbili villages? "

The hon. the RAJA OF BOBBILI:—" He was drawing remuneration for his work."

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Mr. SAMI VENKATACHALAM CHETTI:—" Does the hon. the Minister see the impropriety of appointing a person who was appointed as Receiver by the court for Bobbili villages, as Special Officer under his jurisdiction? "

The hon. the RAJA OF BOBBILI:—" This particular officer was selected by the Board of Revenue. At that time I was not aware of it."

Mr. SAMI VENKATACHALAM CHETTI:—" Now that he is aware of it, will he withdraw that officer from the municipality? "

The hon. the RAJA OF BOBBILI:—" As long as there was the vacation, it was not possible to apply to the District Court to release this officer from the duties of Receiver. Soon after the opening of the Court another Receiver has been appointed and this officer no longer continues there."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Could he take two remunerations from two departments? "

The hon. the RAJA OF BOBBILI:—" I see no objection to it."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not necessary that the Government should permit him to receive separate remunerations? "

The hon. the RAJA OF BOBBILI:—" That is a separate remuneration as a Special Officer; he also draws remuneration for the office of Receiver."

Mr. K. P. RAMAN MENON:—" What is the pay he receives as Special Officer? "

The hon. the RAJA OF BOBBILI:—" The usual pay drawn by Tahsildars in Government service plus special pay of Rs. 35."

Unauthorized expenditure on the Trichinopoly Water-works.

* 134 Q.—Mr. K. SINGAM AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the report called for by the Government from the Chairman, Municipal Council, Trichinopoly, in connexion with the unauthorized expenditure made in the water-works has been received; if so, when and what further action has been taken;

(b) whether the Sanitary Engineer inspected the water-works; if so, when and what the result is of his inspection and report on the matter; and

(c) whether the Collector, Trichinopoly, made a report regarding the interpolation by the Chairman, Municipal Council, Trichinopoly, in the minutes book; if so, when and what the orders of the Government are on the same?

A.—(a) & (b) The Chairman's report was received on the 28th March 1933 and it was referred to the Sanitary Engineer on the 11th April 1933. The Sanitary Engineer inspected the works from the 26th to the 29th April 1933. His report has since been received and it is now under the consideration of the Government.

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(c) Yes. The Collector's report was received on the 19th June and he has been asked to hold an enquiry.

Mr. K. SINGAM AYYANGAR:—" May I know if the Collector's report has been received, what is the result of that enquiry? "

The hon. the RAJA OF BOBBILI:—" The Collector's report has been received and it is under the consideration of the Government. "

Mr. BASHEER AHMED SAYEED:—" May I know when the Government will pass orders on that report? "

The hon. the RAJA OF BOBBILI:—" Very shortly; in the next few days. "

Mr. SAMI VENKATACHALAM CHETTI:—" When was it received? "

The hon. the RAJA OF BOBBILI:—" About two or three weeks back. "

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—" May I know when the Sanitary Engineer's report referred to in clauses (a) and (b) of the answer was received? "

The hon. the RAJA OF BOBBILI:—" I am afraid I cannot give the exact date. It was received sometime after the Collector's enquiry. "

Mr. BASHEER AHMED SAYEED:—" May I ask why so much time is taken to pass orders on the Sanitary Engineer's report? "

The hon. the RAJA OF BOBBILI:—" The Sanitary Engineer's report does not require any immediate orders of Government. "

Mr. SAMI VENKATACHALAM CHETTI:—" Is it alleged that the Chairman has executed certain works which are unauthorized? "

The hon. the RAJA OF BOBBILI:—" Yes, Sir; that is a fact. "

Appointment of Panchayat Officers.

* 135 Q.—Mr. P. V. KRISHNAYYA CHAUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) in how many districts panchayat officers have been appointed;
(b) in how many cases the posts were advertised for and in how many not;

(c) what the qualifications are of the officers appointed in each case;

(d) in how many cases were the appointments approved by the Government;

(e) in what boards was the approval given;

(f) what the districts are to which the Government did not give approval;

(g) what the qualifications, age and scale of pay are of the panchayat officer appointed by the Kistna District Board and approved by the Government;

(h) what the qualifications, age, etc., are of the candidate selected by the District Board, Guntur;

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(i) what the reasons were that led the Government to refuse approval in this case;

(j) whether the Kistna District Board advertised for the post; and

(k) if so, the qualifications of the other candidates who applied for the post?

A.—(a) Fourteen District Boards have employed District Panchayat Officers.

(b) Government have no information.

(c) The qualifications laid down by Government for District Panchayat Officers are the general educational qualification prescribed in Article 1 of the Public Service Notification and a pass in the Account Test. Government have however no information as to the qualifications possessed by each of the District Panchayat Officers.

(d) & (e) Government issued orders in G.O. No. 1430, L. & M., dated the 11th April 1933, requiring the Presidents of District Boards to obtain their approval to the appointment of District Panchayat Officers made by them. With reference to these orders the Government accorded their approval in the case of the appointments made by the Presidents of the Madura and South Arcot District Boards. In the meanwhile, Government have taken power to appoint District Panchayat Officers themselves and pending appointments to be made by them shortly, the nominees in other cases have been allowed to continue in their posts, as a temporary measure.

(f) Guntur.

(g) The nominee proposed for appointment as District Panchayat Officer under the Kistna District Board was a matriculate who had passed the Account Test and who was reported to be aged 48 years. The pay proposed for him was Rs. 200 per mensem, the pay drawn by him as manager of the same District Board office. The appointment, however, was not made by the President, District Board.

(h) The candidate selected by the President, District Board, Guntur, for appointment as District Panchayat Officer was a graduate in Arts and Law and was reported to be aged 29 years.

(i) On the first occasion the post was not actually in existence when the appointment was made and on the second occasion Government decided to make the appointment themselves as they proposed to take powers to appoint District Panchayat Officers in the case of all districts. Moreover numerous protests were received against the appointment of the President's nominee.

(j) & (k) Government have no information.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government have ascertained whether the Kistna District Board advertised for this post or not? "

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

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know what made the Government refuse their approval to the appointment made for Guntur and sanction the appointment made by the Kistna District Board? "

The hon. the RAJA OF BOBBILI:—" As at the time of making the appointment for Guntur the Government got power to make its selection, they did so and appointed their own men."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask, Sir, whether the Government have got any proposal for the retention of the district panchayat officers already appointed? "

The hon. the RAJA OF BOBBILI:—" All those officers who are qualified will be retained."

Mr. V. T. ARASU:—" May I know why in the case of the Guntur district alone Government have thought fit not to permit them to appoint their own panchayat officer? "

The hon. the RAJA OF BOBBILI:—" The answer says that when the first appointment was made, there was no resolution of the district board sanctioning the post and that when the district board made the appointment the second time, the Government had already taken power to make the appointment themselves."

Mr. SAMI VENKATACHALAM CHETTI:—" Has the President, Kistna District Board, appointed a person for the similar post in that district? "

The hon. the RAJA OF BOBBILI:—" Yes, he has asked Government for permission to make the appointment. The appointment has not actually been made."

Mr. SAMI VENKATACHALAM CHETTI:—" What was the order issued by the Government on that request? "

The hon. the RAJA OF BOBBILI:—" The Government have ordered to make the appointment."

Mr. BASHEER AHMED SAYEED:—" After the Government took power to make the appointment themselves, what prevented them from appointing the President's nominee for Guntur? "

The hon. the RAJA OF BOBBILI:—" The Government felt that it was necessary to make the appointments in the case of all districts simultaneously."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Are the Government advertising for the post, Sir? "

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

Mr. V. T. ARASU:—" May I ask if the hon. Minister is aware that even after the passing of the amending Act, the Government have

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permitted several district boards to appoint their own officers and that it is only in the case of the Guntur District Board they have thought fit not to give that permission? "

The hon. the RAJA OF BOBBILI:—" The Government have issued a circular to the effect that from a particular date no appointment should be made by any local body and since that date they have not allowed the local bodies to make these appointments."

Mr. V. T. ARASU:—" Am I to understand then that the Government have not since then permitted any district board to appoint its own panchayat officer? "

The hon. the RAJA OF BOBBILI:—" After the passing of the order, as far as I am aware, no local body has been permitted to make its own appointment."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know what prevents the Government from withdrawing this order allowing the local bodies to make their own appointments? "

The hon. the RAJA OF BOBBILI:—" According to the amended Act passed by this House, it was considered desirable to provincialize these services. In pursuance of that policy the Government are making these appointments themselves."

Mr. SAMI VENKATACHALAM CHETTI:—" Will the hon. the Minister further explain his provincialization scheme and say whether he has prescribed the necessary qualifications and so on, and whether he has asked the Public Services Commission to make selections for these posts or whether he is himself going to make these appointments? "

The hon. the RAJA OF BOBBILI:—" Qualifications have already been prescribed and the Inspector of Municipal Councils and Local Bodies has been constituted the selecting authority. Some appointments have already been made."

Mr. ABDUL HAMEED KHAN:—" May I know from the hon. Minister whether the Government have also formulated the further policy of acting against the wishes of the municipal councils, making their own appointments and thrusting their own officers on the municipal councils? "

The hon. the RAJA OF BOBBILI:—" That question does not arise."

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether the first appointment to the Guntur District Board was made on the recommendation of that board? "

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

Mr. V. P. NARAYANAN NAMBIYAR:—" Is it a fact that in the resolution of the board no particular date was mentioned for the appointment of the panchayat officer? "

The hon. the RAJA OF BOBBILI:—" I believe so."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know whether, in making these appointments, the communal ratio will be borne in mind? "

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The hon. the RAJA OF BOBBILI:—"In making his recommendations, the Inspector of Municipal Councils has been directed to remember this question."

Mr. V. T. ARASU:—"The Government are stated to have recently appointed certain panchayat officers to certain districts. May I know whether they have done so in accordance with their provincialization scheme?"

The hon. the RAJA OF BOBBILI:—"I must ask for notice of the question."

Principles governing the distribution of grants among the Panchayat Boards for roads and water works.

* 136 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what the amounts placed at the disposal of the Inspector of Local Boards are for distribution among panchayats for (i) roads and (ii) water works, separately during 1932-33;

(b) how the amount was distributed districtwar; and:

(c) what the principles adopted were for such distribution?

A.—(a) (i) Rupees 2,50,000.

(ii) Rupees 1,10,000.

(b) A statement* is laid on the table. The unit of distribution is the panchayat and not the district.

(c) The main principle was to make the distribution as equitable as possible and to serve as many panchayats as possible. The panchayats were taken up in order of the backwardness of the district concerned, the panchayats in the most backward districts being taken first and, as far as possible, given whatever they wanted consistently with the claims of other similarly circumstanced panchayats. Then the applications from panchayats in the less backward districts were taken up and disposed of in order. In order to be fair to all panchayats alike, applications from panchayats which received no grants or meagre grants in previous years were given preference over applications from panchayats which had received adequate grants in the past. And in order to serve the maximum number of panchayats, other things being equal, estimates for limited amounts were sanctioned in preference to estimates for large amounts. Estimates for very large works were turned down as they were not likely to be completed before the close of the year and as Government could not be committed to expenditure in future years on their account. Applications from panchayats which had made default in previous years and allowed funds to lapse in the absence of very good reasons were, as a rule, turned down.

* Printed as Appendix VIII on page 125 infra.

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Prosecution by the Police for the non-payment of motor tax.

* 137 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are aware that for non-payment of motor tax, the Police are launching prosecutions without giving any notice and without giving any opportunity to owners to pay the tax without being prosecuted;

(b) whether it is a fact that such prosecutions for non-payment have been launched after the fixed date without finding out whether the tax had been paid after the given date; and

(c) whether the Government have any proposal before them of amending the rules with a view to lessen the difficulties of the owners of motor vehicles?

A.—(a) The Government have issued instructions to the effect that owners of motor vehicles should be allowed a week's period of grace within which to pay the tax due before action is taken to prosecute them. The Government have no reason to think that these instructions are not being observed.

(b) No such instance has come to the notice of the Government.

(c) No. If any suggestions are received, they will be duly considered.

Agriculture

Contributions to the United Planters' Association of South India.

* 138 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Public Works be pleased to state—

(a) whether any contribution is paid by the Government to the United Planters' Association of South India and, if so, what the extent and purpose is of their contribution; and

(b) whether Indians are allowed as members of the said association?

A.—(a) A contribution of Rs. 28,000 per annum is paid to the Association for the conduct of scientific work in connexion with the planting industries in Southern India.

(b) Yes.

Mr. V. M. RAMASWAMI MUDALIYAR:—"With reference to the answer to clause (a) of this question, may I ask the nature of the scientific work conducted by the United Planters' Association of South India?"

The hon. Mr. P. T. RAJAN:—"I must ask for notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government have at any time seen the nature of this work in view of the fact that they are making a contribution?"

The hon. Mr. P. T. RAJAN:—"I must ask for notice."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether any report is submitted by this Association to the Government every year as regards the manner in which they spend this sum of Rs. 28,000? "

The hon. Mr. P. T. RAJAN:—" I cannot say offhand."

Mr. T. S. RAMASWAMI AYYAR:—" May I know whether this is in the nature of a block grant given every year? "

The hon. Mr. P. T. RAJAN:—" Yes, for a period of five years."

Mr. T. S. RAMASWAMI AYYAR:—" Irrespective of the work done? "

The hon. Mr. P. T. RAJAN:—" For the work that has to be done."

Mr. W. K. M. LANGLEY:—" May I ask the hon. Minister whether it is not a fact that the Members of the United Planters' Association contribute approximately three times as much as the funds contributed for research by the Government? "

The hon. Mr. P. T. RAJAN:—" I believe so. This is only a part contribution from Government."

Mr. YAKUB HASAN SAIT:—" Will the hon. Minister call for a report for these five years? "

The hon. Mr. P. T. RAJAN:—" Report about what? "

Mr. YAKUB HASAN SAIT:—" About the expenditure of this sum and other sums? "

The hon. Mr. P. T. RAJAN:—" The matter will be considered."

Mr. BASHEER AHMED SAYEED:—" May I know in what area this research work is being carried on? "

The hon. Mr. P. T. RAJAN:—" The area is the Nilgiri and neighbouring districts."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know the number of Indians who are members of this Association? "

The hon. Mr. P. T. RAJAN:—" Notice, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether the hon. Minister will call for a report from the Association regarding the strength of Indian members? "

The hon. Mr. P. T. RAJAN:—" I will call for the information."

Mr. W. K. M. LANGLEY:—" Is it not a fact, Sir, that the research work carried on benefits all planters whether they are Indians or Europeans and whether they are Members of this Association or not? "

The hon. Mr. P. T. RAJAN:—" I believe all the advantages will be available to everybody."

Mr. V. T. ARASU:—" May I know the nature of the research work supposed to be carried on by this body and for which the grant is made? "

The hon. Mr. P. T. RAJAN:—" The research is in connexion with the planting industry in Southern India."

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Mr. V. T. ARASU:—" Planting industry is such a wide term which may mean anything. But what is the purpose of the research? "

The hon. Mr. P. T. RAJAN:—" I must have notice of the question."

Selection of Christians and members of the depressed classes for admission into the Agricultural College, Coimbatore, in 1931 and 1932.

* 139 Q.—Mr. M. DEVADASAN: Will the hon. the Minister for Public Works be pleased to state—

(a) how many candidates applied for admission into the Agricultural College at Coimbatore in the years 1931 and 1932;

(b) what the principle adopted is in the selection of candidates for the college;

(c) whether there were depressed classes and Christians among the applicants in the years 1931 and 1932;

(d) how many of them were chosen in each category; and

(e) how many of them were disqualified and, if so, on what grounds?

A.—(a) 321 and 180 fully qualified candidates applied for admission to the Agricultural College in 1931 and 1932, respectively.

(b) The selection of students entirely rests with a selection committee appointed by Government. As the College is intended for the scientific and practical training of those who intend to make agriculture their main profession, students are admitted without distinction of caste or creed. Endeavour is however made to ensure, as far as possible, that all parts of the Presidency are fairly represented.

(c) There were no depressed class applicants. The number of Christian applicants in 1931 and 1932 were five and ten, respectively.

(d) & (e) Out of five Christian applicants in 1931 only two candidates were present for the interview and they were both selected. Out of ten Christian applicants in 1932, five were present and four were selected, the other being considered by the committee not fit for selection.

Damage to coconut trees by the leaf pest.

* 140 Q.—Mr. M. S. SRESHTA: Will the hon. the Minister for Public Works be pleased to state—

(a) whether representations were made to the Agricultural Department by the Collector of South Kanara and others that much damage was being done to coconut trees by the leaf pest;

(b) what action was thereupon taken;

(c) why the Pest Act was suspended some years ago;

(d) whether there are any statistics as to the amount of damage caused in the province by the leaf pest; and

(e) why the use of parasites to kill this pest was stopped?

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4.—(a) No representation except from the hon. Member himself was received by the Department.

(b) Attention is invited to the answer given to clause (b) of question No. 86 asked by Mr. A. B. Shetty, on 2nd August 1933.

(c) Departmental operations were suspended with effect from 1st September 1931 as they had been in force in the infected areas for a sufficiently long time to enable owners of coconut gardens to have realized the advantages of the methods employed and to have understood the *modus operandi*. The Agricultural Demonstrators continue to demonstrate the remedial measures in those areas.

(d) The Government have no information.

(e) The breeding and liberating of parasites was stopped when the staff engaged on the work was disbanded on account of financial stringency.

Mr. M. S. SRESHTA:—"With reference to the answer to clause (c), may I know whether the Government have ascertained whether the owners of coconut gardens have realized the benefits to be derived from the methods employed by the department?"

The hon. Mr. P. T. RAJAN:—"I believe the ryots have realized the benefits and that is why they are going in for these methods."

Mr. M. S. SRESHTA:—"Is the hon. Minister aware that in this matter the Government have to battle against the age-long prejudices of the ryots?"

The hon. Mr. P. T. RAJAN:—"I do not think so, Sir, because in the area in which these operations are going on the ryots have successfully adopted the methods introduced by the department."

Mr. M. S. SRESHTA:—"Will the hon. Minister call for a report from the Collector on the question whether the owners have realized the advantages?"

The hon. Mr. P. T. RAJAN:—"I do not know whether the Collector can furnish the information."

Mr. M. S. SRESHTA:—"May I know from him as to who can furnish the information?"

The hon. Mr. P. T. RAJAN:—"Probably the Deputy Director of South Kanara can give the information."

Mr. M. S. SRESHTA:—"Will the hon. Minister be pleased to call for the information from the Deputy Director as to whether as a matter of fact the public have realized the advantage of these methods?"

The hon. Mr. P. T. RAJAN:—"I shall be glad to call for the information."

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Public Works

Flushing the Cooum river in the Madras City.

* 141 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Public Works be pleased to state—

(a) what progress has been made in the scheme for flushing the Cooum river in the Madras City;

(b) how much has been spent on this scheme; and

(c) what programme of work has been charted for the current year?

A.—(a) The scheme consists of—

(i) the installation of a pumping station in the Port Trust premises at the Madras Harbour and taking pipes therefrom to the Cooum through the Fort Moat and Kelly's Drain—Estimate Rs. 1,50,350; and

(ii) the construction of a lock over the Buckingham Canal at the Elephant Gate overbridge to reduce the cost of pumping—Estimated cost Rs. 28,150.

The pumping installation was completed three years ago.

A revised estimate for the construction of the Lock Gate is under the consideration of Government.

(b) The expenditure on the pumping installation with subsidiary pipe lines, etc., is Rs. 1,45,642 and that on the Lock Gate so far incurred excluding the materials at site is Rs. 14,470. A sum of Rs. 2,863 was spent on removing shoals in the Cooum river during 1932-33 and a sum of Rs. 9,430 is spent on the average annually in pumping sea water into the Cooum to maintain it at a constant level.

(c) A sum of Rs. 20,000 has been provided for the work during the current year. Expenditure will be incurred after the revised estimate for the construction of lock gates is approved by Government.

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know from the Minister when he expects the scheme to come to fruition?"

The hon. Mr. P. T. RAJAN:—"I must have notice of the question."

Mr. ABDUL HAMEED KHAN:—"Are the Minister and his Government satisfied that the scheme will be satisfactorily completed and that the Government will not come to this House for more money?"

The hon. Mr. P. T. RAJAN:—"I cannot say anything now, Sir."

Mr. BASHEER AHMED SAYEED:—"What is the period that this scheme covers?"

The hon. Mr. P. T. RAJAN:—"Notice."

Mr. BASHEER AHMED SAYEED:—"May I know during what period this sum of Rs. 1,45,642 was spent?"

The hon. Mr. P. T. RAJAN:—"Notice."

[30th October 1933]

Clerks' quarters at Todhunternagar.

* 142 Q.—Mr. M. S. SRESHTA: Will the hon. the Minister for Public Works be pleased to state—

(a) with reference to his answer of 18th March 1933 to my second supplementary question under question 707 (vide page 355 of volume 66, No. 6), whether the question of framing definite rules in regard to the letting of the clerks' quarters at Todhunternagar has now been considered;

(b) if so, what rules have been framed;

(c) with reference to his answer on a supplementary question, under question 706 (vide page 354 of volume 66, No. 6) that he thinks that a register of applicants on the waiting list is maintained, whether such a register is in fact maintained;

(d) if so, since when it has been maintained;

(e) whether it is checked with the applications, by the Executive Engineer in charge, personally, and initialled by him;

(f) what the cost is of quarters of each type;

(g) whether there is room in Todhunternagar for the construction of more quarters; and

(h) what use is proposed to be made of this space?

—(a) & (b) The existing rules have been examined and found to require no revision.

(c) Yes.

(d) From April 1929.

(e) The register is checked personally by the Subdivisional Officer in charge and initialled by him.

(f) The cost of quarters of each type is approximately—

	RS.
A class	4,099
B class	3,142
C class	2,282

(g) Yes.

(h) No proposal for the utilization of the vacant space is pending with Government.

Mr. M. S. SRESHTA:—"Are the Government considering the question of building more quarters for clerks in Todhunternagar?"

The hon. Mr. P. T. RAJAN:—"They are not considering."

Mr. M. S. SRESHTA:—"Will the Government consider the question now, in view of the lack of accommodation for clerks in the city?"

The hon. Mr. P. T. RAJAN:—"Not at present, Sir."

Mr. M. S. SRESHTA:—"May I know why it cannot be considered now?"

The hon. Mr. P. T. RAJAN:—"The finances of the Government do not permit it now."

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Registration*New Sub-Registry offices for South Kanara.*

* 143 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state whether the Government propose to open any new sub-registry offices in South Kanara and, if so, when and where?

A.—No.

Mr. A. B. SHETTY:—"May I know whether the Government have examined the matter and found out whether there is need for more sub-registry offices in South Kanara?"

The hon. Mr. P. T. RAJAN:—"As far as the Government are aware, I do not think there is any necessity for new offices."

Inadequacy of the staff in the Sub-Registry offices in South Kanara.

* 144 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that several of the sub-registry offices in South Kanara are undermanned;

(b) whether the temporary establishment of clerks has been abolished as a measure of retrenchment; and

(c) whether complaints have been received by the Government or the Inspector-General that the giving of certified copies and encumbrance certificates is being delayed on this account?

A.—(a) It is reported by the Inspector-General that some of the sub-registry offices in South Kanara are undermanned.

(b) Yes.

(c) No.

Mr. A. B. SHETTY:—"In the revised answer to this question it is stated that some of the sub-registry offices are undermanned. May I know whether the Government propose to sanction additional establishment?"

The hon. Mr. P. T. RAJAN:—"Yes, if there is any necessity."

Mr. A. B. SHETTY:—"The answer admits that some sub-registry offices are undermanned?"

The hon. Mr. P. T. RAJAN:—"Matter will be considered for making necessary arrangements."

Veterinary*Distribution of breeding bulls to the various veterinary institutions in the Province.*

* 145 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Public Works be pleased to state—

(a) the number of breeding stock now maintained at Hosur;

(b) the number stationed at different veterinary institutions; and

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(c) whether the Government have considered the suggestion made during the last budget debate on the veterinary demand in regard to the advisability of distributing breeding bulls at the various veterinary institutions in the province?

A.—(a) (i) 311 cows and heifers,
(ii) 123 bulls, and
(iii) 118 calves; in all 552.

(b) 16 breeding bulls.

(c) Yes. Bulls are sent to those veterinary institutions where there is a demand for them.

Mr. P. V. KRISHNAYYA CHOUDARI:—“Have the Government considered the proposal made by the Bapatla Taluk Board through the Veterinary Director?”

The hon. Mr. P. T. RAJAN:—“That offer will be considered when the opening of new dispensaries are contemplated.”

Proposals for opening additional veterinary dispensaries.

* 146 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Public Works be pleased to state—

(a) how many new Veterinary dispensaries are proposed to be started in the Presidency during the current year; how many in each district; and

(b) whether representations were made to the hon. Minister during his tour in the Guntur district about the difficulties arising from the absence of a dispensary for Bapatla taluk and what action he has taken or proposes to take thereon?

A.—(a) No new dispensaries are proposed to be opened during the current year.

(b) Yes. The claims of Bapatla taluk for a veterinary dispensary will be kept in view when proposals for opening new dispensaries in future are considered by Government. The places where the local bodies concerned are willing to meet the whole or a portion of the cost of maintenance of the institution will be given preference.

Education

Inauguration of a scheme of adult education.

* 147 Q.—Mr. C. BASU DEV: Will the hon. the Minister for Education and Excise be pleased to state whether any and, if so, what definite steps were taken by the present Government, i.e., by the existing Ministers since the beginning of this Council to inaugurate a scheme of adult education?

A.—A detailed scheme has been submitted by the Director of Public Instruction, but no immediate action could be taken on it on account of financial stringency.

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Mr. T. S. RAMASWAMI AYYAR:—“May I know when the report from the Director of Public Instruction was received?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“It was received, I think, last year or the year before when the Retrenchment Committee of which my hon. Friend was a member was functioning.”

Mr. T. S. RAMASWAMI AYYAR:—“May I know if it requires a big report for the Government to issue orders regarding the need for adult education?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The need for adult education is not the subject of the report. The report is concerned only with the method best suited for adult education.”

Mr. T. S. RAMASWAMI AYYAR:—“Are the Government not aware that there is a great need for adult education in this country?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“There are many necessary things which are being delayed for want of money and of these adult education is one.”

Mr. T. S. RAMASWAMI AYYAR:—“Have they not had enough time since 1932 to get a report on a scheme for adult education?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“We recognized the necessity for it and we called for a report and got it in 1932.”

Mr. T. S. RAMASWAMI AYYAR:—“Did it coincide with the time when necessity for retrenchment was felt? Could not the report have been obtained earlier?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“That is a question which should have been addressed to my predecessor.”

Mr. A. B. SHETTY:—“May I ask whether the scheme of the Director of Public Instruction will be published for the information of the public?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Not till orders are passed; the suggestion will be considered after that.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know what for the night schools are intended other than for adult education?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I consider that night schools if properly conducted ought to keep out pupils who are not adults.”

Scheme, if any, for adult education.

* 148 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state whether the Government have under consideration any scheme of adult education?

A.—The hon. Member is referred to the answer to question No. 147.

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Revision of the S.S.L.C. scheme.

* 149 Q.—Mr. A. HARISCHANDRUDU: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there are any proposals before the Government for revising the S.S.L.C. scheme;

(b) if so, when they are likely to be put into effect;

(c) whether the opinion of the different Universities in the Province has been obtained on these proposals; and

(d) if not, why not?

A.—(a) No; the matter is reported to be under the consideration of the S.S.L.C. Board.

(b) Does not arise.

(c) & (d) The S.S.L.C. Board has consulted the three Universities in the Province.

Revision of the S.S.L.C. curriculum.

* 150 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state whether there is any proposal for revising the present curriculum for the Secondary School-Leaving Certificate; if so, what the details of the proposal are?

A.—The attention of the hon. Member is invited to the answer to clauses (a) & (b) of question No. 149.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know from the hon. Minister if it will be possible for him to revise the present curriculum of the Secondary School-Leaving course, if not now, at least in the next school year?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is a matter for the S.S.L.C. Board."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the hon. the Minister be pleased to advise the Board to consider the matter and dispose it of at least in the next school year?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think that it is desirable that I should issue any such order to the S.S.L.C. Board; they are sure to resent it."

Expenditure on the maintenance of the Government Hobart Training and Secondary School.

* 151 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what the nature and total value is of the endowments in favour of the Government Hobart Training and Secondary School, Madras;

(b) what the total income derived is from the said endowment and how the same is derived; what the nature of the investment is;

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(c) what the total annual expenditure on the maintenance of the Government Hobart Training and Secondary School is and what the detailed heads are of the charges for the last five years;

(d) what the amount of fees collected from the pupils annually for the last five years has been; and

(e) what the net saving, if any, to the Government, has been in respect of the said school during the last five years?

A.—(a) & (b) An annual income of Rs. 402 is derived from the following endowment securities in the custody of the Accountant-General, Madras:—

		Rs.
(i)	A Government security in 3 per cent loan of 1896-97	100
(ii)	Do. 3½ per cent loan of 1895 ..	9,000
(iii)	Do. 3½ per cent loan of 1895 ..	2,400
		11,500

(c) & (d) The figures for the five years ending with 1931-32 are given below:—

Section.	Expenditure from Provincial funds.				
	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.
	Rs.	Rs.	Rs.	Rs.	Rs.
Secondary ..	27,821	29,369	26,030	24,956	22,339
Training ..	9,354	10,258	11,708	14,761	12,970
Industrial ..	7,830	896	1,475	1,535	1,480
Total ..	45,005	40,523	39,213	41,252	37,389

Receipts from fees.				
1927-28.	1928-29.	1929-30.	1930-31.	1931-32.
		Rs.	Rs.	Rs.
NIL.	NIL.	543	581	604

(e) There has been no saving; the school is run at a loss to Government.

Mr. BASHEER AHMED SAYEED:—"With reference to the answer given to clause (c), may I know why there has been a steady fall in the expenditure from the year 1928 to 1932?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice."

Mr. YAKUB HASAN:—"May I know why the amount spent on the Industrial section of the school was reduced to Rs. 1,480 in 1931-32 from Rs. 1,585 in 1930-31? What industries which were being taught before have since been abolished?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice, Sir, before I answer such details."

Mr. ABDUL HAMIED KHAN:—"May I ask the hon. Minister to kindly enquire into the causes which were responsible for the fall in the expenditure on the institution during these years and ask him whether he will himself do the needful in the matter?"

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The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If my hon. Friend means that I should make a personal enquiry, I do not think it will be possible for me to do so. I shall make such enquiry as is usual with regard to such official matters."

Language qualifications of the staff of the Government Hobart Training and Secondary School.

* 152 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state with reference to the Government Hobart Training and Secondary School—

(a) what the subjects taught through the medium of English are and what the subjects taught through the medium of Urdu are in the high school classes;

(b) how many of the teachers in the said school have undergone training in Urdu for teaching the Muslim pupils through the medium of Urdu and how many have not had such training; and

(c) who the former are and what their service in each case under Government is?

A.—(a) In the high school classes all the subjects, except Urdu, are taught through the medium of English.

(b) Sixteen teachers can teach in Urdu and six cannot do so.

(c)

Name.	Years of service.
1. Miss Dweltz	18
2. Mrs. Khamur Unissa	4
3. Mrs. Swarnammal	21
4. Mahaboob Unissa	9
5. Kareem Unissa	9
6. Kubra Begum	9
7. Sogra Begum	9
8. Ameer Unissa	9
9. Begum Jan	3
10. Puthlee Begum	4
11. Faiz Unissa	4
12. Zamruth Begum	6
13. Mumthee Begum	21
14. Chand Begum	10
15. Masson Begum	11
16. Miss Mitchell	18

Mr. BASHEER AHMED SAYEED:—"May I know whether the 16 teachers whose names are given in answer to clause (c) of my question are all connected only with the lower classes which are below Form I or Form III?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say that offhand."

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B. PÖCKER SAHIB Bahadur:—"May I know with reference to the answer given in clause (b) that six teachers cannot do so in Urdu, whether Government could not find six teachers who are able to teach in Urdu?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I suppose so."

Mr. BASHEER AHMED SAYEED:—"May I ask whether it is not a fact that the six teachers who cannot teach in Urdu are in charge of the higher classes in the High School?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say off hand."

Mr. ABDUL HAMEED KHAN:—"With reference to the answer given in clause (c) may I know what the qualifications of those teachers are to teach Urdu?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice."

Mr. V. T. ARASU:—"May I know whether it is not a fact that in the higher classes the medium of instruction is English and therefore a knowledge of Urdu is not necessary?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes. So it necessarily follows that these teachers need not know Urdu."

Mr. ABDUL HAMEED KHAN:—"May I know whether the University allows candidates appearing for the S.S.L.C. Examination to answer their questions in vernacular and that the University and the Government encourage vernacular?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The University allows the students to answer in their own vernacular and Government are encouraging them."

Mr. BASHEER AHMED SAYEED:—"May I know whether it is not a fact that the Education Department has accepted the policy of vernacularization of high school courses and, if so, whether the hon. Minister does not think it necessary that in the Hobart Training and Secondary school there should be also vernacularization of studies?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall examine that question."

Alleged complaints against the text-books prescribed in the Government Hobart Secondary and Training School.

* 153 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) who the authority is that prescribes text-books for the various forms in the Government Hobart Secondary and Training School, Madras;

(b) whether there is any special committee constituted for prescribing text-books for the above school and for the other Government Muslim Girls' Schools in the Presidency;

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- (c) whether the Government or the Director of Public Instruction received any complaint against the difficult nature of the text-books in Urdu prescribed for the first three forms in the said school for 1932-33 and 1933-34 and, if so, what was the action taken on it; and
- (d) what the Government propose to do to redress the grievance?

A.—(a) The Superintendent in consultation with the staff.

(b) No.

(c) No such complaint was received either by Government or by the Director of Public Instruction. A complaint regarding the Urdu text-books for forms I and II was brought to the notice of the Superintendent in March 1933 with the result that for the annual examination difficult questions bearing on the texts were replaced by questions on general composition.

(d) The books used in the Madrasa-i-Azam have now been introduced and are in use since July last.

Mr. BASHEER AHMED SAYEED:—"May I know whether the hon. Minister will consider the advisability of appointing a Committee for prescribing the text-books in these schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think it is desirable to interfere with the discretion of heads of institutions."

Mr. BASHEER AHMED SAYEED:—"May I know whether it is not a fact that at the time when these text-books were prescribed in previous years, there were Superintendents who had no knowledge of Urdu?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know."

Mr. ABDUL HAMMED KHAN:—"May I know whether it is not a fact that the Superintendents of these schools have invariably been ladies who had no knowledge of Urdu and in view of that fact may I ask whether they were competent to give advice with regard to the selection of Urdu Books?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not prepared to admit the first statement that all these Superintendents were ignorant of Urdu."

Mr. V. T. ARASU:—"Will the hon. the Minister for Education be pleased to appoint a Committee of some of the Muslim Members of this House to select text-books for being studied in these schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think that it is the intention of Muslim Members here that there should be any such Committee."

B. POCKER SAHIB Bahadur:—"When any such Committee is appointed will the hon. Minister consider the advisability of including Mr. Arasu also in that Committee?" (Laughter).

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Mr. BASHEER AHMED SAYEED:—"May I ask the hon. Minister whether he will be pleased to enquire whether the text-books, not merely Urdu but also English, prescribed in this school, are far higher in their standard than the pupils are able to understand and follow?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I shall enquire."

Selection of Urdu text-books in the Government Hobart Training and Secondary School.

* 154 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) with whose advice and consultation the Urdu text-books prescribed for the various forms in the Government Hobart Training and Secondary School were selected; and

(b) whether it is true that the Urdu teacher is not qualified to teach and is in fact incompetent to teach the Urdu text-books prescribed in the school for the various forms?

A.—(a) In July 1932 the books were selected by the Superintendent in consultation with the staff.

(b) No.

UNSTARRED QUESTIONS

Control of Vehicles

Qualifications, pay and appointment of bus inspectors.

155 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that a bus inspector is appointed for each district;

(b) what the qualifications prescribed are;

(c) what the scale of pay is;

(d) who it is that is supervising their work; and

(e) who appoints them?

A.—(a) Yes. Bus Inspectors are at present working in all districts except in Anantapur, Kurnool, Cuddapah and Guntur districts and in Madras City.

(b) No specific qualifications have been prescribed but men with a sound knowledge of motor engineering with practical experience in a motor workshop are preferred.

(c) The existing rates of pay vary from Rs. 200 to Rs. 350 a month in different districts according to the amount of work.

(d) & (e) At the moment the District Magistrate is both the appointing and supervising authority.

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Government Houses

Object of the visit of His Excellency the Governor of Bengal to Ootacamund this year.

156 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Home Member be pleased to state—

(a) whether the object of the visit of the Governor of Bengal to Ootacamund this year related to any matters connected with this Presidency; and

(b) which Government will bear the travelling expenses of the visit?

A.—(a) No.

(b) The Bengal Government.

Law and Order (General)

House searches by the police on the 17th March 1933 in the North Arcot district.

157 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Home Member be pleased to state—

(a) how many houses of Congressmen were searched on the 17th March 1933 in North Arcot district;

(b) what the reason was for the search;

(c) what were found during the search;

(d) whether it is a fact that the house of Janab Ubayathulla was searched at Vellore;

(e) the steps, if any, taken during the search to enable the ladies to maintain gosha; and

(f) what were the things that were found?

A.—(a) Two.

(b) The houses were searched for fire arms.

(c) Yes.

(e) The Gosha ladies were asked to move away before the commencement of the search, which they did.

(c) & (f) Nothing.

Prisons and Prisoners

Alleged irregularity on the part of Mr. Ince, Superintendent, Bellary jail.

158 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Law Member be pleased to state—

(a) how many Superintendents were posted to Bellary jail from January 1932 up to date;

(b) what the reason is for frequent transfers;

(c) how many lathi charges have occurred in that jail till now;

(d) whether there were two lathi charges during the tenure of office of Mr. Ince;

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(e) how many were injured as a result of such lathi charges;

(f) whether he was transferred as a result of the lathi charges;

(g) whether there were any Lahore Conspiracy prisoners confined in this jail;

(h) whether they were beaten as a result of quarrels between them and the jail officials;

(i) whether the Lahore Conspiracy prisoners were severely kicked by the Superintendent during this scuffle;

(j) whether the Superintendent was at any time a medical officer in the Alipore jail;

(k) why he was promoted as Superintendent; and

(l) what action the Government have taken against the Superintendent?

A.—(a) The following is the list of Superintendents who were posted to the Central Jail, Bellary, from January 1932 to July 1933:—

(1) Mr. W. O. Fonceca.

(2) Major C. S. V. Ramanan, I.M.S.

(3) Dr. H. T. Ince, I.M.D.

(4) Lieutenant C. P. V. Shunker, I.M.D.

(5) Dr. H. T. Ince, I.M.D.

(6) Capt. G. S. Gill, I.M.S.

(7) Mr. R. Howe.

(b) Administrative convenience and exigencies of public service.

(c) One.

(d) No.

(e) The attention of the hon. Member is invited to the answer to question No. 391 given at the meeting of the Legislative Council on 7th November 1932.

(f) No.

(g) Yes.

(h) The attention of the hon. Member is invited to the answer to questions Nos. 391 and 392 given at the meeting of the Legislative Council on 7th November 1932.

(i) No.

(j) Yes, he was in the Alipuram Jail, Bellary, and not in the Alipore Jail.

(k) He was medical officer of the Alipuram Jail and Superintendent of the Wellesley Sanatorium Jail, Bellary. He was placed in additional charge of the Central Jail, Bellary, when the Superintendent went on leave.

(l) None.

Irrigation

Uninundation of villages by the waters of the Chilka lake.

159 Q.—Sriman M. G. PATNAIK Mahasaya: Will the hon. the Member for Revenue be pleased to state—

(a) the department which is in charge of the canal taking off from the Chilka lake and running through the Palur Estate;

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A.—(a) The introduction of compulsory elementary education has been sanctioned in the following municipalities and rural areas:—

Name of district.	Municipalities.	Name of municipality.
Anantapur .. .. .	.. .. .	Hindupur.
North Arcot .. .. .	.. .. .	Vellore.
Bellary .. .. .	.. .. .	Hospet.
Chingleput .. .. .	.. .. .	Chingleput.
.. .. .	.. .. .	Conjeevaram.
.. .. .	.. .. .	Coimbatore.
Coimbatore .. .. .	.. .. .	Erode.
.. .. .	.. .. .	Tiruppur.
Cuddapah .. .. .	.. .. .	Proddatur.
Ganjam .. .. .	.. .. .	Parlakimedi.
East Godavari .. .. .	.. .. .	Rajahmundry.
Kistna .. .. .	.. .. .	Masulipatam.
West Godavari .. .. .	.. .. .	Ellore.
Madura .. .. .	.. .. .	Madura.
Madras .. .. .	.. .. .	Dindigul.
.. .. .	.. .. .	Madras Corporation.
.. .. .	.. .. .	Tellicherry.
Malabar .. .. .	.. .. .	Calicut.
.. .. .	.. .. .	Cochin.
Nellore .. .. .	.. .. .	Nellore.
Ramnad .. .. .	.. .. .	Virudunagar.
.. .. .	.. .. .	Mayavaram.
Tanjore .. .. .	.. .. .	Kumbakonam.
.. .. .	.. .. .	Nagupatam.
Tinnevelly .. .. .	.. .. .	Tinnevelly.
Vizagapatam .. .. .	.. .. .	Vizagapatam.
District.	Taluk board.	Area of compulsion.
Tanjore	Tanjore	Tiruvadi.
.. .. .	Ponnani	Kalpakkam, Ponnundam and Rayarimangalam.
Malabar	Walluvanad	Mannarghat village panchayat.
.. .. .	Ernad	Parappanangudi, Chaliyam (Kadalundy), Kondotty, Tiruranga, Mampad, Edavanna, Pandikad, Nilambur, Kalikavu and Karuvarkundu amsams.)
North Arcot	Tirupattur	Natrampalli and Agraharam village panchayats.
Ramnad	Sivakasi	Sengamalai, Achiyar pu. and and Vadamalaipuram village panchayats.
Chingleput	Saidapet	Revenue areas of Saidapet and Aminjikarai and panchayat areas of Villivakkam and Tiruvottiyur.
Guntur	Bapatla	Panchayat areas of Bapatla, Ponnur and Nidubrolu.

(b) The Government have sanctioned the payment to the under-mentioned taluk boards of the recurring subsidies noted against them towards the introduction of compulsory elementary education:—

Name of taluk board.	Amount of subsidy per annum.
Ernad	80,490
Walluvanad	985
Ponnani	13,548
Saidapet	21,243

No special subsidies have been granted in other taluks.

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Districts where Mr. Champion's report has been given effect to.

165 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether Mr. Champion's report has been given effect to in any of the districts and, if so, where; and

(b) what the net cost incurred for the preparation of this report was?

A.—(a) Mr. Champion's report as a whole has not been given effect to in any district. A few local bodies have adopted some of the recommendations in the report.

(b) The officer who prepared the report was not employed solely for the purpose of preparing it and it is not, therefore, possible to estimate the cost of its preparation.

Non-payment of grants to village panchayat schools.

166 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government are aware that no grant has been sanctioned up to date to the village panchayat schools during this official year;

(b) whether it is a fact that no grant will be made for the employment of additional teachers in the panchayat schools during this year; and

(c) whether any amount has been set apart for the additional teachers during this year; if so, what the amount is of such special grant?

A.—(a) The payment of grants has so far been authorized to 802 schools and some applications for grants are under scrutiny in the office of the Inspector of Municipal Councils and Local Boards, while others have been returned to the Presidents of Panchayats concerned for rectification of defects or referred to the educational authorities for remarks.

(b) & (c) A sum of Rs. 8,200 has been provided in the current year's budget estimate for the employment of additional teachers in panchayat schools and the Inspector has been asked to take steps to employ the teachers.

Muslim L.T. Graduates employed in Government Institutions.

167 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state the number of Muslim L.T. Graduates from 1930 employed in Government institutions?

A.—None, as none are reported to have been available. Three untrained Muslim graduates were however entertained after the 1st January 1930 and were sent for L.T. training.

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Admission of students into the Presidency College.

168 Q.—Rao Sahib P. SUBRAHMANYAM CHETTI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many students were admitted this year into the Presidency College in the junior intermediate, B.A. (Pass course), B.A. (Hons.), B.Sc. (Pass course), B.Sc. (Hons.) and Post Graduate courses;

(b) what percentage of the above students were Brahmans, non-Brahmans, Muslims, Indian Christians, Depressed classes and others; and

(c) the district or districts to which the selected students belong?

A.—(a), (b) & (c) Two statements, * one containing the particulars required in clauses (a) and (b) and the other those required in clause (c) are placed on the table.

V.—ACTS ASSENTED BY HIS EXCELLENCY THE GOVERNOR.

* The hon. the PRESIDENT:—"I have to announce that the under-mentioned Acts received the assent of His Excellency the Governor on the dates mentioned against each:—

The Madras District Municipalities and Local Boards (Amendment) Act. 5th September 1933.

The Madras Local Boards (Fourth Amendment) Act ... 5th September 1933.

The Madras Wild Elephants' Preservation (Amendment) Act ... 6th September 1933."

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

VI.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931).

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I beg to move—

that the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931), as amended by the Select Committee be taken into consideration.

"I introduced this Bill in this Council on the 26th January 1932 and on that date it was referred to a Select Committee. I presented the Select Committee's report on the 30th January 1933 but I did not then proceed to move the motion which I am now making because I understood that there was a general desire to postpone the discussion of this measure. But I then made an appeal to the leaders of both the landholders and the tenants to come together in order that they might arrive at some agreed measure: at least that was the intention underlying my appeal. During the nine months that have elapsed between then and now I am prepared to say that there has been a

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genuine attempt on the part of leaders of certain parties to meet together and to come, if possible, to some agreement. Unfortunately I understand that the expected agreement could not be reached on all points. Neither has any formal agreement been presented to Government on behalf of both parties on any point. But we have had presented to us by my hon. Friend, the Raja of Bobbili, draft amendments to my Bill purporting to carry out, as he interpreted them, the intention of the leaders of both the parties who have met together for the purpose of coming to some agreement. It seems to me that the time has now come that we should proceed with the discussion of the Bill which I introduced last year. I may have to repeat to some extent what I have said on previous occasions, but I feel that I must draw once more the attention of all hon. Members to the very long period of time during which this measure has really been under consideration. The original Bill, as amended by the Select Committee, was published in the year 1913, that is to say, twenty years ago. It was introduced by the hon. Sir John Atkinson on the 27th January 1913. On the same date, four private Bills were introduced and the hon. Mr. V. S. Srinivasa Sastriyar made a motion that the consideration of the Government Bill should be postponed. He said:—

'I think for these reasons it would be necessary to postpone the consideration of this Bill in order that Government might take time to bring in a fresh Bill, larger and more comprehensive in its nature, taking such points in these four Bills as they think desirable to include therein.'

"That motion was seconded by the hon. Mr. A. S. Krishna Rao and was accepted by the Government. The hon. the President said:—

'I may state that Government have no objection to the course proposed and this discussion may now therefore be adjourned ...'

"Certain officers were placed on special duty for the consideration of the draft of the various Bills which were before the Government. The progress of the Bill was interrupted by the War, but in 1921, the Bill was completely re-drafted and in 1922 it was referred to a small Committee presided over by the hon. Mr. K. Srinivasa Ayyangar and including representatives of the various interests including landlords and tenants. Their recommendations were considered by the Government and the Bill was revised and a new Bill was drawn up which is usually known as Sir K. Srinivasa Ayyangar's Bill. That Bill was again referred in 1924 to a Committee consisting of officials and non-officials. The hon. the Law Member, Sir C. P. Ramaswami Ayyar was the Chairman of that Committee; it went through the Bill section by section and finally appointed a sub-committee to draw a fresh Bill. The Bill drafted by the sub-committee is the basis of the Bill which I introduced in January last year. It was then referred to a Select Committee on which were persons qualified to represent both the landowners and the ryots and, having been present at the meetings of that Committee I can say that the points of view on both sides were very carefully, very fully and very impartially considered. Now, Sir, 12-15 p.m.
this Bill that I have introduced was originally introduced in 1913 to

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remove certain acknowledged defects in the existing Act. It does not confer any extra or special rights on landowners as some people seem to imply; on the contrary, I think it will place the tenants in many respects in a better position than they are in now. I feel, Sir, that the provisions of the Bill have been sufficiently considered and sufficiently long before the public for their implications to be thoroughly appreciated by all those who will be affected by them. I feel, Sir, that even if the representatives of one party or the other consider that my Bill goes too far or that it does not go far enough in certain directions, that is no reason for not carrying out amendments which are admittedly desirable. It will not redound to the credit of the Government or of any parties in this House if we do not carry out a measure of reform to the extent to which it is generally admitted to be desirable and even necessary. It will be no advantage to a party if it holds back certain benefits from landowners or from tenants, merely because it thinks that they ought to have further benefits. That surely is not conferring any real benefit on the community which it represents.

"We have had notice of a large number of amendments to this Bill and they will enable a full discussion to be had of the various provisions; and their implications and their effect upon the landowner and the tenant will be carefully threshed out in this House.

"I therefore beg to make the motion which I have moved at the beginning of my speech."

The hon. Sir M. KRISHNAN NAYAR:—"I second the motion."

* The hon. the PRESIDENT:—"The motion before the House is—
that the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931), as amended by the Select Committee, be taken into consideration."

* Mr. V. T. ARASU:—"Mr. President, Sir, I rise to move the amendment standing in my name, namely—
add at the end of the hon. the Revenue Member's motion the words 'this day six months'."

"My object in moving this amendment is not simply dilatory as perhaps some hon. Members of this House would believe or would have been made to believe by some interested parties. I personally feel that this problem, the problem of the ryots and the zamindars, which is a grave one in this Presidency, should somehow be settled as early as possible, and as satisfactorily as possible to both the parties concerned. I am not one of those who believe, Sir, that the zamindars as a class should be extinguished altogether. But, I firmly and sincerely believe that the zamindari ryot should be placed on the same footing as the tenant in the ryotwari area under the Government. That is the minimum that is required for the zamindari ryot. To achieve that aim we are anxious that a consolidated measure should be brought by the Government, a measure which would successfully solve the problem of the zamindar versus the ryot, but not a Bill like the one before us which makes amendments here and there and does not touch even the fringe of the problem.

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"Sir, before I proceed further, I must correct one or two statements made by the hon. Member who moved the motion for the consideration of the Bill. The hon. Gentleman said that he refrained from making this motion in January last on the understanding that the Members representing the various interests would come together and come to some understanding which would enable him to bring forward the motion within a short time. Sir, if I may be permitted to correct that statement, I was one of those present at the informal conference held in the hon. Member's room. The understanding that was then arrived at was that the Government should drop the measure altogether during the lifetime of this Council and that it should be left to the new Council inaugurated under the reforms, whenever it may come, to solve this problem. That was the understanding, if I remember aright, and I am sure several hon. Members who were present at that informal conference would bear me out in this respect. But we are surprised that, contrary to that understanding, the Government should have come forward with the Bill at such a late hour as this. It was only seven days back that we received notice of the fact that the Government are going to move that this Bill as amended by the Select Committee be taken into consideration. I was surprised when I received the notice that the Government should have thought it right to treat the Members of this House with such scant courtesy; for they have given only seven days' notice for a Bill containing about 126 clauses, a measure whose effects are bound to be far-reaching. Moreover, there are over 500 amendments, if I am right, given notice of by non-official Members of this House. It is a pity that the Government should have given us only seven days' time to consider these amendments. Therefore, I submit there has hardly been any time for non-official Members of this House to study the Bill and the amendments proposed by several Members and understand their implications.

"The hon. the Revenue Member in his statement said that 'the time had now come to proceed with the measure.' I ask: what are the new circumstances that have come in since his attempt in January last and now? What are the new circumstances that have come in to warrant the Government bringing forward a motion that the Bill as amended by the Select Committee be taken into consideration? Sir, the hon. Member spoke at length how several Committees sat on this measure, and how they suggested suitable amendments to the Bill. I may submit in this connexion that although several Committees were appointed by the Government and each one of those Committees sat for several days, and as a result suggested amendments to the Bill, no Committee appointed by the Government undertook anything like an exhaustive enquiry into this problem, the problem of the equitable adjustment of the relationship between the zamindar and the tenant. No enquiry of that kind has ever been undertaken and when that is a fact, I fail to understand how that Committee can claim for itself, nay, arrogate to itself the right to suggest amendments in the interests of the ryot or of the zamindar. Perhaps a few prominent gentle-

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men whom Government thought were representatives of the various interests may have been invited by the Government to sit on that committee. But I ask: Have the Government at any time directly approached the problem by going to the zamindari areas and asking the ryots and the zamindars to place before the Government their difficulties in the matter? I think I can state without any fear of contradiction that this problem has never been attended to be tackled in this manner which I submit is the only proper one to do in the circumstances.

"It is stated in the Statement of Objects and Reasons appended to the Bill that this is merely an amending measure and that this is intended merely to effect some verbal amendments and to bring it in consonance with recent decisions; and this statement was reiterated with greater force by the hon. the Revenue Member just a while ago. I submit, Sir, and I shall presently point out to this House, that it is not so. The amendments proposed by the Government, the amendments carried by the Select Committee and the amendments given notice of by non-official Members opposite are of a far-reaching character. Therefore, it cannot be said that the Bill proposes only a few verbal amendments and that they can be disposed of by this House without any deliberation. A dispassionate and careful examination of the provisions of this Bill as amended by the Select Committee can only lead us to one conclusion, namely, that if the Bill as modified by the Select Committee is passed into law, the position of the zamindari ryot will become worse than it is now under Act I of 1908. The hon. Member said that they were not going to improve the position either of the zamindar or the tenant and that their respective positions would be just the same as they have been from 1908 onwards. I think it is my duty to show that it is not so.

"Sir, some new and valuable privileges are now secured under the Bill to the landholders to the serious detriment of the interests of the ryots, while little or nothing is done to improve the lot of the ryots. This is no empty statement. Sir, I can substantiate this statement by an examination of some of the provisions of this Bill. I would like, in the first instance, to take clause 2 of the Bill—section 3 of the Act—which relates to inams. Since the permanent settlement of 1802, zamindars and landholders of other description made numerous grants of land to their dependents and other favoured classes of persons either rent-free or at a favourable rent. These are known as darimila or service inams. In the original Act, the definition of a landholder included the grantee of such inams so as to prevent the alienated portion of the estate from being removed from the operation of the Act and to confer on the owner of the portion of the estate thus alienated the status of a landholder, and thus secure to the ryots in such inam lands the benefits of the Act. Persons admitted to the occupancy of such inam lands by the inamdar consequently acquire occupancy rights by virtue of section 6 of the Act. I am referring to Act I of 1808. The post-settlement inamdars made tremendous efforts to wriggle out of this

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provision and the Madras High Court and the Privy Council also in some cases by their numerous decisions laid down that the ryots in occupation of such post-settlement inams had occupancy rights. But the amendment that has been effected by the Select Committee proposes to nullify the effect of the rulings given by the Madras High Court and the Privy Council in several cases which came up before them. The Bill definitely abrogates the provision of the original Act in this matter and lays down that the grantee of an unoccupied or non-occupancy post-settlement inam land is not a landlord and that none of the provisions of the Act should apply as between such grantee and any person holding lands under him. This provision has two far-reaching effects, one in regard to the future occupants and the other in regard to the present occupants. This provision also creates facilities to landholders to put up benamidars as grantees and to make the ryoti land in their estates virtually their private land. Sir, I submit that, by this amendment, an amendment which has been carried out by the Select Committee, the position of the inamdars and the ryots is changed materially and therefore it is not merely a verbal amendment as the hon. the Revenue Member would have us believe.

"Sir, I will give another instance, the instance of lanka lands. Sir, in some of the rivers in this Presidency, particularly in the Godavari and the Kistna, there are islands with a considerable extent of cultivable land and very valuable crops are raised on them. On account of the annual alluvial deposits during the flood season, the soil of some of these lanka lands is very rich and fertile and the kist paid on these lanka lands is consequently high comparatively"

12-30
p.m.

* The hon. the PRESIDENT:—"I am afraid the hon. Member is dealing with the details of the Bill. I think he will do well to confine his remarks to the motion which he has moved. He may reserve his remarks regarding the details of the Bill to a later stage. I would like the hon. Member to argue only in favour of the motion that he is moving."

* Mr. V. T. ARASU:—"I bow to your ruling, Sir. I am quoting these instances in support of my statement that the hon. the Revenue Member is not correct in maintaining that the amendments effected by the Select Committee are merely verbal and are not of a far-reaching character. I am quoting several instances where the Select Committee have effected amendments which are of a far-reaching character.

"I was saying that the lanka lands are treated, in the original Act as it stands, like other cultivable lands in the State. But under the amendment carried by the Select Committee, the lanka lands are going to be divided into three classes and this is a new innovation which has been introduced by the Select Committee. The Bill puts the lanka lands on a special unfavourable footing from the ryots' standpoint,

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by creating new rights to landholders thereon. Under the present Bill, the ryot will no longer be able to acquire occupancy rights. He can acquire it only by grant or by continuous occupation for twelve years.

"From the two instances that I have quoted, namely, the instance of clause 2 wherein the position of the inamdar has been changed and the instance of lanka lands, it must be evident to anyone who examines the provisions of the Bill, that very valuable rights acquired by ryots in regard to occupation of lands in zamindaris have been materially changed and the zamindars and landholders are placed in a position of advantage compared with the ryots. I may also refer to some minor clauses in the Bill wherein amendments have been introduced which are distinctly prejudicial to the interests of the ryots. Take, for instance, section 17-A which says 'Every landholder by himself or his duly authorized agent may at all reasonable times enter upon any land in his estate for any of the purposes of this Act and may also measure any land for any such purpose.' I think the hon. the Revenue Member would agree with me that this is a most objectionable provision, at any rate from the point of view of the ryot. The landholders have very little to do with such lands. It is a well-known fact the farm-houses of some ryots are part of holdings. Why should the landholder and his authorized agent have access to such lands at all reasonable times and for all the purposes of this Act?"

* The hon. the PRESIDENT:—"May I once again draw the attention of the hon. Member? The hon. Member may give his reasons why he wants that the consideration of this Bill should be postponed and how the postponement will be useful in remedying the defects. If the hon. Member wants to go into the details of the sections and of the amendments which he wants to be incorporated, it will be completely out of order."

* Mr. V. T. ARASU:—"I bow to your ruling, Sir. I was saying that far-reaching amendments have been introduced by the Select Committee and this House legitimately expects the Government to give sufficient time to hon. Members of this House to consider the Bill as it came from the Select Committee in all its aspects. For that purpose, time is necessary and without time, it would not be possible for this House to proceed with the measure. As hon. Members are fully aware, notices of about 500 amendments have been received and they have been placed before hon. Members of this House just this morning. It is hardly possible for this Council—constituted as it is—to go through such an intricate measure as this with 126 clauses and 500 amendments thereon. When such important measures come up before legislative bodies, it is the practice all over the world that some sort of understanding is come to by Party Leaders and by people representing various interests, by which only important amendments are moved on the floor of the House—say, about half a dozen or a dozen. This is what is being done in all countries where Parliamentary institutions exist. That practice is a wholesome one, and one which this

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House would do well to follow; because, no legislative body is competent enough or has got the requisite time to go into a measure of this kind clause by clause and to consider all the amendments that may be placed before it. That is absolutely impossible. It is therefore that I submit to the hon. the Revenue Member that the consideration of this Bill may be postponed by about six months. It may be possible for Members of the Government to convene an informal meeting of some Members of this House and dispose of several amendments. In that case, all the amendments given notice of now may not come up before the Council and the valuable time of the Council would not be wasted. What would happen otherwise? I for one dread to think what is going to happen if the Government should insist on proceeding with this measure, if these 500 amendments are going to be discussed threadbare and disposed of. I submit that the Government would not be able to do so even if this Council should sit day to day for six months. With all the earnestness at my command I request the Government to postpone the consideration of this measure by about six months. In the meanwhile, convene an informal conference to discuss these amendments and dispose them of. When a common understanding is arrived at, I am sure hon. Members would waive their right of giving notice of amendments and moving them in the open Council. In that case it would be easy for the Government, and it would be easy for the hon. Members of this House, to pass the Bill by sitting for a day or two. On the other hand if we are to consider the Bill now clause by clause, it would not be possible for a House consisting of one hundred and odd Members to consider carefully such an intricate measure as this. I would once again appeal to the hon. the Revenue Member to accept this amendment of mine and in the meanwhile to explore all possible means to come to some sort of common understanding with regard to this measure."

* Mr. YAKUB HASAN:—"Mr. President, Sir, in January last when the hon. Sir Archibald Campbell said that he was not going to move the motion that stood on the agenda in his name, it was expected that it was recognized by the Government that that Bill had not met the situation and that it was necessary that some other Bill should be introduced which will be more comprehensive and which will settle the question once and for all. Sir, after that, when Mr. Venkatachalam Chetti asked for leave to introduce his Bill, it was suspected that that Bill was opposed to the interests of the zamindars and that it stood more for the rights of the ryots. Instead of allowing that Bill to be introduced it was suggested that it would be more proper if a third Bill could be brought before this Council which would incorporate the provisions of the Government Bill and those of Mr. Venkatachalam Chetti's Bill and that serious omissions in these two Bills also might be filled up. Conference was the only method by which a compromise could be arrived at and such a comprehensive Bill could be formulated. The attempt made by the hon. the Chief Minister failed in that respect as is evident from the several statements that have

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appeared in the Press. At the last moment this Bill has been suddenly flung upon this Council and now Sir Archibald Campbell tells us, 'what-ever amendments you want to bring can be brought and you can improve the Bill by means of amendments.' If all the 300 or 500 amendments are taken into consideration and some of them are passed, the result will be that the Bill will be radically different from the Bill that is before us now. This is not the proper method of legislation, that a Bill should be brought forward and hon. Members should be asked to improve it out of all recognition by means of 500 amendments. This is not the way in which legislation should be proceeded with. It is quite apparent that the Government wants a certain Bill to be passed. There is no other measure before the Council. The Government seems to consider it necessary that this Bill should be passed without delay. By a sort of a conspiracy with the zamindar Members and with the support of the nominated Members, it is thought that they will be able to carry their points and that the Opposition will be defeated. None of the amendments that have been brought forward by the Opposition Party will have any chance of getting through.

"Sir, this is not the way of dealing with such an important legislation. It has been pointed out that ever since this Act was passed in the year 1908, it was found that it was defective in many ways. In the very next year, 1909, certain amendments were made to it. After that in 1913, the Government brought in an amending Bill again. And during the next twenty years, committees after committees have sat and they were not able to produce a Bill that was satisfactory to all concerned. Compared with the long period that has elapsed since 1908, I ask, is this six months such a long period that you cannot agree to the postponement? If postponement for six months is agreed to, another attempt might be made in order that a more comprehensive Bill might be placed before the Council which we can deal with in a more satisfactory manner than we can do with this Bill with 500 odd amendments.

"So, I second this proposition which is now before the House, and I appeal to the House to accept it."

* The hon. the PRESIDENT:—"The amendment is to *add* at the end of the hon. the Revenue Member's motion the words 'this day six months'."

* Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, Sir, I rise to move—

'that the consideration of the Report of the Select Committee on the Madras Estates Land Act (Amendment) Bill be deferred until such time as my Bill (the motion for leave to introduce which was adjourned for consideration to this meeting) reaches the same stage as Sir Archibald Campbell's Bill.'

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"Sir, I take it that I have got to speak now not only upon my amendment, but also on the main proposition made by my hon. Friend, Sir Archibald Campbell, viz., that the consideration of the Bill be taken up.

"Sir, I approach this rather important subject with great reverence and humility. The complexity of the many problems involved in this measure and the great importance attached to the solution of many of those questions by the ryots who have got the misfortune at present to live under the regime of the zamindars, make my ignorance of and inexperience in these matters a double wrong to myself. I derive no consolation in the fact that most of the hon. Members either on this side or on that side are in the same predicament, if not worse; but I dare say that the literature that is available in connexion with this important measure, illuminated by notes and minutes of experienced administrators from Mr. G. S. Forbes downwards right up to the gentleman at present in charge of this subject, i.e., my hon. Friend, the hon. the Revenue Member, would be more than enough to dispel any ordinary amount of ignorance that might prevail in regard to this measure. I consider, Sir, that in spite of the fact that there is not much in common in many matters between the Government and the governed to-day, there are some matters in which all parties of this House and the Government could see eye to eye. And I consider that the relationship between zamindars and their ryots is the topmost in that list. As a matter of fact, my hon. Friend, Sir Archibald Campbell, was more than anxious to see that the grievances of the ryots and of the zamindars were settled by mutual conference and that they should themselves put forth an agreed measure for the acceptance of the Government. I hope, Sir, that the same attitude and the same wish to be neutral, to be disinterested and to see that the mutual relationship between the landlord and tenant is one of amity, still continues in the mind of the hon. the Revenue Member.

"It is not my intention, Sir, to deprive the hon. the Revenue Member of the well-merited appreciation of the people for piloting a measure of this importance. As a matter of fact, Sir, I may say that his desire to do good to the ryots of the zamin areas appears to be unsurpassed. It is not my intention, therefore, to obstruct the measure, if that in my opinion and in the opinion of those ryots who are living in the zamin areas, is calculated to improve their present conditions even to the slightest extent. My hon. Friend, the Revenue Member, referred in his speech to the long period of gestation of this Bill. It appears to me that it is a longer gestation than that of an elephant. It must therefore be conceded that it could not have been without strong and sufficient reasons that this measure was from time to time postponed consideration in this House. Well, Sir, is it mere obstruction, is it mere mischief, is it a mere desire or a bid for popularity that made successive Houses, or compelled them, to have this measure adjourned? My hon. Friend, the Revenue Member, again quoted extracts from the speech of the Right Hon. V. S. S. Sastri. What we gather from that speech is only that

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several hon. Members comprising that House expressed or put forth certain very important points which were not included in the Bill which was then considered, and therefore they requested the Government to withdraw that measure, so that they might bring forward another Bill containing all the points which had been raised by the hon. Members of that House. The Governor, who was then the hon. the President, very rightly accepted that view and promised to bring forward another Bill. The result is the present Bill after undergoing various stages!! It is not however left to this House to know whether the points which were raised by the hon. Members of that House have been included in successive Bills, and if in spite of their inclusion, the House rejected those Bills. Evidently, those points could not have been included; otherwise, there could have been no reason why the House did not consider those Bills.

"Sir, the hon. the Revenue Member in his speech on the 26th January 1932 stated:

'This Bill is intended as an amending Bill to set right certain difficulties which have been found in the working of the Estates Land Act of 1908. Certain amendments were made in 1909, and further experience has shown that the amendments did not go far enough and that there are other difficulties which should be rectified. Various representations were received in addition to the report received from the Board of Revenue on the subject. The Government drafted an amending Bill in 1913, and that Bill elicited four private Bills and numerous other proposals. While Government were considering these various Bills, this important measure was postponed until after the close of the War.'

"I shall now take you to the latter portion of his speech:

'The Bill only aims at removing certain difficulties which have been found in the working of the existing Act. It does not aim at conferring any new rights or other powers upon either the zamindars or the ryots. It does not aim at placing any disability on either party; but the aim is rather to facilitate the carrying out of the various principles on which the Act of 1908 is based.'

"If I may take the House to the principles upon which the Act of 1908 was based, I cannot do better than reproduce here the most telling words of the hon. Mr. G. S. Forges in defining the legal status of the zamindar and the ryot:

'The legal status of the zamindar under the permanent settlement cannot be put higher than that of an assignee of the public land revenue. I say the legal status because it is the only matter which concerns us in the present discussion. Attempts have been made to draw a distinction between zamindars who in 1802 were of comparatively recent origin and zamindars who were representatives of ancient families, who it is claimed had at one time larger interests in the country than mere farmers of the land revenue. Especially are these claims urged in respect of some of the great zamindars in the Northern Circars. But whatever of these ancient rights may have been, they had been absolutely destroyed as matters of legal right by the Mogul and Muhammadan Governments. I have made a careful examination of the history of the 18th century, and I dare to say that there is not a single instance in which the ancestors of the present zamindars were not treated and regarded by the Muhammadan Government and its Viceroys at Hyderabad as farmers of the revenues. No doubt the Muhammadan rulers found it expedient and advantageous to employ members of the ancient Hindu families who had established themselves in the country to undertake the duties of collection and act as their receivers generally, but they never accorded to them any legal rights beyond, and the whole history of the times is a history of perpetual change among the zamindars, old zamindars removed and new zamindars appointed, and again old zamindars restored; and in the distractions of the times the

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strongest and most acceptable survived. Such changes were strictly in accordance with the constitutional rights of the Sovereign Power. In the same way the engagements between these zamindars and the State were subject to revision at every renewal of the lease. I do not mention these facts with the view of derogating in any way from the dignity which justly attaches to the present representatives of these ancient families. Their ancient lineage if they discharge their duties and responsibilities faithfully will always assure them of a full measure of the respect and consideration of the Government and among the people the social dignity which is their due.'

"Having laid down this *magna charta* for the ryots living in the samin area, he proceeded to fix up the rent and other rights in respect of the tenure which the ryots were holding. Apart from conferring occupancy rights, the question of rent was the other important thing which engaged the attention of the hon. Mr. Forbes. Sir, he has made provision that the ryot has got only to pay a 'fair and equitable rent.' Probably he meant in that phrase that the rent would be such as would not be considered a tyrannical exaction. Naturally, the framer of a law ought to leave these matters for the courts to decide and also to take into consideration the opinion of the times. Sir, he was moving that Bill in a Legislative Council which was a thoroughly unrepresentative body so far as the ryots were concerned. It was a Council of pre-Minto-Morley Reforms, where the interests of zamindars, of the antiquated zamindars, the big landholders and the capitalists dominated more than anything else. It was in such a Council that the hon. Mr. Forbes had to pilot that Bill. Naturally, he should have hesitated a hundred times before he could give full effect to what he meant by 'fair and equitable rent.' Even to this modest demand, there was such an opposition both in the Select Committee and in the Council in respect of the right of occupancy, in respect of the inclusion of lanka in the ryoti lands and various other things, that Mr. Forbes merely left the phrase 'fair and equitable rent' without a proper definition. But the courts which had subsequently to decide what a 'fair and equitable rent' was, were naturally guided by the rent then prevailing in the country. The very fact that the hon. Mr. Forbes was considering the introduction of an Estates Land Bill gave ample opportunity to the zamindars to increase the rents from time to time.

"The immediate benefit of the Madras Estates Land Act even before it became an Act was that the ryots had to submit to the increases, the tyrannical increases, the extortionate increases in the rents within the short period of three or four years. Therefore when the measure became an Act, the rents that were increased by the cleverness and the intelligence of the zamindars foreshadowing a measure of this sort, came to be regarded as fair and equitable. That they are never fair and equitable can be attested by no less a body than the Board of Revenue whose opinion I shall read to the House. It is not Professor Ranga that is saying it; it is not Sami Venkatachalam Chetti that is saying it, but it is the Board of Revenue. At page 204 of the Land Revenue Administration, the Board says:

'In samindari areas the rentals are often extremely high as compared with the neighbouring Government assessments owing to the fact that having been permanently settled in 1802 they either retain the paimash rates similar to those

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of the Government areas at the period including the now obsolete garden tax, or where untrammelled by such rates, they are able to make their own bargains with their tenants, or they have commuted the amounts due under the sharing system into money at their own rates. In a zamindari now under the Court of Wards the Board has found that the highest wet rates are Rs. 45 per acre for which, however, the ryot may raise two crops if he can; the garden rates run up to Rs. 15 per acre. These are maximum rates but are actually being paid. The rate payable for betel-leaf garden is fixed at Rs. 32 per acre. The maximum wet rates for Government lands in the three neighbouring districts are Rs. 10, Rs. 12 and Rs. 7-8-0 respectively, with the addition of one-half extra when a second crop has been raised. The moderation of Government assessments may be gauged from the figures. In considerable areas in the Godavari delta good zamindari lands are rented to tenants for growing paddy at Rs. 25 to Rs. 30 plus the Government water-rate and at much higher rates for sugarcane. The Board is not defending these rentals, but they are payable and are being paid.

"Therefore it is evident that the hon. the Revenue Member in bringing forward this measure is not tackling this very important question. Admittedly he is not. But if we examine whether even in the rectification of minor defects there has been anything done or there has been any intention on the part of the hon. the Revenue Member to place the position of the ryot on a better basis. I beg of you, Sir, to examine the notes on clauses in the Bill as it was introduced.

"Clause 2 (section 3) is inconsequential because it seeks to define the word 'Collector' in accordance with the present conditions. The note on sub-clause (3) says that 'trees are now excluded from Holding and the effect is that, though tree tax was in some cases included in the assets on which the peishkash was calculated, the landholders are denied the advantages of the summary process provided by the Act for recovering this income.' Therefore, Sir, the hon. the Revenue Member has come in with his Bill to tighten all the more the grip on the ryot and give power into the hands of the zamindar for recovering this income by summary process. So, Sir, that was the intention so far as clause 2 is concerned. Then, it is said, 'the policy of the Act is to discourage separate pattas for trees as distinguished from the land and to recognize or create rights in favour of the ryot to all trees in his holding subject to certain limitations. But where trees are held on patta independently of the land, it is necessary to allow the landholder to recover the rent of trees in the same way as the rent of the land.' Therefore, what was intended as a coercive process in respect of land has also got to be applied even in respect of trees. I suppose, Sir, in the face of this explanation, the hon. the Revenue Member would not claim this section at least to be beneficial to the ryots for whom he seems to be pleading so hard. With regard to sub-clause (4) we find that 'a Full Bench of the High Court has decided that a minor darmila inamdar is a landholder within the meaning of the Act quite against the intention of the Legislature. The explanation is added to get rid of the effect of this decision.' So, they welcome the High Court decision making the minor darmila inamdar also a landholder, thus taking the trouble of excluding him from the operation of this Act and also considering that that was the intention of the Legislature. Sir, it is a question of doubtful utility or importance either to

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the inamdar or to the ryot. At any rate, it is not a matter upon which the ryot should be congratulated on getting a favour from the hon. the Revenue Member.

"Under sub-clause (5) we find that the Bill makes special provision in the case of lanka—vide sub-clauses (6) and (9) (ii) of this clause and also new section 19-A inserted by clause 11. It is added that a definition of lanka is obviously necessary. That is also not very important.

"The note on sub-clause (6) says:

'It is considered expedient to include in the category of "old waste" lankas declared by the District Collector to be ryoti land under the provisions of new section 19-A inserted by clause 11. A tenant that might apply under that section is exposed to the risk of being at once evicted by the landholder. Once it is declared ryoti, admission of any person, even of one who contributed no share whatever in its formation, would confer on him a right of occupancy. By declaring the land as old waste, a mean is cut to the advantage of both the landholder and the occupancy tenant and might conduce to an amicable settlement of their relations.'

Therefore, Sir, when there was the slightest loophole by which a ryot can claim a lanka land to be a ryoti land and thereby demand occupancy right, the Government want now to make it so clear as to prevent the ryot from presuming impertinently in favour of occupancy. It is said that certain concessions be got by mutual arrangement between the zamindar and the ryot. I do not know whether this is a power given to the zamindar or the Government to extort more from the ryot.

"Sub-clause (7) is not very important.

"Sub-clause (8) contains this note:

'Rent paid for trees held apart from the land on which they stand has been included within the scope of the definition of rent.'

This is really tightening the grip on the ryot, as I already said, in regard to the right to include the tax on trees also as coming within rent so as to make it available by coercive process for collection.

"The note on sub-clause (9) says that 'tank-bunds and the beds and bunds of supply, drainage, surplus or irrigation channels stand on the same footing as tank beds. Hence all those beds and bunds have been included in clause (a), thereby removing them from the category of 'ryoti' lands. There was at least some chance of the dried up tank beds to be considered ryoti and occupancy right claimed in regard to them. But in order to make this possible and make it clear, the hon. the Revenue Member goes, according to him, to the support of the ryot and excludes it from the category of ryoti land and places it at the disposal of the zamindar to give it to the highest bidder.

"Sub-clause (9) (ii) says that it is considered desirable that legislation should respect custom in this matter, etc. I do not know if the hon. the Revenue Member intends it to be beneficial to the ryot.

"Under clause 3 (section 4) it is said:

'A person who without the permission of the landholder occupies ryoti land for twelve years acquires a right to it without any obligation to pay rent to the landholder while the liability of the latter to pay peishkash to the Government

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would remain unaffected. It is considered desirable to provide that such a person should acquire only the rights of a ryot and should be liable to pay rent to the landholder. With regard to horticultural lands it is said that it is considered desirable that admission to horticultural or orchard land for raising a crop occasionally should not confer an occupancy right in such land any more than admission to forest land does in similar circumstances.

I hope this is one more gain conferred on the ryot. Item (d) says:

'The landholder who has acquired lands under section 186 should be allowed temporarily to let the land for agricultural purposes before they are actually used for the purposes for which they were acquired and such letting should not confer any right of occupancy in the lands so let.'

"Therefore this is supposed to be intended for the benefit of the ryot, because it operates as a reduction in the title to the right of occupancy which was conferred by the hon. Mr. Forbes.

"Under clause 5 which corresponds to new section 6-A, it is said:

'The new section corresponds to section 7 of the existing Act which, as it stands would convey the idea that if a landholder does not reserve mining rights when admitting a ryot to any ryoti land including old waste, the mining rights would vest in the ryot. But the intention generally is that mining rights are reserved for the landholder. Hence the change in the language.'

May I ask the hon. the Revenue Member respectfully if this also is advantageous to the ryot, and whether the ryot is to be thankful to the Government for this benefit.

"Under clause 7 (section 8) we find:

This explains part of the amendment. The amendment also enlarges the rights of the landholder in the case where he inherits the rights of a ryot in a holding. Present sub-section (4) gives the landholder a right to let a holding inherited by him on such terms as he pleases and to prevent the acquisition of occupancy rights therein only for a period of twelve years. The amendment made in sub-section (1) has the effect of permitting the landholder to hold it as an occupancy ryot as well as a landholder without any restriction in time.'

That again is a boon conferred presumably on the ryot. The note says:

'Instead of excluding from the estate lands in an inam village in which there is a merger of kudivaram and melvaram, such lands will hereafter be treated as the inamdar's private land.'

"Clause 8 (section 12):

'According to the decisions of the Calcutta High Court a tenant of a holding in which there are trees is entitled to cut them down but he is not entitled to carry them away or make a profit of them. A decision of the Madras High Court has held the contrary. This clause is intended to prevent the Calcutta view being upheld at any time.'

This makes the position of the ryot much worse. The note on the next clause says, Sir,

* The hon. the PRESIDENT:—"I take it that the hon. Member is speaking upon the main motion also."

* Mr. SAMI VENKATACHALAM CHETTI:—"Yes, Sir. Sir, clause 9 (section 13) which says that the landholder will not be entitled to a higher rent on account of any improvement towards the cost of which he has not contributed. But clause 10 gives some concession to the ryot. But at the same time the right of entry has been restricted to all reasonable times. What is 'reasonable time' is to be determined. We know,

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Sir, how the Government goes to the rescue of the zamindar in cases of wrongful entry. But whatever it may do, we have got at least some protection in this matter, I admit.

"Under new section 10 we find:

'The Collector has been empowered on the application of the landholder or other person interested to determine whether any specified land falls within the terms of any of the sub-clauses (a), (b), (c) or (d) of clause (16) of section 3 and to determine the customary rights of the user of such lands at the commencement of the Estates Land Act, that is to say, on 1st July 1908.'

I think, Sir, this presumably refers to grazing and other rights upon which there is a lot of controversy, trouble and discontent among the ryots. The note goes on:

'This section is necessary to decide disputes which may arise in connexion with the question whether any specified land is a tank-bed, etc., or what the customary rights in the user of such land are. It should be noted that sub-clause (a) of clause (16) of section 3 has been expanded so as to remove not only tank-beds but also the bunds of tanks and the beds and bunds of supply drainage surplus or irrigation channels from the category of ryoti land.'

What it is that is to benefit the ryots in the matter of grazing, etc. God alone knows.

"In section 20, the District Collector is given power to divert any land which is not required for communal purposes, for which it was originally reserved. Before doing so, the Collector should have due regard to any other customary rights of the landholder or the ryots in the use of such land. I do not propose to speak anything about that. Section 20 also enables the Collector to take eviction proceedings. That again is a power newly created."

* The hon. the PRESIDENT:—"May I point out one thing to the hon. Member? Is he going to read all the 20 pages that are before him or is he going only to mention the sections and make his comments thereon? I think the latter is much better; instead of reading 20 pages, he can refer to the sections and make his comment thereon."

* Mr. SAMI VENKATACHALAM CHETTI:—"I am only reading the relevant portion. I will refer to the relevant portion and explain how it is not beneficial to the ryot. Again, section 20 makes some provision for the acquisition of lands for communal purposes and the costs thereon. But the provision made is quite unsatisfactory. Clauses 14, 15 and 16 are considered desirable. This is very important and therefore I have to read it. 'It is considered desirable that Collectors should determine claims for enhancement or reduction of rent by means of applications instead of by suits and hence the changes.' This means all applications. It might appear to be an easier method. But I am afraid having regard to the number of people that have to join to put in an application, the concession that is intended to be shown, becomes quite nullified. Here, Sir, in determining whether a contract is reasonable or not, the Collector is to be guided by considerations mentioned in sub-section (1) of section 32, except the last, viz., the existing rent and the ability of the land to bear a higher rent. It is a very doubtful language whether the Collector should not take the existing rent and the ability

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of the ryot to bear a higher rent. Whatever might be the capacity of the ryot to pay, if the ryot and the zamindar enter into an agreement for rates which may be a few times higher than what is warranted by the ability of the land, the Collector should be guided by the agreement and not the consideration of the prevailing rate in that area. That is indeed a very cruel measure to be placed in the hands of the Collector to the detriment of the ryot. It is stated that the ryot is the best judge of this, and that the Collector need not adjudge a contract to be unreasonable merely on this ground. So, whatever might be the terms of the agreement, the Collector ought not to be led by any other consideration. He has got only to see whether an agreement has been arrived at and if effect is given to that. Even if the agreement rate is considerably higher than that in the surrounding zamindari areas, the Collector ought not to be influenced by that consideration and must enforce the agreement entered into between the zamindar and the ryot. With regard to section 42, it is said that it is just and reasonable that parties should go to the Collector only when there is a dispute as to increase or reduction of rent and not where there is a specific agreement between the parties or where the rent is fixed with reference to area. Sir, it has all along been said that the zamindars are able to extract these agreements irrespective of other considerations and that such contracts entered into with a person who is not in a position to resist the inducements or the extortion and influence of the zamindar should not carry so much sanctity attached to them for fulfilment as against the prevailing rent. It therefore seems to be rather a reactionary proposal that has been intended to be incorporated in this Bill. Pasturage fees and fishery rents are included in the definition of rent and forest fees have also been added by the amendment now made and though these are all recoverable, by summary process should appear in the patta. Sir, with the best of intentions and with the greatest scrutiny that I can bestow on this Bill, I cannot come across a single provision which is apparently in favour of the ryot or which seeks to take away some of the existing powers of the zamindar in the matter of extortion or in the matter of giving concessions regarding grazing grounds. Therefore, the claim that has been made by the hon. the Revenue Member that this Bill was intended to rectify certain defects of certain grievances under which the ryot is suffering is an extravagant claim and cannot for one moment be sustained as stated in his own notes. Sir, the ryot therefore feels that a measure which is not calculated to at least lessen some of his more important grievances is not the one that he would favour. Therefore it is that we obstruct at the passage of this Bill. It is not that we can possibly induce either the hon. the Revenue Member or those sitting along with him to improve the present Bill, but it is because at present it is impossible to remove any of the major grievances by this Council. I only want that justice should be done to the ryot. Whatever might be the obligations of this Government to the zamindars and *vice versa*, there is no reason why the Government should abandon its legitimate duty of protecting the zamindari ryot.

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If the hon. the Revenue Member is in a position to say that the zamindari ryot is treated fairly and justly and that his condition is no worse or no better than that of the ryot living in the ryotwari area, then there is no need for anybody to trouble this Government for a more comprehensive measure. But admittedly from the statement of their own Board of Revenue, the rentals that are being paid by the zamindari ryots are four and five times higher than what the ryotwari area tenant is paying. Even with regard to those lands, we are never tired of bringing to the notice of the Government the severe and acute incidents of those taxations and press upon the Government the necessity for a reduction of taxation and for putting the land revenue policy on a Statutory basis. It is only in the meeting of the last Council that everyone of us vied with each other in asking a remission of the land revenue in regard to the ryots of the ryotwari area. Having done that, what justification is there for a ryot who is obliged to pay four or five times that rate, whatever may be the sanctity of the arrangement which the Government have entered into with the zamindar, to continue to do so? I suppose that the arrangement which the Government have entered into with the zamindar does not include the economic slavery of the ryots of the zamindars. I do not think the Government are competent to hand over the economic prosperity and the economic condition of the ryots entirely into the hands of the zamindars. After all, as has been stated more than once by more authoritative persons, the zamindars are no better—if I may say so without meaning any disrespect to their dignity or influence—they are no better than the former revenue toll-collector in this Presidency. We have disposed off the toll-gate keepers and the consideration which they used to pay to local bodies. In effect, the zamindars are in no better position so far as the legal position is concerned. But while assigning the right to collect certain fees for enjoyment of certain rights, do we not lay down the maximum and minimum fees in respect of those rates? With regard to electric licence and licence to the Railway companies, while we give the monopoly for certain privileges, the Government takes care to fix up the maximum and minimum within which alone they can operate their rates. There is no such thing in the zamindari area. It was thought in respect of the permanent settlement or the sanad that might have been entered into with these zamindars, that when the suzerain power wishes, it has the right to withdraw those rights if they are exercised improperly. As a matter of fact, the Court of Wards Act provides that, if a person uses the power that he has acquired from the Sovereign power in an improper way, it is the legitimate duty of the Sovereign power to step in, to stop that irregularity. The position is no doubt getting very very serious and it is not either in the interests of the zamindar or the ryot to allow this kind of situation to go on. Sir, hon. Members on the other side, at any rate, their party organ in order to carry out their policy of getting on with this measure has characterized my Bill as confiscatory, revolutionary, and expropriatory. I am afraid they have made a wrong use of those epithets. I challenge any Member of this House to point out one section which is confiscatory, revolutionary or expropriatory or anything which he himself

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has not urged this Council to exercise. The hon. Members for Trichinopoly and Tanjore have been carrying on an incessant agitation for the reduction of land revenue. That does not seem to be revolutionary, confiscatory or expropriatory. If there is consistency in those gentlemen who have asked for remissions in respect of land revenue in this Province in the ryotwari area, they should set their face against this measure. Now, with regard to the hope that the hon. the Revenue Member expressed that he had desisted from moving the present motion on the last occasion with the hope that the representatives of the zamindars and tenants would come to some agreement and he would be in a position to pilot a more agreed Bill, I am afraid, Sir, the hon. the Revenue Member whether intentionally or unintentionally, whether with his knowledge or without, is being made or has been led to short-circuit a Bill, for which I had asked for introduction."

At this stage, the House rose for lunch.

After Lunch (2-30 p.m.)

* MR. SAMI VENKATACHALAM CHETTI:—"Sir, having attempted to disprove the case of the hon. the Revenue Member that the Bill that he had originally introduced was at least in some particulars in favour of the ryots, I proceeded to the question of the conference which was supposed to have been held between the leaders of zamindars and the representatives of tenants. Sir, here again, the hon. the Revenue Member was more than unfair to this side to suppose that what he had heard from the Raja of Bobbili was beyond criticism or beyond contradiction. Sir, the facts of the case are simple. Before my motion for leave to introduce the amending Bill to the Madras Estates Land Act came up for discussion in this Council, the hon. the Raja of Bobbili invited a few of his friends amongst whom I was one. At that meeting, he and his zamindar friends tried to persuade me to put off making the motion of which I had then given notice. After some discussion, I told them that I myself would not act on my own authority, but that I should consult some ryots' representatives before I could agree to comply with that request. The ryots did not like the idea, even if I intended to do so—that is to put off asking for leave to introduce my amending Bill. Therefore it was that I moved for leave to introduce it. It is, Sir, within your knowledge how the hon. the Raja of Bobbili, with the aid of the Government, short-circuited my Bill quite unusually. It was an unusual procedure that he resorted to, a procedure which, if conventions have got to be respected, if understandings that are arrived at between respectable Members of this House should be observed, ought not to have been resorted to at least by a person of that responsible position and in that responsible office. However, the zamindars, if they wanted to achieve an object, do not seem very much to care how that object is to be achieved. Therefore, quite unusually, they resorted to the procedure of adjourning the consideration of the motion for leave to introduce that Bill. But, in doing so, he made the

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House believe that the motion which he was then proposing was calculated to be in the best interests of the zamindars and ryots, that he was devoutly and sincerely wishing for a reconciliation and compromise on several important matters affecting their interests. It would almost appear from that statement that any opposition at that stage to the course suggested by him would be detrimental to such harmonious relations that might result from a conference of that sort. Whether the hon. Member who voted with me believed in the sincerity of that statement or not, there is no doubt that the majority was in favour of adjournment and it was carried. But, I must say that in pursuance of that statement he did invite for a conference a few persons representing both the interests. That meeting was fairly representative from our own point of view, though there was no ryots' organization representative in that conference. Still having assumed some responsibility to espouse their cause, we thought for the time being we will be sufficient to deal with questions that might arise in the conference. But, at the same time, I for one, even at the very preliminary stage of that conference, expressed in clear terms that the discussions ought to be tentative, that the conclusions when they are agreed upon by the conference will have to be forwarded not only to the Landholders' Association but also to the Zamin Ryots' Association and the names of the representatives would be recommended later on. The discussion proceeded upon the most important points, namely, fixation of rents, remission of rents, grazing facilities, provision for maintenance of irrigation works, and inclusion of inams. These are the most important items that were discussed. Sir, luckily, I was taking notes of the discussion that was proceeding at that conference. The point of view of the ryot was that with regard to rent it should be more or less on the basis of ryotwari rents; with regard to grazing facilities, wherever there are no facilities, the zamindar must accept to allocate certain plots for this purpose; as for irrigation facilities, the zamindar must set apart a certain percentage of his income at least from wet lands for the purpose of maintaining irrigation works in proper repair, to which the hon. the Raja of Bobbili, the enlightened zamindar as he is, the more reasonable zamindar as he is, appeared to have agreed to most of them except with regard to the proportion of rent to the gross produce. He demurred to the demand of the ryots' representatives to be treated on the same basis as the ryotwari ryots. He said that he would suggest on behalf of the landholders that the rent should be half of the gross produce. Immediately, it was an actual ryot in a zamin area that was present who strongly rebutted that statement by saying that, if half the produce is given away to the zamindar as rent and that if the other half of the produce is to be defrayed for costs of cultivation, the cultivator would have to go away without anything. Of course the Raja of Bobbili appreciated the force of that statement. But as he was representing also his fraternity, he could hold out no further concessions, unless he had consultation with his brother zamindars. We, on the

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other hand, appreciated his difficulty and asked him to carry on further consideration with his brother zamindars and tell us what he was willing to do. Even with regard to the other points upon which there was agreement, the hon. the Raja of Bobbili undertook to get these points and the other points to the extent to which he and his brother zamindars were willing to go, incorporated in a draft Bill which would be placed before Mr. Ramdas Pantulu for scrutiny and examination. That draft Bill was to have been placed before another meeting of that conference and then further discussion was to have proceeded with. This was the only regular meeting of the conference that was held at which something at least took place.

2-45 p.m. "I understood subsequently that after the draft was prepared by an advocate of the hon. the Raja of Bobbili it was shown to Mr. Ramadas Pantulu—nearly a month or more after the conference. I am not complaining of the delay. I realize that the advocate must have taken some time to study those important points and the hon. the Raja of Bobbili must have had time to carry on consultations with the zamindars as to what extent he could go. All these must conceivably take some time. But then when it was shown to Mr. Ramadas Pantulu, he disagreed with everything that was contained in the draft and at once published a statement in the papers that he was not in agreement with any of the points drafted by the advocate of the Raja of Bobbili. There was correspondence in the Press but the correspondence did not repudiate the fact of the statement made by Mr. Ramadas Pantulu that he did not agree with many of the proposals made in that draft. Subsequent to that, probably a week after, the Raja of Bobbili paid me the honour of calling on me and handing over to me a note prepared by his advocate and he also said that he was convening a meeting that evening at his residence. Of course the Raja of Bobbili felt that there was hardly any time for Members of the Council to study the question and add anything useful to the deliberations of the conference. But still I thought a preliminary discussion with the members as were present then at Madras in connexion with a Select Committee on some other Bill might clarify matters, and we were present at the hon. the Raja of Bobbili's residence. Suffice it to say that none of us had any time to go through the draft. The hon. the Raja of Bobbili also saw that there was not enough time, and then a suggestion was put forward that the conference might be held next Saturday when all members of the conference might be present including Mr. Ramadas Pantulu who was absent then, and arrive at some conclusion. The hon. the Raja to that suggestion was very silent. But I did not then know the full significance of that silence. I thought he was merely consulting his convenience with regard to the fixing of the date. But it now transpires that he then had no intention of calling any meeting for this matter. And I was so surprised to find one fine evening in the columns of the *Hindu* that there was a conference in the Raja of Bobbili's

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residence where representatives of landholders and tenants were present and it also added that all those who were present at the previous conference were present. As I was present at the previous conference, I could very well say that such a report was wrong. I thought, in fairness to the Raja of Bobbili, that after all the blame might easily be thrown on the freaks of the post office, and so I wanted to know whether that excuse was going to be trotted out. I am glad that excuse was not given. I subsequently found that not only I but several others, particularly representatives of the ryots, were not invited to be present, though the Kumararaja of Venkatagiri was there along with his Diwan, as though a single representation was not enough, but a double representation was necessary. (Interruption.) So it ought to have been the duty of the persons concerned to have repudiated that report. Later on, when I found along with that news the anxiety of the Government to bring their own Bill, I thought there was something serious going on behind without our knowledge. I called on the hon. the Revenue Member and asked him what his intentions were in now introducing this Bill when he had originally withheld it. He gave me to understand that the draft that was handed over to him by the hon. the Raja of Bobbili represented the agreed points between the zamindars and the ryots. If the hon. the Revenue Member was misled into introducing this motion at this stage on account of that, it is only fair that he should be disillusioned now and that he should restore this Bill to the old state, shelving it in the archives of the Government.

"So far about the conference. Sir, in a state of affairs like this, ordinarily I should have appealed to you, as the President, as the custodian of the rights and privileges of this House, to see that statements are not made which having the semblance of truth and accuracy would in the result mislead the whole House into a particular action not intended in the ordinary straight course."

* The hon. the PRESIDENT:—"Does the hon. Member mean Press statements?"

* Mr. SAMI VENKATACHALAM CHETTI:—"No, Sir; but statements made on the floor of the House."

"Sir, I am inclined to think that with the Parliamentary experience that you have gained and your knowledge of the procedures adopted in other Provinces, especially in the Indian Legislative Assembly over which the most illustrious of Indian patriots, Mr. Patel whose death we mourned this morning, presided and in whose time rulings on matters of very great importance were given which would always stand as models and examples for other hon. Presidents to follow, you will correct this unusual procedure. Sir, on a memorable occasion, when the Government of India wanted to introduce their Finance Bill, when the House was vacant by the withdrawal of the congress party members, the hon. Mr. Patel said: The House ceased to be representative; I object to any controversial measures being

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brought in. Sir, that ruling prevailed. Sir, we, who are here and have been denied the privileges that are accorded to us by the Government of India Act and the Standing Orders on account of certain unusual procedure, need your special protection in this matter. But for the somewhat unusual procedure adopted by the hon. the Raja of Bobbili, my Bill should have reached the second stage to-day, namely, the stage of introduction, in which case, the amendments which are not covered by the amendments of the Government Bill would have stood a chance of being considered by this House. That opportunity was denied to me, not by the straight course of voting against my Bill, but on account of a devious method, that has been adopted. Having regard to that, is it too much for me to ask you to come to my rescue and advise the Government not to proceed with a Bill of such a contentious nature after having lent their support to a course which was not usually allowed by this House? I do not want to place you, Sir, in a delicate position. I only mentioned it so that the Government might appreciate the delicacy in which the President himself would be placed in the matter and have the grace to consider very seriously the withdrawal of it. Sir, I am labouring so hard not because my Bill does not stand a chance of being considered. I only want that the more important matter, the grievances of the ryot, should have a chance of being considered along with this Bill. If these grievances are not considered there is no earthly use of proceeding with this Bill. Just merely to give an equal chance for the provisions that are contained in my Bill to be considered along with the Government Bill that I beg this hon. House to allow that my Bill may be taken into consideration along with the other Bill.

"Sir, I have exhausted, as far as possible, all the privileges that I can enjoy under the Standing Orders. I appealed to the Government to accord sanction to the previous publication of my Bill so that it may be ready for the stage of referring both Bills to one Select Committee, so that both may be considered together. It so happens that Bills of a more trivial nature, of a more transitory and transient importance are accorded the special privilege of the previous publication. But the more important ones are denied that privilege. Probably that is due to the unfortunate position in which I find myself of being in the Opposition. If I were a member of the Justice Party, probably the Government would have considered the desirability of giving the sanction of previous publication even though that Bill is of a fickle trivial nature. I want hon. Members to take these things into consideration. In the Government Bill there is no provision for the possibility of limitation of rent in the zamin areas; there is no provision for grazing facilities being given in order that the ryot may feel quite secure about them. There are no doubt certain amendments provided for them which have been handed over to the Government and from what transpires it would appear that the Government are willing to allow them to be discussed. The fact that they are

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willing to allow these amendments to be discussed shows the necessity of considering other amendments also. After all, it may be merely a matter of giving notice and at the proper time somebody else rising up from his seat and questioning the relevancy of those amendments to the sections under discussion. Without trying to express any opinion on the relevancy or otherwise of those amendments to the provisions of the Bill, it will not be surprising if on a stricter construction and somewhat unusual construction that might be placed on the Standing Orders, those amendments will get on the agenda paper automatically; in which case, and I dare say the zamindars would have taken particular good care to have that done too, the ryot would be deprived of a remedy for his grievances. If really the zamindars are anxious, as they appeared to be at one stage, to settle these differences as amicably as possible, here is an opportunity. Why should they be afraid of my amendments if they are only amendments relevant to the points raised by the Kumararaja of Venkatagiri in his amendments? The other amendments of which notice has been given are of such minor importance that they can be considered in open Council without bestowing the great care and thought over them. But, would it be possible for the open Council to decide these questions of very great importance without referring them to a Select Committee. Have you ever legislated such important measures without referring them to Select Committees?

"Why follow this unusual procedure? Is it because the zamindars are afraid of the consequences that will follow if this is referred to a Select Committee that they are asking for this procedure? I challenge them to refer this Bill to a Select Committee and take its decision on it. I hear somebody laughing. Yes, they may now laugh, but they must remember that the time for weeping is also coming nearer. If the zamindars lose this opportunity to come to a fair settlement with the ryots, probably a time will come when they would be compelled to do so. For that purpose it is not necessary that a Communist Government should come into power. It is not necessary that expropriatory legislation should be resorted to. Only let the Reforms, whatever they may mean, come and, if the then administrators see that the cost of the administration is high and that the revenue derived from land revenue is not enough, they would, even if the hon. the Raja of Bobbili is one of them, turn their eyes to the zamindari system. It is not necessary that there should be a Communist Government to do this and it is not necessary to have expropriatory legislation for that. Therefore I request hon. Members of this House to give us a fair chance to discuss this question."

Now, Sir, as I stated in my opening remarks, the representatives of the ryotwari areas have a very serious responsibility on their shoulders. They have been persistently demanding Government for remission of revenue on the ground that the prices have fallen abnormally and ruinously. Every one of us sympathised with their demand and even the Government partially recognised it, but on

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account of prestige and on account of adherence to what they considered to be a rigid rule, did not grant remission but only suspension. But with that suspension the ryots are not satisfied. The representatives of the ryotwari areas are pouring in with petitions on the Members of Government to give remission instead of suspension, as suspension would in later years be all the more burdensome when they would have to pay either in instalments or in a lump sum. Now I ask, what justice is there, what consistency is there, when these same representatives who asked for remission on behalf of the ryots now coming and agreeing to fix the rents at the high rates laid down in the Bill? Will not the Revenue Member himself quote against you your own arguments? I tell my hon. Friends that, for the sake of party loyalty, they should not sacrifice their own cherished principles of a lifetime. If the party is going to ask every one of its members to commit suicide, will that be a proper and a legal mandate which should be obeyed? Such a mandate would be an illegal mandate and as such should unhesitatingly be broken. I beg, therefore, hon. Members of the Justice Party to set at naught that mandate even in their own self-interest. Now, Sir, the Justice Party is said to be a democratic party though it has now the peculiar fortune of being presided over by an aristocrat. That reason ought not to be quite sufficient for all the democratic representatives of the people in it to be dragooned and jockeyed into a situation merely to buttress the position of the zamindars as against the tenants. The tenants have got a right to expect your support, party or no party. It is not on behalf of my party that I am now making this motion. My own interests in the problem are also practically nothing. Yet, justice requires that the tenants' cause should be supported and protected in this House. But, I have no illusion about the result of my motion. I know that the numbers are very strong against me and I see that the Solar system of the Government has been further reinforced by more than four or five, some by defection, one by resurrection and one by creation, creation being the nomination of Mr. Gopalswami Ayyangar. Sir, these have come in. The Government thought that their forces must be reinforced. To stifle this motion they strengthened their ranks. Now, Sir, the hon. the Raja of Bobbili reminds me of elections. Yes, his paper also said the same thing the other day. I quite agree that we should remember the elections. The suggestion conveyed by him is that it is for the purpose of election that we are doing all these things. What does that mean? That means that I am making a motion which is acceptable to the electorate as against the one moved by them. So, they are here to-day doing something contrary to the wishes of the electorate which sent them and I am here doing something which is agreeable to the electorate. Now, I think the purpose of election cannot better be served than by the step the Government are now taking. What is the situation now? You are going to carry this Bill whether we allow it or not. By all means do so. That means that with your big stick you are blocking the redressal of the

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legitimate and reasonable grievances of the ryots. You only want to obey the commands of the Government and rectify a few minor defects here and there and further support the zamindars against the ryots. Is not that cry quite enough to suppress a party like yours? I do not know if anything more is required. Therefore, even from the point of view of the elections, it is very desirable that you must consult your own safety and not help in passing a measure of this kind. I assure you it is not our intention to have a claim for this Bill for any one of our party. I deny any such intention in our party. I am willing that the provisions of my Bill might be put in the melting pot along with the amendments of the Kumararaja of Venkatagiri. They will then be Sir Archibald Campbell's Bill and neither mine nor the Kumararaja's. Therefore there is no point in saying that my party wants to claim this Bill as its own. I am willing to surrender my rights as the Mover of the Bill to Sir Archibald Campbell if he will only consent to consider these amendments.

"Sir, while reading the several clauses in the Bill as introduced by Sir Campbell, my hon. Friend, Mr. Basheer Ahmed, asked me, what I had to say about the Bill which emerged from the Select Committee. Well, in answer to him I have only to repeat what my hon. Friend, the Leader of the Opposition, Dr. Subbarayan, a zamindar, has stated in regard to the net results of this Bill.

Having sat long hours at the Select Committee considering this Bill, I am sorry I have become more and more impressed with the absence of any overwhelming necessity for it.

"This is what a zamindar says:—

"So far as I can see, the present Bill, in spite of its 120 odd clauses, does not deal with any matter on which either the zamindars or the ryots were keen on obtaining an alteration of the law."

"So it is wanted neither by the ryots nor by the zamindars.

"It does not affect the essential relations between the landholders and the ryots and is not likely to satisfy either.

"As a lawyer I cannot reconcile myself to dealing with lankas without reference to any of the accepted principles of the law of accretions. The provisions in the Bill regarding lankas will do no good to the ryots as, after the passing of this Act, no landholder will allow any tenant to remain in possession of a lanka for more than twelve years."

"Sir, I am very much thankful to Dr. Subbarayan for foreseeing the danger into which the ryot is driven by the amendments that have been made by the Select Committee. The zamindar that he is, says:—

"It has only the effect of expropriating the landholder where out of sentiment or kindness he has already allowed a ryot to remain in possession of a lanka for over twelve years.

The Bill has introduced far-reaching changes in the chapter on Irrigation."

"Here the zamindar gets the better of him:

"But I am afraid that most of the provisions will remain a dead letter. I would therefore not have objected to them had it not been for the fact that at the far-end of the sittings of the Committee, an amendment was introduced

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to the effect that if in accordance with the orders passed under this chapter, repairs are not carried out, the Collector may order a temporary reduction of rent until they are carried out.

"At this he thought his pocket was pinched, and so he stated:—

'This provision for the temporary reduction of rent for non-execution of repairs introduces a novel principle into the Estates Land Act, viz., that of temporary remissions or variations of rent during what may be described as a period of settlement.'

"Sir, in the penultimate paragraph of his note of dissent he further says:—

'One would have thought that a Bill to amend the Estates Land Act would have taken into account the grievances of the zamindar in this respect and would have smoothened his path in realising his arrears. Far from doing so, the Bill has only increased the obstacles.'

"I say with him that the zamindar's path should be much more smoothened by a reconsideration of the whole thing. I only want exactly what he wants.

"Sir, I was tempted to have a cursory glance at the discussion which took place here in connexion with the Malabar Tenancy Legislation. I want to remind hon. Members coming from the West Coast to recall to their minds the various grievances which they put forth on behalf of the cultivator and the kanomdar and the privileges which they secured for them after a strenuous fight supported by the hon. the Law Member who was then on the non-official benches. Having secured those rights for their cultivators and kanomdars, it is only fair that they should not vote against the conferment of such privileges on their confreres in other areas. Otherwise, it would amount to a selfish act and will not be worthy of emulation by anybody.

"Sir, in this connexion I am reminded of the plea put up by my hon. Friend, Mr. Langley, on behalf of the agriculturists and cultivators when the demand for the remission of land revenue for the ryotwari tenants was before the Council. Sir, that speech cannot easily be surpassed in eloquence, in the richness of the material and the strength of the arguments advanced. On this occasion I want Mr. Langley to recall to his mind and not only that, to recall to the minds of his other colleagues sitting with him, that speech of his and plead on behalf of the zamin ryots who are undoubtedly and admittedly five times worse off than the ryotwari ryots.

3-15 p.m. "If he does not do so, I should only think that the speech he made was merely for the purpose of stage management. I am obliged to question the logic and consistency of his arguments. I beg of him to put his influential support and sympathy on the zamindari ryot. While saying all these things I am not unaware of the fact that the Government are really in the know of all these things. I quite realize that the lot of the ryots in the zamin area is awful, is very much worse and they have also the support of the evidence of the Banking Enquiry Committee who state that the value of lands in a zamin area is very considerably less than the value of lands in other areas. But the Government are not

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willing to do anything for the ryots for the reason they seem to think that their Government can only be carried on by the support of these zamindars. It is a wrong notion. People will be coming in by heaps and heaps to support the Government in all their acts intended to benefit the people. That the zamindars alone should be considered essential for the purpose of running the Government is more than what I can say. I want the Government to forget this. They must forget that it rests merely on the influence and support of the zamindars. It is going on for other reasons and it will still go on more efficiently and more benevolently, the more they are amenable and responsive to the legitimate demands of the people.

"I therefore move that this Bill be adjourned till such time as the Bill of which I have given notice also reaches the same stage as this Bill."

* Mr. T. C. SRINIVASA AYYANGAR:—"I desire to second the motion moved by my hon. Friend, Mr. Sami Venkatachalam Chettiar. On this occasion I do not desire to go into the merits of the controversy or the rights and the obligations that subsist between the landlords and the ryots—a subject which beset with difficulties and a proper solution of which is the desired object of the legislation undertaken by the Government. If the Bill had stood at that stage and for the principles on which it was introduced originally, viz., to remove the difficulties which were found in the working of it, one would naturally think whether a comprehensive Bill in the interests of the landlord or in the interests of the ryot or in the joint interests of both dealing with the rights and obligations of both cannot be more appropriately reserved to be introduced on a future occasion. The Select Committee has introduced certain provisions in the Bill which affect the rights in many respects and the innumerable amendments which have been given notice of, said to be, on agreement, on certain matters, between the leaders of the ryots and those of the zamindars, introduce further complications touching the rights and obligations of both. In these circumstances what is the meaning of proceeding with a Bill in which only a few of the points of the ryots are sought to be embodied and many would be left out? A motion was made on the last occasion by my hon. Friend, Mr. Sami Venkatachalam Chettiar, to introduce a Bill in which the ryot's aspect of the matter was put in largely. That motion remains undisposed of. I desire only to point out one aspect of the matter and that is the legislative propriety which may properly be viewed by all the hon. Members apart from the controversy relating to the merits of the Bill. Supposing the House gives leave to Mr. Sami Venkatachalam Chettiar to introduce his Bill by the time this Bill would be referred to a Select Committee or it comes before the open Council with the Report of the Select Committee, the Government Bill would have become law. And when the Bill of my hon. Friend, Mr. Sami Venkatachalam Chettiar, is taken up for discussion, many provisions of the Bill which touch those aspects in the Government Bill, cannot be discussed during the

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lifetime of this Council and they will be shut out of discussion. There will be other provisions of the Bill which will be nugatory whose consideration, though technically allowable will lead to no harmonious results. Admittedly, after the presentation of the Select Committee's report an adjournment of the consideration of the Select Committee's report took place time after time, with a view to afford facilities for a settlement of the difficulties between the landlord and the tenant. Now to suddenly press for the consideration of the Government Bill leaving out the possibility of the consideration of the other Bill would, I submit, lead to very undesirable consequences. If the Government Bill becomes law, the Standing Orders will stand in the way of many of the provisions of the non-official Bill being considered. The situation is peculiar and in the circumstances the consideration of the Select Committee's report would only tend to create a huge amount of discontent in the minds of the ryots. I do not know whether it would be in the interests of the landlords or the ryots to proceed with such a measure. I think prudence, legislative propriety, and also the desirability of settling the vexed question between the landlord and the tenants—all demand that the consideration of the Bill be postponed till such time as would enable Mr. Sami Venkatachalam Chettiyar's Bill to be introduced and the Select Committee to report on that Bill."

"I second the motion for adjournment."

* The hon. the PRESIDENT:—"Both the main motion as well as the amendments that the consideration of the Government Bill be postponed are for discussion of the House."

MR. P. C. MUTHU CHETTIYAR:—"கனவான்களே இப்போது இந்த எஸ்டேட்லாண்டு ஆக்டில் சில விஷயங்களை மருபடியும் திருத்தி அமைக்க ஓர் மசோதா இச்சட்டசபையின் முன்பாக வந்திருப்பதைப்பற்றி எனது சில அபிப்பிராயங்களை தெரிவிக்கின்றேன்.

இம்மசோதாவை பின்பு ஆலோசிக்கவேண்டுமென்று அடியில் கண்ட காரணங்களுக்காக தள்ளிவைக்கவேண்டுமாய் விரும்புகிறேன்.

ஒருதரப்பார் ஜமீன்தார்களை பங்கம் செய்யவேண்டுமென்று கருதி விவகரிக் கிறார்கள்.

மற்றொரு தரப்பார் அக்கருத்தை ஆசேபித்து சிலர் பேசுவதையும் ரயத்து களுக்கு விரோதமாக பேசுவதுபோல் அதையும் மறுத்துரைக்கிறார்கள்.

ஆனால் இவ்விருதரப்பும் செய்யும் விவாதம் பலனாக தெரியவில்லை.

வாஸ்தவத்தில் லாண்டலார்டு ரயத்து இருவர்களுடைய கேஷமமும் ரொம்ப முக்கியமாய் கருதப்படவேண்டிய விஷயம் என்பது ராஜாங்கத்தார் உணர்வேண்டிய பொருள்பு.

ஆரையில் ரெவினியூ மெம்பர் இந்த சமயம் இந்த ஹவுசில் இம்மசோதா வில் பூர்ண அனுபவத்தை உபயோகிக்கத்தக்கவர்கள் அதிகம் இல்லை. என் பதை தீர்மானிக்கவேண்டும்.

இத்திருத்தமசோதா இவ்வருஷம் பிப்ரவரி மாசத்தில் சபைக்கு விவாதத் திற்கு வந்தபோது, பின்னால் யோசிக்கவேண்டியதாக திருத்திவைத்திருந்தபடியால் இந்த சமயமும் வந்தாலும் ஆலோசனைக்கு வராது என்று எண்ணிய ஜனங் கள் அனைவர்களும் அப்படியிருக்க திடீரென ஆலோசனைக்கு எடுக்கப்பட்டது.

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இந்த எஸ்டேட் லாண்டு சட்டம் 1908-ம் ஆண்டு வந்த நான் முதல் கிர மங்கள் உண்டாகி 1909-ம் ஆண்டுத் தில் சொற்ப திருத்தங்களை மருபடி செய்தும் அதில் அனேக விஷயம் சரிவாயில்லை. 1908-ம் ஆண்டு சட்ட தீர்மானங்களையும் அதின் சூக்ஷ்மார்த்தங்களையும் நன்றாய் அறிந்த அதிகாரிகள் சிலர்தான். ரெவினியூ இலாகா மாத்திரமல்ல, நீதி இலாகாவிலும் கூட சில சப்-ஜட்ஜிகள் தான் நன்றாய் தெரிந்தவர்கள்.

இச்சபைக்கு இம்மசோதாவின் விவகார அனுபவம் சரியாய் அறிந்ததாக இல்லையென்று கருராய் சொல்லவேண்டியிருக்கிறது.

வாஸ்தவத்தில் ஜமீன்தார்களுக்கோ இனாம்தார்களுக்கோ குடிசைக்கோ, நஷ்டத்தை உண்டாக்குகிற விஷயம் என்மனதிற்கும் சரியை யாவர்க்கும் திருப்தி யைதராது.

1865-ம் ஆண்டு 8-வது ஆக்டை திருத்த முயன்று 43 ஆண்டுக்கு பிரகு உண்டானது. 1908-ம் ஆண்டு 1-வது ஆக்டு உண்டான முதல் சதா விவகாரம் அதிகரித்து கஷ்டத்தையும் நஷ்டத்தையும் உண்டாக்கிவிட்டது.

லாண்டலார்டும் டென்னென்டும் ஒரே ஒற்றைமையாய் இருப்பதுதான் அவ் விருவர்களின் கேஷமமாகும். அந்த அன்னியோன்னியத்தை கெடுக்க நீன்க்கப் படாது. அந்த வித அனுபவங்களை சொல்பவர்கள் செலக் கம்மிட்டியில் சிலர் கள்தான் இருந்தார்கள் என்று என் அபிப்பிராயம்.

இந்த விஷயத்தில் தெலுங்கு தேசத்தில் சில சம்பிரதாயங்களுக்குள்ளேன். அது மாதிரியே தமிழ் தேசத்திலும் மலையாள தேசத்திலும் சில வழக்கங் களிலிருந்துவருகின்றன.

ஆகையால் இந்தச் சட்டத்தை சென்னை ராஜதானி பூராவும் அமுலுக்கு கொண்டுவருவது பொருந்தாத காரியம்.

அன்னியில் ஒவ்வொரு எஸ்டேட்டிலும் நில உரிமை டென்னியூர் பாத்தி யங்கள் பலவேராக இருக்கும்.

ஹோல் இனாம்தார் சம்பந்தங்கள் அவர்களின் உரிமைகளையும் இந்த மசோதாவில் கலந்து யோசிப்பது பிசகு.

இனாம்தார்கள் உரிமைகள் வெகுநாளைக்கு முந்தி கர்னாடக ராஜாக்களால் தருந்த காரணங்களுக்காக கொடுத்துள்ளனவே. அன்னியினாம்தார்களின் அஷ் துபத்தை சொல்வதற்கு அவர்களின் பிரதிநிதி இச்சபையில் யெற்படவில்லை. செலக் கம்மிட்டியாரும் இதை எடுக்கப்படாது விட்டிருக்கிறார்கள்.

திடீரென அவர்கள் பாத்தியதையை பரிமுதல் செய்வது தர்மமாகாது. இச்சபைக்கும் நியாயமாகாது.

லாண்டலார்டு முறையாலும் சரியே அதைப்பார்க்கிலும் ரையட் முறைமையாலும் சரியே எனக்கு யாதொரு வித்தியாச அபிப்பிராயமில்லை.

"பொது நன்மையையே உத்தேசித்து எனது அபிப்பிராயம் தெரிவிக்கிறேன்.

ஆகையால் இவ்விஷயத்தில் கற்றுணர்ந்தவர்களும் விசாலமான மனதை பொருந்தியவர்களான நான்கு பேர்களுடன் மற்ற சம்பந்தமுள்ள மெம்பர் களையும் சேர்த்து ஓர் கமிட்டியாக நியமித்து ஆனரபில் லா மெம்பரவர்கள் உதவியால் ஒரு ஒரு ஜில்லாவில் 1908-ம் ஆண்டுத் திலிருந்து ஏற்பட்டுள்ள விவகாரங்களையும் அதின் முடிவுகளுடன் லிஸ்ட்டு தயாரித்து அக்கம்மிட்டி நகர பிரதக்ஷணமாக ஒரு ஒரு ஜில்லாவாகப் போய் எவிடென்சு இருதரப்பாரையும் வாங்கி ஒவ்வொரு ஜில்லாவின் நிலவரங்களை ஒழுங்கு செய்து ஒவ்வொரு செக்ஷனிற்கும் சில ஜில்லாக்களின் மாதிரியை ஒதுக்கி சொல்லவேண்டியிருந்தால் அப்படி ஒதுக்கி சொல்லி கம்மிட்டியாரின் யாதாஸ்தை மசோதாவாக தயா ரித்து இச்சட்டசபைக்கு வருமையானால் அது இச்சபை ஆலோசனைக்கு ரொம்ப நியாயமாகும். பின்பு எவ்வித விவகாரமும் ஏற்படாது. அது எல்லோருக்கும் கேஷமத்தையே தரும்."

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* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I rise to support the motion to defer the consideration of the Bill in the form in which my hon. Friend, Mr. Sami Venkatachalam Chetti, has moved it. The House will remember, Sir, that the Government Bill was introduced in January 1932, that on the first consideration of that Bill there was loud protest from various sections of the House that the Bill was not sufficiently comprehensive, that in the form in which it was introduced it did not go really to remedy the grievances under which the ryots were suffering and that the Government should therefore introduce a more comprehensive Bill. I then partook in the debate and said that the Bill as introduced by the Government was one intended to remedy certain technical difficulties, that it was not intended to radically alter the relationship between the landlord and the tenant and that the tenants' representatives, if they liked could have a more comprehensive Bill introduced in the Council which then was expected to come into existence after fresh elections are held. The Bill was formally referred to a Select Committee. At the same time, the tenants had their own Bill drafted and they introduced it in this House and leave was given to Mr. Satyanarayana Choudari to introduce the Bill. He would have in due course moved the Bill to be referred to a Select Committee in July last, but for the fact that having been appointed Public Prosecutor he had to resign his membership of the Council. The result was that the whole procedure in regard to this private Bill had to be gone through again by my Friend, Mr. Sami Venkatachalam Chetti, who got an opportunity to have the Bill tabled in his name. In January again, when the hon. the Revenue Member wanted to introduce this Bill, the Select Committee Bill, there were pourparlers as to what should be the attitude of the various parties. One section thought that neither of these Bills should come up during the lifetime of this Council, that both of them should be given up and that the new Council should take up any Bill that it thought fit. It was then thought that the life of the Council would soon come to an end and that fresh elections would be held in the course of this year. But now it transpires that the Council's life is not to be so short as was expected. His Excellency has already announced the extension of the Council for a year and what, by the end of the year would intervene, we do not know. But all things point to the probability that the Council might be extended for a further period of one year. In these circumstances, it has become necessary in the interests both of the landlords and of the tenants that something should be done not to postpone the consideration of the serious questions agitating both of them. I really take it that the hon. the Revenue Member in trying to push through this Bill is actuated by a motive of this sort, that is to say, to see that some legislation is undertaken in the lifetime of this Council itself. At the same time, I fail really to understand the attitude of the Government with regard to the non-official Bill. I can quite understand the move of the hon. the Chief Minister, the Raja of Bobbili, at the time when the non-official Bill was moved last time for leave being given to it. As representing the

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landlords he should not be and he was not anxious that leave should be given. Whether ultimately he will see to it being rejected, it is a matter that will be left to him later on and to his party. Anyhow, he then proposed that the differences between the two sections should as far as possible be adjusted and that he was going to take steps to bring about a better understanding between the two parties. He convened a conference. Some of us attended the conference. There was a spirit of give and take; there was some talk about the lines on which legislation should proceed. A draft was proposed to be made by three representatives and after the draft was made, the question as to how far there could be agreement on the many points that arose should be considered. I do not want to enter into the controversy of what any member said or what any member did not say, but it is clear that somehow there has not been an agreement reached so far, that the draft which the Raja of Bobbili prepared has evidently been put into the hands of the hon. the Revenue Member as representing some of the amendments which might with advantage be embodied in his Bill as settling to a certain extent the differences between the two classes. And, we find, Sir, that amendments have been tabled by the Ministerial Party. About seven or eight of them have given joint amendments. The Kumara Raja of Venkatagiri is supported by a representative of the depressed classes, Mr. Jagannatham, and is supported also by a representative of labour, Mr. Basu Dev. (An hon. Member: Labour? Yes, labour. I do not know what else he represents. Well, Sir, it looks to me evidently that the hon. the Chief Minister has along with these representatives of labour and the depressed classes formed a perfect happy family, and that the millennium has come where the zamindars, the depressed classes and labour can sail together and a common set of amendments can be given. I know, Sir, on a memorable occasion, the hon. the Raja of Bobbili twitted those people who called themselves the representatives of the ryots and said that they were not real representatives. I am glad to congratulate him now, Sir, on the fact that he represents in himself the zamindar, the ryot, the depressed classes, the labourer and the tenant and that his party is a happy family consisting of all these groups working together harmoniously. It is probably that millennium that has prompted him to induce the hon. the Revenue Member to take this opportunity of introducing this Bill and pushing on with it.

"Sir, on the last occasion when my hon. Friend, Mr. Sami Venkatachalam Chetti, asked for leave to introduce his Bill, in reply to the appeal made by the Raja of Bobbili that these things should be settled, I rose up and said that we on our side were willing to give unstinted co-operation. We have kept up to that. At the same time, I said that, if really a compromise was to be reached, it would be more fitting that, if really the necessary steps to that end were taken by the Government, that is, the hon. the Revenue Member, by calling the representatives of both the parties to meet together. Sir, I threw out that suggestion then and in spite of that suggestion, when the hon. the Raja of Bobbili called us to meet him, we thought that something

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could come out of it and we did go there. As everybody knows, we could not come to an agreement and there was not sufficient time for further discussion. Under the circumstances, I thought that the hon. the Revenue Member would have taken the hint and while he took over the amendments handed over by the Raja of Bobbili, he would have had the courtesy to take the other members of the conference into his confidence and discussed with them those amendments and asked them: 'Are you agreeable to these amendments or what other amendments have you got to suggest?' On the other hand, what do we find? We found in the papers a week back that the Government had decided to introduce the Bill. The next day came the news that amendments were put into the hands of the hon. the Revenue Member by the hon. the Chief Minister, amendments which purported to be amendments which had been agreed to between the parties concerned. On the third day we had the revelation that in the Secretariat there was consultation as to which of the amendments should be accepted and which of the amendments should not be accepted. The result of it is, we find, that we have several amendments tabled by the Ministerial Party. They have been tabled by a number of Members representing various interests and it looks as if the whole ryot population will be satisfied with these amendments.

"Well, Sir, we, standing here, have to see what we consider to be the interests of the ryots and what the ryots will be satisfied with. The hon. the Raja of Bobbili might have his own ideas of what will satisfy the ryots. We take it, Sir, that when he thought it best to give us some kind of representation by being called to his conference, that our views may be taken up now if not by him at least by the hon. the Revenue Member. Sir, so far as this Bill is concerned, as I said, the very Bill was not acceptable to the ryots even in its first reading. That it is not acceptable to them to-day is increasingly becoming evident by various meetings held elsewhere throughout the country. Only to-day, Mr. Patnaik Mahasayo has received a telegram from a Ryots' Association in Ganjam objecting to the continuance of the Bill. If you take the side of the landlords, the minute of dissent, or the minute of my hon. Friend, Dr. Subbarayan, which has been read to this House, will show that, so far as the zamindars are concerned, that is to say, to the extent to which my hon. Friend, Dr. Subbarayan, can speak on behalf of the zamindars, the Bill is not acceptable to them. I ask, therefore, the hon. the Revenue Member: in whose interest are you proceeding with this Bill and trying to push it forward? If it is in the interests of the ryots, who are the ryots whom you take as their representatives? If the hon. the Revenue Member feels satisfied that the hon. the Raja of Bobbili represents also the ryots so far as the zamindari areas are concerned, I wish him god-speed and let him push forward this Bill. But, if he feels that there are ryots also whom the hon. the Raja of Bobbili cannot represent, I think, Sir, it is the bounden duty of the Government, if they want to hold the scales evenly between the parties, to defer the further consideration of this Bill.

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"What is it that the ryots or their representatives want? We do not want that the Bill should be perpetually postponed. We feel and clearly feel that the time has come for some kind of legislation to be taken into consideration. All that we say is, in view of the fact that the lifetime of the Council is extended much beyond what we expected, that there is time to enable a legislation to be undertaken to the satisfaction of both parties. We come forward with a concrete proposal on behalf of the tenants; here is a Bill which we propose to introduce. We ask a fair chance to discuss that Bill. It was said that the landlords were preparing a Bill of their own to put forward their views. Well, Sir, whatever may be the difficulties encountered with regard to the introduction of a private Bill, I am sure that no such difficulty can ever be felt by the hon. the Raja of Bobbili or a Member of his party to introduce a Bill. It was only yesterday that we found that previous sanction has been given for a Bill for the purpose of improving the Impartible Estates Act; leave has been given for the introduction of the Bill and prior publication has been ordered; it is ripe even now to be passed into law without being referred to a Select Committee. My hon. Friend, Mr. Bhanoji Rao, has got the distinction to introduce that Bill. So, there will be any number of opportunities to introduce a Bill on behalf of the landholders, by the Party in Power, incorporating what they consider to be their minimum demands or to what extent they can go. Such a Bill has every chance of being referred to a Select Committee much earlier than the Bill given notice of by Mr. Venkatachalam Chetti. If the Bill of Mr. Venkatachalam Chetti is referred to a Select Committee and if the Select Committee should dispassionately consider all the various aspects, then it will be possible for the representatives of the tenants to say that they tried their best to put forward the case of the tenants, and that the Council has tried its best to the Bill being referred to a Select Committee and its provisions being considered in all their aspects and that they might take their chances. What is it you propose to do? Last time when leave was asked by my hon. Friend, Mr. Sami Venkatachalam Chetti to introduce his Bill, it was stifled by a motion for adjournment. Two months elapsed to call a conference; something took place at that conference and some amendments have been put forward as agreed amendments. No days have been allotted for the transaction of non-official business during this session, because the question of giving leave to the introduction of the Bill of Mr. Sami Venkatachalam Chetti would arise. Evidently the Government anticipated what was going to happen. They want that the Bill before the House should first be passed; then they want to say that leave should not be given to Mr. Venkatachalam Chetti's Bill for introduction on the ground that a Bill had already been passed. I ask: is that fairness to the people? Is that fairness to this House at least? You have got Members and party strength; by all means carry the Bill forward. That is a more straightforward course than trying to forestall by putting forward this Bill and then probably coming forward

3-45
p.m.

100 A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908,
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)

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with the objection that a Bill has already been passed and that Mr. Venkatachalam Chetti's Bill need not be proceeded with. That is the very sore point. After all, the world is looking at our proceedings. It may be that the hon. the Revenue Member and the hon. the Raja of Bobbili with their party strength will get through the Bill in any form they like. I have no doubt about that. I shall congratulate the hon. the Raja of Bobbili if he goes forward and tells the country that he is as good a representative of the ryots as Muniswami Nayudu can be; 'here is my production; it is intended for the benefit of the ryots.' The Bill now before the House may go through the Council. The hon. the Raja of Bobbili can go to the country and his party can go to the country and say these are the things to which we are agreeable; we are as much your representatives as any others can be. That is a course which I leave entirely to them.

"But speaking on behalf of the ryots, the minimum that we say is that Mr. Venkatachalam Chetti is ready with his motion; you are averse to give a chance to his Bill going forward. If the lifetime of the Council is not sufficient to allow a Bill to pass through—suppose it lapses because the Council is dissolved—the Government Bill goes and the private Bill goes. If there is sufficient time for a private Bill to emerge from the Select Committee, the two Bills can go forward side by side. To dash through the Government Bill at this stage is not desirable either in the interests of the tenants or of landlords. Some of the provisions of Mr. Venkatachalam Chetti's Bill which are necessary and which are harmless may be incorporated in the Government Bill. It is not wisdom to throw away all the provisions of that Bill.

"I presided over a Conference of zamin ryots some days ago and I tried to persuade them to pass a resolution that the Government Bill may go forward if the lifetime of the Council is extended. I am not against that Bill being considered if there is sufficient time. I, for one, would implore and request the Government to take into consideration the feelings of the ryots also and to give a chance to have the other Bill also considered and to the Bill to emerge from the Select Committee—a convention established in this House. In that case the Bill will have the support of a fair proportion or even a majority of Members of this House. We may disagree with some of the points; but the best way of considering any Bill is to allow it to go through a Select Committee. I have had it to my experience; we have had it to our experience. It will be difficult for a Council like this to come to a compromise on any important point in the open Council. Compromises can be arrived at easily at the Select Committee stage. The zamindars may feel that some of the provisions of Mr. Venkatachalam Chetti's Bill may not be acceptable to them. In the Select Committee I am sure there will be representatives of their interests also. The provisions which are agreeable may be accepted and the others may be rejected. But the proper method is not to try to stifle the other Bill. If the

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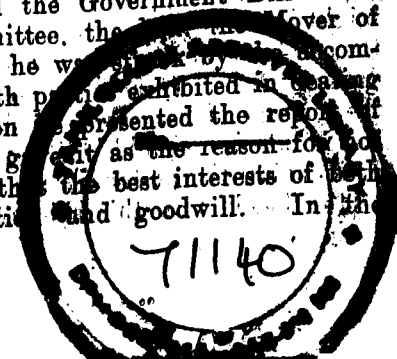
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Government rise up and say 'we should go forward with our Bill', they may do so. The hon. the Chief Minister said when he moved the adjournment motion last time, that they were not opposed to private Bills going forward. Even to-day there is no indication whether they would allow the private Bill to go forward. They have flung the Select Committee report on the Government Bill. These circumstances clearly go to show that the provisions of the private Bill are not acceptable to the landholders. The Government and the Ministerial Party have come to some kind of arrangement among themselves; the Government perhaps propose to incorporate the amendments which are in favour of the landlords. That is a matter which I do not want to anticipate. All that this motion says is 'do not adjourn the Bill indefinitely; adjourn it so as to give a chance to the other Bill also being considered; if the lifetime of this Council is sufficient, let the other Bill also have the opportunity of being reported on by a Select Committee; both the Bills may be taken up together; whatever provisions of Mr. Venkatachalam Chetti's Bill are agreeable, they may be embodied in the Government Bill. This is the minimum of our demands. I do not want to say anything more than this.

"We are passing through very serious times; there is keen economic distress. Mr. Venkatachalam Chetti appealed to the ryots of Tanjore and Trichinopoly. I would appeal to the whole country. Ryots are ryots everywhere, whether in the Government area or in the zamin area. They are feeling the pinch of it very much. It is not advisable to go forward with a Bill which satisfies neither party. Of course the Government may say 'we are creating some business rather than having no business; this business is not liked by any section of the people at all. I leave it to the good sense of the hon. the Revenue Member. So long as Diarchy continues, so long as the Reserved Departments are in the hands of the Government, I expect him to be impartial in this matter and hold the scales even between the landlord and the tenant. I do not want him that he should give an impression—I do not charge him with being a party to it—to the people that he is carrying out the behests of the landlords and nothing else. That will be the effect of rushing through the Government Bill at this stage.

"With these remarks I support my hon. Friend's motion."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, I was a Member of the Select Committee which considered the Government Bill. In regard to the work of the Select Committee, the hon. the Revenue Member said on 30th January last that he was not in a modulating spirit which the Leaders of both parties exhibited in dealing with the Bill. At the same time when he presented the report of the Select Committee to this House, he gave as the reason for not making further progress with the Bill, that the best interests of both parties lay in their mutual cooperation and goodwill. In the



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interests of such mutual co-operation and goodwill, he made an appeal to both sides and to all parties in this House. He wound up by saying that representations had been made to him that there was a general desire to postpone the discussion of the measure. Putting it in those significant terms, he said that he would ask the House for leave not to proceed with the motion which stood in his name, to take the Bill into consideration. I submit, Sir, that that was a fair indication that, as Government was then advised, it attached considerable importance to co-operation on the part of the zamindars as well as on the part of representatives of ryots; and the postponement of the measure was to be only for such time as would be necessary for all parties in this House to feel that the occasion was ripe for going ahead with the Bill again. What has happened since 30th January last for this House to be suddenly surprised by just a week's notice, that the Government will proceed with what it had dropped on the 30th January? Have all the parties in this House been taken into their confidence by the Government in any real sense so as to enable the Government to feel and say that after so taking them into their confidence, they now feel as the general wish of all parties concerned that the Government should now proceed with the Bill? Nothing like that. From what has been already made clear by the speeches delivered to-day on the floor of this House, all that appears is that the hon. the Raja Sahib of Bobbili—whether as representing the landlords alone or as representing in his own way both the landlords and the zamindari ryots—gave it as an impression to the Government Member in charge of the Bill that the occasion had become ripe for the Government to go forward, there being a radical change since 30th January last. I think I would be underrating the hon. the Revenue Member's shrewdness if it can be said of him that he could easily assume that the hon. the Raja of Bobbili is really representing all parties in the House. It is absolutely clear that the Leader of the Opposition and various other Leaders in this House who can undoubtedly rank as prominent leaders and representatives of the ryots' interests, were not consulted before the Government made up its mind whether the postponement which was agreed to because all parties desired postponement, can now be given up in the sense that all parties desire that the Bill should be proceeded with. Well, it is clear that none on this side of the House has been taken into the confidence of the Government and the Government has felt free to proceed with the Bill because the Government feels that it can command enough support to make sure of the passage of this Bill. That might be so, but it seems to be going back upon the ground on which the postponement was moved by the hon. the Revenue Member in January last. If he thought that so much consideration was due to the leaders of the ryots and to the Opposition Leaders in January last that he should take their wishes also into consideration in announcing the postponement, how does it happen now that the wishes of the Leaders on this side are discounted altogether in revising that

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decision of the Government to postpone consideration and to announce almost in an ex parte fashion the revised decision to proceed with the Bill?

“Now this Council has been extended for one year. The chances appear to be that this extension will be further prolonged and the elections are likely to come on not on this side of two years. If so, any delay that might be involved in taking on hand a Tenants' Bill would not be so great as to block the passage of the Government Bill. After all, the Government Bill is not a measure which goes any length either in favour of the ryots or in favour of the zamindars. As the hon. the Revenue Member has himself explained more than once, that is a Bill that is intended merely to get rid of certain procedural difficulties which have been experienced in the working of the Act of 1908. It leaves untouched the substantive rights of the ryots on the one hand and the rights and powers of the zamindars on the other hand. That being so, no great importance would attach to the Government measure on its merits and no great disadvantage could be pleaded by a mere postponement of such a measure introduced by the Government. The more important thing to achieve is really a measure that will put on a stable and equitable basis, for some appreciable length of time, the rights of the zamindars and of the ryots. If two years' time, as anybody must concede, would be more than ample for going from start to finish into rival measures of legislation or a comprehensive measure of legislation affecting the position of both the parties, there is really no justification for preventing the chances of a Tenants' Bill going ahead along with the Government measure. The bitterness of the situation appears to be accentuated when under colour of merely getting rid of difficulties experienced in the administration of the Act, amendments are tabled in the interests of zamindars which, if allowed to be in order and passed, would really work injury to the interests of the ryots. Obviously, if one-sided amendments of that kind should be held to be in order, then the position would be like this: for technical reasons, substantive clauses or amendments in regard to tenants' rights might fall to be ruled out, while amendments for the benefit of the landlords might come to be passed in a partial fashion. The net result would be that the legislation as it emerges from this House on the present occasion would be an incomplete piece of legislation which would not only get rid of administrative difficulties but would tend one-sidedly make room for some incomplete provisions which would tend one-sidedly in favour of one side as against the other. Altogether, the result is not likely to be satisfactory—such as might be possible if this Bill were to be proceeded with on the present occasion, with one-sided amendments alone falling to be considered. I think, Sir, that enough has been said to-day on the floor of this House to induce the hon. the Mover of the Bill to revise his mind and to re-assume the position with which he wound up on the 30th of January last. The pose that he then adopted was one of equal consideration to the Leaders on both

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sides, of equal consideration to all sides and parties in this House. At the present juncture, his action almost betrays him as if he has revised that pose and taken sides with one party as against the other. Now to give rise to such an impression is by no means the wisest thing on the part of the Government to do. I therefore would add my appeal along with that already made by others on the floor of the House to-day to the hon. the Mover of the Bill, that he had better revise his mind and whether he allows as much time as is asked for in Mr. Arasu's amendment or as much time as might be involved in Mr. Sami Venkatachalam Chettiyar's amendment or not. I ask that at least this might be done: that the consideration of the Bill be not proceeded with now, that it be definitely postponed to a stated day not earlier than January. I am not moving a further amendment, but I am only making a suggestion in supporting Mr. Sami Venkatachalam's amendment—at least that he might agree to its consideration being postponed till January, so that some progress might be made in the direction of the introduction of the Tenants' Bill and the situation might then be gauged after such introduction, so that if it would then be felt in the light of the progress made with the private Bill, that after all there was nothing to be lost by that Bill being also referred to the same Select Committee as sat over the Government measure and the whole thing coming up for joint consideration before this House on a further occasion—I think such a procedure would really tend not only to satisfy all parties in this House but would enable the Government to claim that really they have not taken sides, really they do not depend merely upon the support of the zamindars with for the moment their satellites."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I do not want to give a silent vote on this motion, and therefore I wish to place a few facts before hon. Members from my point of view. The hon. Member for the City is most excellent when he is most irrelevant. A great part of his speech was devoted to a reading of the history of the Bill which is quite unnecessary and quite beside the point. The hon. Member wanted to go back to a period of fifteen or twenty years and read all the clauses then formulated and again asked us to go through a number of clauses in the hon. the Revenue Member's Bill with a view to show that there are many things more to be added to the Bill so that it may be more effective than it is at present. Then, Sir, he only read the last concluding portion of the Revenue Member's speech on a previous occasion—which was to his point—and he said that the ryots do want a measure, the measure which he has so ably, so intelligently and with such deep knowledge and experience of the conditions of the ryots, prepared—though admittedly he is neither a landholder nor a ryot, and, much less than that, is not acquainted with the relations that exist between the landlord and the tenant. I concede and I confess that it was only a few weeks back that he took the cue and presided over one or two meetings or conferences, where he

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gave out different views on this matter. His Ellore speech is characteristic of his ignorance. This will show that there is anything but clearness of exposition or understanding even from the point of view of the ryot.

"I would not enter into the many points which he has raised, Sir; suffice it to say that he has urged that the present Bill of the hon. the Revenue Member is all one-sided, that it protects only the interests of the landowner, that it ignores the ryot altogether, and he even challenged that nowhere in the Bill could he find any trace of any support for the interests of the ryot or any protection of the interests of the ryot. He is a bold man, Sir, and I am sure he has the courage of his conviction; but accuracy would demand a thorough analysis of the position before saying that the ryots' interests have been ignored or have not been safeguarded. It is too much even for the hon. Member, accustomed as he is, to speak in the strain in which he did, to say that this Bill of the Revenue Member is all one-sided, that it is all supporting the landholder to enable him to get a firmer grip over the ryots. Sir, it passes my understanding that a responsible Member of this House should have the courage to make such a statement on the floor of the House in respect of the provisions of this Bill. It may be due to want of study or understanding. When we look at the provisions in this Bill relating to the ryots' interests and those that exist under the Act of 1908—occupancy right is presumed to exist in the case of every ryot who was in possession at the time the 1908 Act was passed—we can realize what this Bill further develops; that the occupancy right is better safeguarded, that that right is further strengthened in regard to other lands such as Lanka and inam which the landholder is now in possession of. Therefore, it is too much to say that the ryots' interest have been ignored. As I said, the ryots' interests have been strengthened further. In regard to the payment or collection of rent for instance, in regard to the realization of rent, and in other important matters, some of the powers which are vested to-day in the landholder have been minimized and regulated. Again, in regard to irrigation repairs, the provisions have been made sufficiently elastic so that the ryot may have the opportunity to have them attended to at the proper time. These provisions would enable the ryot to have security of tenure in the land properly cultivated and put him in a position to demand that timely repairs should be carried out to the irrigation sources, without leaving them as now, to the sweet will of the landholder.

"I do not want to take up more time of the House, Sir, by going into further details, such as trees and tree pattas, etc., which the hon. Member for the City referred to. I would only say that the custom that prevails in this Presidency is known both to the landlord and to the tenant. There are two kinds of pattas; one where the trees are included in the land patta and the rent also is commuted and included therein; the other where the tree pattas are different from the

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land pattas. Similarly in regard to produce and the commutation of rent, there are different systems prevailing in different parts of the province; and the provisions in the Bill endeavour to reconcile the various customs and various practices that exist in the different parts. How can the ryot say that this Bill is not in his interest, that it is only protecting the interests of the landholder? I would ask the hon. House not to be guided or swayed by the eloquence of my Friend from Chittoor. You know he is a very powerful and plausible advocate. He can make a weak case look strong; he can present a weak case in a manner most attractive, with great eloquence so that you may be attracted to his plea. You will also remember that the hon. Member for Chittoor was a Member of the Select Committee and accepted the report; he knows the interests of the ryots much more than the hon. Member for the City. But yet, the hon. Member in his enthusiasm to plead the cause of the ryots, forgot the conditions under which this Bill has been formulated. For many years himself and others representing both landholders and tenants, took part in the discussion of the principles on which this Bill has been drafted. These principles have been more or less agreed upon, and report after report embodies these conclusions. And the hon. the Revenue Member has been able to wade through all these discussions and arrive at this Bill in the form in which he has presented it to this House. We are grateful to the hon. the Revenue Member for all this. Some hon. Members of this House have suggested that we are undemocratic and unsympathetic. But I ask all hon. Members, sitting on this side or that, 'Are you not in favour of reasonable protection of the interests of the landlord and tenant? Are you opposed to the interests of the ryot in any way? Are you in favour of anything that would cause disturbance in the relations between the ryot and the landlord?' We all stand for the just rights. We are all committed to see that justice and equitable adjustment exist between the landlord and ryot. We do not want either the ryot or the landlord to suffer. Why should we wish that there should be any confiscation of the vested interests of the landholder? We may say from platforms that the permanent settlement is only waste paper, that the ryots as well as the zamindars are only isaradars, and that zamindars are only like toll-gate contractors, as some hon. Members who could not think of a higher or nobler analogy than that, have said. They cannot conceive of a higher ideal than a toll-gate contractor I suppose. Surely hon. Members will realize that this is not what is expected of them. Let matters stand there. Whatever may be the position of these unfortunate or fortunate zamindars, the Government having entered into a contract with them, the right to the property is vested in them. You want to divest them of an immemorial right of theirs. You are not entitled to do so, but I must confess that I have no argument with such advocates, because it means communism or Bolshevism. My Friend, the hon. Member representing the City of Madras, will be the last man, I take it, to advocate such communistic ideas.

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'Now, Sir, my hon. Friend from Chittoor said that the Bill is not very satisfactory even to the zamindars and he quoted in support of his argument from the minute of dissent of Dr. Subbarayan, the democratic damindar. But the last paragraph of this minute shows how far this Bill falls short of the expectations of the zamindars and also suggests that the zamindars in spite of defects are content to proceed with the Bill, and have their rights fully and formally defined so that there may be no further trouble between the landlord and tenant. I want just to read to you this last paragraph of the minute of dissent of Dr. Subbarayan on which so much emphasis was laid. It is this:

'Although the Estates Land Act contains provisions for the recovery of rent by distraint and by sale of the ryot's holding, those provisions are hedged in with so many restrictions that it is very difficult for the zamindar easily and cheaply to realize his rent, and the path of the purchaser is beset with so many obstacles that where a distrained property or a holding is sold it is not easy for him to obtain possession.'

'What further testimony do you want, Sir, to show that this Bill is not one-sided and is not wholly in favour of the landholders? Here is the statement made by a responsible member who feels that the rights of the landholder have been so far minimized that the zamindar cannot easily realize his rent. The hon. Member from Chittoor possibly relied on this to show that the zamindars were not satisfied with this Bill.

'Again, Sir, the hon. Member said 'Why this haste? Why should you rush through this measure? Why not you wait till what we have proposed comes to such a stage that both the measures may be taken up together?' I appreciate that argument, and we have very great respect for arguments coming from the hon. Member from Chittoor. But let us examine the question calmly. Is it not open to any Member to say 'I have my Bill, which is an alternative measure. Please wait till my measure also comes to such a stage that both may be considered together.' But this Bill under discussion was prepared many many months back. There was ample time for these people who are now shedding tears so profusely for the ryots to consider and suggest amendments to this Bill. What have they been doing all this time? Was not this Bill placed before the people affected for consideration and criticism? Had they responsibility enough or sense enough to have their measure placed before the public in time to meet the Government Bill? They knew that the provisions of this Bill were there for a long time. The Bill was published in the papers, in the gazette, etc., so that they could have read it and taken action in proper time. Was that sense of responsibility shown by these people to prove to the parties interested that their Bill is a complete measure so that establish a just claim for its consideration by this House? I heard hon. Members crying out when the hon. Member from Chittoor was speaking, 'Oh, elections!'. I am not one of those who think that the passing of the measure of the hon. the Revenue Member is going to establish popularity one way or the other. The ryot knows his interests. The daily contact between the landlord and the ryot is

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something quite different from what the hon. Members are talking about here. We are now in an unreal atmosphere. Please examine the position in the villages and in the mufassal towns. Is there that rancour, that bitterness, that has been attempted to be made out as existing on the part of the ryot? I know the ryots. It is too much to say that there is such an amount of disgust, disappointment and despair among the ryots. Therefore, to say that the measure that has been proposed by the hon. Member for the City of Madras should now be considered and that it is the only measure that will bring salvation to the ryot is too much. It may be a very good measure. It may contain provisions which from his point of view may be good, but which go radically against the proposals of the hon. the Revenue Member. Is it not one-sided? I do not want to go into the details of these proposals. Take, for instance, only one question, namely, that of rent payable hereafter. It has been stated that the rent hereafter to be paid to the zamindar should be decided and that it should be regulated as the rent of a Government land. In other words, it is suggested that we should do away with all those statutory rights created by the permanent settlement. By one stroke of the pen you want to bring down the zamindar to the position of a pattadar. We know the ryot is half owner, co-owner of the land according to the Estates Land Act. He has the occupancy right and the zamindar has the melvaram right. As an occupancy tenant he is considered co-owner. Now, the arguments advanced here show a grave misunderstanding of the position of the ryot in the mufassal. He has got the right of mortgage, and of lease. He has got the right of sale or transfer. He has got all these rights in the land he occupies. He is, as I said, co-owner of the estate, only subject to the payment of the kudivaram to the landholder. Therefore, under these circumstances, to deny the existence of all these rights which have been accruing to the ryot and to say that the landlord must be obliged to receive rent only to be fixed as if the land is a ryotwari land is not just or lawful. I admit that in zamindaris the rents are higher than in the ryotwari areas. I know estates where I appeared on behalf of the ryots. I was an advocate on behalf of ryots in commutation cases in six zamindaris in my district. This commutation was made at a time when the prices were high and the ryots thought that by such commutation they would be able to get Rs. 100 per acre out of which they need pay the zamindar only Rs. 25 or so. They thought then that the arrangement was very good for them. Now what has happened? The prices have fallen and the zamindari ryot feels that he made a serious mistake as now he is not able to pay even that small rent of Rs. 25 to the zamindar. Now on account of the economic depression the situation has changed. It is also the case with the ryotwari lands. But still the remedy for the present economic difficulties lies not in the proposal made by the hon. Member for the City of Madras. He can propose the necessary amendments to the Bill now before the House, and protect the ryot from the arbitrary demands of rent. The remedy is to propose amendments to this Bill in such a manner that we may improve and thereby

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adjust the relationship between the landholder and the tenant, and enable them both to live amicably. I do not call the other measure confiscatory, but it amounts to depriving property and other rights legally vested in the zamindars.

"Then, Sir, the hon. Member has said, 'Well, what harm is there if you give some more time so that we may take into consideration all the various amendments and see what could be done with regard to our own measure.' In regard to consideration of the amendments, the hon. Members have my full sympathy and support. It is true that the amendments are still coming in and even now some amendments are being circulated; I quite agree that the time is not enough for us to analyse them and put forward reasonable pleas. If an adjournment of a day or two is allowed for this purpose, then it will be quite sufficient. We may collect all the amendments and consider them carefully and thereby minimize the time necessary for the consideration of this Bill. That will be a more suitable method than postponing the measure. I think considering all the circumstances, I am prepared to support the motion made by the hon. Member."

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, my hon. Friend, Sir Patro, felt somewhat diffident to speak after the eloquence of the previous speakers. I have to confess I am under even a greater handicap in rising to speak after his own eloquence has been added to that of the others, who preceded him. I am one of those who from the beginning have held the view that the Estates Land Act Amendment Bill should not be taken up for consideration by the House constituted as it at present is. It is always a mistake for the House constituted in particular circumstances to undertake legislation on the eve of its dissolution, on important matters, knowing full well that another Council is going to come in and that it will be established under completely different circumstances. Our experience of legislation enacted by the Council of the pre-Reform days has not been happy. I have it on the authority of one sitting on the Treasury Bench that he felt that the pre-Reform Council ought not to have taken up the duty of enacting new measures, and that his advice was not heeded; and all of us know with what results the old Council placed the new Acts on the Statute Book. I apprehend that similar difficulties will arise in the case of this Bill, if it is made law. It would be unfair on our part to rush through legislation now when we know full well that the constitution and interests of the new Council are bound to be quite different from those of the present Council. There is another reason why we should not proceed with the amendment of the Estates Land Act. If I remember rightly, Sir, soon after the Bill emerged from the Select Committee and came up for consideration by this House, there was a hurried consultation among the different representatives of the House. It was then understood that the Government Bill should be dropped and at the same time no other Bill should be brought forward during the lifetime of the present Council. However, I must say, in fairness to my Friend Mr. Muniswami Nayudu, that he refused to give a guarantee that, so far as he or his people were concerned, he

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would make himself responsible to give such an undertaking. But, whatever may be the attitude of my hon. Friend, Mr. Muniswami Nayudu, it is clear to my mind that no Member can succeed in introducing a Bill into the Council, if the parties to the first pact stood by their promises.

"Again, Sir, there is another reason why this Bill should not be taken up now. From the discussion I have had with people representing different interests, I find that in the opinion of some people the interests of the inamdars have been given the go-by. Similarly, the ryots are feeling that their position has been made worse in regard to some questions. I have no doubt that the zamindars are convinced that this Bill involves considerable hardship to them. I know that the Bill, as introduced, can be passed into law. That would mean that it crystallizes the ills which different interests are objecting to, and gives stability to the disadvantages which each one is complaining against. And when can say when this Bill, enacted into law, will be taken for further consideration by the succeeding Council? It is one thing to introduce a Bill and compel it to be passed into law and quite another thing for these inequalities to be rectified by another Council, in any reasonable time. There is no urgency for this Act. It has been waiting for 18 years and there is no particular urgency for legislation at present. So, in the interests of all the people concerned, it will be best if the motion of my Friend, Mr. Arasu, is carried, namely, that this Bill do stand adjourned to-day six months, meaning thereby that this should never again come in this Council. If the Government will not agree to such a course, I should say, in all fairness, that they must give an opportunity to the other side also to have their amendments considered. If they are so determined that this Bill should come into operation, it is quite open to them to say that the amendments of the Opposition be referred to the same Select Committee as considered the Government Bill. My Friend, Mr. Venkatachalam Chetti, is quite content that his amending Bill is considered by the same Select Committee; and if necessary, the Government may fix a time-limit within which the further report should be sent. I think it is but fair that other view points should be allowed opportunities for expression in this House."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I do not understand why such strenuous effort is made to have the Bill postponed. Sir, there was an observation of the High Court that the existing Act is to be legislated upon and to be amended and the hon. Member, Sir Archibald Campbell, brought forward this Bill. This House, including Mr. Muniswami Nayudu, Mr. Venkatachalam Chetti and Dr. Subbarayan, accepted the passing on of the Bill to the Select Committee which was formed of all parties of the House. The Select Committee brought forward an almost unanimous report and the only dissenting note was that of Dr. Subbarayan. Dr. Subbarayan is a frank, open-hearted gentleman. He said 'My rights as a zamindar are taken away, what can I do?' His rights are taken away; where have they gone to? To the ryots. So, he cannot say that the ryots did not gain. The zamindars lost something and the ryots

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gained something. (A voice: 'What is that something?') If the amendments brought forward by the Justice Party were to be passed, there will be a Bill which will be most advantageous to the tenant and, even if there is something wanting—there are five hundred amendments and if those amendments advantageous to the tenant are considered and absorbed, you will have a perfect Bill most advantageous to the tenant. I am sure this Council will accept all the amendments short of socialistic and Bolshevik ones. We are all tenants. In the Justice Party, there are a few zamindars and many tenants. The party has the credit of having passed City Tenants Protection Bill into an Act against their own leader, Mr. Tyagaraja Chettiyar. The Justice Party has the credit of having introduced the Malabar Tenancy Bill, and having passed it into an Act. I mean by Justice Party, I include Dr. Subbarayan and Mr. Muniswami Nayudu. They all belong to the Justice Party. One is a Justice democrat and the other is a Justice nationalist. My revered Friend, Mr. A. Ranganatha Mudaliyar, said 'Let us wait for the new reforms.' Why should we deprive the tenant enjoying the advantages of this Act till the reforms come; it may be a year or two. Our object is that the zamindars should exist and that the tenants must prosper. Mr. Venkatachalam Chetti referred to Mr. Forbes. Our zamindars or Rajas were either governors or agents appointed by Nawabs of Carnatic or the Emperor of Vizianagar. The generalissimo of the French army, Napoleon, became Emperor. Sometimes even robber chiefs became kings and emperors. The Emperor of Vizianagar sent out so many governors and they became zamindars and Rajas. So also, the Nawab of Carnatic was also the Agent or Governor of the Moghul Emperor and he became ruler of this place. If I am not offending any one, the East India Company began their career as revenue collectors of Nawab of Carnatic and built an Empire. (A voice: 'You are the King of Chepauk?') We want the tenants to prosper and the zamindars to exist. Generally, our zamindars show a paternal care towards the tenants. I know Dr. Subbarayan and the hon. the Raja of Bobbili show this paternal care, and I learn that Maharaja of Venkatagiri sacrificed a lakh or so in the way of giving remission to his tenants. We want remissions to be given to tenants. At the same time, Government also should give remission to their ryots. In Bengal, the lands of a number of zamindars were auctioned because they were not able to pay their contributions to the Government. We should give privileges for the tenant, short of Bolshevism and socialism. We must be up and doing. Let us see that the tenant gets all the advantages and at the same time also see that the zamindars do not become extinct."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Sir, I was a Member of the Select Committee, and in the proceedings that were conducted there, it was remarkable to notice the amount of distrust that existed in the relationship between the landlord and the tenant, and how every section of the Act was being modelled not on the principle of convenience of both the parties but on account of the fact that one side tried to over-reach the other. This want of trust and goodwill is remarkable and may be

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noticed in the proceedings of the Select Committee by any disinterested party. This is a state of affairs which one must very much regret, and if the Bill is passed now, it will only be creative of more litigation and less of goodwill. The one thing that ought to govern the relations between the landlord and the tenant, viz., goodwill, is gradually being undermined as legislation proceeds from year to year. The original Regulation of 1802 was extremely simple. The Act of 1865 made the relationship a little more complicated, and in the Act of 1908, the complications were increased and became very pronounced. Now, in the present amending Bill there is a lot of difficulties conjured up which may possibly arise between the landlord and the tenant, and the persons who are to decide upon the restoration of mutual goodwill and harmony are third parties, who know nothing of the one or the other. Such a piece of legislation can never be regarded as conducive to the establishment of permanent harmony between the landlord and the tenant, nor will it be regarded as one promoting goodwill among them. No legislation which is based on mutual distrust can ever last long. Only such legislation as is likely to improve trust, goodwill and friendliness will lay the lasting foundation for future good relationship, whereas legislation which does not remove the root cause of distrust and ill-will will always remain as a blot on the legislature of our country. I may say that the new legislature that is to come, if properly elected and if it really represents the best interests of the country, will not look upon this piece of legislation as one calculated to put India on a line of progressive advancement. It will be considered rather as a backward step and not as a forward one. It will be very clear to those people that we have been spending a lot of time unnecessarily imagining possible difficulties. Intellectual difficulties there may be many, but practical difficulties there may be none. As a matter of fact, the new Act is very much concerned with how the decrees are to be executed, how rival decree-holders are to get the sale-proceeds of the tenant's right in the land, and in a way to see that there is more disruption in the village than a concentration of the interests of all in the village to the best interests of both parties, the zamindar and the ryot. You will find, Sir, that instead of the village becoming more and more an aggregating unit where people are attracted to live therein for the best interests of all concerned, it is indeed to disintegrate very fast, and thus new problems will be created. The tenants who will flock to the towns will make the life of the people in towns more problematical. Therefore, simplicity must be the characteristic of the new Act. A tenant's holding ought not to be sold. That is the first principle upon which we ought to proceed. His crops may be attached but not his land. He ought not to be allowed either to mortgage or to sell his land voluntarily, much less should his land be sold for arrears of land revenue. Our ancient village system was based on this wholesome principle, namely, that no land should be alienated. You may study the literature on the subject with profit, the ancient Sanskrit literature and the vernacular literature, and you will find that even the English writers who have written about the village community in India, including Sir Henry

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Maine, are all agreed that the village community is the strongest factor that held the people together in bonds of goodwill and mutual trust. Once break that spirit in the village, and you destroy the whole fabric of Indian life. I am sure therefore that the next Council will regret our attempt to disrupt the village life by allowing sale of individual holdings. They will rather try to see that the holdings are not alienated or subdivided, so that piece by piece the whole thing becomes uncultivable and the cost of cultivation rendered abnormally high. They will also find that rent ought to be collected not in money but only in kind, only as much as one-sixth or one-fifth of the produce of the land, as actual produce is raised on the soil, and not imaginary rent which might or might not have accrued. It means the creation of a machinery which will give a correct idea of the produce of the land and of the division thereof between the landlord and the tenant, according to the ability of the latter to pay leaving a sufficiency for keeping his body and soul together, so that village life as a whole may be a source of happiness and not a source of misery as it is now to most people. This will make the zamindar co-operate with the tenant in such a laudable way. He is certainly interested in the well being of the tenant after all, and it will be to his advantage to see what exactly the tenant wants, such as the repair of tanks, keeping the channels in good condition, the sanitation of the village, the maintenance of the village temple and the village school and such other things, as conduce to the moral and material welfare of the tenants. Such will be the idea that future Legislative Councils will hold before themselves to be achieved in respect of our village life. I have always advocated that the literature relating to the administration of village communities in early India before the advent of the British should be published and studied by everyone, so that we may know how the village communities held themselves fast in those days. There was a time when the village communities in India were very happy when the government of the village was completely in the hands of the common villagers. In these village communities every one knew what the village wanted and contributed his experience and knowledge for the general welfare of the village as a whole. Therefore, the representatives of the zamindars and of the villagers are the best persons to consult each other as to the best way of making life in the village really happy and cultured, so that people may have an attachment for the village, for their homes in the village and for their village life. Considered from that standpoint, you will find that many of the provisions made in the new Act are extremely complicated and make life in the village a misery and a burden and not one in which the cultivator may take an abiding and genuine interest in the welfare of not only himself but also of the landholder. Such being the case, I strongly plead that this present piece of legislation will be regarded as a piece of anachronism by generations to come. Intellectually, it may be regarded as a piece of legerdemain, in which the Legislative Council has been indulging. The Act of 1908 and the rulings of the High Court thereon will clearly show how conflicting have been the decisions arrived at thereon, and how the High Court Judges have

114 A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908,
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)

[Mr. C. R. Parthasarathi Ayyangar] [30th October 1933]

regarded the Act as very unsatisfactory and very loosely worded. The present amending Bill makes the Act of 1908 worse confounded, and is likely to create greater complications, leading to greater litigation and greater waste of money. Under these circumstances, I heartily support the motion for adjournment because the Bill does not really solve the question of how the village life may be made worth living, so that more intelligent and cultured people may be induced to live in villages and to co-operate with the villagers and lift them from the present degradation in which they have fallen. Then, the zamindar will certainly help to make their lives a happy one, because in the prosperity of the tenants lies the safety of the zamindar. There is no good talking of communism or any other revolutionary movement. But if you only allow the present state of affairs to continue, it will only make the tenant desperate. His condition is already hopeless; his lands are mortgaged to the sowcar and are brought to sale for arrears of rent and he is evicted from his house and from his holding in the village; so that when he is thus let loose upon society in this fashion he will prove to be a greater danger to society than he is at present. Let the zamindar understand the difficulties of the tenant and sympathize with him, come down from his high level and do everything possible in his power to make the life of the tenant a happy and contented one, so that both of them may work together in a spirit of co-operation for the general uplift and welfare of the village community. It will be a source of gratification to the zamindar, instead of his being an object of distrust as he is now. Legislation therefore will have to be made very simple, the whole relationship being summed up in three or four sections, by which the tribunal for the settlement of all questions shall be the village panchayat consisting of the representatives of the zamindar and the ryots. The army of Tahsildars and Deputy Collectors may come in only for the purpose of helping them to solve their disputes and difficulties. As it is, the whole machinery is very very unsatisfactory. A new machinery will have to be created which will decide what exactly the villagers want and what exactly the zamindar ought to do. Then, they will understand each other, respect each other and live together amicably. Our position, I dare say, will be envisaged by the coming Legislative Councils who will be faced with the problems arising out of our present legislation. Therefore I submit that this piece of legislation is unnecessary and need not be rushed through."

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

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

- * 1. Rules under the Madras Co-operative Societies Act.
- * 2. G.O. No. 3036, L. & M., dated 29th July 1933, fixing the date of retirement of members of the Parachur Panchayat, Guntur district.
- * 3. G.O. No. 2953, L. & M., dated 24th July 1933, extending the term of members of the Bezwada, Nuzvid and Bandar taluk boards up to 1st September 1933.

* Published in the Fort St. George Gazette.

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* 4. List of posts on Rs. 500 per mensem and above created during the quarter ending 30th June 1933.

* 5. Statement containing statistics of revenue derived from the sale of toddy shops and the amount of tree-tax paid by sweet toddy drawers in the districts of East and West Godavari for certain years.

* 6. G.O. No. 2982, L. & M., dated 26th July 1933, regarding reciprocal arrangement with the Coorg Government for payment of tax under the Motor Vehicles Taxation Act, 1931.

* 7. Proceedings of the First meeting of the Finance Committee, dated 2nd August 1933.

* 8. G.O. No. 3470, L. & M., dated 26th August 1933, extending the term of members of the Bezwada, Nuzvid and Bandar taluk boards up to 1st November 1933.

* 9. G.O. No. 3612, L. & M., dated 6th September 1933, regarding reduction of tax for licences for the last month or last two months of a quarter under the Motor Vehicles Taxation Act, 1931.

* 10. G.O. No. 3613, L. & M., dated 6th September 1933, regarding exemption of motor vehicles belonging to the Army Department from the tax leviable under the Motor Vehicles Taxation Act, 1931.

* 11. Copy of memorandum from the South Kanara Catholic Association to the hon. the Law Member regarding the withdrawal of forest concessions (vide supplementary question to Question No. 55 answered on 2nd August 1933).

* 12. Copies of letter from the Conservator of Forests, Ootacamund Circles, Ref. No. 119/32, dated the 28th March 1932, and letter from the Chief Conservator of Forests, No. 2537/31-C-1, dated 5th August 1932, regarding forest concessions in South Kanara (vide supplementary question to Question No. 73 answered on 2nd August 1933).

* 13. G.O. No. 3797, L. & M., dated 15th September 1933, extending the terms of members of certain panchayats.

* 14. G.O. No. 3720, L. & M., dated 11th September 1933, notifying the transfer of villages from the jurisdiction of the Madura District Board to that of the Trichinopoly District Board.

R. V. KRISHNA AYYAR,

Secretary to the Legislative Council.

* Printed as Appendix X on pages 128-129 infra.

* Printed as Appendix XI on page 130 infra.

* Published in the Fort St. George Gazette.

* Printed separately.

* Printed as Appendix XII on pages 130-134 infra.

* Printed as Appendix XIII on pages 135-139 infra.

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APPENDIX I.

[Vide answer to question No. 118 asked by Mr. A. P. N. V. Nadi-muthu Pillai at the meeting of the Legislative Council, held on the 30th October 1933, page 26 supra.]

AT THE COURT AT BUCKINGHAM PALACE.

The eighth day of August, One thousand nine hundred and seventeen.

PRESENT:

The King's Most Excellent Majesty.

Lord President.

Lord Colebrooke.

Lord Chamberlain.

Sir Maurice De Bunsen.

Whereas there was this day read at the Board a report from the Judicial Committee of the Privy Council, dated the 30th day of July 1917, in the words following, viz.:—

“Whereas by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909, there was referred unto this Committee the matter of an appeal from the High Court of Judicature at Madras between Subrahmania Pillai, Kuthalalinga Mudaliyar and Ramasamia Pillai appellants and the Secretary of State for India in Council (represented by the Collector of Tinnevely) respondent (Privy Council Appeal No. 88 of 1915) and likewise a humble petition of the appellants setting forth that on the 6th March 1902 the first and second appellants and two other persons as *dharmakartas* of Tirukuthalanathaswami temple at Courtallam, Tenkasi taluk, instituted a suit in the Court of the Additional Subordinate Judge at Tinnevely against the respondent for a decree declaring their title as *dharmakartas* of the temple to the properties specified in the schedule to the plaint for possession and other relief; that the Court of the Subordinate Judge on the 17th March 1906 passed a decree declaring that the temple was entitled by right of ownership to certain portions of the property claimed: that the first and second appellants appealed to the High Court against so much of the decree as was against them; that the respondent also appealed against the decree, that the appeals were heard together and the High Court on the 18th November 1910, passed a decree reversing the decree of the Court of the Subordinate Judge and dismissing the suit; that the first and second appellants obtained leave to appeal to your Majesty in Council that the third appellant was added as an appellant he having become an additional trustee of the temple; and humbly praying your Majesty in Council to take their appeal into consideration and that the decree of the High Court, dated the 18th November 1910, may be reversed, altered or varied or for further or other relief in the premises:

“The Lords of the Committee in obedience to His late Majesty's said Order in Council have taken the humble petition and appeal into consideration and having heard Counsel on behalf of the parties on both

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sides their Lordships do this day agree humbly to report to your Majesty as their opinion that by consent this appeal ought to be dismissed and the decree of the High Court of Judicature at Madras, dated the 18th day of November 1910, except as to costs affirmed upon the following terms: (1) that the respondent will grant to the appellants the whole of the disputed site lying to the west of the river-bed including the site and buildings of the Santiavanthana mandapam and Kasilingaswami shrine (Nos. 4 and 5 on plan, Exhibit P) and also the Tirthavari mandapam and its verandahs (Nos. 6 and 7 on plan, Exhibit P) being respectively the parcels of land specified as A and C in the decree of the Court of the Subordinate Judge, (2) that the respondent will also grant to the appellants liberty to carry on all customary rights of worship at the falls pool and adjoining sites belonging to the respondent with such liberty of access as heretofore enjoyed, (3) that the respondent declares his intention to safeguard any rights or user and access of the public of and to the pool and other sites belonging to the respondent, and (4) that the parties do bear their own costs in both the Courts below and of this appeal.”

His Majesty having taken the said report into consideration was pleased by and with the advice of His Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed, obeyed and carried into execution.

Whereof the Judges of the High Court of Judicature at Madras for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

ALMERIC FITZROY.

APPENDIX II.

[Vide answer to question No. 120 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th October 1933, page 27 supra.]

AGREEMENT made this 20th day of November 1931 between the Secretary of State for India in Council (hereinafter called the Secretary of State) of the one part and (1) Shanthiraja alias Appu Kambli, president, (2) Dharmaraja Kottari, (3) Adiraja Balipa, (4) Jinnappa Hegade and (5) J. A. Rodrigues, members of a panchayat formed for the purposes hereinafter mentioned, being residents in the villages specified against their names in the Karkal taluk, North Mangalore division (hereinafter called the panchayat), of the other part.

WHEREAS the Government of Madras desire to enlist the co-operation of the villagers in the conservation of forest reserves which remain under departmental control and have agreed with the panchayat in consideration of its assistance against fire and other damage in Todar

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Reserved Forest in the Mangalore range as specified in the schedule attached and delineated in the plan hereto annexed to give the Panchayat the following concessions:—

1. This agreement shall be in force from the 1st day of July 1932 till the 30th June 1933.

Provided nevertheless that it may be renewed for a further period of one year on the application therefor by the panchayat to the District Forest Officer, North Mangalore division, for the time being and his agreeing thereto.

2. The panchayat shall work under the orders of the District Forest Officer of the North Mangalore division for the time being.

3. The said District Forest Officer shall have the power to remove any panchayatdar whose conduct makes him in the said District Forest Officer's opinion unfit to remain in office. There is no appeal against the orders of the said District Forest Officer.

4. The panchayat will ensure that the concession of clearing undergrowth, i.e., growth of unreserved and unclassified species not above 6 feet in height to a distance of half a mile from the limits of private holding and removal of green manure leaf from unreserved and unclassified species and removal of dead fuel, i.e., parts of dead trees less than 3 inches in diameter and dry leaf and thorns in the reserve is used to the best advantage of the village community and to this end the panchayat shall—

- (i) prevent wilful damage to the standing green growth in the reserve;
- (ii) prevent fires and clear and fire trace the exterior lines of the reserve at its own cost by 31st January 1933;
- (iii) prevent quarrying and removal of minor forest produce (except by Government contractors or agents acting under the orders of the District Forest Officer);
- (iv) prevent the cutting of trees and plucking of green leaves from reserved and classified trees for manure, or for any other purposes;
- (v) carry out all orders issued to them by the District Forest Officer or by the Range Officer; and
- (vi) keep a list of the names of the co-opted panchayatdars whose names should be communicated by the panchayat to the said District Forest Officer.

5. The panchayat shall have the power—

- (i) to regulate the collection and removal of dead wood, dry leaves and green manure leaf of unreserved and unclassified species and cutting and taking of thorns for domestic or agricultural purposes;
- (ii) to exclude the cattle of any person who recklessly or mischievously sets fire or otherwise causes damage to the areas or who removes tree growth or who disobeys the orders issued

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by the panchayat in exercise of the powers conferred upon it or who fails to assist the panchayat in carrying out any of the duties assigned to it;

- (iii) to impound the cattle which graze without permits;
- (iv) to report to the District Forest Officer any offences for which prosecution is desired and when it is of opinion that the offences may be compounded, to suggest the amount of compensation that may be accepted; and
- (v) to clear and fire-trace the exterior lines of the reserve at its own cost by 31st January 1933.

6. If the panchayat protects the reserve to the satisfaction of the Conservator of Sixth Circle for the time being of the circle, it shall be eligible after 30th June 1933 to the refund of half of the grazing revenue collected therein.

7. If the panchayat fails to protect the reserve to the satisfaction of the Conservator or to co-operate with the Forest department, the said District Forest Officer may, with the approval of the said Conservator, terminate the agreement and dissolve the panchayat at any time before the expiry of the term of this agreement and may withdraw the concessions granted and thereupon the said Conservator may direct the closure to grazing of all or any part of the reserve and may cancel all or any of the permits issued to the villagers.

8. Should a vacancy occur in the panchayat by reason of death or resignation of any of the persons specified above or from any other cause, the vacancy shall be filled by the panchayat subject to the approval of the District Forest Officer from among the co-opted panchayatdars, a list of whose names should be maintained by the panchayat.

9. The area under panchayat may be inspected by any officer of the Forest department, but no orders will be issued to the panchayat except by the District Forest Officer, or the Range Officer.

IN WITNESS WHEREOF the District Forest Officer by order and direction of His Excellency the Governor of Fort St. George in Council acting for and on behalf of the Secretary of State and the undermentioned members of the panchayat have hereunto set their hands the day and year first above written.

Schedule referred to above.

Name of the block.	Name of the village.	Taluk.	District.	Extent.
Todar	Todar	Karkal ..	South Kanara.	401-30
	1 (Signed)	Shanthiraja alias Appu Kambl.		
	2 (")	Dharmaraja Kottari.		
	3 (")	Adiraja Balipa.		
	4 (")	Jinnappa Hegade.		
	5 (")	J. A. Rodrigues.		

(Signed) M. V. LAURIE,
District Forest Officer, North Mangalore.

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APPENDIX III.

[Vide answer to question No. 121 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 30th October 1933, page 28 supra.]

Statement showing the annual revenue and expenditure.

Year.	Todar reserved forest.			Hosabettu reserved forest.		
	Revenue.		Expenditure.	Revenue.		Expenditure.
	(2)	(3)	(4)	(5)	(6)	(7)
(1)	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
1897-98 ..	..	137 5 7	..	146 0 1	..	..
1898-99 ..	..	175 13 2	..	173 4 7	..	..
1899-00 ..	..	153 6 4	..	154 10 0	..	..
1900-01 ..	..	153 11 0	..	159 10 6	..	..
1901-02 ..	..	115 0 0	..	117 0 0	..	..
1902-03 ..	..	109 15 6	..	111 15 6	..	..
1903-04 ..	..	112 8 9	..	114 7 3	..	..
1904-05 ..	..	115 0 0	..	117 0 0	..	..
1905-06 ..	..	115 0 0	..	116 15 8	..	..
1906-07 ..	37 15 0	114 11 0	60 8 0	110 11 10	..	..
1907-08 ..	38 14 2	118 5 4	57 11 5	120 5 4	..	..
1908-09 ..	21 15 0	117 6 9	60 9 11	118 12 9	..	..
1909-10 ..	36 7 0	119 14 10	24 14 0	122 0 0	..	..
1910-11 ..	28 8 0	117 6 3	25 8 0	118 14 3	..	..
1911-12 ..	27 3 0	119 14 6	27 14 0	121 15 0	..	..
1912-13 ..	28 4 0	117 11 10	42 10 0	119 10 4	..	..
1913-14 ..	23 11 0	90 0 0	50 11 0	158 4 0	..	..
1914-15 ..	40 0 0	90 0 0	41 15 0	205 14 0	..	..
1915-16 ..	28 1 0	90 0 0	57 13 0	90 0 0	..	..
1916-17 ..	24 9 0	90 0 0	43 11 0	90 0 0	..	..
1917-18 ..	16 2 0	90 0 0	40 12 1	117 5 6	..	..
1918-19 ..	13 6 0	90 0 0	74 10 0	453 14 9	..	..
1919-20 ..	27 0 0	136 2 0	38 13 0	204 9 6	..	..
1920-21 ..	26 11 0	90 0 0	109 9 0	101 8 0	..	..
1921-22 ..	9 15 0	98 9 0	33 10 6	178 9 0	..	..
1922-23 ..	29 0 0	174 15 0	56 11 0	348 9 0	..	..
1923-24 ..	33 2 0	391 8 6	62 4 0	133 15 9	..	..
1924-25 ..	26 6 0	133 15 9	66 12 0	90 0 0	..	..
1925-26 ..	29 8 0	90 0 0	70 2 0	90 0 0	..	..
1926-27 ..	43 14 0	90 0 0	66 6 0	90 0 0	..	..
1927-28 ..	85 11 5	93 13 3	74 14 4	91 12 5	..	..
1928-29 ..	33 0 0	90 0 0	59 4 0	90 0 0	..	..
1929-30 ..	32 6 0	90 0 0	59 6 0	90 0 0	..	..
1930-31 ..	36 2 0	90 0 0	67 10 0	90 0 0	..	..
1931-32 ..	34 8 0	90 0 0	65 14 0	90 0 0	..	..
1932-33 ..	49 4 0	90 0 0	71 8 0	90 0 0	..	..
1932-33 ..	45 4 0	103 2 0	71 14 0	90 0 0	..	..
Total ..	906 10 7	4,315 4 4	1,583 13 3	4,937 11 0	..	..

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APPENDIX IV.

[Vide answer to question No. 125 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 30th October 1933, page 31 supra.]

South Kanara district.

Taram.	Wet rates. (a)			Dry rates. (b)		
	RS.	A.	P.	RS.	A.	P.
I ..	7	0	0	2	0	0
II ..	6	0	0	1	8	0
III ..	5	0	0	1	4	0
IV ..	4	0	0	1	0	0
V ..	3	0	0	0	12	0
VI ..	2	0	0	0	8	0
VII ..	1	8	0	0	6	0
VIII ..	1	0	0	0	4	0

(a) In the "Special" Coast group villages, the rate for each taram is one rupee higher.

(b) Rates charged on all "occupied dry" lands except Kumari, Kumaki and bane lands and lands subject to hakkal cultivation.

Garden rates.

Taram.	RS. A. P.		
	RS.	A.	P.
Best ..	8	0	0
Superior ..	7	0	0
Good ..	6	0	0
Ordinary ..	5	0	0
Inferior ..	4	0	0
Bad ..	3	0	0
Worst ..	2	0	0

Eight plain taluks of the Malabar district.

Taram.	Old holdings.		New holdings.			
	Rate of assessment per acre before the introduction of resettlement.	Rate of assessment per acre sanctioned at resettlement.	Rate per acre before the introduction of resettlement.			Rate of assessment per acre sanctioned at resettlement.
			Assessment.	Janma-bhogam.	Total.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Wet rates.						
1 ..	6 0	7 2	6 0	4 0	10 0	11 14
2 ..	5 0	5 15	5 0	3 5	8 5	9 14
3 ..	4 0	4 12	4 0	2 11	6 11	7 15
4 ..	3 0	3 9	3 0	2 0	5 0	5 15
5 ..	2 0	2 6	2 0	1 5	3 5	3 15
6 ..	1 8	1 13	1 8	1 0	2 8	3 0
7 ..	1 0	1 3	1 0	0 11	1 11	2 0
8 ..	0 12	0 14	0 12	0 8	1 4	1 8

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Eight plain taluks of the Malabar district—cont.

Talam.	Old holdings.		New holdings.			
	Rate of assessment per acre before the introduction of resettlement.	Rate of assessment per acre sanctioned at resettlement.	Rate per acre before the introduction of resettlement.			Rate of assessment per acre sanctioned at resettlement.
(1)	(2)	(3)	Assessment.	Janma-bogharn.	Total.	(7)
<i>Dry rates.</i>						
	RS. A.	RS. A.	RS. A.	RS. A.	RS. A.	RS. A.
1	2 0	2 4	2 0	2 0	4 0	4 8
2	1 8	1 11	1 8	1 8	3 0	3 6
3	1 0	1 2	1 0	1 0	2 0	2 4
4	0 12	0 14	0 12	0 12	1 8	1 11
5	0 10	0 11	0 10	0 10	1 4	1 7
6	0 8	0 9	0 8	0 8	1 0	1 2
7	0 6	0 7	0 6	0 6	0 12	0 14
8	0 4	0 5	0 4	0 4	0 8	0 9
<i>Garden rates.</i>						
1	7 0	8 5	7 0	7 0	14 0	16 10
2	6 0	7 2	6 0	6 0	12 0	14 4
3	5 0	5 15	5 0	5 0	10 0	11 14
4	4 0	4 12	4 0	4 0	8 0	9 8
5	3 0	3 9	3 0	3 0	6 0	7 2
6	2 0	2 6	2 0	2 0	4 0	4 12
7	1 0	1 3	1 0	1 0	2 0	2 6

NOTE.—Resettlement was introduced in fasli 1341 in the taluks of Palghat, Calicut and Walavanadi and in fasli 1342 in Kurumbranad. It will be introduced in the current fasli in the other taluks. Increment remissions will be granted in accordance with paragraph 27 of the notification published in G.O. No. 2717, dated 23rd December 1931, which has been made available to the Press. In addition, increment remissions will be granted in accordance with paragraph 28-A of the notification annexed to G.O. No. 310, Revenue, dated 8th February 1932 (which has also been made available to the Press), in respect of the increase in assessment due to reclassification of occupied dry lands transferred to wet or garden at resettlement.

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APPENDIX V.

[Vide answer to question No. 128 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 30th October 1933, page 33 supra.]

Statement showing the number of cases in which lands were sold for arrears of land revenue in each of the kist months of fasli 1342 in each taluk of the North Arcot district.

Name of taluk.	Number of cases in which lands were sold in						Total.
	January.	February.	March.	April.	May.	June.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Vellore	..	..	..	..	18	..	18
Arni	..	..	..	..	24	52	76
Polur	..	..	..	5	23	14	42
Tiruvannamalai	..	..	..	..	..	..	..
Chengam	..	..	..	..	27	6	33
Cheyyar	..	..	..	14	9	..	23
Wandiwash	..	..	48	96	98	2	244
Walajah	..	..	..	28	104	31	163
Arkonam	..	..	6	13	20	8	51
Gudiyattam	..	..	..	..	..	..	..
Tiruppattur	..	..	..	..	..	..	..
Total	..	..	54	156	332	108	650

APPENDIX VI.

[Vide answer to question No. 129 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 30th October 1933, page 34 supra.]

Statement showing the number of cattle killed by wild beasts in the villages of South Kanara during the years 1928-29 to 1931-32.

Year.	Number of cattle killed by wild beasts.
1928-29	4,339
1929-30	4,355
1930-31	3,968
1931-32	3,928

APPENDIX VII.

[Vide answer to question No. 132 asked by Rai Sahib C. Kolanda Reddi at the meeting of the Legislative Council held on the 30th October 1933, page 36 supra.]

G.O. Ms. No. 1387, L. & M., dated 7th April 1933.

The administration of the Bezvada Municipality has for some time past been extremely unsatisfactory. The Council is rent with faction and the councillors are too preoccupied with their own personal quarrels

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to be able to discharge their duties to the tax-payers. While M.R. Ry. K. Subba Rao Pantulu Garu was the Chairman, a majority of the councillors were opposed to him. In G.O. No. 4943, L. & M., dated 9th December 1932, he was removed from the office of Chairman and no sooner was Mahboob Ali Baig Sahib Bahadur elected as Chairman in his place, than a majority of the councillors turned against the new chairman.

2. At its meetings held on 7th February 1933, 24th February 1933 and 2nd March 1933 the Council persistently refused to pass the Budget for 1933-34. Thereupon the Government in Memorandum No. 8982-1-A-2, dated 15th March 1933, warned the Council that unless it passed and submitted the Budget to the Government before the end of March 1933, the Government would have no alternative but to supersede the Council. The warning has had no effect on the Council which, at its meeting held on 22nd March 1933 again refused to pass the budget.

3. The Council has thereby persistently defaulted in the performance of one of the most important of its statutory duties and it is clear that faction has rendered the council incompetent to perform the duties imposed on it by law. Therefore the Bezwada Municipal Council is hereby called upon, under sub-section (1-A) of section 41 of the Madras District Municipalities Act, 1920, to show cause, so as to reach the Government within 10 days from the date of this order, why it should not be superseded for a period of two years under section 41 (1) of the Act.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the Chairman of the Bezwada Municipal Council.
Collector of Kistna.

Copy to the Board of Revenue, through the Revenue Department.
" Revenue Department.
" Inspector of Municipal Councils and Local Boards.

Copy of paragraph 1 of G.O. Ms. No. 1589, L. & M., dated the 25th April 1933.

In G.O. No. 1387, L. & M., dated 7th April 1933, the Bezwada Municipal Council was called upon to show cause, why it should not be superseded for a period of two years for the reason that, in spite of warning, the council had persistently refused to pass its budget for 1933-34 and faction had rendered it thoroughly incompetent to perform the duties imposed on it by law. The chairman has since represented to Government that at a meeting of the council held on the 12th April 1933 the budget for 1933-34 was passed, that he has since been able to command a working majority, that the appointment of a commissioner would reduce the factional spirit in the council and that in these circumstances the council may be given a chance to administer the affairs of the municipality properly. The Government however understand that as many as 17 councillors (out of a sanctioned strength of 32) abstained from

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attending the meeting held on the 12th April, fearing, it is alleged, a recurrence of the disorder and free fight between the opposing factions, which disgraced the proceedings of the 31st March. The Government are not therefore satisfied that the nominal passing of the budget at a meeting attended only by the chairman's party, which constituted a minority on the council, is an indication that faction has subsided; nor do they think that the appointment of a commissioner will improve matters as his work will be hampered at every turn by a factional council. They have therefore decided to supersede the council for a period of two years.

APPENDIX VIII.

[Vide answer to question No. 136 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 30th October 1933, page 44 supra.]

Statement of allotment of grants made in 1932-33 under roads and water-supply to panchayat boards in each district.

Name of district.	Net allotment.		Name of district.	Net allotment.	
	Roads.	Water-supply.		Roads.	Water-supply.
	RS. A.	RS. A.		RS. A.	RS. A.
Anantapur ..	2,994 15	1,512 11	Kurnool ..	Nil.	Nil.
Arcot, North ..	4,504 14	388 0	Madura ..	Nil.	74 7
Arcot, South ..	2,262 0	897 13	Malabar ..	Nil.	Nil.
Bellary ..	2,415 0	1,610 0	Nellore ..	727 0	700 0
Chingleput ..	3,974 0	745 0	Nilgiris ..	Nil.	Nil.
Chittoor ..	3,168 0	1,797 0	Ramnad ..	10,019 3	544 0
Coimbatore ..	1,422 0	457 15	Salem ..	3,506 10	10,194 7
Cuddapah ..	190 0	Nil.	Tanjore ..	4,730 11	8,523 5
Ganjam ..	Nil.	Nil.	Tinnevely ..	591 3	3,603 13
Godavari, East.	40,501 7	13,544 1	Trichinopoly ..	2,689 0	11,125 12
Godavari, West.	63,714 1	19,314 4	Vizagapatam ..	2,331 0	77 0
Guntur ..	53,267 14	13,791 5	Total ..	2,46,859 14	1,05,206 11
Kanara, South.	21,215 0	3,177 0			
Kistna ..	22,836 0	13,128 14			

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APPENDIX IX.

[Vide answer to question No. 168 asked by Rao Sahib P. Subrahmanyam Chetti at the meeting of the Legislative Council held on the 30th October 1933, page 66 supra.]

Admissions into the Presidency College.

I

Percentage of pupils belonging to specified communities to the total number admitted.

Class.	Number admitted.	Brahmans.	Non-Brahmans.	Muhammadans.	Indians.	Christians.	Depressed classes.
Junior Intermediate ..	144	43	48	5	2	2	2
B.A. (Pass) ..	21	62	14	10	3	3	2
B.A. (Hons.) ..	31	74	13	3	10	3	1
B.Sc. (Pass) ..	78	35	38	9	17	1	1
B.Sc. (Hons.) ..	23	61	13	4	18	4	4
Post-graduate courses ..	22	27	27	5	41	..	..

II

Class.

Name of the district.	Junior Intermediate.	B.A. (Pass).	B.A. (Hons.).	B.Sc. (Pass).	B.Sc. (Hons.).	Post-graduate.	Total.
Anantapur ..	..	..	..	..	..	..	..
Arnot, North ..	8	1	..	1	1	..	11
Arnot, South ..	4	..	..	1	..	..	5
Bellary ..	1	..	1	1	..	..	3
Kanara, South ..	5	1	2	4	1	1	14
Chinglaput ..	10	..	1	1	..	1	13
Chittoor ..	8	..	..	2	..	..	10
Coimbatore ..	4	..	..	4	..	2	10
Cuddapah ..	..	1	1	1	..	..	3
Guntur ..	..	..	..	..	..	..	..
Ganjam ..	..	..	2	..	..	..	2
Godavari ..	5	..	..	3	2	3	13
Kistna ..	1	1	..	2	..	1	4
Kurnool ..	1	1	..	1	..	..	3
Madras ..	47	8	9	15	..	..	79
Madura ..	4	1	..	2	..	..	7
Malabar ..	4	2	3	9	5	2	25
Nellore ..	4	2	..	1	1	1	9
Nilgiris ..	..	..	..	1	..	..	1
Ramnad ..	2	..	1	..	..	2	5
Salem ..	2	..	..	3	5	..	10
Tanjore ..	19	3	6	11	1	1	41
Trichinopoly ..	4	..	..	1	2	..	7
Tinnevely ..	5	..	2	3	1	2	13
Vizagapatam ..	..	..	..	..	1	..	1
Total ..	137	21	28	67	20	16	289

II—cont.

Class.

Name of the district.	Junior Intermediate.	B.A. (Pass).	B.A. (Hons.).	B.Sc. (Pass).	B.Sc. (Hons.).	Post-graduate.	Total.
Cochin ..	1	..	2	5	2	..	12
Coorg ..	1	..	..	1	..	..	2
Travancore ..	2	..	1	1	..	..	4
Ceylon ..	1	..	..	3	1	..	5
Bangalore ..	1	..	..	1	..	..	2
Pondicherry ..	..	..	..	..	..	..	..
Calcutta ..	1	..	..	..	..	..	1
Bombay ..	..	..	..	..	..	..	..
Total ..	7	..	3	11	3	..	30
Grand Total ..	144	21	31	78	23	..	319

APPENDIX X.

[Vide item VII.—Papers laid on the table of the House at page 113 supra.]
 LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED DURING THE YEAR ENDING 30TH JUNE 1933.

Department and designation of the post.	Pay per mensem.	Period of tenure.	Remarks.
PERMANENT.			
Public Works and Labour Department— (1) Personal Assistant to Chief Engineer for Electricity. (2) Executive Engineer, Electrical and Mechanical division. (3) Resident Engineer, Pykara (4) Executive Engineer, Operative and Distribution, Coimbatore.	500—50/2—850	Permanent	All these posts were on a temporary basis during the Pykara construction works which was completed on 31st March 1933. The posts were made permanent in G.O. No. 802-W., dated 1st April 1933, for the operation and maintenance of the Pykara Scheme.
TEMPORARY.			
<i>Extension of previous sanction.</i>			
Public Works and Labour Department— Chief Engineer for Electricity	3,750	Three years from 1st April 1933.	The contract with Major Howard was extended for three years from 1st April 1933.
Law Department— Additional Sub-Judge, Rajahmundry	550	One year.	....
Additional Sub-Judge, Devakotta	550	One year.	....
<i>Posts newly created.</i>			
Local Self Government Department— Secretary to the Special Officer, Anti-leprosy Campaign in the Chingleput and South Arcot districts.	1,000—100—1,200	Six months.	Pay drawn by Mr. K. S. Curtis, Assistant Director of Survey, who has been deputed for the work.
Public Works Department— Executive Engineer, Public Works Department.	625—1,375	Five months.	For reviewing the estimates for the Tungabhadra Project.
Executive Engineer for Mettur investigation and Trichinopoly-Cochin extension.	625—1,375	One year from 1st April 1933.	Referred for investigation of Mettur Hydro-Electric Project and extension of Pykara power to Gidduh and Trichinopoly.

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Public Department— Additional Secretary to Government	Pay in the regular line of Indian Civil Service plus special pay of Rs. 250 per mensem.	From 15th April 1933 to 30th September 1933.	For the revision of the Statutory Rules.
Law Department— Additional Sub-Judge, Kumbakonam	550	Six months	

S. A. VENKATARAMAN,
 Deputy Secretary to Government.

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APPENDIX XI.

[Vide item VII—Papers laid on the table of the House at page 115 supra.]

REVENUE DEPARTMENT.

COMMUNICATION TO THE LEGISLATIVE COUNCIL,
No. 2870-D/33-1, DATED 1st SEPTEMBER 1933.

With reference to the answer given to question No. 27 at the meeting of the Legislative Council held on 1st August 1933 the annexed statement containing the statistics of revenue derived from the sale of toddy shops and the amount of tree-tax paid by sweet toddy drawers in the districts of East and West Godavari for certain years is laid on the Table.

ANNEXURE.

East Godavari district.					West Godavari district.				
Toddy year.	Rentals of toddy shops sold.	Tree-tax realized on trees tapped for fermented toddy for domestic consumption by sweet toddy drawers.			Toddy year.	Rentals of toddy shops sold.	Tree-tax realized on trees tapped for fermented toddy for domestic consumption by sweet toddy drawers.		
	Rs.	Rs. A. P.				Rs.	Rs. A. P.		
1929-30 ..	2,99,058	2,173 2 0			1929-30..	4,09,608	14,655 0 0		
1930-31 ..	2,42,028	1,430 10 0			1930-31..	3,25,752	10,241 4 0		
1931-32 ..	1,45,071	1,741 12 0			1931-32..	1,19,984	13,053 12 0		
1932-33 ..	2,28,276	1,775 8 0			1932-33..	2,56,680	14,133 12 0		
(to date)					(to date).				

J. A. THORNE,
Secretary to Government.

APPENDIX XII.

[Vide item VII—Papers laid on the table of the House at page 115 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to the supplementary question to question No. 55 at the meeting of the Legislative Council held on 2nd August 1933, a copy of the memorandum (annexed) received from the South Kanara Catholic Association addressed to the Hon'ble the Law Member is laid on the Table of the House.

C. A. HENDERSON,
Secretary to Government.

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ANNEXURE

Memorandum from the Catholic Association of South Kanara.

The Catholic Association of South Kanara, which represents the Catholic Christians of this district and has been working for their welfare for over 17 years, submits this memorandum in continuation of the letter No. 26, dated 1st May 1933, addressed to you by the Honorary Secretary of the Association, to the Secretary to Government, Revenue Department, of which a copy was sent to you No. 29 of 8rd May 1933.

The letter referred to forwards a resolution passed unanimously at a general meeting of this association, urging the suspension of the order cancelling the concessions granted to villagers in reserve forests including Hosabettu and Todar which affect a large body of Catholics.

A petition on the same subject was previously submitted, on the 2nd April 1933, to the Secretary to the Government of Madras, Development Department, through the Secretary of the Landholders' Association of South Kanara, and Mr. J. A. Saldanha, ex-M.L.C., accompanied by a note.

Our association fully endorses the statements made in that petition and the accompanying note and begs that the order of withdrawal of concessions may be cancelled, or, at any rate, suspended pending further enquiry, for the reasons appearing in this memorandum.

The Hosabettu and Todar reserves were constituted reserved forests on the 1st September 1888 and 15th December 1890, respectively. In 1921, the question of their disforestation was raised in the Madras Legislative Council, but Government stated that the Chief Conservator of Forests agreed with the local officers that they could not be disforested, that they contained the growth required for the fuel supply of Mudabidri, Bantwal and Mangalore, and these areas were included in Class IV of Reserves (vide Proceedings of the Legislative Council, Volume II, No. 7, pages 588 to 585). It is to be noted that there was no mention at this time that there were timber trees of any kind in these forests, and further, Class IV in which they were placed were "Fodder and Fuel Reserves." Government at the same time ordered that the prohibition of the removal of manure leaves should not be enforced in those parts of South Kanara district where such removal was not opposed to the interests of forest conservancy. Subsequently the removal of green and dry leaves, fuel, etc., was allowed, not only in the two reserves referred to above, but also in other reserves; and these concessions, essential to the villagers for agricultural and domestic purposes, have been enjoyed by them all along.

We submit that in ordering the cancellation of the concessions in question the forest policy of Government has been totally overlooked. This policy is described in the resolution of the Government of India, dated 19th October 1894, and is included in the appendix to the Forest Code. We beg to quote below the relevant portions of this resolution:—

The needs of communities dwelling on the margin of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for cattle and edible forest produce for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs. . . . It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction. . . . It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the

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claims of forest preservation. . . Such restrictions as may be necessary for the preservation of the forest or for the better enjoyment of its benefits should be imposed. But no restrictions should be placed upon reasonable local demands merely in order to increase the State revenues.

The inferior subordinates of the Forest department are perhaps as reliable as can be expected on the pay which we can afford to give, but their morality is no higher than that of the uneducated class from which they are drawn, while the enormous areas over which they are scattered and the small number of controlling staff render effective supervision most difficult. It is not right in order to protect the grass or grazing dues on plots of wastes scattered over the cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owners' field and the next. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of revenue.

The Royal Commission on Agriculture expressed its entire agreement with the forest policy of Government and declared that the forest should be the handmaid of agriculture.

We would in this connexion recall the words of Sir Thomas Moir in the Legislative Council (Legislative Council Proceedings, Volume 35, page 304): "We do not forget and have never forgotten that its (the Forest department's) main object is to supply the needs of the people and it must pay attention to the facts that the ryots do require fuel, that they require timber for houses, that they require implements for agriculture and that they require grazing for their cattle." We submit that the reservation of Hosabettu and Todar reserves was opposed to the generous and statesmanlike policy laid down by Government for adoption by the Forest department, endorsed by the Royal Commission on Agriculture and restated in the Legislative Council by the Government's spokesman. These two reserves are very small ones—being 468 and 401 acres in extent; they are isolated and are right in the midst of cultivated lands and homesteads of ryots who have from times immemorial enjoyed the rights in question. To use the words of the Government of India's resolution "the claims of cultivation are stronger than the claims of forest preservation" with respect to these reserves. There are extensive forests in South Kanara district which are quite adequate for the present as well as future supply of fuel for this district; and casuarina plantation is besides being largely carried on, and at little cost, in waste lands and there is ample scope for the extension of such plantation. The reservation of reserves in question for the supply of fuel to Mudabidri, Bantwal and Mangalore, which was as stated above, the reason given in 1921 for their reservation, was therefore quite unnecessary, especially as the two latter places are not within easy reach of river or sea and can more economically get their supply from the large forests.

In 1923 these reserves were brought under the Forest Village System. The restriction sought to be imposed on the continuance of the immemorial custom of removal of dry and green leaf for manure had already been removed and this concession had been ordered to be allowed in all the forests of the district by the Chief Conservator of Forests without linking it to the village system, as attempted by the local officers (vide Mr. Tireman's speech—Legislative Council Proceedings, Volume 17, page 780). Further, the Chief Conservator, in response to the requests of villagers, made arrangements for the removal of poles for betel leaf and plantations

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and for the withdrawal of restriction regarding the removal of lantana (Legislative Council Proceedings, Volume 35, page 708). And the nature of the growth in these reserves was described to be "forest mainly of fuel with few or no timber trees."

Reserves, placed in 1921, in Class IV which do not include timber trees, and in which the nature of growth was in 1923 found to be forest, mainly of fuel with few or no timber trees, are, for the first time, in the Government Order cancelling the concessions, described as "Sandalwood Reserves." The sandalwood plants, now in these reserves, must have grown as a result of the protection from fire, etc., afforded by the villagers, and the reward for their protection is a conversion of these reserves from fuel to sandalwood reserves, and the withdrawal of concessions enjoyed from time immemorial.

While the reservation of these reserves for fuel was unnecessary, their reservation as sandalwood reserves, i.e., for the purpose of income is quite unjustified and entirely repugnant to the forest policy already described. For, the Government of India's resolution lays down that *every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of their needs for fuel, manure, fodder, etc., and that considerations of forest income are to be subordinated to that satisfaction.* Sandalwood plants are to be found in unreserved forests also in this district; and their growth in the reserve in question is not extraordinary. *The income to be derived from them after a long period of years would be more than offset by the expenditure that have to be incurred for their conservation, and will be quite disproportionate to the losses, and sufferings that will have to be endured by the villagers by the deprivation of manure, fuel, fodder, etc., as represented by their representatives in the Legislative Council (vide Legislative Council Proceedings, Volume 41, pages 216-220, Volume 53, pages 117-173.)*

That there were such abuses as are said to exist now was admitted several years ago in the Legislative Council; but the abuses were no doubt considered trivial, as the concessions were continued, and the Administration Report of the Forest Department for 1930-31 stated that the Forest Village System has worked satisfactorily in the Mangalore division of this district. Why now it should be thought that these trivial abuses justify the withdrawal of the concessions is not clear. *Perhaps the clue to the action taken is supplied by the reserves being for the first time described as sandalwood forests. It is now apparently thought by the local forest authorities that the continuance of the concessions may be prejudicial to the sandalwood plants to be found in these reserves. These authorities, obsessed by the idea of income have lost sight of the main principles of the forest policy and made the forest not the "handmaid of agriculture" but its stern mistress. The forest policy was no doubt the result of a full consideration of all the facts; and we submit that this policy should be adhered to strictly and that the local authorities should not be allowed to whittle it down in their zeal for forest income, or even in their desire to supply the need for fuel of distant localities.*

Sir Archibald Campbell said in the Legislative Council on 16th March 1928: *The forests of the province are classified into two classes:—the provincial forests and ryots' forests. The provincial forests include those which it is desirable to work commercially and from which as much revenue as possible should be obtained. The ryots' forests, on the other*

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hand, are those which are near villages and are not so important commercially but are important to the local people (Legislative Council Proceedings, Volume 41, page 242). Once the principle is admitted of allowing villagers the use of ryots' forests without any regard for income to Government—and it could not have been more clearly and liberally admitted than in the words just quoted and the words quoted higher up quoted from the Indian Forest Code, it follows that full facilities should be afforded for the exercise of this right, without harassing restrictions; and the only check to be imposed would be in the interests of adjoining villagers—not in the interests of forest income, or even in the interests of distant villagers. The abuse of the right by some persons should not be visited with punishment on all the villagers. If the Forest Village System which admittedly has never been popular in this district and was forced on the villagers has not been found to work satisfactorily recently, the Village Panchayat System with full power vested in the panchayats under the supervision, guidance and control of the Revenue department might be introduced. This was the request made in the memorials of the villagers of Hosabettu and Todar, ending with the one in 1928 supported by a note made by Mr. J. A. Saldanha, the then M.L.C., and rejected by Government in their G.O. No. 38, dated 7th January 1929 (Development Department). The Forest Village System which was introduced for the benefit of villagers residing within such forests appears to be inappropriate to ryots living outside the forests. We would recall the statement made by Sir Archibald Campbell in the Legislative Council on 16th March 1928 (Legislative Council Proceedings, Volume 41, page 242), that the policy of Government in regard to those reserves which come under the class of 'ryots' forests important to local people' has been to transfer them to the management of panchayats of local inhabitants.

If these panchayats do not work satisfactorily, every endeavour should be made to improve them. It should be remembered that ryots' forests are for the benefit of the villagers; and even if the panchayats cannot be weeded of their defects, this evil is to be preferred to the evil of placing difficulties in the pursuit of agriculture already in a depressed state, imposing harassing restrictions on villagers and incurring heavy expenditure on highly paid supervising officers, and corrupt subordinate staff, who, in the opinion of the Government of India (vide its resolution already quoted), cannot rightly be invested with power over villagers.

We beg, in these circumstances, that the order of cancellation of the concessions referred to may be withdrawn, or that at least it may be suspended pending a full investigation by a committee including some non-officials.

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APPENDIX XIII.

[Vide item VII—Papers laid on the table of the House at page 115 supra.]

DEVELOPMENT DEPARTMENT.

COMMUNICATION TO THE COUNCIL.

With reference to the answer given to the supplementary question to question No. 73 at the meeting of the Legislative Council held on 2nd August 1933, the following reports regarding the abuse of concessions in the reserved forests of South Kanara are laid on the table of the House:—

- (1) Letter from the Conservator of Forests, Ootacamund Circle, Ref. No. 119/32, dated 28th March 1932.
- (2) Letter from the Chief Conservator of Forests, No. 2537/31-C-1, dated 5th August 1932.

C. A. HENDERSON,
Secretary to Government.

Letter from the Conservator of Forests, Sixth Circle, Ootacamund, to the Chief Conservator of Forests, Madras, dated 28th March 1932, Ref. No. M-119/32.

I have talked to the District Forest Officers about the 'concessions' during my present tour in South Kanara; and have also seen places where they are a serious consideration in the two divisions.

About four years ago, I wrote very fully about the concessions; past history prior to 1924; the association of panchayats with concessions, etc.; details of 'abuses' in the several reserves; our 1927 negotiations with the populace of the coast near Baindur, in search of expedients acceptable to both sides; conclusions that were reached; action taken, etc. There is nothing whatever to correct in that report of 1927; and the information on almost every aspect of the concessions is there.

I reported then that the practice in force would in time (30 years were suggested) ruin the reserves, in the same manner that the unreserves had already been ruined.

Now as regards present day opinion:—

The District Forest Officer of North division, after about two years' experience, thinks that the concessions should be withdrawn; for one reserve, then after a pause, for another, until all are closed. He would begin inland behind Baindur reserve and work outwards. He points out as an example that the Herur reserve was closed by you in 1928. An extra guard was put on (with a gun). There has been good protection and no trouble at all.

I think there is something to be said for his view. If there are places which really need special provision to be made, then the fact would become evident and we should have leisure in which to make arrangements. Incidentally, if we devote any area to leaf lopping, it will be inadvisable

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to cling to distinctions between classified and unclassified trees. Such distinctions are not controllable in forest which is different to a factory yard.

The District Forest Officer, South Mangalore division, also with nearly two years' experience here regards localized fellings,—confined to a fixed annual open period or periods in which we could put an extra supervision—as a workable expedient for those few places in his division that need any such provision. Elsewhere private forest and unreserves and Kumaki forests are so abundant that there is no reason for concessions.

The little private 'hadies' that one sees in North Mangalore everywhere (with masses of foliage, even now in April) are evidence how very easily any landholder can, by simply putting up a protective mud wall, grow trees and provide for his own requirements, if he likes. The ordinary cultivator (in the hands of a landlord) will prefer free supplies from reserves. The vociferous people at Baindur are landlords, incidentally, and not cultivators.

The reports of the District Forest Officers indicate that in the way of abuses and breaches of forest law, North Mangalore goes on disregarding rules as usual, whilst in the South division abuses in some places had abated considerably. In the South division I was shown one place where there were no fresh abuses, but plenty of marks of 18 months' old offences. Where there had been this improvement, it was due to personal efforts by the District Forest Officer who interviewed communities himself. But elsewhere similar efforts had failed utterly. For example in Virakhamba reserve.

Both District Forest Officers say how demoralizing it is to the subordinate staff to have unworkable rules to enforce.

The notification that is issued to the public annually runs as follows:—

"It is hereby notified for the information of the public that the Chief Conservator of Forests, Madras, in his order Ref. No. 152/29, dated 20th December 1929, has been pleased to continue the following concessions to ryots of the South Mangalore division from 1st January 1930 to 30th June 1930, in all the reserved forests of South Mangalore division. The concessions are given on the understanding that if they are abused, they will be withdrawn.

Concessions.—(a) Clearing of undergrowth in all reserves (except in Muliyar, Kalanjimale and Virakhamba reserve of South Mangalore division) to a distance of half a mile from the limits of private holdings;

(b) clearing of undergrowth in Muliyar, Kalanjimale and Virakhamba reserve of the South Mangalore division to a distance of 200 yards from the limits of private holdings;

(c) clearing of undergrowth in all areas sown with Hopea; and

(d) free removal of—

(1) green manure leaves of unclassified species and dry leaves of all species; and

(2) dead fuel.

NOTE (1).—These concessions will be limited to the use of produce in the village limits from which the produce is taken.

(2) The word 'undergrowth' noted above is defined to mean 'growth of unclassified species not above 6 feet in height' and the words 'dead fuel' to mean parts of dead trees less than 3 inches in diameter."

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(The above refers to South Mangalore division: Similar notifications are published in North division.)

Taking points in the notice:—

(a), (b) and (c)—*Clearing undergrowth.*—The idea is to do away with shelter that harbours wild pig or other enemies of field crops. I have not seen this availed of anywhere, nor have the District Forest Officers. That is to say, there are small patchy clearances of undergrowth (for example, near Mandekole village) but they were done to get leaf manure, and not to keep the wild beasts away.

Observe the foot-notes, limiting the rules:—

NOTE (1).—The produce is to be 'used'—may not be sold? or may it?—in the village limits only. Actually the destination of what is being collected is not ascertainable in the forest. Outsiders would say they were helping a local man to collect his leaf litter and we could not intervene. Outside the forest the destination of the produce cannot be interfered with or checked unless an elaborate permit system is set up. We see big boat loads of leaf being brought down the river from up country forest (origin uncertain) for sale in Coondapour.

NOTE (2).—'Undergrowth' is limited to small stuff under 6 feet high; and 'dead fuel' is part of a dead tree and below 3 inches diameter.

But the principal catch in the rules as notified is that rule (d) does not impose any limitations on how 'green leaf manure' may be cut. We all know what is understood by leaf manure: it has not been picked, leaf by leaf; but consisted of lopped branches with leaves adhering.

There is nothing in the published notice limiting the height at which unclassified trees may be lopped; or the size of the branches that may be hacked off. Provided the cutting is alleged to be for leaf manure, all is well. Consequently a reserve is liable to become a dead fuel factory. The coolie hacks down a small tree or a big branch, and spreads the branches about the ground. He is 'cutting leaf manure'. In a few days, he can return; and then (gathering up the fragments) he is 'collecting dry leaves or dead fuel'.

As a matter of fact, the futility of making exact specification for such matters for the benefit of care-free coolies, boys, women and children has, no doubt, been before the eyes of whoever framed the rules. But the result is sadly evident when you inspect a reserve where these concessions are worked for all they are worth.

Take for example Sarpanamane reserve, north of Baindur and on the Bombay frontier.

Here the undergrowth is disappearing rapidly. I will quote from my inspection notes "I went precisely where I had gone in 1927. The first impression is: 'the forest looks just as it did at my last visit.' Getting further inside, however, the ground within the forest is seen to be spread about liberally with twigs and small branch material from the cutting of the smaller shrubby tree growth. Very few of the tops of the actual trees are cut. These 'trees' are 12 years old coppice regrowth from simple coppice fellings of about 1919. To the leaf manure collector they are not big enough to be worth climbing, for lopping purposes. All the cutting is, therefore, done at ground level. I saw instances of xylia poles cut evidently for roofing purposes. I came to a standstill at one point, where cutting seemed very bad, and counted round me within an arbitrary ten yards radius the stumps of small trees that had been hacked down: there were 12. I determined to go on 50 yards and count again. I did so and the count gave 11 instances."

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Technical objections to the concessions.

Removal of leaf litter.—All countries have gone through stages in which the country people have insisted on being given it: the forests have naturally deteriorated until the deterioration became evident.

The removal of undergrowth, young tree growth and shrubs is against nature and must clearly be adverse to the forest. The latter is generally deciduous, and the exposure of the soil to direct sun rays, when the leaves of the forest trees have fallen in the hot weather, causes the soil to be baked and dried up. Even the shade of leafless shrubs makes a difference. Ground vegetation affects underground water conservation. Moreover, in the monsoon, shrubs hold the soil together and as much to prevent erosion as the forest trees.

About part of Mandakole reserve in South Mangalore, I wrote as follows:—"The abuses of concession in this village neighbourhood had evidently been bad in 1930. This can be seen from the state of specially the Terminalia and Nux vomica trees. In 1931, however, the District Forest Officer had an interview with the villagers; and they promised to mend their ways. It is evident that abuses have abated greatly."

About Virakhamba reserve (South Mangalore) I wrote:—"This consists of small hilly blocks, well away from our main groups of reserves farther from the coast. The reserve is surrounded by cultivation, which uses leaf manure: Nux vomica leaves for coconut manuring; dry leaf fall litter for the paddy flats; cut leaf manure mainly Terminalia tomentosa and Nux vomica for the stable bedding, and then for general manuring purposes.

All efforts to promote a panchayat have failed, because rich man and poor man alike, each thinking for his own hand, believe they get more out of it by the present confused administration.

Past records show that lopping Terminalias for leaf manure is an old practice: offences occurred before the concessions as they occur now—ten since Christmas—but the people have now a legal footing: so they can cut more freely.

Secondly, unreserves 'out in the blue' near these blocks, do not now give as much Terminalia and Nux vomica leaf as they used to: so there is more pressure on reserves.

The Virakhamba forest is now a forest of pollards, reserved and classified trees are the main sufferers, because it happens their leaves are preferred. The local forest guard cannot keep any control. A better man would fail, too.

Dry leaf is removed freely (we saw huge heaps down on the paddy flats in the enclosure village).

Fuel is stolen, to some extent."

General remarks.—The reserves most concerned with concessions are of value now for production of fuel (in fact, they are fuel coupe series), and for all the other normal functions of reserved forest.

Forest protection is seldom easy anywhere: and the state of things in South Kanara is setting up awkward precedents. I have yet to hear the train of argument that shows why South Kanara is due (sic) special free leaf manure from reserves. Yet we give it free.

The concessions are not necessary, generally. If concessions are to stop, we can easily set to work and make special plans for those particular places that must be provided with leaf manure from reserves.

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Letter from the Chief Conservator of Forests, to the Secretary to Government, Development Department, dated Ootacamund, the 5th August 1932, No. Ref. 2537/31-C-1.

[Forest concessions—South Kanara—Annual reports for the years 1930 and 1931.]

In July 1930, the Chief Conservator was instructed to report cases of abuses of the concessions permitted in the reserved forests of South Kanara where such abuse is sufficiently serious to require a reconsideration of the general orders regulating the grant of the concessions.

The working of the concessions in 1930 was reported on, but as the Conservator had not had an opportunity of himself inspecting, he was directed to offer fuller observations of his own when submitting the District Forest Officers' reports for 1931.

In North Mangalore, the position was appreciably worse in 1931 than in 1930—in no fewer than thirteen reserves were the concessions 'much' abused, and it is impossible for the subordinates to detect more than a small fraction of the abuses.

In South Mangalore the concessions are reported to have been 'much' abused in one case and 'to a fairly large extent' in nine cases. Both these definitions must be regarded as indicating a serious state of affairs as the exercise of the concessions in a regular manner inevitably results in grave damage to the forest.

The Chief Conservator has nothing to add to the views he has from time to time expressed on the subject of these concessions generally. Their exercise, whether abused or not, spells complete ruin to the forests and, although there would result some good from the removal of evergreen undergrowth in certain of the reserves in the south of the district, such an operation cannot be carried out in this way.

There is no doubt that the orders should be reconsidered in respect of the twenty-three reserves referred to though fair use of the concessions, as compared with their abuse, only implies that the forests where there is no abuse will exist for a little longer than the others.

The least law-abiding people are those north of Coondapoor and it is precisely here that the concessions are, and have always been, most abused. The District Forest Officer, North Mangalore, suggests that withdrawals should commence inland and work towards the sea, where the demand is heaviest, the unreserves destroyed completely, and the abuses the most intense. This suggestion appears a sound one and it is therefore recommended that, for the present, the concessions in North Mangalore be withdrawn in the case of the six 'much' abused reserves which lie farthest from the sea, and that the Veeracumba reserve in South Mangalore be closed to the concessions.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 31st October 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed.	Ladden, Mr. W. W.
Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M.	Lakshmana Reddi, Mr. G.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald.	Langley, Mr. W. K. M.
Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G.	Madanagopal Nayudu, Mr. R.
Raja of Bobbili, The hon. the. Rajan, The hon. Mr. P. T.	Maharaja of Venkatagiri, The.
Kumaraswami Reddiyar, The hon. Diwan Bahadur S.	Mahboob Ali Baig Sahib Bahadur.
Abdul Hameed Khan Sahib Bahadur.	Mahmud Schamnad Sahib Bahadur, Khan Bahadur.
Ahmed Meeran Sahib Bahadur.	Manikkavelu Nayakar, Mr. M. A.
Alagannan Chettiyar, Rao Sahib A. S.	Moidoo Sahib Bahadur, Khan Bahadur, T. M.
Alamelumangathayaramma, Mrs. K.	Moses, Mr. P. C.
Annamalai Chettiyar, Mr. S. A. A.	Muhammad Meera Ravuttar Bahadur, K. P. V. S.
Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T.	Muniswami Nayudu, Diwan Bahadur B.
Basheer Ahmed Sayeed Sahib Bahadur.	Muniswami Pillai, Rao Sahib, V. I.
Bayappa Reddi, Mr. P.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Beyahani Sahib Bahadur, S. M. K.	Muthiah Chettiyar, Mr. M. A.
Bhanoji Rao, Mr. A. V.	Muthu Chettiyar, Rao Bahadur P. C.
Birley, Mr. F.	Nachiyappa Gounder, Mr. K. A.
Davis, Mr. J. A.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Devadasan, Mr. M.	Nanjappa Bahadur, Subadar-Major S. A.
Dharmalingam Pillai, Rao Sahib V.	Narasa Reddi, Mr. T.
Durniswami Reddiyar, Mr. K. M.	Narasimhaswami, Rao Sahib D. V.
Ellappa Chettiyar, Diwan Bahadur S.	Narayanan Nambiyar, Mr. V. P.
Foulkes, Mr. R.	Narayanawami Pillai, Rao Bahadur T. M.
Gopalaswami Ayyangar, Diwan Bahadur N.	Natesa Mudaliyar, Rao Bahadur C.
Gopalaswami Mudaliyar, Diwan Bahadur M.	Palat, Mr. R. M.
Hood, I.C.S., Mr. H. M.	Pannirselvam, Rao Bahadur A. T.
Indriah, Mr. C.	Parthasarathi Ayyangar, Mr. C. R.
Jagannatham, Mr. H. M.	Patnaik Mahasayo, Sriman M. G.
Jayaram Nayudu, Rao Sahib C.	Patro, Kt., Rao Bahadur Sir A. P.
Kesavaramamurti Nayudu, Mr. K.	Pattabhiramayya, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Pattagar of Palayakottai, The.
Kolanda Reddi, Rai Sahib C.	Peddiraju, Mr. P.
Koti Reddi, Mr. K.	Pocker Sahib Bahadur, B.
Krishnayya Choudary, Mr. P. V.	Premayya, Mr. G. R.
Krishnamurti, Rao Bahadur D.	Rajagopala Pillai, Mr. P. V.
Krishnan, Mr. C.	Raja of Khalikote, The.
Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	Ramachandra Padayachi, Mr. P. K.
Kumararaja of Venkatagiri, The.	Ramakrishna Reddi, Mr. A.
Kuppuswami Choudari, Mr. J.	Ramalingam Chettiyar, Rao Bahadur T. A.
	Ramamurti, Rao Sahib Pandit Ganala.
	Raman Menon, Mr. K. P.
	Ramaswami Ayyar, Mr. T. S.
	Ramaswami Mudaliyar, Mr. V. M.

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PRESENT—cont.

Ranganatha Mudaliyar, Mr. A.
 Ranganatha Mudaliyar, Mr. G.
 Ranganatha Mudaliyar, Mr. M. D. T.
 Rangaswami Reddi, Mr. M. B.
 Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Shetty, Mr. A. B.
 Simhachalam, Mr. Gade.
 Singam Ayyangar, Mr. K.
 Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Stanes, Mr. F. J.
 Subbarayan, Dr. P.

Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan
 Sahib.
 Thangal, Mr. P. Madusudan.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan
 Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Proposed retrenchment of personnel in the Madras Educational Service.

* 169 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state the subjects of study in regard to which retrenchments of personnel were or are being contemplated in the Madras Educational Service?

A.—It is presumed that the reference is to subjects taught in Government colleges. The subjects in respect of which retrenchment has been ordered are—

College and subject.	Nature of retrenchment.
1 The Presidency College, Madras— Philosophy, B.A. (Pass and Hons.). Sanskrit, B.A. (Hons.).	Abolition of two posts of Assistant Professors and of a post of Professor, the latter to take effect from 1st April 1934. Conversion of a Madras Educational Service post of Additional Professor into a Subordinate Service post.
2 Government Victoria College, Palghat— Philosophy, B.A. (Pass). Applied Mathematics, B.A. (Pass).	Abolition of a Madras Educational Service post of Lecturer. Conversion of a Madras Educational Service post of Lecturer into a Subordinate Service post.
3 Government College, Kumbakonam— Philosophy, B.A. (Pass). Chemistry, B.A. (Pass).	Abolition of a Madras Educational Service post of Lecturer. Conversion of a Madras Educational Service post of Lecturer into a Subordinate Service post.
4 College of Engineering, Guindy. Technical Chemistry.	Conversion of a Madras Educational Service post of Lecturer into a Subordinate Service post.

There are no other proposals now under consideration.

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Rao Bahadur C. NATESA MUDALIYAR:—"Sir, in view of the fact that the Presidency College has got to be maintained as an ideal college, whether it is advisable that retrenchment should be effected in that institution by abolishing the Philosophy Honors course?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Sir, Philosophy Honors course has been abolished because there is provision for it in other colleges."

Rao Bahadur C. NATESA MUDALIYAR:—"Should not the Presidency College be an ideal educational institution and should not there be Philosophy course also even if other institutions provide for it?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It should be an ideal one so far as it goes. It should be ideal in the subjects that are taught there."

Mr. V. T. ARASU:—"May I know whether any students sought admission to the B.A. Honors Philosophy section this year?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think students were admitted into the First Honors Class this year."

Mr. Sami VENKATACHALAM CHETTI:—"Is it the intention of Government not to have in the Presidency College courses which are available in other colleges?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes, as far as possible. If they are good in other colleges, there is no necessity for the Government to maintain the same course."

Mr. SAMI VENKATACHALAM CHETTI:—"May I know in which other college or colleges in Madras, Philosophy course obtains?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"In almost all the private colleges."

Mr. SAMI VENKATACHALAM CHETTI:—"May I tell the House that the hon. Minister is incorrect?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I see that at least two colleges in Madras have Philosophy course."

Mr. ABDUL HAMEED KHAN:—"May I know if the Government would consider the advisability of having a Philosophy course introduced in the Muhammadan College, because it is the only college of its kind in Madras?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not sure if it arises out of this question; but I should be very reluctant to consider the question of opening a Philosophy course newly in any college. It is not at all a popular subject."

Mr. C. R. PARTHASARATHI AYYANGAR:—"Are other colleges in the city having classes in Sanskrit Honors?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is Sanskrit Honors course in the Presidency College only."

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Mr. C. R. PARTHASARATHI AYYANGAR:—"Then, why should it be abolished?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is continuing."

Deputy Director of Public Instruction in charge of personnel.

* 170 Q.—Mr. G. R. PREMAYYA: Will the hon. the Minister for Education and Excise be pleased to state—

(a) which of the Deputy Directors of Public Instruction is in charge of personnel;

(b) whether the same officer has been in charge of personnel for nearly six years;

(c) whether there has been in the whole history of the Department of Public Instruction a tenure so prolonged in the case of any previous Deputy Director; and

(d) whether he exercises the power of recommending for promotion and punishment all employees in all grades and all branches of the Education department?

A.—(a) Mr. M. A. Candeth.

(b) Yes.

(c) Yes.

(d) No.

Natives of Travancore and Cochin in the Madras Educational Service.

* 171 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) of the persons at present officiating in the Madras Educational Service (Collegiate Branch), (i) how many are natives of Malabar, Travancore and Cochin; and (ii) how many are natives of the rest of India; and

(b) of the persons who hold permanent posts in the Madras Educational Service (Collegiate Branch), (i) how many are natives of Travancore and Cochin; and (ii) how many are natives of the rest of India?

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

Mr. ABDUL HAMEED KHAN:—"From the papers furnished in answer to this question I find that there are three gentlemen belonging to the Native States of Travancore and Cochin and three from Malabar making a total of six. The rest of India has only eight appointments. May I know why this proportion is maintained and why the rest of India gets only eight appointments?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot accept the statement of my hon. Friend that the Government are

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maintaining any proportion as between Malabar and the rest of India. In this case it so happened that people with suitable qualifications came from that district."

Mr. SAMI VENKATACHALAM CHETTI:—"Are the Government aware that the Indian States discourage the employment of British Indians in their service?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They do."

Mr. SAMI VENKATACHALAM CHETTI:—"Having regard to that fact, Sir, does the hon. Minister maintain that he should go on appointing in British India subjects of Indian States?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We do not employ them when qualified men are available in British India."

Mr. SAMI VENKATACHALAM CHETTI:—"Is it suggested that it was impossible to find qualified men in British India to fill the posts now occupied by these gentlemen from the States?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Several of the appointments were made before I came into office. But I believe what I stated was the case."

Mr. SAMI VENKATACHALAM CHETTI:—"So long as these men are holding only officiating appointments, would the Minister consider the desirability of terminating their services?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It will not be fair to the candidates to do so."

Mr. K. P. RAMAN MENON:—"Is it a sin, Sir, to belong to Malabar?"

Mr. A. RANGANATHA MUDALIYAR:—"The hon. Minister stated that the appointments were made before he took office. I take it that the old system is not in vogue now?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"At present the Services Commission is making the selection for these posts."

Mr. A. B. SHETTY:—"May I know whether in Travancore and Cochin British subjects are employed?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Not usually."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether the Government are aware of the recent Firman issued by the Nizam's Government and a similar one issued by the Mysore Government regarding the method of filling appointments in those States?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have got the same kind of information which the hon. Member has got, viz., the newspaper report."

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Recruitment of natives of Travancore and Cochin to the Madras Educational Service.

* 172 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many persons belonging to the Indian States of Travancore and Cochin have been, (i) directly recruited, and (ii) promoted since March 1927, to the Madras Educational Service;

(b) whether any persons belonging to the other Indian States have been recruited or promoted to the Madras Educational Service during this period; if so, how many; and

(c) among the persons who have been directly recruited since March 1927, to posts in the Madras Educational Service and to full-time posts in the Law College, how many are from Indian States, how many are Telugus and how many are Tamils?

A.—(a) Four persons were directly recruited and one person was promoted.

(b) No.

(c) Of the persons directly recruited four are from Indian States, five belong to the Tamil districts and one belongs to a Telugu district.

Proposal to close the Power-house in the Engineering College at Guindy.

* 173 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that a special officer was appointed to enquire into the working of the Power-house in the Engineering College at Guindy according to the recommendation of the Retrenchment Committee;

(b) whether the Special Officer has made his report; if so, whether a copy of the same will be laid on the table of the House;

(c) whether it is a fact that the Special Officer has recommended the discontinuance of the Power-house and to take power from the Madras Electric Supplies Corporation or from any other source; and

(d) what the main reasons are for the recommendations made?

A.—(a) to (d) The Retrenchment Committee made no recommendation for the appointment of a Special Officer in connexion with the Engineering College Power-house. The Chief Engineer for Electricity, however, submitted a report last year in which he proposed that the electric current (D.C.) now generated in the Power-house might be obtained in bulk from the Madras Electric Supply Corporation and be distributed by the College. The question being still under consideration, the Government are unable to place the report on the table.

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Receipts and expenditure on account of the Power-house in the Engineering College at Guindy.

* 174 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to lay on the table of this House a statement showing the details of working expenses on behalf of the Power-house in the Engineering College, Guindy, for the last five years ending with 1932-33 and the revenue receipts from the Power-house, if any, for each of these years?

A.—The hon. Member is referred to the annual reports of the College the latest of which for the year 1932-33 has recently been placed in the Council Library.

Provision of facilities to the students of the Engineering College, Guindy, for practical training in electrical machinery.

* 175 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many students are there in each class of the electrical course in the Engineering College, Guindy;

(b) whether there are any Power-houses in this Presidency other than that at the Engineering College at Guindy which give facilities for practical training in electrical machinery to Indian students;

(c) whether the Special Officer has proposed any measures to provide adequate facilities to Indian students for practical training if the College Power-house is closed down; and

(d) whether any capital expenditure on new machinery has to be incurred if power is taken from the other sources; if so, whether the probable amount has been estimated and what the estimated cost and recurring expenditure required are?

A.—(a) The hon. Member is referred to the annual reports on the working of the College.

(b) Attention is invited to rule 17 of the College rules in which the Madras Electricity Department and the Madras Electric Supply Corporation Power Station have been recognized for the purpose of practical training.

(c) There is no proposal to close the Power-house.

(d) The question is under consideration.

Reconstitution of the Madras Text-Book Committee.

* 176 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the number of Members in the Madras Text-Book Committee;

(b) how many of the members are elected by the District Secondary Education Boards and how many are nominated by the Government on the recommendation of the Director of Public Instruction;

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(c) how many of the members appointed by nomination by the Government to the present Committee are officials and how many are non-officials;

(d) how many of these officials are attached to the office of the Director of Public Instruction and connected with the Education Department of the Government;

(e) how many of the members elected by the District Education Boards are officials and how many are non-officials;

(f) whether it is a fact that in practically all the districts the District Educational Officers seek election and are returned to the Committee; and

(g) whether there is any proposal before the Government to reorganize the constitution of the Committee so as to secure an effective and large representation of the teaching and non-official element on the Text-Book Committee?

A.—(a) Forty members, exclusive of the Director of Public Instruction who is the ex-officio President of the Committee.

(b) Eighteen are elected by District Secondary Education Boards and twenty-two are nominated by the Government.

(c) Sixteen are officials and six non-officials.

(d) All the nominated officials are officers of the Educational Department, of whom two are in the office of the Director of Public Instruction.

(e) Six are officials and twelve are non-officials.

(f) This is not the case as the answer to the preceding question shows.

(g) No.

Mr. BASHEER AHMED SAYEED:—" May I ask whether there is any proposal before the Government to reconstitute these committees so as to make them more useful in the selection of text-books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such proposal pending before the Government."

Mr. ABDUL HAMEED KHAN:—" Is it not a fact that the Government have been considering the question of reconstituting these committees in order that the non-official element may have a larger share in the selection of books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no such proposal under consideration."

Mr. BASHEER AHMED SAYEED:—" May I enquire if the hon. Minister thinks it desirable to reduce the number of officials and increase the number of elected members on the committee? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" In the selection of text-books I do not know if non-officials are particularly qualified or, at any rate, more qualified than officials."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether more professors and teachers could not be associated as non-official members on this Committee? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There are a number of such people on the Committee at present."

Mr. V. M. RAMASWAMI MUDALIYAR:—" I am asking whether more of them could not be nominated so as to make the non-official element effective? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If the hon. Member means professors of private colleges, I shall consider the suggestion."

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether all the forty members of the Text-Book Committee are expected and considered to be competent to select text-books on all subjects or whether there are sub-committees for different subjects and they deal with particular text-books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say, Sir."

Mr. ABDUL HAMEED KHAN:—" May I know when this Committee was constituted? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. BASHEER AHMED SAYEED:—" May I enquire if the Education Department will see that the District Educational Officers do not invariably seek election to the Text-Book Committee? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" They are members of the Secondary Education Boards and it is competent for these bodies to elect them."

Mr. BASHEER AHMED SAYEED:—" Does the hon. Minister realize that there is a lot of pressure and undue influence brought to bear upon the voters to elect District Educational Officers themselves as members of the Text-Book Committee? Will he therefore take steps to prevent such things happening? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware of any undue pressure being brought to bear on the voters."

Mr. BASHEER AHMED SAYEED:—" May I ask the hon. Minister whether he is aware that this Text-Book Committee has prescribed a book which is a scurrilous attack on the Prophet of Islam as a Tamil text in the high schools of the Coimbatore district? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. BASHEER AHMED SAYEED:—" May I ask whether he will call for this information and take steps against the Committee for having prescribed such a book? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" This question relates to the constitution of the Text-Book Committee and not to the books that they have prescribed."

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Mr. BASHEER AHMED SAYEED:—" May I ask whether the nature of the constitution of the Committee is not responsible for such books being prescribed? "

The hon. the PRESIDENT:—" That is too far-fetched a supplementary question."

Text-books for non-detailed study in Indian languages for the S.S.L.C. Examination, 1934, and the T.S.L.C. Examination, 1935.

* 177 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the recommendations of the Advisory Committees for text-books for non-detailed study in Indian languages for the S.S.L.C. Public Examination of 1934 and the T.S.L.C. Examination of 1935 have been received and, if so, when they were received for each of the languages;

(b) whether they have been approved by the Director of Public Instruction and the necessary intimation sent to the publishers; if so, when; and

(c) if the answer to clause (b) is in the negative, the reasons for the delay in sending the necessary intimation to the publishers concerned?

A.—(a) Yes. The statement* appended shows the dates on which they were received.

(b) & (c) All the books except one in Tamil have been approved by the Director. The dates on which intimation was sent to the publishers are shown in the statement referred to in the answer to clause (a). The Tamil publication referred to above was not approved as its prescription would be a violation of the practice according to which a book is not accepted unless five years have elapsed since a book written by the same author was last prescribed.

Constant changes in the text-books for lower classes and forms.

* 178 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there is any rule of the Education Department requiring the managements of schools, public and private, to change the text-books for the lower classes and forms from year to year;

(b) if so, when the rule was made and what the reason is for the rule;

(c) if not, why in almost all Government schools all text-books are changed from year to year for all the lower classes and high school forms;

* Printed as Appendix II on page 238 infra.

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(d) whether representations have been made to the authorities complaining that great hardship, loss and inconvenience are caused to the parents of pupils by the constant changes in the text-books prescribed; and

(e) what steps the Government propose to take to prevent this practice by the managements?

A.—(a) & (b) There is no such rule.

(c) It is not a fact that in almost all Government schools all text-books are changed from year to year.

(d) & (e) No complaints have been received about changes of text-books in Government schools.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I enquire whether the Government are not aware that in recent years there have been constant changes in the books prescribed? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" As I have stated in reply to the question on paper, no complaints have been received; but the matter will be examined."

Mr. V. M. RAMASWAMI MUDALIYAR:—" My question is whether the Government are aware and not whether representations have been received by them? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, Sir. The Government are not aware."

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I ask whether the hon. Minister will find out whether text-books are changed from year to year and, if so, whether he will take steps to prevent the same? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I will enquire and, if there is any abuse, I shall consider what action has to be taken."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Have the Government received any report from the taluk boards, through their educational officers, on the subject? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Government have not received any report on the subject."

Mr. ABDUL HAMEED KHAN:—" Is it a fact that even though there is a large committee, ultimately it is one gentleman who is responsible for prescribing the text-books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think so."

Mr. SAMI VENKATACHALAM CHETTI:—" Have the Government issued circulars to the taluk boards recommending the introduction of particular text-books? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No."

Mr. BASHEER AHMED SAYEED:—" Will they be pleased to issue a rule that for a prescribed minimum period text-books should not be changed? "

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The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government have no such proposal before them."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government have called for statistics from the various schools, both private and Government, as regards the changes in text-books and how often they have been changed during the last five years?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That will be part of the examination which I said I am intending to make."

Hardship caused by the frequent change of text-books.

* 179 Q.—Mr. C. BASU DEV: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether representations have been received by the Government drawing their attention to the great hardship caused to the parents and guardians of school-going children by the frequent change of school text-books; and

(b) if so, what action they have taken so far and propose to take in the future?

A.—(a) No such representations have been received by the Government.

(b) Does not arise. A circular was, however, issued last year to presidents of district educational councils pointing out that the duty of selecting books for use in elementary schools rested entirely with the school authorities and that it was not one of the functions of district educational councils or their presidents to prescribe text-books.

Appointment of tabulators to tabulate the results of the S.S.L.C. and the T.S.L.C. examinations.

* 180 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what the qualifications are for persons for being appointed as tabulators to tabulate the results of the S.S.L.C. and T.S.L.C. examinations;

(b) whether the tabulators for the examinations of 1932 were approved by the Director of Public Instruction;

(c) how many tabulators were appointed in that year and how many of them were Muhammadans;

(d) how many Muhammadans were appointed as tabulators during the immediately preceding five years;

(e) what the rates of remuneration allowed to these tabulators are;

(f) whether in 1932 and 1933 tabulation clerks were also employed and, if so, what the rates of remuneration paid to them were; and

(g) how long the tabulation lasted in each of the years?

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4.—(a) Tabulators are appointed from among Government servants employed in educational institutions which have vacations.

(b) As in previous years, the power to appoint tabulators was delegated to the Secretary.

(c)	81	...	...	...	...	...	...	7
(d)	1931	...	...	...	...	...	...	14
	1930	...	...	...	...	...	...	11
	1929	...	...	...	...	...	...	8
	1928	...	...	...	...	...	...	8
	1927	...	...	...	...	...	...	4

(e) Rupees 5 per day to each of the two chief tabulators.
Rupees 4½ per day to each head tabulator of a section consisting of six tabulators.

Rupees 4 per day to each tabulator who is a graduate.
Rupees 3 per day to each tabulator who is not a graduate.

(f) Yes; a rupee and a half per day.

(g) 1933 ... 37 days.
1932 ... 32 "

Mr. BASHEER AHMED SAYEED:—"With reference to the answer to clause (b) of the question, may I know why this power has been delegated to the Secretary?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Commissioner has power to delegate and he has done so."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government or the Commissioner knows that this power having been delegated has been exercised to the detriment of the concerned interests?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Government have no reason to think that it is improperly exercised."

Mr. BASHEER AHMED SAYEED:—"Will they be pleased to call for a report as to how this power delegated by the Commissioner has been exercised?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Unless specific instances of its misuse are forthcoming, I do not think there is any need for making an enquiry."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government are aware that a suit was filed against the Commissioner for the S.S.L.C. examination alleging that a mistake had been made by the tabulator in the tabulation of the marks?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The suit was dismissed."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Government inquired into the allegations that a mistake had crept in in the tabulation of marks?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"On the notice of suit given by the plaintiff, the matter was enquired into and Government found that no mistake was made."

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Agriculture

Action taken on the report of the Royal Commission regarding peripatetic demonstrations.

* 181 Q.—MR. A. HARISCHANDRUDU: With reference to Chapter VI of the report of the Royal Commission on Agriculture will the hon. the Minister for Public Works be pleased to state—

(a) the number of demonstration plots cultivated during the last four years in each district under the guidance of the Agricultural Department in pursuance of the recommendation contained in paragraph 131;

(b) the number of peripatetic demonstrations given in each district in the year 1931-32 and 1932-33;

(c) in how many cases in each district have arrangements been made in 1931-32 and 1932-33 to hire out to the cultivators the more expensive implements and machinery in agriculture;

(d) whether the possibilities of a demonstration train have been considered by the department; if so, what the result is; and

(e) how many Better-Farming Societies have been established and where?

A.—(a) A statement* is appended.

(b) A circular statement* is appended. District figures are not available.

(c) The Government have no information.

(d) Yes; but it was considered that motor exhibition vans could do more intensive propaganda work than demonstration trains since the former can reach remote and interior villages.

(e) There were 12 agricultural demonstration societies in 1931-32 and 10 in 1932-33. These ten were working in the districts of Malabar, Tanjore and Trichinopoly.

MR. V. M. RAMASWAMI MUDALIYAR:—"May I ask why there has been such a paucity of demonstration plots in the North Arcot district while other districts have got as many as 120 and so on?"

The hon. MR. P. T. RAJAN:—"There are only 23 plots in North Arcot. Probably people are not coming forward and showing interest in the matter."

MR. V. M. RAMASWAMI MUDALIYAR:—"Will Government consider the advisability of increasing the number of plots?"

The hon. MR. P. T. RAJAN:—"I shall instruct the officer concerned to increase the number of plots."

* Printed as Appendix III on pages 239-240 infra.

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Local Self-Government

Extension of the territorial limits of the Cannanore Municipality.

* 182 Q.—MR. SAMI VENKATACHALAM CHETTI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Cannanore Municipality has applied to the Government to extend the present limits of the municipality by including Pannampara Chalat, Chowa and Pallikunnu;

(b) whether the Government have received any representations from people or from any person interested in the municipal administration objecting to the extension of the present limits of the municipality;

(c) whether the Government have ascertained the opinion of the people residing in the localities to the limits of which the extension is required; and

(d) what action the Government propose to take in regard to the matter?

A.—(a) Yes.

(b) Yes.

(c) Government have received a mahazar from the residents of the area proposed to be included within the municipality and a copy of the resolution passed at a public meeting held at the Chalat Central School on 14th April 1933, protesting against the proposed extension of the municipal limits. They had also a report of the Collector of Malabar on the subject.

(d) Government have already dropped the proposal.

Transfer of the District Board Engineer, Salem.

* 183 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) on what principles the District Board Engineers are transferred from one district to another;

(b) who the District Board Engineer was at Salem prior to Mr. Tirumalaiswami Ayyar joining duty there;

(c) when Mr. Tirumalaiswami Ayyar joined duty at Salem;

(d) when he was relieved from there on transfer;

(e) for what reasons he has been transferred from Salem so soon;

(f) whether the President, District Board, Salem, moved for his transfer and if so, on what grounds;

(g) who was posted to succeed Mr. Tirumalaiswami Ayyar at Salem and when did he join duty;

(h) what the amount of travelling allowance, etc., drawn by Mr. Tirumalaiswami Ayyar is for his transfer to and from Salem; and

(i) what the amount of travelling allowance, etc., allowed to his successor is for his transfers from and to Salem?

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A.—(a) Transfers of District Board Engineers are made according to the exigencies of service and in consultation with the presidents of district boards concerned.

(b) Mr. T. Sekharan.

(c) On the 10th March 1933 (afternoon).

(d) On the 13th April 1933 (afternoon).

(e) & (f) A vacancy arose in Madura, and as the President, District Board, Salem, desired to have the services of Mr. Sekharan, the latter was posted to Salem and Mr. Tirumalaiswami Ayyar was transferred to Madura.

(g) Mr. T. Sekharan; he joined duty on the 15th April 1933 (forenoon).

(h) Travelling allowance for his transfer from—

	RS.	A.	P.
(i) Nellore to Salem	172	4	0
(ii) Salem to Madura	145	8	0
Total	317	12	0

(i) Mr. Sekharan, who was acting as District Board Engineer, Salem, before Mr. Tirumalaiswami Ayyar took charge there, was not transferred to another district but reverted to his permanent appointment as Local Fund Assistant Engineer, Coimbatore, on relief by Mr. Tirumalaiswami Ayyar. Hence no travelling allowance was admissible to him from provincial funds. Information regarding the travelling allowance, etc., drawn by him in respect of his journey to join his appointment as Acting District Board Engineer, Salem, in April 1933 is not available.

Amendment to the Local Boards and Municipalities Electoral Rules regarding the removal of the veil, worn by Gosha ladies, at the time of exercising their franchise.

* 184 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have received a copy of the judgment of the Officiating Chief Justice of the High Court, Madras, dated 8th September 1933, in C.M.P. No. 2711 of 1933 (for a writ of certiorari);

(b) whether there is any proposal before the Government to amend the rules for conduct of elections passed by the Government under the provisions of the Local Boards Act and the District Municipalities Act, with a view to make provision to enable gosha women voters to exercise their franchise without unveiling their faces to males including candidates;

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(c) whether any report has been received by the Inspector of Local Boards and Municipalities from the Election Officer, Kayalpatnam, in connexion with the local boards election held there on 15th October 1932 as regards the effect of insistence of one of the male candidates that Gosha women voters should unveil their faces to him, and if so, what the report is, and whether the Government will be pleased to place the said report on the table of this House; and

(d) whether the Government have received any petition from the Muslim women voters of Kayalpatnam praying the Government to frame such rules as are necessary to enable them to exercise their franchise without unveiling their faces to males including candidates for election under any circumstances; and if so, what action has been taken by the Government on the same?

A.—(a) The Government have perused the judgment.

(b) Yes.

(c) A report was received by the Inspector of Municipal Councils and Local Boards from the Election Officer. Government see no reason to place the report on the table.

(d) No.

B. POCKER SAHIB Bahadur:—“ May I know whether the Government are aware that the present rules as construed by the High Court decision actually deprive the Gosha women of their franchise? ”

The hon. the RAJA OF BOBBILI:—“ In the answer to the next question the hon. Member will find that Government are considering the question of revising the rules, wherever possible.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Government are aware that the introduction of purdah voting will be followed by abuses at election booths? ”

The hon. the RAJA OF BOBBILI:—“ It is a difficult question to answer. There may possibly be abuses in some cases. The presiding officers appointed will do their duty.”

MR. BASHEER AHMED SAYEED:—“ May I ask whether the hon. the Minister will take the Muslim members of this Council into confidence before the rules are finally approved and published? ”

The hon. the RAJA OF BOBBILI:—“ No objection to consult the Muslim members at that time.”

Decision of the Madras High Court regarding the removal by Gosha women of their veil at the time of exercising their franchise.

* 185 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the attention of the Government has been called to the recent judgment of the Madras High Court in Mr. Bijli Sahib's election case containing reference to the right of the candidates at elections to insist upon the female electors exercising their franchise unveiling their faces for purposes of identification; and

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(b) whether the Government propose to take any action to overcome the effect of this decision, and if so, what action?

A.—(a) The Government have since perused the judgment referred to.

(b) The question of amending the rules for the election of members so as to enable women to exercise their franchise without the necessity to unveil their faces before men is engaging the attention of Government.

Medical Administration

Appointment of Demonstrators in the Vizagapatam Medical College.

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

(a) whether it is a fact that there are surplus men in the Madras Medical Service, provincial cadre;

(b) if so, how many;

(c) whether it is a fact that the Government created three posts of demonstrators in the Vizagapatam Medical College to be filled up temporarily by these surplus men till the retrenchment in the Madras Medical Service (provincial) is completed; and

(d) whether it is a fact that three senior men were posted for these posts when there are surplus junior men in the cadre?

A.—(a) & (b) The strength of the Men's section of the Madras Medical Service (General Branch) has not yet been reduced as a measure of retrenchment. There are ten surplus officers if the strength of the section after reduction and the number of temporary posts and vacancies are taken into account.

(c) Yes. Assistant Surgeons have been posted to these demonstratorships as a measure of economy even though they are not intended for them.

(d) No. The Assistant Surgeons posted to the demonstratorships are not senior men.

Remuneration payable to a House Surgeon in the General Hospital, Madras.

* 187 Q.—MR. K. A. NACHIVAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what the remuneration paid to the House Surgeons in the Government General Hospital at Madras now is and what it was before the retrenchment was brought in;

(b) whether the reduction brought in this case was restored as in the case of other appointments;

(c) if so, from which date, and, if not, why not; and

(d) what the duties are of a House Surgeon in the Government General Hospital at Madras?

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A.—(a) The subsistence allowance paid to House Surgeons in the General Hospital was reduced from Rs. 50 to Rs. 30 per mensem as a measure of retrenchment.

(b) & (c) No; the Government see no necessity to raise the amount of subsistence allowance.

(d) House Surgeons are resident (paid) or non-resident (unpaid). The latter do not have night duties in the hospital. Both assist the Surgeon or Assistant Surgeon of the ward, to which they are posted, and help in the examination and study of patients, assist in operations and take their turn at night or other extra duties that may be allotted to them. Generally their duties consist in helping their seniors on the staff of the hospital.

Mr. V. T. ARASU:—"May I know whether the Government think that Rs. 30 a month is enough for a House Surgeon to subsist upon?"

The hon. the RAJA OF BOBBILI:—"That is the remuneration fixed as a result of the recommendations of the Retrenchment Committee."

Mr. ABDUL HAMEED KHAN:—"Will the hon. the Minister recommend to the gentlemen concerned in the Retrenchment Committee and the Cabinet to restore the old rate?"

The hon. the RAJA OF BOBBILI:—"Government have considered the matter carefully and they are of opinion that Rs. 30 additional remuneration is sufficient."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether it is the considered opinion of the Government that the minimum living wage for a House Surgeon is Rs. 30?"

The hon. the RAJA OF BOBBILI:—"It is only a remuneration."

Mr. BASHEER AHMED SAYEED:—"May I know whether any proposals have been sent up to Government by the Surgeon-General on this question with a view to increase the remuneration?"

The hon. the RAJA OF BOBBILI:—"I must ask for notice."

Mr. V. T. ARASU:—"May I know whether the hon. the Minister is aware of the fact that House Surgeons are not paid any salaries and this is the only allowance paid to them?"

The hon. the RAJA OF BOBBILI:—"I am sorry I made a mistake."

Ear, nose and throat operations performed by Lieut.-Col. Pandalai during the past two years.

* 188 Q.—MR. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state the number of ear, nose and throat operations performed by the present First Surgeon (Lieut.-Col. Pandalai) in the Government General Hospital during the past two years?

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A.—

Year.	Number of operations performed.
1931	14
1932	14

Mr. V. T. ARASU:—"May I know if the hon. the Minister is aware of the fact that there is a specialist in charge of the ear, nose and throat clinics in the General Hospital and, if so, why the First Surgeon has been allowed to perform these operations?"

The hon. the RAJA OF BOBBILI:—"Owing to the number of operations which it is necessary to make, this arrangement might have been made."

Mr. V. T. ARASU:—"May I know whether the 14 cases in 1931 and another 14 in 1932 were the private cases of the First Surgeon or the public at large who seek admission into the hospital for ear, nose or throat trouble to be attended to by the Specialist?"

The hon. the RAJA OF BOBBILI:—"I am not aware of any such thing. This is the information supplied by the Surgeon-General."

Mr. V. T. ARASU:—"Will the hon. the Minister investigate it and ascertain whether these cases are the private cases of the Surgeon concerned or the cases of patients who sought admission to the General Hospital in the usual course?"

The hon. the RAJA OF BOBBILI:—"These are cases admitted in the General Hospital. I do not think there is any necessity to call for further report."

Mr. V. T. ARASU:—"May I know whether this Surgeon has been supplied with a separate set of apparatus required for operations of ear, nose and throat cases; and if so, why, when there is already a complete set in the custody of the Specialist?"

The hon. the RAJA OF BOBBILI:—"He must have the necessary instruments when he is called upon to carry on operations."

Mr. V. T. ARASU:—"In these days of retrenchment, is it proper that every Surgeon should be equipped with a separate set of apparatus? Is not one set enough for all the Surgeons?"

The hon. the RAJA OF BOBBILI:—"I am not competent to speak on these technical matters. I presume the Surgeon-General thought that another set was necessary."

Rao Bahadur A. T. PANNIRSELVAM:—"May I know whether there is any rule that the same kind of operation should not be performed by two sets of apparatus at the same time?"

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

Rao Bahadur A. T. PANNIRSELVAM:—"If so, will not two sets be superfluous?"

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

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Mr. V. T. ARASU:—"May I know whether the hon. the Minister is aware that it is conventional in all hospitals that wherever there is a specialist available the general practitioner should not handle cases which fall within the purview of the specialist?"

The hon. the RAJA OF BOBBILI:—"It may not be possible to enforce such rules."

Mr. V. T. ARASU:—"Then why in the case of this Surgeon this well-established convention has been given up and has been allowed to perform operations on ear, nose and throat cases in which he is admittedly not proficient?"

The hon. the RAJA OF BOBBILI:—"I am not aware of any such hard and fast rule."

Closure of certain subsidized rural dispensaries.

* 189 Q.—Mr. V. T. ARASU: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Government have directed certain subsidized rural dispensaries to be closed down; and

(b) if so, the reasons for ordering that they should be closed?

A.—(a) & (b) Nineteen dispensaries were ordered to be closed as they had a daily average attendance of less than 12. The taluk boards concerned were asked to submit proposals in consultation with the District Medical Officers for the opening of new dispensaries in lieu of the 19 dispensaries ordered to be closed.

Mr. V. T. ARASU:—"May I ask whether in the case of the taluk board of Coondapoor in South Kanara the Government have ordered the rural dispensaries to be closed down, although the number of patients visiting that dispensary has usually exceeded the number of 12?"

The hon. the RAJA OF BOBBILI:—"The hon. Member has not particularly referred to any dispensary. I am not quite sure whether that case is included in the number ordered to be closed."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government have enquired into the reasons why there has been such poor attendance in these dispensaries before they ordered their closure?"

The hon. the RAJA OF BOBBILI:—"The Surgeon-General has reported like that and Government cannot make separate enquiries."

Mr. SAMI VENKATACHALAM CHETTI:—"Have the Government satisfied themselves before closing down those dispensaries that there is any other kind of medical relief available in those villages?"

The hon. the RAJA OF BOBBILI:—"Not in those particular villages. In some cases it was found that in the same taluk there are other dispensaries more conveniently situated for affording medical relief."

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Mr. SAMI VENKATACHALAM CHETTI:—"Is it suggested that lack of attendance at a rural dispensary is a disqualification and a sufficient reason for denying medical relief to that village?"

The hon. the RAJA OF BOBBILI:—"Dispensaries are closed at one place and reopened at other places where they are found to be more useful."

Mr. SAMI VENKATACHALAM CHETTI:—"So, is it necessary for every rural dispensary started by the Government to be attended by some people suffering from some disease?"

The hon. the RAJA OF BOBBILI:—"No, Sir. The necessity for medical aid is so great in this Presidency that it is desirable to transfer the dispensaries to places more convenient and accessible."

Mr. V. T. ARASU:—"May I know whether in the case of certain taluk boards, Government have not thought fit to close down the dispensaries though the usual attendance therein was considerably less than 12?"

The hon. the RAJA OF BOBBILI:—"No, Sir. According to the report of the Surgeon-General these are the nineteen dispensaries where the attendance has fallen below 12."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether in these nineteen cases, the fall of attendance was due to the incapacity of the doctors in charge of them?"

The hon. the RAJA OF BOBBILI:—"I have no information."

Mr. ABDUL HAMEED KHAN:—"May I know whether, before closing down the dispensaries, the Government examined whether the fall in the attendance was due to more than one cause?"

The hon. the RAJA OF BOBBILI:—"The Surgeon-General sometimes visits them himself and in other cases he gets reports from the District Medical Officers as to the work done at the dispensaries during a course of years; then Government come to a conclusion whether a dispensary is to be closed."

Mr. BASHEER AHMED SAYEED:—"May I ask how many of these nineteen dispensaries are allopathic and how many non-allopathic?"

The hon. the RAJA OF BOBBILI:—"I have no information."

Mr. V. T. ARASU:—"Will the hon. the Minister be pleased to state why in the case of certain taluk boards this rule has not been enforced?"

The hon. the RAJA OF BOBBILI:—"I have already answered that question. All cases reported by the Surgeon-General have been closed."

Rule as to the closure of the outer gates of the General Hospital, Madras.

* 190 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that there is a rule in the Government General Hospital at Madras that the outer gates should be closed after

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10 p.m. and should not be opened except with the express permission of the House Surgeon who is on duty then;

(b) if so, whether it is in force or whether it is merely a dead letter; and

(c) if it is in force, whether it is strictly observed and, if not, why not?

A.—(a) Yes; but it is the Assistant Surgeon on duty who is the authority to grant permission for opening the gate after 10 p.m. and not the House Surgeon.

(b) It is in force.

(c) The rule is being strictly observed.

Public Health and Sanitation

Progress of the scheme for the supply of drinking water from the Mettur Reservoir to Salem town.

* 191 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) at what stage the scheme for the drinking water-supply to Salem town from Mettur Reservoir is;

(b) whether orders have been passed for the preparation of detailed plans and estimates in this behalf;

(c) if the answer to clause (b) be in the negative, what the delay is due to;

(d) when the work is expected to be taken up and what the approximate time to complete it will be; and

(e) what amount of grant and what amount as loan do the Government propose to give for this work?

A.—(a) to (e) A reference is being issued to the municipal council asking whether it is prepared to agree to finance the scheme on the basis of a half grant and half loan. No orders have yet been passed for the preparation of detailed plans and estimates as the financing of the scheme has not been finally settled. If the council agrees to the proposals of the Government and if a special establishment is sanctioned, it will take more than a year to complete the preparation of detailed plans and estimates. The execution of the scheme may take six years. If the scheme is finally approved, the Government grant and loan for the work, will each amount to Rs. 11 lakhs.

Supply of drinking water from Mettur Reservoir to Salem town.

* 192 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) in what stage the scheme to supply drinking water to Salem town from Mettur Reservoir is;

(b) whether the scheme has been sanctioned and plans and estimates have been called for; and

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(c) if so, on what terms and when the work may be expected to be taken up on hand and what the recurring and non-recurring cost of the scheme and its maintenance will be?

A.—(a), (b) & (c) The scheme to supply water to Salem town from the Mettur dam has not yet been sanctioned; nor have any orders been issued for the preparation of plans and estimates. It is proposed to ask the municipal council whether it is prepared to accept the proposals for financing the scheme on the basis of a half grant and half loan.

The approximate capital cost of the scheme is estimated at Rs. 22 lakhs and the annual maintenance charges at Rs. 52,720. If the council takes a loan of Rs. 11 lakhs towards its share of the cost and if it agrees to repay the loan in 30 years with interest at 5½ per cent, it will have to find a sum of Rs. 77,788 in addition to the maintenance charges. The attention of the hon. Member is also invited to the answer to question No. 191.

Mr. BASHEER AHMED SAYEED:—“ May I know when the Government propose to issue final orders on this question? ”

The hon. the RAJA OF BOBBILI:—“ The question of the actual charge for water supplied is under examination; as soon as that is over, orders will be passed.”

Supply of drinking water from Mettur dam to Salem town.

* 193 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) in what stage the supply of drinking water to Salem town from Mettur project stands; and

(b) for how long the question of the supply of drinking water to Salem town from Mettur project has been pending?

A.—(a) The attention of the hon. Member is invited to Legislative Council question No. 191;

(b) The Sanitary Engineer's report on the investigation of the water-supply scheme was received in July 1931 and it has been under consideration since then.

Religious and Charitable Endowments

Proposals by the Hindu Religious Endowments Board for the appointment of Commissioners to Mutts.

* 194 Q.—Mr. K. SINGAM AYYANGAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any proposals by the Hindu Religious Endowments Board now pending before the Government for appointing Commissioners to the various Mutts; and

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(b) if so, the grounds on which such proposals are based?

A.—(a) No.

(b) The question does not arise.

Appointment of a committee for the Muslim Charitable and Religious Endowments in the Nilgiri district.

* 195 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any devasthanam committee was appointed by the Government at any time for the Muslim Charitable and Religious Endowments in the Nilgiri district under Act XX of 1863;

(b) if so, when the same was appointed and who constituted the committee;

(c) whether the committee is now functioning and who the present members of the committee are; and

(d) if not, whether there is any proposal before the Government to constitute a committee for the said district?

A.—(a) No.

(b) & (c) These questions do not arise.

(d) No.

Alleged refusal of the Forest Officer, Tinnevely, to permit the customary procession of the poosaries of Courtallam temple to pass through the forest to offer pooja in the Shambagadevi Falls.

* 196 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Forest Officer, Tinnevely, refused to allow the temple poosaries of Courtallam temple last year on an important festival day to pass through the Reserved Forest area and perform pooja for the deity in the Shambagadevi Falls, which they have got a right to do;

(b) whether it is a fact that the pooja for the deity was suspended for that day; and

(c) whether the Government are prepared to take any action in the matter?

A.—(a) No.

(b) The Government have no information.

(c) No action is called for.

Mr. A. RANGANATHA MUDALIYAR:—“ Is the place where the pooja has to be performed surrounded on all sides by reserved forests? ”

The hon. the RAJA OF BOBBILI:—“ I must ask for notice.”

Mr. A. RANGANATHA MUDALIYAR:—“ Has a right of way been reserved to the temple? ”

The hon. the RAJA OF BOBBILI:—“ I believe so.”

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General*Employment of ex-army men in the Civil Service.*

* 197 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Member for Revenue be pleased to state whether any arrangements have been made for the employment of ex-army soldiers and their sons of the lately disbanded Madras Pioneer Regiment in the Civil department as peons, etc.; if so, the number of persons entertained in each district during the period from 1st January 1933?

A.—The Government have issued instructions to all heads of departments that men prematurely discharged from the Madras Pioneers should be preferred to non-ex-army men in the matter of civil employment, provided they possess the prescribed qualifications and their employment is permissible under the Statutory Rules. As regards the employment of the sons of those so discharged, instructions have also been issued to all heads of departments that, other things being equal, the status of a candidate's family and his family connexions should be given due weight in the matter of selection.

The Government have no information as to how many of those discharged from the Madras Pioneers and their sons have secured appointments under Government.

Irrigation*Execution and cost of the Cauvery-Mettur Project.*

* 198 Q.—Mr. A. HARISCHANDRUDU: Will the hon. the Member for Revenue be pleased to state—

- (a) the actual dates on which the Mettur works were commenced and completed;
- (b) what the total amount spent was on this for completion;
- (c) how the Government met the expenditure on these works, i.e., whether from the Provincial revenues or otherwise;
- (d) how many acres of land are brought under cultivation under this project;
- (e) what the districts are that are benefited by the works;
- (f) what the income estimated to be derived was from this project when the estimate was sanctioned; and
- (g) what the income expected to be derived is in the first year?

A.—(a) & (b) The project works have not yet been completed. They were commenced in 1925.

(c) The expenditure up to 1932–33 was met from loans taken from the Provincial Loans Fund of the Government of India. The expenditure in the current year will be met partly from the unspent balance of loan taken for it during 1932–33 and partly from the Revenue balance.

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- (d) The project is to irrigate a new area of 301,000 acres in the Tanjore district.
- (e) Besides the new delta in the Tanjore district, the irrigation channels in Salem, Trichinopoly, Tanjore and South Arcot districts depending for their supply on the Cauvery below the Mettur Dam will get an assured and steady supply.
- (f) According to the Revenue Estimate of 1928 (when the Revised Estimate for the project was sanctioned) a net revenue of Rs. 55,53,967 was expected. According to the Revised Revenue forecast of December 1931 the net revenue is expected to be Rs. 57,12,866.
- (g) The revenue originally expected in 1932–33 was Rs. 30,333 but the amount actually realized was Rs. 1,525.

Irrigation of the Pennar delta by the Tungabhadra waters.

* 199 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a report from the Engineering Department that it is feasible to bring the Tungabhadra water through the Kurnool-Cuddapah canal into the Pennar delta to help the delta ryots in the Nellore district in their earlier agricultural operations; and

(b) if so, whether they will be pleased to place the same on the table of the House?

A.—(a) & (b) A copy of the Chief Engineer's report, dated the 27th July 1933, on the subject is placed on the table.*

Duties of Executive Engineers vis-à-vis the Irrigation Advisory Boards.

* 200 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

- (a) what the delta areas are for which Irrigation Advisory Boards have been constituted;
- (b) what the objects are with which these Boards were started;
- (c) whether the Executive Engineer in each area is expected to attend all the meetings of the Board;
- (d) whether the officer above mentioned is expected to send up subjects for discussion at the meetings of the Board;
- (e) whether the Executive Engineers discharge these functions satisfactorily and without complaints from the members of the Irrigation Advisory Board; and
- (f) whether the Executive Engineers consult the above Boards in all important matters concerning the interests and welfare of the ryots?

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A.—(a) Irrigation advisory boards have so far been constituted for the following deltaic areas:—

- (1) Godavari Eastern delta.
- (2) Godavari Central delta.
- (3) Godavari Western delta.
- (4) Kistna Eastern delta.
- (5) Kistna Central and Western deltas.
- (6) Cauvery delta.

(b) The boards have been constituted in order to give landholders who are appointed to the boards an opportunity to make recommendations on questions of policy and other important matters affecting the interests of the particular irrigation system as a whole in contradistinction to the remedying of individual grievances.

(c) It is obligatory on the Executive Engineer to attend at least one out of every two meetings of the board.

(d) & (f) Such a course is within the discretion of the Executive Engineer concerned. Sometimes an Executive Engineer consults the advisory board on his own initiative.

(e) The Government believe so. They have received no complaints.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government is prepared to advise the Executive Engineers to consult the irrigation advisory boards for a change of policy? "

* The hon. Sir ARCHIBALD CAMPBELL:—" The engineers usually do that, I believe. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask why irrigation advisory boards have been constituted only for five or six places and representation given? "

* The hon. Sir ARCHIBALD CAMPBELL:—" Because they are important irrigation districts. "

Mr. BASHEER AHMED SAYEED:—" May I know whether in the Advisory Board for the Cauvery delta, any representation is given to the interests affected? "

* The hon. Sir ARCHIBALD CAMPBELL:—" Such representation is given. "

Mr. BASHEER AHMED SAYEED:—" What proportion of ryots are represented on the Advisory Board? "

* The hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" Whose opinion will prevail in the matter of opening irrigation panchayats? "

* The hon. Sir ARCHIBALD CAMPBELL:—" It rests with the Collector of the district. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will Government advise the Collector of Guntur to open one more panchayat? "

* The hon. Sir ARCHIBALD CAMPBELL:—" If proposals are made to the Collector, he will consider them. "

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Proposal to start an Irrigation Panchayat in the Kistna Western Division.

* 201 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state whether the Government have under contemplation the starting of an Irrigation Panchayat as an experiment in any place in the Kistna Western Division; if not, why not?

A.—No. The Collector has the power to transfer channels to the control and management of irrigation panchayats in consultation with the Executive Engineer.

Repairs to the Karikulavakam Thangal bund.

* 202 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Karikulavakam Thangal bund (I.T. 477) gave way and overflowed on the neighbouring cheri on many occasions;

(b) whether it is a fact that the Chief Engineer for Irrigation inspected the spot on 17th September 1927, and passed orders in 1928, to raise the thangal bund and combine it with the adjacent tank (I.T. 465) into one source, and whether in view of that proposal an estimate for Rs. 4,000 was submitted in 1929-30 to combine the tank with the thangal;

(c) if so, why no further action was taken in the matter;

(d) whether it is a fact that Government have spent about Rs. 4,250 in the years 1931 and 1932 in strengthening the Karikulavakam tank bund (I.T. 465) to save the Hindu residential quarters of Vishnuvakam and Karikulavakam villages adjoining it from inundation;

(e) whether it is a fact that no repairs have been carried out by the Public Works Department to the said thangal (I.T. 477) for the last 20 years;

(f) whether it is a fact that during floods the supplying sluice from the tank (I.T. 465) to the thangal (I.T. 477) discharges heavy floods endangering the paracheri every year; and

(g) whether the Government have any proposal before them to protect the cheri from inundations?

A.—(a) The Government have no information. It is reported that the cheri is not in danger of inundation.

(b) Yes.

(c) The proposal was dropped for three reasons, viz., that it involved the raising of the Full Tank Level of the Thangal by 3½ feet rendering the Pudur village and fore-shore lands liable to submersion, that the surplus of the tank which is now flowing into the Velliur tank will

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under the proposal be diverted into the Kattangal and interfere with existing rights and that the anticipated return was too low to justify the expenditure.

- (d) The Karikulavakam tank bund was extended on the right on two different occasions and on the left once. The first work was completed in April 1930 with an expenditure of Rs. 2,475. The object of this work was to prevent the wastage of the tank water over the right flank which it was feared might be caused by the foreshore ryots to save their lands from submersion. Subsequently the bund was further extended in 1932-33 at a cost of Rs. 566. The work was completed in March 1933. This extension was with a view to prevent the inundation of the Adi-Dravida quarters of Vishnuvakkam village on occasions when the tank was full. An extension of the left flank end of the tank bund was also carried out in 1932 at a cost of Rs. 222. This was done to prevent the wastage of the tank water over the left flank end.
- (e) The thangal was repaired and improved in 1918.
- (f) No. The sluice itself has only a limited capacity and has needle shutters fitted with regulating arrangements.
- (g) The attention of the hon. Member is invited to the second sentence in answer to clause (a). It is proposed to raise and strengthen the bund wherever necessary and an estimate for the work has been sanctioned recently.

Repairs and improvements to the Minor Irrigation Works in the districts of South Arcot, Salem and Coimbatore.

* 203 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) the amount of money spent on minor irrigation works in each of the districts of South Arcot, Salem and Coimbatore during the last five years;

(b) the number and nature of the works carried out and the improvements effected to irrigation sources thereby;

(c) whether it is a fact that many of the irrigation tanks in the district of South Arcot, particularly in the taluks of Tirukkoyilur, Tindivanam and Gingee are silted up and have not been attended to for the last five years; and

(d) whether the Government propose to institute any inquiry into the condition of irrigation tanks in the district of South Arcot with a view to improve the irrigation facilities?

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A.—(a) & (b) A statement * is attached giving particulars as far as they are available in respect of works in charge of the Revenue Department. Particulars in respect of minor works in charge of the Public Works Department have been called for.

(c) & (d) The Government are not aware that the facts are as stated in clause (c), B.S.O. No. 87, contains detailed instructions for the maintenance of minor irrigation works. The Government do not consider any special enquiry necessary in South Arcot.

Improvements to the Talaparigi in Rayadrug taluk, Bellary district.

* 204 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state with reference to the answer to the question No. 150, dated 5th August 1931, whether any estimate has been sanctioned for the improvement of the Talaparigi in survey No. 51 of Belodu village, Rayadrug taluk, Bellary district, and, if so, when and if not, why not?

A.—A revised estimate for Rs. 1,785 for improvements to the Talaparigi tank has been sent by the Collector on 4th September 1933 to the Executive Engineer for technical scrutiny.

Repairs to the spring-channels in Pudupalayam village, Cheyyar taluk, North Arcot district.

* 205 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether there are two spring-channels irrigating about 200 acres of land in Pudupalayam (village No. 130) of Cheyyar taluk, North Arcot district;

(b) the present condition of the channels;

(c) whether any repairs have been effected to the channels during the last twenty years and, if so, the nature of the repairs;

(d) whether on 4th September 1933 further damage has been caused to the Mettukalva, one of the two channels; and

(e) whether any representations by the villagers were made to the Collector and the Revenue authorities and the action, if any, taken thereon?

A.—(a) There are two channels in the village: (1) Cheyyar river mettu kal with an ayacut of 186.70 acres and (2) Cheyyar river palla kal with an ayacut of 32.42 acres.

(b) to (e) The Government have not the information but have called for a report.

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11.30 a.m. Mr. V. M. RAMASWAMI MUDALIYAR:—"Will the Government be pleased to place a copy of the report on the table of the House, when it is obtained for the information of hon. Members?"

The hon. Sir ARCHIBALD CAMPBELL:—"The suggestion will be considered."

Orders of Government regarding Rajakkamangalam tank and channel in the Tinnevely district.

* 206 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state what orders, if any, have been passed on the report called for by the Government in reference to the Rajakkamangalam tank and channel in the Tinnevely district as per answer to interpellation No. 480, dated 24th January 1933?

A.—A copy of the Collector's report on the subject, dated 13th March 1933, is attached.* The Chief Engineer has been asked to have the orders regarding the transfer of the tank and channel to the Public Works Department expedited. No other orders of Government are required in the matter.

Land Revenue Administration

Number of villages in Salem district affected by the Mettur dam.

* 207 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

- (a) when the Mettur dam is likely to be finished;
- (b) what the extent of the submerged area is in the Salem district by the Mettur reservoir;
- (c) how many villages in the Salem district have been ordered to be vacated on account of this dam; and
- (d) how many people in the Salem district were rendered homeless by means of this dam?

A.—(a) In June 1934.

(b) The area which will be actually submerged in Salem district when the completed Mettur reservoir is full is not known, but it is estimated at about 25 square miles.

(c) Twenty-five hamlets.

(d) One thousand four hundred and ninety-six houses were acquired in the Salem district. The exact number of people affected by the acquisition is not known.

* Printed as Appendix VI on pages 246-247.

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Orders of Government on the resolutions passed by the District Landholders' Association, Mangalore, on 22nd February 1933.

* 208 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have considered the resolutions passed at the meeting of the District Landholders' Association in Mangalore on 22nd February 1933;

(b) whether any orders have been passed in regard to them; and

(c) if so, whether a copy of the orders passed will be laid on the table of the House?

A.—(a) Yes.

(b) & (c) *Resolution (1).*—The Government did not consider that a case had been made out for a general remission of land revenue in the district.

Resolution (2).—The Government decided to consider the views put forward in this resolution after publication of the scheme report.

Resolution (3).—The representations were carefully considered but Government saw no reason to cancel the order of withdrawal.

Mr. A. B. SHETTY:—"May I know from the hon. Member whether the scheme report has been submitted to the Government?"

The hon. Sir ARCHIBALD CAMPBELL:—"It has not yet been published."

Settlement report relating to the Guntur district.

* 209 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the settlement officer has submitted his report on Guntur district to the Government or to the Board of Revenue;

(b) whether the report will be published and placed on the table of this House for information; and

(c) whether orders will be reserved till the House discusses the report?

A.—(a) The scheme report of the Special Settlement Officer for the resettlement of the Guntur district has not yet been submitted to the Government. The Government have no information whether it has been submitted to the Board of Revenue.

(b) The usual procedure is to publish the scheme report and to place it on the table of the Legislative Council. This procedure will be followed in respect of the scheme report for the Guntur district.

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- (c) Time for a few months after the publication of a report is usually allowed for the receipt of criticisms. Whether the scheme report for Guntur should also be discussed in the Legislative Council will be considered after it is received.

Proposals of the Collector of Guntur regarding the revision of water-rates for lands under spring channels in the Guntur district.

* 210 Q.—Mr. P. V. KRISHNAYYA CHAUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government or the Board of Revenue have received any proposals from the District Collector, Guntur, about the revision of water-rates for lands under spring channels;

(b) what orders, if any, have been passed by the Government on the proposals sent by the Collector; and

(c) whether the Government will be pleased to lay a copy of the District Collector's letter on the table of this House?

A.—(a) & (b) The Collector recommended that the rates of water-cess to be charged for irrigation from spring channels in the Bapatla taluk, emanating from sand ridges along the sea coast, should be those prescribed in section A of Appendix I to Board's Standing Order No. 4-2, as amended by G.O. No. 806, Revenue, dated 8th May 1933, which has been placed at the disposal of the Press. The Collector's recommendation has been accepted by Government.

(c) The Government do not consider this necessary.

Hardship due to the introduction of a uniform flat rate of water-tax in the Guntur district.

* 211 Q.—Mr. P. V. KRISHNAYYA CHAUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware that the introduction of the present uniform flat rate of water-tax has increased the rate per acre from 50 to 100 per cent in many cases;

(b) whether the Government or Board of Revenue have received representations from the District Collector, Guntur, about the hardships to the ryots resulting from such enormous increase in the water rates;

(c) what action the Government have taken on the representations made by the District Collector;

(d) what are the principles underlying the old graded rates of water-tax; and

(e) whether the Government have considered the question of restoring the old rates?

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A.—(a) The Government are not aware that the fact is as suggested.

(b) & (c) No representations have been received by Government from the District Collector. The Government are not aware whether any such representations have been received by the Board of Revenue.

(d) & (e) What is known as the 'differential water-rate system' was in force in the case of Government dry lands in the Kistna and Godavari deltas before the introduction of the new fixed rates of water-cess. The occasion for the introduction of the system in these deltas arose by reason of the fact that before the old resettlement the assessment on the irrigated lands therein was not consolidated as elsewhere in the Presidency and water-cess was kept distinct from the land assessment. This system was found specially unsuited to these deltas at the time because the working of the projects on a dry basis coupled with the option enjoyed by the ryots to take water or not considerably retarded the development of irrigation and the standard rates of water cess which then prevailed in these deltas did not yield a sufficient return on the capital expenditure incurred on the works. With a view to impart a greater fixity to the irrigation revenue derived from these deltas and to bring the system prevailing therein into line with the rest of the Presidency all the lands then regularly irrigated by delta water were assessed at consolidated wet rates at the old resettlement and future extension of irrigation to lands classed as dry was ordered to be charged at the difference between the dry and wet assessments applicable to the particular class and sort of land on the principle that a wet crop raised on dry land should pay the same charge as a wet crop raised on wet land. An additional charge of Re. 1 an acre was, however, levied on the former as an inducement to the ryots to apply for transfer of their dry lands to wet. The differential water-cess system involves the levy of as many rates of water-cess as there are classes and sorts of soil; it is thus unduly complicated, gives room for error and malpractices and makes it difficult for the ryot to understand the principle on which he is charged. It was therefore abandoned in these deltas in favour of a simple set of uniform rates. The Government have no intention of reviving the old system.

Mr. P. V. KRISHNAYYA CHAUDARI:—"May I ask the hon. Member whether the Government is prepared to advise the Collector to convert temporary wet lands into permanent wet lands?"

* The hon. Sir ARCHIBALD CAMPBELL:—"The question of converting these irrigated dry lands into wet lands will be considered as

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soon as certain information has been obtained. As has been done in the neighbouring districts, an inclusion fee will probably be demanded from the ryots and, if they pay that fee, a transfer will be made."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Will the Government be pleased to cancel the additional charge of Re. 1 on every acre as is referred to in their answer in clauses (d) and (e)."

The hon. Sir ARCHIBALD CAMPBELL:—"No additional charge of Re. 1 is being levied now."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In answer to clauses (d) and (e) it is stated:—"An additional charge of Re. 1 an acre was however levied on the former as an inducement to the ryots, etc.?"

The hon. Sir ARCHIBALD CAMPBELL:—"The hon. Member has not correctly understood the answer. What is stated is that under the old system an additional charge of Re. 1 an acre was levied. Now no such extra charge is made."

Reservation of waste lands in South Kanara for assignment to the Adi-Dravidas.

* 212 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is proposed that waste lands unassigned till now in South Kanara should be reserved for distribution to Adi-Dravidas;

(b) if so, in what proportion the land is to be reserved; and

(c) whether the existing kumki rights of wargdars and the common pasturages of the villages are to be affected by the said reservation?

A.—(a) The attention of the hon. Member is invited to the Press Communiqué, dated the 1st July 1930, published at page 985 of Part I of the *Fort St. George Gazette*, dated 15th July 1930, regarding the general orders for the reservation of lands for depressed classes. A copy of the Press Communiqué is appended. These orders are applicable to South Kanara district as to other districts. There is no particular proposal of the kind mentioned by the hon. Member.

(b) The extent so far reserved in South Kanara district is 31,174.27 acres. There is no fixed proportion observed between the extent reserved and the total extent unassigned. The scales generally adopted for reserving the lands are 125 acres in coast villages and 150 acres in interior villages to a depressed class population of 100. The needs of each village are considered separately.

* Printed as Appendix VII on pages 247-248 infra.

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(c) Kumki lands are not reserved nor grazing grounds ordinarily. The wishes of the villagers and the extent available for grazing are taken into consideration before any grazing grounds are reserved for assignment to members of the depressed classes.

Withdrawal of jamabandi allowances payable to village officers and village menials.

* 213 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Government have recently issued orders completely stopping the jamabandi allowances given till now to village officers and menials;

(b) when these allowances were introduced by the Government and for what reasons or objects;

(c) what the reasons are that have prompted the Government to withdraw these allowances all on a sudden; and

(d) whether the Government contemplate restoring these allowances in the near future?

A.—(a) The answer is in the negative.

(b) & (c) In 1920, the Government accepted the recommendation of the Salaries Committee that village officers and servants should be given certain fixed sums towards their expenses for attending jamabandi. In 1926, the payment of the sums to village officers was discontinued in order to find money to meet the cost of giving effect to the Village Officers Restoration Act. The village menials however continued to draw the allowance at Rs. 2-8-0 per head. In 1931, the Government accepted the recommendation of the Retrenchment Committee that the amount paid to menials should be reduced to Rs. 2.

(d) The answer is in the negative.

Public Service

Alteration of the rule regarding recruitment of S.S.L.C. holders to Public Service.

* 214 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that candidates who had secured eligibility in the S.S.L.C. Public Examinations were originally declared eligible for public service and were allowed to sit for the Public Services Commission examinations;

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(b) whether the Government later altered the qualifications of candidates by prescribing a minimum of 35 per cent marks in each of the specified subjects for the S.S.L.C. Examinations;

(c) whether it is a fact that several candidates who sat for and succeeded in the Public Services Commission Examination are now disqualified under the new rules; and

(d) whether the Government will consider the cases of the candidates who passed in the Public Services Commission Examinations prior to the alteration of the rules and permit their entertainment in Government service?

A.—(a) Yes, on the assumption that the hon. Member is referring to the competitive examination held by the Madras Services Commission for clerkships and to eligibility for admission to the University courses of study.

(b) Yes.

(c) No.

(d) Government have already passed a rule protecting the candidates referred to by the hon. Member.

Administration of Justice

Confirmation of District Munsifs.

* 215 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether the High Court has sent up proposals for the confirmation of district munsifs who are acting;

(b) if so, what the nature, scope and effect of the proposals are and when the proposals were received by the Government;

(c) what action the Government have taken on the recommendations of the High Court and whether any orders have been passed; and

(d) if so, whether a copy of the orders will be placed on the table of the House and, if not, what the reason is for the delay?

A.—(a), (b), (c) & (d) Appointments and confirmations of District Munsifs are made by the High Court. In 1931 the High Court brought to the notice of the Government that the Accountant-General objected to the suspension of lien of certain officiating Sub-Judges and the provisional confirmation of acting District Munsifs in consequence ordered by the High Court, on the ground that they were inadmissible under the audit instruction under Fundamental Rule 13. The hon. Member presumably refers to this. If so, the question was carefully considered by Government in consultation with the High Court and the Accountant-General and orders have been passed in G.O. No. 2966, Law (General), dated 5th September 1933, a copy of which is laid on the table.*

* Printed as Appendix VIII on pages 249-250 infra.

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MR. BASHEER AHMED SAYEED:—"May I ask the hon. the Law Member how many Munsifs have since been confirmed as a result of the orders issued by the Government?"

THE HON. DIWAN BAHADUR SIR M. KRISHNAN NAYAR:—"The confirmation of Munsifs depends entirely upon the High Court. So I am not in a position to answer that question."

MR. BASHEER AHMED SAYEED:—"May I know whether these Munsifs have put in long years of service—5 and 6 years—and are yet to be confirmed?"

THE HON. DIWAN BAHADUR SIR M. KRISHNAN NAYAR:—"I do not know, Sir."

MR. BASHEER AHMED SAYEED:—"May I ask the hon. the Law Member whether the Government will be pleased to bring this matter to the notice of the High Court?"

THE HON. DIWAN BAHADUR SIR M. KRISHNAN NAYAR:—"No, Sir. The High Court is expected to know its own functions."

Prisons and Prisoners

Alleged ill-health of Messrs. Surendra Mohan Ghosh, Jivan Lall Chatterjee and Benoyendra Nath Roy Chowdhury in Rajahmundry Jail.

* 216 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that three Bengali State prisoners, namely, Messrs. Surendra Mohan Ghosh, Jivan Lall Chatterjee and Benoyendra Nath Roy Chowdhury who are now detained in the Rajahmundry Central Jail are suffering from various complicated ailments;

(b) whether it is a fact that Mr. Surendra Mohan Ghosh was brought to Madras last month for examination and diagnosis conducted at the Madras General Hospital;

(c) if so,

(i) the details of the present condition of his health such as the complications, weight and temperature;

(ii) the result of such examination; and

(iii) findings of the examination as to the diagnosis;

(d) whether it is a fact that while Mr. Surendra Mohan Ghosh was detained in the Trichinopoly Central Jail he was suffering from chronic dysentery and whether after examination by the Medical Officer there it was recommended to the Government for his examination by specialists as it was suspected to be a case of intestinal tuberculosis; and

(e) if so, what steps the Government have taken in that direction?

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A.—(a) No.

(b) Yes.

(c) As the hon. Member is aware the Local Government are merely the agents of the Government of India in regard to this matter. The report of the Medical Board which examined the prisoner has been forwarded to the Government of India. The general diagnosis was chronic dysentery. The symptoms were of the type usually observed in such cases.

(d) & (e) He was reported to have been suffering from dysentery but no recommendation appears to have been received from Trichinopoly for his examination by specialists or to the effect that his case was one of suspected intestinal tuberculosis.

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government have received any information from the Government of India with regard to the representations which it has made to them in regard to the condition of these prisoners? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" May I know to which representation does the hon. Member refer. "

Mr. ABDUL HAMEED KHAN:—" Does the Government say that neither they received any representation nor did they send a report to the Government of India? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Any representation that is received from these prisoners is forwarded to the Government of India. "

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government has received any information with regard to those representations from the Government of India? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Not with reference to the representations, mentioned in the answer to this question.

Appointment of a Medical Board to examine Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee.

* 217 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Messrs. Surendra Mohan Ghosh and Jivan Lall Chatterjee, State prisoners, applied some time back to the Government to have their examination conducted by a Medical Board of specialists like Dr. B. C. Roy of Calcutta and others;

(b) if so, whether the Government propose to appoint such a Board; and

(c) if not, whether the Government will state the reasons for the same?

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A.—(a), (b) & (c) As the hon. Member is aware the Local Government are merely the agents of the Government of India in regard to this matter. Any representations received from State prisoners detained in this Presidency under the orders of the Government of India are forwarded to that Government as soon as received. No application of the nature described appears to have been received by this Government.

Transfer of Messrs. Ghosh and Chatterjee to a cooler place.

* 218 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that since the transfer of Messrs. Ghosh and Chatterjee from the Trichinopoly Central Jail to the Rajahmundry Central Jail, their cases have become worse;

(b) whether it is a fact that Messrs. Ghosh and Chatterjee applied for their transfer to some other cooler place, as they cannot stand the unbearable heat at Rajahmundry;

(c) if so, whether the Government propose to grant their requests; and

(d) if not, why not?

A.—(a) There is nothing to show that the condition of the prisoners has become worse since their transfer to Rajahmundry.

(b) Yes.

(c) & (d) As the hon. Member is aware the Local Government are merely the agents of the Government of India in regard to this matter. The petitions were therefore forwarded to the Government of India.

UNSTARRED QUESTIONS

Education

Proposal, if any, for the revival of the schools of commerce abolished as a measure of retrenchment.

219 Q.—Mr. MAHBOOB ALI BAIG: Will the hon. the Minister for Education and Excise be pleased to state—

(a) when the Institute of Commerce, Madras, and the Government Schools of Commerce at Calicut and Vizagapatam, were started and with what object;

(b) whether it is a fact that these three useful institutions were abolished at the same time as a measure of retrenchment and as a consequence of the deficit budget in 1931-32;

(c) whether the Government considered the matter of reviving these schools when the finances improved and when there was a surplus budget in 1932-33 and 1933-34; and

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(d) if the Government have not already considered the matter of reviving the above abolished institutions, will the Government be pleased to consider the desirability of reviving these institutions?

A.—(a) In 1918, 1895 and 1925 respectively. The Madras Institute was opened mainly with a view to training public accountants and auditors and the other two schools for preparing students for the Government technical examinations in commercial subjects.

(b), (c) & (d) The institutions were abolished not only on grounds of economy in public expenditure but also on the additional ground that there was no longer any need for Government-managed institutions of the kind.

The Government still adhere to this view and see no reason to consider the question of reviving these institutions.

Offer by any public body to take up the management of the Government schools of commerce abolished as a measure of retrenchment.

220 Q.—MR. MAHBOOB ALI BAIG: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether any public body had offered to take up and manage the Government Schools of Commerce at Madras, Calicut and Vizagapatam, and, if so, how that proposal was disposed of by the Government;

(b) whether the Government called for tenders for the sale of the equipment and goodwill of the Government School of Commerce, Vizagapatam, and if so, what the highest bid received was; and

(c) how many private recognized commercial schools are there in the Presidency and what the strength is of the staff and students of such schools and what sort of financial help and encouragement is given by the Government to such schools at present?

A.—(a) No such offer had been received from any 'public body' when Government passed orders directing the abolition of the institutions.

(b) Yes; the highest bid for the equipment and library was Rs. 2,000.

(c) The attention of the hon. Member is invited to subsidiary table No. 6 (b) at pages 154-155 of Volume II of the Report on Public Instruction for 1931-32.

Re-employment of the commercial assistants thrown out of service by the abolition of the Government schools of commerce.

221 Q.—MR. MAHBOOB ALI BAIG: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what net expenditure has been saved by the abolition of each one of the Government schools of commerce in the Presidency;

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(b) whether the Government of Madras declared that school assistants, senior deputy inspectors of schools, commercial assistants, assistant lecturers and assistant professors form one unit for purposes of disbandment;

(c) whether it was the intention of the above declaration that all commercial teachers of permanent service should be absorbed into the general line of the Education department;

(d) whether the department of education drew a distinction between commercial teachers possessing general training qualification and those not possessing general training qualification;

(e) the number of commercial teachers' posts abolished as a consequence of the abolition of commercial schools in the Presidency and the number of teachers possessing L.T. qualification absorbed in the Education department;

(f) how many teachers not possessing L.T. qualification and affected by the abolition of a number of commercial instructors' posts in the department have again been absorbed into the department of education, and what is the nature of the post and the grade in which they have been employed and their qualifications and how the unit Government Order (Retrenchment and Re-employment Rules) has been applied in their case;

(g) whether there are any graduate and undergraduate commercial assistants without general training qualification who have not thus been provided for and whether any facilities have been offered to them for acquiring the necessary training qualification for absorption into the department of education;

(h) whether the department of education has received any applications from the disbanded permanent commercial teachers for admission into the training schools and colleges, to acquire the necessary training qualification at their own expense and whether the department has been sympathetic enough to forward such applications with the requisite guarantee of appointment; and

(i) what are the qualifications, service, age and salary of the teachers that have not been thus absorbed and what proposals are made by the department of education for the absorption of such disbanded permanent servants of long experience?

A.—(a) The savings per annum in round figures are as follow:—

Institute of Commerce, Madras—Rs. 15,000.
School of Commerce, Calicut—Rs. 10,000.
School of Commerce, Vizagapatam—Rs. 7,000.

(b) Yes.

(c) No.

(d) Yes; only commercial assistants and instructors possessing the L.T. or the B.Ed. qualification could form part of the unit mentioned in clause (b).

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- (e) Sixteen and four respectively.
- (f) One of the assistants was employed as a junior Deputy Inspector with reference to rule 4 (b) of the Madras Retrenchment and Re-employment Rules and two had been transferred to the Ministerial Service previously. The particulars relating to these Assistants are:

Name.	Qualifications.	Post to which appointed or transferred.
M.R.Ry. T. Appala-narasayya.	M.A. (Commerce) and Trained Teachers' Certificate of the secondary grade.	Junior Deputy Inspector of Schools—Pay Rs. 50—2½—75.
M.R.Ry. V. Kalyana-rama Ayyar.	B.A., G.D.A., and Diploma in Commerce.	Senior Superintendent, Office of the Director of Public Instruction—Pay Rs. 150—10—350.
M.R.Ry. T. V. Subrah-many Ayyar.	Matriculate and Commercial Training in the School of Commerce, Calicut.	Lower Division Clerk, Office of the Director of Public Instruction—Pay Rs. 40—2½—65—3/2—80.

- (g) The answer to the first part is in the affirmative and to the second part in the negative.
- (h) Applications were received from some of the teachers in question and they were informed that they should make their own arrangements for training as it was not possible for the department to give them a guarantee of appointment after training.
- (i) A list of the teachers is placed on the table.* No proposals have been made in regard to their re-employment as there are no suitable vacancies.

Land Revenue Administration

Previous experience of the Revenue Officer, Khallikote and Atagada Estates.

222 Q.—Sriman M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Revenue Officer who was recently appointed to settle rents or to prepare a record of rights in the Khallikote and Atagada estates in the Ganjam district had any previous training or experience in the preparation of record of rights or settlement of rents in estates or assessment or re-assessment of Government revenue; and

(b) if not, why this particular Revenue Officer was selected for the work?

A.—(a) & (b) The officer had no special training or special experience. It is not usual to give any special training to Revenue Officers appointed to such duty.

* Printed as Appendix 1X on page 251 infra.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931).

* The hon. the PRESIDENT:—"Discussion will now continue on the Bill to amend the Estates Land Act."

Mr. C. R. Parthasarathi Ayyangar was called to speak, but was not present in his place.

* The hon. the RAJA OF BOBBILI:—"Sir, in dealing with the various speeches made on the floor of this House proposing the postponement of the official Bill, I wish to say a few words, to correct, according to my view, some of the misstatements made. From the very beginning of the speech, my hon. Friend, Mr. Arasu, said that there was agreement among the various parties on the official Bill after the Select Committee had reported in January last, that all of us requested the hon. the Revenue Member to drop the official Bill altogether and that that understanding has now been violated. As far as I am aware, some time before the Government gave notice of their intention to introduce the Select Committee report, I had the benefit of consulting the various party leaders and my hon. Friend, Mr. Muniswami Nayudu, will confirm my statement when I say that his opinion then was that the official Bill as it emerged from the Select Committee represented a considerable advance in favour of the tenants and that it was desirable to proceed with the official measure. Afterwards on the date on which the Council met all the prominent Members available here came together and it was understood that no measure dealing with the Estates Land Act should be introduced during the lifetime of the present Council, but at the same time I will have to make it clear that although it was their personal opinion none of the leaders of parties desired to commit themselves or make any statement on the floor of the House. Then, all waited on the hon. the Revenue Member and requested him to adjourn the consideration of the Select Committee's report, but no promise was asked nor given, that the official Bill should be dropped altogether. In this connexion, I have been also charged with breach of faith, but as I see the position, I find that it is the Members who are supporting the non-official Bill who are responsible for breach of faith, because at that time the understanding was that no measure should be brought forward and subsequently, as hon. Members are aware, notice of a non-official Bill was given. Subsequently, I issued invitations to a number of prominent people and with their consent I convened a meeting in my residence, a day or two before the last sitting of the Council. Then it was decided to continue negotiations and Mr. Sami Venkatachalam Chetti said that he would consult his party men and let me know whether he desired to proceed with his Bill. As you are aware, Sir, last time I made an appeal to the Council not to press the motion for leave to introduce the non-official measure and that we should continue the conference method and try to come to an agreement to the fullest extent

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possible. Afterwards the invitees to the conference were kind enough to attend several meetings in my residence and it was decided at the first meeting that a sub-committee consisting of three persons, (1) Mr. Ramadas Pantulu, (2) Mr. Govindarajachariyar and (3) Mr. Ramakrishna Rao should be formed to draft a Bill which in their opinion would be acceptable to both parties. In pursuance of this arrangement Mr. Ramadas Pantulu on that day promised to circulate a memorandum embodying all the points of agreement and disagreement. After that I was absent from Madras for a month and on my return I found very little progress had been made. During my absence a draft was prepared and it was sent for the opinion and remarks of Mr. Ramadas Pantulu. Before I discussed the matter with him, I was surprised to find in the press a statement from Mr. Ramadas Pantulu charging us that we have committed a breach of faith, that we have drafted a Bill without his consent and that we have not carried out the other agreements at the conference. The draft Bill prepared was not a final Bill and it was never the intention of anyone of us to circulate the Bill without the consent of Mr. Ramadas Pantulu and I was sorry to find that he had hastily rushed to the press, and condemned most of the provisions in advance. Subsequently after my return from Bobbili I met Mr. Ramadas Pantulu and I believe after consultation with him some of the main objections pointed out by him have been removed. After I had handed over the revised draft, Mr. Ramadas Pantulu promised to send me a further note on the amendments then proposed. This was on the 6th and on the 12th he wrote to me that he was very busy with several conferences and that he would be able to send me the note only later on. On the 13th my hon. Friends, Mr. Muniswami Nayudu and Mr. M. G. Patnaik, were here in connexion with the meeting of Select Committee and I took advantage of their presence in Madras and placed this draft in their hands. On the 13th we met at my house and the Members expressed to me that they did not have sufficient time to express any definite opinion on the proposed amendments. Then it was understood that all those who were present there on that occasion should meet on the 22nd, i.e., Sunday and I invited only those that were not present on that occasion, viz., Dr. Subbarayan and Ramadas Pantulu. Yesterday, my hon. Friend, Mr. Sami Venkatachalam Chetti, said that I promised to send invitations to all, but I failed to do so. Perhaps hon. Members who were present at the meeting will correct me if I am mistaken. My impression has all along been that it was decided that we should meet on the 22nd. It was also decided that the time of meeting should be intimated. Then I made enquiries at the Cosmopolitan Club and I was told my hon. Friend, Mr. Muniswami Nayudu, reserved a room on that day and I was under the impression that they would be arriving on that day and that we should meet on that day. But as neither Mr. M. G. Patnaik nor Mr. Muniswami Nayudu arrived, it was not possible to convene a conference on that day. Therefore, it seems to me that it is unfair on the part of Mr. Sami Venkatachalam Chetti to take me to task for newspaper reports which have not been authorized by me.

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"Sir, at that conference on the 13th, when we were talking about general questions, Mr. Muniswami Nayudu's opinion was that if there was substantial agreement on ten points out of twelve, it would be desirable that the tenants' representatives should drop the other points for the present. Of course, the view of Mr. Sami Venkatachalam Chetti was that, unless there was agreement on the other two points, he would proceed with the Bill. Subsequently, on the 22nd, when I met Mr. Ramadas Pantulu, his opinion was that agreed amendments should be pressed through the Council and every party was to be at liberty to move any amendments it pleased. I felt, Sir, that to proceed on those lines would mean that there would be no finality in the matter. There was no object in the conference if there was to be no agreement on the main proposals on which legislation was to proceed. No useful purpose will be served by the conference if afterwards each party is to press its own amendments.

11-45
a.m.

"As regards the many statements that have been made pointing out that the official Bill is detrimental to the interests of the tenants, I wish to say a few words. Yesterday my hon. Friend, Mr. Sami Venkatachalam Chetti, spoke at length and read the report of the Select Committee after which he condemned the Government and the hon. the Revenue Member for making various alterations which are detrimental to the interests of the tenants. Hon. Members are no doubt aware that the introduction of the official Bill was accepted unanimously by the House and it was referred to a Select Committee representing all the parties in the House. I should think, if the Select Committee has made any changes in the Bill, the responsibility should lie on all the Members constituting the Select Committee and, if the hon. the Revenue Member has agreed to any alterations, it should be considered that he has done so in deference to the view of the majority in the Committee. From some speeches made yesterday, I take it that it is the view of some hon. Members that the report of the Select Committee which was prepared by a Committee representing the House should be repudiated. If any changes are made, Sir, in a unanimous report of the Select Committee except of course for the minute of dissent of the hon. the Leader of the Opposition, I think the responsibility lies on all the Members of the Select Committee. And for these changes unfair and unjustifiable attacks have been made on the Government.

"Mr. Sami Venkatachalam Chetti has also specified certain points in which in his opinion the interests of the ryots have not been taken into consideration. In other words, the changes made in these directions are detrimental to the interests of the tenants and he has quoted certain instances such as the exclusion of inam villages and the new proviso introduced with regard to Dharmila inams, lankas and so on. As regards any changes which the House considers are against the interests of the tenants, I am sure all sections of this House will agree to delete them. Now, Sir, Mr. Sami Venkatachalam Chetti has also mentioned certain points where the law has been tightened for the speedy recovery of dues. On the one hand, landholders are asked to agree

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to many changes which are no doubt detrimental to their interests and I have already appealed and I also appeal to them now that they, the landholders, should be prepared to agree to concessions being shown to the tenants to the fullest extent possible without thereby crippling themselves. Therefore, I should state that there is no fear that it is the intention of the Government or any parties in this House to rush through this legislation and carry out any amendments detrimental to the interests of the tenants. But at the same time as landholders are asked to make sacrifice, it is also up to the Members of this House to see that the collection of their lawful dues is made as speedy and easy as possible.

"One of the main reasons put forward for postponing the consideration of the Select Committee's report is that a large number of amendments have been given notice of. But if hon. Members look through the amendments, it will be found that the majority of those amendments was given notice of in January last and that they have been merely renewed. If there is any idea that a large number of amendments on the agenda may cause confusion, it is up to the leaders of the parties to sit together and come to an understanding as to which of the amendments should be brought forward and which should be dropped. Because, Sir, on going through them I found that most of them were similar in nature and it will be possible to evolve a common formula in most cases. Therefore, I say that that does not by itself make out a case for the postponement of the consideration of the Select Committee's report.

"Mr. Sami Venkatachalam Chetti has taken objection to a statement which appeared in our Party paper, that the Bill is confiscatory. I venture to think, Sir, that the general impression created by the Bill is that it has been conceived in the interests of the tenants, but very few people are able to understand and calculate what exactly the effect of passing that measure into law would be on the landholders. As I have stated already, Sir, it is certainly the duty of the landholders to give all possible concessions to their tenants, but at the same time, they have also to see that they will be able to meet their obligations. Generally speaking, in my opinion, the cumulative effect of all the changes proposed in the non-official Bill would be to reduce the income of the zamindari estates by about 50 per cent. Some speakers have stated that the zamindari ryot should be placed on the same footing as the Government ryot. I have no objection to that principle, but they have to see that the landholders also have to exist. In Government areas no doubt the rates are low, but in the case of Government they have got the general Revenue Administration to collect their revenues. They have got their machinery like village officers to collect their revenues. Government do not strike a profit and loss account. Nor have they got any litigation charges; but in the case of the zamindars, too much to expect that they will consider the actual effect of these provisions on the landholders. For example, in an estate like Bobbili

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where the land revenue proper is about Rs. 8 lakhs, my establishment charges, law charges, peshkash and land-cess come to about Rs. 4 lakhs. According to the provisions of the Bill—the remissions and the deletion of the provision for distraint and attachment of land without decree—the net result will be my resources will be reduced by 50 per cent and it will be impossible for me to collect the other 50 per cent.

"In this connexion, I should like to ask another question. Is it the intention of the supporters of this Bill to proceed with it without taking into consideration what its effect will be on the zamindars? Do they consider that they have to take into consideration only the interests of the tenants or also the interests of the landholders? If it is their idea that we should proceed with confiscatory legislation, I have nothing further to say; but I am sure that in this House the general opinion that will prevail will be against expropriation without compensation and there will be no support from all sides of the House to any legislation which in effect will be confiscatory in nature. Nor do I think there will be any support for any amendment which is calculated to injure the interests of the tenant.

"Mr. Sami Venkatachalam Chetti presumably has given notice of this Bill on behalf of the tenants. I should like to know which is the body that has authorized him to bring forward this measure and what is the amount of support behind this measure? Looking through the reports which have appeared in the press recently, I find, Sir, that one of the resolutions passed in East Godavari by a Ryots' Conference was to this effect:

'This Conference is of opinion that there should be no intermediaries between the Government of the country and the actual tillers of the soil and that all rights now vested in such people as zamindars, shrotriyamdars, absentee landlords and inamdars who do not actually cultivate the land should be abolished by an Act of the Legislature.'

"If these Ryots' Conferences are admitted to represent the view-point of the ryots, then we have to take it that this is the view-point of the ryots. I have seen also some other reports in the press which go to show that the ryots' representatives or those who claim to be ryots' representatives do not want either the official Bill or the non-official Bill. I would therefore like to know from Mr. Venkatachalam Chetti, who waxed eloquent over the interests of the tenants, which body he represents, what is the following he has got in this respect, among the tenants' interests? I should also like to ask the Members of the Opposition, who have moved this dilatory motion, whether they consider that the amendments given notice of on behalf of my party do not represent a considerable advance in the interests of the tenants and whether they are not worth having. I do realize that it has not been possible to concede all the demands. But in matters like these, where two interests are concerned, both parties should meet half-way to come to a compromise. I am sure there will be no difference of opinion when I say as a compromise both parties should meet half-way and give up a portion of their demands. I fail to see the reasons for the opposition to the official Bill. The official Bill has now come from

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the Select Committee. That Bill has come to such a stage that the report of the Select Committee has to be considered by this House.

"In this connexion Mr. Venkatachalam Chetti has given some advice and warning to the members of my party; he has also made an appeal to the country. If I may be permitted to say so, I would like to state that by opposing the incorporation of the amendments given notice of on behalf of my party, the Members of the Opposition will be really preventing many benefits being conferred upon the tenants immediately. Of course it may be stated that they want to have a consolidating Bill in all respects. With the progress we have made and if unanimity is to be obtained on all points, it will take such a long time and it will not be possible to bring forward any measure during the lifetime of the present Council. I believe hon. Members have seen the amendments given notice of on behalf of my party and it will not be necessary to go into the details of the amendments at this stage. Of course, if it is the intention of this House to take advantage of the present economic depression, if it is the desire to set one class against another, then I have nothing further to say. I will only say this. This House, I am sure, will not support any provisions which appear to be confiscatory.

"I find a lacuna in all the speeches about the ryots and the grievances of the tenants. No proposals have been advanced to safeguard the actual interests of the cultivator.

"As regards other points, I would like to state that although no clause about remissions has been inserted in the Bill, there is a provision for reduction of rent with the fall in prices.

"I therefore consider, Sir, with a full sense of responsibility, that in my opinion the best interests of the tenants will be served by taking this opportunity of giving effect to as many changes as are reasonable. Taking into consideration the interests of both parties, I think the House should proceed with the consideration of the Select Committee Report. With these words I oppose the motion for the postponement of the consideration of the Bill now before the House."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"On a matter of personal explanation, Sir. On the 13th morning the hon. the Raja of Bobbili left a copy of the draft Bill which he proposed, at my room in the Cosmopolitan Club. We met at 6 o'clock. It was then represented to us that Mr. Ramadas Pantulu was not available and that it would take some time to meet and discuss the provisions of the Bill. I expressed my difficulty to stay here further; I said I would not come to Madras till the 29th when I expected to come for the Council meeting. I also said that such of the Members as were present at Madras, meaning thereby my Friends, Mr. Venkatachalam Chetti and Mr. Ramadas Pantulu, may meet from day to day and discuss the various provisions of the Bill and come to some understanding and, whatever understanding they came to, I would abide by them. It was understood then, Sir, that between the 13th and 22nd some progress should be made by the representatives meeting from day to day, spending a few hours they

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can spare, to come to some agreement, so that on the 22nd we could discuss and agree as to the resolutions. I was waiting to hear whether I would have to come here, whether any progress was made or not and whether any understanding had been arrived at or not. I was waiting for some kind of communication to be sent to me, after their meeting in the meanwhile, and making some progress in the consideration of the provisions of the Bill, so that I may know whether my presence was necessary. It may be a sad mistake either on my part or on the part of Raja Sahib to have misunderstood each other with regard to our programme. All the same what we understood was that the Bill should be discussed meanwhile and that some agreement should be come to. That was not done. He also said that a room had been reserved for me in the Cosmopolitan Club for the 22nd. That is not correct; I did not reserve any room for the 22nd. I do not know who gave him that information.

"Whatever may be the excellent nature of the provisions which the hon. the Raja of Bobbili intends to make in the Bill on behalf of the tenants—of which we shall hear more when the Bill itself is discussed—my attitude towards the Bill is this: It is my opinion also that we should go on with the Bill, provided as a result of the Conference we could agree on substantial points. I realized then, as I realize now, that, in a matter between the landlord and the tenant, it would not be possible to agree on all points. I made it clear that, if some points which are material and fundamental were agreed to, it is worth while to go on with the Government Bill and consider the amendments that have been given notice of."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I would like to say a few words in opposing the motion of my hon. Friend, Mr. Sami Venkatachalam Chetti, to defer consideration of the Select Committee's Report and the amending Bill until his Bill reaches the same stage as the official Bill.

"In the first place, the amending Bill is not a new measure. One can understand all this opposition if a new legislation is being undertaken. There is no such new legislation. What is laid before the House is a Bill to carry out certain amendments in an existing Act, amendments which were found necessary in actual administration. It pleases no one to introduce into an Act changes evoking criticism and comments. These amendments are aimed at removing some of the defects discovered during the actual working of the Act as a result of conflicting decisions of the High Court and of the Board of Revenue. These decisions have been based on facts presented to them from time to time.

"Act I of 1908—it is a fact too well known to need repetition—is a troublesome Act. It is the most difficult Act to administer. That has been the experience of Revenue officials that had anything to do with the Act. The original Act was drafted on the model of the Bengal Tenancy Act, and of the Acts of the North-West Frontier Province, United Provinces and the Central

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Provinces. Naturally therefore we find considerable differences, difficulties and inconsistencies. Defects that have been discovered in the actual administration of the Act have got to be remedied. As I said, provisions have been borrowed from various other Acts and grafted on the indigenous plant of Act VIII of 1865. It has become necessary therefore to clear doubts and to correct inaccuracies.

"As the hon. the Raja of Bobbili has stated just now, the Bill has been before the House for a long time. After due consideration it was referred to a Select Committee. On this Committee there were responsible Members; they went into the provisions of the Bill carefully and presented it to the House in an acceptable form; they ask the House to go into the provisions of the Bill to see how far they can be accepted or turned down. At this stage to produce a counter Bill and to ask that that Bill be taken into consideration in preference to the Bill now before the House and submitted by the Select Committee, seems; I submit, anomalous. It means considerable discredit to the Select Committee.

"In supporting the motion, my hon. Friend, Mr. Venkatachalam Chetti, said that zamindars and landholders are mere farmers or ijaradars; that they are no better than collectors of toll. That is the most unkindest cut of all. My hon. Friend referred to the speech of Sir G. S. Forbes while introducing the Estates Land Act in support of his remark.

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"No doubt Sir George Stuart Forbes stated that zamindars were assignees of land revenue; he was a great statesman. There are very few who know the land revenue tenures of this country and this province in particular better than Sir George Stuart. He would have hesitated to make any statement regarding the landholders not consistent with facts. He said later on in the same connexion:

"I do not mention these facts with the view of derogating in any way from the dignity which justly attaches to the present representatives of these ancient families. Their ancient lineage if they discharge their duties and responsibilities faithfully will always assure them of a full measure of the respect and consideration of the Government and among the people and the social dignity which is their due."

"Qualified by those words, Sir, I do not think that my hon. Friend, Mr. Venkatachalam Chetti, is justified in singling out that particular portion of his speech and throwing it on the teeth of the zamindars saying, 'You are no better than farmers of land revenue.' After all, Sir, the zamindar is as much necessary to the ryot as the ryot is to the zamindar; the one is dependent on the other. It is not true to say that, when the ryots are suffering, the zamindars will sit with folded hands, enjoying their position; nor is it true to say, on the other hand, that the ryots would like to benefit at the cost of the zamindars.

"My next point, Sir, is this: Mr. Sami Venkatachalam Chettiyar said that there is not a single provision in the Bill which is in favour of the ryots. That is a very large order, Sir, which cannot stand scrutiny for a moment. This Bill reached my hands only the other day, and a cursory glance at it will show to any impartial observer the

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meticulous care that has been taken by the Government to safeguard the interests of the ryot and also of the landholder. If I am not wasting the time of the House, I shall quote a few instances from the amending Bill, just to prove my position. I shall take first the explanation to section 6 of the present Act, on page 5 of the amending Bill. It says:

"Every landholder who receives or recovers any payment under section 163 from any person unauthorizedly occupying ryoti land other than old waste shall be deemed to have thereby admitted such person into possession unless within two years from the date of receipt or recovery of payment or the first of such payments, if more than one, he shall file a suit in a civil court for ejectment against such person."

"This provision drives the landholder to file a suit before a civil court, a provision which is not found in the original Estates Land Act. The original provision simply says:

"Every landholder who shall have received or recovered any payment under section 45 from any person . . . etc., shall file a suit before the Collector. . . ."

"It will thus be seen that while provision has been made in section 45 for the ryot to secure possession, the landholder is made to have recourse to a more costly form of litigation, i.e., before a civil court: and this is done in order to safeguard the interests of the ryot.

"We shall take another example, Sir. I am taking these examples at random: Section 12 as proposed to be amended is to the following effect:

"Subject to any rights which by custom or by contract in writing executed by the ryot before the passing of this Act are reserved to the landholder, every occupancy ryot shall have the right to use, enjoy, cut down, carry away or otherwise dispose of all trees now in his holding, . . . etc."

"The words 'carry away' are not found in the existing Act; and the ryot had only the right to cut down and enjoy the trees. But difficulties cropped up afterwards as to whether 'cutting down' meant 'carrying away,' and therefore it has been found necessary to put in the words 'carry away' in the amending Bill. This may be a small matter but I merely mention this point in passing with a view to show that the ryot's interests have been safeguarded.

"Sections 20 and 21 of the Act gave power to the District Collector to divert communal lands to other purposes such as thrashing floors, cattle-stands, village-sites, etc. Very often it happened that the landholders took hold of the communal lands and deprived the ryots of their user. The Government have taken care now to see that these communal lands are diverted only for the benefit of the ryots. The amended clause says:

"If such land or portion is not required for any communal purpose, that it be converted into Government ryotwari land or landholder's ryoti land according as the reversionary rights in such land vest under the terms, express or implied, . . . etc."

"So, here too the ryot's interests have been safeguarded. He is getting more land under the Bill than what he is enjoying now. Then again, section 23 says:

"When in any suit or proceeding it becomes necessary to determine whether any land is old waste or ryoti land other than old waste or whether any land is the landholder's private land, it shall be presumed to be ryoti land other than old waste or not to be private land until the contrary is proved."

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"Whom does this benefit? Does it benefit the landholder or the ryot? The natural presumption is that when it is not a landholder's land, it is ryoti land.

"It is needless for me, Sir, to waste the time of the House by quoting facts and figures to show that in this amending Bill sufficient care has been taken to safeguard the interests of the ryot. It is really an one-sided statement, to say the least of it, to say that there is not a single line in the Bill which safeguards the interests of the ryot. I think Government should be congratulated on having held the scales even between the landlord and the ryot. A single reading through the Bill will convince everybody of this fact."

Mr. BASHEER AHMED SAYEED:—"May I rise to a point of order, Sir? The hon. Member has misquoted the provision that is contained in the Bill that is for consideration before the House. In the report of the Select Committee which is now to be considered, section 23 of the Act has undergone no change at all; and yet, that is being discussed by the hon. Member."

* The hon. the PRESIDENT:—"The hon. Member may wait for his chance to give the correct facts about the quotation that has been made by the hon. Member."

Diwan Bahadur A. APPADURAI PILLAI:—"It has also been stated, Sir, that a Bill of this dimension, consisting of a number of pages and containing 126 clauses will be very tiresome to the House and that therefore it should be postponed. But postponement is not the remedy; the better method is to take up and examine the amendments one by one. If this amending Bill is long, it is unfortunately due to the fact that the Act itself which it seeks to amend is long. The Act contains 215 sections and it is a long Act. In introducing the Bill in 1905, the hon. Mr. G. S. Forbes stated:

'If this Bill passes into law, it will be the first enactment on the statute book of this Presidency defining the substantive rights of landholders and ryots, and so affecting intimately the whole agricultural population under Your Excellency's administration to their lasting benefit.'

"Well, Sir, the Act of 1908 is long, because attempts have been made to make it self-contained. In respect of ryotwari areas, there are separate Acts dealing with the several departments of administration. For instance, in the matter of survey, there is a separate Surveys and Boundaries Act, in regard to encroachments, there is the Land Encroachment Act; similarly, in regard to Irrigation there is the Irrigation-cess Act; in regard to forests there is the Madras Forest Act; but all these matters have been combined in the single Act applicable to Estates—I of 1908—in order to make it self-contained, it naturally became long. When an attempt is made to remove the difficulties that have been encountered in the administration of the Act, the amending Bill is naturally long. I think, Sir, that the sooner this Bill is considered, the better.

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"In saying this, Sir, I am not unmindful of the interests of the ryots. I hold no brief for the landholders nor am I unmindful of the rights and privileges of the ryots; I represent a constituency which consists mostly of ryotwari holders. So, it is to my interest, if I am to retain my place in this Council, to see to it that the interests of the ryots are safeguarded; but in doing so, I cannot also be unmindful of the interests of the landholders who maintain and in fact support the ryotwari pattadars.

"Before I conclude, Sir, I would like to draw the attention of the House to a remark made by that redoubtable champion of the landholder's cause the late Mr. Muthukumaraswami Mudaliyar. He stated:

'There is an assumption pervading the Bill all through that the interests of the zamindars and those of the tenants are antagonistic, that the zamindar is ever bent upon encroaching upon the rights of tenants and that unless the rights of the tenants are buttressed by all the safeguards which the legislature can devise, they will be annihilated by the insatiable ambition and cruel exactions of the zamindar. It is very much to be regretted that this feeling of distrust is the zamindar. It is very much to be regretted that this feeling of distrust is unjustly entertained towards the zamindars as a class, leading to the gradual curtailment of their rights and privileges. So far as my experience goes, the ryot looks upon the zamindar as his patron and entertains a kind of traditional respect and reverence towards him, while the zamindar in his turn reciprocates this feeling by thousand and one acts of sympathy and goodwill which contribute to the prosperity and contentment of the tenant though the outside world may not have occasions to know them. I am sorry to observe that most of the provisions of this Bill are calculated to mar this harmony of feeling between the zamindar and the tenants and create a spirit of estrangement and distrust between them.'

"These words deserve to be framed: they have an added significance to-day. If there is a disturbance of that harmony and goodwill to-day at whose door shall we lay the charge? Sir, I leave this question unanswered. Asking for more time practically means delaying the measure further. There seems no harm in pushing this Bill through in the present meeting. What is the object of asking for more time? If the provisions of the amending Bill are not satisfactory, and do not satisfy the anticipations of the ryot, it is up to the persons who fight for the ryots' cause to raise their voice before the House and get those provisions suitably amended. We shall get on with this Bill now:

'One thing at a time and that done well,

Is a very good rule as many can tell.'

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, the question now before the House is whether time should be granted for this Bill or not. That is the only question to be now considered, and so far as both the parties are concerned, they are now agreed that the Act should be amended and some measure should be adopted. There is no doubt about that. But the only question to be now decided is whether this Bill should be considered now on the spot as desired by the Ministerial party and the Government or a month or so hence, that is in January next, as desired by others. Now, Sir, when the Bill was adjourned in January last, we had no idea that the Council would be extended. If the Council had not been extended, probably the official Bill would not have been pressed at this stage. Whatever the reasons

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that guided our action then were we need not go into them now. We do not want to criminate or incriminate people about these matters. We need not wash all that dirty linen here. We may leave all these things out of consideration altogether. Now, there is no doubt that we do want to proceed with the Bill, but whether the Government will be prepared to accept the adjournment of the Bill till January next is the question. Whatever may be the merits or the demerits of the official Bill, I must say that except for the fact that the hon. the Raja of Bobbili came forward with certain proposals which are to some extent favourable to the ryots, the official Bill is most unfavourable and most revolutionary. I am going to show how it is revolutionary. I never expected that the successor in office of the hon. Mr. G. S. Forbes would have accepted provisions so revolutionary and so reactionary. The present Bill is reactionary in two ways. (A voice: 'What about Mr. Muniswami Nayudu and Mr. Subbarayan?') I may say as to that, the position of Mr. Muniswami Nayudu was very awkward at the time. He did not represent the ryots at that time. He was the leader of a party dominated by zamindars and he could not put forward the view of the ryots, the people he represents. Though he was the official leader of the party, he was really led by the zamindars. So far as Dr. Subbarayan is concerned, he is a zamindar. That is the first thing. The second thing is he is now the Leader of the Opposition, and he is probably more democratic than other zamindars. So he is also in an awkward position. Therefore we cannot accept their personal views as the views of the whole party which they lead, the whole body of the ryots. In the first instance I may say this. Certain fundamental principles were hitherto accepted as underlying the Madras Estates Land Act. I am sorry to find that in the amendments adopted by the Select Committee those fundamental principles have been violated, firstly in adopting the ruling of the Privy Council and secondly in refusing to follow the ruling of the High Court. In both ways the fundamental principles have been violated. I am more sorry for that than for anything else. If fundamental principles are not violated and if there be any departure as to details, that can be set right. But the violation of the fundamental principles is a very serious thing, and if that is not corrected now, we will be giving sanction to the very thing which was condemned by Mr. Forbes in 1908, and it may do away with the rights not only of the ryots in estates but also the ryots in ryotwari tracts. The first fundamental principle is that the Government is only entitled to the melvaram, that is the right to collect revenue. The proprietor of the soil is the person who cultivates it. The ryot is the proprietor and he holds the land subject to the payment of a certain assessment to the Government. The zamindar and inamdar are only assignees of Government revenue and this Mr. Forbes established with very much emphasis in his speech introducing the Bill of 1908. He followed 20 Madras, 299 and also 23 Madras, 318, the rulings of Mr. Justice Subrahmanya Ayyar. Now we find the Privy Council have ruled that the Crown is the proprietor of the soil and

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everybody derives authority from the Crown, and whatever might have been given to him, the ryot has to prove that he has occupancy right. This ruling is laid down in 41 Madras, 1012. This Privy Council case is very very reactionary and it does away with all the fundamental principles on which the Estates Land Act rests. If we once accept that the Crown is the proprietor of the soil, then you cannot find any place for the Madras Estates Land Act at all. In the case reported in A.I.R., 1929 Madras, 617, a Letters Patent Appeal, it was stated that the High Court is not going to recognize that the ryot is the owner with the zamindar. The decision laid down in 20 Madras was not accepted in 1929 Madras by Justice Wallace and other Judges. That shows that the foundation of this Act of 1908 was cut away by that Privy Council ruling in 41 Madras. So, gradually we find that that decision is departed from; that is, the very foundation is gone. Therefore unless this legislature takes care to re-establish that position and overrules, so to speak, the decisions of the Privy Council, great injury will be done not only to the zamindari ryots but also to the ryots holding lands in ryotwari tracts.

"Now, Sir, as regards the position of the zamindars very much has been said already, and I shall just refer to a few facts regarding that from Mr. Forbes' speech. Now when the legal position between the ryot and the landlord was not very clear previously, this Act was passed. Mr. Forbes in his speech introducing the old Bill of 1908 said:

'During the years that had passed since 1802, the inferior Civil Courts in the mufassal had been construing Regulation XXV of 1802 as if it had been an enactment bearing on the English law of landlord and tenant, nor was it unreasonable to expect that these inferior tribunals should construe terms of English law as if they possessed the same connotation as in that law. The Court of Sadr Adalat for themselves, however, repudiated so narrow an interpretation and in advising the Government in 1818 on the measures which should be taken and in advising the Government in 1818 on the measures which should be taken to save the ryots from the destruction which menaced their rights wrote thus: "the magical words, as Colonel Wilks has termed them, of the permanent sanad were being made to convey to the zamindars a power which was not exercised on the part of the Government itself and to overturn individual rights which existed before the commutation of the public revenue for a fixed payment in money by the zamindars." The Sadr Adalat at the same time pointed out to the Government that the highest authorities acquiesced in the opinion that a proprietary right in the soil vested in the people by whom it is ordinarily cultivated.'

"This, Sir, is what is laid down. I may read the last sentence again:

'The Sadr Adalat at the same time pointed out to the Government that the highest authorities acquiesced in the opinion that a proprietary right in the soil vested in the people by whom it is ordinarily cultivated.'

"That was the position established by Mr. Forbes in his speech.

He goes on to say:

'A careful consideration of the enactments which I have referred to will make it evident that the whole course of legislation was inconsistent with any theory which would regard the ryot as a tenant, or his payment to the zamindar as rent or that there existed between them the relation of landlord and tenant as known to the English law. On the contrary, it firmly sustains the view formulated in 1799 that the cultivating ryots—and no distinction is made between one class and another—have a right of occupancy so long as they cultivate to the extent of their usual means and give to the proprietor (i.e., the zamindar) whether in money or in kind, the accustomed portion of the produce.'

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"Now, so much with regard to the position of the ryot, Sir. I shall just refer to an extract from the fifth report. It is this:

"It appeared to the Committee of Circuit from the best information they could obtain that in numberless instances lands of considerable extent were enjoyed by individuals on the tenures above described (namely, inam tenures) and entered either in the village or district register as such, which had been conveyed without sufficient authority, perhaps granted by an inamdar, a zamindar or a temporary renter, or not granted at all but obtained through the collusion of the agents employed in making the collections or the registers either at the price of a bribe or as a mark of favour to their friends."

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"This is with regard to the inams. Now, with regard to the zamindars this is what is stated about the Northern Circars; the hill zamindars consisted of three classes; first, the Velmas of Telinga origin, who were driven from the Carnatic in the year 1652, by the Muhammadan arms, and who established themselves on the borders of the Kistna. Second, the Rachewars, of the race of the ancient sovereigns of Orissa, who were also compelled by the Muhammadans to relinquish the plains of circars and retired to the highland woods, that formed their western frontier. Their possessions are principally situated to the north of the Godavari. Third, the Wooriors being petty chieftains of the military tribe, who after the overthrow of the Empire of Orissa by the Muhammadans, were unable from their local situation to acquire an independent jurisdiction. Their possessions are chiefly situated in the highlands in the northern division of Chicacole. The zamindars in the plains could boast of no higher extraction than being descended from the officers and revenue agents of the sovereigns of Orissa, who were employed by the Mussalman conquerors in the management of their new acquisitions, and who appear to have first acquired lands and influence after the conquest of Aurangzeb and during the distracted administration of his children. The hill zamindars, who were descended from the Rajas of the kingdom of Orissa and who were entrusted with the protection of a district from the incursions of robbers and wild beasts and with the suppression of internal commotions, were on account of the difficulty of keeping them in strict subjection allowed by the Mussalman conquerors, to retain their former habits and to enjoy the Government share of the produce from their mountainous but fertile lands on condition of paying a tribute and the performance of the duties of protection above mentioned, which they had been accustomed to discharge. But the zamindars, in general, whom it does not appear could be made to submit to the Muhammadan authority, were never acknowledged by their rulers as independent or tributary chiefs or even as having any property in the land."

Mr. T. SUNDARA RAO NAYUDU:—"On a point of order, Mr. President. Are all these arguments relating to the history of the zamindars relevant to the question of postponement of the Bill?"

* The hon. the PRESIDENT:—"I am just trying to find out the relevancy of the speech. However interesting ancient history of the zamindars might be, it is necessary that the hon. Member must confine himself to the motion before the House."

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* Sriman M. G. PATNAIK Mahasayo:—"First of all, I started with the observation that the Official Bill has violated the most important principle of the zamindars and the ryots and I am showing what the legal position of the zamindars and the ryots is. I am also pointing out that this Bill should not be introduced. Of course, other speakers also talked about this, but my Friend, Mr. Sundara Rao Nayudu, did not consider it necessary to object then."

"On the contrary, it would seem from the process which the Mussalman Government observed, when capable of vigour, in realizing the revenues of the districts, as well as the constitutional checks established through every part of them that zamindaris were offices of trust and that the possessors of them were accountable managers and collectors and not lords and proprietors of the lands, that the money they paid to Government, instead of being in the nature of a tribute or mere acknowledgment of subjection or fealty was no other than a Jumma or revenue annually calculated upon the produce of the several zamindaris, that as a check upon the conduct of the zamindars, there were officers appointed by the State, to keep an account of the cultivation and produce, and whose duty it was to furnish the foudar or governor of the country at the proper season, with accounts and statements of its produce, who thereupon formed the jamabandi or revenue settlement of the year, which was variable in its amount and in general proportionate to the estimated value of the harvest."

* The hon. the PRESIDENT:—"May I once again draw the attention of the hon. Member to the necessity of his being relevant to the issue? If he wants to state the policy that was in existence in olden days and compare it with the present policy, he can simply state it. His reading of long extracts is likely to weary the House."

* Sriman M. G. PATNAIK Mahasayo:—"A few lines more, Sir. If they do not wish to hear, I cannot help it. The duty of the zamindar, as declared in his sanad of appointment, was to superintend that portion of country committed to his charge, to do justice to the ryots or peasants, to furnish them with the necessary advances for cultivation and to collect the rent of Government and as a compensation for the discharge of this duty, he enjoyed, as did the zamindars of Bengal, certain allotments of land rent free, termed *saverum*, which were conveniently dispersed through the district, so as to make his presence necessary everywhere in order to give the greater effect to his superintendence. He was also entitled to receive certain *russooms* or fees on the crops and other perquisites drawn from the sayer or customs and from the quit-rents of houses. These personal or official lands and perquisites amounted altogether to about 10 per cent on the collections he made in his district or zamindari. The office itself was to be traced, as far back as the time of the Hindu Rajas. It originally went by the name of *chowdri*, which was changed by the Muhammadans for that of *crorie* in consequence of an arrangement by which the land was so divided among the collectors, that each had the charge of a portion of country

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yielding about a crore of dams or two and a half lakhs of rupees. It was not until a late period of the Muhammadan Government that the term *crore* was superseded by that of *zamindar*, which literally signifying a possessor of land gave a colour to that misconception of their tenure, which assigned to them an hereditary right to the soil. It accordingly appears that in the year 1791 on the establishment of European agency in the management of the Northern Circars the *zamindaris* were described by the Presidency of Fort St. George as lands held by certain Rajas or Chiefs, as their hereditary estates paying a certain tribute to the Government and being subject to suit and service, in a manner very similar to the ancient feudal tenures. From this it is clear that the *zamindars* were mere collectors of revenue. Subsequently, about the Muhammadan period the Government called them *zamindars*. Before that, they were called *chowdaris*. The permanent settlement or sanad granted generally conferred on them no right to the soil. If that was so, the Government also were only entitled to collect some revenue as I have stated. But the Privy Council ruling has stated that even the inam granted by a *zamindar* also carries with it the *kudivaram* right and therefore the inamdar is entitled to both the *varams*. In the report of the Select Committee of 1908, in sub-clause 2 (2) (a), it is said that they had included temporarily settled estates. We have omitted the specification of *shrotriyam* as it is included under the general term 'inam' and we have made it clear that the inams with which the Bill is concerned as 'estates' are those in which the grant is of the land revenue alone. This will ordinarily exclude what are known as 'minor inams.' But the language of section 3 (2) (d), is not happily worded. The sub-section is silent as to the rights or power of the grantee. The Madras High Court in a series of cases consistently with the spirit of the Act laid down that the burden of proof lay upon the inamdars to show that *kudivaram* also was included in the grant. The sub-section literally interpreted would lend itself to the construction that it is immaterial who the grantor was and whether he had the right to convey what he purports to convey under the terms of the grant and that if the grant on its face shows that the *kudivaram* was also intended to be conveyed then the village so granted in inam cannot be an estate. In other words, is it or is it not necessary to try the issue whether the grantor had the power to convey both *varams* in a suit when the question arises whether a particular inam village is an estate or not within the meaning of the sub-section? In none of the Privy Council decisions the question is directly answered. In 1929 Privy Council, 115, the Privy Council held that the grant did not convey both the *varams* but conveyed only the *melvaram*. Supposing in that case the grant meant to convey both the *varams* but the grantor a *Desh Pandya* was not entitled to convey the *kudivaram*, what would be the decision of the Court? It is not easy to answer the question. The *Desh Pandya* being an officer had no right to convey even the land revenue. But if the grant conveying the *melvaram* is valid, there is no reason why this grant of both the *varams* of the grant purported to do so

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should be held to be invalid. So, the Privy Council in effect has decided that the wording of the grant is a decisive factor and the competence of the grantor to make the grant is immaterial. Such a view would be tenable only on the assumption that Government which confirmed or recognized the grant is the owner of the soil. A principal's ratification cannot extend beyond the right of the principal. Such a construction would never have been meant by the legislature. There can be no doubt that the ruling in 20 Madras, 299 applies to inams also. Inamdars and *zamindars* and Government stand on the same footing in relation to the cultivator who holds his land subject to payment of the *rajabagam* and is entitled to an independent and permanent right of occupancy indefeasible by any act on the part of the Government so long as he pays the *rajabagam* or dues of government. According to the rulings of the Privy Council *zamindars* could grant the soil before the permanent settlement but after the permanent settlement any grant made by them would convey only the land revenue though the rights of *zamindars* both before and after the permanent are held by the Privy Council to be the same.

"The recent Privy Council rulings have introduced the anomaly. The intention of the legislature as has been shown is defeated by the recent rulings of the Privy Council. The amendment of section 3 (2) (d) which appeared in the original Bill introduced by the hon. the Revenue Member was received with great satisfaction. The amendment ran as follows:

'any inam village of which the grant was made or confirmed by the British Government.'

"This amendment would have re-established the principles embodied in the Madras Estates Land Act. It set at rest the conflict of judicial opinion. It relieved both the inamdar and the cultivator from ruinous litigation which is the necessary consequence of cases being decided on findings of facts almost impossible to establish owing to non-availability of the original grants and owing to the attempts of both parties to prove their case by evidence both oral and documentary sometimes false and fabricated. Parties as well as subordinate courts are perplexed as to the correct interpretation of the rulings of the Privy Council. The unanimous decision of the Full Bench in 44 Madras, 588 regarding the effect of 41 Madras, 1012 (P.C.) and 43 Madras, 166 (P.C.) as to the burden of proof was held erroneous in 45 Madras, 586 (P.C.), 43 M.L.J., 640 (P.C.)

"In 49 M.L.J., 602—1926 Madras, 136 Phillips, J. tried to reconcile the Privy Council rulings in 45 Madras, 586 and 47 Madras, 337. But his decision was overruled in 1929 Madras, 617 in Letters Patent Appeal preferred against 49 M.L.J., 602 by Wallace and Odgers, JJ. Wallace observed as follows:

'Phillips, J. was inclined to hold that if this is a correct inference Naina Pillai v. Ramanathan Chetti (47 Madras, 337) is in conflict with the previous ruling of the Privy Council in Sivaprakasa Pandara Sannidhi v. Veeramma Reddi (45 Madras, 586). It must be admitted that there is a difficulty in reconciling the two decisions which appear if we may say so with respect, to speak also with diverse voices on the question whether occupancy right can be obtained

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by adverse possession and prescription. But . . . 47 Madras, 337 is the latest decision and is binding on us and we cannot refuse to follow where it leads. 1929 Madras, 617 was decided on 11th February 1929 and on 14th February 1929 the Privy Council decided the case in 1929 Privy Council, 115 in which 45 Madras, 586 was followed. If 1929 Privy Council, 115 had been reported earlier and could have been brought to the notice of the Judges when they decided 1929 Madras, 617 one cannot say how the case reported in 1929 Madras, 617 would have been decided.

"The divergence of opinion as to the interpretation of grants when available or as to findings regarding the terms of grants on the evidence on record tends to speculation and to growth of litigation. For instance, in 38 Madras, 608 which went up on appeal to Privy Council in 41 Madras, 1012, the district judge expressed his inability to conclude from the evidence that both varams were granted in the first instance. The High Court observed:

'We do not think that the grant is so expressed as to leave no doubt that the intention of the donor was to deal with the rights in the soil.'

"Now, in the report of the Select Committee, the following observation is made:

'In the Bill as introduced, an important change was sought to be made in sub-clause (d) of clause (2) of section 3—definition of an inam estate—by the provision that every presettlement inam village shall be an estate. The onus of proof of occupancy right in such an estate has now become fairly settled by decisions of the highest courts and the amendment proposed had the effect of affecting such onus of proof. We consider that it is undesirable to make so important an alteration of the law in this respect and have therefore decided to retain the existing sub-clause (d). We have, however, deleted from that sub-clause the last words "or any separated part of such village" as the Policy of the Act is not to recognize anything less than a village as an estate.'

"The Select Committee deleted a portion of the sub-clause so as to make the definition consistent with the supposed policy of the Act. With due respect to the Committee, it may be stated at once that the Select Committee considered the question of amendment from a wrong view point. The Committee should have addressed themselves to the question whether the decisions referred to by them are consistent with the policy of the Act. They refer to the policy of the Act with reference to deletion of a part of the sub-clause but not with reference to the sub-clause as a whole. The principles underlying the Madras Estates Land Act are (1) that the cultivator is the peasant proprietor in whom the soil of the land vests; (2) that the cultivator has a permanent right of occupancy so long as he makes the customary payment to Government or their assignees, the zamindar or the inamdar, under the Hindu Common Law; (3) that according to the common law of India the Crown by virtue of its prerogative is entitled to collect revenue or tax on land and not rent in the English sense of the term; (4) that the cultivator is not a tenant in the English sense of the term and does not derive his title from the State which is only the owner of the melvaram as distinct from the kudivaram which vests in the cultivator who is therefore co-owner of land with the State; (5) that the inamdar or the zamindar is only an assignee of public revenue; and (6) that in essence there is no difference between ryots holding lands in a Government village, zamindari village or an inam village.

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"So, the first quotation which I have read goes to show that the ruling of the Privy Council in 41 Madras holds that the State is easily the owner of the soil, which is accepted by the Committee, and on that ground it is held that section 3 (2) (d) should stand as interpreted by the Privy Council. This is fundamentally incorrect and opposed to the principle laid down in the Act. That principle is now accepted by retaining the present wording, in spite of the ruling of the Privy Council. The Select Committee has done a great disservice to the ryots by adopting practically the ruling of the Privy Council. As was done previously, the legislature should correct the rulings of the Privy Council and say that the State is only the owner of melvaram as was laid down in 29 Madras, 299 in Justice Subrahmanya Ayyar's judgment, which has practically overruled the Privy Council ruling and subsequent Madras rulings, and that judgment confirms the fundamental principle of the Madras Estates Land Act. Therefore, if the Council is to accept the opinion of the Select Committee, it will be doing a great injury to the interests of the ryots. That is my first point.

"My second point is this. We know there is a great deal of economic depression in the country. Neither the Bill nor the Select Committee has done anything to relieve the ryots from their economic distress. If that is not done, I think this Act will be of no use whatsoever. We know that in the ryotwari tracts the assessment is comparatively very light. All the same, resolutions after resolutions are being passed that the assessment should be reduced. That being so, the estate ryots cannot appeal to this House or to the Government to reduce the rate of rent prevailing in the zamindari areas. That can be done only by an amending Act. Unfortunately, neither in the official Bill as originally introduced nor in the Bill as amended by the Select Committee, there is any provision by which relief can be given to the ryot when he is faced with keen economic distress. If that is not done, what is there in the Bill which will commend itself to the people? How is it useful to the ryots. As I have already pointed out, the rights of the cultivator are taken away by retaining clause 3 (2) (d) as it is and also by overruling practically the Full Bench ruling in 44 Madras. Mr. Sami Venkatachalam Chetti has already dealt with that question, and I do not want to deal with it in further detail. In the conference which the hon. the Raja of Bobbili held, some proposal was made and notice of an amendment was also given that relief should be given to the ryot in proportion to the fall in prices of produce. The question is whether such relief would be given by the zamindars and their party men. Can such an amendment be discussed here? Supposing somebody raises an objection, will that be in order? Some people doubt whether such an amendment would be in order. If such an amendment is not in order and if the zamindars realize that such an amendment to the Bill is necessary, what further proof is necessary to say that we should wait and that we should not proceed with the present Bill. We are all agreed that some minimum relief should be given to the ryots by reducing rent in proportion to the fall in prices.

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"Of course the zamindars themselves have come forward with amendments and, I think, if they are not ruled out of order, they can be accepted by the House and then there will be no need for postponement of the consideration of the Bill. But if those amendments are not in order and if they are going to be ruled out, postponement is very necessary. The amendment given notice of by the party men of the Raja of Bobbili are favourable to the ryots and if they too are ruled out, postponement will be very necessary. Therefore unless the zamindars are quite sure that their amendments will be in order, they should not oppose this motion.

"Sir, the hon. the Raja of Bobbili said that there has been no objection taken to the provisions of the Bill from the beginning. I take exception to that statement and would point out that from the very beginning there has been objection to the Bill on the part of the ryots and that objection is based on the ground that in the present Council there are not enough representatives of the ryots. At the time of the formation of the Select Committee, if I remember right, my hon. Friend, Mr. Muniswami Nayudu, suggested that more ryots' Pantulu should be co-opted to the Committee and that Mr. Ramadas suggestion. In connexion with the consideration of the Marumakkattayam and other Bills concerning Malabar district alone, the Select Committees were composed of a pretty large number of Members and experts. At that time the Government never mentioned the question of retrenchment and allowed the inclusion in the Committees of as many persons as was considered necessary. It was only in connexion of so many districts that the Government thought it necessary on account of retrenchment to restrict the number of Members on the Select Committee. They objected to additional Members being appointed to the Select Committee and no expert was also appointed to the Committee. It is as a protest against this action that Mr. C. Satyanarayana Choudari gave notice of his Bill and Mr. Sami Venkatachalam Chetti subsequently took it up. So, from the beginning the ryots feared that the Government would take the side of the zamindars. Now, in view of the fact that the life of the Council has been extended, if we postpone the consideration of the Bill for carefully considering its provisions, nothing will be lost and the Bill can be taken up subsequently. Let us consider calmly how many of these amendments would be in order. Some of them are certainly in order and if the ryots are assured that some at least would not be ruled out by the President—of course, we cannot blame the President if he rules them out of order—postponement would not be necessary. That is the most important thing. For ascertaining this we must have some time. It must be remembered that negotiations were proceeding smoothly until the 13th of this month and it cannot be said that they were utterly unsuccessful. Therefore some good might result from negotiations. We must give time for that and surely if that is granted, a settlement can be come to and this Bill taken up in January.

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"It has been stated that the interests of the ryots are opposed to the interests of the zamindars. Everybody accepts it little realizing that, deeply considered, the interests of the zamindars are bound up with the interests of the ryots. For instance, if the rent payable by the ryots is increased unconscionably, they will leave the land to the zamindars and then who will cultivate the lands and give the zamindars the rents that they claim? The zamindars are not going to cultivate their lands, as it would not pay them to do so. Therefore I say that it is in the interests of the zamindars themselves to bring the rent within the means of the ryots; this may appear paradoxical, but it is the truth. If the zamindars cannot foresee this truth, there will be trouble. Of course, if the rent is reduced, there will be a fall in the income of the zamindars. But I appeal to them to see what their fathers and forefathers were doing. Were they spending as much money as they are now spending? The present day landholders have increased their expenditure to a large extent and it is for them to cut it down to enable the ryots also to live. The ryots cannot be going on paying at the rate the zamindars now demand. It is desirable that the zamindars should not have their luxuries at the sacrifice of the ryots. They have not considered that point. Should they not allow their ryots to live? By all means, let the zamindars collect from their ryots as much as they can pay. If, on account of the inability of the ryots to pay more, the income of the zamindars is reduced, they must learn to cut down their luxuries and not collect the last pie from the ryots.

"Sir, the last speaker said that this was the most troublesome Act and that its provisions were favourable to the ryots. I maintain, on the other hand, that its provisions are more favourable to the zamindars than to the ryots."

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

* Sriman M. G. PATNAIK Mahasayo:—"It is therefore necessary to examine the amendments carefully to see whom they benefit and how many of them are in order. All this cannot be done without postponement. In this connexion I may also say that I am not satisfied with the Bill introduced by Mr. Sami Venkatachalam Chetti also. (Cries of 'Hear,' 'Hear,' from Ministerialist benches.) That is not also sufficiently comprehensive."

The House then adjourned for lunch.

After Lunch—(2-30 p.m.)

* The RAJA OF KHALLIKOTE:—"Mr. President, Sir, if at this stage I participate in this debate, I do so to defend the class to which I have the honour to belong, and which I have the privilege of representing in this House. I have heard with great interest the thundering speeches that were made yesterday on the floor of this House, most of them more suitable to be delivered on the platform of an election meeting, than on the floor of this honourable and responsible House.

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My only apprehension is that, in view of the fact that the life of the Council has been extended by another year, with a possibility of even a further extension, most of these speeches would have been forgotten by the time the actual voting takes place, at the next general elections.

"Sir, it has been alleged that this is a landholders' Bill. I wish to repudiate this statement most emphatically. This may be anybody's Bill, but it is certainly not the landholders' Bill. The hon. the Revenue Member, while presenting the report of the Select Committee last January, said—

'When I introduced this Bill about a year ago, I set forth very briefly the history of the proceedings which had led to the drafting of this Bill, and I pointed out then that it

"only aims at removing certain difficulties, which have been found in the working of the existing Act. It does not aim at conferring any new rights or other powers upon either the zamindars or the ryots. It does not aim at placing any disability on either party; . . ."

and I expressed the hope that we would "have the co-operation of both parties concerned as well as of other Members of the House in producing a really good Bill which would improve the relations between the landlords and their tenants."

"I wish to examine how far this Bill tries to improve the relations between the landholder and his tenant. All waste land or what is known as old waste vested hitherto entirely in the landholder. I might quote here a paragraph from Volume III of Fifth Report on the affairs of the East India Company—paragraph 27 of Appendix XVIII, containing instructions to the Collectors regarding permanent settlement, etc., which reads thus—

'It is well known that in the Circars, there are very extensive tracts of uncultivated, arable, and waste lands, forming part of every zamindari. These are to be given up in perpetuity to the zamindars free of any additional assessment, with such encouragement to every proprietor to improve his estate as the utmost extent of his means, as is held out by the limitation of the public demand for ever, and the institution of regular judicial Courts to support him in all his just rights, whether against individuals or the officers of Government, who may attempt in any respect to encroach upon them. The advantages which may be expected to result, in the course of progressive improvement, from these lands, will, or ought to put the zamindar upon that respectable footing as to enable him with the greatest readiness to discharge the public demand, to secure to himself and family every necessary comfort, and to have besides, a surplus to answer any possible emergency.'

"From this it is clear that all waste land should be given up in perpetuity to the zamindar and should be his personal property. In some of those waste lands, the zamindar had home-farms where improved methods of agriculture were taught to the ryots. Even now there are instances where the zamindars maintain well-equipped home-farms for the benefit of their ryots. Attempts have been made in the Bill to deprive this right of the landlord by classifying old waste as ryoti land. I really wonder how the landholders' representatives in the Select Committee agreed to such a violation of their vested rights.

"My hon. Friend, the Leader of the Opposition, has very clearly and briefly analysed in his minute of dissent the real position of the

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zamindars. I wish, with your permission, Mr. President, to read paragraph 5 of my hon. Friend's minute of dissent:

'Although the Estates Land Act contains provisions for the recovery of rent by distraint and by sale of the ryot's holding, those provisions are hedged in with so many restrictions that it is very difficult for the zamindar easily and cheaply to realize his rent, and the path of the purchaser is beset with so many obstacles that where a distrained property or a holding is sold it is not easy for him to obtain possession. One would have thought that a Bill to amend Estates Land Act would have taken into account the grievances of the zamindar in this respect and would have smoothened his path in realizing his arrears. Far from doing so, the Bill has only increased the obstacles.'

"All that the landholder wants is a speedy and cheap method of realizing his rents. If he does not meet his obligations to Government on the due date, the Collector will not hesitate for a moment to attach his private and personal property, and even go to the extent of selling up his estate—instances of this are not uncommon—but for the landholder to realize his dues from his tenants, ten thousand obstacles are placed in his way. Fairness and justice demand that he should similarly have the power to realize his rents promptly from his ryots.

"A very peculiar method is adopted in the Bill in the chapter regarding irrigation. If repairs are not carried out, the Collector may order a reduction of rent. If the Collector can reduce the rent as he pleases, I wonder why there should be this farce of survey, record of rights and settlement of rents so elaborately dealt with in Chapter XI. The Collector by a stroke of his pen can upset the whole thing that has been done under Chapter XI; and what appears queer to me is that the Collector, that is, the Revenue Divisional Officer, can upset rents fixed by his superior, the Board of Revenue.

"Another important provision which every landholder is anxious to amend, is that relating to land which he may purchase for a fair and equitable price in Court sale in discharge of his debt. As soon as a tenant is put into such land he automatically gains occupancy right and the landholder cannot do anything over such lands in such cases. The landholder should have the ordinary right that any private person has over his lands. All these restrictions prevent the landholder from applying himself more effectively to the promotion of agriculture, however much he may be anxious to do so. The sections regarding these matters therefore require considerable amendment. There are several other defects in the Bill which I do not want to discuss at this late stage of the debate, but which I hope will be rectified by the Council.

"Sir, my hon. Friend, Sir Patro, said yesterday that we are here entirely in a different atmosphere. I agree with him. If any hon. Member will come to the zamindari areas of the Northern Circars, he will find that generally the feelings between the landholder and tenants are cordial. The tenant loves and respects his landholder and this is generally the case in almost every zamindari in the north. I must admit that I do not know the conditions in the south. I think the last speaker yesterday laid great stress on the question of restoring harmony and creating better relations between the landholder and the

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ryot. He also went to the extent of stating that the 1908 Act raised a big crop of litigation and that this Bill, if it is passed into law, will yet create a further crop of litigation. I entirely agree with him in this view. There is only one class of people that is going to be particularly benefited by this Bill and, that is the vakil class. The Bill, as far as I can judge it, will neither benefit the landholder nor the ryot, but will certainly benefit the vakils, and their numbers will increase.

"Sir, whatever may be the consequences of this Bill there is one potent evil that has been undermining the cordial relationship that hitherto existed between the landholder and his tenants. Self-interested agitators with motives of personal aggrandizement are vigorously at work preaching disharmony, disaffection and even lawlessness to the zamindari tenants.

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"I know of instances where meetings of ryots are held to preach these things to them and to promote these evils large contributions are taken from the unfortunate ryots for which no accounts are produced. A wonderful picture of heaven is depicted to the ignorant ryot as to how he can evade payment of his rent to the landlord and be happy and contented in his village. They are also advised to cut away the reserved forest of the zamindar and do several other lawless things. As a return for this advice the so-called leaders ask for contributions from the ryots to do what they call propaganda work for the good of the ryot whose welfare they pretend to have at heart. Such persons are not really concerned with the welfare of the ryot but are only anxious to fill their own pockets. But the ignorant ryot does not see through this but on the other hand thinks that these so-called leaders have come to save him and pays any subscription that is demanded. In my district a regular scale of subscriptions has been fixed—so much for a big village and so much for a small village—which the poor ryots are made to pay. I do not know the conditions in the southern zamindars, but from the experience I have gained of my own estates and from what I know of some of the estates in the Northern Circars I can boldly say that this sort of preaching is going on by interested persons. Talking of my district this experiment was perhaps first started years ago in tenants were under the evil influences of these so-called leaders. As time passed on, they soon began to realize the folly and the evil effects of this preaching and most of my people now have nothing to do with such champions of the ryots' cause. The leaders also have, as a result, wisely decided to leave my estates and concentrate their activities in other estates. Therefore, whatever may be the consequences of this Bill or any other Bill that may be passed, as long as this evil influence continues, there is bound to be disharmony between the landlords and the tenants.

"Coming now to this Bill, I am for pushing through this measure in the hope that the hardships that the landholders are now labouring under will be remedied by the Council. The Bill has been before the

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public for quite a long time and further postponement will mean further trouble and complications. It will also give a scope to interested agitators to knock off more money from the unfortunate ryot who is considerably worried with the economic depression. I would therefore vote in favour of the motion that the Bill be taken into consideration. Of course, if hon. Members want a little time to study the amendments and to come to some better understanding, I have no objection if this business is adjourned for three or four days."

* Rao Bahadur A. T. PANNIRSELVAM:—"While wholeheartedly endorsing the appeal made yesterday by the hon. Member for the City that in considering this question hon. Members of this House should not treat it as a party question, that they should not sacrifice the interests of their constituents at the altar of party-loyalty—and speaking for myself if I felt that the interests of my constituents were going to suffer by reason of my loyalty to the party, at least in this measure I should place the interests of my constituents first and foremost—it is purely from the point of view of my constituents that I propose to say a few words. And before I proceed further, I may also state that I should unreservedly have offered my congratulations to the very learned and able advocacy which the hon. Member for the City put forward on behalf of what he thought to be the interests of the tenants, but for the acrimony which unfortunately he allowed to creep into his speech; because I believe that this is a measure which raises a controversy of such a far-reaching importance, it would be absolutely essential that we should keep out all acrimony as far as possible and that we should approach all the questions involved with good will, sympathy and a desire to come to an amicable settlement. After all we have to realize that this is an endeavour on the part of us on behalf of the tenants to wrest, to the extent that is possible, the powers which the landlords are trying to reserve in their hands. Mr. Patnaick this morning delivered to us a very elaborate discourse as to the origin of the zamins and the position of the zamindars. I, for one, am not interested in this history. I am concerned with the present state of things and I wish hon. Members of this House to look at facts as they are. There is the fact that zamindars claim and do possess certain rights and privileges. How they came by them, whether legitimately or merely by force of power or by fortuitous circumstance, seems to me to be beside the issue. The rights which they possess perforce mean an invasion of the rights of the ryots, of what is legitimately due to them. It is our duty as far as possible to wrest them from unwilling hands or to get them as concessions from willing landholders for the sake of the tenants. Keeping these facts in view I wish to remind myself and also hon. Members of this House about the history of this legislation which has been given to us in a very crisp form by the hon. the Revenue Member in introducing the Bill. The measure of 1908 the moment it was passed caused dissatisfaction to everybody concerned. The tenants were not satisfied, the zamindars were not satisfied and what is more, the officials who administered the Act found it a most unsatisfactory piece of legislation. An amending Bill was

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immediately considered necessary even as far back as 1913, i.e., 20 years ago. The Government thought of introducing a Bill and in fact did introduce it. Since then for the last 20 years hon. Members of this House and hon. Members of the predecessor of this House have been cogitating as to how best they could bring forth a consolidated Bill which would settle once and for all the disputes which have been arising off and on between the zamindars and the tenants. For the last 20 years the Legislative Council has been approached from time to time and at last, after 19 years—well nigh two years ago—in January 1932 this Bill was introduced and with the unanimous support of the Council was referred to a Select Committee. The Select Committee has sent it to us with an almost unanimous report and if in January 1933, that is to say after twelve months when it was originally introduced, this Bill was not taken up for consideration it was due to the fact that some people hoped that by an understanding between parties it would be possible for them to come to an agreement on most of the vexed questions. There have been recriminations between Members of this House as to why such an agreement was not reached. There have been accusations and counter-accusations—things which as far as I am concerned—and I am sure as far as most of the Members of this House are concerned—are of no interest. We are concerned only with the result. The result is that they have not been able to come to an agreement. We are now in this position: after waiting for 20 years a Bill was introduced on which nearly 20 months' labour was spent and as a result of that labour we have now before us the report of the Select Committee; and in spite of what the hon. Member for the City said about its being reactionary, its being derogative of the rights of the tenants, I cannot of view of the tenants. I do not say, very much of an advance, I do not say that I should rest contented with the progress which has been made on behalf of the tenants; but I feel that keeping this as a basis, even in this House, even during this meeting, it should be possible with suitable amendments, notices of which have been given by Members on this side of the House—Members who represent, in spite of any cynical references which might have been made to their representative character—the zamin, the labour and the tenants—to improve the present Bill with a view to meet the claims of the tenants. What I say and pray for from this House is let us not allow ourselves once again to be persuaded into accepting this motion for adjournment which might mean another undeterminate prolongation of these 20 years. Let us accept this Bill as the basis, let us move amendments to it and try to improve it and thereby advance the interests of the tenants, because I feel that that would be perfectly in keeping with the principles of my party. I am not a mere idealist. Although I aim at a particular thing I do not believe in taking that thing and that thing alone, and refusing anything that might fall short of it. Here is an advantage which is within our grasp and however unsatisfactory it may be from

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our point of view, let us grasp it. Let us secure it on behalf of the tenants and let us take our stand on it and pursue the battle further if it is to be a battle between the zamindars and the ryots. When I say zamindar, landholder, may I make mention of one fact which has become clearer and clearer that talking of zamindars, talking of landholders, we are never able to put out of our minds the handful of zamindars who sit here and whose income may be counted in six figures. We forget for the moment that there are other people not so well placed, not so very fortunate as the zamindars in this House whose rights also you are invading. We know, at least I know in my part of the province that old zamindaris have broken up, that zamin villages have passed into the hands of other people, that zamin rights have been split up into tens and hundreds and there are several cases at least where the owner of the property to which the Estates Land Act applies is a comparatively poor man. And we must not forget the fact that in trying to wrest the powers from the hands of the zamindars, we are cutting at the root of probably the means of livelihood of hundreds and thousands of persons. They might be in a position to style themselves as landholders within the meaning of the Estates Land Act, but they are by no means the proverbial zamindars or the proverbial rajas whom alone we think of.

“ There is just one other point to which I wish to refer and I shall close with it. Mr. Sami Venkatachalam Chetti was trying somewhat to place us in an embarrassing position, those of us who come from Tanjore and Trichinopoly, by saying that if we do not accept his proposal, we shall have no voice before the Government in the matter of having a remission of tax on our ryotwari lands. But at the same time and in the same breath, he said that the position of the zamindari ryots was about four or five times worse than the position of the ryotwari tenants. May I just point out to him, Sir, that if he says that the right to remission should be the ultimate aim and goal of the zamindari ryots, I should be at one with him. But if he says that the right should be clutched at now and immediately, and failing that he would have no other intermediate relief, then, I am afraid, I cannot agree with him, because I might point out to him the very common statement that when you take a leap, let it be a moderate leap, when you want to gain an end let it be something within your possible reach, when you want to jump over across the channel always measure the breadth of the channel lest you should go into it. What is the position of my hon. Friend? He wants that the zamindari tenants who are ten times worse off than the Government ryotwari tenants should now and immediately take a leap which will place them immediately in a better position than the ryotwari tenants. Because I must inform my hon. Friend for the City that to-day the ryots of the Government ryotwari tracts have no right as such to remission. If we had that right, well, Tanjore ryots are shrewd enough not to come to the Legislative Council and waste their breath here; they would have sought their remedy in the proper court for enforcing their rights. It is only because we, ryots in the Government

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tracts, have no right to remission that we are petitioning the Legislative Council time and again, approaching the Government with deputations and with requests and flooding the Legislative Council Members with manifestos and memoranda on our present position. We have not got that right. I do not therefore deny that it might be the ultimate aim of the zamindari ryot as well to have a statutory claim for remission, but I was only reminding my friend that it was unsafe to leap before you look ahead, that it was unsafe to attempt a thing beyond your strength, it was unsafe to give up a possible immediate benefit for the ultimate probability of having a greater benefit. I am content to proceed step by step. Speaking for myself, I think that I should be consulting the best interests of my tenants if I secure immediately and now what little advantage I can for them, what little improvement I can give them from their present position. I am not prepared to forego this right on the off-chance of Mr. Sami Venkatachalam Chetti's Bill passing through all the stages. Hon. Members of this House might remember, Sir, the very suggestive statement made by the hon. Member for Chittoor and that was this: Why should the Government Bill be given a better chance than Mr. Sami Venkatachalam Chetti's Bill? Let them go together. Let them run a parallel race. If Mr. Sami Venkatachalam Chetti's Bill will pass through this Council during the ordinary lifetime of the Council, well and good, let the Government Bill also pass through the Council. If Mr. Sami Venkatachalam Chetti's Bill cannot pass, let the Government Bill also be dropped. Sir, that is an argument which I am not able to accept. Because there is the possibility of not reaching this ultimate goal, I am not prepared to give up the certainty of the benefit which might accrue to the tenant under the present Bill. Therefore it is, that I would appeal to my hon. Friend, Mr. Sami Venkatachalam Chetti, or repeat the appeal he made to us: Let no question of prestige or pique come in. Sir, in spite of the protests which he made to the effect that he was not trying to win for himself the honour of having piloted the Bill, I was inclined to think that he was protesting once too often about it. Let me appeal to him: let no question of pique enter; let no question of party loyalty enter. Let us think of the interests of the tenants. I at least represent some tenants, but the hon. Member for the City of Madras does not represent any in this House. I do not question his right to speak on behalf of anybody, but I may say he does not represent the zamindari ryots in this House by the move which he wants us to adopt. Let us secure to them what little we can and let us not put off that possibility on the off-chance of procuring more."

* Dr. P. SUBBARAYAN:—"Mr. President, before I go into the main resolution for adjournment, I should like to make a personal appeal to you and that is this. We are in a minority in this House—the Opposition—and we feel at a disadvantage in dealing with this measure because the amendments were thrown at us only a day before the Council met. As a matter of fact, I got my copy only on Sunday evening. (Some hon. Members: On Monday morning.) Some hon. Members got their

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copies on Monday morning only and therefore we feel a certain amount of difficulty in dealing with the amendments on their merits. In view of this I made a personal appeal to the hon. the Revenue Member to adjourn the consideration of this measure till the next meeting of the Council. From the way he looked at it, to begin with, I at least got the impression that he was rather inclined to agree to this request, but the hon. Gentleman had to consult other hon. Gentlemen, the Leader of the House and the hon. the Chief Minister of the Government. And evidently these two eminent gentlemen felt that it would not be right for them to postpone the measure. Why, pray? Because, Mr. President, they are really afraid that Mr. Sami Venkatachalam Chetti's Bill, if introduced into this House, if non-official days are given and if that measure comes up, they are afraid that there will be a clamour for the reference of that Bill to a Select Committee and if that Bill is referred to a Select Committee there is the further danger that the Government measure might be stopped. My friend, the Member for Chittoor, made a reasonable offer yesterday and that was this: he found while sitting in the Select Committee over the Government Bill that even though there were fundamental differences between the view-point of the ryot and that of the landholder, it was easy to come to an agreement across the table of the Select Committee and therefore he demanded that the same facilities might be afforded to the Bill of my hon. Friend, the Member for the City. Sir, I think I am not going far wrong if I make this personal request to you, Mr. President, as the custodian of the rights of the House, that we, who are in a minority, should be given the facility to consider the various amendments that have been newly introduced by the party in power. I will leave it at that.

"Mr. President, a considerable amount of play has been made on the floor of the House of the dissenting minute which I had the honour to append to the report of the Select Committee of this House. I want to state that I have not moved a single inch from the opinion I have expressed there. I have the peculiar misfortune or fortune of representing the South Central Landholders and naturally, as their representative, on a measure like this, I am bound to safeguard the interests of the South Central Landholders. It is my primary duty because I feel there are other people in this House who represent the tenants, who are in the peculiar position of representing the tenants' point of view. If I appended that minute, I did it with the full responsibility that I possess and I have not moved an inch from the view I took and it is in that way I opposed the introduction of this measure because, as my hon. Friend, the Member for the City, read out the first portion of my dissenting minute—I am quoting it from memory and I believe it runs as follow—"I feel that the measure as it has emerged out of the Select Committee does not represent either the views of the landholder or the ryot, that the Bill is not wanted by either side and the Government. When I talk of the Government, I am to-day talking of the Reserved Half or the old 'mabap' Government, for, whatever they may talk of constitutional reforms or constitutional principles, the Reserved Half

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are not responsible to this House; they are responsible to the Parliament in England and therefore they are here as umpires bound to keep the ring (to use a boxing parlance)—they have to consider this fact and that is this. I appeal to the hon. the Revenue Member to consider that he is there neither as the representative of the landholder as I am situated in this House, nor as the representative of the tenants as the majority of the Members of this House are. He is there as an arbiter of the destinies of both parties. Placed as he is, I feel that he ought to take into consideration not the mere will or desire of a particular party in this House but the *summum bonum* or the high interests of the classes who are interested in this measure. As he himself said during the course of his speech, there are contradictory views held by both sides. The landlords as a class feel that their rights are being taken away and I shall refer here to what my hon. Friend, the Raja of Kallikote, has said. He made what I should call a very able speech on behalf of the landholder. I have always felt from the days when we were at school together that Kallikote had in him the making of a fine man. I am glad that has been realized. Whenever he speaks in this House, I am glad he is heard with respect and he puts his points in a manner that nobody can say that he leaves either acrimony or any kind of distaste behind when he has finished his speech.

2-16 p.m. "As I have said, there are these different view-points; they are not easily reconcilable by the Government Bill. The hon. Gentleman, the Chief Minister, feels that with all the amendments given notice of by the Members of his party, the Bill is going to be an improvement in the interest of the ryots. But the people, who claim to represent the ryots in this House, feel it does nothing of the kind; on the other hand it makes the fetters round the ryots more strong than it is to-day. There are these conflicting views and the Government who are the arbiters of the destinies of these two classes are responsible to see that sufficient time is given to the representatives of the landlords and of the ryots to come to an agreement. The hon. Gentleman, the Revenue Member, said when he asked the permission of this House not to proceed with this measure last January, that he felt that there was going to be an agreement because the hon. Gentleman, the Chief Minister, had intended to call a conference of both parties. I would like to ask this question of him, Mr. President. Is it not the duty of the Government who are the arbiters of the destinies of both the ryots and the landholders to have called this conference, because no agreement could be come to when two opposite view-points meet together unless there is an umpire. If Sir Archibald Campbell had chosen to sit on this unofficial committee, which he talked of, which is not possible if only the representatives of the landlords and the ryots meet each other. I think that is the sentiment that lies behind the objection made by my hon. Friend from Chittoor and my hon. Friend from the City. They feel that, if a Select Committee is constituted and we refer to it both the measure of the Government and the Bill of my hon. Friend, the Member for the City,

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they may come to an agreement which may not satisfy all parties; at least there would be a feeling left in the minds of hon. Members that a real effort at compromise had been made and that the maximum amount of compromise has been effected by this method. It is that I want the hon. Member in charge of this Bill to do, Mr. President. I hope he would not think that we are doing this in the method of obstruction, because I think that there is a feeling in him left after the proceedings of the last two days in this House, that we on this side of the House are practising methods of obstruction. The Irish parallel, Mr. President, is well known. Mr. President, you, I am sure, will admit yourself that if the minority is placed in such a situation that it is not able to carry its view-points, it is one of the elementary rights in Parliament that the minority should try and put any obstacle it can in the way of the passage of this measure. As Mr. Gladstone once tersely put it, it is the duty of the minority to tire the majority, and is there anything wrong in trying to attempt this method of tiring the majority and if the majority is so strong as not to get tired, they naturally have their way. But for a minority I do not think there is anything wrong to practise the method of obstruction. But of course when obstruction becomes of such a nature as was practised in the House of Commons by the Irish Members, other measures would be found to get rid of this obstruction. But as long as we have this right, I am sure hon. Members opposite will realize that we are doing what we think is right in the light of the opinions we hold.

"Mr. President, the hon. Gentleman, the Chief Minister, during the course of his speech said that Mr. Venkatachalam Chetti's Bill really amounts to confiscation and expropriation. I would like to point out one of the amendments which have been given notice of by hon. Members belonging to the hon. Gentleman's party, and that is the one with regard to inams. Under the present decision of the High Court and the Privy Council as it stands to-day, the inamdar is entitled not only to the melvaram but also the kudivaram. This amendment would have the effect, to use the words used by the hon. Gentleman himself, of really confiscating property. May I warn him that if this is the method that is going to be adopted, it is only the first step in the method of confiscation. As has already been read out by the hon. Gentleman during the course of his speech, there are the resolutions of the East Godavari District Zamindari Ryots' Conference in which they have said that they do not want a middle man between the Government and themselves. If you do this, you are really confiscating a property right which is in the inamdar and naturally there will be the conclusion that property rights may be taken away by a stroke of the pen of the Legislature. Therefore I may give this as a warning to my hon. Friends that it is very easy to play with property of other people when your own property rights are not concerned. But if you are going to deal in such a manner with the third man's property rights, your turn is bound to come next.

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"Then there is the question of ijardars which has also been put in by hon. Members on the other side. I do not think I need labour the argument that the effect of that amendment would be the same as the one in the case of inams. I hope my hon. Friends opposite who talk of expropriation would consider this point when the actual Bill comes up to be considered by this House.

"Mr. President, I have the fervent hope that either you or the hon. Gentleman, the Revenue Member, would consider the point of the shortness of notice that has been given to us. The hon. Gentleman, if he really desired that this Bill should be taken up for consideration now, may have given notice of it two months ago, because, as you yourself knew, Mr. President, every Member of this House knew when the Council adjourned last time the exact date and hour at which we were going to meet. The hon. Gentleman has taken us unawares. Why this hurry? There was nothing to apprise us that he was going to introduce this measure now. Is it because his Colleague, the hon. the Chief Minister, reported to him that the conference had proved infructuous; 'we are afraid of Mr. Venkatachalam Chetti's Bill; therefore you better thrust your measure in and let us get on with it.' I would like to remind the hon. Gentleman, the Revenue Member, of the old saying that it is much better to wait and see rather than to rush and regret. I would also like to appeal to my hon. Friends, the landlords in this House, not to rush in haste and repent at leisure."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, my hon. Friend, Mr. Sami Venkatachalam Chetti, has made a special appeal to the representatives from Malabar that, having reaped the advantages of the Malabar Tenancy Act, they should not assume a selfish attitude towards the measure that is now before this hon. House. Knowing as I do that Samiji claims to be a nationalist, I am not prepared to say that when matters of great public importance come up for discussion, he would think more in terms of a Tamilian or an Andhra. Any way so far as we from Malabar are concerned, while we are expected to safeguard the special and peculiar problems of our district, we are also expected to do our very best when matters affecting the general welfare of the province come up for consideration. A special appeal Mr. Langley can protect himself. But as representatives from Malabar is not the gentleman to make a 'stage-managed' speech. My hon. Friend, Mr. Langley, always means what he says.

"That apart, we have now to consider how best we can be helpful and useful in bringing about better understanding and better relationship between the zamindars and their ryots. My hon. Friend, Mr. Patnaick, said that the amending Bill is a revolutionary measure. He even went so far as to say that Diwan Bahadur Muniswami Nayudu signed the report of the Select Committee on the Bill, because Diwan Bahadur Muniswami Nayudu was being then led by the zamindars. I am sure Mr. Muniswami Nayudu will exclaim 'Save me from my

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friends.' Diwan Bahadur Muniswami Nayudu and his followers, of whom one is our hon. Friend, Mr. Patnaick, are sitting in opposition banks to-day as they would not be led by the zamindars.

"To resume, Sir, I feel—and I am speaking only for myself—that the sudden decision of the Government to proceed on with the amending Bill has allowed very little time to study the Bill in all its particulars. A number of amendments have also been given notice of by various hon. Members. Perhaps it would be said that if non-official Members do not mean business, the Government cannot wait indefinitely. But I would like the hon. the Revenue Member to remember that when on the 30th January 1933 he presented the report of the Select Committee, the occasion was availed of by him mainly to preach a sermon as to the relationship that ought to exist between the landholders and the tenants. Beyond the Sermon on the Mount, the hon. the Revenue Member neither indicated what would be the further stages of the Bill nor threw out any suggestion that would help to establish the relationship that he visualized. Again, when my hon. Friend, Mr. Sami Venkatachalam Chetti, asked for leave to introduce his amending Bill and there was a heated discussion, the Government Member was discreetly silent. Therefore I say that the sudden decision of the Government has not allowed sufficient time for a full study of the question. But if the parties to the controversy—they are the parties really to be consulted—decide that the Bill ought to be proceeded with, I for one would not do anything to thwart that decision, because the sooner something is done to smoothen the day-to-day relationship between the zamindars and the ryots, the better it would be for all concerned. Then I would only respectfully adopt the appeal of the hon. the Leader of the Opposition for a few days' time for a study of the Bill in the light of the many amendments. Meantime, let there be a conference of leaders to see how far there could be an agreement on fundamentals.

"Sir, we have heard a good deal about the conference that was held in the house of the hon. the Raja Sahib of Bobbili. The more I think about the conference, the more I feel that I am in the position of Sir Roger de Coverley. Much can be said on both sides. My hon. Friend, Diwan Bahadur Muniswami Nayudu, said that he felt that a conference convened by one party was not going to be a success. When leave for the introduction of his Bill was sought by my hon. Friend, Mr. Sami Venkatachalam Chetti, he took violent exception to the then attitude of the hon. the Raja of Bobbili and said: 'I am afraid there is something very doubtful and suspicious about the position of the party.' Yet these hon. Gentlemen attend the conference convened by the Raja and with the usual compliments and return of compliments they elect to work for an agreed solution, till one fine morning when we are again told that the conference has failed to achieve its purpose. The hon. Gentlemen who attended the conference merely as representatives chosen by the hon. the Raja of Bobbili have only to thank themselves for the position. However that be, this hon. House has a

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heavy responsibility in dealing with the amending Bill; and let me piously hope that, with the Government—whose responsibility in the matter is a heavier one—holding the scales even, the problem would be tackled without either side engendering bitterness and vindictiveness and results beneficial both to landholders and tenants would be achieved."

Mr. M. A. MUTHIAH CHETTIYAR:—"I beg to move that the question be now put."

* The hon. the PRESIDENT:—"I think the House will be anxious to hear the hon. the Revenue Member now."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am unable to accept either of the amendments which have been placed before the House. I think Mr. Arasu has moved an amendment to postpone the discussion of this Bill for a further six months. If I remember rightly, he tabled a similar amendment when my motion that the Bill be taken into consideration was on the Agenda of the House in last January. And it is now since that date, not merely six months but nine months. He now asks for six months more. It seems to me, Sir, that he has had more time than what he asked for then."

"One point which he made was that it was my intention then, that this Bill should never come before this House again. That, Sir, was not my intention. Had it been my intention, I should have withdrawn the Bill and not merely stopped with presenting it to the House. My intention in not moving that it be taken into consideration was to reserve the power of bringing forward the Bill at a later date. I do not think, Sir, that I need follow the hon. Members into the various arguments regarding the different provisions of the Bill, especially with reference to the question whether they are in favour of the tenant or in favour of the landlord. It seems to me that the Bill does not favour the one side or favour the other side too much. That in itself may be taken as some evidence that those who have been responsible for the present form of the Bill as it has emerged from the Select Committee have endeavoured to be fair and reasonable towards both parties."

"Again, Sir, a point was made by many hon. Members that this Bill has been sprung upon them and that they have not had time to consider the amendments. Sir, the Bill was presented to the House nine months ago, and most of the amendments which are now on the paper were put before the House at that time. They have been before the Members for nine months."

"My hon. Friend, the Leader of the Opposition, has asked a question why I did not say two months ago, that I was going to bring forward this Bill at this meeting. Well, at that time, the negotiations between the two parties were still going on, and it was not desirable to make any announcement which might have the effect of breaking off those negotiations or interfering with them in any way. And it was not until about a fortnight ago I think when we understood that agreement had

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been reached on certain points and that it was not likely that further agreement would be reached on the other points affecting my Bill, that the Government decided that my Bill should be proceeded with now. The announcement was made as soon as the Government arrived at a decision, and we made no secret of that decision."

"The Leader of the Opposition also asked why I did not call together a committee of both the parties and endeavour to assist in getting them to come to some agreed provisions. Sir, may I remind him and the Members of the House once again that in 1922, a committee of that kind was appointed which worked hard at the amendment of the Act and the result was a Bill. That Bill was placed again before another committee similarly constituted and presided over by the hon. Sir C. P. Ramaswami Ayyar, and the outcome of that Bill was the one I introduced in January last year. That Bill has again been considered by a Select Committee of the Members of this House representing both parties. Three times efforts have been made by committees containing representatives of both parties, presided over by a Member of Government, to reach some decision which might be accepted by all the parties; and yet we have not arrived at a full agreement. Why therefore should I endeavour to impose myself upon the representatives of the two parties who have said 'let us examine our differences and see what can be done?' I was in fact myself in doubt whether my help was needed; and if it was needed, that it would have been given, was, I think, realized by them; as a matter of fact during the last few days, I did say so—that I was quite prepared to help, if required—both to the Raja Sahib of Bobbili and also to Mr. Ramadas Pantulu with reference to one matter. I feel, therefore, Sir, that I was not guilty of any act of omission in allowing the two parties to come together without my assistance, as they wished to do so. I feel, Sir, as I have already stated, that the time has come when we should consolidate the position which has been reached by the work done during the last twenty years. When we have consolidated that position by passing this Bill, the question whether any further measures are necessary or desirable or can be brought forward in agreement with both parties will then have to be considered. I do not wish to prejudice the case either one way or the other at the present moment; but I do wish to impress upon hon. Members once again that we have had this Bill on the anvil for a very long time, that a very considerable amount of work and thought have been given to it by many eminent persons, and that it is most desirable that the Act which is admittedly defective in many respects should not be left unamended any longer in the directions in which this Bill, as amended by the Select Committee, proposes to amend it."

Mr. M. A. MUTHIAH CHETTIYAR:—"I move—that the question be now put."

* The hon. the PRESIDENT:—"The question is that the question be now put."

The motion was put and carried.

220 A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908,
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931)

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* The hon. the PRESIDENT:—"I will now put the amendments to the vote of the House. The question is—

'Add at the end of the hon. the Revenue Member's motion, the words "this day six months".'

The motion was declared lost. Mr. V. T. Arasu demanded a poll and the House divided thus:—

Ayes.

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| 1 Dr. P. Subbarayan. | 20 Mr. P. Peddiraju. |
| 2 Mr. K. R. Venkatarama Ayyar. | 21 " K. Singam Ayyangar. |
| 3 Rao Bahadur T. A. Ramalingam Chettiyar. | 22 Ahmed Miran Sahib Bahadur. |
| 4 Mr. T. C. Srinivasa Ayyangar. | 23 Diwan Bahadur B. Muniswami Nayudu. |
| 5 " Sami Venkatachalam Chetti. | 24 Mr. K. P. Raman Menon. |
| 6 " A. Pl. N. V. Nadimuthu Pillai. | 25 " M. S. Sreshta. |
| 7 " T. S. Ramaswami Ayyar. | 26 " P. V. Krishniah Choudary. |
| 8 " V. T. Arasu. | 27 Sriman M. G. Patnaik Mahasaya. |
| 9 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 28 Mr. C. Indrayya. |
| 10 B. Pocker Sahib Bahadur. | 29 " J. Kuppuswami Choudari. |
| 11 Rao Bahadur P. C. Muthu Chettiyar. | 30 " Mahboob Ali Baig. |
| 12 Rao Sahib A. S. Alagannan Chettiyar. | 31 " G. R. Premayya. |
| 13 Mr. M. A. Manikkavelu Nayakar. | 32 " K. Pattabhiramayya. |
| 14 " Abdul Hameed Khan. | 33 Rai Sahib C. Kolanda Reddi. |
| 15 " Basheer Ahmed Sayeed. | 34 Rao Bahadur R. K. Venugopala Nayudu. |
| 16 " U. C. Subrahmanya Bhatt. | 35 Mr. C. R. Parthasarathi Ayyangar. |
| 17 " K. A. Nachiyappa Gounder. | 36 " A. Ranganatha Mudaliyar. |
| 18 The Pattagar of Palayakottai. | 37 Rao Bahadur T. M. Narayanaswami Pillai. |
| 19 Mr. K. S. Sivasubrahmanya Ayyar. | |

Noes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 24 Rao Bahadur R. Srinivasan. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 25 Rao Sahib V. I. Muniswami Pillai. |
| 3 " Sir Archibald Campbell. | 26 Mr. P. C. Moses. |
| 4 " Mr. H. G. Stokes. | 27 " P. V. Rajagopala Pillai. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 28 " V. G. Vasudeva Pillai. |
| 6 " Mr. P. T. Rajan. | 29 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 7 " the Raja of Bobbili. | 30 Mr. P. Bayappa Reddi. |
| 8 Mrs. K. Alamelumangathayaramma. | 31 " K. Ramachandra Padayachi. |
| 9 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 32 " G. Lakshmana Reddi. |
| 10 Rao Bahadur V. N. Viswanatha Rao. | 33 Rao Sahib V. Dharmalingam Pillai. |
| 11 Mr. J. A. Thorne. | 34 The Kumararaja of Venkatagiri. |
| 12 " H. M. Hood. | 35 The Raja of Khalikote. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 36 The Zamindar of Mirzapuram. |
| 14 Mr. R. Madanagopal Nayudu. | 37 Mr. M. A. Muthiah Chettiyar. |
| 15 " E. Conran Smith. | 38 " A. V. Bhanoji Rao. |
| 16 " T. Sundara Rao Nayudu. | 39 Diwan Bahadur A. M. M. Murgappa Chettiyar. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 40 Mr. K. M. Duraiswami Reddiyar. |
| 18 Mr. T. Narasa Reddi. | 41 " J. A. Davis. |
| 19 Rao Bahadur A. T. Pannirselvam. | 42 Swami A. S. Sahajanandam. |
| 20 Mr. K. C. M. Venkatachala Reddiyar. | 43 Mr. H. M. Jagannatham. |
| 21 " G. Ranganatha Mudaliyar. | 44 Rao Bahadur D. Krishnamurti. |
| 22 Rao Sahib N. Siva Raj. | 45 Rao Sahib P. Subrahmanya Chetti. |
| 23 Subadar-Major S. A. Nanjappa Bahadur. | 46 Mr. S. A. A. Annamalai Chettiyar. |
| | 47 Rao Sahib C. Jayaram Nayudu. |
| | 48 Diwan Bahadur A. Appadorai Pillai. |
| | 49 Rao Sahib Pandit Ganala Ramamurti. |
| | 50 Mr. K. Kesavaramamurti Nayudu. |
| | 51 S. M. K. Beyabani Sahib Bahadur. |

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Noes—cont.

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| 52 Mr. A. Ramakrishna Reddi. | 59 Mr. F. Birley. |
| 53 Rao Sahib D. V. Narasimhaswami. | 60 " W. O. Wright. |
| 54 Rao Bahadur Sir A. P. Patro. | 61 " W. K. M. Langley. |
| 55 " C. Natesa Mudaliyar. | 62 " W. W. Ladden. |
| 56 The Maharaja of Venkatagiri. | 63 " R. Foulkes. |
| 57 Diwan Bahadur S. Ellappa Chettiyar. | 64 " F. J. Stanes. |
| 58 Mr. R. M. Palat. | 65 " G. Simhachalam Pantulu. |

Neutral.

Khan Bahadur Mahmud Schamnad Sahib Bahadur.

Ayes 37. Noes 65. Neutral 1.

The motion was lost.

* The hon. the PRESIDENT:—"I will now put Mr. Sami Venkata-3-45 chalam Chetti's amendment to the vote of the House. The question is—p.m.

'that the consideration of the report of the Select Committee on the Madras Estates Land Act (Amendment) Bill be deferred until such time as my Bill (the motion for leave to introduce which was adjourned for consideration to this meeting) reaches the same stage as Sir Archibald Campbell's Bill.'

The motion was declared lost. A poll was demanded by Mr. Basheer Ahmed Sayeed and the House divided thus:—

Ayes.

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| 1 Dr. P. Subbarayan. | 20 Mr. K. S. Sivasubrahmanya Ayyar. |
| 2 Mr. K. R. Venkatarama Ayyar. | 21 " P. Peddiraju. |
| 3 Rao Bahadur T. A. Ramalingam Chettiyar. | 22 " K. Singam Ayyangar. |
| 4 Mr. T. C. Srinivasa Ayyangar. | 23 Ahmed Miran Sahib Bahadur. |
| 5 " Sami Venkatachalam Chetti. | 24 Diwan Bahadur B. Muniswami Nayudu. |
| 6 " A. Pl. N. V. Nadimuthu Pillai. | 25 Mr. K. P. Raman Menon. |
| 7 " T. S. Ramaswami Ayyar. | 26 " M. S. Sreshta. |
| 8 " V. T. Arasu. | 27 " P. V. Krishnayya Choudari. |
| 9 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 28 Sriman M. G. Patnaik Mahasayo. |
| 10 B. Pocker Sahib Bahadur. | 29 Mr. J. Kuppuswami Choudari. |
| 11 Rao Bahadur P. C. Muthu Chettiyar. | 30 " Mahboob Ali Baig. |
| 12 Rao Sahib A. S. Alagannan Chettiyar. | 31 " G. R. Premayya. |
| 13 Mr. M. A. Manikkavelu Nayakar. | 32 " K. Pattabhiramayya. |
| 14 " Abdul Hameed Khan. | 33 Rai Sahib C. Kolanda Reddi. |
| 15 " Basheer Ahmed Sayeed. | 34 Rao Bahadur R. K. Venugopala Nayudu. |
| 16 " U. C. Subrahmanya Bhatt. | 35 Mr. C. R. Parthasarathi Ayyangar. |
| 17 " C. Indrayya. | 36 " A. Ranganatha Mudaliyar. |
| 18 " K. A. Nachiyappa Gounder. | 37 Rao Bahadur T. M. Narayanaswami Pillai. |
| 19 The Pattagar of Palayakottai. | |

Noes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 6 The hon. Mr. P. T. Rajan. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 7 " the Raja of Bobbili. |
| 3 " Sir Archibald Campbell. | 8 Mrs. K. Alamelumangathayaramma. |
| 4 " Mr. H. G. Stokes. | 9 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 10 Rao Bahadur V. N. Viswanatha Rao. |
| | 11 Mr. J. A. Thorne. |

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Noes—cont.

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| 12 Mr. H. M. Hood. | 38 Mr. A. V. Bhanoji Rao. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 39 Diwan Bahadur A. M. M. Murgappa Chettiyar. |
| 14 Mr. R. Madanagopal Nayudu. | 40 Mr. K. M. Duraiswami Reddiyar. |
| 15 " E. Conran Smith. | 41 " J. A. Davis. |
| 16 " T. Sundara Rao Nayudu. | 42 Swami A. S. Sahajanandam. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 43 Mr. H. M. Jagannatham. |
| 18 Mr. T. Narasa Reddi. | 44 Rao Bahadur D. Krishnamurti. |
| 19 Rao Bahadur A. T. Pannirselvam. | 45 Rao Sahib P. Subrahmanya Chetti. |
| 20 Mr. K. C. M. Venkatachala Reddiyar. | 46 Mr. S. A. A. Annamalai Chettiyar. |
| 21 " G. Ranganatha Mudaliyar. | 47 Rao Sahib C. Jayaram Nayudu. |
| 22 Rao Sahib N. Siva Raj. | 48 Diwan Bahadur A. Appadorai Pillai. |
| 23 Subadar-Major S. A. Nanjappa Bahadur. | 49 Rao Sahib Pandit Ganala Ramamurti. |
| 24 Rao Bahadur R. Srinivasan. | 50 Mr. K. Kesavaramamurti Nayudu. |
| 25 Rao Sahib V. I. Muniswami Pillai. | 51 S. M. K. Beyabani Sahib Bahadur. |
| 26 Mr. P. C. Moses. | 52 Mr. A. Ramakrishna Reddi. |
| 27 " P. V. Rajagopala Pillai. | 53 Rao Sahib D. V. Narasimhaswami. |
| 28 " V. G. Vasudeva Pillai. | 54 Rao Bahadur Sir A. P. Patro. |
| 29 Khan Bahadur Yahya Ali Sahib Bahadur. | 55 " C. Natesa Mudaliyar. |
| 30 Mr. P. Bayappa Reddi. | 56 The Maharaja of Venkatagiri. |
| 31 " K. Ramachandra Padayachi. | 57 Diwan Bahadur S. Elappa Chettiyar. |
| 32 " G. Lakshmana Reddi. | 58 Mr. R. M. Palat. |
| 33 Rao Sahib V. Dharmalingam Pillai. | 59 " F. Birley. |
| 34 The Kumararaja of Venkatagiri. | 60 " W. O. Wright. |
| 35 The Raja of Khallikote. | 61 " W. K. M. Langley. |
| 36 The Zamindar of Mirzapuram. | 62 " W. W. Ladden. |
| 37 Mr. M. A. Muthiah Chettiyar. | 63 " R. Foulkes. |
| | 64 " F. J. Stanes. |
| | 65 " G. Simbachalam Pantulu. |

Neutral.

Khan Bahadur Mahmud Schamnad Sahib Bahadur.

Ayes 37. Noes 65. Neutral 1.

The motion was lost.

* Mr. SAMI VENKATACHALAM CHETTI:—" Mr. President, Sir, I move—

' that the Bill of Sir Archibald Campbell be recommitted to the Select Committee with instructions that the provisions of my Bill be also taken into consideration and incorporated into the Bill of Sir Archibald Campbell.'

" Sir, in speaking on this motion I desire to express my feeling that I am not entirely disappointed at the speeches made on the other side in reply to some of the points I have raised in the previous debate. A few truths emerged out of this debate which perhaps will not be disputed even by those who desire or have already made up their minds to oppose even this motion of mine. In the first place the hon. the Raja of Bobbili made a clear, candid and, as far as was possible, accurate statement of what actually took place at the conference called by him. But I could very well see a regular commotion in his brain to reconcile the very conflicting points of view which he has got to take into account as a zamindar, and as leader of a party. In these capacities he undertook to bring about some settlement between zamindars and ryots. On

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the one hand, he has got to satisfy the most tenacious and the most exacting zamindars of his fraternity. On the other hand, himself being an enlightened and reasonable zamindar, he has got also to yield to the clamour, the legitimate clamour, of the ryots. Thirdly, as one leading a party consisting of . . ."

* The hon. the PRESIDENT:—" I think the hon. Member will do well to make out a case for sending this Bill back to the Select Committee rather than attacking the Raja of Bobbili at this stage."

* Mr. SAMI VENKATACHALAM CHETTI:—" I am much obliged to you Sir, for having read out my thoughts. As a matter of fact, I was trying to do it. Sir, I was mentioning that a few truths have emerged out of the discussion which has so far gone on in this House which cannot be disputed by either side. One of the truths is that the conference was not agreed upon the points which have been handed over to the hon. the Revenue Member. Though the Raja of Bobbili clearly stated that they did not represent the agreed views of the zamindars and the ryots, it passes my comprehension why the hon. the Revenue Member should insist upon considering them to be agreed points."

* The Hon. Sir ARCHIBALD CAMPBELL:—" I never said that I regarded them as agreed points."

* Mr. SAMI VENKATACHALAM CHETTI:—" I am glad, Sir, that he does not regard them as agreed points. And even according to the hon. the Raja of Bobbili, they are not agreed points. Therefore the hope with which the hon. the Revenue Member has refrained from pressing his motion for consideration of this Bill is not realized. Without the realization of that hope, where was the hurry, where was the necessity to proceed with the Bill now? Who gave the initiative to proceed with this Bill? If, as he claims, it is his intention that relations of amity and mutual goodwill should prevail between the zamindars and the ryots, having allowed the conference to come about in order to settle their differences, why should he either without the instance or pressure of the zamindars or the ryots proceed with this Bill? That is because the Government themselves are not in favour of any such conclusions being incorporated in their Bill. Now Sir, it is admitted by the hon. the Revenue Member that his Bill does not remedy the most important grievances of the ryots. He was concerned only with setting right some procedural irregularities or misunderstandings in the Bill. So far as that went, it was not my point to question whether the Bill satisfied that requirement of his. What I want to say in connexion with the claim of the hon. the Revenue Member that that Bill was intended to favour the ryots is that I tried to disprove that theory and I succeeded in making out that it did not favour the ryot any more than it favoured the zamindar. Therefore my opposition to that Bill is not on the merits. My opposition to that Bill is based on this fact. When there is another Bill in which are incorporated the more important provisions in favour of the ryot and when there is an opportunity for the Legislative Council

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to discuss them why stifle the progress of that Bill by putting in a Bill of minor importance which remedies the grievances neither of the ryots nor of the zamindars? Though the conference which was arranged at the instance of the hon. the Raja of Bobbili has not succeeded, there is every chance of Members of the Legislative Council representing all parties succeeding. And for that purpose a Select Committee is necessary, as a venue wherein the points of view of all interests might be put forward and some conclusion arrived at. Have we not had experience of several Bills that, while in the introductory stage differences of opinion were expressed, yet in the Select Committee when they sat in a more heart to heart talk atmosphere they agreed upon most points where they had showed differences of opinion at the earlier stages? Why should not opportunities be given for such a thing with regard to this Bill? I want hon. Members to consider dispassionately, when there are real grievances of the ryots to be considered at this stage, whether the Bill could not be safely put off for some time later. It is admitted on all sides that the rentals prevailing in the zamindari areas are more excessive and more tyrannical, and that the ryot is suffering from the tyranny of these exactions and requires immediate relief. As a matter of fact, it is even stated by the Raja of Bobbili that the rentals in zamindari areas are higher than those in the ryotwari areas.

4 p.m. "Now, is that not a grievance which requires immediate solution at the hands of this Legislative Council? It is complained every day that the rate of assessment even in regard to the ryotwari area is telling very severely upon the meagre resources of the cultivator. While that is the case in the ryotwari area, does not the case of the zamindari tenant justify greater consideration at the hands of the Members of the Legislative Council? It is with a view to effectuate the consideration of some of these grievances, that I desire that the provisions of my Bill should be referred to the same Select Committee which considered the hon. the Revenue Member's Bill. I have tabled this motion to get over the technical difficulties with regard to the consideration of my Bill. Some people might feel hurt by my suggestion that some of the amendments tabled by the other party, the party in power, might be ruled out of order and that those who gave notice of those amendments are conscious of such contingency. I am willing to exonerate from the aspersion that I might have cast when I said that they were conscious of it and yet gave notice of it. Yet, I am positively certain that at one stage or another difficulties might arise, when the relevancy of some amendments will become the question of debate. Is it fair hon. the President in a delicate situation by being forced to give a ruling this way or that? It is impossible to consider the matter raised in my Bill along with the amendments to this Bill. I want the following points to be discussed. I want the decision of this Council with regard to the prevailing rents not being fair and equitable; there is no rational economic basis for rents; provision for commuting varams or

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rents—provisions are unsatisfactory—no provision for suspension of rent; rents being unequal in unsurveyed estates that has got to be rectified; and landlords' powers have got to be further circumscribed. There are other economic disabilities such as lack of provision for pasture, forest panchayat and the maintenance of irrigation works and provision for repairs of the same. More than all these things, a machinery has got to be devised to expedite the disposal of cases and to save the ryot from costly and wasteful expenditure in litigation. I daresay that with the best of intentions, it will be practically impossible to consider the amendments to this Bill, which are relevant to these grievances. In such a contingency, what is it the hon. Members belonging to the Justice Party intend doing? What their real intention would be, which I have to gather is, that they are not willing to consider these grievances at present, and one way of stifling those grievances will be to proceed with this Bill, and when my Bill comes up to say it was only recently that we have passed a Bill with regard to the Madras Estates Land Act and it will not be proper to proceed with another Bill at so narrow an interval of time. I am very sorry indeed if that is their intention and with that intention they want to block every motion that we intend moving. Several hon. Members who spoke on that side make us believe that we can possibly discuss all these things along with the other amendments of that Bill. If they are willing to believe let them take it from me that it will be practically impossible, in which case may I ask them to vote with me to allow these provisions to be referred to the Select Committee? After all, three hundred and odd amendments of which we have given notice and a few more amendments that may be coming from the Government side even without reference to the several grievances of the ryot will necessitate the consideration of this amendment in a cooler atmosphere, in a more real atmosphere in which party warfare that may be waged in open Council is absent and with a proper understanding of the implications of various sections with regard to the existing sections relating to the zamindar or the ryot. It has been a very sad experience of this Council to have rushed Bills of very important nature, though comparatively of minor importance than the one which we are now considering, and at a later stage move amendments of important character almost amounting to a fresh Bill being passed. It happened in a particular case that until the Governor tapped on the backs, the Government were not able to discover the mistakes that occurred in the Bill. The Governor had to recommit the Bill for consideration of this Council for the rectification of those errors. I want to avoid such a disaster in respect of the Estates Land Act. The hon. the Revenue Member attaches very great importance to this Act and everyone who attempts to understand this Act should share that view that it is really a very very important Bill, probably one of the most important statutes that we have on the Statute Book. Yet in respect of these the hon. the Revenue Member wants to push on and get through by mere display of number and mere exercise of his votes that he commands here at any

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moment. It is certainly very unfair. I do not think it is doing justice either to the zamindar or the ryots. Sir, my hon. Friend, Mr. Pannirselvam, first of all, began, Sir, by saying that there was some acrimony exhibited in my speech. Sir, if that be so, I must apologise not only to him but also to the House, because it was never my intention to introduce acrimony in the debate. As a matter of fact, I thought I started with an expression of humility, with an expression of great respect for the measure so that I might not fall easily at any rate into acrimony in a debate of this sort. At any rate, when I see the listless faces opposite to me though beaming with intelligence unable to speak their minds sometimes acrimony has to be put in. If so I should request them to excuse me for that and request not to give rise to the need for acrimony. He said that the ryotwari tenant has no claim for remission of rents, and much less the zamindari ryot. I am afraid he is quite wrong in both the conclusions. I do not grant whatever might be the argument of the Government that the ryotwari tenant has no claim for remission. I believe, Sir, in the very construction of the land revenue being either a tax or rent is implied the question of remission, suspension, or reduction. It is just to avoid coming into conflict with the interpretation of land revenue that the Government have been successfully avoiding legislation to regularize the revenue assessment in this Presidency though recommended to do so by the Joint Committee on the Montague-Chelmsford Reforms. As a matter of fact, hon. Mr. Forbes enjoys the same privileges as a ryotwari tenant and the zamindar ought not to be entitled to more than Government's share of the produce and Government have got a responsibility to see that he is not exploited by the person whom the Government has interposed between themselves and the tenant. If anybody were to hear the repetition of the hon. Mr. Forbes's speech, without his name being mentioned, I am sure hon. Members will consider that it has been made by the most revolutionary of persons. With regard to the zamindari ryots and with regard to Government responsibility, I do not think the most accredited representative of the tenants' interest will go farther than the hon. Mr. Forbes. Reference was made to the sanctity of the sanads given to the zamindars. I came across a very important sentence said, Sir, in the Jaipur cowl, and it is specially laid down that the zamindar is not to demand an unjust tax. He ought not to demand more than an adequate and just proportion from the produce of the soil according to immemorial and lawful practice. Sir, the cowl further says that the zamindar must encourage the inhabitants so that they may increase their cultivation as thereby, he might increase his own wealth as also the prosperity of the country. Having said that, the hon. Mr. Forbes also says that though the condition of the cowl was so specifically laid down, it happened in the Chokkalingam case, it was so administered that in respect of this specific condition an agreement for rents was taken from the ryots which were considerably more than the

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fair and equitable rent. Having regard to that, Mr. Forbes says that these agreements were taken from ryots who had no knowledge of their rights and responsibilities, from ryots who did not know that they need not pay more than the equitable rent, that they need not pay more than the ryotwari rent, and therefore the necessity for an Act to set right the injustice in Chokkalingam case. Those were the words Mr. Forbes used in respect of the Chokkalingam case. That shows how in the practical working there is a mysterious circle working. When we perhaps examine each sanad, it would be patent and I do not think the Government of the day was so improvident and oblivious as to give up the population and the peasantry into the hands of the people whom they know would be oppressive and who ought to be extracting oppressive rents if left unfettered.

" So, when I said that the zamindars were no better or no worse than farmers of revenue, I was talking with all the authority and reservations made by the hon. Mr. Forbes. But, for practical illustration, I had to no doubt compare them thus, so that everybody might understand, that they are more or less on a par with toll-gate revenue farmers or big monopolist companies who take licences from Government for running electric or other public utility concerns. Sir, my hon. Friend, Sir Patro, for whom every Member of the House feels a great tolerance for the amusement he affords now and then to the House, has drawn particular attention to my comparing zamindars to toll-gate farmers, while forgetting the more respectable comparison I have given, namely, of the monopolistic companies taking licences from Government. I do not know what his real object was in emphasizing the prior comparison omitting the latter one. 4-15 p.m.

" Then, Sir, my hon. Friend, the Raja of Bobbili, appealed to this House to take into consideration the difficulties of the zamindars also. Sir, I am not averse to taking them into consideration. As a matter of fact, I have been anxious to see that any difficulty or any grievance under which the zamindars are really suffering ought to be looked into by this House, as they would look into those grievances of the ryots, and be rectified. But he has not stated what their grievances were and be rectified. But he has not stated what their grievances were except that large sums of money are being spent on litigation. Sir, I entirely agree that large sums of money are spent on litigation. Why? You and I know, Sir, that when large sums of money are to be realized resort is made to litigation. Why does the tenant fail to pay the rent? Only when it becomes oppressive, when it becomes impossible for him to pay. Nations fail to pay their dues. Dynasties have gone for failing to pay reparations. It is in that way that arrears have accumulated, and therefore, naturally, they had to spend large sums of money for filing suits, for eviction of the tenant, or for the realization of rents, or for arguing a point which their learned advocate might put into their heads, taking their case from the small cause court or the munsif's court right up to the Privy Council.

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"Well, Sir, I happened to look into a manual concerning the Bobbili Estate compiled by the illustrious predecessor of our Chief Minister. I found that while the item against litigation was very high the amount spent for maintaining irrigation works was precious little. Sir, he was considered to be one of the most enlightened Rajas, and even now there are sections of people in the estate who consider him to be a model raja. Even in such an estate, the amount spent for maintenance of irrigation works was so inadequate according to that book.

"Now, Sir, the Government having agreed to allow large tracts of land to be administered, so far as land revenue is concerned, by these zamindars, it is their paramount duty to see that the economic condition of the people in those tracts is not seriously affected, so that they might have a chance to live like their neighbours in the ryotwari area. Sir, whatever might be the virtues or benefits we might have got from the zamindari administration and whatever might be the interest they are evincing on behalf of the ryot, one fact remains. My hon. Friend, the Raja of Kallikote, said that, barring a few agitators who were harping upon some so-called grievances, the relationship between the landlord and the tenant was so amicable that at least in his estate every ryot was anxiously waiting for an opportunity to hug the Raja to his bosom. Sir, one's impression is this. The zamindar may claim to possess well-fed and well-cared-for affectionate puppies, but I do not think there is one well-cared-for or one affectionate ryot in his area. The zamindar may claim to possess race horses of good breed and appearance, but he cannot claim one ryot who is saying with an erect head 'I am all right, I am quite prosperous in the zamindari area.' Sir, that is the condition of the zamindari tenants to-day. Who can continue to allow that state of affairs? Having regard to that state of affairs, is it fair for this Government to have handed over the economic destinies of large sections of people to zamindars, to be silent over the grievances of these people, and when the opportunity arises, they take no pains for redress of those grievances? I only want fair and equitable treatment. I only want that all those provisions in the Bill which I and the Kumara Raja of Venkatagiri have given notice of should be considered in a confidential manner in a Select Committee so as to arrive at any conclusions that the Select Committee might come to. The conference which the hon. the Raja of Bobbili hoped would fructify has failed. It is not too late even now for the hon. the Revenue Member to call to his table the representatives of zamindars and ryots, advise them to zamindar and the ryot, and guide the deliberations of both the parties. I, for one, whether I have a claim to represent the zamindari ryot or to abide by any friendly advice or co-operation held out in the matter of redressing the grievances of the ryots. The hon. the Raja of Bobbili very naively suggested or rather questioned my credentials to deal with this matter. Sir, I do not know if every hon. Member should confine

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himself to the demands of the constituency by which he is elected, and if so, he would have precious little to do here. But that is not the spirit of representation in the Legislature. If a particular Member is returned by a constituency, it is to facilitate the representation. It is only to set a geographical limit for facile canvassing of electors, and not with a view that a Member representing a particular constituency has no authority to represent the grievances or requirements of another constituency."

* The hon. the PRESIDENT:—"The House will be profited if the hon. Member reverts to the terms of his motion."

* MR. SAMI VENKATACHALAM CHETTI:—"Therefore, it is immaterial whether I represent the zamindar or the ryot, and it is just possible that if the zamindars' claims are just or appear to be just that I may be espousing their cause as well. So, there is no good trying to question the credentials of a person who wants to move a particular measure, unless it be to side-track the motion."

"Sir, I beg this House to give an opportunity to discuss these things in the atmosphere of a Select Committee. That is all my request, and I hope other hon. Members who are really sincere and anxious to do some good or benefit to the ryot should have no objection to this recommendation of mine at this stage. It is not a postponement of the discussion on the Bill. It is only facilitating the progress of this Bill so as to enable consideration of other points as well. I therefore move the motion."

* MR. V. T. ARASU:—"Mr. President, I rise to second the motion which has been so ably moved by my hon. Friend, Mr. Sami Venkatachalam Chetti. Speaker after speaker on the other side of the House has been complaining that the Bill of which Mr. Sami has given notice is confiscatory in nature. Sir, I submit that hon. Members who have made that remark have not studied the provisions of the Bill given notice of by Mr. Sami Venkatachalam Chetti. Sir, if you would carefully examine the provisions of that Bill, you would find that there is nothing of that nature at all. For the benefit of those hon. Members I shall read out some important clauses in the Bill, and leave it to them to judge for themselves whether it is a confiscatory measure. Hon. Members who made that statement have evidently made it with a view to misguiding this House into voting against the motion of my hon. Friend, Mr. Sami Venkatachalam Chetti."

"Sir, I will take the first amendment in that Bill. It says that the following words shall be added to section 1 of the Madras Estates Land Act of 1908: 'including the taluks of Nagur, Alibaka and Cherla.' Sir, Nagur, Alibaka and Cherla were transferred from the Central Provinces to the Province of Madras in 1909. But by virtue of section 2 of Regulation I of 1909, the operation of the Madras Estates Land Act in those areas was excluded. This clause will have the effect of abrogating that

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provision of Regulation I of 1909. See also section 61 of the Government of India Act and section 3 of the Scheduled Districts Act XIV of 1874.

"Then, let us take the amendment to section 3, where the following explanation is sought to be added: 'coconut trees and coconut gardens are fruit trees and fruit gardens within the meaning of this sub-clause.' What is the effect of that amendment? It only seeks to bring the law into conformity with certain decisions of the High Court. The decision in I.L.R., 50 Mad., 482 *per contra* is generally considered to be opposed to the prevailing notions in this province. It is to undo the effect of that decision that this explanation is added. Then, sub-clause (7) of the same clause 2 is sought to be omitted. The definition of 'old waste' in the Act was illogical and did not differentiate between ryot and non-ryoti varieties of it, though the later sections and the decisions of the High Court made such a distinction. (See I.L.R., 38 Mad., 738). Sub-clause (1) is unworkable in practice, for reliable evidence as to the mode of treatment of land before the passing of the Act will be difficult to obtain at this distance of time. Whatever reasons there might have been for such a clause in 1908, they do not exist to-day, twenty-five years after the Act."

* The hon. the PRESIDENT:—"If the hon. Member is going to comment upon every clause of Mr. Sami Venkatachalam Chetti's Bill, I must point out that it is not before the House at all."

* Mr. V. T. ARASU:—"The motion moved by Mr. Sami Venkatachalam Chetti is that this Bill be referred to the same Select Committee, so that it might consider the provisions of this Bill as well."

* The hon. the PRESIDENT:—"I will read for the hon. Member's information the motion moved by Mr. Sami Venkatachalam Chetti:—

'that the Bill of Sir Archibald Campbell be recommitted to the Select Committee with instructions that the provisions of my Bill be also taken into consideration and incorporated into the Bill of Sir Archibald Campbell.'

"It does not mean that Mr. Sami Venkatachalam Chetti's Bill should be taken into consideration."

4-30
p.m.

* Mr. V. T. ARASU:—"Sir, I am only speaking on the provisions of Mr. Sami Venkatachalam Chetti's Bill. My object is to contradict the statement made by hon. Members of this House on the other side that the provisions of his Bill are confiscatory in nature. Sir, this House, composed as it is, mostly of laymen must be enabled to understand the implications of Mr. Sami's Bill. That can be done only by an explanation of some of its important provisions, the provisions which we want to be incorporated in the Government Bill."

* The hon. the PRESIDENT:—"I may tell the hon. Member once again that I cannot allow him to go on discussing and commenting on each section of Mr. Sami Venkatachalam Chetti's Bill."

* Mr. V. T. ARASU:—"I bow to your ruling, Sir. I will only refer to a few important ones."

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"Now, I will draw the attention of hon. Members to clause 4 of Mr. Sami Venkatachalam Chetti's Bill. That is one of the important clauses in it and I believe you will forgive me if I speak at some length on that clause. As I said, more than one hon. Member observed that the provisions of Mr. Sami Venkatachalam Chetti's Bill are confiscatory. I submit, and I hope the House will presently understand, that they are not at all confiscatory. Clause 4 has been added in order to bring the law into conformity with a decision of the Madras High Court—the decision of the Madras High Court cannot be confiscatory, I submit. In S.A. Nos. 691-694 of 1929 Waller and Pandalai, JJ. (unreported) to the effect that though remissions have been given in practice for 40 years, no such custom can be pleaded under the Act though it enabled the Collector to remit or suspend rent where any part of the country is affected by extraordinary calamity like floods or drought. Notwithstanding the fact that the granting of remission or suspension of rent in years of famine and failure of crops was a well-known customary incident of zamindari tenure, this decision did not recognize it. The Famine Commission and also the Decentralization Commission made definite recommendations in this behalf."

* The hon. the PRESIDENT:—"Order, order. I more than once pointed out to the hon. Member that it is not desirable on his part to persist in the way he has been doing. Once again I draw his attention to the fact that he has only promised to accept my advice but has not acted up to it."

* Mr. V. T. ARASU:—"I was only saying that this clause may be incorporated in the Bill by the Select Committee to which the other Bill will be referred. I was only emphasising the fact that clause 4 is not confiscatory in nature as it has behind it the rulings of the court and important Commissions appointed by the Government."

"Sir, the other provisions which the Government can profitably take into account during the Select Committee stage are contained in clause 7, section 12 of the Act. These relate to trees and tree pattas."

"I would draw the attention of hon. Members to clause 8. I ask whether it is confiscatory in nature. Then I would refer to clause 14 of the Bill of Mr. Sami Venkatachalam Chetti. I challenge any Member to come forward and say that this clause which I am going to read out just now is confiscatory in nature—

"To section 38 of the Act, add the following paragraph:—

"Notwithstanding anything contained in this section, when the collector finds that an irrigation work is in such a state of disrepair as to cause material diminution of the usual supply of water and consequently substantial failure of crops dependant on such supply results, he may direct remission of the whole or part of the rent payable on the land which is dependant on the irrigation work until such time as the irrigation work is completely repaired and the usual supply of water is restored."

"I ask whether this provision is confiscatory in nature. I pause for a reply . . . and I hear none! All that is wanted is that this provision should be incorporated in the Government Bill."

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"Next, I will take up clause 25 which says that the following shall be added as section 134-A. This clause as drafted by Mr. Sami Venkatachalam Chetti reads as follows and I want hon. Members of the House to listen to it carefully and say, if they dare to say, that this is confiscatory in nature:—

'Every landholder shall maintain the major and minor irrigation works in his estate in a state of good repair.'

Sir, I ask whether any landholder present in this House or elsewhere is prepared to come forward and say that the demand made by a ryot that the landholder should keep his irrigation works in a state of repair is confiscatory. If not, what is the meaning of hon. Members coming forward and saying that the Bill of Mr. Sami Venkatachalam Chetti is confiscatory in nature? Is it confiscation to say that it is the duty of the landholder to keep his irrigation sources in a state of repair?

"For illustrating my position, I have read out to this House some clauses from Mr. Sami Venkatachalam Chetti's Bill. I do not want to refer to any more clause in it for the simple reason that you, Sir, feel that it is not necessary. I would earnestly request and appeal to hon. Members of this House to read the Bill of Mr. Sami Venkatachalam Chetti carefully before they come forward and make the statement that it is confiscatory in nature and therefore should not be taken into consideration at all by this House. If they read it carefully and dispassionately, they cannot but come to the conclusion that I have come to, viz., that the Bill of Mr. Sami Venkatachalam Chetti is not at all confiscatory in nature and that it has only put forth the minimum demands of the ryots. Sir, it is therefore essential that the Government should come forward and accept the motion of Mr. Sami Venkatachalam Chetti and constitute a committee of this House to consider the Government Bill along with his Bill so that both of them may be considered together and the necessary changes inserted in the interests of both parties, viz., the landholders and the ryots.

"Sir, as I have always been saying, I am not one of those who feel that the zamindars as a class should be extinguished. I for one would never subscribe to such a proposition, and if I feel that Mr. Sami Venkatachalam Chetti's Bill is confiscatory in nature and seeks to put an end to the zamindars as a class, I would be the first person to enter my emphatic protest against it. But his Bill attempts at nothing of the kind. I have read it carefully and I do not think that it is in the least confiscatory in nature. It has, on the other hand, incorporated in it only the minimum that is demanded by the ryots, the zamin ryots in this Presidency. I am myself a zamindari ryot and I know the difficulties under which the zamindari ryots are suffering. Therefore, let not hon. Members on that side twit me by saying: 'What do you know of the zamin ryots? How can you represent their interests?' I am myself a zamindari ryot and therefore it is that I say that the position of the zamindari ryot is very pitiable. The ryots in Government areas can at least come forward and appeal to hon. Members of this House to bring to the notice of the Government their

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pitiable position. But what is the zamin ryot to do? Where is he to go to redress his grievances? What is the forum from where he can air his grievances? How is he to obtain relief? In times like the one we are passing through, when prices of paddy and every other food stuff and commercial crop have gone down by more than 50 per cent, how is the zamin ryot to pay his rent to the zamindar? To whom is he to complain that he is not in a position to pay the rent? At least the ryots in Government areas, can appeal to the Government through their representatives in this house to give some sort of remission in these times of distress; but where is the zamindari ryot to go? Which is the forum for him to go and ask for redress?

"It has been admitted by hon. Members of this House sitting on the other side that the rents prevailing in zamindari areas are very high. It is in some cases ten times the rent collected by Government from lands similarly situated. When that is admitted, I ask, is it not right and proper, is it not just and equitable that we should come forward and say that some provision ought to be made in this Bill by which the zamindari ryot can legitimately ask of the landlord to give some redress at such periods as the one that we are passing through?

"Sir, the hon. the Raja of Bobbili made the preposterous statement that if the Bill of Mr. Sami Venkatachalam Chetti is passed by this House into law, he would lose 50 per cent of his income. Let us for the sake of argument admit that it will be so. Does the hon. gentleman seriously suggest that he will not in that case fulfil his obligations to Government? If I remember aright the Bobbili Estate has got to pay a peshkash of about Rs. 84,000. Let hon. Members remember this fact. Admittedly the income from the estate is about 8 lakhs and the peshkash paid to Government is about one-tenth of the total income. The income from this estate at the time when it was settled could not have exceeded two or three lakhs. Mr. President, with an income of about three lakhs the ancestors of the present Raja of Bobbili, have not defaulted in their obligations to Government, and were also able to save for the present Raja several lakhs of rupees. When that is a fact, how can the Raja of Bobbili say that it will not be possible for him to meet his obligations to Government if his income is reduced by 50 per cent. Mr. President I am sorry to have made these references about the Bobbili Estate. But the Raja of Bobbili's speech this morning is the cause for such references.

"Sir, objection was taken to the statement made by Mr. Sami Venkatachalam Chetti that zamindars are no better than rent-collectors or tax-gatherers. Sir, as was pointed by Mr. Sami Venkatachalam Chetti himself, that is not a statement made by him. That is a statement made by responsible Members of Government who were in charge of the administration of this Presidency in the days gone by. And those statements were not made at some unimportant gathering somewhere. Those were statements made on the floor of this House in the year 1908. I am

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referring to the statements made by the hon. gentlemen Mr. Forbes and Mr. Stokes in piloting the Estates Land Act of 1903.

4-45 p.m. "That is an incontrovertible fact of history; when that is so, why should exception be taken to the statement of Mr. Sami Venkatachalam Chetti? In support of that statement, I can also draw the attention of the Government to the sannads that were granted to the various samindars by the Government from the year 1802 onwards. I would read out to the House from a copy of the sannad I have in my hand which was granted to a prominent zamindar of a southern district. This was given under the signature of Mr. A. D. Campbell, Secretary to Government, probably one of the forefathers of Sir Archibald Campbell, on the 23rd day of October 1817 and in the name of the Rt. Hon'ble the Governor-in-Council. The sannad reads as follows:—

The hon. Sir ARCHIBALD CAMPBELL:—"On a point of order, Sir. May I know how all this is relevant to the discussion before the House."

* The hon. the PRESIDENT:—"I am also trying to find out the relevancy of it. Will the hon. Member explain how it is relevant to the subject before the House."

* Mr. V. T. ARASU:—"Sir, the statement made by Mr. Sami Venkatachalam Chetti that the zamindars are rent-collectors or tax-gatherers was disputed."

* The hon. the PRESIDENT:—"I think Mr. Sami Venkatachalam Chetti has himself defended very ably."

* Mr. V. T. ARASU:—"I was only pointing out to the House that the zamindar is no more than tax-gatherer and I can prove it to the hilt. The zamindars are in the same position as what are called Delcredre agents. If I am permitted to explain it, it means simply a dubash, who guarantees his principal the fulfilment by third parties of certain obligations. I was saying that the sannad issued to most of the zamindars lays down specifically that they are simply to collect rent from the ryots and pay it to the Government retaining for themselves a portion thereof for the labour they take in collecting it. There are also certain other clauses to the effect, that they must take care to see that the interest of the ryot is not in any way jeopardised and that they should not fleece their ryots in respect of rents collected by them. I shall read only one sentence from the sannad. It runs as follows:—

'You shall conduct yourselves with good faith towards your ryots whose prosperity is inseparably connected with your own. You shall treat them with tenderness, encourage them to improve and extend the cultivation of land and lay the foundation of your own happiness in the permanent prosperity of your tenants.'

"I ask hon. Members representing landholders' interests to ponder over this. This was a sannad granted by the Hon. Court of Directors of the United Company of Merchants in England, trading in East Indies. The zamindars are expected according to that sannad to treat their tenants with tenderness, encourage them to extend the cultivation of land and lay the foundations of their own happiness in the permanent prosperity

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of their tenants. I believe that no more words are necessary from me to commend this motion for the acceptance of the House.

"I shall close my remarks with one appeal to the hon. the Revenue Member and to the hon. Members sitting on the other side. We have made similar appeals which have always gone unheeded. I know that this will meet with the same fate. Nevertheless let me make that appeal. After the discussion we have had for two days, hon. Members would have come to realize the strength of feeling on this side of the House and the country that this Bill should not go forward unless and until Mr. Sami Venkatachalam Chettiar's Bill is also taken into consideration and at least some of the important provisions of the Bill are incorporated in the Government Bill. Let hon. Members opposite lay aside all party considerations and vote in favour of this motion. The motion wants that this Bill should be given the same chance as the Government Bill by being referred to a Committee, either the old Committee or a new Committee. And it will be the duty of that Committee to go clause by clause and incorporate the important provisions of Mr. Sami Venkatachalam Chetti's Bill wherever possible into the Government Bill and bring it forward before this House at the January meeting of the Council. If that is done I may assure the hon. the Revenue Member and other Members of this House that we on this side of the House will heartily co-operate with the Government and see that the Bill is passed into law as expeditiously as possible. I hope and trust that at least now the Government would see their way to accept this motion of Mr. Sami Venkatachalam Chetti and refer it to the Select Committee of this House."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"If after the vote not to adjourn the Bill I rise to support this motion. I do so with some amount of trepidation and with a certain amount of responsibility. The previous motions, so far as they went, had for their object the postponing of the consideration of this Bill itself for a certain period. The present motion has not been conceived in that spirit. After the message of His Excellency the Governor, that you read to this Council yesterday and also after the statement made by the hon. the Revenue Member in his reply to the previous motions I thought, Sir, that this Bill may not be proceeded with at this stage or in this form. His Excellency's speech referred to the attempts that are being made to bring about a settlement between the landholders and tenants on this vexed question and the hon. the Revenue Member also referred to that and stated that he hoped that there was a genuine attempt to come to some agreement. But he had made up his mind to bring in his Bill though a fortnight ago he was informed that that attempt had failed. In spite of the appeal made by us that the Member of the Government should take further steps and see to what extent an agreement could be reached . . ."

The hon. Sir ARCHIBALD CAMPBELL:—"I rise to a point of order. I said the negotiations have failed; the later negotiations broke down . . ."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"That makes my case the stronger. If the hon. the Revenue Member had made up his mind to push on with this Bill on the understanding, as he was made to feel, that an agreement was come to and therefore he would be able to go forward embodying the agreed amendments in his Bill, that provides a good reason why he should open further negotiations. Now, Sir, that shows that if there was an agreement between the two sections, whatever may be the scope of the Bill which he has introduced, whatever may be the nature of the Bill as it has emerged from the Select Committee, he would have no objection to embody such agreed provisions however foreign to his Bill they may be. On the floor of the House, the hon. the Revenue Member said: Why should I intervene; let the members between themselves reconcile their differences. He also said that he mentioned to Mr. Ramadas Pantulu in that connexion, that he was prepared to discuss with them if they were willing and if they asked him to do it.

"Well, Sir, whatever appeals were made elsewhere, we on the floor of this House are now making this appeal. We are asking him in this resolution, as a Member in charge of this department, to take up the duty of trying to reconcile the differences between us, at least as a last chance; we are not asking that this Bill should be adjourned for ever. We are asking the very same Select Committee to consider the provisions in our Bill with the other Bill and see to what extent, under his presidency in that Select Committee it would be possible for us to come to an agreement and to that end to explore all avenues possible for a settlement of this vexed question. Therefore, Sir, if the hon. the Revenue Member, as he says, has been induced to give notice of this motion to proceed with his Bill on the understanding of agreed resolutions, that is the very reason why when no agreed resolutions have been given he should agree to postpone it. This is the offer we are making on this side of the House in this resolution inviting on behalf of the tenants to do at least this last act of trying to bring about an agreement between the two sections. If in spite of this offer and in spite of his good wishes it is not possible to come to an agreement, nobody can complain. But I do hope that it should be possible to come to an understanding.

"There is one other point. My hon. Friend, the Chief Minister, began to say that the Bill as proposed to be introduced by the hon. Member for the City would lead to far-reaching consequences in regard to the income of the estates; it would curtail the facilities with regard to the recovery of rents by the landholders; the expenses of the estate including peshkash would come very nearly to half if the provisions of the Bill are accepted and the other half will be exploited by the tenants and therefore nothing would be left for them; and if that is the position the landholders are going to be reduced to, how can they be expected to discharge their duties and responsibilities?

8 p.m. "Sir, with the appeal of my hon. Friend, the Raja of Bobbili, every one of us must necessarily sympathise. He says that the samindar cannot pay his dues to the Government. To that my answer is that it is not

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enough for the hon. the Chief Minister merely to say that the effect of this legislation will be this or that. The hon. the Chief Minister in his speech said that this House is not so constituted—and he has every reason to believe that it is not so constituted—that they would be a party to any measure which is in the nature of a confiscatory legislation. He has absolute confidence in the good sense of this House that it will not vote for a measure which is intended to seriously curtail the income of the zamindar and that any legislation which is in the nature of an expropriatory or confiscatory measure would not be agreed to by us. Whatever the constitution of the Council may be in the future or might have been in the past, leaving aside the Opposition, in respect of which he may hold his own opinion, at any rate so long as he has got the party behind and the Government to support him, he has absolute confidence to turn down any proposal which is of a confiscatory nature. Sir, on our part we may assure the hon. Minister that we are not interested in the passing of any expropriatory or confiscatory legislation but that we are here purely and solely interested in the question of millions of peasants living in zamindari areas. Whatever may be the resolution passed at the West Godavari Conference, we can assure him that we are not of that mood."

* The hon. the PRESIDENT:—"Is the hon. Member likely to take a long time?"

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Yes, Sir."

* The hon. the PRESIDENT:—"The hon. Member may continue his speech to-morrow."

The House will now adjourn and meet again at 11 a.m. to-morrow.

III.—PAPERS LAID ON THE TABLE OF THE HOUSE.

- * 1. G.O. No. 443-I., dated the 8th May 1905, regarding the Nandyar Reservoir Project, Trichinopoly district.
- * 2. G.O. No. 851, Public (Services) Department, dated the 19th October 1933, regarding Madras Services Commission's remarks on the points raised during the debate in the Legislative Council.
- * 3. Administration Report of the Madras Services Commission for 1932-33.
- * 4. Pamphlet No. 4 and leaflets Nos. 1 to 4 issued by the Madras Neo Malthusian League to the Members of the Legislative Council.
- * 5. G.O. No. 1723, Revenue, dated 26th September 1933, regarding resettlement of British Cochin in the Malabar district and the villages of Anjengo and Tangasseri in Tinnevely district.

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

Printed separately.
Placed on Editors' Table.

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APPENDIX I.

[Vide answer to question No. 171 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 31st October 1933, page 144 supra.]

Statement.

MADRAS EDUCATIONAL SERVICE—COLLEGIATE BRANCH.

Natives of	Officiating in		Permanent.	
	Men's branch.	Women's branch.	Men's branch.	Women's branch.
Malabar	3	Nil.	Not asked for.	
Travancore	1	1		
Cochin	2	Nil.		
Rest of India	8	1	43 (includes natives of Malabar).	5

APPENDIX II.

[Vide answer to question No. 177 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 31st October 1933, page 150 supra.]

Language.	Secondary School-Leaving Certificate Public Examination of 1934.		Training-School Leaving Certificate Examination of 1935.	
	When the recommendations were received.	When the intimation was sent to the publishers.	When the recommendations were received.	When the intimation was sent to the publishers.
Tamil	25th January 1933.	2nd May 1933.	13th October 1932.	22nd May 1933.
Telugu	20th October 1932.	22nd May 1933.	7th December 1932.	19th June 1933.
Malayalam	One book on 19th October 1932, another on 1st December 1932.	2nd May 1933.	26th April 1933.	15th June 1933.
Kanarese	26th September 1932.	Do.	26th September 1932.	24th May 1933.
Oriya	21st September 1932.	Do.	21st September 1932.	11th April 1933.
Urdu	24th April 1933.	24th April 1933.	24th April 1933.	22nd May 1933.
Hindi	2nd March 1933.	2nd June 1933.	Hindi is not a subject for the Training-School Leaving Certificate Examination.	

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APPENDIX III.

[Vide answer to question No. 181 asked by Mr. A. Harischandrudu at the meeting of the Legislative Council held on the 31st October 1933, page 154 supra.]

(1)

Statement showing the number of demonstration plots cultivated during the last four years from 1929-30.

Name of circle and name of the district.	1929-30.	1930-31.	1931-32.	1932-33.
I Circle— Ganjam	9	122	449	150
Vizagapatam	150	296		200
Godavari	67	94		111
II Circle— Guntur	6	6	11	14
Nellore	30	32		13
Kistna	6	11		3
III Circle— Bellary	5	9	17	16
Anantapur	2	16	28	32
Cuddapah	6	11	9	37
Kurnool	..	17	27	75
IV Circle— South Arcot	..	54	39	20
Chingleput	..	39	17	..
Chittoor	..	11	16	14
North Arcot	2	21	20	23
V Circle— Trichinopoly	14	59	69	80
Tanjore	22	54	55	67
VI Circle— Madura	52	155	195	56
Ramnad				54
Tinnevely				133
VII Circle— Malabar	1,583	{ 433 379 }	1,093	905
South Kanara				647
VIII Circle— Coimbatore	25	44	17	51
Salem	37	28	70	32
Total	2,016	1,891	2,132	2,733

(2)

Peripatetic Demonstration of Implements, 1932-33.

Circle.	Ploughs.	Guntaka.	Roll easy mhote wheel.	Archemidian screw.
I	370	442	..	..
II	332	80	18	83
III	965	..	..	..
IV	614	80	..	..
V	529	..	..	..
VI	1,700	..	..	..
VII	600	..	..	..
VIII	970	203	..	..
Total	6,080	805	18	83

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(8)
Peripatetic Demonstration of Implements, 1931-32.

Circle.	Improved ploughs.	Guntaka.	Junior Hoe.	Roll easy mote wheel.	Arche- midian screw.	Scinde- wale furnace.	Drill sowing.	Sprayer.	Chaff cutter.	Digging fork.	Buck Scraper.	Others.
I	..	72	71	37	28	6	..	..	..	..	..	..
II	..	232	..	24	..	230	..	..	..	..	..	..
III	..	186	..	5	..	..	16	..	..	..	..	..
IV	..	..	..	..	..	..	..	..	..	..	..	..
V	..	..	..	..	..	..	124	31	..	123	10	..
VI	..	..	12	27	..	..	..	..	..	..	..	..
VII	..	..	..	..	..	..	300	..	..	..	..	..
VIII	..	..	..	..	..	..	..	..	..	..	..	..
Over.	443	521	..	..	..	..	..	..	..	..	..	..
Over.	229	..	..	..	..	..	..	..	..	..	..	..
Over.	726	..	..	..	..	..	..	..	..	..	..	..
Over.	345	..	..	..	..	..	..	..	..	..	..	..
Over.	813	..	..	..	..	..	..	..	..	..	..	..
Over.	1,000	..	..	..	..	..	..	..	..	..	..	..
Over.	560	..	..	..	..	..	..	..	..	..	..	..

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APPENDIX IV.

[Vide answer to question No. 199 asked by Khan Bahadur Yahya Ali Sahib Bahadur at the meeting of the Legislative Council held on the 31st October 1933, page 167 supra.]

Copy of letter from the Chief Engineer for Irrigation, No. 1841/31-C-26, dated the 27th July 1933.

[Subject.—Irrigation—Nellore district—Nellore and Sangam deltas—Supply to Pennar from the Kurnool-Cuddapah canal.]

I forward herewith a statement showing the supplies that would normally be available from the Kurnool-Cuddapah canal to each of the two irrigation systems on the Pennar in Nellore district. These discharges will help considerably in advancing the date of cultivation and affording special facilities for raising seedlings under the Kanigiri reservoir. As regards the Survepalli reservoir, it will facilitate the early realisation of the extensions proposed in another connexion, the extra supply available in a normal year being as much as one-sixth of the present capacity at the F.T.L. It will also be helpful in advancing the cultivation under the numerous tanks in the canal system under the Nellore anicut.

2. The Superintending Engineer, Madras Circle, has been asked to take in as much supply as the Kurnool-Cuddapah canal can take safely and to concentrate all the discharges not required to meet irrigation requirements in the canal itself into the Pennar valley, by surplusing it into the Kundu at Lockinsula, the Kundu falling in its turn into the Pennar. It is also proposed that the Kurnool-Cuddapah canal might be opened on 1st June, instead of on the 15th June as hitherto, and gradually be allowed to fill up within ten or fifteen days after reopening. Full supplies will be allowed to flow down it thereafter and surplused into the Kundu river to the extent it is not required for the canal ayacut. The above arrangement is being tried as an experiment this year.

I.—Statement showing the availability of supply from the Kurnool-Cuddapah Canal for the Pennar at Sangam and Nellore anicuts.

Year.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
1929	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1928	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1927	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1926	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1925	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1924	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1923	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1922	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1921	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June
1920	16th May	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June	16th June

II.—Statement showing the improvement in the supply to the Kanigiri Reservoir by the surplus from the Kurnool-Cuddapah Canal.

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Year.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1929	20th June 1929	20th June 1929	20th June 1929	20th June 1929	20th June 1929	20th June 1929	20th June 1929	20th June 1929
1928	20th June 1928	20th June 1928	20th June 1928	20th June 1928	20th June 1928	20th June 1928	20th June 1928	20th June 1928
1927	20th June 1927	20th June 1927	20th June 1927	20th June 1927	20th June 1927	20th June 1927	20th June 1927	20th June 1927
1926	20th June 1926	20th June 1926	20th June 1926	20th June 1926	20th June 1926	20th June 1926	20th June 1926	20th June 1926

II.—Statement showing the improvement in the supply to the Kanigiri Reservoir by the surplus from the Kurnool-Cuddapah Canal—cont.

Capacity of the Kanigiri Reservoir (capacity at F.T.L. = 6,419 million cubic feet).										
Year.	(1) Date on which Kurnool-Cuddapah Canal surplus will reach Sangam—vide column (10) of Statement I.	(2) 14th July 1925 ..	(3) Total surplus from the Kurnool-Cuddapah Canal available for the Kanigiri Reservoir between the date in column (2) and the 15th August—vide column 14 of Statement I.	(4) Dates of freshes in the Pennar at Sangam.	On the 15th August.		(6) As per existing conditions.	(7) Surplus—ing.	(8) As per proposed conditions + column (3).	On the date of arrival of continuous freshes in the Pennar at Sangam (if later than the 15th August).
					(5) On the dates in column (2).	(6) As per existing conditions.				
1925	..	14th July 1925 ..	673.8	From 9th May 1925 to 13th May 1925 (5 days), from 22nd July 1925 to 28th July 1925 (7 days), from 1st August 1925 to 25th August 1925 (25 days), from 31st August 1925 to 3rd September 1925 (4 days), and 22nd September 1925 continuous.	1,964.7	3,360.9	4,385.5	5,538.9 (22nd Sep. 1925).		
1924	..	29th June 1924 ..	1,014.6	From 2nd July 1924 to 12th July 1924 (11 days), from 20th July 1924 to 28th July 1924 (9 days), from 31st August 1924 to 24th August 1924 (4 days), and 29th August 1924 continuous.	Nil.	3,360.9	4,385.5	3,230.6 (29th Aug. 1924).		
1923	..	29th June 1923 ..	1,014.6	From 21st June 1923 to 25th June 1923 (5 days), from 14th July 1923 to 30th July 1923 (17 days), and 5th September 1923 continuous.	1,733.3	2,749.7	3,764.3	1,941.9 (5th Sep. 1923).		
1922	..	29th June 1922 ..	1,014.6	From 5th June 1922 to 6th June 1922 (2 days), from 20th June 1922 to 25th June 1922 (6 days), from 20th July 1922 to 6th August 1922 (18 days), and 19th August 1922 continuous.	2,316.9	2,725.6	3,760.2	2,481.4 (19th Aug. 1922).		
1921	..	3rd July 1921 ..	923.7	From 10th June 1921 to 20th June 1921 (11 days) and 14th July 1921 continuous.	2,266.8	5,923.7	Surplus—ing.	....		
1920	..	16th July 1920 ..	623.7	From 21st August 1920 continuous.	1,666.9	1,388.9	2,017.6	935.9 (21st Aug. 1920).		

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APPENDIX V.

[Vide answer to question No. 203 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 31st October 1933, page 171 supra.]

Statement referred to in the answer to clauses (a) and (b).

Statement showing the number of minor irrigation works in charge of the Revenue Department which were repaired and the amount spent on the repairs during the five years ending with 1932-33 in the South Arcot, Coimbatore and Salem districts.

	1928-29.		1929-30.		1930-31.		1931-32.		1932-33.	
	Number of works repaired.	Amount spent. RS.	Number of works repaired.	Amount spent. RS.	Number of works repaired.	Amount spent. RS.	Number of works repaired.	Amount spent. RS.	Number of works repaired.	Amount spent. RS.
South Arcot	138	95,400	165	97,552	342	1,37,861	414	1,58,771	211	1,33,586
Coimbatore	36	13,132	31	11,898	38	10,285	51	23,551	34	8,334
Salem	154	97,518	150	92,418	184	90,992	127	61,315	115	53,927

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APPENDIX VI.

[Vide answer to question No. 206 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 31st October 1933, page 172 supra.]

Report of the Collector of Tinnevely, dated 13th March 1933.

Rajakalmangalam channel and tank.—The Rajakalmangalam anicut channel and tank are under the control of the Revenue Department. The tank is fed by the Rajakalmangalam channel branching off from the anicut in Nambiyar river. As there were frequent breaches in the anicut, and consequent shortage of supply to the tank, an estimate for Rs. 18,400 for improvements to the anicut was sanctioned in Board's Proceedings Mis. No. 2354, dated 14th October 1926. The estimate was subsequently revised for Rs. 19,900 and was sanctioned in Board's Mis. No. 1633, dated 10th June 1929. The sanctioned work to the anicut has been completed. The Rajakalmangalam tank has an ayacut of 139.46 acres and the channel 172.06 acres. Their assessment is Rs. 1,159 and Rs. 1,310-2-0, respectively.

2. In 1927, two petitions were presented to the Tahsildar of Nanguneri taluk for repairs to the above tank and channel. Two estimates—one for Rs. 1,100 for repairs to the tank and the other for Rs. 2,900 for repairs to the channel—were prepared and sent to the Executive Engineer for scrutiny and approval.

3. In the meantime the ryots under the tank and channel applied to the Executive Engineer for transfer of maintenance of the Rajakalmangalam anicut, channel and tank to the Public Works Department as the ayacuts under the two courses adjoin and are more than 200 acres in extent. When the Collector approved of the transfer of control, the Executive Engineer stated that the estimates and plans for repairs to the tank and channel would be sanctioned and executed by the Public Works Department as a Revenue Department work.

4. In 1932, the Executive Engineer stated that no regular investigation on the Tank Restoration Scheme lines was carried out for the tank and channel and that complete repairs would be done after the plans and estimates were prepared on the Tank Restoration Scheme lines and approved of by the competent authority. The estimated works for Rs. 1,100 and Rs. 2,900 referred to in paragraph 2 above were not therefore carried out by the Public Works Department. Instead, the Executive Engineer prepared estimates for three items of work which are most urgent and necessary to safeguard the irrigation.

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Estimates for the following two works * were countersigned and returned to the Executive Engineer for execution by the Public Works Department as a Revenue Department work. An estimate for Rs. 630 for extending the weir at the left flank of the Rajakalmangalam tank sent by the Executive Engineer to Superintending Engineer for approval has not been received yet by me for countersignature.

- * (1) Strengthening the weak portion of the Rajakalmangalam bund and bank of the supply channel—Rs. 120.
- (2) Reconstruction sluice No. 3 of the Rajakalmangalam tank—Rs. 580.

5. The estimate for the two works for Rs. 120 and Rs. 580, respectively, which were countersigned and returned to the Executive Engineer have already been sanctioned by him and sent to the Subdivisional Officer, Sernadevi, for execution. No amount was spent on the tank and channel during the past ten years.

Sengulam tank in Irappuvari village.—General repairs to the tank were carried out at a cost of Rs. 4,450 in 1926-27 and 1927-28. The tank is in an efficient condition and no repairs to this tank are urgently required now.

APPENDIX VII.

[Vide answer to question No. 212 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 31st October 1933, page 176 supra.]

Press Communiqué of the Government of Madras, Revenue Department, dated Fort St. George, the 1st July 1930.

In 1917-18 the Government examined, in consultation with the Board of Revenue, the question of the amendment of the Dharkast rules with a view to facilitate the assignment of lands to the depressed classes. In June 1918 they passed orders directing the reservation of specific areas for assignment for cultivation to these classes wherever possible. Collectors were further directed to see that the present and prospective needs of the depressed classes were considered when considerable areas of poramboke or unassessed land were transferred to the head of assessed, as for example, when reserved forests were disforested or grazing ground porambokes were transferred to the head of assessed.

2. These orders did not make it clear whether lands classed as valuable, which as a rule are sold in public auction, could be reserved for the depressed classes. In June 1925 the Government passed orders to the effect that such lands could and should be reserved for assignment to the depressed classes. The assignment of such lands should ordinarily be on payment of the estimated market value, and any proposals for the free grant of valuable lands should be submitted for the orders of the Government. The market value was to be collected in

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easy instalments, the payment of the first instalment being postponed for a few years after the date of assignment, if necessary, to give the assignees an opportunity of establishing themselves.

3. Lands classed as valuable include, among others, lands notified by the Government as likely to be affected by or to derive their present or prospective value solely from irrigation projects executed or to be executed at the cost of the State. It is obvious in fairness to the general tax-payer that every effort should be made to reduce the cost of such projects to the lowest figure possible and one of the ways in which this can be done is to sell the lands affected by the project for the full value which they will fetch in the open market. It was for this reason that the Government ordered in November 1928 that valuable lands of this description should not be reserved for assignment to the depressed classes. There was no intention that this order should have the effect of cancelling any reservation of such land that had been made prior to the issue of the order. In March 1930 the Board of Revenue issued a proceedings informing the Collector of Nellore that valuable lands affected by irrigation projects should be sold in auction even though they had been reserved for the depressed classes prior to November 1928. The Board of Revenue is now withdrawing this proceedings.

4. The present position is as follows:—

Valuable lands affected by irrigation projects will no longer be reserved for assignment to depressed classes. But lands which had been reserved for the depressed classes before 27th November 1928 will be assigned to them on the same terms as other valuable lands.

Lands not classed as valuable will continue to be reserved for and assigned to the depressed classes free of market value, wherever available.

Lands classed as valuable, other than lands affected by irrigation projects, will also continue to be reserved for the depressed classes on payment of market value in easy instalments, and in deserving cases free of market value under the special orders of the Government.

H. R. PATE,
Secretary to Government.

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APPENDIX VIII.

[Vide answer to question No. 215 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council, held on the 31st October 1933, page 178 supra.]

G.O. Ms. No. 2966, Law (General), dated 5th September 1933.

READ—the following papers:—

From the Registrar, High Court, dated 23rd April 1931, R.O.C. No. 765/31-B-2.

From the Accountant-General, dated 21st May 1931, No. G.A. Judl, 162.

From the Registrar, High Court, dated 11th November 1931, R.O.C. No. 765/31.

Letter to the hon. the Chief Justice, High Court, dated 14th November 1932, No. 2114/B-15.

From the Registrar, High Court, dated 8th December 1932, R.O.C. No. 765/31-B-2.

Order—Ms. No. 2966, Law (General), dated 5th September 1933.

It was brought to the notice of the Government by the hon. the Judges that under the audit instructions under Fundamental Rule 13, the Accountant-General objected to the suspension of the lien of certain officiating Sub-Judges and the provisional confirmation of acting District Munsifs in consequence, ordered by the High Court in its proceedings, dated the 12th January 1931, on the ground that the suspension of the liens of Sub-Judges would be permissible only if there was in every case a temporary post sanctioned to last for three years from the date from which the arrangement was ordered. The hon. the Judges stated that if the conditions imposed by the Accountant-General were to be satisfied, the concession extended to judicial officers in G.O. No. 599, Law (General), dated the 21st February 1924, would be reduced to a nullity and there would be serious hardship to the acting District Munsifs concerned and requested the Government to declare that in all cases of temporary Sub-Judges' posts lasting over three years, the suspension of lien should be with retrospective effect from the expiry of the three years' period.

2. After careful consideration, the Government came to the conclusion that the proposal referred to above would not be in consonance with the Fundamental Rules which were of general application, that no executive orders or sub-rules could be issued to override the main

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rules so as to cover the practice followed by the High Court regarding the provisional confirmation of District Munsifs and that the Accountant-General's ruling should be acting on. An intimation to this effect was made to the hon. the Judges in letter No. 2114/B/31-15, Law (General), dated the 14th November 1932. At the same time the opinion of the hon. the Judges was requested on a suggestion that with a view to mitigating as far as possible the hardship caused by the audit ruling, the 12 District Munsifs referred to by them (Nos. 12 to 23 in the list) might be granted increment with effect from the date of their completing five years' service. The hon. the Judges were also requested to state whether they would agree to restrict the concession only to these District Munsifs.

3. The hon. the Judges observed in their letter R.O.C. No. 765/31-B-2, dated 8th December 1932, that the position had changed since their original proposals were formulated, as there was already a number of vacancies in which acting District Munsifs could be confirmed. They stated that if the Accountant-General's ruling were accepted by Government, it would be necessary to extend the concession to sixteen acting District Munsifs who had all completed their probation by 15th August 1931. They remarked however that the normal number of temporary Sub-Courts in existence was not less than seven and that, if an addition of that number was made to the cadre of Sub-Judges, additional vacancies in the District Munsifs' cadre would be available, which would considerably reduce the number of District Munsifs to whom the proposed concession would have to be extended. In effect they recommended that the concession might be extended to acting District Munsifs Nos. 1 to 37 in the List of Gazetted Officers of the Judicial Department corrected up to the 1st April 1931.

4. The Government have carefully considered the further suggestions of the hon. the Judges but they regret that they are unable to sanction the temporary additions to the cadre of Sub-Judges. As regards the grant of increments to the acting District Munsifs, the Government are pleased to agree, in the circumstances stated by the hon. the Judges, to their recommendation to permit the acting District Munsifs Nos. 1 to 22 and 24 to 37 in the list referred to above who have completed their period of probation by 15th August 1931 to draw increment from the date of their completing five years' service.

(By order of the Governor in Council)

V. N. VISWANATHA RAO,
Secretary to Government.

To the hon. the Chief Justice (with C.I.).
" Accountant-General, through Finance.
" Finance Department.

31st October 1933]

APPENDIX IX.

[Vide answer to question No. 221 asked by Mr. Mahboob Ali Baig at the meeting of the Legislative Council held on the 31st October 1933, page 184 supra.]

Name.	Age on 1st September 1932.	Service on 1st September 1932.	Salary on 1st September 1932.	Qualifications.
	YRS.	YRS.	RS.	
1 M. Bappu	52	33	80	Matric; Typewriting and Shorthand (Inter.); T.T.C. in Typewriting and Shorthand (Inter.).
2 D. Narayana Ayyar ..	51	29	175	F.A.; Typewriting (Inter.); Shorthand (Inter.); Commercial Practice (Adv.); Banking (Inter.); Book-keeping (Adv.); Group Certificate in Shorthand.
3 P. P. Nataraja Ayyar.	42	14	80	Matric; underwent training in the School of Commerce, Calicut.
4 P. G. Viswanathan ..	41	13	80	Diploma in Commerce; Group Certificate in Shorthand and Typewriting.
5 N. Subrahmanya Ayyar.	45	13	80	Matric; Diploma in Commerce; Shorthand (Inter.) and Typewriting (Ele.).
6 A. R. Krishna Ayyar.	37	12	120	Inter. in Arts, Bachelor of Commerce (Bombay).
7 K. Satyanarayana Sarma.	40	7	80	B.A.; Diploma in Commerce.
8 K. Subba Rao ..	31	6	80	Inter. in Arts; Diploma in Commerce.
9 T. Krishnaswami ..	..	6	104	M.A. (Economics); Diploma in Commerce.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Wednesday, the 1st November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

- | | |
|---|-------------------------------------|
| Usman Sahib Bahadur, K.C.I.E., The | Lakshmana Reddi, Mr. G. |
| hon. Khan Bahadur Sir Mahomed | Langley, Mr. W. K. M. |
| Krishnan Nayar, Kt., The hon. Diwan | Madanagopal Nayudu, Mr. R. |
| Bahadur Sir M. | Maharaja of Venkatagiri, The. |
| Campbell, K.C.I.E., C.S.I., C.B.E., V.D., | Mahboob Ali Baig Sahib Bahadur. |
| I.C.S., The hon. Sir Archibald. | Mahmud Schamnad Sahib Bahadur, |
| Stokes, C.S.I., C.I.E., I.C.S., The hon. | Khan Bahadur. |
| Mr. H. G. | Manikkavelu Nayakar, Mr. M. A. |
| Raja of Bobbili, The hon. the | Moidoo Sahib Bahadur, Khan Bahadur |
| Rajan, The hon. Mr. P. T. | T. M. |
| Kumaraswami Reddiyar, The hon. | Moses, Mr. P. C. |
| Diwan Bahadur S. | Muhammad Meera Ravuttar, Mr. |
| Abdul Hameed Khan Sahib Bahadur. | K. P. V. S. |
| Ahmed Meeran Sahib Bahadur. | Muniswami Nayudu, Diwan Bahadur |
| Alagannan Chettiyar, Rao Sahib A. S. | B. |
| Alamelumangathayaramma, Mrs. K. | Muniswami Pillai, Rao Sahib V. I. |
| Appadurai Pillai, Diwan Bahadur A. | Muthiah Chettiar, Mr. M. A. |
| Araau, Mr. V. T. | Muthu Chettiar, Rao Bahadur P. C. |
| Basheer Ahmed Sayeed Sahib Bahadur. | Nachiyappa Gounder, Mr. K. A. |
| Bayappa Reddi, Mr. P. | Nadimuthu Pillai, Mr. A. Pl. N. V. |
| Beyabani Sahib Bahadur, S. M. K. | Nanjappa Bahadur, Subadar-Major |
| Bhanoji Rao, Mr. A. V. | S. A. |
| Birley, Mr. F. | Narasa Reddi, Mr. T. |
| Davis, Mr. J. A. | Narasimhaswami, Rao Sahib D. V. |
| Devadasan, Mr. M. | Narayanan Nambiyar, Mr. V. P. |
| Dharmalingam Pillai, Rao Sahib V. | Narayanawami Pillai, Rao Bahadur |
| Duraiwami Reddiyar, Mr. K. M. | T. M. |
| Ellappa Chettiyar, Diwan Bahadur S. | Natesa Mudaliyar, Rao Bahadur C. |
| Foulkes, Mr. R. | Palat, Mr. R. M. |
| Gopalaswami Ayyangar, Diwan Baha- | Pannirselvam, Rao Bahadur A. T. |
| dur N. | Parthasarathi Ayyangar, Mr. C. R. |
| Gopalaswami Mudaliyar, Diwan Baha- | Patnaik Mahasayo, Sriman M. G. |
| dur M. | Patro, Kt., Rao Bahadur Sir A. P. |
| Hall, C.I.E., O.B.E., I.C.S., Mr. J. F. | Pattabhiramayya, Mr. K. |
| Hood, I.C.S., Mr. H. M. | Pattagar of Palayakottai, The. |
| Indrayya, Mr. C. | Peddiraju, Mr. P. |
| Jagannatham, Mr. H. M. | Premayya, Mr. G. R. |
| Jayaram Nayudu, Rao Sahib C. | Rajagopala Pillai, Mr. P. V. |
| Kesavaramamurti Nayudu, Mr. K. | Raja of Kallikote, The. |
| Khalif-ul-lah Sahib Bahadur, Khan | Ramachandra Padayachi, Mr. P. K. |
| Bahadur P. | Ramakrishna Reddi, Mr. A. |
| Kolanda Reddi, Rai Sahib C. | Ramalingam Chettiyar, Rao Bahadur |
| Koti Reddi, Mr. K. | T. A. |
| Krishnayya Choudari, Mr. P. V. | Ramamurti, Rao Sahib Pandit Ganala. |
| Krishnamurti, Rao Bahadur D. | Raman Menon, Mr. K. P. |
| Krishnan, Mr. C. | Ramaswami Ayyar, Mr. T. S. |
| Krishnaswami Ayyar, Kt., Diwan Baha- | Ramaswami Mudaliyar, Mr. V. M. |
| dur Sir Alladi. | Ranganatha Mudaliyar, Mr. A. |
| Kuppuswami Choudari, Mr. J. | Ranganatha Mudaliyar, Mr. G. |
| Kuppuswami Choudari, Mr. J. | Ranganatha Mudaliyar, Mr. M. D. T. |
| Ladden, Mr. W. W. | Rangaswami Reddi, Mr. M. B. |

[1st November 1933]

PRESENT—cont.

Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Seetha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Simhachalam, Mr. Gade.
Singam Ayyangar, Mr. K.
Siva Raj, Rao Sahib N.
Sivasubrahmanya Ayyar, Mr. K. S.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Sreshta, Mr. M. S.
Srinivasa Ayyangar, Mr. T. C.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Stanes, Mr. F. J.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.

Syed Tajuddin Sahib Bahadur, Khan
Sahib.
Thangal, Mr. P. M.
Thomas, Mr. Daniel.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Vedachalam Mudaliyar, Mr. M.
Venkatachala Reddiyar, Mr. K. C. M.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur
R. K.
Viswanatha Rao, Rao Bahadur V. N.
Wright, Mr. W. O.
Yahya Ali Sahib Bahadur, Khan Baha-
dur.
Yakub Hasan Sahib Bahadur.
Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Prisons and Prisoners

Orders of Government, if any, regarding supply of buttermilk to prisoners.

* 223-A Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Law Member be pleased to state whether orders have been passed for the supply of buttermilk to the prisoners?

A.—No.

Mr. ABDUL HAMEED KHAN:—“ May I know how long the Government has been considering this question and how long they propose to do so? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I am sorry that I am not in a position to give a definite answer to that question, but I hope to pass final orders before the expiry of another month.”

Supply of buttermilk to ‘ C ’ class prisoners.

* 223-B Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether orders have been passed in respect of giving buttermilk to ‘ C ’ class prisoners, especially to political prisoners in jails;
(b) if so, when, and whether a copy of the order will be placed on the table;

(c) if not, at what stage the matter is; and

(d) what the reasons are for the delay?

A.—(a) The hon. Member is referred to the answer to question No. 223-A.

(b) Does not arise.

(c) & (d) The matter is under consideration.

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Bathing facilities for political prisoners.

* 224 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) how many baths are given to political prisoners in a week;

(b) whether they are supplied with hot water to bathe or whether they are allowed only cold water baths;

(c) how many baths are allowed for other prisoners in a week;

and

(d) whether they are supplied with soap or soapnut for their bath?

A.—(a), (b) & (c) The hon. Member is referred to rules 269 and 592 of the Madras Jail Manual. There is no provision for the supply of hot water to prisoners for bathing purposes. All prisoners are treated alike.

(d) ‘ A ’ and ‘ B ’ class prisoners are supplied with soap and all female prisoners are supplied with soapnut.

Irrigation

Rules regulating the distribution of water from the Mettur Reservoir.

* 225 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) whether draft rules for the distribution of water from Mettur reservoir have been submitted to the Government;

(b) if so, whether the Government have considered the same and at what stage they are;

(c) whether any opportunity will be given to all parties interested in the Cauvery Delta Irrigation system to place their points of view before the Government;

(d) whether a copy of the draft rules will be published for public information and whether a copy of the same will be placed on the table of the House; and

(e) when the Government propose to pass final orders in respect of the said rules?

A.—(a) Rules have been in force since June 1933.

(b) The proposals of the Chief Engineer for Irrigation for the revision of the rules in the light of the experience gained this year have just been received.

(c) & (d) The draft rules will be published before they are brought into force.

(e) In March 1934.

Progress of the High Level Channel Scheme.

* 226 Q.—Mr. K. SINGAM AYYANGAR: Will the hon. the Member for Revenue be pleased to state—

(a) the total extent of excavation work done till now as per estimate and excavation work yet to be done, if any, in the High Level Channel Scheme in Trichinopoly taluk;

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(b) the total amount spent till now on the estimate and the balance of amount to be spent; and

(c) when the whole work is expected to be completed?

A.—(a) Excavation work has been started in the first 20 miles of the Kattalai High Level channel in the Kulittalai taluk and 16,000 units have been done against the total of 25,900 units in the taluk. No excavation work has yet been begun in the Trichinopoly taluk in which the total work to be done according to the sanctioned estimate amounts to 2,500 units.

(b) The expenditure incurred to end of August 1933 is Rs. 4,36,816 against the estimate of Rs. 17,50,000 for works.

(c) The main canal is expected to be finished before July 1935, and the distributaries by about July 1936.

Mr. K. SINGAM AYYANGAR:—“ May I know why in Trichinopoly taluk alone the excavation work has not been undertaken till now? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice of the question.”

Papanasam Reservoir Project.

* 227 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) what orders, if any, have been passed on the proposals for a Papanasam Reservoir Project in the Tinnevely district as an independent irrigation scheme; and

(b) whether the Government will be pleased to place the papers relating to this on the table?

A.—(a) The report on the project has not yet been submitted to Government.

(b) The question of placing the papers on the table will be considered in due course.

Mr. M. DEVADASAN:—“ May I know for how long the Papanasam Reservoir Project has been engaging the attention of the Government? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice of that question.”

Repairs to the Kangayan channel and anicut in the Tinnevely district.

* 228 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state, with reference to the Kangayan channel and anicut under the Gatanar river in the Tinnevely district,—

(a) whether the Tinnevely District Association presented a memorandum to the Executive Engineer on 21st November 1932 at the Ryots' Irrigation Conference, Tinnevely, about the unsatisfactory condition of the channel;

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(b) what action has been taken, till now, by the Executive Engineer, on the memorandum; and

(c) whether the Government will be pleased to call for a report and place the same on the table?

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

(c) Yes; a report has been called for. The question of placing it on the table will be considered after the report is received.

Irrigation Advisory Board for the Tinnevely district.

* 229 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether a request has been made to the Government for the formation of an Irrigation Advisory Board for the Tinnevely district;

(b) whether the Tinnevely District Association has made representations to the Government on 23rd January 1933 about the constitution and powers of the proposed Advisory Board; and

(c) what orders, if any, have been passed by the Government on the proposals and representations?

A.—(a) & (b) Yes.

(c) The letter from the Tinnevely District Association was forwarded to the Board of Revenue for disposal. The Board of Revenue has on a report from the Collector informed him that he is himself competent to constitute an irrigation advisory board under the powers recently delegated to Collectors by Government.

Irrigation of parts of Udayarpalaiyam by waters taken from the Piranjeri and Ponneri tanks.

* 230 Q.—Mr. V. T. ARASU: Will the hon. the Member for Revenue be pleased to state—

(a) whether any portion of the Udayarpalaiyam taluk, Trichinopoly district, was being irrigated by the waters from the tanks called Piranjeri and Ponneri; and

(b) if so, their respective ayacuts in the years 1900, 1910, 1920 and 1930?

A.—(a) & (b) There is no irrigation source known as Piranjeri tank in Udayarpalaiyam taluk. The hon. Member presumably means the Athiyadi eri of Piranjeri village. The ayacut of the two tanks as given in the settlement register is—

	1900.	1910.	1920.	1930.
	ACS.	ACS.	ACS.	ACS.
Athiyadi eri	63.0	63.0	63.0	83.12
Ponneri eri	36.0	36.0	51.0	59.21

The Athiyadi eri breached in 1919 and steps are being taken to close the breaches.

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Mr. V. T. ARASU:—" May I know why the Government have not taken any steps to close down the breaches and repair the Athiyadi eri? "

The hon. Sir ARCHIBALD CAMPBELL:—" In the answer it is stated that steps are being taken to close the breaches."

Mr. V. T. ARASU:—" I want to know why the Government have not taken any steps from 1919 onwards? "

The hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice."

Irrigational possibilities of the Karuvadu odai in the Udayarpalaiyam taluk.

* 231 Q.—Mr. V. T. ARASU: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government are aware of the fact that there is in the eastern half of the Udayarpalaiyam taluk, Trichinopoly district, a jungle stream that is popularly known as the *Karuvadu odai*; and

(b) whether at any time the Government have investigated into the possibility of utilizing the waters of that stream for irrigation purposes?

A.—(a) Yes.

(b) The proposal was considered last year in connexion with the improvements to Athiyadi eri and extension of irrigation under it but was dropped owing to the estimated return being inadequate.

Mr. V. T. ARASU:—" May I know whether the Government will be pleased to direct the Revenue Divisional Officer to conduct a detailed investigation of this project and submit a report to the Government? "

The hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Mr. V. T. ARASU:—" May I know whether the Government are aware of the fact that, if this project is undertaken, it would irrigate about 600 or 700 acres in the Udayarpalaiyam taluk? "

The hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice of the question."

Land Revenue Administration

Representation from the old Tanjore Delta Mirasidars' Association regarding income per acre of wet land.

* 232 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received from the old Tanjore Delta Mirasidars' Association tabular statements showing the income per acre of wet land in the Tanjore district based upon the Settlement Officer's own report and whether they would place on the Council table a copy of their representations to the Government; and

(b) whether the price of paddy is less than what it was last year?

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A.—(a) Yes. A copy * is annexed.

(b) The price of paddy, second sort, in the Tanjore district during the months of July, August and September 1933 was lower than in the corresponding months of 1932.

Rate of assessment (wet) for single crops in the districts of Tanjore, Kistna, Godavari and Guntur.

* 233 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state what the average rates of assessment (wet) per acre are for single crops in the districts of Tanjore, Kistna, Godavari and Guntur?

A.—The information asked for is contained in the statement annexed to the answer to question No. 780 answered on 25th March 1933.

Report in the Fort St. George Gazette, regarding the sufficiency of water-supply in the Guntur district.

* 234 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state whether the report in the *Fort St. George Gazette*, that water-supply is sufficient in Guntur district refers to supply of water from rivers or also includes seasonal rains?

A.—The summary in the weekly season report which is published in the *Fort St. George Gazette* describes the state of the water-supply in the district from all sources and for all purposes.

Extent of damage caused by the recent heavy rains in South Kanara.

* 235 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 paddy fields, roads, etc., by the recent heavy rains and floods in South Kanara; and

(b) whether a copy of the report will be placed on the table of the House?

A.—(a) & (b) No report has been received by the Government about any damage caused by rain and floods in the South Kanara district recently.

Mr. A. B. SHETTY:—" Will the Government be pleased to call for a report about this matter? "

The hon. Sir ARCHIBALD CAMPBELL:—" Under the Standing Orders the Collectors have to submit reports to us on serious floods but we have not yet received any report from the Collector of South Kanara."

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Mr. A. B. SHETTY:—" May I know whether the Government have received report from any other district? "

The hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir."

Alleged acceptance on the part of officers of the Revenue Department of supplies from village officers free of cost.

* 236 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have taken any steps to enquire into the practice of the officers of the Revenue Department obtaining supplies free or at a nominal value from village officers; and

(b) whether the Government have taken any measures for strictly stopping this practice; if so, what the measures are that have been taken by the Government?

A.—(a) & (b) The attention of the hon. Member is invited to the provisions contained in paragraphs 112 and 113 of the Board's Standing Orders. The Government look to the Collectors to see that the provisions in the Standing Orders are enforced.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the paragraphs 112 and 113 referred to in answer to this question have become a dead letter now? "

The hon. Sir ARCHIBALD CAMPBELL:—" Not that I know of."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government are aware of the heavy expenditure involved in presenting addresses to these Revenue officers and whether there is any rule regulating the conduct of these Revenue officials? "

The hon. Sir ARCHIBALD CAMPBELL:—" The Government are not aware of such expenditure. Under the Government Servants Conduct Rules such officials may not receive addresses."

Mr. V. T. ARASU:—" May I know whether the Government are aware that some public officials have accepted entertainments at the hands of the public? "

The hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Mr. V. T. ARASU:—" May I know whether the Government are aware that the Special Officer of Madura did accept an entertainment at the hands of the public of Madura? "

The hon. Sir ARCHIBALD CAMPBELL:—" No, Sir."

Mr. A. RANGANATHA MUDALIYAR:—" May I know whether the Government have framed any rules in regard to the presentation of addresses and entertainments to these district officers, or have left it to the sweet will of the persons concerned to arrange for or accept entertainments, which is assuming the proportions of a scandal? "

The hon. Sir ARCHIBALD CAMPBELL:—" I invite the hon. Member's attention to Government Servants Conduct Rules."

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Discharge from service of several clerks employed in the Settlement Party, Guntur district.

* 237 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state whether it is a fact that several clerks in the Settlement Party in Guntur district who have put in more than ten years' service have been asked to quit their posts?

A.—As a measure of retrenchment the Board of Revenue has, with the approval of the Government, directed the reduction of the Settlement establishment by the permanent strength of one Settlement Party. It is probable that some of the clerks in the Settlement Party in Guntur district were affected by the Board's orders. The Government have no information about the service put in by the clerks who were discharged.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Services Commission is entertaining any new applications in the Revenue Department? "

The hon. Sir ARCHIBALD CAMPBELL:—" Clerkships."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Yes, clerkships."

The hon. Sir ARCHIBALD CAMPBELL:—" No examination has been held since March last year and persons are selected from the list prepared then."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know the reason why the Government should not appoint men who had been already in service and who had been discharged, instead of appointing fresh recruits? "

The hon. Sir ARCHIBALD CAMPBELL:—" That is being done in accordance with the Retrenchment and Re-employment Rules."

Conversion of temporary wet lands into permanent wet lands in the Guntur district.

* 238 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government or the Board of Revenue have received any proposals from the District Collector, Guntur, for the conversion of certain longstanding temporary wet lands into permanent wet lands;

(b) what action has been taken by the Government thereon; and

(c) whether the Government will be pleased to lay a copy of the Collector's proposals on the table of this House?

A.—(a), (b) & (c) The Government have not received any proposals from the Collector of Guntur for the conversion of temporary wet lands into permanent wet lands. They are not aware whether the Board of Revenue has received any proposals from the Collector on the subject.

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Leasing of the lands held by the Depressed Class Tenants' Co-operative Society of Munagodu village, Guntur district.

* 239 Q.—Mr. P. C. MOSES: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that lanka lands with S. Nos. 371 B, 371 C and 371 D in the village of Munagodu, Sattenapalle taluk of Guntur district, were leased out in auction in the month of August in 1933;

(b) whether it is a fact that the said lands had formerly been leased to Depressed Class Tenants' Co-operative Society of Munagodu, Sattenapalle taluk, Guntur district;

(c) what the total amount of rental was which the society was paying for the year 1932-33; and

(d) what the amount realized in auction on the said lands was?

A.—(a) to (d) The Government have not the information and have called for a report.

Rental for the lanka lands leased to the Depressed Class Tenants' Co-operative Societies in the Guntur district.

* 240 Q.—Mr. P. C. MOSES: Will the hon. the Member for Revenue be pleased to state—

(a) what the rental per acre was which the Depressed Class Tenants' Societies in Pedakonduru, Munnangi, Ipuru, Bommanivani-palem, Annavaram, Tenali taluk, Guntur district, paid for 1932-33 for the lands leased to them by the Government;

(b) what the rental per acre fixed as reasonable for the lands referred to in clause (a) is for the present year;

(c) who fixed the reasonable rental;

(d) whether there were any orders of the Board of Revenue that concession in the matter of rental might be shown to Depressed Class Tenants' Co-operative Societies; and

(e) in fixing the rental for the lanka lands hitherto leased to Depressed Class Tenants' Co-operative Societies in Tenali taluk, Sattenapalle taluk and Guntur taluk in Guntur district, whether the economic condition of the members of the societies was taken into consideration?

A.—(a) to (e) The Government have not the information but have called for a report.

Local Self-Government

Communal representation in District Municipalities and Local Boards.

* 241 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state whether any proposals are under the consideration of the Government to give effect to communal representation in district municipalities and local boards?

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A.—The hon. Member apparently refers to recruitment to the services under local bodies. The Government have no proposals in the matter which is one for consideration of the local bodies themselves.

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government expect all local bodies to consider this question of communal representation and, if they do so, I suppose the Government will have no objection? "

The hon. the RAJA OF BOBBILI:—" Certainly the Government will have no objection. "

Mr. MAHBOOB ALI BAIG:—" May I know whether the Government are aware that in several municipalities and district boards certain communities are not at all represented? "

The hon. the RAJA OF BOBBILI:—" I am aware of it. "

Acceptance of lowest tenders for works.

* 242 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that a Government Order was issued recently directing local boards to accept the lowest tenders; and

(b) whether the Government have issued instructions to their engineers to accept the lowest tenders for works under irrigation?

A.—(a) The attention of the Honourable Member is invited to the answer given on 11th March 1933 to question No. 645.

(b) The acceptance of tenders for irrigation works is governed by paragraph 160 of the Public Works Department Code to which the Honourable Member's attention is drawn.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government are aware whether this Government Order regarding tenders is being given effect to by all the district boards? "

The hon. the RAJA OF BOBBILI:—" The Government have not made any special enquiries as to whether the Government Order has been observed or not. The Government Order ought to have been observed in the usual course. The Government will know when a report is received from the auditor. "

Mr. P. K. KRISHNAYYA CHOUDARI:—" May I know whether the Government will issue instructions to these boards to keep the Government Order in force? "

The hon. the RAJA OF BOBBILI:—" The Government Order has already been issued and I do not think it is necessary to inform them that they should observe the Government Order. If the reports are received from the auditor, then the Government will be in a position to know whether the Government Order has been given effect to by them. "

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Pay and allowances of the Executive Officer, Salem Municipality.

* 243 Q.—Subadar-Major S. A. NANJAPPA Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the name of the officer who was detailed as executive officer to the Salem Municipality; his monthly pay and allowances;

(b) whether it is a fact that the Government have fixed the total pay and allowances of the executive officers of municipalities from Rs. 500—800 per month; and

(c) what the financial position is of the Salem Municipality?

A.—(a) Mr. R. D. Paul.

Pay in the regular line as Deputy Collector	Rs. 420
Special pay as Commissioner	100
Conveyance allowance, subject to the maintenance of a motor car	40

(b) Government have not fixed any minimum pay and allowances to commissioners appointed to municipalities, but the amount, under the provisions of section 12-C (6) (a) of the Madras District Municipalities Act, shall not exceed Rs. 800.

(c) The financial position of the council is not satisfactory as municipal revenues are not collected properly. The council expects to close the current year with a balance of Rs. 1,754 in the General Account—Ordinary and with a balance of Rs. 41,001 in the General Account—Capital, after providing for an expenditure of Rs. 18,500 on capital works from ordinary revenues. When the council framed its budget in January 1933, so large a sum as Rs. 97,476 under all accounts was expected to be left uncollected at the close of the current year. The financial position of such special funds, as the Elementary Education fund and Water Works and Drainage fund is satisfactory. Government expect an improvement in the general financial position to be effected by the appointment of the Commissioner as he will be in a position to collect taxes promptly.

Mr. V. T. ARASU:—"In view of the present financial position of the Salem Municipality, will the Government be pleased to explore the possibility of appointing an officer of the grade of a Tahsildar instead of the present one who is in the Deputy Collectors' grade?"

The hon. the RAJA OF BOBBILI:—"An officer of a Deputy Collector's grade is necessary for this municipality. I also believe that the appointment of this officer will result in better collections."

Mr. V. T. ARASU:—"May I know whether in the case of Bezwada Municipality which is as large as Salem Municipality there is only a Tahsildar as executive officer of that municipality?"

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The hon. the RAJA OF BOBBILI:—"Bezwada Municipality is a much smaller municipality than Salem."

Mr. V. T. ARASU:—"Will the hon. Minister be pleased to state the respective incomes of these two municipalities?"

The hon. the RAJA OF BOBBILI:—"Not only the income but also the population has to be taken into consideration."

Mr. V. T. ARASU:—"Will the hon. Minister be pleased to let us have information regarding their respective population and extent?"

The hon. the RAJA OF BOBBILI:—"The hon. Member can get the information from the Census Report. The population of Salem is about 103,000, while the population of Bezwada is about 55,000."

Working and finances of the newly bifurcated taluk boards.

* 244 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government are satisfied with the working and finances of the newly bifurcated taluk boards; and

(b) whether the Government will be pleased to issue a statement of their policy with respect to such taluk boards?

A.—(a) The attention of the hon. Member is invited to the answer given to clause (c) of question No. 10 on 31st July 1933.

(b) The matter is under the consideration of the Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether it is not a fact that taluk boards in the Kistna district were stopped from conducting their elections?"

The hon. the RAJA OF BOBBILI:—"Yes, it is a fact."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the whole matter is under consideration and how they were able to issue orders to certain taluk boards alone?"

The hon. the RAJA OF BOBBILI:—"Until the whole matter is finally decided and financial conditions of the boards improve, the Government thought it best to maintain the *status quo ante*."

Transfer of the control of cattle-pounds in the Guntur district to the panchayat boards.

* 245 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any panchayats in the Guntur district have applied for the control of cattle 'pounds' in their areas;

(b) whether the Government have sanctioned such control to the panchayats; and

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(c) if not, what the policy of the Government is regarding the same?

A.—(a) & (b) The answer is in the negative.

(c) The Government have under consideration a proposal to transfer all cattle-pounds to local bodies.

Restrictions on District Boards regarding the deposit of their moneys into the District Urban Banks.

* 246 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Government have restricted the amounts that each district board can deposit in the District Urban Banks;

(b) whether such restriction is not resulting in loss to the boards owing to the lower rate of interest obtaining in the Imperial Bank;

(c) what the reasons are that prompted the Government to issue such instructions; and

(d) whether the Government have any proposal before them to reconsider their decision and allow district boards to keep larger deposits with the District Banks?

A.—(a) & (c) In order to safeguard the moneys of local bodies and in order to prevent co-operative central banks from having surpluses much in excess of their requirements, the Government have ordered that local bodies should not make investments in such banks beyond certain specified limits without the sanction of Government.

(b) Where an investment in a co-operative central bank is not permitted by Government it is open to the local bodies to invest the money in Government securities which will fetch a reasonable rate of interest.

(d) The Government do not propose to reconsider the orders issued in the matter.

MR. P. V. KRISHNAYYA CHOUDARI:—“When the District Central Banks have got certain borrowing powers, may I know why the district boards' moneys are not permitted to be deposited in the respective central banks?”

THE HON. THE RAJA OF BOBBILI:—“The answer clearly states that it is not desirable to increase the balances in the co-operative banks.”

Petition for the construction of a bridge across the branch of the Tungabhadra river between Desanur and Siruguppa.

* 247 Q.—MR. A. RANGANATHA MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state whether the ryots of Desanur village, Siruguppa taluk, Bellary district, have preferred a

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request for a bridge across the branch of the Tungabhadra river which now separates Desanur from Siruguppa, and, if so, the action taken or proposed to be taken by the Government thereon?

A.—In October 1927, the President, Union Board, Siruguppa, reported that one ryot, Desanur Rama Reddi, was anxious to have a bridge constructed at the site referred to. The proposal was examined and dropped on the ground that there was no justification for the large expenditure involved.

Medical Administration

Control of taluk headquarters hospitals by the Government.

* 248 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have decided on taking all Taluk Headquarters hospitals under their own control; and

(b) if so, when the decision will be put into effect?

A.—(a) No. The matter is under consideration.

(b) The question does not arise.

MR. V. M. RAMASWAMI MUDALIYAR:—“May I know whether there is any chance of Government making up its mind on this question?”

THE HON. THE RAJA OF BOBBILI:—“It is a question whether the local boards should be permitted to run these institutions or the Government should undertake them. The whole matter is still under consideration.”

Unfavourable rates of prices charged by the Government Medical Stores for medicines supplied to taluk boards.

* 249 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether it has been represented to the Government that the prices of medicines in the Medical Stores are very much higher than those prevailing in the market;

(b) whether the Government propose to permit the taluk boards to purchase their medicines in the open market in view of the exorbitant prices of the Medical Stores; and

(c) whether taluk boards are closing down dispensaries owing to lack of finances?

A.—(a) & (b) Some local bodies have reported that the prices charged by the Medical Stores Depot are higher than those charged by private firms, but a detailed investigation in the matter has definitely proved that the prices charged by the depot are on the whole much lower than those at which drugs of the same quality and purity can be

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obtained from the open market. The question of permitting local bodies to purchase their medicines in the open market does not therefore arise.

- (c) Some taluk boards have proposed the closure of a few medical institutions for want of funds.

Selection of Christians and members of the Depressed Classes for admission into the Rayapuram Medical School in 1931 and 1932.

* 250 Q.—Mr. M. DEVADASAN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many candidates applied for admission into the Medical School at Rayapuram in 1931 and 1932;

(b) whether there were Christians and depressed classes among the applicants in the said years 1931 and 1932;

(c) how many of them were chosen in each category; and

(d) how many of them were disqualified and, if so, on what grounds?

A.—(a)—

	1931.	1932.
	328	359

(b) Yes.

(c)—

	1931.	1932.
Christians ..	5	7
Depressed classes ..	3	4

(d)—

	1931.	1932.
Christians ..	71	33
Depressed classes ..	13	12

The candidates were disqualified for one or other of the reasons specified below:—

- (1) Overage;
- (2) marks obtained in English in the S.S.L.C. Examination being below 40 per cent;
- (3) unwillingness to join as private pupils; and
- (4) ineligibility for college course.

Mr. M. DEVADASAN:—“ May I know why age restriction has been placed upon stipendiary students seeking admission into the Rayapuram Medical School? ”

The hon. the RAJA OF BOBBILI:—“ Such restrictions apply only to stipendiary students and not to private students, because in the interests of service it is considered necessary to have some age limit.”

Mr. M. DEVADASAN:—“ May I know if female candidates are selected and, if so, how many? ”

The hon. the RAJA OF BOBBILI:—“ I am afraid I cannot quote actual figures. But I may say that a selection is made from female candidates.”

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Mr. M. DEVADASAN:—“ May I know whether the hon. Minister will be pleased to show some concessions to the Depressed Class candidates in admitting them to the Rayapuram Medical School? ”

The hon. the RAJA OF BOBBILI:—“ In answer to a previous question at the last sitting of the Council I said that, in consultation with the Surgeon-General, the Government would consider the desirability of giving some concessions to the Depressed Class candidates when sufficient number of students are not forthcoming.”

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know whether it is not desirable to fix the eligibility standard as the minimum standard for admission into the Rayapuram Medical School, because for some years the average number of marks in English for the S.S.L.C. may be high and for some years low? ”

The hon. the RAJA OF BOBBILI:—“ There has been no difficulty in getting sufficient number of applications for admission into the Rayapuram Medical School. I do not think there is any necessity for lowering the qualifications of students. In the case of communities where we find sufficient number of students are not available the Government will consider the question of lowering the qualification.”

Mr. ABDUL HAMEED KHAN:—“ May I know what the rules are which guide the Selection Committee in reserving seats for minority communities without higher qualifications which are necessary in the case of others? ”

The hon. the RAJA OF BOBBILI:—“ At present, if I remember right a definite proportion has been fixed for each community but if the Selection Committee reports to the Government that they are not able to get a sufficient number of candidates from a particular community, the Government will consider the question of relaxing the rule.”

Mr. ABDUL HAMEED KHAN:—“ May I know whether the authorities of this school are satisfied that they are getting sufficient number of these students? ”

The hon. the RAJA OF BOBBILI:—“ I have no information to the contrary.”

Mr. ABDUL HAMEED KHAN:—“ Will the hon. the Minister kindly call for the information? ”

The hon. the RAJA OF BOBBILI:—“ Certainly, Sir.”

Prospect of opening a Medical School at Guntur.

* 251 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have finally abandoned all ideas of opening a Medical School at Guntur?

A.—Yes.

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Mr. M. A. MANIKKAVELU NAYAKAR:—" May I know what the Government have done with the building? "

The hon. the RAJA OF BOBBILI:—" I do not think it has been put to any use. "

Mr. M. A. MANIKKAVELU NAYAKAR:—" Did the district board offer to purchase it? "

The hon. the RAJA OF BOBBILI:—" There have been offers from the district board and the local college authorities. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether it is not a fact that the education authorities have already taken charge of the building? "

The hon. the RAJA OF BOBBILI:—" I believe it has been handed over to them. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" Then, may I know which is the correct answer, Sir, whether . . . "

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

Training and employment of midwives by local boards.

* 252 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what the centres are in which first-class midwives are trained in this Presidency;

(b) how many are trained annually at each centre (i) at the cost of the Government and (ii) at the cost of the taluk boards and other local bodies;

(c) how many rural dispensaries are there districtwar in which there are no midwives; and

(d) whether a Government Order was issued directing presidents of local boards not to make fresh appointments in rural dispensaries; if so, why?

A.—(a) to (c) Statements* giving the particulars required are placed on the table.

(d) Yes; in view of financial stringency the Government accepted the proposal of the Surgeon-General and requested presidents of taluk boards not to open subsidized rural dispensaries which had been sanctioned but not yet opened and also not to appoint midwives in subsidized rural dispensaries in which they had not been employed prior to 3rd March 1932.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know what are the reasons for not training midwives in the Government Headquarters Hospital, Guntur? "

The hon. the RAJA OF BOBBILI:—" Certain centres have been closed as a measure of retrenchment. "

* Printed as Appendix II on page 305 infra.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know, Sir, whether it requires any additional expenditure to train midwives? "

The hon. the RAJA OF BOBBILI:—" Owing to financial stringency local bodies have been asked not to entertain any extra midwives. In that connexion it was considered unnecessary to train more midwives. "

Mr. V. T. ARASU:—" Is the hon. Minister aware of the fact that throughout the Presidency there is a large demand for fully qualified midwives? If so, is it not the duty of Government to make adequate arrangements for the training of midwives in larger numbers? "

The hon. the RAJA OF BOBBILI:—" Already sufficient number is being trained. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" When there are 326 rural dispensaries which have no trained midwives, do the Government feel that the existing number of midwives is adequate from the point of view of public health and maternity welfare? "

The hon. the RAJA OF BOBBILI:—" It is a question of finance. I am also considering the desirability of again permitting the local bodies to entertain midwives in their dispensaries. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" If the centre is there, cannot the public have training in it at their own expense? "

The hon. the RAJA OF BOBBILI:—" The Government do not consider that there are not sufficient facilities to meet the demand. "

Co-operative Societies

Instructions to Deputy Registrars of Co-operative Societies forbidding the registration of any more societies.

* 253 Q.—Mr. K. A. NACHIYAPPA GOUNDAR: Will the hon. the Minister for Public Works be pleased to state—

(a) whether any instructions have been issued to the Deputy Registrars of Co-operative Societies forbidding them from registering more societies;

(b) if so, whether a copy of that order will be placed on the table;

(c) whether the Deputy Registrar of Co-operative Societies, Salem, has received a petition from the people of Konganapuram mitta praying for the establishment of a rural credit society in their place; and

(d) when it was received and in what way it has been disposed of?

A.—(a) No. The Deputy Registrars have not been forbidden to register new societies; but have been instructed to devote greater attention to the rectification of existing societies.

(b) Copies of two circulars* issued by the Registrar are appended.

* Printed as Appendix III on pages 306-307 infra.

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- (c) & (d) A petition for the organization of a co-operative society was received by the Deputy Registrar on 10th February 1931; a reference was made to the hon. Member in the matter on 22nd March 1931, and the papers were finally lodged on 18th September 1931. The Government have no further information.

Co-operative Credit Society for the Konganapuram mitta, Salem district.

* 254 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) whether representations have been received from the villagers of Konganapuram mitta in Tiruchengodu taluk of Salem district in 1931 to start a co-operative credit society in their place; and

(b) if so, in what way the matter has been disposed of?

A.—(a) & (b) The hon. Member's attention is invited to the answer to clauses (c) and (d) of question No. 253.

Education

Appointment of an Adi-Dravida to the Cuddapah District Educational Council.

* 255 Q.—MR. C. BASU DEV: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government recently, in or about the month of May 1933, nominated an Adi-Dravida Member to the District Educational Council, Cuddapah;

(b) if so, what he is and what his educational qualifications are;

(c) whether it is a fact that the said Member is an illiterate man and that he does not even know to sign his name;

(d) whether some Members of the Legislative Council including Mr. N. Siva Raj, represented this fact of his illiteracy to the hon. Minister before the nomination was made;

(e) whether literacy is not a qualification for nomination to a District Educational Council;

(f) whether the District Educational Officer, Cuddapah, was consulted in the matter of this nomination and, if so, what his recommendation was; and

(g) if the answers to clauses (c) or (d) and (e) are in the affirmative, what the reasons were for which the Government nominated this particular Member?

A.—(a) Yes.

(b) & (c) He is a member of the District Secondary Education Board and is reported to be fully literate in Telugu with some knowledge of English.

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- (d) It is not considered to be in the public interest that representations made in confidence should be disclosed.
- (e) There is no such qualification prescribed but it is undoubtedly desirable for members of a District Educational Council to be literate.
- (f) The appointment was made on the recommendation of the District Educational Officer.
- (g) Does not arise.

Civil suit before the District Munsif, Conjeeveram, for the revaluation of the answer papers of the S.S.L.C. Public Examination.

* 256 Q.—MR. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Education and Excise be pleased to state—

(a) by whom the Board in charge of the Secondary School-Leaving Certificate examination was constituted;

(b) what the functions of the said Board are;

(c) whether any rules exist for the revaluation of answer papers on payment of prescribed fees by the aggrieved candidates;

(d) whether the attention of the Government has been drawn to a civil suit filed by Mr. C. S. Sitarama Ayyar against the Commissioner for Government Examinations and decided by the District Munsif's Court, Conjeeveram, and the allegations therein; and

(e) whether the Government or the Director of Public Instruction make any enquiries regarding alleged mistakes in the entry of marks of candidates, who appear for S.S.L.C. Public Examination?

A.—(a) & (b) The hon. Member is referred to the Secondary School-Leaving Certificate scheme published on pages 410-412 of Part I-B of the *Port St. George Gazette*, dated 20th August 1929.

(c) No.

(d) That this suit has been filed and since dismissed is within the knowledge of the Government.

(e) The hon. Member does not refer to any particular case. It is not possible to give an answer to cover all cases which may have arisen or may arise.

Reorganization of the system of Medical Inspection of Schools.

* 257 Q.—MR. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state whether the Government have come to any final conclusion regarding the question of reorganizing the system of medical inspection in schools?

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

MR. A. B. SHETTY:—"May I know how long has this matter been under the consideration of the Government?"

THE HON. DIWAN BAHADUR S. KUMARASWAMI REDDIYAR:—"About a year."

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Mr. A. B. SHETTY:—“ May I know whether the proposals before the Government can be published for the information of the public? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ No, not now, Sir.”

Grants to the Provincial Boy Scouts' Association.

* 258 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state whether the Government have considered in connexion with the next budget the question of enhancing the annual grants to the Provincial Boy Scouts' Association?

A.—The question has not been considered.

Mr. A. B. SHETTY:—“ May I know whether the Provincial Boy Scouts' Association has been asking for increased grants year after year? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ We reduced the grant only two years ago. Last year the Association made an application, but this year it has not made any application.”

Mr. V. T. ARASU:—“ May I know whether the hon. Minister is connected with the Association in any manner? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes, Sir.”

Abolition of the post of additional Professor of Sanskrit, Presidency College, Madras.

* 259 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether any reply has been received from the Government of India to this Government's reference regarding the abolition of the post of the additional Professor of Sanskrit in the Presidency College, Madras; and

(b) if so, what the Government propose to do to give effect to their retrenchment order?

A.—(a) Yes.

(b) A copy * of G.O. No. 1666, Education, dated the 14th September 1933, is placed on the table.

Promotion of Muslims from the Subordinate Educational Service to the Madras Educational Service.

* 260 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many Muslims were recruited from the Subordinate Educational Service to the Madras Educational Service during the last three years; and

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(b) whether the promotion was departmental or made by the Services Commission?

A.—(a) Two.

(b) The promotions were made in consultation with the Madras Services Commission.

S. M. K. BEYABANI SAHIB Bahadur:—“ May I ask whether these two gentlemen were not sent to England on Government scholarships for higher studies, long before the Madras Services Commission was brought into being? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Possibly, I cannot say.”

S. M. K. BEYABANI SAHIB Bahadur:—“ In case they were sent by the Government, may I know what is the necessity for now consulting the Madras Services Commission with regard to their promotions after they returned from England? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The appointment has to be made in consultation with the Madras Services Commission and it does not matter whether they were sent to England on Government scholarships.”

S. M. K. BEYABANI SAHIB Bahadur:—“ May I know whether the candidates are not recruited by the Services Commission? ”

The hon. the Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The Services Commission makes only recommendations and the Government makes the appointments.”

Differential treatment in the pay of secondary-grade trained teachers and Urdu Munshis and Pandits.

* 261 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the scale of pay for the secondary-grade trained teacher differs from the scale of pay for the Urdu munshis and pandits in the high schools;

(b) if so, in what respects and for what reasons;

(c) when these scales of pay were fixed and under what circumstances;

(d) whether any memorials have been received from the munshis and pandits to enhance their scales of pay; and

(e) if so, what the orders of the Government were and the reasons therefor?

A.—(a), (b) & (c) The hon. Member is referred to page 37 of G.O. No. 311, Public, dated 13th April 1933, which has been placed at the disposal of the Press. The scales of pay were fixed in connexion with a general revision of the pay of the subordinate services and with due regard to the qualifications required for the posts and the duties appertaining to them.

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- (d) & (e) No such memorials have been received in recent years. Memorials were, however, received in 1927-28 and it was decided that no change in the scales of pay as existed then was called for.

Admission of students into the Teachers' College, Rajahmundry.

* 262 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the number of candidates admitted in the Teachers' College, Rajahmundry, during the years 1932-33 and 1933-34;

(b) whether there has been any reduction in the number admitted in the latter year; if so, for what reasons;

(c) whether the selection of candidates was made by the Selection Committee;

(d) whether all Telugu districts are represented;

(e) the number of applications received during the year 1933-34; and

(f) whether the Government will be pleased to place on the table of the House a list of candidates admitted this year and last year, districtwar and communitywar?

A.—(a)

Year.	Number admitted
1932-33	100
1933-34	100

(b) No. The latter part of the question does not arise.

(c) Yes.

(d) Yes.

(e) 428.

(f) A list is appended. *

Admission into the Queen Mary's College, Madras.

* 263 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the total number of applicants for seats in the first year class and the third year class in the Queen Mary's College, Madras;

(b) how many of them are from the Andhra districts;

(c) the number of Andhra applicants who have been admitted and the number refused;

(d) the number of Andhra students studying at present in the various classes in the college;

(e) whether there is a complaint that Andhra applicants are not receiving due consideration from the college authorities;

(f) whether there is any committee to regulate admission into the college; and

* Printed as Appendix V on page 309 infra.

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(g) if the answer to clause (f) is in the negative, whether the Government will take steps to appoint a committee with sufficient Andhra representatives?

A.—(a) One hundred and seventeen and 51 respectively, the latter including 28 students who underwent their Intermediate course in the College.

(b) Twenty-six and one respectively.

(c) *First year class.*—Twenty-one of the 26 applicants were offered admission but one of them did not join; the remaining five were refused admission.

Third year class.—No student was admitted, the single applicant having been refused admission.

(d) First year class 20

Second year class 7

Third year class Nil

Fourth year class 2

(e) & (f) No.

(g) The Government do not consider that there is any necessity for such a committee.

Mr. ABDUL HAMEED KHAN:—"May I know why Andhra students have not been admitted into the third year class?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There was only one applicant and she was not admitted."

Mr. ABDUL HAMEED KHAN:—"May I know why she was not admitted?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I believe her marks were very low."

Mr. V. T. ARASU:—"May I know whether the hon. Minister is aware of the fact that the number of girls seeking admission into this College is on the down grade during the last two years?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware of that, Sir."

Mr. V. T. ARASU:—"Will the hon. the Minister for Education be pleased to state whether the annual administration report of this College issued by the Government does not categorically state that the number of girls seeking admission to the College has gone down?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If it says so, it must be so."

Mr. V. T. ARASU:—"May I know whether the Government have investigated into the causes of this decline in the number of girls seeking admission?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If it is worth while investigating the cause, I am sure the Director of Public Instruction himself would have done it. I think there is no special cause for this. Probably it is due to the economic depression which is the cause of so many other things."

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Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether the Government will not reconsider their decision not to appoint a committee for the admission of girls to this college, in view of the public opinion that girls of various communities are not admitted into the college?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The figures do not justify the remark that students of many communities are being refused admission. As a matter of fact, till last year almost all the girls who sought admission were admitted. During the last two years a few applicants had to be refused admission mainly because their marks were very low and partly because of limited accommodation."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the other Government colleges have not got selection committees for admission of students?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Many of the colleges have."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know then what are the reasons for not having a similar committee to this college also?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Because there was no selection to be made as all the applicants were admitted. It is only when there is a selection to be made that we require a committee."

Mr. V. T. ARASU:—"May I know whether the Government have received any complaints or petitions from the Andhra and Tamil girls studying in the college that the treatment meted out to them is not satisfactory, and that only the girls from the West Coast are being treated properly by the Principal of the college?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Has that anything to do with the number of admissions?"

Mr. ABDUL HAMEED KHAN:—"In view of the fact mentioned by the hon. Minister that the economic depression has caused a fall in the number of students seeking admission to the college, may I know why that single Andhra student was not admitted into the third class, in spite of the fact that she has passed the Intermediate examination and that she was the only one Andhra student who applied for admission? Was it merely because that she did not have the required number of marks according to the Principal's standard?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As a matter of fact it is reported to me that Andhra candidates are preferred to other candidates; there is a slight preference shown to them; but if the marks are very poor, I do not think that the Principal can be compelled to admit any student."

Mr. ABDUL HAMEED KHAN:—"May I know how it is that the lady has not got sufficient marks when she has passed the Interme-

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diate examination, and why she has been refused admission to a college purely intended for ladies?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mere passing is not enough for admission to Government colleges. Only candidates with a certain percentage of marks are admitted."

Mr. YAKUB HASAN:—"Was there any Muslim candidate among those who applied and were refused admission?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know, Sir. As far as I am aware, no such candidate applied and no one was refused."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether it is the policy of the Government to reject certain candidates for admission to Government colleges even though they have been declared eligible for collegiate studies by a competent board especially when there is a paucity of candidates seeking admission to the colleges?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I want notice, Sir."

Mr. V. T. ARASU:—"In view of the fact that the number of girls seeking admission to the college is going down, will the Government change the Principal and put somebody else in her place and thus make the institution more popular than it is at present?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know whether it is on account of the present Principal that the number of girls seeking admission to the college is going down. The question presumes that and I do not agree with the presumption."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether the hon. Minister is aware that there was so much difficulty to get the girls of various communities admitted in the college last time?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not aware, Sir."

Cut in the allotment made to District Educational Councils.

* 264 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the amounts allotted to each District Educational Council in the Presidency for the years 1930-31, 1931-32 and 1932-33;

(b) the amount of cut made in the allotments given to the District Educational Councils for 1931-32 and 1932-33, and how the proportionate cut was arrived at; and

(c) whether District Educational Councils memorialized the authorities concerned and with what results?

A.—(a) A statement* is placed on the table.

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(b) As a measure of general retrenchment, the provision for educational grants and subsidies was reduced in 1931-32 and 1932-33 by 3½ and 2 per cent, respectively. This uniform cut was applied to the provision for teaching grants payable by District Educational Councils and in addition, the provision for night schools was also substantially reduced owing to the adoption of the policy of weeding out ill-conducted schools.

(c) Yes; applications for additional allotments had to be rejected for want of funds.

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I ask whether the Government are aware that owing to retrenchment in the allotments made to aided agencies, many of them which have been catering to the needs of the depressed classes have closed down? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware."

Mr. V. I. MUNISWAMI PILLAI:—" May I know whether the Government will reconsider their decision and make further allotments during the current year? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not know what my hon. Friend means, but I may tell him that all the cuts have already been removed."

Mr. MAHMUD SCHAMNAD:—" May I know whether it is not a fact that there was delay in the sanctioning of the subsidy not only in the current year but also in previous years? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I want notice, Sir."

Salary of Malabar Board School teachers in arrears.

* 265 Q.—Mr. P. MADHUSOODANAN THANGAL: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government are in receipt of complaints from the board school teachers in Malabar regarding long-pending arrears of pay due to them by the several taluk boards;

(b) how many such complaints they have received and from which taluks;

(c) what the cause of the delay is in paying over to the taluk boards the voted grants in respect of them; and

(d) what steps the Government have taken to obviate the delay and alleviate the sufferings of the poor teachers?

A.—(a) Yes.

(b) Two; from the Ernad and Calicut Taluk Boards.

(c) & (d) The delay in the disbursement of voted subsidies to taluk boards in the current year is due to the fact that the particulars required for the correct distribution of

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subsidies in the case of taluk boards which have been bifurcated or trifurcated were available only recently. The distribution of subsidies has since been sanctioned.

Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether the Collector of Malabar had brought to the notice of the Government the misery endured by poor board school teachers and whether the Government would take steps to ensure that in future the salaries of teachers do not fall in arrears? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware of any such thing. I will look into the matter."

Mr. K. P. RAMAN MENON:—" May I ask when were these subsidies due and why there was this delay in disbursement? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think any particular time is fixed for their disbursement. They are disbursed as quickly and as early as possible."

Mr. K. P. RAMAN MENON:—" May I know when was this bifurcation and trifurcation referred to in the question made? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot give the dates off-hand. I should like to have notice."

Mr. V. P. NARAYANAN NAMBIYAR:—" Sir, the hon. Minister has answered only the first part of my question. May I request him to answer the second part also, namely, whether the Government would take steps to see that in future the salaries of these teachers do not fall in arrears? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Yes, Sir; they have been taking steps and will take steps for that purpose."

Mr. MAHMUD SCHAMNAD:—" May I know why there was so much delay in the disbursement of these grants even before the bifurcation and the trifurcation took place? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Was there any delay? But the question does not relate to that. I will look into the matter anyhow."

Mr. MAHMUD SCHAMNAD:—" It is stated in the answer that there was some delay in the disbursement of the subsidies on account of the bifurcation and the trifurcation of the taluk boards. But there was delay even before the trifurcation and bifurcation took place. May I ask what that delay was due to? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not admit there was delay."

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Reduction by the District Educational Council, Malabar, of the teaching grants payable to the Mappilla elementary schools, Cannanore range, for 1932-33.

* 266 Q.—Khan Bahadur YAHYA ALI SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it has been brought to the notice of the Government that the District Educational Council, Malabar, has reduced the teaching grants payable to the Mappilla elementary schools of Cannanore Mappilla range in the year 1932-33;

(b) whether as a result thereof the managers of aided schools have been constrained to close down their schools; and

(c) if so, what action the Government propose to take in the matter?

A.—(a) A resolution of the managers of the Mappilla elementary schools (Cannanore range) to this effect has been received.

(b) The Government have no information.

(c) Does not arise.

Mr. ABDUL HAMEED KHAN:—“ In view of the avowed policy of the Government to encourage education among the backward and minority communities, will the Government consider the advisability of restoring these grants so as to enable those schools to reopen? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I shall consider the suggestion.”

Mr. V. P. NARAYANAN NAMBIYAR:—“ May I ask whether the Government will call for a report about the resolution that has been forwarded to the hon. Minister for Education? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes, Sir.”

Mr. YAKUB HASAN:—“ Will the Government be pleased to call for the information about the number of schools that have been closed down? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Yes, Sir.”

Educational subsidies to District Boards.

* 267 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the number of high schools and middle schools maintained by each of the district boards in this province;

(b) the amount of annual subsidy given to each of the district boards for meeting the cost of these schools; and

(c) the basis on which these subsidies have been fixed?

A.—(a) & (b) The hon. Member is referred to the subsidiary tables in Volume II of the Annual Report on Public Instruction in the Madras Presidency.

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(c) The subsidy granted to each district board towards the cost of maintenance of secondary schools under it represents the amount paid to it in 1929-30 with an addition of 5 per cent.

Mr. A. B. SHETTY:—“ Sir, the answer to this question does not make the matter clear. May I know whether the subsidy given to each school represents any definite percentage of the net cost of the school? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It represented half the net cost till the year 1929-30. In that year it was converted into a lump sum grant with an additional 5 per cent. The average of the subsidies of the previous three years was taken and that with an additional 50 per cent was paid as a lump sum grant.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ If the district boards open new high schools and middle schools, may I know what the policy of the Government is with regard to paying subsidies to those schools? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ As a matter of fact, the Government Order states that if, district boards open new high schools and middle schools, they will not get grants.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask the hon. the Minister to reconsider the policy of the Government with regard to subsidies when they find that schools have been opened in backward tracts? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It is not possible in these days of financial stringency.”

Mr. A. B. SHETTY:—“ Are the Government aware that there are a number of schools opened some years ago to which the Government give no subsidy at all? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Were they opened subsequent to the year 1929-30? ”

Mr. A. B. SHETTY:—“ Prior to 1929-30.”

Conversion of Municipal Muslim schools into Government institutions.

* 268 Q.—S. M. K. BEYARANI SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the number of Muslim middle schools managed by municipalities and the amount granted to each such institution every year;

(b) the actual amount spent in addition by each municipality every year; and

(c) whether the Government have received any representation from any municipality to convert its schools into Government institutions?

A.—(a) & (b) There are three Muslim middle schools under the management of municipal councils. The hon. Member is referred to the subsidiary tables appended to Volume II

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of the Annual Report on Public Instruction, which show the amounts given as grants for these schools and the amounts spent by the municipal councils.

(c) No.

S. M. K. BEYABANI SAHIB Bahadur:—"In view of the fact that there are only three Muslim middle schools, will the Government consider the advisability of converting them into Government schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is not possible now."

Inadequacy of accommodation in the Government Girls' High School, Salem.

* 269 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether representations have been received by the Government regarding the inadequacy of accommodation in the Government Girls' High School at Salem;

(b) whether there are proposals to construct a new building for that school; and

(c) if so, when and in which locality the building is to be constructed?

A.—(a) Yes.

(b) & (c) The attention of the hon. Member is invited to the answer given to clause (b) of question No. 802 at the meeting of the Legislative Council held on March 25th last.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask, Sir, whether any rented building has been taken up to meet the inadequacy of accommodation?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Notice."

List of schoolless centres for the future location of girls' schools.

* 270 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that there is a list of schoolless centres in respect of each taluk for the consideration of location of girls' schools;

(b) when that list was prepared, by whom and on what basis;

(c) whether the presidents of taluk boards have been consulted when the list was prepared;

(d) whether the Government have received complaints that the list was defective and it is to be revised from a practical point of view; and

(e) what the Government propose to do in the matter?

A.—(a) Yes.

(b) The lists were prepared in 1928, 1929 and 1930 by the Director of Public Instruction on information submitted

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by the Inspectresses of Schools on the basis of the population of villages recorded in the Census Statistics of 1921 and with reference to the requirement that the village should have a population of 2,000 and above in the case of non-Muhammadan girls and 1,000 and above in the case of Muhammadan girls.

(c) No.

(d) No.

(e) The preparation of new lists in accordance with the Census Statistics of 1931 will be considered when the Government are in a position to sanction new schools for girls.

Mr. K. A. NACHIYAPPA GOUNDER:—"Will the hon. the Minister be pleased to state whether the population of villages is the sole criterion for the location of girls' schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is the main criterion."

Mr. MAHMUD SCHAMNAD:—"May I know, in view of the fact that there are several mistakes and defects in the list of schoolless centres, whether the Government will be pleased to order the preparation of any correct list?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"As I have said, the question of revising the list with reference to the new census figures, will be taken up if financial conditions make it possible to open new girls' schools."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I ask the hon. the Minister for Education why the presidents of local boards were not consulted when the lists of schoolless centres for the location of girls' schools were prepared?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That was a list prepared long ago; I cannot say without notice how it was prepared."

Fall in the strength of the Higher Elementary School at Srimushnam, Chidambaram taluk.

* 271 Q.—Mr. M. DEVADASAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether children of the Adi-Dravidas were admitted into the Higher Elementary School at Srimushnam in Chidambaram taluk, and if so, how many;

(b) whether a separate shed was assigned to them; and

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(c) whether the strength of the school fell to 24 from 259 when the children of the Adi-Dravidas were allowed to sit side by side with the caste-Hindus?

A.—(a) Yes—five pupils were admitted on 20th April last and eleven more subsequently.

(b) Yes; the President, Taluk Board, on his own responsibility put up a temporary shed on 29th April behind the school-house for accommodating the Adi-Dravida boys. This was done in order to conciliate the caste parents who had withdrawn their children from the school since the admission of the Adi-Dravida boys. As the inspecting officers objected to the segregation of Adi-Dravida pupils the shed was given up after a few days' use.

(c) The attendance fell from 183 on 20th April to 21 on 24th April. It has subsequently risen and is now reported to be 130. The number of pupils on the rolls of the school which was 252 on 20th April is now 216.

Excise

Application of the communal Government Order to the cadre of Assistant Commissioners of Excise and Assistant Inspectors of Excise.

* 272 Q.—MR. ABDUL HAMEED KHAN: Will the hon. the Minister for Education and Excise be pleased to state—

(a) why the communal Government Order has not been applied to the cadre of the Assistant Inspectors of Excise, while it is being applied to a corresponding cadre in the Revenue Department, namely, Deputy Tahsildars;

(b) whether the Madras Services Commission has not in its last administration report expressed its difficulty in complying with the provisions of the communal Government Order in making promotions of Assistant Inspectors as Inspectors on account of undue preponderance of one community in the cadre of Assistant Inspectors;

(c) why the communal Government Order has not been applied to the cadre of Assistant Commissioners of Excise; and

(d) whether the Secretary to the Commissioner of Excise has always been an Anglo-Indian, and why an Indian with higher educational qualifications has not been tried?

A.—(a) The communal rule is applied to the selection by direct recruitment of candidates for admission to the Madras Excise Subordinate Service in the class of Assistant Inspectors. Where however promotions are made to the posts of Assistant Inspectors from the grade of Sub-Inspectors and Laboratory Assistants who belong to the same service, the communal rule is not applied, because the rule does not apply to promotions within a service.

(b) The hon. Member presumably refers to paragraph 18 of the report of the Madras Services Commission for 1931-32.

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(c) Promotions to the posts of Assistant Commissioner are made from the class of Inspectors who belong to the same service as Assistant Commissioners. The communal rule does not apply to promotions within a service.

(d) The following officers have held the post of Secretary since the constitution of the Excise department in April 1924:—

Name of officer.	Dates.
1 Khan Bahadur Muhammad Sadukh Ali Sahib Bahadur.	1st April 1924 to 10th May 1924.
2 Mr. H. B. Rendle	11th May 1924 to 28th March 1925.
3 Mr. W. A. Brito	29th March 1925 to 30th April 1926.
	1st November 1926 to 20th December 1929.

(Mr. W. A. Brito was on privilege leave for three weeks from 9th February 1928 to 29th February 1928 when M.R.Ry. Rao Sahib P. K. Ramunni Menon Avargal, the Assistant Secretary, was in additional charge.)

4 M.R.Ry. Rao Bahadur S. Muthuswami Ayyar Avargal. 1st May 1926 to 31st October 1926.

5 Mr. E. Brito From 21st December 1929.

The most suitable Assistant Commissioner of Excise available at the time is appointed to the post of Secretary.

UNSTARRED QUESTION

Land Revenue Administration

Damage caused by floods in Ganjam district.

273 Q.—SRIMAN M. G. PATNAIK Mahasayo: Will the hon. the Member for Revenue be pleased to state—

(a) the extent of damage caused on account of floods during the current fasli (i) in the Palur Estate in the Chatrapur taluk in the Ganjam district, (ii) in the Aska, the Ghumsur and Chatrapur and Kodala taluks in the Ganjam district;

(b) whether during this fasli damage was caused by floods in any other part of the Ganjam district;

(c) the steps taken by the Government to relieve the distress caused by such floods;

(d) whether the floods in the Rushikulya and its tributary the Ghodahado river are due to the silting up of the bed of the Rushikulya owing to a sand-bank being formed at its mouth;

(e) when the sand-bank at the mouth of the Rushikulya was formed and when the district authorities took notice of it;

(f) whether the Government ever took any steps to remove the sand-bank so as to admit of free flow of the waters of the Rushikulya into the Bay of Bengal; and

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(g) whether the Government will be pleased to place on the table the report or reports received regarding the recent floods in the Ganjam district?

A.—(a), (b) & (g) Copies of the reports received from the Collector are laid on the table.*

(c) In addition to the steps taken by the Collector as detailed in his reports, the Government have sanctioned sums aggregating Rs. 1,500 (rupees one thousand five hundred only) for relief of distress.

(d), (e) & (f) The Government have not the information, but have called for a report from the Chief Engineer for Irrigation.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931).

The hon. the PRESIDENT:—“The hon. Member, Mr. Muniswami Nayudu will continue his speech.”

* Diwan Bahadur B. MUNISWAMI NAYUDU:—“Sir, the hon. the Raja Sahib of Bobbili was referring to the cumulative effect of the various provisions of the Bill which is proposed to be introduced by Mr. Sami Venkatachalam Chetti. He said that the Bill will cut down the income of the zamindars to a very material extent, to at least 50 per cent. Whatever may be the effect of the provisions of Mr. Venkatachalam Chetti's Bill and even though these provisions were, according to him, of such a serious nature, he called a conference of the ryots' representatives who were willing to co-operate with him and to collaborate and discuss the provisions of the Bill. I will be able to show the attitude of the ryots' representatives who discussed the Bill was, and how unfounded were the apprehensions of the hon. the Raja of Bobbili in this matter.

“I would ask the hon. the Revenue Member to say whether, after all, Mr. Venkatachalam Chetti's Bill is so confiscatory as the hon. the Raja Sahib would put it and, if the provisions are bad, to remedy them, and to amend the provisions suitably.

“The Raja Sahib of Khallikote was saying that the zamindars have to meet the peshkash and the charges of the Government punctually. If not, the Collector does not hesitate to attach the properties; so the zamindars have to pay the peshkash and the bill of the Government punctually. Let us see the other side. Are the zamindars satisfied that their ryots are in a position to pay the kist punctually and without any difficulty whatever? Do they think that the ryot has got money full in his pocket and he has to be simply asked to pay and that he will do so? He is in a worse position than the zamindar in this matter. He is groaning under heavy taxation; not a single day passes, not a

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single hour passes, without complaints not merely from the zamindari tenants but also from the ryotwari ryots, not merely on the platforms but also through their representatives in this very House. Therefore, the time has come to consider how to relieve the ryot of his heavy burden. It was only the other day that you, Sir, read the address of His Excellency the Governor in which he pointed out that, after requesting the Government for remission of kist, it does not come with good grace to ask also for the improvement of the nation-building departments. I put the same question now to the other side. The zamindars seem to think ‘we have to get on with our departments even as the Government has got to go on with their departments.’ We have to find money somehow; the Government get money from the ryotwari tenants; the zamindars have to get the money somehow from their tenants. That being the attitude, it is no wonder that the landlords have asked the hon. the Revenue Member to push on with his Bill.

“Leaving that aspect of the question, I will now come to the motion before the House. It is our request in this motion that the hon. the Revenue Member should give us a chance of discussing the various provisions of the Bill of my hon. Friend, Mr. Venkatachalam Chetti, by giving leave to him to introduce the Bill and of considering how far and to what extent those provisions may be incorporated in the Government Bill. My hon. Friend, Mr. Venkatachalam Chetti, referred to some of the provisions of his Bill. The question was put and put pertinently by the hon. the Chief Minister ‘on whose behalf are you introducing the Bill and what is the following behind you?’ I am glad he put this question in this very House. The first copy of the Bill that I got—a printed copy—was through the Raja Sahib himself. He was pleased to give me a printed copy of the Bill—a Bill to amend the Madras Estates Land Act drafted by Mr. V. Ramadas Pantulu—some time in 1932. The hon. Gentleman himself gave us the copies of the Bill. The hon. Gentleman himself called Mr. Venkatachalam Chetti to the conference which he convened; now he asks what are your credentials to represent the ryots. This Bill was drafted by Mr. Ramadas Pantulu as he was the President of the Ryotwari Ryots Association in this Presidency. He was authorized to draft a Bill and he drafted it on behalf of the Zamindari Ryots Association. He was not a Member of this House and he had to ask some Members of this Council to introduce the Bill. The Bill was first balloted in the name of Mr. Satyanarayana Choudari. This time the ballot was in the name of Mr. Sami Venkatachalam Chetti. The hon. the Revenue Member took us into the history of twenty years with regard to this Bill. He also told us about the three Committees that were constituted to discuss how the Bill should be amended. May I tell this House that Mr. Ramadas Pantulu was one of those who were invited by the late Sir K. Srinivasa Ayyangar when he was the Member in charge of the Bill? Mr. Ramadas Pantulu was one of the persons who were invited by the Raja Sahib to discuss the provisions of the Bill.

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He was the person who was consulted on various occasions. He was the person with whom the Raja Sahib discussed for four hours the various provisions of the Bill. I would ask the hon. the Raja Sahib himself to answer his question 'who are you to present this Bill, what are your credentials?'

"I will ask the two representatives of the Landholders' Association, one the Secretary of the Association and the other a prominent vakil of the Association, to say as to what all we agreed to and to what extent there was the spirit of give-and-take. The draft Bill was circulated to us; a copy was placed in my hands on the 13th; it was represented to me that the draft was prepared in accordance with the discussion that took place on a previous occasion. This draft was prepared by the two members representing the Landholders' Association. The draft contained the provisions which in the opinion of the landholders were acceptable to them. I will refer to the Bill hereafter as Mr. Ramadas's Bill instead of Mr. Venkatachalam Chetti's Bill. You will see that the representatives of the landholders prepared the draft of their Bill and have amended the Statement of Objects and Reasons. They say:—

'The amendments to the Madras Estates Land Act suggested in the accompanying draft Bill are based upon the discussions at a conference held at Branson Bagh.'

An attempt has been made in this draft as far as possible to reconcile the rival view-points and evolve a formula which might be found acceptable to both parties.

The following are the principal points deserving special mention:—

Clause 2, sub-clause (2) of the Bill abolishes the category of old waste. The definition of old waste in the Estates Land Act comprised both ryoti and non-ryoti old waste and does not differentiate between the two though it was not the object of the Act to legislate in respect of uncultivable land. Sub-clause (1) requires evidence which it is difficult to secure as it is almost impossible for the landholder or ryot to adduce at this distance of time any reliable or satisfactory evidence as to whether the land in question was cultivated at any time within twenty years prior to the passing of the Act. Moreover, the ryots' representatives have been strongly pressing for the abolition of this category of land altogether, thereby bringing land which was previously treated as old waste under the category of ryoti land. This sub-clause would achieve the desired object subject, however, to the result of further discussions in the matter of the treatment of lankas.'

The question of lankas was generally discussed and it was deferred until this clause was finally settled.

'Clause 3 proceeds principally on the lines of clause 4 of Mr. Ramadas's draft Bill and provides for suspension of rent in certain cases. No provision has been made for remission of rent as it involves highly controversial issues altogether unacceptable to the landholders.'

"In Mr. Ramadas's Bill—i.e., Mr. Venkatachalam Chetti's Bill—there was provision for both remission and suspension. There was agreement so far as suspension was concerned:—

'Clause 5 seeks to clear a doubt which has arisen by reason of the somewhat conflicting views expressed by the High Court and Privy Council in 39 Madras 944, and 42 Madras, 355, Privy Council respectively, regarding the meaning and effect of the explanation to section 6, sub-section (6) and section 8.'

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'Clause 6 follows section 5 (5) of the Bengal Tenancy Act and the last portion of the new section 6 suggested by Mr. Ramadas in his draft Bill. It lays down a much-needed presumption that persons holding large extent of land shall be regarded as ijdars or farmers of rent until the contrary is proved. The extent stated is borrowed from the Bengal Tenancy Act which refers to 100 baghas or 33½ acres. This clause would have the effect of facilitating the acquisition of occupancy rights by the under-tenants of persons holding large extent of ryoti land.'

"The Raja Sahib threw out a hint that those who are so keen about having the Bill amended are not keen about the actual cultivators; and, Sir, this is a provision for which he is going to take, probably his party also is going to take, credit. Yet, he has borrowed this from Mr. Ramadas's Bill: 11-45 a.m.

'Clause 7 lays down the detailed procedure for the demarcation and allotment of pasture of forest land wherever the same may be available for the grazing of cattle belonging to ryots. This clause marks a considerable improvement on the present state of things and provides an easy way of solving the difficulties of the ryots and of removing what has been a source of friction between landholders and ryots.'

"Sir, it is not my language, it is the language of their advisers. This 'has been a source of friction between landholders and ryots' and this question has assumed much importance in recent years not only on account of the economic value of the grazing rights but also on account of its being an effective weapon to control elections. In Mr. Ramadas's Bill, there are provisions for grazing facilities and they were also discussed, and the zamindars have in their draft provided what they consider to be a remedy for this long-felt hardship.

"Then clause 8:

'Contains a modified formula for enabling ryots to acquire the ownership of trees standing in their holdings on the 1st July 1908 on payment of proper compensation. It is claimed that this is an improvement on clause 8 of Mr. Ramadas's draft which is confiscatory in character. Sub-clause (2) saves the rights of third persons in such trees.'

It is said that this confiscatory clause has been made a more acceptable clause by the attitude adopted by tenant Members in this House; which attitude, the hon. the Revenue Member hopes, not to get hereafter.

'Clause 9: It has been stated that by reason of the heavy fall in prices in recent years the rents fixed some years ago during commutation proceedings under section 40 or at a settlement of rent are pressing harshly upon the ryots. Clause 9 provides for a proportionate abatement of rent on the ground of a fall in prices. The procedure laid down is easy and expeditious. No relief is to be claimed for a fall in prices if it is inconsiderable. The basis price figures for comparison are the price figures adopted at the time of commutation or settlement on the one hand and the prevailing prices in the year of application on the other. The clause proceeds somewhat on the lines of the formula evolved in the United Provinces for the adjustment of rent from year to year.'

'Clause 10: It may be doubted whether the language of section 40 is wide enough to cover cases where cash rents varying with the crop are payable. It has been stated that the system of collecting varying cash rents according to the crop raised is working serious hardship on the ryots in some estates and that it discourages the raising of the more valuable kinds of crops.'

I ask, Sir, who is it that stated this? This is a question that was discussed at the conference.

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'Clause 10, sub-clause (1), suggests an amendment to clause 40 whereby such cases would clearly come under that section. The machinery provided in section 40 would thus be applicable to the class of cases mentioned above. Sub-clause (2) of clause 10 provides that where in the village or neighbouring villages similar lands held on zamindari tenure are not available for the purpose of comparison, the rates of rent prevailing in a neighbouring taluk may be referred to for purposes of comparison.'

That again was a provision in Mr. Ramadas's Bill.

'Clauses 11 to 18: You will observe the whole set of clauses deal with the repair of irrigation works and they all—

'Practically follow the clauses drafted by Mr. Ramdas. In view, however, of the stringent provisions of Mr. Ramadas's draft Bill, as for instance the clause which provides for the recovery from the landholder of the amount necessary for the repair of an irrigation work, as if it were an arrear of land revenue, it is necessary that there should be some provision to ensure that the amount which a landholder is called upon to pay in a particular year is not beyond his capacity. The local Government may for example advance to the landholder the necessary amount under the Agriculturists' Loans Act or otherwise and provide for its repayment in suitable instalments. The exact form in which an upward limit can be provided for the payment which a landholder may have to make in a single year in the matter of the repair of irrigation works in his estate either directly from out of his revenues or indirectly by way of discharge of a loan incurred for the purpose, will have to be decided at the conference.'

'Then:

'Clause 19 provides for the remission of rent pending the carrying out of repairs to irrigation works in a form slightly different from that suggested by Mr. Ramadas in his clause 35.'

'Clause 20 safeguards the rights of landholders against dasabandam inamdars and their alienees. The existing provisions of law in this particular are considered to be highly defective. It would, it is presumed, be agreed on all hands that the landholders should be clothed with the necessary powers for enforcing the legitimate liability which under the law falls on dasabandam inamdars and their alienees.'

So, these confiscatory representatives of the tenants have been willing to arm the landholders with necessary power to recover from them the amounts that they have to spend on the irrigation works.

'Clauses 21 and 22: Are drafted so as to meet the objections that are raised against the existing provisions in the matter of the survey and settlement of estates and the preparation of record of rights. The principal provisions in Mr. Ramadas's draft have been embodied in these clauses. Survey has been made compulsory. This is achieved by a thorough change in the language of section 164 (1). It is however obvious that the effect of making the survey compulsory would be to throw on the landholder all on a sudden a burden which he would find it impossible to bear. The provisions of the Survey and Boundaries Act in the matter of recovery of the cost of the survey from landholders are extremely stringent, and a suitable formula has therefore to be devised for spreading the cost over several years or otherwise for bringing the payment to be made by the landholder in any particular year within reasonable limits.'

You will find, Sir, that in the present Act, the provision is that the cost should be borne both by the landholders and the ryots. As a result of the conference and as a result of that Bill of Mr. Ramadas, the landowners have recognized the equity of bearing it themselves; only they wanted they should be enabled to make payment over a large number of instalments.

'Settlement may be applied for within one year after the final publication of record of rights instead of within two months as now. This is considered better than Mr. Ramadas's clause 42 which leaves the matter vague.'

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So the landholders have come happily to our rescue to make it more clear.

'The suggestion about the application for settlement being made by ryots holding one-eighth of the ryoti lands has been accepted but it is considered unnecessary and inexpedient to leave it to the local Government to order settlement of rents of its own motion.'

That is the quarrel between the Chief Minister and his hon. Colleague the Revenue Member here.

'The amendments suggested in the above two clauses give full effect to the main proposals made by Mr. Ramdas with the alterations above stated and are so drafted as to avoid unnecessary interference with the frame work of the chapter.'

'Clauses 23 and 24.—Give the ryots some protection against the extravagant demands of money-lenders. The new section 211-A provides that what is known as the damdupat rule should be applied to the mortgage debts of ryots. Sub-section (2) of section 211-A saves the existing powers and jurisdiction of courts in the matter of giving relief to debtors.'

With regard to the first clause, I would leave my Friend, the Raja Sahib of Bobbili and the Kumararaja of Chettinad, who belong to the money-lending profession to consider this provision.

'The objection raised on behalf of the ryots to the jurisdiction under the Madras Estates Land Act being exercised by itinerant officers can be met by the establishment of Stationary Deputy Collectors' courts one at least in each of the following districts.'

Then the districts follow:

'Executive instructions can also be immediately issued to the Sub-Collectors and Deputy Collectors to try cases arising under the Madras Estates Land Act at their headquarters.'

'Now, Sir, you will see that almost every one of the clauses of the draft Bill has been practically borrowed bodily from Mr. Ramdas's draft or has been so slightly altered here and there so as to take into consideration the difficulties which the landholders expressed. Then, they end the draft as below:—

'The draft Bill merely states in suitable language the principle points which were discussed at the conference, but it does not purport to contain or embody all the consequential changes, which have to be made in the other sections of the Act by reason of the amendments which are here set out.'

I am not drawing upon my imagination as to what was discussed or what was not discussed—this is only the result of the conference held at the Raja Sahib's house—

'A Bill complete in that sense and fit for introduction into the Legislative Council will have to be drafted after the principal amendments are finally settled and decided upon at the conference.'

'Then, Sir, what all happened is this: they drafted a Bill and Mr. Ramdas issued a statement. The Raja Sahib was not here; and afterwards when he arrived, he went to Mr. Ramdas. They discussed everything for four hours on two days; they came to some understanding, and possibly as a result of that deliberation this Bill was revised and circulated to all of us. What the original Bill as drafted was, we do not know; but the Bill as drafted after the discussion with Mr. Ramdas reached our hands. And there are sections in it which

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have been almost modelled upon Mr. Ramdas's Bill; and these sections were the basis on which a compromise was talked of between the two parties. Whatever effect these sections may or may not have, I certainly say that the statement made by the Raja Sahib that the return from the estates would be reduced by 50 per cent cannot be accepted as wholly correct. It is not also stated as to what effect the other provisions may have on the present position. The Bill with all its provisions is still open for discussion. Whatever that may be, we have something like twenty clauses on matters which are covered by the Bill on which there was a spirit to compromise; but what really has happened is that a chance has not been given to us to talk over this draft Bill in order to find out to what extent it can be modified. We find that that draft Bill has been put into the hands of the hon. the Revenue Member. I do not know, however, if he has been furnished with a copy of the Statement of Objects and Reasons for these amendments. If he had been, probably he would have taken the trouble of trying to consult whomsoever he considered to be representatives of the ryots on those matters.

"Now, Sir, there is one other point. The Bill does not stop there; it proceeds further and says:—

'The following provisions are not to be found in Mr. Ramadas's draft. —I am not going to take more time of the House than is absolutely necessary, Sir—

'Clause 2, sub-clause (1) which brings all pre-settlement major inams under the definition of an "estate".'

That is a think for which the Raja Sahib would take credit as one which has been evolved by him; but, Sir, I may point out that it has been in the original Bill of 1908; in the Bills of 1921, 1922 and even of 1931, it was there. It was unfortunately due to the turn that took place in the Select Committee that the Government's intentions could not be effected, and I am glad that the Raja Sahib has seen to it that he should conform to what the Government's intentions have always been all these years.

'Clause 4 which seeks to introduce a new section regularizing the relative rights and liabilities of landholders and trespassers on ryoti land.'

That I think was already provided for in the Bill which went to the Select Committee; it is also in the Select Committee Bill. Again,

'Clause 20 which elaborately deals with the rights of landholders against desabandam inamdars and their alienees.'

That is no doubt an improvement both upon the Select Committee Bill and upon Mr. Ramdas's Bill.

"Lastly,

'Clauses 23 and 24 which provide protection to ryots, even if partial against the ravages of money-lenders.'

That of course is a matter which is beyond the province of the ryots' representatives, to save the ryots from these plutocrats and money-lenders.

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"Therefore, I am appealing now particularly to the hon. the Revenue Member, if he had not the opportunity before now of having an idea as to what it is that induced this conference to meet, what the basis of that conference that took place was and what the basis is for the demands now made by the ryots, to now at least take these facts into consideration, talk them over with the representatives who stand here and whom the Raja Sahib himself has chosen to call as 'representatives of the ryots' and to discuss the whole thing with them thoroughly. After all, Sir, they are not so unreasonable or confiscatory in their amendments, as the Raja Sahib would make them appear.

"He also quoted a resolution of the conference held in East Godavari and said that those ryots wanted that all the intermediaries should disappear; and he asked us whether we represent them. Sir, I wish we were really able to represent them; but unfortunately we could not see eye to eye with them in such a strongly worded resolution. In the eyes of these new advocates of the congress section of the ryots' conference, we stand as moderates; we do not want to go as far as they want us to go; we are moderates, we are not extremist representatives of the ryots. The hon. representatives who went to England against the congress mandate to attend the Round Table Conference claimed to represent the country and to speak in the name of the country. If this Government and the Government of India thought that they were gentlemen—though they could not command any following in the country—who could represent the country, we were also recognized as ryots' representatives by the Chief Minister himself who has called us as persons fit to represent the ryots' interests. We, as ryots' representatives, command much more following than those gentlemen who went as representatives of this country to England. I submit it is the policy of the Government in this, as in land. I submit it is the policy of the Government in this, as in political matters, to slight the moderate elements. I wish, Sir, that the hon. Member for Revenue would also take note that in this agrarian dispute they were at one time trying to take into confidence the moderate representatives and trying to have their constitution for the ryots settled. If you do not want our hand of friendship, by all means reject it; but you will be doing it at your risk. I am sure the hon. the Raja Sahib must be laughing within himself when we begin to speak on behalf of the ryots, saying: 'You people are more moderate than the most advanced sections; but you come and speak like Mr. Ranga, or somebody else in the conference.' If such is the invitation to us and to others who have not yet joined those advanced sections, well, the country will be ready to take up that challenge; and then I am sure you should be ready to deal with men of that type, if you do not want to deal with us here and now. (Hear, hear.)

"Then, Sir, the hon. Member, the Raja of Khallikote gave us a lecture on the duties of the ryots' representatives, and stigmatised us as agitators. And what is more, he told us that we are out for taking

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noon.

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some money from these gullible ryots, and he does not know where this money goes. I do not want to say much on that aspect, Sir, as my hon. Friend, Mr. Kumaraswami Reddiyar, intervenes now with the remark that the Raja did not mean to characterize hon. Members of this House as such"

The RAJA OF KHALLIKOTE:—" May I make a personal explanation, Sir, I never meant to cast any insinuation on any Member of this House when I called the spokesmen of the ryots as agitators. I had in mind people who are not Members of this House."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" If they are not Members of this House, let my hon. friend rise up and say whether they were not Members of this Council before. He knows the persons taking part in agitations in his part of the country and he says he has succeeded in putting down the activities of those agitators. He says that there are agitators in other places but so far as his part of the country is concerned, they have been silenced by the attitude of the ryots. He may have suppressed them and he may have resources enough to suppress them. Evidently he thinks that the ryots are satisfied. I may say, Sir, it is not probably without some advantage that my hon. Friend went to England and attended the Round Table Conference. Evidently he has caught the spirit of Mr. Churchill, for he says that the people are good, the ryots are good and happy under benign zamindars and asks why these agitators should come in and create trouble. That is exactly what Mr. Churchill says with regard to the Indian problem. And treatment given to the views of Mr. Churchill will also be accorded to the advice of the Raja Sahib of Khallikote.

" Another thing I want to say, Sir, and it is this. I want to appeal to the hon. the Revenue Member that he owes a heavy duty to the ryots. I do not want to cajole him as it were, nor do I want to threaten him. Signs are not wanting that the agrarian movement is getting out of the hands of the moderate section of the people already. The latest move on the part of the ryots taking their cue from Pandit Jawaharlal Nehru and others of his way of thinking in other Provinces, is to do away with the zamindari system. As to whether they will succeed in their efforts; or whether the zamindars with all their man-power and the influence and resources of themselves and also of the Government behind them will be able to crush them is a matter for the future. But here we are standing between both. We have not yet become extremists, but whether we want to become extremists or not, there are others who are ready to take up that creed. I would therefore appeal to the hon. the Revenue Member to follow the policy of the Secretary of State and confer with the moderate representatives and see, before it is too late, that the necessary amendment of the Act is effected in such a way as to materially satisfy the ryot. This is our offer and it is there for the hon. Member to respond to it.

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" One thing more, Sir, before I close. I would request the hon. the Revenue Member to set before himself the high standard which his illustrious predecessor, Mr. Forbes, set when he introduced the Bill of 1908. The Raja of Khallikote said, that the relations between the zamindars and their tenants are like father and son and that both live in amity like a happy family, so that these agitators may not show their head. On the previous occasion the illustrious ancestor of the hon. the Chief Minister, the then Maharaja of Bobbili, made the same appeal to Mr. Forbes. He did not appeal on the ground that it was an agitator that was at the bottom of the trouble, but on the ground that, that Bill would interfere unnecessarily with the very good relations existing between the landholder and tenant. I would just appeal to the hon. the Revenue Member to profit by these remarks made on the previous occasion. This is what Mr. Forbes says:—

' At the same time I have very much sympathy with what the Maharaja said as to the paternal relation between the zamindar and his ryots, the traditional respect with which the zamindar is treated and the genuine sympathy which he entertains for his tenant. He feels that a declaratory law would end in this that the relation between them would become quite mechanical and impersonal.

' These, however, are among the reasons which compel the Government to take decisive action. If all zamindars cultivated these relations, there would perhaps be little need for legislation. But circumstances are rapidly changing. The ancient zamindars are being displaced by new men who have no traditional connexion with the soil, and whose action will be guided solely by commercial or selfish motives, and who will strain the law to its utmost limits. A law is a bad law which gives opportunities for diverting its power to oppress the poor and weak. The actions too of ancient families in these days of luxury and absenteeism are estranged from their old homes and are, I fear, often actuated by similar motives.'

" Very prophetic words I may say. If these words applied in 1907, they apply with redoubled force in 1933.

' Moreover unless rights are firmly fixed and declared, the slow process of erosion imperceptibly wears them away. The zamindar is the flood stream; the ryot, the river-bank. Not only in justice to a weak class who are specially in need of the protection of the strong arm, but on every ground, political and economic, the Government could not sit by impassive.'

" These are words which I would ask the hon. the Revenue Member as the successor in office of the illustrious Mr. Forbes, to bear in mind, in dealing with this question and not brush aside what the principles for which the Government of his day stood.

" Lastly, one other point I want to touch, Sir. The Raja Sahib said with a certain amount of self-importance and self-complacency, ' Here are my amendments. My party gave notice of some amendments and they are a definite improvement upon the existing Bill. Will you throw them away to the winds?' In the first place, the statement is not correct. They are not his amendments. They are the amendments which were agreed to at the conference. They are amendments which are contained in Mr. Ramadas's Bill. They are amendments put forward as those we are willing to discuss. To say that there is any originality

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in them and that they were thought of by him is a thing which I cannot characterize otherwise than as incorrect. Coming as the statement does from a person in the position of the Chief Minister and a representative of the landholders, it will be understood by the gullible public as implying that they are his amendments. They are not. They are amendments which were agreed to as those to which we can give a chance to discuss. In your own interests you drafted them as amendments which are accepted by the tenants. But they have to be examined carefully. Many of these amendments probably will be irrelevant to the Bill, and probably you, Sir, will have to rule out some of them.

"I have nothing more to say than this one thing, Sir. I hope I am appealing to the hon. the Revenue Member not in vain. I hope he has ears to hear us and does not shut his ears against the reasonable requests of the hon. Members here. I hope that even now he would proceed with the matter in a spirit of give and take, and in regard to the various points embodied in our amendments in which he may not see eye to eye with us, he would meet us half-way and not throw them away. Let me add that opportunity should be given to the Select Committee to consider to what extent our proposals require to be embodied in the Bill and what points require to be given weight. I therefore appeal to hon. Members of this House to take into consideration everything I have urged and vote in favour of this motion."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, the motion before the House is that the Bill of which I am in charge be recommitted to the Select Committee with instructions that the provisions of what is known as Mr. Ramadas's Bill be also taken into consideration and incorporated in the Bill which is now before this House. Sir, the provisions of Mr. Ramadas's Bill fall into two classes, those which are relevant to the Bill now before the House and those which are not relevant to that Bill; for the Bill now before the House is an amending Bill and not a consolidating Bill. As regards those provisions which are not relevant to the Bill now before the House, the recommitment of this Bill to the Select Committee would not empower that Committee to take them into consideration. The other amendments are those which are relevant to the Bill which is now before the House. When this Bill was before the Select Committee, all the Members of that Committee had copies of Mr. Ramadas's Bill, and we did take into consideration those of the amendments which were brought up for consideration by the representatives of the tenants or by any other Member of the Select Committee. In the Select Committee it was made clear that it was possible to consider the provisions of Mr. Ramadas's Bill so far as they are relevant to my Bill, and in certain cases those provisions were brought forward and were considered. It is possible even now in the case of those provisions of Mr. Ramadas Pantulu's Bill which have not been embodied in the Bill by the Select Committee, to bring forward

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amendments that is to say, amendments which are relevant to my Bill. I do not think therefore that any good purpose will be served by recommitting my Bill to the Select Committee for further consideration in connexion with such of the provisions of Mr. Ramadas Pantulu's Bill as are relevant to my Bill, because the Select Committee had already had ample opportunity to consider them."

* The hon. the PRESIDENT:—"The question is that the Bill of Sir Archibald Campbell be recommitted to the Select Committee with an instruction that the provisions of Mr. Sami Venkatachalam Chetti's Bill be also taken into consideration and incorporated into the Bill of Sir Archibald Campbell."

The motion was declared lost.

A poll was demanded by Mr. Abdul Hameed Khan, and the House divided thus:—

Ayes.

- | | |
|-----------------------------------|--------------------------------------|
| 1 Dr. P. Subbarayan. | 15 Mr. K. Singam Ayyangar. |
| 2 Mr. K. R. Venkatarama Ayyar. | 16 " Moulvi Hafeez Anumanthakudi |
| 3 Rao Bahadur T. A. Ramalingam | Mustapha Ahmed Meeran. |
| Chettiyar. | 17 Diwan Bahadur B. Muniswami |
| 4 Mr. Sami Venkatachalam Chetti. | Nayudu. |
| 5 " T. S. Ramaswami Ayyar. | 18 Mr. K. P. Raman Menon. |
| 6 " V. T. Arasu. | 19 " M. S. Sreshta. |
| 7 " A. B. Shetty. | 20 " P. V. Krishnayya Choudari. |
| 8 Khan Bahadur P. Khalif-ul-lah | 21 Sriman M. G. Patnaik Mahasayo. |
| Sahib Bahadur. | 22 Mr. C. Indriah. |
| 9 Rao Sahib A. S. Alagannan Chet- | 23 " J. Kuppuswami Choudari. |
| tiyar. | 24 " Mahboob Ali Baig. |
| 10 Mr. Abdul Hameed Khan. | 25 " G. R. Premayya. |
| 11 " U. C. Subrahmanya Bhatt. | 26 " K. Pattabhiramayya. |
| 12 " K. P. V. S. Muhammad Meera | 27 Rao Bahadur R. K. Venugopal |
| Ravuttar. | Nayudu. |
| 13 " K. A. Nachiyappa Gounder. | 28 Mr. C. R. Parthasarathi Ayyangar. |
| 14 " P. Peddiraju. | 29 " A. Ranganatha Mudaliyar. |

Noes.

- | | |
|--|--------------------------------------|
| 1 The hon. Khan Bahadur Sir Mahomed Usman. | 16 Rao Bahadur A. T. Pannirselvam. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 17 Mr. M. Devadasan. |
| 3 " Sir Archibald Campbell. | 18 Rao Sahib N. Siva Raj. |
| 4 " Mr. H. G. Stokes. | 19 Subadar-Major S. A. Nanjappa |
| 5 " Diwan Bahadur S. Ku- | Bahadur. |
| maraswami Reddiyar. | 20 Rao Bahadur R. Srinivasan. |
| 6 " Mr. P. T. Rajan. | 21 Rao Sahib V. I. Muniswami Pillai. |
| 7 " the Raja of Bobbili. | 22 Mr. P. C. Moses. |
| 8 Rao Bahadur V. N. Viswanatha | 23 " P. V. Rajagopala Pillai. |
| Rao. | 24 " V. G. Vasudeva Pillai. |
| 9 Mr. J. A. Thorne. | 25 Khan Bahadur Yahya Ali Sahib |
| 10 " H. M. Hood. | Bahadur. |
| 11 Diwan Bahadur N. Gopalaswami | 26 Mr. P. Bayappa Reddi. |
| Ayyangar. | 27 " G. Lakshmana Reddi. |
| 12 Mr. R. Madanagopal Nayudu. | 28 Rao Sahib V. Dharmalingam Pillai. |
| 13 " E. Conran Smith. | 29 Kumara Raja of Venkatagiri. |
| 14 " T. Sundara Rao Nayudu. | 30 The Raja of Kallikote. |
| 15 Khan Sahib Syed Tajuddin Sahib | 31 Mr. M. A. Muthiah Chettiyar. |
| Bahadur. | 32 " A. V. Bhanaji Rao. |
| | 33 " K. M. Duraiswami Reddiyar. |

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Noes—cont.

34 Mr. J. A. Davis.	43 S. M. K. Boyabani Sahib Bahadur.
35 „ Daniel Thomas.	44 Mr. A. Ramakrishna Reddi.
36 „ H. M. Jagannathan.	45 Rao Bahadur Sir A. P. Patro.
37 Rao Bahadur D. Krishnamurti.	46 „ C. Natesa Mudaliyar.
38 Rao Sahib P. Subrahmanya Chetti.	47 Mr. M. B. Rangaswami Reddi.
39 „ C. Jayaram Nayudu.	48 Diwan Bahadur S. Ellappa Chetti.
40 Diwan Bahadur A. Appadurai Pillai.	49 Mr. R. M. Palat.
41 Rao Sahib D. V. Narasimhaswami.	50 „ W. W. Ladden.
42 „ Pandit Ganala Ramamurti.	51 „ R. Foulkes.
	52 „ Gade Simhachalam

Ayes 29. Noes 52.

The motion was lost.

12-15 p.m. * Mr. SAMI VENKATACHALAM CHETTI:—“ Sir, Mr. President, undaunted by the phalanx of Government and Justice Party I come again to the Government and the Justice Party expecting at least fair treatment in this humble and modest request of mine. I propose—

‘that the Minutes of the Select Committee on the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931) be made available to the Members at once.’

“ I do not know under what category of motions my hon. Friend, the hon. the Revenue Member, will look upon this motion whether revolutionary or confiscatory or expropriatory. In any case, I consider as a Member of Council, one is entitled to look at the proceedings of the Select Committee to enable him to form his judgment on the question before the House. If the answer is going to be, ‘Try as you may, you are only crying in the forest of men. We shall go on setting aside all your request,’ I can only appeal to you, Sir, Mr. President, whether you do not consider this request at least reasonable, at least reasonable enough that you might add your influential voice in this matter and ask the Government to make the proceedings available. I am of opinion, Sir, that in this matter the President can usefully intervene so that the information available with the Government ought not to be precluded from being available to us in order to arrive at some decision with regard to the very important matter coming up for discussion. Perhaps, the proceedings of the Committee when published will be able to throw much light over the manner in which each question was brought and how the final conclusion was arrived at in which case, the progress of the Bill will be considerably facilitated. I, therefore, move, Sir, that the proceedings of the Select Committee be made available.”

* Mr. V. T. ARASU:—“ I rise to second the amendment moved by Mr. Sami Venkatachalam Chetti. The amendment is that the proceedings of the Select Committee be made available to the Members of the House. I had the privilege of attending the meetings of the Select Committee though I was not elected as one of the Members of the Select Committee to sit on this Bill; therefore I am in a position to state that a perusal of the minutes of the Select Committee would certainly help members of this House to assess the implications and the importance of

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the various clauses. I would also add that the notes on the various clauses prepared by the Secretariat should also be made available to Members. For, it would considerably help us to understand the implications of the amendments that the Government have now proposed to this Bill. Therefore, I join with my Friend, Mr. Sami Venkatachalam Chetti, in appealing to the hon. the Revenue Member to make the Select Committee proceedings, which are only, I believe, about 100 pages of cyclostyled matter, available to the Members of the House.”

* The hon. Sir ARCHIBALD CAMPBELL:—“ Mr. President, Sir, if it is the general desire of the House to have copies of these minutes of the meetings of the Select Committee as recorded by the Secretary to the Council, I have no wish to withhold the information from the House. I believe the proceedings will be placed before the Members to-morrow morning.”

Mr. SAMI VENKATACHALAM CHETTI:—“ I must express my deep appreciation and thanks for the very great concession the hon. the Revenue Member has shown to this House.”

* The hon. the PRESIDENT:—“ As the Government have agreed to the circulation of the proceedings of the Select Committee, and as the House seems to be unanimously of opinion that the proceedings should be circulated, I shall have them circulated in print, if possible at 11 a.m. to-morrow. In the circumstances, the hon. Member need not press his motion.”

Mr. SAMI VENKATACHALAM CHETTI:—“ Under the circumstances, I do not press the motion to a division.”

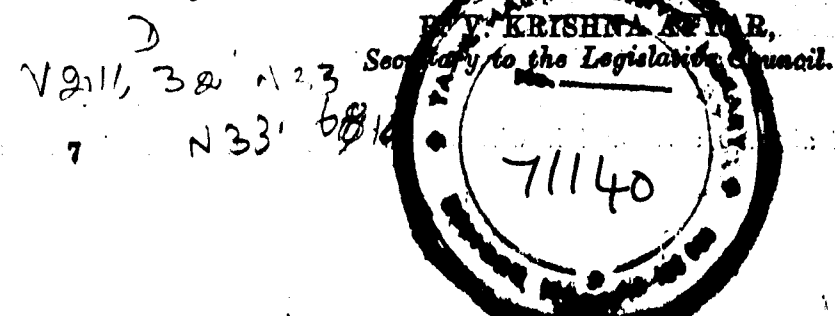
The main motion that the Bill further to amend the Madras Estates Land Act, 1908, for certain purposes (Bill No. 12 of 1931) be taken into consideration was put to the vote of the House and carried and the Bill was taken into consideration.

Mr. SAMI VENKATACHALAM CHETTI:—“ Sir, may I, having regard to the promise made by the hon. the Revenue Member that these proceedings will be made available to the Council and as it is only right that those proceedings must be made available to the House, suggest that the Council may adjourn till to-morrow morning and the Bill be proceeded with afterwards.”

Dr. P. SUBBARAYAN:—“ I also support the suggestion.”

* The hon. the PRESIDENT:—“ It has been agreed on either side that copies of the proceedings of the Select Committee should be made available to the hon. Members to-morrow morning.”

The House is adjourned till 11 o'clock to-morrow.



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or 1933]

APPENDIX I.

[Vide answer to question No. 232 asked by Mr. A. Pl. N. V. N. Pillai at the meeting of the Legislative Council held on the 1st November 1933, page 259 supra.]

The humble memorial submitted by the 'Tanjore Old Delta Mirasidars' Association at Mayavaram, sheweth:—

(1) This association respectfully tenders its grateful thanks to the Government for suspending a 12½ per cent of the land revenue payable for the year 1933.

(2) But at the same time this association would respectfully urge for consideration of the Government the following facts:—

(a) That 80 per cent of the cropped area which is about 10 lakhs of acres, is only paddy, unlike other districts, and that cereals are not produced sufficiently but have to be imported from other places.

(b) That, as a consequence, the landowners have to maintain themselves and also pay the Government demand only by selling paddy.

(c) That price in the selling months of this year was Re. 1 per kalam (for both inferior and superior varieties); an owner of 1 acre of land according to the tables prepared by the Settlement Officers of the Government, gets only Rs. 7-8-8 for the first taram and Rs. 1-5-0 for the last taram, while the Government demand for the same is Rs. 16-10-0 and Rs. 3-8-0 respectively.

(d) That it is an indisputable fact that of the 10 lakhs of acres in this district the great majority constitute sixth, seventh and eighth tarams. For the said tarams the income per acre is Rs. 1-6-10, Re. 0-5-1 and Re. 1-0-4, while the Government demand is Rs. 8-4-0, Rs. 7-2-0 and Rs. 5-15-0 respectively.

(e) That in the eastern portion of the district, especially in Mayavaram taluk, more than 75 per cent of the area is of seventh taram, and it will be striking to note that according to the tables prepared by the Settlement Officers, an owner of 1 acre of such lands gets an income lower by about 75 per cent than the last taram, i.e., he gets Rs. 0-5-1 while the last taram owner gets Rs. 1-5-0 per acre, whereas his assessment is Rs. 7-2-0 as compared with Rs. 3-8-0 of the last taram. We have appended a printed table with figures worked out on the basis of the Settlement Officer's report and pricing one kalam of paddy at Re. 1.

(f) That on an average it is computed that a holding consists of about 5 acres and it will be obvious from a calculation from the

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printed table (at page 304) that the average income will be about Rs. 7-8-0, if it is of the sixth taram and Rs. 1-8-0, if it is of the seventh taram.

(g) That 90 per cent of the pattadars hold only less than five acres.

(3) This association therefore respectfully requests that the Government may be pleased to order the suspended revenue to be remitted. In this connexion the association begs to state that though there was a slight increase in the price of paddy in the months of June and July, the same has come down again and that any rise in the price of paddy after the selling months of the ryot (i.e.) January to April is of no benefit to the ryot, who before the end of April has to sell out all his stock of paddy (after reserving what is necessary for his consumption and for seed-paddy) to pay the Government demand in the months of January to April, and to purchase his other wants.

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Sl. No.	Assessment.	Yield per acre in Madras measures, etc.	Value at Re. 1 per kalam of 24 Madras measures.	Deduct 15 per cent for vicissitude of season, etc.	Cultivation expenses.		Land cess.	Total of Cols. (2) and (5) to (8).	Margin to the ryot per Acre		Veli.
					Kind.	Cash.			Col. (4) — (9).	Col. (10) — (9).	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
1	RS. A. P.	M.S. K. M.	RS. A. P.	RS. A. P.	M. = RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
2	16 10 0	1,300 54 2	54 2 8	8 2 0	3 9 4 0	11 1 0	1 9 0	46 10 0	7 8 8	50 4 5	
3	14 4 0	1,150 47 11	47 14 8	7 3 0	8 9 10 10	6 7 1	1 5 5	41 12 10	6 1 10	40 12 3	
4	11 14 0	1,000 41 8	41 10 8	6 4 0	8 0 11	9 12 2	1 1 10	37 0 11	4 9 9	30 11 8	
5	10 10 0	900 37 6	37 8 0	5 10 0	7 8 2	9 2 2	0 15 11	33 14 3	3 9 9	24 1 0	
6	9 8 0	800 33 4	33 5 4	5 0 0	7 0 11	8 7 9	0 14 3	30 14 11	2 6 5	16 0 1	
7	8 4 0	700 29 2	29 2 8	4 6 0	6 1 6	7 13 4	0 12 5	27 11 10	1 6 10	9 8 3	
8	7 2 0	600 25 0	25 0 0	3 12 0	5 15 4	7 2 11	0 10 8	24 10 11	0 5 1	2 1 11	
9	5 15 0	550 22 11	22 14 8	3 7 0	5 6 6	6 8 11	0 8 11	21 14 4	1 0 4	6 12 11	
10	5 4 0	500 20 10	20 13 4	3 2 0	4 13 9	5 14 6	0 7 11	19 10 2	1 3 2	7 15 9	
11	4 12 0	450 18 9	18 12 0	2 13 0	4 4 11	5 4 1	0 7 2	17 9 2	1 2 10	7 13 7	
12	4 2 0	400 16 8	16 10 8	2 8 0	3 13 7	4 9 8	0 6 2	15 7 5	1 3 0	8 0 4	
	3 8 0	350 14 7	14 9 4	2 3 0	3 6 3	3 15 3	0 5 3	13 4 4	1 5 0	8 12 0	

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APPENDIX II.

[Vide answer to question No. 252 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 1st November 1933, page 270 supra.]

I.

Statement showing the training centres for first-class midwives and the number of candidates trained each year during 1929-32 at the expense of the Government and of the local bodies.

Names of training centres for first-class midwives.	At the cost of Government.				At the cost of taluk boards and other local bodies.			
	1929.	1930.	1931.	1932.	1929.	1930.	1931.	1932.
Government Hospital for Women and Children, Madras	63	66	55	49	33	43	43	28
Government Victoria Caste and Gosha Hospital, Madras	10	11	8	9	..	..	1	..
Raja Sir Ramaswami Mudaliyar Lying-in Hospital, Rayapuram ..	Nil.	..	..	..	18	18	19	18
Government Headquarters Hospital, Guntur	..	..	..	..	..	..	..	..
Christina Rainy Hospital, Tondiarpet.	..	..	..	..	..	..	..	..

No midwives are trained.

Does not train midwives at the cost of the Government or local bodies, but nurses who are trained at the cost of the hospital or at their private cost, receive in addition to their general nursing course, a course in midwifery.

II

Name of district.	Number of dispensaries in which there are no midwives at present.	Name of district.	Number of dispensaries in which there are no midwives at present.
Anantapur	11	Kurnool	9
North Arcot	17	Madura	10
South Arcot	11	Malabar	9
Bellary	12	Nellore	5
Chingleput	4	The Nilgiris	Nil.
Chittoor	10	Ramnad	4
Coimbatore	21	Salem	15
Cuddapah	9	Tanjore	24
Ganjam	11	Tinnevely	14
Godavari, East	30	Trichinopoly	21
Godavari Agency District Board	1	Visagapatam Agency	2
Godavari, West	15	Vizagapatam	17
Guntur	17		
South Kanara	9		
Kistna	18		
		Total	326

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APPENDIX III.

[Vide answer to question No. 253 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 1st November 1933, page 271 supra.]

No. R. Dis. 5270/D/29.

OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES,
Madras, dated 9th April 1930.

D. N. STRATHIE, Esq., I.C.S.,

Registrar.

Memorandum.

The Government have directed from time to time that the entire efforts of the departmental staff should be directed far more towards rectification or liquidation of the existing bad societies than to the formation of new societies. The Deputy Registrars and Sub-Deputy Registrars are therefore requested to see that registration of new societies is not encouraged to the detriment of rectification of existing societies. They should remember, particularly, that they cannot go on registering new societies in the hope that the Government will sanction additional staff for audit at the rate of one Inspector for sixty societies. It will be increasingly difficult to get additional staff and every effort should be made to weed out the bad societies especially those which have little or no transactions and cannot possibly be revived. There are apparently several such societies and liquidation in such cases will be comparatively easy. The liquidation of societies with heavy liabilities to the financing bank should not, however, be undertaken light-heartedly as the staff available for liquidation work is very limited. In such cases full advantage should be taken of the services of the non-official bodies like the union and the district federation and every attempt should be made to clear the Central Bank's dues before the society is recommended for liquidation.

(By order)

T. R. RANGANATHAM,
Manager.

To all Deputy and Sub-Deputy Registrars.
" Extra Assistant Registrar, Vizagapatam.

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B. 5608/30.

OFFICE OF THE REGISTRAR OF
CO-OPERATIVE SOCIETIES,

Madras, dated 26th November 1930.

D. N. STRATHIE, Esq., I.C.S.,

Registrar.

Circular.

[Organization of societies—Instructions issued. *Reference.*—Registrar's Memorandum No. R. Dis. D. 5270/29, dated 9th April 1930.]

It is observed that 534 societies were registered in the year 1929–30. More than 75 per cent of the new societies were registered in the following twelve districts:—

(1) Ganjam	...	...	...	...	...	70
(2) East Godavari	...	...	...	...	...	39
(3) West Godavari	...	...	...	...	...	35
(4) Kistna	...	...	...	...	...	28
(5) Guntur	...	...	...	...	...	35
(6) Nellore	...	...	...	...	...	24
(7) Coimbatore	...	...	...	...	...	29
(8) Salem	...	...	...	...	...	27
(9) North Arcot	...	...	...	...	...	38
(10) Tanjore	...	...	...	...	...	26
(11) Trichinopoly	...	...	...	...	...	31
(12) Madura	...	...	...	...	...	26
Total						408

Government have repeatedly urged that the formation of new societies should not be encouraged and that attention should be devoted more to rectification and consolidation work. The attention of Deputy Registrars is once again drawn to Registrar's Memorandum No. R. Dis. D. 5270/29, dated 9th April 1930. They should see that registration of new societies is not taken up except in absolutely necessary cases and that at any rate the number of societies registered does not exceed the number the registration of which is cancelled. The Registrar expects that the Deputy Registrars will faithfully adhere to these instructions.

(By order)

(Signed) _____,
Manager.

To all Deputy Registrars and Sub-Deputy Registrars and the Extra Sub-Deputy Registrar, Vizagapatam (in duplicate).

[1st November 1933]

APPENDIX IV.

[Vide answer to question No. 259 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 1st November 1933, page 274 supra.]

G.O. Ms. No. 1666, Education, dated 14th September 1933.

The Government direct that the conversion of the post of Additional Professor of Sanskrit in the Presidency College, Madras, into a post in the Madras Educational Subordinate Service—Class I (i)—Assistant Professors and Assistant Lecturers—ordered in paragraph 2 (ii) of G.O. No. 642, Education, dated the 30th April 1932, shall take effect from the date on which the present incumbent, M.R.Ry. P. P. Subrahmanya Sastri Avargal vacates the post or the date, if earlier, on which M.R.Ry. Mahamahopadhyaya S. Kuppaswami Sastriyar Avargal retires or vacates the post of Professor of Sanskrit. Should a temporary vacancy arise in the meantime by either of these officers going on leave or otherwise, the post concerned should be left unfilled and a temporary post of Assistant Professor in the Madras Educational Subordinate Service, created instead.

(By order of the Government, Ministry of Education and Excise)

D. H. BOULTON,
Deputy Secretary to Government.

To the Director of Public Instruction.
" Accountant-General, through the Finance Department.
Copy to the Finance Department.
" Public Department.

[1st November 1933]

APPENDIX V.

[Vide answer to question No. 262 asked by Khan Bahadur Yahya Ali Sahib Bahadur at the meeting of the Legislative Council held on the 1st November 1933, page 276 supra.]

List of candidates according to districts and according to communities.

District.	Number admitted in 1932.	Number admitted in 1933.	Community.	Number admitted in 1932.	Number admitted in 1933.
Anantapur	5	5	Muhammads	1	2
Kurnool	3	3	Brahmans	67	68
Nellore	7	6	Christians	10	9
East Godavari	21	23	Adi-Andhras	2	1
West Godavari	12	8	Non-Brahmans	20	19
Guntur	16	10	Lingayat	1	1
Bellary	7	5			
Kistna	12	14			
Visagapatam	3	9			
Tanjore	1	..			
Salem	1	..			
Coimbatore	1	..			
Chingleput	1	..			
Cuddapah	2	2			
Chittoor	1	3			
Ganjam	3	11			
South Kanara	1	..			
Total	97	99			
Add number of students from Hyderabad	3	1			
Total	100	100	Total	100	100

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APPENDIX VI.

[Vide answer to question No. 264 asked by Rao Sahib V. I. Muniswami Pillai at the meeting of the Legislative Council held on the 1st November 1933, page 279 supra.]

Name of the District Educational Council.	Grant sanctioned in		
	1930-31.	1931-32.	1932-33.
	RS.	RS.	RS.
Ganjam	2,38,110	2,32,039	2,42,474
Vizagapatam	2,58,617	2,30,537	2,28,939
East Godavari	1,56,757	1,45,177	1,61,507
West Godavari	1,38,933	1,46,563	1,51,653
Kistna	1,96,267	1,77,364	1,91,765
Guntur	3,29,432	3,20,109	3,36,520
Kurnool	1,29,203	1,12,518	1,16,015
Bellary	69,333	64,197	60,401
Anantapur	76,844	60,344	50,954
Cuddapah	1,41,814	93,809	1,09,923
Nellore	1,66,462	1,57,319	1,51,498
Madras	1,99,400	1,68,926	1,51,205
Chingleput	1,49,102	1,22,248	1,11,021
North Arcot	1,68,029	1,46,655	1,39,043
Chittoor	1,27,248	1,00,721	92,394
South Arcot	2,01,493	1,71,885	1,61,822
Tanjore	2,81,731	2,49,001	2,54,609
Trichinopoly	1,55,345	1,32,905	1,32,564
Madura	1,78,438	1,44,562	1,42,787
Ramnad	2,80,476	2,41,103	2,46,996
Tinnevely	5,29,084	4,89,507	4,89,733
Coimbatore	1,41,273	1,08,954	1,06,546
Salem	86,794	70,625	67,106
The Nilgiris	52,888	45,134	43,022
Malabar	9,28,012	8,79,612	9,33,972
South Kanara	2,04,750	1,82,486	2,06,731

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APPENDIX VII.

[Vide answer to question No. 273 asked by Sriman M. G. Patnaik Mahasayo at the meeting of the Legislative Council held on the 1st November 1933, page 288 supra.]

Letter from the Collector of Ganjam, dated 30th September 1933, Ref. No. A-5-6547/33.

[Floods—Chatrapur taluk—Palur estate Chilka lake canal and Raja Ghayi—Breaches—Detailed report.]

I submit my detailed report as follows:—

Causes and extent of the floods.—On 10th August 1933 there was a rise of water in the Chilka lake owing to unprecedented floods in the neighbouring districts of Bihar and Orissa and there was consequent rise of water also in Ganjam Chilka canal. At Gokurkudda, the Salt department put up a dam across the canal for salt water to back up and go to the pans. This dam, it appears, was not removed completely and consequently the water from the Chilka could not flow freely to the sea, but overflowed the banks of the canal at some places. Early on the morning of 11th August 1933, the banks being weak, breached at several places. On account of the breaches, salt water entered into the cultivated fields and caused a big breach in the Raja Ghayi which is a bund between the cultivated fields and the Chilka lake. On 14th August 1933, there was more than 10 feet of water over these cultivated fields at some places. The water receded afterwards. The area affected was promptly visited by the Tahsildar and Revenue Divisional Officer, Chatrapur. I have personally inspected the area myself on 24th September 1933 in company with the President, District Board, Ganjam. The District Health Officer, Ganjam, also visited the area on 30th August 1933 to take precautions against danger to public health. The water receded after 18th August 1933.

2. *Total number of lives lost and families that have been rendered homeless.*—There has been no loss of human life. Six villages (including their hamlets) containing 484 households were affected by the floods. Fortunately the progress of the inundation was sufficiently slow for the ryots to remove themselves and much of their movable property to places of safety. On 18th August 1933 they were able to return to their villages. Eleven houses were damaged. A sum of Rs. 90 was paid to the owners of the houses to repair the damage.

3. *The extent of damage done to—(a) Government property other than irrigation works.*—No damage has been done to any Government property except to banks of the Chilka canal which is said to vest in the Salt department. It is not maintained properly and the banks have been

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worn low in places by traffic and other causes. About Rs. 5,000 will be necessary to bring the canal banks into a proper state of repair. The breaches have occurred within the limits of the Palur estate and the damage has been confined to the villages of that estate, viz., Lokhonopur and its hamlets, Kambarigam, hamlet of Palurgoda, Brahmarakuddi, Prayagi and its hamlets, Dubarakuddi and its hamlets, Binchanapalli.

(b) *Minor irrigation works.*—There are no minor irrigation works in the locality.

(c) *Crops and fields and other private property including houses and livestock.*—Paddy crop to an extent of about 1,000 acres of estate villages was submerged.

There is no hope of growing paddy again on this extent this year. The fertility of the paddy fields will also decrease temporarily owing to the stagnation of the salt water.

Ten dwelling houses in Lokhonopur villages collapsed and 11 houses were damaged in the other villages. Nine buffaloes and five bullocks died. The drinking water tanks and wells in the villages were affected by the brackish water.

4. *The measures taken to mitigate the effects of the floods.*—As soon as the floods became uncontrollable, the residents of the affected villages came away with most of their movable properties to Palurgoda village. They were temporarily accommodated in vacant houses in cattle-sheds and other places. There was no need for the issue of rations to these people as they brought their own stocks. On 18th August 1933 they returned to their villages to look after their houses and other properties left behind. In these circumstances there was nothing more to be done for them.

5. *Measures taken for the relief of distress and their cost to the Government.*—Out of Rs. 400 sanctioned in G.O. Ms. No. 1507, Revenue, dated 23rd August 1933, an amount of Rs. 90 was spent by way of help to the people whose houses have been damaged. A statement showing the distribution of the amount is enclosed.

6. *Whether it is proposed to give further relief.*—(i) *By way of advances.*—(a) *To cultivators.*—Loans will be given on ordinary terms when required.

(b) *To the people rendered homeless for the purpose of helping them to rebuild or repair their houses.*—No further relief is necessary.

(ii) *Otherwise.*—I understand that the Palur ryots get a substantial subsidiary income from felling and selling timber from the neighbouring hills. The people of Lokhonopur and Bhimpur own buffaloes which find ample grazing on the shores of the Chilka creeks. They have a subsidiary industry in the weaving of mats of local grass and many households are engaged in this. There is no immediate prospect of serious shortage of food. No stocks of grain were lost in the floods. Though there is no immediate prospect of famine there is no doubt that the cultivators in this area have been hard hit as they will not get a crop till December 1934. Persons that live by doing coolie work in these fields

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will also be affected. It is very desirable that they should be given some opportunity of earning a little money. The President, District Board, is sanctioning immediate repairs to two drinking-water tanks one in Lokhanopur and one in Bhimpur which will cost about Rs. 200 each. It will be seen if these will attract local labour. A road is under construction from the trunk road up to Palur. The President, District Board, is considering the possibility of extending this about a mile and a half to the Chilka canal. There is no urgent necessity for this road but in view of the relief it would give to the affected area which, shut in as it is by bills and the Chilka lake, is rather isolated, this work is very desirable. Government should contribute half the cost.

The manager of the Palur Estate promises to spend Rs. 1,000 to Rs. 1,500 on repairs to the Raja Ghayi in November 1933 but as this estate is impoverished, I doubt, whether this promise will be implemented. I am however asking her to do this work.

7. *Approximate estimated cost on account of (a) repairs to Government property mentioned in (3) (a) and (b) above and anticipated remission of revenue.*—To close the breaches in the banks of the Chilka canal a sum of Rs. 5,000 will be required. Several culverts and the banks are in a bad condition. The Factory Officer says that this canal belongs to the Salt department. No remission of Government revenue is necessary.

8. *The number of breaches that have been closed by private individuals.*—About 25 breaches have been closed temporarily by private individuals.

9. *Whether it is practicable and desirable to take any measures to prevent the recurrence of such floods or to mitigate their effect and, if so, what measures.*—The paddy crop over a large part of the area bounded by the Chilka lake on the north, salt canal on the east, Palur Hill on the south and Jakkiria Hill on the west has been destroyed by the floods. I understand that this area is cultivated mainly by the ryots from the Lokhanopur village situated at the mouth of the Sale canal and by the ryots of Palur village. The area is normally protected from the brackish water of the Chilka lake by a bund running along the edge of the lake over the Raja Ghayi which was constructed by the Palur estate. The floods breached this bund. The water of the Chilka lake also entered this area through the banks of the Chilka lake canal. It is practicable and desirable to take measures to prevent recurrence of floods.

The repair of the Chilka canal is necessary and practicable. This was dug in 1865 by the Government of Madras as a famine work—vide page 199 of the Manual of Ganjam District. It runs through zamindari land. It is not separately demarcated and the land was presumably not acquired under the Land Acquisition Act. The Government constructed this work to relieve distress and it is not equitable that it should be allowed to fall into disrepair and be a source of danger to crops on the adjacent lands. I am requesting the Executive Engineer to send me an estimate urgently of the cost of bringing the bund up to the requisite

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level to protect in future the affected areas as I think the rough estimate of Rs. 5,000 is a little high and I will report to the Board soon after I hear from him. Though the Factory Officer at Humma is under the impression that this canal belongs to the Salt department, I am not at all sure that he is right. The District Manual says that it was dug as a famine work and though the Salt Factory utilizes the canal I am not sure that it is necessary to the Salt department and shall not be surprised if they repudiate all responsibility. According to the Ganjam District Manual, page 228, the supply of brine is obtained through a creek that meet the Chilka lake canal and not from the Chilka lake. The canal was dug as a famine work and as stated above it should not be allowed to become a source of charge and loss to the adjacent lands. I strongly recommend that repairs to it be put in hand by December when the ryots will begin to feel the pinch and that this work should not be delayed by a lengthy correspondence with the Salt department as to who is to bear the whole or a portion of the cost. The work should be done and the cost or a portion of it recovered from them in due course.

There are no minor irrigation works in the affected area.

Serial number and name of the village.	Name of owner.	Amount recommended for grant.	Remarks.
		RS.	
1 Lokhonopur ..	1 Proharaj Pollayi ..	5	
	2 Tumma Nayako ..	10	
	3 Konnai Biswalo ..	15	
	4 Bhaigo Naiko ..	10	
2 Bhimpur, hamlet of Lokhonopur.	Narathomo Sahu ..	10	This house fell after the report was submitted with this office No. 2110/33, dated 27th August 1933.
3 Kambharigam ..	Nondo Mudali ..	..	The cattle-shed which has collapsed, has since been repaired.
4 Kullokuddi ..	Sombari Podhano ..	5	Mud walls are partly damaged.
5 Prayagi ..	1 Kunjo Gowdo ..	10	
	2 Dharma Gowdo ..	10	
	3 Trinatho Setti ..	5	This house was damaged after the report No. 2110/33, dated 27th August 1933, was submitted.
	4 Koibolo Naiko ..	10	The house was damaged after the report No. 2110/33, dated 27th August 1933.
		90	

N.B.—No provision is made for labour.

Copy of letter from A. R. C. Westlake, Esq., I.C.S., Collector of Ganjam, dated 14th September 1933, Ref. No. A-5-7292/33.

Consequent upon three days' rain an extensive area between Chatrapur and Rushikulya river has been covered by floods. On the 12th September Rushikulya was running very full about 6 feet below road and railway bridges. By midday on the 13th the water was reported to be touching

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the bridges and the country between the Rushikulya and Chatrapur had been converted into a vast lake, apparently by the overflow of the Rushikulya. The full extent of the inundation is not at present known.

2. As fears were expressed for the safety of Rajapore, a village 3 or 4 miles from Chatrapur which was completely cut off and as local boatmen refused to go, I had a catamaran brought from the sea shore by the lorry and reached the village at sunset crossing 2½ miles of flood. I was shortly after followed by three more catamarans with a police signaller and my jamadar. The village had been completely cut off since midday and the villagers were apprehensive as the flood had reached the level unknown to the oldest inhabitants of the village. A portion of the village was on higher ground and the houses were substantially built, the danger of any loss of life being remote. My arrival did something to reassure the villagers and I was able to report through the signal station set up by the police signaller that there was no real danger. In any case effective assistance could not have been rendered as the evacuation of the village of 300 houses was impossible with the few boats available. The flood continued to rise till about midnight when it began to subside. At daybreak the boats brought in a Sadhu marooned in a temple half a mile from the village. I returned to Chatrapur this morning. A very large area is still under a minimum depth of 3 feet of water. If it flows off within the next three days I do not anticipate any great damage to the crops. Some other villages are in precarious positions and the Tahsildar is attempting to reach them by boat to-day. No loss of life has yet been reported. It will be some days before the situation is clear. The weather to-day is fine and bright and I shall send my complete report with full information available. Floods are also reported in Ghumsur and Aska taluks.

Copy of letter from A. R. C. Westlake, Esq., I.C.S., Collector of Ganjam, dated 16th September 1933, Ref. No. A-5-7292/33.

[Floods—Ganjam district.]

In continuation of my report, dated 14th September 1933, I have to submit this further report. From the 8th to the 13th September heavy rain was general in the district. In Russellkonda there was a fall of 20–75 cents in this period culminating in a fall of nearly 7 inches on the 13th. The Rushikulya and Mahanadhi rivers rose slowly till about 6 p.m. on the 12th, after which a rapid rise took place. The flood mark at Aska shows a level of only 6 inches below that of the highest recorded flood of 1913. The town of Aska was surrounded by water, the low lying portions inundated and the houses occupied by Haddis (scavengers) destroyed. River side villages were surrounded by the floods and some were reported to be inaccessible even on the 14th. One woman is reported to be crushed under a wall and another woman was washed away while bathing. Apart from this no loss of life or cattle has been reported as yet.

2. The Ghumsur taluk was also affected by the floods and some loss of crops may have occurred, as the paddy crop over an extensive area was submerged for over three days.

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3. In Chatrapur taluk, as already reported, a large area on the south side of the Rushikulya river was submerged from the morning of the 13th and some villages on the northern bank of the river were also inundated. The Madras-Calcutta Railway line was breached at a point about 600 yards south of the Rushikulya bridge and through running was interrupted until yesterday evening. The flood rose till early hours of the morning of the 14th, subsiding gradually on the 14th and rapidly on the 15th. On the afternoon of the 15th most of the flood water had run off. I do not think that much damage has been done to the crops in this area. No loss of human life or cattle has yet been reported. A number of mud houses and cattle-sheds have collapsed but brick and stone buildings generally resisted the floods. Floods also occurred in the area around Rambha.

Detailed reports on the condition of the southern part of the district have not yet been received, but I learn that there have been floods in the Vamsadhara. The railway line between Varanasi and Parlakimedi was breached but restored on the 14th.

Some damage has been caused, of course, to the irrigation works of the Rushikulya system.

Letter from A. R. C. Westlake, Esq., I.C.S., Collector of Ganjam, Ref. No. A-5-7292/33, dated 21st September 1933.

[Ganjam district—Floods—September 13.]

In continuation of my report, dated 16th September 1933, I have to report that officers of the Revenue and Public Works Department have been actively touring in the affected areas and from their reports I have been able to gather some idea of the damage done.

2. In Aska taluk of the Ghumsur Division, damage has been caused to houses in the town of Aska (78 houses) and in 11 villages 36 houses have collapsed and 64 have been damaged. The total loss of life has been two. (These are the two cases formerly reported as occurring in Ghumsur taluk.) The flood banks of Mahanadi river have breached in many places and several minor irrigation sources have been breached. There appears to be very little loss of cattle. Damage to crops has not been fully ascertained but in view of the fact that the paddy has not reached the stage of flowering it is not expected to be serious. The Tahsildar, Aska, roughly estimates the area affected in Government villages to be 400 to 500 acres most of which will yield not less than 4 to 6 annas. The zamindari lands lying around Aska have also suffered, but total loss is expected only on very low lying lands.

3. The Ghumsur taluk in Ghumsur division has not suffered to the same extent.

4. In Chatrapur of the Chatrapur division one human life has been lost. House property has been damaged in twenty villages. Two hundred and fifty-one houses have collapsed and 79 been damaged. Seven cows and one calf are missing, presumably drowned. The bunds

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of Koratoli Tampara channels have been breached and the irrigation may be in danger. The Public Works Department has been directed to repair them. The damage to crop has not been ascertained but as most of the fields were clear of water in three days I do not anticipate that it will be extensive. Low lying paddy fields and dry crops on the banks of Rushikulya have suffered to some extent. Complete reports on damage of house property have not yet been received. The houses of the depressed classes and poorer ryots which were naturally in low and more exposed sites form a considerable proportion of the houses affected. In anticipation of sanction I have utilized Rs. 300 of the grant made for the Palur flood and not yet expended for grants to poor ryots for house-building. I request that this may be approved and a further sum of Rs. 1,000 put at my disposal for grants for rebuilding houses, as an interim measure of relief until the full extent of the damage done is known. Loans for house-building will be granted to ryots who are not qualified for other assistance.

Copy of letter from the Collector of Ganjam, Ref. No. A-5-7292/33, dated the 26th September 1933.

The inspection of villages affected by the flood is practically completed. The villages along the banks of Rushikulya in Chatrapur taluk have suffered most. According to the latest report 41 villages have been affected, 355 houses completely collapsed and 150 have been damaged by the floods. The total loss of life in Aska taluk was two as already reported and it has been ascertained that two deaths occurred in Chatrapur taluk.

2. There have been extensive damage to flood banks and 10 minor irrigation tanks in Chatrapur taluk have breached. The loss of cattle is negligible. Major irrigation works have suffered considerable damage. The Executive Engineer entertains no anxiety as regards the supply of water except in Jayamangalam where the Bagala regulator has been outflanked by a 60 feet breach in the tail end of the seventh distributary. The Executive Engineer is however confident that repairs will be done before any real water scarcity occurs.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Thursday, the 2nd November 1938.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M. Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G. Raja of Bobbili, The hon. the. Rajan, The hon. Mr. P. T. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. Abdul Hameed Khan Sahib Bahadur. Ahmed Miran Sahib Bahadur. Alagannan Chettiyar, Rao Sahib A. S. Alamelumangathayaramma, Mrs. K. Annamalai Chettiyar, Mr. S. A. A. Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T. Basheer Ahmed Sayeed Sahib Bahadur. Basu Dev, Mr. C. Bayappa Reddi, Mr. P. Beyabani Sahib Bahadur, S. M. K. Bhanoji Rao, Mr. A. V. Birley, Mr. F. Dharmalingam Pillai, Rao Sahib V. Duraiswami Reddiyar, Mr. K. M. Ellappa Chettiyar, Diwan Bahadur S. Foulkes, Mr. R. Gopalaswami Ayyangar, Diwan Bahadur N. Gopalaswami Mudaliyar, Diwan Bahadur M. Hood, I.C.S., Mr. H. M. Indrayya, Mr. C. Jagannatha Raju, Rao Bahadur G. Jagannatham, Mr. H. M. Jayaram Nayudu, Rao Sahib C. Kesavaramamurti Nayudu, Mr. K. Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P. Kolanda Reddi, Rai Sahib C. Koti Reddi, Mr. K. Krishnappa Choudari, Mr. P. V. Krishnamurti, Rao Bahadur D. Krishnan, Mr. C. Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi. Kumararaja of Venkatagiri, The. Kuppuswami Choudari, Mr. J. Lakshmana Reddi, Mr. G.

Madanagopal Nayudu, Mr. R. Maharaja of Venkatagiri, The. Mahboob Ali Baig Sahib Bahadur. Mahmud Schamnad Sahib Bahadur, Khan Bahadur. Moidoo Sahib Bahadur, Khan Bahadur, T. M. Moses, Mr. P. C. Muhammad Meera Ravuttar Bahadur, K. P. V. S. Muniswami Nayudu, Diwan Bahadur B. Muniswami Pillai, Rao Sahib, V. I. Murugappa Chettiyar, Diwan Bahadur A. M. M. Muthiah Chettiyar, Mr. M. A. Muthu Chettiyar, Rao Bahadur P. C. Nachiyappa Gounder, Mr. K. A. Nadiyuthu Pillai, Mr. A. Pl. N. V. Nanjappa Bahadur, Subadar-Major S. A. Narasimhaswami, Rao Sahib D. V. Narayanan Nambiyar, Mr. V. P. Narayanaswami Pillai, Rao Bahadur T. M. Natesa Mudaliyar, Rao Bahadur C. Palat, Mr. R. M. Pannirselvam, Rao Bahadur A. T. Parthasarathi Ayyangar, Mr. C. R. Patnaik Mahasayo, Sriman M. G. Patro, Kt., Rao Bahadur Sir A. P. Pattabhiramayya, Mr. K. Pattagar of Palayakottai, The Peddiraju, Mr. P. Pocker Sahib Bahadur, B. Premayya, Mr. G. R. Rajagopala Pillai, Mr. P. V. Raja of Kallikote, The. Ramachandra Padayachi, Mr. P. K. Ramakrishna Reddi, Mr. A. Ramalingam Chettiyar, Rao Bahadur T. A. Ramamurti, Rao Sahib Pandit Ganala. Raman Menon, Mr. K. P. Ramaswami Ayyar, Mr. T. S. Ramaswami Mudaliyar, Mr. V. M. Ranganatha Mudaliyar, Mr. A. Ranganatha Mudaliyar, Mr. G. Rangaswami Reddi, Mr. M. B. Sami Venkatachalam Chetti, Mr. Sesha Reddi, Mr. B. P. Shetty, Mr. A. B.

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PRESENT—cont.

Simhachalam, Mr. Gade.
 Singam Ayyangar, Mr. K.
 Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Sahajanandam, Swami A. S.

Syed Tajuddin Sahib Bahadur, Khan
 Sahib.
 Thangal, Mr. P. Madhusoodanan.
 Thomas, Mr. Daniel.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur, V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan
 Bahadur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Excise

Adequacy of work for the Excise officers in the South Kanara district.

* 274 Q.—Mr. M. S. SRESHTA: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there is sufficient work for all the Excise officers in the South Kanara district; and

(b) whether there are any statistics available showing the volume of illicit sale of arrack in the South Kanara district?

A.—(a) The Government have no reason to think that the Excise officers in the South Kanara district have not sufficient work.

(b) The hon. Member is referred to the Excise Administration reports. The number of cases of illicit distillation and possession and sale of illicitly distilled spirits reported in the South Kanara district during 1932–33 was 413.

Mr. M. S. SRESHTA:—“Has the Government made any enquiry into the matter?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The Retrenchment Committee only recently went into the whole question, and we have as a measure of retrenchment already abolished one range.”

Mr. M. S. SRESHTA:—“As a further measure of retrenchment, will the hon. the Minister consider the desirability of placing the Excise Department in each district under the Collector?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not think it is possible.”

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Mr. W. O. WRIGHT:—“I should like to ask the hon. Minister whether the distillation of illicit spirit in South Kanara and elsewhere is not directly encouraged by the high cost of licit spirit due to the present excessively high excise duty?” (Inaudible).

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Notice, Sir.”

Toddy shop sales in 1933–34.

* 275 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the sales of toddy shops are over in all the districts;

(b) what the income in each district this year is as compared with the previous three years; and

(c) how many shops are in existence this year as compared with those in the previous three years?

A.—(a) The Commissioner of Excise has reported that the sales of toddy shops for the lease year 1933–34 are practically over in all districts.

(b) & (c) The Government have not the information but have called for it.

Mr. BASHEER AHMED SAYEED:—“May I ask whether there is any definite period within which all the sales should be over in the district?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not think there is any such limit of time.”

Rules for the reconstitution of Excise Advisory Committees.

* 276 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether fresh rules have been framed in respect of the reconstitution of Excise Advisory Committees;

(b) if so, what they are; and

(c) if not, whether there are any proposals to frame such rules?

A.—(a), (b) & (c) The hon. Member is referred to the answer given to question No. 23 at the meeting of the Legislative Council held on 1st August 1933. The Commissioner's report on the subject has been received recently and is under the consideration of the Government.

Industries.

Proposal to abolish the Government Leather Trades Institute.

* 277 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether there is any proposal before the Government to abolish the Government Leather Trades Institute and, if so, what the reasons are on which such proposal is based; and

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(b) whether the Government have consulted the various Chambers of Commerce and the Southern India Skin and Hide Merchants' Association on the question of the abolition of the Leather Trades Institute, and, if so, what the bodies consulted are and what the opinions, if any, given by such bodies are?

A.—(a) Yes; the Retrenchment Committee have recommended that if it is not possible to recover the full cost of the work done on behalf of the tanning industry at the Leather Trades Institute, either in the form of a contribution from the trade or by the levy of a regular cess on hides, the Institute should be closed down. This recommendation is under consideration.

(b) The Madras and Southern India Chambers of Commerce and the Southern India Skin and Hide Merchants' Association were consulted by the Director of Industries and they are of opinion that either a cess of 2 per cent should be levied on the raw hides and skins exported from this Province and the Leather Trades Institute maintained out of its proceeds or it should be maintained at the cost of Government.

B. POCKER SAHIB Bahadur:—"May I know, Sir, whether it is a fact that there are other industries which are helped by the Government at Government expense by maintaining such institutions as the Textile Institute, the Cattle Farm Institute, and so on?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think there is a Cattle Farm Institute. There is a Textile Institute maintained by the Government."

B. POCKER SAHIB Bahadur:—"In view of that, what is the real reason why this particular Leather Institute is proposed to be abolished?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is a matter which has been fully gone into by the Retrenchment Committee, and they took all facts into consideration, and made this recommendation to the Government."

B. POCKER SAHIB Bahadur:—"I should like to know what the real reasons are for such a proposal. The reason is not given in the answer?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The reason is that the Institute in the opinion of the Retrenchment Committee is not doing enough work for the money spent on it."

B. POCKER SAHIB Bahadur:—"In view of the opinion given by such bodies as the Southern India Chamber of Commerce and the Skin and Hides Merchants' Association, is the Government right in thinking that the Institute is not doing useful work?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not know if, after all, theirs is the last word in the matter."

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Mr. BASHEER AHMED SAYEED:—"May I ask whether any report has been issued by those who were doing research work ever since this Leather Institute was converted into a Research Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Oh, yes."

Mr. BASHEER AHMED SAYEED:—"May I know what the nature of the research that has been made?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They have been making researches on stains, and I cannot say from memory on what other matters they have done research."

Mr. BASHEER AHMED SAYEED:—"Has it improved the leather industry or benefited those who are concerned with the trade?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is clear from the opinion of these Associations that the Institute does seem to have done something."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Textile Institute is working at a profit or at a loss?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Institute is not expected to make any profits. The expenditure is incurred from Provincial revenues for the benefit of the industry concerned."

Mr. A. RANGANATHA MUDALIYAR:—"Will the hon. the Minister tell us how long this recommendation of the Retrenchment Committee is under consideration, and when they are likely to come to a decision?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"For over a year, it has been under consideration. I cannot say when a decision will be come to."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that the South Indian Chamber and the Hide Merchants' Association have agreed to the levy of a cess on raw hides and skins, will not the Government consider the question of the retention of the Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The levy of the cess will not affect those that recommend it. It will affect only other interests."

Mr. ABDUL HAMEED KHAN:—"I am afraid the hon. the Minister has not understood me aright. The Government have decided to retrench this Institute on account of financial considerations. These two commercial bodies have come forward with a suggestion which will enable Government to meet the cost of maintaining the Institute. In the circumstances, will not the Government consider the retention of the Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The objection to the proposal is that this cess will not affect the people who propose it. It will affect only the producers of raw skins and hides."

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B. POCKER SAHIB Bahadur:—"Why is the Government so anxious to take the contribution from the tanners, while they do not levy any such contribution on other industries like the textile industry and so on and while they are maintaining such institutions as the Textile Institute at the expense of Provincial funds?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The work of this Institute profits only the tanners and it is only they that should pay the whole or part of the cost."

B. POCKER SAHIB Bahadur:—"Does not the Textile Institute benefit the textile industry?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It does. But it does a great deal of good to the public in general."

Khan Bahadur P. KHALIF-UL-LAH SAHIB Bahadur:—"May I know, Sir, whether the Government are aware that there is a strong feeling among the hide and skin merchants that the Institute is not doing very much useful work now?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"My other hon. Friends have been suggesting just the opposite."

Mr. YAKUB HASAN:—"May I ask the hon. the Minister whether he is aware that the levy of a cess on raw skins and hides will ultimately affect the leather industry, because this cess will increase the price of raw skins and hides and restrict their export which will benefit the tanning industry?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is a very complicated question for me to answer."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have examined the proposal of levying a 2 per cent cess on raw skins and hides, and if so whether they have sent up any proposals to the Government of India for the imposition of such a levy?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say exactly what we are doing at the present moment in the matter. We have been corresponding with the Government of India on the subject."

Mr. YAKUB HASAN:—"Why should not the Minister advise the levy of this cess, if it does not affect the tanners?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It affects the people who will not be benefited by this cess. There are also administrative difficulties in regard to the levy of the cess."

Mr. YAKUB HASAN:—"Who are the people who will be affected? The skins and hides trade?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The man who is the producer of the skin, agriculturists and people like that, will be affected by this cess, but they are not to be benefited by it."

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B. POCKER SAHIB Bahadur:—"Are the Government aware that it is absolutely certain that the levy of this cess as proposed by the Indian Chamber of Commerce and the Hide Merchants' Association will fall on the foreign purchaser of leather and not on the producer here?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government are not satisfied that that is so."

Mr. F. BIRLEY:—"Are the Government aware that the proposed cess of 2 per cent will mean a levy of approximately Rs. 50,000?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I am not sure about the figures."

Mr. F. BIRLEY:—"Are the Government aware that non-official opinion in this Presidency is very definitely opposed to doing away with the Leather Trades Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is why we are hesitating to abolish it."

B. POCKER SAHIB Bahadur:—"Are the Government aware that even the Madras Chamber of Commerce is opposed to the abolition of the Leather Trades Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I suppose so."

Mr. BASHEER AHMED SAYEED:—"Are the Government aware that the Public Accounts Committee definitely recommended more than once the closure of this Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is a suggestion to be put to the other hon. Members who advocate the opposite view."

Mr. F. BIRLEY:—"Are the Government aware that the Madras Chamber of Commerce has not supported the Government's intention to do away with the Leather Trades Institute?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say offhand. I believe it is so."

Mr. YAKUB HASAN:—"In view of the strong representations for the retention of the Leather Institute, will the Government be pleased to make up their minds to retain it?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot make any promise as to how Government will decide the matter."

Extent of import of Japanese rice into the Presidency.

* 278 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether Government have information regarding the quantity of Japan rice imported into the Madras presidency during 1932-33 and in 1933-34 till now; and if so, what it is; and

(b) what steps have been taken by the Government to prevent foreign competition in the rice market?

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Year.	Quantity.
A.—(a) 1932-33	50 tons
1933-34 (up to date)	Nil.

(b) The Local Government cannot prohibit imports. The question of prohibiting imports of foreign rice seems to be under the consideration of the Government of India.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether this Government has sent any report to the Government of India, requesting them to prohibit Japanese rice? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, Sir. This Government did not send any report."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know the reason why they have not done so, while the importation of Japanese rice is affecting the ryots of this province? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is hardly any import now, as the hon. Member will find from the answer given. In 1932-33, the quantity imported was only 50 tons."

Mr. W. O. WRIGHT:—" May I ask the hon. Minister whether the Local Government will address the Government of India by telegram pressing for the total prohibition of imports of foreign rice into India and of Indian rice being re-exported to India from foreign countries? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall consider the suggestion, Sir."

11-15 a.m. Mr. ABDUL HAMEED KHAN:—" Will the hon. Minister make further enquiries and ascertain whether Japanese rice is being now imported into the Province? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The answer was given as recently as 24th October 1933 to the effect that only 50 tons had till then been imported into Madras."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether, as a result of the negotiations going on at present in Simla, any quota has been fixed for the import of Japanese rice into India? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not know if they are discussing the question of import of rice at all."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" Are the Government aware that the fall in the price of rice and paddy is due to the import of rice and paddy from other places? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No, Sir. The Government have no such information."

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Mr. BASHEER AHMED SAYEED:—" May I ask whether the Government are in a position to give the reasons for this absolute non-import of rice during 1933-34 till now and whether those reasons are temporary only or permanent? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Mr. BASHEER AHMED SAYEED:—" May I know the reasons for the non-import so far? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot give the reasons off-hand."

Local Self-Government

Legislative proposals for the abolition of taluk boards.

* 279 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government contemplate bringing in a Bill for the abolition of taluk boards; and

(b) if so, when the Bill is likely to be introduced?

A.—(a) & (b) The Government are examining the question of the steps to be taken to meet the situation created by the unsatisfactory finances of many of the taluk boards. It is too early to say whether any legislation will be necessary and, if so, what form it would take.

Mr. V. T. ARASU:—" May I know if there is any proposal to appoint an officer or officers to investigate into this question? "

The hon. the RAJA OF BOBBILI:—" I do not think there is any such proposal."

Mr. BASHEER AHMED SAYEED:—" May I know if there is any proposal to appoint an assistant to the Inspector of Local Boards to help him to conduct an enquiry into this question? "

The hon. the RAJA OF BOBBILI:—" No, Sir. The Government have not completed the examination of this question at all."

Mr. A. RANGANATHA MUDALIYAR:—" Is it the idea of the Government that those taluk boards which are in an unsatisfactory condition should be abolished and not dealt with in any other way? "

The hon. the RAJA OF BOBBILI:—" Government are still considering the best method of improving the financial condition of the local boards."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I ask whether there is any proposal to abolish the district boards? "

The hon. the RAJA OF BOBBILI:—" I cannot say that there is any definite proposal at present."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know if the Government have any idea of helping the taluk boards financially or if they are going to allow them to remain in a state of suspended animation? "

The hon. the RAJA OF BOBBILI:—" I do not think the Government will be in a position to help the taluk boards financially."

Mr. BASHEER AHMED SAYEED:—" Will the hon. Minister please state the proportion of the existing taluk boards that are in a financially sound position? "

The hon. the RAJA OF BOBBILI:—" Sir, 86 taluk boards have a permanent deficit, and about 30 of them have just enough money to pay their establishment out of a total of 213."

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether in some of the taluk boards the pay of very many employees is in arrears for several months together? "

The hon. the RAJA OF BOBBILI:—" I believe so."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Will the hon. the Chief Minister please say what advice or proposal the Government have placed before these taluk boards to enable them to carry on their normal work? "

The hon. the RAJA OF BOBBILI:—" It has not been possible to do anything definite. The matter is still under consideration."

Grants, if any, paid from the Road Development Fund on account of improvements to roads.

* 280 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any grants have been paid from the Road Development Fund for the opening or improvement of roads in any district of this Presidency; and

(b) if so, what amount has been paid and for which districts?

A.—(a) & (b) No grant has been paid from the Road Development Fund for the opening of new roads. A statement * showing the grants already disbursed or sanctioned for improvements to roads is appended.

Mr. A. B. SHETTY:—" May I ask whether the petrol-tax collected from each district is not paid to the Road Development Fund? "

The hon. the RAJA OF BOBBILI:—" A portion of the tax so collected is paid to the provinces."

Mr. A. B. SHETTY:—" May I know why only four districts have received grants from this fund, when every district is contributing to the Road Development Fund? "

The hon. the RAJA OF BOBBILI:—" It was done this year, but it may not be economical to distribute this grant to all the districts."

* Printed as Appendix I on page 394 infra.

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Mr. M. S. SRESHTA:—" May I know on what principle distribution is made from this fund to the various districts? "

The hon. the RAJA OF BOBBILI:—" Government take into consideration the urgency and importance of the various schemes submitted and then recommend to the Government of India for sanction."

Mr. A. RANGANATHA MUDALIYAR:—" Have the Government any considered programme by which each district will sooner or later benefit by this fund? "

The hon. the RAJA OF BOBBILI:—" They have no definite programme laid down. It is, however, the intention of Government to distribute the benefits to all the districts."

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I ask whether grants have been made from this fund for constructing bridges in the Nellore district? "

The hon. the RAJA OF BOBBILI:—" I believe funds have been made available for some districts."

Mr. BASHEER AHMED SAYEED:—" May I know why no contribution has been made out of this fund for the repair of the Great Southern Trunk Road at South Arcot? "

The hon. the RAJA OF BOBBILI:—" The available amount has been sanctioned for various purposes."

Mr. M. S. SRESHTA:—" May I enquire whether, in the matter of roads, South Kanara is worse than practically every other district? "

The hon. the RAJA OF BOBBILI:—" I have no personal knowledge, Sir."

B. POCKER SAHIB Bahadur:—" May I know whether item (3), viz., improvements to the Madras-Calicut Trunk road and extension—first section from Calicut southwards, furnished in the appendix to the answer to this question, does not cover trunk roads in the district of South Kanara also? "

The hon. the RAJA OF BOBBILI:—" I must ask for notice."

Construction of a bridge between Chidambaram and Bhavanagiri.

* 281 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any amount was sanctioned by the Government to the district board of South Arcot for the construction of a bridge between Chidambaram and Bhavanagiri;

(b) if so, what the amount is and when the same was sanctioned;

(c) whether the construction of the bridge has been completed;

and

(d) if not, when the same is to be completed; and what the total cost thereof is?

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4—(a) & (b) No amount has been sanctioned.

(c) No.

(d) The application of the District Board will be considered in connexion with the Budget for 1934-35 and if sanctioned, the work is expected to be completed in 1935-36. The total cost is estimated at Rs. 1,81,000.

Mr. BASHEER AHMED SAYEED:—" May I know when the application from the district board was received and when the amount will be sanctioned? "

The hon. the RAJA OF BOBBILI:—" I cannot give the exact date of receipt of the application. The application has been received and will be considered in connexion with the budget for 1934-35."

Construction of a bridge across the Amaravathi between Dharapuram and Alangiam.

* 282 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any amount was sanctioned to the district board of Coimbatore for the construction of a bridge across the Amaravathi between Dharapuram and Alangiam;

(b) if so, what the amount is and when the same was sanctioned;

(c) whether the bridge has been since constructed; and

(d) if not, what stage the construction has reached and when it will be completed?

A.—(a) & (b) No amount has been sanctioned.

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

Mr. BASHEER AHMED SAYEED:—" May I request the hon. Minister to call for information in regard to clause (d) and place it before the Council? "

The hon. the RAJA OF BOBBILI:—" As far as I am aware, no work has been started."

Religious and Charitable Endowments

Detailed statement regarding Muslim endowments.

* 283 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have prepared any statement showing detailed information regarding Muslim endowments under the following heads:—

(1) Name of original donor; (2) name of donee; (3) extent; (4) name of institution; and (5) the present enjoyer?

A.—No.

S. M. K. BEYABANI SAHIB Bahadur:—" May I know whether the Government will call for the information? "

The hon. the RAJA OF BOBBILI:—" All the information available was placed in the Council Library in connexion with a question answered in October last."

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S. M. K. BEYABANI SAHIB Bahadur:—" May I know whether the hon. the Chief Minister is aware of the fact that information placed in the Council Library is practically nil? In view of the fact that the number of endowments exceeds thousands, will he be pleased to call for the information? "

The hon. the RAJA OF BOBBILI:—" All the information available with Government has been placed on the table. I am afraid it is not possible to collect more information or place the matter on a satisfactory basis without legislation."

S. M. K. BEYABANI SAHIB Bahadur:—" May I ask whether he is aware of the fact that, on a previous occasion in reply to a similar question, the Government stated that they were considering the question of preparing such a statement? "

The hon. the RAJA OF BOBBILI:—" We have considered the matter and we have collected what information was available with the Collectors."

Provincial Finance

Capital borrowed for the Mettur Scheme and measures for its repayment.

* 284 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government have borrowed money for the Mettur Scheme from the Government of India; if so, how much and at what rate of interest; and

(b) whether they have taken any steps to repay such debts by borrowing at the lower prevailing rate of interest?

A.—(a) Yes, as below:—

Year.	Rate of interest.	Amount of loan taken.
(1)	(2)	(3)
	PER CENT.	LAHRS.
		RS.
1925-26	5.50	4.71
1926-27	5.00	100.00
1927-28	5.00	87.39
1928-29	5.00	77.85
1929-30	5.50	96.00
1930-31	6.25	100.00
1931-32	6.25	47.00
1932-33	5.50	100.38
		613.33

(b) Under the rules governing the Provincial Loans Fund of the Government of India, from which loans are advanced to Provincial Governments, the rate of interest originally fixed on loans advanced in a particular year is not altered except in special circumstances, such as the favourable conversion of the Government of India's borrowings of that year in a subsequent year. In view of the loans floated by

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the Government of India in February 1933 for the conversion of their borrowings of 1930-31, this Government have already addressed the Government of India requesting a reduction of the rate of interest on the loan of Rs. 100 lakhs for the Cauvery-Mettur Project taken from the Provincial Loans Fund in that year. Their decision is awaited.

Expenditure under salaries in 1926 and since.

* 285 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Finance be pleased to state what the present expenditure by way of salaries is, and what it was in 1926?

A.—The estimated expenditure on salaries in 1933-34 is 714 lakhs after deducting the amount saved by the abatement of pay. In 1926-27 the expenditure was 675 lakhs.

Irrigation

Estimates for improvements to the drainage facilities of Nadagudi, Tanjore district.

* 286 Q.—Mr. G. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether an estimate for Rs. 17,500 was submitted to the Chief Engineer for Irrigation last year for improving the drainage facilities of Nadagudi, Nannilam taluk;

(b) whether another estimate for the same purpose was subsequently submitted as required by the Chief Engineer;

(c) what arrangement has been proposed in the latter estimate for diverting the drift of sand that would accumulate higher up the proposed dam across the river Valappar and for preventing the deepened portion of the river bed from being filled up;

(d) what the proposed F.S.L. of river Valappar is in front of Nadagudi drainage sluice according to the remodelling scheme; and

(e) whether the Government will be pleased to see that the remedies recommended to rectify the defects of the drainage in question do not become impracticable as those suggested to them in 1907?

A.—(a) In November 1932, certain proposals with plans and an estimate were submitted to the Chief Engineer who returned them for revision with reference to an alternative design. The amount of the estimate is not known.

(b) to (d) The Government have not the information.

(e) The Government will consider the question when the proposals are received by them.

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Government Memorandum, dated 2nd July 1932, regarding the improvements to the Sengalipuram drainage.

* 287 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government (Public Works and Labour Department) issued a memorandum on 2nd July 1932 to the ryots of Nadagudi that they propose to watch the effect of the improvements made to the Sengalipuram drainage for two years;

(b) if so, the result of such watching during the last fasli;

(c) whether the rate of valuation of harvested crops in Nadagudi as ascertained by the Revenue Department during the last fasli was far less than that of the preceding five or six years;

(d) if so, the reason for the same; and

(e) what action the Government have taken with reference to the memorandum referred to in clause (a)?

A.—(a) Yes.

(b) A complete report from the Board of Revenue on this point is awaited.

(c) & (d) The answer to clause (c) is in the negative. A statement showing the outturn in annas as recorded in the cultivation accounts is annexed.

(e) Proposals are awaited from the Board of Revenue.

Decline in the quantity of silt in the waters of the Cauvery.

* 288 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state whether the Government have received complaints from the mirasidars of the Tanjore district that Cauvery waters do not carry the usual silt now after the construction of the Mettur dam?

A.—The Government have seen a statement to that effect in a copy of the proceedings of a meeting of the Landholders' Association held at Negapatam in July last and also in a memorandum submitted by the Tanjore Old Delta Mirasidars' Association.

Mr. V. T. ARASU:—"May I know whether it is not a fact that on account of the diversion of the flood water to Coleroon, the silt is carried away and wasted?"

The hon. Sir ARCHIBALD CAMPBELL:—"No, Sir."

Mr. V. T. ARASU:—"Is the hon. the Revenue Member aware that, according to G.O. No. 443 I., dated 8th May 1905, the Tanjore district ryots are not getting the same amount of silt in their water on account of the fact that the flood waters of the Cauvery are being diverted to Coleroon where they are allowed to go to waste?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must have notice of the question, Sir."

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Mr. BASHEER AHMED SAYEED:—"Have the Government ascertained whether the silt is really diverted from the Cauvery into the Coleroon?"

The hon. Sir ARCHIBALD CAMPBELL:—"Cauvery water which goes into the Coleroon necessarily takes some silt with it. Owing to various measures Government are taking and especially after the construction of the Mettur Reservoir which regulates the supply of water, much less water is now wasted in the Coleroon."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask what is happening to this silt now?"

The hon. Sir ARCHIBALD CAMPBELL:—"Not much silt reached the Tanjore delta from the Cauvery river above Mettur; most of the silt came from the Amaravati and Noyyal rivers."

Irrigation of certain portions of the Udayarpalayam taluk by means of water from the Cauvery or Coleroon.

* 289 Q.—Mr. V. T. ARASU: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that between the years 1903 to 1905 the Government caused an investigation to be made whether it is possible to irrigate certain portions of the Udayarpalayam taluk, Trichinopoly district, by means of the water from the Cauvery or the Coleroon; and

(b) whether the result of that investigation would be placed on the table of the House?

A.—(a) Yes. The hon. Member is presumably referring to the project for a reservoir across the Nandiyar river which was to receive its main supply from a channel from the Cauvery taking off above the upper anicut.

(b) A copy of G.O. No. 443 I., dated 8th May 1905, has been placed on the table separately.

Mr. V. T. ARASU:—"May I ask whether certain portion of the Udayarpalayam taluk were being irrigated by this project up to the year 1865?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must have notice of the question."

Land Revenue Administration

Remission of land revenue in the Tanjore district.

* 290 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received representations from various persons, Conferences of Landowners and Landholders' Associations in the Tanjore district, praying for the remission of suspended revenue, for a remission by at least 25 per cent of the land-tax in the coming year, and for the abolition of the new water-rates for a second irrigated crop on single crop wet lands proposed to be brought into force from July 1934;

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(b) if so, whether the Government will be pleased to lay on the table a list of such persons and associations;

(c) what steps the Government propose to take to give relief to their sufferings; and

(d) whether the question of remitting the suspended revenue has been considered by the Government; if so, with what result?

A.—(a) Representations have been received asking for concessions in respect of land revenue and water-cess.

(b) A list of such representations received since March 1933 is annexed.*

(c) & (d) The questions are under examination.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I ask the hon. the Revenue Member whether the question of remission is being considered only in regard to Tanjore or in regard to other districts as well?"

The hon. Sir ARCHIBALD CAMPBELL:—"It is being considered in regard to other districts as well."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know if there is any proposal to grant relief to the agriculturists during the coming year?"

The hon. Sir ARCHIBALD CAMPBELL:—"The question is under consideration."

Levy of new water-rate for second crop and udu cultivation in the Tanjore district.

* 291 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a memorandum from the Tanjore Old Delta Landholders' Association in the Tanjore district on the new water-rate for second crop and udu cultivation;

(b) whether the memorandum has been considered by the Government; if so, with what result;

(c) whether it is a fact that the Collector of Tanjore has issued a circular by which lands of extent of less than 10 cents in which udu cultivation is being carried on, have been directed not to be included in the list of lands exempt from the new water-rates if they are part of a subdivision and not a whole subdivision; and

(d) whether the Government have authorized such distinctions?

A.—(a) Yes.

(b) The memorandum is under the consideration of Government.

(c) The Government have no information.

* Printed as Appendix III on page 395 infra.

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- (d) The order passed by the Government was that where only a portion of a registered survey field or subdivision had been under udu cultivation at any time up to and including fasli 1342, the entire survey number or subdivision should be exempt from second-crop charge if the portion was 10 cents or more: but that if the portion was less than 10 cents the entire survey number or subdivision should be liable to the charge. The Government have since modified the latter part of this order and directed that where the portion is less than 10 cents the concession of exemption from second-crop charge granted for udu cultivation should be allowed in respect of the survey number or subdivision up to the extent of such cultivation.

Reclassification of irrigation sources in the Tanjore district.

* 292 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) the reasons which induced the Government to issue G.O. No. 1238, Revenue, dated 14th July 1933, reclassifying the irrigation sources in the Tanjore district which are third class into second class and second class into first class; and

(b) whether any additional revenue is raised by such reclassification?

A.—(a) The attention of the hon. Member is invited to the preamble to the notification appended to G.O. No. 1238, Revenue, dated the 14th July 1933, which has been placed at the disposal of the Press.

(b) The answer is in the affirmative.

Repairs to irrigation tanks and spring channels at Government expense.

* 293 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether lands irrigated by spring channels are classified as wet and taxed on the same basis as the wet lands irrigated by the tanks;

(b) whether it is a fact that the tanks are repaired by the Government at their expense and, if so, at what intervals;

(c) whether spring channels are repaired periodically and maintained at Government cost; and

(d) if not, the reason for not repairing and maintaining the spring channels?

A.—(a) Ordinarily, ryotwari dry lands under minor irrigation sources whether tanks or channels are classed as wet if they have been regularly irrigated for five years and more without objection. As regards the principles laid down for the settlement of assessment on ryotwari lands the hon. Member's attention is invited to Board's Standing Order No. 1.

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(b) Subject to the provisions of Act I of 1858, minor irrigation works are kept reasonably efficient at the expense of Government. Board's Standing Order No. 87 lays down detailed instructions in the matter. There is no rule that repairs should be carried out only at fixed intervals.

(c) & (d) Spring channels ordinarily come under the category of minor irrigation works and the answer given to clause (b) applies to them also; but in most districts the clearance of deposits from spring channels is an item of customary labour to be performed by the ryots under Act I of 1858.

Repairs to and maintenance of Spring Channels in the North Arcot district.

* 294 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) what the number and extent of wet ayacuts under spring channels in North Arcot district is;

(b) the total assessment paid thereon; and

(c) what the amount spent is on the repairs and maintenance of spring channels by the Government during the years 1930, 1931 and 1932?

A.—(a), (b) & (c) Complete information is not available. A report has been called for.

Damage caused to the Mangalagiri division, Guntur district by floods in the Kistna.

* 295 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that certain villages in the Mangalagiri division of Guntur district were seriously affected by the recent floods in the Kistna;

(b) what the villages so affected are;

(c) whether the Government have received any reports from the District Collector, Guntur, regarding the extent of the damage and the value of the losses incurred; and

(d) whether the Government will be pleased to place the information on the table of the House?

A.—(a) to (d) An extract (relating to Guntur taluk) from the final report of the Collector is annexed.* The villages in Guntur taluk mentioned in previous reports as affected by the floods are Pratur, Mandadam, Venkatapalem, Kristnayapalem and Velagapudi. The Government have no more detailed information regarding this taluk.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask the hon. the Revenue Member how, seeing that nearly 7,000 acres of paddy have been damaged, the ryots escaped loss? "

The hon. Sir ARCHIBALD CAMPBELL:—" The report says that practically there was no loss. If water flows over a certain land, it is not necessarily destroyed."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know what the word 'damage' means if it is not loss to the ryots? "

The hon. Sir ARCHIBALD CAMPBELL:—" A crop may be damaged without being entirely lost."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Then does the Government admit that there has been some loss? "

The hon. Sir ARCHIBALD CAMPBELL:—" Possibly only damage for the time being."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not a fact that the ryots lost crops worth a lakh of rupees? "

The hon. Sir ARCHIBALD CAMPBELL:—" Not that I know of."

Mr. K. P. RAMAN MENON:—" It is stated in the appendix to the answer that the approximate extent on which crop was damaged by the flood was 6,565 acres. The crops were tender having been partly raised in July and partly in August. Ryots are reploughing the fields which are dried up and raising fresh crops. Does it not mean that the first crop was lost? "

The hon. Sir ARCHIBALD CAMPBELL:—" It had to be replanted in some cases."

Mr. K. P. RAMAN MENON:—" Was not the labour on the first crop wasted? Will they get back anything for it? "

The hon. Sir ARCHIBALD CAMPBELL:—" Probably not."

Mr. K. P. RAMAN MENON:—" Is that not damage? "

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The hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir, as stated in the answer, there was some damage."

Execution of drainage schemes recommended by the Settlement officer, Guntur district.

* 296 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state what drainage schemes or part of the schemes recommended by the Settlement officer in the Guntur district have been carried out after the last resettlement?

A.—The Government have not the information but have called for a report.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know when the report will be received? "

The hon. Sir ARCHIBALD CAMPBELL:—" I cannot say."

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Mr. P. V. KRISHNAYYA CHOUDARI:—" When it is received, will it be laid on the table of the House? "

The hon. Sir ARCHIBALD CAMPBELL:—" The suggestion will be considered."

Revival of the Rasipur taluk.

* 297 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether orders have been passed in respect of reviving Rasipur taluk in Salem district;

(b) if so, whether a copy of the order will be placed on the table; and

(c) if not, what the reasons are for the delay and at what stage the matter now is?

A.—(a), (b) & (c) No orders have been passed on the question of the restoration of the old Rasipur taluk in the Salem district. Certain particulars called for from the Board of Revenue have now been received and the proposals are under the consideration of the Government.

Mr. BASHEER AHMED SAYEED:—" May I know whether the hon. the Revenue Member will state roughly when the Rasipur taluk was abolished and why it is sought to be restored? "

The hon. Sir ARCHIBALD CAMPBELL:—" The question is still under consideration. As regards the question as to when it was abolished, I must ask for notice."

Assignment of a portion of the water-spread area of Illippiti tank in Tiruchengodu taluk to a Kangani.

* 298 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) what the extent is of poramboke lands in each taluk in Salem district fit for cultivation;

(b) why they have not been assigned;

(c) whether it is regarded as objectionable to assign them;

(d) whether a portion of the water-spread area of Illippiti tank in Tiruchengodu taluk of Salem district has been assigned to one Kangani in spite of vehement objections by the villagers; and

(e) if so, what the reasons therefor are and why the objections of the villagers have been left unheeded?

A.—(a) The Government have not the information and it is not possible to ascertain the extent of poramboke lands fit for cultivation in each taluk without an elaborate enquiry.

(b) & (c) Porambokes are generally reserved for Government purposes or for the communal use of the villagers. If any poramboke or any portion thereof is not required for the purpose for which it is reserved it may be transferred to 'assessed waste' and assigned.

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

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Public Service

Cases of selection made by the Madras Services Commission on the strength of interview only.

* 299 Q.—Mr. M. S. SRESHTA: Will the hon. the Member for Revenue be pleased to place on the table a statement showing the class of cases in which selection is made by the Madras Services Commission as a result of interview only?

A.—Candidates for recruitment to the Madras Ministerial Service and to the posts of Assistant Surgeons in the Madras Medical Service are selected by the Madras Services Commission on the results of competitive examinations. For all other appointments in the provincial and subordinate services for which the Commission selects candidates, the selection is made as a result of interview only. The Government do not consider it necessary to draw up a list of such appointments.

Mr. M. S. SRESHTA:—"In the answer given it is stated 'The Government do not consider it necessary to draw up a list of such appointments.' May I ask whether the matter is confidential?"

The hon. Sir ARCHIBALD CAMPBELL:—"No, Sir. We have stated here that only candidates for ministerial service and assistant surgeons' posts are selected through competitive examination. It follows that in other cases selection is made by interviews. If the list of such appointments is to be published, it will run to several pages."

Mr. M. S. SRESHTA:—"May I know, Sir, whether it can be laid down what matters should be gone into in an interview?"

The hon. Sir ARCHIBALD CAMPBELL:—"That is a matter for the Madras Services Commission."

Mr. M. S. SRESHTA:—"May I ask the hon. the Revenue Member whether he has considered that the selection may be erratic as it might not be known on what points enquiry was to be made?"

The hon. Sir ARCHIBALD CAMPBELL:—"That is not the case."

Hydro-Electric Development

Execution and cost of the Pykara Hydro-Electric Scheme.

* 300 Q.—Mr. A. HARISCHANDRUDU: Will the hon. the Law Member be pleased to state—

(a) in what year the Pykara Hydro-Electric Scheme was started and completed (day, month and year);

(b) how much did the whole scheme cost the Government;

(c) how much annual income did the Government expect to derive from this scheme according to the estimate, when it was sanctioned; and

(d) what the income is that is anticipated in the first year?

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A.—(a) The project was started in January 1930, and completed in March 1933.

(b) The total expenditure incurred up to the 1st April 1933 is Rs. 1,07,13,580. An additional outlay of about Rs. 1,57,000 is expected to be spent to complete the first year's programme as contemplated in the project report.

(c) Rs. 3,38,160.

(d) About Rs. 4 lakhs.

Mr. BASHEER AHMED SAYEED:—"May I ask at what rate the profit for this year works?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Mr. BASHEER AHMED SAYEED:—"May I ask is that the rate contemplated under the sanctioned estimate?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

UNSTARRED QUESTION**Local Self-Government**

Reamalgamation of Taluk Boards on the basis of one board for each Revenue Division.

301 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Minister for Local Self-Government be pleased to state whether it is a fact that the Government are considering the question of reamalgamating taluk boards so that there might be one Taluk Board for each Revenue division?

A.—The answer is in the negative.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931).

* The hon. the PRESIDENT:—"The House will now resume consideration clause by clause of the Estates Land Act Amending Bill."

Rao Bahadur Sir A. P. PATRO:—"Sir, I beg leave to raise a point for the consideration of the House, i.e., with regard to what happened yesterday, Government agreeing to place the minutes of discussion in the Select Committee before this House. I need not recall to your mind, Sir, that it is the duty of the Opposition, as they very frankly stated yesterday that it was a dilatory motion that they were carrying on, to obstruct Government . . ."

* The hon. the PRESIDENT:—"Order, order. The hon. Member may state his point of order."

* Mr. SAMI VENKATACHALAM CHETTI:—"With your leave, Sir, I may ask that, apart from the point of order that the hon. Member

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might raise, was he quite right in representing that the Opposition stated that they were adopting any procedure, obstructive or dilatory. He is drawing on his own imagination."

* The hon. the PRESIDENT:—"I may inform the hon. Member that the Leader of the Opposition made it clear that the Opposition has a right to do that, and perhaps he was trying to do that. That is the impression that he has given to the House."

Rao Bahadur Sir A. P. PATRO:—"If my hon. Friend is nervous about my raising that aspect of the matter I would not enter into that, but leave to his own satisfaction what his views were yesterday and what his views are to-day. My point is this: The proceedings of the Select Committee are by convention and tradition confidential, it is the privilege of this House to maintain that secrecy, and it is not open to the Government or to the Opposition to have these minutes published. It may be, Sir . . ."

* The hon. the PRESIDENT:—"I think the hon. Member wants a ruling on the particular aspect, whether the confidential nature of the Select Committee proceedings will be maintained if they are ordered to be published. Is that the point of order?"

Rao Bahadur Sir A. P. PATRO:—"Yes, that is so, Sir. Just one word more. I would not enter into the whole thing as to how it happened yesterday that four or five members had congregated and wanted to make a representation to the Chair and none of us on this side of the House had any opportunity to make our representation."

* The hon. the PRESIDENT:—"Anyhow I may inform the hon. Member that it is not a point of order. If the hon. Member felt any difficulty about that he had ample opportunity yesterday to raise his objection then and there. When it has been agreed to by the whole House that the minutes of the proceedings of the Select Committee should be made available to the Members of the House, they have to be made so available. As regards the secrecy that has to be maintained regarding these proceedings, I may tell the hon. Member, and the House also, that as long as the House wants to maintain that secrecy it can do so, but if it wants to make a publication of it, it is also equally open to it to do so."

* Mr. SAMI VENKATACHALAM CHETTI:—"May I, in this connexion, say that my hon. Friend, Sir Patro, has attempted to raise a point of order without basing the reasonableness of that point on any Standing Order. So far as the amendment in our Standing Orders is concerned, probably he is having in mind the old practice; even the practice in the House of Commons where the Select Committee proceedings are not to be published, has by a subsequent Standing Order, been so modified as to enable the House to call for the report of the Select Committee proceedings and get it published. As you, Sir, have already said, the course taken by the House is perfectly in consonance with that which is obtaining in the Mother of Parliaments."

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Rao Bahadur Sir A. P. PATRO:—"I am obliged to the hon. Member for the very intimate knowledge he has got on the matter. But, Sir, the analogy of the House of Commons does not hold good with regard to the procedure adopted in Indian Legislatures; . . ."

* The hon. the PRESIDENT:—"I think we have had enough discussion on the point. We will proceed with the Bill clause by clause."

Clause 1.

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

'in clause 1 for the words and figures "on the day of 193," the following words and figures be substituted: "on the first day of July 1934".'

"It is desirable that this amending Act should be brought into force at the beginning of a fasli year. It is an optimistic hope that, if this Bill is passed by the House, it will be passed in time to get the assent of His Excellency the Governor and His Excellency the Governor-General before 1st July 1934. Therefore I beg to move this amendment."

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

Mr. V. T. ARASU:—"Sir, I do not propose to move a regular amendment, but I should like to make one suggestion, namely, that this Act be brought into force on the 1st July 1935. The reason for the same is this: The hon. the Revenue Member has only taken into consideration that this Bill, if passed by this House will receive the sanction of His Excellency the Governor and His Excellency the Governor-General before 1st July 1934 and therefore hopes to enforce this Act from that day a certain date, but he seems to forget the fact that this Bill, if passed into an Act, has got to be understood by the people at large, about 4,000 to 5,000 landholders in this Presidency on the one hand and several millions of ryots on the other. Therefore it is but proper that Government should make the provisions of this measure understood by the people. To achieve that end Government will have to translate this Bill in the various vernacular languages and broadcast the same. All this would require time. With that view I suggest to the Government that this Act may be brought into force on the 1st July 1935."

* The hon. the PRESIDENT:—"Will the hon. Member think of correcting the first figure also in clause 1."

The hon. Sir ARCHIBALD CAMPBELL:—"I should like to do that at the third reading."

The amendment was put and carried.

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Clause 1-A.

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

'For clause 1-A, the following clause be substituted, namely:—

"1-A. In the Madras Estates Land Act, 1908 (hereinafter referred to as the said Act), for the words 'puttah,' 'puttahs,' 'muchalka' and 'muchalkas' wherever they occur, the words 'patta,' 'pattas,' 'muchilika' and 'muchilikas' shall respectively be substituted."

"In the Select Committee, when considering the Act, we found that the spelling of these words varied and it seemed desirable to adopt a uniform spelling throughout the Act. The Select Committee altered the words in the singular only; they should also be altered in the plural. That is the reason for this amendment."

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

Mr. BASHEER AHMED SAYEED:—"I presume the hon. the Revenue Member knows that these words are Persian words and it is not pronounced as muchilika there nor is it pronounced as muchilka but it is pronounced as muchl-ika. So I ask the hon. the Revenue Member to correct the spelling according to that pronunciation."

11-45 a.m. The amendment was put and carried.

Clauses 1 and 1-A, as amended, and clause 1-B were put and carried.

* The hon. the PRESIDENT:—"Before I proceed to clause 2, I wish to inform the House that I do not propose to receive any further amendments to the Bill unless they be amendments agreed to by all sides of the House or consequential amendments. We have already got a very large number of them and, as the House knows, it is a bewildering notice of more amendments."

* The hon. Sir ARCHIBALD CAMPBELL:—"Consequential amendments may be taken up, I presume."

* The hon. the PRESIDENT:—"Yes. I said so."

Mr. BASHEER AHMED SAYEED:—"If we give three days' notice of amendments before they come up for discussion, will they not be in order?"

* The hon. the PRESIDENT:—"The hon. Member knows perfectly well that the three days' notice refers only to three days before the commencement of the consideration of the Bill. But that rule has already been relaxed on account of the view that has been expressed by certain members that there has not been enough time to give notice of amendments. I do not think it is possible to relax it further, so that it might be easy to avoid confusion hereafter."

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Clause 2.

Section 3 (1-A).

Sriman M. G. PATNAIK Mahasayo:—"I beg to move—
'that the following proviso be added to clause 2 (1-A) of the Bill:—

"Provided that no official below the rank of a Deputy Collector shall be appointed as Collector."

"Sir it is not known whether the Government want power to appoint persons other than Revenue Divisional Officers as Collectors. I think there should be some restriction as to the class of officers from whom Collectors should be appointed. We do not know what the policy of the Government in this matter is and whether they want to appoint even Tahsildars and Deputy Tahsildars as Collectors. It is with the object of restricting the selection of these Collectors to persons not below the rank of a Deputy Collector that I have moved this amendment."

Mr. MAHBOOB ALI BAIG:—"I second the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, the Select Committee did away with the use of the term 'Revenue Officer' in the Act. In some places this officer is referred to as Collector and in some other places he is referred to as Revenue Officer. I quite agree with the Select Committee in thinking that only one term should be used. The definition of 'Revenue Officer' in the Act as it stands is as follows:—

"'Revenue Officer' means a Collector and includes any person appointed by the Local Government whether by name or in virtue of his office to exercise any of the functions of a Revenue Officer under this Act."

"A 'Collector' is defined in the Madras General Clauses Act of 1891 as follows:—

"A Collector shall include every officer who for the time being is authorized to exercise the powers of Collector."

"In neither of these clauses are there any words restricting the class of persons who can exercise the powers of Collector or Revenue Officer to Deputy Collectors only. As far as I am aware, Sir, there has been no complaint in the past that the Government have abused the general powers conferred on them by these clauses. It seems unnecessary to assume in the absence of proof to the contrary that the Governments in future would misuse their powers. I therefore suggest that the amendment is unnecessary."

The amendment was, by leave, withdrawn.

Mr. V. T. ARASU:—"Sir, if you will permit me, I should like to move the amendment that stands in my name at the end after all the minor amendments to the clause have been disposed of."

* The hon. the PRESIDENT:—"Usually we take first amendments seeking to delete the whole clause. If that amendment is not carried, we go to other minor amendments."

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Clause 2 (2) (d).

Section 3 (2) (d).

* Mr. V. T. ARASU:—"Mr. President, Sir, I beg to move—
'that clause 2 (2) (d) be omitted.'

"My reason for this is that there is a material alteration in the definition of an estate in regard to pre-settlement inam villages. Under the existing Act, a pre-settlement inam village is an estate only when the melvaram was granted in inam to a person not owning the kudivaram at the time of the grant. In the amending Bill, however, it is intended to widen the definition of an estate so as to take in all pre-settlement inam villages irrespective of the question whether the melvaram alone was granted and of the further question whether the grantee was the kudivaramdar or not at the time of the grant."

* The hon. the PRESIDENT:—"Will the hon. Member make it clear which portion of the clause he is proposing to omit?"

Dr. P. SUBBARAYAN:—"He wants to omit the whole clause."

Mr. V. T. ARASU:—"Sir, I have moved that clause 2 (2) (d) be omitted. The clause reads as follows:—

'(d) any village of which the land revenue without the kudivaram has been granted in inam to a person not owning the kudivaram thereof, provided that the grant has been made, confirmed or recognized by the British Government.'

"If this clause is omitted the effect will be the retention of this clause as it stands in the Act. That is to say, *status quo* will be maintained."

"Any village of which the land revenue alone has been granted in inam to a person not owning the kudivaram thereof provided that the grant has been made, confirmed or recognized by the British Government or any separated part of such village."

"I want that this clause in the Act should be retained and that will be the effect of my amendment."

"I was saying, Sir, that the suggested amendment of the definition of an estate must in order to appreciate its effect be taken along with the amendment in the definition of private land. Private land is now sought to be defined in so far as it relates to pre-settlement inam villages as all that land in which the kudivaram has been acquired by the landholder before or after the commencement of this Act. In the Statement of Objects and Reasons it is stated that the intention of the Government is only to effect what may be described as verbal improvements without effecting any material change in the law. It is however extremely doubtful whether the amendments given notice of by some hon. Members, which I understand Government propose to accept, do not involve changes of a far-reaching character."

"The law relating to pre-settlement inams must now be taken to have been definitely settled by the decisions of the Judicial Committee of the Privy Council and by the High Court. Particular reference may be made to 41, Mad. 1012, in which Suryanarayana and others were plaintiffs and Pattanna and others were defendants. The Indian Law Reports (page 1012, volume XLI) says:

'The suits in which the above decrees were made, and which gave rise to the present appeals, were suits for ejectment brought in the civil courts by the

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appellants (plaintiffs) against the respondents (defendants). They related to the inam village of Korrugunta, of about two-thirds of which the plaintiffs were owners including certain lands referred to as minor inams. The defendants were their lessees, but their leases had expired. The plaintiffs' case was that the lands in suit were their Sarva Agraharam inam lands in which they possessed absolute rights of ownership, under their grant made by one of the Reddi Kings in 1373 to their predecessors-in-title. The terms of the grant could not be provided; but it was confirmed by an absolute deed of gift in 1752, and so recognized by the British Government.

"The main defence raised in the suits was to the effect that the lands in dispute formed an "estate," or part of an estate under the Madras Estates Land Act (Madras Act I of 1908) and consequently the jurisdiction of the civil court was excluded by the Act, and that the defendants were entitled to retain possession of the lands notwithstanding that their leases had expired."

"The munsif held that this defence was not established and made a decree in favour of the plaintiffs in each suit."

"The District Judge reversed those decrees and dismissed the suits."

"On appeal by the plaintiff the High Court (Sadasiva Ayyar and Spencer, JJ.) dismissed the appeals, and made decrees directing that the plaintiffs be returned to the plaintiffs for presentation to the revenue court."

"The question whether the lands in suit or any of them formed part of an "estate" within the meaning of the Madras Estates Land Act, 1908, depended on the construction of section 3, sub-section (2), clause (d), which defines "estates" as meaning—

"Any village of which the land revenue alone has been granted in inam to a person not owning the 'kudivaram' thereof provided that the grant has been confirmed, or recognized by the British Government, or any separated part of such village."

"With that should be read the last paragraph of section 8—

"Notwithstanding anything contained in this section, where, before or after the commencement of this Act, the kudivaram interest in any land comprised in an estate falling within clause (d) of sub-section (2) of section 3, has been or is acquired by the inamdar, such land shall cease to be part of the estate."

"Sir, on this appeal, the Kings Counsel DeGruytherans Kenworthy Brown contended—

"that the respondents claim to possess rights of permanent occupancy—whether by virtue of custom or otherwise had not been established—and they had no rights in the lands in suit apart from the leases in which their tenancies originated, which leases had expired; nor has any fact been proved which excludes the jurisdiction of the civil court to try these suits. Neither the village in suit, nor the appellants' part thereof, was an estate within the definition contained in section 3, sub-section (2), clause (d), of the Madras Estates Land Act (Madras Act I of 1908). The onus was on the respondent, and there was no evidence that at the time of the grants the land was occupied by tenants or cultivated. In such circumstances, it could not therefore be presumed that the grant was only of the revenue. No such general presumption was laid down in *Ravi Narayan Mandlik v. Dadaji Bapuji Desai*. The view of the High Court is not supported by the authorities relied on. Reference was made to . . ."

* The hon. the PRESIDENT:—"I think the hon. Member will do well to cite the case and the principles involved therein rather than go on reading long passages from the arguments of counsel on either side. It would be much better if the hon. Member confines himself to a statement of the facts and the principles governing them."

Mr. BASHEER AHMED SAYEED:—"It is interesting, Sir."

Mr. V. T. ARASU:—"I bow to your ruling, Mr. President. But I should like to suggest that this House being composed mostly of

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laymen, it is but proper that important judicial decisions on this subject should be placed before the House, so that the hon. Members may be able to cast an intelligent vote. I would however take your suggestion, Mr. President, and read only the important portions.

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noon.

"You have advised me not to make detailed reference to those cases reported. I shall take your hint. I would only place before the House the points decided in those cases. I speak of cases, because there are many cases reported: the case reported at page 586—45 Mad., the case reported at page 337—47 Mad., the case reported at page 453—52 Mad., and the case reported at page 962—21 Law Weekly. The general effect of these decisions may be very briefly stated as follows:—

'There is no presumption that the grant of an inam comprised both melvaram and kudivaram or that it was a grant of the melvaram alone. The question will have to be decided whenever it arises by reference to the grant itself where it is available and is unambiguous and if the grant is not available or is ambiguous, from the surrounding circumstances and conduct and actings of the parties. In a suit for ejectment the initial onus is no doubt on the plaintiff but the plaintiff can easily displace that onus by proving that the defendant was inducted into possession of the holding as a tenant. The defendant will then have to prove that he has occupancy right by custom by grant or by statute. There cannot be an acquisition of occupancy right by prescription.'

"The above may be taken as a brief resume of the effect of the decisions in the cases referred to by me just now. From these decisions it would be noticed that, in substance, the burden of proof is cast upon the tenant. It can very easily be shown that the effect of the amendments contemplated by members of the Justice Party would be to put the inamdars in a position of disadvantage. By virtue of the new definition of an estate, all pre-settlement inam villages would come under that category and section 6 of the Estates Land Act would immediately apply . . ."

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"On a point of order, Sir, I think the hon. Member is not speaking on the clause as amended by the Select Committee."

Mr. V. T. ARASU:—"Sir, I am explaining what would be the effect if the amendments proposed by the Justice Party are carried. I have suggested that the clause as amended by the Select Committee should be omitted and that the clause, as it stands in the original Act, must be retained . . ."

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

* Mr. V. T. ARASU:—"Sir, with your leave, I should like to make use of notes before me; because it is a very highly technical subject. You cannot expect laymen to speak off-hand without being irrelevant. I crave your indulgence to read out portions of my notes."

* The hon. the PRESIDENT:—"Reading of speeches must be exceptional; in a case like the present the hon. Member must have prepared himself properly before he comes and places his views before the House. It is not at all desirable that Members of the type of Mr. Arasu should resort to reading manuscript speeches."

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* Mr. V. T. ARASU:—"This question is going to decide the relative rights of four thousand inamdars in this Presidency and several millions of ryots. I should be very careful in the expressions used by me."

Mr. M. A. MUTHIAH CHETTIYAR:—"May I suggest that hon. Members who wish to read out speeches, may print them and circulate them among the hon. Members of the House; then it will save the time of the House."

* Mr. V. T. ARASU:—"I am thankful to the suggestion made by the Mayor of Madras, which I think he would do well to adopt for himself. Many of us can ill afford to resort to such a procedure. That is the reason why I have not done so. There is no doubt that the amendment sought to be moved by the Justice Party would adversely affect the inamdars. The effect of that would be this—the onus of proof will fall on the inamdar, a procedure which is directly the opposite of the existing law, the law as laid down by judicial decisions."

Mr. M. A. MUTHIAH CHETTIYAR:—"Sir, you said just now that the hon. Member should not read from manuscript."

* The hon. the PRESIDENT:—"I myself wanted to draw the attention of the hon. Member again. Before that, a point of order has been raised again. I must strongly advise the hon. Member not to persist in the way he has been doing."

* Mr. V. T. ARASU:—"Sir, the effect of this provision would be, as I was saying, to place the minor inamdars who own small villages as inams, on the same footing as the big zamindars, like the Maharaja of Venkatagiri and the Raja of Bobbili. That is what I take exception to. Is it just to place these small inamdars on the same footing as big zamindars? Perhaps some of them may feel elated at this promotion. But we should realize that we are taking away the kudivaram rights which they have been enjoying from the time the grant was made, and make a gift of the same to third parties. Can anything be more confiscatory than this? Therefore I move that this clause may be omitted and the clause in the original Act be retained."

Mr. ABDUL HAMEED KHAN:—"I second the amendment."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, the clause which has been substituted by the Select Committee is, except for verbal changes, in legal effect identical with the clause which it replaced. The language of the existing clause in the Act of 1908 is

'any village of which the land revenue alone has been granted in inam to a person not owning the kudivaram thereof, provided that the grant has been made confirmed or recognized by the British Government, or any separated part of such village.'

The word 'alone' has been replaced by the expression 'without the kudivaram.' The intention is not at all to produce any difference in effect. Again the omission of the words 'or any separated part of such village' does not at all, in legal sense, have a different effect. Because if a whole inam village is an estate within the meaning of the first part

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of this clause, a separated part of that village—itsself a separate village—would leave it yet as a village. Therefore, Sir Archibald Campbell, when he proposed the deletion of the words ‘any separate part of such village,’ did not intend to produce any difference in legal effect. It might have a different meaning in case you are proposing to regard as an estate, a part of any separated part of a village itself, as that would bring under the category of estates, minor inams. It was always intended both during the enactment of the Bill of 1905—it became law in 1908—and during all the subsequent efforts at redrafting the law on the subject, that minor inams should not be brought into the category of estates for the purposes of the Estates Land Act. Therefore the result would practically be the same whether we retain the existing clause (d) as it is in the Act, or we adopt the substituted clause (d) which has emerged from the Select Committee. I may say that, if Sir Archibald Campbell would not really mind the carrying of Mr. Arasu’s amendment to leave the clause in the Act as it is, it would not really matter from the point of view of the Government or from the point of view of the various Members of the Select Committee who were at one with regard to this topic. It will not make any difference at all. Therefore if I may say so, this clause does not really merit further consideration from the point of view either of those who want it or of those who do not want the clause. Without wasting further time over the discussion of this immaterial suggestion which has come in the shape of an amendment, I would respectfully submit that we had better vote either for or against the suggestion of Mr. Arasu, because we do not change the law whichever way we vote. (Interruption) Some say that the clause is ambiguous. Those who are able to follow will probably appreciate what I say much more easily. What I say is we have spent three days over preliminary discussions and after all, all of us willingly or no, have fallen to the task of considering the Bill clause by clause.

12-15 p.m. “What I am at pains to point out is whether you have the clause (d) as it is in the existing Act or clause (d) as it has now emerged from the present Select Committee, the legal effect is the same, and it will not do therefore to spend more time at any rate over the further discussion of this clause or the voting on it. Let us therefore proceed to vote straight. As I have hinted, it is immaterial which way we vote; let us not spend further time upon it.”

Mr. V. P. NARAYANAN NAMBIYAR:—“Sir, though I agree with hon. Friend, Mr. Venkatarama Ayyar, in saying that the main principle of the amendment moved and the principle of the amendment as it has emerged from the Select Committee are the same, I am afraid we have got to oppose the amendment of my hon. Friend, Mr. Arasu. Because if as moved the sub-clause is deleted, the amendments which have been given notice of with a view to alter the position taken up by the Select Committee would not come up for consideration before the House.”

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—“Mr. President, with regard to the procedure to be adopted, I have a point to

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suggest. The main principle of the amendment tabled by my hon. Friend, Mr. Arasu, and the principle of the amendment as it has emerged from the Select Committee are the same. So far as the clause as it has emerged from the Select Committee is concerned, it leaves intact the law as it stood under the Estates Land Act. Mr. K. R. Venkatarama Ayyar is perfectly right in his statement. The only object of the Committee was an improvement in drafting according to their ideas; and secondly, not to have every part of a village as an estate. So far as substantive rights are concerned, they would be the same. That is to say, if a whole inam village is an estate within the meaning of the Act and satisfies the terms of the definition that every person in that estate would have occupancy right and the relations between the landholder and the ryot would be governed by the provisions of the Act, it would be as much true when the single estate is split up into two estates as when it continues to be a single estate. The hon. the Revenue Member has pointed out certain administrative inconveniences if every part of the village is to be treated as an estate for various purposes under the Act. The object of the omission of the words ‘part of the estates’ was not to interfere with the rights of the ryots in inam villages which come within the definition of ‘estate,’ or to interfere with the legal relations subsisting between the landholder and the ryot. So, in view of the fact that in substance the clause as it has emerged from the Select Committee is to the same effect as the amendment that has been tabled by my Friend, Mr. Arasu, I would suggest the taking up of other amendments which go against the principle of this amendment. That is to say, there are amendments tabled by some Members of the Justice Party to the effect that every inam village ought to be made an estate. It would go against the principle both of the clause as it has emerged from the Select Committee and the original clause. If I may respectfully suggest to the hon. the President with the leave of the House, if this is withdrawn at this stage and those amendments are discussed, the main principle will then be discussed and we will have a division on the main principle. If, for example, any amendment which is brought forward by some Members of the Justice Party is passed, this will go and the original clause also will go, and there will be no point in bringing forward that amendment. Therefore, I suggest both to the House and to the hon. the President that those amendments which have been tabled with a view to make every inam village irrespective of the character of the inams be taken up for discussion first, because they all come under one category. I respectfully suggest to the hon. the President that it would be the more logical course to be adopted. I am not speaking on the merits of the question, but I suggest that it would be the more logical course to be adopted.”

Mr. V. T. ARASU:—“Sir, I suggest that this amendment of mine may be taken up later on after the other amendments are discussed as suggested by the Advocate-General.”

* The hon. Sir ARCHIBALD CAMPBELL:—“Mr. President, Sir, the amendment of the main Act in accordance with the proposal in the Bill,

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as it has emerged from the Select Committee, has the effect in the first place of leaving out the word 'alone' and substituting for it the words 'without the kudivaram.' The present Act runs as follows:

'any village of which the land revenue alone has been granted in inam to a person not owning . . .'
and that portion as amended would run as follows:

'any village of which the land revenue without the kudivaram has been granted in inam to a person . . .'
The reason for that amendment is, as has been pointed out, that when an inam village is granted by the Government or zamindar, it may be that other rights such as rights in waste lands, forests, etc., are granted in addition to the land revenue. Therefore, under the present Act, it might be open to some one to put forward the argument that in addition to the land revenue some other right of that kind had been granted and therefore the inam village is not an estate under the Act. That was not however the intention of the Legislature when the original Act was passed. It was only when the kudivaram was granted as well as the land revenue that the village was not to be treated as an estate. That is the reason for this proposed alteration.

"Sir, the other alteration is the omission of the words 'or any separated part of such village.' In the Act as it stands, certain portions of an inam village in which the inamdar has acquired kudivaram rights in certain circumstances, ceases to be an estate. For administrative purposes, it was thought desirable to avoid cases where part of a village was an estate and part of it was not. It seems better that we should treat the whole of the inam village as an estate and treat land the kudivaram of which belongs to the inamdar as private land. That principle was accepted by the Select Committee; and that is the effect of this amendment. I therefore submit that the clause, as passed by the Select Committee, should be allowed to stand as it is."

Mr. V. T. ARASU:—"I withdraw my amendment."

The amendment was, by leave, withdrawn.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move—

'that in sub-clause (2) the following be substituted as (d):—
"(d) any inam village of which the grant was made, confirmed or recognized by the British Government or a separated part thereof".'

It consists of two parts; the first says that a whole village be treated as an estate while the second says that part of it be treated as an estate. The position is this . . ."

* The hon. the PRESIDENT:—"May I point out one thing? If the hon. Member wants to move the two parts separately and wants separate voting on them, it would be much better if he takes up amendments 6 and 9 separately now and discuss them, so that there might be clear voting upon them, if necessary."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am not moving the amendment in two parts; I only wanted to advance my arguments in

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respect of both the parts separately. I am moving the whole amendment, Sir."

* The hon. the PRESIDENT:—"Then I take it that you will not be moving amendments Nos. 6 and 9 on the agenda."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"You will observe, Sir, that before my amendment No. 9, there is an amendment, No. 8, of the hon. Sir Archibald Campbell. Therefore, I can move No. 9 only after No. 8 is moved by him."

* The hon. the PRESIDENT:—"It will be clearer if the hon. Member moves the portion in No. 6 and then later on take No. 9. That will be better. If he wants to speak on the whole motion now (on No. 5) I shall, however, have no objection."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Then, Sir, in this amendment No. 5, I move the first portion, leaving the other portion thereof to be moved at the time when amendment No. 9 is to be taken up. I therefore move, Sir—

'that in sub-clause (2), the following be substituted for (d):—
"(d) any inam village of which the grant was made, confirmed or recognized by the British Government".'

Sir, in the year 1905 when the Government introduced the Bill for consolidating the law with regard to estates, the question of conferring occupancy rights was mainly before the consideration of the Government. So far as inams were concerned they were included in the definition of an estate. In the Madras Proprietary Estates Village Service Act, 1894, and in the Madras Hereditary Village Offices Act of 1895, the word 'estate' has been defined as in this Act; i.e., in four distinct categories—firstly, a permanently settled estate; secondly, portions thereof which are separately registered; thirdly, temporarily settled estates; and fourthly, inam villages or portions thereof. Therefore, for purposes of Act II of 1894 and Act III of 1895, which dealt with estates, a whole inam village granted, confirmed or recognized by the Government was treated as on a par with a zamin village. Similarly in 1905, when the original Bill was introduced, 'estate' was defined thus:

'An inam village or part thereof which has been granted, confirmed or recognized by the British Government.'

In the course of the proceedings, objection was taken by various hon. Members then that the definition as it was given included part of an inam, and therefore would also affect minor inams. The objection then taken was that while in the case of a whole village there might be a presumption and there might also be some justification for presuming that the ryots were to be considered as occupancy ryots, the same justification would not apply in the case of a small plot of land in the village, say, 20 or 30 acres in extent; in which case, it might be presumed that the inamdar was also cultivator. It was with a view to meet that objection that the hon. Mr. Forbes in his reply stated:

'I shall only deal with the main issues. To begin with, however, I may refer to an objection taken by the hon. Mr. Govindaraghava Ayyar which is not

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fundamental, but which seems to have created a certain amount of misapprehension, and that is the position of an inamdar under the Bill. An inamdar who is a landholder, as defined in the Bill, is not quite in the same position as a zamindar under the permanent settlement. In the remarks which I made in introducing the Bill, I referred to both classes under the general terms of landholders under settlement or by grant. An inamdar ordinarily holds a grant of land revenue and is an assignee, at any rate, in origin, pure and simple, and has not even the same pretensions as a zamindar under the permanent settlement to encroach upon the ryot's rights. But the hon. Mr. Govindaraghava Ayyar was doubtful whether the definition of landholder did not go too far in including certain inamdars and shrotriyamdars, especially those who enjoyed only portions of a village. Where an inamdar is an inamdar of a whole village, I do not foresee any difficulty. But where an inamdar is an inamdar of a portion or part of a village, it may very likely be that he is both the ryot and the landholder. If he is the inamdar of a whole village, it is almost certain that the grant made to him was a grant of the revenue, pure and simple. It is not likely that a whole village was lying waste. When he is the inamdar of a portion of a village, the grant may have been of a piece of the actual village waste land as well as of the revenue derived from it, in which case he is both the ryot and the landholder. In such cases the inamdar would of course be able to deal with the lands as the ryot of them.

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"Therefore, it was pointed out clearly that the Government's intentions were that when the original grant was of a whole village the presumption would be that the melvaram alone was granted and therefore the tenants of the village should have the same occupancy rights as those cultivating land in a zamindari, but when it was a piece of land in a village, the presumption in favour of the melvaram alone without kudivaram was not made. It was on this that the Select Committee on that Bill introduced the words 'village or a part thereof' in which melvaram alone without the kudivaram was granted. Now, the presumption of melvaram alone being given without the kudivaram was evidently intended to apply to the cases of whole inam villages granted. When the Select Committee report came up for discussion, the hon. Mr. Srinivasa Rao who was then a Member moved an amendment that the words 'or any part thereof' should be deleted. This is what he said in that connexion—

"I move for the omission of the words 'or part thereof' because if these words were allowed to stand, they would have the effect of including the petty inamdars whom it is not proper to bring under the operation of this Act. Therefore the omission of these words is rendered imperative on account of the position of the petty inamdars whom I do not think the Government intend to bring under the provisions of this Act, which are meant mainly for big landholders."

"Then the hon. Mr. Forbes had to meet this objection and he introduced an amendment on behalf of the Government to delete the words 'or part thereof' and substitute the words 'or any separated part thereof.' With regard to that amendment Mr. Srinivasa Rao said:

"As to the insertion of the words 'or any separated part of such village' mentioned in the hon. Mr. Forbes' amendment, those words may be put in either at the end or at the beginning of the sub-clause."

"Under those circumstances the words 'or part thereof' were omitted from the Bill as passed by the then Select Committee, and the words 'or any separated part thereof' were accepted as solving the difficulty pointed out by the hon. Mr. Srinivasa Rao. You will see,

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therefore that the Bill as finally accepted by the Council then and as it was passed in 1908 included a whole inam village in the definition of 'estate.' It proceeded on the presumption, that if a whole village was granted, it was not on the basis that the whole village was cultivated but that there must be some uncultivated land; and, therefore it must be presumed to be a grant of the melvaram only. That presumption was accepted by the Government. This presumption was also accepted by the highest courts. In the Madras Act III of 1895 dealing with the emoluments of village officers, jurisdiction of trying suits relating to the inams was given to the Revenue courts. And there when a question arose as to whether the emoluments consisted of the grant of melvaram only or melvaram and kudivaram a statutory presumption was made in favour of melvaram only; and it was stated that when objection was raised as to the question of the character of the inam, the presumption should be that only melvaram was granted subject to the question of the kudivaram being proved by the owner. In some decided cases it was held that in the case of such inams, it was only the melvaram that had been granted but not the kudivaram also. That was the law up to ten years ago, when the Privy Council held that there was no such presumption that the melvaram alone was granted or that the kudivaram was not granted, and that, therefore, the party who goes to court would have to show that the melvaram alone was granted; the party going to court has to prove it. The result was that, until the Privy Council decision, a whole inam village was considered an estate and treated as such. After this decision of the Privy Council, the onus of proof lay on the tenant to prove that melvaram alone was granted to the inamdar, but not the kudivaram. As a result of that a number of suits were filed by inamdars to eject the ryots or to claim right to both kudivaram and melvaram. My hon. Friend, the Advocate-General, smiles dissent. But I may say there were many such suits filed, and even now some of them are pending. Still there are a number of cases in the High Court. And unless the Government clearly define inams so as to admit of no doubt, tenants in occupation for even sixty years, since the days of their fathers and grandfathers may be ejected, because they will not be able to prove that only the melvaram was granted to the inamdar. So far as the Government are concerned, they took the view that this distinction of kudivaram and melvaram should be done away with and that a whole village granted as an inam should be treated as an estate. The original provision in the Bill of 1905 was to that effect. Now, Sir, the hon. the Revenue Member has been kind enough to place in our hands copies of a statement showing clearly the provisions of the Bills prepared by various committees in regard to this definition of inam. Hon. Members will see that there were four Bills which are referred to. If they refer to item 4 in this tabular statement they will find that all these four Bills have consistently laid down that the definition of inam village should be this: 'Any inam village of which the grant was made or confirmed by the British Government.' There is a proviso to which I will refer later on. So far as this definition is concerned, all references

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to melvaram or kudivaram were omitted. In the Bill of 1905 the same definition was adopted, and in regard to the Bill now before this House, when the Bill was sent to the Select Committee, the same definition was adopted. The Government therefore had been consistent throughout; and the distinction as to whether it was the melvaram alone that was granted to the inamdar or whether the kudivaram also was granted to him was not made. In the Select Committee, as hon. Members will find, after some discussion and considerable difficulty, the attempt of the Government to restore the old position was defeated. We are now trying to see that the original intentions of the Government as expressed since 1905 are restored so that a whole inam village should be treated as an estate irrespective of the question whether the melvaram alone was granted to the inamdar or the kudivaram also. In this connexion it will be illuminating to read the proceedings of 1907 when during the debate, Member after Member who was advocating the interests of the inamdar definitely and positively stated that if the onus of proof was thrown on the inamdar to show that kudivaram was also granted to him, it was absolutely impossible for him to do so. In fact, there was an attempt to restrict the inams only to those granted by the British Government. In the case of inams granted by the British Government there is a possibility of the original title-deed being available. But in the case of grants not made by the British Government, that is, grants by the Indian Princes or by Rajas, no such grant or title-deed will be available. I am mentioning this for the purpose of showing that those who are in possession of inam villages may not have the original documents in their possession and so may find it impossible to prove whether it was the melvaram alone that was granted to the inamdars or the kudivaram also. Do you expect the tenants who are not in possession of such documents to prove that melvaram alone was granted to the inamdar and not the kudivaram? So, Sir, it is very difficult for the tenant to prove it. If the onus is thrown on the tenant and he fails to discharge that burden, and if on that account the inam is not declared an estate, it is asking for the impossible from him. Every tenant of inam villages would therefore be in the unhappy position of not being able to prove this, and he runs the risk of being ejected or continuing there subject to the conditions which the landlord may choose to impose. There is no remedy for this in the Act of 1908.

“ Another point I want to touch is this. Prior to the Act of 1908 there was the Act of 1865 which governed the relations between the landlord and tenant. It was the Rent Recovery Act, and under this Act these inams were, for the purpose of recovery of rent, considered to be lands coming under its operation. I may in this connexion refer to the speech of the hon. Mr. H. G. Stokes, then a Member of Council, on this point. He says:

‘ Act VIII of 1865 applies to inamdars and applies to these villages, and the reason why we have this opposition is entirely owing to the importation into these whole inam villages of occupancy right by statutory declaration. If this Bill applies to agraphams, occupancy right will be recognized therein.’

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“ So long as the question of occupancy right was not imported, they said they came within the Act VIII of 1865. Once the occupancy right was imported, they said ‘ Let us be out of that Act and let us not have the Act of 1908.’ You will therefore see that in 1908 there was an attempt to exclude them from the operation of the Act, and the Government have steadily refused to accede to the demand.

“ Now, Sir, what I want to do through this amendment is to see that the original intention of the Government is restored. As I said, the original intention of the Bill according to the Government is that whole inam villages should be considered to be estates. That was pointed out in the speech of the hon. Mr. Forbes. The intention of the Government was, I may repeat, that so far as whole inam villages were concerned, they should be estates. I think the Government have the right to define inam villages as whole inam villages irrespective of the question of the terms of the grant, whether only the melvaram was granted or otherwise. I am now only asking the Government to restore the position as it stood before 1908. If this is not done, the position will be that while we have 20 or 25 zamin estates in this Presidency, we will have something like 5,000 inam villages coming under the definition of ‘ estates ’ scattered in the whole Presidency. The fate of the ryots in those villages is to be decided by this Bill. These inams were originally granted as whole villages, but have subsequently become divided. In the case of such of the inamdars as are actually in possession of these villages, there will be no difficulty at all. But in the case of others, that are being cultivated by ryots, the inamdars will have no right to eject them and take possession of the lands.

“ Sir, the policy of the Act of 1908 was to confer occupancy right to ryots in estates. The hon. Mr. Forbes had definitely stated that the occupancy right is inherent in every cultivator who holds the land and cultivates it according to the customary law of the land, and that the Regulation of 1802 which gave permanent settlement to the zamin-dars will not have the effect of defeating the rights of cultivators. It is to make this matter clear that the Government passed the Regulation IV of 1892 in which they declared that the words used in the Regulation of 1802 as proprietary rights were not meant to take away the rights of the cultivators of the soil to the land. It is therefore clear that in regard to the person who occupies the land within the geographical limits of what is called ryotwari, or zamindari area or an inam village, the rights of the cultivator are the same. They are allowed to continue to cultivate so long as they pay revenue to the Government. That is what we mean by occupancy right.

“ Therefore, I move, Sir, the first part of my amendment, as I already said, to substitute for the amendment proposed in sub-clause (2) the following: ‘ (d) any inam village of which the grant was made, confirmed or recognized by the British Government.’

“ One other point I want to make is this. So far as the first part of amendment of which I gave notice is concerned, there need be no

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apprehension that in respect of the whole inam villages there will be any difficulty at all. In regard to villages which were originally held by zamindars in whole and which now continue as such, there will not be any difficulty at all with regard to occupancy rights. But in the case of inams split up subsequently owing to partition or otherwise, the law should not be applied. Whatever injustice was done to inamdars was already done in 1908, and I am only requesting the Government to restore the old position so that the law may be free from conflict. I want that the right should be enjoyed by the person cultivating, whether it is zamindari or inam."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

12-45
p.m.

* Mr. K. R. VENKATARAMA AYYAR:—" Mr. President, Sir, I am constrained to oppose this amendment. I think both at the time when the Madras Estates Land Act I of 1908 was passed and during all the subsequent occasions when Bills were drafted with a view to get rid of difficulties that arose in administering that Act and again, now on the occasion of the present Bill, it has been made absolutely clear on behalf of the Government by the various spokesmen who expressed the policy of Government that their intention was only to state statutorily with certainty the true relations and the existing rights of landholders and ryots and not at all to create for the first time occupancy rights where none existed or to deprive persons who owned occupancy rights of such rights with a view to or with the result of conferring such rights on others who had not such rights. I think, Sir, that Sir Archibald Campbell over and over again has made it clear as the intention of the Government in proceeding with this amending Bill not to disturb the existing rights; but merely to provide for the getting rid of difficulties that have arisen in the course of administering the Act I of 1908. My hon. Friend, Diwan Bahadur Muniswami Nayudu, has suggested, in the course of his speech in moving this amendment, that whatever Government did on the various occasions when they took up this amendment whether in 1908 or now, he is able to discover as lurking underneath whatever they did an unfulfilled intention of their doing more than what they did. He suggested that it was the intention of the Government to confer occupancy rights upon the cultivators of lands in whole inam village at any rate, and that wherever the whole village inamdars did not cultivate their lands themselves, but left it to others to cultivate their lands, it was the intention of the Government to deprive the inamdar, even in cases where they really owned the kudivaram interest also, of such kudivaram interest and confer it upon the cultivators. I absolutely fail to discover any such intention on the part of the Government, whether you are thinking of the Government of 1905 to 1908 or thinking of subsequent Governments in whose times the subsequent Bills have been drafted. Sir George Forbes, Mr. G. S. Forbes as he then was, has been quoted to this House very imperfectly. If I remember right, my Friend, Mr. Muniswami Nayudu, read from pages 16, 17 and 18 where Mr. Forbes met in a general way certain observations that fell from Diwan Bahadur L. A. Govindaraghava Ayyar. Subsequently, when the

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clause, as it emerged from the then Select Committee, was taken into consideration by the then Legislative Council, the late Mr. V. Krishnaswami Ayyar with the matchless lucidity and strength that he commanded, went into the whole question and he said that this question of inams was a most thorny question. Nobody who was acquainted with the history of the inams and claimed to have a considerable acquaintance with the history of inams from his professional experience gained in the conduct of numerous important cases, nobody who knew anything of the history of inams would venture to dogmatize as to the true nature of an inam grant. The language of the inam title-deed itself was by no means a dependable criterion in answering the question what was the subject-matter of the grant—whether the lands themselves, or only the melvaram interest which represented the Crown demand upon the lands, i.e., the land revenue. Even in cases in which apparently the language made it appear that the lands themselves were the subject-matter of the grant, it was always felt that there was scope for ripping open that language and proving really that it was a loose form of expression which was unfortunately adopted even in cases in which the melvaram alone was the subject-matter of the grant. Therefore, it came always to be a question, notwithstanding the language of the title-deeds, into which the courts had to go in the light of the facts that were actually placed before them by the contending parties as to what was the subject-matter of the grant. Nor was this very difficult question facilitated in its solution to any extent by the proceedings of the inam settlement authorities; because the Inam Commissioners who were engaged over those settlement operations never purported to deal with or decide the question what was the subject-matter of the grant, whether the land itself was the subject-matter of the grant or whether melvaram or land revenue was alone the subject-matter of the grant. Again, the difficulty besetting the topic was not confined to that question. A further question had always to be answered with certainty before you could determine the true nature of the inam. Was the grant to a person who already owned the kudivaram or was it to a person who did not own the kudivaram, i.e., a stranger? That always would make a difference as anybody would easily see. If certain people already owned the kudivaram before the inam grant and to such people the Government of the day or anybody standing in their shoes as an assignee of the Government made a grant of the melvaram or land revenue alone, obviously it was a case not simply of an inamdar who was an assignee of merely the Government revenue. It was a case of pre-existing kudivaramdar's rights being enlarged by the melvaram also being granted to him. We, in this country, are quite familiar with the ancient kings conferring on inamdars either the whole of the melvaram or half of it. It may be a case of *sarvamanyam* or *ardhamanyam* or in certain other instances of a quarter share of the melvaram which was a case of *chathurbhagam*. In all cases, in which the grantees of the melvaram were kudivaramdars obviously if you want to sweep them in by a stroke of the legislative pen into the category of landholders on a par with samindars, you are depriving them of their pre-existing

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kudivaram interests and you are conferring those interests by statutory transfer upon the tillers of the soil who are no better in point of law or in point of fact than tillers under ryotwari holders. I own my own ryotwari holdings in my native district and my present tiller is the son of my grandfather's tiller. Because they have been discharging their duties faithfully, my family has continued them as tillers without disturbing them. But, notwithstanding his long-continued charges of the same tenement under the same ryotwari pattadar, does anybody suggest that these tillers, by reason of the length of the occupation, should be regarded as the possessors of heritable and transferable rights? Really, they have not got any holding. They were only contributors of labour who were no better than annual contributors of labour, who were suffered in the operation of the contribution of labour for generations because both parties were satisfied with each other. If, then, you will not feel any justification for investing that class of tillers under ryotwari holders with occupancy rights, heritable and saleable occupancy rights, what justification is there to compel those inamdars who were previous occupancy holders of the land of their inam village to whom what was granted by way of inam was only melvaram, what justification could there be to rid them of their pre-existing kudivaram ownership and to confer it by statute on their tillers? I say that all this was pointed out with great force by the late Mr. V. Krishnaswami Ayyar in the course of the debate on this identical clause after the previous Bill emerged from the Select Committee. His complaint was that the drafting as it emerged from the then Select Committee, left the matter somewhat uncertain in its effect, and that if it was not further amended so as to make the intention of the Bill and the draftsmen absolutely clear and free from all possibility of doubt, there was the risk of the whole class of inamdars being swept into the category of landholders on a par with zamindars and the confiscation or expropriation of kudivaram interests belonging to that class of inamdars would become complete. The hon. Mr. Forbes, Mr. G. Stokes, Mr. Atkinson, all of whom possessed considerable administrative experience on the one side, and the hon. Sir P. S. Sivaswami Ayyar, the then acting Advocate-General on the other, all stated on behalf of the then Government that in moving the clause of the Bill as it was originally drafted or as it was drafted by the Select Committee or in piloting the re-drafted clause before the then Legislative Council, it was far from the intention of the Government to deprive the inamdars who really owned kudivaram rights of an iota of their kudivaram interests.

1 p.m. "It was only a question of drafting. If Mr. V. Krishnaswami Ayyar complained, for which Mr. Forbes said there was a good deal to be said in its favour, it was a complaint only against drafting, and not against the intentions of the Government. So far as the intentions went, the intention of the hon. Mr. Krishnaswami Ayyar exactly coincided with those of the Government. It was only a case of drafting. It did seem that the drafting was not perfect, and Mr. Forbes said

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that he would be obliged if Mr. Krishnaswami Ayyar would suggest the necessary amendment by way of draft, which would make the meaning and intentions of all sides quite clear. Then, Mr. Krishnaswami Ayyar wound up that day's proceedings by saying that he would consult with the Advocate-General and that an amended or revised draft would be placed before the Council. The amended or revised draft was accordingly agreed upon, and the Government itself came up with that revised draft on the following day, and Sir George Forbes himself moved the revised clause. That revised clause is, except for negligible variation of phraseology, the identical clause which you now find as part of Act I of 1908. That being so, Sir, I venture to deny the correctness or accuracy of my hon. Friend, Mr. Muniswami Nayudu's statement that it was always the intention of the Government to deprive, in the case of the whole inam villages, the inamdars of their kudivaram interest. The opposite was the avowed or confessed intention of the Government as declared time and again by various spokesmen of the Government, and that opposite intention was deliberately and carefully sought to be given effect to in apt and well-chosen words which were eventually drafted by the then Advocate-General and Sir George Forbes on behalf of the Government, and by Mr. V. Krishnaswami Ayyar on behalf of the inamdars, really on behalf of the country as a whole. That being so, it not being the present intention of the Government according to its spokesman to rob Peter to pay Paul, or to set an example along lines of communistic legislation, I ask whom are those who are behind this amendment really supporting? If the Justice Party and if the landholders who loom large in that party at the present moment want to support this amendment, it really comes to this. You are not recognizing occupancy rights where they exist. You are destroying occupying rights where they exist by robbing the inamdars who own them and you are creating new occupancy rights where they do not exist by erecting casual cultivators of the soil into heritable occupancy holders with powers of alienation. That would be a good, bold step in communistic legislation. Why this camouflage and put on this mask? Why don't you come out straight and say, 'we want communistic legislation. We feel that there are certain people who have property rights, who do not deserve to have them because they are absentee landlords, who leave the burden of cultivation in the hands of the tillers of the soil, their cultivating tenants, and we want these people who raise the crop by the sweat of their brow to be erected into the position of the owners of the soil.' Say, so. Then you will really be communist legislators. Really the zamindars who loom large here want to add to the number of people who would be interested in landlordistic legislation by converting the kudivaram melvaramdars into melvaramdars only and creating as their opponents in their own villages their loyal and trusting tillers into rival owners. Apparently, their idea is that those who are now engaged in activities whether in the Legislative Council or outside as if for protection of occupancy rights, will henceforward swell the ranks of those who would by legislation secure protection for landholders as against occupancy

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holders. Well, that may be at the back of the minds of the few wealthy landlords who want to add to their side for purposes of agitation a large number of small landholders also. And if it is the intention of others like my hon. Friend, Mr. Muniswami Nayudu, to secure a vantage ground at coming elections by merely being able to say 'we were the friends of the poor cultivators in inam villages by stressing for legislation which had the effect of securing occupancy rights which before they had not,' I do not think they will be trusted long by the people of this country who to a very large extent will become enfranchised under the coming regime, because by instinct the people of this country are conservative and not communistic. If credit is claimed for legislation which has the effect of robbing Peter to pay Paul, then everybody would think what really is the effect of encouraging such legislators and they would, without much difficulty or without taking long over it, say 'now it is X's turn to be robbed; my turn will come to-morrow; I will not cast my lot at all with expropriating legislators.' Whether therefore as an election cry, or as an attempt to add to the ranks of the landholders who will be interested in the future in landlordistic legislation as against tenants' rights legislation, I think this is a dangerous experiment over which such opposite forces as Mr. Muniswami Nayudu represents and the Raja Sahib of Bobbili represents for the moment by a strange irony or mystery seem to be agreed and banded together. Really, this matter has been dealt with conclusively by the previous legislature in 1908. My hon. Friend, Mr. Muniswami Nayudu, read to the House from pages 17, 18 and 19 from Sir George Forbes' speech, when the Bill was introduced. You will permit me to draw the attention of the House to the speeches of Sir George Forbes which were not conceived or delivered by way of conflict with his earlier pronouncements but by way of explanation and amplification of his earlier pronouncements. On page 37, this is what the hon. Mr. Krishnaswami Ayyar said:—

'I have had considerable experience in the course of my professional work of cases connected with various inams. The history of inams is a matter difficult to dogmatize upon. There are various inams of various descriptions. The history of inams is one of the thorniest questions of the country and nobody can be in a position to say anything definitely about them. I have known, in the various stages of a case, different courts coming to different conclusions as regards what was the exact nature of an inam. It has often happened that there were persons who were occupants of a village—you may speak of them as owners—and who were paying revenue to Government. The Government did as remit the revenue and said: "To you owners of the soil, we remit the whole of the revenue or remit one-half, which is sometimes called arthamaniam or owners of land, occupiers or mirasidars if you like to call them, or ryots, if you call them by that name, but they are owners of land first and subsequently owners of revenue which has been assigned to them. They are owners of the land first and next owners of revenue, because it was assigned to them by the Government of the day. In some cases, what has been granted is not to the owner of the soil himself, but the revenue has been granted to somebody other than the owner of the soil, in which case there are two persons—the person who receives the rents and profits of the land is one, that is the owner, and the person who has received the assignment of revenue from the Government of the day is the other. In the case of the latter where the assignee of the revenue is one and the holder of the land is another, there is no difficulty

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whatever in the application of the Act. But where a person was the owner of the land first and became himself the assignee of revenue, then to apply this Act to him would be to cause the greatest hardship. You may say that the man is an absentee owner of the property, though I am not willing to subscribe to the proposition that not more than one-fiftieth of the inamdars are resident owners of the property. Be that as it may, there is the fact that they are the owners of melvaram and kudivaram. You have the inam settlement which does not settle the question as to whether they are the owners of the land and whether the land itself was granted to them in inam or whether the revenue alone was granted to them or whether they were original owners of land and got the revenue assigned to them or whether the revenue was assigned to a different person from the owner. These questions were not settled by the Inam Commissioner and they are not settled by any title deeds. Notwithstanding the title deeds which often say in customary language that the land has been granted, the matter has been litigated and opposite conclusions have been come to in several cases. That being so, the application of this Act to persons who were already owners of the soil but who subsequently became the assignees of revenue would mean that where they allowed cultivators to come under them though they were owners, you practically will be giving the tenants occupancy rights, taking away the ownership of the property from the inamdar in whom it vests at present.'

'This will be the effect of the legislation. This will cause the greatest hardship as it will be taking away not in the interests of the country but in the interests of particular individuals, the ownership of the property from those who have held it ever so long.'

'Then the hon. Mr. Forbes at once intervened and said: 'They will not come under the Act. The sub-clause says: 'in which land revenue alone has been granted, etc.' If this observation had been in the mind of my hon. Friend, Mr. Muniswami Nayudu, he would not have ventured to claim that it was the undisclosed or lurking intention of the Government always to confer occupancy rights upon the tillers under inamdars who owned the kudivaram and who were themselves occupancy tenants even in villages which are whole inam villages.'

'Mr. Krishnaswami Ayyar in answer to Mr. Stokes, said:—

'It may be that land revenue alone is given or it may be that the whole of the land is given. We do not know in each particular case whether land revenue alone was given or whether the land itself was given or whether land revenue was given to the person who held the land before or to a person other than the man who held it before. All these complications exist, and it seems undesirable to include this sub-clause under the provisions of the Act, whereby you will be conferring occupancy rights upon a class of people, similar to cultivators under ryotwari holders. The Council is aware that ryotwari tenants do not always cultivate and yet there are a number of persons working under them; sometimes they are annual lessees even if you exclude labourers. Is it proposed to give occupancy rights to these tillers of the soil? If not, why should a difference be made in the case of inamdars and occupancy right conferred on the cultivators, notwithstanding the fact that the ownership of the soil vests in the former? Why should occupancy rights be conferred upon them? Is it merely because they happen to be squatting upon the land?'

'Then Mr. Forbes butted in:—

'What was understood in the Select Committee was that the occupancy rights should be recognized of those inamdars who have both melvaram and kudivaram rights in the land. Whether the words employed in the sub-clause carry out that idea may be for discussion. The question is how these words should be altered so far as inams are concerned, in order to ensure that where inamdars have both the kudivaram and the melvaram, they should be conferred the occupancy right. This particular sub-clause was considered and discussed at very great length in Select Committee. All the arguments now advanced

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were considered, but perhaps the language of the sub-clause may not convey what is intended. If the hon. Mr. Krishnaswami Ayyar would suggest some modification to carry out the purpose, we may consider it. Where an inamdar has the kudivaram right, there is no reason why his occupancy right in respect thereof should not be recognized.

"This is what Mr. Forbes said. The hon. Mr. Krishnaswami Ayyar then rose up and said:—

"The language of the present sub-clause will sweep the whole class of people that I have referred to into the sub-clause which was not intended. If it was not intended, it is better to make the idea clear. The consideration of this sub-clause may be adjourned till to-morrow and we will see in the morning whether, in consultation with the hon. the Advocate-General, we cannot suggest language which may be acceptable to the Council."

"The next day, the hon. Mr. Forbes himself came forward with the revised draft clause which stated: 'any village of which the land revenue alone has been granted in inam to a person not entitled to the kudivaram thereof, provided that the grant has been made, confirmed or recognized by the British Government.' In consequence of this alteration, he proposed a consequential amendment to another clause to which I will advert later on.

"Then Mr. Krishnaswami Ayyar said that the revised draft proposed on behalf of the Government met his objection. Mr. Forbes then stated that it appeared that what was intended by the Select Committee was now conveyed in the amendment. He also stated that by legal definition an inamdar was strictly a person who held a grant in which the land revenue alone was granted.

"Whenever, therefore, Government spokesmen of that time were employing the word 'inamdars' they were having in mind only the grantees of land revenue alone who were not already kudivaramdars or to whom at the same time kudivaram also was not granted.

"Reference was made by Mr. Muniswami Nayudu to Madras Acts II of 1894 and III of 1895. The purpose of those Acts is quite different from the purpose which is engaging us now. Those Acts did not at all advert to the question, in whom is the kudivaram interest in these inam villages vested—whether in the inamdar or the cultivator under the inamdar. For purposes of appointments of hereditary village officers and control of such officers alone those provisions were enacted.

"Again, a reference was made to Madras Act VIII of 1865 by my hon. Friend. Madras Act VIII of 1865 no doubt gave processual benefits to inamdars same as it gave to landholders. But it is very well known whether in the case of zamindars or inamdars that Act left untouched the question of what were their relative substantive rights and who held the kudivaram interest as against whom. Therefore the argument to the extent that it is based upon these three enactments is absolutely irrelevant and ineffectual. In so far as an attempt was made to misdirect this House by mentioning the names of Mr. Forbes and Mr. Stokes, I have pointed out very clearly from their own previous utterances that they said, not what Mr. Muniswami

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Nayudu claims they said, but the very opposite of it. I may, on the other hand, with greater force and truer claim, try to influence the opinion of this House by myself indenting upon those names and stressing their pronouncements for the consideration of the House at the present time.

"Then some reference was made to previous Bills. As one could gather from the parallel statement of Bills which was placed on the table of the House this morning, I am afraid a very superficial attention appears to have been given to these parallel statements. Whether you take the Bill of 1922 or the Bill of 1928 which are printed in the left half of this parallel statement, you will find in clause 4 of the Bill,

"In section 3 of the principal Act, the following amendments shall be made, viz., 'any inam village of which the grant was made or confirmed by the British Government:

"Provided that where the entire kudivaram interest in any land in the village vests in the inamdar such land shall cease to be part of the estate."

"If my learned Friend, Mr. Muniswami Nayudu, had cast his eye upon that proviso, I think he would not have risked the reference to this parallel statement. The same proviso occurs also under the head 'Revised Bill of 1922.'

"Again, take the third edition of the Bill of 1922 as revised by the sub-committee of the Amending Committee in 1928: 'Provided that where the entire kudivaram interest in any land in the village vests in the inamdar such land shall cease to be part of the estate.' But the effect of these provisos, whether you find them as provisos under clause 4 of these Bills or, subsequently also as part of section 8, is to leave kudivaram rights where they existed without transferring them from those who had them to those who had them not. That is the feature of it that we are now adverting to. Is it to be the policy of our legislation at the present time to take it from those who have and confer it on those who have it not? That is the short question which we have to answer. If the Government are really true to their professions that it is not their intention to change to any extent the substantive rights as between those who have them at the present time and those who have them not, if that was the policy of the predecessors of Sir Archibald Campbell and if that is the real policy as it is avowed to be, then all I can say is that the Government is pledged to continue its adherence to the clause as it emerged from the Select Committee without becoming a consenting party to any change in the clause along the lines proposed whether by the Justice Party amendment or by Mr. Muniswami Nayudu's amendment. I do not really mind who are all ranged together on the present occasion. I only want that the Government, the British Government in this country as such, should not take sides in such a matter and should not wed itself by reason of the artificial collateral advantages they may be deriving from one set of partisan supporters in other respects to a scheme of confiscatory and expropriatory legislation.

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"This House heard the hon. the Raja of Bobbili say only the other day—the words are ringing in our ears yet—that what he was particular about is that there should be no confiscatory or expropriatory legislation. I ask him, I ask his supporters, I ask his quandom and present allies whether, from the Treasury Bench or other Benches,—I put this question also to the European block though unfortunately they are not present here at the moment—I ask the whole lot of these groups in this House, whether, if this amendment is carried out, it would or it would not be confiscatory, expropriatory legislation. I have not the least doubt that from all that has been said on earlier occasions on this topic and again from what has been said here to-day, it is absolutely clear that legislation of this kind will mean nothing less than robbing Peter to pay Paul. It is confiscatory, expropriatory legislation.

1-30 P.M. "I say let those who make these tall declarations make good their declarations not simply in the word but in true effect and meaning.

"It was said in the course of his speech by Mr. Muniswami Nayudu that there are about 5,000 inam villages. He also said that the fate of the cultivators in these inam villages was at stake. What fate? How is it at stake? Is there an iota of evidence for it? In villages where the grant was not only of the melvaram but of the kudivaram also, or of melvaram to those who already owned kudivaram, what was the previous plight or right of the cultivator? It was not the plight or right of the occupancy holder. It was as a mere tiller of the soil which in no sense differed from and was in no sense more valuable than the right of the tiller of the soil under the ryot in a ryotwari village. If so, where is there any question of the fate of this class of cultivators?"

At this stage, the House adjourned for lunch.

After Lunch (2-35 p.m.)

Mr. K. R. VENKATARAMA AYYAR:—"Sir, reference was made by the hon. Member from Chittoor to what he said was the policy of the Madras Act I of 1908. He said that the policy was to confirm occupancy rights. I do not quarrel with that statement. The policy was to confirm occupancy rights where they existed and not at all to destroy occupancy rights and confer them upon those who have not got occupancy rights. In fact from the earliest of times, the policy of the British Government in this country has been to leave those customary immemorial substantive rights untouched. At one time the idea prevailed that the effect of the permanent settlement regulation was to make the zamindars to whom sanads were granted in conformity with the regulation, proprietors of the soil. Nothing of the kind was intended, notwithstanding the employment of the loose term 'proprietors.' That that was so, and that all persons' rights were intended to be left unaffected, and in fact, were left unaffected, was brought out clearly by the subsequent Regulation IV of 1822. But so far as the inamdars are concerned, what is

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important to remember is, they are not to be assumed to be on a par with the zamindars. Whereas zamindars were not the sons of the soil but were only assignees of land revenue, so far as the inamdars were concerned, it was a question in the case of each inam village what the grant was, whether it was only of the melvaram to a person who had not already owned kudivaram, in which case undoubtedly the position would approximate to that of a zamindar, or whether it was a case of the previous kudivaramdar getting a grant of the melvaram right in addition. In that class of cases, where the inamdar was able to cultivate the land with his own labour or hired labour or was letting it to cultivation to tillers, his occupancy right did not go and he could not be dealt with as on a par with the zamindars. Even prior to the Madras Act I of 1908, when Act VIII of 1865 held the field, even then, in the case of an inam it was held that the inamdar was not on a par with the zamindar and that the ruling in the Cheekety case, 23 Madras case, would not be applicable. Therefore, nothing is gained by saying that inams came under the processual Act VIII of 1865. The net result of the whole thing comes to be that the avowed policy of the British Government in this country has always been to leave substantive rights as they remained under the law of the land and not to destroy such rights with a view to conferring them on those who had not those rights. The law of the land in the case of inams—Mr. Patnaik asks me—what it is. There were inams and inams; you could not from the fact that you are referring to a village or part of a village as inam predicate that the tillers of the land in the area which you had in mind had necessarily occupancy rights as the tillers of waste lands or of cultivated lands in a zamindari area would have. It was a question of fact in each case according to the law of the land. If what the inamdar owned was only the melvaram without the kudivaram, in which case he was on a par with the zamindar, the occupier would have the right of occupancy and not he. It was a question for proof whether he had kudivaram also in which case there would be no justification to treat him as if he had not that and to reduce him to the inferior position of a zamindar. That being so, the policy of the British Government always was to leave vested rights as they were and not to tamper with them. The Permanent Settlement Regulation did not tamper with the rights, but left them as they were. The Act VIII of 1865 did not touch the question of substantive rights at all, whether in the case of inams or of zamindaris. In the case of Act I of 1908 again, the Government did not interfere or tamper with the established rights, but merely statutorily declared what those rights were according to the customary law of the land, in conformity with that law. With regard to inams, after lengthy and complete discussions, the Government and the spokesmen of the people of this country came to an agreement as to how inams were to be dealt with in Act I of 1908. At the present moment, when this Bill has come up again at the instance of Government, to get rid of mere administrative difficulties in the working of the Act I of 1908, it has been declared to be the policy of the Government

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not to tamper with substantive or vested rights. When this intention and policy of the Government has been made good by the Select Committee, it ill becomes the Government to play into the hands of certain people who want by means of these amendments, which are spoken to both by my Friend, Mr. Muniswami Nayudu, and by a protagonist of the Justice Party, it ill becomes the Government to play into the hands of these strange allies and by a stroke of the legislative pen to alter the policy of the British Government into one of confiscatory and expropriatory legislation. If it is confiscatory legislation to-day of one kind affecting one interest, it would easily lead the way to confiscatory and expropriatory legislation of another kind to-morrow. At this rate, why do you want the Impartible Estates Act, the Court of Wards Act and Acts of that description? Why conserve these zamindari estates as inalienable estates for ever to remain intact? Why not by a stroke of the legislative pen give assent to a repeal of those laws and pave the way for dismemberment of those palayams or zamindaris into small holdings of less than 30 acres each to be held by petty pattadars? You are only leading the way up to that and inviting those who are now disposed to proceed on sound and safe lines quite suitable to your interests, into getting ready to fight the battle royal against you in the near future. I am addressing this to the Raja of Bobbili and his confreres the landholders. I want them to remember this aspect of my observations and to issue the whip in the light of these observations to their followers as to how to vote on this motion: I want also the Government, the Reserved Half, to take stock of the situation in the light of all that I have said and to choose which way they will cast their votes. I think in fairness and justice to all interests concerned, in consistency with their avowed declarations of policy, the Reserved Half are bound to keep aloof from these interested manoeuvres and to give effect to their idea of not tampering with established substantive rights of owners of property.

"The position has been quite clear. Prior to the Act I of 1908, substantive rights in zamindari areas remained as a matter of common law without being statutorily declared. They got declared in so far as zamindari areas are concerned under Act I of 1908 in conformity with the law, the common law. As regards inams, the customary law is essentially different from the law as applicable to zamin areas.

"There was a question in each case about the rights and there was no presumption either way. Now without regard to any presumption it is asked that this House should by this amendment sweep away the occupancy rights of such inamdars as may be in a position to establish that they have occupancy rights. It is one thing merely to ask for a law settling the uncertainty as to the onus of proof; it is another thing to say that irrespective of the law as to the onus of proof, we shall not recognize any occupancy rights in inamdars at all and that in all inam estates inamdars must be content merely with ownership of melvaram rights and must be content to let the kudivaram rights being held by others. That is a large order.

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"I submit that enough has been said to demonstrate that, if this amendment were passed into law, the effect would be not to declare rights as they are, not merely to disturb the existing law as to the onus of proof but to destroy the existing rights and to confer rights upon persons and classes who do not now own them. That, as I have repeated more than once, is communistic legislation and I warn those who are at such a purpose to remember that if they make communistic legislation overtake others, it will not be long before it overtakes them also and their own vested and far more valuable zamindari estates."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, I thought that the House would be very glad to hear the valuable arguments of Sir Alladi Krishnaswami Ayyar, whose contribution to the discussion of the subject would be very valuable indeed. But as you have called on me to speak I will obey and, in doing so, I should like to observe at the outset that I feel it is rather unfortunate for me to have to speak just after the hon. Member for the City of Madura also has sat down. He laid particular emphasis upon every word of his speech that . . ."

Mr. A. RANGANATHA MUDALIYAR:—"Are we to take it, Mr. President that the hon. Member was commanded to speak without his catching your eye?"

Rao Bahadur Sir A. P. PATRO:—"Sir, after the emphasis which the hon. Member for the City of Madura has laid on every word of his speech it is rather difficult for me to decide which part of his speech the hon. Member wants us to consider important and noteworthy and which part unimportant. I know full well that the hon. Member for the City of Madura is a nationalist and as such is above all communistic feelings. Everyone who knows him knows full well that there can be no mistake about his political views in the matter. As a nationalist he is not a communalist; as a nationalist he is not a communist either. But the hon. Member is after all a human being and subject to the frailties of human nature: when questions of self are concerned, he is apt to forget all other human feelings and courtesy to others and other parties. The one great argument that has been running through and through in his speech is a crusade against the Justice Party and the Government who are in alliance with the Justice Party. They are responsible for this Bill according to the hon. Member. I wish, Sir, it were really so. I will only say that these cheap sneers and cheap criticisms of the Justice Party by those who cannot understand the principles of the Justice Party and who will not understand the principles of the Justice Party are due to sheer ignorance, if not, shall I say, due to sheer impertinence. Remember, Sir, that the Justice Party is not the author of this amending Bill. If in 1922 the hon. Mr. K. Srinivasa Ayyangar, that brilliant star of the High Court, Advocate-General, High Court Judge and then Member of the Executive Council—if he was a party to this Bill, surely, Sir, we are guilty along with him. If, later on, Sir, another equally eminent lawyer and equally brilliant gentleman, Sir, C. P. Ramaswami Ayyar—if he accepted the

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principle of the Bill now before us, surely, Sir, we will be delighted to plead guilty along with him. But the hon. Member for Madura ignores facts. He forgets that the Government have on four distinct and definite occasions placed this clause of the Bill before the House and asked that it may be accepted by the country as a whole. But the hon. Member is a wise man. Can you ever doubt him? No. He will not refer to that aspect of the matter at all. But there is one small matter which is a source of trouble to him and that is the explanation to the section 8. If he had read the two together and had not deliberately omitted to mention them, the House would have got an entirely different impression of the case from what it is now. But I will not take him to task for it, because I know well that he is arguing a losing cause and the best way of doing it is, as all lawyers know, if you have no arguments to support your case abuse the opponent's vakil. As a learned advocate of Madura he is an adept at that and he is not untrue to that saying. He said that the hon. Member from Chittoor supported the case. He asked us to remember the coming elections. I thought that there was such a powerful combination of interests such a thorough-going unity in the matter that the poor Member from Chittoor will soon find his position in jeopardy. Instead of admiring the courage, instead of admiring the frankness with which the case has been advocated, the hon. the Nationalist Member from Madura has the audacity to say that it is after all an election cry. Has not the hon. Member to go back to his constituency and meet the very members whose cause he is advocating to-day? I sincerely hope that it is so and that it is for that reason he is making an election cry here.

"Then the hon. Member indulged in baseless criticism and said that this was a piece of confiscatory legislation, that what we are doing is expropriation and that it is the curse of the Justice Party that when it is in power there is an unholy combination between Sami Venkatachalam Chetti, my Friend Diwan Bahadur Muniswami Nayudu and my Friend, Mr. Patnaik Mahasayo. But I am sure, Sir, in his wiser moments he would not think the same of these hon. Members. The position is this. The hon. Member said that this is a measure of expropriation, a measure which takes away the existing rights of the people, takes away from the haves and gives to the have-nots. It is true, Sir, that this is taking away from the haves and giving to have-nots. But the hon. Member, I am sorry, has come into the field very late. If he had been present in 1907 and 1908 when the Estates Land Bill was on the anvil, surely he should have been a very powerful advocate for the zamindars. At that time the law was so uncertain and you know that 20 Madras Report sounded the first note for the agitation for claiming occupancy rights. Then decisions flowed from that case and there was uncertainty in the matter of High Court decisions in regard to occupancy rights and these were sought to be set right by the Estates Land Bill which was then prepared. If my hon. Friend from Madura had been present then, he would have said that that was

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not merely expropriation but highway robbery. The Estates Land Act of 1908 would have been condemned by the hon. Member for the City of Madura as highway robbery. But my hon. Friend who has got zamindars in his pocket (An hon. Member: Inam cases?)—yes, it is question of inam cases, it is a case analogous to that. The rights of the existing people are to be denied to them in estates where they have vested rights and vested interests. Here is a village in the midst of ryoti villages and according to the two hon. Members representing Madura district (I am sorry for Madura district), I mean the hon. Member Mr. Srinivasa Ayyangar and the hon. Member Mr. K. R. Venkatrama Ayyar, the cultivator is only a contributor of labour and a tiller of the soil and they want to be the tyrants of the poor cultivators and the ryot. I thought, Sir, these were the words which long long ago even in the time of Mr. V. Krishnaswami Ayyar had passed away from the country. If only Mr. Krishnaswami Ayyar were living to-day, he would be the first man to support this measure. When we find the nationalist spirit coming over the country, when we find that there is such a real power vested in the hands of the masses, when we find that there is agitation on the part of the masses for the improvement of the agricultural conditions, it is too late for my hon. Friends to say that the occupier of the land is only a contributor of labour. My Friends must disabuse their minds of the arrogant idea that the occupier of the land is only a contributor of labour and a tiller of the soil. To-morrow you will be his slave and he will be your master. Wait for the day—as you appealed to the zamindars, I appeal to you—when the inamdars will find themselves the slaves of the masses, the slaves of the cultivators when the voting power comes into their hands. Be not so sure of their position and your position and say that the occupier of the land is only the tiller of the soil and the contributor of labour. But in 1907–1908 an analogous position was held by the cultivator and the zamindars denied that he had any occupancy right and that they were only tenants from year to year at their mercy. But what happens to-day? The inamdar says that the occupier of the land is only the tiller of the soil and the contributor of labour and nothing more. Yes, in Madura district—I do not mean the hon. Minister for the time being—treat the occupier of the land who gives them the food they take, who gives them the raiment they wear, who gives them the motor cars they ride and the palatial buildings they live in, the poor cultivator, the poor pariah with no residence, with no food for himself, with no food for his family, is treated like a beast of burden. At the sacrifice of his life-blood, these inamdars have grown rich and fat; they say that the Government should not intervene in this matter. These people are merely contributors of labour. The hon. Member has no real argument to advance; he only appealed to sentiment. The land has been alienated; it has passed into many hands by alienation. They paid money and purchased what they considered to be a full right. You

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cannot help it when the law changes. The same thing happened when the Estates Land Act was passed. When the occupancy right was given, a number of people purchased estates believing that they will have full right. What was the effect when the Estates Land Act was passed? The zamindars thought they had every right. But the Estates Land Act says they cannot exercise those full rights. What applies to the case of the ryoti land must necessarily apply to inam lands.

"As a matter of fact what happened in my own district? In my own district I have known of administrative difficulties that have been undergone by the ryots. I myself have appeared in such cases. The cultivators of the soil, believing that they had the right, transferred their rights to the mortgagees. The result was they were rejected, and the poor tenants had to go from lawyer to lawyer, from court to court. Ultimately what happened? There is the uncertainty of the law. Before the Privy Council gave their decision, the law was in a manner favourable to the tenants. Then the Privy Council decision came in and it was in favour of the inamdars in the matter of burden of proof. The inamdar has another weapon with which to kill the tiller of the soil or the contributor of labour. This is the position of the tenant. The poor labourer on whose labours the inamdar grows fat, is denied his ordinary and natural right. Therefore I say it is high time that the Council should consider the matter very carefully and see that the inamdar does not hold absolute control over the poor cultivator. The existing provision opens a large door for litigation, ruinous litigation. The tenants had to borrow large sums of money to see that their rights were upheld. Ultimately what happened. When the matter went to the High Court, the inamdar who was a wealthy person, borrowed a much larger sum of money to see that his rights were upheld. The matter went to the Privy Council also. The litigation went on for nine years. Both the tenants and the inamdar were ruined on account of this litigation. The present state is not beneficial either to the ryot or to the inamdar. Such being the stage of things, it is but just and equitable that the Government should intervene in the matter.

"The hon. Member for the Madura City said that this Bill was intended only to rectify administrative difficulties and therefore it was wrong on the part of the Government to take sides. Whom should the Government side? Government's side or the Opposition. The Government would not take sides; they will hold the scales even between the two parties. The Government would protect the rights, the just rights of both the landlords and the tenants.

"I am afraid the memory of the hon. Member from Madura City is very short. I do not attribute to him shortness of memory. He deliberately forgot the point. I will only remind him of what happened the other day. He very eloquently supported the motion that the Bill of his friend should be taken up and considered along with the Government measure. I hope he has not forgotten some of the provisions of that

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Bill. He threw a cheap sneer at the Justice Party. The Justice Party is able to take care of itself. The Raja Sahib of Bobbili said that some of the provisions of the Bill which my hon. Friend representing the Madura City supported eloquently, were of a confiscatory nature. I would like to refresh his mind that he wanted to have a provision to set aside the decision of the High Court. The deliberate intention of the Bill was that the decision of the High Court which was against the tenants, should be set aside, the decision of the High Court regarding old waste.

"Take the case of the coconut topes. We all know the value of coconut topes both in the West Coast and in the East Coast. The decision of the High Court in this matter is there. The hon. Member wanted to destroy the effect of the High Court decision. According to his political dictionary, it is not expropriation or confiscation.

"I would ask the hon. Member to recollect the provision in the non-official Bill with regard to reduction of rent. The decision of the High Court is there and the Bill seeks to set aside that decision. They say 'the High Court may decide one way; but we would have it in a different way.' They want to include these provisions in a Bill brought forward to overcome certain difficulties felt in the working of the existing Act.

"When the hon. Member for Madura has to deal with the cultivating tenants in whole inams he would deny them all their rights. This is the justice, this is the equity over which the hon. Member waxed very eloquent. I am sure hon. Members have perfectly understood the effect of the provision. The hon. Member from Madura has not been able to rebut a single argument of the hon. Member for Chittoor who put forward his view points so ably. I do not want to mar the impression that has been created by hon. Member from Chittoor. I say that the hon. Member from Madura has absolutely no case."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, the motion made by the hon. Member from Chittoor practically restores the amendment in the Bill as it was originally brought forward to the Government. But in the discussion that has taken place, hon. Members have anticipated further amendments which will be brought before this House and which would have the effect of putting the ryots in inam villages in the same position as the ryots in zamindaris. The Government have been receiving from time to time certain requests that this should be done and after very careful consideration the Government decided that the time has come when they should accept this proposal. The position is not the same as it was when the Act of 1908 was passed and the Government have come to the conclusion that the law should be altered in this respect. I do not wish to enter upon the legal aspect of the question, as to the extent to which this will cause expropriation of existing rights which have hitherto been recognized. There is no doubt that the change must make a difference in the relations between the inamdars in the inam villages and their tenants. My hon. Friend, the Member from

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Madura City referred to the fact that some of his lands in the possession of his grandfather are tilled now by the grandsons of the man who tilled them in his grandfather's time. It will be open to the inamdar to claim such lands as his private lands. There is an amendment under the definition of 'private land', to the effect that 'private land' includes—

'All land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act.'

"There is also another provision to which I may call attention, at the end of the Bill as amended by the Select Committee, namely, section 128, that—

'Nothing in this Act or in any repeal or amendment effected thereby shall affect any right, title, interest, obligation, or liability already acquired, accrued or incurred before the commencement of the Act under a decree or order of a competent court.'

"There the amendments now proposed will not upset any decision which has been actually passed by a competent court as regards kudivaram rights in an inam village.

"It has been said to me outside the House, Sir, that we should be doing a most unfair thing to inamdars, by passing this legislation in this House, because they are not represented in this House at all. But I may point out that one of the Members of Government, namely, the Chief Minister, is himself an inamdar as he holds as inamdar a number of inam villages. I may also point out, Sir, that the case for inamdars has been very ably put before the House by my hon. Friend from Madura City.

"Sir Parasuram Patro referred to the desire expressed in certain quarters to hear Sir Alladi Krishnaswami Ayyar's views; usually the Advocate-General speaks on behalf of the Government but I recognize that he is personally interested in this matter and I have no wish to deprive the inamdars of his able advocacy of their case; I have therefore, informed him that he is free to speak on their behalf, but the views he puts forward will not be expressed on behalf of the Government, but he will place his views before this House on this question, as an inamdar."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I had at first no idea of interposing in this debate; but in view of my fairly large experience in regard to inams and the litigation connected with these inams, in view also of the varied position I myself hold of being a ryot of a fairly large part of land under the zamindar of Venkatagiri, of myself being an inamdar and of myself being also a proprietor, I felt it was my duty to place my views and exercise my privileges as a Member of this House. Before making my remarks, I may say that I am thankful to the hon. the Revenue Member for giving me the privilege of expressing my views unfettered by my official position.

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"I should like to deal first with the scope and ambit of the Bill in the words of the hon. the Revenue Member himself. The hon. the Revenue Member in introducing the Bill in this House made it quite clear that the object of this legislation was not to interfere with vested interests of any section, either of the landholder or of the ryot; that the main and the dominant object of this amending legislation was only to adjust the existing relations between the landholder and the ryot in the light of judicial decisions. I believe that is the main line that has been taken up by the landholders and other parties who pressed upon the attention of the House that this is merely an amending legislation and not a consolidating legislation. If I may be permitted to quote the opening words of his speech, he stated:

'It only aims at removing certain difficulties which have been found in the working of the existing Act. It does not aim at conferring any new rights or other powers upon either the zamindar or the ryot. It does not aim at placing any disability upon either party.'

Sir, that is the object of the legislation. Now, the policy underlying the Madras Act I of 1908 was this: If in any particular case, the melvaram alone has been granted to an inamdar who does not want kudivaram, it is to be treated as an estate and the ryots under that inamdar will exactly be in the same position as ryots in permanently settled estates. It is such inams as do not satisfy the terms of that definition in which *ex concessi* it is both the melvaram and the kudivaram that were granted to the inamdar that were outside the purview of the Act. There is no use arguing that inams are of this description or of that description. If in any particular case an inamdar does come within the definition of Madras Act I of 1908, the ryots are entitled to all the rights and privileges under that Act. It is only, if the inamdar does not come under that definition, that he can say that he is entitled both to the melvaram and to the kudivaram and therefore he does not come within the ambit or the restrictive provisions of the Act. Now, therefore, if any difficulty has been felt in regard to the onus of proof and if as a question of high policy, the legislature feels that it ought to place the onus on the landholder and not the ryot, by all means let it do so. It will be up to the Legislature and to the Members of this House to bring appropriate amendments placing the onus upon the inamdar and making it incumbent upon him to prove that both the varams have been granted to him. If he is unable to satisfy the onus, the kudivaram will have all the rights and privileges under the Act. One cannot but notice the zeal that is displayed by zamindars in regard to the ryots under the inamdar. We can always be generous with other people's money and other people's property. The right kind of generosity is the generosity when a man is willing to part with his own right and with his property. I do not commend that generosity of any public-spirited gentleman who is quite willing to make a free gift of other people's rights; but at the same time I do not maintain that as a ground of high State policy under a particular consideration, the Government of a country may not be justified in interfering even with

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existing rights and conceding rights to people who do not for the time being possess those rights. That must be the express point at issue. The whole country must be apprised of that. There must be representations made to the Government to the effect that the existing rights are operating harshly upon a particular class of people and upon grounds of public justice and high policy, the Government of the country ought to interfere with vested rights. I am not for stereotyping vested rights for all time. With the growth of society, it is necessary that there must be adjustments from time to time; but the Government of a country must be satisfied that the adjustment is called for and that must be the express point and not be the subject of amendments as a result of party manœuvres for the time being. That is one point.

“ Then again, reference has been made to the fact that the fate of the inamdar ought not to depend upon the zeal which is to be displayed by the Justice Party, the Democratic Justice Party or the Nationalist Party, for the tenant on the eve of an election. It ought to rest upon the merits of the case. If you feel that in the public interests such a legislation is called for, that there is a great belief in the country that the inamdars are abusing their powers and that there is a standing agitation on the part of the peasant or of these inamdars, by all means alter the law.

“ Then, Mr. President, I should like to take the leave of the House to refer to certain inaccurate statements that have been made. It was stated that from the beginning the idea was to bring inams on a par with estates. That statement is not correct. If the Members of the House will kindly look at the revised Bills of 1922, of 1928 and of 1931, they will find that there was an attempt to make inams estates and at the same time to add a proviso to the effect that if both rights are vested in the inamdar, it shall not be an estate. That was the devise that was adopted. Make the whole estate private land or take it away practically out of the category of estate. In the Committee it was felt that, as a matter of drafting, it was not a proper thing. You cannot in one clause say that it is an estate and in another clause take the whole property out of the category of estates and make it private land. It was considered to be an indefensible method of legislation. Therefore it was pointed out to the Members of the Committee that the proper thing would be to take a particular class of inams out of the category of estate. If Members of the House have patience to go through each one of these draft Bills, they will find that there is a proviso to the definition of an inam which takes an inam in which both the varams are vested practically in the inamdar out of the category of estate. As a drafting device, it was felt not to be the proper method to follow, and therefore the old section was restored. That is so far as the policy of the present Bill is concerned. From the beginning when this amending legislation was undertaken, there was not the least idea to interfere with the inamdars' rights, and the Committee also was of the same opinion. The Government themselves did not think of it and the hon.

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the Revenue Member has accepted the suggestion that there was no great necessity for an amendment of that kind. Under those circumstances, it is only fair that it ought not to be a matter of a party game either on the one side or on the other. That is my submission to the House, so far as that point is concerned.

“ Then, Sir, if you choose to go into the history of legislation in this country almost from the days of the permanent settlement, two kinds of inams were distinctly kept in view. The very first Act dealing with inams—what is called the Inam Title Deeds Act—made it plain, that inam title-deed is not to interfere with the vested rights of any party. If the inam consisted of both the varams, it would continue to do so. If, on the other hand, there was already kudivaram right that was not to be interfered with. But the existence of the two kinds of inam was postulated and recognized by the Inam Title Deeds Act. When you go to the Proprietary Estates Village Service Act and to the Hereditary Village Officers Act, you will find that distinct mention is made of the two kinds of inams. The hon. Member for Chittoor is, if I may say so, not correct in the statement he made that one of the Acts says that every inam shall be presumed to be an inam of melvaram. The Proprietary Estates Village Service Act provides that for the purpose of summary proceeding, an inam shall be presumed to be an inam merely of the melvaram, leaving it to the ryots to litigate in a civil court as to the exact character of the inam.

“ That is all that the section says and after a full investigation of rights under the Madras Estates Land Act with a great supporter for tenant's rights as the hon. Mr. Forbes you find this distinction recognized, the distinction between the two classes of inams. And a gentleman to whose ability my hon. Friend, Sir Patro, has paid a deserved tribute recognized it in adding a proviso to the section, in not making an inam an estate if only both the varams vest in the inamdar; it shall in such a case be deemed to be practically private land. Therefore, the only point is whether any reasons have been assigned for making a great departure in regard to the policy underlying these two enactments. I do not propose to weary the House with the oscillations of the pendulum with regard to the question of burden of proof. The judicial decisions have now arrived at the pre-eminent ground of commonsense. They say that each case must be investigated on its facts and the court will have to come to a conclusion thereon whether it is an inam of one category or another category. My friends grew eloquent about there being litigation. I should like to ask whether in regard to any section which involves the adjudication of rights you can get rid of litigation so long as you have rights by statute and by the common law of the country. Unless you have a simple state of society which was referred to by one of the Members from Chittoor the day before yesterday, courts are inevitable, litigation to some extent is inevitable, and rights will have to be adjudicated upon by courts. The only effort that can be made by the Legislature is to see that rights are defined as

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well as it is possible to do. There is no conflict of judicial decisions. There is no difficulty at present felt. Of course in the investigation of facts there may be some difficulty, and I think we can trust to the ability of both the subordinate judiciary and of the High Court to tackle mixed questions of fact and law, and also questions of fact alone. (A voice: What about the expense?) I do not propose to go into the question of expense.

"Then the only other point is this. Here are lands held by single big proprietors and here are poor tenants. Under those circumstances, is it not right that the poor man's rights should be respected? I for one would be the last to demur to such a course of social policy. But let us examine the case on its merits. A village may be a whole village, but it does not follow that the whole village is held by a single holder; a village is often held by 50 people, 60 people, or 150 people. We have the slogan now repeated by a number of people, 'Back to the village.' Politicians make it a theme of the public platforms. In the interests of sound and efficient Government, the Government feel that they have to regulate the recruitment to the services. That may be right. When the man has a few acres of land and wants to go back to his village, take to cultivation partly by himself and partly through others, you say that he would lose his rights. Is it a large question of public policy or revenue administration or is it the way to induce people to get back to villages? That is a point, I think, which the Government of the country may well address themselves to. And especially I would appeal to those gentlemen who wish that the educated people of this country must turn their attention to agriculture. Therefore, as a question of high policy, politicians, statesmen, Ministers, and Members of Council may address themselves to the question whether it is in the interests of sound Government that people who have small properties should turn away from agriculture and henceforward develop themselves into mere farmers of revenue. Whereas people who are said to be farmers of revenue are said to be not taking to agriculture, you want to turn people who are willing to take to agriculture into farmers of revenue. That is a point of social policy which the Government of the country will have to address themselves to.

"Then again, in a few of the villages there is another problem. I know even to-day there is what is called the redistribution system in some of the aghahams. After a period of 12 years or 13 years the aghahamdar redivide the land. And who is to be treated as an agriculturist? Is it a shifting tenancy that its holder is to have or is it to be a permanent tenancy in any particular land? These are all problems which will have to be considered before a legislation of this type is undertaken. And above all I feel that it ought not to be introduced by way of an amendment under these conditions. The position taken up that the Government were already pledged to it, that that was the scheme of the legislation from 1913 onwards is not correct. Under those

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circumstances I would appeal to the House not to sacrifice the interests of this class or that class for party purposes or as a matter of party manoeuvre."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Am I to take it, Sir, that he is attributing any motives to the party in regard to what actuates them in this matter?"

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"That is what I have to say."

* Rao Sahib N. SIVA RAJ:—"Mr. President, Sir, I am surprised to find there is even a semblance of opposition to the very harmless motion of my hon. Friend, Mr. Muniswami Nayudu. His motion, according to me, seeks to secure to those persons who are entitled to them the rights which are undoubtedly theirs, and which have been enjoyed by them from time immemorial. And my surprise is all the greater when I find that this opposition comes from those quarters from which I least expected it. I know my Friend, the hon. Member for the City of Madura, and my Friend, the hon. the Advocate-General, are persons who are well versed in the history of the land systems of this country. Not merely that, they are also well versed in the traditional text books on this subject. And may I also say that the first recorded mention of any relationship between the landlord and tenant, or any question relating to land in this country, is found in the laws of Manu. We find in them some mention of the rule that the person who is entitled to occupy land and enjoy the fruits thereof is the one who is responsible for bringing it under cultivation and responsible for getting some produce out of it, and that every other person including the State has no other right in the land except to get a share of the produce of that land. That is the principle which has been accepted by the people in old days. It is found stated categorically in some text books. These principles were merely issued as injunctions to rulers of states. The Hindu rulers were observing these injunctions. The Muhammadan rulers who had their own laws relating to property could have easily suspended all these injunctions and rights of cultivators. But in view of the fact that this custom was obtaining universally in this country, they respected the custom in a way and allowed the cultivator to occupy the land and enjoy the produce thereof. They were merely content to take their revenue from them. When these were the principles observed in this ancient country, how is it that between the State and the actual cultivator so many interests have come to prevail. History records that on account of various causes it was possible for certain persons to confiscate those rights. They were able to get into possession of the lands and came to claim rights which were not theirs. We have heard of instances of how bandit chiefs became farmers of revenue and religious persons got possession of land. So other persons than the cultivators have come upon the scene and began to claim a share of the produce and gradually an interest in the land. It is

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really very unfortunate that in spite of this long history there was no code of rules or law relating to these matters. For the first time in our history an attempt was made to place this matter on a legal basis by the British Government. Not merely that, I think with the object of placing the Revenue administration upon a definite basis, the Britisher started introducing certain Acts and Regulations. And in the course of such Acts and Regulations unfortunately on account of lack of knowledge of the conditions of this country, the British made certain mistakes; and those mistakes are responsible for bringing into existence some rights in the nature of proprietary rights vested in other persons, while the actual cultivators of the soil were merely considered as labourers and tillers of the soil. That is a position which cannot be accepted by those who are conversant with the history of this country or the tenancy legislation of this province. Unfortunately, Sir, according to my reading of history the history of tenancy legislation not only in this province but of other provinces of this country also is a tragedy of defeated intentions which is to be deeply deplored. The Permanent Settlement Regulation of 1802 as every one knows unfortunately made the mistake of recognizing landholders and zamindars as proprietors of the land, which they were not. They were merely revenue farmers, revenue collectors, or assignees of revenue. But, however, in spite of the fact that the British Government have recognized them as proprietors and made them responsible for the collection and payment of revenue for the areas under them, they made provision for the protection of the rights and privileges which were enjoyed by the tenants in those zamindari areas. Properly speaking, in all cases where the proprietary right has been recognized and placed on a legislative basis, there is no reason whatever for the Government except on the ground of public morality to interfere in any relationship between the ryots and the zamindars. We have seen from the year 1802 right up to the present day that the British Government have always felt the necessity and have also seen the justice of bringing forward now and then provisions with a view to secure to the ryots their natural rights and in doing so they were not alert if I may say so in most cases. Legislation was halting and slow owing to the influence of these classes, somewhat one-sided. We find that even as late as 1907 it was not possible in spite of the intentions of the British Government to introduce legislation that would really cover the whole ground and secure to the ryots all the rights to which they are legitimately entitled. Therefore I take it that all those sections relating to the inamdars in the Madras Estates Land Act are rights which may not be fully justified at the present day. The Madras Estates Land Act is notorious for its inconsistency. The hon. Member said that if we pass a measure of that sort, it will be expropriatory. My whole point is that what they have so far confiscated or what they have unlawfully claimed to be theirs is now sought to be divested, and to be vested in these that are really entitled to it.

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"Now, with regard to the point that the intention and policy of the Madras Estates Land Act, was not to confer substantial rights on the people but merely to declare certain rights to be exercised by different classes of people, I may mention this that it was the declared policy of the Madras Estates Land Act to see that the ryots of all classes get occupancy rights. If you read through the provision, and the exceptions under section 6, it will be clear that at some time or other every ryot acquires occupancy rights except in respect of those lands which are called the private lands of the zamindar and lands like the old waste. It is not the object of the amendment to withdraw the rights in such cases. Then, with regard to the question of sacrifice, it is not as if there are not inamdars prepared to yield in this matter. I know of two cases who are themselves inamdars and who get large amount of income, and yet are prepared to support this motion and who actually support this motion. If, like the zamindars, the inamdars also are supporting this motion, it would be the proper thing. I do not know why my Friend, the learned Advocate-General, and others should oppose this. As regards the general observations, made by the Advocate-General as to the justice of this Council interfering in a matter of this kind, it is a pity that the learned Advocate-General in his opening remarks referred to the fact that he was an inamdar. But for this fact, I do not think he could have made this inference."

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Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"My friend is mistaken. I said I was a ryot, an inamdar and a zamindar."

Rao Sahib N. SIVA RAJ:—"Certainly he is an inamdar among others. I thought, Sir, while not being able to follow through his argument and learned disquisition as to the way law should be made in respect of this matter. The temptation is irresistible on my part to draw the inference, that when self-interest interferes, it blurs the vision even of such learned men like the learned Advocate-General."

* Mr. T. C. SRINIVASA AYYANGAR:—"An element of unnecessary heat has been introduced in this question so obviously worthy of dispassionate consideration on the circumstances and facts in respect of a class of property which is found all over the Presidency. It is undoubtedly true that Sir George Forbes intended to introduce in the definition of estates these inamdars also. But what was the result? Considering the situation actually existing, it was thought prudent that legislation should not interfere on the lines pointed out. Therefore, a restrictive definition was put in. Twenty-five years have elapsed. All the new Bills intended to widen the definition. But again, in the Select Committee, while discussions proceeded on a principle of give and take and the details were thrashed out, it was found proper to leave the matter where it was and not to enlarge it. Now, after months of interval, when we come to discuss the Bill so carefully considered by the Select Committee very important changes

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are sought to be introduced by bringing in all inamdars, by excluding Lankas, by restricting the extent of holdings and by various other kinds. I ask is it the proper method to do it? Has any report been called for or obtained by the Government from the Collectors of the various districts in respect of these inams which are scattered over the Presidency as to the conditions or circumstances under which these inams were given in pre-British days, or as to the present circumstances, viz., whether the existing holders of whole villages or of shares therein—separated or unseparated—are pursuing the profession of agriculture or whether the tenants in most of them have occupancy rights. Mr. Muniswami Nayudu stated that there is really no distinction between the case of inamdars owning inams in the matter of the incidents of partition, succession, or alienation which tend to distribute, divide and sub-divide and place the inams in the hands of a very large number of persons, and the case of partible zamindari under the Act. He forgets that until the Pithapur case was decided, the prevailing notion was that ancient zamins were governed by the law of primogeniture with the incident of impartiality. Consequently many zamindaris were unpartitioned. Almost all the inams except those given to temples or charitable corporations were always partible and have been divided into tiny fractions. Coming from a district in which very large number of inams exist, one can with certainty say that during the last 60 or 70 years alienations have gone on, so much so, that the inams in the Ramnad district are mostly in the hands of transferees who are Muslims, Chettis, Kammas, Reddis, Paravas and a host of other communities, not to mention a few surviving descendants of the original grantees. In many cases, a number of these are transferee cultivators of the soil. Whether as actual cultivators or while pursuing other avocations, they thought fit to go in for a share in these inam villages. It would really be a hardship to them to introduce this new provision into the Act. Whole inam villages (grants for temples and charitable institutions) in which tenants presumably had occupancy rights and which have all along continued undivided are governed by the Act. A distinction is drawn between major and minor inams; major in the sense of a whole village and minor in the sense that it is not the whole village but a fraction of it. I fail to see any substance in the distinction sought to be drawn. Seven-eighths of a village would be as good or as bad as a whole inam village which may be a very small village. A three-fourth or half a village consisting of waste, arable lands, actually occupied and unoccupied may present the same points of view as a single whole village. One can only understand minor and major inams when grants of specific extent of lands in contrast with a village wholly or a share of it, are made. In all cases of inams, now sought to be brought within the Act, valuable rights have been acquired. It is quite obvious that the inamdar's case is difficult to be heard in this Council, but let my Friends not be interrupting me in the way they do and surely courtesy requires that. (The hon. the President:—The

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hon. Member may not yield to interruptions.') When my Friend Mr. Patnaik was putting forward the case of enlarging the definition of estates—from the earnestness which he displayed—I was almost thinking that the case of the inams in the northern parts of this Province must be extremely bad, so much so that the only way of rectifying the same was to bring all the inams under the Act. After hearing Sir Patro, it looks it is one of sentiment only. I expect Mr. Patnaik to make out a better case. What is the state of things to-day? Neither the members of the particular community—the objects of the bounty of the Hindu or Carnatic Rajas in those far-off days—who might not have been actual cultivators of the soil, and who were not following the profession of agriculture or husbandry, nor the members of the communities who were middlemen in the normal sense of the term, who obtained grants in inams in ancient days for services, are holding the inams now.

“On the other hand, the present holders are transferees and the descendants of transferees and alienees from them. Not only that, divisions of villages among the descendants of the original grantees have taken place in many cases. The Inam Settlement has confirmed them. The process of division and subdivision has gone on. In certain cases, periodical redistributions with reference to good and bad soil have also taken place. The inamdars or sections of them have purchased the tenants' rights in many villages and tenants themselves have gone in for inamdars' rights in certain villages. These are not exceptions but are ordinary. Now to proceed on the assumption that there is a class of landholders who do not till the soil and a body of people who are on the land without occupancy rights liable to be ejected at the sweet will and pleasure of the landholders in the inam villages, is wrong. To bring the case of these inams within the purview of the Act without an investigation of the inams as they are at present, would lead to considerable hardship and create a great deal of confusion. It was urged that as between the inamdar on the one side and the tenants in the inam villages on the other, the inamdar will have to make out that he owns both the varams, and the poor ryot cannot be expected to make out the contrary. If the question rested only with a matter of presumption, it is one thing. But, to introduce the inams into the purview of this Act, it would be not only giving the benefit of a presumption to the tenant but subjecting these inams to various other provisions of the Act, for example, obligation to exchange pattas and muchilkas, giving the inamdars the summary remedies under the Act, etc. Take an inam village which is owned by half a dozen inamdars and the village is divided, in respect of a part of it, by metes and bounds among them, and in respect of the other part, the lands kept for common enjoyment in what is known as marakkal koottu, i.e., enjoyment by the division of the produce. The divided portions of each of the inamdars will have to be dealt with separately from the others in respect of the rights and remedies subsisting between each

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of the inamdars and his tenants. Tenants of the village ordinarily hold lands and cultivate them under more than one co-sharer. Is it advantageous to the ryot that he must have a number of landlords in a single village over him with an obligation to deal with them? Many of these inam villages are subject to the payment of jodi to the zamindar, quit-rent to the Government and road-cess to the local bodies. Conditions of inam villages with reference to these incidents vary very much. Taking into consideration the peculiarities of the inams and the course they have taken in various matters, they are not analogous to the case of zamindaris. For these reasons, I oppose the proposed amendment."

* Dr. P. SUBBARAYAN:—"Sir, I deprecate the personal motives that have been attributed by the combatants on either side. If there are amendments to the measure, I feel sure my hon. Friend, Mr. Muniswami Nayudu, and the hon. Gentleman, the Chief Minister, have no motives behind what they have said, because they are doing what they think is right in the light in which they understand the various rights the tenants and the landlords possess. I also deprecate the motive that the hon. Member, Mr. Siva Raj, imputed to the hon. the Advocate-General, because if he spoke here, I do not think he spoke as an inamdar, or as a proprietor, or as a ryot. On the other hand, he was trying to show to the hon. Members of this Council what would be the effect of the amendment if it was carried. There is no doubt whatever that there are some inams in this Province where both the melvaram and the kudivaram do inhere to the proprietor of the inam. To give a case in point, I think there are instances where people originally possessed kudivaram and afterwards were invested with melvaram, and thus they have secured the right both to the melvaram and the kudivaram. The only question is, are we going to deprive these people who have legally secured the melvaram and kudivaram to become subject to this legislation without giving them a chance. As I understand it, the hon. Members of the Council want to throw the burden of proof on the proprietor of inams, because he is after all in a more advantageous position. But, if hon. Members want to proceed with such a measure, I can understand it. There are also cases where when an inam was made the melvaram and kudivaram were invested in the inamdar. In such cases, I feel, Mr. President, that a great hardship would be caused if the right is taken away by a mere stroke of legislation. I therefore appeal to the hon. Members of the House not to go forward with this amendment but to accept the one which is proposed later on by Mr. Patnaik. I am only throwing this out as a suggestion. At the same time, I feel that a great hardship will be inflicted on the people, if this amendment is carried."

Mr. M. A. MUTHIAH CHETTIYAR:—"I move that the question be now put."

The motion was put and declared carried.

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A poll was demanded, and the House divided thus:

Ayes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 35 The Raja of Khallikote. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 36 The Kumararaja of Venkatagiri. |
| 3 " Sir Archibald Campbell. | 37 The Zamindar of Mirzapuram. |
| 4 " Mr. H. G. Stokes. | 38 Mr. M. A. Muthiah Chettiyar. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 39 " A. V. Bhanaji Rao. |
| 6 " Mr. P. T. Rajan. | 40 " Daniel Thomas. |
| 7 " the Raja of Bobbili. | 41 " H. M. Jagannatham. |
| 8 Rao Bahadur G. Jagannatha Raju. | 42 Rao Sahib D. Krishnamurti. |
| 9 Mrs. K. Alamelumangathayamma. | 43 " P. Subrahmanyam Chetti. |
| 10 Mr. V. N. Viswanatha Rao. | 44 " C. Jayaram Nayudu. |
| 11 " J. A. Thorne. | 45 Diwan Bahadur N. Gopalaswami Ayyangar. |
| 12 " H. M. Hood. | 46 " A. Appadurai Pillai. |
| 13 " R. Madanagopal Nayudu. | 47 Rao Sahib D. V. Narasimhaswami. |
| 14 " E. Conran Smith. | 48 Pandit Ganala Ramamurti. |
| 15 " T. Sundara Rao Nayudu. | 49 Mr. K. Kesava Ramamurti. |
| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 50 " V. P. Narayanan Nambiyar. |
| 17 Rao Bahadur A. T. Pannirselvam. | 51 Diwan Bahadur B. Muniswami Nayudu. |
| 18 " R. Srinivasan. | 52 Mr. K. P. Raman Menon. |
| 19 Rao Sahib N. Siva Raj. | 53 " G. R. Premayya. |
| 20 Subadar-Major S. A. Nanjappa Bahadur. | 54 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 21 Rao Sahib V. I. Muniswami Pillai. | 55 Mr. R. M. Palat. |
| 22 Mr. M. Vedachala Mudaliyar. | 56 " C. Indrayya. |
| 23 " B. P. Sesha Reddi. | 57 " J. Kuppuswami. |
| 24 " P. C. Moses. | 58 Mahboob Ali Baig Sahib Bahadur. |
| 25 " P. V. Rajagopal Pillai. | 59 Mr. P. V. Krishnayya Choudery. |
| 26 " V. G. Vasudeva Pillai. | 60 " K. Pattabhiramayya. |
| 27 Khan Bahadur Yahya Ali Sahib Bahadur. | 61 " M. B. Rangaswami Reddi. |
| 28 Mr. P. Bayappa Reddi. | 62 " G. Sriramulu. |
| 29 Khan Bahadur T. M. Moidoo Sahib Bahadur. | 63 " A. Ranganatha Mudaliyar. |
| 30 Mr. P. K. Ramachandra Padayachi. | 64 " C. R. Parthasarathi Ayyangar. |
| 31 " G. Lakshmana Reddi. | 65 Rao Bahadur C. Natesa Mudaliyar. |
| 32 Rao Sahib V. Dharmalingam Pillai. | 66 " Sir A. P. Patro. |
| 33 Rao Bahadur T. M. Narayanaswami Pillai. | 67 Diwan Bahadur S. Ellappa Chettiyar. |
| 34 The Maharaja of Venkatagiri. | 68 Mr. F. Birley. |
| | 69 " W. O. Wright. |
| | 70 " P. Madhusoodanan Thangal. |

Noes.

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| 1 Dr. P. Subbarayan. | 8 B. Pocker Sahib Bahadur. |
| 2 Mr. K. R. Venkatarama Ayyar. | 9 Mr. Abdul Hameed Khan. |
| 3 " T. C. Srinivasa Ayyangar. | 10 " Basheer Ahmed Sayeed. |
| 4 Khan Bahadur Mahmud Schamnad Sahib Bahadur. | 11 " P. Peddiraju. |
| 5 Mr. T. S. Ramaswami Ayyar. | 12 Ahmed Meeran Sahib Bahadur. |
| 6 Rao Bahadur P. C. Muthu Chettiyar. | 13 Mr. K. A. Nachiyappa Gounder. |
| 7 Khan Bahadur P. Khalif-ul-lah Sahib Bahadur. | 14 " A. Pl. N. V. Nadimuthu Pillai. |
| | 15 The Pattagar of Palayakottai. |
| | 16 Mr. U. C. Subrahmanya Bhatt. |
| | 17 " K. S. Sivasubrahmanya Ayyar. |

Neutral.

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| 1 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 3 Mr. Sami Venkatachalam Chetti. |
| 2 Mr. K. M. Duraiswami Reddiyar. | 4 Mr. A. B. Shetti. |
| | 5 " K. Koti Reddi. |

Ayes 70. Noes 17. Neutral 5.

The motion was carried.

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

For the amendment proposed in sub-clause (2), substitute the following:—

'(d) any inam village of which the grant was made, confirmed or recognized by the British Government'."

The amendment was put and declared carried.

A poll was demanded, and the House divided thus:—

Ayes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 36 The Zamindar of Mirzapuram. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 37 Mr. M. A. Muthiah Chettiyar. |
| 3 " Sir Archibald Campbell. | 38 " A. V. Bhanaji Rao. |
| 4 " Mr. H. G. Stokes. | 39 " Daniel Thomas. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 40 " H. M. Jagannatham. |
| 6 " Mr. P. T. Rajan. | 41 Rao Sahib D. Krishnamurti. |
| 7 " the Raja of Bobbili. | 42 " P. Subrahmanyam Chetti. |
| 8 Rao Bahadur G. Jagannatha Raju. | 43 " C. Jayaram Nayudu. |
| 9 Mrs. K. Alamelumangathayaramma. | 44 Diwan Bahadur A. Appadurai Pillai. |
| 10 Mr. V. N. Viswanatha Rao. | 45 Rao Sahib D. V. Narasimhaswami. |
| 11 " J. A. Thorne. | 46 Pandit Ganala Ramamurti. |
| 12 " H. M. Hood. | 47 Mr. K. Kesava Ramamurti. |
| 13 " R. Madanagopal Nayudu. | 48 " Sami Venkatachalam Chetti. |
| 14 Diwan Bahadur N. Gopalaswami Ayyangar. | 49 " V. P. Narayanan Nambiyar. |
| 15 Mr. E. Conran Smith. | 50 Diwan Bahadur B. Muniswami Nayudu. |
| 16 " T. Sundara Rao Nayudu. | 51 Mr. K. P. Raman Menon. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 52 " G. R. Premayya. |
| 18 Rao Bahadur A. T. Pannirselvam. | 53 Sriman M. G. Patnaik Mahasayo. |
| 19 " R. Srinivasan. | 54 Diwan Bahadur M. Gopalaswami Mudaliyar. |
| 20 Rao Sahib N. Siva Raj. | 55 Mr. R. M. Palat. |
| 21 Subadar-Major S. A. Nanjappa Bahadur. | 56 " C. Indrayya. |
| 22 Rao Sahib V. I. Muniswami Pillai. | 57 " J. Kuppuswami. |
| 23 Mr. M. Vedachala Mudaliyar. | 58 Mahboob Ali Baig Sahib Bahadur. |
| 24 " B. P. Sesha Reddi. | 59 Mr. P. V. Krishnappa Choudari. |
| 25 " P. C. Moses. | 60 " K. Pattabhiramayya. |
| 26 " P. V. Rajagopal Pillai. | 61 " M. B. Rangaswami Reddi. |
| 27 " V. G. Vasudeva Pillai. | 62 " G. Sriramulu. |
| 28 Khan Bahadur Yahya Ali Sahib Bahadur. | 63 " P. Bayappa Reddi. |
| 29 " T. M. Moidoo Sahib Bahadur. | 64 Mr. A. Ranganatha Mudaliyar. |
| 30 Mr. P. K. Ramachandra Padayachi. | 65 The Maharaja of Venkatagiri. |
| 31 " G. Lakshmana Reddi. | 66 Rao Bahadur C. Natesa Mudaliyar. |
| 32 Rao Sahib V. Dharmalingam Pillai. | 67 " Sir A. P. Patro. |
| 33 Rao Bahadur T. M. Narayanaswami Pillai. | 68 Mr. K. Koti Reddi. |
| 34 The Raja of Khallikote. | 69 Diwan Bahadur S. Ellappa Chettiyar. |
| 35 The Kumararaja of Venkatagiri. | 70 Mr. C. Basu Dev. |
| | 71 " C. R. Parthasarathi Ayyangar. |
| | 72 " F. Birley. |
| | 73 " W. O. Wright. |
| | 74 " P. Madhusoodanan Thangal. |

Noes.

- | | |
|--|---|
| 1 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 4 Mr. T. C. Srinivasa Ayyangar. |
| 2 Dr. P. Subbarayan. | 5 Khan Bahadur Mahmud Schamnad Sahib Bahadur. |
| 3 Mr. K. R. Venkatarama Ayyar. | 6 Mr. T. S. Ramaswami Ayyar. |

2nd November 1933]

Noes—cont.

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| 7 Rao Bahadur P. C. Muthu Chettiyar. | 12 Mr. Basheer Ahmed Sayeed. |
| 8 Khan Bahadur P. Khalif-ul-lah Sahib. | 13 Ahmed Meeran Sahib Bahadur. |
| 9 B. Pocker Sahib Bahadur. | 14 Mr. K. A. Nachiyappa Gounder. |
| 10 Mr. A. B. Shetty. | 15 " A. Pl. N. V. Nadimuthu Pillai. |
| 11 " Abdul Hameed Khan. | 16 The Pattagar of Palayakottai. |
| | 17 Mr. U. C. Subrahmanya Bhatt. |
| | 18 " K. S. Sivasubrahmanya Ayyar. |

Neutral.

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| 1 Mr. K. M. Duraiswami Reddiyar. | 2 Mr. P. Peddiraju. |
|----------------------------------|---------------------|

Ayes 74. Noes 18. Neutral 2.

The amendment was carried.

4.15
p.m.

Clause 2 (2) (d).

Section 3 (2) (d).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—

'After the words "British Government" at the end, insert the words "and notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors-in-title of the grantee or grantees".'

"Sir, I am not quite convinced that this amendment is really necessary. 'Village' is defined in the Act as a local area which is designated as a village in the revenue accounts; it follows that anything which the owners may do would not really affect the status of the village as a village. It is only the Government which can alter the status of any particular area. But there is a feeling that if the grantees or the successors-in-title of the grantees subdivide the property in their possession, it may have some effect upon the status of the village as an estate. For that reason I have suggested this amendment. It is really a case of abundant caution."

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

The hon. the PRESIDENT:—"May I know from the Revenue Member whether he requires the word 'and' before 'notwithstanding' in his amendment?"

The hon. Sir ARCHIBALD CAMPBELL:—"It may be omitted, Sir."

The amendment, with the word 'and' at the beginning left out, was put and carried.

Section 3 (3).

Sriman M. G. PATNAIK Mahasayo:—"Sir, I rise to move amendment No. 11, viz. . . ."

* The hon. Sir ARCHIBALD CAMPBELL:—"May I raise a point of order as to whether this amendment is in order? We have not touched the definition of 'holding.'"

[2nd November 1933]

* The hon. the PRESIDENT:—"But the original Bill had this definition in it, though it has been subsequently altered by the Select Committee. The amendment is in order."

* Sriman M. G. PATNAIK Mahasaya:—“ Sir, I now move the following amendment standing in my name:—

'Insert the following in the place of clause 3 of section 3:—
 " 'Holding' means—

“ ‘Holding’ means a parcel or parcels of land held under a single patta or engagement in a single village.”

Provided that no land shall be deemed to be held under a single patta or engagement unless there has been an exchange of patta and muchilka in respect of the land at any time between the landholder and the ryot."

“ This proviso seems to be necessary for this reason. What generally happens in regard to certain lands which are treated as common lands of the village is that each ryot occupies a portion of them, but a muchilka is not exchanged between the landholder and the ryots cultivating them. At the same time, the landholder, just to realize the rents, tries to proceed against all the persons jointly and severally though each man occupies only a small bit of a common land. When he gets a decree, he tries to realize the whole rent from the person who could pay the whole rent and not from the persons from whom rents are really due. He looks for his own convenience and does not care whether he recovers the rent from the proper person. It is to avoid this difficulty of the tenants that I have moved this amendment. In cases where no agreement has at any time been made or patta exchanged in respect of it, the sort of common ground I have mentioned, should not be treated as the whole plot. But if there has been exchange of patta at any time, fresh exchange of pattas would not be necessary. Now, for the institution of suits in respect of these lands, there should be exchange of pattas. Even in the absence of such exchange of pattas, the zamindars assert that holdings are held under pattas and several people are clubbed together for the recovery of rent, although they have no relation inter-se in the enjoyment of the land. To avoid that thing I have suggested the addition of this proviso.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I second the amendment.”

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I am not quite sure if the hon. Member altogether realizes the effect of this amendment. At present 'holding' means a parcel or parcels of land held under a single patta or engagement in a single village. There is no necessity for the exchange of patta and muchilka before it becomes a holding. Under the hon. Mover's proposal, until there has been this exchange of patta and muchilka, the ryots will not benefit by the provisions of this Act. I must therefore oppose it."

* **Mr. K. R. VENKATARAMA AYYAR:**—"Sir, I also oppose this amendment for the reason already stated by the hon. the Revenue Member.

2nd November 1933] [Mr. K. R. Venkatarama Ayyar]

I do not think that Mr. Patnaik really intends the consequences which are inevitable if the amendment is carried. I do not think he wants to secure the consequences that the ryots would be put to, viz., that in cases which are not covered by an exchange of patta and muchilka, they would really be losing the various rights conferred upon them by the Act in respect of their holding. In the circumstances the difficulty which Mr. Patnaik has mentioned in moving this amendment as a difficulty may be remedied in some other manner, by some other substantive provision suitably introduced and not by an amendment of the definition of 'holding' which would have the effect of cutting off a good portion of the beneficial operation of the Act in favour of the ryots."

Sriman M. G. PATNAIK Mahasaya:—"The hon. the Revenue Member said that the ryot will be liable to ejectment. I regret to say that the legal position is not correct. What I say is that the ryot will be paying rent in respect of a small piece of land. The zamindar, when he fails to recover rent from other people who are also in possession of plots of the same land, sues all people including those who have paid the rent due by them severally and jointly and tries to recover the rent on lands which were formerly held under joint pattas. That is what I condemn. Of course, if there has been an engagement, the position will be different. But that engagement must be a real engagement and not one simply in the books of the zamindar. If that is there, let the zamindar sue and not otherwise. That is what I mean. Under section 45, if a man pays rent for two years, he secures occupancy rights so far as his particular piece of land is concerned. He pays rent and he cannot be ejected. There is no difficulty about that. The only difficulty is in respect of rent for which a man not in possession is sued jointly and severally with others when in fact it is not due from him. The zamindars, instead of taking the trouble to find out, which of the ryots are in possession of land and have not paid their rent, club them together and make a joint and several claim against all the ryots for the entire amount and recover the whole thing from one of them.

"That is apparently unjust. Therefore that injustice should not be allowed. If once there was an engagement, it must be a real engagement. In that case the ryot must be responsible for the entire extent."

The amendment was put and declared lost.

Mr. M. G. Patnaik demanded a poll and the House divided thus:—

Ayes.

1 Mr. P. V. Krishnayya Choudari.	3 Mr. J. Kuppuswami Choudari.
2 Sriman M. G. Patnaik Mahasaya.	4 Mahboob Ali Baig Sahib Bahadur.

Noes.

1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur.	3 The hon. Sir Archibald Campbell.
2 " " Diwan Bahadur Sir M. Krishnan Nayar.	4 " Mr. H. G. Stokes.
	5 " Diwan Bahadur S. Kumaraswami Reddiyar.
	6 " Mr. P. T. Rajan.

[2nd November 1933]

Noes—cont.

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|--------------------------------------|-------------------------------------|
| 7 The hon. the Raja of Bobbili. | 35 The Zamindar of Mirsapuram. |
| 8 Rao Bahadur G. Jagannatha Raju. | 36 Mr. M. A. Muthiah Chettiyar. |
| 9 Mrs. K. Alamelumangathayaramma. | 37 Sri A. V. Bhanoji Rao. |
| 10 Diwan Bahadur Sir Alladi Krishna- | 38 Mr. Daniel Thomas. |
| swami Ayyar. | 39 " H. M. Jagannatham. |
| 11 Rao Bahadur V. N. Viswanatha | 40 Rao Bahadur D. Krishnamurti. |
| Rao. | 41 Rao Sahib P. Subrahmanya Chetti. |
| 12 Mr. J. A. Thorne, | 42 Diwan Bahadur A. Appadurai |
| 13 Diwan Bahadur N. Gopalaswami | Pillai. |
| Ayyangar. | 43 Rao Sahib D. V. Narasimhaswami. |
| 14 Mr. R. Madanagopal Nayudu. | 44 Pandit Ganala Ramamurti. |
| 15 " E. C. Smith. | 45 Mr. K. Kesavaramamurti Nayudu. |
| 16 " T. Sundara Rao Nayudu. | 46 " S. M. K. Beyabani. |
| 17 " Khan Sahib Syed Tajuddin. | 47 " A. Ramakrishna Reddi. |
| 18 Rao Bahadur A. T. Pannirselvam. | 48 " K. R. Venkatarama Ayyar. |
| 19 Rao Sahib N. Siva Raj. | 49 Rao Bahadur T. A. Ramalingam |
| 20 Subadar-Major S. A. Nanjappa. | Chettiyar. |
| 21 Rao Bahadur R. Srinivasan. | 50 Mr. T. C. Srinivasa Ayyangar. |
| 22 Rao Sahib V. I. Muniswami Pillai. | 51 Khan Bahadur Mahmud Schamnad |
| 23 Mr. M. Vedachala Mudaliyar. | Sahib Bahadur. |
| 24 " B. P. Sessa Reddi. | 52 Mr. T. S. Ramaswami Ayyar. |
| 25 " G. Sriramulu. | 53 " V. T. Arasu. |
| 26 " P. C. Moses. | 54 Rao Bahadur P. C. Muthu Chetti- |
| 27 " P. V. Rajagopala Pillai. | yar. |
| 28 " V. G. Vasudeva Pillai. | 55 Mr. U. C. Subrahmanya Bhatt. |
| 29 Khan Bahadur Yahya Ali Sahib | 56 Diwan Bahadur M. Gopalaswami |
| Bahadur. | Mudaliyar. |
| 30 Mr. P. Bayappa Reddi. | 57 Rao Bahadur Sir A. P. Patro, Kt. |
| 31 " P. K. Ramachandra Padayachi. | 58 " C. Natesa Mudaliyar. |
| 32 Rao Sahib V. Dharmalingam Pillai. | 59 The Maharaja of Venkatagiri. |
| 33 The Kumararaja of Venkatagiri. | 60 Mr. M. B. Rangaswami Reddi. |
| 34 The Raja of Khallikote. | 61 Mr. H. M. Hood. |

Ayes 4.

Noes 61.

The amendment was lost.

* Mr. V. T. ARASU:—"Sir, I move that the proviso to sub-clause 3 of section 3 of the Act be omitted.

"Sir, the proviso reads as follows:—Provided that if the landholder and ryot so agree in writing any portion of a holding as above defined shall be treated as a separate holding.

"In moving this amendment I must say that there is no principle involved and further from the point of view of drafting also I should like to suggest to Government that nothing would be lost if this proviso is dropped for the effect would remain the same. Similar amendments were also moved on the floor of this House at the time when this Bill was taken up for discussion in 1908. The hon. Mr. Krishnaswami Ayyar in moving his amendment made the following speech:—

'There is nothing to prevent a person who holds ten acres from having two or three pattas, if the landholder and the tenant agree. It seems to be carrying things to a nicety when this proviso is put in, for without it, there would be no legal difficulty whatever.'

"Then he goes on to say:—

'My point is that we do not want oral understandings between the landholder and the tenant for any portion of the holding being held separate; it is far better to have a record of such understandings in the patta that it is one holding,

2nd November 1933] [Mr. V. T. Arasu]

so that the landholder and the tenant may perfectly understand that this is a part of the original holding, though it may be a separate part. The fact that it is separate will be evidenced by a separate patta.'

"Therefore I feel that nothing would be lost by Government dropping this proviso."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I do not think this amendment is necessary. This proviso has been in force since the Act was passed, and the hon. Member who moved this amendment has not shown that it has led to any difficulties, and there is no reason why it should not remain. It makes it perfectly clear that a holding may be sub-divided into separate holdings and if a person wishes to relinquish a portion of his holding he can do so without having to relinquish the whole holding and get a fresh one. I think the proviso should remain as it is."

The amendment was by leave withdrawn.

* The hon. the PRESIDENT:—"Amendments Nos. * 12-A to 12-D and 13 are outside the scope of this Bill."

* Mr. V. T. ARASU:—"May I make one submission, Sir. According to the legislative procedure I believe it is within the ambit of our right to move amendments to section 3 of the Act which has been touched upon by me; I believe it will be perfectly right on our part to suggest amendments to the sub-clause as well."

* Section 3 (4).

New sub-clause (2) (a).

Mr. V. T. ARASU:—

12-A In clause (4) of section 3 of the Act, the following words after the words 'the value of the holding' be deleted:—
'which is suitable to the holding and consistent with the character thereof, and.'

New sub-clause (2) (b).

Mr. V. T. ARASU:—

12-B In sub-clause (d) of clause 4 of section 3 of the Act, delete the word 'dwelling.'

New sub-clause (2) (c).

Mr. V. T. ARASU:—

12-C After sub-clause (f) of clause 4 of section 3 of the Act, add the following new sub-clause and number the same as (g):—
'Manures used on the land to the extent to which their value has not been exhausted.'

New sub-clause (2) (d).

Mr. V. T. ARASU:—

12-D In the last paragraph of clause 4 of section 3 of the Act, between the words 'other land of' and 'the landholder' add the following words:—

'or any irrigation work or source thereof belonging to.'

Mr. ABDUL HAMEED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—

13 Delete clauses (d), (e) and (f) of section 3 (4) of the Act.

[2nd November 1933.]

* The hon. the PRESIDENT:—"That is not possible."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg to move that—
'For the words "subsequent to the thirteenth day of July 1802,"
insert the words and figures "subsequent to the first day of July
1932".'

"Sir, this clause was contained in the original Bill and was modified in the Select Committee. The object of this clause as introduced by Government is to undo the effect of certain decisions of the High Court. This relates to darmila inams, minor inams granted subsequent to the permanent settlement. The question arose as to whether people who are cultivating these lands should have occupancy rights in them. It was contended that they were not entitled to occupancy rights. But the High Court in their decision and by subsequent rulings held that though these minor inams did not come under the definition of estate yet the inamdar was a landholder under section 3 of clause 5 and therefore the tenants have the right of occupancy. The Government in their Statement of Objects and Reasons say that the Legislature did not intend to give occupancy rights in minor inams. I do not see any basis for such a view. I think it is but reasonable that the change proposed should apply to grants made hereafter and not to grants already made, so that the rights already acquired might remain intact. In view of the fact that these minor inams may well be secured for the benefit of inamdars move the further amendments. My amendment wants that the date 13th day of July 1802 be changed into 1st of July 1932, so that by giving effect to it those who have already acquired rights might not be affected. So I move this amendment."

(The hon. the Revenue Member was consulting the Advocate-General.)

4-45
p.m.

* The hon. the PRESIDENT:—"If the Government wants to have the discussion on this particular amendment adjourned, we can have it to-morrow."

* The hon. Sir ARCHIBALD CAMPBELL:—"The Advocate-General is just going to explain the scope of the amendment to the House."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Sir, I shall just explain the scope of this explanation. The main principle underlying this explanation is that subsequent to the permanent settlement, there might have been cases of grants of small bits of land here and there, grants of a few acres but not whole villages which might have been unoccupied at that time and there was no idea of differentiating the varams—the melvaram and the kudivaram. The idea is that the rights of these people should be protected. But if you put in the year 1932 here a different consequence would be the result. You may prevent landholders from carving out inams after 1932. But to say that grantees after 1932 ought to be protected would defeat the very object of the explanation, namely, to protect grants made after 1802, but before

2nd November 1933] [Sir Alladi Krishnaswami Ayyar]

the Madras Estates Land Act of 1908. But if you say here 'grantees of inams subsequent to 1932,' it would mean that people can prevent the acquisition of occupancy rights after 1932 by carving out inams (in the name of their relations?) which is certainly not the object of any one. The object is to protect antecedent grants, grants made prior to the passing of the Madras Act I of 1908. You may take any date as the final point, but the starting point must be earlier. It must be subsequent to 1802. It must be darmila inam. There should have been no differentiation of varams and the landholder must have made a complete grant of a few acres. The land must have been unoccupied and it must have been intended for cultivation by the inamdar. That is the object of this explanation. But if you alter the explanation as follows—

'The grantee in inam subsequent to the first day of July 1932, of land which formed part of a village in an estate and which was either unoccupied or in which there was no occupancy right on the date of the grant, shall not be deemed to be a ryot, etc., etc.'

it will produce just the opposite effect to what is intended. That is to say, after 1932, landholders may go on making grants of inams to their own relations and prevent the acquisition of occupancy rights, provided that land is unoccupied on the date. I do not believe that it is the intention of my hon. Friend. Therefore, if you are agreeable to the main principle of the Explanation, you will have to protect grants made subsequent to 1802. You must always fix a date beyond which such grants could not be made in order to prevent the acquisition of occupancy rights, but to substitute 1932 for 1802 would produce just the opposite effect. That is what I want to point out. I do not want to speak on the merits of the amendment, but I wish only to say that that is the effect of the Explanation. The House will have to go into the cardinal question whether or not they are agreeable to recognizing a complete title in grantees of portions of an estate subsequent to 1802 and if necessary prior to 1932."

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I accept your suggestion that further discussion on this amendment might be postponed to to-morrow."

* The hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. to-morrow."

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

[2nd November 1933]

APPENDIX I.

[Vide answer to question No. 280 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 2nd November 1933, page 328 supra.]

Serial number, name of district and particulars of work.	Total estimated cost.	Grant disbursed up to the end of 1932-33.	Grant sanctioned in 1933-34.
<i>South Arcot.</i>	RS.	RS.	RS.
(1) Metalling the earthen road between miles 100—150 of the Great Southern Trunk Road	1,39,500	1,30,817	..
<i>Coimbatore.</i>			
(2) Improvements to the Coimbatore-Hassanur Trunk Road	2,05,000	50,000	1,05,000
<i>Malabar.</i>			
(3) Improvements to the Madras-Calicut Trunk Road and extension—First section from Calicut southwards	5,00,000	2,85,527	1,38,700
(4) Repairs to the Calicut-Gudalur and Calicut-Vaiyitri-Gudalur Trunk Roads	..	1,47,502	..
<i>Nilgiris.</i>			
(5) Improvements to the Gudalur-Vaiyitri-Calicut Trunk Road	1,87,000	..	1,00,000

APPENDIX II.

[Vide answer to question No. 287 asked by Mr. K. S. Sivasubrahmanya Ayyar at the meeting of the Legislative Council held on the 2nd November 1933, page 333 supra.]

Fasli.	12 annas.	8—11.	4—7.	0—3.
1342	105.31 acres.	95.50 acres.	206.00 acres.	..
1341	11.44 ..	72.13 ..	327.65 ..	..
1340	12.48 ..	203.17 ..	145.20 ..	45.52 acres.
1339	The cultivation accounts have been destroyed and hence the exact outturn recorded in these faslis is not available. But it is reported that the outturn was eight annas on most of the areas and four annas on the rest.			
1338				
1337				

2nd November 1933]

APPENDIX III.

[Vide answer to question No. 290 asked by Mr. A. Pl. N. V. Nadimuthu Pillai at the meeting of the Legislative Council held on the 2nd November 1933, page 335 supra.]

List of representations received from the Tanjore district since March last pertaining to concessions in the matter of land revenue and water-cess.

1. Resolutions of ryots of Tanjore taluk passed at a meeting in Tiruvadi on 25th March 1933.
2. Resolution of the Taluk Board, Papanasam, passed on 15th March 1933.
3. Resolutions of the Mannargudi Taluk Landholders' Association passed at a meeting on 28th March 1933.
4. Memorial from the Secretaries, Tanjore Old Delta Mirasidars' Association, dated 5th April 1933.
5. Memorial from the Secretary, Mirasidars' Association, Komal, Mayavaram taluk, dated 8th April 1933.
6. Letter from M.R.Ry. Rao Bahadur K. S. Venkatarama Ayyar Avargal, Advocate, Negapatam, dated 15th April 1933.
7. Proceedings of the Executive Committee, Mannargudi Taluk Landholders' Association, dated 17th April 1933.
8. Letter from the President, Taluk Board, Nannilam, dated 30th April 1933.
9. Petition, dated 2nd May 1933, from ryots of Settipulam, Tiruturai-pundi taluk, Tanjore district.
10. Resolutions passed at a conference of the landholders of the Negapatam taluk held on 12th May 1933.
11. Resolutions passed at a meeting of the Negapatam Taluk Landholders' Association, dated 9th June 1933.
12. Resolutions of a conference of the Old Delta Mirasidars' Association, Tanjore district, dated 11th June 1933, received from the Secretaries of the Association with their letter, dated 12th June 1933.
13. Memorial from S. Ratnasabhupati Pillai, Pudhukudi village, Kumbakonam taluk, dated 22nd June 1933.
14. Resolutions of the Landholders' Association held at Negapatam, on 28th July 1933.
15. Memorial from M.R.Ry. V. Mahadeva Ayyar, Vishnupuram, dated 14th September 1933.
16. Petition from R. Swamiappa, dated 22nd February 1933, Ramakottah, Tiruvarur, Tanjore district (received in April 1933).
17. Petition from the Tanjore Old Delta Mirasidars' Association, dated 11th August 1933.

[2nd November 1933]

APPENDIX IV.

[Vide. answer to question No. 295 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 2nd November 1933, page 337 supra.]

*Letter from the Collector of Guntur, dated 19th September 1933,
R.C. No. 5314/33-A-4.*

Statement showing the damage caused by the Kistna floods in Guntur district in the month of August 1933.

GUNTUR TALUK.

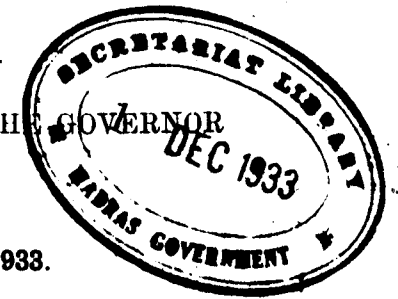
- 1 The causes and the extent of the floods. Heavy rains in the Western Ghats. The flood level over the anicut at Benwada reached a maximum level of 17-80 feet. The period during which the flood level was above 12 feet over the anicut was from 2nd August 1933 to 14th August 1933.
- 2 The total number of lives lost and of families that have been rendered homeless. No life was lost. The dwelling huts of the depressed classes in two villages fell down. Nearly 40 families were rendered homeless. Rupees 39-8-0 out of the allotment sanctioned by Government was spent towards providing houses to these people.
- 3 Extent of damage done to—
(a) Government property (other than irrigation works). Nil.
(b) Minor Irrigation works. Nil.
(c) Crops, fields and other private property including houses and livestock. The number of villages affected by the floods was 18, which lie above the anicut. They are dry. The approximate extent on which crop was damaged by the flood was 6,565 acres. The crops were tender having been partly raised in July and partly in August. Ryots are reploughing the fields which are dried up and raising fresh crops. Practically there was no loss of crop. No big houses and livestock were lost.
- 4 The measures taken to mitigate the effects of floods and whether anything not being the duty of the Public Works Department was not done which might have been done to mitigate their effects still further. Seven boats were arranged by the Tahsildar and Deputy Tahsildar to carry people in danger from the villages affected by the flood to Public Works Department steamer waiting in the Kistna river to places on high level to stay there till the flood receded. Two hundred and fifty people were carried and were fed by private persons.
- 5 Measures taken for the relief of distress and their cost to Government. An allotment of Rs. 200 and a further allotment of Rs. 600 were sanctioned by Government to this district in their Orders Nos. 1435, Revenue, and 1472, Revenue, dated 12th and 16th August 1933, respectively. Out of this amount of Rs. 800 an amount of Rs. 50 was allotted for Guntur taluk, of which an amount of Rs. 10-8-0 was spent for boat charges for carrying men from the flood-affected villages and an amount of Rs. 39-8-0 was spent for providing houses to the homeless depressed classes.

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GUNTUR TALUK—cont.

- 6 Whether proposed to give further relief—
(i) By way of (a) to cultivators No. As no applications have been received.
advances. No.
(b) to the people rendered homeless for the purpose of helping them to repair or rebuild their houses. No.
(ii) Otherwise—
(c) to cultivators. No.
(d) to the people rendered homeless for the purpose of helping them to repair or rebuild their houses. No.
- 7 Approximate estimated cost on account of—
(a) Repairs to Government works mentioned in 3 (a). Nil.
(b) Repairs to Minor Irrigation works mentioned in 3 (b). Nil.
(c) Anticipated remission of revenue. Nil. The crops damaged were dry and tender. They are being ploughed up and fresh crops raised. Hence there is no necessity for remission.
- 8 The number of breaches (so far as known) that have been closed by private agencies or individuals. Nil.
- 9 Whether it is practicable and desirable to take any measures to prevent the recurrence of such floods or mitigate their effect and if so, what measures. Almost all the villages affected by the flood in Guntur taluk lie above the anicut. As the floods in these parts are common and cannot be avoided, no measures to prevent the recurrence of such floods are called for.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.



Friday, the 3rd November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

P R E S E N T :

- | | |
|---|-------------------------------------|
| Usman Sahib Bahadur, K.C.I.R., The hon. | Lakshmana Reddi, Mr. G. |
| Khan Bahadur Sir Mahomed. | Madanagopal Nayudu, Mr. R. |
| Krishnan Nayar, Kt., The hon. Diwan | Maharaja of Venkatagiri, The. |
| Bahadur Sir M. | Mahboob Ali Baig Sahib Bahadur. |
| Campbell, K.C.I.R., C.S.I., C.B.E., V.D., | Mahmud Schamnad Sahib Bahadur, |
| I.C.S., The hon. Sir Archibald | Khan Bahadur. |
| Stokes, C.S.I., C.I.E., I.C.S., The hon. | Manikkavelu Nayakar, Mr. M. A. |
| Mr H. G. | Moidoo Sahib Bahadur, Khan Baha- |
| Raja of Bobbili, The hon the. | dur, T. M. |
| Rajan, The hon. Mr. P. T. | Moses, Mr. P. C. |
| Kumaraswami Reddiyar, The hon. | Muhammad Meera Ravuttar Bahadur, |
| Diwan Bahadur S. | K. P. V. S. |
| Abdul Hameed Khan Sahib Bahadur. | Muniswami Nayudu, Diwan Bahadur B. |
| Ahmed Miran Sahib Bahadur, A. M. | Muniswami Pillai, Rao Sahib V. I. |
| Alamelumangathayaramma, Mrs. K. | Muthiah Chettiyar, Mr. M. A. |
| Annamalai Chettiyar, Mr. S. A. A. | Nachiyappa Gounder, Mr. K. A. |
| Appadurai Pillai, Diwan Bahadur A. | Nadimuthu Pillai, Mr. A. Pl. N. V. |
| Arasu, Mr. V. T. | Nanjappa Bahadur, Subadar-Major |
| Basheer Ahmed Sayeed Sahib Bahadur. | S. A. |
| Basu Dev, Mr. C. | Narasimhaswami, Rao Sahib D. V. |
| Bayappa Reddi, Mr. P. | Narayanan Namhiyar, Mr. V. P. |
| Beyabani Sahib Bahadur, S. M. K. | Narayanawami Pillai, Rao Bahadur |
| Bhanoji Rao, Mr. A. V. | T. M. |
| Birley, Mr. F. | Natesa Mudaliyar, Rao Bahadur C. |
| Dharmalingam Pillai, Rao Sahib V. | Palat, Mr. R. M. |
| Duraiswami Reddiyar, Mr. K. M. | Pannirselvam, Rao Bahadur A. T. |
| Ellappa Chettiyar, Diwan Bahadur S. | Parthasarathi Ayyangar, Mr. C. R. |
| Foulkes, Mr. R. | Patnaik Mahasayo, Sriman M. G. |
| Gopalaswami Ayyangar, Diwan Baha- | Patro, Kt., Rao Bahadur Sir A. P. |
| dur N. | Pattabhiramayya, Mr. K. |
| Gopalaswami Mudaliyar, Diwan Baha- | Pattagar of Palayakottai, The. |
| dur M. | Poddiraju, Mr. P. |
| Hood, I.C.S., Mr. H. M. | Pocker Sahib Bahadur, B. |
| Indrayya, Mr. C. | Premayya, Mr. G. R. |
| Jagannadha Raju, Rao Bahadur G. | Rajagopala Pillai, Mr. P. V. |
| Jagannatham, Mr. H. M. | Raja of Khallikote, The. |
| Jayaram Nayudu, Rao Sahib C. | Ramachandra Padayachi, Mr. P. K. |
| Kesavaramanmurti Nayudu, Mr. K. | Ramakrishna Reddi, Mr. A. |
| Khalif-ul-lah Sahib Bahadur, Khan | Ramalingam Chettiyar, Rao Bahadur |
| Bahadur P. | T. A. |
| Kolanda Reddi, Rai Sahib C. | Ramamurti, Rao Sahib Pandit Ganala. |
| Koti Reddi, Mr. K. | Raman Menon, Mr. K. P. |
| Krishnayya Choudari, Mr. P. V | Ramaswami Ayyar, Mr. T. S. |
| Krishnamurti, Rao Bahadur D. | Ramaswami Mudaliyar, Mr. V. M. |
| Krishnan, Mr. C. | Ranganatha Mudaliyar, Mr. A. |
| Krishnaswami Ayyar, Kt., Diwan | Ranganatha Mudaliyar, Mr. G. |
| Bahadur Sir Alladi | Ranganatha Mudaliyar, Mr. M. D. T. |
| Kumararaja of Venkatagiri, The. | Rangaswami Reddi, Mr. M. B. |
| Kuppuswami Choudari, Mr. J. | Ratnasabhapati Mudaliyar, Diwan |
| Ladden, Mr. W. W. | Bahadur C. S. |

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PRESENT—cont.

Sahajanandam, Swami A. S.
 Sami Venkatachalam Chetti, Mr.
 Sesha Reddi, Mr. B. P.
 Shetty, Mr. A. B.
 Sivara, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 Smith, C.I.E., I.C.S., Mr. E. Conran.
 Sregha, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.

Syed Tajuddin Sahib Bahadur, Khan
 Sahib.
 Thangal, Mr. P. Madhusoodanan.
 Thomas, Mr. Daniel.
 Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudeva Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan Baha-
 dur.
 Yakub Hasan Sahib Bahadur.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of Printing Presses

Ban on Labour Organs and Presses in regard to Government advertisements and printing works.

* 302 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government have issued a circular to the Heads of offices not to give any Government printing works and advertisements to Labour Organs and Presses at Madras and Trichinopoly;

(b) if so, what the reason is; and

(c) whether the Government will be pleased to lay on the table a copy of the circular?

A.—(a) & (b) The hon. Member is apparently referring to the Government Order in which the Government have recently revised the list of newspapers and presses in the Madras Presidency to which Government advertisements and printing work should not be given. One Labour organ and two Labour Presses in Madras and Trichinopoly have been included in the revised list as a result of its having been found necessary to demand security from them under the provisions of the Indian Press (Emergency Powers) Act, 1931, on account of objectionable matter published and printed by them.

(c) The Government Order is confidential.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether it is not a fact that the demand of security from one of the labour presses has been withdrawn? ”

The hon. Sir MAHOMED USMAN:—“ I am not sure if it is so.”

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Mr. V. M. RAMASWAMI MUDALIYAR:—“ Will the Government be pleased to withdraw the demand for security and reconsider the question of withdrawing the prohibition? ”

The hon. Sir MAHOMED USMAN:—“ I do not think that the question arises.”

Police

Direct recruitment of Assistant Superintendent of Police and Deputy Superintendents of Police since 1928.

* 303 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Home Member be pleased to state—

(a) how many Assistant Superintendents, and how many Deputy Superintendents of Police have been selected in each year from 1928 by way of direct recruitment;

(b) to which community each of them belongs;

(c) on what principles and on what basis the selections have been made;

(d) how many are the sons of Police officials;

(e) how many are the sons of non-officials; and

(f) how many are the sons of present or past officials other than Police officials?

A.—(a), (b), (d), (e) & (f) The information is contained in the annexed statement.^a

(c) Recruitment of Assistant Superintendents of Police is regulated by the Indian Police (Recruitment) Rules, 1927, as subsequently amended and of Deputy Superintendents of Police by the general rules relating to all Provincial Services and the special rules relating to the Madras Police Service. Copies^a of these rules are annexed.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I know, Sir, whether the persons from the southern districts have been given a fair chance for these appointments? ”

The hon. Sir MAHOMED USMAN:—“ I think so.”

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know whether the hon. the Home Member—he should be congratulated on giving the appointments to the various communities and on applying the communal Government Order so fairly—will take into consideration representation to the various districts also in enforcing the communal Government Order? ”

The hon. Sir MAHOMED USMAN:—“ I do not think it is possible.”

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Administration of Justice

Re-division of Revenue taluks in the Guntur district for purposes of administration of civil justice.

* 304 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the High Court has divided Revenue taluks in Guntur district and placed different divisions under the jurisdiction of different district munsifs' courts;

(b) whether any representations have been made to the Government by the people of that locality about their difficulties arising out of the subdivision of Revenue taluks for jurisdiction of munsifs' courts;

(c) what action has been taken by the Government on the representations;

(d) whether the Government have called for a report on this matter from the present District Judge, Guntur; and

(e) whether the Government will be pleased to lay the information on the table of this House?

A.—(a) The Government have no information. Under section 11 of the Madras Civil Courts Act the local jurisdiction of district munsifs is fixed by the High Court.

(b) No.

(c), (d) & (e) Do not arise.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I ask whether the Government would be prepared to enquire into the difficulties felt in this matter?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No, Sir, because the matter is entirely within the jurisdiction of the High Court and the Government would not interfere."

Pendency of cases on the file of the honorary bench magistrates' courts in the Madras City.

* 305 Q.—Mrs. K. ALAMELUMANGATHAYARAMMA: Will the hon. the Law Member be pleased to state—

(a) the number of cases that are being posted for hearing every Monday in each of the honorary bench magistrates' courts in the Madras City;

(b) how many of those cases are actually disposed of on those days;

(c) how many cases are now pending in each Court; and

(d) whether the Government have any proposal under consideration to increase the number of honorary bench magistrates in those parts of the city where the number of pending cases is now heavy?

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A.—(a), (b) & (c) The Government have no information but have called for it.

(d) In 1931 the Government sanctioned an increase in the number of Honorary Presidency Magistrates in the City of Madras from 100 to 150, as it was represented to them that with 100 Honorary Magistrates it was found difficult to constitute the benches. Since then they have also decided to increase the number of such Magistrates sitting singly to give relief to the stipendiary Magistrates and the question of accommodation for these courts is now engaging their attention. The Government have at present no proposal under consideration to increase the number of Honorary Magistrates in those parts of the city where the number of pending cases is heavy.

Rao Bahadur C. NATESA MUDALIYAR:—"The hon. the Law Member said that the work was heavy; yet he would not increase the number of Magistrates. May I request him to consider the question whether the number should be increased?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It was recently increased from 100 to 150."

Rao Bahadur C. NATESA MUDALIYAR:—"Is the hon. Member aware that the number of cases is heavy?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not too heavy for 150 Magistrates."

Mr. T. S. RAMASWAMI AYYAR:—"May I ask whether any honorarium is paid to these persons?"

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

Mr. ABDUL HAMEED KHAN:—"Will the hon. the Law Member consider the advisability of transferring the court in Georgetown to Washermanpet?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government were trying to find a building at Washermanpet but they were not able to do so."

Rao Bahadur C. NATESA MUDALIYAR:—"Will the hon. Member be pleased to state the qualifications for those Honorary Magistrates?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"No special qualifications are prescribed."

Location of the Honorary Bench Magistrates' Court, Washermanpet.

* 306 Q.—Mrs. K. ALAMELUMANGATHAYARAMMA: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Honorary Bench Magistrates' Court at Washermanpet is now located in Georgetown; and

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(b) whether the Government have received any complaints about the inconvenience caused to parties and Honorary Magistrates thereby?

A.—(a) Yes.

(b) No.

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know whether the hon. the Law Member would consider the advisability of having the Honorary Magistrates' Court at Washermanpet instead of at Georgetown? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I have already given my answer to my hon. Friend, Mr. Abdul Hameed Khan, namely, the Government were trying to find a building at Washermanpet, but they were not successful so far.”

Mr. YAKUB HASAN:—“ Is it not a fact that people from Mylapore have to go to the Egmore Court and, if it is so, will Mylapore have a court at Mylapore itself? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I want notice of the question.”

Protest by the Adi-Dravidas in regard to the election of members to the Village Panchayat Court, Vadakku Valliyur.

* 307 Q.—Mr. M. DEVADASAN: Will the hon. the Law Member be pleased to state—

(a) whether there was an election of members for the Village Panchayat Court at Vadakku Valliyur in the month of March 1932;

(b) whether members of the Adi-Dravidas stood for election for the Panchayat Court;

(c) if so, how many;

(d) whether they succeeded in the contest;

(e) whether any objection was made to the Sub-Collector, Sermadevi, against the election conducted by the Election Officer;

(f) if so, what the decision of the officer was;

(g) whether any protest was made to the Government against the decision by the Adi-Dravidas;

(h) if so, what action was taken upon the same; and

(i) whether any memorial was addressed to the Government in the matter and whether the Government will be pleased to lay the memorial on the table of the House?

A.—(a) & (b) Yes.

(c) Two.

(d) Their candidature was rejected as they were not qualified under the rules.

(e) One of the candidates filed an objection petition before the Sub-Collector, Sermadevi.

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(f) The objection was over-ruled by the Sub-Collector.

(g) A petition from one G. M. David and a memorial from the local Adi-Dravida residents were received alleging that the rejection of the nomination of Shanmugam as a candidate for the election by the election officer was unjust and requesting orders for a fresh election.

(h) The petitioners were informed that the Government saw no reason to interfere.

(i) a copy * of the memorial received by the Government is laid on the table.

Provision of a post mortem shed in Yedapadi in Salem district.

* 308 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether there is any post mortem shed in Yedapadi in the Salem district;

(b) whether there are proposals to construct any, if there is none there;

(c) if so, at what stage it is and when it is likely to be finished; and

(d) where post mortem is being conducted there now?

A.—(a) to (d) The information has been called for from the District Magistrate.

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask whether the information will be made available to this House? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Yes; when I get it.”

Forests

Government control, if any, over the Waterfalls Association at Courtallam.

* 309 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Law Member be pleased to state whether the Government have any control over the Waterfalls Association at Courtallam?

A.—No; but the advisory committee constituted by the Government exercises control by approving the scale of fees to be levied for the use of bathing sheds and all proposals for the construction of bathing sheds at the Falls, repairs to the pond and bathing platform, etc., are placed before and approved by the Committee.

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Mr. V. T. ARASU:—"Will the hon. Member be pleased to state whether the Government are aware of the recent tragedy at the Courtallam Waterfalls and that several lives were lost?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I saw something about it in the papers."

Mr. V. T. ARASU:—"Will he be pleased to call for a report from the Collector of the district as regards this incident?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my Friend's suggestion."

Prisons and Prisoners

Classification of Mr. K. V. Subba Rao of Salem, a political prisoner.

* 310 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) in which jail Mr. C. Rajagopalachari and Mr. K. V. Subba Rao, both political prisoners of Salem, are kept;

(b) in which class each of them is put; and on whose recommendation;

(c) whether the Government are aware about the position and status of Mr. K. V. Subba Rao;

(d) whether any representations have been received to put Mr. K. V. Subba Rao in a better class than that which was originally assigned to him; and

(e) if so, in what way they have been disposed of?

A.—(a) C. Rajagopalachari and K. V. Subba Rao are in the Central Jail, Coimbatore.

(b), (c), (d) & (e)—

(1) C. Rajagopalachari has been provisionally placed in the 'A' class by the Subdivisional Magistrate, Sankari. The question of the confirmation of the classification is under the consideration of Government.

(2) K. V. Subba Rao was placed in 'C' class by the Subdivisional Magistrate, Sankari. Representations were since made to Government for placing him in a higher class and the Government have issued orders placing him in 'B' class.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether Mr. C. Rajagopalachari was put in 'A' class during his previous convictions?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That is my recollection."

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Mr. ABDUL HAMEED KHAN:—"Will not the Government confirm the order to put him in 'A' class as he was already put in 'A' class when he was previously sentenced?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The order of the Magistrate is that he should be placed in 'A' class and it may be confirmed by the Government."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know when the order placing Mr. K. V. Subba Rao in 'B' class was passed?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is given in the answer."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Arising out of the answer to clause (b)—I believe it refers to the classification of Mr. Rajagopalachari—am I to understand that there is the likelihood of his being put in 'A-1' class or 'B' class or 'C' class?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am yet to know that there is such a class as 'A-1' class."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, why Mr. Subba Rao was put in 'C' class originally?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That was according to the discretion of the trying Magistrate; he thought that he deserved only that class."

Mr. K. A. NACHIYAPPA GOUNDER:—"Did he not enquire about Mr. Subba Rao's status?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Court has discretion and it came to that conclusion."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Was the discretion exercised properly?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"That is the reason why the Government changed him to 'B' class."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Has the Magistrate been told that he should use his discretion properly?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"All the Magistrates know that they should exercise their discretion properly and they do so. Only in some cases the Government differ from them."

Withdrawal of the privileges admissible to Mr. K. Satyanarayana, a 'B' class political prisoner in the Bellary Central Jail.

* 311 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the Superintendent cut off the privileges of Mr. K. Satyanarayana, a 'B' class prisoner in the Bellary Central Jail for two months;

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(b) whether any enquiry was made by the Superintendent and whether the prisoner was given any opportunity to put up his case before orders were passed by the Superintendent cutting off his privileges; and

(c) if so, whether a copy of the minutes of the proceedings and the orders thereon will be laid on the table?

A.—(a), (b) & (c) The Government have no information but have called for it.

Provision of separate accommodation for 'C' class political prisoners in jails.

* 312 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether separate cells are reserved for 'C' class political prisoners in jails or whether they are put in cells mingled with criminal convicts;

(b) if separate accommodation is provided for political prisoners in some jails, in which of the jails such accommodation is provided; and

(c) what the reasons are for not providing separate accommodation in other jails?

A.—(a), (b) & (c) The information has been called for.

Mr. K. A. NACHIYAPPA GOUNDER:—"Will the information be made available to this House?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I will consider my Friend's suggestion."

Irrigation

The Tungabhadra Project.

* 313 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to make a statement stating the progress made in the investigation and the possibility of the early execution of the Tungabhadra Project?

A.—Revised preliminary estimates for the modified Tungabhadra project have been received from the Chief Engineer for Irrigation. The Special Revenue Officer submitted a preliminary report recently; orders have been issued extending the period of his special duty. The conference with the three Governments concerned, viz., Mysore, Bombay and Hyderabad, which was expected to take place this month, had to be postponed for want of particulars of existing irrigation and of contemplated projects in Mysore and Bombay. It is hoped that it will be possible to convene the conference early next year. After that conference is held and an agreement arrived at on the question

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of the available supplies at the proposed dam site and the sharing of them, the question of making a detailed investigation of the scheme and preparing detailed plans and estimates will be taken up.

S. M. K. BEYABANI SAHIB Bahadur:—"May I know whether portions of the Kurnool and Cuddapah districts will be included in the scheme?"

The hon. Sir ARCHIBALD CAMPBELL:—"I cannot say until the scheme is worked out completely."

S. M. K. BEYABANI SAHIB Bahadur:—"Will the hon. Member be pleased to state whether some portions of the Kurnool and Cuddapah districts will come under the project?"

The hon. Sir ARCHIBALD CAMPBELL:—"The question is under investigation."

The Maranthai channel in the Tinnevely district.

* 314 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state with reference to the Maranthai channel under the Chittar river in the Tinnevely district what progress has taken place since March 1933, in regard to—

(i) the settlement of the question of contribution for improvements; and

(ii) the revision, sanction and execution of the estimates for repairs and improvements?

A.—A revised estimate was forwarded by the Chief Engineer to the Collector and the Board of Revenue on 4th October. It awaits acceptance by the zamindars and inamdars interested in the channel. The scheme cannot be taken up until their consent is obtained and until after a report is received from the Collector and the Board of Revenue and considered by the Government.

Mr. DANIEL THOMAS:—"May I know whether there has been any further progress in this matter?"

The hon. Sir ARCHIBALD CAMPBELL:—"The zamindars and inamdars who are affected, have been asked to give their opinions."

Provision of a permanent structure at the Korambu in Jedar-palayam, Salem district.

* 315 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether the hon. Member has inspected the Korambu at Jedar-palayam in Namakkal taluk of the Salem district recently;

(b) if so, when;

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(c) whether there is any proposal to put up a permanent structure there to divert water into the channel; and

(d) if so, what it is and at what stage it is?

A.—(a) & (b) The answer to clause (a) is in the negative.

(c) & (d) The hon. Member's attention is invited to the answer given to question No. 78 at the meeting of the Legislative Council on 2nd August 1933.

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether the Government are aware that the temporary structure there, is giving trouble often? "

The hon. Sir ARCHIBALD CAMPBELL:—" I think it is quite likely; probably it has constantly to be repaired, as korambus generally have to be. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I ask, Sir, whether the Government have got any proposal to construct a fairly permanent structure there? "

The hon. Sir ARCHIBALD CAMPBELL:—" No, Sir. "

Landlord and Tenant

Motion for the consideration of the Madras Estates Land Act (Amendment) Bill.

* 316 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the hon. the Member for Revenue be pleased to state—

(a) why he refrained from making the motion for the consideration of the Report of the Select Committee on the Madras Estates Land Act (Amendment) Bill on the 30th January last; and

(b) what his present reasons are for bringing forward the same motion now?

A.—(a) The attention of the hon. Member is invited to the speech of the hon. the Member for Revenue at pages 471–472 of the Proceedings of the Legislative Council, dated the 30th January 1933, in connexion with the motion.

(b) The attention of the hon. Member is invited to the speech of the hon. the Revenue Member on the 30th October, when moving that the Bill be taken into consideration.

Public Service

Inadmissibility of acting allowance to permanent lower division clerks acting in the upper division.

* 317 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) why the officiating allowance for a permanent lower division clerk in the Secretariat departments for his duties as upper division clerk has been withdrawn;

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(b) whether it is a fact that lower division and upper division posts are treated as coming under one class for purposes of recruitment;

(c) whether it is a fact that, in the case of an acting clerk, recruited to the lower division and made to do drafting work, the officiating allowance is allowed; and

(d) if so, why a permanent lower division clerk has been debarred from drawing officiating allowance while an acting clerk is given the allowance?

A.—(a) The officiating allowance was disallowed from 1st January 1924 as it was considered by the Government that the duties and responsibilities of an upper division clerk were not so materially different from those of a lower division clerk as to justify its grant under Fundamental Rule 30.

(b) Under the Madras Ministerial Service Rules direct recruitment may be to the upper or the lower division but in practice it is mostly to the lower division.

(c) & (d) Under the General Rules relating to the Subordinate Services an acting clerk in the lower division is, on appointment to the upper division, entitled to the minimum pay in the scale of the upper division clerk, but a permanent clerk in the lower division acting in the upper division is not entitled to increased pay for the reason stated in answer to clause (a) of the question.

Mr. V. M. RAMASWAMI MUDALIYAR:—" Arising out of the answer to clause (d), may I know whether the Government realize that an acting clerk in the lower division who acts in the upper division is entitled to more remuneration than a permanent lower division clerk? "

The hon. Sir ARCHIBALD CAMPBELL:—" The question is under consideration. "

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether the Government will consider the advisability of promoting a larger percentage of lower division clerks to the upper division? "

The hon. Sir ARCHIBALD CAMPBELL:—" I will consider the suggestion. "

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I know if the Government are aware that better treatment is given to acting clerks in the matter of the higher scale of pay than to permanent persons? "

The hon. Sir ARCHIBALD CAMPBELL:—" If the hon. Member is referring to clauses (c) and (d), I have already said in answer to a previous question that the current anomaly is under consideration. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know how long it will take to come to a conclusion in this matter as it causes much hardship to permanent lower division clerks? "

The hon. Sir ARCHIBALD CAMPBELL:—" I cannot say. My attention has been drawn to it only recently by this question. "

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Local Self-Government

Action taken by the Government on the report of the Special Officer appointed to investigate the finances of Local Boards and Municipalities.

* 318 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have accepted any of the proposals made by the Special Officer for stabilising the financial position of the district boards and municipal councils; and

(b) whether they are taking any action in the matter?

A.—(a) & (b) The Government have accepted the recommendation of the Special Officer that the levy of tolls on non-motor vehicles should be revived. Necessary legislation to give effect to the recommendation will be undertaken by Government. Orders on the other recommendations of the Special Officer will issue shortly.

Mr. A. B. SHETTY:—“When the Government propose to bring forward this legislation?”

The hon. the RAJA OF BOBBILI:—“The date has not been fixed; probably in the next session.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“The answer is that the Government have accepted the recommendation of the Special Officer. May I know whether the local boards and municipalities were consulted in regard to the revival of the tolls?”

The hon. the RAJA OF BOBBILI:—“They have been consulted; the hon. Member himself knows that.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I know why the old system of levying tolls on all vehicles—motor and non-motor—should not be revived and the Motor Vehicles Taxation Act be given up altogether?”

The hon. the RAJA OF BOBBILI:—“Such action is not going to bring any additional revenue.”

Mr. V. T. ARASU:—“Will the hon. the Minister be pleased to give us an idea of the amount that the Government anticipate would be realized by the levy of tolls on non-motor vehicles?”

The hon. the RAJA OF BOBBILI:—“It is not possible to give an exact estimate without having exact figures as to the number of non-motor vehicles in the districts; it will be about Rs. 30 lakhs.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“May I ask whether the majority of votes are in favour of the introduction of toll on non-motor vehicles or against it?”

The hon. the RAJA OF BOBBILI:—“The majority of the municipalities are in favour; the majority of district boards against.

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But I may mention for the information of hon. Members of this House that it is proposed to give the power to such local bodies as wish to levy tolls.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether the opinion of local bodies was not in favour of levy of tolls on motor vehicles also?”

The hon. the RAJA OF BOBBILI:—“Some have expressed their opinion on that point but others have not.”

Mr. V. T. ARASU:—“Is the hon. Member aware of the strength 11-15 of feeling in the country against the levy of tolls on non-motor a.m. vehicles?”

The hon. the RAJA OF BOBBILI:—“There are differences of opinion, but, as I stated already, it is proposed to leave the matter to the local bodies.”

Mr. SAMI VENKATACHALAM CHETTI:—“What is the opinion of the Government, Sir?”

The hon. the RAJA OF BOBBILI:—“The opinion of the Government is that in the present financial difficulties, in order to restore the financial equilibrium of the local bodies, legislation is necessary.”

Mr. ABDUL HAMEED KHAN:—“Will the Government make it obligatory on district boards to levy the tolls?”

The hon. the RAJA OF BOBBILI:—“I cannot give a definite reply to that; I will have to consider the point.”

Mr. V. T. ARASU:—“Are we to understand that the Government propose to undertake this legislation without any idea as to the number of non-motor vehicles plying on the roads?”

The hon. the RAJA OF BOBBILI:—“They have a rough idea; what I stated was that it is not possible to give the exact figures.”

Mr. V. T. ARASU:—“Are the Government aware of the fact that the incidence of the levy of tolls on non-motor vehicles will fall on the agriculturists?”

The hon. the RAJA OF BOBBILI:—“Not in all cases.”

Road Development Schemes.

* 319 Q.—Mr. W. W. LADDEN: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether in view of the favourable offer made by the hon. Member for Finance of the Government of India at the Road-Rail Conference in April, for the financing of road development schemes by means of loans, the Government were conducting surveys in the Presidency so as to have road schemes ready at hand before the next Road-Rail Conference which it is understood has been convened to consider such schemes;

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(b) if not, why not;

(c) whether they are giving consideration to the subject of co-ordination of means of communication within the Presidency;

(d) if the answer to clause (c) is in the affirmative, how far does the co-ordinative machinery contemplated by them accord with the proposal of the Simla Road Conference for a Provincial Board of Communications;

(e) their attitude towards the scheme of a Central Board of Communications outlined at the Simla Road-Rail Conference; and

(f) what steps they propose to take towards commuting the various taxes on road transport into one Provincial tax?

A.—(a) & (b) The matter is under the consideration of the Government.

(c) Yes.

(d) & (e) The Government have not yet arrived at any definite decision in regard to the Boards of Communications.

(f) They do not propose to take any steps for the present.

MR. SAMI VENKATACHALAM CHETTI:—" May I know the approximate date by which consideration by the Government would result in any decision? "

The hon. the RAJA OF BOBBILI:—" It is an important question and I am afraid it may not be possible for me to give any exact date. "

MR. SAMI VENKATACHALAM CHETTI:—" Then what is it that the Government are actually doing now? "

The hon. the RAJA OF BOBBILI:—" They are examining the various proposals. "

MR. ABDUL HAMEED KHAN:—" Will the hon. Minister kindly state briefly and roughly what are the proposals of the Government? "

The hon. the RAJA OF BOBBILI:—" Some of the proposals are the co-ordination of road and rail traffic, the laying out of new roads connecting the interior parts of districts, etc. "

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—" May I know whether the schemes will be ready before the next meeting of the Road-Rail Conference? "

The hon. the RAJA OF BOBBILI:—" I do not know when the next meeting comes off. "

MR. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government are not aware that any undertaking of development of roads would give relief to the unemployed in this Presidency? "

The hon. the RAJA OF BOBBILI:—" To some extent it will relieve unemployment, but Government also have to take into consideration the financial implications. "

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MR. YAKUB HASAN:—" Do the Government intend to constitute a Board of Communications? "

The hon. the RAJA OF BOBBILI:—" They are considering the proposal. "

Basis underlying the allotment of petrol-tax to the various districts.

* 320 Q.—MR. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state the basis on which the petrol-tax which makes the Road Development Fund is allotted to various districts?

A.—The subventions received by this Government from the Central Road Development Fund are distributed as grants to district boards for such Capital Works on trunk roads as may be approved by the Government of India. The allotment is made with reference to the merits of individual works and not with reference to the districts in which they are carried out.

MR. A. B. SHETTY:—" May I know whether the Government examine the requirements of each district before making allotments from this fund to the different districts? "

The hon. the RAJA OF BOBBILI:—" All the schemes submitted will be duly considered. "

MR. A. B. SHETTY:—" May I know whether the Government have considered the desirability of fixing a basis for distributing amounts from this fund to all the districts? "

The hon. the RAJA OF BOBBILI:—" As was stated yesterday, the Government do consider the question of distributing to all districts, according to the urgency of the works. "

MR. M. S. SRESHTA:—" Will the Government be pleased to supply a list of the schemes which have been submitted for consideration? "

The hon. the RAJA OF BOBBILI:—" I have no objection to give the information to the hon. Gentleman. "

Direct recruitment of District Board Engineers with special reference to communal representation.

* 321 Q.—RAO BAHADUR A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether, with a view to the direct recruitment of District Board Engineers, the Government called for the recommendations from the Madras Services Commission;

(b) whether the Services Commission were asked to have regard to the claims of the various communities in making their recommendations for the purpose;

(c) the names of the persons recommended by the Commission and the communities to which they belong;

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(d) how many of these have so far been appointed as District Board Engineers; and

(e) whether any Indian Christian has been so far directly appointed as District Board Engineer?

A.—(a) Yes.

(b) The rules relating to the District Board Engineering Service provide for the due representation of the various communities so far as suitable candidates are available. The Commission had to make the selection in accordance with the rules.

(c) The Government do not propose to publish the names of the candidates selected by the Commission.

(d) Six.

(e) One Indian Christian candidate has been appointed.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask why the Government will not publish the names of the candidates selected by the Commission? "

The hon. the RAJA OF BOBBILI:—" It is generally considered to be confidential."

Mr. SAMI VENKATACHALAM CHETTI:—" With regard to the answer to clause (e), may I know whether this Indian Christian gentleman appointed directly by the Government was not one of those recommended by the Commission? "

The hon. the RAJA OF BOBBILI:—" Certainly he was one of those recommended."

Mr. M. S. SRESHTA:—" May I know when the recommendation was received from the Madras Services Commission and how many were recommended? "

The hon. the RAJA OF BOBBILI:—" I am afraid I must ask for notice.

The recommendation was received about a year or two ago."

Mr. YAKUB HASAN:—" Among the six District Board Engineers appointed, was there a Mussalman? "

The hon. the RAJA OF BOBBILI:—" Yes."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Indian Christian gentleman whose name is in the list of people recommended was one whose services were terminated by the District Board of Coimbatore? "

The hon. the RAJA OF BOBBILI:—" I want notice."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Will the Government be pleased to enquire into the matter? "

The hon. the RAJA OF BOBBILI:—" All the materials available have been placed before the Services Commission, and I do not think any useful purpose will be served by enquiring now."

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Agriculture

Levy of duty by His Exalted Highness the Nizam's Government on rice exported from this Province.

* 322 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that a special duty is levied by the Nizam's Government on rice exported from this province to that State;

(b) whether the Government have taken any steps to negotiate with the Nizam's Government for the removal of this duty; and

(c) what the articles mainly exported from the Hyderabad State to this province are and whether any special duties are levied on them?

A.—(a) Yes.

(b) Yes. The Residency at Hyderabad has been addressed to move the Darbar to get the rate of import duty reduced to the limit of 5 per cent *ad valorem* permissible under the Commercial Treaty of 1802.

(c) Information regarding articles mainly exported from the State into this province is not available. It is understood that no British Indian duty is levied on any article imported from the State into the Presidency.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know what is the rate that the State charges at present? "

The hon. Mr. P. T. RAJAN:—" I have no information."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask why if no duty is levied by the Government on the goods imported from the State, such a duty should be allowed to be levied by the State in respect of rice exported from this Presidency? "

The hon. Mr. P. T. RAJAN:—" I suppose it is in accordance with the terms of the Commercial treaty entered into between the State and the Government of India."

Mr. T. S. RAMASWAMI AYYAR:—" May I know, in view of the fact that the circumstances are changing all the world over, why a treaty of 1802 still stands on the records of the Government without any attempt being made to revise it, especially as it works detrimentally to this Presidency? "

The hon. Mr. P. T. RAJAN:—" The Government of India, I think, should be addressed in the matter."

Mr. SAMI VENKATACHALAM CHETTI:—" Have the Government of Madras no corresponding right to levy duties upon goods imported into this Presidency from the Indian States? "

The hon. Mr. P. T. RAJAN:—" I do not think any Local Government can do it."

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Mr. SAMI VENKATACHALAM CHETTI:—"At least have not the Government of India a corresponding right in this matter to that enjoyed by a State?"

The hon. Mr. P. T. RAJAN:—"I am afraid I cannot give any reply offhand."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if, in a matter which affects the weal of this Presidency, the Government of India alone should come to the help of this Presidency and if the Government of Madras would not take steps to have the treaty amended or address the Government of India, if necessary?"

The hon. Mr. P. T. RAJAN:—"As a matter of fact, from the answer given it will be seen that the Residency in Hyderabad is being addressed on this subject with a view to see whether the duties levied cannot be reduced."

Mr. T. S. RAMASWAMI AYYAR:—"My question was with regard to the amendment of the treaty, not with regard to the percentage of duty levied. Cannot the Government of India be addressed, so that there might be equal rights to both the State and this Presidency?"

The hon. Mr. P. T. RAJAN:—"Though, as I said, it does not form part of the Local Government's duty, yet the hon. Member's suggestion will be considered."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Why should not the Government of Madras address the Government of India in this matter so that it may take action?"

The hon. Mr. P. T. RAJAN:—"That is what I said, Sir; the hon. Member's suggestion will be considered."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Minister would fight for the principle of reciprocity so far as duties are concerned and would move the Government of India in this matter?"

The hon. Mr. P. T. RAJAN:—"I do not want any fighting in this matter; but I hope it may be possible to come to an understanding whereby we won't be the losers."

Mr. YAKUB HASAN:—"Have the States not the right to levy duty, and is it not also a fact that Provincial Governments do not levy duty on goods received from Indian States or other Provinces?"

The hon. Mr. P. T. RAJAN:—"I have no information on that point."

Co-operative Societies

Land Mortgage Banks in Salem district.

* 323 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) whether there are proposals to start more land mortgage banks in Salem district;

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(b) if so, in which places and when each is likely to be started; and

(c) what the present number is of such banks in the Salem district and in which places they are working?

A.—(a) Yes.

(b) Applications for organizing primary land mortgage banks at Tiruchengode and Dharmapuri have been received. The application for starting a bank at Dharmapuri is under investigation. Soon after this investigation is over, the other application will be taken up.

(c) There is one at Velur.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know why the other application is kept pending, with regard to the starting of a Land Mortgage Bank at Tiruchengodu?"

The hon. Mr. P. T. RAJAN:—"Probably they want to dispose of the first application before taking up the second."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, how long the investigation will take?"

The hon. Mr. P. T. RAJAN:—"I cannot say it offhand."

Public Works

Ten per cent cut in the salaries of the Works establishment of the Public Works Department.

* 324 Q.—Mr. G. SIMHACHALAM: Will the hon. the Minister for Public Works be pleased to state—

(a) whether the 10 per cent cut in the pay of Government servants in 1932-33 was made applicable to the members of the works establishment in Public Works Department;

(b) what the reasons were that made the Government retrench the pay of nine coolies or menials, drawing Rs. 12 per mensem;

(c) whether the cut is enforced in all the circles or only in the Bezvada circle; and

(d) whether the cut has been restored since 1st April 1933 and whether in certain divisions the cut was in force beyond April 1933?

A.—(a) Yes. To those whose pay exceeded Rs. 40 per mensem.

(b) Without information as to what coolies or menials are referred to by the hon. Member, Government are unable to answer this question.

(c) & (d) The cut was enforced in all the circles and it must have been restored from 1st April 1933.

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Veterinary*Duties of District Veterinary Officers.*

* 325 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) how many veterinary dispensaries and how many touring veterinary officers are there in each district;

(b) whether each district has got a District Veterinary Officer;

(c) what the work and duties are of District Veterinary Officers; and

(d) how many times in a year do they inspect each veterinary dispensary and how many times the work of each touring veterinary officer?

A.—(a) *Veterinary hospitals and dispensaries.*—The attention of the hon. Member is invited to Appendix IV of the Administration Report of the Madras Civil Veterinary Department for the year 1932–33.

Touring veterinary assistant surgeons.—A statement is appended.*

(b) No. There are only twelve such officers with headquarters and jurisdiction as shown in Appendix II.

(c) & (d) The attention of the hon. Member is invited to paragraph 8 of the Manual of the Madras Civil Veterinary Department which is available in the Legislative Council Library.

Education*Invalidity of elections to District Educational Councils held in advance of the expiry of the term of a member.*

* 326 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have recently issued a memo. to all District Educational Councils, intimating that all elections held in advance before the expiry of the term of a member would be invalid; and

(b) what the reasons are that have induced the Government to issue this memo. in the case of the District Educational Councils?

A.—(a) & (b) No such general memorandum has been issued. Two District Educational Councils which raised the question have however been informed on the strength of the Advocate-General's opinion that elections in advance of vacancies are not permissible.

* Printed as Appendix III on page 510 infra.

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Mr. A. RANGANATHA MUDALIYAR:—"May I ask what objection there is to the communication of the order issued to those two particular District Educational Councils to all the other Councils also, so that the error may not be repeated?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"These replies were sent to questions put by the two Councils themselves."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether such elections should be considered to be invalid?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is the opinion of the Advocate-General."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know if it is not advisable to issue a general circular to the other District Educational Councils, so that they may not repeat such irregularities?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This follows from the provision in the Act itself and I do not think the Government need circularize an opinion especially in a legal matter like this."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether it is so stated in the order which has been sent to the two Councils?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes, it follows from the provision in the Act."

* Mr. A. RANGANATHA MUDALIYAR:—"May I take it that in case an election is held in advance of the expiry of the term and no reference is made to the Government, the Government are willing to condone the irregularity?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"When an objection comes, it will be considered. Unless the matter is brought to the notice of the Government by a valid petition, I do not think it need be considered."

Mr. ABDUL HAMEED KHAN:—"May I know why the Government does not consider it advisable to send a circular to all Educational Councils that such an opinion has been recently taken from the Advocate-General?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"This opinion is neither recent, nor have such cases been so frequent as to necessitate the issue of a circular to all Councils."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the Government will recognize such elections as have been conducted previously?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They have not had occasion to recognize them as valid."

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Admission into the Queen Mary's College during the year 1933.

* 327 Q.—Mr. K. KOTI REDDI: Will the hon. the Minister for Education and Excise be pleased to state with reference to the Queen Mary's College, Madras—

(a) the number of persons including those from the college who applied to join each class and group during the year 1933; and

(b) the number of applicants in each class and group rejected and why?

A.—(a) & (b) The particulars required are given in the statement appended.*

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know why 17 students in the first year class and seven students in the third year class were rejected last year? Is it for want of accommodation? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The reasons mentioned at the foot of the appendix applies to all the classes.”

Mr. V. T. ARASU:—“ Is the hon. Member aware of the fact that one of the reasons for the decline in the strength of the college is the bad treatment meted out to the girls by the Principal of the college? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no such information before the Government.”

Mr. V. T. ARASU:—“ Is the hon. Member aware of the fact that the girls who are inmates of the hostel are constantly annoyed by burglars and rowdies on the roadside. If so, what steps were taken by the Principal to prevent the same? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The Government have not received any information about the steps taken.”

S. M. K. BEYABANI SAHIB Bahadur:—“ May I ask whether any facilities are given to Muslim students who seek admission to this college? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not know what particular facilities the hon. Member wants the Government to give. They have sufficient facilities even now.”

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know why students who get low marks are not admitted into this college? Am I to up the average students properly? These are girls who have passed the S.S.L.C. and the Intermediate examinations; and when the University allows them to go up, the Government obstructs them from going on with their further studies? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ In all Government colleges, they prescribe a certain percentage of marks for admission.”

* Printed as Appendix IV on page 511 infra.

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Mr. V. T. ARASU:—“ The hon. Minister said that the Government have no information regarding an attempted burglary at the college, and the annoyance caused by rowdies. The report of the Queen Mary's College issued this year states . . . ”

The hon. the PRESIDENT:—“ Order, order. I want to know how that question arises on this.”

Mr. V. T. ARASU:—“ The hon. the Minister said that he was not aware of it, Sir . . . ” 11-30 a.m.

The hon. the PRESIDENT:—“ Order, order. That does not give him the occasion to put a supplementary question. On an answer given by the hon. the Minister that he is not aware of any such thing, a supplementary question cannot arise. If he has given an answer that he is aware of a certain thing, then probably a supplementary question might arise to elucidate that.”

Mr. SAMI VENKATACHALAM CHETTI:—“ May I submit, Sir, that though the hon. Minister gave an answer that he was not aware of it, there is documentary evidence that he is aware of it? Every report relating to this institution is placed before him; and it ought to have come within the official cognizance of the Minister.”

Dr. P. SUBBARAYAN:—“ May I point out, Sir, that it is part of the Government Order which is incorporated in reviewing the administration reports in the department? ”

The hon. the PRESIDENT:—“ Has it been reviewed in connexion with admissions? ”

Mr. ABDUL HAMEED KHAN:—“ Yes, Sir.”

Mr. V. T. ARASU:—“ May I know, Sir, if the hon. Minister is aware of the G.O. No. 1511, dated the 25th August 1933, wherein it is stated that continual annoyance by rowdies and attempted burglary, etc., have made the northern building uninhabitable? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ But I understood the hon. Member's question to be that by reason of such incidents, students were not coming to the college. There is no such thing mentioned at all in the report.”

Mr. V. T. ARASU:—“ May I know if he is aware of the fact that this is one of the reasons why girls do not seek admission into the college in such large numbers as they used to do? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I am not aware of it, Sir.”

Mr. V. T. ARASU:—“ Will the hon. Minister make enquiries or ask the Director of Public Instruction to conduct an enquiry into the matter and report to the Government? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I am not prepared to do it, Sir.”

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Rao Bahadur C. NATESA MUDALIYAR:—" May I know, Sir, to what communities and districts these lady students, whose applications for admission were rejected, belong? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. ABDUL HAMEED KHAN:—" In view of the fact that education of women has not advanced to such an extent as to enable the Government to have a high standard prescribed for admission, will the Government consider the advisability of instructing the Principal not to insist upon this very high standard? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I shall communicate the suggestion to the Director of Public Instruction."

Mr. V. T. ARASU:—" May I know, Sir, what are the causes that have brought about this decline in the number of the students of this college? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It has been explained in the answer. The decline is not so serious as my hon. Friend seems to think. But the causes of the decline such as it exists have been explained in the answer."

Decline in the strength of the Queen Mary's College, Madras.

* 328 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that since 1931 there has been a fall in the strength of the Queen Mary's College; if so, what the reasons therefor are;

(b) whether any representations have been made to the Government by the authority of the college in regard to the limited accommodation for natural science section and the absence of facilities for the B.Sc. course in Natural Science; and

(c) if so, what steps have been taken by the Education Department to afford these facilities in the said college?

A.—(a) The strength of the college in recent years has been as follows:—

March 1931	...	...	...	...	186
March 1932	...	...	...	...	237
March 1933	...	...	...	...	214
July 1933	...	...	...	...	204

The smaller strength in 1933 compared to the previous year was due to a fall in the number of applicants for admission to courses in History and Economics.

(b) & (c) The desirability of providing more accommodation in the Natural Science section of the Intermediate course and of organizing the B.Sc. course in the college was mentioned by the Principal in the report on the working of

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the institution in 1932–33. No action was taken on these suggestions, primarily because an expansion of the facilities for instruction in Science subjects is necessarily expensive; nor can such expansion be considered urgent as no applicant for admission into the Intermediate Natural Science section of the college was rejected in July 1933 for want of accommodation and as students of the college are admitted without difficulty in the B.Sc. (Pass) and B.Sc. (Hons.) courses of the Presidency College.

Mr. V. T. ARASU:—" Will the hon. the Minister tell us whether the decline in the strength of the college from 237 in March 1932 to 204 in July 1933 is due to the fact that the Principal is becoming unpopular with the students? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is not so, Sir. The answer explains the cause of this."

Rao Bahadur C. NATESA MUDALIYAR:—" Is not this college to be kept as an ideal college, being a Government college, to educate lady students? Why should the Government say then that to have a science section would be expensive? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" To provide fresh accommodation would certainly be expensive. You may say it is desirable to have this additional accommodation, but it is expensive."

Mr. YAKUB HASAN:—" The hon. the Minister said that there is a certain percentage of marks fixed for admission to Government colleges. Will the hon. Minister ask the Director of Public Instruction to relax that rule in the case of women students? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I told Mr. Hameed Khan that I would communicate this suggestion to the Director of Public Instruction for such action as he deems fit."

Rao Bahadur C. NATESA MUDALIYAR:—" It is stated that these lady students can get admission into the Presidency College. Am I to understand that the orthodox Hindus and Muslims should go to the Presidency College and study side by side with boy students? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" In the absence of any accommodation in the Queen Mary's College, they have to do only that."

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether the hon. Minister for Education wants the Muslim and other orthodox Hindu lady students not to go in for studies in B.Sc. courses? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not asking them to give up studying for the B.Sc. course, nor are the Government going to compel them to go to the Presidency College. If they are really keen about it, they may go there and study."

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* Mr. A. RANGANATHA MUDALIYAR:—" Arising out of the answer of the hon. Minister that lady students might sit side by side with boys and young men, might not orders be issued that the lady pupils should be provided separate accommodation in the classes in the Presidency College? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I want notice of that. I do not know exactly what the position is."

Industries

Sale of the Government Ink Factory.

* 329 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the equipment for the manufacture of printing inks, and the recipe connected therewith, have been sold by the Government;

(b) if so, to whom, when and at what price;

(c) whether the intended sale was duly advertised in the papers and in the Gazette, and tenders called for either by the Government or the Director of Industries; and

(d) if not, why was this procedure dispensed with?

A.—(a) Yes.

(b) In May 1933, the Government permitted the Director of Industries to accept the offer of one Mr. B. K. S. Choudari for the purchase of the entire assets for Rs. 5,000.

(c) Yes; by the issue of a Press Communiqué, dated 4th June 1932.

(d) Does not arise.

Mr. T. S. RAMASWAMI AYYAR:—" May I know what the loss to the Government is by this transaction? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" If it is in capital value, I want notice."

Mr. K. P. RAMAN MENON:—" Was this sale well advertised? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It was. The Press Communiqué was published in the Gazette and in the newspapers."

Mr. K. P. RAMAN MENON:—" How long after that publication was the sale held? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

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Mr. T. S. RAMASWAMI AYYAR:—" May I know, Sir, from the hon. Minister whether the sale was advertised in papers other than those in the Presidency? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I cannot say."

Mr. A. RANGANATHA MUDALIYAR:—" What was the last date fixed in the Press Communiqué for the receipt of tenders? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I want notice of the question."

Mr. M. S. SRESHTA:—" Is there no procedure fixed for the calling of tenders? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no special procedure as far as I know except the usual one."

Mr. M. S. SRESHTA:—" Will the hon. the Minister consider the desirability of adopting a regular procedure for calling for tenders and fixing a date within which the tenders will be received? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" In all transactions of Government, I think this procedure is adopted."

Mr. M. S. SRESHTA:—" In the transactions connected with this department, sealed tenders should be called for and they should be received only up to a particular date. That is the usual procedure, I believe. Will the hon. Minister consider the desirability of adopting the same procedure here? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The usual procedure was adopted here also."

Mr. M. S. SRESHTA:—" Will the hon. Minister kindly make an enquiry into the matter? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No enquiry at this stage will be of any use, I think."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know, Sir, how many tenders were received in all? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

Mr. T. S. RAMASWAMI AYYAR:—" Will the hon. Minister let us know why it should have taken as long a period as nearly a year for the Government to accept the offer, after the issue of the Press Communiqué? The answer (c) says that the Press Communiqué was dated the 4th June 1932, whereas (b) shows that the offer was accepted in May 1933."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir."

Mr. T. S. RAMASWAMI AYYAR:—" Did the Government feel that they should have got a better offer and were not prepared to accept this offer of Rs. 5,000? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I say I cannot give the reason for the delay without notice."

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Mr. A. RANGANATHA MUDALIYAR:—" May I know, Sir, why, for nearly a year after the Government called for tenders, they did not pass orders on the tenders received? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I have already said that I would like to have notice."

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know from the hon. Minister whether the matter of calling for tenders has been published in the newspapers? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I said that it was."

Mr. V. T. ARASU:—" What are the newspapers in which the sale was advertised? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice."

UNSTARRED QUESTION

Irrigation

Plans and estimates for the restoration of the Panjantangi tank, Srivilliputtur taluk.

330 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether the estimate for the restoration of the Panjantangi tank, Elundrakondon, Srivilliputtur taluk, has been sent to, and sanctioned by the Superintending Engineer, Trichinopoly; and

(b) if not, why not?

A.—Plans and an estimate amounting to Rs. 1,730 were submitted to the Superintending Engineer, but in March last he returned them to the Executive Engineer for the submission of certain particulars. The Superintending Engineer reported that he would himself deal with them as they were within his powers of sanction. The Government have no further information.

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

II.—ELECTION TO THE SENATE OF THE ANDHRA UNIVERSITY.

* The hon. the PRESIDENT:—" I have to announce that as a result of the election held on 1st November 1933 the following hon. Members have been declared duly elected to the Senate of the Andhra University:—

(1) Mr. P. V. Krishnayya Choudari, (2) Mr. C. Indriah, (3) Sriman M. G. Patnaik Mahasayo, (4) Mr. A. Ranganatha Mudaliyar, and (5) Mr. K. Kesava Ramamurti.

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III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 of 1931).

Clause 2 (4).

Section 3 (5).

The hon. the PRESIDENT:—" The discussion on Amendment No. 16, viz., for the words ' subsequent to the 13th day of July 1802,' substituted the words ' subsequent to the 1st day of July 1932 ' will continue."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, after some consultation among certain hon. Members, we have agreed that this amendment should be withdrawn and that in its place we should pass an amendment omitting the whole explanation."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" I beg leave to withdraw my amendment, Sir."

The amendment was, by leave, withdrawn.

The hon. Sir ARCHIBALD CAMPBELL:—" With your permission, Sir, I move—

' that sub-clause (4) of clause 2 be omitted '."

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

The amendment was put and carried.

Clause 2 (5).

Section 3 (5-A).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" I move, Sir—

' that clause 2, sub-clause (5), be omitted.'

" Sir, this affects lankas in the Godavari, Kistna and other rivers. The whole sub-clause proceeds on the supposition that in the Act as it now stands lankas are not included and therefore a special provision must be made for lankas. In the Bill as introduced by the Government, we find the following statement:—

' There is no specific provision in the Act regarding lanka lands. It is doubtful whether in all cases they would fall under the head of " old waste." The amendment now proposed brings the law into accord with actual practice. There are permanent lanka lands which are in no way distinguishable from ryoti lands, as they have been held by the same ryots for years on the same rent. In many, if not, in the majority of cases, the occupancy right of such ryots has been recognized by the landholders. There are also lanka lands liable to material changes from a flood in which no right of occupancy had hitherto been claimed or allowed. Lands of the latter description are always leased by auction for a term of years and resumed by the landholder at the end of the term. It is considered desirable that legislation should respect custom in this matter and provide that no occupancy right should be annexed to lands that are " lankas proper," that is, lankas liable to a change.'

" These are the reasons which the Government have given for bringing in amendments with regard to lankas specifically. But I find, Sir, on a reference to the proceedings of the Legislative Council in 1908 that this specific question was raised by the hon. Mr. Sarma who moved an amendment that lankas should not be allowed to come

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into the Act immediately but that the Government should take power to extend the provisions of the Act to lankas as and from time to time they may think necessary. He advanced practically the same arguments as are now urged by the Government in support of their Bill. Before I read what happened then, I wish to state that lankas are lands which are fit for cultivation and therefore will come under the definition of ryoti land under the Act. If nothing else exists in the way of conditions, etc., then lanka land should be as good a ryoti land as any others. If the amendments in the Bill are accepted, the effect of them will be that lanka lands, though cultivable and ryoti, will be excluded from the operation of this Act, and they are to come under the operation of this Act only when they are brought in again by notification by the Collector. I oppose the introduction of this clause on the ground that the occupancy rights which now belong to the ryots who are cultivating lanka lands should not be taken away but should be continued and that this amendment is unnecessary and uncalled for.

11-45
a.m.

"The amendment was moved, as I said, Sir, by the hon. Mr. B. N. Sarma, who stated, that after the word 'Wynaad' be inserted the words 'the Agency tracts in the districts of Ganjam, Vizagapatam and Godavari included in the Scheduled Districts Act XIV of 1874, and the lanka lands in the beds of rivers and streams.' He says: 'I do not ask for a total exemption from the operation of this Act of the Agency tracts and lanka lands referred to in my amendment, but I plead for a temporary exemption on several grounds.' Then he says: 'With regard to lanka lands, which are proposed to be temporarily exempted from this Act, the Government seems to have been treating the lanka lands in the Godavari delta in a way different from the way in which ryotwari lands are dealt with; and the Standing Order (page 27) directs that a special lease may be taken in the case of lanka lands in the Godavari river. Here, I do not want a total exemption of lanka lands from the operation of the Act. There are lankas and lankas. There are lankas where the ryots have settled for a number of years, and where they have the right to sell them and enjoy all the benefits of the soil. But other lankas might have been of recent origin and lankas may hereafter arise. It may be to the interest of landholders to lease out these lankas, while they are in the course of formation at low rental and there is no particular reason why, when the land is enriched by fluvial deposits, the zamindars should not be allowed to reap larger profits.' Then he says: 'There is no particular hardship involved by the amendment that is proposed, because lankas do not form the ryoti lands proper in which ryots have had rights from time immemorial. For these reasons I beg to propose the amendment.' On these remarks, the hon. Mr. G. S. Forbes on behalf of the Government of the day replied:

'I must confess that I do not understand from the hon. Mover's proposition why the lanka lands should be excepted. No clear reason has been given why they should be excepted more than any other lands. I see no sufficient reason to accept the proposition.'

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Then the hon. Mr. Sarma explained that the lankas are shifting in their character. To that the hon. Mr. H. G. Stokes replied:

'From what the hon. Member says, I understand the position to be this. The lanka is formed, the ryot settles upon and improves it; but he is not to be allowed to get the benefit of his improvement; he is to be put outside, in order that the landlord may, at a subsequent period, steal his improvement. I cannot accept that position.'

Then the hon. Mr. J. N. Atkinson said:

'The very reason that the hon. Member gives for excluding these lankas from the operation of this Act is the very one that should induce us to include them. He says that lankas are constantly changing here to-day and there to-morrow. What he contemplates is that the Government should enquire where the lankas appear, and issue a notification extending the Act to them; but before the issue of the notification the lankas will have disappeared. It is better to allow the Act to come into force in the case of all lankas without there being any necessity for enquiry. It may be, as the hon. Member said, that some of these lankas are permanent. If they are washed away in one flood season, they reappear in another. I cannot see what there is anything peculiar in lankas that should make them liable to be extended from the operation of this Act. The hon. Member further referred to the tenure or rather the treatment of Government lankas, but I do not quite follow the remarks. The only special treatment that I remember the Government accords to its lankas or rather the special tenure it gives them or the special mode in which it regards them is that the High Court, in one decision, laid down that the tenure under which the cultivators own lands in lankas is not ryotwari; but that was due to a purely technical reason that the Government always leases out its lands at an auction and does not assign them on ryotwari pattas. That is the only peculiarity in the treatment of Government lankas. I do not see how that affects the question whether zamindari lankas should be included in the operation of the Act or not.'

Ultimately, the amendment was lost. It will therefore be found that in 1908, Government took the view that lankas do form ryoti lands, that occupancy rights are there and that there is no need to exempt them or to bring them under notification. The analogy of Government lankas was also not accepted. I understand Sir, in one case which arose from South Vallur, the High Court has confirmed the decision of the lower court that occupancy rights vest in the tenant. I, therefore think, Sir, that there is no necessity to change the Act, exclude lankas and then take power by the backdoor to reintroduce them as ryoti lands for occupancy rights being formed. The provisions so far as lankas are concerned, provide for lankas being brought in by notification of the Collector, and subsequently occupancy rights are conferred. All this procedure is absolutely unnecessary and there is no reason why the ryot already engaged in cultivation and in continued possession should be disturbed. For these reasons, this provision relating to the lankas may be deleted."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I think there is every justification for the omission of this clause, as it is the clause that introduces a great deal of complication without any corresponding benefit to the ryot and much less to the landholder. The position as it is now without this amendment is that the tenant has got the remedy to get a declaration if he has been long in possession. The landlord similarly will be able to obtain relief in the civil court."

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Now, by a stroke of the pen whether there are rights to the cultivating tenant or not, you are declaring all lands as ryoti lands, and you are introducing a new principle in respect of people who are already in possession or occupation or enjoyment of the land. Therefore, to avoid all these complications and much more the bitterness that will be created by this amendment, I would venture to submit to this House that it would be wise and prudent that this clause may be omitted altogether in relation to the lanka lands."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, Sir Patro, I believe, was rather very delicately speaking upon this subject. I think the object of the Mover was to avoid confusion that will come in, if the Government amendment should be carried, by throwing a doubt on the character of those lanka lands. That is the amendment moved by Mr. Muniswami Nayudu. Our intention is that by the amendment moved by Mr. Muniswami Nayudu, namely, to omit all the definitions moved by Government in regard to lanka lands they should be presumed to be ryoti land or, at any rate, should have the same character as the land to which they are an accretion. But speaking on this, Sir Patro makes it appear quite differently. I am sure speeches will have no bearing when the interpretation section is taken into consideration or lands of the same character as the original land to which they are an accretion."

* Mr. P. PEDDIRAJU:—"Mr. President, Sir, I want to intervene with regard to this motion because I find that the introduction of this word 'lanka' newly in the Act will complicate matters. I agree with Mr. Muniswami Nayudu in asking the House to omit the definition of 'lankas.' Having come from a district in which there are many lankas, I want to tell the House that there are two kinds of lankas generally in the rivers. Most of the lankas are those in which tenants have got occupancy rights already. There are some lankas which are recently formed now and then, which are let out at high rents. It is not considered as old waste or as private land, and the rent will be two hundred or three hundred per acre. Now, the definition will drive many of these people connected with lankas to court. It is better that the definition is removed altogether."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, the hon. Mover quoted from the proceedings of the second reading of the Estates Land Act of 1908. The proposal of Mr. Sarma was that lankas should be excluded entirely from the purview of the Act. That is, of course, the proposal made now in the amendment of the Select Committee Bill. The Committee proposed to treat lankas separately in a different manner from those of other lands until it is proved to the satisfaction of the Collector that they are permanent and until he gives a declaration to that effect. This proposal was, as hon. Members will see, made in Mr. K. Srinivasa Ayyangar's Bill and introduced in all subsequent Bills including the one now before the House. I understand from the

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speeches which have been made that the present proposals in this Bill do not satisfy the parties concerned. I think that it would probably be better therefore to leave these proposals out altogether and, if necessary, the matter may be further considered at a later date. I therefore accept the proposed amendment."

The amendment was put and carried.

Clause 2 (5) and (6).

* Mr. V. T. ARASU:—"I move—

'that in clause 2, sub-clauses (5) and (6), omit the definition of lanka and all subsequent references to lanka.'

"This amendment is only an improvement on the one which has just been adopted by this House. It states that not only that clause 5 should be omitted, but also adds that all other references in subsequent clauses to lankas may be also omitted. If I have understood the hon. the Revenue Member aright, that is also the attitude of the Government. I, therefore, suggest, Sir, that this clause may be taken up after we dispose of the other clauses of the Bill. I formally move this amendment."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it."

* The hon. the PRESIDENT:—"Does the hon. Member mean that the discussion of this clause should be taken up separately later on? I am not able to follow the hon. Member."

* Mr. V. T. ARASU:—"I am simply putting forward a suggestion to the hon. the Revenue Member that the consideration may be taken up later."

* The hon. Sir ARCHIBALD CAMPBELL:—"I have accepted the proposal for dropping all provisions."

* The hon. the PRESIDENT:—"The hon. Member need not move it now. He can do so later on."

Mr. SAMI VENKATACHALAM CHETTI:—"This is given effect to by the previous amendment. Consequently, everything connected with it will be omitted."

* The hon. the PRESIDENT:—"So I have to take it that the hon. Member does not move it."

Clause 2 (6).

* The KUMARARAJA OF VENKATAGIRI:—"Sir, I move the amendment which has been given notice of on behalf of the Justice Party, viz.—

'Omit sub-clause (ii) of clause (7) in section 3.'

"It deals with the definition of 'old waste.' It is unnecessary for me to indent upon the valuable time of the House by dealing with this subject in any detail. It will be sufficient for me to say that this

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will be one of the points on which the zamindars are willing to concede as much as possible. Whether that concession is a substantial one or not, it is not my purpose to deal with that aspect of the question. I hope it will be recognized that on questions where the landholders feel that the tenants have got legitimate grievances they will make all concessions which will not affect the vital interests or which would lead to the crippling of their resources, to the extent the duty they owe to the zamindari class to which they belong permits them. They are prepared to go to the extent stated by the hon. Raja Sahib of Bobbili in his speech in August last, when he suggested that the whole question may be referred to the conference. This is one of the clauses which the Raja Sahib had in his mind. I am very happy that it should fall to my lot, on behalf of the Justice Party, to move this amendment, and I am glad that it has the support of other groups in this House."

Mr. M. A. MUTHIAH CHETTIYAR:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, though I gave notice of a similar motion, I did not move it because the effect of my motion being accepted will be that the proposed clause will go. The result is that the original section will remain. The object of the hon. Mover of this amendment is that the definition of 'old waste' should go, that there should be no separate definition of 'old waste' apart from 'ryoti land' and that all amendments regarding 'old waste' should be omitted. The present amendment omits only the latter portion with the result that what remains will be the first portion alone. It is open to the Government to give effect to the intention of this House by moving a suitable amendment so that the original definition of 'old waste' may be removed. I therefore support the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, on behalf of the Government, I am prepared to accept the amendment proposed by the Kumararaja of Venkatagiri. As regards the remarks made by my hon. Friend, Mr. Muniswami Nayudu, I may explain that the effect of this amendment, as he stated, is to leave the first portion of the definition of 'old waste.' At the third reading stage, we are permitted to make the consequential amendments as a result of the amendments passed in the second reading. We have not in the second reading deleted the definition of 'lanka,' but we shall be able to delete the whole of the definition of 'old waste' as a consequential amendment in the third reading."

Mr. P. PEDDIRAJU:—"May I suggest, Sir, that instead of this amendment, an amendment to omit clause (7) may be moved?"

* The hon. the PRESIDENT:—"I will put the amendment to the vote of the House. The question is:

'Omit sub-clause (ii) of clause (7) in section 3.'"

The amendment was carried.

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Clause 2 (7).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I do not propose to move amendment No. 22-A on the paper. I am prepared to move the deletion of clause (7) of section 3 of the Act."

* The hon. the PRESIDENT:—"The hon. Member may move his amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, with your permission, I beg to move the following amendment, which has been agreed to by all the parties in the House—

'For the existing clause (6) substitute the following:—

"Clause (7) shall be omitted."'

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 2 (7) (b).

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move—

'Omit the letter and brackets (a), the word "and" occurring at the end of sub-clause (a) and sub-clause (b) of clause 10 of section 3.'

"This amendment relates to the definition of 'private land.'

"My reason for proposing this amendment is this: Yesterday, in regard to inams, the House decided that inams should be treated as estates, regardless of the fact whether melvaram interest alone, or both the melvaram and kudivaram interests vested in inamdars.

"The effect of that amendment is the position of an inamdar has 12-15 been brought on a level with that of the other landholders. In view p.m. of this change, it seems unnecessary to perpetuate the difference between an inamdar holding both melvaram and kudivaram interest and one not holding kudivaram interest.

"Sir, the sub-clause may at first sight seem harmless, since the reference given in the margin of the draft shows that it is based on the exception to section 8 of the Act. With reference to this I would point out what the section says:

'Notwithstanding anything contained in this section, where before or after the commencement of this Act the kudivaram interest in any land comprised within an estate falling within clause (d) of sub-section (2) of section 3 has been or is acquired by an inamdar such land shall cease to be part of the estate.'

"While embodying this portion in sub-clause (b), the draft has gone far beyond the intention of that exception by introducing a proviso relating to the acquisition of such kudivaram interest by surrender, abandonment or sale for arrears and cultivation for a period of twelve years. All this would not avail in view of the amendment defining all inams as estates.

[Mr. A. Appadurai Pillai] [3rd November 1933]

"In the clause (b) under consideration the difference between the kudivaramdar and melvaramdar has been maintained unimpaired in spite of the fact that we have decided to do away with the difference between an inamdar holding these rights and one not holding such rights. If this position is conceded, there is no place for this clause.

"There is no reason why an inamdar should be considered in any way different from other landholders. Under sub-clause (a) all land which is proved to have been cultivated by the landholder by his own servants or by hired labour with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act becomes 'private land,' whereas in the case of an inamdar a different treatment is proposed to be accorded. They are allowed continuous cultivation for a period of twelve years since the acquisition of the land. That makes a deal of difference. In fact it is now sought to maintain by this sub-clause the differential treatment accorded to the inamdars by the definition of 'estate' which was got rid of by the House yesterday.

"Sir, the word 'landholder' has got to be defined in a single manner for the benefit of the public at large. In the Proprietary Estates Village Service Act an estate is defined as a permanently settled estate, a portion of such permanently settled estate, an inam village, etc., and a proprietor is defined as a person in whose name an estate is registered. If an inamdar becomes the proprietor of an estate he becomes entitled to all the privileges of a landholder under the Act of 1894 in the matter of nominating village officers, awarding punishments to them and the like. But this provision will place the inamdar in a better position than the holder of an estate. The necessity for sub-clause (b) has, therefore I submit, not been proved. My amendment is intended to do away with the differential treatment proposed to be meted out to this class of landholders. I therefore respectfully suggest that my amendment to omit sub-clause (b) of clause 10 of section 3 may be accepted."

Mr. T. SUNDARA RAO NAYUDU:—"I second the amendment."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I do not want to speak on the merits of the clause. Inasmuch as there is some confusion as regards the relative provinces of this clause and the amendment in regard to inams which was passed yesterday, I just propose to say a few words. This clause does not hinge upon whether a particular inam is an estate or not. Even in regard to inams which were pakka estates under the old definition, this provision had application. The ambit of the class of inams coming under the Act has been now extended. Formerly only one particular class of inams was an estate within the meaning of the Act. Now, by the result of the voting yesterday, every species of inam has been converted into an estate. Assuming that a particular inam is an estate, what exactly is the effect of the acquisition of the kudivaram by a person who is the proprietor of the estate is the meaning and intentment of this clause.

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It was felt then by the then legislature that distinction ought to be drawn between one class of estates and another class of estates, both being estates within the meaning of the Act. In regard to one class of estates, namely, permanently settled estates, surrender or abandonment or even cultivation by the holder, is not to take away the character of the estate. In regard to another class of estates, namely, inams which come within the definition as it stood before, it was felt on grounds of high policy as then understood, that they should cease to be part of the estate; in other words, that the inamdars, provided the requisites of that section are complied with, should be absolute owners of the property.

"Now, Sir, we have heard so much about the value to be attached to decisions and so on. A Full Bench Decision of the Madras High Court held that even in regard to an inam which is an estate, according to the old definition, if there was a surrender or abandonment, henceforward the property should continue to be at the absolute disposal of the inamdar. In other words, it practically became the private land of the inamdar. That might be right or that might be wrong. Then, in the Committee, it was felt that you should not go so far as to say that by a mere process of surrender or abandonment, the inamdar's interests must be converted into what is in effect private land. He must have cultivated it for the requisite period. It was felt that some such restriction should be put on him, and that it was unnecessary to go to the full extent of the Full Bench Decision and say that by the mere fact of surrender or abandonment, the inamdar should have greater right. If surrender or abandonment is followed up by continued cultivation for the requisite period in the manner referred to in that section, he must have full rights. That is the import of the clause. I do not propose to speak on the merits of the clause. It is for the House to vote for or against the amendment after understanding the full import of the amendment. This has nothing to do with the definition of an estate. The definition of 'estate' has been extended by your including every class of inams. Even in regard to inams which are already estates, the proviso had application. The only question is whether you are going to retain this proviso or whether you are going to go back upon the decision of the Select Committee."

* Rao Bahadur Sir A. P. PATRO:—"Sir, with your leave, I propose to speak a few words on the merits of the amendment. Possibly, while I accept the legal position as stated by the hon. the Advocate-General, I would venture to submit to the House that this clause is an anomaly after the discussion that we had here yesterday. I would ask the leave of the House to refer to the definition as it stands in the present Act: 'private land' means domain or home-farm lands of a landholder by whatever designation known such as Pannai, etc. The definition here restricts 'private lands' to the domain or home-farm lands of the landholder by whatever designation known. Now the Government propose to amend the definition of 'private lands' to mean the domain or home-farm lands of a landholder by whatever designation known, etc. This is a new clause that has been introduced in the Bill."

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Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—“ This is a new clause reproducing the old clause. Originally it ceases to be part of an estate, and instead of saying it ceases to be part of an estate the present clause says it is part of the private land. Therefore by conceding the same rights as before by treating it as private land that object is effectuated. It is not right to say that it is a new amendment, whatever the merits or otherwise of it may be.”

* Rao Bahadur Sir A. P. PATRO:—“ That is neither here nor there. The explanation only makes matters worse. The definition of the existing clause is complete in itself. In the Bill a new clause is added and that new clause expands the right of the inamdar. That is the position I take up. You cannot get away from the fact that it is a new clause that is introduced, a clause which did not find place in the existing Act. You are creating a new right by virtue of this Bill which did not exist in the existing Act. That is my position. A new addition has been made to the already existing rights. By reading the clauses (a) and (b), hon. Members will find that a new interest is created by clause (b) in the inamdar and that with a view to see that it becomes his private land. Therefore I say this is opposed to the principle which this House has carried yesterday. In the Select Committee report it is stated ‘ all land in an estate within the meaning of sub-clause (d) of clause (2), the entire kudivaram interest in which has been acquired by the landholder before or after the commencement of this Act.’ That is how the amendment in the Select Committee stands. So according to the high policy which we are to pursue, if a kudivaram interest is purchased by an inamdar that land will be converted into a private land and you will be extending a right to him which he did not possess before and to-morrow the inamdars may circumvent this section by purchasing the kudivaram interest in another piece of land and thereby claiming the full right to call it a private land. Therefore it has been rightly moved that this clause be omitted.”

* Sriman M. G. PATNAIK Mahasayo:—“ Mr. President, Sir, we discussed yesterday the question whether an inam should be treated as an estate or not, and came to the conclusion that a whole inam village should be treated as an estate. If it is an estate, then there is no reason why an inam estate should be treated differently from any other estate. No doubt certain grounds were urged, that these inam estates are small estates, they are not like big impartible estates and all that. It is very often forgotten that these permanently settled estates also are very small estates—many of them consisting only of single villages, and on account of the partibility of the estates we find that a person may ultimately come to hold a few acres on account of partition in the family or alienation. An impartible estate may remain intact, but not so the estates which are partible, and I know of a case near Aska where in a small estate some 3 or 4 acres were sold for arrears of land revenue; what is the position of the man who purchased the small extent of land in a permanently settled estate. The position is that under section 38 of the

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Revenue Recovery Act, the Collector is bound to register him as a landholder and issue him a certificate, and so he will be registered as an estate holder of a small estate. If such persons cannot acquire occupancy rights and retain them in themselves for ever there is no reason why an inam-holder by acquiring occupancy right should retain it for ever. So far as the policy of the Madras Estates Land Act is concerned, one thing is clear: there is a clear prohibition against acquisition of occupancy rights permanently by any landholder. If occupancy right can be acquired by a landholder this danger will arise, namely, that all the lands of an estate may get into the possession of the landholder himself and all other people living in that locality will be his serfs and nothing more. It is on grounds of public policy that occupancy right cannot for ever be allowed to be acquired permanently by a landholder. That is the policy of the Act. If that is so, there is absolutely no reason why an inamdar should be able to retain the occupancy right for ever.

“ The second point is that it is almost a misnomer to talk of private land in an inam estate. Yesterday I read an extract from a report that these lands were scattered throughout the estate and the zamindar used to get as remuneration one-tenth of the total collections. These inamdars had no lands themselves as such. But the inamdars were given lands mostly by the zamindars themselves; very few inams were granted by the Crown. Therefore to talk of private land in an estate is a misnomer. But we cannot lose sight of the fact that in the present Act a provision was made that when an occupancy right was acquired in an inam estate the occupancy right became merged in the inamdar. Why was that distinction made? All I can say is that it is a departure from the principles underlying the Act. It was made simply in response to the clamour of the inamdars who were very powerful in the former Council. Merger is not possible in the case of other estateholders. There is no reason why an inamdar should be allowed to have merger. You cannot say that these inam estates are very small in extent. In fact they cover a very large area in the Presidency, though they are not situated in one place. Secondly, even in the case of unsettled paliams or jaghirs, as was stated by Mr. Forbes, there are only one or two cases and such a concession was not granted. Why then was this concession allowed to the inamdars? It is a violation of principle which ought not to be allowed.”

* Mr. T. C. SRINIVASA AYYANGAR:—“ There seems to be a considerable amount of confusion in the minds of the people. Clause (b) deals with one set of private land. It deals with private land in those estates which are inams. It is wrong to say that the inams were brought under the category of estates only by this amending Act. Inams answering to the description in sub-clause (d) of sub-section (2) of section 3 of the existing Act were already under the category of estates. That is one class of inams. The other class of pre-settlement inams has been since brought under the definition of estate by the amendment carried yesterday. Clause (b) was inserted by the amendment made by the Select Committee, with a view to deal with private lands in that class

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of estates which were already within the purview of the Act, that is, inams wherein the melvaram alone was conveyed in grant to one who did not own the kudivaram interest prior to the British Government. The necessity for this clause (b) is now all the greater when all the classes of inams are now brought under the Act. During the interval between 1908 when the old Act was passed and now very valuable rights have been acquired by parting with heavy sums of money. To them this proviso will not only apply but will be a safeguard. At the same time, the clause by a further proviso introduces a limitation. The cases of surrender or abandonment or sale for arrears of rent are placed in a different category. In all those cases, the implication is that it was previously in the enjoyment of a ryot holding lands in the inam. In such cases where a set of people apart from the inamdars were actually cultivating the soil, the stringent proviso has been introduced, by enacting that 'unless it is proved that twelve years previously there was continuous cultivation by an inamdar by hired labour or by himself.' So this clause has got an importance, has got a relevancy, and it does not become useless merely because yesterday the amendment has been carried; because even prior to the amendment there was a class of inams which were already in the Act with reference to which it was considered essential.

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"It will be applicable all the more to newer kind of inams which have been brought under an estate because during the 25 years since the original Act was passed very valuable rights have been acquired. I therefore oppose the amendment now sought to be introduced."

* The hon. Sir ARCHIBALD CAMPBELL:—"I understand that this is an amendment merely to carry out the decision which was arrived at in this House yesterday as a result of an agreement between the representatives of the ryots and those of the landlords. For that reason the Government accept the amendment."

* Mr. P. PEDDIRAJU:—"The hon. the Revenue Member was not able to understand the effect of this amendment or the new amendment proposed by Mr. Appadurai Pillai. I am sorry that the hon. the Revenue Member thinks that this amendment follows the decision of the House arrived at yesterday. Private lands have been defined even in the old Act. Now there are two additions to it, viz., clauses (a) and (b). So far as clause (a) is concerned it does benefit the zamindar to a great extent. Under the old Act of 1908, the zamindar had no power which is given to him under clause (a) now. This clause has been added to give effect to the prevailing feeling that there can be addition to the private land of a zamindar. Clause (a) says:

'(a) all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for a continuous period of twelve years immediately before the commencement of this Act.'

and clause (b) says:

'(b) all lands in an estate within the meaning of sub-clause (d) of clause (2) the entire kudivaram interest in which has been acquired by the landholder before or after the commencement of this Act provided

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that where such interest is acquired by surrender or abandonment of the land by the ryot or by purchase at a sale for arrears of rent the land is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for a continuous period of twelve years since the acquisition of the land.'

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The present clause (a) is already there in the original Act in the form of section 185."

Mr. P. PEDDIRAJU:—"At the end of section 8 of the old Act there is an exception which says:

'Notwithstanding anything contained in this section where before or after the commencement of this Act, the kudivaram interest in any land comprised in an estate falling within clause (d) of sub-section (2) of section 3 has been or is acquired by the inamdar, such land shall cease to be part of the estate.'

"Sir, that exception has been removed from that place and added on here at the end of the definition of 'private land.' Instead of saying that the land ceases to be part of the estate they now say that it forms part of the 'private land.' A further proviso has been added which reads:

'Provided that the surrender or abandonment of land by a ryot shall not unless followed by continuous possession for a period of twelve years have the effect of vesting the kudivaram interest in the land in the inamdar.'

"Therefore I ask the House to consider what will be the condition of some people who have purchased lands recently. I put a concrete instance where certain inamdar has got his kudivaram rights and a number of people have purchased an acre or two each from him. What will be the condition of these people who have purchased one or two acres for Rs. 2,000 or Rs. 3,000. A man who cultivates the land is entitled to occupancy rights: simply because he squats on the land for a period of one year you are going to confiscate the lands from those people who have spent a large amount in purchasing them. Perhaps the idea is to oppress the Brahman agraharamdars. I appeal to the House to seriously consider the effect that this amendment would have on a large number of people who have spent thousands of rupees in purchasing a few acres. They will now be told that their lands are not private lands but belong to those who actually cultivated them for a day or two. There is also another proviso now added to section 8 which reads:

'Provided that nothing in this sub-section shall be deemed to apply to land in an inam village which becomes private land within the meaning of sub-clause (b) of clause (1) of section 3.'

"That means you will place the landholder of the estate and also the inamdar who owns one or two acres of lands in the same category.

"Sir, if this amendment is allowed then there will be a consequential amendment in sub-clause (4) again. So I appeal to hon. Members of this House to see the consequences that will emanate from this. What will be the condition of the ordinary people who have invested large sums of money to purchase small pieces of land from

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inamdars when occupancy rights are going to be given to the ryots? That is the position. If Government think that this amendment has been moved as a result of the general proposition that was agreed upon yesterday it would be a mistake on their part."

Mr. T. SUNDARA RAO NAYUDU:—"I move that the question be now put."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The motion was put and carried.

The amendment was put and declared carried.

A poll was demanded and the House divided thus:

Ayes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman. | 30 " G. Lakshmana Reddi. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 31 Rao Sahib V. Dharmalingam Pillai. |
| 3 " Sir Archibald Campbell. | 32 The Kumararaja of Venkatagiri. |
| 4 " Mr. H. G. Stokes. | 33 The Raja of Khallikote. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 34 The Zamindar of Mirzapuram. |
| 6 " Mr. P. T. Rajan. | 35 Mr. M. A. Muthiah Chettiyar. |
| 7 " the Raja of Bobbili. | 36 " Daniel Thomas. |
| 8 Rao Bahadur G. Jagannatha Raju. | 37 " H. M. Jagannatham. |
| 9 Mrs. K. Alamelumangathayaramma. | 38 Rao Sahib P. Subrahmanya Chetti. |
| 10 Rao Bahadur V. N. Viswanatha Rao. | 39 " C. Jayaram Nayudu. |
| 11 Mr. J. A. Thorne. | 40 Diwan Bahadur A. Appadurai Pillai. |
| 12 " H. M. Hood. | 41 Rao Sahib D. V. Narasimhaswami. |
| 13 Diwan Bahadur N. Gopalaswami Ayyangar. | 42 Mr. K. Kesavaramamurti Nayudu. |
| 14 Mr. R. Madanagopal Nayudu. | 43 S. M. K. Beyabani Sahib Bahadur. |
| 15 " E. Conran Smith. | 44 Mr. A. Ramakrishna Reddi. |
| 16 " T. Sundara Rao Nayudu. | 45 " Sami Venkatachalam Chetti. |
| 17 Khan Sahib Syed Tajuddin Sahib Bahadur. | 46 Diwan Bahadur B. Muniswami Nayudu. |
| 18 Subadar-Major S. A. Nanjappa Bahadur. | 47 Mr. K. P. Raman Menon. |
| 19 Rao Bahadur R. Srinivasan. | 48 " M. S. Sreshta. |
| 20 Rao Sahib V. I. Muniswami Pillai. | 49 " P. V. Krishnayya Choudari. |
| 21 Mr. M. Vedachala Mudaliyar. | 50 Sriman M. G. Patnaik Mahasayo. |
| 22 " B. P. Sesha Reddi. | 51 Mr. C. Indrayya. |
| 23 " G. Sriramulu. | 52 " J. Kuppuswami Choudari. |
| 24 " P. C. Moses. | 53 Mahboob Ali Baig Sahib Bahadur. |
| 25 " P. V. Rajagopala Pillai. | 54 Mr. G. R. Premayya. |
| 26 " V. G. Vasudeva Pillai. | 55 " K. Pattabhiramayya. |
| 27 Khan Bahadur Yahya Ali Sahib Bahadur. | 56 Rao Bahadur R. K. Venugopal Nayudu. |
| 28 " T. M. Moidoo Sahib Bahadur. | 57 Mr. C. R. Parthasarathi Ayyangar. |
| 29 Mr. P. K. Ramachandra Padayachi. | 58 Rao Bahadur Sir A. P. Patro. |
| | 59 " C. Natesa Mudaliyar. |
| | 60 The Maharaja of Venkatagiri. |
| | 61 Mr. C. Basu Dev. |
| | 62 " R. M. Palat. |
| | 63 " R. Foulkes. |
| | 64 " V. P. Narayanan Nambiyar. |
| | 65 Rao Bahadur T. M. Narayana-swami Pillai. |

Noes.

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| 1 Mr. K. R. Venkatarama Ayyar. | 6 B. Pocker Sahib Bahadur. |
| 2 " T. C. Srinivasa Ayyangar. | 7 Mr. Abdul Hameed Khan. |
| 3 " A. Pl. N. V. Nadimuthu Pillai. | 8 " P. Peddiraju. |
| 4 " T. S. Ramaswami Ayyar. | 9 Moulvi Hafeez Annumanthakudi |
| 5 " V. T. Arasu. | Mustapha Ahmed Meeran. |

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Neutral.

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| 1 Diwan Bahadur Sir Alladi Krishna-swami Ayyar. | 4 Mr. A. B. Shetty. |
| 2 Dr. P. Subbarayan. | 5 " Muhammad Meera Ravuttar. |
| 3 Rao Bahadur T. A. Ramalingam Chettiyar. | 6 " K. A. Nachiyappa Gounder. |
| | 7 The Pattagar of Palayakottai. |

Ayes. 65. *Noes.* 9. *Neutral.* 7.

The amendment was carried.

The House then adjourned for lunch.

After Lunch (3 p.m.)

Clause 2 (8).

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I beg to move the following amendment:—

'Substitute the following for the first paragraph of clause 2 (8) of the Bill and section 3 (11) of the Act:—

"Rent" means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use or occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of enjoyment of water supplied by the landholder or taken for raising crops."

"This amendment relates to the question of water-cess. The original clause in the Bill as amended by the Select Committee postulates that water should be taken with the permission of the landholder. I know of cases where the zamindar refused to permit water being taken for second crops even though plenty of water was available. It is a well-known fact that these water-sources are held in trust by the zamindars for the benefit of the ryots. The zamindars think that they have proprietary rights in these water-sources and that they can sell the water to whomsoever they liked. In many places it is very difficult for the ryots to raise second crops because the zamindars refuse to supply water. Of course, I do not say that there should be no control over the use of water from these sources. There must be some control. Also if there is any dispute, there must be somebody to settle it and that somebody should be the Collector. It will be a hardship if water-cess is charged merely when the ryot takes water for mere cultivation. For the second crop may fail for want of sufficient water-supply or for various other reasons and then the ryot will be put to a great loss. A second crop cannot be raised always and on all lands, and it is only when a second crop is raised that water-cess is payable. What I want to suggest in this amendment is that water-cess should be charged only when the ryot takes water and actually raises a second crop and no water-cess should be charged merely because the ryot takes water irrespective of whether he is able to raise a second crop or not. It is with that object that I have moved this amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

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* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I am afraid I cannot accept this amendment. I cannot really see how it would carry into effect the object which the hon. Member has in view. This is purely a definition and does not confer any powers on anyone to take water or prevent anyone from taking water if the law entitles him to do so. Nor does it empower the zamindar to charge for water if he is not entitled to do so, for the word 'lawfully' occurs in the definition. The zamindar cannot include in his demand for rent any charge which he cannot lawfully make. Therefore I submit that the amendment is unnecessary and cannot be accepted by the Government."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I submit that it will be unjust to charge water-cess when a man merely takes water even though he is not able to raise a crop. The definition in the Bill contains the phrase 'for cultivation of land' and does not refer to the actual raising of a crop. For mere cultivation of land, are you going to charge water-cess? Should he not be able to raise a crop? Suppose for instance there is only a small quantity of water in the tank. The ryot is supplied water only once when he begins his cultivation and he does not get a subsequent supply and thereby is not able to raise a crop: is it fair to charge water-cess in that case even though he is not able to raise a crop? That will be the effect of the definition as it stands and it is why I want to amend it."

* Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I think there is some misapprehension behind this amendment. In the first place, this is merely a definition and does not purport to confer any special rights. It only postulates that in cases where water-cess is lawfully payable, it shall be included in the rent. Whether in any particular case water-cess is payable or not is a matter to be determined by the court. What this definition says is that if the cess is lawfully payable, then it is rent within the meaning of this Act. Whatever is ever compensation is payable for water taken without his permission—these two items mean rent for the purposes of the Act and the summary provisions of the Act can be applied for their recovery. More than that, it does not purport to confer any special right on anybody."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I agree with the hon. Member, Mr. Patnaik Mahasayo, and I also entertain the same apprehension. Suppose the zamindar refuses to give water even for the first crop, what can the ryot do then? Of course the definition is not the operative portion of the enactment; it is only a definition and if the hon. Member wants to refer to the rights of landlords and tenants in the matter of water-supply, he should give notice of amendments separately. But the definition as it stands raises a doubt in my mind as to whether the ryot will get a right for water-supply for second-crop purposes. That is a doubt which I hope the hon. the Advocate-General will clear up. The definition in the Bill speaks of 'whatever

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is lawfully payable on account of water supplied by the landholder.' Water supplied for what purpose?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"For the cultivation of land."

* Rao Bahadur Sir A. P. PATRO:—"Is it cultivation of wet land or land other than wet land? What is it?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"If a particular land is already wet land there is no question of water-cess at all because it has already entered into the computation of rent. It is only when water-cess has not entered into the computation of rent, that is to say, when the land is classed as dry land and when the ryot takes water, that any question of water-cess as water-cess is possible. Rent is whatever is lawfully payable. It all depends on the tenure of the land in question. Suppose it is a single crop land and the ryot takes water for a second crop, he has no right to take water for second crop and therefore he has to pay compensation to the landholder in the shape of water-cess. That water-cess which is lawfully payable will be rent within the meaning of the definition."

* Rao Bahadur Sir A. P. PATRO:—"I question the very premises of the hon. the Advocate-General, namely, that the ryot has no right to take water from the water-source in his holding for the purpose of raising a second crop."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"It all depends on the nature of the settlement in the particular zamindari area in question. If the land is classed as a double-crop land and the rent has been settled on that basis, there is no question of any water-cess being payable for the second crop. If on the other hand the land has been classed as single-crop wet land, and if in any year there is a large amount of water in the tank and the cultivator takes the water for a second crop with or without reference to the landholder, then the cultivator is liable to pay water-cess. This is exactly similar to the practice obtaining in Government tracts where you have single and double crop lands. Whether in a particular case, it is a single or double crop land, will depend on the nature of the settlement in the particular zamindari and the relation between the zamindar and the cultivators. This definition does not and cannot interfere with the relation between the landholder and the ryot in any particular zamindari."

* Rao Bahadur Sir A. P. PATRO:—"I quite appreciate the Advocate-General's argument on the analogy of pattadars in Government land. Of course, in the case of pattadars of single-crop lands, if a pattadar does not apply for water for second crop and if he takes water without permission, he will have to pay a penalty. But the very premises of the argument of the Advocate-General, I am now questioning. In the case of permanently settled estates, if the irrigation sources do not belong exclusively to the landholders in some cases,

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what is the position? The ryot is the co-owner of the lands and in such a case when he takes water from an irrigation source in which he has got the right of kudivaram, for the first or second crop, what will be the position of the ryot? This definition does not make the matter clear and that is my difficulty.

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"In the case of zamindaris, the irrigation sources were made by him. The irrigation source is therefore not the joint property and the tenant has got right to take water. I can understand your saying that the tenant must have the permission of the zamindar to take water. He must take permission. But what about the payment of water-rate for the second crop? The definition does not make it clear. I wish the hon. Member would explain."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, since 1908, as far as I know, no difficulty has arisen in consequence of the present definition. It is untouched so far the particular point referred to by the hon. Member is concerned except that we have inserted the word 'lawfully.' It makes it clear that, if the tenant is entitled to water free of charge, no charge can be made for that water. The wording of the existing provision is: "Rent" means whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use of occupation of land for the purpose of agriculture and includes whatever is lawfully payable on account of water supplied by the landholder or taken without his permission for cultivation of land where the charge for water has not been consolidated with the charge for the use or occupation of the land."

"I think it is to the interest of the ryot to exclude from the rent anything which cannot be lawfully charged as water-cess."

* Rao Bahadur Sir A. P. PATRO:—"I can understand the position when it is said that, if an irrigation source has been maintained or repaired by the zamindar at his cost and if the tenant wants to take water for second crop, the zamindar has got the right to charge for that water. But if the irrigation source has been in existence from the time of the permanent settlement and if it has not been kept properly by him and if no improvements have been carried out, what is to be the position?"

* The hon. Sir ARCHIBALD CAMPBELL:—"The courts will decide whether the rent charged is lawful rent or not. We have therefore inserted the word 'lawfully'."

The amendment was put and lost.

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I do not move the first part of my amendment. I move the following amendment:—

"Substitute for the words "has not been consolidated" the following in sub-clause (8):—

"is not proved by the landholder to have been consolidated."

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"The wording of the clause as amended by the Select Committee is: "where the charge for water has not been consolidated with the charge for the use or occupation of the land." The question whether it is consolidated or not has to be proved and the question is by whom it is to be proved. If the zamindar claims water-cess, he has to prove the fact. The ryot cannot prove it because he does not have any record. It is the zamindar that will have all the records. The burden of proof must therefore be on the zamindar."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I am afraid I am not prepared to accept it. If the charge for water has not been consolidated with the charge for the use or occupation of the land, the zamindar can levy the charge. It seems to me that it is in the interest of the tenant himself that this charge should be dealt with under this Act. It is much better to leave the section as it is."

The amendment was put and lost.

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move the following amendment:—

"Add the following to clause 2 (8) of the Bill:—

"Provided (1) that the landholder proves that for the particular crop raised with the water supplied or taken from the irrigation source within whose ayacut the land is situate, or from the particular source of irrigation from which the water so supplied or taken, the ryot was not entitled to take water and that at the time water was available in the source of irrigation from which the ryot was entitled to take water for the irrigation of the particular crop or land; (2) that rent for the particular land is not payable in kind."

Here are three points. (1) Rent for the particular land is not paid in kind. It is not necessary that the zamindar should go to a court of law to establish this right. It is only when the question comes up before a court of law, the burden of proof should be on the zamindar. A ryot is entitled to take water for his land for a particular crop from a particular source of irrigation. There may not be water in that source of irrigation; there may be water available in another source. Therefore he may take water from the other source of irrigation. It must be proved by the zamindar that the ryot is not entitled to take water for that particular crop.

"The other condition is that rent for the particular land is not payable in kind. That is a very important thing. Because, if water is taken and the crop is grown with that water, where rent is payable

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in kind, both the landholder and the ryot are benefited. The zamindar is benefited in this way; he gets larger amount of rent as rent in kind. Therefore water-cess should not be charged in that case."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, these two provisos, as worded, should, I presume, come earlier in the section. They are intended to apply to the definition of rent which includes water-cess under that head."

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"I confess I find it very difficult to follow what the intention or the effect of the hon. Member's first amendment is. After all, all that we are concerned with here is the definition of 'rent' not a substantive provision of law. I submit that this proviso should not be added."

"The second proviso again relates to the payment of rent in kind; but all this is covered by the question whether the amount is 'lawfully payable' or not. I may point out that they are very important words—'lawfully payable.' I therefore submit that these two provisos are not necessary."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, these provisos go to define the word 'lawfully' to some extent and therefore they are necessary here. The hon. the Revenue Member did not meet the other point. I said when rent in kind is taken, is not the landholder also benefited *pro tanto*; therefore, why should he charge a further water cess? That matter remains unanswered by the hon. the Revenue Member."

The amendment was put and lost.

* The hon. the PRESIDENT:—"The next amendment* is outside the scope of the Bill."

Sriman M. G. PATNAIK Mahasayo:—"Here also, Sir, the words 'lawfully payable' come in. Therefore, the amendment is not outside the scope of the Bill."

* The hon. the PRESIDENT:—"This amendment introduces a new provision with regard to water-cess and other things and therefore I hold it is not in order."

Clause 2 (8).

Section 3 (11).

* Sriman M. G. PATNAIK Mahasayo:—"I move to—"

Omit in sub-clause (8) of the Bill the figures 27, 28, 165, and insert the figures and letter "168 to 172" between the figures "165" and "210".

* Add the following to clause 2 (8) of the Bill:—

"Provided that in no case the rate for water claimed shall exceed the rate of water-cess charged for the time being by Government for similar crops with water from similar sources of irrigation in ryotwari tracts in the revenue division in which the ryoti land concerned is situate."

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"In moving this amendment, I have actually in mind a particular case that happened. Section 165 refers to the preparation of record of rights, and in the record of rights, the rent payable is to be mentioned. Then the 'settled rent' comes under sections 168 to 172. So far as that is concerned, the figures are not to be found in the Bill. What generally happens is that even after the rent is settled, supposing on account of some local usage some cess is payable to a zamindar or landholder, he may claim that amount on the ground that that question was not considered in the settlement proceedings. It is very doubtful whether the settlement officer will decide whether it is to be treated as rent or not, because sections 168 to 172 are not referred to here. Therefore I submit those figures should be introduced here."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

Mr. R. MADANAGOPAL NAYUDU:—"Sir, I only wish to draw the attention of the House to a small absurdity in the amendment which my friend has moved. He wants '27, 28 and 165' to be omitted; and I cannot see how he can ask for the insertion of '168 to 172' between the figures '165' and '210.' If the former portion of the amendment is accepted, '165' would naturally go out. Therefore, the amendment as it is, does not seem to be correct."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, section 27 lays down that the rent paid in the preceding revenue year shall be presumed to be the rent for the current year until the contrary is proved. I cannot see why that should not apply to the local cesses also. Section 28 says that 'In all proceedings under this Act the rent or rate of rent for the time being lawfully payable by a ryot shall be presumed to be fair and equitable until the contrary is proved.' There again I am unable to see why this section should not be included. The hon. Member who moved the motion for the deletion of '27' and '28' has not given any reason for that. Again, section 16 contains the particulars to be recorded in the record of rights, and mention is made there of the rent 'lawfully payable' at the time the record is being prepared and how the rent has been fixed, whether by decree or under the provisions of this Act, or otherwise; it also includes 'if the rent is gradually increasing rent, the times at which and steps by which it increases;' again, 'if the land is claimed to be held free of rent, whether rent is actually paid or not.' It is very desirable that all these particulars should be mentioned in the record of rights, in addition to the ordinary rent of the land. Apart from this, as has been pointed out by the hon. Member who preceded me, the amendment in its latter part does not fit in well with the former."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I point out, Sir, that the object of my friend's amendment is: when a settlement is ordered under sections 168 to 172, the settlement officer is directed to fix the rent. Section 168 says that if the ryot or the landholder should apply for a settlement, the settlement officer shall settle a fair and

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equitable rent in respect of the land situated in such village or area. Now, 'rent' is defined in the definition as meaning 'what is payable.' And for certain sections, the definition of 'rent' is expanded by the inclusion of local cesses and other things. What my friend wants to know is: when a settlement of rent is being made, why should not the settlement officer, for the purpose of fixing the future rent, take the local cesses and other dues payable also into consideration and consolidate them and fix for the future a definite rent? He is having in his mind the idea that there are certain mirases; like the temple mirases, payable, apart from the statutory cess, the local board cess, etc. Now, when under section 168 rent is fixed, thereafter at least my friend wants that what the ryot has to pay should be a definite amount excluding the various cesses which are not well-defined or which might be included by the courts. The object of this amendment is this: when you extend the definition of rent in certain sections, why not also include sections 168 to 172 in that extension, so that when the settlement officer fixes the rent, he may fix it once for all and from that date afterwards at least there may be no question of other cesses being paid? There are the cesses payable under the Local Boards Act or the Municipalities Act, but they are all coming under different statutes; but where cesses are not payable under statutes, they at least might be included for consideration at the time of the settlement of rent. The object of this amendment is simply to see that the settlement officer takes into account these cesses—apart from the statutory cesses—and fixes a definite rent once for all. My friend has got in his mind a case where after the settlement of rent has taken place, the landholder may demand the other 'mirases' or other cesses that are now being paid. He only wants these 'mirases' also to be included. I would request the hon. the Revenue Member to consider the question as to what extent these sections, 168 to 172, may not be included in the explanation."

* The hon. Sir ARCHIBALD CAMPBELL:—"I do not think, Sir, we can include in the settlement of rents the local taxes or cesses mentioned in the other Acts such as the Local Boards Act although the local tax which is payable to the local boards can be collected as rent by the landowner. If we now include that for the purposes of sections 168 to 172, it would mean that local taxes would be fixed by the settlement of rent and could not be altered afterwards except under this Act."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I point out that the definition of 'rent' given here is:—

'Any local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law.'

This local tax may be paid either because it is prescribed by a particular law or because of the usage. I quite appreciate the difficulty of the hon. the Revenue Member that the settlement officer should

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not be authorized to include the statutory cesses. But what about those cesses, taxes or fees not coming within any Act, which are authorized by usage having the force of law and not by a law such as the Local Boards Act? Such at least as are payable according to 'usage having the force of law' can be included, I think."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The object which my friend Mr. Muniswami Nayudu has in view cannot be attained by merely changing the version in the Bill. You must first provide in the settlement chapter that the officer could go into the question of fees. Then you can make a provision here to the effect that any sum which is so determined as per the Settlement Chapter shall be 'rent.' As it is to include sections 168 to 172 here will lead to difficulty, because at any rate so far as local tax is concerned, it cannot be a subject, of settlement. The only thing that can be included as within the province of the settlement officer is a fee. If you make appropriate changes in the Settlement Chapter to the effect that fee can be included in the settlement, then you can make changes here so far as that particular figure is concerned. As it is, I do not think it will be right to include sections 168 to 172 within the scope of this definition. That is what I think."

* Sriman M. G. PATNAIK Mahasayo:—"Even as it stands, how can the amounts payable under any enactment be recorded in the record of rights prepared under section 165? There is some absurdity about this clause, there is no doubt about that. There are various cesses; and how can you record them all under section 165?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Record for 3-45 p.m. the time being is one thing; settlement for a particular period is quite another thing. The record is of an existing fact; settlement is a binding arrangement between two parties. In one case it creates rights and obligations. The local cess is imposed by statute and therefore it can create a right or liability. Whereas in the case of record, it merely states a fact that for the time being a particular amount or other is payable. That is the distinction between a record and a settlement."

* Sriman M. G. PATNAIK MAHASAYO:—"Therefore I say that a separate clause may be introduced to include cesses payable under the statute. That is what is stated here also, i.e., 'moneys recoverable under any enactment . . . rent.' This can be cut up into two clauses, and there is no difficulty. What is payable by virtue of local usage is not stated, and any demand can be made. There will thus be no end to litigation. And as a matter of fact such litigation is going on. Unless we take care now and amend it, it will give room for future litigation also."

The amendment was put and lost.

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Clause 2 (8) (a).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—
'that in sub-clause (a) of sub-clause (8) the following be
omitted:—'or usage having the force of law'."

"In the definition of rent the words 'whatever is lawfully payable' are used. Therefore I do not see any necessity for the words 'usage having the force of law' because this is already included in the words 'lawfully payable.' Therefore these words 'usage having the force of law' are redundant and misleading and can be cut out."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, these words occur in the present Act and, as far as I know no difficulty has been experienced on account of these words. So, as far as I can see, there is no necessity for this proposed deletion."

* Mr. T. C. SRINIVASA AYYANGAR:—"This expression 'usage having the force of law' is used in clause (a) which deals with local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law. Particularly in zamindaris where the custom of sharing produce exists, for the purpose of safeguarding the interests of both the landlords and the tenants, certain fees are by usage payable to cover the cost of supervising the harvest. One such instance, in the zamindaris south of Madras, can easily come within the recollection of hon. Members. The fee known as kanganam which is really a fee for supervision, has been held by the courts to be payable as per usage having the force of law. The deletion of these words may lead to difficulties of an unforeseen character and I do not see why they ought to be omitted. There is no case of redundancy. It is only a case of abundant caution in a matter which really requires amplification so as to avoid any difficulty."

The amendment was, by leave, withdrawn.

Clause 2 (8) (b).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—
'that sub-clause (b) of sub-clause (8) be omitted.'

"This sub-clause deals with pasture fees and fishery rents. It is really very difficult for me to understand what fishery rents are. Because if there is a tank, the man takes a lease, licence or obtains permission to catch fish therein at a particular time. Is such a man a ryot? Is he bound to pay 'rent'? And how such an amount can be treated as rent at all I do not see. And the man may have no lands at all in that village. Even if a hundred people may take a lease for fishing, why should it be treated as rent and why should this be recovered through the Revenue court? That depends upon the contract entered into between the person fishing and the man who gives him the licence and the amount of fee is fixed from time to time by contract. Therefore in such a case there is absolutely no reason why the civil court

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should not have jurisdiction in the matter of recovering such fee. Why should the Revenue court have jurisdiction over it? And what resemblance has it got to rent payable by a ryot I do not see.

"So far as pasture lands are concerned, this has been held to be not an agricultural purpose and therefore the ryot has got no occupancy right over it. Therefore there is no reason why the zamindar should have the right of recovering such fees by distraint or under the summary procedure provided in the Act, instead of going to the civil court. If the zamindar wants to have the right, he should also be subjected to liabilities and that is but proper. If he is not going to be subjected to liabilities, he need not be allowed to have all the advantages of recovering the fee which he may fix at any amount he likes. Therefore, so far as pasture fees are concerned, there is absolutely no provision by which it can be fixed except at the will of the zamindar. It has only to be fixed by agreement. So it has no resemblance to rent or water-cess at all which cannot exceed a certain amount. So far as fishery rent or pasture rent is concerned, the zamindar can fix them as high as he pleases by contract. I therefore move for the omission of this sub-clause, as these rents can be recovered by the civil courts."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this is really an amendment of the existing Act. I understand that the hon. Member wants to remove both fishery rents and pasturage fees from the scope of the Act. But both pasturage fees and fishery rents are mentioned in the existing Act and the present Bill makes no variation in that respect. When the hon. Member proposes to alter the existing law which has been in force since 1908, that is to say, for over a quarter of a century, one might expect him to support his case by some instances where the present law has caused hardship either to the ryots or to the landholders. But he has not mentioned any such cases and it seems to me that it is in the interests of the ryot to have only one court to deal with the claims of the landholder as against him. The ryot is defined as a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it. The fishery rents and pasturage fees mentioned here are only those payable by a ryot as such. The section does not apply to fishermen who are not ryots. In the case of fishermen, questions relating to rent for fisheries are to be decided by the civil courts. For these reasons, I oppose the amendment."

* Sriman M. G. PATNAIK Mahasayo:—"I cannot understand the expression 'payable by a ryot as such' because it is meaningless. No ryot has got occupancy right in a tank. That expression is therefore meaningless. What interest the ryot has in the fishery I do not understand. A pattadar in a village must be a ryot, and I cannot understand why he should have anything to do with fishery rights. The hon. the Revenue Member says that it is sanctified by 25 years of working and it

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has been there for the last quarter of a century without giving rise to difficulties. But I say that no ryot can have occupancy right in a tank for fishing."

* Mr. T. C. SRINIVASA AYYANGAR:—"I do not want to interfere in a matter with which my Friend, Mr. Patnaik, may be quite familiar. But I just want to say that instances may be familiar to the hon. Members and the Revenue Member also, showing how fishery rent can come to be associated with the rent proper payable by a ryot. In the Sivaganga zamindari oftentimes troubles arose over the lease of fisheries in irrigation tanks maintained by the estate. Experience has taught the prudence of averaging the fishery income for a number of years and dividing it among the wet rent of the pattadars having irrigated wet lands in their holdings, at so much per acre. These people fish in the tank in common and divide the fish among themselves and make their own arrangements for that. And the small bits of the amounts included in the pattas of the various ryots are collected along with the regular rent. This is known by name of Pasivari. There is nothing inconvenient about it. Most of the landholders with a view to avoid the possibility of litigation have got into this habit of including it in the rent. And this is working very satisfactorily there, and there is nothing inconceivable in the idea of fishery rent."

The amendment was put and lost.

* The hon. the PRESIDENT:—"The hon. Member, Mr. Sami Venkatachalam Chetti, can move only the former part of the amendment No. 38* and not the latter part."

Mr. SAMI VENKATACHALAM CHETTI:—"It was agreed, Sir, that some amendments bearing upon the questions which I raised would be admitted for discussion."

* The hon. the PRESIDENT:—"But it cannot be incorporated in the Act. That is the difficulty."

The amendment was accordingly not moved.

Clause 2 (8) (b).

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move that the following be added to clause 2 (8):—

Explanation.—"Purpose of agriculture" or "agricultural purpose" includes the use of land as a yard for ploughing cattle or as a habitation for agriculturists or as pasture for ploughing cattle or for the purpose of storing manure or growing plants to be used as manure for agriculture."

* Mr. SAMI VENKATACHALAM CHETTI:—

38 Add after the words 'fishery rents' in clause (b), the words 'in reserved forests and in tanks maintained by the landholder.'

Add the following as a separate paragraph:—

"No rent shall be collected from a land which has been affected by unfavourable seasons and whose yield is less than four annas per crop, in that year."

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"This only relates to the definition of 'agricultural purpose' or 'purpose of agriculture.' Now what happens is this. There is no definition in the Act of what an agricultural purpose is. Therefore it is necessary that there should be a definition. The definition I have given here is taken from the judgment of Justice Bhashyam Ayyangar in 24 Madras, 421. The advantage of this is that even with regard to threshing floors, the ryots would get occupancy rights because that is also an agricultural purpose, and they pay rent to the zamindar and they can hold it as a ryoti land. They cannot be turned out of it. It includes the use of land as a yard for ploughing cattle or as a habitation for agriculturists or as pasture for ploughing cattle or for the purpose of storing manure or growing plants to be used as manure for agriculture. The ryot cannot have these things now. He can be turned out. But if in 'agricultural purpose' these are also included they cannot be turned out of these lands. So I say this amendment should be passed. The use of the word as it stands is very loose. If the 4 p.m. cattle-stand in a poramboke land, the zamindar will say that the cattle should not stand there. Then there is the question of habitation for agriculturists. In certain cases, the building of houses on holdings is considered objectionable, as doing material damage to the land. In such cases, the ryot is liable to be ejected from the land. No doubt the courts can interfere. As a matter of fact, the question is decided whether construction of a building means material damage to the holding or not. Still it is not made very clear whether the man should have a house for the purpose of storing manure and such other purposes. It is therefore necessary that the word should be defined as stated."

Mr. P. V. KRISHNAYYA CHODARI:—"I second it."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, Sir, I think this explanation is uncalled for. Whatever is auxiliary to agriculture, is an agricultural purpose. Agriculture need not be the subject of a specific definition. Whether it is court or anybody everyone knows what agriculture is and it is impossible to lay down an exhaustive definition of what all is included in the term agriculture. Far from being a help it may create difficulties. It may include other things than the particular things specifically mentioned. Any dictionary would show what agricultural purpose is and no difficulty has so far been experienced in understanding the term. It is a well-known word in law and usage and there is no necessity for a definition now."

* Sriman M. G. PATNAIK Mahasayo:—"The hon. the Advocate-General failed to note the insertion of the word 'includes.' Moreover, there is some difficulty about it. As stated in 31 Madras, there is a good deal of difference of opinion about it and therefore some such definition is necessary. When a man takes a piece of land just for habitation for his cattle or farm-servants, is that an agricultural purpose

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or not? He uses it as a ryot for an agricultural purpose. The fear that this definition would exclude other purposes is not well-founded. It does not mean to exhaust all the purposes. The word 'includes' comprehends other purposes also that may be taken into consideration. What those purposes are, are by way of illustration given here. Therefore I think that the definition is necessary as the matter is very very indefinite and vague."

Rao Bahadur Sir A. P. PATRO:—"I think there is a good deal of force in what the hon. Member for Ganjam has stated. Ordinarily, of course, no difficulty arises and courts as well as officers could interpret what the purpose of agriculture means. Of course, Legislature arise and feelings run high, there is much agitation and the landlord tries to impose his will on the tenant. In such cases, difficulties actually arose where the landlords did not permit the tenants to have a portion of his ryoti holding into a dwelling house or as a shed for cattle. In such cases, they will have to be ejected from their lands. There are instances where the landlords have actually treated the tenants so strictly. Therefore, the purpose of the hon. Mover is to meet such difficult circumstances. Whether the landlord is extraordinarily ungenerous and wants to take action as a matter of revenge against the tenant or whether subordinate officers of the zamindar harass the tenants for not paying the customary dues to them, it does create a difficulty. It is to prevent those difficulties that the hon. Member is moving this amendment."

Mr. P. PEDDIRAJU:—"Mr. President, one word about this thing. So far as I know construction of habitation for tenant is sometimes objected to on the ground that he has constructed for his own habitation. What is necessary for agriculture is a small hut for farm-servants and not for the agriculturist himself. If there is any doubt, the habitation of tenant must be included. There is no harm in including it because the word 'includes' also is there."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"The object of this amendment is to enable the ryot to use this land for an agricultural purpose, and it is therefore proposed to make it clear by putting it in the definition. But merely including the term in the definition clause would not serve the purpose. If that is the object it must be definitely provided by a separate section that the ryot must have the privilege to use it for this purpose or for that whenever it is absolutely necessary for him to do so. On the other hand, merely putting it in the definition will not achieve the purpose. Supposing a man has no land and merely stores manure or some other thing, the landlord can claim rent and file a suit. I do not think that is the object of the hon. Members. If it is the object that the ryots must have a free use of the land, you must make it clear in the section which enables the ryot to use the land. That object is not served

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by interfering with the definition of the word 'rent.' By doing so, you will be only giving the landlord the right to sue. I am afraid it is not in the interests of the ryot. The ryot must be given the permission and privilege for using the land for auxilliary purposes by the introduction of a substantive provision dealing with the ryot to use it."

The amendment was put and declared lost.

A poll was demanded and the House divided thus:—

Ayes.

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| 1 Dr. P. Subbarayan. | 14 Diwan Bahadur B. Muniswami |
| 2 Mr. K. R. Venkatarama Ayyar. | Nayudu. |
| 3 " T. C. Srinivasa Ayyangar. | 15 Mr. K. P. Raman Monon. |
| 4 " Sami Venkatachalam Chetti. | 16 " P. V. Krishnayya Choudari. |
| 5 " T. S. Ramaswami Ayyar. | 17 Sriman M. G. Patnaik Mahasayo. |
| 6 Khan Bahadur P. Khalif-ul-lah | 18 Mr. C. Indiraiah. |
| Sahib Bahadur. | 19 " J. Kuppuswami Choudari. |
| 7 Mr. Abdul Hameed Khan. | 20 Mahboob Ali Baig Sahib Bahadur. |
| 8 " Basheer Ahmed Sayeed. | 21 Mr. G. R. Premayya. |
| 9 " K. A. Nachiyappa Gounder. | 22 " K. Pattabhiramayya. |
| 10 The Pattagar of Palayakottai. | 23 Rac Bahadur R. K. Venugopal |
| 11 Mr. K. S. Sivasubrahmanya Ayyar. | Nayudu. |
| 12 " P. Peddiraju. | 24 " Sir A. P. Patro. |
| 13 Moulvi Hafeez Anumanthakudi | 25 Rao Sahib V. I. Muniswami Pillai. |
| Mustapha Ahmed Meeran. | 26 Mr. G. Lakshmana Reddi. |

Noes.

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| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 22 Rao Sahib D. V. Narasimhaswami. |
| 2 The hon. Diwan Bahadur Sir M. Krishnan Nayar. | 23 Mr. B. P. Sessa Reddi. |
| 3 The hon. Sir Archibald Campbell. | 24 " G. Sriramulu. |
| 4 " Mr. H. G. Stokes. | 25 " P. C. Moses. |
| 5 " Diwan Bahadur S. K.umaraswami Reddiyar. | 26 " P. V. Rajagopala Pillai. |
| 6 " Mr. P. T. Rajan. | 27 " V. G. Vasudeva Pillai. |
| 7 " the Raja of Bobbili. | 28 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 8 Rao Bahadur G. Jagannadha Raju. | 29 Mr. P. Bayappa Reddi. |
| 9 Mrs. K. Alamelumangathayaramma. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 10 Diwan Bahadur Sir Alladi Krishnaswami Ayyar. | 31 Rao Bahadur D. Kirshnamurti. |
| 11 Rao Bahadur V. N. Viswanatha Rao. | 32 Rao Sahib P. Subrahmanya Chetti. |
| 12 Mr. J. A. Thorne. | 33 Diwan Bahadur A. Appadurai Pillai. |
| 13 " H. M. Hood. | 34 Mr. A. Ramakrishna Reddi. |
| 14 Diwan Bahadur N. Gopalaswami Ayyangar. | 35 S. M. K. Beyabani Sahib Bahadur. |
| 15 Mr. R. Madanagopal Nayudu. | 36 Mr. K. Kesvaramamurti Nayudu. |
| 16 " E. Conran Smith. | 37 Rao Sahib Pandit Ganala Ramamurti. |
| 17 " T. Sundara Rao Nayudu. | 38 Mr. M. A. Muthiah Chettiyar. |
| 18 Khan Sahib Syed Tajudin Sahib Bahadur. | 39 Sri A. V. Bhanoji Rao. |
| 19 Rao Bahadur A. T. Pannirselvam. | 40 The Kumararaja of Venkatagiri. |
| 20 Rao Sahib N. Siva Raj. | 41 The Raja of Khallikote. |
| 21 Subadar-Major S. A. Nanjappa Bahadur. | 42 The Zamindar of Mirzapuram. |
| | 43 Rao Bahadur C. Natesa Mudaliyar. |
| | 44 The Maharaja of Venkatagiri. |
| | 45 Diwan Bahadur S. Ellappa Chettiyar. |

Ayes 26.

Noes 45.

The amendment was lost.

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Clause 2 (8) (b).

4-15 P.m. * Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move the amendment standing in my name, viz.—

'In the explanation proposed, after the word "who" insert the words "or whose predecessors in title".'

"The clause confers occupancy right on persons who occupied ryoti land for a continuous period of twelve years. As the explanation stands, it may lead to the construction that the same person should have been in possession for twelve years continuously, and the possession by his predecessor or his alienor may not count. To make it clear that not merely the period of possession by the particular person who may be a party to the suit but also the period of possession by his predecessor in title should count, I have moved this amendment. It is only for the purpose of making it clear that the possession need not be by the same person for the whole of the twelve years' period."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. the PRESIDENT:—"I think it requires a little verbal alteration. The amendment will, therefore, be—

'In the explanation proposed, after the words "who" insert the words "or whose predecessors in title have" and omit the word "has".'

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I understand that legally the word 'person' includes also his predecessors in title. I think the House would like to hear the Advocate-General as it is mainly a matter of law."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, the amendment seems to be unnecessary. Whenever you clothe a person with rights, it includes his predecessor in title. To acquire the right, the land must have been occupied for a continuous period of twelve years. Unless he has been in possession, he is not transformed into the position of a ryot under the Act. Therefore twelve years need not be completed in regard to the particular person who is made a ryot by the force of the definition. The object is to clothe a person and his successors in title who have been in continuous possession for twelve years. It is only at the point of time when twelve years of occupation are completed that he is raised to the position of a ryot and before he is not in that position. I therefore submit this amendment is unnecessary, and I would request the hon. Mover not to press it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I withdraw the amendment."

The amendment was, by leave, withdrawn.

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"My amendment No. 43^a is only an amendment consequential on the omission of the word 'lanka,' I would not move it if a consequential amendment is going to be moved."

The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move—
'that sub-clause (i) of sub-clause (9) be omitted.'

"That is consequential on the omission of any reference to lankas. The effect of this omission will be that the definition will read, 'Ryoti land' means cultivable land in an estate other than private land, but does not include . . ."

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

The amendment was put and carried.

* The hon. the PRESIDENT:—"Amendment Nos. 46 and 47^b are not within the scope of the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—"Section 3 (16) (a) is within the subject-matter of the Bill. Is it your opinion, Sir, that section 3 (16) (b) and (c) are not?"

* The hon. the PRESIDENT:—"I think so."

Clause 2, as amended, was then put and carried.

Clause 3.

* The hon. the PRESIDENT:—"Amendment Nos. 48 and 49^c are not within the scope of the Bill."

^a 43 In the amendment proposed omit all the words beginning with 'and includes lanka land, etc.' and ending with 'old waste.'

^b Clause 2 (9).
Section 3 (16) (b).

Mr. ABDUL HAMIED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—"46 In section 3 (16) (b) of the Act add after the word 'village-sites,' the words 'village roads, porambokes, village pasturage, forests and burial and burning grounds and the pathway to and from them.'

Section 3 (16) (c).

Diwan Bahadur B. MUNISWAMI NAYUDU,—

Mr. SAMI VENKATACHALAM CHETTI:—"47 Omit sub-clause (c) in section 3 (16) of the Act."

^c Clause 3.
Section 4.

Mr. ABDUL HAMIED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—"48 Add the following paragraphs: 'The landholder is bound to maintain the irrigation and drainage works and to allow sufficient water for irrigation, and protect the lands from floods and other inclemencies of the weather.'

The ryot is entitled to sue the landholder for negligence of the same."

New clause after clause 3.
Section 5.

Mr. ABDUL HAMIED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—"49 Add the following proviso to section 5 of the Act:—

"Provided the landholder has exchanged putta and muchilika with the ryot in possession and against whom he intends to proceed."

[3rd November 1933]

Clause 4.

Section 6.

Mr. SAMI VENKATACHALAM CHETTI:—" I move—

' in the proposed section 6 (1), omit the words " not being old waste " in lines 3 and 4. '

" It is merely consequential."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

The hon. Sir ARCHIBALD CAMPBELL:—" I accept it."

The amendment was put and carried.

Section 6, sub-section (2).

The KUMARARAJA OF VENKATAGIRI:—" Sir, I move—

' that sub-section (2) of section 6 be omitted '."

Khan Bahadur YAHYA ALI SAHIB Bahadur:—" I second it."

The hon. Sir ARCHIBALD CAMPBELL:—" I accept it."

The amendment was put and carried.

Sub-section (3).

* Sriman M. G. PATNAIK Mahasayo:—" Sir, I move the following amendment:—

' Omit the following in sub-section (3):—

" For raising a garden or tope or " '."

" Section 6 (3), as amended by the Select Committee, runs as follows:—

' Admission to waste land under a contract for the pasturage of cattle and admission to land reserved bona fide by a landholder for raising a garden or tope or for forest under a contract for the temporary cultivation thereof . . . '

" It is for the first time that this phrase ' for raising a garden or tope ' has been introduced. There is no reason why its scope should be of time and say ' that he has reserved it for a garden or a tope. ' He may never grow a garden or tope, and no occupancy right can therefore be secured by the tenant. Therefore it is not desirable that occupancy right should be withheld for any length of time under this plea of raising a garden. That is opposed to the principles of the Act. It is always open to the zamindar to acquire such land for a tope or garden

3rd November 1933] [Sriman M. G. Patnaik Mahasayo]

and so long as it is in his possession he plants trees therein. When once he lets out to somebody, there is absolutely no reason why the ryot should not have occupancy rights."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—" Sir, I am not prepared to accept this amendment. These words ' for raising a garden or tope ' were inserted by the Select Committee deliberately in order to enable the landholder to raise topes and gardens gradually. Naturally, it takes a little time to plant trees or to raise a garden, a portion of it may be let out for temporary cultivation by the landholder, and this should not prevent the landholder from resuming it when he is ready to plant it up as a garden. The Select Committee has put it in as quite a reasonable provision."

Sriman M. G. PATNAIK Mahasayo:—" No doubt the Select Committee introduced that; but the question is whether it is right to go on adding to the purposes mentioned there. If the words ' for raising a garden or tope or ' are there, it would be possible for the zamindars to reserve the lands for these purposes also and prevent anybody securing occupancy rights. It is opposed to the principles of the Act. All that the Revenue Member says is that it was a thing introduced by the Select Committee. Are we on that score to go on helping the zamindars? I request the House to accept my amendment and omit the words ' for raising a garden or tope or. ' " 4-30
P.M.

The amendment was put and lost.

Mr. SAMI VENKATACHALAM CHETTI:—" Mr. President, I request that the consideration of amendment No. 56 * might be postponed to Monday. It is possible that you might consider it irrelevant now.

* 56 In clause 4, number section 6 (3) as 6 (3-A), and add the following to it:—

" Provided that no forest land adjoining a village shall be so reserved by the landholder without the previous sanction of the Collector; such sanction shall not be given unless an extent of the forest land which, in the opinion of the Collector, is sufficient for the needs of the ryots of the village for the purposes mentioned in clause (b) of this sub-section, is excluded from the reserve and set apart for common use by the ryots for the said purpose without payment of any fees.

" Provided further that nothing in this sub-section shall affect any special rights which by law or custom the ryots may have in the pasture land or forest land of the estate in regard to grazing of cattle, taking timber for agricultural purposes or fuel, gathering leaf for manurial purposes and the like."

6 (3-B) Notwithstanding the absence of proof of any special rights reserved to in the foregoing provisos, the ryots holding land in the village in which the pasture land or forest land reserved by the landholder is situated, shall, on payment of such fees as may be agreed upon between them and the landholder or settled by the Collector on application by the ryots holding not less than one-eighth of the total extent of the holdings in the village, be entitled to (i) graze their cattle, (ii) take timber for agricultural implements, and (iii) to gather leaf for manurial purposes in such pasture land and reserved forest land.

[Mr. Sami Venkatachalam Chetti] [3rd November 1933]

But I hope to make it relevant by means of some changes in it after there has been a talk on the matter with other hon. Members of the House. You can give your ruling on the amendment which will then be proposed."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The hon. the RAJA OF BOBBILI:—"Before you decide this question, I think it would be useful to us if you give your ruling whether the amendment is relevant or not. If you consider it irrelevant, we will sit together and make suitable changes in it."

* The hon. the PRESIDENT:—"As worded, I think it is outside the scope of the Bill. Unless a separate amendment is going to be brought in so as to make it possible for me to admit it, my ruling will go against the amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"It is in anticipation of your ruling with regard to its relevancy, I asked for time to suitably word it. If I did not move the adjournment of the consideration of this thing now, it will be said that the consideration of the clause is over and any further amendment is out of time. It is just to avoid that kind of obstacle that I wanted that the consideration of the whole thing be left over till Monday. The ruling that you are now asked to give might be given on Monday if the amendment is brought in in the same form; but if it is improved and brought in in another form, your ruling might be different."

In deference to the wish of the hon. Member the consideration of the clause was not taken up.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I move a consequential amendment to omit from explanation (2) of section 6 in line 3, the words 'other than old waste'."

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

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move another consequential amendment to move and it is this—

'In clauses (3) and (4) omit the words "or entitle him to the benefit of section 157".'

"Section 157 relates to old waste and these words have therefore to be deleted in these clauses."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second the amendment."

The amendment was put and carried.

3rd November 1933]

Clause 4.

Section 6 (4).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move the following amendment:—

'Add between the words "under section 186 may" and the words "with the previous permission," the following:—

"for a period not exceeding three years in the aggregate".'

"This clause deals with the lands acquired by a zamindar for definite public purposes under section 186. It may be that for some time it is not possible for him to carry out the purpose for which it was acquired, but in the meanwhile this enables him to prevent occupancy right accruing to anybody on that land. While it is necessary to give some kind of right to the landlord to prevent occupancy rights accruing in such lands, yet, it may not be right to prevent occupancy rights being acquired for any length of time by going on leasing the land from year to year or for periods of years with the permission of the Collector. By this means it is possible to defeat the object of the Act itself. I therefore think that we should limit the period to three years within which time the landlord should make up his mind to use the land for the purpose for which it was acquired. If at the end of these three years the landlord does not require it, then he should grant occupancy right to the ryot. I have, however, no objection to fix some other reasonable period for this purpose. The object of my amendment is to get the landlord make up his mind and carry out the object for which it was acquired within a reasonable time. I therefore request the House to accept my amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I am prepared to accept the amendment."

The amendment was put and carried.

Clause 5.

Section 6-A.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move the amendment standing in my name, viz.—

'omit the proposed section 6-A and renumber section 6-B as 6-A.'

"Sir, clause 6-A deals with lankas and therefore it has to be omitted."

Dr. P. SUBBARAYAN:—"I second it."

The amendment was put and carried.

[3rd November 1933]

Clause 5—cont.
Section 6-B.

The KUMARARAJA OF VENKATAGIRI:—"Sir, the amendment^a standing in my name deals with pasturage rights. As a similar amendment dealing with pasturage rights has been postponed for consideration on Monday, I request you to allow me also to move this on Monday whatever your ruling on that may be."

Consideration of the amendment was accordingly postponed to Monday.

^a 63-A. The following shall be added after 6-B, namely:—

- "6-C. (1) On the application of the landholder or of a ryot or ryots holding not less than one-eighth of the ryoti land in a village the Collector shall, subject to such rules as the Local Government may make in this behalf, fix the extent of land to be set apart for the grazing of the cattle belonging to the ryots of the said village out of the available pasture or forest land in the said village calculated in the following manner:—
- (a) The Collector shall first determine the number of plough cattle required for the cultivation, in the usual course of husbandry of the ryoti lands in the village.
 - (b) The extent of land to be set apart shall then be calculated at the rate of half an acre per head of plough cattle in the case of pasture land and at the rate of 1 acre in the case of forest land.
 - (c) Out of the extent so calculated a deduction shall be made of the extent of the pasture or forest land which has been already set apart by the landholder as communal grazing ground or otherwise included in the holding of a ryot.
- (2) The landholder shall, within three months after the passing of an order by the Collector under sub-section (1), demarcate the land or additional land directed by the Collector to be set apart. Failing such demarcation by the landholder, the Collector shall himself demarcate such land or additional land out of the available pasture or forest land in the village.
- (3) On the making of an order under sub-section (1) and the demarcation of the land under sub-section (2) the ryots of the village shall be deemed to have entered into an agreement with the landholder to pay jointly and severally grazing fees at such rates and for such period as may be agreed upon between the landholder and the ryots and failing such agreement, at such rates and for such periods as the Collector may fix.
- (4) Pasture or forest land set apart as aforesaid shall not be used for any other purpose than that for which it is intended under the foregoing provisions nor shall such lands be used for grazing of cattle belonging to persons other than the ryots holding land in the village in which the said pasture or forest land is situated.
- (5) If the Collector is satisfied, on an application by the landholder, that any of the foregoing provisions have been contravened by any ryot or ryots he may award such compensation to the landholder as he may deem fit.
- (6) In any of the matters aforesaid the decision of the Collector is final and shall not be questioned in any court of law.
- (7) An application under sub-section (1) shall be dismissed if the Collector is satisfied that the applicant or applicants had not previously applied to the landholder to set apart such pasture land and that the landholder had not prior to the date of the application refused or neglected so to set apart.

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* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move a consequential amendment to section 8, which is as follows:— 4-45 p.m.

'Omit the proviso to section 8, sub-section (1) of the Act'."

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

The amendment was put and carried.

Clause 7.

Section 8 (4).

The KUMARARAJA OF VENKATAGIRI:—"Sir, I move—

'In sub-section (4) of the new section 8, omit the words "In the case of an estate not falling under sub-clause (d) of clause 2 of section 3".'

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 7.

Section 8 (4).

Rao Sahib N. SIVA RAJ:—"Sir, I beg to move—

'In the section 8 (4) omit the words "and the person so admitted shall not be entitled during such period to the benefit of the provisions of section 46".'

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The amendment was put and carried.

Clause 8.

Section 12.

The KUMARARAJA OF VENKATAGIRI:—"I beg to move—

'Add the following to the new section 12 which shall be numbered as section 12, sub-section (1):—

"but it shall be open to a ryot on payment to the landholder of such compensation as may be fixed by the Collector on an application made to him in that behalf to acquire the right to use, enjoy, cut down, carry away or otherwise dispose of all trees which were in his holding on the 1st day of July 1908 and in respect of which rights were reserved to the landholder by custom or by contract in writing as aforesaid".'

"Sir, I agree that this section is very necessary in order to enable the ryot to acquire the right to use, enjoy, cut down, carry away or otherwise dispose of the trees which were in his holding on the 1st day of July 1908 after paying such compensation to the landholder as the Collector may fix. By this I can say that the interests of both the landlord and tenant are secured."

[3rd November 1933]

Mr. V. P. NARAYANA NAMBIYAR:—" I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—" I accept it."

The amendment was put and carried.

Rao Sahib N. SIVA RAJ:—" Sir, I beg to move—

' Add the following as section 12, sub-section (2), namely:—

" 12 (2) Nothing contained in the previous sub-section shall be deemed to affect the rights of any third person or to entitle an occupancy ryot to acquire compulsorily the right to use, enjoy, cut down, carry away or otherwise dispose of the trees included in a tree putta issued to a third person " "

Mr. V. P. NARAYANA NAMBIYAR:—" I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—" I accept it."

The amendment was put and carried.

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

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. Leaflets Nos. 5 and 6 issued by the Madras Neo Malthusian League.

^b 2. G.O. No. 698, Finance, dated 27th October 1933, regarding the appointment of M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, as a Member of the Public Accounts Committee vice M.R.Ry. Rao Bahadur D. Krishnamurti Nayudu Garu.

^c 3. List of posts on Rs. 500 per mensem and above created during the quarter ending 30th September 1933.

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

3rd November 1933]

APPENDIX I

[Vide answer to question No. 303 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 3rd November 1933, page 401 supra.]

Annexure I.

Year of selection.	Number selected.	Community to which the selected officer belongs.	Whether or not the selected officer is the son of		
			Police official.	Other official.	Non-official.
(1)	(2)	(3)	(4)	(5)	(6)
* (1) Assistant Superintendents of Police.					
1928	..	1 Christian	..	..	Yes
1929	..	1 Anglo-Indian	..	..	Yes
1930	..	2 { One Non-Brahman Hindu (Kalinga). One Muhammadan	..	Yes	..
1931	..	1 Non-Brahman Hindu (Nayar)	..	..	Yes
1932	..	1 Non-Brahman Hindu (Bunt)	..	..	Yes
1933	..	2 { One Non-Brahman Hindu (Mukkuva). One Muhammadan	..	Yes	..
(2) Deputy Superintendents of Police.					
1928	..	Nil	..	..	..
1929	..	2 { One Non-Brahman Hindu (Nayudu). One Muhammadan	Yes	..	..
1930	..	1 Christian	..	..	Yes
1931	..	2 { One Non-Brahman Hindu (Setti Baliga). One Brahman	..	Yes	..
1932	..	Nil	..	..	Yes
1933	..	1 Parsi	..	..	..

* The figures given in column (2) under Assistant Superintendents of Police exclude those recruited in England. Their numbers are:—

Year.	Number recruited.	Community.
1928	2	European.
1929	1	Do.
1931	2	Do.
1932	..	Do.

Information as to the occupation of the parents of those recruits is not available.

† Probation since terminated.

^a Printed separately.

^b Printed as Appendix V on page 512 infra.

^c Printed as Appendix VI at pages 513-515 infra.

[3rd November 1933]

Annexure II.

The Indian Police (Recruitment) Rules, 1927, as subsequently amended.

PART I.

METHODS OF RECRUITMENT.

1. These rules may be called the Indian Police Service (Recruitment) Rules, 1927.
2. The Indian Police Service shall be recruited by the following methods:—
 - (a) By Competitive Examination in England, in accordance with Part II of these rules and such supplementary regulations as may be prescribed by the Secretary of State in Council.
 - (b) By Competitive Examination in India in accordance with Part III of these rules and such supplementary regulations as may be prescribed by the Governor General in Council.
 - (c) By the appointment in accordance with Part IV of these rules of persons selected in India otherwise than by General Competitive Examination.
 - (cc) By Limited Competitive Examination in India in accordance with Part III-A of these rules.
 - (d) By the promotion in accordance with Part V of these rules on the recommendation of Local Governments of members of Provincial Police Services.
 - (e) By the transfer or promotion in accordance with Part VI of these rules of an officer belonging to a branch of Government Service in India other than a Provincial Police Service.
3. (1) All appointments to the Indian Police Service shall be made by the Secretary of State for India in Council.
- (2) No appointment shall be made to the Indian Police Service by any method not specified in Rule 2.
- (3) Subject to the provisions of sub-rule (2) the method or methods of recruitment to be employed for the purpose of filling any particular vacancies in the Indian Police Service or such vacancies therein as may be required to be filled during any particular period, and the number of candidates to be recruited by each method, shall be determined by the Secretary of State in Council.

PART II.

APPOINTMENT BY COMPETITIVE EXAMINATION IN ENGLAND.

4. Candidates shall have attained the age of 19 and shall not have attained the age of 21 on the first day of August in the year in which the examination is held. They shall be unmarried, and if they marry before reaching India shall forfeit their appointments.

[3rd November 1933]

5. No person shall be eligible for admission to the examination who is not a male and does not satisfy the Secretary of State for India in Council—

(a) that his character is such as to qualify him for employment in the Indian Police Service, and

(b) that he is a British subject of non-Asiatic domicile whose father (if alive) is a British subject, or (if dead) was at the time of his death either a British subject, or a person in the permanent service of the Crown, or a person who had retired from that service:

Provided that in the case of a male British subject the requirements of clause (b) of this Rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with his Majesty's dominions as to justify special treatment.

PART III.

APPOINTMENT BY GENERAL COMPETITIVE EXAMINATION IN INDIA.

6. A candidate must be a male and either—

(i) A British subject of Indian domicile whose father (if alive) is a British subject, or a subject of a State in India, or (if dead) was at the time of his death either a British subject or a subject of a State in India, or a person in the permanent service of the Crown, or a person who had retired from that service, or

(ii) a ruler or a subject of a State in India in respect of whom the Governor General in Council has made a declaration under section 96-A of the Government of India Act:

Provided that in the case of a British subject the requirements of this rule may be waived by the Secretary of State in Council if he is satisfied that their observance would occasion exceptional hardship, and the candidate is so closely connected by ancestry or upbringing with His Majesty's dominions as to justify special treatment.

7. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of a member of the Indian Police, and a candidate who is found after examination by a Medical Board not to satisfy these requirements will not be admitted to the Competitive Examination.

8. A candidate must satisfy the Public Service Commission that his character is such as to qualify him for employment in the Indian Police Service.

9. A candidate must have attained the age of 21 and not have attained the age of 24 on the first day of August in the year in which he is selected for admission to the Competitive Examination.

10. A candidate must hold a Degree of a University approved by the Governor General in Council or have passed the Diploma Examination in the 1st or 2nd Division from the Aitchison College, Lahore, the Mayo College, Ajmer, the Daly College, Indore, the Rajkumar

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College, Rajkot, or the Rajkumar College, Raipur, or have passed the Cambridge School Certificate examination. In exceptional cases the Public Service Commission may, on the recommendation of the Local Government, treat as a qualified candidate a candidate who, though not possessing any of the foregoing qualifications, has passed examinations conducted by other institutions of a standard which in the opinion of the Public Service Commission justifies his admission to the examination.

11. (1) For the purposes of the examination the Governor General in Council shall constitute selection areas, and every candidate shall be assigned to an area, in which he is resident or in which he is treated as resident.

(2) For the purpose of these rules a candidate is resident in a selection area in which his parents reside at the time of his application, or have previously resided for a period of not less than three years or in which he has himself resided (otherwise than as a student of a University only) for a like period, but the Public Service Commission may in special circumstances allow a candidate to be treated as resident in a selection area in which he is not resident:

Provided that a candidate shall not be treated as resident in Burma unless at the date of his birth and at the time of making his application he was domiciled in Burma.

(3) A candidate resident in a State in India shall be treated as resident in the selection area in which he wishes to serve, provided that the Public Service Commission may in special circumstances treat such candidate as resident in some other selection area.

(4) No candidate shall in any year be treated as resident in more than one selection area.

12. (1) In each selection area a Selection Committee shall be constituted by the Local Government and shall perform in accordance with arrangements made by the Local Government and approved by the Public Service Commission the functions hereinafter assigned to it. Every Selection Committee shall include at least one unofficial member. The Public Service Commission shall be entitled to appoint one of their members to act as a member of any Selection Committee.

(2) For the purpose of this rule the Local Government means in the case of the North-West Frontier Province the Chief Commissioner and in other cases the Local Government of the Governor's province which constitutes, or is included in, the selection area.

(3) The Selection Committee shall examine every application from a candidate assigned to the area for which they have been constituted who has passed the Medical Board, and shall interview every candidate who appears to be qualified under these rules for appointment to the Indian Police Service.

(4) The Selection Committee shall make a list of those persons whom they recommend for admission to the examination. They shall include in the list no candidate whom, having regard to his personality, character and general suitability as shown by his previous career, they do not consider in all respects suited for appointment to the Indian

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Police Service in the selection area. They shall also exclude from the list any candidate with regard to whom they are satisfied that he will not qualify in the written examination. The Selection Committee shall award, in respect of the interview to those candidates whom they recommend for admission to the examination, marks not exceeding the number of marks mentioned in the regulations made under these rules and the marks so awarded shall be added to the marks gained at the written examination.

(5) Each Selection Committee shall send its list of recommended candidates to the Local Government, who shall forward it to the Public Service Commission with such observations as they may desire to make. The candidates so recommended shall be admitted to the examination unless they are disqualified under the rules or are excluded by the Public Service Commission on the recommendation of the Local Government. To every candidate selected for admission to the examination, the Public Service Commission shall give a certificate of having been so selected and no person to whom such certificate has not been given shall be admitted to the examination.

13. No recommendations except those invited in the form of application will be taken into consideration. Any attempt on the part of a candidate to obtain support for his application by other means may disqualify him for selection.

14. The Competitive Examination shall be conducted in accordance with regulations made by the Governor General in Council and such fees may be charged to candidates as may be prescribed in those regulations.

15. A list of the candidates shall be made out for each area in order of their proficiency as disclosed by the aggregate marks finally awarded to each candidate and in that order so many of the candidates up to the determined number of appointments in each area as are found by the Public Service Commission to be qualified by examination shall be declared to be successful candidates for the Indian Police Service, provided that the Governor General in Council is satisfied that they are duly qualified in other respects.

PART IIIA.

APPOINTMENT BY LIMITED COMPETITIVE EXAMINATION IN INDIA.

16. Candidates for appointment under this Part shall possess the qualifications required of candidates for appointment under Part III and such additional communal or other qualifications as may be specified by the Governor General in Council, and shall be selected and appointed in the manner prescribed by the rules contained in Part III, all the provisions of which shall, save as provided in this rule, be applicable. The examination of candidates for appointment under this Part shall be held either jointly with the examination held under Part III or separately, as the Public Service Commission may decide. If the examination is held jointly a separate list of candidates to be appointed under this Part shall be made in accordance with Rule 15 for each area affected.

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PART IV.

APPOINTMENT BY SELECTION IN INDIA OTHERWISE THAN BY
COMPETITIVE EXAMINATION.

17. (1) Before taking action with a view to the making of any appointment under this Part, the Governor General in Council shall consult the Public Service Commission regarding the propriety of making the appointment under this part in lieu of under Part IIIA.

(2) If after such consultation the Governor General in Council is of opinion that an appointment or appointments should be made under this Part, he shall call on the Public Service Commission to recommend and arrange in order of preference such number of candidates selected from such areas and with regard to such communal or other considerations as he may think fit. The candidates so recommended shall possess the qualifications specified in Rules 6 and 7, and must satisfy the Public Service Commission that they are in all respects suitable for appointment to the Indian Police Service. No candidate who has not attained the age of 21 years or who has attained the age of 24 years on 1st August preceding the recommendation made by the Public Service Commission shall be eligible for appointment under this rule.

18. The Governor General in Council shall forward to the Secretary of State for India in Council the recommendations made by the Public Service Commission under sub-rule (1) and sub-rule (2) of Rule 17 and shall propose a candidate or candidates for appointment under this Part.

PART V.

APPOINTMENT BY PROMOTION FROM THE PROVINCIAL POLICE SERVICES.

19. Where recruitment is to be made by promotion from the Provincial Police Service, it shall be made after compliance with Rule 6 of the Public Service Commission (Functions) Rules, 1926, or any variation thereof for the time being in force.

PART VI.

APPOINTMENT BY TRANSFER OR PROMOTION FROM A SERVICE
OTHER THAN A PROVINCIAL POLICE SERVICE.

20. The Secretary of State for India in Council may in special cases and on the recommendation of the Governor General in Council made after consulting the Public Service Commission transfer or promote an officer belonging to a branch of Government Service in India (other than the Provincial Police Service) to the Indian Police Service.

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Annexure III.

NOTIFICATIONS.

I

GENERAL RULES.

PUBLIC SERVICES—PROVINCIAL SERVICES.

General Rules regulating the method of recruitment, the conditions of service, the pay and allowances and the pensions.

In exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules, the Governor in Council and the Governor acting with Ministers hereby make the following general rules to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of the provincial services.

In these rules and in the special rules made in exercise of the said powers to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of any provincial service, unless there is anything repugnant in the subject or context:—

(1) A person is said to be 'appointed to a service' 'appointed when in accordance with these rules and the special rules, to a service' or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of such service or commences the probation, instruction or training prescribed for members thereof;

Explanation.—The appointment of a person holding a post borne on the cadre of one service, provincial or subordinate, to hold additional charge of a post borne on the cadre of a provincial service or to discharge the current duties thereof does not amount to appointment to the latter service;

(2) 'appointing authority' means the Local Government 'appointing authority' or an authority empowered by the Local Government in that behalf;

(3) 'approved candidate' means a candidate whose 'approved name appears in a list of candidates approved by the appointing authority in consultation with the Commission for appointment to any service, class or category;

Explanation.—The inclusion of a candidate's name in any such list shall not confer on him any claim to appointment to the service, class or category;

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'approved probationer' (4) 'approved probationer' in a service means a member of that service who has satisfactorily completed, or is deemed under clause (iv) or (v) of sub-rule (c) of rule 9 satisfactorily to have completed, his period of probation and awaits appointment as a full member of such service;

'cadre' (5) 'cadre' means the sanctioned strength of any service, class, category or grade;

'category' (6) 'category' means the holders of all the posts borne on the cadre of a service or class—

(a) the duties of which are of the same character and importance, and

(b) which are either known by the same designation or the scales of pay for which are the same;

'class' (7) 'class' means the holders of posts borne on the cadre of a service between which and the other posts borne on the cadre of the same service, promotions and transfers are not normally admissible;

'Commission' (8) 'Commission' means the Madras Services Commission;

'discharge of a probationer' (9) 'discharge of a probationer' from a service during the period of his probation means, in case the probationer is a full member or an approved probationer of another service, provincial or subordinate, reverting him to such service and in any other case, dispensing with his services;

'duty' (10) a person is said to be 'on duty' as a member of a service—

(a) when he is performing the duties of a post borne on the cadre of such service or is undergoing the probation, instruction or training prescribed for such service;

(b) when he is on joining time; or

(c) when he is absent from duty on authorized holidays or on casual leave taken in accordance with the instructions regulating such leave issued by the Local Government, having been on duty immediately before and immediately after such absence;

'full member' (11) 'full member of a service' means a member of that service who has been appointed substantively to a permanent post borne on the cadre thereof;

'general rules' (12) 'general rules' means these rules and 'general rule' means one of these rules;

'grade' (13) 'grade' means a grade of the service, class or category, as the case may be;

'Local Government' (14) 'Local Government' means the Governor in Council or/and the Governor acting with the Minister or Ministers concerned;

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(15) 'member of a service' means a person who has been appointed to that service and who has not retired or resigned, been removed or dismissed, been transferred or reduced to another service, or been discharged otherwise than for want of a vacancy. He may be a probationer, an approved probationer or a full member of that service;

(16) 'period of probation' of a member of a service means the period of probation prescribed in these rules or in the special rules, together with—

(a) the period until the issue of an order under clause (ii) of sub-rule (c) of rule 9 declaring the probationer to have satisfactorily completed his period of probation, or

(b) the period referred to in clause (iv) or (v) of sub-rule (c) of rule 9, on the expiry of which, the probationer is deemed to have satisfactorily completed his period of probation, or

(c) the period until an order discharging the probationer under clause (ii) of sub-rule (a) of rule 9, clause (i) or (ii) of sub-rule (b) of that rule or clause (iii) of sub-rule (c) of the same rule, takes effect;

(17) 'post borne on the cadre of a service, class or category' means a post the duties of which are normally intended to be performed by a member of such service, class or category. Such posts may be either permanent or temporary;

(18) 'posting' means the appointment of any member of a service to any post borne on its cadre, otherwise than by way of transfer or promotion;

(19) 'probationer' in a service means a member of that service who has not completed the period of his probation;

(20) 'promotion' means the appointment of a member of a service or class of a service, in any category or grade, to a higher category or grade of such service or class;

Explanation.—The appointment of a member of a service or class of a service, in any category to hold additional charge of a post borne on the cadre of a higher category in the same service or class or to discharge the current duties thereof does not amount to promotion to the latter category.

(21) A candidate is said to be 'recruited direct' to a service when at the time of his first appointment thereto he is neither a full member nor an approved probationer in any other service, provincial or subordinate;

(22) A candidate is said to be 'recruited by transfer' to a service when at the time of his first appointment thereto he is either a full member or an approved probationer in another service, provincial or subordinate;

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- 'rule' (23) 'rule' means a rule of the rules in which the word occurs;
- 'Scheduled classes' (24) 'Scheduled classes' means the communities mentioned in the Schedule to these rules;
- 'selection category' (25) 'selection category' means a category declared to be a selection category in the special rules;
- 'selection grade' (26) 'selection grade' means a grade declared to be a selection grade in the special rules;
- 'service' (27) 'service' means a group of persons classified by the Local Government as a provincial service;
- 'special rules' (28) 'special rules' means the special rules made in exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules to regulate the method of recruitment, the conditions of service, the pay and allowances and the pensions of the service or services concerned;
- 'test' or 'special test' (29) 'test' or 'special test' means an examination in any subject or subjects held for the purpose of ascertaining the fitness—
 (a) of candidates for, or probationers in, or other members of any service, class or category for the duties appertaining to such service, class or category or to particular posts borne on the cadre of such service, class or category; or
 (b) of members of any service, class or category for passing any specified stage in the time-scale of pay applicable to such service, class or category;
- Explanation.*—A person who has passed a test or special test shall be deemed to have passed the same on the last day on which the examination therefor was held; and any benefit or concession admissible to him on such passing may be granted (if all other conditions attaching to the grant of such benefit or concession are satisfied) with effect on and from the day following such day;
- 'transfer' (30) 'transfer' means—
 (a) where a service or class of a service consists of more than one category, the appointment of a person doing duty in any post borne on the cadre of any such category to any other post borne on such cadre; or
 (b) where a service or class of a service consists of only one category, the appointment of a person doing duty in any post borne on the cadre of such service or class to any other post borne on such cadre; but does not include promotion;
- (31) words importing the masculine gender shall be taken to include females, if circumstances so require; and

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(32) a person is said to attain the age of 'n' years when 'n' years have elapsed since the beginning of the day of his birth.

Illustration.—A person born on 1st August 1900 attains the age of 25 years at midnight of 31st July—1st August 1925.

1. *Commencement and extent.*—(a) These rules shall come into force on the 1st October 1933.

(b) They shall apply to all provincial services and to all persons appointed to any such service before, on or after the said date except to the extent otherwise expressly provided—

- (i) by or under any law for the time being in force, or
- (ii) in the special rules, or
- (iii) in respect of any member of such service by a contract or agreement subsisting between such member and the Government:

Provided that nothing contained in clause (ii) shall affect the operation of rule 16.

2. *Cadre.*—(a) The cadre of each service, class, category and grade shall be determined by rules made by the Local Government.

(b) if the number of posts in any selection grade in any service, class or category is fixed with reference to the cadre of such service, class or category, a temporary addition to such cadre shall not be taken into account in calculating the number of posts in such selection grade.

(c) If a member of any service, category or grade is reduced to a lower service (provincial or subordinate), category or grade, he shall be deemed to be a full member of the latter and the permanent cadre thereof shall, if there is no vacancy in which he could be absorbed, be deemed to be increased by one so long as such member continues therein:

Provided that against every such addition an officiating or temporary vacancy, if any, shall be kept unfilled and such addition shall be absorbed in the first permanent vacancy that subsequently arises in such lower service, category or grade.

(d) Where a person has been dismissed, removed or reduced from any service, class, category or grade, no vacancy caused thereby or arising subsequently in such service, class, category or grade, shall be substantively filled to the prejudice of such person until the appeal, if any, preferred by him against such dismissal, removal or reduction is decided and except in conformity with such decision, or until the time allowed for preferring an appeal has expired, as the case may be.

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3. *First appointment.*—(a) All first appointments to any service or class shall be to the lowest category or grade therein, or if the lowest category consists of more than one grade to the lowest grade in such category.

(b) (i) All first appointments to any service shall be made by the appointing authority after consulting the Commission.

(ii) Any information in the possession of the Local Government or of any authority subordinate to the Local Government affecting the selection of a candidate for appointment to any service shall be supplied to the Commission on demand.

(iii) Every candidate for appointment to any service who in response to a notification issued by the Commission makes an application shall remit a fee of fifteen rupees and, in case he is required to undergo a competitive examination, an additional fee of ten rupees, into a Government treasury or into the Imperial Bank of India, Madras, or one of the branches thereof, to the credit of the Government under the head "XXVI—Miscellaneous Departments—Examination fees—Fees for examinations—Madras Services Commission" and shall send the treasury or bank receipt therefor to the Commission with his application.

(c) A full member or an approved probationer of any service, class or category shall not be transferred to another service, class or category carrying less pay than his relative position in the cadre of the service, class or category to which he belongs would justify except as a punishment or except with his consent, express or implied.

(d) Where the normal method of recruitment to any service, class or category is neither solely by direct recruitment nor solely by transfer, but is both by direct recruitment and by transfer—

(i) the special rules concerned shall specify the proportion or order in which the substantive vacancies in the permanent cadre of such service, class or category shall respectively be filled by persons recruited direct and by those recruited by transfer; and

(ii) a person shall be recruited direct as against a substantive vacancy in such permanent cadre, if the vacancy is one which should be filled by a direct recruit under the special rules referred to in clause (i), and no person shall be recruited direct except as provided in this clause.

(e) A vacancy in any service, class or category [not being a vacancy which should be filled by direct recruitment under the special rules referred to in clause (i) of sub-rule (d)] shall not be filled by the appointment of a person who

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has not yet commenced his probation in such service, class or category when an approved probationer or a probationer therein is available for such appointment.

(f) (i) In cases falling under sub-rule (d), the order in which probationers and approved probationers who were recruited by transfer shall be discharged for want of vacancies shall be—

first, the probationers in order of juniority, and
second, the approved probationers in order of juniority.

(ii) In cases not falling under sub-rule (d), the order in which probationers and approved probationers shall be discharged for want of vacancies shall be—

first, the probationers in order of juniority; and
second, the approved probationers in order of juniority.

(iii) The order of discharge laid down in clauses (i) and (ii) may be departed from for special reasons, but the reasons for every such departure shall be reported without delay to the Commission.

(g) Approved probationers and probationers who have been discharged for want of vacancies shall be reappointed as vacancies [not being vacancies which should be filled by direct recruitment under the special rules referred to in clause (i) of sub-rule (d)] arise, in the inverse of the order laid down in clause (i) or (ii) of sub-rule (f):

Provided that the order laid down in this sub-rule may be departed from with the consent, express or implied, of the person or persons having a preferential right to appointment under this sub-rule:

Provided further that the said order may also be departed from for special reasons, but the reasons for every such departure shall be reported without delay to the Commission.

4. *Temporary appointments.*—(a) (i) Where it is necessary in the public interest to fill up immediately a vacancy in any post borne on the cadre of a service, class or category and there would be undue delay in making such appointment in accordance with these rules and the special rules, the appointing authority may appoint a person, otherwise than in accordance with the said rules, temporarily, until a person is appointed in accordance with such rules; but such temporary appointment or appointments shall in no case exceed three months altogether in the case of any individual.

(ii) Every appointment made under clause (i) together with all the particulars relating to the person so appointed and the reasons therefor shall be reported without delay to the Commission.

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(iii) A person so appointed shall be replaced as soon as possible by a member of the service or an approved candidate qualified to hold the post under the said rules.

(iv) Save as provided in sub-rule (b) of rule 8, a person so appointed shall not be regarded as a probationer in such service or be entitled by reason only of such appointment to any preferential claim to future appointment to the service, class or category.

(v) When a person appointed under clause (i) is discharged, the fact of such discharge shall be communicated to the Commission as soon as possible.

(b) No part-time post shall be created in lieu of a whole-time post borne on the cadre of any service, class or category without the consent of the Commission or for a period in excess of that recommended by it. A person appointed to any part-time post created in lieu of a whole-time post borne on the cadre of a service, class or category shall not be regarded as a probationer in such service nor shall he be entitled by reason only of such appointment to any preferential claim to future appointment to such service, class or category.

5. *Qualifications*.—(a) No person shall be eligible for appointment to any service by direct recruitment unless he—

(i) is either a British subject as defined in section 1 of the British Nationality and Status of Alien Act, 1914, or a subject of a State in India;

(ii) has not attained the age of 25 years;

(iii) satisfies the Commission that he is of sound health, active habits and free from any bodily defect or infirmity unfitting him for such service; and

(iv) satisfies the Commission that his character and antecedents are such as to qualify him for such service.

Explanation.—The decision as to whether a person is qualified under clause (i) of this sub-rule or not shall rest with the Commission. In case of doubt, the Commission shall refer the matter to the Local Government whose decision shall be final.

(b) No candidate other than one who has been born in the Presidency of Madras or who has been domiciled therein for a period of not less than ten years immediately preceding the date of his application shall, except with the previous sanction of the Local Government and except in accordance with such conditions and restrictions as they may lay down, be included in any list of approved candidates. Such sanction shall not be accorded unless the Commission certifies that a sufficient number of qualified and suitable candidates so born or domiciled is not available.

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6. *Special qualifications*.—(a) No person shall be eligible for appointment to any service, class, category or grade or any post borne on the cadre thereof unless he—

(i) possesses such special qualifications and has passed such special tests as may be prescribed in that behalf in the special rules, or,

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said special qualifications or special tests.

(b) The Commission may, if satisfied on the recommendation of the appointing authority, that a candidate or candidates with an adequate knowledge of a particular vernacular language or languages is necessary for filling up a vacancy or vacancies in any service, class or category, declare that such number of vacancies as may be specified in the declaration are reserved for candidates with such knowledge. Where such a declaration has been made, the Commission shall select candidates in accordance therewith and notwithstanding anything contained in these rules, any such vacancy shall, if no member of the service possessing such knowledge is available for appointment thereto, be filled only by an approved candidate possessing such knowledge.

7. *Communal representation*.—(a) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto shall, so far as qualified and suitable candidates of the communities concerned are available, be made in the following order, namely:—

- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.
- One Non-Brahman (Hindu).
- One member of the Scheduled classes.
- One Non-Brahman (Hindu).
- One Muhammadan.
- One Non-Brahman (Hindu).
- One Anglo-Indian or Christian or Non-Asiatic.
- One Brahman.

Explanation.—The expression “Non-Brahman (Hindu)” shall include every community other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic, and the Scheduled classes.

(ii) The stage at which the communal rotation specified in clause (i) shall commence when first applied to any

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such service, class or category shall be determined by the Local Government.

(iii) If a qualified and suitable candidate belonging to any community is not available for appointment to any such service, class or category in the turn allotted to that community under clauses (i) and (ii) or under this clause, a qualified and suitable candidate belonging to the community next in the order specified in clause (i) shall, if available, be appointed; but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(iv) Where a probationer belonging to any community is discharged from any such service, class or category otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration when any subsequent appointment is to be made to such service, class or category until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(v) If, when an appointment to any such service, class or category is to be made, there are two or more communities having a preferential claim under clause (iii) or clause (iv), that community shall receive first consideration whose preferential claim first arose.

(b) (i) Where the special rules lay down that the provisions of this sub-rule shall apply to any service, class or category, appointments thereto otherwise than by transfer from a corresponding subordinate service or by promotion, shall be so regulated as to secure, as near as may be, the distribution of membership in such service, class or category among the following communities in the proportion specified against each:—

Non-Brahman Hindus—Five out of twelve.

Brahmans—Two out of twelve.

Muhammadans—Two out of twelve.

Anglo-Indians, Christians and Non-Asiatics—Two out of twelve.

Scheduled classes—One out of twelve.

Explanation.—(1) The expression “Non-Brahman Hindus” shall include members of all communities other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or Non-Asiatic and the Scheduled classes.

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(2) Appointments to any such service, class or category by transfer from the corresponding subordinate service or by promotion shall be made irrespective of communal consideration.

(ii) Every appointment to any such service, class or category otherwise than by transfer or promotion as aforesaid shall be made from that community which at the time of appointment is most disadvantageously situated with reference to the proportions specified in clause (i); if no qualified and suitable candidate of that community is available, a candidate from the community next in the order of disadvantage who is qualified and suitable shall be appointed. If it is found that the disadvantage of two or more communities is equal, a candidate belonging to any such communities who is best fitted for the post shall be appointed.

8. *Probation.*—(a) A probationer in a service shall not be eligible for appointment as a full member of such service in any category until he has been on probation in such category or in a higher category of the same service or class, for a total period of two years on duty within a continuous period of three years.

(b) If a person, having been appointed temporarily under sub-rule (a) of rule 4 to a post borne on the cadre of any service, class or category or having been appointed to any service, class or category otherwise than in accordance with the provisions of these rules or of the special rules governing such appointment, is subsequently appointed to the service, class or category in accordance with these rules and the special rules, he shall commence his probation from the date of such subsequent appointment or from such earlier date as the Commission may determine.

(c) No probationer shall, during the period of his probation, except for purposes of instruction or training, be employed on duties which are not normally discharged by members of the service in the category to which he belongs.

9. (a) At any time before the expiry of the prescribed period of probation, the appointing authority may—

(i) suspend the probation of a probationer and discharge him from the service for want of a vacancy, and

(ii) at its discretion and after consultation with the Commission, by order, terminate the probation of a probationer and discharge him from the service.

(b) (i) If within the prescribed period of probation, a probationer fails to acquire the special qualifications or to pass the special tests, if any, prescribed in the special rules or to acquire such other qualifications as may be considered by the

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Commission to be equivalent to the said special qualifications or special tests, the appointing authority shall forthwith, by order, discharge him from the service.

(ii) If such probationer has appeared within the prescribed period of probation for any such tests or for any examinations in connexion with the acquisition of any such qualifications, having passed all the other tests and acquired all the other qualifications, and the results of the tests of examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he fails to pass, as the case may be. In case the probationer fails to pass any of the tests or examinations for which he has so appeared, the appointing authority shall forthwith, by order, discharge him from the service.

(iii) Where a test in only one of certain specified vernacular languages is prescribed in the special rules, a person whose mother-tongue is one of the languages so specified or who has taken one of such languages for his university degree shall not be required to pass any language test.

(iv) Where tests in two of certain specified vernacular languages are prescribed in the special rules, a person whose mother-tongue is one of the languages so specified or who has taken one of such languages for his university degree shall be required to pass the test only in one other of such languages, and a person whose mother-tongue is one of such languages, and who has taken another of such languages for his university degree or who has taken two of such languages for his university degree, shall not be required to pass any language test.

(v) Where a probationer has, before he commenced his probation, already acquired any special qualification or passed any special test prescribed in the special rules, or has acquired such other qualification as may be considered by the Commission to be equivalent to the said special qualification or special test, he shall not be required to acquire such special qualification or to pass such special test again within the period of his probation.

(c) (i) At the end of the prescribed period of probation, the appointing authority shall consult the Commission as to the probationer's suitability for full membership of the service in the category for which he was selected.

(ii) If, after such consultation, the appointing authority considers the probationer to be suitable for such membership, it shall as soon as possible, or in cases falling under clause (ii) of sub-rule (b) as soon as possible after the

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probationer has passed the tests and examinations for which he has appeared, issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(iii) If, after such consultation, the appointing authority does not consider the probationer to be suitable for such membership, it shall by order discharge him from the service.

(iv) In cases not falling under clause (ii) of sub-rule (b), if no order is issued by the appointing authority under clause (ii) of this sub-rule within three months after the expiry of the prescribed period of probation, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(v) In cases falling under clause (ii) of sub-rule (b), if the candidate has passed the tests and examinations for which he has appeared and no order is issued under clause (ii) of this sub-rule by the appointing authority within three months after the expiry of the prescribed period of probation or within one month of the publication of the results of such tests and examinations, whichever is later, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(d) An order discharging a probationer issued under clause (ii) of sub-rule (a) or clause (i) or clause (ii) of sub-rule (b) or clause (iii) of sub-rule (c) shall have effect from the date on which the probationer is discharged.

(e) No order passed under clause (iii) of sub-rule (c) shall be based either wholly or in part upon the probationer's work or conduct after the expiry of the prescribed period of probation.

(f) (i) It shall not be necessary in any order discharging a probationer passed under clause (ii) of sub-rule (a), clause (i) or clause (ii) of sub-rule (b) or clause (iii) of sub-rule (c), to specify the reasons for such discharge, but such order shall state whether or not the Commission recommended such discharge. A copy of the order, together with the reasons therefor, shall be communicated to the Commission. A probationer who is discharged contrary to the recommendation of the Commission shall be entitled to appeal against the order of discharge as if it were an order of dismissal.

(ii) No probationer discharged under any of the provisions referred to in clause (i) shall be eligible for re-appointment to the service in the category from which he has been discharged or a higher category of the same service or class:

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Provided that a probationer recruited by transfer who is so discharged may, after a period of three years from the date of such discharge, be appointed to the service in the category from which he was discharged as if he had not been previously appointed thereto. A person so appointed shall for all purposes be regarded as having been appointed to the service in such category for the first time on the date of his appointment thereto under this proviso.

(g) For the purposes of this rule, 'prescribed period of probation' shall mean the period of probation specified in sub-rule (a) of rule 8 or any other period prescribed in this behalf in the special rules.

10. (a) A probationer or an approved probationer may be appointed to officiate in any permanent or temporary post borne on the cadre of the service, class or category for which he was selected, or in a higher category of the same service or class, provided he is qualified for holding such post.

(b) Notwithstanding anything contained in Fundamental Rule 30, there shall be paid—

(i) to a probationer recruited by transfer from the corresponding subordinate service, the pay specified in the special rules in that behalf, or if no such pay is specified therein, the pay which would be admissible to him if he were a full member of the service in the category in which he is holding a post, as modified in the latter case by the operation of Fundamental Rules 22 and 31.

(ii) to any other probationer

(1) while he is undergoing a course of instruction or training, the pay specified in the special rules in that behalf; and

(2) after he has completed the course of instruction of training, if any, the pay of the lowest grade or the minimum pay in the time scale of pay, as the case may be, applicable to the category for which he was selected as modified in either case by the operation of Fundamental Rules 22 and 31.

(iii) to an approved probationer, the pay which would be admissible to him if he were a full member of the service in the category in which he is holding a post.

Explanation.—An approved probationer shall be entitled to count the period of his probation for increments in the time scale of pay, if any, applicable to the category for which he was selected.

(iv) to a person appointed under rule 4 to hold temporarily a post borne on the cadre of a service, class or category, either his substantive pay or the pay of the lowest grade or the

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minimum pay in the time scale of pay, as the case may be, applicable to such service, class or category, whichever is higher.

11. *Appointment of full members.*—(a) An approved probationer shall, if a substantive vacancy in the permanent cadre of the category for which he was selected exists, be appointed to be a full member of the service in such category at the earliest possible opportunity; and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the service in such category or in a higher category:

Provided that where more than one approved probationer is available for such appointment as full member, the senior-most approved probationer shall be appointed.

(b) Where the special rules provide that recruitment to any service, class or category shall normally be both by direct recruitment and by transfer, the provisions of sub-rule (a) shall apply separately as regards

(i) vacancies against which persons have been recruited direct; and

(ii) other vacancies.

(c) No approved probationer shall be required to produce a medical certificate of physical fitness before appointment as a full member of the service:

Provided that in the case of an approved probationer who is not a full member of any other service, provincial or subordinate, the appointing authority may, if it has reason to believe that the probationer's physical fitness has seriously deteriorated since he satisfied the Commission under clause (iii) of sub-rule (a) of rule 5, require him to undergo a fresh medical examination. If on such examination he is found to be physically unfit for the service in the category for which he was selected, the appointing authority shall discharge him from the service.

(d) No person shall at the same time be a full member of more than one service, provincial or subordinate.

A probationer, approved probationer or full member of one service who is appointed to be a full member of another service shall cease to be a member of the former service.

A probationer in any service who is not on duty in that service may be appointed to another service, but if subsequently he is required for duty in the former service while on duty in

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the latter, he shall elect the service of which he wishes to be a member and on such election, he shall cease to be a member of the other service.

A probationer in any service who is on duty in that service may, if he is willing to give up his membership of that service, be appointed to another service. On such appointment, he shall cease to be a member of the former service.

12. *Seniority in the service.*—(a) The seniority of a member in any service or class of a service shall be determined by the date of his first appointment to such service or class or in the case of a person governed by sub-rule (b) of rule 8, by the date on which he commences his probation under that sub-rule:

Provided that if any portion of the service of a member does not count towards his probation, his seniority shall be determined by the date of the commencement of his service which counts towards probation:

Provided further that where a service or class consists of more than one category, a person who is appointed to the service or class in a higher category shall take rank in such service or class

(i) until he becomes an approved probationer in such higher category, next below the person who was last appointed, whether substantively or in an officiating capacity, to hold a post in such higher category; and

(ii) on his becoming an approved probationer in such higher category, either next below the person referred to in clause (i) or next below the person who was last appointed substantively to a post in such higher category or, if any person or persons have become approved probationers in such higher category after such substantive appointment, next below such person or such of those persons as completed his probation last as the case may be, whichever will give him the higher rank.

(b) Where the date by which seniority is determined under sub-rule (a) is the same in the case of two or more members of a service or class, their seniority *inter se* shall be determined by the order of preference, if any, laid down by the Commission in their case. If no such order of preference has been laid down or in case of doubt, seniority shall be determined by the Commission.

(c) A member of a service or class shall, unless he is reduced in seniority as a punishment retain seniority in such service or class as determined by sub-rules (a) and (b) throughout his service notwithstanding any delay in the

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completion of his probation or in his appointment as a full member of the service or class and irrespective of the category in which he may, from time to time, hold a post.

(d) Where a member of any service, category or grade is reduced to a lower service, category or grade, he shall be placed at the top of the latter unless the authority ordering such reduction, after consultation with the Commission, direct that he shall take rank in such lower service, category or grade, next below any specified member thereof.

13. *Promotion.*—(a) All promotions shall be made by the appointing authority.

(b) Where special qualifications or special tests are prescribed by the special rules of a service for any category, grade or post therein, or in a class thereof, which are not prescribed for a category or grade in such service or class carrying a lower rate of pay, a member in the latter category or grade shall not be promoted to the former category, grade or post, whether in a permanent, officiating or temporary capacity, or

where such qualifications or tests are prescribed by the special rules for passing any specified stage in the time-scale of pay applicable to any service, class or category or any post borne on the cadre thereof, a member in such service, class or category or holding such post shall not be permitted to pass such stage unless he

(i) possesses such qualifications or has passed such tests, or

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said qualifications or tests:

Provided that if none of the members in the category or grade carrying the lower rate of pay is eligible for promotion under this sub-rule, a member in such category or grade may be promoted to the category or grade carrying the higher rate of pay temporarily until a member of the former category or grade qualified under this sub-rule is available for promotion. A member temporarily promoted under this proviso shall not by reason only of such promotion, be entitled to any preferential claim to future promotion.

(c) (i) Promotions in a service or class, to a selection, category or to a selection grade, shall be made after consultation with the Commission. Such promotions shall, subject to the provisions of sub-rule (b), be made on grounds of merit and ability, seniority being considered only where the merit and ability are approximately equal.

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(ii) All other promotions shall, subject to the provisions of sub-rule (b), be made in accordance with seniority unless—

(1) the promotion of a member has been withheld as a penalty; or

(2) a member is given special promotion for conspicuous merit and ability.

Such special promotion shall be made after consultation with the Commission. The reasons for giving such promotion shall be recorded in writing and communicated forthwith to all the members of the service affected.

(d) A member of a service promoted from one category to another shall be on probation in the latter category for a total period of two years on duty within a continuous period of three years. The promotion of a member of a service from one category to another shall, as regards probation, be treated in the same way as a first appointment to the service in the latter category and all the rules governing appointment to the service in the latter category shall *mutatis mutandis* apply.

(e) The provisions of sub-rule (a) of rule 4 shall apply *mutatis mutandis* to promotions also.

(f) Notwithstanding anything contained in sub-rule (d), the following provisions shall apply to promotions from a lower to a higher category of a service or class of a service in cases where the lien of a member of such service or class on a post borne on the cadre of the lower category is or has been suspended by reason of his being on foreign service or otherwise:—

(i) if a substantive or officiating vacancy in the higher category arises during the period of suspension of the lien of such a member, he shall, if considered fit, be promoted in his turn to the higher category substantively or in an officiating capacity, as the case may be, subject to the condition that he shall on reversion to duty in the said service or class, undergo and satisfactorily complete the probation prescribed in sub-rule (d) in respect of such higher category; and

(ii) if a substantive or officiating vacancy in the higher category is in existence when such a member returns to duty in the said service or class or arises after such return, he shall, if considered fit, be promoted to the higher category substantively or in an officiating capacity, as the case may be, in preference to any other member who is junior to him, subject to the condition that he shall undergo and satisfactorily complete the probation prescribed in sub-rule (d) in respect of such higher category.

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14. *Postings and transfers.*—(a) A member of a service or class of a service may be required to serve in any part of the Presidency of Madras in any post borne on the cadre of such service or class:

Provided that no such member shall be posted or transferred to any post unless he—

(i) possesses such special qualifications and has passed such special tests as may be prescribed for such post in the special rules, or

(ii) possesses such other qualifications as may be considered by the Commission to be equivalent to the said qualifications and tests.

(b) All transfers and postings shall be made by the appointing authority.

15. *Pay, allowances, leave, leave salary, pension and other conditions of service.*—The Fundamental Rules and the pension rules for the time being in force shall, except to the extent expressly provided in these rules or the special rules, govern members of every service in the matter of their pay, allowances, leave, leave salary, pensions and other conditions of service:

Provided that where any such member has elected to be governed by the provisions of the Civil Service Regulations, those provisions shall apply to him.

16. *Savings.*—(a) (i) Nothing in these rules shall adversely affect any person who was a member of any service on the date of the coming into force of these rules.

(ii) Nothing in any special rules governing a service shall adversely affect any person who was a member of such service on the date of the coming into force thereof.

(b) Where these rules or the special rules would adversely affect in respect of any matter a person who was a member of any service before the date of coming into force thereof, he shall, in respect of such matter, be governed by the rules and orders, if any, which were applicable to him immediately prior to such date:

Provided that if there were no rules or orders prescribing the period of probation, applicable to him on such date, the provisions of these rules and the special rules regarding probation shall apply to him and any service rendered by him before such date shall count towards probation if and to the extent such service would have counted, had these rules and the special rules come into force at the time of his first appointment.

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(c) If, before the issue of the special rules, a person had been exempted under the orders then in force from the possession of any qualification or the passing of any test and the possession of such qualification or the passing of such test is prescribed by such special rules, they shall not apply to such person to the extent and in respect of the category, grade or post, specifically covered by the order of exemption.

SCHEDULE.

SCHEDULED CLASSES.

[See definition 24.]

Hill and aboriginal tribes.

- 1 Annadan.
- 2 Badaga.
- 3 Bagata.
- 4 Chenchu.
- 5 Domba (Dombo).
- 6 Gadaba.
- 7 Gond.
- 8 Irulars.
- 9 Jatapu.
- 10 Kada (Kadan).
- 11 Kani (Kaniyan).
- 12 Kapu of Vizagapatam and Godavari districts.
- 13 Karumbalan.
- 14 Kattunaicken.
- 15 Kondh.
- 16 Konda Dora.
- 17 Kota.
- 18 Koya.
- 19 Kudibi.
- 20 Kurichan.
- 21 Kurumba.
- 22 Madugar or Medavar.
- 23 Maduva.
- 24 Malasar.
- 25 Malayalee (of Pachamalai Hills of Salem and Trichinopoly districts).
- 26 Marathi (of South Kanara district).
- 27 Mavilan.
- 28 Melakudi or Kudiyan.
- 29 Paniyan.
- 30 Panu (Pano).
- 31 Polayan (Pulayan).
- 32 Poroga (Poroja).
- 33 Savara.
- 34 Sholagar.
- 35 Toda.
- 36 Vettuvan.

Others.

Names and districts.

- 1 Amagunta Poligar (Chittoor).
- 2 Ambalagars (Trichinopoly).
- 3 Anebojinapalli Malas (Nellore).
- 4 Anipey Malas (East Godavari and West Godavari).
- 5 Attur Kilnad Koravars (South Arcot, Salem and Trichinopoly).
- 6 Attur Melnad Koravars (Salem).

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Others—cont.

Names and districts.

- 7 Bavuri (Ganjam and Vizagapatam districts).
- 8 Bavira (South Kanara).
- 9 Bakuda (South Kanara).
- 10 Bellara (South Kanara).
- 11 Bhattu Turkas (Chittoor).
- 12 Boyas (Anantapur, Bellary, Chittoor, Kurnool).
- 13 Budabukkakas (Guntur).
- 14 Chakala (Guntur).
- 15 Chalavadi (Bellary).
- 16 Chengampundi Koravars (North Arcot).
- 17 Cheruma (Malabar).
- 18 Chettinad Valayars (Ramnad).
- 19 Chuckler (Tamil districts).
- 20 Dandasis (Ganjam).
- 21 Dasari (Anantapur, Bellary Chittoor, Cuddapah and Nellore (Kavali Settlement)).
- 22 Debi Koravars (Trichinopoly).
- 23 Dommarras (Anantapur, North Arcot, South Arcot, Chittoor, Kurnool, Nellore, East Godavari, West Godavari and Kistna).
- 24 Dubhai Koravars (North Arcot).
- 25 Gandarvakottai Koravars (Tanjore).
- 26 Ghasis (Jeypore, Vizagapatam district).
- 27 Godda (South Kanara).
- 28 Gudu Dasaris (South Arcot and Coimbatore).
- 29 Gundlapad Woddars (Guntur).
- 30 Haddi (Ganjam and Vizagapatam districts).
- 31 Holeya (South Kanara).
- 32 Inji Koravars (Trichinopoly).
- 33 Iranis (all districts).
- 34 Irulars (North Arcot, South Arcot and Trichinopoly).
- 35 Jambuvandi (Trichinopoly).
- 36 Jamulapalli Malas (Kurnool).
- 37 Jarugaballi Madigas (Guntur).
- 38 Jogamalai Koravars or Kepmaris (North Arcot, South Arcot, Bellary and Cuddapah).
- 39 Jogula or Jogi (North Arcot, South Arcot, Chingleput, Chittoor and Nellore).
- 40 Kallars (of that portion of the Tanjore district to which the special reclamation activities through the Kallar Reclamation Deputy Superintendent have been extended).
- 41 Kaladis (Trichinopoly).
- 42 Kal Koravas (Trichinopoly).
- 43 Kal Oddars (Chingleput).
- 44 Kanakkan (Malabar).
- 45 Kepmaris (Chingleput).
- 46 Kintali Kalingas (Vizagapatam).
- 47 Korachas (Bellary).
- 48 Koraga (South Kanara).
- 49 Koravars (Chingleput, Salem and Tinnevely).
- 50 Kottapal Kallars (Tanjore).
- 51 Kunjar Bhat (all districts).
- 52 Kurumbarava (Ramnad).
- 53 Lambadis (Guntur).
- 54 Madari (Ganjam and Vizagapatam).
- 55 Madigas (Arundhatiyas of Telugu districts).
- 56 Maila (South Kanara).
- 57 Malas (Adi-Andhras of Telugu districts).
- 58 Maravars of Pulam (Tinnevely district).
- 59 Moger (Mera or Kaipudus or Mogerars) (South Kanara).
- 60 Monda Koravars (Salem).
- 61 Mundala (South Kanara).
- 62 Muthurachas (Nellore).

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Others—cont.

Names and districts.

- 63 Nakkalas (East Godavari).
- 64 Nalkedaya (South Kanara).
- 65 Nattan Korachas (Chittoor).
- 66 Nayadi (Malabar).
- 67 Nirshikaris (Bellary and Kurnool).
- 68 Nokkars (Chingleput).
- 69 Oddars (North Arcot).
- 70 Paidis (Vizagapatam).
- 71 Pallan (Tamil districts).
- 72 Pambada (South Kanara).
- 73 Paraiya (Adi-Dravida of Tamil districts).
- 74 Paravan (South Kanara).
- 75 Pedda Boyas (Anantapur and Cuddapah).
- 76 Pennagaram Perumbalai Koravars (Salem).
- 77 Periasuriyur Kallars (Trichinopoly).
- 78 Picharis (Bellary).
- 79 Pichi Guntlas (Cuddapah).
- 80 Piramalai Kallars (Madura and Ramnad).
- 81 Ponnai Koravars (North Arcot).
- 82 Ranayars (South Kanara).
- 83 Rellis (Ganjam and Vizagapatam).
- 84 Sakkaraitamadai Koravars (North Arcot and South Arcot).
- 85 Salem Melnad Koravars (North Arcot, Coimbatore, Madura, Salem, Tanjore and Trichinopoly).
- 86 Samagars (South Kanara).
- 87 Semman (Madura and Trichinopoly).
- 88 Sembanad Maravars (Ramnad).
- 89 Sungalis (Lambadis) (Anantapur, Bellary, Chittoor, Cuddapah and Kurnool).
- 90 Suragalli Koravars (Salem).
- 91 Tak Woddars (Kurnool).
- 92 Telugu Pamulas (Ganjam, East Godavari, West Godavari, Guntur, Kistna, Nellore and Vizagapatam).
- 93 Telungapatti Chettis (Trichinopoly).
- 94 Thalli Koravars (Salem).
- 95 Thoti (or Mari-marusas or Mari Holeyas) (South Kanara).
- 96 Thotia Naicks (North Arcot, South Arcot, Coimbatore, Madura, Ramnad, Tanjore, Tinnevely and Trichinopoly).
- 97 Uppu Koravars (North Arcot, Salem and Trichinopoly).
- 98 Uraligoundan (Trichinopoly).
- 99 Vaduvarpatti Koravars (Madura, Ramnad and Trichinopoly).
- 100 Valayars (Coimbatore and Madura).
- 101 Valluvan (Tamil districts).
- 102 Varahaneri Koravan (Trichinopoly).
- 103 Vayalpad or Nawabpet Koravars (Anantapur, Chittoor, Cuddapah and Nellore).
- 104 Vellayankuppan Padayachis (South Arcot).
- 105 Venganur Parayas (North Arcot and Chittoor).
- 106 Veppur Paraya (South Arcot).
- 107 Vettaikaran (Tanjore).
- 108 Vettuvan (Malabar).
- 109 Woddars (Chittoor, Cuddapah, West Godavari, Guntur, Kistna, Kurnool and Nellore).
- 110 Yanadi (Ganjam, West Godavari, Guntur, Nellore, Chittoor, Chingleput and Cuddapah).
- 111 Yerukalas (Anantapur, Bellary, Cuddapah, East Godavari, West Godavari, Guntur, Kistna, Kurnool and Nellore).

NOTE.—This list includes the tribes notified under section 3 of the Criminal Tribes Act and is subject to variation as tribes are notified under section 3 of the Criminal Tribes Act or removed from the operation of the Act.

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EXPLANATORY INSTRUCTIONS.

1. *General.*—The power of regulating the conditions of service of Provincial and Subordinate Services can be exercised by the Local Government only through the framing of rules in pursuance of the rule-making power delegated to them in the Classification Rules by the Secretary of State under the authority of the Government of India Act. The Government of India Act replaced once and for all the regime of executive orders by a regime of rules, and statutory rules are therefore now a legal necessity. They have the force of law and have therefore to be strictly complied with, as any infringement of a statutory rule constitutes an illegality. It has been held that in view of the express provisions of section 96-B (5) of the Government of India Act a general power to make rules does not include or imply a power to exempt from or relax the requirements of those rules, and that accordingly the Local Government are not competent, when making such rules, to include a rule clothing themselves with a power of exemption from the operation of the rules so made. It has further been held that on a construction of the terms of the Secretary of State's delegation and of Classification Rule 12 it is not within the competence of the Local Government to frame a rule in and for an individual case. Any relaxation of the rules in existence at any time can only be made under Classification Rule 12, i.e., when a strict application of the rules causes hardship to an individual. The rules cannot therefore be relaxed or dispensed with on grounds of administrative convenience or public interest, nor can certain rules such as those prescribing age-limits or qualifications for appointment ever be relaxed, since they could not be brought within the terms of Classification Rule 12 which applies only to members of the services. It is however permissible to amend or to make a general rule in the light of any case of individual hardship or with a view to avoiding administrative inconvenience, and heads of departments are at liberty to recommend to Government the amendment or the framing of any rule as may be found necessary or desirable as a result of their experience in the administration of their departments.

2. *Definitions.*—A service consists of a number of persons, not of a number of posts. When a service consists of two or more groups of persons with little in common between them, save perhaps that they work under the same administrative head, but it is not considered desirable to split the groups into separate services, the groups are constituted into classes of the service. It follows that there can normally be neither promotions nor transfers between different classes of a service. The holders of posts in a service or class between which transfer or promotion is normally made are designated 'categories.'

A person becomes a member of a service on the date of his first appointment to the service, although he is only a probationary member of the service, or a probationer in the service, until he has satisfactorily completed his probation, after which he remains an approved probationer in the service until, on the occurrence of a permanent vacancy, he can be admitted to full membership of the service.

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A fundamental conception of appointment to a service is that it must be made in accordance with the rules, such as those prescribing qualifications including age-limit, communal rotation and consultation with the Madras Services Commission. An irregular appointment is not therefore recognized as any appointment at all for purposes of the rules. Neither the holding of additional charge of a post borne on the cadre of a service, nor an emergency temporary appointment to a post borne on the cadre of a service, constitutes appointment to a service. The former is specifically barred by the explanation given under the definition, but this is unnecessary in the case of the latter in view of the clause in the preamble to the definitions 'unless there is anything repugnant in the subject or context' and the specific provision embodied in clause (iv) of rule 4 (a). Thus although emergency appointments are made in accordance with a particular rule, they are not made in accordance with the general rules and the special rules, to which that particular rule itself constitutes an exception. A person who is appointed in accordance with the rules save only that he actually takes over his duties out of his turn under the communal rotation rule can under the definition be regarded as appointed to the service on the date on which his appointment would have been in accordance with the rules.

Under the definition of "appointed to a service" read with the definition of "member of a service" a person who was a probationer or approved probationer in a service when these rules came into force acquired the status of a member of the service retrospectively from the date of his first appointment and thus secured the benefit of the protection afforded by rule 16.

The cadre of a service is the sanctioned strength of a service. The creation of a temporary post involves a temporary addition to the cadre of the service, which is thus included in the cadre for so long as the post remains in existence and will automatically carry the rate of pay prescribed for such posts in the statutory rules unless they provide specifically for the pay to be drawn by such temporary additions. The cadre therefore includes both the permanent strength and also the holders of temporary posts. Where it is necessary to denote the former alone, as in rule 11 (a), the expression "permanent cadre" may be used.

The expression "on duty" being of importance so far as these rules are concerned only in connexion with probation, duty is defined to cover merely 'duty as a member of a service' and not duty generally, as the latter would involve such complications as service under the Government of India or in some other service, duty while in foreign service, and the like.

3. *Rule 4.*—Emergency temporary appointments have been provided for to avoid interruption of Government business in sudden emergencies, and not to avoid the necessity of foresight in estimating requirements. It is an abuse of the rule, for instance, to resort to

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it when or just before an officer proceeds on leave if it was known several months previously that the leave vacancy would arise and steps could have been taken to have the vacancy filled in accordance with the rules. The provision can however be legitimately used when several appointments have to be notified at the same time, but whereas according to the communal rule the officers so appointed should be appointed in a certain order, the order in which they will actually join duty cannot be controlled or foreseen. In such a case all the officers can be temporarily appointed in the first instance and the date of their regular appointment notified later. For example, if A, B, C, D, are simultaneously appointed to a service and under the communal rule the appointments should be in the order stated, and A joins duty on 10th April, B on the 1st April, C on the 19th April, and D on the 7th April, the regular appointments would date from 10th April, 10th April, 19th April and 19th April respectively; and service rendered in any such case between the date of joining and the date of regular appointment would be regarded as temporary service not counting towards probation under rule 4 (a) (iv).

As temporary appointments are designed to meet sudden emergencies, rule 4 does not insist on the prescribed qualifications being observed in their cases. But appointing authorities are expected to secure the best person immediately available, and in particular not to appoint an unqualified person if a qualified person is available.

4. *Rule 7* provides two alternative methods of securing communal representation in the Provincial Services, namely, the method of communal rotation covered by sub-rule (a) and the method of communal proportion dealt with in sub-rule (b). The communal principle can therefore be applied to any service, class or category by including a rule in the special rules governing the service concerned specifying which sub-rule of general rule 7 shall apply and the extent or unit to which it shall be applied. Generally speaking, the communal rotation method is preferable as being the more straightforward and easy to work, where it can without objection be applied to all appointments however made to a service, class or category; while the communal proportion method is preferable where for administrative or other reasons it is considered desirable that certain appointments such as those by transfer from the corresponding subordinate service shall be made independently of communal considerations.

Rule 7 (a).—Under the communal rotation method a community which loses a turn for want of a suitable and qualified candidate, or which loses a representative through the discharge of a probationer, acquires a preferential claim to consideration in the filling of the next or any subsequent vacancy, which preferential claim will persist until it is satisfied. It is of course possible for one or more communities to possess one or more preferential claims at the same time. An appointment cannot be made against a regular communal turn if an outstanding preferential claim can be satisfied by the appointment of a suitable and qualified candidate of the community possessing such claim; while preferential

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claims as among themselves shall be satisfied in so far as suitable and qualified candidates are available in the order in which they arose.

Illustration.—In a service subject to the communal rotation rule the last appointment made was that of a non-Brahman against turn 1, the previous turns of Muhammadan (turn 9) and Anglo-Indian, etc. (turn 11) having been passed over for want of suitable and qualified candidates and remaining still outstanding. When the next vacancy arises the position will be that the Muhammadan community possesses the first preferential claim, the Anglo-Indian, etc., community possesses the second preferential claim, and the Muhammadan community is entitled to the communal turn (turn 2).

If then a suitable and qualified Muhammadan candidate is available, he will be appointed against the first preferential claim, after which the Anglo-Indian, etc., community will possess the first preferential claim and the Muhammadan community will remain entitled to the communal turn. But should a probationer of the "Scheduled classes" community (turn 7) be discharged before the next vacancy arose, then the Anglo-Indian, etc., community would have the first preferential claim, the "Scheduled classes" community the second preferential claim, and the Muhammadan community the communal turn.

If however there was no suitable Muhammadan candidate available but there was a suitable Anglo-Indian, etc., candidate, then the first preferential claim would have to be passed over and the qualified candidate of the Anglo-Indian, etc., community would be appointed against the second preferential claim; after which the Muhammadan community would possess the first (and only) preferential claim and also the communal turn.

If there were available no suitable candidate either of the Muhammadan or the Anglo-Indian, etc., communities, then both the preferential claims and communal turn 2 would have to be passed over and a suitable and qualified non-Brahman if available would have to be appointed against turn 3. After that the position would be that the Muhammadan community would possess the first and the third preferential claims and the Anglo-Indian, etc., community the second preferential claim and the communal turn (turn 4).

Rule 7 (b).—When an appointment has to be made to a service in accordance with the communal proportion rule, the appointment must be made from that community which is at the time most disadvantageously situated with reference to the proportions specified in rule 7 (b) (i). The criterion should be applied in the following manner:—

(a) The total strength of members (whether full members, approved probationers or probationers) in the service, class or category belonging to each of the recognized communities should first be ascertained.

(b) It should next be determined what would be the total strength of members of each of the communities according to the proportions fixed in rule 7 (b) (i).

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(c) The percentage for each community of the figure under (a) to that under (b) should then be worked out.

(d) The community having the lowest percentage as worked out in (c) will be the one entitled to representation next. If no qualified and suitable member of that community is available, then a member of the community having the next lowest percentage will be entitled to appointment.

A fresh calculation on the above lines will have to be made every time that an appointment has to be made subject to this rule.

Special provision for preferential claims in the cases of lost turns or of discharge of probationers as in the case of the communal rotation method is not necessary here, since the principle of making the appointment from the community most disadvantageously situated at the time automatically produces an equitable representation.

Illustration.—(a) Distribution of members according to communities:—

Non-Brahman Hindus	...	...	...	...	15
Brahmans	...	...	...	...	30
Muhammadans	...	...	...	...	4
Anglo-Indians, Christians and Non-Asiatics of					
Indian domicile	...	...	...	...	5
Scheduled classes	...	...	...	...	1
					—
Total	...				55
					—

(b) Distribution as it ought to be—

Non-Brahman Hindus	...	...	...	22-11/12
Brahmans	...	...	...	9-1/6
Muhammadans	...	...	...	9-1/6
Anglo-Indians, etc.	...	...	...	9-1/6
Scheduled classes	...	...	...	4-7/12
				—
Total	...			55
				—

(c) Percentage of (a) to (b)—

Non-Brahman Hindus	...	...	65-5/11
Brahmans	...	...	327-3/11
Muhammadans	...	...	43-7/11
Anglo-Indians, etc.	...	...	54-6/11
Scheduled classes	...	...	21-9/11

A candidate belonging to the scheduled classes community will be entitled to the next appointment. If no candidate of that community is available, then a candidate belonging to the Muhammadan community will be entitled to appointment.

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5. *Rule 8 (c).*—Since general rules apply save as otherwise provided in the special rules, this sub-rule will not prevent probationers from being given such training or instruction (including the holding of posts normally held by members of the corresponding subordinate service) as may be specifically provided for in the special rules.

The same general consideration applies to other definite provisions in these rules, e.g., the age-limit fixed in rule 5 (a) (ii).

6. *Rule 9.*—The rule appears somewhat involved as it has necessarily to cover all possible cases, but its actual working will be comparatively simple. Thus in the case of a probationer who shortly before the expiry of the prescribed period of probation sits for examination in certain tests which under the special rules have to be passed within the period of his probation, the Commission will be consulted as soon as the prescribed period of probation expires. It will be open to the appointing authority to discharge him, if the Commission's verdict is unfavourable, without waiting for the results of the examination. Three months from the expiry of the period of probation or one month from the date of publication of the results of the tests, whichever is later, has been provided as the maximum period within which the probationer may be discharged in this case. If he fails to pass the tests, he will of course be discharged under clause (ii) of sub-rule (b).

7. *Rule 11 (a).*—The rule provides for the confirmation of approved probationers in a service or class in the category for which they were selected, in order to avoid the administrative inconvenience of having to confirm a senior approved probationer in one category in a permanent vacancy in another category the duties of which may be dissimilar from those of the former category. Where more than one approved probationer is available for confirmation, the criterion for deciding the one to be confirmed will be seniority in the service or class, and not the date of completion of probation, since the latter method would unduly penalize a person who was unlucky enough to complete his probation late on account of illness or other unavoidable reason.

8. *Rule 11 (d).*—No rule has been framed for Provincial Services, corresponding to rule 27 of the Civil Services (Classification, Control and Appeal) Rules for All-India Services, prohibiting the appointment to a post borne on the cadre of a Provincial Service of a person who is not a member of such service. Hence a member of an All-India Service who is serving under the administrative control of the Local Government may be appointed to hold charge of a post borne on the cadre of a Provincial Service without his being appointed to that Provincial Service. Such officer remains a member of the All-India Service to which he belongs as provided for in rule 22 of the Civil Services (Classification, Control and Appeal) Rules, and nothing in the general or special rules governing the Provincial Service will apply to him.

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9. *Rule 12.*—Seniority in a service or class normally follows the date of first appointment as defined in definition (1) and modified by rule 8 (b); but special provision is made for determining the seniority of a person appointed to the service or class in a higher category. It will be necessary to maintain a seniority or service list of members of each service or class of a service, and the order of members in the list will remain unaffected by delay in completion of probation, special or early promotion to a higher category, and so on. Thus the service list may be entirely different from departmental lists, which, though not necessary, may be maintained on grounds of administrative convenience, and in which members are arranged according to the categories to which they happen to belong at the time.

II

In exercise of the powers conferred by rules 38 to 41 of the Civil Services (Classification, Control and Appeal) Rules, the Governor in Council and the Governor acting with Ministers are hereby pleased to make the following rule:—

Rule.

All rules in operation on the 30th September 1933, regulating the method of recruitment, the conditions of service, the pay and allowances and the pensions of any provincial service other than the Madras Boiler Service, the Madras Medical Service (General Branch) and the Madras Medical Service (Special Branch), which were made by the Local Government in exercise of the powers conferred by the Civil Services (Classification, Control and Appeal) Rules or which may be cancelled or modified by them in exercise of such powers, shall be deemed to be special rules for such service within the meaning of clause (28) of the definitions in the general rules.

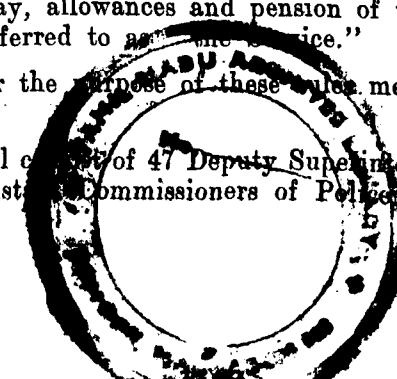
THE MADRAS POLICE SERVICE.

Rules regulating recruitment, conditions of service, pay, allowances and pension.

In exercise of the powers conferred in rules 3 and 4 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, the Governor in Council hereby makes the following rules to regulate the method of recruitment, conditions of service, pay, allowances and pension of the Madras Police Service hereinafter referred to as "the Service."

"Local Government" shall for the purpose of these rules mean the Governor in Council.

1. *Constitution.*—The Service shall consist of 47 Deputy Superintendents of Police including three Assistant Commissioners of Police in the Madras City Police.



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2. *Recruitment.*—(a) Admission to the Service shall be to the ordinary grade and shall be either by direct recruitment or by promotion from the rank of Inspectors of the Madras Police Subordinate Service or by transfer of members of any other Madras Provincial Service;

Provided that

(i) When a vacancy has been filled by direct recruitment or by transfer of a member of any other Provincial Service, the next two vacancies shall be filled by promotion from the rank of Inspector of the Madras Police Subordinate Service and the next following vacancy shall be filled by direct recruitment or by transfer of a member of any other Provincial Service;

(ii) the proportion of promoted non-Asiatic and Anglo-Indian Inspectors to the other promoted Inspectors in the Service shall be to the nearest unit the same as the proportion of the cadre of non-Asiatic and Anglo-Indian Inspectors to the cadre of other Inspectors in the Madras Police Subordinate Service; and

(iii) not more than 15 per cent of the cadre may be British subjects of non-Asiatic domicile.

(b) The Local Government shall, after consulting the Madras Services Commission, select candidates for admission to the Service:

Provided that this sub-rule shall not apply to the appointment by the Local Government of an Inspector of the Madras Police Subordinate Service to hold temporarily a post included in the cadre of the Service for a period or periods not exceeding three months altogether in the case of each Inspector, but every such appointment together with the reasons therefor shall be reported without delay to the Madras Services Commission and an Inspector so appointed shall not be regarded as a candidate selected for admission to the Service.

(c) When a candidate for selection is or has been in Government service any information affecting his selection which the Local Government or any authority subordinate to the Local Government may have, shall be supplied to the Madras Services Commission on demand.

(d) Every candidate, for selection otherwise than by promotion from the Madras Police Subordinate Service for admission to the or into the Imperial Bank of India, Madras, or one of the branches thereof to the credit of the Government under the head "XXVI. Miscellaneous departments—Examination fees—Fees for examinations—Madras Services Commission" and shall send the treasury or bank receipt therefor with his application.

3. (a) Subject to the provisos to sub-rule (a) of rule 2, selection for admission to the Service by direct recruitment and by transfer from any other Provincial Service shall be so regulated as to secure, as near as may

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be, the distribution of membership of the service among the following communities in the proportion specified against each:—

Non-Brahman Hindus	.. ..	Five out of twelve.
Brahmans	.. ..	Two out of twelve.
Muhammadans	.. ..	Do.
Anglo-Indians, Christians and non-Asiatics of Indian Domicile.		Do.
Other communities including depressed classes.		One out of twelve.

(b) Whenever a candidate has to be selected for admission to the Service either by direct recruitment or by transfer from any other Provincial Service, he shall be selected from that community which at the time of selection is most disadvantageously situated with reference to the proportion specified in sub-rule (a) and if no qualified and suitable candidate of such community is available, from the community next in the order of disadvantage.

If, at any stage, it is found that the disadvantage of two or more communities is equal, the Local Government shall decide from which of such communities the selection shall be made.

4. *Qualifications.*—No person shall be eligible for selection for admission to the Service unless he is

(a) a British subject or

(b) a subject of a State in India who has obtained the permission of the Local Government to apply for selection as a candidate for admission to the Service.

5. (a) No person shall be eligible for selection for admission to the Service by direct recruitment unless—

(i) he has attained the age of 21 and has not attained the age of 23 on the first day of August in the year in which selection for admission is made;

(ii) he is not less than 5 feet 5 inches in height;

(iii) he is not less than 32 inches round the chest on full expiration and the amount of his chest expansion is not less than 2 inches;

(iv) he is of sound health, good physique and active habits and free from any organic defect or bodily infirmity;

(v) he is of good character;

(vi) he is a graduate of any of the Universities mentioned in the annexure to these rules or a Barrister of England or Ireland or a member of the Faculty of Advocates of Scotland; and

(vii) he is, on selection for admission, able to satisfy a Medical Board in Madras as to his physique, fitness and capacity for active outdoor work.

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(b) A candidate selected by transfer from any other Madras Provincial Service shall satisfy the conditions prescribed for officers appointed by direct recruitment in clauses (ii), (iii), (iv), (v) and (vii) of sub-rule (a).

6. *Probation and training.*—(a) A candidate, selected for admission to the Service, shall, from the date on which he joins duty as such, be on probation

(i) if recruited otherwise than by promotion from the Madras Police Subordinate Service for a total period of two years on duty;

(ii) if recruited by promotion from the Madras Police Subordinate Service either for a continuous period of one year on duty or a total period of two years on duty out of a continuous period of three years.

(b) Within the period of probation a candidate recruited otherwise than by promotion from the Madras Police Subordinate Service shall undergo—

(i) a course of training in the Provincial Training School, Vellore, for a minimum period of one year, and

(ii) an examination in each of the following subjects, viz.:—

(1) Law and departmental orders.

(2) Riding.

(3) Two of the following vernacular languages of the Presidency of Madras, one by the lower standard and one by the higher standard, namely, Tamil, Telugu, Malayalam, Kanarese, Hindustani, or with the special permission of the Inspector-General of Police, Oriya:

Provided that if a candidate's mother tongue is one of the above languages or if he has taken one such language for his University degree he shall be required to undergo the higher standard test in one other language only;

Provided further that if a candidate's mother tongue is one of the above languages and he has taken another language for his test in a third language only.

(c) A candidate recruited otherwise than by promotion from the Madras Police Subordinate Service shall, on completion of the training prescribed in sub-rule (b), be posted to a district for practical training under a District Superintendent of Police.

(d) There shall be paid to a candidate on probation—

(i) if he is selected for admission by direct recruitment, a pay calculated at the rate of Rs. 250 a month in the first year and thereafter a pay calculated at the rate of Rs. 275 a month; and

(ii) if he is selected for admission otherwise than by direct recruitment, a pay calculated in the scale of pay admissible to a Deputy Superintendent of Police in the ordinary grade.

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7. (a) At any time before the end of the prescribed period of probation, the probation of a selected candidate may be terminated at the discretion of the Local Government and the candidate's services shall then be dispensed with or he shall be reverted to his permanent post as the case may be.

(b) If at the end of the prescribed period of probation—

(i) the Local Government does not consider the selected candidate suitable for appointment to the Service, or

(ii) the selected candidate, if recruited otherwise than by promotion from the Madras Police Subordinate Service, has not successfully undergone the courses of training or has not successfully passed the tests mentioned in sub-rule (b) of rule 6, the Local Government shall, by order, dispense with his services or revert him to his permanent post as the case may be. If no such order is issued by the Local Government within three months after the expiry of the candidate's period of probation under sub-rule (a) of rule 6, the candidate shall be deemed to have completed his period of probation satisfactorily.

8. *Appointment to the Service.*—A probationer who is declared by the Local Government or is deemed under sub-rule (b) of rule 7 to have completed his period of probation satisfactorily shall be appointed by the Local Government to be a member of the Service at the first opportunity and may, if a vacancy in the Service existed, be appointed with retrospective effect:

Provided that subject to the provisos to sub-rule (a) of rule 2 no probationer shall be appointed as a member of the Service before any other probationer who completed his probation satisfactorily at an earlier date.

9. *Seniority.*—(a) Members of the Service whether recruited direct or by transfer from another Madras Provincial Service or by promotion from the Madras Police Subordinate Service shall take rank according to the date on which they are appointed to the Service.

(b) If more than one probationer complete their probation satisfactorily on the same date, the seniority of such probationers shall be determined as follows, namely:—

(i) as between probationers selected for admission otherwise than by promotion from the Madras Police Subordinate Service by the number of marks gained by each in the examination of Law and departmental orders prescribed in sub-rule (b) of rule 6;

(ii) as between probationers selected for admission by promotion from the Madras Police Subordinate Service and probationers selected for admission otherwise, the former shall be considered to be the senior; and

(iii) as between probationers selected for admission by promotion from the Madras Police Subordinate Service as may be decided by the Local Government in each case.

10. *Pay.*—There shall be paid to a Deputy Superintendent of Police

(a) in the selection grade, a pay calculated at the rate of Rs. 800 a month; and

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(b) in the ordinary grade, a pay calculated in the following scale, namely, Rs. 300—20—500—500—efficiency bar—20—600—600—20—700.

Provided that Khan Bahadur Muhammad Kalimullah Sahib Chida Bahadur, M.B.E., and M.R.Ry. Rao Bahadur N. H. Jagadisa Ayyar Avargal, so long as they hold the post of Deputy Superintendent of Police, shall be entitled to draw pay calculated at the rate of Rs. 440 a month rising by annual increments of Rs. 30 each to a maximum of Rs. 800.

11. *Special Pay.*—In addition to the pay specified in rule 10, there shall be paid to a Deputy Superintendent of Police while attached to C.I.D. a special pay calculated at the rate of Rs. 100 a month, and while attached to the office of the Inspector-General of Police or while posted to the charge of Koraput or Bhadrachalam subdivision, a special pay calculated at the rate of Rs. 75 a month.

12. *Grant for uniform, horse and saddlery.*—A candidate selected for admission shall, on selection, be given a free grant of Rs. 400 towards the cost of uniform and of Rs. 600 towards the purchase of horse and saddlery: provided that no candidate who is recruited by promotion from the rank of Inspector of the Madras Police Subordinate Service shall be entitled to these grants until he is appointed as a member of the Service. The grant towards the purchase of horse and saddlery shall not be utilized for the purchase or part-purchase of any other means of conveyance. These grants shall in no case be sanctioned more than once. In the case of a selected candidate's probation being terminated, the Local Government shall decide whether he should refund the grants. If within three years of his appointment to the Service a member resigns or is dismissed or removed from the Service he shall refund such portion of the grants as may be determined by the Local Government.

13. *Promotion.*—Promotion to the selection grade shall be made by the Local Government. Approved service of more than ordinary merit shall be essential for promotion to the selection grade and no member shall be entitled to promotion on the ground of seniority alone.

14. *Transfers and postings.*—Members of the Service, probationers and officers officiating in the Service shall be liable to transfer to any part of the Presidency of Madras for the performance of duties for which the service is constituted.

Postings and repostings to, and transfers to and from, the Madras City Police, of members of the Service, probationers and officers officiating in the service, shall be made by the Local Government. Transfers of such members, probationers and officers from one subdivision to another in the City of Madras shall be made by the Commissioner of Police, Madras.

Postings and repostings of members of the Service, probationers and officers officiating in the Service to subdivisions in the mufassal and their transfer from one such subdivision to another, shall be made by the Inspector-General of Police.

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15. *Resignation.*—No member of the Service and no probationer or officer officiating in the Service shall resign the Service without the previous sanction of the Local Government.

16. *Leave, leave salary, pension and other conditions of service.*—The Fundamental Rules and the Pension Rules issued from time to time under the authority of the Government of Madras shall govern the members of the Service in the matter of leave, leave salary, pension and other conditions of service.

ANNEXURE (referred to in rule 5).

Indian Universities.

The Universities of Allahabad, Bombay, Calcutta, Dacca, Delhi, Lucknow, Madras, Nagpur, Patna, the Punjab and Rangoon.

The Aligarh Muslim University.
The Andhra University.
The Annamalai University.
The Benares Hindu University.
The Mysore University.
The Osmania University.

English and Welsh Universities.

The Universities of Birmingham, Bristol, Cambridge, Durham, Leeds, Liverpool, London, Manchester, Oxford, Sheffield and Wales.

Scottish Universities.

The Universities of Aberdeen, Edinburgh, Glasgow and St. Andrews.

Irish Universities.

The University of Dublin (Trinity College) and the Queen's University of Belfast.

APPENDIX II.

[Vide answer to question No. 307 asked by Mr. M. Devadasan at the meeting of the Legislative Council, held on the 3rd November 1933, page 405 supra.]

Copy of a memorial from the Adi-Dravida residents of Valliyoor, Nangunery taluk, Tinnevely district, dated 25th June 1933.

That we, the undersigned, most humbly bring to your kind notice the following facts for your sympathetic consideration and prompt and favourable action:—

Recently a panchayat court was ordered to be constituted for the two revenue villages of Vadakku and Thekku Valliyoor. A considerable section of the population of the villages belongs to the class of

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the petitioners. Relying upon the strength of our voting population living in these two villages, we put up two of our men to contest in the election for two seats out of eleven fixed for the panchayat court, the candidates being one Michael and Shanmugam.

2. So far as Michael was concerned, he was not fully qualified inasmuch as he could not read and write though he could sign. As regards Shanmugam, it has to be stated that he was qualified in every respect. He owns land in his own right as well as a member of the joint Hindu family which pays a beriz of Rs. 18-5-0. On the 18th of March 1932 when the election of the members of the panchayat court took place, Shanmugam offered himself as a candidate for one of the seats of the panchayat court. On his behalf a representation was made by his father Esakkimuthu that he was willing to allow his son to contest a seat in the name of his family. The Deputy Tahsildar of Radhapuram, who was the election officer was pleased to record a statement to that effect and accept Shanmugam as a candidate as possessing necessary qualifications. Even as early as December 1931 an application was made by the father of Shanmugam for the transfer of his patta in favour of said Shanmugam. It appears that the Deputy Tahsildar had not passed any order on the said application. No objection was raised to the candidature of Shanmugam in the election meeting held on 18th March 1932, but on account of the commotion made by one Sundaram Ayyar, the election was not pushed through.

3. On 31st March 1932, the election of the panchayat court was held under the same election officer. Mr. Sundaram Ayyar raised objection that Shanmugam had not the necessary property qualification and that the Hindu Law did not apply to him. The Deputy Tahsildar having once accepted Shanmugam as eligible to stand as candidate in the meeting that took place on 18th March 1932, had not the boldness and goodness to overrule the objection. Similar objections were raised against (1) Suba Asari, (2) Rama Subu Tevan, (3) Rajagopal Muppan, (4) Shanmugam Pillai, (5) Velayutha Tevan, (6) Sivasubramania Tevan and (7) Omapathi Sivanu Tevan at the election, but they were all overruled by the election officer and we came away in disappointment were returned except No. 7 Omapathi Sivanu Tevan. In the case of 1 to 4 pattas were sought to be transferred to them from other persons on the eve of the election while they had no property of their own. In the case of No. 5 Velayutha Tevan it is to be said that he was paying a beriz of Rs. 4-4-0 to the Government and that a lease deed was executed on 17th March 1932 by him in favour of one Veeramony Ayyar only for the purpose of rendering him eligible to contest a seat on 18th March 1932. In the case of Subramania Pandiyan who was also a successful candidate, it has to be said that he had no property of his own. He was allowed to stand because of the fact that his father was an influential and rich man of the locality. In the case of the majority of the successful members of the panchayat court, pattas were issued to them on the 13th April 1932 at the time of Jamabandi.

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These new pattas which were issued by the Divisional Officer were produced before the same Divisional Officer on 15th April 1932 when the objection petition was heard.

4. Shanmugam and others presented objection petitions before the Divisional Officer at Shermadevi against the election, but to our great disappointment they were dismissed. The Divisional Officer, Shermadevi, says in his order as against Shanmugam that majority of his family did not authorize him to stand as a candidate under rule 5 of the rules for the election of members. The family of Shanmugam consists of three members including him. The father who was the manager of the family had given his entire consent for Shanmugam to stand. The brother of Shanmugam who is the third member need not give his consent for Shanmugam to stand, because he was in a minority against Shanmugam and his father, and another fact is that he was 16 years old only. So much so that it was unnecessary to secure his consent. So the order of the Sub-Collector passed against Shanmugam is against law and facts.

5. The majority of the members of the panchayat court had no right to stand as candidates and the procedure that was adopted in the election from beginning to end was fraudulent (38 Calcutta, 501 and 508), improper and unjust and the election was a farce and a sham transaction. We the Adi-Dravidas are deeply grieved over the fact that our candidate was not allowed to contest a seat while others who had no right to stand were permitted to stand in the election. The people of Thekku Valliyoor opposed the amalgamation of the two villages under one panchayat court and they neither participated in the election nor returned any member from among them to the said panchayat court.

6. The panchayat court as constituted at present consists of eleven members of whom five are Maravas and the rest being of other high castemen. The panchayat court is often being used in the past as an engine of oppression against us; several false cases both civil and criminal, were foisted upon us and we could not successfully defend ourselves in the court. In the name of law injustice is done to us. Our experience in the past has led us to believe that we cannot expect any justice from the court monopolized by caste prejudice against us.

7. The records will show that the election was held in the most irresponsible and unjust manner and in the interests of justice, equity and good conscience it is absolutely necessary that the election should be set aside the panchayat court dissolved and a fresh election take place. If this cannot be done, we submit that the court should be abolished for ever and the jurisdiction of the place should be transferred to the District Munsif and Sub-Magistrate.

8. We most humbly pray that your honour may be graciously pleased to issue order directing the dissolution of the present panchayat court and the holding of fresh election. We further request that in the alternative the jurisdiction of this place may be transferred to the higher tribunals.

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APPENDIX III.

[Vide answer to question No. 325 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 3rd November 1933, page 420 supra.]

Appendix I.

District.	Touring Veterinary Assistant Surgeons.	District.	Touring Veterinary Assistant Surgeons.
1 Ganjam	5	15 Arcot, North	4
2 Vizagapatam	7	16 Salem	4
3 Godavari, East	6	17 Coimbatore	5
4 Godavari, West	2	18 Nilgiris, the	2
5 Kistna	5	19 Malabar	5
6 Guntur	3	20 South Kanara	3
7 Bellary	4	21 Trichinopoly	3
8 Kurnool	4	22 Tanjore	4
9 Nellore	5	23 Madura	3
10 Cuddapah	3	24 Ramnad	3
11 Chittoor	3	25 Tinnevely	4
12 Anantapur	4		
13 Chingleput	3		
14 South Arcot	3		
		Total	97

Appendix II.

Headquarters.	Jurisdiction (districts).
1 Vizagapatam	Ganjam and Vizagapatam districts.
2 Rajahmundry	East Godavari and West Godavari districts.
3 Bezwada	Kistna and Guntur districts.
4 Bellary	Bellary and Kurnool districts.
5 Nellore	Nellore and Cuddapah districts.
6 Madanapalle	Chittoor and Anantapur districts.
7 Madras	Chingleput and South Arcot districts.
8 Vellore	North Arcot and Salem districts.
9 Coimbatore	Coimbatore and the Nilgiri districts.
10 Calicut	Malabar and South Kanara districts.
11 Trichinopoly	Trichinopoly and Tanjore districts.
12 Madura	Madura, Ramnad and Tinnevely districts.

3rd November 1933]

APPENDIX IV.

[Vide answer to question No. 327 asked by Mr. K. Koti Reddi at the meeting of the Legislative Council held on the 3rd November 1933, page 422 supra.]

The Queen Mary's College, Madras—Admissions—1933.

	Number that applied.	Number rejec- ted. (c)
I year class—		
Mathematics, Physics and Chemistry	17	1
Mathematics, Physics and Indian Music	2	..
Natural Science, Physics and Chemistry	45	5
Natural Science, Physics and Indian Music	4	2
Natural Science, Physics and Geography	3	2
Natural Science, Chemistry and Indian Music	1	1
Natural Science, Chemistry and Geography	7	1
Ancient History, Modern History and Geography	6	1
Ancient History, Modern History and Indian Music	4	1
Ancient History, Modern History and Logic	28	3
Total	117 (a)	17
II year class—		
Mathematics, Physics and Chemistry	2	..
III year class—		
Physics (main)	9	1
Chemistry (main)	14	3
History	26	3
Music	2	..
Parts I and II only	1	..
Total	52 (b)	7
IV year class	..	..

(a) Includes five students of the previous year not promoted.

(b) Includes 28 students of the college who passed the Intermediate examination and one student not promoted.

(c) The rejection was due in the majority of cases either to the students having obtained relatively low marks at the previous examination or having failed to supply particulars of their marks to the Principal in time.

[3rd November 1933]

APPENDIX V.

[Vide item IV—Papers laid on the table of the House at page 466 supra.]

G.O. No. 698, Finance, 27th October 1933.

READ—the following paper :—

G.O. No. 320, Finance, dated 1st May 1933.

ABSTRACT.—Committees—Public Accounts and Finance—
Constitution of—1933–34.

Order—No. 698, Finance, dated 27th October 1933.

M.R.Ry. Rao Bahadur D. Krishnamurti Nayudu Garu having vacated his seat on the Madras Legislative Council under section 80-B of the Government of India Act, on his acceptance of an appointment as a Commissioner of the Madras Hindu Religious Endowment Board, ceased to be a member of the Public Accounts Committee of the Legislative Council. In his place, His Excellency the Governor is pleased to nominate M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, M.L.C., as a member of the Public Accounts Committee.

(By order of the Governor in Council)

H. M. HOOD,
Secretary to Government.

To M.R.Ry. Diwan Bahadur A. Appadurai Pillai Avargal, M.L.C.
 „ all other members of the Public Accounts Committee.
 „ the Accountant-General.
 „ all Secretaries to Government.
 „ all Departments of the Secretariat.
 „ the Secretary to the Legislative Council (for communication to Members of Legislative Council).

3rd November 1933]

APPENDIX VI.

[Vide item IV—Papers laid on the table of the House—see page 466 supra.]

FINANCE DEPARTMENT.

LIST OF POSTS ON Rs. 500 PER MENSEM AND ABOVE CREATED DURING
THE QUARTER ENDING 30TH SEPTEMBER 1933.

PERMANENT.			
Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
Public Department— Assistant Secretary, Madras Services Commission.	500—50—800	....	
TEMPORARY.			
Extension of previous sanction.			
Public Works Department— Executive Engineers.	625—1,375 ..	Till the end of October 1933.	For charge of the Ramnad division.
Public (Special)— Deputy Secretary, Law and Education Department.	Pay in the senior time- scale of Indian Civil Service plus special pay of Rs. 200.	4th September 1933 to 31st March 1935.	Mr. D. H. Boulton, I.C.S., is holding the appointment.
Law Department— Temporary Assistant Secretary, Law (Drafting).	500—50—800	30th July 1933 to 31st March 1934.	To assist the Under Secretary, Law (Draft- ing).
Additional Sub- Judge, Tenali.	650	One year	
Additional Sub- Judge, Bezwada.	650	Do.	
Posts newly created.			
Local Self-Govern- ment Department— Professor of Medi- cal Jurispru- dence, Medical College, Madras.	Pay as Civil Surgeon, viz., Rs. 500 —50—900 plus Rs. 50 special pay for teaching plus Rs. 50 compensa- tion for loss of private practice plus Madras House Allowance. (For new entrants Rs. 600—75/ 2—900 plus Madras House Allowance.)	Two years ..	This post is created in the place of (1) part- time Professorship in medical jurisprudence, Medical College, Madras, (2) Assistant to Professor in medical jurisprudence in the Medical College, (3) Lecturer in medical jurisprudence, Raya- puram Medical School, and (4) part-time lecturership in medical jurisprudence in the Lady Wellington Medical School for Women.

[3rd November 1933]

TEMPORARY—cont.

Posts newly created—cont.

Department and designation of the post.	Pay per mensem. Rs.	Period of tenure.	Remarks.
Public Works and Labour Department— Temporary Consulting Architect to Government.	700	27th May 1933 to 12th October 1933.	For the charge of C.A. Section of the Chief Engineer's office in place of Mr. Dann on leave.
Executive Engineer.	625—1,375	1st August 1933 to 31st March 1935.	For the charge of Grand Anicut Canal division newly formed. Sanction accorded by the Secretary of State in 1925 is utilized.
Superintendent of Works, Cauvery-Mettur Project (Superintending Engineer's grade).	1,750—2,150	14th July 1933 to 30th September 1934.	For the charge of Cauvery-Mettur Project in place of the Engineer-in-Chief abolished.
Public Department— Officer on special duty as an official member of the Orissa Administrative Committee.	Pay at Rs. 2,150 plus £30 overseas pay.	14th August 1933 to 3rd September 1933 and from 29th September 1933 to about 22nd October 1933.	Mr. W. O. Newsam, I.C.S., was appointed to the special duty.
Collector	Pay at Rs. 2,500 plus overseas pay Rs. 300.	27th August 1933 to 1st September 1933.	Mr. P. C. Dutt, I.C.S., was appointed to be on special duty as a nominated member of the Council of State.
Collector	Pay at Rs. 2,500 plus overseas pay £30.	14th August 1933 to 29th September 1933.	Mr. A. R. Cox, I.C.S., was appointed to be on special duty as a nominated member of the Legislative Assembly.
Additional District Judge, East Godavari.	Pay in the regular line.	Six months from 25th August 1933.	M.R.Ry. P. T. Jagannatha Achariyar Avargal held the post from 25th August 1933 to 2nd October 1933 and M.R.Ry. V. Purnayya Pantulu Garu is holding it since 3rd October 1933.
Additional District and Sessions Judge, Madura.	Pay in the regular line.	Three months from 8th September 1933.	M.R.Ry. U. Ramunni Menon Avargal is holding the post.

3rd November 1933]

TEMPORARY—cont.

Posts newly created—cont.

Department and designation of the post.	Pay per mensem. Rs.	Period of tenure.	Remarks
Law (General) Department— Additional Sub-Judge, Guntur.	650	Six months.	
Additional Sub-Judge, Cuddalore.	650	Eight months.	
Additional Sub-Judge, Bapatla.	650	Six months.	
Additional Sub-Judge, Chingleput.	650	Three months.	
Additional District Munsif, Berhampur.	Pay in the I.C.S. cadre.	Six months.	To provide for the Judicial training of Mr. M. C. B. Koman, I.C.S.
Additional Sub-Judge, Anantapur.	650	Six months.	

S. A. VENKATARAMAN,
Deputy Secretary to Government.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 4th November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

- | | |
|--|---|
| Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed. | Mahboob Ali Baig Sahib Bahadur. |
| Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M. | Mahmud Schamnad Sahib Bahadur, Khan Bahadur. |
| Campbell, K.C.I.E., O.S.I., O.B.E., V.D., I.C.S., The hon. Sir Archibald | Manikkavelu Nayakar, Mr. M. A. |
| Stokes, O.S.I., O.I.E., I.C.S., The hon. Mr. H. G. | Moidoo Sahib Bahadur, Khan Bahadur T. M. |
| Raja of Bobbili, The hon. the. | Moses, Mr. P. C. |
| Rajan, The hon. Mr. P. T. | Muhammad Meera Ravuttar, Mr. K. P. V. S. |
| Kumaraswami Reddiyar, The hon. Diwan Bahadur S. | Muniswami Nayudu, Diwan Bahadur B. |
| Abdul Hameed Khan Sahib Bahadur. | Muniswami Pillai, Rao Sahib V. I. |
| Ahmed Miran Sahib Bahadur A. M. | Muthiah Chettiyar, Mr. M. A. |
| Alamelumangathayaramma, Mrs. K. | Muthu Chettiyar, Rao Bahadur P. C. |
| Annamalai Chettiyar, Mr. S. A. A. | Nachiyappa Gounder, Mr. K. A. |
| Appadurai Pillai, Diwan Bahadur A. | Nadimuthu Pillai, Mr. A. Pt. N. V. |
| Arasu, Mr. V. T. | Nanjappa Bahadur, Subadar-Major S. A. |
| Basheer Ahmed Sayeed Sahib Bahadur. | Narasa Reddi, Mr. T. |
| Basu Dev, Mr. C. | Narasimhaswami, Rao Sahib D. V. |
| Bayappa Reddi, Mr. P. | Narayanan Nambiyar, Mr. V. P. |
| Beyabani Sahib Bahadur, S. M. K. | Natesa Mudaliyar, Rao Bahadur C. |
| Bhanoji Rao, Mr. A. V. | Pannirselvam, Rao Bahadur A. T. |
| Birley, Mr. F. | Parthasarathi Ayyangar, Mr. C. R. |
| Dharmalingam Pillai, Rao Sahib V. | Patnaik Mahasaya, Sriman M. G. |
| Duraishwami Reddiyar, Mr. K. M. | Patro, Kt., Rao Bahadur Sir A. P. |
| Ellappa Chettiyar, Diwan Bahadur S. | Pattabhiramayya, Mr. K. |
| Foulkes, Mr. R. | Pattagar of Palayakottai, The. |
| Gopalaswami Ayyangar, Diwan Bahadur N. | Peddiraju, Mr. P. |
| Gopalaswami Mudaliyar, Diwan Bahadur M. | Pocker Sahib Bahadur, B. |
| Hood, I.C.S., Mr. H. M. | Premayya, Mr. G. R. |
| Indrayya, Mr. C. | Rajagopala Pillai, Mr. P. V. |
| Jagannatha Raju, Rao Bahadur G. | Raja of Khallikote, The. |
| Jagannatham, Mr. H. M. | Ramachandra Padayachi, Mr. P. K. |
| Jayaram Nayudu, Rao Sahib C. | Ramakrishna Reddi, Mr. A. |
| Kanava Ramamurti Nayudu, Mr. K. | Ramalingam Chettiyar, Rao Bahadur T. A. |
| Khalif-ul-Jah Sahib Bahadur, Khan Bahadur P. | Ramamurti, Rao Sahib Pandit Ganala |
| Kolanda Reddi, Rai Sahib C. | Raman Menon, Mr. K. P. |
| Koti Reddi, Mr. K. | Ramaswami Ayyar, Mr. T. S. |
| Krishnayya Choudari, Mr. P. V. | Ramaswami Mudaliyar, Mr. V. M. |
| Krishnamurti, Rao Bahadur D. | Ranganatha Mudaliyar, Mr. A. |
| Krishnan, Mr. C. | Ranganatha Mudaliyar, Mr. M. D. T. |
| Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi. | Rangaswami Reddi, Mr. M. B. |
| Kumararaja of Venkatagiri. | Ratnasabhapati Mudaliyar, Diwan Bahadur C. S. |
| Kuppuswami Choudari, Mr. J. | Sahajanandam, Swami A. S. |
| Ladden, Mr. W. W. | Sami Venkatachalam Chetti, Mr. |
| Lakshmana Reddi, Mr. G. | Sesha Reddi, Mr. B. P. |
| Madanagopal Nayudu, Mr. R. | Shetty, Mr. A. B. |
| | Siva Raj, Rao Sahib N. |
| | Sivasubrahmanya Ayyar, Mr. K. S. |
| | Smith, O.B.E., I.C.S., Mr. E. Conran. |

[4th November 1933]

PRESENT—cont.

Sreshta, Mr. M. S.
 Srinivasa Ayyangar, Mr. T. C.
 Srinivasan, Rao Bahadur R.
 Sriramulu, Mr. G.
 Subbarayan, Dr. P.
 Subrahmanya Chetti, Rao Sahib P.
 Subrahmanya Bhatt, Mr. U. C.
 Sundara Rao Nayudu, Mr. T.
 Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thangal, Mr. P. Madhusoodhanan.

Thorne, C.I.E., I.C.S., Mr. J. A.
 Vasudova Pillai, Mr. V. G.
 Vedachala Mudaliyar, Mr. M.
 Venkatarama Ayyar, Mr. K. R.
 Venugopal Nayudu, Rao Bahadur R. K.
 Viswanatha Rao, Rao Bahadur V. N.
 Wright, Mr. W. O.
 Yahya Ali Sahib Bahadur, Khan Bahadur
 Yakub Hasan Sahib Bahadur.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Recruitment to and training of District Educational Officers.

* 331 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether the attention of the Government has been drawn to the resolution passed at the Provincial Educational Conference held in May last in regard to the recruitment and training of school inspectors and District Educational Officers; and

(b) whether the Government have at any time considered the desirability of recruiting these officers from the ranks of experienced teachers or of giving them any training for their work?

A.—(a) The Government have received a copy of the resolutions of the conference.

(b) Appointments to the posts of District Educational Officers and Deputy Inspectors of Schools are made both by direct recruitment and by promotion, and experienced teachers are eligible for appointment. There has been no uniform practice of giving special training to direct recruits. In some cases officers appointed direct as District Educational Officers before taking charge of their appointments have been attached for training for a few months to senior Inspectors or District Educational Officers. In the special rules for recruitment to the Madras Educational Service, under revision, provision is being made for training direct recruits, if necessary.

Direct recruits to posts in the combined cadre of school assistants and Deputy Inspectors are selected by the Madras Services Commission. These candidates are usually appointed only as school assistants, the only exception being in regard to Mappilla candidates who have sometimes been posted as Deputy Inspectors in Mappilla ranges. Candidates belonging to other communities are posted as Deputy Inspectors only after they have worked as assistants under headmasters. In many instances the candidates selected by the Commission are persons with previous experience of teaching work.

4th November 1933]

Mr. A. B. SHETTY:—" May I know what sort of provision is being made for the training to be given to direct recruits to posts of District Educational Officers? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" That is a matter which has not been finally decided."

Revision of the results of the T.S.L.C. Examination, Secondary Grade, 1932.

* 332 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that in the T.S.L.C. Examination, 1932, secondary grade, the failures were heavy in General Principles in certain centres;

(b) whether it is a fact that the Secretary to the Commissioner for Government Examinations directed the Chief Examiner to revalue the papers and revise the results so as to raise considerably the marks of the examinees in spite of the fact that the performance of the examinees had been reported to be shabby and that no revision was called for;

(c) whether it is a fact that the Chief Examiner then recommended that the marks of the examinees might be raised by 10 in the case of some centres and by 15 in the case of other centres;

(d) if so, whether this recommendation was based on the results of actual revaluation of all the answer papers or whether the marks were merely enhanced to raise the average;

(e) whether the Chief Examiner had not first approved of the original valuation before he passed the results submitted by the assistant examiners of those centres;

(f) whether there was a revaluation of the answer papers of the candidates of the other centres also; and

(g) whether the Secretary had obtained the sanction of the Commissioner for Government Examinations or the T.S.L.C. Board before he called upon the Chief Examiner to revalue the papers and revise the results and if not, why not?

A.—The Government do not consider it to be in the public interest to give any of the information asked for.

Rao Bahadur C. NATESA MUDALIYAR:—" May I ask the hon. Minister whether it is not advisable to revalue the papers or raise the percentage of passes if the average number of passes is very low? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir."

Mr. ABDUL HAMEED KHAN:—" In view of the answer given to this question, can it not easily be inferred that some mistakes have been committed in the Department and that therefore the Government say that it is not in the public interests that they should give any information on this point? "

[4th November 1933]

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"From the answer that I have given I do not think it is justifiable for the hon. Member to infer that we admit that the Department were in the wrong."

Rao Bahadur C. NATESA MUDALIYAR:—"Sir, when a brilliant candidate fails, naturally the suspicion is that marks have not been given properly. In this case is it not advisable to revalue the papers especially in view of what has happened in the University? I learn there were some mistakes made in the counting in one case and in another case there were no marks entered on the answer paper?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If cases like that are brought to the notice of the Commissioner, he will take such action as he deems fit."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Whether the hon. Minister admits if there was any mistake or not, in view of the large number of failures, may I ask whether he does not consider that raising the number of passes by 15 per cent to be reasonable and that the valuation of the answer papers has not been properly done?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There is no information available with regard to the number of marks or the valuation."

Text-books for non-detailed study in Indian languages for S.S.L.C. and the T.S.L.C. examinations of 1933 and 1934 respectively.

* 333 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state whether the text-books for non-detailed study in Indian languages for the S.S.L.C. public examination of 1933 and T.S.L.C. examinations of 1934 were considered by the Director of Public Instruction or the Commissioner and approved by him before they were notified by the Secretary in the *Fort St. George Gazette*?

A.—Yes; the books were approved by the Commissioner before they were notified.

Enhancement of educational subsidies on account of the pay of teachers employed in schools.

* 334 Q.—MR. K. SINGAM AYYANGAR: Will the hon. the Minister for Education and Excise be pleased to state—

(a) what arrangements have been made by the Government regarding the enhancement of the Provincial subsidies for meeting the pay of the teachers in the Provincial schools in accordance with the scale of pay fixed by the Government to teachers of Elementary schools; and

(b) what arrangements have been made with regard to the amalgamation and concentration of the elementary schools?

[4th November 1933]

4.—(a) The scales of pay laid down in rule 72 of the Madras Educational Rules for the several grades of teachers in elementary schools are only intended to be taken as the standard to be worked up to in the case of schools under the control of local bodies and the adoption of the scales is not obligatory on a local body. The question of enhancing the provincial subsidies towards the cost of the pay of teachers in elementary schools under local bodies does not, therefore, arise. It may be added that the Government subsidies are not intended to cover the entire cost of the maintenance of elementary schools.

(b) The hon. Member is referred to G.O. No. 1639, Education, dated 19th September 1933, which has been placed at the disposal of the Press.

MR. P. V. KRISHNAYYA CHOUDARI:—"May I know the reasons why the Government have not sanctioned subsidies to the net cost elementary schools as the officers of the Educational Department have recommended for additional posts in those schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"There are very few net cost elementary schools. Anyhow I should like to have notice of that question."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know whether the scale of pay fixed for elementary school teachers is the one recommended by the Retrenchment Committee?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I think so."

MR. ABDUL HAMEED KHAN:—"May I ask the hon. Minister whether he does not consider it advisable to make the present scales of pay applicable to all the elementary schools in all the local bodies?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think it is possible to compel them adopt any particular scale."

MR. P. V. KRISHNAYYA CHOUDARI:—"Will the Government be pleased to advise the local bodies at least in every district to have a uniform scale considering the present financial stringency?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think even that is possible. The local bodies are not likely to accept that. They will resent any interference by the Government."

MR. P. V. KRISHNAYYA CHOUDARI:—"Will they at least advise the local bodies to have a uniform scale as suggested by the Local Self-Government Department in the whole of the district board schools?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The present rules convey such an advice."

[4th November 1933]

Sanitary installation in the Queen Mary's College, Madras.

* 335 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that the sanitary installation in the Queen Mary's College and hostel has not been connected up with the city underground drainage;

(b) if so, what the reasons therefor are;

(c) whether there is any proposal before the Government to connect the sanitary installation of the college and hostel to the city drainage; and

(d) what the estimated cost of the work is and when the work will be completed?

A.—(a) Yes.

(b) The existing arrangement by which the college sewage is treated in a septic tank, was adopted at a time when there was no city sewer in the neighbourhood with which the college sewers could be connected.

(c) There is no proposal pending with the Government. The Director of Public Instruction is however considering the question and has called for preliminary plans and estimates.

(d) No plans and estimates have so far been received and it is not possible to say when the work will be begun and completed.

Mr. BASHEER AHMED SAYEED:—“With reference to the answer given to clause (a), viz., ‘Yes,’ may I ask whether it means that the sanitary installation has not been connected with the city underground drainage? I would like to know exactly what the position is? The question is whether it has not been connected? The answer is ‘Yes.’ Am I to understand that it has been connected?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The question is ‘Whether it is a fact that the sanitary installation has not been connected with the city drainage?’ The answer is ‘it is a fact.’ That is to say it has not been connected.”

Recommendation of the Law College Committee in re the appointment of lecturers.

* 336 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether, before the present lecturers were originally appointed, the Law College Committee recommended candidates; and, if so, how many;

(b) whether any Indian Christians were recommended by the Law College Committee, and, if so, how many; and

(c) what the academic qualifications of the Indian Christian candidates thus recommended were?

A.—(a), (b) & (c) Recommendations of this kind are always regarded as confidential and it is not considered to be in the public interest to disclose them.

[4th November 1933]

Rao Bahadur A. T. PANNIRSELVAM:—“May I know the number of candidates recommended for the posts of lecturers in the Law College?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Everything connected with the recommendations made by the Services Commission and similar bodies is considered confidential.”

Rao Bahadur A. T. PANNIRSELVAM:—“May I know whether there is any Indian Christian in the Selection Committee of the Law College?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say if there is any from recollection.”

Rao Bahadur A. T. PANNIRSELVAM:—“May I know whether the claims of Indian Christians were absolutely ignored in spite of the recommendations of the Law College Committee?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not know if they were ignored. However, I can say that the Committee considered the claims of all communities.”

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“May I know the authority which makes these appointments?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The selection is now in the hands of the Public Services Commission.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I know for what period they are appointed?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The tenure of office of a lecturer is three years after the probation period is over.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I know what is the period of probation?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say definitely. Probably it will be one year.”

Rao Bahadur A. T. PANNIRSELVAM:—“May I know from the hon. Minister that no Indian Christian was available for this post?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“There was a Committee before and there is a Commission now to consider the claims of candidates. The Government proceeds on the recommendation of the Committee or the Commission.”

Rao Bahadur A. T. PANNIRSELVAM:—“That is exactly what I wanted to know. Did not the Committee or the Commission recommend any single Indian Christian?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The recommendations of the Committee are confidential.”

Mr. BASHEER AHMED SAYEED:—“May I know how many Christians there are on the Law College Committee and the Commission which considered this question?”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“The personnel of the Services Commission is known to hon. Members.”

[4th November 1933]

Mr. BASHEER AHMED SAYEED:—“ May I know how many Christians there are on each of the two bodies? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ We do not know how many there are on the Committee. But there are two Christians on the Commission.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask the hon. Minister whether the Government will be pleased to consider the claims of the various communities and advise the Selection Board and the Services Commission to take into consideration the claims of the various communities and do communal justice? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ These appointments being only temporary, communal rules are not applicable.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask the hon. Minister to advise the Committee in charge of selection to see that, as far as possible, representation is given to various communities? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ That is done usually under statutory rules and there are no such rules in this case.”

Rao Bahadur A. T. PANNIRSELVAM:—“ When making these appointments, did not the hon. Minister consider the claims of the various communities except the Indian Christian community? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The recommendations of the Committee were duly considered and appointments were made upon those recommendations.”

Rao Bahadur A. T. PANNIRSELVAM:—“ Did not communal claims enter into the mind of the hon. Minister when making these appointments? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I can't say; the appointments were made some years ago.”

Personnel of the Selection Committee of the Teachers' College, Saidapet.

* 337 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the personnel of the Committee appointed for the selection of candidates for admission into the Teachers' Training College, Saidapet;

(b) the purpose for which the Committee was originally constituted; and

(c) whether, in making appointments to the Committee, the claims of the various communities were considered?

A.—(a) (1) The Principal of the College.

(2) M.R.Ry. S. Balakrishna Ayyar Avargal, Lecturer, Teacher's College.

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(3) M.R.Ry. M. Vedachala Mudaliyar Avargal, M.L.C.

(4) M.R.Ry. Rai Sahib N. Chengal Rao Avargal.

(5) Khan Bahadur Abdul Razak Sahib Bahadur.

(b) The Committee is to assist the Principal in the selection and admission of students to the College.

(c) Yes, as far as practicable.

Rao Bahadur A. T. PANNIRSELVAM:—“ May I know, originally when this Committee was created, the claims of the various communities were not considered? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ There is no such thing.”

Rao Bahadur C. NATESA MUDALIYAR:—“ The answer given to clause (b) is ‘ The Committee is to assist the Principal in the selection and admission of students to the College.’ Am I to understand that the Committee Members are to take down notes to the dictation of the Principal of the College? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I think that is the wording of the Government Order.”

Rao Bahadur C. NATESA MUDALIYAR:—“ May I know whether, in the light of the rules laid down by the Local Self-Government Department, the hon. Minister for Education will change the rules followed by the committees of institutions under the Education Minister? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I shall examine the rules of the Local Self-Government Department.”

Mr. YAKUB HASAN:—“ Considering the fact that the Teachers' College is for the whole Presidency and not for the Chingleput district only, why the Muslim member of the Teachers' College Selection Committee is always selected from the Chingleput district? May I ask why not a better qualified man be selected from Madras or anywhere else in the Madras Presidency? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I must take exception to the hon. Member comparing the respective merits of the members of the Committee.”

Rao Bahadur A. T. PANNIRSELVAM:—“ May I ask whether, at the time of the constitution of this Committee, the hon. Minister did not take into consideration the claims of the Indian Christian community and overlooked them? ”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It is not that I overlooked the claims of the Indian Christian community. The members were appointed as suitable persons to serve on the Committee and not that one community or the other was deliberately excluded.”

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Mr. V. P. NARAYANAN NAMBIYAR:—" May I know whether there has been any complaint that candidates were not selected from particular communities? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No complaints have been received."

Rao Bahadur A. T. PANNIRSELVAM:—" May I know whether the hon. Minister means that no suitable Indian Christian was available for one of these places in the Committee? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It does not necessarily mean that."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know what are the qualifications or the suitability of the candidates who are selected as members of the Committee of the Teachers' College? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" No qualifications have been prescribed."

Personnel of the Selection Committee of the Engineering College, Guindy.

* 338 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Education and Excise be pleased to state—

(a) the personnel of the Committee appointed for the selection of candidates for admission into the Engineering College at Guindy;

(b) the purpose for which the Committee was originally constituted; and

(c) whether, in making appointments to the Committee, the claims of various communities were considered?

A.—(a) (1) The Principal of the College.

(2) Mr. S. S. Elliot, Chief Engineer, Madras and Southern Mahratta Railway.

(3) Khan Bahadur Abdul Razak Sahib Bahadur, Saidapet.

(4) M.R.Ry. Diwan Bahadur C. Arunachala Mudaliyar Avargal, Zamindar of Chunampet.

(5) M.R.Ry. P. Ramanathan Avargal, Solicitor, Madras.

(6) M.R.Ry. Rao Bahadur M. C. Raja Avargal, M.L.A.

(b) & (c) The attention of the hon. Member is invited to the answers to clauses (b) and (c) of question No. 337.

Rao Bahadur A. T. PANNIRSELVAM:—" May I know whether for the Committee of the Engineering College also no Indian Christian was available? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I must only repeat what I said in regard to previous questions of a similar nature. I can only say that in regard to none of these Committees were Christians deliberately excluded. When the Committees are reconstituted next time, I shall bear in mind all the facts brought to my notice by the hon. Member representing Tanjore."

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Rao Bahadur A. T. PANNIRSELVAM:—" May I know the reason why that in almost all sorts of Committees the Indian Christian community was absolutely excluded? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is merely an accident."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know the selection of members from the Chingleput district and Madras would satisfy the rest of the Presidency and, if not, is it not advisable to select gentlemen from other districts also? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I do not think it will be possible, because we will have to pay travelling allowance to them."

Mr. K. P. RAMAN MENON:—" May I know the claims of the West Coast districts will be taken into consideration? "

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government have found it difficult to appoint other gentlemen other than the same members for these Selection Committees for a number of years and are they violating the rule? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is no violation of any rule in appointing the same gentlemen."

Mr. YAKUB HASAN:—" I shall repeat the question that I put in regard to the Committee of the Teachers' College for that of the Engineering College. What I said was that these colleges being for the whole of the Madras Presidency why should the same Muslim gentlemen be selected from Chingleput again and again and whether it is not desirable to select a person from outside Chingleput district who is better qualified, to serve on the Committee. The hon. Minister has misunderstood me. I did not compare the merits of the gentlemen now present on the Committee with the merits of other members."

Mr. M. A. MANIKKAVELU NAYAKAR:—" Will the Government consider the advisability of appointing a member from the backward classes? "

11-15 a.m.

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" There is already a member of the depressed classes."

Mr. M. A. MANIKKAVELU NAYAKAR:—" I mean backward classes? "

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the hon. the Minister is aware whether these members have been serving on the Committee ever since the scheme of the formation of these committees was sanctioned and the first committee constituted? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am not aware, Sir. Even if that was so, I do not see what objection there is to the same members serving on the Committee."

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Mr. M. A. MANIKKAVELU NAYAKAR:—"What is the period of membership of this Committee?"

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

Personnel of the Selection Committee of the Government Arts College, Kumbakonam.

* 339 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Education and Excise be pleased to state the personnel of the Committee appointed for the selection of candidates for admission into the Government Arts College, Kumbakonam?

A.—(1) The Principal of the College.

(2) M.R.Ry. T. Krishnaswami Ayyangar Avargal, Advocate, Kumbakonam.

(3) M.R.Ry. Rao Bahadur M. C. N. Muthukumaraswami Chettiyar Avargal.

(4) M.R.Ry. A. Pl. N. V. Nadimuthu Pillai Avargal, M.L.C.

(5) Khan Sahib Syed Tajuddin Sahib Bahadur, M.L.C.

Personnel of the staff of the Government Hobart Training and Secondary School, Royapetta, Madras.

* 340 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) who the teachers of each subject in each class now are in the Government Hobart Training and Secondary School and to what community they belong;

(b) whether it is a fact that even in the case of lower forms of the High School all the subjects are taught through the medium of English; and

(c) under whose orders and for what reasons this is being done?

A.—(a) A statement has been prepared in manuscript and is available for inspection.

(b) Yes.

(c) Discretion regarding the language to be adopted as the medium of instruction in the school rests with the Superintendent of the school. As qualified Muslim women teachers are not available in sufficient numbers and as the supply of non-Muslim women teachers knowing Urdu is also insufficient, the Superintendent has no option except to use English as the medium of instruction in the school.

Mr. BASHEER AHMED SAYEED:—"May I ask what steps the Government propose to take to get more Muslim women teachers for the Hobart Training School so as to solve the difficulty of teaching through the medium of a foreign language?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"That is a matter which is being considered."

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Admission into the Hobart Training School, Royapetta, for the Higher and Lower Elementary Training Classes in 1932 and 1933.

* 341 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Education and Excise be pleased to state—

(a) how many students were selected for admission into the higher and lower elementary training classes of the Government Hobart Secondary and Training School, Royapetta, in July 1932 and 1933 and to what community they belonged;

(b) how many of the candidates so selected were subsequently directed to go to the training school at Vaniyambadi and why;

(c) whether some students were sent away after a month or more for the reason that they did not possess Elementary School Leaving certificates and, if so, when they were sent away and how many were so sent away; and

(d) whether the certificates were finally issued to the candidates and, if so, by whom and to how many?

A.—(a) The number of students selected were—

	1932.	1933.
Higher elementary training class ...	9	2
Lower elementary training class ...	32	22
All of them were Muslims.		

(b) In 1932, six students were sent to the Training school at Vaniyambadi as they applied for admission into that school also.

(c) Four candidates were sent away in August 1932; but three of them were readmitted on representations made by them to the Director of Public Instruction.

(d) No.

Excise

Protest by the Madras Provincial Depressed Classes Federation against the proposal to reopen Velliur toddy shop, Chingleput district.

* 342 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that an Extraordinary Gazette, Chingleput district, dated 20th June 1933, has been issued notifying that the Velliur toddy shop No. 269 will be reopened for the year 1933-34;

(b) whether it is a fact that an objection to reopen the same was made by the Secretary of the Madras Provincial Depressed Classes Federation on 26th May 1933, and whether the Excise Advisory Committee of the Tiruvallur division considered the objection; and, if so, with what result;

(c) whether it is a fact that a cluster of toddy shops Nos. 173, 184, 185, 188, 189 and 197 are located within 5 square miles in Saidapet division; and

(d) whether it is a fact that a representation was made to the authorities by the Madras Provincial Depressed Classes Federation to cancel at least shop Nos. 185 and 189 and whether it was considered by the Excise Advisory Board of the Saidapet division?

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A.—(a) to (d) The Government have not the information. They have called for a report.

Fisheries

Restrictions on fishing in the Adyar river.

* 343 Q.—Rao Sahib V. DHARMAJINGAM PILLAI: Will the hon. the Minister for Education and Excise be pleased to lay on the table of the House the copy of the petition received by him from fishermen adversely affected by the cancellation of orders prohibiting the use of certain size of nets in a portion of the Adyar river, and referred to in the answer to supplementary question No. 681 of 15th March 1933, and the orders passed on the same?

A.—The two petitions* received by the Government on 28th December 1932 and 3rd April 1933 are laid on the table. The Government did not consider it necessary to pass any orders on them, as no new point was raised which was not already before Government when the order was cancelled.

Public Works

Public Works Department Workshops at Bezwada.

* 344 Q.—Mr. G. SIMIACHALAM: Will the hon. the Minister for Public Works be pleased to state—

(a) in respect of the Public Works Department shops at Bezwada, whether the Government will be pleased to state from what year the combined headquarters and workshops of subdivision were bifurcated and the necessity for such a change;

(b) whether the Government will be pleased to place on the table of this House the sanctioned strength of the shops, scales of pay and the salaries of the present incumbents; and

(c) the loss sustained by the maintenance charges of the shops and the losses incurred during the years 1930–31, 1931–32 and 1932–33?

A.—(a) From July 1929. The necessity for the change was due to the fact that the Bezwada workshops could not be efficiently managed by the Subdivisional officer in addition to his work. As Subdivisional officer of the Headquarters subdivision he was in charge of the headworks, the Kistna and West Main canals besides a number of buildings and other irrigation works. The Government were satisfied that the workshops should be separated from the Headquarters subdivision and placed in charge of a separate qualified mechanical engineer and that the Headquarters Subdivisional officer would have sufficient work even after being divested of the charge of the workshops. The Public

* Printed as Appendix I on pages 612–613 infra.

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Works Workshop Committee appointed in 1926 also recommended the appointment of a qualified mechanical engineer for the workshop, and the Government accepted this recommendation.

- (b) (1) One Junior Superintendent of the Madras Engineering Workshops Service on a scale of pay of Rs. 375–50–525–50/2–575–50–625–50/2–675–50–975. The present pay of the holder of the post is Rs. 525 per mensem.
- (2) One Foreman-Superintendent on Rs. 200–20–300.
- (3) Four clerks on Rs. 35–60 or 60–80 grade.
- (4) Two temporary draughtsmen on Rs. 60 each per mensem for three months every year.
- (5) Two head maistris on Rs. 50–100 each per mensem.
- Information as to the actual salaries drawn by the present incumbents of the posts under items (2) to (5) above is not available and has been called for.
- (c) The losses on the working of the shops during 1930–31 and 1931–32 were Rs. 5,146 and Rs. 5,447 respectively. Information as regards the financial result of the working of the shops during 1932–33 is not yet available.

Local Self-Government

Proposals for the abolition of taluk boards.

* 345 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any proposals to abolish the taluk boards altogether; and

(b) if so, what they are and at what stage they are; and to whom the functions of taluk boards are to be entrusted?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 279.

Proposal of the Vice-President in charge of the Namakkal Taluk Board to hold the election of a President.

* 346 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Vice-President in charge of the Namakkal Taluk Board has asked the Government for permission to hold the President's election after the members' elections have been held for two vacant seats in that taluk board;

(b) on which date that correspondence was made;

(c) when that paper reached the Government from the President, District Board;

(d) the reasons for the delay;

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(e) what orders have been passed by the Government on that reference;

(f) whether a copy of it will be placed on the table; and

(g) if no orders have been passed, what the reasons therefor are?

A.—(a) Yes.

(b) 13th August 1933.

(c) 30th August 1933.

(d) Government have no information.

(e) & (f) No orders were issued to the Vice-President.

(g) Before Government could pass orders, the Vice-President in charge reported that in response to a requisition received from 12 members he had fixed the 25th September 1933 for the election of President and issued notice to all the members.

Pendency of elections to Panchayat Boards in the Presidency.

* 347 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) in what districts elections to panchayats have yet to take place;

(b) the number of panchayats districtwar in which elections are not over; and

(c) what the reasons are for such longer delay?

A.—(a) & (b) Elections to panchayats originally constituted under the Madras Village Panchayat Act, 1920, are not yet over in the following districts:—

Name of district.	Number of panchayats for which elections have not yet been held.			
Arcot, North	..	..	..	6
Bellary	..	..	..	5
Chingleput	..	..	..	10
Chittoor	..	..	..	6
Coimbatore	..	..	..	26
Godavari, East	..	..	..	2
Godavari, West	..	..	..	9
Guntur	..	..	..	8
Kanara, South	..	..	..	1
Kistna	..	..	..	6
Salem	..	..	..	30
Tanjore	..	..	..	8
Trichinopoly	..	..	..	4
Tinnevely	..	..	..	4
Total	..	..	..	125

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(c) The main reasons are—

(i) the failure of some Election Officers to conduct the elections and the consequent necessity to appoint other persons as Election Officers after ascertaining that the elections have not been held;

(ii) opposition of some parties in the villages to conduct the election at the appointed time; and

(iii) want of suitable persons for appointment as Election Officers.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why the Government have not appointed Government officers to finish these elections as early as possible? "

The hon. the RAJA OF BOBBILI:—" In most cases, it was not possible to indent on the service of officers of the Revenue Department. Now that a service of panchayat officers has been constituted, I hope the elections will be completed very early. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether for the last one year Government officers were lent to the district and taluk boards to finish their elections? "

The hon. the RAJA OF BOBBILI:—" They were lent, Sir, but the Revenue authorities do not consider it a legitimate work of the Revenue Department. "

Grants to local bodies for the maintenance of roads.

* 348 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what principles govern the granting of the Government grant to the maintenance of (1) the trunk roads and (2) the second-class roads;

(b) what grants do each of the district boards receive under each head and the length of the trunk and the second-class roads maintained by them;

(c) when were these grants last fixed; and

(d) whether any representation has been made by the district boards for increasing their grants?

A.—(a) Grants for the maintenance of trunk and second-class roads are given in accordance with the following principles:—

Trunk roads.—In order to ensure a uniform standard of maintenance of trunk roads and to assist local bodies in maintaining these roads in proper condition, the Government have undertaken to make good the expenditure incurred by local bodies on their maintenance, subject to certain prescribed maxima. Local bodies are expected to spend as much as possible from their own funds in addition to the Government contribution. If any road is not maintained efficiently in any year, the grant for that year is liable to be withheld in whole or in part.

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Second-class roads.—The grants for second-class roads represent the grant formerly given to district boards in aid of their general resources, after deducting therefrom a sum of Rs. 1.74 lakhs required for the maintenance of a staff of health officers. These grants are given to the extent of half of the expenditure incurred subject to a maximum fixed for each district board and are subject to the condition that the roads are maintained in a reasonably good condition.

(b) A statement* is placed on the table.

(c) The maintenance grants for trunk roads were last fixed in 1931 and those for second-class roads last revised in 1929.

(d) Yes.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask what steps the Government have taken in regard to the representations made by the local bodies for increased grants for the maintenance of their roads especially in view of the fact that their finances have been adversely affected by the passing of the Motor Vehicles Taxation Act? "

The hon. the RAJA OF BOBBILI:—" The Government also are not in a position to largely increase their grants, but they are now considering the question of redistribution of the grants to second-class roads with reference to their actual mileage."

The RAJA OF KHALLIKOTE:—" In view of the fact that some district boards are spending more than double the Government grant for the maintenance of second-class roads and in view of the fact that these grants were revised so late as the year 1929, will the Government consider the question of revising these grants once again and grant larger amounts to these boards which spend much larger amounts on these roads? "

The hon. the RAJA OF BOBBILI:—" The Government are now considering the question of revising the grants to second-class roads with reference to the actual mileage in each district. I may also state that the Government will not be in a position to largely increase the existing grants. It is also expected that it is the duty of local bodies to maintain roads and Government would only assist them."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask if the reclassification of the roads as proposed by the Road Committee and Mr. Hilton Brown will be taken up by the Government? "

The hon. the RAJA OF BOBBILI:—" The question cannot be taken up as it involves a very large extra expenditure."

* Printed as Appendix II on page 614 infra.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know the reason for the variation in the grants: it is Rs. 570 in some cases, 665 in some cases and Rs. 700 in other cases? "

The hon. the RAJA OF BOBBILI:—" As the hon. Member is aware, a committee sat on this question and fixed these rates with reference to the average cost of maintenance in each district."

Mr. BASHEER AHMED SAYEED:—" May I ask, pending the revision of the whole question, whether the sum of Rs. 1.74 lakhs which they are now deducting from the total sum will also be made available to the local boards for the purpose of maintenance of roads? "

The hon. the RAJA OF BOBBILI:—" I do not think it is possible."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask when the Government would consider the question of redistribution of these grants, and whether they will be pleased to make the redistribution on a more equitable basis so that the boards which spend more on their roads may get larger grants? "

The hon. the RAJA OF BOBBILI:—" The redistribution of the grants for the maintenance of second-class roads on a mileage basis may mean the reduction of the existing grants to some boards."

Rao Bahadur C. NATESA MUDALIYAR:—" May I ask why in some districts the trunk roads are kept in such a bad condition in spite of the Government grants? "

The hon. the RAJA OF BOBBILI:—" It is the responsibility of the District Board."

Rao Bahadur A. T. PANNIRSELVAM:—" May I ask whether, in view of the fact that the Tanjore District is in a unique position of having no trunk roads at all, the Government will favourably consider the old request of Tanjore, namely, to classify the main road No. 1 connecting South Arcot and Trichinopoly as a trunk road? "

The hon. the RAJA OF BOBBILI:—" I will consider the suggestion; but of course the principle is that only roads which are of Provincial importance are classed as trunk roads."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask whether the Government is aware that the Tanjore District is in the unique position of being the richest board in the Province? "

Grants to trunk roads and bridges.

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

(a) the mileage of trunk roads in every district of this Province at present;

(b) the number of bridges in the trunk roads in every district of the Province and the length of each bridge; and

(c) what the amount of grant made this year by the Government for (a) roads and (b) bridges in each district of this Province is?

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A.—(a) & (c) A statement is placed on the table.* It is presumed that the information required in clause (c) relates only to trunk roads.

(b) The information is not available.

Mr. M. S. SRESHTA:—" May I ask whether the Government will be pleased to make a survey of the actual condition in regard to roads all over the Presidency and revise their distribution of grants? "

The hon. the RAJA OF BOBBILI:—" It is not possible to make a survey of the actual condition of the roads all over the Presidency. The grants were fixed with reference to the existing conditions some years ago and they are being continued."

Mr. M. S. SRESHTA:—" Will the hon. Minister be pleased to order a careful survey now—an up-to-date survey—of the conditions of the roads in the several districts so that he may be able to weigh carefully the competing claims of the various district boards and redistribute the grants to them without leaving any impression in the minds of people that vested interests or the claims of particular districts are taken into account? "

The hon. the RAJA OF BOBBILI:—" I do not think it is necessary to have a general survey like that. All schemes sent up by the local bodies are carefully examined and, if funds are available, those schemes which in the opinion of the Government are urgent are sanctioned."

Disposal of applications by the Executive Engineer, Kistna Western Subdivision, for permission to use canal bunds as roads.

* 350 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) how many local boards and panchayats have applied to the Executive Engineer, Kistna Western Subdivision, for permission to use canal bunds as roads;

(b) to which of them has permission been granted and to which not; and

(c) what the reasons given by the Executive Engineer are for refusal?

A.—(a), (b) & (c) A statement showing the particulars required for a period of five years ending 1932 is laid on the table of the House.^b

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask whether there is any principle on which these canal bunds are handed over to local bodies for road-making purposes, or is it purely left to the discretion of the Executive Engineer or the Superintending Engineer there? "

The hon. the RAJA OF BOBBILI:—" I do not think there is any general principle; each question is considered on its merits."

* Printed as Appendix III on page 615 infra.

^b Printed as Appendix IV on pages 616-617 infra.

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Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why in the same canal bund particular portions are granted to certain local boards and particular portions are refused as is shown by item No. 17 in the appendix? In that case, the District Board was refused permission. May I know the reason why permission was refused? "

The hon. the RAJA OF BOBBILI:—" I think they take into consideration the interests of the irrigation work."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government will advise their Executive Engineers not to refuse permission as far as possible to these local bodies to use the canal bunds for road-making purposes as the local bodies are not in a position to acquire lands elsewhere and form roads for villages? "

The hon. the RAJA OF BOBBILI:—" It is not possible to issue a general order like that. But if any local body brings any particular case to the notice of the Government, the question will be considered."

Appointment of Commissioners and Special Executive Officers to Municipalities.

* 351 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number and names of the municipalities to which Commissioners and Special Executive Officers have been appointed;

(b) the names, the experience and the qualifications of these Commissioners and Executive Officers;

(c) to what community each of them belongs and what their scales of pay are; and

(d) how many more Commissioners and Special Executive Officers are yet proposed to be appointed and to which of the municipalities?

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

(d) A Commissioner to the Bellary Municipality, which has been notified under clause (1) of section 12-C of the Madras District Municipalities Act, 1920, as amended by Act XV of 1933, will shortly be appointed.

Mr. BASHEER AHMED SAYEED:—" In view of the fact that out of 17 appointments only one has gone to a Muslim, may I ask whether in the case of future appointments (except of course the one now pending with regard to Bellary) the claims to Muslims to adequate representation in this service will be taken into account? "

The hon. the RAJA OF BOBBILI:—" These appointments are restricted to Government servants and employees of local boards and municipal councils. Up to now I have not received any application from suitable Muslim candidates for these appointments. If any application is received it will be considered when future vacancies arise."

* Printed as Appendix V on page 618 infra.

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know with regard to items 14 and 17, Messrs. Sangam Babu Garu and Ratnam Garu, what the scales of pay of their permanent posts in the Secretariat are? The answer puts down the scale of pay as Rs. 70 to Rs. 175 and then from Rs. 200 to Rs. 400."

The hon. the RAJA OF BOBBILI:—" I think that it is the scale of pay of their permanent posts in the Secretariat."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Are they holding permanent posts in the scale of Rs. 70 to Rs. 400? "

Mr. ABDUL HAMEED KHAN:—" May I ask the hon. Minister whether when he appointed Tahsildars and Deputy Collectors as Revenue Officers, he invited applications from these people? "

The hon. the RAJA OF BOBBILI:—" I have already said that these appointments were made from Government servants and from the employees of local bodies and municipal councils."

Mr. ABDUL HAMEED KHAN:—" May I know whether the Government did not consider the claims of Mussalmans to adequate representation when they made their appointments from the cadre of Tahsildars and Deputy Collectors? "

The hon. the RAJA OF BOBBILI:—" One Mussalman Deputy Collector has already been appointed."

Mr. ABDUL HAMEED KHAN:—" Out of 17 appointments four have gone to Indian Christians and one to an Anglo-Indian. Will the hon. Minister consider the desirability of giving a better and adequate representation to Mussalmans in future appointments? "

The hon. the RAJA OF BOBBILI:—" There were only ten Government servants who were appointed as Commissioners. The Board of Revenue made the selection. They were asked to consider the claims of Mussalmans for selection and one Mussalman was actually appointed."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I ask what the pay drawn by Messrs. Thangayya, Sambandam Pillai and Kandaswami Pillai (Nos. 11 to 13) in the regular line was? "

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" Has a Commissioner been actually appointed for the Bellary Municipality? "

The hon. the RAJA OF BOBBILI:—" Yes, Sir, the Government have passed orders."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the appointment of one Muslim Revenue Officer out of 12 appointments is considered to be giving adequate effect to the Government Order regarding communal representation? "

The hon. the RAJA OF BOBBILI:—" These are not new appointments. These Government Officers have only been lent to the local bodies."

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether there is any proposal to constitute these Commissioners into a separate cadre under the Government? "

The hon. the RAJA OF BOBBILI:—" Yes, Sir; ultimately the Government propose to constitute a separate cadre."

Mr. M. A. MANIKKAVELU NAYAKAR:—" There are certain municipalities which are not included in the schedule to the amending Bill. May I know what are the reasons which prompted the Government to appoint Revenue Officers to some municipalities only? "

The hon. the RAJA OF BOBBILI:—" Reasons were given whenever an appointment of Commissioner was made to any municipality."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know why the Government have not appointed any Commissioner for the Guntur Municipality? "

The hon. the RAJA OF BOBBILI:—" There are 86 municipalities and we have made appointments of Commissioners only to 17 of them. I cannot give reasons why Commissioners have not been appointed to others."

Decision of the Madras High Court regarding the removal of veil by gosha ladies at the time of exercising their franchise.

* 352 Q.—Mr. ABDUL HAMEED KHAN:—" Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether he has read the judgment of the hon. the Officiating Chief Justice in the Tinnevely election case in which the point whether a candidate had a right to insist upon the removal of the veil by the gosha ladies was commented upon;

(b) whether the Government have ascertained the views of the leading Muslims in Madras and elsewhere as to how far the law as laid down in that case is in accordance with Muhammadan sentiment; and

(c) what steps the Government propose to take in order to afford facilities to gosha ladies to exercise their franchise without having the necessity of removing their veils?

A.—(a) Yes.

(b) No.

(c) There is a proposal before the Government to amend suitably the rules for the election of members of municipal councils and local boards.

Economic Condition

Enquiry, if any, into the economic condition of the ryots.

* 353 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have made any enquiry regarding the present economic condition of the ryots in this province; and

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(b) whether the prices of the main agricultural products have risen or fallen as compared with last year and by what per cent?

A.—(a) Enquiries are being made.

(b) The presidency averages of the retail prices of certain principal food crops for August 1933 show a fall as compared with similar averages for the corresponding month of last year. The percentages of fall are given below:—

	Percentage of fall.
Paddy, first sort	18.5
Do. second sort	16.7
Cholam	19.2
Cumbu	11.5
Ragi	9.7

11-30 a.m. Mr. A. B. SHETTY:—" May I know what sort of enquiry is being made, by whom and since what time? "

The hon. Sir ARCHIBALD CAMPBELL:—" Some weeks ago, the Board of Revenue were asked to obtain detailed reports from various Collectors."

Mr. A. B. SHETTY:—" May I ask whether the result of the enquiries that are being made will be placed on the table of the House? "

The hon. Sir ARCHIBALD CAMPBELL:—" The hon. Member's suggestion will be considered."

Provision of marketing facilities for paddy and other produce.

* 354 Q.—Mr. A. P. N. V. NADIMUTHU PILLAI: Will the hon. the Member for Revenue be pleased to state—

(a) what steps have been taken by the Government to provide for marketing facilities for paddy and other produce; and

(b) what steps have been taken to get a reduction of railway freights throughout the year from the South Indian Railway Company for the carriage of paddy from the Tanjore district to both inland and overland markets?

A.—(a) Attention is invited to the answer given to question No. 85 asked by Mr. A. B. Shetty on 2nd August 1933.

A scheme for the marketing of groundnut in both South and North Arcot districts was brought into operation during the year.

(b) The South Indian Railway announced a reduction of about 16 per cent in the through rates for rice from Tanjore and South Arcot districts to Colombo up to 9th October 1933 and intra-provincial rates have also been reduced for distances over 175 miles. The Agent, South Indian Railway, has been asked to report whether the concessional rates to Colombo are being continued, and if so, for how long. The Agent's reply is awaited.

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Mr. T. S. RAMASWAMI AYYAR:—" May I know if the Government have considered the desirability of appointing a marketing board? "

The hon. Sir ARCHIBALD CAMPBELL:—" I should like to have notice of the question."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know what is the nature of the scheme of marketing groundnuts grown in South Arcot? "

Mr. T. S. RAMASWAMI AYYAR:—" May I ask whether the Government will not consider the desirability of appointing a marketing board which will have the effect of getting better prices for paddy? "

The hon. Mr. P. T. RAJAN:—" I believe, Sir, the matter is under consideration."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" Will the Government consider the question of appointing a board for the Ceded districts? "

The hon. Mr. P. T. RAJAN:—" Not for any particular locality but for the whole province."

Price of paddy.

* 355 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the hon. the Member for Revenue be pleased to state—

(a) what the current price of paddy is in each district; what was the price in each district in March 1933; and

(b) what steps have been taken by the Government to bring about better prices for paddy?

A.—(a) A statement* showing the prices of paddy first and second sort in March 1933 and in September 1933 (the latest month for which prices for all weeks are available) is annexed.

(b) The attention of the hon. Member is invited to the answer given to question No. 354.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I ask if the Government have noted the fall of the price for paddy? "

The hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will the hon. Member be pleased to say what steps the Government are taking to improve the price of paddy? "

The hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice of the question."

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Irrigation

Memorial by the Tinnevelly District Association to the Government regarding delay in the execution of works based on the T.R.S. proposals.

* 356 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) what action, if any, has been taken by the Chief Engineer on a memorial, dated 6th April 1933, by the Tinnevelly District Association to the Government regarding the delay in carrying out the T.R.S. proposals in respect of 26 irrigation works in the Tinnevelly district which was forwarded to the Chief Engineer for disposal in Memorandum No. 1607-D/33, dated 26th April 1933; and

(b) what the final order on the same is?

A.—The memorial was forwarded by the Chief Engineer (Irrigation) to the Superintending Engineer, Trichinopoly circle, with instructions to get as much work done as was found possible with the regular staff.

The Thirumalaikozhuthupuram drainage channel.

* 357 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state with reference to the Thirumalaikozhuthupuram drainage channel in the Tinnevelly district—

(i) what order, if any has been passed by the Government; and

(ii) when the execution of the remedial work that may be required will be taken on hand and whether the estimates for the same have been sanctioned?

A.—(i) Plans and estimates received for the drainage channel from the Chief Engineer have been referred to the Board of Revenue for remarks. The Government have not yet passed final orders on the matter.

(ii) It cannot be said when the work may be taken up for execution. The estimates have not yet been sanctioned.

Supply of water from the Mettur dam to Omalur taluk.

* 358 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether representations have been received for the supply of water for irrigation in Omalur taluk of Salem district from the Mettur dam by means of pumping; and

(b) if so, how they have been disposed of?

A.—(a) & (b) No representations have been received by the Government.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know, Sir, whether the hon. Member did not see in the newspapers the proceedings of a public meeting with reference to this matter?"

The hon. Sir ARCHIBALD CAMPBELL:—"I do not remember."

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The hon. the PRESIDENT:—"The hon. Member knows that newspaper articles cannot form the subject-matter of questions."

Allotment and expenditure on account of minor irrigation works in the Salem district since 1930-31.

* 359 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) what the amount spent on minor irrigation works in the Salem district in each year from 1930-31 has been; and

(b) whether the allotments were utilized in full in each year, or whether amounts have been left unexpended; if so, how much in each year?

A.—(a) & (b) The following statement gives the information required in respect of minor irrigation works in charge of the Revenue Department:—

Year.	Allotment.	Expenditure.	Balance.
	RS.	RS.	RS.
1930-31	91,571	90,992	579
1931-32	61,332	61,315	17
1932-33	54,345	53,927	418

As regards minor irrigation works in charge of the Public Works Department, information has been called for.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know what the reasons are for the reduction of allotment year after year?"

The hon. Sir ARCHIBALD CAMPBELL:—"It is one effect of the reduction in Government revenues."

Land Revenue Administration

Damage by floods in South Kanara.

* 360 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 flood damage in South Kanara; and

(b) what relief they propose to give in the matter?

A.—(a) & (b) The attention of the hon. Member is invited to the answer to question No. 235. The Government have received no report of damage caused by floods in South Kanara since the date of their reply.

Arrears of land revenue in South Kanara.

* 361 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) the arrears of land revenue at the end of the last fasli in South Kanara; and

(b) the number of lands notified for sale and the number actually sold by the Government last year and this year for the recovery of arrears?

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A.—(a) Rs. 95,626 (arrears and current inclusive).

(b) It is presumed that the hon. Member refers to last fasli and the fasli previous to it, viz., faslis 1341 and 1342. Information is available only in respect of the number of defaulters whose lands were attached and of the number of defaulters whose lands were sold for realizing the arrears of fasli 1341. The information is given below:—

Number of defaulters in South Kanara district whose lands were attached ... 823

Number of defaulters in the South Kanara district whose lands were sold ... 89

The extent of land attached is 10,337 acres. The extent of land sold was 330 acres. The information has not yet been received for fasli 1342.

Protection of wild birds and animals

Persons killed by man-eating tigers in the reserves of Coondapoor taluk.

* 362 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) the number of persons killed this year by man-eating tigers in the reserves of Coondapoor taluk in South Kanara; and

(b) the action taken by the Government in this matter?

A.—The Government have not the information but have called for a report.

Mr. A. B. SHETTY:—“ May I know whether the Government are giving special rewards for destroying man-eaters? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I believe so, Sir.”

Public Service

Typewriting, a compulsory qualification for employment as clerks.

* 363 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state—

(a) whether orders have been passed recently making the typewriting qualification compulsory for persons to be employed as clerks under the Government from 1st January 1934;

(b) what the reasons are for such an order; and

(c) whether they will be given the present scale of pay only, or any special pay in addition?

A.—(a) Yes.

(b) Government consider that the usefulness of clerks will be materially enhanced if they possess typewriting qualification in addition to general educational qualification.

(c) No special pay will be given.

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Mr. K. A. NACHIYAPPA GOUNDER:—“ Will the hon. Member be pleased to state whether any special pay was given previously to the clerks possessing typewriting qualifications? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ At one time special pay was given to clerks possessing typewriting qualifications.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ May I ask whether it is contemplated to give any extra allowance for this additional qualification? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ No, Sir.”

Mr. ABDUL HAMEED KHAN:—“ Will the hon. Member be pleased to state approximately the proportion of clerks who are required to have typewriting qualifications in an office of, say, 100 clerks? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice of the question.”

Recruitment of candidates by the Madras Services Commission.

* 364 Q.—Mr. M. S. SRESHTA: With reference to the answer given by the hon. the Member for Revenue to my supplementary questions on my short notice question on the above subject of the 24th February 1933 (vide page 46 of volume 65, No. 1) that the Madras Services Commission were asked in March 1932 whether they could take over recruitment to further appointments, will the hon. the Member for Revenue be pleased to state—

(a) whether any reply has been received from them;

(b) if so, what the terms of the reply are; and

(c) with reference to his reply to the further supplementary question under the same question and on the same date that he would be prepared to consult the Madras Services Commission whether the system of selection by competitive examination with an interview or with marks for *viva voce* can be extended, what the result was of the consultation?

A.—(a) The Commission's reply has just been received and is under consideration.

(b) The Commission has expressed its willingness to undertake recruitment to several posts.

(c) The question has been referred to the Madras Services Commission and their views in the matter are awaited.

Mr. M. S. SRESHTA:—“ May I ask whether the reply of the Commissioners will be placed on the table of the House when it is received? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I will consider the question.”

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Revision of the rules regarding the appointment of candidates selected by the Madras Services Commission.

* 365 Q.—Mr. M. S. SRESHTA: Will the hon. the Member for Revenue be pleased to state—

(a) with reference to the statement made by the hon. the Member for Revenue in the Council on 25th January 1933, that a revision of the rules in regard to the appointment of candidates selected by the Madras Services Commission was under consideration, whether the Government will be pleased to state whether the rules have been revised;

(b) if so, whether they will be placed on the table of the House;

(c) with reference to the answer given on 24th February 1933 to a supplementary question of mine, whether a reply has been received from the Madras Services Commission to the enquiry made by the Government in March 1932 as to whether it can take over recruitment to posts and services for which it did not then recruit; and

(d) if so, what the reply is?

A.—(a) & (b) The Government have, in consultation with the Madras Services Commission, considered the suggestion that the age-limit might be applied only at the time of selection by the Commission and not at the time of appointment and have decided against it—vide G.O. No. 851, Public (Services), dated the 19th October 1933, placed on the table of the House on the 30th October 1933.

(c) & (d) The attention of the hon. Member is invited to the answer to clause (a) and (b) of question No. 364.

Production of medical certificates by applicants before the Madras Services Commission.

* 366 Q.—Mr. M. S. SRESHTA: Will the hon. the Member for Revenue be pleased to state—

(a) what steps are being taken for bringing all appointments carrying a salary of not less than Rs. 30 per month within the scope of recruitment by the Madras Services Commission;

(b) whether any period has been fixed within which selection by the Madras Services Commission should be notified in the Gazette or otherwise after the examination or interview as the case may be;

(c) whether a medical certificate has to accompany every application sent to the Madras Services Commission;

(d) what the charge payable for each certificate is; and

(e) if a medical certificate has to accompany every application, in what percentage of cases the medical certificate is found to have been obtained by unsuccessful candidates?

A.—(a) The Madras Services Commission was asked in 1932 whether it could assist in the recruitment to all or some of the posts to which recruitment was not made in consultation with it. Its reply has just been received and is under consideration.

(b) No.

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(c) Medical certificates should accompany the applications to the Madras Services Commission only (1) in respect of posts for which physical measurements are prescribed in the statutory rules or are required by appointing authorities and (2) for posts in the Madras Ministerial Service. The Government have decided as an experimental measure that in respect of the latter posts medical certificates should be produced after the selection of candidates by the Madras Services Commission.

(d)—

	RS.	A.	P.
Provincial Services	16	0	0
Subordinate Services other than the Madras Ministerial Service	7	8	0
Madras Ministerial service	5	0	0

(e) The Government have no information.

Mr. M. S. SRESHTA:—"Will the Government consider the desirability of fixing a period within which the results of the selection should be notified to the public?"

The hon. Sir ARCHIBALD CAMPBELL:—"The results of the selection by the Services Commission are usually published as early as possible. If the hon. Member will inform me if there had been any considerable delay on the part of the Commission in any case, I will consider the suggestion."

Mr. P. V. KRISHNAYYA CHAUDARI:—"Are the Government aware of the result of the selection to the Sub-Registrar's cadre was not published for more than six months?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice of the question."

Electricity

Supply of electricity from Pykara.

* 367 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether supply of electricity from Pykara has been commenced;

(b) if so, to which places the supply is made from there now and what the rate charged per unit is; and

(c) when the town of Salem is likely to get connexion from Pykara; and

(d) whether there are proposals to reduce the rate of charges per unit of electric current consumed at Salem after the Pykara current is introduced into Salem?

A.—(a) Yes.

(b) The following places receive supply from Pykara:—

The towns of Ootacamund and Coonoor and the tea estates of Devarshola, Prospect, Parkside, Ibex and Nonsuch, Bhavani and Glendale in the Nilgiri district.

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The towns of Mettupalaiyam, Karamalai, Coimbatore, Pollachi, Tiruppur, Bhavani and Erode in the Coimbatore district and the tea estates of Kallyar, Akkamalais, Karimalai, Vellamalai and Pachamalai in the Anamalais.

The town of Salem in the Salem district.

The town of Palghat in the Malabar district.

The standard rates prescribed for the supply of Pykara power (except in Salem and Erode) are appended.* The rates charged for Salem and Erode are given in clauses 18 and 19 of the power agreement executed by the licensees under the Salem and Erode Electric Licence, 1931, published on pages 34-60 of Part I of the *Fort St. George Gazette*, dated 6th January 1931.

(c) Supply was given to Salem town from Pykara on 2nd April 1933.

(d) The Chairman, Municipal Council, Salem, has represented that since Salem is now getting Pykara power, the rates charged by the licensees may be reduced. The matter is under the consideration of Government.

Mr. K. A. NACHIYAPPA GOUNDER:—"With reference to answer (d) may I ask when orders are likely to be passed?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I cannot say. In fact the Government are considering the question and there is correspondence going on between the company concerned and the Government; I am not in a position now to say when the order will be passed."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"It is stated in answer (b) that the rates charged for Salem and Erode are given in clauses 18 and 19 of the power agreement executed by the licensees. Those rates were fixed for the mechanical power, generated by the installation of engines. May I know whether those rates would not be subject to alteration when the scheme is tacked on to the Pykara scheme?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is for that reason that the Government are considering the rate with reference to Salem now."

Mr. T. S. RAMASWAMI AYYAR:—"May I know if the Government think it is possible to supply current to Madras from Pykara, or should Madras wait for the Mettur scheme?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not possible to supply current from Pykara to Madras. It is hoped that the Government will be able to supply current to Madras when the Mettur scheme matures."

* Printed as Appendix VII on pages 619-625 infra.

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"In view of the fact that Salem and Erode are tacked on to the Pykara scheme, will the Government adopt the same policy they adopted with regard to the municipalities in connexion with the granting of licence?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"In this particular case, licence has been given to a private body."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Now that the scheme has been altered, will there be a change in the policy of the Government also?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have already answered my hon. Friend's question. It is for that identical reason that the Government are now considering whether it is possible to change the rate with regard to Salem."

Mr. ABDUL HAMEED KHAN:—"May I ask when the Government will be able to supply electricity to Madras City from Mettur?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"As I said, it is not possible to say that now. Even the estimates for the Mettur Scheme are not ready. After the estimates are received from the Chief Engineer, funds have to be provided and then the sanction of the Secretary of State has to be obtained; then the scheme has to be put into operation."

Mr. BASHEER AHMED SAYEED:—"May I ask whether no estimates were prepared at any time and whether no scheme was before the Government with regard to the production of energy from Mettur?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There is a general proposal for producing energy from Mettur. Details have not been worked out."

Mr. T. S. RAMASWAMI AYYAR:—"In view of the fact that the Mettur Scheme is not likely to fructify in the near future, will the Government consider the desirability of getting current from Pykara, if it is possible to do so?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is commercially impossible, according to experts, to bring current from Pykara to Madras."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"It is proposed to change the rates. May I know if there is any decision to change the licence also and to adopt a uniform policy?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am afraid, not."

Hydro-electric scheme, Mettur.

* 368 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) when the hydro-electric scheme at Mettur is likely to be finished;

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(b) to which places it will be supplying electricity; and

(c) what will be the charge per unit current if it is for lighting and other household purposes, and what will be the cost if it is for mills or for agricultural purposes?

A.—(a), (b) & (c) It is not possible to furnish the information asked for, as the scheme has not yet been submitted to Government for consideration. The details are being worked out by the Chief Engineer for Electricity.

Contract with a private company for the supply of electricity to Villupuram and Cuddalore.

* 369 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that contract has been given to a private company for the supply of electricity to Villupuram and Cuddalore, and if so, why such permission was given;

(b) whether any survey for electricity is being carried on between Mettur and Madras;

(c) if so, when it will be completed;

(d) whether electricity will be supplied to the Madras City after the completion of the survey; and

(e) if the answer to clause (d) is in the affirmative, what the probable cost per unit of current consumed at Madras will be?

A.—(a) A licence to supply electric energy in the taluks of Cuddalore, Chidambaram and Villupuram has been granted to the South Arcot Electric Distribution Company, Ltd. The licence was given on the application of the company in accordance with the provisions of the Indian Electricity Act and the rules framed under it.

(b) & (c) A survey of the route of the transmission line from Mettur to Madras (197 miles) was completed in the year 1932–33.

(d) The supply to Madras City cannot be made on the completion of the mere survey.

(e) It is not possible now to state what the cost per unit of hydro-electric power will be when it becomes possible to make it available in 'Madras.'

Forests

Withdrawal of forest concessions in South Kanara.

* 370 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Law Member be pleased to state—

(a) what the peculiar privileges which had been conceded to the cultivators of South Kanara in respect of their neighbouring reserve forests were and when they had been granted;

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(b) in what villages of South Kanara the forest village system with panchayats was existing at the close of the financial year 1932–33;

(c) whether the forest panchayats under the forest village system with the concessions have been now withdrawn in any of the villages of South Kanara, and, if so, in which and for what reasons; and after what previous notices of warning duly published in local papers and communicated to the villages; and

(d) whether it is a fact that the forest village system worked satisfactorily till the close of the year 1931–32 in the North Mangalore division?

A.—(a) The hon. Member's attention is invited to the answer to clauses (a) and (b) of question No. 743 answered on 22nd March 1933.

The concessions were granted in 1922.

(b) (1) Todar.

(2) Hosabettu.

(3) Tenkahola.

(c) The forest panchayats under the forest village system have not been withdrawn. The general concessions exercised by the Todar and the Hosabettu panchayats have, however, been withdrawn in the interests of the forests since cutting and lopping must result in serious damage. The notice of withdrawal was published in the *South Kanara District Gazette*, dated 24th January 1933. A copy of the notice was also sent to the Tahsildars, Deputy Tahsildars and Range officers for wide publication. A copy of the notice was also sent to the Secretary, South Kanara Wargdars' Association.

(d) Yes.

Mr. A. B. SHETTY:—"May I ask how the Government propose to meet the needs of the ryots who have been depending upon the reserved forests for the supply of manure leaves for cultivation?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"They themselves have to be blamed for having abused the privileges."

Prisons and Prisoners

Application of Mr. Benoyendra Nath Roy Chowdhury for permission to go to Europe for treatment.

* 371 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state whether it is a fact that Mr. Benoyendra Nath Roy Chowdhury applied to the Government asking for permission to go to Europe for treatment as he did not improve his health at all in jail; and what the Government have done in the matter?

A.—Benoyendra Nath Roy Chowdhury has been permitted by the Government of India to go to Europe. He sailed from Bombay on 30th September 1933.

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Task assigned to the various classes of political prisoners.

* 372 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) what the number of political prisoners was in the jails of this Presidency on 1st October 1933;

(b) how many of them were put in A class, how many in B class and how many in C class;

(c) whether A class, B class and C class political prisoners in a jail are allowed to mingle with each other;

(d) whether A and B class political prisoners are made to do any work; and

(e) if so, what it is?

A.—(a) The number of civil disobedience prisoners in the jails of this Presidency as it stood on 30th September 1933 was 209.

(b) & (c) The Government have no information, but have called for it.

(d) & (e) The hon. Member is referred to rules 747-C (7) and 747-D (5) of the Madras Jail Manual. The Government have not recognized any special class of prisoners known as political prisoners.

Mr. K. A. NACHIYAPPA GOUNDER:—"With reference to the answers (b) and (c), will the information be made available to the House as soon as it is got?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my hon. Friend's suggestion."

Allotment of labour to 'C' class political prisoners in jails.

* 373 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) what kinds of work are extracted from 'C' class political prisoners in jails;

(b) whether they are made to work under criminal convict warders; and

(c) whether they are given oil baths and, if so, how many times a month?

A.—(a) The hon. Member is referred to the rules in Chapter XXIV of the Madras Jail Manual.

(b) He is referred to rule 339 (iii) of the Madras Jail Manual.

(c) The answer to the first part of the question is in the negative and the second part of the question does not arise.

Dietary of political prisoners in jails.

* 374 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) what the diet given is to 'A' class, 'B' class and 'C' class political prisoners in jails; and

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(b) whether ghee and buttermilk are allowed to them, and, if so, to which of the classes?

A.—(a) & (b) The hon. Member is referred to the diet scales appended to rule 347 of the Madras Jail Manual.

Mr. M. A. MANIKKAVELU NAYAKAR:—"May I ask whether the hon. Member will alter the Jail rules so as to supply buttermilk to these prisoners who are not now supplied?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have given the answer a number of times on the floor of this House even the other day—Monday. It is under the consideration of the Government."

Depressed Classes

Acquisition of lands in Karikulavakam village for house-sites to Adi-Dravidas.

* 375 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Home Member be pleased to state—

(a) whether the enquiry promised by the Government in reply to question No. 461 answered in the Council on 1st September 1921 was made and if so, with what results;

(b) whether it is a fact that proposals were made by the Revenue Department and the Labour Commissioner to acquire R.S. Nos. 15/2, 19/1 and 19/2 in Karikulavakam village, Tiruvallur taluk, for house sites to Adi-Dravidas on the ground-rent system as notified in the *Chingleput District Gazette*, dated 13th March 1920;

(c) whether it is a fact that successive District Collectors Messrs. A. M. A. C. Galletti, C. Henderson, J. Gray and D. N. Strathie inspected the sites and approved of the proposal to acquire the land as recommended by the Commissioner of Labour; and

(d) whether steps will now be taken to acquire the said area and grant sites to Adi-Dravidas on the ground-rent system as notified in the *Gazette*?

A.—(a) The enquiry was made in 1921 and the information obtained then will be found in the Annexure * in the form of answers to the question of 1921.

(b) Proposals were made by the Revenue Department to acquire S. Nos. 15/2 and 19/1 to 3 on a co-operative basis, i.e., by the Adi-Dravidas forming a co-operative society and contributing towards the cost of the acquisition, but were dropped as they were not able to pay the initial deposit as required in Labour Commissioner's circular No. D. Dis. 846/27, dated 16th May 1927. There was no proposal from the Labour Commissioner.

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- (c) Mr. Strathie seems to have inspected the site and to have been inclined to approve of the acquisition of S. Nos. 15/2 and 19/1 to 3.
- (d) The Commissioner of Labour will take steps to acquire the area, if necessary, provided the Adi-Dravidas are prepared to bear the cost of acquisition.

Allotment during 1930-1933 to the Labour Department for sinking wells, etc., in the Northern Circars.

* 376 Q.—MR. G. R. PREMAYYA: Will the hon. the Home Member be pleased to state the amount of money granted by the Government from 1930-1933 to the Labour Department in various districts of Northern Circars for the purpose of sinking wells and purchasing land for burial-grounds and the amount of money surrendered by the Labour Department to the Government during the same period?

A.—The amounts allotted and the amounts spent in the several districts during the years 1930-31 to 1932-33 are given below:—

District.	1930-31.		1931-32.		1932-33.	
	Amount allotted.	Amount spent.	Amount allotted.	Amount spent.	Amount allotted.	Amount spent.
	RS.	RS.	RS.	RS.	RS.	RS.
Ganjam ..	4,160	4,160	3,024	3,024	..	..
Vizagapatam ..	3,878	3,714	128	53	..	..
East Godavari ..	31,500	29,580	7,180	6,647	7,527	6,814
West Godavari ..	15,000	14,331	6,220	6,139	15,200	15,134
Kistna ..	20,000	19,777	7,344	6,075	9,600	7,696
Guntur ..	40,000	39,959	8,800	8,341	17,630	17,093

UNSTARRED QUESTIONS

Education

Working of the compulsory elementary education scheme in the Vellore Municipality.

377 Q.—MR. M. B. RANGASWAMI REDDI: Will the hon. the Minister for Education and Excise be pleased to state—

- (a) what the increase is in the strength of school-going children in the Vellore Municipality after the introduction of compulsory elementary education;
- (b) what the number is of the pupils now on the rolls;
- (c) what the number was before the scheme was introduced;
- (d) how many prosecutions were instituted after the introduction of the scheme for non-compliance with the rules;
- (e) what the amount is of fines realized under this head (figures for the last three years may be furnished); and
- (f) what the special grant made by the Government is to the Vellore Municipality in connexion with the introduction of compulsory education?

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A.—Compulsory elementary education has been introduced in the Vellore Municipality for boys only and the answers are therefore confined to statistics regarding boys.

- (a) 1,360.
- (b) 3,765.
- (c) 2,267.
- (d) Nil.
- (e) Nil.

(f) The Government have been paying to the municipal council annually a contribution equivalent to the proceeds of the education tax collected, the levy of which was sanctioned along with the introduction of the scheme of compulsory elementary education. No special grant was or is being paid in connexion with the introduction of compulsory education.

Irrigation

Alleged outflow of water from the Surada and Russellkonda reservoirs resulting in damage to lands and crops.

378 Q.—SRIMAN M. G. PATNAIK MAHASAYO: Will the hon. the Member for Revenue be pleased to state—

- (a) whether during this fasli water was let out from the reservoirs at Surada and Russellkonda to prevent breaches;
- (b) if so, when the waters of the reservoirs were let out;
- (c) if sudden outflow of water from the reservoirs caused damage to lands and crops thereon; and
- (d) whether the Government propose to make good the damage so caused and how?

A.—(a) & (b) Water was let out from the Surada reservoir on 2nd August 1933 and 10th September 1933. No water was let out from the Russellkonda reservoir.

(c) & (d) The water let out from the Surada reservoir was comparatively insignificant and the effect of the discharge was almost nil; no damage could have been caused by it to land and crops.

Improvements to the Gonteru drain in the West Godavari district.

379 Q.—MR. P. PEDDIRAJU: Will the hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the report called for by the Government as mentioned in answer to question No. 853 answered on 9th October 1929; and

(b) whether the Government have taken any steps to improve the Gonteru drain in the West Godavari district and, if so, what steps?

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A.—(a) Yes.

(b) No. The Chief Engineer (Irrigation) considered that any improvement to the drain will not prevent inundation of the adjacent lands, but the ryots whose lands suffer from submersion have been given substantial relief by the classification of their lands in the permanent second-crop zone.

Land Revenue Administration

Taxation in Malabar and South Kanara on improvements to lands made by ryots.

380 Q.—Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) whether the rule, that the ryots' improvements are not to be taxed, apply in the case of Malabar and South Kanara; and

(b) whether the Government have taken into consideration the hilly character of the country in assessing newly improved lands in these districts?

A.—(a) Yes. But the nature of the cultivation of a particular land is not in itself an improvement of the kind protected by this principle.

(b) Yes.

Employment of coercive measures for the collection of land revenue in South Kanara.

381 Q.—Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur: Will the hon. the Member for Revenue be pleased to state—

(a) what the total land revenue is of South Kanara;

(b) what amount was collected during the last fasli without coercive measures, what amount was collected after issuing distraint warrants, what amount was collected after attaching movable properties and immovable properties respectively;

(c) what amount was realized by selling movable and immovable properties respectively;

(d) what amount still remains to be collected; and

(e) whether it is a fact that very valuable properties have been sold for paltry sums?

A.—(a) According to the Demand, Collection and Balance statements received from the Board of Revenue, the demand for fasli 1342 is Rs. 27,92,609 including miscellaneous revenue.

(b), (c) & (e) The Government have not yet received the information.

(d) According to the Land Revenue Demand, Collection and Balance Statements for August 1933 (the latest month for which statements have been received) the arrears of fasli 1342 which still remained to be collected in South Kanara amount to Rs. 57,204.

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Prisons and Prisoners

Alleged assault on Mr. Howe, Superintendent of Jail, Madura.

382 Q.—Mr. M. B. RANGASWAMI REDDI: Will the hon. the Law Member be pleased to state—

(a) how many Civil Disobedience prisoners were admitted in Madura jail in 1932;

(b) whether Mr. Howe, the Jail Superintendent, was beaten by the prisoners;

(c) whether the Government enquired into the reasons for the assault upon him by the prisoners;

(d) if so, what the result of the enquiry was; and

(e) whether there were any B class prisoners in the jail at the time of the assault?

A.—(a) 525.

(b) Mr. Howe was assaulted by a convict belonging to a criminal tribe on 21st November 1932.

(c) The Government have made an enquiry after receipt of notice of this interpellation.

(d) On the morning of 21st November 1932, when Mr. Howe went into the quarantine yard for inspection, a number of civil disobedience movement prisoners refused to form into line and they lay themselves down on the veranda refusing to stand up. While they were made to fall into line, one convict assaulted Mr. Howe from behind his back.

(e) Yes, there were thirty-seven B class prisoners at the time of the assault.

Depressed Classes

Action taken by the Government on the resolutions passed by the conference of untouchable Christians held at Trichinopoly in July 1933.

383 Q.—Mr. M. DEVADASAN: Will the hon. the Home Member be pleased to state—

(a) whether a copy of the resolutions of the conference of the untouchable Christians held at Trichinopoly on 23rd July 1933 was received by the Government;

(b) if so, whether the Government will be pleased to place a copy of the resolutions on the table of the House; and

(c) whether any action was taken upon the resolutions?

A.—(a) No.

(b) & (c) Do not arise.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931).

Clauses 7 and 8.

* The hon. the PRESIDENT:—“ We have finished consideration of the amendment moved by Mr. Siva Raj, viz., Amendment No. 78. Before proceeding further, I wish to inform the House that clauses 4 and 5 have been held over until Monday. Clauses 3 and 6 have been omitted and they will not be put to the vote of the House. The question is—

‘ clauses 7 and 8 do form part of the Bill ’.”

The motion was carried.

Clause 9.

Section 13 (3).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—“ Sir, I beg to move the amendment standing in my name in an altered form—

‘ in lines 5 and 6 for the words “ to the cost of which the landholder has not contributed ”, the following may be substituted:—

“ which is not effected by the landholder ”.”

I do not move the rest of the amendment given notice of by me. Section 13 of the Act makes provision for improvements being made in regard to lands. Under clause (1) of section 13 power is given either to the ryot or the landholder to make the improvements. One cannot prevent the other from making improvements. A ryot may make improvements, may dig a well so that he may raise better crops; or the landholder may dig a well or make some improvements to enable the ryot to raise better crops. Sub-clause (2) of section 13 decides as to which of the two—the landholder or the ryot—will be entitled to make improvements. If both the ryot and the landholder wish to make the same improvement, the ryot shall have the prior right to make it, unless it affects the holding of another ryot under the same landholder, in which case the landholder shall have the prior right. Clause (1) says that both the landholder and the ryot may make the improvements as affects only his land; if the improvement affects not only the land of the tenant but the lands of other tenants also, the landholder may make secure to the tenants the benefit of their improvements. If the tenant should make improvements and raise better crops as a result of the improvements he has made, he is not liable to pay any higher rent. That was the policy of the Government and of the legislature when the existing Act was passed. That provision has been repeated here in clause (3). The present provision requires that the improvement should have been made by the tenant at his sole expense. If the improvement is made at his own cost, notwithstanding any usage or contract

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to the contrary, he shall not be liable to pay higher rent. This subsection was the subject of various decisions of the High Court; ultimately they held that, if any small contribution—however small it may be, however insignificant it may be—is made by the landholder, then the benefit of this clause would not be available to the tenant. I may quote one instance which is rather peculiar. In one or two estates in my district the custom is for the landholder to collect rent, the rent varying with the crop that is raised, a certain rate for a particular crop and another rate for another crop and so on. The landholder is entitled to charge on the actual crop that is raised; if there is no cultivation at all on the land, then no charge is made because there was no crop. Such a system prevails in Ramnad also. What is charged is only when the crop is raised and not when the land is left unused. Under such a system if a tenant digs a well on his own patta land, the particular portion occupied by the well cannot naturally be cultivated thereafter. According to the local custom that particular portion is not charged with rent. When the question arose under section 13 (3), the landholder contended that, as he did not charge rent for the area occupied by the well, he made a contribution and that therefore the well cannot be said to have been sunk by the tenant at his sole expense.

“ Even though the tenant might have sunk Rs. 1,000 on the improvement, if the landlord has helped to the extent of a few annas, the tenant is not to have the benefit of the improvement but has on the other hand to pay a higher rent, even as though the whole amount of Rs. 1,000 has been spent by the landlord.

“ In some cases objection was raised by the landlord that he gave some trees standing on waste land for being cut or allowed mud for some brick-kilns to be burnt. The landlord said that they were his contribution to the improvement, although it cost the tenant some Rs. 1,000; yet, he is not to enjoy the benefit of the improvement because the landlord has given a few trees from waste land. I do not think, Sir, the legislature ever intended that a tenant should be deprived of the benefit of the improvement merely because a small contribution has been made by the landlord in circumstances which it may be impossible to establish after a long period of time. It may be that some small amount was or was not received as contribution, but yet it is open to all sorts of defence being raised invariably by the landlord to the effect that he contributed something towards the development. Therefore I think it is absolutely essential that when an improvement is made by the tenant by reason of which the land itself has been improved and better crops are raised, the tenant should not be deprived of the benefit of that improvement. If at the time the tenant made the improvement, the landlord obliged the tenant by giving something, I am sure that question should have been considered even when it was so given. We must consider an improvement to come under one of two classes; it must be made either by the landlord or by the tenant. If it is made by the landlord, he should get the benefit of it; but if it is made by the tenant and if the tenant himself has been responsible for the improvements

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he should be allowed to have the benefit of it. Therefore, I submit, that for purposes of section 13 (3), the mere fact that there has been some contribution made by the landlord should not be the deciding factor but that on the other hand the tenant should be allowed the benefit of the improvement. My amendment has got this advantage, that if the improvement is made by the landlord and if the tenant has made some contribution towards it, that contribution should not be taken into consideration but it should be considered that the improvement was made by the landlord, for which he should be entitled to a higher rent. Instead of saying that higher rent ought not to be charged for an improvement made by the tenant at his sole expense, it is better to say that higher rent may be charged for an improvement made by the landlord and that higher rent ought not to be charged for improvement made by the tenant. That will be a clearer definition than the one found in the present clause. The present clause simply says:

‘Notwithstanding any usage or contract to the contrary, the ryot shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised, as a consequence of an improvement to the cost of which the landholder has not contributed.’

“I move this amendment with a view to make it clear that the improvement should be one made either by the tenant or by the landlord. If it is made by the tenant, he should have the benefit thereof; and if it is made by the landlord, then he should have the benefit of it. It is not proper to deprive the tenant of any share in the benefit of the improvement just because the landlord has made a small contribution towards it.

“You will also find, Sir, that a new clause is introduced in section 32 of the Act by which power is taken to enable the landlord to make any improvement at his own cost with the sanction of the Collector and after the improvement is effected, to have it registered, so as to secure to the landlord the benefit of the improvement so effected, in the shape of enhanced rent. Under these circumstances, I do not think there will be any real hardship in accepting this amendment; on the other hand, we will be setting at rest disputes that may arise as to who made the improvement, whether the landlord in any way contributing towards it or not. I think this is a much easier method of avoiding such disputes. I have also omitted the words ‘at his sole cost’ in my amendment with a view to make it clear that even if the landlord got a little contribution from the tenant, he should continue to enjoy the benefit of the improvement because he would still be the major contributor.”

* Mr. V. P. NARAYANAN NAMBIYAR:—“Sir, I beg to second the amendment that has been moved by my hon. Friend. When the words ‘to the cost of which the landholder has not contributed’ were added, the Government must have had in view only substantial contributions by landholders. The word ‘contributed’ is a wide and elastic word that would include either an insignificant contribution or a contribution of any kind.”

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* Rao Bahadur Sir A. P. PATRO:—“Sir, both justice and equity are in favour of the amendment proposed by my Friend. Section 13 (3) according to the Bill simply says: ‘to the cost of which the landholder has not contributed.’ The question is what is the contribution that the landholder has to make, so that he may in equity be entitled to a share of the improvement. That is all that is necessary to be considered in this case. The hon. Mover Mr. Muniswami Nayudu has clearly explained to what extent the landholder should be entitled to a share of the improvement. It is admitted that an improvement should be made either by the ryot or by the landholder himself. If the landholder makes it at his own cost, he should be entitled to an increased rent. On the other hand, if the ryot makes the improvement at his own cost, then there shall be no right for the landholder to enhance the rent. That is the position. What happens in practice is altogether different. I can add another instance to the two or three that were mentioned by Mr. Muniswami Nayudu. A culvert has to be built with a view to divert the drainage water in order to save the lands from being flooded. That costs about a thousand rupees. All that the ryot does is that he takes some stones from the quarry from a hill situated within the area belonging to the landholder; and the royalty paid for the stones to the local board is perhaps 2 annas per cartload or cubic yard or some such thing. Suppose 80 or 100 cartloads of stones have been taken, or in other words Rs. 10 or Rs. 12 worth of stones have been taken for the construction of the culvert. What really happens is the landholder claims enhanced rent. The matter goes to court and the court construes also that this free supply of stones from the quarry is a contribution towards the improvement of the land. It was successfully contended in a case, I remember, that the granting of a few cartloads of stones for the purpose of building a culvert which averted danger to the lands, improved the crops and amounted to an improvement, although the expense was borne by the ryot to the extent of a Rs. 1,000, while the landholder had contributed only to the extent of Rs. 10 or Rs. 12. The court held, most inequitably, that the landholder would be entitled to an enhanced rent and the tenant was obliged to pay. So, circumstances like this might arise where even the smallest contribution by the landholder may go towards the enhancement of rent payable by the ryot. Such a thing is altogether inequitable. I am sure the hon. the Revenue Member will realize that such cases are very common. In such cases it is really unfair that the landholder should ever dare to claim a share in the benefit of the improvement by asking for enhanced rent. I hope, Sir, the hon. the Revenue Member will appreciate the importance of the suggestion made by the hon. Member for Chittoor and accept his amendment.”

* Mr. C. R. PARTHASARATHI AYYANGAR:—“Sir, difficulties in the working of section 13 (3) of the Act arose in this way. A tenant made the improvement at his own expense and it was construed that if the landholder contributed even to a small extent towards it the ryot was to be deprived of the benefit of the improvement. The object of this

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amendment is to give one of two alternatives. The landholder, if he wants to claim the benefit of the improvement for himself, must make the improvement himself at his own expense. All sorts of help may be rendered to the tenant by the landholder, such as timber, stones to be used in the construction of wells, supply of mud for brick, kilns, etc.—all these are real sources of help by the landholder to the tenant. Such help has been regarded as help to the tenant and the application of section 13 (3) was easily evaded. To illustrate this, I may refer to a case in 28, Madras Law Journal where Their Lordships of the Madras High Court held that a contribution lay 'in the fact that poramboke wells supplied water for some of the lands of the tenants. If wells are dug in poramboke lands and if water is taken by the tenant from those wells, it is thought that it is a contribution by the landholder for the purpose of helping the tenant and that therefore the landholder is entitled to a share of the improvement. Later on, as late as April 1933, it was sought to distinguish it in another way. It was stated that it was not poramboke wells alone that came within that category; but that if the tenant digs a well in his own land and thereby contributes to increased production, even then the landholder should be entitled to a higher rent. This was of course contested by the other party. That is why, in order to avoid such disputes, this suggestion is made in the amendment now brought forward. There are only two categories of improvements: those made by the landholder and those made by the ryot. If the present vagueness of the words in the Bill is allowed to continue, all sorts of distinctions will be made. It is therefore better that we clear this point once for all. Reference to the judgments of the Madras High Court will show how the interpretation of this clause has been full of contradictions, leading to all kinds of conflicting rulings. In order to avoid this difficulty, it is obvious that the amendment moved should be accepted."

* Mr. K. P. RAMAN MENON:—"Sir, the amendment proposed by the Select Committee would be worse than the original section itself unless it is amended properly, as pointed out by my hon. Friend, Mr. Muniswami Nayudu. Clause (3) of section 13 of the Act is:

'Notwithstanding . . . the ryot shall not, by reason of making an improvement at his sole expense, become liable to pay a higher rate of rent on account of any increase of production . . . etc.'

"The first question that had to be decided was as to who made the improvement.

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"That is sought to be avoided by the amendment proposed by the Government and the words 'sole expense' have been deleted, and instead of that, the words 'to the cost of which the landholder has not contributed' have been put in. 'He has contributed' is perhaps a much wider term than 'sole expense' because the contribution may be in various ways. If the improvement is made by the landholder at his own expense, then the landholder must be given the benefit of any increased outturn consequent on his outlay on the land, in the shape of increased rent. If, on the other hand, the improvement is effected at the

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expense of the tenant, the tenant must get the benefit of that improvement and the landlord then cannot ask for enhancement. If that principle is accepted, we shall then have to consider how to bring out that idea into the Act. Now in choosing the wording, the word 'contribution' is a very large or vague term. The contribution may be in cash or otherwise. Suppose the landholder is making some improvement to the land and the tenant contributes free labour to effect that improvement, labour for which the landholder will ordinarily have to pay at the rate of 4 annas a day or so. Such labour will be a contribution by the tenant, and it can reasonably be argued that the ryot's labour is a contribution in the process of making the improvement, and he is entitled to the benefit of the improvement. Similarly it can be contended that if the landholder contributes even in the way of use of tools, it would amount to a contribution by the landholder, and he can claim enhancement on that ground. So that the word 'contribution' is, I submit, a dangerous word. And the difficulties arising from the use of that word can be avoided by accepting the amendment proposed by my hon. Friend, Mr. Muniswami Nayudu."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, in the Act as it now stands a ryot is protected from enhancement of rent under sub-section (3) to section 13 on account of an improvement made entirely at his sole expense, but he is not protected from enhancement on account of an improvement in any other case, that is to say, if the landholder has made any contribution at all to the improvement. The ryot has to show that the improvement was effected entirely by himself and that nobody else has assisted him. Under section 30, sub-section (ii), the landholder can sue for enhancement of rent on the ground that during the currency of the existing rent the productive powers of the land held by the ryot have been increased by an improvement effected by or at the expense of the landholder. And under section 32 the cost of the improvement will have to be taken into consideration in determining the enhancement of rent. In the speeches made by hon. Members now an attempt has been made to show that the interpretation put on these sections by the courts has been that the whole cost of the improvement may be taken into consideration for enhancement of rent, whether that whole cost was borne entirely by the landholder or not. But I think the amendment of my hon. Friend, Mr. Muniswami Nayudu, goes too far. It is to my mind most desirable that we should encourage the landholders to effect improvements in their estates, and, in the second place, that we should encourage landholders and tenants to co-operate together to that end. The amendment now proposed by my hon. Friend, Mr. Muniswami Nayudu, discourages that co-operation. It provides for two classes of improvements: those effected by the landlord at his sole expense and those effected by the tenant at his sole expense. But the amendment rules out altogether those improvements that are effected by the two, the landlord and the tenant, working together.

"Now, Sir, the object of this amendment is to provide for the tenant a protection from enhancement of rent where the landholder has not

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contributed towards that improvement, but it is only fair that when the landholder has contributed towards the improvement, he should get some enhancement of rent. I am quite prepared to accept an amendment to sub-section (b) (ii) of section 32 which relates to the cost of improvements. I shall be prepared to consider an amendment of that sub-section to lay down that only the cost incurred by the landholder in the improvement shall be considered by the court in determining the enhancement of rent."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Section 16 provides for improvements made jointly by the landholder and the tenant. This section says that a landholder may apply to such Revenue Officer as the Local Government may appoint, to register any improvement which he has lawfully made or which has been lawfully made at his expense or which he has assisted a ryot in making. So, wherever a landholder assists a ryot in making an improvement, that fact will be taken into consideration in fixing the enhancement."

* The hon. Sir ARCHIBALD CAMPBELL:—"As now proposed to be amended by my hon. Friend, Mr. Muniswami Nayudu, section 13 (3) will read as follows:

'Notwithstanding any usage or contract to the contrary, the ryot shall not become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised as a consequence of an improvement which is not effected by the landholder.'

"It will mean that the improvement should be effected by the landholder entirely. I should have no objection to add the words 'which is not effected by the landholder or to the cost of which the landholder has not contributed' after the word 'improvement' in the sub-section. I would also suggest an amendment of section 32 (b) (ii) as I already said."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I suggest, Sir, that this amendment may be taken up after lunch, so that we may see clauses have to be amended for that purpose?"

The suggestion was accepted and the amendment was accordingly postponed till after lunch.

Clause 10.

Section 17-A.

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I beg to move the following amendment:—

'In line 2 of proposed section 17-A, add the words "after giving due notice to the ryot and without causing damage to the crops" after the words "authorized agent may".'

"This is a very harmless amendment because it is not going to affect the rights of the zamindar. What is suggested in this amendment is sary vandalism that might be practised by any of the landholder's agents either advertently or inadvertently. So, Sir, I hope this harmless amendment will be accepted."

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Mr. BASHEER AHMED SAYEED seconded the motion.

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I am constrained to oppose this amendment. It is unnecessary and it is a source of irritation between the landholder and the tenant. To give notice to the ryot for entering the field for the purpose of measuring it means lot of trouble. The hon. the Mover may not perhaps know how difficult it is to serve a notice on the ryot. Even for the purpose of measurement or division of produce at which it is supposed to be in the interest of the ryot, to be present, we know, as a matter of fact, considerable difficulty is experienced to serve notice on the ryot. That is one thing.

"Then you say that it should be done without causing danger or damage to the crops. I may say, Sir, no landholder's agent will enter upon a field when the crop is ripe thereon. It is only when the land is dry and when it is possible for him to enter the field for the purpose of measurement, the agent will step in. If there is any difficulty regarding irrigation, he may have to enter on the land. For all ordinary purposes, there is such an amicable arrangement and relations between the landholder and tenant that hardly any difficulty arises in the matter. So far as my experience goes, I have not seen anywhere the ryots complaining to me against the zamindar's agents for entering upon the land and destroying or damaging the crops. There are other complaints against the zamindari agents but not this sort of complaint. This amendment will unnecessarily bring on a great deal of irritation into the relation of landholders and tenants."

* The RAJA OF KHALLIKOTE:—"Mr. President, Sir, I wish to oppose this amendment. I think it is absolutely unnecessary. It may lead, as my hon. Friend Sir Patro said, to misunderstandings between the landlord and tenant. As matters stand at present, the tenants are very anxious that the landholder or his authorized agents should go to their fields to inspect them or measure the lands in cases of disputes. To give notice to the tenant is a great practical difficulty when the landholder wants to measure the land or inspect the standing crop.

"Moreover, it is provided that at all reasonable times the landholder or his agents will inspect the land. Whenever the landholder or his agent wants to enter the land, they intimate the fact to the ryot, and there is absolutely no trouble over this. So I think this amendment is unnecessary."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, the Raja of Khallikote stated that the relations between the ryot and the landholder are very cordial and so any such provision as is contemplated in this amendment is unnecessary. Then why this section 17-A is at all necessary I do not see. The introduction of this clause itself is sufficient proof that the relations are not so very cordial. A landholder may enter upon the land without some authority for him to do so. To say that the relations are now cordial and there is no need for this amendment is to my mind meaningless.

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"And then the second thing is this. Sir Patro has also stated that it is very difficult to serve notice upon the ryot. I say it is very easy to serve notice on the ryot. It is only when notice is ordered and the zamindar's agents do not want it to be served there would be difficulties. But in fact it is very easy to serve the notice; it can be done by registered post. The zamindars do not go to the lands, it is only their agents that go there; and there is much misunderstanding between these agents and the ryots, and these agents go on the land and damage the crops. All these things may not be known to the zamindars; I do not say the zamindars authorize their agents to go on the land and cause damage to the crop, but the agents actually do so. Therefore it is necessary to serve notice. There is another objection. It is not enough if notice is given to the ryot. It should be given to the actual cultivator. There is no reason why such a notice should not be given. It only means delay of a few days; as soon as the notice is served, the measurement can take place, and there is no difficulty at all. There may be misunderstanding if the ryot does not allow entry on the land for purposes other than measurement of the land. It is for that that the provision in section 17-A has been found necessary."

12-15
p.m.

* Mr. V. P. NARAYANAN NAMBIYAR:—"Sir, I am also opposed to this amendment. As has been pointed out by Sir Patro and the Raja Sahib of Khallikote, this amendment is unnecessary. Apart from that, my hon. Friend, Mr. Patnaik, was trying to make out that there is no objection in giving 'notice.' But the question has to be looked at not that way. Has there been any complaint that the ryots have suffered for want of notice whenever the authorized agents entered the field? Not only is the amendment unnecessary, but it might work mischief too."

* The hon. Sir ARCHIBALD CAMPBELL:—"My hon. Friend from Ganjam, Mr. Patnaik, stated that this is a new clause. I would draw his attention to the fact that section 43 provides that 'every landholder may, by himself or by any person authorized by him in this behalf, at any time enter on and measure any land comprised in his estate, for the purposes of the last preceding section'. In the new provision the scope has been widened so as to cover any of the purposes of this Act. We have substituted for the words 'at any time' the words 'at all reasonable times.' The reason has already been explained to hon. Members."

"I consider it is quite unnecessary to require the landlord to give notice before visiting the land."

"As regards damage, I invite hon. Members' attention to section 213 which already provides that:

'Any person deeming himself aggrieved by any proceedings taken under colour of this Act shall be at liberty to seek redress by filing a suit for damages before the Collector.'

If the proposed amendment were inserted, no fresh remedy would be given in addition to what already exists. It would simply mean that

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the ryot could file a suit before the Collector on the ground that he had no notice though no damage has been caused. That I think, as already pointed out, will be a further strain on the relationship between the landlord and tenant. I submit this amendment is unnecessary and may lead to undesirable results."

* Mr. T. S. RAMASWAMI AYYAR:—"The hon. the Revenue Member has said that this is not really a change; in that there was section 43 before in the old Act itself. But in the course of his speech he has made it clear that there is difference between 17-A and the old section 43. Under section 43, opportunity was given to the landlord to inspect the fields only for the purpose of section 42. But, in the present case power is given to inspect for all purposes, not for a specific purpose under section 42 alone but for other purposes also. For example, in connexion with commutation, levy of water-cess and such other purposes, it may be necessary to enter upon the land. The question raised is whether the tenant concerned should not have an opportunity to know when the landlord enters upon the land. A point has been made that this may cause unnecessary irritation between the landlord and the tenant while they are getting on well. But the question is not one of ill-feeling between the landlord and the tenant. In many cases it is not the landlord but it is his agent that gives the trouble. If the agent enters a field for measurement or for other purposes without the knowledge of the tenant, then, Sir, it must be open to the tenant to challenge the correctness of the measurement. In such cases, to give notice to the tenant would obviate difficulties. If it is difficult to give notice, the tenant should not on that score be denied an opportunity to be present when the landlord or his agent enters upon the field."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I merely wish to point out to the hon. House that this is not a new provision. It is a provision that has been taken from section 43 of the old Act. Section 43 provides:

'Every landholder may, by himself or by any person authorized by him in this behalf, at any time enter on and measure any land comprised in his estate, for the purposes of the last preceding section.'

"My hon. Friend, Mr. Ramaswami Ayyar, has pointed out that this new provision goes a little beyond the original provision. For all purposes of this Act, he may measure any land and to give notice at every stage would only make the provision cumbersome. As much as possible, for the purpose of maintaining cordial relationship between the landlord and the tenant such restrictions as these should be removed. If we insist upon notice at every stage, it will only make this a business concern. The relationship between the landlord and the tenant ought to be reciprocatory and cordial. The more we allow them to come together and settle matters without the intervention of notices, etc., the better for all concerned. That is my point. No doubt, this provision goes a little beyond section 43. I admit that. But, for what purpose does the landholder enter upon the land? It is not for the purpose of annoying the ryot. Neither would he cause any damage

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because that would only react on him. It is not in the real interests of the landholder to step upon a ryot's land and cause damage to the crop, etc. I really think from what the hon. the Revenue Member has stated this amendment is unnecessary and I would request my hon. Friend, the Mover, to withdraw it."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, if really my amendment is unnecessary from the point of view of those who have spoken before me, particularly the landlords in this House, I do not know why they were very anxious that this motion should not be made. The very fact that they considered it unnecessary and then opposed it proves that my amendment should be moved. Then Sir, Sir Patro waxed eloquent and said that it causes irritation into the relationship between the landlord and the tenant which is now very satisfactory and that they are carrying on harmoniously. If that were so, I do not think there would have been any necessity for this huge Bill that we are considering for so many days. The fact that the landlord has been pressing the tenant, has been rack-renting him and reduced him to the position of a serf is a thing which has made the Government responsible for their welfare and hon. Members representing the landlord and the tenant take such a lot of trouble over this Bill. Such being the case, why should they not make a small concession which the tenant asks for? All that he says is 'don't get into the land without telling me that you are coming. Let me know when you will be coming and don't come yourself and do the devastation that you have been doing.' To avoid that 'and to enable him to be present when the measurement takes place, such a notice is necessary.' The hon. the Revenue Member pointed out that there is already a section and this is a new section that has been introduced. I say, Sir, it is all the more necessary that the amendment should be made from the point of view of the tenant. Therefore, Sir, I hope the Government will accept the amendment."

The amendment was put and lost.

* Sriman M. G. PATNAIK Mahasayo:—"I move—

'Insert between the words "may" and "at all reasonable times," the following:—

"after at least a week's previous notice to the actual cultivator."

"This amendment wants a week's previous notice to be given to the actual cultivator who may not be the ryot. Therefore, previous notice is required."

Mr. P. V. KRISHNAYYA CHoudari:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I must oppose this amendment. It seems to me that this is worse than the last amendment. The landlord has no register of the actual cultivator of each land. All the objections to the last amendment will apply to

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this. If the actual cultivator does not suffer any damage in consequence of the entry into the land, he has a remedy under section 213 of the Act.

Mr. BASHEER AHMED SAYEED:—"I do not see why the hon. the Revenue Member should be nervous in an amendment of this nature. The Transfer of Property Act contains a provision for notice being given. The tenant may have to put up a fence or keep a hut or valuable property and so many contingencies might arise. Without notice being given to him, the entry may lead to considerable difficulties. After all, it is an innocent and harmless provision. The hon. Member from Ganjam wanted to make out that much irritation will be caused. I do not know how irritation could be brought into the relationship between the landlord and the tenant. If they have to get on smoothly, there must be something to limit the respective rights. These are parties willing to get their rights defined. Already the Transfer of Property Act contains that provision. Why not the hon. the Revenue Member accept this small amendment?"

* Rao Bahadur Sir A. P. PATRO:—"I am afraid the hon. Member has not properly understood the significance of this amendment. The Transfer of Property Act is not applicable here. In the Estates Land Act, there is a clear provision in section 43 which has been already referred to by the hon. the Revenue Member. The present Act makes a slight alteration in saying that the entry can be made for any of the purposes of this Act. Now in order to obviate any such difficulty that may arise to the tenant, this amended section runs thus: 'May, at all reasonable times enter upon any land.' Therefore, the amendment made by the Select Committee is very much in favour of the tenant and the present section never contemplated any such notice being given to the tenant. Such notice in practice, hon. Members will find, is quite unnecessary, because it is in the presence of all the villagers that they go and do it."

* Mr. K. P. RAMAN MENON:—"Sir, I am not convinced of the necessity for this amendment. The relationship between the landlord and the tenant has been going on for the last twenty-five years without any notice passing between them on this matter. I therefore fail to see why notices should now be made necessary when no similar provision was in existence before."

* The RAJA OF KHALLIKOTE:—"Sir, I wish to raise only one practical difficulty that will arise if notice is to be given. In all villages where the sharing system prevails the landholder has to inspect the crop and the inspection is done in company with the ryot. The ryot and the landholder are anxious that the lease for the year is settled as early as possible. If for each ryot a week's notice has to be given every time, it will cause great hardship and inconvenience to the villagers themselves especially in villages where the sharing system prevails."

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If a week's notice is to be given, the result may perhaps be that in the meantime the paddy crop will get ruined as it cannot be cut until leases are settled. For this reason, this amendment seems undesirable."

Mr. R. MADANAGOPAL NAYUDU:—" Mr. President, I think this amendment is certainly much worse than the previous one in this way. The speech of Mr. Basheer Ahmed Sayeed will apply as well to the landholder as to the ryot. Here the notice is to be given to the actual cultivator, who need not necessarily be the ryot, and this amendment seeks to give the cultivator a privilege which has been refused even to the ryot by the previous amendment having been negatived. It is really absurd to accept an amendment of this nature and give a privilege to a person who possesses much less right under the law than the ryot himself."

* Sriman M. G. PATNAIK Mahasayo:—" Sir, I really do not see how the actual cultivator is in a much worse position than the tenant himself. It is his property that is likely to be damaged, that is the crop. He is the person interested in the crop. He cannot be treated as a trespasser by the landholder simply because he is not a ryot under the landholder. He is a man who has entered upon the land with sufficient authority from the ryot. Therefore, I cannot see how his position is worse.

" Secondly, it was said that section 17-A was only an amplification of section 43. Therefore, it is not a new section at all. Where is then the necessity for the amplification of section 43 and introducing this section 17-A? Naturally, the zamindars found it difficult to enter upon the land for other purposes than those mentioned in section 43, and that is the reason why they wanted that this section should be more comprehensive, so that their agents may go upon the land at any time they pleased.

" If as Sir Patro said the relations were cordial, there would have been no necessity for amplifying section 43 at all. In practice, it was considered necessary to amplify the power to enter upon the land. If the relations are so very cordial, simply because a notice has been given, I do not think it will affect the relationship between the landholder and the ryot. That the relations are cordial is not a thing which should determine whether a notice should not be given to the cultivator to be present at a particular place on a particular date. If such a notice is given, will that cut off the cordial relations between the landlord and the tenant? I do not see that at all.

" The Raja of Khallikote said that there would be delay in appraising the crop. Of course only the zamindar's agent goes to inspect. What harm is there if a notice is given to the cultivator and his signature taken before the agent goes to the villages where crops are to be appraised? Therefore, it is an objection without any force in it."

The amendment was put and lost.

Clause 10 was put and carried.

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Clause 11.

Section 20.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, I move the amendment standing in my name, viz.—

' Renumber proposed section 20 as section 20 (1) and insert the following as section 20 (2):—

" (2) Any person aggrieved by such decision may within a period of one year from the date thereof institute a suit in the civil court to establish the right claimed by him in respect of such land but subject to the result of such suit, if any, the Collector's decision shall be final."

" Section 20 is a new section which provides for the determination of rights in what are called communal lands which are described in the definition of ryoti land as being outside the scope of ryoti land. There are three kinds of communal lands, viz., firstly tank beds, secondly threshing floors, cattle-stands, pasture grounds and other communal grounds, and thirdly service inam lands. So long as service is being performed, service inam will be outside the scope of ryoti land. This section provides for the ascertainment of the fact as to whether any land is of the nature provided for in sub-clauses (a), (b) and (c) of clause (16) of section 3, i.e., of the above descriptions and as to what the customary rights are in the user of such land. The object is that these rights should be determined by the Collector so that there may be no encroachment either by the landlord or the tenant to the prejudice of the rest of the village. The section provides, as you will see from the schedule at the end, for an appeal being taken to the District Collector, and there it stops. The result therefore is that an application may be made to the Collector upon which there is an appeal before the District Collector. The questions involved here are likely to be questions involving title or right. It is therefore essential that in the case of a decision under section 20 where questions of title or rights are involved the parties who might suffer must have the right to settle the affair in a court of law. It is with this purpose I move this amendment so that questions of title or rights may not be prejudiced."

Mr. P. V. KRISHNAYYA CHOUDARI:—" I second it."

Mr. M. A. MANIKKAVELU NAYAKAR:—" I support this amendment, because in many cases it happens that the Collector is not quite conversant with the conditions, and so he will not be the best judge in deciding upon questions connected with threshing floors, pastures, etc. Therefore, the right of appeal to the court is quite necessary, and I do not see what the Government will lose by accepting a provision like this for appeal."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, as regards the remarks of the hon. Member who spoke last, I may say that an appeal to the District Collector is provided for, and the Board of

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Revenue also have power to review it. If hon. Members of this House are anxious that an appeal should lie to the civil court from the District Collector, I have no objection."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Sir, it all depends on the spirit with which this Act is worked. The question is whether the revenue authorities will think of reconstructing the village as it should be or whether the civil court can do it. We find everywhere in this Act the Collector coming in, and practically the discrimination of the villagers should give place to the power vested in the revenue authorities for the purpose of helping the landholder and the ryot to come to a conclusion on many matters that may arise for decision. I think, Sir, that as far as possible we should go to the civil court for the purpose of determining what ought to be done in the interests of the village. Otherwise, the matter will become more and more difficult as we reach the later stages of this Act. It is therefore clear that the object of our amendments should be that the landlord and the tenant should be made to approach each other more in a spirit of friendliness than it was possible formerly. Now it remains to be seen how the Collector will help in enabling the ryot or the landholder to come to an understanding with each other.

"As at present constituted, it appears to me that the civil court may be more efficient because they have a longer range of views for the purpose of coming to a conclusion as to what is best in the interest of the village to bring it back to its original position. I therefore think that it is advisable that a remedy should be provided that the ultimate fate of questions involving vital decisions as regards the relationship between the landlord and the tenant should be left in the hands of the civil court rather than with the revenue authorities."

12-45
p.m.

* Rao Bahadur Sir A. P. PATRO:—"Sir, the section is a new one, but it is a very necessary provision. When a disused communal land is reclaimed or utilized for communal purposes of the village, the Collector has got the power to enquire and decide any dispute relating to it. The question now is whether his decision shall be final or whether there should be an appeal provided to the District Court or the Revenue Board. I would personally prefer that there shall be no appeal against the decision of the Collector. Even in cases where the Estates Land Act makes provision for revision by the Board of Revenue, no power of great expense in connexion with the progress of the case from court to court. I am against tempting the ryot to go to court for a number of years and ultimately ruining himself. I am therefore opposed to the amendment moved by my hon. Friend Mr. Muniswami Nayudu making provision for a suit in a civil court. We must realize that in a civil court there is absolutely no certainty that a decision would be arrived at within a reasonable period. What we want is speedy justice. This amendment is therefore unnecessary in the interests both of the ryots and the landlords. What is required is a speedy settlement of their

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disputes so that good relations between the landlord and the tenant may be restored as speedily as possible. In cases where the Collector makes a decision regarding the acquisition of a land, there being a revision provided, it is not necessary to make provision to have resort to civil court. I am opposed to that part of the amendment."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Sir, I simply want to explain one aspect of the question. If it is not to be by an application but by a suit that remedy is to be provided for each individual ryot, I doubt whether it would be to the advantage of the ryot at all. Because, if a suit is launched by a ryot it may not be binding upon the other ryots and it cannot be taken advantage of by them. So far as any remedy by an application is concerned, every ryot can take advantage of it and take it to the Collector. There is no question of *res judicata* existing excepting so far as the particular tenant is concerned. Otherwise, if you want to have a final and binding adjudication so far as all the ryots are concerned, there must be a representative suit filed. I doubt very much whether such a procedure is in the interests of the ryot. It is for the House to consider whether each individual ryot must have the luxury of litigation, without the other ryots being entitled to take advantage of the decision reached in a suit filed by an individual ryot."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I just point out to the Advocate-General that if a landlord makes an application, notices will be given to all the ryots and then it will be binding on them all. You will have to consider that aspect also."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"That only illustrates the difficulty of the landholder making an application. If the landlord is unable to make all the ryots parties to the suit, there is the risk. No man can be bound by any decision to which he is not a party. If the landholder is unable to make all people parties to the proceedings, it is of advantage to the ryots, because, every ryot can reopen the proceedings. If you think that it is desirable that each must take up the matter to the civil court, by all means vote for this amendment. That will be the effect of the amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, there is a little doubt with reference to this section which I wish to be cleared. Section 20 as redrafted in the amending Bill says:

"The Collector may, on the application of the landholder or other person interested, decide any question as to whether any land is or is not of the description mentioned in sub-clauses (a), (b) or (c) of clause (16) of section 3 . . ."

"The lands described in sub-clauses (a), (b) or (c) are those set apart for thrashing floors, cattle-stands, village-sites, etc. It is a very simple matter to decide whether any land is or is not of this description. There is nothing in it which cannot be decided by a Deputy Collector. That being the case, it seems to me that the amendment now moved introduces in a very simple question, unnecessary complications.

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"Another point which I would like to mention in this connexion is this: After it is settled whether a particular plot of land comes under sub-clauses (a), (b) or (c), the District Collector steps in to see if that land is no longer of use for the purpose intended. Clause 20-B deals with this. Clause 20-A deals with lanka lands and the House has decided to omit it. Now therefore this 20-B becomes 20-A. According to this, the District Collector steps in and if he finds that the land is no longer utilized for the purpose intended it is taken away from the category of communal lands, unless it can be utilized for some other communal purpose. If it is in the nature of lakhiraj lands not taken into account when the original peshkash was fixed, it would be treated as Government land and assigned for cultivation. If otherwise, it is added to the other lands of the proprietor. The ryots stand to benefit either way. To decide this question, as I stated, the Collector steps in. These questions engage the attention of Revenue officers all the year round. There have been innumerable disputes in zamindaris and other proprietary villages as to whether particular lands set apart for communal purposes years ago are no longer required for those purposes. Take, for instance, abandoned village-sites. On such village-sites no longer used for the purpose intended, either the landholder or the ryot steps in. Threshing floors are sometimes abandoned and new ones selected on account of the belief that the old ones are not auspicious. In the case of cattle-stands also, as the village expands, the old sites situated very near the village stand are abandoned and new ones found. The question as to how these lands should be treated often comes up for decision before Revenue officers. The Bill, as now drafted, requires that the District Collector should decide such questions. From the District Collector's decision, an appeal lies to the District Court. That safeguard seems to be sufficient for the ryot as well as the landholder. The scale is kept even between the landholder and the tenant. In view of this explanation I trust that Diwan Bahadur Muniswami Nayudu Garu would be pleased to withdraw his amendment."

* Mr. P. PEDDIRAJU:—"Sir, what my hon. Friend, Mr. Appadurai Pillai, said applies to an order under section 20-B where an appeal lies to the Revenue Board. The amendment proposed has reference to an order under section 20-A. I want to show to the House some inconveniences which are being experienced in cases where orders are passed by the Revenue authorities. In my own district, in a village where the zamindar and an important tenant are enemies, the former made the Revenue authorities say that a particular land is a cremation ground and it was so registered in the record of rights also. When the matter went up to the Board of Revenue they confirmed the original decision and the party had to go to a civil court to get that decision reversed. It must be remembered that this thing happened in regard to a land which was in the name of the concerned party for nearly 60 years. In another case in a zamindari village, where a record of rights was prepared, all the tanks therein and even the road which

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had been formed by the taluk board some 25 years ago were all recorded as private lands. When these things happen, people naturally lose hope of getting relief. Therefore, I want that where an application is filed under section 20-A and an order is made by the Collector, relief should be provided in the way suggested in the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"After my hon. Friend, Mr. Peddiraju, has spoken there is very little for me to add. Sir, the cases that are likely to arise are not confined to the landlords and the tenants. Some cases arise between two sections of ryots themselves. It is proper that, when a question of title either of an individual or of a large body of ryots or a question regarding the character of the land itself is involved, the ultimate decision is left to the civil court, if the aggrieved parties are not satisfied with the summary decision of the Collector."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, there is a good deal of misunderstanding as to why this amendment was moved. It is not intended to benefit the ryot or harm the landholder; it is done only to put an end to uncertainties. Supposing that the Collector gives a decision that a particular land is held on service tenure or is tank-bed or some such thing under any of the three clauses, in that case the defeated party can file a suit within six years under section 42 of the Specific Relief Act. It is only a summary remedy now sought to be given, and as it is, the unsuccessful party can file a suit within six years, but all these six years the question of title will be hanging in the air. Therefore, in order to put an end to such uncertainty, there must be a clause of this sort. It is to shorten the period of six years this notice of amendment is given. Of course there are provisions of this kind in some other Acts, for instance, the Survey and Boundaries Act. So there is absolutely no reason for opposition either from the hon. the Revenue Member or from any of the zamindars; for this amendment is not intended to harm the zamindar or benefit the ryot. It was explained on the other side that it is harmful to the ryots. If the hon. the Advocate-General's opinion is accepted, one would think prolonged litigation is not harmful."

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"On a point of order. I never voted for prolonged litigation."

Sriman M. G. PATNAIK Mahasaya:—"I understood the hon. the Advocate-General to mean that if the right to carry on litigation over a long period is put an end to it is harmful to the ryots. That is what it comes to if his argument is analysed. Therefore there should be no objection to this amendment."

* Mr. K. P. RAMAN MENON:—"As far as I can see there is no objection to this amendment. It is pointed out there is an ultimate appeal, that is, an appeal to the District Court against the orders of the Collector."

[Mr. K. P. Raman Menon] [4th November 1933]

"If it is once decided that these matters are matters to be decided by judicial courts, granting for argument's sake that a Collector's Court is a judicial court, his order would amount to a summary order. Suits to set aside such orders are in the ordinary order of things. That is all that is meant by the amendment tabled by Mr. Patnaik. Ultimately if the matter goes before the District Court, why should the District Court be confined to the matters brought before the Collector alone because the District Court is now confined to the evidence brought before the Collector and cannot travel outside it? Whereas if a suit is filed evidence can be let in and all matters connected therewith can be thrashed out to the utmost extent. Therefore it is desirable to accept this amendment. Again, the amendment conduces to the speedy settlement of disputes. As pointed out by Mr. Patnaik, instead of the period extending to six years for institution of suits, now the period is reduced to one year so that the matter can be settled at the earliest possible date."

The amendment was put and carried.

Clause 11.

Section 20-A.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move—

'Omit the proposed section 20-A and renumber the subsequent sections 20-B and 20-C as 20-A and 20-B.'

"This is only a consequential amendment and may be accepted."

Mr. P. PEDDIRAJU:—"I second it."

The amendment was put and carried.

New section 20-B (2), as re-numbered.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'in line 2 of the new section 20-B (2) as renumbered, for the words "the compensation," substitute the words "the share, if any, of such cost".'

"This is merely a drafting amendment intended to bring the language of this section into line with 20-B (1) as renumbered."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 11, as amended, was put and carried.

Clause 12.

Section 21.

* The hon. the PRESIDENT:—"Clause 12 is for the consideration of the House."

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* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move—

'for the omission of sub-clause (2) of section 12.'

"Sir, this relates to securing certain rights which have been acquired by persons who are in occupation of tank-bed lands. You will see, Sir, that section 21 as amended provides that 'any person occupying any of the lands mentioned in sub-clauses (a) and (b) of clause 16 of section 3 for any purpose other than that for which the land is so set apart or contrary to the rules framed by the Local Government, may, at any time, within 30 years from the commencement of such occupation be summarily evicted by the Collector,' etc. Then comes the proviso 'Provided that nothing in this section shall apply to lands of the description mentioned in sub-clause (a) of clause 16 of section 3 in respect of which a title has been acquired prior to the first day of July 1932.' So that the section as it stands applies not to lands which are ryoti lands, but more particularly to tank-bed lands. Section 21 applies the penal provision of the Madras Land Encroachment Act, that if tank-bed lands which are communal in the sense that they are necessary for the preservation of the tank, are occupied contrary to the object for which they are set apart, such occupation should not be tolerated. This proviso wants to protect people who on the authority of the landlord have acquired a title, it may be by a grant, by patta or by purchase, or it may be by adverse possession for a period of time. What I submit is that it should not be open to any particular person, even though with the consent or under the authority of the landlord to occupy land which is necessary for the purpose of tank-bed, and that the Collector should see that such occupation is terminated. I think this proviso goes towards curtailing the rights of the general body of wet landholders in the village itself in favour of one or two who encroach on the land or get patta for it with the permission of the landholder. The provisions of the Madras Land Encroachment Act could be put into force only on application to the Collector. If in any particular case the Collector should consider that the occupation is not prejudicial or that it is not objectionable, possibly he would not take action. But if he considers it objectionable, no consideration should be paid to the fact that it has been there for a long time, because occupying land prejudicial to other people should not be tolerated."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

* Mr. T. C. SRINIVASA AYYANGAR:—"Cases of encroachment on tank-beds have frequently come up before courts and conflicting rights set up. Vast extents in the villages have been set apart, particularly in zamindaris where irrigation is by means of rain-fed tanks, for purposes of serving as catchment area and also as bed for storage of water. In dry tracts, I mean the tracts in which rainfall is not very heavy, the tendency on the part of the ryots is to go and cultivate those foreshore lands; because on account of the moisture and also on account of the silt, the tank-bed is more easily cultivated with the

[M. T. C. Srinivasa Ayyangar] [4th November 1933]

prospect of raising an abundant crop. Oftentimes, this cultivation, if allowed, very much endangers the tank in more than one way. When the crops are ripe, and when there is a likelihood of submergence of the crops, the people so cultivating the lands are tempted to cut open the bund somewhere, so that the tank may be drained of the water; thereby the ayacut holders who hold lands under the tank and expect irrigation therefrom suffer. Deeper portion of the tank is liable to being silted up. It is not merely the claim of the cultivators of the bed of the tank and the title of the landholder are involved so as to leave the matter to be arranged among themselves. There is a third party, the cultivators of the wet lands who depend upon the tank, and who rely upon the efficient maintenance of the tank. Conflicts often arise between the wet landholders under the tank and the encroachers on the tank-bed and the landlord's position then is a very difficult one between these two rival parties of ryots. He is bound to maintain it in a very sound condition as per law and usage. Even the landlord himself has to be protected from the encroachment of a large body of ryots on a combined scale. Therefore the question of the right acquired or acquirable, if at all, by the people who encroach and stay on the land can only be of a precarious character. That is subject to the paramount rights which the wet ayacut holders have over the tank and also to the obligation of the landlord to maintain it for the benefit of the wet ayacut holders. The tank-bed cultivation can only be on sufferance or on licence. In these circumstances, the contention that any right of an indefeasible character can be acquired by people who have merely cultivated the tank-bed, can never be recognized, unless any particular portion of the tank-bed is not required for the proper and efficient maintenance of the tank. Therefore the clause requires reconsideration and in my opinion redrafting also so that the conflicting interest of the ryots and the obligations which rest upon the landholder may be reconciled and adequately dealt with."

1-15
P.m.

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—" Mr. President, I want to explain the exact scope of section 21 before the House votes upon it. The original section 21 was confined only to communal lands of a particular description, i.e., threshing floors, cattle-stands, village-sites and other lands situated in any estate which are set apart for the common use of the villagers. It did not take in tank-bunds, irrigation channels and so on because the idea in regard to these things was that the landholder had some kind of proprietary right and therefore they did not come within the import of section 20. As a ground of policy, tank-bunds, irrigation channels, etc., are also brought under section 20. To that extent there is amplification of the old section 20. The present section 20 reads thus—

"20. (1) (a) Subject to such rules as the local Government may prescribe in this behalf the District Collector may by order in writing authorize any land or any portion of any land which is referred to in sub-clauses (a) or (b) of clause (16) of section 3 and which is no longer required for its original purpose—
(i) to be used for any other specified communal purpose, etc.

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"Then having provided that the only question would be what remedies which were available in respect of lands other than tank-bunds and beds, etc., are to be extended to tank-beds and bunds. It was felt that those remedies had to be extended. Then the difficulty that was experienced was: is it right or a wise policy that in respect of those properties where third parties might have grown up—it might be due to the act of the landowners or the tacit innocence of the ryots—to divest them of the rights vested in them. The question is whether, rights in favour of third parties having been created, it is right or a wise policy to divert those lands for other purposes. Therefore while the new section 20 was extended with the object of bringing tank-bunds and irrigation channels practically under the head of communal lands, we should extend those remedies to these lands also. It was felt by the Committee that it might not be right to disturb the rights of third parties which have grown up. That is why it is stated in section 20 (1) 'subject to such rules as the Local Government may prescribe, etc., the Collector may by order in writing authorize any land or any portion of any land which is set apart for any of the purposes referred to in sub-clauses (a) or (b), clause (16) of section.' In the case of those new lands which have been brought under section 20 in respect of which a title has been acquired prior to 1st day of July 1920 the only question before the House is whether the rights of third parties which have grown up before the tank-bunds and irrigation channels are brought in the same category as other lands should be disturbed or whether any remedies are to be extended to them or not. That is, what exactly is the tank-bed or bund itself is a doubtful question. A third party might have been there on the land for 20 or 30 years. No doubt you want to prevent the future landowners from assigning these lands and also enable the summary remedy being availed of in the manner provided in the section, side by side making the summary remedy available to these parties also. The question is whether it is right to disturb the rights of third parties which have grown up. Mr. Muniswami Nayudu for this purpose has brought forward an amendment. The intention of section 20 is to provide a particular remedy. You want at the same time not to disturb the rights of third parties. The object of the amendment is to extend the scope of section 21 as it stood originally which was not to disturb the rights of third parties but merely to provide a remedy for trespass committed in respect of tank-bunds, threshing floors, etc. Now the only question before the House is whether it is right or not right to disturb the rights of third parties. If the House is for voting on this amendment on grounds of high policy and say 'we want to disturb even these rights,' it is another matter. I may remind the House that later on a provision is made for increasing the tank-bed. Provision is also made for compulsory eviction. Therefore it is for the House to consider whether they should extend those remedies to these lands also. I merely wanted to explain the import and the genesis of this clause."

The hon. Sir ARCHIBALD CAMPBELL:—"I am prepared to accept this amendment."

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The amendment was put and carried.

Clause 12, as amended, and clause 12-A were put and carried.

Clauses 13, 14 and 15 were put and carried.

Clause 16.

Section 32.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I beg to move—
'in the proposed sub-section (2) omit the figures and words "sub-clauses (i), (ii), (iii) and (iv) of".'

"Sir, in the Select Committee a new clause was put in as clause (2) to section 32. Section 32 provides for enhancement of rent by landholder on the ground that improvement has been effected and therefore the tenant could afford to pay a higher rent. There are certain facts which are laid down in section 32 and which the Collectors shall have regard to in fixing the enhancement. The following considerations are given under clause (b) of section 32:—

- '(i) the increase in the productive powers of the land caused or likely to be caused by the improvement,
- (ii) the cost of making the improvement,
- (iii) the probable annual cost of maintenance of the improvement,
- (iv) the cost of preparation and cultivation required for utilizing the improvement, and
- (v) the existing rent and the ability of the land to bear the enhancement.'

"So that in a suit to enhance the rent the Collector is required to take into consideration these five factors before he finally levies the higher rent. The fifth factor relates to the ability of the land to bear a higher rent. Under the new provision made in section 32 the landholder is given permission to make improvements and he is entitled to raise the rent on that ground. There are provisions for the purpose of seeing that such improvement is made with the previous sanction of the Collector and that the Collector should fix a proper rent taking into consideration some one of factors that I have enumerated and not the last factor, i.e., the existing rent and the ability of the land to pay. Sir, this will be a great hardship if the landowner goes on making improvements and if in spite of these improvements the land could not bear a higher rent. We have received representations from the Tanjore Mirasidars that the Mettur project does not give them all the benefits and that the rent that is going to be charged is not one that the ryot could afford to pay. Therefore the Collector has to take into consideration not merely the facts mentioned in clauses (i), (ii), (iii), (iv) but also the fact mentioned in clause (v), viz., the ability of the land to pay the enhanced rent. I am only giving all these things to show that although the land may not be able to bear a higher rent and the ryot is not able to pay a higher rent, the Collector may levy a higher

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rent. I therefore move my amendment, so that under section 32 the Collector will take into consideration all the five factors mentioned therein."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second the amendment."

The amendment was put and carried.

Clause 16, as amended, was put and carried.

Clauses 17 and 18 were put and carried.

Clause 19.

Section 37.

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that the following be substituted for section 37:—

'37. An application for enhancement of rent on the ground of a rise in prices shall not be entertained if, within the twenty years next preceding the application, the rent has been enhanced or reduced on the ground of a rise or fall in prices or commuted or a suit or an application for enhancement or reduction of rent on the ground of a rise or fall in prices has been dismissed on the merits.'

"Sir, this is purely a drafting amendment. The language of section 37 (2) which is analogous to section 37 is however not identical with it. Reference to pending suits is unnecessary as pending suits are sufficiently protected by clause 129 of the Bill which saves all legal proceedings pending at the commencement of the Act in general terms. There is no intention to prevent successive applications for enhancement under Order XXIII, Rule 1, of the Civil Procedure Code. Sub-section (2) is therefore unnecessary. Section 37 (1) as it stands at present would not bar applications for enhancement of rent or reduction where a reduction has been decreed or ordered within 20 years preceding the application for enhancement. This defect which is found in the existing Act has to be cured. The new section 37 suggested by the amendment gives effect to the points mentioned above."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 19, as amended, was put and carried.

At this stage the House rose for lunch.

After Lunch (2-30 p.m.)

Clause 9.

Section 13 (3).

* The hon. the PRESIDENT:—"The House will now proceed to take up amendment No. 79 under clause 9."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I request you to take it up a little later?"

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* The hon. Sir ARCHIBALD CAMPBELL:—" Shall we take it on Monday?"

* The hon. the PRESIDENT:—" Yes."

Clause 20.

* The hon. the PRESIDENT:—" Amendments Nos. 111, 112 and 112-A are outside the scope of the Bill.

" Clause 20 is for the vote of the House."

Clause 20 was put and carried.

Clause 21.

Section 39.

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I beg to move—

that for section 39, the following section be substituted:—

" 39. An application for reduction of rent on the ground of a fall in prices shall not be entertained if, within the twenty years next preceding the application, the rent has been reduced or enhanced on the ground of a fall or rise in prices, or a suit or an application for reduction or enhancement of rent on the ground of a fall or rise in prices has been dismissed on the merits."

* Clause 20.

Section 38.

Sub-clause (ii).

Mr. C. R. PARTHASARATHI AYYANGAR,—

Mr. SAMI VENKATACHALAM CHETTI:—

111: Renumber sub-clause (ii) as sub-clause (iii) and insert the following as sub-clause (ii):—

" (ii) omit clause (c) of sub-section (1) of section 38 of the Act."

Section 38 (1).

New sub-clause (d).

Mr. ABDUL HAMEED KHAN,—

Mr. SAMI VENKATACHALAM CHETTI:—

112 In section 38 (1) of the said Act, add the following new sub-clause:—

" (d) or the productive powers of the land has deteriorated consequent on the neglect of irrigation works."

Mr. SAMI VENKATACHALAM CHETTI:—

112-A To section 38 of the said Act, add the following paragraph:—

" Notwithstanding anything contained in this section, when the Collector finds that the irrigation work is in such a state of disrepair as to cause a material diminution of the usual supply of water, and consequently a substantial failure of the crop dependent on such supply, he may direct the remission of the whole or part of the rent payable on the land which is dependent on the irrigation work, until such time as the irrigation work is completely repaired and the usual supply of water is restored."

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" Sir, this amendment is moved for the same reasons as those for which I moved an amendment to section 37. Section 39 as it stands at present does not debar any application for enhancement of rent where an enhancement has been ordered or decreed within twenty years preceding the application. This defect which is found in the existing Act has to be cured. There is no necessity to have the proviso to section 39 which can apply only to pending suits and pending suits are protected by clause 129 of the Bill."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" I oppose the amendment. Supposing an application was filed by a landlord for enhancement of rent on the ground of rise in prices and that application was dismissed, then it would prevent that landlord from filing another application for twenty years for enhancement of rent. On the other hand, suppose a suit or an application as it will be the case hereafter, for an enhancement of rent on the ground of rise in prices has been decreed and supposing after ten years there is a phenomenal fall in prices as is the case to-day, the amendment now moved would prevent the tenant from going to court and asking for a reduction of the enhancement. I can understand if a tenant has chosen to go to the court and asked for a reduction of rent on the ground of rise in prices, he should be prevented for another 20 years from going again to the court and asking for a reduction. But he should not be prevented because the landlord has gone to the court and asked for enhancement within the last twenty years. What this amendment does is: it prevents a tenant from filing an application for reduction of rent not only when he has himself filed an application for reduction within the preceding twenty years, but also when the landlord has filed an application within the last twenty years. That will be a hardship. The clause as it stands prevents the tenant from filing a similar application for reduction of rent, if he has filed an application for reduction on the ground of fall in prices within the last twenty years and that application has been dismissed on its merits. Therefore, the amendment goes much farther than the original clause and it will be a great hardship."

* Mr. P. PEDDIRAJU:—" Sir, I also oppose the amendment for the same reasons that have been put forward by Mr. Muniswami Nayudu. The amendment makes the restriction more extensive than the original clause and this extension would surely work a great hardship on the tenants. Let us take some instances. Recently there have been some applications before the courts for enhancing the rent and they were dismissed. Now according to the amendment now proposed, the ryots concerned will have no right for another twenty years to go before the court and ask for any reduction of rent on the ground of fall in prices. Now, Sir, the complaint all over the Presidency both in the ryotwari tracts and in the zamindari tracts is that the ryots are entitled to some reduction of rent on account of the phenomenal fall in prices. But if by this amendment they are prevented from asking for it, I do not know

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whether anybody will as a matter of grace grant the reduction. I do not know, whether when the hon. the Revenue Member says that this is merely a drafting amendment, he really intends that the ryots should be so debarred. I do not think it will be so and therefore I request him to consider this aspect of the question and withdraw the amendment."

* Sriraman M. G. PATNAIK Mahasayo:—"Sir, I also beg to oppose the amendment. Even the Government which has the prerogative of taking rent would be exceeding its prerogative by taking more than the value of the whole produce of the land, which will be the case when there is a phenomenal fall in prices and the produce of the land is not even worth the rent payable on it. When such is the case, how can the ryot go on paying more than the produce of the land for a period of twenty years? Such a provision will be very undesirable and even revolutionary. The ryots should not be compelled to pay such excessively high rent, simply because it has been once fixed. There must be some provision for reduction of rent when there is an abnormal fall in prices. If the produce is worth as much as the rent, then the Government may take their rent up to that extent, but here supposing the produce is not worth so much, how can a ryot or anybody for the matter of that pay that amount? Therefore, if the present economic conditions continue for long, I think that a provision like this will be most undesirable."

Mr. BASHEER AHMED SAYEED:—"Sir, the attempt of the hon. the Revenue Member seems to be a sudden one. There seems to be no history behind this amendment. I have searched in vain for the history of this amendment from 1922 onwards and I find there is practically nothing in the tabulated statement which has been given to us. I do not know why the hon. the Revenue Member wants to have this amendment moved. In fact, even in the Bill itself the clause concerns itself only with applications for enhancement. But now the hon. the Revenue Member wants to make it apply to applications for reduction. That as against the ryots. If it was the original intention of the Government to give the benefit only to the ryot, what has transpired in the interval to go back upon it and see that advantage is given to the zamindar? No case seems to have been made out in the speech of the hon. the Revenue Member. I should consider, Sir, that section 39, as reported upon by the Select Committee is more than enough. I do not think there are cases to justify the new amendment proposed by the Government. It will be a great hardship to the ryot if this amendment is going to be passed. It will debar him even in just cases to go to a court and apply for reduction, simply because on a frivolous issue or for frivolous reasons a landholder might have filed a suit twenty years before. Therefore I oppose this amendment which will debar the ryot from seeking any remedy even in just cases."

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to withdraw the amendment."

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The amendment was, by leave, withdrawn.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move the following amendment:— 2-45 p.m.

'In line 5 of the new section for the words "under the same sub-section" substitute the words "under the same clause".'

"This is a drafting amendment."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 21, as amended, was put and carried.

Clause 22.

Section 40.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the following amendment:—

'In new sub-section (1), after the words "or at rates varying with the crop" insert the words "whether in cash or in kind".'

"This amendment is necessary as rent is paid sometimes in cash and sometimes in kind."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move the following amendment:—

'For new sub-section (2) of section 40, substitute the following sub-section, namely:—

"(2) On such application, the Collector shall pass an order declaring the sum to be paid as money rent in lieu of rent in kind or otherwise. The commutation shall take effect from the beginning of the revenue year next after the date of such order".'

"This makes it compulsory for the Collector to pass an order of commutation. It does not leave it to his discretion."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

New sub-clause (iii).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—

'after sub-clause (ii), insert the following sub-clause, namely:—

"and (iii) In clause (b) of the same sub-section, after the words "neighbouring villages" the words "or where there are none such, in the villages of a neighbouring taluk" shall be inserted".'

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"It is made clear what shall be considered in making this calculation."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 22, as amended, was put and carried.

Clause 23.

Section 42.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I move the following amendment:—

'In section 42 of the Act, substitute the following for the present sub-section (2):—

"Where there is no agreement in writing for the alteration of the rent with area, no such alteration shall be made or allowed except under the orders of the Collector upon application made to him for the purpose by the landholder or the ryot concerned."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I do not quite follow the object of the amendment. Will the hon. Member kindly explain?"

Mr. SAMI VENKATACHALAM CHETTI:—"The present section reads as follows:—

'Provided that in cases of dispute, no alteration of the amount of rent under this section shall be allowed except under the order of the Collector upon application made to him for that purpose by the landholder or the ryot concerned.'

"For this provision I desire that the amendment I have given notice of and moved, should be substituted. Unless an application is made either by the landholder or the ryot, there should be no variation of rent."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, that has already been provided for in sub-clause (2)."

Mr. SAMI VENKATACHALAM CHETTI:—"I beg leave to withdraw."

The amendment was, by leave, withdrawn.

Clauses 23 and 24.

8 p.m. * The hon. the PRESIDENT:—"There are no amendments to clause 24. So, clauses 23 and 24 are now for the vote of the House."
Clauses 23 and 24 were put and carried.

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Clause 25.

Section 44.

Sub-section (1).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move, Sir, the amendment standing in my name, viz.:

'In line 2 after the words "being made" insert the words "or in proceedings in which it is claimed to enforce an increase or decrease of rent as provided in sub-section (3) of section 42".'

The object of my amendment is this: Section 42 as it stands provides that when there is a dispute as to whether there is an excess area or a decrease in area, no alterations shall be made except with the previous sanction of the Collector upon application made to him. The question arises as to whether even in cases where there is an agreement to vary, there should be an application to the Collector and whether without a reference by application to the Collector, the question could not be raised in a suit or proceedings for recovery of rent. The High Court held in some cases that recourse to sub-section (2) may not be necessary; but anyhow, to make the point clear, sub-section (3) has now been added to the section and passed. It says:

"... where by agreement in writing the rent is fixed in proportion to the area or where by agreement in writing the rent is fixed on the basis of an assumed area and the agreement provides for the alteration of the rent when the actual area is found to vary from the assumed area, it shall be lawful for the landholder or the ryot to enforce an increase or decrease of the rent, as the case may be."

Section 42 provides that in cases of dispute there should be an application, so that the Collector may look into the matter; section 44 (2) lays down, when such an application is made, the various points to be taken into consideration in determining the area for which rent has been previously paid and the amount to be added or deducted. Those considerations are:

(a) the origin and conditions of the occupancy, for instance, whether the rent was a consolidated rent for the entire holding;

(b) any reason which may have led the landholder to permit the ryot to hold the additional land whether in consideration of an addition to his total rent or otherwise;

(c) any reason which may have led the ryot to consent to hold a reduced area without a corresponding reduction in his rent;

and also

(d) the length of the measure used or in local use at the time of the origin of the occupancy as compared with that used or in local use at the time of the application.

When an allegation is made that there is a decrease or increase in the area, all that we have tried to do by the addition of sub-section (3) to section 42, is not to force the landholder to resort to an application to the Collector, but to enable him to raise this question in other proceedings; say in a suit for rent, so that the court may decide the question

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once for all and give him an additional rent, if he is entitled to it. I only want that the various considerations mentioned in sub-section (2) of section 44 should be considered whenever the question arises, whether it be by application under sub-section (2) or by proceedings in which such a claim can be made under the new sub-section (3). Therefore, I introduce the amendment:

'or in proceedings in which it is claimed to enforce an increase or decrease of rent as provided in sub-section (3) of section 42.'

I am simply following up the provision in new sub-section (3) of section 42. According to the amended form, you will be allowing the Collector even in cases where there is an agreement, to consider, before giving effect to the contention, the various points mentioned in section 44 (2). If we do not make this amendment now, in cases where there is an agreement, there is no chance of the landlord or tenant taking the objection that there are other considerations to be taken into account. For this reason, I move my amendment."

Mr. P. PEDDIRAJU seconded the amendment.

The amendment was put and carried.

* The hon. the PRESIDENT:—" Amendment No. 135* is not relevant.

" There are no amendments to clauses 26 and 27. I shall therefore put clause 25 as amended and clauses 26 and 27 to the vote of the House."

Clause 25 as amended and clauses 26 and 27 were put and carried.

Clause 28.

Mr. SAMI VENKATACHALAM CHETTI:—" I beg to move that—

' In clause 28 for the first three lines substitute the following:—
" In section 50 of the said Act,"

" (i) in sub-section (1), the words ' and also so far as may be to ryots holding old waste under landholder otherwise than under a lease in writing ' shall be omitted; and

(ii) after sub-section (2), the following sub-section shall be added, namely:—"

It is consequential, Sir."

Mr. P. V. KRISHNAYYA CHOUDARI seconded the motion.

The hon. Sir ARCHIBALD CAMPBELL:—" I accept the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—" I accept the amendment."

Clause 28, as amended, was put and carried.

*After clause (d) of sub-section (2) of section 44 of the said Act, insert the following:— *Explanation.*—In cases where there is discovery of uniform excess increase in area on a survey or resurvey of the holdings in a village or a general presumed that the rent is not in such cases, fixed in proportion to the area and the excess is due to difference in measure."

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Clause 29.

Section 51.

* The hon. the PRESIDENT:—" Amendment No. 138 is not relevant."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" May I make a submission, Sir, in that connexion? The amendment runs: In section 51

'After the words " by a share of the produce " add the words " the extent of remission allowable for unfavourable seasons, and the conditions by which the landholder agrees to maintain and repair the irrigation and drainage works ".'

You will see, Sir, in section 51 there are certain amendments newly introduced. The section itself relates to the contents of pattas and muchilikas. It says—

' The patta shall contain the names of the parties; the local description and extent of the land; the rate or amount and nature of the rent payable thereon, according as it may be payable in money, in kind or by a share of the produce; any sum payable by the ryot on account of pasturage fees or fishery rents; any local tax, cess or fee or charge payable with the rent according to law or usage having the force of law . . . , etc.'

So that, to the original section 51 one more item that—

' any sum payable by the ryot on account of pasturage fees or fishery rents ' is added. What my friend wants by his amendment is to add other items. It is a case in which the section itself has been amended by the Bill."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, it seems to me that this amendment raises an entirely new point connected with the question of remission. I think it is not quite relevant here."

Mr. SAMI VENKATACHALAM CHETTI:—" I beg to submit that it does not raise a new point; it only mentions a point which has been omitted—either by oversight or by design, it is entirely for the framers to say. There are certain points mentioned here, various methods by which the relationship between landlord and tenant should be shown in the patta. The hon. the Revenue Member has taken the opportunity of this Bill to put in an additional item which even if it is not mentioned here would not affect the position, since the tenant would continue to pay to the landholder ' any sum payable.' That being so, I do not see why the eligibility of the tenant to get remission from the landholder under certain circumstances should not find a place here,—that the tenant is or is not eligible for any reduction in rent on account of unfavourable seasons or other causes. Whatever be the merits of the question, I do not think, Sir, that the hon. the Revenue Member is right in saying that this is a new point."

* The hon. the PRESIDENT:—" It is not merely a question of merit. I think it is completely outside the scope of the subject-matter which has been raised in sub-clause (i) of clause 29 of the Bill. I think the amendment is not relevant."

Mr. SAMI VENKATACHALAM CHETTI:—" You propose to consider it later, Sir? "

* The hon. the PRESIDENT:—" No."

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Mr. SAMI VENKATACHALAM CHETTI:—"You have ruled it out?"

* The hon. the PRESIDENT:—"Yes."

* The hon. the PRESIDENT:—"Amendment No. 139^b is not relevant."

"Clauses 29 and 30 are now for the vote of the House."

Clauses 29 and 30 were put and carried.

Clause 31.

Section 54.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I move—

'In section 54 of the Act, after the words "sub-section (2) of section 78" add the words "and if not served in person by service through post".'

The reason for this amendment is quite obvious. It is alleged by the landholders that a mere statement that the notice was served upon the party at the place of his residence is good service, though on behalf of the ryots it is alleged that in several cases notices are not served; and the statement of the landholder that they are served is far from a correct statement. Therefore it is necessary that the notice must be sent through post. I would prefer 'registered post,' but 'post' includes 'registered post' also. I do not think there will be any difficulty on the part of the landholders to accept this amendment."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I second this amendment. This section 54 is a very important section. Section 52 relates to pattas and muchilikas and sub-section (3) thereof says that—

'Pattas and muchilikas accepted, exchanged or decreed for any revenue year shall remain in force until the commencement of the revenue year for which fresh pattas and muchilikas are accepted, exchanged or decreed.'

and there is a later provision which says that steps for sale of holdings can be taken only when a patta has been tendered or when a patta has been accepted or when it is in force. The tender of a patta is an essential preliminary to those steps being taken under the Act. It is therefore necessary, Sir, that the tender should be made in a manner that would be most satisfactory from the point of view of the ryot. It must either be served to him in person, or if it could not be so served in person, it should at least be sent to him by post, so that he can be sure of a patta being tendered to him or given to him. Section 78 (2) as it now stands, merely says:—

'The demand . . . shall be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of

Residence.'
^bAdd the following sub-section after sub-section (3) of section 52 of the Act:—

"(4) Where a patta or muchilika has continued in force for more revenue years than one the tender of a fresh patta will cancel the continuing patta from the revenue year next succeeding that in which it is tendered and where it is unaccepted it will have to be enforced subject to sections 56, 57 and 58 of the Act."

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abode provided that it is in the neighbourhood of the land to which the distress refers or to his authorized agent, or when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of the land to which it refers."

So that, if the defaulter—it may be that he is employed elsewhere or lives elsewhere—is not in that village, the demand is to be affixed to the land. There is no way of knowing that it is tendered to him. There may be many people who for various reasons may live outside the village. Therefore, apart from the steps that are taken in the way of trying to have it delivered to him at the place where the land is situate, steps should also be taken to have it delivered at the place where he lives and where the landholder knows that he resides. This would prevent allegations on the part of the landholder that he has tendered the patta and counter-allegations on the part of the ryot that no such tender was made. The landlord would have done his duty if he posted it to the address of the ryot. He cannot do anything more. If the ryot lives in the same place, the affixture may serve some purpose. But if he lives somewhere else, this affixture will not serve any purpose at all. And if the tender is not effected, the person cannot be made to suffer. You will see, Sir, that in the amending Bill itself in other sections similar steps have been provided for, to make the ryot aware of these proceedings by sending notices through post. You will find in the first instance that even in this clause there is a new provision to give information of service of patta to the ryot to the landholder by post. And this is introduced for the first time. Section 95 (3) as proposed to be amended in the Bill provides for communicating the order of sale to the defaulter by post and to the cultivator or owner. Similarly under section 117 the selling officer is directed to send a copy of the order to the defaulter by post. In section 112 also with regard to distraint proceedings when you bring the land to sale, a copy of the notice is directed to be sent to the defaulter by post. So in the amendment steps have been taken to see that the defaulter is given due notice of the various proceedings either when movable property is being distrained, or when movable property is brought to sale, or when the sale itself is actually being held. I hope hon. Members here will realize our difficulties in the matter of service of notice. So far as the section is concerned, the notice is given only to the defaulter. 'Defaulter' has been defined by the High Court as a person in whose name the land is registered in the zamindar's accounts and who fails to pay the rent. The result is that patta may stand in the name of one man but there may be other people who are entitled to it. And none of them may know anything about the tender or otherwise, if only affixture is provided for. When the land is sold, all other interests are practically gone because rent is the first charge. So, when the person is residing in the village it is all right. If he is not present in the village but resides elsewhere, in addition to affixing the notice on the land, you also send it by post. As to whether it should be through registered post or not it does not matter. We do not want to see that it is served only by registered post. We only want that it should be sent by post. And having regard to the provisions in the subsequent sections which

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I mentioned, the intention is clear. Just as there is a provision in other cases for sending it by post in the case of a defaulter, in regard to tender of pattas also notice may be sent through post to the person concerned. For these reasons I second this amendment."

The hon. the RAJA OF BOBBILI:—"Mr. President, Sir, in regard to this matter I have some doubts, which I wish to clear. I have no objection as far as the issue of notice by post is concerned. But what has not been made clear by both the Mover and the Seconder is as to what is to be done in cases where the addressee is not known or the address is not known. Unless the notice sent by post is actually received, does it mean that the patta is tendered, or is it an additional precaution?"

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"In regard to this notice by post, you have got only to post it. The question of receipt can be left to the Postal Department and the presumption is that the letter reaches the person to whom it is addressed, when once it is posted."

The hon. Sir ARCHIBALD CAMPBELL:—"I think, Sir, the point raised requires consideration. The difficulty is about absentee ryots. Hon. Members would like to know whether an order or notice addressed to an absentee pattadar or ryot by post may be regarded as due service. Otherwise the processes in relation to the land will have to be held over until the addressee or absentee receives the notice. It would also add a considerable amount of work, I think. Also as a matter of drafting, it appears to be perhaps better that the reference to sub-section (2) of section 78 is omitted, because I understand that the patta is to be tendered either in person on the ryot or on his agent or by post."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I wish to say a word or two on this amendment. The hon. the Revenue Member said that it would be difficult for the zamindars to know or to have a list of addresses of absentee ryots. I think it is absolutely necessary for the landholder who takes any proceedings to recover his rent to know whether a man is alive or not in the first instance. He cannot just affix a notice on the land and even if the man is dead say that it should be effective against him because it is legal affixture. So, the landholder will have to know the addresses of ryots. It will be absolutely necessary for him to know whether the ryot is alive or not. If he has to know that the man is alive, it will be easy for him to ascertain his address. Therefore that duty is always cast upon the landholder. And the hon. the Raja of Bobbili asked whether it is necessary to know the correct address. Yes, it is necessary. Otherwise the posting is of no use. It may be posted to a place where the man does not reside at all. So unless the correct address is known, the postal service is of no use. But when the letter is posted to the correct address, the presumption is that the addressee received the communication."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, there is one important point which I would like to bring to the notice

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of the House, and that is, the postal service is not safe. It is not safe to send a patta by post. Patta is an important document. The exchange of patta and muchilika is a condition precedent to any action that may be taken for the recovery of rent. My hon. Friend Diwan Bahadur Muniswami Nayudu Garu referred to section 112 as an example of notices being sent by post. I must say a notice is different from a patta. Personally, we may not feel any difficulty about the receipt of communications through the post. But knowing as we do the state of things in rural parts, how letters are delivered by village postman, one cannot be sure that documents sent through post would reach the addressees intact. In the interests of the relationship between the landlord and tenant it seems desirable to take steps as far as possible to guard against any complaint that the patta sent has not been received. It is provided by the section that the patta should be lodged in the Collector's office and the Collector takes responsibility for its transmission. Transmission by post need not therefore be insisted upon."

* Mr. P. PEDDIRAJU:—"Mr. President, Sir, I am sorry my friend, Mr. Appadurai Pillai, has taken Mr. Muniswami Nayudu to task for saying that the notice should be sent through post. The ordinary procedure now laid down is to serve it on the person concerned if he is found or to affix it on the land itself if he is not found. I do not know if sending by post is more dangerous than throwing it on the field when everybody is absent from the field. The only difficulty expressed by the hon. the Revenue Member seems to me to be whether service by the hon. the Revenue Member means actual receipt or not. Of course, the hon. the Revenue Member means actual receipt or not. Of course, the hon. the Revenue Member may put in a proper amendment for it if necessary. All that my hon. Friend, Mr. Muniswami Nayudu, asks is that it should be at least sent by post. A proper amendment to that effect may be brought forward later on at the third reading. So, I suggest that if this amendment is acceptable to the Government and the hon. the Raja of Bobbili it may be passed now."

The hon. the RAJA OF BOBBILI:—"I am afraid, Sir, service by post may not constitute sufficient evidence. I have no objection but whose is the responsibility of seeing whether it reaches the addressee at all or not?"

* The hon. Sir ARCHIBALD CAMPBELL:—"May I suggest that this amendment may be postponed for consideration to Monday next?"

Mr. SAMI VENKATACHALAM CHETTI:—"The spirit of the amendment may be accepted. If it is intended to safeguard the responsibility of the landholder, a proper amendment may be brought forward at the third reading."

* The hon. Sir ARCHIBALD CAMPBELL:—"I also object to the retention of the words and figures 'sub-section (2) of section 78.' I think this amendment may conveniently be considered on Monday when some connected provisions also will come up for discussion."

The consideration of the amendment was, with the permission of the House, postponed to Monday, the 6th November 1933.

Clauses 32, 33, 34, 35, 36 and 37 were then put and carried.

Clauses 38, 39, 40 and 41 were put and carried.

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Clause 42.

Section 73.

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Mr. ABDUL HAMEED KHAN:—" I move—

In section 73, sub-section (3), substitute the words " week's intimation " for the words " reasonable intimation. " "

Mr. SAMI VENKATACHALAM CHETTI:—" I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—" There is no clause 42 in the Bill."

Mr. P. PEDDIRAJU:—" In the original Bill, the Government themselves have said ten days' notice. The whole section is omitted. The omission also is now under the consideration of the House. My friend is now satisfied with a week's notice."

Mr. SAMI VENKATACHALAM CHETTI:—" We have agreed to withdraw it."

The amendment was, by leave, withdrawn.

Clause 42 was put and carried.

Clause 44.

New section 75 (1).

* The hon. Sir ARCHIBALD CAMPBELL:—" I, move—

' In line 4 of sub-section (1), for the words " issue notice to the parties " substitute the words " issue notice to the applicant and to the opposite party. " "

" Sub-section (20) of section 75 refers to visiting the place. It will not be clear. I, therefore, propose this drafting change."

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

The amendment was put and carried.

Section 75 (8) (b).

* Sriman M. G. PATNAIK Mahasayo:—" I move—

' In clause 44, section 75 (8) (b), after the words " the Collector upholds the objection " insert the words " or finds that the relationship of landlord and ryot is not beyond dispute. " "

The section runs like this: If an objection is raised that the rent is not payable by division or appraisement, or that no rent is payable, and the Collector upholds the objection, he shall set aside the award.

* The implication is here that very often the relationship between the landlord and the tenant is not admitted. In such cases also the objection may be upheld. As it is by some straining the clause may be

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made to cover such cases; ' or that no rent is payable ' may be said to cover such cases. But it will be clear to state that if there is any dispute as to the relationship of landlord and tenant; so the clause proposed may be inserted. The amendment is not a radical one, is non-controversial and therefore may be accepted."

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

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I do not think this amendment is necessary. A danger lies in this; the mere fact that the tenant says that the relationship does not exist may be taken as an excuse by the Collector to set aside the award. It seems to me if there is a dispute it is desirable that it should be settled as soon as possible."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" I thought the hon. Member will make the objection clear. Mr. Patnaik wanted to show that besides the objections mentioned in the clause, there is still a third objection going to the root of the question whether he is the landlord and I am his tenant. The words ' no rent is payable ' might very well cover the objection that the man is not the landlord and I am not his tenant. If the Member says that such an objection cannot and ought not to be taken, it is only giving sanction to a person to take proceedings who is not a landlord."

* The hon. Sir ARCHIBALD CAMPBELL:—" If there is no relationship of landlord and tenant, then no rent is payable."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—" What Mr. Patnaik wants the Collector to do is this. If the landlord makes out a *prima facie* title, he can go forward. If he does not make out a *prima facie* title, the landholder should not be permitted to harass the tenant."

* Rao Bahadur Sir A. P. PATRO:—" It is a very mischievous amendment that is sought to be introduced. If the Government do not accept it, by all means well and good. If the Government accept it, I have to raise an objection to the amendment. What happens here is if an objection is offered that rent is not payable either by division or by appraisement or no rent is payable and the Collector upholds the objection, he shall set aside the award. In the first place, an application is made for an appraisement and when that application is made, an officer is appointed who issues notice to the parties. After the notice is given to the party, assessors are selected. They go to the field and then pass their award after individually seeing the fields as to what extent the crop is raised. Then, a further opportunity is given to both parties to file objections to the award. The whole procedure is intended to help the landlord and tenant so that there can be no difficulty of the zamindars' appraisers being partial. Then it goes to the Government officer who ultimately becomes president of the assessors; the whole object is to facilitate the work. If the tenant is not liable to pay a share or appraisement, then the Collector upholds the objection. There is the next class of objections. Supposing the ryot

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has paid at once, it is summarily disposed of. Therefore, this objection that no rent is payable is equivalent to denying the title of the landlord is too much to read in that whole section. When he says no rent is payable, it means: I have already paid the rent and therefore no rent is payable, or that it is an inam land and therefore no rent is payable. It is too much to say that because rent is not payable, therefore there is no relationship of landlord and tenant. If there had been no relationship, that should have been the first objection. Hence, the objection is not at all sound and it is really too much to say that no rent is payable."

* Mr. K. P. RAMAN MENON:—"The section as drafted says if an objection is raised that the rent is not payable by division or appraisement, or that no rent is payable, and the Collector upholds the objection, he shall set aside the award. What Mr. Patnaik says is that along with the reasons mentioned, he visualizes other objections, viz., the absence of any relationship between the landlord and the tenant. There may be thousand and one reasons; but this is one objection which goes to the root of the matter. He wants that to be specifically mentioned. I do not see how that specification will affect the trend of the section or of the real meaning or the rights of the different parties."

* Sriman M. G. PATNAIK Mahasaya:—"So far as this matter is concerned, I am also supported by an authority—the Board of Revenue. In 1924, in a case reported in 19 Law Weekly, the Board of Revenue say: the jurisdiction of the Deputy Collector to entertain an application for appraisement depends upon the relationship of the landlord and the ryot being admitted. This petition was filed in the Revenue Divisional Office, Chatrapur, and the matter went to the Board of Revenue. The Board of Revenue threw out that application on the ground that the relationship was not admitted. That was a case of service inam resumed by the zamindar. The zamindar said that he treated it as a ryoti land and took proceedings under sections 74 and 75. There, of course, the relationship was not admitted. The Board has clearly stated that the relationship must be admitted. Otherwise, the landlord can sue the ryot for the recovery of the rent."

3-45 p.m. "Here, it is purely a question of summary procedure. The law as it stands at present does not provide for an appeal. In such a summary procedure, the Revenue Divisional Officer is not expected to go into the question very minutely to determine whether the landlord has got the title which is denied by the ryot. In such a case, a suit would be more proper. I am supported by the authority of the Board of Revenue. The intention of the Legislature also is clear from the wording of the section that when the objection is upheld it does not mean that there should be a decision whether it is an inam land or otherwise as the question cannot be conclusively decided by the Revenue Divisional Officer. It is purely a summary procedure. In such cases, the question of title should not be gone into. Hence this amendment becomes necessary."

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* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Sir, there is a slight misapprehension in regard to this matter. The mere fact that a person raises a dispute cannot oust the jurisdiction of the officer, because anybody can raise a dispute. At the same time, there can be no doubt that the whole basis of the jurisdiction of the officer rests on the subsistence of the relationship of the landholder and the ryot. He must find as a fact at least for the purpose of proceeding that the relationship exists. The various sections here proceed on that footing, because you find in section 75 (2) 'If the opposite party objects that the rent is not taken by division or appraisement or that no rent is payable.' The expression 'no rent is payable' may apply to a case where the relationship is subsisting but yet no rent is payable. The whole basis of the jurisdiction under this chapter is the subsistence of the relationship. It is therefore dangerous to say that if a dispute is raised the jurisdiction of the officer is ousted. Of course, if you want to make it clear that it is open to the officer to go into the question tentatively at any rate whether the relationship between the landlord and the ryot exists, it should be done separately. This amendment interferes with the jurisdiction of the officer, because any man may raise a dispute in regard to the relationship of the landlord and the ryot, and that is an easy way of getting rid of the jurisdiction. Again, you will find in section 72 (2), 'If the opposite party objects that the rent is not taken by division or appraisement or that no rent is payable, the officer deputed shall record the objection but shall proceed as hereinafter provided and transmit the objection when submitting his award to the Collector.' His decision shall not therefore be final. If the object is to provide some kind of summary procedure in regard to the investigation of relationship, it must be done by a separate amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, I wish to have a doubt cleared. I understood, Sir, the procedure of the House was to confine its attention to such of the clauses or sections of the Act that have come under the scope of the amending Bill. In the present section, only a single word has been altered, 'raised' inserted for 'filed' and taking advantage of this alteration the Mover of the amendment tries to go into the relationship of landlord and tenant. This is unwarranted."

"The next point is that we are widening the scope of the section. The section merely says 'If an objection is raised that the rent is not payable by division or appraisement, or that no rent is payable, and the Collector upholds the objection, he shall set aside the award.' As explained by Sir A. P. Patro, the rent might have already been paid or it may not be due being a service inam. We should not enlarge the scope of this section by introducing doubtfulness about the relationship of the landholder and ryot, which is a much larger question. I oppose the motion."

Mr. BASHEER AHMED SAYEED:—"It is not merely a case of ousting the jurisdiction of the officer, but here it is a case as to what circumstances should be present to set aside the award. In the section as it

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is recommended by the Select Committee, there are two circumstances mentioned; one is that the rent is not payable by division or appraisement and the other is that no rent is payable at all. Mr. Patnaik by his amendment wants to add a third circumstance, viz., that the Collector must find that the relationship between the landlord and the tenant is not beyond dispute. This third circumstance is sought to be introduced in order to enable the authority to set aside the award. The aim of the amendment is not to oust the jurisdiction of the officer on account of the plea of non-existence of the relationship being raised, but on the ground that the Collector finds that the relationship between the landlord and tenant is not really certain, or proved, or admitted. In those circumstances also, he can set aside the award. I do not see that the mere fact of raising a dispute about the relationship will enable the Collector to set aside the award. He must find that the relationship is not beyond dispute and then only he can set aside the award. The amendment may therefore be accepted."

The amendment was put and lost.

Section 75 (8) (c).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move, Sir—

'In clause 44 substitute the words "the District Court" for the words "District Collector."

'In clause 44 (c) delete the following:—
"whose decision shall be final."

"Sub-section (e) reads 'Where an objection of the nature described in clause (b) has been raised, the Collector's decision thereon shall be subject to an appeal to the District Collector whose decision shall be final. Such appeal shall be presented within thirty days from the date of the Collector's decision.' This is a new clause. Sir, we may differ from Sir Patro that the question of the relationship between the landlord and the ryot should not be raised at all here, but that it should have been raised earlier. If the Collector sees that there is no relationship between the landlord and tenant or if that is disputed, the jurisdiction of the Collector is ousted. And that question ought to be decided by a court of appeal. Restricting it merely to the District Collector would not be sufficient. It will be more satisfactory when the question of the relationship between the landlord and the tenant is concerned, that the civil court should have the jurisdiction to decide it rather than that the matter should be decided by the Collector seeing that his decision should be final. Suppose A takes proceedings as landlord, and B denies the title, the question whether A is the landlord or not is merely a question of title. The provision in this clause is that the decision of the Collector is final. Therefore I think that in a question involving title an appeal should lie to the district court and not to the District Collector. My other amendment is to delete

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'whose decision shall be final.' Those two amendments go together. When an appeal to the District Court is provided, the Collector's decision ceases to be final."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, there is nothing in the section as it stands to oust the jurisdiction of the Court where the relationship is denied. Supposing a person is an utter stranger and the landlord wants to treat him as a tenant and avail himself of the machinery under this chapter. Then the whole case is without jurisdiction, and the party can certainly go to the civil court and ask for a declaration for the adjudication of his right. It is only in cases where the relationship between the landlord and tenant is admitted and where the question arises as to what exactly is the amount due by way of appraisement that the jurisdiction of the Collector is invoked under this section. Therefore, I am not able to see the necessity of a provision to bring in the jurisdiction of the civil court, because the fact here is that we are concerned with a case where the relationship between the landlord and the tenant is existing. If it is disputed you go to the civil court. The whole procedure from section 73 onwards is applicable only to cases where the relationship between the landlord and tenant subsists. If you find that there is no such relationship, the jurisdiction of the civil court is not ousted at all."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, the hon. the Advocate-General himself used the words 'where the relationship between the landlord and the tenant is admitted;' then only the revenue office should have jurisdiction. That is what was intended under section 75."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"I used the expression 'subsists'."

* Sriman M. G. PATNAIK Mahasayo:—"He did use the word 4 p.m. 'admitted,' and I have noted it down, Sir. But it does not matter. It is not expected that the revenue officer should go into the complicated question of title. If the title is denied, the best thing for the landholder is to go to the civil court. Now, the Bill has provided for an appeal to the Collector. There was no appeal before. That means such a complicated question should not be gone into by the Revenue Divisional Officer alone. What the officer concerned has to see in this connexion is whether the quantum of rent awarded is correct or not. Now, by rejecting my previous amendment, the legislature apparently thinks that the question of titles should be gone into. If a question of title is to be gone into, to whom should the appeal lie? Certainly it should lie to the district court and not to the District Collector as the former is more competent to hear appeals as to questions of title than the District Collector."

"Sir, the learned Advocate-General said that suits for declaration of title between the landlord and the tenant are not taken away. But

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the question is what is to become of the award which becomes a decree as soon as it is upheld by the Revenue Divisional Officer? That decree cannot be set aside in a civil court. So far as the decree is concerned, it is competent for the revenue court to grant it and the civil court cannot grant a decree declaring that the rent which has been decreed ought not to be paid. Such an injunction cannot be issued because it is competent to the revenue court to issue such a decree. Therefore, the ryot suffers; even though he succeeds in a civil court, that declaration will hold good only for subsequent faslis and not for the fasli for which the award was passed and upheld by the revenue officer. Therefore, as I said, the ryot suffers. The whole trouble came on account of the fact that my previous amendment was rejected. Therefore I submit that it is absolutely necessary now that an appeal should lie to the district court where alone the question of title can be gone into. Now there is no difference between clauses 75 and 77. Practically the question of title will have to be gone into here, and there also and no distinction is drawn."

* Rao Bahadur Sir A. P. PATRO:—"I am afraid there is some confusion in the discussion of this matter. My hon. Friends on this side think that the whole question of title should be gone into and therefore discretion should be given to the district court. I am afraid the whole principle on which this section is based is the subsistence of the relationship between the landlord and the tenant. Unless that relationship exists there cannot be any application to the revenue officer and no officer can be deputed. The whole thing becomes null and void. Therefore, the argument that the jurisdiction should be with the District judge is altogether beside the point, the basic principle being the relationship existing between the landlord and the tenant. As regards the award, whether it is in excess of the actual crop or whether it is less than the actual crop, as it is a case of ascertainment of the actual rent, it should be the province of the revenue courts. If in the course of the proceedings any question is raised as to whether the land has got a landlord or not, it will be recorded by the Revenue Officer and that record will enable the person questioning the title to go to the civil court. Therefore, so far as the award and the proceedings connected therewith are concerned, they refer to the recovery of rent in a summary manner. This is one of the ways in which recovery of rent is provided under the Estates Land Act. It is for this purpose that there is section 75 which refers to appraisement, then sections 77, 111 and 112 for the sale of the holding, distraint proceedings and so on. Therefore, the various means adopted for the purpose of recovery of rent are regulated, as they are matters affecting the relationship of landlord and tenant, by revenue courts. But if that relationship is denied by a tenant, it will be recorded by the Collector and the landlord will go before a civil court to establish his title to the holding of which appraisement has been made. That being clear I do not think my hon. Friend will still ask for the substitution of district court."

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Mr. P. PEDDIRAJU:—"Sir, so far as section 77 is concerned a landholder sues for rent. It is a summary suit. No doubt, the Civil Procedure Code applies and evidence is let in. There is the decision. But where is the appeal? Naturally there must be an appeal to the district court in a case which relates to appraisement and division of the crop. It is more or less rent in the form of *varam*. If you want to take all rent suits under section 77 before the Collector, take this also. But when you are taking an ordinary rent suit appeal to the district court, I do not see any reason why in this case such appeal should not be permitted. That is the sole question with which we are now concerned. All other questions regarding jurisdiction between landlord and tenant are immaterial for this purpose. The general policy of the Act is that all rent suits should have an appeal to the district court. That being the case, I do not see any reason why an appeal in the case of appraisement of crop and distribution of crop should not go before the district court. Moreover, in the previous Act as also in the Bill introduced there was no appeal provided. It was only in the Select Committee that the appeal was provided. I do not know whether they have considered this aspect of the case. It is not the policy of the Government that certain suits should go before the Collector and that certain others should go before the district court. I think the hon. the Revenue Member will bear in mind the policy of the Act and agree to this amendment."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, you will see that section 74 provides for appraisement and determination of crops. This applies evidently to cases where rent is to be determined after the crop is cut and removed and the share has to be ascertained. Section 75 provides for an application being made and the sub-clauses provide how the ascertainment should be made. Clause (b) of sub-section (8) provides for objections being raised. Two kinds of objections are definitely mentioned there. It says:

'If an objection is raised that the rent is not payable by division or appraisement . . .'

"That goes to the fundamental question as to what is the system of rent that is applicable there. The second objection is that no rent is payable or that the rent has been already paid or something like that. The court may then uphold the objection and set aside the award. Sub-clause (c) says:

'If the objection is disallowed or if any other objection is raised . . .'

"That means apart from the two objections, that *varam* does not prevail or that the rent is not payable, the Collector should also consider any other objections and dispose of the matter. Then there are sub-clauses (d) and (e). Sub-clause (d) says:

'The Collector's order for payment of rent and costs, if any, shall be final unless an objection of the nature described in clause (b) has been raised and shall be enforceable as a decree for arrears of rent.'

"So that, if there are other objections than the two mentioned, then even, the Collector's order becomes final and there is no appeal. If an

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objection is raised that there is only so much produce, there is no appeal. You have provided for appeal only in cases where these fundamental objections such as rent is not payable by division or appraisal or that no rent is payable, are raised. Now the order is virtually a decree for arrears of rent. The general scheme of the Act is that there should be an appeal in such cases to the district court. My point is that this case should also be treated on a par with suits for the recovery of rent and appeal should be to the district court."

Mr. K. P. RAMAN MENON:—"I think the amendment may be accepted."

The hon. Sir ARCHIBALD CAMPBELL:—"The reason put forward by Mr. Peddi Raju and elaborated by Mr. Muniswami Nayudu seems to indicate that this is somewhat similar to a suit for recovery of rent. I agree that this may go to the district court in this particular case."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, apart from the question of my amendment, Government may consider the question of putting this in the schedule rather than in the section itself. If it is put in the schedule other consequences may follow. That may be done in the third reading stage."

The amendment was put and carried.

Clause 44, as amended, was then put and carried.

Clause 45.

Section 77.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move that—
'For the words "before the Collector," substitute the words "in a competent Civil Court of original jurisdiction".'

"This is a question which I bring forward with a view to advocate that suits for rent should be within the jurisdiction of the civil courts and not be left to the Revenue courts for disposal.

"Sir, the question whether suits for rent should be filed in the Revenue courts or in the civil courts is an old one. There has been difference of opinion on this question; but I put forward the tenants' view that the change to a civil court would be most beneficial. I know, Sir, that the advocates of the Revenue court are not tired of saying that it is in the interests of the tenants as well that they prefer the Revenue court. They say that the Collector disposes of suits quickly and summarily and therefore the tenants are benefited. That the suits are disposed of summarily and quickly is true, but it is just my complaint that these are matters which ought to be disposed of much more carefully. You will see that, whatever may be the object of these summary courts, so far as the scope of this Act is concerned, the whole procedure of the Civil Procedure Code has been embodied and made applicable to the procedure before Revenue courts. So that, however much advocates of the Revenue courts would like that the Collector

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should be one in the position of a generous Mabap sitting over the landholders and tenants and disposing of these cases very quickly and summarily, yet, unfortunately, as the procedure in the Civil Procedure Code has to be thoroughly applied, it may not be possible for the Collectors to devote the necessary time to this. With their hands full of revenue, magisterial and other work, this work with regard to rent disputes, they would have to postpone to the end of the day and naturally it would not receive the attention necessary for a satisfactory decision being come to.

"There is another point which I want to mention in this connexion. It is really very difficult for the tenants to conduct their cases before Revenue courts. I could very well understand if, under this Act, the Government take power to appoint special Collectors who will, like civil munsifs, dispose of cases devoting their entire attention to this work. That would be very satisfactory. There are instances in which special Deputy Collectors have been appointed in certain areas where work is heavy with orders to attend to this work only and nothing else, though it might be said that their decisions cannot be as satisfactory as the decision of civil munsifs.

"So far as this Act is concerned, it vests the jurisdiction in the Collector, who is generally the Revenue Divisional Officer; and except where a special Deputy Collector is provided, when these cases come before the Deputy Collectors, the result is they are not given the same amount of attention that is required for them. The Deputy Collectors in their tour programme have to rush through a lot of work, magisterial and other kinds of work, and they cannot be expected to devote that attention to these cases that is necessary. It is an excellent dictum that the Collectors should go to the doors of the tenants and dispense justice. I do not know how far these people go to the doors of the ryots. On the other hand, it is easy for a ryot to go to a munsif's court situated within a convenient distance from his village. He can engage a vakil for him or even his clerk will give him advice as to what to do. But now, he has to appear before the Collector who may be camping at a distance, taking a vakil with him and incurring heavy expenses in other ways also. Anybody who is connected with the courts is aware how in the course of disposal of suits which are conducted under the Civil Procedure Code, various stages have to be reached. First a date is fixed for hearing, then a date is fixed for fresh summonses, afterwards a date is fixed for filing written statements, after written statements are filed issues have to be framed, and then time is given for filing documents, and then for letting in fresh evidence, and so on; and if a witness is not present, at a particular date, further delay takes place. All this means that a suit has to be disposed of not in one sitting but in various sittings; and if in any sitting if the tenant or if the vakil is absent, the whole thing goes. The difficulty will not be the same if he has to file a suit at the headquarters in the District Munsif's court, where even if a tenant cannot appear, the vakil or his clerk may attend to the intermediate stages and this will save the poor tenant from these

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additional expenses. I shall mention one other experience in this connexion. Sometimes a landlord has to file forty or fifty suits. He has got a clerk or an authorized agent with power-of-attorney and he goes to the camp of the Collector to represent the landlord. In cases where there is no dispute, an ex-parte decree is given but where there are disputes, the ryots engage a common vakil, and if the vakil is not present or unless all the tenants are present, the cases of those who were not present go by default. The ryots suffer because every one of them cannot appear. One among them may be present but the other people not being present, their names are scored out and ex parte decrees are passed against them. Besides they have to pay heavy fees to the vakils to go to places away from the headquarters. It may be said that the rent courts can deal with these things much more quickly. As one who is acquainted with the courts, I think the Small Cause Court or a Munsif's court disposes of justice much more quickly than the Revenue court. Most of these suits will be in the nature of small cause suits for recovery of rent. Much time may be involved in disposal of original suits but in regard to small cause suits they are disposed of much more quickly. In cases where there is a real dispute it is better and more desirable that such complicated and involved questions should be decided by a court which sits especially for that purpose. I think in these circumstances, it is time enough to change the procedure so far as rent suits are concerned whatever may happen to other applications under the Act as to survey and measurement and so on. This may be attended to by the Deputy Collectors or Collectors. So far as disputes involving rents are concerned, it is much better that the lower courts to deal with them are civil courts which can dispose of satisfactorily and which are set up for that purpose and not Revenue courts which go in the name of summary courts. The summariness itself shows that the trial will not be satisfactory. My amendment is restricted only to suits for rent. With regard to applications for sales under the distraint procedure, by all means, let the Collectors dispose of them as they are now doing, for some time. If ultimately it should be found that they also should go to the civil court, they may go. I therefore move my amendment."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"I second it. I may add to what my hon. Friend said that in my experience of the courts, the difficulty is to get justice in a Revenue court, especially when a question of law arises. You will see, Sir, that when the so-called suit is filed, in a summary court, the general rule is, an officer who is in charge generally posts them to the fag-end of the day, and goes on adjourning it until he gets an assistant or another Collector to relieve him of his duties. This has been going on at least in my district whenever there is heavy accumulation. There are other difficulties which have been often felt. Whenever we file any documents, especially original and important documents in a summary court, it is very difficult to get them back. I know bundles and bundles especially of original documents have disappeared. They somehow disappear, but in a civil court you

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have got a definite idea as to what the documents are which are filed. A record is kept for such things. Again when execution proceedings are taken in a summary court, one does not know whether any petition has been filed at all, whether the petition is in time or not. But in the civil court the whole thing is kept methodically and systematically, so that you may know where exactly you are. The Revenue Officer who is an itinerary officer is generally given one clerk and that clerk has to attend to many things and move from place to place. Whereas in a munsif's court, for this thing alone a number of clerks are appointed. There is another difficulty that is very often felt with regard to Revenue courts. If judgments are pronounced the parties do not know the dates when the judgments are pronounced. No notice is given to the parties and they do not know when the judgment is pronounced, but only when they apply for copies of the judgment, they are given. In every appeal or batch of appeals filed in a district court, an application also follows the suit, stating that the appeal is not in time and that the delay may be excused, because the party was not aware of the date when the judgment was pronounced. He is intimated only by somebody and by that time the appeal is barred. In regard to summary courts, sometimes for a batch of suits one judgment is given. If you apply for copies of decrees, you do not get them easily. The drafting of the decrees is one of the difficulties felt in a summary court. The poor clerk does not know how to draft a decree or to check the memorandum of costs so that the machinery that is there is very defective and unless there is a whole department presided over by a District Munsif or by an officer of original jurisdiction it is impossible to get justice in a summary suit. I have very often seen that when complicated questions come up, the Revenue Officer adjourns the cases. Again jodi suits in the zamindari are now filed in civil courts. They do not come for the recovery of rents that you have to recover from the inamdars or any intermediary, the landlord will go to the civil court. But here is something very difficult to comprehend. As regards one set of suits where the zamindar wants to recover from an intermediate landlord, you go to a civil court whereas for recovery of rent you go to a rent court.

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"As regards the recovery of rent you will have to go to revenue court. All these difficulties can be obviated by giving the entire jurisdiction to a civil court, because you will have the satisfaction of having given due justice and the parties will have the satisfaction that they have been fully heard and questions of law thoroughly grasped. So far as the executive work is concerned, the payment of batta and the filing of records are more satisfactorily done in a civil court. The general drift of opinion among the zamindars has always been one of seeing that they go back to a civil court because justice is better rendered to them there."

* Mr. T. S. RAMASWAMI AYYAR:—"I desire to support the amendment. So far as section 77 is concerned, suits filed under that

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section are suits for arrears of rent and the suggestion is the convenience of parties dictates that such suits should be filed in a court of original civil jurisdiction rather than in the revenue court. With regard to the matter of convenience, the House knows that the Deputy Collectors who try these suits are itinerary officers and often times cases are posted in a place when the Deputy Collector is miles away from the estate. It is not as if the Divisional Officer is always able to camp in or near the estate itself. Instead of his being able to help the tenant or the zamindar by camping near the estate, it may happen that owing to exigencies of duty he may camp in a place far away from the estate. Even in cases where Special Deputy Collectors are appointed, things are no better. Cases are filed in the court of Deputy Collectors and Divisional Officers in the jurisdiction of which the estate is located. The District Collector subsequently transfers some of those cases to the file of the Special Deputy Collector. In such cases the parties have to go to the office of the Special Deputy Collector and have to engage counsel in that court after having engaged different persons as counsel in the court of the original Deputy Collector. In these circumstances is it not a matter of convenience to both parties that they should be allowed to file their suits in a civil court?

"Under the present section suits against a surety or against a depository or bailee cannot be filed before the Divisional Officers. Such cases can be filed only in the civil courts having the jurisdiction. If suits for rent are allowed to be filed in the court of a Divisional Officer, it may be convenient for the zamindar to engage a standing counsel who may be able to go to a Deputy Collector's court. But in the case of a poor tenant it will not be possible for him to get counsel to attend a case in a Deputy Collector's court to get his grievances redressed, unless perhaps all the tenants join together.

"Again on the question of the competency of the courts to try these suits, certainly a civil court will be in a better position to decide cases arising under section 77. These suits, though they are called summary suits, are not really summary suits. They are instituted for arrears of rent. Questions of title arise. In such cases certainly a civil court is far more competent than a revenue court to decide them. For these reasons I have great pleasure in supporting the amendment."

* Mr. K. P. RAMAN MENON:—"It must be well within the knowledge of all lawyers and more especially of the learned Advocate-General that when they are taken to distant stations they demand more fees. As a matter of fact if there is a court situated within 12 miles of a particular village, if a lawyer has to be engaged to conduct cases in that court it will be easy for the parties because there are resident lawyers there. But what happens when officers go on circuit and the parties have to engage vakils to plead their cases in a far off place they, the vakils, naturally demand more money. Added to this the parties have to pay conveyance charges such as motor car hire or if motor cars are

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not available, they will have to pay for country carts. All these expenses the parties have to bear. As for the competency of a civil court to try these cases, I do not want to harp on the same points which other speakers have dealt with. I support the amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, it is surprising that so much learning and argument is necessary over so obvious a proposition that the inherent jurisdiction of courts of law should be preserved in the matter of suits regarding arrears of rent by zamindars against their tenants. There is really no reason for depriving the civil courts of this jurisdiction. Much has been said about the greater familiarity of revenue officers with questions relating to rent. More complicated questions of law are dealt with daily by munsifs. Certain friends have insisted that Collectors should be specially appointed for the purpose of hearing and disposing of the suits arising under the Act and that they should have fixed headquarters. That by itself cannot solve the difficulty or add to the convenience. Under the Estates Land Act, as it is, such a provision for the appointment of special Collectors for this purpose exists. In the Ramnad district, there has been such a Deputy Collector for several years. Sometimes, there were even two. The headquarters of that Deputy Collector is there were even two. The headquarters of that Deputy Collector is Manamadurai. I desire to deal with the question of convenience in this connexion. The Ramnad district spreads on all the four directions of Manamadurai. There is a Munsif's court at Manamadurai itself. There is one at Paramakkudi 15 miles to the east of it and one at Ramnad 23 miles east of Paramakkudi. There is a Munsif's court 11 miles north of Manamadurai at Sivaganga and one at Devakottah 30 miles north-east of Sivaganga. There is a Munsif's court at Sattur about 50 miles south-west of Manamadurai and one at Srivilliputtur west of Sattur. It is obvious from these that from the point of view of distance or proximity, location of a stationary Estates Land Act Collector at Manamadurai has not at all tended to the convenience of either the landholder or the ryot. People have to pass through the place of the several Munsif's courts mentioned above in order to reach Manamadurai. Further, it is wrong to think that the suits under the Act only involve considerations regarding the propriety or otherwise of the rates of rent. Questions regarding transfers of property, partition, succession often times arise in respect of suit. Nobody can say that the decisions of the civil courts regarding them were unsatisfactory when under the prior Act VIII of 1865, both the civil courts as well as the revenue courts had jurisdiction. Considering all the aspects, the more proper and convenient and less objectionable course appears to be to restore the jurisdiction of the civil courts."

Mr. ABDUL HAMEED KHAN:—"The amendment before the House is certainly an amendment which is intended to give relief to the tenant with regard to a matter in which he could get proper justice done to him. In such a case he should be enabled to go to a court established by law and not to a court where justice is rendered at

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the whims and fancies of particular officers. Hon. Members who have spoken before me have spoken from their personal experience as to how a litigant in cases like this has to wander from place to place or go to a long distance in order to get his grievances redressed. If he has to go to a civil court he has to go to only one place where the civil court is situated. It is not moving from place to place, and he knows where to go in order to get facilities for the conduct of his case. With regard to the employment of lawyers it is not possible for poor people to engage lawyers to go to distant places and pay them very heavily. Not only will they have to pay very heavy fees but they will have also to pay for very many other things. As has been pointed out it is not possible for a District Collector or a Deputy Collector or Revenue Divisional Officer to find time for trying these cases, because his hands are almost always full with other work. All these years we have been crying for separating judicial work from the executive work and then why should we when we are enacting a legislation in modern times go back to olden times and hand over the jurisdiction in trying these cases to revenue courts instead of handing it over to courts, which are constituted not under the executive authority but under the statute.

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"We find there is a disparity between the two parties in this issue that is the landlord and the tenant. It is very easy for the landholders to run up in two hours to the Collector or the Deputy Collector even though he may be camping hundred miles away from his place, but we know that in spite of the modern conveniences of quick and easy locomotion, it is very difficult for the ryot and he will have to undergo a great hardship if he is called upon to move from place to place without any fixed idea as to where the officer is camping. It is important therefore that at least in this matter we should try and prevent any additional burden being thrown on the tenant."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, a number of illustrious and senior members of this House have all spoken in one strain on this amendment and I am afraid I shall strike a discordant note. In the first place the farmers of this amending Bill have consistently kept before themselves the policy of keeping the provisions as simple as possible. In several of the previous sections that we have already considered, suits preferable before the revenue court have now been converted into applications in order to do away with the technicalities attaching to suits. If a suit is filed, a number of formalities have to be gone through: plaints, written statements have to be filed, stamp fees collected and so on. All this is done with a view to secure expedition and to minimize expenditure. Applying this principle it is proposed here that suits should be filed before the same authority before whom applications are filed, in order that the whole procedure may be unified.

"Sir, arguments that have been advanced against the filing of suits in revenue courts may with equal emphasis be advanced against the suits in civil courts. I wish now to meet a few of the arguments advanced

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against the filing of suits in revenue courts. One hon. Member stated that so far as questions of law were concerned, revenue officers were nowhere as compared with civil court officers. This may or may not be true, but I should remind the hon. Members that no big question of law ever enters into trivial cases connected with the recovery of rent. There are several questions concerning the relationship of the landlords and the tenants where mighty questions of law enter, but in a simple question of rent recovery why should we introduce pure questions of law which require legal luminaries to solve? Another argument advanced was delay in the disposal of suits by revenue courts. On this point I am speaking with a certain amount of authority after having had to dispose of a number of suits under the Estates Land Act. (Interruption) Sir, I should like not to be interrupted, for such interruptions disturb the trend of my arguments on the subject. As regards delay, I can say that the work connected with suits disposed of by the revenue courts is always subject to the vigorous scrutiny of the higher authorities. I may inform hon. Members that the business statements of revenue courts are scrutinized with a large amount of care by the Board of Revenue the highest controlling authority in revenue matters, and it will not be to the interest of any revenue officer who has got his promotion in his mind to delay papers or suits. Whenever the Board of Revenue finds that a number of suits have accumulated in a particular court, they take immediate steps to appoint a special Deputy Collector to devote his sole attention to this work. Reports are also received from time to time from the Collectors of districts as to the amount of work done by the special officers, and the progress made by them. The number of pending suits on the file of the revenue courts is thus kept down as much as possible. I do not know if the High Court or the district court does as much with regard to civil courts. The fact remains I repeat that scrupulous care is taken by the authorities to avoid delay in the disposal of suits.

"It was also stated by some hon. Members that revenue officers are itinerant officers and they go on camping from place to place with the result that litigants and their vakils are put to much inconvenience and loss and sometimes the litigants go without the aid of their vakils. (Interruption) I may mention here that by means of executive orders, revenue officers are enjoined (Interruption).

* The hon. the PRESIDENT:—"The hon. Member need not be interrupted."

Diwan Bahadur A. APPADURAI PILLAI:—"Orders are sent from time to time by the Board of Revenue and by District Collectors enjoining revenue officers to try cases under the Estates Land Act as far as possible in their headquarters and dispose of them while they are there. I have myself received several circular orders of the kind and have obeyed them. These are more or less standing orders which the Revenue Divisional officers cannot afford to ignore. They have to stay at headquarters, dispose of the pending suits before they go into camp. Of course this practice may not perhaps obtain in a few districts. (Mr. Basheed Ahmed

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Sayeed: You admit that?) Every Revenue Divisional officer should post revenue cases as far as possible in the division headquarters so that the parties and their advocates might not be inconvenienced.

"Another point that was mentioned by the hon. Members was that when judgments are delivered by the revenue courts, the parties do not know whether they have been delivered and what the judgments are. It is rather surprising to hear this. This is probably due to the fact that on the day on which cases are posted for judgment, neither the parties nor their advocates care to go to the court. If the parties attend courts on the day of judgment, they are quite welcome to apply for copies of judgment. It is not the fault of the revenue courts if parties are unaware of the judgments. I would go further and say that there are executive orders to the effect that orders passed by the Revenue Divisional Officer in suits and applications should be communicated to the parties concerned.

"After all these are matters of technical procedure which could be regulated by means of executive orders. There is no reason why the jurisdiction of the revenue courts should be ousted with reference to rent recovery suits on this ground.

"One of the hon. Members stated that it cannot be said that the civil court officers, the Munsifs, are less competent than Deputy Collectors and Revenue Divisional Officers. Nobody denied the competence, the integrity or the cleverness of the officers of civil courts. The presiding officers in revenue courts are equally competent. But the real question is which is more advantageous to the tenant and the landholder—the civil court or the revenue court? If any officer knows the ryot, and knows his needs, and requirements intimately, it is the revenue officer. I do not think that this can be said of the officers of the civil court. I say once more and I am sorry I have to repeat it, that a deep knowledge of civil law is not necessary to dispose of cases arising under the Estates Land Act. Rent recovery is after all a small question; it is not a question of possession, it is not a question of succession or title. I would request hon. Members to kindly bear this fact in mind. To deal with questions of recovery of rent, what legal competence is necessary? Any person with ordinary commonsense and knowledge of the Estates Land Act ought to be able to dispose of suits filed under it.

"There is one other point, Mr. President. A somewhat serious charge has been made by an hon. Member of this House against revenue courts. He said that valuable records filed before revenue courts are not returned to the parties. It is rather unfortunate that such a charge should have been made against a body of officers who are not represented in this House. (An hon. Member: You are representing them here.) To make a serious allegation like that against officers who are not here in this House to controvert them is rather unfair. If the records are not returned what is the remedy? They must be applied for and if they are not returned, the conduct of the officer in question must be reported to the controlling officers. My experience however is that the parties who

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file the records do not care to take them back. Huge bundles of records which the parties do not care to take back get accumulated. The officers do their best to return them to the parties. If records are not returned to the parties, they are themselves to blame and not the revenue courts. One side of the picture was presented to the hon. House and I have now presented the other side of the picture and shown the real reason why parties do not get back their orders.

"Why talk about records let us take revenue deposits. The House will be surprised to hear that moneys paid into the revenue courts are not taken back. Though a number of intimations are sent the response is very poor. Even though parties know that deposits would be refunded to them, when they are no longer required they do not care to obtain refunds. I wish the hon. the Revenue Member will please take note of the serious allegation made by the hon. Members in this regard.

"One more point and I am done. The clause as re-drafted does not give more power or interfere in any way with the jurisdiction of the civil courts. If it is stated here in this clause that suits regarding rent should be filed in revenue courts, it is only a repetition of the provision from the existing Act.

"I have taken much of the valuable time of the House; I thought it was wrong on my part to keep silent when the hon. Members of this House attacked revenue courts, and I was anxious to explain the correct position."

* The hon. the PRESIDENT:—"The further consideration of this amendment may be continued on Monday next."

III.—PENDING BUSINESS FOR THE CURRENT SITTING OF THE COUNCIL.

Dr. P. SUBBARAYAN:—"May I ask the Hon. Gentleman, the Leader of the House, the nature of the business that will come up before the House and whether the Government intend to allot any non-official days and, if so, when those days will be allotted?"

* The hon. Sir MAHOMED USMAN:—"The question of allotting non-official days is under the consideration of the Government and I will be able to inform the House sometime on Monday. The idea is, I take it, to finish this Bill on Tuesday evening; on Wednesday, we shall transact the other official business—Official Bills and Supplementary Demands which have been entered in the agenda."

The House then adjourned to meet again on Monday at 11 a.m.

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

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APPENDIX I.

[Vide answer to question No. 343 asked by Rao Sahib V. Dharmalingam Pillai at the meeting of the Legislative Council held on the 4th November 1933, page 530 supra.]

Letter from the President and Members of the Adyar Govindaraja Perumal Fishermen Co-operative Society, Greenways road Adyar, dated 28th December 1932, to the hon. Minister, Education and Excise, Government of Madras.

We, the President of Govindaraja Perumal Fishermen Co-operative Society, Narayanaswami garden, Adyar, and the fishermen of twelve villages, adjoining the Adyar river, beg to state as follows:—

(1) That we are in receipt of the Government Memorandum No. 2628/II/31-5, dated 22nd December 1932, ordering the publication of the notification cancelling the rules published by the Development Department Notification No. 137, dated 13th April 1931, prohibiting fishing with nets exceeding 75 feet in length or 15 feet in breadth in that portion of the Adyar river that lies within the limits of the Madras district.

(2) That the draft notification published at page 1891 of Part I of the *Fort St. George Gazette*, dated 6th December 1932, stated that the draft would be taken into consideration after fourteen days from the date of its publication and that any objection or suggestion which may be received with respect thereto before the expiry of that period, would be considered by the Governor acting with the Ministers.

(3) That on 6th December 1932 we, accordingly petitioned Government that our case might be sympathetically reconsidered and orders passed restoring the rules published at page 545 of Part I of the *Fort St. George Gazette*, dated 21st April 1931.

(4) That it is extremely painful for the petitioners to note that the Government have published rules cancelling the prohibition of fishing with nets of the size mentioned in paragraph 1 above in spite of our humble representation that justice should be done to us.

(5) That as soon as the Government Memorandum No. 2628/II/31-5, dated 22nd December 1932, was received, the fishermen of Dummung Kuppam started fishing with agni valai on 26th afternoon and are still continuing to fish with that net. Their income on the 26th alone was Rs. 200.

(6) That the action of the Dummung Kuppam fishermen has completely emptied the river with the result that we all the fishermen of Narayanaswami garden and other twelve villages have no means to get even a single fish with our mani valai and that we are driven to be starving from yesterday (26th December 1932).

(7) And that we approach Government once more and humbly request them to reconsider the matter and pass favourable orders on our petition, dated 6th December 1932.

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Letter from the President, Adyar Govindaraja Perumal Fishermen Co-operative Society, Greenways road, Narayanaswami garden, Adyar, to the Secretary to Government, Development Department, Fort St. George, Madras.

In continuation of our petition, dated 28th December 1932, we, the President of Govindaraja Perumal Fishermen Co-operative Society, Adyar, and the fishermen of the twelve villages adjoining the Adyar river, beg to submit as follows.

2. On our repeated representations to Government that the use of the big nets (agni valai 300 yards size) for fishing in the Adyar river by the fishermen of Dummung Kuppam deprived us of our livelihood and made us to starve, Government were pleased to publish rules on 18th April 1931 prohibiting fishing in the above river with nets exceeding 75 feet by 15 feet in size. The above rules though published early in 1931, could not be made to come into operation till February 1932, as the fishermen of Dummung Kuppam continued to fish with agni valai 300 yards size on the pretext that they were not made aware of any rules prohibiting its use.

3. By the kind help of Government in this direction we were able to earn our livelihood till 28th November 1932 when Government on a sudden published a draft rule cancelling the rules referred to in paragraph 2 above, and gave notice that the draft would be taken into consideration after fifteen days from the date of its publication.

4. We were really thunderstruck on receipt of communication of the above draft rule and in time we submitted our objection in the matter on 6th December 1932 describing in detail how our daily earnings were nothing when compared to those of Dummung Kuppam fishermen and how even this meagre income was affected by the use of agni valai. But to our disappointment we were furnished on 22nd December 1932 with a copy of the rule cancelling the notification, dated 18th April 1931.

5. Having been very much discouraged, we again petitioned on 28th December 1932 craving for justice. But, no favourable orders have yet been received from Government to rescue us from the clutches of poverty and hunger.

6. We once more wish to place, before the benevolent Government, that nearly 2,000 souls are starving without any means for earning livelihood, while three hundred fishermen of Dummung Kuppam of whom only thirteen own agni valai are made to live happily and comfortably and that the latter can very well get on even without the use of agni valai. We once again appeal to Government for sympathetic consideration of our case and favourable orders prohibiting fishing with big nets (agni valai) in the Adyar river.

7. We submit for the kind perusal of Government a letter, dated 3rd April 1933, in original from the hon. Mr. T. S. Ramaswami Ayyar, M.L.C., which will speak of our present-day situation.

Thanking you in anticipation.

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APPENDIX II.

[Vide answer to question No. 348 asked by Mr. V. M. Ramaswami Mudaliyar at the meeting of the Legislative Council held on the 4th November 1933, page 534 supra.]

Statement showing the mileage of trunk and second-class roads maintained by district boards and the maximum grants payable in respect of them.

Name of the district board.	Trunk roads.			Second-class roads.	
	Length.	Grant.		Length.	Total grant admissible.
		Rate per mile.	Total grant admissible.		
	MILES.	RS.	RS.	MILES.	RS.
1 Anantapur	225	570	1,28,200	224	24,620
2 North Arcot	166	570	94,530	601	56,420
3 South Arcot	126	665	90,310	324	66,020
4 Bellary	111	570	63,270	503	32,790
5 Chingleput	133	700	1,01,670	574	46,420
6 Chittoor	169	570	96,530	608	43,270
7 Coimbatore	214	665	1,42,120	680	51,510
8 Cuddapah	86	570	48,930	439	35,200
9 Ganjam	135	570	76,970	639	51,430
10 East Godavari	61	570	34,930	512	39,750
11 West Godavari	68	665	38,700	355	65,950
12 Guntur	110	570	65,110	639	99,470
13 South Kanara	106	570	60,630	588	87,490
14 Kistna	124	665	82,190	276	65,950
15 Kurnool	192	570	1,10,050	238	35,710
16 Madura	77	665	50,990	420	50,880
17 Malabar	134	870	77,180	879	1,57,200
18 Nellore	173	665	98,680	633	57,520
19 Nilgiris, the	70	665	51,460	..	..
20 Ramnad	30	665	19,650	478	68,160
21 Salem	156	570	88,670	332	44,580
22 Tanjore	..	..	..	608	1,10,320
23 Tinnevely	72	665	48,160	499	52,560
24 Trichinopoly	150	665	1,00,780	473	50,430
25 Visagapatam	189	570	1,07,700	422	59,580

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APPENDIX III.

[Vide answer to question No. 349 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 4th November 1933, page 536 supra.]

Statement showing the mileage of trunk roads and the grants sanctioned during 1933-34 for Capital Works on trunk roads, in the several districts of the Presidency.

District.	Mileage of trunk roads.		Grants sanctioned for capital works on trunk roads in 1933-34.	
			Roads.	Bridges.
	M.	F.	RS.	RS.
1 Anantapur	227	7	..	14,277
2 North Arcot	176	7	60,000	1,86,450
3 South Arcot	138	6	..	74,698
4 Bellary	117	3	..	59,225
5 Chingleput	137	4	..	69,100
6 Chittoor	175	0	..	19,400
7 Coimbatore	224	3	1,06,600	27,150
8 Cuddapah	85	7	..	26,001
9 Ganjam	187	5	10,000	55,398
10 East Godavari	62	7	..	4,400
11 West Godavari	62	0	..	14,083
12 Guntur	118	3	..	3,75,660
13 South Kanara	108	6	..	23,720
14 Kistna	131	2	..	14,000
15 Kurnool	197	5	..	86,300
16 Madura	84	4	..	14,430
17 Malabar	147	5	1,61,700	41,680
18 Nellore	176	5	..	3,73,160
19 The Nilgiris	72	5	2,88,050	18,200
20 Ramnad	51	2	1,925	..
21 Salem	158	4	..	..
22 Tanjore	..	..	..	..
23 Tinnevely	76	0	..	8,025
24 Trichinopoly	159	4	14,000	8,250
25 Visagapatam	198	5	58,000	7,03,590

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APPENDIX IV.

[Vide answer to question No. 350 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 4th November 1933, page 536 supra.]

Statement showing applications received from local boards and panchayats for permission for laying roads on canal and channel banks from 1928 to 1932.

Serial number and local board or panchayat applying for permission.	Particulars of banks on which road was proposed.	Whether permission was granted or not.
KISTNA WESTERN DIVISION.		
1 Teodayapalem Panchayat.	Village Right bank of Pothumeraka channel from 2/0 to 2/5 and both banks of Pothumeraka West Branch.	Granted on certain conditions.
2 Village Panchayat, Pidaparru.	Chivalur channel bank	Do.
3 Taluk Board, Repalle ..	Right bank of Kuchinapudi channel.	Permission for metalled road was offered under certain conditions.
4 Village Panchayat, Gudavalli.	On the bank of Repalle main drain in Gudavalli limits.	Granted.
5 Village Panchayat, Kamarajugadda.	Right bank of Kallur side channel from 1/5 to 1/5.	Do.
6 Do.	Right bank of Kallur side channel from 1/5 to 2/0.	Do.
7 Village Panchayat, Nagaram.	Survey Nos. 5, 7, 23, 36 of drain perambake.	Under disposal.
8 Village Panchayat, Allavari-palem.	Right bank of Vellatur channel from the wooden bridge at 7-150 to the crossing at 7-4-50.	Granted.
9 Do.	Southern bank of S. No. 566 of drainage channel.	The permission was granted and a resolution asked to be sent for record.
10 Village Panchayat, Kamarajugadda.	Morthota Parra channel from 0/0 to 0/7.	Granted but withdrawn as the panchayat failed to agree to the conditions imposed.
11 Taluk Board, Tenali ..	Left bank of Bhattiprolu drain ..	Granted on certain conditions.
12 Village Panchayat, Nagaram.	Left bank of Elitipalem No. 1 branch.	Permission was offered on certain conditions. Final disposal not made.
13 Taluk Board, Repalle ..	Road on the donks from Rudravaram to Repalle-Penumudi road.	Granted.
14 District Board, Guntur ..	Right bank of Repalle main drain from Gudavalli bridge at 82/1 of Vellatur-Bapatla road to Peravalli limits.	Permission offered on certain conditions. Acceptance not communicated.
15 Village Panchayat, Mula-palem.	Right bank of a field channel ..	Refused, as there was not sufficient space.
16 Village Panchayat, Burripalem.	Left bank of Repalle main drain ..	Refused, as there was no space for throwing the spoil earth.
17 District Board, Guntur ..	Extending Kollur-Donepudi road along right bank of Bank canal to meet Vellatur-Bapatla road.	Refused, as it was found detrimental to the canal.
18 Village Panchayat, Epur ..	Right bank of Bank canal from 25/6 to 27/4.	Permission offered on certain conditions and further application awaited.
19 Village Panchayat, Karlapalem.	Road along the left bank of Isuka channel.	Dropped. As there was no reply from the panchayat for references made from this office it was dropped.
20 Village Panchayat, Mula-palem.	Right bank of No. 4 Branch of Mula-palem channel and Thompson channel.	Permission was offered subject to the usual conditions.
21 Taluk Board, Bapatla ..	Earthen road along left bank of Commamur canal from Tenali-Naracodur road to Bhirangapuram.	Earthen road refused. But permission for metalled road offered.
22 Taluk Board, Bapatla ..	Road earthen from Ponnur to Pandrapadu.	Permission for a cart-track temporarily allowed.
23 District Board, Guntur ..	Right bank of Nizampatam canal from Kuchipudi lock to Mandur crossing.	Permission to allow cart traffic was allowed by Superintending Engineer and also to maintain the road, as an earthen road (Superintending Engineer's No. 466-M, dated 31st March 1932 and 2176-M, dated 16th September 1932).

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Statement showing applications received from local boards and panchayats for permission for laying roads on canal and channel banks from 1928 to 1932—cont.

Serial number and local board or panchayat applying for permission.	Particulars of banks on which road was proposed.	Whether permission was granted or not.
KISTNA WESTERN DIVISION—cont.		
24 Village Panchayat, Nizam-patam.	Southern bank of good water channel.	Refused as the bank is narrow.
25 Tenali Municipality ..	Left bank of East Side channel ..	Refused as there is no space for depositing spoil earth.
26 Taluk Board, Tenali ..	Left bank of Kopalle drain from Kopalle to Angalakuduru.	Refused as the bank is narrow.
27 Do. ..	Road on Public Works Department drain to Gudikayalanka.	Offered on certain conditions but no reply has been received.
28 Village Panchayat, Nadimpalle.	West bank of Gangayacheruvu channel.	Refused as the bank was narrow.
29 Village Panchayat, Veerannapalem.	Extension road along right bank of Sakikavva drain.	Refused as it interfered with drainage.
30 Village Panchayat, Kankatapalem.	Road between Jummulpalem and Kankatapalem on Kankatapalem channel.	Sanction offered conditionally. No reply received.
31 Taluk Board, Tenali ..	Right bank of Nizampatam canal from Pedapudi bridge to Intur.	Granted.
32 Taluk Board, Bapatla ..	Right bank of Com. canal from Swarna to Karemchedu.	Permitted subject to certain conditions.
33 District Board, Guntur ..	Left bank of Main canal between 9/0 and 13/0.	Laying road refused but cart traffic allowed (Superintending Engineer's No. 2176-M, dated 16th September 1932).*
34 Village Panchayat, Moparru ..	Left bank of Moparru channel ..	Granted permission for gravel pathway 4 feet wide which was asked for.

* Reasons for refusal.—As the right bank has already a metalled road there will be no space to deposit silt. Hence forming of road refused.

Executive Engineer, Kistna Western Division.

APPENDIX V.

[Vide answer to question No. 351 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 4th November 1933, page 537 supra.]

Municipality.	Name of Commissioner.	Community.	Previous experience.	Scale of pay in the regular line.	Actual pay drawn as Commissioner.			Conveyance allowance.
					Pay.	Special pay.		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Berwada ..	M.R.Ey. B. Andisabaiyya	Brahman	Tabaldar ..	200-10-300	Rs. A. 250 0	150	20 0	20 0
2 Coimbatore ..	" K. Ramayya Raja Avargal, B.A.	Non-Brahman	Deputy Collector ..	300-40-500-50-850	420 0	100	40 0	40 0
3 Kumbakonam ..	" A. S. Ramanatha Avargal, B.A.	Brahman	Superintendent, Revenue	200-20-400	280 0	50	15 2	15 2
4 Madure ..	" S. Samuel Pillai Avargal, B.A.	Indian Christian	Deputy Collector ..	200-40-500-50-850	420 0	100	40 0	40 0
5 Ootacamund ..	Selvi Nalinda Sahib Bahadur, M.A. B.A.	Muhammedan	Do.	Do.	420 0	100	40 0	40 0
6 Rajahmundry ..	M.R.Ey. B. Undewaravami Avargal, B.A.	Non-Brahman	Tabaldar ..	100-10-300	280 0	50	20 0	20 0
7 Salem ..	" B. D. Paul Avargal, B.A.	Indian Christian	Deputy Collector ..	300-40-500-50-850	420 0	100	40 0	40 0
8 Tanjore ..	" V. E. Krishnaswami Avargal, B.A.	Brahman	Tabaldar ..	200-10-300	250 0	50	20 0	20 0
9 Trichinopoly ..	Mr. H. C. M. Leighton	Anglo-Indian	Deputy Collector ..	300-40-500-50-850	500 0	100	40 0	40 0
10 Tuticorin ..	M.R.Ey. L. E. Venkataraman Avargal, B.A.	Brahman	Do.	Do.	420 0	100	40 0	40 0
11 Saidapet ..	" D. Thangayya Avargal, B.A.	Indian Christian	Head clerk, Tuticorin Municipality.	....	120 0	..	15 0	15 0
12 Nandyal ..	" N. E. Sambandan Pillai Avargal, B.A.	Non-Brahman	Revenue Officer, Salem Municipality.	....	250 0	..	20 0	20 0
13 Kanyakumari ..	" K. P. Kandaswami Pillai Avargal, B.A.	Do.	Revenue Officer, Ootacamund Municipality.	....	250 0	..	20 0	20 0
14 Tadipatri ..	" C. Sarangan Babu Garu, B.A.	Non-Brahman	Clerk, Local Self-Government Secretariat.	70-70-10-150-5-175	180 8	..	15 0	15 0
15 Dindigul ..	" M. G. Panayakoti Modaliyar Avargal, B.A.	Non-Brahman	Secretary, Ootacamund Sub-Court and Revenue Office, Coimbatore Municipality.	125-150	200 0	..	15 0	15 0
16 Tirupati ..	" S. Ramadoss Nayudu Garu, B.A.	Do.	Revenue Officer, Trichinopoly Municipality.	....	155 0	..	15 0	15 0
17 Ootacamund ..	" G. Raman Garu, M.A. (D.C.)	Indian Christian	Officiating Superintendent, Finance Secretariat.	70-70-10-150-5-175	175 0	..	15 0	15 0

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APPENDIX VI.

[Vide answer to question No. 355 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 4th November 1933, page 541 supra.]

Statement showing the prices of paddy (first and second sorts) in the districts in the months of March 1933 and September 1933.

(Average for the weeks in each variety in terms of Rupees per imperial maund).

Districts.	Paddy, first sort.		Paddy, second sort.	
	March 1933.	September 1933.	March 1933.	September 1933.
(1)	(2)	(3)	(4)	(5)
	(RUPEES PER MAUND).		(RUPEES PER MAUND).	
Ganjam ..	..	1.98	..	1.7
Visagapatam ..	2.1	1.9	1.85	1.7
East Godavari ..	2.125	2.18	1.7	1.8
West Godavari ..	1.97	2.1	1.6	1.7
Kistna ..	2.0	1.92	1.73	1.72
Guntur ..	2.4	2.1	2.0	1.84
Kurnool ..	2.575	2.6	1.175	2.1
Bellary ..	2.5	2.46	2.275	2.0
Anantapur ..	2.5	2.0	2.2	1.8
Ouddapah ..	3.025	2.8	2.4	2.4
Nellore ..	2.875	2.4	2.25	1.92
Chingleput ..	1.9	2.3	1.675	2.0
Madras ..	2.9	2.62	2.575	2.42
South Arcot ..	1.85	2.19	1.6	1.9
Chittoor ..	2.6	2.42	2.3	2.22
North Arcot ..	2.3	2.52	2.0	2.16
Salem ..	2.6	2.5	2.3	2.18
Coimbatore ..	2.775	2.58	2.325	2.3
Trichinopoly ..	1.925	2.12	1.8	1.96
Tanjore ..	1.6	1.84	1.475	1.7
Madura ..	2.2	2.4	2.05	2.18
Ramnad ..	2.05	..	1.875	1.8
Tinnevely ..	2.35	2.24	2.25	2.08
Malabar ..	2.225	2.08	2.025	1.84
South Kanara ..	2.4	2.36	2.075	2.08
The Nilgiris ..	..	..	4.1	3.8

APPENDIX VII.

[Vide answer to question No. 367 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 4th November 1933, page 548 supra.]

A.—High tension tariff at 11 K.V. and 22 K.V.

I. General purposes:—

Class.	Total monthly consumption in K.W.H.	Rate per K.W.H. ANNA.	Rate per K.W. of maximum demand per month.
I. Up to 25,000	..	0.600	plus { Up to 500 K.W. Rs. 4. 500 K.W. and over Rs. 3-8-0. 1,000 K.W. and over Rs. 3-4-0.
II. Exceeding 25,000 and up to 50,000	..	0.550	
III. " 50,000 " 75,000	..	0.500	
IV. " 75,000 " 100,000	..	0.450	
V. " 100,000 " 200,000	..	0.425	
VI. " 200,000 " 300,000	..	0.400	

All consumption in excess of 300,000 units per month will be charged at 0.375 anna per unit.

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At the option of the consumer, the demand may be billed on a K.V.A. basis in which case the above rates will be reduced by four annas per month per K.V.A.

The above tariff is subject to a maximum overall unit charge of 1.00 anna per unit without prejudice to the minimum monthly payment.

II. *Large Textile Mills and Industrial Establishments.*—The maximum demand charge for textile mills and factories where power is primarily used for industrial purposes guaranteeing an annual consumption of not less than 400,000 units will be Rs. 3-4-0 per K.W. per month, or alternatively Rs. 3 per K.V.A. per month, plus an energy charge of 0.450 anna per unit up to 100,000 units per month, 0.425 anna per unit between 100,000 units and 200,000 units monthly, and 0.400 anna when the consumption exceeds 200,000 per month.

This tariff is subject to an overall unit charge of 0.66 anna per unit without prejudice to the minimum monthly payment.

III. *Heat for steam boilers.*—High tension power for electric steam boilers or other heating processes will be allowed a 50 per cent rebate on the rates outlined in clause II. Where a supplementary electric power supply is needed for heating, in a mill or factory already receiving a high tension electric supply from Government, then such supplementary supply may be taken from the low tension side of the transformers and metered independently. The amount of energy thus metered will be deducted from the monthly consumption as shown by the high tension meters and billed at the rate of 0.300 anna per unit.

IV. *Seasonal Power.*—All bills for power for the months of July, August and September in excess of the average bill for the previous nine months, i.e., the period 1st October to 30th June, will receive a rebate of 20 per cent on the amount of such excess. Any month in the above period in which no power was consumed or minimum charge paid will not be included for the purpose of calculating the average bill.

V. *Special rates.*—Rates for railway electrification, licensees, isolated installations, or special loads will be arranged by negotiation.

VI. *Power factor.*—High tension or low tension tariffs, not based on a K.V.A. rate, will be liable to a surcharge of eight annas per K.W. of maximum demand per month when the resultant power factor of the load is less than 0.80 for any month. Should the resultant power factor fall below 0.70 on the above basis, then the power service may be discontinued until the power factor has been corrected to 0.80 or above.

VII. *Demand.*—The demand payment will be fixed monthly charge, whether energy is consumed or not and constitute a minimum monthly payment. It will be based on the highest of the average of the monthly maximum demands for the previous twelve months.

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VIII. *Seasonal demand.*—For loads of a strictly seasonal character, where the main plant is regularly closed down during certain months in the year, taking a high tension supply of power, the minimum charge during the months in which the machinery is entirely shut down will be waived, but the total consumption of power during the year must exceed the maximum monthly demand for that year multiplied by 12.

IX. Unless specified otherwise all high tension and low tension rates refer to one point of supply.

X. The method of charging for demand either on a K.W. or K.V.A. basis should be clearly specified in the power agreement.

XI. In all contracts for an industrial electrical power supply at high tension, the monthly lighting load must not exceed 15 per cent of that for power and heating, unless connected to a separate circuit which will be metered and charged for independently.

XII. In urban districts, as a general rule, no high tension service will be given where the demand is less than 75 horse-power. In rural districts, the type of service applied will depend upon the cost of providing the necessary lines and equipment.

XIII. The standard tariffs are applicable only to cases where the installation is reasonably near the Government power lines and feeders.

XIV. Subject to the provisions of the Indian Electricity Act, 1910, affecting this clause, the department does not bind itself to connect up any installation unless the guaranteed annual revenue is sufficient to cover the cost of service and the supply of electric energy.

LOW-TENSION TARIFFS.

I. *General purposes*—

(a) Lighting—5 annas per unit.

(b) Lighting, ceiling fans and small appliances where the latter form at least 20 per cent of the connected load—4 annas per unit.

Minimum for clauses I (a) and (b)—Rs. 2 per month per service.

(c) Bazaar lamps—A flat rate of Rs. 1-8-0 per 40-watt lamp per month and burning five hours daily. Lamps of larger capacity in proportion.

(d) Public lighting—2 annas per unit.

(e) Shops, office buildings, electric signs, public buildings, clubs and hotels—2.5 annas per unit.

Minimum—Rs. 45 per month per service.

(f) Refrigerators, small cookers and small heaters of not more than 1 K.W. capacity, small pumps, sewing and washing machines, and motors up to 3 horse-power for domestic purposes when metered on a separate circuit—At 1½ annas per unit with a minimum of Rs. 2 per month per service.

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Where pumps or other motive power exceeding 3 horse-power are used on domestic premises, on a separate circuit they will be classed as industrial load and charged accordingly.

(g) Special rate for "All Electric Home"—The connected load in heaters, cookers, refrigerators, etc., to be at least 3 K.W. and more than twice the connected load in lights and fans.

Rs. 5 per month per 1,000 watts of maximum demand as a fixed charge plus 1 anna per unit.

(h) Special "Small consumer rate"—For bazaar shops and small houses the wiring will be carried out by the municipality and a first issue of lamps provided at a rate of—

7 annas per week for one 40-watt lamp.

14 annas per week for two 40-watt lamps.

20 annas per week for three 40-watt lamps.

25 annas per week for four 40-watt lamps.

The installation will remain the property of the municipality and bills will be collected every week. No installation of more than four lamps will be considered and each lamp must not be used for more than five hours per day.

Lamps of larger capacity will be charged proportionately.

II. General industrial tariff for small power—

(a) Industrial power at 400 volts or lower—

Rs. 2 per connected horse-power as a fixed charge, plus 1 anna per unit for the first 1,000 units per month, 0.80 anna for the next 4,000 units and 0.60 anna for all in excess of 5,000 units per month. If the connected load is less than 3 horse-power, the fixed monthly charge will be Rs. 2-8-0 per horse-power.

Alternatively Rs. 5 per K.W. per month of maximum demand as a minimum charge plus 0.75 anna per unit for all installations of 10 horse-power or above.

The above tariff is subject to a maximum overall unit charge of As. 1-3 without prejudice to the fixed monthly charge or minimum.

(b) All bills for power under clauses II (a) and (e) for the months of July, August and September, in excess of the average bill for the previous nine months (i.e., the period from 1st October to 30th June inclusive), will receive a rebate of 20 per cent on the amount of such excess. Any month in the nine months' period in which no power was consumed or minimum charge paid, will not be included for the purpose of calculating the average.

(c) Electric steam boilers, heaters, large cookers, or baking ovens of 5 K.W. capacity or more at 400 volts—

0.60 anna per unit, if used between 10 p.m. and 7 a.m.

0.80 anna per unit, for all hours.

Minimum Rs. 2 per 1,000 watts connected.

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(d) Bulk supply at 400 volts—

For mixed loads of light, heat and power.

Connected load in motive power, not including fractional horse-power, to be 35 horse-power or more.

Lighting load not to exceed 15 per cent of total load per month.

First 30 units per connected horse-power per month—1.25 annas per unit.

Next 4,000 units per month—0.80 anna per unit.

All in excess—0.60 anna per unit.

The overall unit rate shall not be less than 0.80 anna per unit.

Minimum monthly charge—Rs. 3 per connected horse-power.

(e) Power at 400 volts for agricultural uses only and not less than 3 horse-power connected—1.25 annas per unit.

No minimum but annual guaranteed consumption of power shall not be less than that equivalent to Rs. 12 per horse-power connected, otherwise the balance will have to be paid.

This rate will also be applicable to small cottage industries irrespective of the horse-power connected.

(f) Special industrial and agricultural power rate for loads of seasonal or intermittent character at 400 volts, or less, including cottage industries, connected load to be 3 horse-power or over—

First 2,400 units—1.25 annas per unit.

Next 4,000 units per month—0.80 anna per unit.

All in excess—0.60 anna per unit.

The overall unit rate shall not be less than 0.80 anna per unit.

No monthly minimum charge but if the annual consumption falls below 250 units per connected horse-power, the rates will be increased so as to cover cost of service and the supply of energy.

The seasonal rebate allowed in clause II (b) cannot be applied to the special tariffs in clauses II (d) and (f).

III. Hire-purchase of domestic appliances and assisted wiring when required—

(a) Cookers, refrigerators, water-heaters, small motors and pumps—Three years' purchase, Rs. 10 down and 36 monthly payments of Rs. 3 for each Rs. 100 of purchase.

(b) Irons, small heaters, table lamps, fans, etc.—One year purchase Rs. 1 down and 12 monthly payments of As. 13-6 for each Rs. 10 of purchase.

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IV. *Meter rents*—

	RS.	A.	P.
(a) Single phase	0	8	0
(b) Polyphase	0	12	0
(c) Demand or special type	2	0	0

NOTE.—(1) All bills not paid within thirty days from the end of the month in which the power was consumed will be subject to a surcharge of 1 per cent per month. A similar surcharge will be levied on all overdue instalments for electrical appliances, wiring or industrial equipment. Consumers are also liable to have the electrical supply discontinued after being given seven days' notice if the bills are overdue for more than 30 days.

(2) The standard tariffs are applicable only in cases where the installation is located reasonably near the power lines and feeders of Government.

(3) Unless otherwise agreed to, all rates for power apply to one point of supply only.

(4) Except lamps used for indicating, pilot, or similar purposes, no lighting will be allowed under tariffs II (a), (c) and (f). A separate circuit must be installed in such cases for lighting. By the standard agreement, a small ryot or cottage industrialist will be permitted a limited amount of lighting.

Terms and conditions for temporary service connexions.

Temporary service connexions will be given on the following terms:—

- (i) Service charges—As for permanent service connexions except that a refund—less dismantling charges plus 15 per cent thereto for office expenses—of the scrap value of the material retrieved from the temporary connexion shall be given.
- (ii) Meter rent will be charged at Re. 1 for each meter irrespective of the period.
- (iii) The maximum period is 45 days.
- (iv) The ordinary tariff rates shall be charged for energy subject to a minimum bill therefor of Rs. 10.
- (v) A security deposit shall be calculated at 6 hours a day for the maximum connected load for the declared period of temporary connexion. This deposit together with the service line charges and the meter rent shall be paid in advance of erecting the service line. The deposit shall be adjusted within two weeks of disconnexion.

Power Tariff for Tea Estates.

The following tariffs are offered for a high-tension power supply to tea estates in the Nilgiris, the Anamalais and the Wynad.

2. For the total consumption of power per annum in well-defined areas served by a single or double circuit line, or alternative supply, the rates will be as follows:—

Up to 1,000,000 units per annum—1.25 annas per unit.

When the consumption exceeds 1,000,000 but does not exceed 1,250,000 units—1.15 annas per unit.

When the consumption exceeds 1,250,000 units—1.00 anna per unit.

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3. All power utilized for electric heating, i.e., firing, withering or similar processes, will be allowed a rate of 0.5 anna per unit, provided that the connected load is at least 20 K.W. and the power is metered and supplied on a separate circuit.

4. A minimum revenue equivalent to Rs. 200 per month is required from each factory up to 50 horse-power of connected load, and Rs. 4 per month for each additional horse-power of demand over 50. The connected load will be based on the maximum horse-power demand in motors actually utilized and connected to the mains at one time.

5. All power factors below 0.80 will be liable to the standard penalty unless billed on a K.V.A. basis.

6. In cases where a group of factories under the same management is established in the same area near Government high-tension lines, the standard high-tension tariff for bulk supply (H.T.I.) shall be applicable, always provided that a minimum revenue of Rs. 4,800 per annum is guaranteed at each point of supply. In such cases connecting lines between factories shall be constructed and maintained by the consumer.

This rate is subject to a maximum overall unit charge of one anna per unit without prejudice to any minimum charge or guaranteed revenue.

APPENDIX VIII.

[Vide answer to question No. 375 asked by Rao Sahib V. Dharmalingam Pillai at the meeting of the Legislative Council held on the 4th November 1933, page 553 supra.]

Answers to question No. 461, dated 1st September 1921.

Q.—(a) Whether it is a fact that the Chingleput District Collector notified on 13th March 1920 that the sites for Panchamas will be granted on ground-rent system;

(b) whether it is a fact that the cheri site measuring 1.83 acres situate in R.S. No. 69 in the village of Karikkalavakkam, Tiruvallur taluk, Chingleput district, was found inadequate in 1896-97 and R.S. No. 60 measuring 1.83 acres was acquired for that purpose;

(c) whether it is a fact that before the settlement of 1910 the paracheri site allotted to the cheri was 4.49 acres and after the settlement it is only 3.39 acres;

(d) whether it is a fact that the Panchamas of the said cheri addressed the District Collector in April 1920 to have their cheri extended, and during the enquiry gave a statement to the Tahsildar on 4th August 1920 that they would purchase in auction the various sites, R.S. Nos. 15-2 and 19 after their acquisition;

(e) whether it is a fact that the Tahsildar after investigation recommended the acquisition of R.S. Nos. 15-2 and 19, paracheri sites, and then their sale as site after acquisition;

(f) whether it is a fact that the present cheri sites of 60, 62 are below the tangal and are in bad sanitary condition on account of the tangal having been strengthened in 1916-17 since its transfer from the Revenue to the Public Works Department;

[4th November 1933]

(g) whether it is true that R.S. No. 15-2 was retained as a village site in the settlement of 1876;

(h) whether the Government propose to acquire R.S. No. 15-2 measuring 5.12 acres, R.S. Nos. 19-1 and 19-3 measuring 2.19 acres for the location of the Panchamas of the village; and

(i) whether it is a fact that the above cheri is often affected with cholera, the outbreak being in 1919?

A.—(a) A notification was issued that separate sites for Panchamas would be allotted (wherever the necessity was proved) by transferring the required extent from available Government waste land or by acquiring by purchase other lands where Government waste was not available. Such sites were to be charged a quit-rent of Rs. 2 per acre.

(b) Yes. As the cheri site situated in S. No. 69 was found inadequate, S. No. 60 measuring 1.83 acres was acquired for the purpose in 1896-97.

(c) Yes. As per old settlement register, S. No. 60 measures 1.83 acres and is classed as assessed waste and S. No. 69 measuring 2.66 acres, as cheri site. As per resettlement register, S. No. 60 measuring 1.83 acres is classed as cheri site, and S. No. 69-1 measuring 1.56 acres is also cheri site. S. Nos. 69-2 to 69-7 measuring 1.10 acres have been in the occupation of Panchamas and ryotwari pattas were issued to them. Hence the deficiency in the extent of cheri site.

(d) The Panchamas petitioned the Collector for extension of cheri site in April 1920. Enquiry shows that they wanted Government to acquire S. No. 15-2 and not S. No. 19. But as S. No. 15-2 is close to the tangal, it was considered unsuitable for cheri extension and the acquisition was not taken up.

(e) The Tahsildar did not make any such recommendation.

(f) The situation of the cheri is adjacent to the tangal but is on a fairly high ground. The alleged insanitary condition is reported to be due to the habits of the inhabitants.

(g) In the old settlement register S. No. 15 classed as "cattle-stand" is stated to have been added to the building site. In the resettlement register S. No. 15-1 is classed as village site and S. No. 15-2 as dry assessed waste.

(h) There is no such proposal.

(i) There were eight cases of death due to cholera between 25th May and 6th January 1919 in Karikkalavakkam village of which seven occurred in the cheri and one in the village, and there were no cases of death due to cholera subsequently.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Monday, the 6th November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Usman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed. Krishnam Nayar, Kt., The hon. Diwan Bahadur Sir M. Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald. Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G. Raja of Bobbili, The hon. the. Rajan, The hon. Mr. P. T. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. Abdul Hameed Khan Sahib Bahadur. Ahmed Miran Sahib Bahadur. Alamelumangathayaramma, Mrs. K. Annamalai Chettiyar, Mr. S. A. A. Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T. Basheer Ahmed Sayeed Sahib Bahadur. Basu Dev, Mr. C. Beyabani Sahib Bahadur, S. M. K. Bhanoji Rao, Mr. A. V. Birley, Mr. F. Dharmalingam Pillai, Rao Sahib V. Duraiswami Reddiyar, Mr. K. M. Gopalaaswami Ayyangar, Diwan Bahadur N. Hood, I.C.S., Mr. H. M. Indrayya, Mr. C. Jagannatha Raju, Rao Bahadur G. Jagannatham, Mr. H. M. Jayaram Nayudu, Rao Sahib C. Kesavaramamurti Nayudu, Mr. K. Koti Reddi, Mr. K. Krishnayya Choudari, Mr. P. V. Krishnamurti, Rao Bahadur D. Krishnan, Mr. C. Krishnaaswami Ayyar, Kt., Diwan Bahadur Sir Alladi. Kumararaja of Venkatagiri, The. Kuppuswami Choudari, Mr. J. Ladden, Mr. W. W. Lakshmana Reddi, Mr. G. Madanagopal Nayudu, Mr. R. Mahboob Ali Baig Sahib Bahadur. Mahmud Schamnad Sahib Bahadur, Khan Bahadur. Moidoo Sahib Bahadur, Khan Bahadur T. M. Moses, Mr. P. C. Muhammad Meera Ravuttar, Mr. K. P. V. S. Muniswami Nayudu, Diwan Bahadur B. Muniswami Pillai, Rao Sahib V. I.

Muthiah Chettiyar, Mr. M. A. Muthu Chettiyar, Rao Bahadur P. O. Nachiyappa Gounder, Mr. K. A. Nadinuthu Pillai, Mr. A. Pl. N. V. Nanjappa, Subadar-Major S. A. Narasa Reddi, Mr. T. Narasimhaswami, Rao Sahib D. V. Narayanan Nambiyar, Mr. V. P. Natesa Mudaliyar, Rao Bahadur C. Parthasarathi Ayyangar, Mr. C. R. Patnaik Mahasayo, Sriman M. G. Patro, Kt., Rao Bahadur Sir A. P. Pattabhiramayya, Mr. K. Peddi Raju, Mr. P. Pocker Sahib Bahadur, B. Premayya, Mr. G. R. Rajagopal Pillai, Mr. P. V. Raja of Khallikote, The. Ramachandra Padayachi, Mr. P. K. Ramakrishna Reddi, Mr. A. Ramamurti, Rao Sahib Pandit Ganala. Raman Menon, Mr. K. P. Ramaswami Ayyar, Mr. T. S. Ranganatha Mudaliyar, Mr. A. Ranganatha Mudaliyar, Mr. M. D. T. Ratnasabhapati Mudaliyar, Diwan Bahadur C. S. Sahajanandam, Swami A. S. Sami Venkatachalam Chetti, Mr. Shetty, Mr. A. B. Siva Raj, Rao Sahib N. Sivasubrahmanya Ayyar, Mr. K. S. Smith, C.I.E., I.C.S., Mr. E. Conran. Sreshtha, Mr. M. S. Srinivasa Ayyangar, Mr. T. C. Srinivasan, Rao Bahadur R. Sriramulu, Mr. G. Subbarayan, Dr. P. Subrahmanya Chetti, Rao Sahib P. Subrahmanya Bhatt, Mr. U. C. Sundara Rao Nayudu, Mr. T. Syed Tajuddin Sahib Bahadur, Khan Sahib. Thangal, Mr. P. Madhusoodhanan. Thorne, C.I.E., I.C.S., Mr. J. A. Vasudeva Pillai, Mr. V. G. Vedachala Mudaliyar, Mr. M. Venugopal Nayudu, Rao Bahadur R. K. Viswanatha Rao, Rao Bahadur V. N. Wright, Mr. W. O. Yahya Ali Sahib Bahadur, Khan Bahadur. Yakub Hasan Sahib Bahadur. Zamindar of Mirzapuram, The.

[6th November 1933]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of Dramatic Performances

Protest by the Washermen community against the gramophone record containing 'Vannanpattu.'

* 384 Q.—Rao Sahib V. I. MUNISWAMI PILLAI: Will the hon. the Home Member be pleased to state whether the Government have received representations from the Dhoby community, Trichinopoly, Madura, and Ootacamund, requesting to proscribe the gramophone record known as 'Vannanpattu' and to prohibit the singing of it in public theatres as the substance in the song is casting a slur on their womenfolk to which they have sentimental objection?

A.—Representations were received from the Dhobi community, Trichinopoly and Ootacamund, and from Mr. M. Devadasan, M.L.C. The Government thereupon had the text of the gramophone record translated and examined; it was found that it contained nothing of the nature alleged in the petitions so as to justify any interference by the Government.

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I ask whether the Government are aware that the 'Vannanpattu' criticises the daily routine of the washermen women-folk?"

The hon. Sir MAHOMED USMAN:—"We have a translation of the whole song and the Government find there is nothing in it to take objection to."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Is the hon. Member aware that there are disturbances in cinemas, etc., whenever this song is sung?"

The hon. Sir MAHOMED USMAN:—"I am not aware of it; I shall make enquiries."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Will the Government be pleased to investigate into the matter or ask the District Magistrates?"

The hon. Sir MAHOMED USMAN:—"I shall consider the suggestion of the hon. Member."

Mr. V. T. ARASU:—"May I ask if the Government are aware that a suit was filed in the Mayavaram Sub-Court protesting against this song?"

The hon. Sir MAHOMED USMAN:—"I am not aware of it."

Police

Police posted to Atmakur for bandobast during the last Sri Rama Navami and Dasara celebrations.

* 385 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Home Member be pleased to state—

(a) what the number was of Police sent to Atmakur (Kurnool) for making bandobast on the occasion of the last Sri Rama Navami and the Dasara festivals;

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(b) who the officers present on that occasion were and who the officer was who passed orders for taking the procession with music before the mosque;

(c) whether any attempts were made to reconcile both the parties;

(d) whether it is a fact that the cause of communal trouble was not strictly religious and that it came into existence and took this shape as a result of the last local board elections; and

(e) what the actual cost to Government was for making this Police bandobast, etc., in this connexion?

A.—(a) to (e) The Government have no information but have called for it.

S. M. K. BEYABANI SAHIB Bahadur:—"Will the hon. the Home Member be pleased to state when the information was called for?"

The hon. Sir MAHOMED USMAN:—"As soon as the notice of the question was received."

S. M. K. BEYABANI SAHIB Bahadur:—"Will the Government pass orders as early as possible?"

The hon. Sir MAHOMED USMAN:—"I have called for the information. Until the information is received, I am unable to do anything in the matter."

Prisons and Prisoners

Classification of certain Congressmen convicted and sentenced.

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

(a) whether the following Congressmen were put in class 'C' whereas during their previous convictions they were placed in class 'B':—

Mr. M. S. Krishnaswami, G.D.A., R.A.,

„ G. Ramachandran,

„ V. Krishnaswami, B.A. (Hons.),

„ K. Subrahmanyam,

„ K. V. Subba Rao, B.A., B.L.,

„ M. S. Narayana Rao,

„ V. S. Thyagarajan, B.A. (Hons.); and

(b) what action the hon. the Law Member has taken or proposes to take in the matter?

A.—(a) All the convicts were placed in the 'C' class by the convicting Magistrate. The first four were placed in the 'B' class during their previous convictions.

(b) The Government have since issued orders directing that all of them should be placed in the 'B' class.

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Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"With reference to answers (a) and (b), may I ask whether only the first four or all the seven persons were placed in the 'B' class?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"All the seven."

*Frequent transfers to and from the post of the Superintendent,
Bellary Central Jail.*

* 387 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) how many transfers and postings have taken place in the office of the Superintendent of the Bellary Central Jail since September 1932 up to October 1933;

(b) what the reasons are for these frequent transfers and what the public grounds are by which these transfers were necessitated; and

(c) what the cost incurred by the Government is in respect of each transfer?

A.—(a) & (b) The hon. Member is referred to the answers to clauses (a) and (b) of question No. 158 given in the Council on the 30th October 1933.

(c) The Government have no information.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have called for the information with regard to the cost incurred by the Government in respect of these transfers?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have not."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government will stop such frequent transfers in these days of financial stringency?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It all depends upon exigencies of service."

*Allotment of hard labour to the political prisoners in the
Central Jail, Bellary.*

* 388 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that political prisoners in the Bellary Central Jail were given to work the oil and grinding mills when their usual allotted work was cumbly and cloth weaving which was being done by them regularly;

(b) whether it is a fact that one A. K. Gopalan Nambiyar who was medically unfit for hard labour on account of his eye operation was made to work the mills;

(c) whether it is a fact that he used to fall unconscious several times in the hospital and was dragged out and forced to do hard labour; and

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(d) whether it is a fact that this political prisoner and others were dragged, beaten and insulted when they remonstrated against the inhuman treatment meted out to them?

A.—(a) The hon. Member is referred to the rules in Chapter XXIV of the Madras Jail Manual. All 'C' class prisoners are treated alike, whether they are convicted of offences connected with political movements or otherwise. They are put on all forms of labour such as working in the oil mill, ragi grinding, stone breaking, aloe work, cumbly weaving and cotton weaving.

(b) Convict A. K. Gopalan Nambiyar was detailed for work in the oil mill. He refused to do the work and was awarded three months bar fetters. He was not suffering from any serious eye trouble.

(c) & (d) No.

Mr. BASHEER AHMED SAYEED:—"May I ask whether any instructions have been issued to the Superintendents of Jails to classify prisoners in the jails according to their status, and to exact work from them?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"All that information is given in Chapter XXIV of the Jail Manual."

Mr. K. P. RAMAN MENON:—"It is stated in answer (b) that Gopalan Nambiyar was not suffering from any serious eye trouble. May I ask whether there was any operation at all?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"There was something wrong with the cornea and it was set right in the course of a few seconds."

Mr. K. P. RAMAN MENON:—"For how many days was he asked to work on the mill?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Notice."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Did the Government enquire about his status before his conviction?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"So far as I can say at present, he is just like any other volunteer."

Mr. BASHEER AHMED SAYEED:—"May I ask whether educated persons and persons who occupy decent positions in life will be asked to work the oil-mills and grind-stones?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The work which should be given to prisoners is given in the Jail Manual."

Mr. A. RANGANATHA MUDALIYAR:—"Is the hon. Member aware that working an oil-mill is the hardest labour in the jail?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not aware of that."

Mr. A. RANGANATHA MUDALIYAR:—"Is it not a fact that people deputed to do this work usually come from the working classes?"

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

Mr. ABDUL HAMEED KHAN:—"It is stated that Gopalan Nambiyar refused to do the work. May I ask whether the hon. Member will be pleased to enquire what the reasons are for his refusal and whether he had any just reason?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The reason is cantankerousness, I suppose."

Mr. ABDUL HAMEED KHAN:—"May I ask how does the hon. Member say that it is due to cussedness?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"From the general tenor of the Superintendent's report."

Mr. SAMI VENKATACHALAM CHETTI:—"Apart from the fact that the Jail Manual permits this work to be given to them, could not some other work be given to them?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is Superintendent's discretion."

Mr. SAMI VENKATACHALAM CHETTI:—"Why should the Superintendent choose this particular work?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Because it is left to his discretion."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Did Gopalan Nambiyar apply at any time that he should be placed in a higher class?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I do not remember."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the hon. Member will satisfy himself that the discretion vested in the Superintendent is not abused in the case of political prisoners put in the C class?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not abused."

Mr. BASHEER AHMED SAYEED:—"Has the hon. Member satisfied himself, or will he do so?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have satisfied myself."

Alleged investigation into the treatment of A. K. Gopalan Nambiyar, a political prisoner, confined in the Central Jail, Bellary.

* 389 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that some months ago the Government directed the Superintendent, Central Jail, Bellary, to obtain a statement from A. K. Gopalan Nambiyar, a political prisoner, about his treatment in the jail;

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(b) if so, what the circumstances were under which the order was issued and whether the statement from the prisoner has been since received;

(c) if so, whether a copy of the statement from the said A. K. Gopalan Nambiyar will be placed on the table with the orders passed thereon by the Government;

(d) whether it is a fact that the statement taken from the prisoner was not recorded as stated by the prisoner but was written in spite of the prisoner's protests; and

(e) if not, what were the circumstances under which the statement was recorded and whether any report has been called for on this matter?

A.—(a) No.

(b) to (c) Do not arise.

Mr. K. P. RAMAN MENON:—"May I ask if the Government did not ask the Superintendent to send a report?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Superintendent was asked to send a report; he sent a report to the Government. I do not know whether he took a statement from the prisoner or not."

Mr. BASHEER AHMED SAYEED:—"When the Superintendent sent the report, did he take a statement from the prisoner as made by him, or did he send a report himself? Will the hon. Member call for a report as to what exactly took place?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"This is an hypothetical question; I am not prepared to answer the question."

Mr. A. RANGANATHA MUDALIYAR:—"How long was Gopalan Nambiyar put on the oil-mill work?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I cannot say."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The hon. Member stated that the Superintendent was asked to make a report. Was it on the receipt of information or before that?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Long before that."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"What was the necessity for the Government to ask the Superintendent to make the report long before the receipt of the information?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Because I received a communication from Malabar."

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Alleged ill-treatment of K. Satyanarayana, a political prisoner, in the Bellary Central Jail.

* 390 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that on 18th July 1933 K. Satyanarayana, a political prisoner, was dragged and forced to work the oil mill along with other prisoners;

(b) whether it is true that at that time the said K. Satyanarayana was suffering from bleeding piles and that he was ill-treated continuously for four days;

(c) whether in the meantime the Government issued orders placing the said K. Satyanarayana in B class; if so, when the orders were passed, when they were despatched and when they were actually received by the Superintendent of the Central Jail, Bellary;

(d) whether it is a fact that in spite of the said orders of Government having been received by the Superintendent, the said prisoner was not informed of the same but was given bar-fetters for three months; and

(e) if not, when the order for bar-fetters was imposed and for what period, and why the intimation of the Government orders to the prisoner was delayed?

A.—(a) to (e) The information has been called for. The order placing K. Satyanarayana in 'B' class was passed on 17th July 1933 and despatched on the 18th July 1933.

MR. BASHEER AHMED SAYEED:—"May I ask when the orders were received by the Superintendent of the jail and when was the prisoner communicated to as to the orders?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Superintendent must have received the order, in the ordinary course of events, the next day after it was posted here, on the 18th. I suppose he immediately communicated the orders to the prisoner."

MR. BASHEER AHMED SAYEED:—"Are the Government aware that the prisoner was communicated to long after the order was issued and received by the Superintendent and that bar fetters were awarded to the prisoner?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not aware of that."

MR. BASHEER AHMED SAYEED:—"Will the hon. Member enquire into the matter?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my Friend's suggestion."

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Insufficiency of latrine arrangements in the Madras Penitentiary.

* 391 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that there is no arrangement at all for privacy in the latrines used by prisoners in the Madras Penitentiary; and

(b) what action the Government propose to take to improve the present condition of the latrines?

A.—(a) & (b) The information has been called for.

Local Self-Government

Proposals for the re-amalgamation of taluk boards.

* 392 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any proposals now to amalgamate some of the taluk boards which have been bifurcated recently;

(b) if so, what the names are of such taluk boards;

(c) when such proposals are likely to come into effect; and

(d) in such cases, how the amalgamated taluk boards are to be constituted?

A.—(a), (b), (c) & (d) There is no proposal now to amalgamate any taluk boards bifurcated recently.

MR. P. V. KRISHNAYYA CHOUDARI:—"May I ask whether it is not advisable to amalgamate the taluk boards instead of abolishing them altogether?"

The hon. the RAJA OF BOBBILI:—"The Government have not decided to abolish the taluk boards. I may also state that the Government do not think it is advisable to re-amalgamate the bifurcated taluk boards."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Even though there may be no specific proposal before the Government, may I ask whether there is any general proposal to amalgamate the bifurcated taluk boards?"

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

Action taken by the Government on the recommendations of the Indian Road Development Committee.

* 393 Q.—MR. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) what steps have been taken by the Government on the recommendations of the Indian Road Development Committee; and

(b) what financial relief has been given to the local boards as the result of such action?

A.—(a) A Central Road Development Fund has been constituted under the control of the Government of India. Ten per cent of this fund is retained by the Government of India as a reserve and the balance is distributed among the

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Provinces in proportion to the consumption of petrol in the several Provinces, to be utilized for expenditure on schemes of road development approved by the Government of India.

(b) The following grants have been paid to district boards out of this fund, in addition to the usual grants given from general Provincial Revenues:—

					RS.
1930-31	...	...	...	...	12,31,157
1931-32	...	...	...	...	14,08,490
1932-33	...	...	...	...	12,29,822
Total					38,69,469

Mr. A. B. SHETTY:—"It is stated in answer (a) that the fund is distributed by the Government of India among the Provinces in proportion to the consumption of petrol in the several Provinces. May I know whether the Local Government will similarly distribute the money among the several district boards in proportion to the consumption of petrol in each district?"

The hon. the RAJA OF BOBBILI:—"The Local Government have no power to do so. They can spend only on schemes sanctioned by the Government of India."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The schemes are selected by the Local Government and placed before the Government of India. The Local Government may select schemes in proportion to the value of the consumption of petrol in the districts?"

The hon. the RAJA OF BOBBILI:—"I do not think it is possible. The Government select schemes in the order of their importance."

Mr. M. S. SRESHTA:—"Why cannot the Government take power to distribute the fund to various districts according to the proportion of the petrol consumed?"

The hon. the RAJA OF BOBBILI:—"I have already explained. The instructions of the Government of India are that the money should be spent only on schemes approved by them."

Mr. M. S. SRESHTA:—"Cannot the Government of India be asked to give the necessary power to this Government?"

The hon. the RAJA OF BOBBILI:—"The Government of India are not likely to agree to the proposal."

Mr. M. S. SRESHTA:—"Will the hon. Member kindly consider the desirability of writing to the Government of India and ascertain their views, because the feeling is very strong in most districts that the distribution is disproportionate?"

The hon. the RAJA OF BOBBILI:—"I do not think, Sir, that the Government of India will agree to it."

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Mr. T. S. RAMASWAMI AYYAR:—"May I ask whether the schemes are not approved according to the order of their importance? May I know if the Government do not feel that the value of the petrol consumed in each district indicates the importance of the scheme in that district?"

The hon. the RAJA OF BOBBILI:—"It does not necessarily follow."

Mr. T. S. RAMASWAMI AYYAR:—"If there are a large number of petrol consumers in a district, it means the number of cars in that district is greater. Do not the Government take into consideration the consumption of petrol when they sanction schemes?"

Mr. M. S. SRESHTA:—"Although the hon. Minister thinks that the Government of India will not accede to the request made in regard to the distribution of the fund in the proportion of petrol consumption in the districts, will the hon. Minister, in deference to the feeling exhibited in this House, write to the Government of India and obtain their sanction?"

The hon. the RAJA OF BOBBILI:—"I have already said that no useful purpose will be served, because the Government of India are not likely to sanction any schemes before ascertaining whether they will affect the railways or not."

Representation of Muslims and Christians on the municipalities.

* 394 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to furnish a statement showing in respect of each of the municipalities in the province—

- (i) the percentage of the Muslim population to the total population;
 - (ii) the percentage of the Indian Christian population to the total population;
 - (iii) the total strength of the Council;
 - (iv) the number of seats reserved for the Muslims;
 - (v) the number of seats reserved for the Indian Christians;
 - (vi) the total number of Muslims now on the Council;
 - (vii) the total number of Indian Christians now on the Council;
- and
- (viii) of the Indian Christians, if any be ladies, how many they are and from what constituency they have been elected?

A.—(i) & (ii) The hon. Member is referred to the Census of Village Statistics, Madras, 1931.

- (iii), (iv) & (v) A statement^a is placed on the table.
- (vi), (vii) & (viii) The Government have no information.

Mr. K. P. RAMAN MENON:—"The statement furnished does not give the number of Muslim and Christian members now on each of the municipalities in the Malabar district? Will the Government furnish the information?"

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The hon. the RAJA OF BOBBILI:—"It is stated in the answer that the Government have no information; but if the hon. Member would mention any particular municipality, I shall certainly call for the information and furnish him."

Mr. K. P. RAMAN MENON:—"At page 7 the number of seats reserved for each community on the Municipal Councils of Calicut, Cannanore, etc., is given. Will the hon. Member furnish the actual number of members of these communities so far as the municipalities in Malabar district are concerned?"

The hon. the RAJA OF BOBBILI:—"We have no information."

Mr. M. S. SRESHTA:—"Will the hon. Member be pleased to furnish information as to the actual number of Indian Christian and Muslim members on the municipal councils?"

The hon. the RAJA OF BOBBILI:—"The information can easily be obtained by hon. Members. The compilation of this information for the various municipalities will entail great deal of time and expense."

11-15 a.m. Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"May I know why even when the population of a particular community is less than one-twenty-fifth of the total population, more than one seat have been allotted to that community?"

The hon. the RAJA OF BOBBILI:—"In some cases, Sir, where the population of a community does not deserve even one seat to be reserved for it, we have to reserve at least one seat."

Mr. M. S. SRESHTA:—"May I know what formula has been followed in allotting these seats?"

The hon. the RAJA OF BOBBILI:—"As far as possible, the population is taken into account."

S. M. K. BEYABANI SAHIB Bahadur:—"Is the hon. Minister aware that in the last elections to the municipalities, the number of Muslims elected are less than their proportion to the total population?"

The hon. the RAJA OF BOBBILI:—"It may be so in some cases; but generally they have been returned in proportion to their population."

S. M. K. BEYABANI SAHIB Bahadur:—"Is the hon. Minister aware that in most of the municipalities, the Mussalmans elected are less than the population ratio?"

The hon. RAJA OF BOBBILI:—"I am not aware of that."

Representation of Muslims and Christians on the District Boards.

* 395 Q.—Rao Bahadur A. T. PANNIRSELVAM: Will the hon. the Minister for Local Self-Government be pleased to furnish a statement showing in respect of each of the District Boards in the province—

(i) the percentage of the Muslim population to the total population;

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(ii) the percentage of the Indian Christian population to the total population;

(iii) the total strength of the District Board;

(iv) the number of seats reserved for the Muslims;

(v) the number of seats reserved for the Indian Christians;

(vi) the total number of Muslims now on the Board;

(vii) the total number of Indian Christians now on the Board; and

(viii) of the Indian Christians, if any be ladies, how many they are and from what constituency they have been elected?

A.—(i) & (ii) The hon. Member is referred to the Census of India, 1931, Volume XIV, Madras Part III, Provincial Tables.

(iii), (iv) & (v) A statement * is placed on the table.

(vi), (vii) & (viii) The Government have no information.

Mr. K. P. RAMAN MENON:—"Will the hon. Minister be pleased to state the total number of Indian Christians and Muslims at present on the District Boards?"

The hon. the RAJA OF BOBBILI:—"Neither the Secretariat nor the Inspector's office has got the information."

Mr. M. S. SRESHTA:—"May I know if the hon. Minister cannot ask for the information from the District Boards? The Hon. the Minister said in reply to a previous question that it would involve a considerable amount of labour. Is the hon. the Minister aware that if one of the Members of this House himself wants the information from the District Boards, the labour involved would be much greater still?"

The hon. the RAJA OF BOBBILI:—"I do not think so."

Mr. BASHEER AHMED SAYEED:—"Is the Hon. Minister aware that in many municipalities where the population of Mussalmans is in a majority, the number of seats they have been able to capture is far below the population ratio?"

The hon. the PRESIDENT:—"That question has been answered more than twice."

Mr. BASHEER AHMED SAYEED:—"Is the Hon. Minister aware that where Mussalmans are in a majority, their representatives are in a majority?"

The hon. the RAJA OF BOBBILI:—"This question refers to District Boards, Sir."

S. M. K. BEYABANI SAHIB Bahadur:—"Is the hon. Minister aware that in the case of District Boards the case of Mussalmans is worse than in the case of municipalities?"

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The hon. the RAJA OF BOBBILI:—"I am not aware of the fact; I shall be very glad if the hon. Member quotes any specific case."

S. M. K. BEYABANI SAHIB Bahadur:—"In the case of Kurnool, it will be seen that the Mussalmans in the District Board do not exceed four whereas they form nearly half the population. In the last elections, the Mussalmans elected to the District Board were far less than their proportion to the population?"

The hon. the RAJA OF BOBBILI:—"I have no information, Sir."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Especially where the Muhammadans have not been allowed to contest general seats also?"

The hon. the RAJA OF BOBBILI:—"In many cases they contested and they have even been returned."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Especially in cases where the Muhammadan or Indian-Christian population is not in a majority, have they not returned more than the allotted number of members?"

The hon. the RAJA OF BOBBILI:—"Yes, it is so."

Mr. BASHEER AHMED SAYEED:—"May I ask whether, in spite of large numbers, the Muslim population has not been able to secure in many instances more than the number actually reserved for them?"

The hon. the RAJA OF BOBBILI:—"The hon. Member's point seems to be that the seats are not reserved in relation to the population ratio. Within the limits of the Act, we try to do justice as far as possible to all the communities."

Mr. ABDUL HAMEED KHAN:—"May I know whether it is not a fact that, in spite of reservation, the rules that the Government have made are so unsatisfactory from the point of view of the Mussalmans that it is not possible for them to return a larger number than the actual number reserved?"

The hon. the RAJA OF BOBBILI:—"The hon. Member does not state how the rules are partial."

MAHBOOB ALI BAIG SAHIB Bahadur:—"Is there any case of a Muhammadan in a District Board having been returned for a non-reserved seat?"

The hon. the RAJA OF BOBBILI:—"I think there are several cases."

Mr. YAKUB HASAN:—"Is it not a principle of reservation that seats in proportion to the population of the minority community in the locality should be reserved so that if an excess number of people are not returned, at least the number reserved should be returned, on the population basis?"

The hon. the RAJA OF BOBBILI:—"The only principle is that some representation for important minority communities should be allowed. I cannot say that the Government are not seeing to it that the minority communities are protected."

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Mr. BASHEER AHMED SAYEED:—"Is the Hon. Minister aware of the fact that the mentality created by the reservation of seats for minorities has told in the way of their capturing extra seats more than what are reserved for them?"

The hon. the RAJA OF BOBBILI:—"Am I to take it that the hon. Member is against reservation of seats?"

Medical Administration

Protest against the introduction of birth-control clinics.

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

(a) whether the Surgeon-General has made a report regarding the introduction of birth-control clinics and instruction in hospitals, etc.;

(b) if so, what action the Government propose to take thereon;

(c) what protests Government have received to the introduction of birth-control clinics, etc., and from whom; and

(d) what action the Government propose to take thereon?

A.—(a) Yes.

(b) The matter is under the consideration of the Government.

(c) Resolutions protesting against the introduction of birth-control clinics have been received from the following:—

(1) Catholic Association, South Kanara.

(2) Tuticorin Diocesan Catholic Association.

(3) The Madras Catholic Social Guild.

(4) Catholic Indian Association, Kumbakonam Branch.

(5) Public meeting of the Catholics of the City of Madras.

(d) These will be duly considered along with the main question.

Mr. M. S. SRESHTA:—"Will the hon. Minister kindly state whether he has received a communication from the Archbishop of Madras, asking that a deputation be allowed to wait upon him?"

The hon. the RAJA OF BOBBILI:—"Yes, Sir; I have received a letter and it has been acknowledged. The exact proposals however have not yet been considered by the Government; and when they are decided, we shall consider the question of receiving the deputation."

Mr. M. S. SRESHTA:—"Will the hon. Minister be pleased to place on the Table the report that has been received from the Surgeon-General and any other communications received on the subject?"

The hon. the RAJA OF BOBBILI:—"I do not propose to do so. It is already stated in the printed answer that the Surgeon-General is in favour of the proposal."

Mr. M. S. SRESHTA:—"May I know when the report of the Surgeon-General was received?"

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The hon. the RAJA OF BOBBILI:—"I am afraid I cannot give the reply off-hand."

Mr. M. S. SRESHTA:—"Would not the introduction of birth-control clinics involve an initial expenditure and a recurring expenditure?"

The hon. the RAJA OF BOBBILI:—"All those questions have not yet been examined; but I presume some expenditure will be incurred."

Khan Bahadur MAHMUD SHAMNAD SAHIB Bahadur:—"May I know whether any other community has protested against this proposal?"

The hon. the RAJA OF BOBBILI:—"I have no information, Sir."

Mr. A. B. SHETTY:—"May I know whether the Government are aware that the Government in England have issued a circular permitting all maternity and child-welfare centres to give information on contraceptive methods?"

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

Mr. M. S. SRESHTA:—"Is the hon. Minister aware that in certain other countries of Europe, in a majority of them, all birth-control measures have been stopped?"

The hon. the RAJA OF BOBBILI:—"I have no information."

Mr. A. B. SHETTY:—"May I know whether the hon. Minister is aware that the Census Commissioner has drawn attention in his report to the necessity for birth-control measures in this country?"

The hon. the RAJA OF BOBBILI:—"I have seen that report, Sir."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Minister is aware that, in the United States of America, birth-control is prohibited and even penalized?"

The hon. the RAJA OF BOBBILI:—"I have no information."

Mr. M. S. SRESHTA:—"Is the Minister aware that in Italy bonuses are given to people who have large families?"

The hon. the RAJA OF BOBBILI:—"I have seen some report about it in the papers."

Mr. A. B. SHETTY:—"May I know whether there is any proposal to compel the Catholic community to go to birth-control clinics or to adopt birth-control methods?"

The hon. the RAJA OF BOBBILI:—"There is no proposal to confine them to any particular communities."

Mr. M. S. SRESHTA:—"May I know if, on such an important matter, the Catholic community has no voice at all?"

The hon. the RAJA OF BOBBILI:—"I never said so, nor do I think so."

Mr. BASHEER AHMED SAYEED:—"Is the hon. Minister aware that the Mussalman community as a body is against this birth-control?"

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The hon. the RAJA OF BOBBILI:—"I do not know."

Mr. M. S. SRESHTA:—"Is the hon. Minister aware that Mahatma Gandhi is against birth-control?"

The hon. the RAJA OF BOBBILI:—"I am afraid, Sir, I am not aware."

The hon. the PRESIDENT:—"I think it is high time that I should control further questions."

Agriculture

Agricultural Demonstrators and District Agricultural Officers.

* 397 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Public Works be pleased to state—

(a) how many agricultural demonstrators there are in each district and

(b) which of the districts have not got District Agricultural Officers and what the reasons are for not making such appointments to those districts?

A.—(a) A statement* is appended.

(b) A list* showing districts directly controlled by Assistant Directors and Deputy Directors of Agriculture is enclosed. The designation of District Agricultural Officer has been changed into Assistant Director of Agriculture. Deputy Directors are in charge of district work in districts not allotted to the Assistant Director. For financial considerations no increase is possible in the number of Assistant Directors.

Mr. BASHEER AHMED SAYEED:—"Is the hon. Minister aware that the demonstrators are not keeping themselves in touch with the cultivators for whose benefit they are supposed to be serving? May I know what steps the Government propose to take to bring them into increasing contact with the agriculturists?"

The hon. Mr. P. T. RAJAN:—"I cannot agree with the hon. Member, Sir, that the demonstrators are not doing their work properly."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the hon. Minister is aware that there are thousands of villagers who have not seen or come across a demonstrator in their taluks or firkas?"

The hon. Mr. P. T. RAJAN:—"Probably in particular taluks the demonstrators have not begun their work within the past one or two years; but it is not possible, limited as they are in number, for them to reach every ryot."

* Printed as Appendix II on pages 703-704 infra.

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Mr. BASHEER AHMED SAYEED:—" May I ask what steps he proposes to take to make these people mix with the cultivators, so as to enable them to derive some benefit out of their contact with these demonstrators? "

The hon. Mr. P. T. RAJAN:—" We shall wait for a better time, when we can appoint more demonstrators."

S. M. K. BEYABANI SAHIB Bahadur:—" May I point out to the hon. Minister that in the Kurnool district a large number of people are not aware of these demonstrators? Will he kindly take steps to make the people know that there are these officers to help them? "

The hon. Mr. P. T. RAJAN:—" As far as possible it is being done."

S. M. K. BEYABANI SAHIB Bahadur:—" Is the hon. Minister aware that under Cumbum tank (Kurnool) there is extensive paddy growing area? Will he kindly see that the department opens a demonstration plot under this tank for the benefit of the ryots? "

The hon. Mr. P. T. RAJAN:—" I will forward the suggestion of the hon. Member to the officers concerned."

Mr. T. S. RAMASWAMI AYYAR:—" May I ask what the hon. Minister means by 'better times'? Does he mean better financial days or a Government with a better programme? "

The hon. Mr. P. T. RAJAN:—" A Government with more money to spend."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know what proportion the number of demonstrators bears to the total number of taluks in the Presidency? "

The hon. Mr. P. T. RAJAN:—" The idea is that each taluk should have a demonstrator; we are trying to give effect to it as early as possible."

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

II.—BUSINESS FOR THE CURRENT SITTING OF THE COUNCIL.

* The hon. Sir MAHOMED USMAN:—" Sir, the other day I was asked to state the course of business for this week. I am in a position to say it now. It is understood that we will be finishing the Estates Land Act (Amending) Bill to-morrow evening, I mean its second reading. In that case, Wednesday will be taken up for other Official Business; and on Thursday there will be no sitting of the Council as my hon. Colleague, Sir Archibald Campbell, who is in charge of the Bill, requires some time to go through the amendments passed by the Council and to give notice of consequential amendments to the Council Office. The whole of Friday will be allotted for Non-Official Business and on Saturday there will be the third reading of the Bill that is before the House now. If we finish it earlier, the rest of the day also will be allotted for Non-Official Business."

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III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931).

Clause 45.

Section 77.

* The hon. the PRESIDENT:—" Discussion on amendment No. 153^a moved by Mr. Muniswami Nayudu, will now continue."

MAHBOOB ALI BAIG SAHIB Bahadur:—" Mr. President, Sir, it is very disappointing that there should have been opposition to the amendment under discussion. A proposition of this kind which seeks to oust the jurisdiction of any other agency and vest it in civil courts should, I think for obvious reasons, commend itself to every one. I need not remind the House that in a civilized and progressive country laws are made and are intended to be administered by an agency or a machinery which by its competency, aloofness and singleness of purpose, inspires confidence in one and all in adjudging all rights and obligations arising either between individuals and individuals or between individuals and the Government. I believe the House will agree with me, Sir, that this is a consummation devoutly to be wished for. Sir, you are aware that there has been an agitation for vesting criminal jurisdiction also in civil courts, and the demand is still there. May I ask whether in these circumstances it is not right and proper that, when an opportunity offers itself, the representatives of the people emphasize their demand by voting for a proposition of this kind? I venture to believe, Sir, by voting against this amendment, they will be doing an unpatriotic act; by voting for it, they will be advancing the cause of that demand for vesting all jurisdiction in civil courts."

" It is rather a surprising thing that a gentleman of the experience 11-30 of Mr. Appadurai Pillai should have thought fit to oppose this motion. a.m. I am sure the House must have marked the hesitating and apologetic tenor of his speech. Obviously, Sir, he was not convinced of what he was saying. Principles apart, Sir, it is a decided gain and an advantage both to the Government and to the litigant public to have these causes litigated in a civil court. The whole machinery of the civil courts is there both in the matter of the trial of the cases and also in the matter of the execution of the decrees. The drafting of decrees is not a small matter and the application of the provisions of the Civil Procedure Code is a thing with which I believe, Sir, most of the revenue divisional officers are not likely to be as thorough as civil judges. All these things can be done more easily and regularly in the civil courts. Many of the revenue officers' range of duties extends to everything which does not belong to other departments. They are as it were residuaries, and they have got hardly time enough to plod through these suits and also attend to their administrative and revenue work. By this amendment, Sir, we will be relieving revenue divisional officers of a great deal of work so that they can profitably use their time for administrative and revenue work."

^a 153. For the words 'before the Collector,' substitute the words 'in a competent civil court of original jurisdiction.'

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"Secondly, the litigants can be sure of legal aid which would be both cheap and certain in the case of litigation in a civil court. The argument of Mr. Appadurai Pillai that the suits are simple and no legal points are raised or need to be considered is a misleading one. When legal pleas are available, they are urged and have to be urged. The very fact that appeals from these suits are allowed both to the district courts and to the High Court clearly points to the fact that these causes are not so simple as the hon. Gentleman thinks. And lastly, Sir, the judicial atmosphere with its dignity and aloofness inspires confidence in the litigant. My hon. Friend, Mr. Appadurai Pillai, stated that the revenue divisional officers are in touch with the villagers and the villages, and therefore that would be a gain. On the contrary, I should think, Sir, the more the judge is out of touch with the villagers and the litigants the better. His personal knowledge cannot be imported into cases. He ought to maintain an aloofness which would ensure impartial decisions. In these circumstances when on principle and also from the point of view of advantage and facility both to the litigant and to the Government, this efficient machinery is available, I do not see any valid reason why the Government should oppose a measure of this kind. The judiciary is as much a branch of the Government as the Revenue Department is and I do not see any reason why either the zamindars or the tenants or those who want to oppose this measure here or the Government should fight shy of going before a judicial officer. I do not think there is any trouble for the people if the amendment is accepted. All that the advocates of the Revenue courts instead of the Civil courts have stated is that it is a summary procedure which can be gone through easily and cheaply. Sir, experience clearly shows that the Revenue court takes as much time as does. These Revenue officers, who are touring officers and who are not stationary officers and upon whose time so many calls are being made, have less time to dispose of these matters than the civil courts which exist for the purpose of deciding suits. In these circumstances, I request the Government to accept this amendment without any discussion."

* Sriman M. G. PATNAIK Mahasaya:—"Mr. President, Sir, the question whether the jurisdiction for the trial of suits under section 77 should be vested in the Revenue court or the Civil court is a very important question. This question has agitated not only the minds of people now, but also the minds of persons who considered that question in connexion with the Bill of 1908. And it was clearly admitted by the hon. Mr. Forbes that the entire non-official opinion then was to the effect that the Civil court should have jurisdiction. That is what he clearly stated. Therefore it is necessary to see whether the view adopted by the Government in 1908 in the teeth of the opposition of all the non-officials is now found to be correct. We clearly see now that the present experience is that the views expressed by the non-official members then were correct. They then stated that there was no legal training for

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the Revenue officers and that people would have to go from place to place and that legal aid could not be obtained at a reasonable or small cost, and that therefore the Civil court was preferable. And we practically find the same thing now. Almost every legal practitioner has stated that to be his experience. And in spite of that, if the Government thinks that jurisdiction should continue in the Revenue courts, I think they are simply following the very procedure that is, of disregarding non-official public opinion as they did in 1908. We will find, Sir, the opinion of Sir Subrahmanya Ayyar quoted in the speech of the hon. Mr. Desikachariar in those proceedings. There he clearly states that jurisdiction should continue in the Civil courts because even before 1908, these suits under Act VIII of 1866 were tried by Civil courts and not by Revenue courts. And for the first time they were transferred under this Act from the Civil courts to the Revenue courts. Mr. Krishnaswami Ayyar said that it would be a great calamity—that was the word used by him—if this jurisdiction was transferred from the Civil court to the Revenue court. Such eminent lawyers and jurists expressed this opinion and even Sir Sivaswami Ayyar had the same opinion. All these eminent lawyers expressed the opinion that the trial of these suits should continue in the Civil courts. In spite of that, the Government transferred this jurisdiction to Revenue courts, and the explanation given by the hon. Mr. Forbes was twofold. He said these suits were very simple suits as they relate only to rates of rent and rents and nothing more. In all other respects he said that the jurisdiction would continue in the Civil courts. He therefore asked why these should not be tried by the Revenue courts. But in fact it is not so. We will find that suits under section 77 of the Estates Land Act relate to nearly three or four classes of questions. In the first instance in estates where the rent is settled and the demand is fixed and there is no need to determine what the rent is or should be, the suits are filed only for recovery of arrears because either the ryot neglects to pay the arrears or he is unable to pay these arrears. So such suits are really simple suits. And one of the hon. Members stated that they could be tried even in a panchayat court and that they need not be tried even by a Revenue court. So much with regard to that class of suits. The second class of suits is where rent is taken in kind and there may be a dispute as to the outturn of the different crops. In such a case evidence is let in on both sides and the question is merely one of appreciation of evidence. That is also not a very complicated kind of suit. The third kind of suits consists of those which relate no doubt to rent but in which the zamindar claims rent in kind and the ryot says he has only to pay fixed cash. In such a case, some knowledge of law is necessary to determine the questions at issue. Then there is also the fourth class of cases in which the question is very very complicated. Such suits relate to rent based on resumption proceedings taken by the landholder himself. In such a case the question of tenure has to be considered. Even in 1908 it was admitted that they are questions which should not be tried by Revenue courts. But such cases do come up and very often have to be determined

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by courts though it has been said only incidentally that the court has to see whether the zamindar had a valid right to determine a particular service tenure and claim full assessment in respect of the lands which were held previously on service tenure. Really it cannot be denied that such questions do come up and so far as my district is concerned, I know very well especially in regard to one estate nearly 3,000 suits were filed which arose mostly out of resumption proceedings. In all those cases, the question was whether the zamindar had a right to resume these lands which were held previously as inam, the zamindar claiming them to have been on service tenure and the defendant claiming that they were held not on service tenure but absolutely. Therefore at all events suits coming under classes 3 and 4 should not be tried by the Revenue courts. Moreover, the hon. Mr. Forbes quoted from the Proceedings of the Bengal Legislative Council in regard to the amendment of the Bengal Tenancy Act, extracts to the effect that it is not necessary for these Revenue officers to understand the complicated procedure laid down in the Civil Procedure Code.

11-45 a.m. " We find under the Estates Land Act that the procedure laid down under the Civil Procedure Code has to be followed by the officers. Therefore, there is some complication. Moreover, we also find that in very many places it is not possible for the Revenue Officers to try these cases because their time is occupied with executive and criminal work. Therefore, they find it hard to try suits under the Estates Land Act. It was thought then that it would be inexpensive to have these suits tried in a Revenue court. It is really not so. As Sir S. Subrahmanya Ayyar stated, a vakil cannot be taken to the Revenue courts at a small cost, it is very costly. As was pointed out by Mr. Muniswami Nayudu, unless the ryots engage a vakil, they have to attend the court and go to the camps of the Revenue Divisional Officer. Some people regard summary suits as easy, as the term applied to these suits indicates when the Act of 1865 was in force. Now, they are no longer summary; because what we find is even second appeals are provided and even a higher scale of court-fee is collected. Therefore, it is a misnomer to call these suits summary suits. Of course, we can understand from what was stated by Mr. Forbes that practically the Government have at the back of their minds that the younger civilians should be given some training in civil matters. That cannot be done without vesting the jurisdiction in the Revenue courts. That inexperienced young civilians should learn their judicial work at the cost of the poor people is not proper. Moreover, it was also pointed out by Mr. V. Krishnaswami Ayyar that there will be a large increase of litigation. That is also true because the questions of tenure which come before Revenue courts are decided only incidentally, the matter is carried to the District Court on appeal and then to the High Court. Even the decision of the High Court does not become final and it is open to the unsuccessful party to file a declaratory suit which can be carried again to the High Court. This leads to a multiplicity of suits. So it is not at all desirable that the Revenue

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courts should have jurisdiction at all events with regard to suits filed under section 77 of the Estates Land Act. Supposing in a suit for rent a question of resumption comes up, then the question of resumption will be decided once for all by the Civil Court and will become final as between the parties and there will be no need for a separate suit being filed as to title. Such a final decision is not possible when the suit is tried by a Revenue court. Therefore, to avoid multiplicity of suits and to avoid heavy expenses to the litigants, this amendment is proposed. In this connexion, I do not make any distinction between the landlord and the ryot. The ryot also has to pay the expenses and bear the cost of engaging a pleader and going to the place where the case is to be tried and the zamindar also has to do the same. It is therefore necessary that the jurisdiction should be transferred to the Civil courts. Probably, Government may have another objection, namely, that additional courts will be necessary. As I have already stated, there will be no contest in suits when the demand is fixed. I think they can be disposed of very easily. That really won't add to the work of the Civil courts.

" With regard to suits in which the quantum of *bhagam* or rent has to be determined, it will take some time. It is not a suit of a very complicated nature. When the question of cash rent or *bhagam* comes in, it is complicated. When questions of resumption are involved, a single suit will do. When the suit is tried and decided by a Revenue court, it may be tried again by the Civil court and that will avoid multiplicity of suits. Therefore, if the Civil courts first try suits for rent, there will be no necessity to try the same questions again. Therefore, it won't add to the work of the Civil courts. The only other ground is the ground of policy that these Civilians should be trained in judicial work. I cannot meet that point. I think that is very very unjust and unfair, that at the expense of poor people these Civilians should be trained.

* The RAJA OF KHALLIKOTE:—" Mr. President, Sir, I rise to oppose this amendment and I am doing so partly in the interests of the landholders and partly in the interests of the ryots themselves. I am surprised that the hon. Member from Chittoor with his extensive and intimate acquaintance with courts—I mean in a professional way—should have moved this amendment, which, I expect, he thinks is for the advantage of the ryots. My hon. Friend is not unaware of the proverbial laws' delays and such delays are always associated with Civil courts. Why, if other suits and applications under the Act go before the Revenue courts, should rent suits alone form an exception to the general procedure? Rent suits have been heard from 1865 or even earlier by Revenue Officers and there has been to my knowledge no complaint that the Revenue Officers have not been doing their work efficiently and conscientiously. They have absolutely no interest in hitting either the landholder or the ryot. They have large practical experience of land and the crops thereon and would have in many cases inspected the lands in dispute in the course of their itinerary. We want

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practical men to decide these cases, men who are in intimate touch with the state of affairs prevailing in the rural parts. The points at issue are not of such legal importance as to require the judicial brain of a District Munsif. They are mostly practical matters that can be decided after personal inspection or with reference to personal knowledge of the locality and so on. Very often, the Revenue Officer settles the matter satisfactorily and amicably for both the parties and this is entirely due to his intimate knowledge of the conditions prevailing in his division. But the point which I wish to emphasize most is more in favour of the ryot than the landholder. It may be more easy for the landholder to take his parties and papers to the Civil court than the ryot. The ryot has to travel long distances to the headquarters of the Civil court with all his parties which is more expensive for him, whereas if rent suits are tried by Revenue courts, the Revenue Officer not only gives both parties speedy justice but brings justice to the door of the ryot. In hearing rent suits as other suits and applications under the Act, the Revenue Officer generally camps in the village wherein the dispute arose or very near such village. The parties are not put to much expense in travelling to the place where the officer is and in taking their witnesses there. And, Sir, I can speak from experience that the suits are disposed of soon after the pleadings are filed and both sides heard. The ryot then knows quickly what he has to pay and when he has to pay it. He gets his grievance redressed for a trifling expense. Now look at the picture in the Civil courts, especially courts of District Munsifs, where most of these suits will have to be filed if the amendment is carried. The District Munsif is a stationary officer. He lives and works at the headquarters of the district and sometimes between two Revenue divisions. In most cases he is far away from the villages. Both parties are put to considerable hardship and expense in taking their witnesses to the distant headquarters of the District Munsif. And this is the crux of the whole trouble, there are interminable adjournments. I am not trying to blame the hard-worked District Munsifs but I am merely describing a state of things which perhaps cannot be easily set right. Those who have worked in these Civil courts know, and my hon. Friend from Chittoor ought to know better than anyone of us, that the exigencies of work in the Civil courts necessitate often innumerable adjournments. Sir, but it may be said that these rent suits may be treated in Civil courts as summary suits and speedy disposal may be ordered and expected. But what is happening in those suits which are already classed as summary? What is happening in small cause suits, sometimes of a petty nature, what happens in summary suits for jodi and kattubadi? Is it not common experience that these suits are often kept pending for months after they are ready for trial and that in the meantime the parties will have to be taking once in a fortnight or twenty days long journeys to the court-house and take their witnesses too with them? Does not the amendment proposed by my hon. Friend visualize a situation in which the ryot perhaps spends many times more than what the landholder claims from him probably to lose

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the whole lot in the end in addition to paying the costs of the landholder? Does not the amendment also imply that, in the tedious and lengthy months and years of litigation in a Civil court, by the time the landholder secures his decree, the ryot would have spent away all his income, earnings and savings in the costly litigation and there would be nothing left for the landholder to realize? You are really crippling the ryot by this amendment. Speedy justice should be the ideal of either party. Now, Sir, look at the question entirely from the landholder's side. There are several practical difficulties. Generally, these rent suits are filed before the Revenue Divisional Officer in the month of June to prevent getting time-barred, the 30th June being the end of the official year. Until the actual date of filing the suit all possible attempts are made to recover the amount from the ryot through all amicable methods. The refractory ryot will never agree to this, but as soon as the landholder obtains a decree against him he will come round and ask for an amicable settlement of the decrees by expecting the landholder even to excuse the cost that he has incurred in the litigation. My hon. Friend from Ganjam—I mean Mr. M. G. Patnaik Mahasayo—will bear me out if I say that this has been our practical experience and he himself has approached me several times on behalf of turbulent and refractory tenants who have plenty of money but only take a great delight in fighting the zamindar, asking even for the decrees to be partially or wholly excused. Now, how can the landholder file his rent suit in a Civil court in the month of June which he always does? In June, generally, most of the Civil courts are closed for the summer vacation. The landholder gets from the Revenue Officer a decree in two to three months after filing the suit. He realizes the fruits of his decree quickly and is in a position to meet his obligations to the Government. But what happens if the suit is taken to a Civil court. The landholder will have to wait very often for a year or more. In the meantime the demand for the payment of peshkash is not less insistent from the Government. How is the landholder to pay the peshkash in time if large amounts of rent are withheld. Hon. Members who advocate the cause of the ryots might not lose sight of the existence of the Permanent Settlement Regulation under which neither the peshkash is reduced nor any postponement made by Government in recovering it. In 1930, when the economic depression really started, I had the opportunity of leading a deputation of landholders that waited on the Collector of Ganjam praying for an extension of time for paying our peshkash. Even for this we were told, after the Collector had obtained orders from the Board of Revenue or the Government that extension of time will not be granted. If hon. Members whose hearts go out so far in aid of the ryot would only allow the landholders a small soft corner and so amend the Permanent Settlement Regulations to enable the landholders to ask for reduction of peshkash or postponement of payment, I for one, Sir,—and I am sure other landholders will join me—would not oppose many of the amendments suggested. Then it may be argued that there is the speedy remedy of distraint, and

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why don't the landholders have recourse to it, instead of filing rent suits in court? I wish to assure hon. Members that the remedy by distraint is hardly resorted to. In many cases, the distrainable property will be in a neighbour's house or would have long ago gone to the father-in-law's house. Sir, I, therefore, once again emphasize that unless the landholder has a speedy and inexpensive remedy for recovering his dues in a court of law, he will be not only crippled in the administration of his estate but stand the risk of having his estate sold for arrears of Government revenue.

"Sir, I appeal to the Government not to accept this amendment. Look at the enormous cost to the Government in appointing additional District Munsifs, building new court-houses for them and maintaining establishments for them to cope with this great accession to the already voluminous work usually pending before them. Look at the expenses and hardship which is caused to the parties, especially the ryots, by making litigation protracted and costly. Is the amendment giving any relief at all in any shape to the landholder or to the ryot? I venture to submit that it is not. By accepting this amendment, you will be making it highly inconvenient and sometimes impossible for the landholder to meet his obligations to the Government. Even the Government, I am afraid, will not be getting their income regularly and promptly from the zamindar. Therefore, Sir, in the interest of the ryot, in the interest of the landholder and in the interest of the Government, this amendment is undesirable."

* Sriman M. G. PATNAIK Mahasaya:—"Sir, one word of personal explanation. The Raja of Khallikote referred to me in his speech and quoted the fact that I approached him on behalf of certain ryots. Those matters in respect of which he obtained decrees were complicated ones. Some of these suits had gone up to the High Court and involved questions whether certain lands had to pay cash rents or to pay produce rent. The lower Court decided against the ryot, but the matter went up to the High Court, and the High Court decided in favour of the ryot partly and against the zamindar partly. Meanwhile, for subsequent faslis, the Raja Sahib obtained decrees for rajbhagam for a very large sum. Therefore large sums had to be paid. Of course the ryot could have paid the amount but for certain difficulties. Very often he complained of over-assessment of crop. All these difficulties arose. So, it is not merely a case of neglect to pay or a case of inability to pay."

The RAJA OF KHALLIKOTE:—"After all this explanation, my statement remains unchallenged."

* Rao Bahadur Sir A. P. PATRO:—"Sir, after the very convincing and able speech of the Raja Sahib of Khallikote and Atagadda, it does not require much to be said in support of the case which was made out against this amendment. Sir, the question before the House is whether recovery of rent should be under the jurisdiction of the Revenue court

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or of the Civil court. The hon. Member from Chittoor has very wisely differentiated between the provision for recovery of rent and the other remedies therefor. One class of remedy is to institute a suit before the Collector for recovery of rent; the other class falls under sub-heads, namely, it may be by distraint, or by sale, or by giving notice of sale under section 112 of the existing Act. Therefore, all other proceedings than that of institution of a suit before the Revenue court for recovery of rent, he said, should be under the jurisdiction of the Civil court. There is some justification for the statement made by him because the Government have admitted that in the analogous case of recovery of rent under section 76, viz., in the case where the defendant has raised the question of title that no rent is payable, where he has taken proceedings under the appraisement section, such a jurisdiction may be vested in the District Judge. The Government having conceded that position, I say rather very unwisely, the hon. Member is perfectly justified in claiming that in the case of section 77 also, jurisdiction should be given to the Civil court; because he asks if, in an analogous case, you have allowed jurisdiction to the Civil court, what reason is there for you to deny the same right or privilege to the ryot to raise his objection to the title in the Civil court? The hon. Member, put it plausibly on that ground and stated definitely that all other proceedings may be conducted in the Revenue court. Still you have to weigh the advantages and disadvantages of a Revenue court and a Civil court. The hon. Member himself pointed out that at present it is so expensive to the ryot to take his case to the Revenue court, as he is not able to follow the Divisional Officer and hence the landholder has the advantage to carry his records and take his witnesses with him to the Collector's camp, and that therefore the tenant suffers. I am afraid it is only theoretical and does not exist in practice. What happens in practice is this. The Collector camps mostly in taluks or in places where there are a number of rent suits to be tried. In such cases, the Collector gives notice, and requires all the people to come to the camp. Both parties are given equal opportunities of placing the case before him and he hears the parties from day to day till the case is concluded. No adjournments are usually given either for the convenience of the vakils, or for the convenience of the party, rich or poor. So the matter is heard and justice is speedily dispensed. That is the most practical and easy way of settling cases arising between the landlord and the tenant. I realize that there are some Sub-Collectors and Revenue Divisional Officers who are young batchas, not having proper experience and judgment. I know in such cases there is the danger of the Sub-Collector giving decisions which are not judicial or equitable. I may give my experience of a case where the Collector decided a case in connexion with rent. The tenant raised the question of title after having executed a muchilika or an agreement to pay rent to the landholder. He raised the question that the land was given to him as an inam. In a case like that, it is clear the burden of proof lies on the defendant. But what the Sub-Collector did was an amazing thing. He is an M.A., I.C.S., coming to decide such cases after three

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years' experience. The tenant accepts the right of the landholder and accepts also that he executed the muchilika to pay rent, though the land is claimed to be an inam.

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" But the very learned I.C.S. Sub-Collector places the burden of proof upon the plaintiff. The plaintiff accordingly adduces evidence, but as he was not present to give evidence, his suit was dismissed. An appeal thereafter had to be made to the District Judge and he in no time reversed the position. I know from my own experience some of these young Sub-Collectors are not properly qualified and that justice sometimes fails in the hands of these young *batchas* who have hardly any experience of the world and of their revenue work. Take the case of the munsifs. There are munsifs and munsifs. I have known munsifs disposing of suits under their small cause jurisdiction. People who have practice in munsifs' courts will agree with me when I say that small cause day in a munsif's court is treated as a market day. Suits to the number of about 100 come up on that day and the court becomes, as it were, a regular bazaar. No one knows how and when a suit is disposed of. The calibre and experience of the munsifs also varies considerably. There are munsifs who do their work very conscientiously by going into these cases thoroughly, but there are also munsifs who think that small cause suits are trifles and could be disposed of summarily.

" Now, when we compare the advantages of having these cases tried by Munsifs and by Sub-Collectors, I am inclined to think that the balance is in favour of the Revenue courts. As I said, in the Revenue courts, the tenant has many advantages. He is saved so much expense and so much trouble. The Sub-Collector acts as an arbitrator oftentimes and gets the parties to come to a compromise among themselves. I have knowledge of about 10,000 suits under the Estates Land Act and in the majority of these, the suits have been compromised through the intervention of the Sub-Collector who with his experience of Revenue matters and with his knowledge of men and matters brings about this result. But the new folk, as I said, with deficient knowledge of these matters, deal with these things in a very unsatisfactory manner. I think such Sub-Collectors should be given a good deal of previous training before they are entrusted with this work. They may pass the Indian Civil Service Examination. But because one has passed the Indian Civil Service Examination one is not necessarily wise and competent to deal with these matters. Some of them are ignorant fools in practical matters. Therefore I say that it is absolutely necessary that sufficient training in Revenue matters should be given to these people before responsible work is entrusted to them."

Mr. SAMI VENKATACHALAM CHETTI:—" May I know for personal enlightenment, what proportion of the I.C.S. men are fools? "

Rao Bahadur Sir A. P. PATRO:—" The hon. Member is an experienced Member of this House. He knows what a point of order

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is and when one can ask for personal enlightenment. I do not want to go further into the decency of his interruption. (Laughter.)

" I was saying that in the case of trial by Sub-Collectors there are difficulties. I must also say that there are difficulties in the conduct of these cases in Civil courts also. But the practice from 1908 has been to file these suits before Revenue courts. There has not been much of a hardship either to the landlord or to the tenant resulting from this practice. Has there been any agitation in the country that in the Revenue courts justice suffers and therefore a change has to be made? The arguments now advanced by my hon. Friend, Mr. Muni-swami Nayudu, and Sriman Maudhata Gorachand Patnaik were advanced at the time of the discussion of the Bill in 1908. When the Bill was discussed in 1908 there was a galaxy of lawyers and great legal talent opposing the hon. Mr. Forbes. Eminent lawyers like the late Mr. Krishnaswami Ayyar, the late Mr. B. Narasimheswara Sarma, Mr. Desikachari and others pleaded on behalf of the ryots as earnestly and as sympathetically as hon. Members are doing to-day, advancing the same arguments and emphasizing the same points which hon. Members are doing to-day. The whole matter was considered then and the jurisdiction over these classes of cases was vested in Revenue courts. Hon. Members will realize that in the Act itself provision has been made vesting in the Civil courts jurisdiction in regard to cases which involve complicated questions of title. Take for instance sections 91 and 108 of the Act. Section 91 relates to suits for compensation. It says:

" Any person aggrieved by an order under section 89 or section 90 directing any property to be delivered up or restored or its value to be paid to the distrainer, may institute a suit before the Civil court against the distrainer for compensation."

Therefore, where actually civil rights have been trespassed upon or otherwise infringed, there is provision to have recourse to Civil courts. Similarly, I will draw the attention of the House to section 108 (2). It says:

" Nothing in this section shall affect the right of any tenant or cultivator making a payment under section 87 to institute a suit in a Civil court for the recovery from the defaulter of any portion of the amount paid which he has not deducted under this section."

There are also other similar provisions; but these are the most important. Under these sections jurisdiction is rightly vested in the Civil court because, in the case of complicated issues arising, it may not be possible for Revenue courts to decide early and effectively. In such cases Civil court is the proper forum for litigation and the Act has accordingly made provision for it. In other cases such as for the recovery of rent, it seems to me, that it is unfair to the tenant himself that the proceedings should be prolonged. There should be justice done to him as speedily as possible. The argument raised in 1908 was that these Sub-Collectors had much work on hand and that they were not able to attend to this work as expeditiously as possible. That was

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the argument advanced in favour of transferring this work to the Civil courts. Before the passing of the Act of 1908, the position was that rent suits could be filed in Civil courts and the reason for transferring the jurisdiction over these cases to Revenue courts was that they felt that the balance of advantage was in favour of the Revenue courts. What was said at the time by the hon. Mr. Krishnaswami Ayyar was this:

'If the hon. Member in charge of the Bill will afford room for any of the various instances which he catalogued in Part A, once you have the Civil court for a certain number of actions, it is a question of detail whether you will put a particular number under one head or the other. If he stands out against the Civil court, so far as actions under this Act are concerned, this is a broader issue which might be fought out by those who think that a Civil court ought to be the forum for any particular question as being the more proper one. Once this Act comes into force—the hon. Member in charge of the Bill will recognise we have enormously multiplied suits, applications and proceedings which will be instituted by the landholders and the ryots—I think an enormous amount of work will be thrown upon officers, whether you call them revenue officers or judicial officers. The Government will have to set about providing the necessary qualified officers for the determination of the various proceedings. I do venture to think that the Government will find itself undermanned with the existing staff to cope with the work which this Bill will throw. Under these circumstances, I shall flatter myself with the idea that if all the provisions are relegated entirely to Revenue courts, even, inclusive of suits for arrears of rent, I fondly hope that, if there was this arrangement throwing a lot of litigation for adjudication by Revenue courts, the problem which has been vexing many a person regarding the separation of executive from judicial functions has found a solution by the passing of this measure.'

"The hon. Mr. Krishnaswami Ayyar, had the clear vision that in the separation of this work from the Civil courts and its transfer to the Revenue courts, there was a solution to the problem of separation of judicial and executive functions. He further on said that he would rejoice if the jurisdiction in the case of suits and all proceedings was transferred to Revenue courts. He said:

'But, Sir, it seemed to me that, if that work could be met by adjustment of the kind of work to be done by revenue officers, as they are at present constituted—if it can be done without increase in the expenditure to the country, if it can be done also so as to give the judicial officers that amount of judicial experience which they are sadly lacking in and which has been the subject of comment here and everywhere, and with reference to which the Government has been compelled, I well remember it, to make that statement "that the matter is under consideration"—if this extra work that is thrown on officers will lead to a differentiation among officers, by setting apart one set of men for executive work and throwing upon the other set the magisterial duties, and the duties under this Act, a change will be inaugurated, which, for my part, will be so welcome that I will stand up against any motion to delete any part from this schedule to another part of the schedule.'

Therefore, as hon. Members will see, the whole question was viewed not from the narrow point of view of the relationship of the landlord and tenant merely, but also from the broader political point of view, namely, the separation of executive and judicial functions. The hon. Mr. Forbes, the clever and astute politician that he was, refused to walk into the parlour of Mr. Krishnaswami Ayyar. He said, apart from all these questions, 'I stand by the proposal which I made, viz., it is in the interests of the ryots. Therefore the jurisdiction of the

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Revenue courts must be upheld.' Proceeding, he said: 'One advantage will accrue; we have laid down a regular procedure for the courts to follow in place of the rather indefinite procedure under Act VIII of 1865.' Under Act VIII of 1865, there was Civil court jurisdiction, but there was no settled procedure. Everything was left indefinitely. Under the Estates Land Act a definite procedure was fixed for the disposal of the suits. He said therefore: 'This will give officers a desirable judicial training. It is not necessary for me to enter into the question of judicial training, nor into the other question of the separation of judicial from executive functions which the hon. Member raised.'

"In his reply, with regard to the question of vesting of District Munsifs with the power to try rent suits, he said: 'District Munsifs, as we know, are already over-burdened with work and if litigation under the new Act should go to District Munsifs, the Government would have to increase their number in a larger proportion I believe than they will have to increase the number of Deputy Collectors for the trial of such suits.'

"So, all the arguments which are advanced now were raised in 1908, they were gone into thoroughly and replies were given to every one of them. As you know, at that time, the Sub-Collectors were in charge of local boards, etc., but now they have no such work. They have, further, no longer any connexion with either municipalities or local bodies.

"Most of the Sub-Collectors have now got much easier work to do than before. Therefore, it gives them time and gives them opportunities to come into contact with the people, both landlords and tenants, and do justice to both of them. In cases where it has been found desirable and necessary, provision has been made in the Act that Civil courts may have jurisdiction, but in cases where it is not harmful to the ryots, the Revenue court has been considered sufficient. In matters of practical experience, I support the Raja Sahib of Khallikote, when he said that in the case of these Revenue courts, wherever you have a proper Sub-Collector of some experience who has enough time at his disposal, justice is done to both the tenants and the landlords. I have appeared before certain senior Sub-Collectors many times. I have had a very good hearing. There have been able Sub-Collectors like Mr. Braidwood and Mr. Cotterell. Mr. (now Sir Joseph) Bhore, was a very able Sub-Collector who disposed of batches of suits in the course of six months, not in batches only, but from different parties and from different estates. Therefore I say there are people like these who have the patience and the knowledge to discharge their work and do justice to the parties appearing before them. But at the present day, I see a great deal of weakness in the work of some Sub-Collectors, however clever they might have been in passing the examinations. To continue the present system is a wise policy and a prudent policy in the interests both of the landlord and the tenant."

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* **MR. SAMI VENKATACHALAM CHETTI:**—"Mr. President, Sir, I should like if I may to say that my hon. Friend, Sir Patro, has really contributed to this discussion a weighty pronouncement, and as a matter of fact the hesitation which I felt at the beginning whether I should vote in favour of Revenue court or Civil court has been once for all settled and that in favour of the Civil court. My hon. Friend has decided this question for me by the very remarkable speech which he made against Sub-Collectors of the present day. I was rather surprised that the hon. the Revenue Member, sitting as he does on behalf of the Government, should have allowed that kind of remark to be made against the whole cadre of Sub-Collectors and Collectors. I inferred from his speech that most of these are fools. If that be so, that itself is a very sufficient reason . . ."

* **The hon. the PRESIDENT:**—"I don't think the hon. Member chooses to repeat all those words that have been said by Sir A. P. Patro."

* **MR. SAMI VENKATACHALAM CHETTI:**—"If you think it so objectionable to repeat those words I will not. Whatever that might be, that itself is a weighty reason why these Revenue officers should not be entrusted with the disposal of justice in regard to a very intricate and complex matter as suits under this Act. My hon. Friend, Sir Patro, recalled to our mind the arguments advanced in favour of the jurisdiction being within the Civil court by eminent lawyers and also repeated the answers given by the hon. Mr. Forbes who was then piloting the Bill. The hon. Mr. Forbes in deciding that these suits must be disposed of by Revenue courts must have had—I have not the slightest doubt—the real interest of the ryot at heart, but the experience of the administration of this Act for the last twenty-five years has revealed the fact that it has not operated for the benefit of the ryot. The expense and the delay, even when compared with the Civil courts, seem to be ruinous so far as the ryot is concerned. The Revenue officer has no fixed place for the trial of these suits. He goes on camping from place to place and calling the parties to attend in his camps where he would dispose of their cases. The expense that is involved in that transaction on the part of the ryot is simply unbearable and many a ryot seems to have gone to ruin on account of this costly litigation. I also gather that it is not merely in the interests of the lawyers that this amendment is sought to be sanctioned. The lawyer if he appears in a Munsif's court is content with a small fee at the place at which he practises but when he is called upon to appear on behalf of the ryot in a camp of the Collector or Special Deputy Collector far away from his own place of practice, he has not only to be paid his fee but also his travelling charges, and all these press very heavily on the ryot. While provision has been made, as submitted by Sir Patro, for the jurisdiction of the Civil courts in respect of other matters in this Act, I do not see any weighty reason for omitting even this class of suits from the jurisdiction of the Civil courts. So that there are two, or three things which stand in favour of the amendment, namely,

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we have had 25 years' experience of the jurisdiction of the Revenue court in matters of this sort and that has been felt to be very unbearable so far as the ryots are concerned and they really want a change from the Revenue to the Civil court. Secondly, the knowledge of these Revenue officers with regard to this Act is so little or scanty that often amazing judgments are passed as in the instance pointed out by Sir Patro. Certainly my hon. Friend, the Raja of Kallikote and Atagada, made a very cogent case for both the zamindars and the ryots as he understood it. It was rather a very difficult feat that he had to perform if he had undertaken to plead both on behalf of the landholder and the ryot, and any argument coming as it does from the Raja of Kallikote in favour of the ryot ought to be received with that amount of suspicion and grain of salt that is legitimately to be attributed to a statement coming from him. Therefore if I do not attach much importance to his sympathy on behalf of the ryot, I hope he would excuse me. But so far as the landholders' grievance that they would rather like that the permanent settlement might be varied is concerned, I may assure him I will cordially support him, in any move he would undertake in this behalf. Probably the result might not be entirely acceptable to him; all the same I shall be very glad to support him in that move."

MR. T. SUNDARA RAO NAYUDU:—"I move that question be now put."

MR. SAMI VENKATACHALAM CHETTI:—"Therefore I have great pleasure in supporting the amendment moved by Mr. Muniswami Nayudu."

RAO BAHADUR SIR A. P. PATRO:—"On a point of explanation; when I said they are all fools what I meant was that they are all ignorant persons."

* **THE HON. SIR ARCHIBALD CAMPBELL:**—"Mr. President, Sir, this question has been discussed at considerable length and I have listened to the arguments advanced on both sides by several Members of the House. There are one or two points which I wish to touch upon. It has been stated that the Revenue courts are used as a training ground for judicial officers of the I.C.S. I may explain that where a member of the I.C.S. is selected for judicial work, he is given a regular course of training in the work in Civil courts over a long period, and the selection does not depend on the knowledge he has gained and the work he might have done in suits and other proceedings under this Act. Another point which requires some consideration is the cost that may be involved. In the year 1929, the question was put to the High Court whether if this work was transferred to the Civil courts they would require any extra establishment. Based upon the figures they then had they said that they would require sixteen more District Munsifs' courts at a cost of about a lakh and a half of rupees per annum. During the past half year the number of Special Deputy Collectors employed in these suits was one and another is employed for nearly

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four months. It is therefore quite obvious that there would be a considerable increase of cost to the Government if this work is transferred to Civil courts. The reasons advanced in favour of Revenue courts still subsist and are stronger now to-day. The Revenue officers are in much closer touch with work of this nature than the District Munsifs. It is quite possible, as has been suggested, that in some cases the Revenue officer may not be an ideal judge. But as has been pointed out, the same disability might apply to young District Munsifs also. The Revenue officers are not all inexperienced. Many of them are members of the Civil Service of some years' standing or experienced Deputy Collectors. Most of the work before Revenue courts does not involve any difficult points of civil law; much of it is of a routine nature. If there are important points of civil law these courts are assisted by the vakils appearing on either side, and to prevent any injustice being done to either party it is provided that appeals shall lie to the District Court wherever necessary. By this time the Act has been in force for 25 years and, I am sure, Sir, many important points of law have already been decided by the High Court and all that the Revenue officer has to do is to apply the decisions to individual cases. A great many cases very often depend on a single decision on a point of civil law.

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"It is possible for Revenue Divisional Officers or Special Deputy Collectors to try their cases at a place which is convenient to the ryots. It gives them a better chance of personally knowing the ryots and their conditions themselves. It is not necessary that the ryots should bring vakils to appear for them in every case. I have tried several cases myself and while I was in camp I used to find several ryots appearing themselves to plead their cases. If the cases are tried at headquarters, it is often difficult for the ryots to come to headquarters, because they are far distant from their villages. I submit that these cases should be tried by Revenue officers rather than by Civil courts. If really in certain cases proper opportunities have not been given to the ryots or the zamindars and if such cases are brought to the notice of the Government, they will take action against the officers who tried such cases. The Civil courts take a long time in disposing of cases and that increases the expenses to the ryots. In the interests of the ryots such cases should not be allowed to be dragged on indefinitely by asking the ryots to go to a Civil court. In these circumstances I must oppose this amendment."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, we on this side of the House are not surprised at the attitude of the hon. the Revenue Member towards this amendment. The Government are in a better position now and are strengthened. In 1908 the landlords said that these suits should not be entrusted to Revenue courts and the other Members of the then Council also opposed it. Now the position of the Government is very much stronger. It seems to me that the landlords in general at least now realize that Revenue courts are much better courts to try these cases. I was rather surprised at the attitude of the Raja Sahib of Khallikote who has always been profuse in his

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sympathy for the cause of the ryots and who seems to be an ideal landlord when he said that it would be for the benefit of the ryots themselves that these cases should always be tried by Revenue courts."

The RAJA OF KHALLIKOTE:—"Come and see the tenants in my part of the country."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I have gone to his part of the country, but unfortunately I have not had the opportunity of going to his estate and seeing the tenantry there. If the Raja of Kallikote is such an ideal landlord, he is only an exception and exception proves the rule and in cases where there are not such ideal landlords, but somebody else and where there are always conflicts arising between the zamindar and the tenants, it is much better that a Civil court tries those cases. My hon. Friend, Mr. Appadurai Pillai, in his maiden speech said that the Estates Land Act is a complicated one to understand. But yet he now says 'What is there after all in rent suits; they are only routine matters and therefore why should vakils be engaged by the parties for arguing their cases.' That is just our complaint. That is just the mentality of the Collectors. They think that vakils are not necessary and that rent suits are routine matters and therefore there is no necessity for the appearance of vakils. The disposal of the cases is most unsatisfactory. Lastly the hon. the Revenue Member while replying said that Revenue officers are in closer touch with the ryots but he has practically given up his case by saying that during the last 25 years during which the Act has been in force many of the important and conflicting points have been decided by the High Court and therefore there are not complicated questions for Revenue officials to decide. I thought that the force of the argument was that the Collectors could move closely with the people and would be in a better position to know all the intricate questions than the ordinary munsif. My point is, apart from the vague idea that the Revenue officials are more competent than the munsifs to decide these cases, the difficulty of the tenants and the expenditure that is involved in taking the vakils to the various camps, the difficulty of getting records, or seeing anything like satisfactory records kept up are all points which have not been answered by the hon. the Revenue Member. The hon. the Revenue Member referred to the question of cost involved in entrusting this work to Civil Courts. We fail to see how the cost is going to increase considerably. Even now Special Deputy Collectors are appointed to dispose of these suits and I see no reason why they should not be disposed of by District Munsifs. So far as District Munsifs are concerned, these suits will be exactly like those in Small Cause Courts and we have got several Munsifs' Courts both permanent and additional which can dispose of them, there being seven or eight Munsifs' Courts for each district. It will also lessen the work of the Revenue officers. Apart from saying that the cost will be more if we entrust the work to the Civil Courts, there is really no valid reason for not accepting this amendment. My hon. Friend, Sir Patro, in his

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usual way began by supporting me and evidently for party reasons could not support me at the end. He quoted from Sir V. Krishnaswami Ayyar's speech and said that he also recommended that Revenue officers might be entrusted with this work. I should think that my hon. Friend, Sir Patro, did not do justice to the great lawyer by saying so. What Sir Krishnaswami Ayyar said was that if the Revenue officers are freed from their magisterial work and are entrusted with the disposal of these suits, it will go a great way towards separation of executive and judicial functions. If the hon. the Revenue Member should rise up and say that he would appoint these Revenue Collectors exclusively for the trial of these rent suits in each district probably he would go a great way to satisfy us. I even said that if necessary the Collectors may be appointed solely for the purpose of disposing of these rent suits. After all the qualifications of both the Deputy Collector and a District Munsif are one and the same. The former is a B.A., B.L., and the latter also is invariably a B.A., B.L. If you insist upon legal qualifications, the Deputy Collector would be as good a Judge as the District Munsif. But the point is persons who are asked to dispose of this work are persons whose hands are full with magisterial and revenue work and they are inclined to dispose of that work first and treat the trial of Estates Land Act cases as a subsidiary work. I therefore think that all the arguments advanced by the hon. the Revenue Member are not sufficiently convincing.

"Ultimately what I advocate is not the transfer of all the cases which are vested in the Collector under the Act. It is only the trial of suits for rent that I say that should be transferred to a Civil court. All the other suits and applications which are of a routine nature can still remain with the Revenue courts. We find that the Act itself makes a difference between cases and cases. Against the orders of Collector in some cases the first appeal lies with the District Collector and in other cases with the District Court. There is a clear distinction between the two kinds of cases to be dealt with. Where questions of rights or title are involved, the appeal lies with the District Court, otherwise with the Revenue court. Where there is a case for appeal to the District court, the initial Judge may be a Civil Judge."

The amendment was put and lost.

Clause 45.

Section 77.

Explanation.

MR. ABDUL HAMEED KHAN:—"I beg to move—

'That the words "and the produce of land or of trees" in lines 2 and 3 be deleted.'"

MAHBOOB ALI BAIG SAHIB Bahadur:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, no reasons have been given for this amendment. This is an amendment to the explanation

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under this section and it affects the substantial rights of parties. I therefore oppose this amendment."

The amendment was put and lost.

Clause 45 was put and carried.

Clause 46.

Section 77-A.

MR. ABDUL HAMEED KHAN:—"I beg to move—

'That the words "or by suit" after the words "sale of his holding" in line 3 be added.'"

MAHBOOB ALI BAIG SAHIB Bahadur:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, again the hon Mover has not given any reasons for this amendment. I must oppose it."

The amendment was, by leave, withdrawn.

* Mr. T. C. SRINIVASA AYYANGAR:—"May I speak on this clause, 77-C, Sir? Although I have not given notice of any particular amendment, I desire to oppose this clause in the Bill."

* The hon. the PRESIDENT:—"I should like to finish all the amendments to this clause and then I will give an opportunity to the hon. Member to speak on this clause."

New section 77-C.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I move—

'That in lines 1 and 2 of new section 77-C for the words "the revenue year" the words "a revenue year" be substituted.'

"The only reason for this amendment is that the words now proposed to be used are more appropriate."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* Mr. T. C. SRINIVASA AYYANGAR:—"The new section introduced in the Bill reads as follows:—

'77-C. Where the patta tendered for the revenue year includes any claim for rent in excess of the amount due under a previous subsisting engagement, all proceedings for the recovery of the rent by distraint and sale of movable property or by sale of the holding shall be stopped on payment of such amount. The claim for the balance shall be enforceable only by a suit before the Collector.'

"The clause is apparently intended to cover cases where if any objectionable or contested items of rent are included in a patta, the tenant is enabled to avoid distraint or sale of the holding by paying so much of it which would be the amount contained in the previous year's patta leaving the landholder to claim the rest by the regular proceedings of a suit. But there is one class of cases which, though not obviously within the intention of the clause, may yet be covered by the language of it. I will give those instances. In certain estates

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in the south of this Presidency there is a customary tenure by which only the cultivated extent of any holding pays rent, that is, if a ryot has a holding comprising 60 acres, and if he cultivates, say, half the extent only, for no fault of his own, then he is under no obligation to pay for more than the actual extent cultivated. This custom has been upheld by judicial courts and recently also by a recent decision of the Privy Council. If in a particular bad year only a small fraction of the holding is cultivated and next year a larger fraction of the holding is cultivated the rent that is payable for the second year is based on the actual extent of the land cultivated. The additional amount in the second year does not involve any new obligation. There is no difficulty either for the ryot or for the landholder. On the other hand this clause will prevent the landholder from claiming what he is obviously entitled to claim without any objection that can be possibly raised by the ryot. The existence of this clause will deprive him of a remedy and will force him to file a suit which is avoidable. I desire to know whether even to this class of cases this clause is intended to apply, when the prevailing custom is beneficial both to the ryots and the landholders. The existence of this clause will often tempt them to put in rather objectionable items also so that the previous year's patta may not be brought forward against them. Unless clause 77-C is properly amended, the clause as it is at present drafted, is likely to lead to more harm and result in greater litigation than is contemplated. The Advocate-General knows the class of cases to which I am referring. He has himself appeared in many cases and tried to get a decree under section 4 of the Act whereby the landholder is entitled to get rent for the whole holding and not merely for the cultivated portion of it, in cases where a money rent and not varam is fixed. But the Privy Council has ruled that section 4 should be read along with section 27 of the Act whereby controlling usages are allowed. The present clause will only introduce an artificial difficulty in the way of the landholder. There is no question of principle involved. We know of Ajishma by which, even in cases where the entire extent of the holding is liable to pay rent measurement discloses larger extent and rent is properly charged. But this clause will do a great deal of harm particularly to those landlords who are really generous and adopt a very good practice in favour of the ryots of claiming rent only on the cultivated extent in the holding."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I understand the hon. Member's difficulty is in regard to the interpretation of the words 'previous subsisting engagement.' It seems to me, Sir, that if the previous subsisting engagement was that the ryot should only pay rent on the area actually cultivated, this clause saves him from having more than that amount of rent taken from him, unless the landholder brings a suit before the Collector. That is to say, if last year 50 acres were cultivated and this year 60 acres were cultivated, and if the previous subsisting engagement was to the effect that rent should be paid on the area cultivated, I think the landholder is entitled to take

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distrain proceedings for the recovery of rent on 60 acres. That is my idea and I am speaking subject to correction. I shall be glad if the Advocate-General will explain the position."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, Sir, my hon. Friend, Mr. Srinivasa Ayyangar, is speaking with reference to a kind of tenure which is obtaining in one or two estates in the Presidency, namely, Ramnad and possibly some parts of Sivaganga until recently. As the hon. the Revenue Member pointed out, if the previous subsisting engagement itself gives the sort of protection to the tenant that he described, there is no difficulty at all. Anyhow as the hon. the Revenue Member has stated, as this is merely a verbal amendment, we can put in an explanation or something else during the third reading stage in order to remove any misapprehension. If Mr. Srinivasa Ayyangar sends in some amendment to give effect to the ideas he has put forward, I believe the hon. the Revenue Member would have no objection. As it is, I do not think it will hurt these cases but if any apprehension is felt, the matter may be made clearer."

The amendment was put and carried.

Section 77-E.

* Sriman M. G. PATNAIK Mahasaya:—"Sir, I beg to move—

'That the following may be substituted for section 77-E in clause 46.'

'A landholder shall not be entitled to have recourse to more than one process simultaneously or successively during the pendency of any other for recovery of any arrear.'

"Sir, once a suit has been filed and a decree obtained, the tenant should not be harassed further by distraint proceedings. If proceedings to distraint movable property are undertaken although a decree has been obtained, it would amount to harassing the ryot unnecessarily. If a suit is filed under section 112 and the holding is brought to sale, the landholder should not at the same time proceed to distraint the movable property. He should not do both either simultaneously or successively. During the pendency of one process, he should not have recourse to the other. The landholder should always drop the one and proceed with the other. If this is done, the ryot will not be put to unnecessary harassment."

MAHMOOD ALI BAIG SAHIB Bahadur:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, the effect of this amendment would be to debar the landholder from proceeding with the suit or attachment of land if he has distrained any movable property till that movable property has been sold and the proceedings credited towards the arrears. I do not know whether the existing law has led to any real hardship. The hon. Member has not given reasons to show that this provision is necessary and, until he does so, I hesitate to accept an amendment of this nature."

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* Sriman M. G. PATNAIK Mahasayo:—"The case is quite clear, Sir. Supposing movable property is distrained and the landholder does not bring them to sale and allows them to be in the custody of the court or somebody else and in addition to that, he also brings the lands of the tenant to sale: will it not be a great harassment to the tenant? What else is necessary to show to the hon. the Revenue Member that the tenant would be put to great harassment? Will not simultaneous adoption of several processes of distraint or attachment or sale be a source of great harassment to the tenant? I am sure it will be nothing short of it."

Khan Bahadur YAHYA ALI SAHIB Bahadur:—"I have not been able to follow or understand the arguments of the hon. Member who has moved this amendment. He has been referring to a possible harassment of the tenant, but the very cases he is referring to are provided for by the Government amendment, namely, cases where a decree has been obtained and certain items of property are distrained, other powers of distraint are not to be exercised."

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"The case put forward by the hon. Member is exactly met by the Government amendment. The hon. Member has not put forward any other case. I feel that the amendment moved by the hon. Gentleman would cause some hardship. As a matter of fact, when the landholder has elected to adopt a certain procedure, it is very rarely that he would desire to have a duplicate procedure. The landholder does not generally go on with distraint and at the same time sue the tenant. It is inconceivable that any landholder will be imprudent enough to do so. When one procedure is being followed, it is unnecessary to follow the two courses of suing the tenant for arrear of rent and of distraining the movable property. My experience is there are very rarely cases of both proceedings being taken at the same time. I submit that my hon. Friend has not succeeded in making out a case for substituting his amendment to the amendment put forward by the Government."

The amendment was put and lost.

Section 77-E.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I move the amendment standing in my name in a modified form:—

"In the proposed section 77-E add at the end the following:—

"or to bring the holding to sale under sections 111 to 131, and all such proceedings to sell the holding taken before the filing of the suit and pending on that date shall be stopped and not proceeded further with."

As my hon. Friend Mr. Yahya Ali Sahib said the landholder will make the selection as to what course he is going to pursue. He might

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pursue the easier method of distraining the movables or attaching the holding. If the rent is in arrear and if the three years' period is about to expire, the landholder may have to file a suit for recovery of rent. What my amendment provides is this. If a landholder has obtained a decree for any arrear of rent, he should have no right to bring the holding to sale. I will proceed further and say, if any proceeding has been taken to sell the holding before the filing of the suit, it should be stopped and not proceeded with. My object is that the holding should be sold only once for an arrear. Otherwise, it will lead to the harassment of the ryot and it will lead to confusion so far as the landholder is concerned. I therefore say that, if once a suit is filed and a decree obtained thereafter, not merely should there be no distraint of movables but also there should be no attachment and sale of the holding under section 112. To carry the matter to a logical point, my amendment is intended to avoid double sales of the same land for the same arrear."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, there is considerable force in the amendment which has been moved by my hon. Friend, Mr. Muniswami Nayudu. Of the three remedies, the one by a suit is the most regular remedy and once the landholder has elected this method and obtained a decree, the remedy that is available for getting satisfaction for the decree can be pursued in execution of the decree. There is no virtue in pursuing two forms of sale. I heartily second the amendment that has been moved by my hon. Friend."

* Rao Bahadur Sir A. P. PATRO:—"Sir, there is one difficulty which I would request my hon. Friend to clear. If a decree has been obtained for three years' arrear of rent and if proceedings has to be taken for arrears of rent for another fasli and if a separate cause of action arises, will this amendment debar the landholder from taking action? If the arrear of rent is not covered by the suit already filed and if a subsequent cause of action arises, will this provision debar the landholder from taking proceedings under sections 111 to 131?"

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I will make the point clear. The clause in the Bill itself says 'where the landholder has sued for any arrear of rent and obtained a decree, he shall have no right to distrain movable property for such arrear.' I am only adding the words 'or to bring the holding to sale under sections 111 to 131.' With your permission, Sir, I would add the words 'for such arrear' after the figure '131.' I would also add the same words 'for such arrear' after the word 'holding.'"

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I have no objection to the amendment."

The amendment was put and carried.

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Section 77-F (1).

Mr. ABDUL HAMEED KHAN:—"Sir, I beg to move the amendment standing against my name. I do not move the first part of my amendment but only the latter part:

'In sub-section (2) add the words "one milch cow" after the words "ploughing cattle".'

While moving the previous amendment, I did not advance any argument because I thought that the reasons were quite obvious to the Government. In view of the fact that the Government want to have the reasons, I shall say that my amendment is quite harmless and useful as a milch cow. What I suggest by this amendment is that the unfortunate ryot may be enabled to retain a milch cow. If the hon. the President would allow me, I would complete the list of articles which should not be allowed to be distrained. One thing which I cannot understand is how the landholders agree to the removal of jewels from the person of a woman. Supposing a lady were wearing all the jewels she possessed at the time when the distraint takes place, I wonder how any officer who goes to distrain the movable properties can compel a lady to remove all her jewels. I think there are hard-hearted landholders who will go to the extent of asking a lady to remove all her jewels from her body and hand them over. She is allowed to have only her 'thali.' Barring that 'thali' all the other jewels are sought to be removed from the lady's person. This seems to be the attitude that is generally taken by the landholders in the matter of collecting rent, how they wish to collect and how they want to exercise their right even against the personal property of ladies. My amendment is to enable the ryot to have at least one milch cow. If there are two or three milch cows, they may leave one milch cow and attach the others. I hope the Government will accept my harmless and useful amendment."

* Mr. T. S. RAMASWAMI AYYAR:—"Sir, I have great pleasure in seconding this amendment. Above all the reason which induces me to second this amendment is that my hon. Friend who represents a Muslim constituency has thought it fit to move this amendment. It is but right that Hindu members in this House should appreciate the sentiment with which it has been moved. I trust the House will accept the amendment."

1-30 p.m. * The hon. Sir ARCHIBALD CAMPBELL:—"This seems to introduce a new principle into the Act in regard to the articles necessary for the business of cultivation referred to in this particular section. The hon. Member has not brought forward any specific cases of hardship that have actually occurred under the existing Act. I do not see that there is any necessity for including a 'milch cow' in the list of articles that are to be exempted from distraint."

Mr. ABDUL HAMEED KHAN:—"I thought, Sir, that the view put forward by my hon. Friend who seconded the motion would appeal to

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the hon. the Revenue Member. I do not know whether I can accept the hon. Revenue Member's argument that this amendment introduces a new principle. After all, we are not adding much more than a cow. I cannot see how the addition of a cow makes a difference of principle. The hon. the Revenue Member thought that this was a different principle on account of the fact that the milch cow is not necessary for certain purposes. I should only ask whether the cultivator should not exist before he can cultivate, whether the children of the cultivator should not exist before the cultivator can think of cultivating; and on what these people will rely if they are not to be allowed to have a cow with them which supplies them with milk, at least one cow for the whole family? I thought, Sir, the Hindu religious sentiment was against the sacrilege of allowing even a cow to be distrained. Apart from that question, even from the economic point of view, even the party in power, even the landholder, should enable a person who is under difficulties, who is in distress, whose property is distrained, to continue to exist when he expects him to carry on his daily work of cultivation. I am afraid, Sir, the hon. the Revenue Member is following a certain 'rule of three' or 'rule of thumb' as it were, has not considered the *pros and cons* of the question and has not gone into the merits of it. I therefore strongly appeal to him and to the hon. Members who belong to the Hindu community to see that this amendment is carried."

* The hon. the PRESIDENT:—"I will put the motion now to the vote of the House. The question is:

'In sub-section (2) of section 77-F, add the words "one milch cow" after the words "ploughing cattle."'

The amendment was declared lost.

Mr. Abdul Hameed Khan demanded a poll, and the House divided thus:—

Ayes.

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| 1 Rao Sahib V. I. Muniwami Pillai. | 14 Diwan Bahadur C. S. Ratnasabha- |
| 2 Mr. G. Lakshmana Reddi. | pati Mudaliyar. |
| 3 Dr. P. Subbarayan. | 15 Mr. P. V. Krishnayya Choudari. |
| 4 Mr. T. C. Srinivasa Ayyangar. | 16 Sriman M. G. Patnaik Mahasayo. |
| 5 " Sami Venkatachalam Chetti. | 17 Mr. C. Indrayya. |
| 6 " V. T. Arasu. | 18 " J. Kuppuswami Choudari. |
| 7 " Abdul Hameed Khan. | 19 Mahboob Ali Baig Sahib Bahadur. |
| 8 " U. C. Subrahmanya Bhatt. | 20 Mr. G. R. Premayya. |
| 9 " K. P. V. S. Muhammad Meera | 21 " K. Pattabhiramayya. |
| Ravuttar. | 22 Rao Bahadur R. K. Venugopala |
| 10 " K. A. Nachiyappa Gounder. | Nayudu. |
| 11 " P. Peddiraju. | 23 Mr. C. R. Parthasarathi Ayyangar. |
| 12 Diwan Bahadur B. Muniwami | 24 Khan Bahadur T. M. Moidu Sahib |
| Nayudu. | Bahadur. |
| 13 Mr. K. P. Raman Menon. | 25 Mr. T. S. Ramaswami Ayyar. |

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Noes.

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| 1 The hon. Sir Mahomed Usman. | 22 Rao Bahadur R. Srinivasan. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 23 Mr. G. Sriramulu. |
| 3 " Sir Archibald Campbell. | 24 " P. C. Moson. |
| 4 " Mr. H. G. Stokes. | 25 " P. V. Rajagopala Pillai. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 26 " V. G. Vasudeva Pillai. |
| 6 " Mr. P. T. Rajan. | 27 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 7 " the Raja of Bobbili. | 28 Mr. P. K. Ramachandra Padayachi. |
| 8 Rao Bahadur G. Jagannadha Raja. | 29 The Kumararaja of Venkatagiri. |
| 9 Mrs. K. Alamelumangathayaramma. | 30 The Raja of Khallikote. |
| 10 Diwan Bahadur Sir Alladi Krishna swami Ayyar. | 31 The Zamindar of Mirzapuram. |
| 11 Rao Bahadur V. N. Viswanatha Rao. | 32 Mr. A. V. Bhanaji Rao. |
| 12 Mr. J. A. Thorne. | 33 " H. M. Jagannatham. |
| 13 " H. M. Hood. | 34 Rao Sahib D. Krishnamurti. |
| 14 Diwan Bahadur N. Gopalaswami Ayyangar. | 35 Rao Bahadur P. Subrahmanyam Chetti. |
| 15 R. Madanagopal Nayudu. | 36 Rao Sahib C. Jayaram Nayudu. |
| 16 " E. Conran Smith. | 37 Diwan Bahadur A. Appadurai Pillai. |
| 17 " T. Sundara Rao Nayudu. | 38 Rao Sahib D. V. Narasimhaswami. |
| 18 Khan Sahib Syed Tajuddin Sahib Bahadur. | 39 Mr. K. Kesavaramamurti Nayudu. |
| 19 Mr. T. Narasa Reddi. | 40 S. M. K. Boyabani Sahib Bahadur. |
| 20 Rao Sahib N. Siva Raj. | 41 Mr. K. Ramakrishna Reddi. |
| 21 Subadar-Major S. A. Nanjappa Bahadur. | 42 Rao Bahadur Sir A. P. Patro. |
| | 43 " C. Natesa Mudaliyar. |
| | 44 Mr. C. Banu Dev. |

Ayes 25. Noes 44.

The amendment was lost.

The House then adjourned for lunch.

(After Lunch 2-30 p.m.)

* Sriman M. G. PATNAIK Mahasayo:—" Mr. President, Sir, I move the following amendment:—

*"To clause 46, sub-clause 77-F (2), add the following at the end:—
"and the whole or any part of straw or other fodder required
for cattle stocked by an agriculturist."*

"Sir, we find that ploughing cattle, implements of husbandry, manure and other things are exempted from attachment but not the food for the cattle. I propose therefore that the whole or any part of straw or other fodder required for cattle stocked by an agriculturist may be exempted from attachment. This amendment is quite necessary as sometimes this straw is carried or carted away and sold in the courts by distraint. This is a small matter, Sir, and I hope the Government will accept this amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"I second the motion."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, here again is rather a far-reaching amendment proposed in the Act, and it has not been shown what are the difficulties to which the working of the existing Act has led in this respect. It has not been shown that

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the existing Act has caused any serious hardship to the ryot. Considering the series of amendments of which notice has been given by hon. Members to this clause, it appears to me that some Members of the House expect the landholder to maintain and feed the ryot, his family and his drawing and ploughing cattle as long as the distraint proceedings continue. I submit, Sir, we cannot extend the number of articles to be exempted from distraint to such an extent. This is a new principle which it is proposed to introduce now and I do not think Government can accept the amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am sorry, Sir, that the hon. the Revenue Member should set his face against what he calls a new principle. The very exemption is a principle and in the interests of public policy and in the interests of the people who could not afford to pay the rent, it has been accepted in the Act itself. We see in the Act itself provision for exempting the ryot's ploughs and implements of husbandry, ploughing cattle and manure stocked by the ryot and such seed grain as may be necessary for the cultivation of the holding in the ensuing year. So ploughing cattle have been exempted and what my hon. Friend the Mover asks is that you should not take away the straw and fodder. If there is sense in exempting the cattle, there is sense in exempting their food also. The hon. the Revenue Member says that when the ryot defaults the landholder is not there to feed him, feed his family, and also feed his cattle. What is asked for in this amendment is to retain the food of the cattle which are exempted by the Act itself. When in the interests of humanity you are giving him his cattle, why not give him the straw and fodder also? I do not think the landholder will think it worth while to see that the straw is carted away to another place where it is to be sold. If it is going to be sold, it will be worth almost nothing. To exempt cattle and not to give them food is something which I cannot expect the hon. the Revenue Member to countenance."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I am really surprised that the successor of the hon. Mr. Forbes is so hard-hearted as not to exempt the food of the cattle from attachment. If the ploughing cattle had not been exempted previously probably he would not have exempted even such cattle or the implements of husbandry. It stands to reason that if the cattle are exempted, their food also should be exempted. The food of the family is not exempt. It is only the seed grains that are exempt. So, this really shows that both the Government and the landholders are so very hard-hearted that they really want to kill these ploughing cattle by not giving them food. I simply ask that, since you have exempted cattle, you should exempt their food also. I would therefore again appeal to the hon. the Revenue Member as well as the landholders to accept this amendment."

The amendment was put and declared lost.

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Sriman M. G. Patnaik Mahasayo demanded a poll and the House divided thus:—

Ayes.

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|------------------------------------|--------------------------------------|
| 1 Mr. T. Narasa Reddi. | 12 Diwan Bahadur B. Muniswami |
| 2 " Sami Venkatachalam Chetti. | Nayudu. |
| 3 " A. Pl. N. V. Nadimuthu Pillai. | 13 Mr. K. P. Raman Menon. |
| 4 " T. S. Ramaswami Ayyar. | 14 " P. V. Krishnayya Choudari. |
| 5 " V. T. Arasu. | 15 Sriman M. G. Patnaik Mahasayo. |
| 6 " Abdul Hameed Khan. | 16 Mr. C. Indrayya. |
| 7 " Basheer Ahmed Sayeed. | 17 " J. Kuppuswami Choudari. |
| 8 " U. C. Subrahmanya Bhatt. | 18 Mahabhoob Ali Baig Sahib Bahadur. |
| 9 " K. A. Nachiyappa Gounder. | 19 Mr. K. Pattabhiramayya. |
| 10 " K. S. Sivasubrahmanya Ayyar | 20 " C. R. Parthasarathi Ayyangar. |
| 11 " P. Peddiraju. | 21 " K. Koti Reddi. |

Noes.

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|--------------------------------------|--------------------------------------|
| 1 The hon. Sir Mahomed Usman. | 19 Rao Sahib N. Siva Raj. |
| 2 " Diwan Bahadur Sir M | 20 Subadar-Major S. A. Nanjappa |
| Krishnan Nayar. | Bahadur. |
| 3 " Sir Archibald Campbell. | 21 Rao Bahadur R. Srinivasan. |
| 4 " Mr. H. G. Stokes. | 22 Rao Sahib V. I. Muniswami Pillai. |
| 5 " Diwan Bahadur S. Ku- | 23 Mr. G. Srinamulu. |
| maraswami Reddiyar. | 24 " P. C. Moses. |
| 6 " Mr. P. T. Rajan. | 25 " P. V. Rajagopala Pillai. |
| 7 " the Raja of Bobbili. | 26 Khan Bahadur Yahya Ali Sahib |
| 8 S. M. K. Heyabani Sahib Bahadur. | Bahadur. |
| 9 Mrs. K. Alamelumangathayaramma. | 27 Rao Sahib V. Dharmalingam Pillai. |
| 10 Diwan Bahadur Sir Alladi Krishna- | 28 The Kumararaja of Venkatagiri. |
| swami Ayyar. | 29 Mr. H. M. Jagannatham. |
| 11 Rao Bahadur V. N. Viswanatha | 30 Rao Bahadur D. Krishnamurti. |
| Rao. | 31 Mr. S. A. A. Annamalai Chettiyar. |
| 12 Mr. J. A. Thorne. | 32 Diwan Bahadur A. Appadurai |
| 13 " H. M. Hood. | Pillai. |
| 14 Diwan Bahadur N. Gopalaswami | 33 Rao Sahib D. V. Narasimhaswami. |
| Ayyangar. | 34 Rao Sahib Pandit Ganala Rama- |
| 15 Mr. R. Madanagopal Nayudu. | murti. |
| 16 " E. Conran Smith. | 35 Mr. K. Kesavaramamurti Nayudu. |
| 17 " T. Sundara Rao Nayudu. | 36 " A. Ramakrishna Reddi. |
| 18 Khan Sahib Syed Tajuddin Sahib | 37 Rao Bahadur Sir A. P. Patro. |
| Bahadur. | 38 Mr. C. Basu Dev. |

Ayes 21.

Noes 38.

The amendment was lost.

Clause 46 was put and carried.

Clauses 47 and 48 were put and carried.

Clause 48-A.

Section 87.

* The hon. Sir ARCHIBALD CAMPBELL:—"I move—

'For clause 48-A, substitute the following clause, namely:—

"48-A. In sub-sections (1) and (2) of section 87 of the said Act, after the words and figures 'the amount specified in the written demand under section 78 with subsequent interest and costs' the words, figures and letter 'or the amount referred to in section 77-C' shall be inserted." "

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The hon. Mr. H. G. STOKES:—"I second it."

The amendment was put and carried.

Clause 48-A, as amended, was put and carried.

Clauses 49 and 50 were put and carried.

Clause 51 (i).

Section 95 (2).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'In line 2, after the words "file a suit," insert the words "before the Collector".'

"This is an amendment to bring out clearly the practice referred to. It is implied by the amendment made in the Select Committee. It makes the matter clearer."

The hon. Mr. H. G. STOKES:—"I second it."

The amendment was put and carried.

Clause 51 (iii).

Section 95 (5).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'In sub-section (5) of clause 95 for the words "and shall be communicated in person or by post to the defaulter and to the cultivator or owner," substitute the following sentence, namely:—

"A copy of such order shall be delivered in person or sent by post to the defaulter and to the cultivator or owner."'

"This is to make the language fall in line with the language in clause 59 (2)."

The amendment was put and carried.

Clauses 51 as amended and 51-A, were put and carried.

Clauses 52, 53 and 54 were put and carried.

Clause 55.

Section 106 (3).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'that the following clause be substituted for clause 55 in sub-section (3) of section 106:—

"In sub-section (3) of section 106 of the said Act, for the words 'discharge of the arrear for which the distraint was made,' the words 'discharge of the amount for which the distraint was made with subsequent interest up to the date of payment' shall be substituted."'

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"In view of the fact that the distraint may be made for other sums besides the arrears, this amendment is proposed."

The hon. Mr. H. G. STOKES:—"I second it."

The amendment was put and carried.

Clause 55, as amended, was put and carried.

Clause 56.

Section 112.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg to move—
at the end of section 112 of the Act, add the following:—

"The owner of a part or whole of the holding for the sale of which the landholder institutes proceedings under this section shall also be entitled to institute a suit contesting the right of sale within the time prescribed."

"Section 112 marks the beginning of a series of sections under which the landholder is given the power in a summary way without obtaining a decree for rent to bring the holding of the defaulter to sale. The series of sections end with section 125 which says that when a sale is held all the title of other people are extinguished including encumbrances and clear title is given to the purchaser. It is done on the analogy of land revenue sales, land being the first charge. The purchaser under rent arrears is also given similar title. Proceedings are taken under section 112, notice being given only to the pattadar. The sale affects not merely the right of the pattadar, but also co-owners who are not pattadars, the rights of mortgagees and others who may be entitled to an interest in the property. Recently, High Courts have been holding on the analogy of the Revenue Recovery Act that the word 'defaulter' in the Act means only 'the person in whose name the land is registered' and nobody else. Sir, while it is necessary that so far as the landlord is concerned, he should note the person against whom he is proceeding, it is also necessary in the interests of persons whose title will be affected, that they should be given a chance of intervening in the proceedings and taking the necessary action. Section 112 requires a notice to be given to the defaulter informing him that the amount is due and that if he does not pay the amount or institute a suit within 30 days the suit holding will be sold. All that I want by this amendment is that when notice is given to the defaulter to file a suit, such a suit may be filed also by any person who has an interest in the property and whose rights will be affected by the sale. I do not want that separate notices should be given, but I only say that the owner might at least be entitled to do what he considers necessary in his interest. Sometimes the registered pattadar may not have any interest in the property or he may keep quiet to defraud the co-sharers or the mortgagees. Such persons have absolutely no

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chance of intervening according to the section. According to the elementary principle of law, those who have a clear right to a property should be given a chance. If the landlord is not expected to know who are all interested, he must at least give the persons who are interested an opportunity to be made a party or give them right as representatives of defaulters so that their rights may not be affected. I, therefore, move that this right of suit should be not merely for the defaulter who for the purposes of revenue records is considered a defaulter, but also those whose interests will be affected by the proceedings under section 112. I hope the hon. the Revenue Member will think twice before he deprives other people who are interested in the property of their valuable rights and I appeal to him that he should not turn a deaf ear to the appeal made on behalf of people who will be clearly affected by the sale and that they should have the barest chance to have their rights protected before the extinguishment of such rights."

Mr. P. PEDDIRAJU:—"I second the amendment. In doing so, I want to bring to the notice of the hon. the Revenue Member instances wherein these actions have been taken and where unknowingly, the rights of the real owners of the property have been taken away. It is not the fault of the zamindar or the court but the village officials have brought suits against the nominal defaulters and got the properties sold. It is too late in the day when the actual owner knows it. Properties worth thousands are sold for four or five rupees and the property is taken possession of by the zamindar or the village officer generally.

"So, it is not a motion which is sought to be moved on this side 3 p.m. against the zamindar or anybody. It is only to protect the interests of the people who are really the owners of the property, or co-owners or transferees. The zamindars recognize that when properties are transferred, the pattas of holdings are not transferred to the real owners at once. It may be argued on the other side that it is open to the transferee to get a transfer of the holding. Even in the Revenue Department, which is being managed by efficient officials, the pattas are not issued at once, and the property is not transferred as soon as the transfer takes place. Much less is the case in zamindaris, where it will be found that persons who have died centuries back are still found to be the pattadars, and suits are being brought against the so-called pattadars, and decrees are obtained, and the land is brought to sale. Here it is not actually a fight between the zamindar and the tenant but one between the zamindar's underlings and the real owners of the property. It is therefore just and proper that the hon. the Revenue Member should agree to this amendment."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I support the amendment. The necessity for such an amendment is obvious. There is no

[Mr. T. C. Srinivasa Ayyangar] [6th November 1933]

principle of the Bill involved in antagonism here. Nothing can be said by way of opposition. Section 122 of the existing Act enables people interested in the holding sought to be sold to pay the money and avert the sale. Therefore, this amendment is only another method by which people interested in the holding may also safeguard their rights when a sale threatens the holding. There are cases of an obvious necessity for sale by the default made by the non-payment of rent, in which the only way of saving the property is by paying the rent. There are cases where the contemplated sale may not be justifiable at all. In many cases, the pattadar-defaulter may be found not to have any useful, surviving interest, though he bears the burden of the patta in his name; but other people may have acquired valuable rights. Their rights may be sought to be sold and purchased by various means which have been mentioned by the previous speakers. I therefore think that it is absolutely essential that an amendment like the one now moved is inserted."

* Mr. K. P. RAMAN MENON:—"I support the amendment, Sir. There is no additional burden which is cast on the landholder. For under section 122, all that the landholder is asked to do is to issue notice to the defaulter. But there is nothing which enables a person who has carved out an interest in the property to stop the sale, as it is. Unless such a provision is made, he is not entitled to sue. Of course, if the provision had been that the zamindar is bound to issue notice to such third person, then it may be open to the objection that it is casting an additional burden on the zamindar. Inasmuch as no attempt is made to saddle on the zamindar the burden of issuing a notice to such third persons who are really interested in the holding, where is the objection to affording these third persons an opportunity to safeguard their rights? So far as the Revenue Recovery Act and various other Acts under which sales are made, it will be found that with reference to abkari revenue and other demands of Government, the High Courts have held that they are not on a par with sales of revenue recoveries. There are rulings to say that the interests carved out by the person who is liable to pay the income-tax or abkari tax are not affected. Turning to section 125, we find:—

'When a holding or part of a holding is sold for arrears due in respect thereof, the purchaser shall take, subject to any right or interest which the ryot has created therein with the landholder's permission in writing registered and subject also to any encumbrances created before the passing of this Act.'

"From the section it is clear that no interest can be created without the written permission of the zamindar. Here is a drastic remedy in the hands of the zamindar. Hence, when there is no additional liability cast on the zamindar, there is not the least harm in allowing third parties who have an interest in the holding to come forward and safeguard their right. I think it is but justice to allow such a right, and the amendment ought to be accepted by the Government."

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Rao Bahadur Sir A. P. PATRO:—"Sir, section 128 of the amended Act says:—

'When a proclamation has been made for the sale of a holding or part of a holding and any person having an interest therein which would be affected by the sale, pays to the Collector or the selling officer the amount requisite under section 122 to prevent the sale . . .'

"Thus, the right of intervention to an outsider or a mortgagee or a lessee of a defaulting ryot is allowed under the provisions of section 128. But in order to save even that contingency, the hon. Member from Chittoor has proposed this amendment. Because the ryot may allow things to go into default, and ultimately the holding may be sold, and there may be co-sharers in the holding. Then when the proclamation of sale is made, intervention will perhaps be too late. It is therefore suggested that instead of a notice to such a third party, he may be allowed to sue. I suppose the difficulty pointed out by the hon. Member from Chittoor will be obviated if the words 'or persons interested in the holding' are added in line 7 of section 122 after the word 'he.'"

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I accept the suggestion and with your permission I shall withdraw the amendment already moved, and move in its place the following amendment:—

'in section 112, line 7, for the words 'if he does not' substitute the words 'if he or any person having an interest in the holding does not'."

Sriman M. G. PATNAIK Mahasayo:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this again is a new provision which is not in the existing Act, nor has it been proposed by the Select Committee. I quite sympathize with the desire of the hon. Member in moving the amendment. But I am rather doubtful if it will effect what he desires. Mr. Peddiraju referred to the case of an absentee owner who allows the rent to fall into arrears and allows the land to be sold. In that case, the actual cultivator or other person interested in the land may not be aware of the fact that the holding is put up for sale. He said that this provision would not protect him in such a case, and that the whole of the proceedings may be carried through without his knowledge. The other case referred to by my hon. Friend, Sir Patro, was of a somewhat similar nature. If they are not in the village or if they are unaware of the fact of the land is being sold, they have a remedy later under section 122 by which they can deposit the amount and stop the sale.

"Under section 128 again, the right of the person making the payment is protected. It seems to me that the amendment suggested will not improve the position very much. He can at present pay the amount and then there are no further proceedings. The proposed provision would enable the defaulter to obstruct proceedings by getting

3-15
p.m.

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a friend of his to file a suit. It seems to me, if this amendment is adopted, there is the danger of further delays being caused by the investigation into the claims of the persons who have some interest in the land. I think, Sir, on the whole, it is better to leave the law as it is, because I do not think this amendment would meet the difficulty which my hon. Friend mentioned."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I am really sorry that the hon. the Revenue Member takes up this attitude in regard to a matter which means life and death for certain people. He says he sympathizes with me. Are the Government unable to frame an amendment to meet the situation? There is the hon. the Advocate-General. Is it not possible for him to bring in a suitable amendment? Here is a person who is deprived of his property without any chance of intervening. The hon. the Revenue Member thinks the only salvation for the ryot lies in paying up the amount. Are the Government there merely to collect the amount for the landholder? The Revenue Member does not seem to bestow a moment's consideration to this aspect. Section 112 requires the ryot either to pay or file a suit contesting the claim. That contest will be made only if there is a legitimate grievance against the procedure adopted. The hon. the Revenue Member prevents the owner from intervening. How is a person who has a real interest in the property to intervene and safeguard his right? Either you do not give a chance to the original ryot to file a suit at all, in which case you can recover the amount straightaway, or you give him and the persons interested a chance to express their legitimate complaint. I merely want that this provision should be extended to the case of persons who are interested, and who, but for intervention, would lose their rights. No doubt it is easy to say, 'Why not pay the amount.' Yes, if it is due, it can be paid. Suppose I claim that it is not due. Am I to be debarred from so claiming? I appeal to the hon. the Revenue Member to consult us before he opposes this amendment or himself brings forward an amendment."

The hon. Sir ARCHIBALD CAMPBELL:—"This may be adjourned to to-morrow, Sir."

* The hon. the PRESIDENT:—"This item stands adjourned till to-morrow."

"We will now pass on to clause 57, leaving clause 56 for consideration to-morrow."

Clause 57.

Clause 57 was put and carried.

Clause 58.

Section 116.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, my amendment to this clause is also one for which I request the sympathetic consideration of the hon. the Revenue Member on its merits. I know that he

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will put forward the argument that it is a new provision. But, Sir, if we are not to have new provisions, remedying at least the procedural defects, there is no use of this Bill here. My amendment reads thus:—

'Substitute the following for section 116 of the Act and clause 58 of the Bill:—

- "(1) On receipt of such application the Collector shall determine the extent of the land to be sold, the lots in which they should be sold and the order in which the lots should be sold and the value of each lot after notice to the parties and hearing them and drawing up the sale proclamation and direct copies thereof in the vernacular of the taluk to be put up on the notice board of his office and of the Taluk office and order the sale.
- (2) The sale proclamation shall specify—
 - (a) the holding or part of the holding to be sold,
 - (i) the lots in which it should be sold,
 - (ii) the order of the lots in which they should be sold if they are more than one,
 - (iii) the value of each lot,
 - (iv) the rent payable thereon;
 - (b) the amount mentioned in the written notice under section 112 together with costs and subsequent interests if any;
 - (c) any encumbrances subject to which the property is liable to be sold;
 - (d) every other thing which the Collector considers material for a purchaser to know in order to judge of the nature and value of the property."

"If this is accepted, I shall afterwards move my next amendment (No. 196) which is intended to supplement the provision in regard to this matter. The position is this: sections 111 to 125 relate to the procedure in connexion with bringing the holdings for sale. There are definite provisions laying down how everything should be done. Then we have section 132 which runs thus:

'The provisions of this chapter shall be applicable as far as may be, to the execution by a Revenue court of any decree for arrears of rent.'

"So that, this summary procedure which is detailed in sections 111 to 125 applies even after a decree for rent is obtained; but the proceedings taken are not merely summary but are absolutely full in the sense that the execution proceedings are completely governed by the Civil Procedure Code. With all this you say that it is a summary procedure and that the Collector shall sell the property, etc. My submission now is that when the Collector proceeds with the sale of

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the land, the decree may be executed as is done by a civil court. It is absolutely necessary that the interests of the party whose rights will be affected, should be safeguarded. That is all that I am pleading for and nothing more. Now, what happens is that property worth thousands of rupees are merely put up on the notice board for sale. Though the amount due on them to the landlord is only Rs. 15, he is able to bring the whole property up for sale and there is absolutely no chance for the Collector or the sale officer or anybody for the matter of that, to ascertain the rent due and whether the whole property is to be sold or only a portion thereof. In section 126 you provide:

'The portion of the holding brought to sale by the landholder shall be, as nearly as possible, equal in value to the amount of arrears due and costs.'

"In the legislature we who are responsible for this Act are anxious to see that the landholder is armed with all the power to collect rent as quickly as possible and have provided that the property to be sold should be equal to the amount of arrears due and costs. We have also provided under section 116 which it is proposed to amend that immediately on receipt of such application, the Collector shall appoint an officer to conduct the sale. You propose to amend it thus: 'Immediately on receipt of such application, the Collector shall order the sale and appoint an officer to conduct the sale.' While under the present section the Collector merely passes on as a post office the application for sale, the Revenue Member thought it fit to say 'the Collector shall order the sale' before the post office proceedings are commenced. Therefore, when the Government have thought it wise to introduce an amendment for directing the Collector to order the sale, I want that they should direct him also to enquire as to whether the particulars given are correct, whether the property to be sold is enough for the amount due or is much more than is necessary and whether such details as are necessary to protect the rights of the people who though not pattadars have more interest in the property than the pattadars themselves. What I ask in this amendment is 'on receipt of such application the Collector shall determine the extent of land to be sold.' He should bestow his attention upon what extent of land should be sold, the lots in which they should be sold and the order in which such lots should be sold. This is necessary to protect the encumbrances of other owners, I say that he should determine the value of each lot after notice to the parties and hearing them. At this stage the defaulter does not come in. At the next stage, when he orders the sale, the defaulter also should be present. He should have an opportunity to say: 'The whole of my property need not be sold.' Any other person also might come and say: 'Sell the other properties and sell my property later.' Then my amendment says 'hearing them and drawing up the sale proclamation and direct copies thereof in the vernacular of the taluk to be put up on the notice board of his office and of the taluk office and order the sale.' Now, this direction and other things are all mentioned in section 117. These things are now done by a clerk,

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the lowest clerk in the magistrate's office. These ought really to be done by a responsible man like the Collector. In civil courts also properties are sold, but it is the presiding judge who fixes the sale proclamation, the upset price and so on. He also decides the order in which the various lots ought to be sold.

"All these duties are now thrown on the shoulders of a clerk of the deputy tahsildar's office. I do not know what is happening in other districts but in the district from which I come all these things are done by some body who is dubbed as the sales-clerk in a deputy tahsildar's office. (A voice: 'Revenue inspector.') He may be a revenue inspector as my friend suggests but I do not see much difference between the two in this matter. So I suggest that the Collector should give notice to the defaulter, then hear him as to whether the landholder's application gives proper particulars, whether the property brought to sale is excessive, whether the bid is reasonable, and whether the properties can be sold in a particular order, and so on. My amendment only wants that all this should be done by a Collector, of whose virtue so much has been said on the previous amendment. Under the very same provision the procedure of the civil court is quite different. The property is not sold in a perfunctory manner. So many stages have to be gone through before a property is brought to sale. The Privy Council has stated that the courts should see that they take the greatest care possible in these matters. As the effect of the sale is far-reaching, it stands to reason that the principle involved in this amendment should be accepted by the hon. the Revenue Member; apart from the fact that this is a new provision, this is the barest justice that could be done and I therefore recommend that this amendment be accepted. Of course if any Member rises up and says that the wording is not suitable there is the Advocate-General who can draft it properly. If the form in which I have put it is correct, Government can accept it or at least accept the principle of it and bring in a draft of their own."

Mr. C. R. PARTHASARATHI AYYANGAR:—"Having taken so much trouble to confer occupancy right upon the ryots not only in the zamindari villages but also in inams, the Legislature must also take care to see that the occupancy rights which the ryots have are not easily disposed of or thrown away. Strictly speaking, having taken so much trouble in conferring occupancy rights, we should follow up that policy by seeing that no land ought to be sold in the first instance, until all other remedies are exhausted, until the movable properties or the crops standing thereon are attached and every other step taken for the purpose of realizing the amount. I am sure, when the next amendment comes the Legislature will take into consideration that the logical consequence of all previous acts done in this connexion would be to make the holdings with occupancy rights not saleable at all. Take the corresponding Act II of 1864 by which the Government proposes to collect the rents. They say in the first instance, go and

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attach the crops. The second safeguard they provide is, in a ryotwari land, so much of the holding only as is necessary to be attached should be sold. While they are so very careful of the interests of the tenants in Government tracts, why should not the same privilege be also extended to people having occupancy rights in the samindaris? According to the Civil Procedure Code, you will find, Sir, that a judge determines the sale proclamation, ascertains the extent of the land to be sold, the nature of the holding, the amount of tirwa payable thereon, and also in what lot land ought to be sold. He hears both the decree-holder and judgment-debtor before the land is directed to be sold, etc. So the Judge takes direct interest in seeing that the decree-holder does not take unfair advantage of the difficulties in which the judgment-debtor is placed. And it only stands to reason that the steps that have been taken in safeguarding the interests of the ryots in ryotwari tracts as embodied in Act II of 1864 must be applicable here also.

"Then there is also the other fact, the complaint of the ryots, namely, that the agents of the landlords colluding with the village officers or other persons interested in depriving the tenant of his holding generally have these properties sold and purchased. For a small decree amount of 10 or 12 rupees land worth many times that amount is brought to sale and when the ryot comes to know of it he is too late and his application is either time-barred, or some other difficulty stands in his way. The ryot should be called upon first to say whether his land should be sold for the arrears, then whether his land is enough for the purpose of realizing the debt due on the decree. Only so much of the property as is absolutely necessary should be sold and steps must be taken to guard against interested people having unfair advantage over the defaulting ryots."

MR. BASHEER AHMED SAYEED:—"In addition to what the learned Member from Chittoor has said I shall only remind the House that in sales they should remember that while on the one hand new rights are vested in the purchaser in immovable properties the valuable rights which the ryots have been enjoying are taken away. When such vesting and divesting take place, the Civil Procedure Code lays down that meticulous care should be taken at every stage of the proceedings, before the sale becomes perfect and valid and recognized by the courts of law. That being the case, in the Civil Procedure Code you will find, Sir, that Order 21 gives hundred and odd rules as to how exactly the property is to be brought to sale and what are the stages to be gone through. Probably it will be within the experience of the lawyer Members in this Council that even if at any one stage a slight omission is made the execution petition is returned, and if that omission is not made good, within a certain time, the whole execution petition is dismissed for default. That is the case so far as the Civil Procedure Code is concerned. Now, Sir, so far as the Act is concerned, the provisions of the Civil Procedure Code as such, are not made applicable in extenso

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to these proceedings. So it is all the more necessary that they should definitely lay down for the revenue courts which are more or less executive courts, executive authorities translated into courts, the several stages to be gone through. That is what is sought to be achieved by this amendment. The safeguards that are already mentioned in section 117 as it exists in the Act are not quite sufficient. The scope of the amendment is merely to enlarge it by showing what other particulars ought to be included, in an execution petition form. They are given in the appendix to the Civil Procedure Code. There are various details therein but all those details are not sought to be improved into this amendment; but there are a few material particulars to be taken into consideration when sale of a certain holding is made so as to ensure the rights which the new purchaser acquires, and make the title and also the divesting as perfect as possible. For if there are defects found out later on, it will give rise to further complications, and there would be no end. In this Act we do not find any provision that would enable any interested parties to go before the revenue courts and say that such and such a thing is bad and is not binding on them. In the absence of these provisions it is essential and necessary in the interests of law, in the interest of the landlord and of the party who purchases the land, and also in the interests of the unfortunate party who loses his rights and valuable property, that at least these particulars which are the minimum prescribed, are adhered to. I therefore have pleasure in supporting this amendment."

* MR. K. P. RAMAN MENON:—"I quite agree with the amendment of Mr. Muniswami Nayudu. One thing is certain and I believe that the Members of this House will not deny that what was conceded to the tenant after so much deliberation should not be allowed to slip away easily. It also follows that only so much of the property as would cover the amount due should be sold. That principle is recognized in section 127 of this very same Act. It is stated there that the Collector can stop a sale or sell only so much as is necessary to realize the amount due. Here, the landholder is in a better position than the ordinary decree-holder. Why should it be so? With reference to the ordinary decree-holder as has been very pertinently pointed out by Mr. Basheer Ahmed Sayeed, meticulous care is bestowed by Civil courts in issuing the sale proclamation, and in bringing the properties to sale. There are 99 rules framed under Order 21 so that it is clear that all these matters which have to be thrashed out before sale is held, are matters of great concern to both parties. In these circumstances, is it not reasonable that responsible officer should be in charge of the measures by which the ryot's property is to be brought to sale. That is all that Mr. Muniswami Nayudu wants in his amendment. He says that the responsibility should be cast on the Collector, the Collector should himself look after the proclamation and do all the necessary things connected therewith and these things must not be entrusted to a sales officer.

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3-45 P.M. "I submit that it is only a very reasonable request. Parties are interested in seeing that large extents of properties are not sold for what is due to the landholders as arrears of rent but only such portion as would cover the arrears. That seems to be the object of the Legislature also. If that is so, I do not see any reason why there should be any objection as to the mode by which the property should be sold. It must be in the hands of a responsible officer and that officer, as far as I know, is the Collector."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President. I am not prepared to accept this amendment in the form in which it stands. I should like this amendment to be adjourned until to-morrow so that we may have a discussion over the matter."

Discussion on clause 58 as also on clause 59 was adjourned for the next day.

Clauses 60, 61 and 62 were put and carried.

Clause 63 (ii).

Section 123.

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
'that in lines 9 and 10 for the words "certify the amount recoverable from the defaulting purchaser" the words "certify the amount recoverable from him" be substituted.'

"Sir, this is a slight drafting amendment to bring clause 63 (ii) into line with clause 65."

The hon. the RAJA OF BOBBILI:—"I second it."

The amendment was put and carried.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg to move the amendment that stands in my name, viz.,

'Add at the end of the proposed amendment in sub-clause (ii) the following words:—

"and a notification shall be published in the issue of the District Gazette immediately following the sale giving particulars of the date of sale, the lands sold, the price for which they were sold and the name of the purchaser, defaulter and landholder concerned."

"Sir, this again is an amendment the purpose of which I have mentioned in the previous amendment. This is for the purpose of giving notice to the persons interested in the properties to avoid the sale of such properties at least before the sale is confirmed. Looking at the provisions of the Rent Recovery Act and the Estates Land Act I find that both these Acts have been conceived in one spirit and one spirit only and that is: to help the landholder to get his money even at the sacrifice of all private rights in properties. If the landholder gets his money that is enough. That seems to be the policy underlying these Acts. Sir, even when the Government are selling lands for arrears of revenue at least there are some safeguards. What they

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demand is a definite and fixed demand. What they demand as revenue is known to everybody. There could be no objection or contest to this measure if it has followed the Revenue Recovery Act II of 1864, which contains a provision to the effect that some notice should be published in the District Gazette and anybody who looks at the Gazette can find out whether the property is sold for arrears of revenue due to the Government or for arrears of money due to a Co-operative Society and so on. All these grounds are published in the Gazette saying that such and such properties are being sold and for so much amount, and the date of the sale will be such and such. If such a publication is made those who are interested in the property may intervene and save the property. After the sale is made, section 123 comes in. After the sale is made the price is paid and after an elapse of one month the sale is confirmed. There is no provision to set aside the sale on the ground that the sale is illegal. There is provision here by which he can come in and say 'I am interested in the property and I shall pay the amount' and thus save the property. To avoid the sale, thirty days' notice is ordinarily provided to the public. By this amendment I am helping those persons who are interested in the property so that they may intervene and pay the amount and save the property. I want to draw the attention of hon. Members to one particular section. Even the Revenue Recovery Act provides that in the District Gazette all such sale shall be published giving opportunity for all those who are interested in the property to come in and pay the amount and thus save the property. My point is this: that under this section when a sale is held and the amount is paid some time elapses before the sale can be confirmed. I say the sale may be published in the next Gazette so that persons who are affected by the sale and whose interests may be extinguished otherwise might intervene and pay the amount of arrears so that the property may be saved, or other persons may take steps to see that the payment of arrears is made and that property is saved. I do not complain that the present section has been introduced only recently. It has been there ever since 1865. But in 1864 a contemporary legislation Act II of 1864 was passed where the Government took powers to collect arrears of revenue where the provision I seek for is made. So in the interests of all those who are interested in the property I urge that this amendment should be accepted so that they may pay the amount to the landlords and thus save the property."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I with your permission read section 39 of the Revenue Recovery Act before I sit down:—

"This is what it says—

"When lands may be purchased at a public sale the Collector or other officer empowered by the Collector in that behalf shall publish in the villages in which the land sold may be situated in the cutcherry of the taluk, in the head

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outcherry of the district and in the District Gazette the name of the purchaser and the date of the purchase together with a declaration of the lawful section of such purchaser to all the rights and property of the former landholder in the said lands."

* The hon. Sir ARCHIBALD CAMPBELL:—"I wish to know from Mr. Muniswami Nayudu whether he will be satisfied with simple publication in the Gazette or a period should be fixed from the date of publication before the sale should be confirmed."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I merely said that a publication should be made. That will not affect the period already fixed in the Act."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."

The amendment was put and carried.

Clause 63, as amended, was put and carried.

Clause 64.

Section 124.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"The amendment that stands in my name runs as follows:—

"For the words "thirty days" in sub-section (2) of the Act substitute "ninety days" and add at the end the following:—

"The Collector shall also publish the certificate in the village in which the lands are situate and in the District Gazette".

Sir, this amendment is of the same nature as the previous amendment. After the sale is confirmed a sale certificate should be published. This is merely copied from section 39 of the Revenue Recovery Act, which gives an opportunity to those persons who are interested to intervene and pay the amount and take the property. Supposing one wants to take the property and he wants to know whose property it is and for what purpose it is sold. Now there is absolutely no knowing as to how the property is sold and for what purpose it is sold. If no certificate is issued anybody may intervene and say I have an interest in the property. If the title to the property, how the property is sold and for what purpose it is sold—all these things are certified, anybody who is interested on behalf of any other man might intervene and pay the amount and take the property."

Rao Bahadur P. C. MUTHU CHETTIYAR:—"At whose expense is the publication to be done—at the expense of the Collector or the landholder?"

Rao Bahadur Sir A. P. PATRO:—"Yes that is the question."

The hon. Sir ARCHIBALD CAMPBELL:—"I understand Mr. Muniswami Nayudu to mean that it should be at the expense of the tenant."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"My Friends may shed tears at the fact that the thing has to be done at the expense of the tenant, but I have the interests of the tenants at heart as much as Sir

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Patro and I am sure they would not grudge paying that amount if it is going to benefit them in the way I have indicated.

"With regard to the first part of the amendment, I want that the time that should elapse should be ninety days instead of thirty days. Sub-section (2) of section 124 fixes the time for the confirmation of the sale as thirty days. Under the Civil Procedure Code, or under any civilized judicial code or the procedure which is taken in any civilized country to deprive a man of his property, no man can have his property sold unless he is a party to that proceeding either by himself or through some representative of his. In mortgage suits, for instance, every person who is interested in the property either as co-owner or as subsequent mortgagee or prior mortgagee is added as party to the suit. Vakils are appointed and they are there at every stage. Notice is taken either by the vakils or by their clerks. They are entitled to be present in order to avoid the consequences of negligence. But in this case when a property is sold, notice is not going to be sent to anybody except the registered pattadar who may not be the owner at that time. The interests of co-owners and the interests of all persons who are interested in the property are going to be extinguished. Therefore I submit that even in the interests of the landholders it is prudent that instead of selling the property and fighting with other parties afterwards they should give more time to enable persons interested to come in and pay the amount and see that the property is not sold or that the sale is set aside. This publication of the details of the sale which the hon. the Revenue Member has kindly accepted will help the tenants and may give them sufficient time to pay the amount. But thirty days is a short period and if the period is increased to 90 days, it will be of advantage to the person who intends to pay the amount. Nobody will suffer by the extension of time. If the purchaser is a man in the village itself, his interests will not suffer. If he is an outsider, he can wait for 90 days before the sale is confirmed. In either case, no one will suffer. On the other hand, it will be a help to the person whose lands have been sold and whose rights have been extinguished. Therefore I suggest that a period of 90 days should elapse before the sale is confirmed."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil.

* The RAJA OF KHALIKOTE:—"Mr. President, Sir, I oppose this motion. When, under the Civil Procedure Code, there is a provision that a sale can be set aside in 30 days I really do not see where is the necessity to have 90 days under the Estates Land Act. All that the landholder wants is some method by which he can realize his dues quickly. But this provision will not help to expedite matters. Then with regard to the second part of the amendment moved by the hon. Member, Mr. Muniswami Nayudu, I have to state that it does not affect the position of the landlords at all. On the other hand, it will be putting additional burdens on the already over-burdened Collector, who will have a lot of extra work to do under the new Act. Nor does

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it help the position of the ryot because he would have lost all interest in the land.

"In addition to that it is going to cost him more money as Mr. Muniswami Nayudu had said that all these notifications in the village and the District Gazette should be at his cost. For these reasons I oppose the amendment. Besides, in the rural parts nobody takes the trouble to read or understand what the gazette contains."

* Mr. K. P. RAMAN MENON:—"I can understand the Raja Sahib when he says that all that the landholders are anxious about is to collect their money. What Mr. Muniswami Nayudu says is: certainly the landholder is anxious to collect his money; let him have it but let other people besides the defaulting tenant have an opportunity to step in and pay the money. Why should the landholder be anxious to avoid the possibility of third parties knowing the sale and stepping in and paying the money? If the period is extended from 30 to 90 days, particularly in view of the fact that third parties are not served with notice, according to the provisions of the Act, it is reasonable to suppose that third parties that are affected by such sales would be allowed reasonable time to come in and pay the amount. It is all the more in the interest of the landholders that over and above the defaulters themselves, there are other people interested in the payment and who do pay. Surely the landholders will be benefited by the payment. I fail to see why the landholder in his anxiety to have the amount paid, should fetter other persons from stepping in and paying the amount. I think the Raja Sahib has wasted his sympathies on the ryot and the District Collector in his opposition to the second part of the amendment. As regards throwing additional burdens on the already over-burdened Collectors, I believe they will be able to take care of themselves even without the help of the Raja Sahib; they will be able to do the work which is thrown upon them by this enactment and by similar enactments that the Government may be pleased to pass. With reference to the ryots again, I fail to see why he should be so sympathetic to the ryots. If the ryots want to pay a small sum for the publication of the sale in the Gazette and in the village, as Mr. Muniswami Nayudu said, it is a small item and it can be added on to the amount which is recoverable from the ryots according to the decree. It is not after all a very big figure when you consider the benefits which such publication confers on people who do not get notice of sale. I submit therefore, that there is hardly anything in what the Raja Sahib has said which will weigh with the House in coming to a just conclusion in this matter."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I have every sympathy with the ryot and I think that he should not be placed in any difficulty or disadvantage and that he should be given every facility to pay the arrears due from him so that his holding may not be taken away from him. At the same time we should also consider the conditions in which the landholder is placed. The hon. Members from

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Chittoor and Malabar imagine that every landholder is a big zamindar and zamindars can afford to wait indefinitely and subject themselves to all the tactics which the tenants and the tenants' vakils might play. If this provision suggested by the hon. Member is accepted, learned vakils appearing for the tenant will no doubt find means to avoid and delay the realization of the dues by the landholder. If the hon. Member from Chittoor has out of his enthusiasm or partisan advocacy said that this Government wants to provide all means of rent recovery—both the measures of the Rent Recovery Act and the measures of the Estates Land Act—he should not forget that the zamindars also have interests in their property and they should not be allowed to suffer by being deprived of their legitimate and just rights. I wish the hon. Member Mr. Muniswami Nayudu took a very just and impartial view of the case, but the partisan advocate that he is, I am afraid he cannot do so. He could always make his arguments attractive, but to-day he has put forward no reasons why 90 days' time should be allowed and why the sale should be published in the District Gazette. He has shed crocodile tears for the plight of the ryots and one come from the mufassal can well realize that the villagers do not read the District Gazette and come to know that a particular holding in their village is going to be sold for such and such an amount. I cannot imagine a thing of that sort although my experience has been always with the masses in the rural areas. I cannot understand how the hon. Members from Chittoor and Malabar imagine that the publication in the District Gazette or in the *Fort St. George Gazette* will be of any benefit to the ryots and remind them of their real rights and privileges. It may be that such publication may be useful to persons who are interested in fomenting litigation among ryots and in fomenting unrest among the ryots, but I really cannot think that the provision for publication in the Gazette will be of any benefit to the tenant. As regards the provision for a period of 90 days to elapse before the confirmation of sale, how does it benefit the tenant?

"There is one other matter which the hon. Member from Malabar has ignored and that is this. Under the Civil Procedure Code, the proclamation of sale is made, the date is fixed and the sale is held either in the Munsif's Court or in the Sub-Court or in the District Court. But according to section 119 of this Act the sale of a holding is to be held in the village where the holding is situated and a proclamation is to be made in the village in which the holding is situated. And everyone interested in the holding is informed by such proclamation. Therefore it seems to me quite unnecessary that the period of 90 days should be fixed. That would only tend to delay the legitimate payment of the money due to the landholder.

"There is one more point, why should there be so much sympathy for those who are interested in the holding as alienees and mortgagees. As you know, according to the Estates Land Act, only

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4-15 p.m. encumbrances created prior to the passing of the 1908 Act and subsequent encumbrances on the holding created with the consent of the landholder can be regarded as valid. Others cannot be valid. The first charge is the rent due to the landholder. When the actual cultivator ceases to have any interest in the land, when he has alienated his interest, when he has mortgaged his interest to a third person, why should that third person be shown any concession? If the actual cultivator really suffers for want of notice of 90 days, I will surely support the proposition. You plead not so much for the cultivator but for the person who is in possession of the land, for the capitalist, for the person who has advanced money to this unfortunate tenant and who wants to profit by getting the land from the tenant; you want to help the money-lender and the capitalist. I cannot understand the logic of my hon. Friend. I can understand his sympathy for the cultivating tenant. I cannot understand any reason when he sympathises with the person who seeks his own profit. I am unable to follow the argument of my hon. Friend from Chittoor for prolonging the period to 90 days and for publication of the certificate in the District Gazette."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I am really surprised to hear the arguments of the hon. Member from Ganjam. His arguments are wholly irrelevant to the issue raised by this amendment. The point is: the Act gives 30 days for confirmation; what is wanted is to extend the time by giving 90 days. How all the objections of my hon. Friend from Ganjam are relevant one fails to understand? He thinks of a middleman, money-lender, an absentee, etc.; he thinks of ryots only as a being completely rooted to the soil and never able to leave the village but always residing on the land. If his conception of the ryot is quite correct, a great deal of the provisions regarding publication can be swept away altogether. We have provided for notice being published in the Gazette and by other means also. The provision to give notice of sale and sale thereunder is really peculiar to this Act. It is unlike the sales which take place through Civil courts. This is in essence a private sale. Instead of the landholder himself selling the property, he sells the property through the instrumentality of the Revenue Divisional Officer. It still retains the character of private sale. The onus of proof of the propriety of the sale of the property is cast upon the landholder. The beneficial provision regarding publication is that people who are affected by it may come forward either to pay the money or avoid the confirmation of the sale. What this amendment seeks to do is to see that the notification has the intended beneficial result. There is really no valid objection mentioned by any opponents to this amendment. The law permits the ryot to have and enjoy in common with his co-sharers his holding which is alienable and which is divisible. In such cases there may be one registered proprietor in the village; some of the members of his family may be in another village. There

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are purchasers; there are encumbrancers. In these circumstances it is absolutely essential that people who have valid title to the property should be afforded adequate facilities to know that a sale has taken place and that if they pay the money and discharge the obligation due to the landholder, they will be able to save the property."

Sriman M. G. PATNAIK Mahasaya:—"Sir, I do not see how the landholders will be prejudiced by the procedure now sought to be prescribed—of extending the time from 30 days to 90 days. In all these cases, small extents of land are sold and zamindars never want to retain the land. After all the zamindar wants to give away the land to somebody, if he realizes the arrears of revenue. If wide publication is given, very naturally somebody may come forward and pay the amount. The zamindar's object of realizing the money will be achieved. I cannot understand my hon. Friend, Sir Patro, saying that we should have no sympathy with money-lenders. If he wants to introduce principles of communism, I can understand it. So long as it is recognized that mortgages are validly created and that mortgagees have got the right to enforce the mortgages and so long as the zamindar is entitled only to his arrears of revenue, there is absolutely no reason why the landholder or the Government should do anything to defraud the man who has lent money. He has lent money and he is prepared to pay the money due to the landholder; the landholder wants only his arrears of rent. There is absolutely no reason why the Government or the landholder should join hands to defraud the honest investor. All I say is the extension of 30 days to 90 days does not at all do any harm to the zamindars."

The KUMARARAJA OF VENKATAGIRI:—"Sir, I had no idea of intervening in this debate; but I have been induced to do so by what has been stated by certain friends sitting on the opposite Benches. When I was listening to the general debate that took place over the general question of referring the Bill to the Select Committee and over the question of the adjournment, I remember certain hon. Members sitting on the opposite Benches expressing their readiness to consider in a dispassionate manner anything that would facilitate collection by the landholder, while they were anxious to remove certain grievances and difficulties from which they consider the tenants were suffering. When I heard that sentiment being given expression to, I was gratified; and again over certain amendments which have been reserved for consideration, hon. Members sitting on the opposite Benches expressed their readiness to consider certain grievances put forward on behalf of the party to which I belong and they said they would amend the provision in a manner acceptable to both the interests."

"Over this point I fail to see how there can be any legitimate grievance for the tenant; if there is any grievance at all, anybody will agree to redress it. As has been pointed out by some Members representing the Justice Party, what is sought is to give a longer period than that provided in the Revenue Recovery Act or in the Civil Procedure

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Code. What this amendment seeks to do is to give 90 days for the tenant. It has also been suggested in that connexion that the zamindar will not be handicapped at all. My submission to the House is that the zamindar will be affected for the simple reason that, instead of 30 days, he has to wait for 90 days. My hon. Friend representing Ganjam, Mr. Patnaik, said that in his experience he finds that the landholder is not at all anxious to retain the land. I know of many cases in which the landholder has to receive payment, he returns the land to the tenant after receiving the amount due to him though the land is more valuable. Of course the difficulty arises in cases where a third party purchases the land, I feel that the landholders will be very much handicapped if 90 days' period is insisted upon in regard to publication. I fail to understand what purpose will be served by this publication, since the Gazette cannot reach the majority of the tenants. It will be available only to a few tenants. Whether it is published in the Gazette or whether it is posted at the Collector's Office, it serves the same purpose as far as the tenant is concerned. As it has been admitted by hon. Members sitting on the opposite Benches that their object is not to delay any collections to be made by the zamindars and as the landholders have proved their readiness to consider and remove any legitimate grievance of the ryots, and as I feel there is no real grievance in this matter, I hope that this amendment will not be pressed."

Mr. A. V. BHANOJI RAO:—"Mr. President, Sir, I always fail to understand the logic of the reason whenever my hon. Friend, Mr. Patnaik, speaks. Giving 90 days' notice is rather unreasonable for the simple reason that this notice has to be published in the Gazette. As my hon. Friend, Sir Patro, stated, very few of the tenants see the Gazette. It is absolutely impossible for the ryots to have this information even if we give 100 days. The tenant does not know what is happening unless and until somebody interested points out to him 'here is a chance; let us go to court.' Therefore I do not think any useful purpose will be served by having this publication. I do not think that the ryots are in a position to pay the arrears in these days of depression, and no third party will purchase the land, except the people in the village itself. In these circumstances I fail to understand why my hon. Friend, Mr. Patnaik, wants to press this amendment."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I think, Sir, my only chance now is to be heard before the hon. the Revenue Member stands up and opposes the amendment, as already we have had an indication to that effect from the other Members on that side. I can only say, in the light of the remarks made by the Kumararaja of Venkatagiri that I quite appreciate his feelings that he and his party, the zamindars, have been trying to co-operate in the matter of remedying the grievances of the ryots, wherever a clear case was pointed out to them. If in this particular case I have not been quite clear, Sir, I hope I might be able to clear up any doubts in the matter even now."

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"The one point which I find is really agitating the minds of the landholders is that the effect of this provision will be to put off the recovery of the money which is in the form of sale produce, by the landholder as early as possible. We are considering this amendment to a clause which is given effect to after the sale has taken place—not as some hon. Member thought, that I am asking for three months for publication itself. The sale has taken place and the money is before the court; if the landholder has purchased it, a new provision is introduced here by which he is entitled to set off the amount of the purchase money as against the rent due to him. The Kumararaja of Venkatagiri may take it from me that we standing on this side are quite willing to do everything possible to facilitate the collection, by not taking objection to any such amendment at all. We have allowed that amendment which was to the effect that the landlord can set off the purchase money as against the amount due to him. None of us were really willing to object to it or make it difficult for the landholder to recover the amount; such an idea can be attributed to us only if we had objected to it. I am sure this is sufficient to convince the Kumararaja that there is no such motive at all on our part."

"Secondly, Sir, this amendment comes into effect only after the sale actually has taken place. If the landholder himself purchased the land, he has not got to pay the money. He simply sets it off against the money due to him; in that case, it means as if the money has been paid to him even on the date of sale. It is only in the case where a third person buys the land that that my amendment can prejudice. After all, in this Act, there is no provision corresponding to the provision in the Civil Procedure Code which says that for any irregularity, a sale can be set aside. A provision of that sort was tried to be put into the Bill introduced originally; but it was not approved by the Select Committee. Therefore, the result is that after the sale is actually held, the only occasion for a person to intervene is under section 128 under which he can come forward and say 'I pay down the amount.' So, the only way of intervening at any stage will be on payment of the amount which the landholder has to receive thereafter, i.e., the amount which has been paid to set aside the sale. I think there should be no objection at all, and we on this side are willing to agree to any provision which the landlords or the Government may think necessary, directing that the amount be paid straightaway to the landholder after thirty days. We do not want that the amount should be lying idle with the Collector or in the treasury, because nobody's interests are going to suffer by such payment. There can be no objection to an amendment being introduced that the purchase money may be paid to the landholder after thirty days."

"Then again, Sir, my Friend, Sir Patro, as usual, opposed the amendment just for opposition's sake. He had his fling at me by saying that by this amendment I was not improving the interests of the tenants. He is not here now, and so I won't pursue the matter further. But he forgets

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that there are persons who are interested in the land who are not necessarily persons living in the land, or as my Friend, Mr. Raman Menon, points out, who are not fixtures on the land. There may be persons who are cultivating the land and therefore interested in them, who are living in the village; to such of course this notification and publication might be of some help. But what of the 1,001 people who are interested in the property, who are following various professions elsewhere, outside the village? What is to become of their property? What of those who have purchased the property and are living in some other village, who are still cultivators and who therefore must needs know all about it; and what again of those who have advanced money? I may be asked why I am so solicitous about money-lenders. It should not be forgotten that apart from money-lenders who advance big amounts in the towns, there are small money-lenders who are mere agriculturists and who have some small cash to lend on account of their savings; who lend it to their neighbours either in their own village or in the neighbouring villages. Whatever may be the capacity of the big money-lenders to recover their dues, I think, Sir, the small money-lenders who are agriculturists, cannot be ignored.

"We must also remember, Sir, that there are many co-operative societies in the country. The hon. Mr. Rajan would certainly like that his societies scattered throughout the country should have a good security. I ask, Sir, what about these co-operative societies which lend money on lands? Under the Co-operative Societies Act no doubt they have got a first charge; but under this Act, this first charge is a prior first charge to that, with the result that if the lands are sold away, the co-operative society which has lent money would lose its money. I am not trying to cast any aspersions upon any of the respectable gentlemen who take loans from co-operative societies; but it is a fact that such loans are nowadays increasing in number, and it is one of the main objects of the Co-operative Societies Act that such loans should be encouraged with a view to help the people to get over their temporary difficulties. In cases like that if there is a statutory bar placed on the co-operative societies to secure their moneys as first-charge and to safeguard their interests, is it not the barest mercy shown to public bodies like them that they should be allowed to purchase a copy of the District Gazette which can be had for Rs. 2, unlike the *Fort St. George Gazette*—to which my Friend over there referred which costs much more. I think every village munsif gets the District Gazette. If that is allowed, I am sure every co-operative society would get a copy and thereby be able to know which property was being sold and would like to deposit some money. For that purpose, Sir, thirty days are absolutely insufficient. In these circumstances, Sir, apart from the gibes that are being made that we are anxious about the interests of money-lenders, etc., it is absolutely essential that the time should be extended. As I said already, if it is considered necessary at all that there should be a provision that money should be paid to the landholder within

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thirty days, we are quite prepared to support such a provision. If somebody steps in to pay the money within ninety days, the purchaser does not care; for the purchaser's amount is substituted by deposits. I do not see how the purchaser can suffer in such a case.

"One other extraordinary contention that was put forward is about the District Gazette. My Friend, Sir Patro, said, that 90 per cent of the agriculturists do not look into it. There is my Friend, Mr. Bhanoji Rao, also who from his experience of living in a town, thinks that nobody looks into a District Gazette at all. He is the chairman of a municipality; he gets a Gazette copy; yet he never looks into it. But if he lends money I am sure he will not fail to look into the Gazette, if my amendment is accepted. Whatever it may be, Sir, there are certain recognized methods in any civilized country by which notices are given to people who are affected by transactions relating to their properties. One such method is by serving the notices directly upon the person who is affected; another method is by proclamation in the village; a third is by publication in a Gazette or newspaper or whatever it may be, by which there is a chance given to people who can read, at least those who want to read something relating to their own interests, to see that their interests are safeguarded and protected. The Gazette is intended for such people as are anxious to see that their properties are not sold away without their knowledge. I am sure, Sir, if only Gazette publication is allowed, people who are anxious to know all about their properties or the properties in their village would subscribe for it on payment of Rs. 2 or Rs. 3. It is up to us to see that they are not deprived of this privilege. To say at this distance of time that the Gazette publication is unnecessary, is merely to shut one's eyes to real facts. The Gazette is there already with a wide circulation even in the villages. Therefore, Sir, I most humbly appeal to the hon. the Revenue Member to hold the scales even between the landlords and the tenants. I know the landlords are anxious to have their money; I am equally interested in their recovering it as early as possible; I am not at all against the landlords recovering their money or against their interests; in fact we are quite willing to support any provision that the money should be recovered within thirty days."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, it seems to me that there are certain disadvantages in keeping the proceedings relating to the sale of land pending too long. It will mean that land has necessarily to remain uncultivated for a considerable time; and it may also mean that by that time the season has gone. This amendment implies that the period is extended still further than that contained in the Act itself. Further, it is likely to affect the bidding at the sales if the bidder knows he will have to wait for months before he gets possession of the property. That again, will operate against the interests of tenants. At the same time if we agree that there should be publication of sale, in the district gazette, it may be urged that if the gazette had just been issued before the sale was held, the next issue would not be published for

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another four weeks or so. I should however be prepared to accept an extension of the time from thirty days to forty-five days, which will, I think, come to the relief of persons referred to by my friend and give them further time. I am also prepared, Sir, to accept the publication of the certificate of sale in the gazette."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I thank the hon. the Revenue Member and accept his amendment willingly in the spirit in which it is offered, i.e., I accept 45 days to be substituted for 90 days in my amendment."

* The hon. the PRESIDENT:—"I will now put the amendment, as amended, to the vote of the House."

"The question is:

"For the words 'thirty days' in sub-section (2) of the Act, substitute 'forty-five days' and add at the end the following:—

"The Collector shall also publish the certificates in the village in which the lands are situate and in the district gazette." "

The amendment was carried.

* The RAJA OF KALLIKOTE:—"Mr. President, Sir, I move—

'that the following be added as an explanation to sub-section (2) of section 124:—

"Explanation.—The purchase money may be paid to the selling officer or direct to the landholder."

"Sir, the object of my amendment is that the zamindar will have a speedier method of realizing his dues. If the amount is paid to the selling officer, it always means delay in its being refunded to the zamindar as there are some formalities to be gone through before such a refund. After all, the sale is going to be held only in the presence of the selling officer; and there is no reason why the amount should not be paid to him or in his presence to the landholder. It is with that object, Sir, that I am putting forward this amendment before the House. In regard to cases where there is not a satisfactory sale, the money can always be recovered from the landholder. The financial stability of the landholder and his interests in the land are, in my opinion, sufficient security for getting back the amount from the landholder in such cases. I therefore move my amendment for the acceptance of the House."

Mr. A. V. BHANOJI RAO:—"Sir, I second the amendment. It is only with a view to enable the landholder to get his money at once without waiting for a long time that this amendment has been moved by my friend. I hope the House will accept it."

4-45
p.m.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, if I rise to speak now, it is not to oppose this amendment in any way. But I only want to point out that there is a difficulty in regard to this

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amendment. Section 127 provides for the procedure regarding the disposal of sale-proceeds, and enacts that after deducting an amount for the cost of sale, the balance should be disposed of subject to the provisions of section 120-A. First, the cost of the proceeding will be paid to the landholder, and then the amount due to him and so on. So, if the sale officer pays away the sale amount to the landholder or if the amount is paid direct to the landholder as suggested in this amendment, a legal difficulty will arise, for the sale officer is authorized to disburse the amount in a particular way as detailed in the section. So, I am afraid the amount cannot be paid to the landholder direct."

* The RAJA OF KHALLIKOTE:—"I have no objection if these amounts are deducted and the balance paid to the landholder."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I have no objection to the amount being paid to the selling officer. But I do not think at that stage the amount can be handed over to the landholder, for under section 124 (1) we have provided that all the purchase money received by the selling officer shall forthwith be transmitted to the Collector. So that contemplates payment being made to the selling officer. For the reasons just explained by my hon. Friend, Mr. Muniswami Nayudu, I could not accept the proposal that the money should be paid over to the landholder. I think it will lead to confusion."

The amendment was, by leave, withdrawn.

Clause 64, as amended, was put and carried.

Clause 65.

Section 125.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, I move—

'that in clause 65 for the words proposed to be added, the following be substituted:—

"but not subject to any other arrears of rent and interest due in respect of the holding before the date of sale, whether a decree was obtained or not for such arrears."

"This is an amendment to the amendment introduced by the Government. When a rent sale is held in execution, rent is a first charge thereon and it therefore extinguishes all prior claims thereon and transfers all rights in the land to the purchaser subject to the encumbrances created before the Act. After the proceeds are disposed of in the manner laid down in the Act, he obtains a clear title to the land, so that he becomes liable only to subsequent arrears of rent and he need not pay any other amount. But the clause as proposed to be amended by Government would run thus: 'When a holding or part of a holding is sold for arrears due in respect,

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thereof, the purchaser shall take, subject to any right or interest which the ryot has created therein with the landholder's permission in writing registered and subject also to any encumbrances created before the passing of this Act but not subject to any rent accrued due to the landholder before the date of sale." So, the principle is accepted that when a purchaser purchases land at a rent sale, he shall not be liable to any other arrears accruing up to date of sale. I only want to make it clear that the rent accruing may be one either not sued upon or which is sued upon. The sale should not be subject to any amount due before the sale. This section will prevent the sale-proceeds being held up under a decree for any claim which is outstanding. You will see, Sir, that section 127 directs or regulates the distribution of the sale-proceeds. It is provided therein that in disposing of the balance of the proceeds of the sale, the following rules shall, subject to the provisions of section 120-A, be observed, that is to say:—

(a) there shall first be paid to the landholder the costs incurred by him in bringing the holding to sale;

(b) there shall, in the next place, be paid to the landholder the amount due to him for arrears and interest up to the date of payment;

(c) if there remains a balance after these sums have been paid, there shall be paid to the landholder therefrom any arrears of rent due in respect of the holding between the date of the notice under section 112 and the date of the sale and the defaulter shall receive from the selling officer a receipt for the amount so paid.

Provided that no payment shall be made to the landholder under clauses (a), (b) and (c) of this section until after the expiration of thirty days from the date of sale; and

(d) the balance, (if any), remaining after the payment of the amount mentioned in clause (c) shall, subject to the order of a civil court to the contrary, be paid to the defaulter on his application, after the expiration of three months from the date of sale.

"So that, clause (b) provides for the arrears and interest to be paid up to the date of sale. I only want to make it clear that the arrears due may be either arrears due and sued upon or arrears due but not sued upon. I therefore move this amendment to make this matter clear."

Mr. K. P. RAMAN MENON:—"The object of the mover is to make it clear that the term arrears of rent as per section 125 may not be merged in a decree. I see no objection to this amendment being adopted, because it does not offend other provisions of the Act. I therefore second the motion."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I understand the hon. Member's intention is to make matters clearer. I have no objection to the amendment provided the words 'on such arrears' are inserted after the word 'interest' in the amendment moved by Mr. Muniswami Nayudu."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I have no objection. I accept the suggestion."

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* The hon. the PRESIDENT:—"The question is that for the words proposed to be added in clause 65 the following words be substituted:—

'but not subject to any other arrears of rent and interest on such arrears due in respect of the holding before the date of sale, whether a decree was obtained or not for such arrears.'

The amendment was carried.

Clause 65, as amended, was put and carried.

Clause 66 (1).

Section 127 (1) (b).

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to move—

'that the following be added at the end of clause 66, sub-clause (1):—

"Such poundage shall, in default of payment, be recoverable from the landholder as an arrear of land revenue."

"This is to be added after sub-clause (b) of sub-section (1) of section 127. The said sub-clause (b) provides that 'if the landholder purchases the property and sets off any sum due to him against the purchase-money, he shall pay the amount chargeable for poundage at the rate specified in clause (a) to the selling officer at the time of sale or as soon thereafter as he may direct.' There is thus no provision for recovering the poundage which he does not pay. It only provides that the landholder shall pay it."

The hon. Mr. H. G. STOKES:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I only wish to point out one difficulty in regard to this amendment. You will see that section 123 runs thus:—

'Subject to the provisions of section 120-A, the price of every lot shall be paid at the time of sale, or as soon thereafter as the selling officer directs, and in default of such payment the property shall be put up again . . .'

"If the landholder bids at the sale, he will be entitled to set off the purchase-money against his claim. But so far as the poundage is concerned, he ought to pay it straightaway. If he fails to pay the poundage, it becomes a case of where the purchaser has not paid it and the sale will have to be stopped. Therefore a resale has to be held and the amount recovered then and there. If the decree-holder wants a right to set off, that is another matter. But a sale will not be closed if the poundage is not paid. Whoever the purchaser may be at the auction, the poundage must be paid. And I do not see why, when a decree-holder purchases it, he should not pay the poundage as any other ordinary purchaser. So that, if the landholder wants a set off, the poundage will first be deducted and the balance will be set off against his claim. To say that the poundage should be recovered would imply that though he did not pay the poundage, the sale was held. But if the sale is once held and no poundage

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paid, a fresh sale will have to be held. So I request the hon. the Revenue Member to see if this amendment is necessary, and consider whether any new procedure for recovering poundage is to be provided for."

The consideration of the amendment was postponed to the next day.

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

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 1. G.O. No. 4443, L. & M., dated 20th October 1933, extending the term of members of certain panchayats.

† 2. Proceedings of the Finance Committee, dated 10th October 1933.

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

6th November 1933]

APPENDIX I.

[Vide answer to question No. 394 asked by Rao Bahadur A. T. Pannirselvam at the meeting of the Legislative Council held on the 6th November 1933, page 637 supra.]

Districts.	Serial number and name of municipality.	Total strength.	Number of seats reserved for Muslims.	Number of seats reserved for Indian Christians.
Anantapur	1 Anantapur	16	2	1
	2 Hindupur	16	1	1
	3 Tadpatri	16	1	1
	4 Gudiyattam	20	1	1
Arcot, North	5 Tiruppattur	16	1	1
	6 Tiruvannamalai	20	2	1
	7 Vaniyambadi	20	1	1
	8 Vellore	32	4	1
Arcot, South	9 Walajapet	16	2	1
	10 Chidambaram	20	1	1
	11 Cuddalore	32	2	2
	12 Villupuram	20	1	1
Bellary ..	13 Adoni	24	2	1
	14 Bellary	28	2	1
Chingleput	15 Hospet	20	2	1
	16 Chingleput	16	1	1
Chittoor	17 Conjeeveram	32	1	1
	18 Saidapet	24	1	1
Coimbatore	19 Chittoor	20	2	1
	20 Tirupati	16	1	1
Coimbatore	21 Coimbatore	32	2	2
	22 Dharmapuram	16	1	1
	23 Erode	24	2	1
	24 Pollachi	20	1	1
Cuddapah	25 Tiruppur	16	1	1
	26 Udamalpet	16	1	1
Ganjam	27 Cuddapah	20	1	1
	28 Proddatur	20	2	1
Godavari, East.	29 Berhampur	24	1	1
	30 Chicacole	16	1	1
Godavari, West.	31 Parlakimidi	20	1	1
	32 Cocanada	32	2	1
Guntur ..	33 Peddapuram	16	1	1
	34 Rajahmundry	32	2	1
Kandam	35 Ellore	32	3	1
	36 Palakole	16	1	1
Kandam	37 Chirala	16	1	1
	38 Guntur	32	3	2
Kandam	39 Narasaraopet	16	2	1
	40 Ongole	16	1	1
Kandam	41 Tenali	24	2	1
	42 Mangalore	32	1	2
Kandam	43 Bezawada	32	3	1
	44 Masulipatam	32	2	1
Kandam	45 Kurnool	24	2	1
	46 Nandyal	20	2	1
Kandam	47 Bodinayakanur	20	1	1
	48 Dindigul	28	2	2
Kandam	49 Kodaikanal	16	1	1
	50 Madura	36	2	2
Kandam	51 Palni	16	1	1
	52 Periyakulam	20	1	1

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Districts.	Serial number and name of municipality.	Total strength.	Number of seats reserved for Muslims.	Number of seats reserved for Indian Christians.
Malabar	53 Calicut	32	2	1
	54 Cannanore	24	2	1
	55 Cochin	20	2	..
	56 Palghat	28	3	1
Nellore	57 Tellicherry	24	2	1
	58 Nellore	28	3	1
Nilgiris, The	59 Coonoor	16	..	1
	60 Ootacamund	20	1	1
Ramanad	61 Karaikudi	20	1	..
	62 Sivakasi	16	1	1
	63 Srivilliputtur	24	1	1
	64 Virudunagar	24	1	1
Salem	65 Salem	36	3	2
	66 Kumbakonam	32	1	1
Tanjore ..	67 Mannargudi	20	1	1
	68 Mayavaram	24	1	1
	69 Negapatam	28	2	1
	70 Tanjore	32	1	1
Tinnevely	71 Tiruvarur	20	1	1
	72 Palamcottah	32	1	1
	73 Tinnevely	32	2	1
	74 Tuticoria	32	1	2
Trichinopoly	75 Srirangam	20	..	..
	76 Karur	16	1	1
	77 Trichinopoly	36	3	3
	78 Anakapalle	20	1	..
Vizagapatam	79 Bimlipatam	16	1	1
	80 Vizagapatam	32	1	1
	81 Vizianagram	28	1	1
Total ..		1,888	121	79

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APPENDIX II.

[Vide answer to question No. 395 asked by Rao Bahadur A. T. Pannirselvam at the meeting of the Legislative Council held on the 6th November 1933, page 639 supra.]

Name of district board.	Total strength.	Number of seats reserved for Muslims.	Number of seats reserved for Indian Christians.
Anantapur	52	3	1
Arcoot, North	52	3	1
Arcoot, South	52	2	2
Bellary	48	3	1
Chingleput	48	1	1
Chittoor	48	2	1
Coimbatore	52	2	1
Cuddapah	43	3	1
Ganjam	52	1	1
Godavari, East	52	1	1
Godavari, West	42	1	2
Guntur	52	2	2
Kanara, South	44	3	2
Kistna	51	3	2
Kurnool	52	4	2
Madura	52	2	2
Malabar	52	5	1
Nellore	52	3	2
Nilgiris	32	1	1
Ramanad	52	2	2
Salem	52	2	1
Tanjore	52	3	2
Tinnevely	52	2	3
Trichinopoly	52	1	2
Vizagapatam	52	1	1
Total ..	1,240	56	38

APPENDIX III.

[Vide answer to question No. 397 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 6th November 1933, page 643 supra.]

(1)

Statement.

District.	Number of demonstrators.	District.	Number of demonstrators.
Ganjam	4	South Arcot	8
Vizagapatam	9	Tanjore	11
East Godavari	5	Trichinopoly	6
West Godavari	5	Madura	8
Kistna	5	Ramanad	5
Guntur	6	Tinnevely	8
Nellore	5	Salem	10
Bellary	5	Coimbatore	10
Anantapur	5	The Nilgiris	2
Kurnool	6	Malabar	9
Cuddapah	3	South Kanara	6
North Arcot	6		
Chittoor	4	Total ..	156
Chingleput	5		

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(2)

Serial number and designation.	Headquarters.	Districts directly controlled by the officer.
1 Assistant Director of Agriculture.	Vizagapatam	.. Ganjam and Vizagapatam.
2 Do.	Rajahmundry	.. East Godavari and West Godavari.
3 Do.	Guntur	.. Guntur and Nellore.
4 Do.	Bellary	.. Bellary and Anantapur.
5 Do.	Kurnool	.. Kurnool and Cuddapah.
6 Do.	Cuddalore	.. Chingleput and South Arcot.
7 Do.	Vellore	.. North Arcot and Chittoor.
8 Do.	Madura	.. Madura district (whole), taluks of Tiruvadanai, Ramnad, Mudukulattur, Paramagudi, Sivaganga and Tiruppattur in the Ramnad district.
9 Do.	Tinnevelly	.. Tinnevelly district (whole) taluks of Srivilliputtur, Sattur and Aruppukottai in the Ramnad district.
10 Deputy Director of Agriculture, II circle.	Salem	.. Salem district.
2 Deputy Director of Agriculture, V circle.	Guntur	.. Kistna district.
3 Deputy Director of Agriculture, VII circle.	Trichinopoly	.. Tanjore and Trichinopoly.
4 Deputy Director of Agriculture, VIII circle.	Tellicherry	.. Malabar and South Kanara.
	Coimbatore	.. Coimbatore and the Nilgiris.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 7th November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Usman Sahib Bahadur, K.O.I.E., The hon. Khan Bahadur Sir Mahomed. Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M. Campbell, K.O.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald. Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G. Raja of Bobbili, The hon. The. Rajan, The hon. Mr. P. T. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. Abdul Hameed Khan Sahib Bahadur. Ahmed Miran Sahib Bahadur. Alamelumangathayaramma, Mrs. K. Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T. Basheer Ahmed Sayeed Sahib Bahadur. Basu Dev, Mr. C. Beyabani Sahib Bahadur, S. M. K. Bhanoji Rao, Mr. A. V. Birley, Mr. F. Dharmalingam Pillai, Rao Sahib V. Duraiswami Reddiyar, Mr. K. M. Gopalaswami Ayyangar, Diwan Bahadur N. Hood, I.C.S., Mr. H. M. Indrayya, Mr. C. Jagannatha Raju, Rao Bahadur G. Jagannatham, Mr. H. M. Jayaram Nayudu, Rao Sahib C. Kesavaramamurti Nayudu, Mr. K. Koti Reddi, Mr. K. Krishnamurti, Rao Bahadur D. Krishnan, Mr. C. Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi. Krishnayya Choudari, Mr. P. V. Kumararaja of Venkatagiri, The. Kuppuswami Choudari, Mr. J. Ladden, Mr. W. W. Lakshmana Reddi, Mr. G. Langley, Mr. W. K. M. Madanagopal Nayudu, Mr. R. Mahboob Ali Baig Sahib Bahadur. Mahmud Schamnad Sahib Bahadur, Khan Bahadur. Manikkavelu Nayakar, Mr. M. A. Moidoo Sahib Bahadur, Khan Bahadur T. M. Moses, Mr. P. C. Muhammad Meera Ravuttar Bahadur, K. P. V. S. Muniswami Nayudu, Diwan Bahadur B. Muniswami Pillai, Rao Sahib V. I. Muthiah Chettiyyar, Mr. M. A. Muthu Chettiyyar, Rao Bahadur P. O. Nachiyappa Gounder, Mr. K. A. Nadimuthu Pillai, Mr. A. Pl. N. V. Nanjappa Bahadur, Subadar-Major S. A. Narasa Reddi, Mr. T. Narasimhaswami, Rao Sahib D. V. Narayanan Nambiyar, Mr. V. P. Natesa Mudaliyar, Rao Bahadur C. Patnaik Mahasayo, Sriman M. G. Patro, Kt., Rao Bahadur Sir A. P. Pattabhiramayya, Mr. K. Peddiraju, Mr. P. Pocker Sahib Bahadur, B. Premayya, Mr. G. R. Rajagopala Pillai, Mr. P. V. Raja of Khallikote, The. Ramachandra Padayachi, Mr. P. K. Ramakrishna Reddi, Mr. A. Ramamurti, Rao Sahib Pandit Ganala. Raman Menon, Mr. K. P. Ramaswami Ayyar, Mr. T. S. Ramaswami Mudaliyar, Mr. V. M. Ranganatha Mudaliyar, Mr. A. Ranganatha Mudaliyar, Mr. M. D. T. Rangaswami Reddi, Mr. M. B. Sahajanandam, Swami A. S. Sami Venkatachalam Chetti, Mr. Shetty, Mr. A. B. Simhachalam, Mr. Gade. Singam Ayyangar, Mr. K. Siva Raj, Rao Sahib N. Sivasubrahmanya Ayyar, Mr. K. S. Smith, C.I.E., I.C.S., Mr. E. Conran. Sreshta, Mr. M. S. Srinivasa Ayyangar, Mr. T. C. Srinivasan, Rao Bahadur R. Sriramulu, Mr. G. Subbarayan, Dr. P. Subrahmanya Chetti, Rao Sahib P.

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PRESENT—cont.

Subrahmanya Bhatt, Mr. U. C.	Venugopal Nayudu, Rao Bahadur
Sundara Rao Nayudu, Mr. T.	R. K.
Syed Tajuddin Sahib Bahadur, Khan	Viswanatha Rao, Rao Bahadur V. N.
Sahib	Wright, Mr. W. O.
Thangal, Mr. P. Madhusoodanan.	Yahya Ali Sahib Bahadur, Khan
Thorne, C.I.E., I.C.S., Mr. J. A.	Bahadur.
Vasudeva Pillai, Mr. V. G.	Yakub Hasan Sahib Bahadur.
Vedachala Mudaliyar, Mr. M.	Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Local Self-Government

Grants to local bodies on account of village communications.

* 398 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the total amount paid from the Provincial Funds to the district and taluk boards in South Arcot, Salem, Coimbatore and Nilgiris for village roads in each year ever since the report of the Royal Commission on Agriculture, and the heads of account under which the same has been paid;

(b) the original length of village roads prior to the report of the Royal Commission on Agriculture and the total length of village roads extended after the report in each of the said districts;

(c) how many villages in each of the said districts have been so far connected with the trunk roads and how many remain yet to be connected; and

(d) whether any proposals have been received or called for by the Government from the local boards for extending communications to the rest of the villages in the said districts, and if so, whether the same will be placed on the table?

A.—(a) A statement * is laid on the table. The grants are paid out of the provision made in the Civil Budget Estimate under 41. Civil Works—Transferred—Grants-in-aid.

(b) & (c) The Government have no information.

(d) No.

MR. BASHEER AHMED SAYEED:—“ May I ask, Sir, whether the hon. the Minister will call for the information for clauses (b) and (c)? ”

The hon. the RAJA OF BOBBILI:—“ Yes. I shall try to give him as much information as is available.”

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MR. BASHEER AHMED SAYEED:—“ May I ask, Sir, why there has been a systematic reduction in the grant for village communications in the case of South Arcot? ”

The hon. the RAJA OF BOBBILI:—“ The answer is that the schemes sent up by local bodies are taken into consideration when fixing the grants, as also the amount available for distribution, which has been considerably reduced owing to retrenchment, and the capacity for spending of the respective local bodies.”

MR. BASHEER AHMED SAYEED:—“ Is the hon. the Minister aware that very large number of villages are yet to be connected by road and whether in view of that, the grants in the future years will be increased? ”

The hon. the RAJA OF BOBBILI:—“ I shall certainly consider the hon. Member's suggestion.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ With reference to the appendix, a sum of Rs. 2,689 has been provided for the Nilgiris. May I know on what principles these amounts are doled out? ”

The hon. the RAJA OF BOBBILI:—“ Government give these grants after taking into consideration the scheme sent up by the district boards.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ Are the Government aware that there are many villages without communication? ”

The hon. the RAJA OF BOBBILI:—“ The Government are aware of it.”

Public Service

Government servants aged sixty years and over still continued in service.

* 399 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state whether there are any Government servants who have completed the age of 60 now in service and, if so, who they are and on what public grounds, for what recorded reasons and under what special circumstances they are so retained in service?

A.—The following three officers are over 60 years of age:—

- (1) M.R.Ry. Rao Bahadur R. Krishna Rao Bhonsle Avargal, I.S.O., Secretary to the Commissioner for Government Examinations.
- (2) „ Rao Bahadur A. C. Pranatharthihara Ayyar Avargal, I.S.O., Registrar of Books.
- (3) „ C. S. Murugesu Mudaliyar Avargal, Lecturer in the Siddha section, Indian Medical School, and Resident Physician, Indian Medical School Hospital, Madras.

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The first two officers have been holding part-time posts and have continued to be fit and efficient. For the post held by Mr. Murugesu Mudaliyar, no candidate with the prescribed qualification is available. Further, the work of editing the Siddha textbooks which has been entrusted to him has not been completed.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the hon. the Revenue Member will bring the present practice in conformity with the rules, or the rules in conformity with the present practice?"

The hon. Sir ARCHIBALD CAMPBELL:—"I do not understand the hon. Member's suggestion."

Mr. BASHEER AHMED SAYEED:—"I presume that Government, as a rule, have ordered that anyone above 60 years should not be continued in service except on public grounds. The hon. Member has stated that three persons who are over 60 years are retained. I ask whether the hon. Member will bring the rules into conformity with the practice?"

The hon. Sir ARCHIBALD CAMPBELL:—"In fact, these officers are there on public grounds."

Mr. BASHEER AHMED SAYEED:—"May I know what the public grounds are on which Nos. 1 and 2 are continued?"

The hon. Sir ARCHIBALD CAMPBELL:—"They are already stated."

B. POCKER SAHIB Bahadur:—"May I know whether the Government are satisfied that there are not better and more efficient persons for the appointments held by the first two gentlemen?"

The hon. Sir ARCHIBALD CAMPBELL:—"I suggest that the hon. Member should address his question to the hon. the Minister in charge of the department."

Mr. BASHEER AHMED SAYEED:—"May I know, Sir, whether medical fitness and so-called efficiency are the public grounds on which employees are retained over 60 years?"

The hon. Sir ARCHIBALD CAMPBELL:—"The public grounds are given in the printed answer."

Mr. BASHEER AHMED SAYEED:—"May I know what the definition of public grounds is, whether medical fitness or so-called efficiency is the test?"

The hon. Sir ARCHIBALD CAMPBELL:—"I cannot give any comprehensive definition; the grounds may differ from case to case."

Mr. BASHEER AHMED SAYEED:—"May I ask whether, in the case of other employees over 55, the same medical fitness and efficiency of work will entitle them to continue in service?"

The hon. Sir ARCHIBALD CAMPBELL:—"Not alone that, there may be other public grounds."

Mr. V. T. ARASU:—"May I know whether the Government have ever made any serious attempt to secure the services of younger men for these posts?"

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The hon. Sir ARCHIBALD CAMPBELL:—"I suggest, Sir, that these special questions may be addressed to the hon. Member in charge of the department and not to me."

Mr. YAKUB HASAN:—"Is it not a fact, Sir, that these two gentlemen have retired and then have joined other posts?"

The hon. Sir ARCHIBALD CAMPBELL:—"They have retired from public service, but were re-employed."

Mr. BASHEER AHMED SAYEED:—"May I know whether these people, who retired because they were unfit, have now been found fit on public grounds?"

The hon. Sir ARCHIBALD CAMPBELL:—"They have not been found unfit."

Mr. V. T. ARASU:—"Will the hon. the Revenue Member be pleased to state whether the services of these two gentlemen have been secured because, in the opinion of Government, it is not possible to secure the services of any other persons?"

Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Only one of these two gentlemen is in the Educational service. I certainly want notice of the question."

Mr. BASHEER AHMED SAYEED:—"May I know whether in the view of the hon. the Minister, younger men are found to be less efficient and less fit for posts like this?"

Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"If the question relates to the first gentleman, I want notice."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Is it not a fact, Sir, that Mr. Bhonsle is attending every public meeting, and does that fact not show, Sir, that he is an active man?"

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

B. POCKER SAHIB Bahadur:—"May I know, if fitness and efficiency are two conditions that are found in these gentlemen, then whether the Government are satisfied that the existing rule has been satisfied?"

The hon. Sir ARCHIBALD CAMPBELL:—"I do not suppose that those two conditions alone would satisfy the rule."

Mr. V. T. ARASU:—"Will the hon. the Minister for Local Self-Government be pleased to state why the gentleman Mr. C. S. Murugesu Mudaliyar is retained there though he is over 60 years of age?"

The hon. the RAJA OF BOBBILI:—"The reason is that no other man competent to do that work is available."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether it is a fact that that gentleman cannot be replaced by another in the whole Presidency on account of his ability, on account of his efficiency, on account of his popularity, and on account of his services being requisitioned by almost every big family in Madras?"

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

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Mr. BASHEER AHMED SAYEED:—" May I know whether the hon. the Revenue Member realizes that it is high time that he changes the definition of the term ' public grounds ' in view of the practice that is prevailing at present? "

Electricity

Charges for consumption of electricity in Salem and Erode.

* 400 Q.—Mr. K. A. NACHAYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) whether electricity from Pykara has been introduced into Salem and Erode municipalities; and

(b) what the cost is per unit of current at the time of introduction and now?

A.—(a) Yes.

(b) The rates charged to the public by the licensees at the time of the introduction of Pykara power are printed as an annexure.* The same rates are charged now.

Prisons and Prisoners

Rations to the political prisoners in the Central Jail, Bellary.

* 401 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the political prisoners in the Central Jail at Bellary have been demanding the handing over of the rations to them to be prepared and cooked by themselves for the past one year and more;

(b) whether such permission to cook their own food has been accorded to the politicals in other jails; if so, which they are and since when; and

(c) why no such permission has been granted to the politicals in the Central Jail at Bellary?

A.—The information has been called for.

Mr. BASHEER AHMED SAYEED:—" May I know, Sir, whether the information has since been received? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Has not been received."

Illness of the under-trial prisoners concerned in the Madras Conspiracy Case.

* 402 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that as many as ten of the under-trial prisoners in the Madras Conspiracy case have been suffering from illness from time to time;

* Printed as Appendix II on pages 758-759 infra.

[7th November 1933]

(b) if so, who the prisoners are that have suffered; what the nature of their illness was; and for what periods; and

(c) how many of them were treated in the Jail Hospital and how many of them in the General Hospital?

A.—The information has been called for.

B. POCKER SAHIB Bahadur:—" How long would it take to receive this information from the Inspector-General of Prisons? Is it not a fact that his office is in the city itself? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Yes."

Mr. SAMI VENKATACHALAM CHETTI:—" Since the time of the notice of this question, even two or three days ago, has there been ill-treatment of the under-trial prisoners? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I want notice of that."

Mr. BASHEER AHMED SAYEED:—" Pending receipt of this information, will the hon. the Law Member be pleased to give instructions through the Superintendent of the Jail to be more lenient and generous in the treatment of these under-trial prisoners? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I have no reason to think that he is not lenient and generous; however I shall consider that suggestion."

Alleged hard treatment of the under-trial prisoners concerned in the Madras Conspiracy Case.

* 403 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the under-trial prisoners in the Madras Conspiracy case are kept under lock-up from 7 to 11 a.m., from 12 noon to 4 p.m. and again from 6 p.m. to 6 a.m. in the next morning;

(b) under what rules and orders is this done;

(c) whether it is a fact that on Sundays the said under-trial prisoners are locked in the evening at 5 p.m. and unlocked at 6 a.m. the next day;

(d) whether it is a fact that they are not allowed to keep their food inside their rooms but are compelled to take their night meal even at 3 p.m.; and

(e) whether it is a fact that such of those as do not feel any appetite for food at 3 p.m. have to go without meals for the night and till 3-30 a.m. next morning?

A.—The information has been called for.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908,
FOR CERTAIN PURPOSES (BILL NO. 12 OF 1931).

Clause 66 (1).

Section 127 (1) (b).

11-15 * The hon. the PRESIDENT:—"The House will now resume con-
a.m. sideration of the amendment to clause 66 (1)."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, with the permission of the House I would withdraw my amendment * to clause 66 (1)."

The amendment was, by leave, withdrawn.

Clause 66 (2).

Section 127 (2).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
(i) In sub-clause (a) of section 127 (2), omit the word "and" at the end.

(ii) After sub-clause (b), insert the following, namely:—
"and

(c) in the proviso after clause (c), for all the words beginning with the words 'of this section,' up to end the words and figures 'until after the grant of a certificate of sale, under sub-section (2) of section 124' shall be substituted."

Sir, I have moved the amendment in a slightly altered form from that on paper. This has been done with the concurrence of the parties. This has been necessitated by the alteration from 30 to 45 of the days mentioned in section 124 (2) of the Act. The proviso, as amended, will read:

'Provided that no payment shall be made to the landholder under clauses (a), (b) and (c) of this section until after the grant of a certificate of sale under sub-section (2) of section 124.' "

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

The amendment was put and carried and the amendment was made.

Clause 66, as amended, and clause 67 were put and carried.

Clause 68 was put and carried.

* Clause 66 (1).

Section 127 (1) (b).

The hon. Sir ARCHIBALD CAMPBELL:—

209 Add at the end, the following sentence, namely:—

"Such poundage shall, in default of payment, be recoverable from the landholder as an arrear of land revenue."

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Clause 70.

Section 134.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I move—
'that sub-clause (i) and the figure "(ii)" in sub-clause (ii) be omitted.'

"This is a consequential amendment following the omission of any reference to lankas in the Act."

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

The amendment was put and carried.

Mr. V. T. ARASU:—"Mr. President, in view of the fact that sub-clause (i) has just now been omitted, I modify my amendment for the omission of clause 70 of the Bill and confine my motion to the omission of what is left, viz., sub-clause (ii).

"My reason is this: There is no reason for treating this as rent. It does not also fall under the definition of rent. If this is retained, the landholder might put all sorts of difficulties in the way of the ryots and claim rent for trees also. I therefore move—

'that sub-clause (ii) of clause 70 be omitted'."

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

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I support this amendment on the principle that I advocated yesterday. We should not add to the list of suits that would go to the Collector. There are already enough of them going to him. You say in the proviso:

'The provisions contained in this Chapter for the recovery of rent from a ryot by a suit before the Collector, shall apply, as far as may be, to the recovery of rent by a landholder from a person holding, under a written engagement specifying the rent payable, a tree or trees apart from the land on which they stand in a single village.'

"Now the law as it stands is that, apart from lands, if trees are given under a written contract between the landholder and the tenant to be enjoyed by him, rent recoverable under that contract can be sued for only in a Civil court. It is purely a suit on a contract between two parties which says directly what rent shall be paid. The trees are independent of the holding. Suits of this description are now tried by munsifs. I do not see why this proviso should be brought here. Further, for the recovery of rent due under a contract, to-day the landholder is not entitled summarily to attach the movable property and bring it up for sale. Why are you giving him an additional power when we are already complaining about the power already given to him? It may be the policy of the Government to help the landholders recovering rent; but in cases where advisedly in the Act as it now stands we have not tried to make the rent on trees a charge on the property—nor have we permitted summary proceedings in this connexion—it will be certainly very extraordinary if you now decide that the summary proceedings should be extended to these suits.

[Mr. B. Muniswami Nayudu] [7th November 1933]

"I know my hon. Friend, Mr. Appadurai Pillai, laid down the criterion that these Revenue courts are there, that there should be no objection to these small matters being taken before them, that no legal acumen is necessary for deciding what rent should be paid and that therefore the Collector is the proper authority. That is my argument also. When there is a written contract which says that so much rent should be paid, we do not want the special experience of a Collector for deciding the question. The munsifs who dispose of civil suits can take up these cases. As I said, my objection is to giving the landholder additional power."

11-30
a.m.

* Mr. K. P. RAMAN MENON:—"I do not see why this addition has been made in the original Act. In the original Act there was no special process for the recovery of such dues. Looking into the rules also I do not find any reason as to why this was added, nor are reasons stated by the Select Committee why this additional power should be given to the Collector. I would therefore submit that this ought to be omitted."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, this provision relates to recovery of rent from a ryot by a landholder. It is convenient both for the ryot and the landholder to have one court go to."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, the hon. the Revenue Member seems to have misunderstood the effect of this amendment. He considers that the clause refers to ryots. It does not do so. It is much wider and includes other persons also. The second point is the hon. the Revenue Member thinks that the definition of rent would cover such persons. It is not so. To constitute rent it is necessary that a certain payment should be made for the occupation of land for agricultural purposes. Those ingredients are absent in this clause under consideration. In that way also he is wrong. Rent means 'whatever is lawfully payable in money or in kind or in kind to a landholder by a ryot for the use or occupation of land for the purpose of agriculture.' The purpose of course cannot be agricultural here. That is one thing. The second thing is, there is no 'rent' here as required in the definition. Therefore it is not 'rent.' That person is not also a ryot according to the definition. 'Ryot' is defined as a person who holds for the purpose of agriculture ryoti land, etc. This is not ryoti land and this is not for agricultural purpose. Therefore the payment is not by a ryot nor what he pays is rent. Moreover, the words used here are, 'from a person holding' and not a ryot. These questions must be decided in the Civil court. It is the Civil courts that have the jurisdiction over this matter and if you want the jurisdiction of the Revenue courts some special grounds must be adduced. If no special grounds exist you cannot confer jurisdiction in matters which are cognizable by Civil courts, on other courts. Therefore the burden of proof is entirely on the hon. Member in charge of the Bill to show that this matter

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should be taken cognizance of by the Revenue court. All that he can say is the zamindar instead of going to the Civil court may go to the Revenue court. That is not sound reason at all. Therefore, this clause must go."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"We only want to avoid persons who have no interest in the land itself being brought here. Suppose he has interest in the land, and also has engagement with the landlord, there can be no objection for this procedure being adopted. May I move, Sir, if you would allow and with the consent of the hon. the Revenue Member the following amendment:—

"In sub-section 2, line 4, for the word 'person', substitute the word 'ryot' and in the end for the words 'in a single village', substitute the words 'in the same village as that in which he holds land as a ryot'."

Mr. ABDUL HAMEED KHAN:—"I second the proposition."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."

Mr. V. T. ARASU:—"I withdraw my amendment."

Mr. Muniswami Nayudu's amendment was put and carried.

Mr. Arasu's amendment having been withdrawn by leave of the House, clause 70, as amended, was put and carried.

Clause 71.

New section 137-A.

* The hon. Sir ARCHIBALD CAMPBELL:—"Chapter VIII (Irrigation Works) may be taken up later."

Mr. SAMI VENKATACHALAM CHETTI:—"What is the idea?"

* The hon. the PRESIDENT:—"The hon. the Revenue Member wants to discuss some of the points with leaders of parties."

Mr. BASHEER AHMED SAYEED:—"At this stage we can go into committee because I find a lot of difficulties and intricate questions coming up and very often the hon. the Revenue Member wants discussion with Members on the other side. So it will be very useful if we can go into committee, discuss them, and then come back to the Council for the formal adoption of the amendments."

* The hon. the PRESIDENT:—"I think the hon. Member knows the Standing Orders very well. I may point out to him that we have no Standing Order under which the whole House can go into the committee."

Clause 83.

Section 145 (2).

* The hon. the PRESIDENT:—"Now it is agreed that the clauses relating to the Irrigation Chapter may be postponed; we go on to clause 83."

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* Sriman M. G. PATNAIK Mahasayo:—"I move—

'Add the following to sub-section (2) of section 145:—

"In the case of ryoti lands sold by means of registered sale deeds in villages of estates surveyed, the registration officer shall insist upon presentation of an application signed by the vendor and the vendee addressed to the landholder for change of registry along with the sale deed presented for registration as in the case of sale deeds relating to lands in ryotwari lands. The person presenting the sale deed for registration shall be bound to pay such fee as may be prescribed by the local Government for transmission of such application by the registering officer to the landholder."

"Mr. President, this amendment relates to section 145 of the Act and relates to notice of transfer of holdings to be given to the landholder. If such a notice is not given, the person who holds the land, that is, the person who is registered as a pattadar by the landholder, will be treated as the defaulter, so that the person who owns the land actually will have no opportunity of even contesting the suit filed by the zamindar; and of course a decree also could be obtained against the person who does not own the land if no notice of transfer is given. Therefore, it is a very important clause; and from a discussion of the other clauses we come to the conclusion that some sort of notice should be given to the owner if he is not a registered pattadar. Therefore, it is necessary there should be some relaxation in regard to the provision as to how this transfer should be effected. If I remember right, the hon. the Revenue Member also said that when this matter comes up he would agree to a certain relaxation of the provision. What I propose is simply to adopt the procedure now adopted with regard to the transfer of lands in ryotwari tracts. As soon as a person sells his land in ryotwari tract both the transferor and transferee send an application which is received by the sub-registrar and forwarded to the Tahsildar and then of course some enquiry is made and the transferee is registered as the pattadar of the holding no further trouble arises under the Revenue Recovery Act the defaulter means a registered pattadar unless some such notice is given the Government is not bound to recognize a transferee, so that the properties transferred may be sold without notice given to the owner and all the proceedings will be taken against the registered defaulter who at the time when these proceedings are taken really does not own the properties at all. Therefore, it is fair that the same facilities as a ryot in the ryotwari tract enjoys should be given to a ryot in the estates also and that is the reason I propose this amendment which runs thus:

"In the case of ryoti lands sold by means of registered sale deeds in villages of estates surveyed, the registration officer shall insist upon presentation of an application signed by the vendor and the vendee addressed to the landholder for change of registry along with the sale deed presented for registration as in the

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case of sale deeds relating to lands in ryotwari tracts. The person presenting the sale deed for registration shall be bound to pay such fee as may be prescribed by the Local Government for transmission of such application by the registering officer to the landholder."

"This is of course a simple procedure and there ought to be no objection on the part of the Government in accepting this amendment. I have not included transfers of holdings in estates not surveyed because no record is maintained in Registrar's office with regard to such holdings. That is why so far as the amendment goes it relates only to surveyed estates. I think, Sir, there ought not to be any difficulty in Government accepting this amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg to support this amendment and, in doing so, I beg to move an amendment to this amendment and that is that—

'the words "in villages of estates surveyed" in line 2 of the amendment just moved by my hon. Friend, Mr. Patnaik, may be omitted.'

"Sir, this section has considerably been modified by the proposed amendment under the present Bill. The amending Bill provides that in the case of a transfer, the transferor and transferee, both of them should send a notice to the landholder. This is under sub-section (2) of section 145. What my hon. Friend, Mr. Patnaik, wants to indicate is one method by which such a notice may be given to the landholder—a method which will be satisfactory to all parties concerned, viz., that when a sale deed of a holding in an estate is registered a signed memo may be given to the registration officer who shall forward it to the landholder and it shall be sufficient notice to the landholder. New sub-clause (2) of section 145 says—

'Where only a portion of the holding is so transferred and the portion is separated or where a holding is divided amongst co-sharers the landholder shall recognize the subdivision if notice thereof is given in writing by the transferor, etc.'

"The amendment of my hon. Friend, Mr. Patnaik, provides that such notice signed by both parties should be presented at the office of the Registrar and he should forward it to the landholder. In other words my hon. Friend wants to carry out the object of the amendment as proposed in the amending Bill by his amendment that a memo signed by both the parties should be presented at the office of the Registrar and the Registrar should forward it to the landholder.

"With regard to the registration of documents concerning ryotwari lands there also a similar application is forwarded to the Tahsildar. So I think there should be no objection to the particular amendment of my hon. Friend, Mr. Patnaik. Though the procedure adopted in the amendment of my hon. Friend may not be exactly that obtaining with regard to the transfer of holdings in ryotwari areas, I have no doubt

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that the hon. the Revenue Member will see to what extent the particular amendment of my hon. Friend might be modified so as to bring it in line with the practice obtaining in ryotwari area.

"Sir, I move for the deletion of the words 'in villages of estates surveyed' in the amendment of my hon. Friend. It is not necessary that the estate should have been surveyed. The intention of the amendment is to indicate to the landholder the fact of the holding having been transferred. Although there may not be any records in the Registrars' office in respect of lands not surveyed, the estate will own its own records. So far as the landlords and the tenants are concerned, it is not necessary that a survey should have been made before a transfer of registry is made. So long as notice of transfer is given it is a sufficient indication to the landholder."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second the amendment."

Sriman M. G. PATNAIK Mahasayo:—"I accept it."

The hon. Sir ARCHIBALD CAMPBELL:—"I am prepared to accept the amendment of Mr. Patnaik if the hon. Member has no objection to my introducing certain further amendments. I am prepared to accept the amendment subject to my being allowed to make certain verbal amendments."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"My hon. Friend, the Revenue Member, will take powers under the rules for prescribing the form of notice and other things."

Then Mr. Muniswami Nayudu's amendment was put and carried.

Mr. Patnaik's amendment, as amended, was put and carried.

* Sriman M. G. PATNAIK Mahasayo:—"I beg to move the amendment that stands in my name as follows:—

'Add the following to sub-section (2) of Section 145:—

"Explanation.—Such application and payment of rent for a particular holding or a portion thereof by a person other than the registered pattadar for a continuous period of three years shall be deemed to be sufficient notice to the landholder within the meaning of this sub-section."

Sir, the question of sending an application to the landholder has already been decided. The second question is with regard to the payment made by the ryot to the landholder. The landholder says that it is not sufficient notice to him within the meaning of this section if the tenant has been making payments continuously for a number of years. I think continuous payments for a number of years should be taken as sufficient notice to the landholder within the meaning of section 145. Some ignorant ryots do not present their applications on account of the

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fact that the other parties concerned have not joined them in presenting their application. Even if no application is presented and no action has been taken, if payment is made for a number of years, that should be sufficient notice to the landholder. I move my amendment."

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

* The hon. Sir ARCHIBALD CAMPBELL:—"It seems to me that the acceptance of this amendment presents some difficulty. Sometimes they sublet their lands and the tenants pay the rent. If we allow the amendment, anybody who has paid the rent would be entitled to a transfer of the patta. I think the second part of the amendment 'and payment of rent, etc.' is undesirable."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, there is some point in what the hon. the Revenue Member says. That portion which relates to the payment of rent may be omitted. An application should be deemed to be sufficient notice to the landholder. I therefore move ¹² noon.

'and payment of rent for a particular holding or a portion thereof by a person other than the registered pattadar for a continuous period of three years'

be omitted from the proposed amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The amendment of Mr. Muniswami Nayudu was put and carried.

The amendment of Mr. Patnaik, as amended, was put and carried.

New section 145 (7) (ii).

* The hon. Sir ARCHIBALD CAMPBELL:—"I move that—

'in new section 145 (7) (ii) for the words "the holding" in line 6, the words "the portion of the holding" may be substituted.'

"This drafting amendment is necessary as this clause is confined to the devolution of a portion of the holding."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Section 145 (9).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I beg to move—

'that in the second paragraph of sub-section (9) of section 145, for the words "an unreasonable time" the words "over six months" be substituted.'

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"This sub-section refers to the obligation of the landholder to distribute the rent between the alienated portion of the holding and the unalienated portion thereof. The sub-section provides that if the landholder does not within a reasonable time distribute the rent or if either party does not assent to a distribution within a reasonable time, then the ryot can file an application to the Collector. The question is who is to define 'reasonable time'? I have put it here as six months within which the landholder should pass orders distributing the rent on the alienated and unalienated portions of the holding."

Sriman M. G. PATNAIK Mahasayo:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."

The amendment was put and carried.

* Sriman M. G. PATNAIK Mahasayo:—"I move, Sir, that the following paragraph be added to sub-section (9) of section 145:—

'The costs of such enquiry as may be held by the Collector on such application may be ordered by the Collector to be paid by one party to the other.'

Sir, if the landholder does not make the necessary changes and grant the application, the ryot has to go to the Collector and incur some expenditure. The ryot is put to a loss on account of the negligence of the landholder. Therefore there is no reason why the landholder should not be made to pay the cost of such application. Unless there is a provision like this, the landholder will be tempted to delay the applications as long as he pleases. But if the landholder knows that he will be put to loss if he fails in one of his duties, he will be very careful. This is a salutary provision and I hope there will be no objection to it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second the amendment, though I do not advance the same arguments as my hon. Friend, Mr. Patnaik Mahasayo. If it is said that it is likely that the landlord will be unreasonable, it can also be said that it is likely that the tenant also will be unreasonable. Anyway it is better that the question of cost should be left to the Collector to decide. I do not at present see that there is any separate provision dealing with the question of costs; perhaps the hon. the Revenue Member will be able to point that out. Subject to what the hon. the Revenue Member may say, I think that a provision like this is necessary in the interests of both the parties. It may be left to the Collector to decide who is responsible for the delay and make him bear the cost."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, my hon. Friend, Mr. Muniswami Nayudu, has already anticipated the grounds on which I would oppose the amendment, that is to say, not on the ground of principle but on the ground that what he wants is already provided

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for in the Act. Sub-section (1) of section 192 as amended by the Select Committee says:

'192. (1) The Local Government may from time to time make rules consistent with this Act declaring that any provisions of the Code of Civil Procedure, 1908, shall not apply to suits, applications, appeals or other proceedings under this Act in any Civil or Revenue court or to any specified classes of such suits, applications, appeals or proceedings or shall apply to them subject to modifications and additions specified in the rules.'

"Again under section 215, sub-clauses (3) and (4), we have the following:—

'215. The Local Government may, after previous publication make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision the Local Government may make rules—

(3) as to the procedure to be followed in application under this Act;

(4) as to fees, costs and charges to be paid for the purpose of this Act.'

"For these reasons, I do not think that the proposed amendment is necessary."

Sriman M. G. PATNAIK Mahasayo:—"I beg to withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 83, as amended, was put and carried.

Clause 84.

Section 147.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that in clause 84—

(i) the word "and" at the end of clause (i) be omitted; and

(ii) the following be inserted after clause (ii):—

" . . . ; and

(iii) in sub-section (3), after the words "until notice is given in writing as aforesaid," the words, figures and letters "or until the document referred to in clauses (b), (c) or (d) of sub-section (1), as the case may be, is produced" shall be inserted.'

These are purely drafting amendments. Notice is mentioned in sub-section (1). Sub-clauses (b), (c) and (d) refer to other documents. This explains the necessity for this amendment."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, sub-clause (ii) of clause 84 says that the words and figures 'Any notice required under section 145' shall be substituted for the words and figures 'The notice required under section 146' in sub-section (2) of section 147 of the Act. This is merely a consequential amendment. Now I want to show

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how the proposed amendment is not in order. Sub-section (2) of section 147 as now amended says: 'Any notice required under section 145 shall be served in the manner provided by sub-section (2) of section 78.' Now, by this amendment the hon. the Revenue Member wants to deal with sub-section (3) of the same section which reads as follows:—

'(3) The transferor or co-sharer shall not, until notice is given in writing as aforesaid, by reason only of the transfer or division, cease to be subject to any of the liabilities attaching to him as a ryot.'

Now that sub-section is not dealt with at all in this amending clause. Therefore the proposed amendment is, I submit, not in order. (After a short private talk with the hon. the Revenue Member) I am sorry, Sir. I do not press the point."

The amendment was put and carried.

Section 147 (2).

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I beg to move—
'that in sub-section (2) of section 147 of the Act, for the words,
"shall be served" the words "may also be served" be substituted.'

The sub-section now reads as follows:—

'Any notice required under section 145 shall be served in the manner provided by sub-section (2) of section 78.'

The notice referred to here is a notice given to a landlord by a person who has bought a holding asking him that the sale should be recognized, and that the transfer of registry should be effected. Section 78 refers to the manner in which notice should be served on a ryot whose movable property is being attached. It says that the notice shall be served on the ryot in person or on some adult male member of his family at his usual place of abode or on his authorized agent or when such service cannot be effected, a copy of the notice shall be affixed on some conspicuous part of the land to which it refers. I do not think that the provisions of section 78 which deal with the manner of giving notice to a ryot will be appropriate when they are applied to the manner of giving notice to the landholder. Probably there is a mistake in introducing the provisions of section 78 here. The rules do not permit us to move amendments to sections which are not covered by this Bill, otherwise I would have given notice of some amendments dealing with the manner of giving notice to a landholder. All that I want to safeguard by this amendment is that other forms of giving notice to a landholder besides those forms provided by section 78 should not be left out. For instance it should be open to the persons giving notice to send the notice by registered post. I request the hon. the Revenue Member to bring forward suitable amendments to the Bill so as to provide for this. The notice may be sent to the landholder by registered post so that it may reach him or his authorized agent. My amendment only seeks to preserve other methods of giving notice besides those provided for in section 78."

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Mr. R. MADANAGOPAL NAYUDU:—"It is all right if you say that the notice shall be served only in a particular manner. But you have accepted the amendment of my hon. Friend, Mr. Patnaik, by which mere application is deemed sufficient notice. Therefore I think this amendment is necessary and I would request the hon. the Revenue Member to accept it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."

The amendment was put and carried.

Clause 84, as amended, was put and carried.

Clause 85.

Section 149 (1).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the 12-15 p.m. following amendment:—

'For this clause substitute the following, namely:—

"85. In sub-section (1) of section 149 of the said Act—

(i) the words 'other than a ryot of old waste bound by a lease or other written agreement for a fixed period' shall be omitted; and

(ii) after the word 'relinquish,' the words 'by a notice in writing signed by him' shall be inserted'."

This is consequential on the deletion from the Act all references to old waste."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 87.

Section 153.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the following amendment:—

'For this clause, substitute the following, namely:—

"87. Sections 153 and 154 of the said Act shall be omitted'."

These sections relate to non-occupancy ryot and it is proposed to delete from the Act all references to non-occupancy ryot, as the Act will not apply to them."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 88.

Section 157.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the following amendment:—

'For this clause substitute the following, namely:—

"88. Section 157 of the said Act shall be omitted'."

This section refers to ejectment of ryot of old waste."

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The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

New clause after clause 88.

* The hon. Sir ARCHIBALD CAMPBELL:—" Sir, I beg to move the following amendment:—

' After clause 88, insert the following clause, namely:—

" 88-A. In the heading before section 158 of the said Act, after the word 'tenants' the words 'and ejectment of trespassers' shall be inserted."

" As section 163 refers to ejectment of trespassers, it is necessary to change the heading of the sections."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

Clause 89 was put and carried.

Clause 90.

Section 163-A (1) (a).

* The hon. Sir ARCHIBALD CAMPBELL:—" Sir, I beg to move the following amendment:—

' In line 4, omit the word " who " before the words " is not deemed to have been admitted ".'

" This is purely a drafting amendment; it is intended to make the point clear."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

Clause 90, as amended, was put and carried.

Clause 91-A.

* The hon. Sir ARCHIBALD CAMPBELL:—" Sir, I move the following amendment:—

' For this clause substitute the following, namely:—

" 91-A. In section 163 of the said Act—

(i) in clause (b), the words ' and whether the ryot is an occupancy or non-occupancy ryot ' shall be omitted; and

(ii) in clause (j), after the words and figures, ' ordered under sub-section (3) of section 164,' the words ' and the record of special rights in the waste land ordered under the same sub-section ' shall be added ".'

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" The first of these amendments is necessary as we are deleting all references to non-occupancy ryots. In the second amendment it is stated that one of the particulars to be recorded is the record of special rights in the waste land."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

* The hon. the PRESIDENT:—" Amendments 273 to 276* are irrelevant, I think."

Clause 91.

Section 164.

* The KUMARA RAJA OF VENKATAGIRI,—
Mr. T. SUNDARA RAO NAYUDU,—
Mr. H. M. JAGANNATHAM,—
Rao Bahadur C. NATESA MUDALIYAR,—
Rao Bahadur R. SRINIVASAN,—
Rao Sahib C. JAYARAM NAYUDU,—
Rao Sahib N. SIVA RAJ,—
Diwan Bahadur A. APPADURAI PILLAI,—
Mr. R. MADANAGOPAL NAYUDU,—
Mr. C. BASU DEV:—

273 Substitute the word ' shall ' for the word ' may ' in sub-section (1) of section 164.

Diwan Bahadur B. MUNISWAMI NAYUDU,—
Mr. SAMI VENKATACHALAM CHETTI:—

274 Add the following to the proposed sub-section (3) of section 164 of the Act:—

" Certified copies of the survey plan, survey land register and field measurement sheets relating to the village or the area surveyed shall be furnished (to such person as the majority of the ryots concerned choose to be the custodian of such records and in the absence of such choice being intimated in due time to the officer concerned) to the karnam of the village."

Mr. SAMI VENKATACHALAM CHETTI:—

275 Insert the following as sub-section (4) of section 164:—

" (4) In respect of estates or portions thereof which have been surveyed, but no record of rights has been made, the Local Government shall act under clause (b) of sub-section (1) and shall make an order directing that a record of rights be prepared by a Revenue Officer."

Clause 92.

Section 166.

Diwan Bahadur B. MUNISWAMI NAYUDU,—
Mr. SAMI VENKATACHALAM CHETTI:—

276 Add the following to sub-section (2-A) of section 166 of the Act after the words ' should be made ':—

" and shall deliver for the use of the ryots a certified copy of the final record of rights of the village or the area for which the record of rights is prepared and of such amendments of the record of rights as may be made under the provisions of this chapter to such person as the majority of the ryots of the village or area concerned choose to be the custodian thereof and in the absence of such choice being intimated to the Collector within a fortnight of the final publication of the record of rights to the karnam of the village."

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* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I wish to point out that amendments 274 and 275 are not out of order. Section 164 of the Act is the section which deals with these amendments. The Government have introduced an amendment to section 164 as you will find from clause 91 of the amending Bill. Clause 91 of the Bill runs as follows:

'For sub-section (3) of section 164 of the said Act, the following sub-section shall be substituted, namely:—

"(3) The survey shall be made under the Madras Survey and Boundaries Act, 1923, and the record of rights shall be prepared in accordance with the rules prescribed by the Local Government," etc.

"Clause (b) says 'a record of any special rights which by law or by custom, the ryots may have in the waste land of the estate.'

"An explanation is added to the following effect:

'In the case of an estate already surveyed which or a portion of which is taken up for the preparation of a record of rights under this section the survey required by this section may be limited to what is necessary for the preparation of a record of rights.'

"Amendment 274 says that the custodian of the records may be furnished with copies of the survey plan, survey land register and field measurement sheets; or these copies may be deposited with the karnam of the village. While the Government take power to additional particulars being recorded, I think, we will be entitled to say that certified copies may be given to us."

12-30 p.m. * The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I have no objection to these amendments being discussed."

Clause 91.

Section 164.

* Sriman M. G. PATNAIK Mahasayo:—"Sir, I move—

'Add the following to the proposed sub-section (3) of section 164 of the Act:—

"Certified copies of the survey plan, survey land register and field measurement sheets relating to the village or the area surveyed shall be furnished to such person as the majority of the ryots concerned choose to be the custodian of such records and in the absence of such choice being intimated in due time to the officer concerned to the karnam of the village."

"Mr. President, what now happens is: when a survey is made, it is made at the cost both of the ryots and the zamindars. But copies are given only to the zamindars and the ryots are asked to go and see the records in the zamindars' offices. Very often it is not possible for the ryots to do so, or even in some cases, the zamindars do not allow them to do so. In some estates, copies of the records are given to the

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village officers; and in some cases they are not so given. There is therefore a good deal of difficulty experienced by the ryots. As the cost of the survey is borne by both the landholders and the ryots, there is no reason why copies should not be made available to the ryots and the zamindars alone should get them. If the ryots desire that copies should be given to them also, they must be furnished with them. If such a course is not possible, I suggest that copies should be kept at least with the karnams of the villages. I hope, Sir, there will be no objection to this amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I second this amendment. I believe it is admitted that a survey is necessary in the interests both of the landholder and the ryot. I am glad to find that the landholders themselves have increasingly recognized the necessity to have a survey with a view to avoid all sorts of disputes between them and the tenants on various matters. So, when such records are prepared, they are given away to the landholder for deposit in their offices. If a tenant wants to know some particulars about his land, he is not in a position to know them except it be when he goes to the zamindar's office for this purpose. Even there it is not so easy to get the copies. No doubt there is a provision that on payment of certain fees he can get copies; but that will mean extra cost to the ryot as he will have to go a long way to Madras for the purpose. The system of what is called 'diglot register' is not available I think—if I am wrong, I may be corrected. Printed copies of the survey records are not available in the estates which can be bought elsewhere for As. 10 or As. 12 if any ryot wants to know the extent of the land, the survey number of the land, etc. All that we want is that when the survey is over, a certified copy of the records may be supplied to the proprietor for custody for his own benefit, and a similar copy may also be provided for in the village, so that every ryot may look into it whenever he wants any information about his land. Further, Sir, when a survey is made, extracts from the survey register are often produced in the courts as evidence. This amendment only proposes that one copy should be given to some representative of the ryots or if no representative is chosen, at least to the karnam of the village who is a public official, a statutory officer. As my Friend, Mr. Patnaik put it, in so far as the survey operations are carried out at the cost both of the ryot and the landholder, it stands to reason that for the benefit of the ryot, a copy should be kept in the village itself."

* The RAJA OF KHALLIKOTE:—"Sir, may I point out that the zamindar always welcomes the idea of the tenant coming to his office and seeing the records. It is not correct to say that the zamindar does not allow the ryot to come into his office and see the survey plans, etc. My Friend, Mr. Patnaik was not correct there. I think this amendment is quite reasonable; and since the ryot also pays a portion of the cost of survey, it is but reasonable that he should be given a copy of the records. The only trouble is that the ignorant ryot does

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not understand the plans, etc., himself; and so, if the records are kept with the village officers, perhaps they will be of some use to the ryot. I am therefore prepared to accept this amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I have no objection to this amendment, with the portion relating to the selection of a person by the majority of the ryots to be the custodian of the records omitted. If my hon. Friend opposite is agreeable to this alteration in his amendment, I am prepared to accept his amendment."

* The hon. the PRESIDENT:—"Please put it in the form of an amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move for the omission of the words 'to such person as the majority of the ryots concerned choose to be the custodian of such records and in the absence of such choice being intimated in due time to the officer concerned' in the amendment."

The hon. Diwan Bahadur Sir M. Krishnan Nayar seconded it.

Sriman M. G. PATNAIK Mahasayo:—"I accept the amendment, Sir."

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

'Add the following sub-section after the proposed sub-section (3) of section 164 of the Act:—

"(4) Certified copies of the survey plan, survey land register and field measurement sheets relating to the village or the area surveyed shall be furnished to the karnam of the village."

The amendment was carried.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I move—

'Insert the following as sub-section (4) of section 164:—

"(4) In respect of estates or portions thereof which have been surveyed, but no record of rights has been made, the Local Government shall act under clause (b) of sub-section (1) and shall make an order directing that a record of rights be prepared by a Revenue Officer."

"Sir, I do not think many words are necessary from me in order to impress the necessity for this amendment. The whole task of surveying would be thoroughly fruitless if no record of rights is kept. It will be in the interests both of the landholder and the ryot if a proper record is kept, in order to avoid not only litigation but many a misunderstanding that now arises. The zamindars are trying to appear that they are yielding to minor demands of the ryots, and as such, it is the duty of the Government to see that the zamindars keep an up-to-date record of rights in order to avoid further trouble."

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* Sriman M. G. PATNAIK Mahasayo:—"Sir, I second this amendment. After the survey is made, some time lapses before an application is made for a record of rights; and if there is a necessity for further adjustment, a further survey may be necessary. But if after the completion of the survey a record of rights is prepared without any further application being made, there will be no difficulty. I hope, Sir, that the Government will have no objection to accept this amendment."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I support this amendment, Sir. The scheme of the Act in section 164 is that the Local Government 'may make an order directing that a survey be made and a record of rights be prepared by the Collector in respect of an estate or portion of an estate.' Then it provides in clause (a) of sub-section (1) the conditions which are required to be fulfilled before the Government may make an order of that sort. In clause (b) it is said that without any such application by the landlord or tenant and without any such formalities, the Local Government on their own motion 'may order the preparation of such a record, if it is required to secure either the ryots generally or the landholder of an estate or portion of an estate or is calculated to settle or avert a serious dispute existing or likely to arise between the ryots generally and the landholder.' So that, while clause (a) provides that a record of rights shall be prepared on the application of the landholder or the ryots, clause (b) gives power to the Government to order the preparation of such a record, if they think necessary. A survey is required to be made under clause 3 of the Survey and Boundaries Act; and the record of rights has to be made in accordance with rules which the Local Government may prescribe. Now, Sir, under the explanation to sub-section (3) (b) of this section, which the Government have introduced—

'In the case of an estate already surveyed which or a portion of which is taken up for the preparation of a record of rights under this section the survey required by this section may be limited to what is necessary for the preparation of a record of rights.'

"In other words, it says that if there are estates which have already been surveyed but where the survey has not been pushed through to its logical extent by having a record of rights prepared, if the Government order such preparation, it should be restricted only to the unsurveyed portion, or only such re-survey should be made as may be necessary for the purpose. What my friend in this amendment wants the Government to do is: if there are estates already surveyed and if there is no record of rights for them, the Government should try to see that the survey which has already been made is completed for the benefit of the ryots. In future when an order is made under section 164, there will be a survey and also a record of rights going hand in hand; but where a survey only was made and proceedings have been stopped there and no record of rights has been prepared, the explanation simply says—I may be corrected if I am wrong—that the preparation might be restricted 'to what is necessary for the preparation.' The amendment requires that in such cases where no record

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of rights has been prepared, the Government *suo motu* should direct that such record be made. There is no use in merely having a survey made. When a survey is made on the application of the people, the Government can recover the money. What happens generally is that as soon as the survey is made, the samindar does not want to proceed with the preparation of the record of rights. It may be that such survey is beneficial to the samindar or is not beneficial to the ryot. He may therefore stop the preparation of the record of rights, because the survey itself would show any alteration or increase in area on which he can charge a higher rate of rent or some altered rent. What I am on is that it should not be open to the landholder to stop merely with survey and take the benefit of it himself for the purpose of altering the rent due to him, without going further on with the completion of the proceedings, i.e., without preparing the record of rights. If this amendment is accepted, the Government will be acting in the interests of both. I come from a part of a district where a survey was ordered at the instance of the Mahant of Tirupati; the survey was made at great cost, of about Rs. 3 or Rs. 4 lakhs, and a demand was issued against each tenant for sums amounting to more than one-half of the actual cost incurred. But what about the ryots? The Mahant has not thought it worthwhile to continue the proceedings and have a record of rights prepared. The result is that ultimately a record of rights had to be prepared, but the ryot is being asked to pay down a certain amount for its preparation. The landholder says that the survey shows that he is entitled to a higher amount of rent. But the tenant turns round and says 'I have spent so much money; where is the record of rights?' The landholder says, 'The Government have not prepared any record of rights. We asked for a survey and it has been done.' What we want by this amendment is that when a survey has been ordered or made, the full benefit of it should be available to the tenants and so such survey must be followed up by a record of rights as a matter of course. So this amendment states that in all cases where any survey has been made, a record of rights should be invariably effected thereafter.

"There is another point which I want to urge, Sir. Under the scheme of this Act unless a record of rights has been made, we cannot apply for a settlement. A mere survey is not enough for that purpose. Even if the tenant is prepared to pay the costs of the settlement, it is not open to him to ask for a settlement unless a record of rights has also been made. You will see, Sir, section 166 requires that the officer shall publish a draft of the record of rights and entertain objections thereto. And sub-clause 2-A which has been introduced by this Bill says that the Collector shall along with the final record (which he prepares after considering the objections) cause to be published the person to whom and the date on or before which the Local Government direct that application for settlement of rent under sub-section (1) of section 168 should be made. So he should publish the final record and also say within what time the application may be made for settlement of rent under section 168 which provides that a

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settlement of rent would follow on a survey and a record of rights having been made. This section 168 says: '(1) If on or before the date fixed under sub-section (2-A) or section 166 in respect of any village or within such further period, if any, as the Local Government may in their discretion, from time to time, think fit to allow either the landholder or the ryots apply for a settlement of the rent . . . the Revenue Officer shall, if the Local Government so direct, settle a fair and equitable rent.' A settlement can be ordered under those conditions. So, if survey is not followed up by a record of rights, you cannot proceed further and ask for a settlement of rent. And what this amendment asks for is that where a survey was already ordered and carried out but for some reason or other a record of rights has not followed, the Local Government should act under the powers vested in them under clause (b) of section 164 and order a record of rights as one in which the tenants are interested and which is for their benefit. If such record of rights has been made and duly published, then steps can be taken for a settlement of rent. It should not be left merely for the landholder or the tenants to ask for a record of rights being prepared. That is the object of this amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am afraid the amendment proposed may have a very far-reaching effect, because there are many estates which have been surveyed in which a record of rights has not been prepared. The cost of both survey and record of rights has to be borne by the landholder and the tenants, and if the Government orders the preparation of record of rights *suo motu* as suggested, the ryot may have to incur very heavy expenditure. I therefore submit, Sir, that I have to oppose this amendment for this reason."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, the reason advanced for opposing this amendment is that the cost that these transactions entail will be very heavy and will fall on the shoulders of the ryots. So far as the convenience of the ryots is concerned, from what can be gathered from the personal knowledge of my hon. Friend, Mr. Muniswami Nayudu, it seems to me that they would rather prefer to submit to such a burden as may be cast on them by these transactions than allow the record of rights to be unfinished. If only an application is necessary to the Local Government, it may be provided that the Local Government shall, on the application of the ryots interested, order a record of rights to be prepared. If that is so, we will add the words 'on the application of the ryots.'"

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"There is one point, Sir, which I may bring to the notice of the Government. In cases in which a survey alone was made but was incomplete and no record of rights was prepared, will the Government be prepared to order a record of rights under section 164 (b)?"

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, Sir, I should like to explain the scheme of section 164. So far

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as section 164 is concerned, it contemplates both survey and record of rights, and not a mere survey. It is stated in this section that 'the Local Government may make an order directing that a survey be made and a record of rights be prepared . . .'. So, when an order is made under that section, it is not merely for a survey but for a survey and a record of rights. The Local Government does not make an order merely for a survey. But when it does make an order under that section, if already there has been some amount of survey, you may proceed upon the materials of that survey and take up the point at which the previous survey had been left. Both survey and record of rights must be part of one scheme. These will be done if the parties ask for them. But if the Local Government want to do it without reference to the parties, clause (b) provides that the Local Government must be satisfied with the conditions mentioned in that sub-clause. So that, the one is on the invitation of the parties and the other is without reference to the application or invitation of the parties. When it is on the invitation or application of the parties, the Act directs both the survey and record of rights to be made. Under section 164 there is no such thing as a mere survey being made. Under the terms of section 164 under the explanation when such an order is made, all that is provided is this. If already there has been some kind of survey, though the present order is for a survey and record of rights, you may partly proceed upon the materials already collected for survey. You may be in sympathy with the amendment or you may not be, but there is no necessity to make a provision in this Act that immediately after a survey there shall be a record of rights, because the Act has already provided for that. I do not believe my hon. Friend, Mr. Muniswami Nayudu, wants to say that the Local Government can compel parties to have survey and record of rights made. That is left to clause (b), which bears upon that point. The terms of section 164 have been split up into two clauses which have to be distinguished. If it is on the invitation of the parties, it can be a survey and a record of rights. If it is merely a record of rights under clause (b), it is for the Local Government to order; it must be satisfied that the preparation of such a record is required to secure either to the ryots generally or the landholder of an estate or portion of an estate the enjoyment as such of their or his legal rights or is calculated to settle or avert a serious dispute existing or likely to arise between the ryots generally and their landholder. Therefore the case of the intervention of the Local Government stands on a footing different from a case of an application of parties. When it is an application by parties, it can only be both a survey and record of rights, under the existing law, and it cannot be a mere survey without the record of rights. That is how I understand the terms of section 164. What the explanation provides is that when such an order is made, instead of starting a *de novo* survey you may take up the record of the previous survey. It is not part of the order under section 164. The present order is only for a survey and a record of rights. I think the effect of the explanation will be

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to enable the survey party to utilize the materials of a previous survey. I do not see that any separate provision need be made if you must have a record of rights, because the Act provides already both for survey and record of rights."

Mr. SAMI VENKATACHALAM CHETTI:—" May I ask whether it is suggested that when a survey has been started on the application of the parties, it must necessarily be followed up in all cases by a record of rights? "

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—" It is to be followed up by a record of rights under the terms of section 164. I am merely giving the interpretation of section 164. It is stated in that section that the Local Government may make an order directing that a survey be made and a record of rights be prepared. Survey and the record of rights are both parts of the same order. When the party applies for such an order, he will have to deposit money or give security for the payment of expenses. Then section 165 provides that when an order is made under section 164, the particulars to be recorded shall be specified in the order and shall include . . . etc. That itself shows that it contemplates both survey and record of rights. But I am stating what is the proper interpretation of sections 164 and 165, as I read them. But when such an order is made, in cases in which there was already some survey, you are not to do the thing over again, and so it is provided that you can utilize the materials of the previous survey, and this survey is part of the proceeding under section 164. That is how I read both sections 164 and 165."

Mr. SAMI VENKATACHALAM CHETTI:—" Enlightened as we are by the interpretation given by the Advocate-General with regard to those sections, I must say, Sir, that it is exactly our complaint. If the Act insists according to the interpretation of the Advocate-General that every survey should be followed up by a record of rights, there are many instances according to our information where it is not followed up by a record of rights. What we now want is that if that interpretation is correct, it should be made more explicit that the Government should ask the officers to prepare a record of rights in cases where survey was made. Our difficulty is that survey is not followed up by record of rights. I do not think Government is now in a position to say that it is strictly so followed up. If it is not followed up, it must be followed up now. That is what we want. If that is the interpretation of the sections, let it be made clear that every survey should be followed up by record of rights."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I now understand that what the supporters of this amendment meant is a survey made under this Act but that it would not cover a *paimash* survey made about a hundred years ago. In that case, a great deal of the objection to this amendment would be removed. But the hon. Members have not explained the need for the amendment by reference to

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cases. I am under the impression that a survey is usually followed up by a record of rights. I will consider and see what can be done in the matter. I would, however, prefer not to accept this amendment without further examination. I am not quite sure what it would imply. It may imply a very great deal of work which the Government may not be able to do. But I would undertake to look into the matter if the hon. Mover would withdraw his amendment."

* The hon. the RAJA OF BOBBILI:—"Sir, my own experience would tend to show that there have been cases in the past where survey alone has been undertaken and no record of rights completed or undertaken. The policy of the Government has been, so far as I am aware, whenever I applied for survey and settlement, that at the present moment applications for survey alone are not granted unless it is to be followed up by record of rights. If we are to consider when survey is to be complete, I would even go further and say that all the three processes, survey, record of rights and settlement of rents are necessary to complete the work. In connexion with the discussions we had on this question I carefully examined this point, and I find that if it is to be made compulsory, I mean all the three processes, the cost would be so very prohibitive that neither the landholder nor the ryots will be able to pay for it. Furthermore, the cost of survey before the War was Rs. 600 or Rs. 700 a square mile. Now the cost of survey and record of rights would be about Rs. 1,500 or Rs. 2,000 a square mile. Unless the Government are able to examine the various aspects of the question and find out if a cheaper method can be devised and also try to have a general survey of the unsurveyed areas, and thus cheapen the cost, I do not think at the present rates at which the cost of survey and settlement is obtaining, it will be possible either for the landholders or the ryots to undertake the cost of record of rights if it is to be made compulsory."

The amendment was, by leave, withdrawn.

Clause 91, as amended, and clause 91-A were put and carried.

Clause 92.
Section 166.

1 p.m. * Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move the amendment in the following amended form:—

'Add the following to sub-section (2-A) of section 166 of the Act after the words "should be made":—

"and shall deliver for the use of the ryots a certified copy of the final record of rights of the village or the area for which the record of rights is prepared and of such amendments of the record of rights as may be made under the provisions of the chapter to the karnam of the village."

I want to omit all the other words in the printed amendment, namely, 'to such person as the majority of the ryots of the village or area concerned choose to be the custodian thereof and in the absence of such

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choice being intimated to the Collector within a fortnight of the final publication of the record of rights.'

"The object of the amendment is merely that for the benefit of the villager a copy may be kept by the karnam of the village."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"In new sub-section (2-A) of section 166—

'before the words "the person" insert the words "the name or official designation of".'

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 92, as amended, was put and carried.

Clause 93.

Section 168.

Mr. SAMI VENKATACHALAM CHETTI:—"I move—

'Renumber clause 93 as sub-clause (1) of 93 and insert the following as sub-clause (2):—

"(2) After sub-section (1) of the same section the following sub-section shall be inserted, namely:—

"(1-A). After the expiry of six months from the date of the final publication of the record of right under sub-section (2) of section 166, and as soon as possible thereafter, the Local Government, may of its own motion or shall on the application of the landholder or ryots, appoint an officer to settle a fair and equitable rent in respect of the land. Provided in the case of ryots the application shall be made by the holders of not less than one-eighth of the total extent of the holdings in the village'."

This is an important change from the original section. In the original section power is given only on the application of the landlord and the tenant. I have added that the Local Government may act *suo motu* in respect of settling a fairly equitable rent. There are several instances in which fair and equitable rent is not reached by negotiation on equal terms between the landlord and ryot. The ryot is at a disadvantage to negotiate with the landlord. To avoid such things, the

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Local Government, having the welfare and interest of the ryot at heart, should act *suo motu*."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it. Under the scheme of the Act, survey could be ordered by the Government for particular reasons stated in section 164. You will see that this survey and settlement is one of the things to benefit the ryot so that in the place of various customs and usages, there may be a uniform satisfactory settlement of rent, made on the basis of equitable rent. While section 164 provides for survey and record of rights, this provides for settlement. Section 168, as it stands, provides that that settlement could be ordered after a certain period and within the limited time if the application is made by the landlord. As the Raja of Bobbili suggested, there are sometimes difficulties either for the landlord or the ryot to apply to have the settlement made. This amendment provides, if and when they find it desirable, that they should be entitled to ask for it and not be barred by the period fixed being over. For, if such a date is fixed and if the landlord and the ryot do not apply within such time, they will be barred from doing so, again. There is no section to enable the Government to move *suo motu*. This amendment provides Government with power that in cases where the survey and record of right are complete, when no application is made by the ryot or the landholder. Secondly it enables the landlord or the tenant to apply at any time, and not necessarily within a certain period. This will be a considerable advantage in that the provision will leave some elasticity to the application for settlement of rent. It won't force the landlord to apply within a certain time. It will give time both to the landlord and the tenant after the record of rights is published to consider whether they should apply for settlement of rent or not. As I said, the very argument which the Raja of Bobbili stated to-day that it may not be possible for the landlord to find the money suggests to one that this amendment will have the advantage of giving them time to do it when they can find the money. The principle is conceded by the Raja of Bobbili that the most desirable thing will be to see that all the three stages are carried out at the same time, namely, survey, record of rights and settlement of rents. This amendment would be a great advantage as it could not be expected to carry out all the three immediately. That is a thing which the Government with suitable amendments can move in the third reading. So far as this amendment is concerned, the principle is, as in the case of record of rights, we want Government to reserve the right to settle rents. We also want that neither the landlord nor the ryots should be ruled out from raising the question, simply because the time fixed has elapsed. For these reasons I second the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"I do not think Government have any objection to take power to order a settlement of rent *suo motu* after six months. I accept the principle of the amendment but reserve the right to introduce instead of it another amendment in the third reading. I would rather have an additional clause inserted."

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The amendment was put and carried.

Section 168 (1).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
'in line 5 of section 168 (1) for the words "any area in which" substitute the words "any area for which".'

"This is a drafting amendment."

The hon. Mr. H. G. STOKES:—"I second it."

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move in section 168 (1) the following:—

'Renumber sub-clauses (ii), (iii) and (iv) respectively, and insert the following as sub-clause (ii), namely:—

"(ii) for the words 'holders of not less than one-fourth' the words 'holders of not less than one-eighth' shall be substituted'."

"This carries out the object of the previous amendment."

The hon. Mr. H. G. STOKES:—"I second it."

The amendment was put and carried.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I move—

'add the following to section 168 (1) of the Act:—

"on the principles on which settlement of kist is made in ryotwari tracts".'

Sir, a zamindari tenant is a person similar to the ryotwari tenant, except in the matter of the agency which collects the taxes from him. In zamindari tracts the zamindar is acting on behalf of the Government. That does not alter the position of the tenant from that of a ryotwari tenant. On account of the fact that the Government are not taking the taxes from him direct, we should not give him a different treatment from that meted out to a ryotwari tenant. The Government have empowered the zamindars to act on their behalf in regard to land assessment. Now instances are cropping up making it necessary for us to see whether the rights conferred upon the zamindars in this respect have been properly used, to the benefit of the tenants. The zamindar is taking a much larger share from the tenants than what the Government would take under similar circumstances. It is therefore desirable to place the zamindari tenant in the same position as a ryotwari tenant

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statutorily. I therefore suggest that survey, etc., should be carried on the principles on which settlement of kist is made in ryotwari tracts."

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

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Sir, it is for the consideration of the House whether we can interfere with sub-section (1). Sub-section (2) is the section which deals with rent. It says:

'In settling rents under this section, the Collector shall presume until the contrary is proved that the existing rent or rate of rent is fair and equitable and shall have regard to the provisions of this Act for determining the rates of rent payable by a ryot.'

The amendment proposed cuts right into the principle of this clause. Except for the use of the word 'Collector' there, this clause has been left untouched by the amending Bill."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"We are talking of amendment to clause (1)."

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Though in form it is an amendment to clause (1), it is in substance a repeal of clause (2)."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"It is in form and substance an amendment to clause (1) and to the extent to which clause (2) may be affected by this amendment, that will be only a case of clause (2) being governed by clause (1). Under clause (1) proposed to be amended, what is wanted is that there should be fair and equitable rent fixed. We are entitled to say that that fairness and equitableness should be determined in the way in which fair and equitable rent is fixed in ryotwari areas. Clause (2) merely says: 'In settling rents under this section, the Collector shall presume until the contrary is proved that the existing rent or rate of rent is fair and equitable and shall have regard to the provisions of this Act for determining the rates of rent payable by a ryot.' If the amendment is carried and if the present rent that is payable is not fair and equitable on the principles applying to ryotwari tracts, it will make it appear high. You cannot say it is amendment to clause (2). It is an amendment to clause (1) though it has the effect of interfering with clause (2)."

The House at this stage adjourned for lunch.

After Lunch (2-30 p.m.)

* The hon. the PRESIDENT:—"The hon. Member Mr. Sami Venkatachalam Chetti must have, by this time, known that the amendment he has sought to move is irrelevant to the issue; he has imported a new principle altogether into his amendment."

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Mr. SAMI VENKATACHALAM CHETTI:—"May I submit, Sir, I respectfully differ from the statement which you have just now made that I am introducing a new principle. I take it that the principle of the old Act is that the tenant in a zamin ought to be treated on identical lines with the ryotwari ryot unless the Government says that it is not the spirit of the Act. May I ask the Government whether they have any other principle than that?"

* The hon. the PRESIDENT:—"That is again a new principle I am afraid. That cannot be discussed at this stage."

Mr. SAMI VENKATACHALAM CHETTI:—"I have to bow to your ruling."

Clauses 93 (as amended) and 94 were put and carried.

Clause 95.

Mr. SAMI VENKATACHALAM CHETTI:—"I move that the following be added as sub-section (2) of section 171 of the Act:—

(2) *Any respondent though he may not have appealed from any part of the order, may not only support the order on any of the grounds decided against him by the officer, but also take any cross-objections to the order which he could have taken by way of appeal provided he has filed such objections before the appellate authority within one month from the date of service on him or his pleader, of notice of the day fixed for hearing the appeal or within such further time as the appellate authority may see fit to allow.'*

Sir, I confess I will not be able to explain the implications of this amendment but will trust that the legal knowledge of my hon. Friends sitting on this side—and on that side also—will be made available for explaining this to the House and with their explanation I dare say it will be possible for the Government to accept it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"The object of this clause is well known. In the Civil Procedure Code if an appeal is filed against a decree, the respondent though he has not filed his own appeal can yet have the benefit of that appeal and prefer what is called a memorandum of objections urging his own grounds. There are two methods to the parties aggrieved. They may appeal independently, or one of the parties not himself appealing may take advantage of the appeal filed by the other party. What is stated in this amendment is that when an appeal is preferred by one party, the other party will be entitled to support it on grounds not taken there and urge other objections. I think this is a question of procedure and we are putting this in here. I therefore second this amendment."

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* Mr. T. C. SRINIVASA AYYANGAR:—"There need not be any difficulty at all in accepting this amendment. It is reproducing one of the provisions of the Civil Procedure Code. A party to the original suit may not have got what all he wanted but when he gets a substantial part of it, he allows the matter to go but the other party may agitate the matter and put forward his own grounds in the appellate court. The insertion of this amendment will obviate any possible ambiguity and avoid many difficulties in this matter. I support this amendment."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, Sir, I personally do not see any necessity for this provision, having regard to the provisions of section 192 (2), and I notice also that the practice of the Board of Revenue is in accordance therewith. In the circumstances, there is no necessity for a provision being inserted permitting a memorandum of objections, but if as a matter of abundant caution you want it that is a different matter. Clause 192 (2) is quite general. It says, 'the provisions of the Code of Civil Procedure, 1908, shall apply to all such suits, applications, appeals and proceedings so far as they are not inconsistent therewith.' Here 'proceedings' is a comprehensive expression."

Mr. SAMI VENKATACHALAM CHETTI:—"Though there is already a provision regarding the filing of the memorandum of objections, that is not allowed in the courts. Further, as the explanation of this is placed prominently before the House, I think the purpose I have in view is amply served. Therefore I beg to withdraw my amendment."

The amendment was by leave withdrawn.

Clauses 95 and 96 were put and carried.

Clauses 97, 98, 99 and 100 were put and carried.

Clause 101 (2).

Section 177.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'For the first proviso, substitute the following proviso, namely:—

"Provided that where the sanction of the confirming authority in respect of all holdings in a single village or where the area in respect of which the settlement is effected is less than a village in respect of all holdings in such area, is not accorded in the same revenue year, the settlement shall take effect in respect of all holdings in such village or area, from the beginning of the revenue year next after the latest date on which such sanction was accorded in respect of any holding in such village or area."

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"The first proviso to section 177 states that the settlement shall take 2-45 effect in respect of all holdings in a single village or area in the same p.m. revenue year. This relates to the case where the settlement is completed in respect of some holdings in a village or area in one year, and in respect of other holdings in another year. To say that the settlement shall take effect in respect of all holdings in the same revenue year without specifying whether the earlier or the later year is meant is ambiguous. The intention obviously is that the settlement should take effect in all holdings with effect from the later revenue year. This object has been achieved by redrafting the proviso as suggested by the amendment."

The hon. the RAJA OF BOBBILI:—"I second it."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, if a settlement is ordered, the scheme of the Act provides for objections being heard and sanction being given and afterwards for publication of final orders. You will see, Sir, in section 170 the Committee suggested this:—

'170 (1). When all objections have been disposed of under section 169, the Revenue Officer shall submit the settlement record to the confirming authority appointed by the Local Government with a full statement of the grounds of his proposals and a summary of the objections (if any) which he has received.'

Then follows clause (2):—

'The confirming authority may sanction the settlement with or without amendment or may return it for revision. The confirming authority shall have power to modify any order passed by the Revenue Officer on any objection made under section 169.'

Then comes clause (3):—

'After it has been sanctioned by the confirming authority, the settlement record shall be incorporated in the record-of-right published under sub-section (2) of section 166 and the record-of-rights so amended shall be finally republished in the prescribed manner and such publication shall be conclusive evidence that the record has been duly made.'

So that section 170 provides for the Collector to dispose of all the objections and for the confirming authority to pass orders and publish the record-of-rights with any alterations embodied once for all. So the simplest method would be to say that the settlement shall take effect from a date after the final publication has been made under section 170. If in respect of any lands there are appeals pending before the Board of Revenue and if the decisions of the Board of Revenue were likely to interfere with any settlement made, that should not have the effect of postponing the coming into operation of the settlement in respect of all other holdings in the village till after appeal or the revision is settled. I therefore think that the settlement should come into force on a particular date and the simplest way of so doing is to say that it shall come into force from the revenue year next after the date of the final publication under section 170 (3). Section 170 (2) provides for the sanctioning authority. Section 170 provides for the record-of-rights incorporating the sanction in the publication of rights. Sir, it is possible that when a settlement of rent is enforced against the ryots they may like to see the final publication so that if a copy of

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the published report can be made available to them they might take action upon it. The amendment proposed in the Select Committee was this:—

'Provided that the settlement shall take effect in respect of all holdings in a single village or where the area in respect of which the settlement is effected is less than a village, in respect of all holdings in such area in the same revenue year.'

Sir, there will be no objection to this amendment as it stands. It simply says that the settlement shall come into force in respect of certain holdings in the same revenue year. But the amendment as now proposed by the hon. the Revenue Member goes much further and probably to the extent of postponing the settlement much longer than the period mentioned in the amendment made in the Select Committee as the House will just now see. This is what it says:—

'Provided that where the sanction of the confirming authority in respect of all holdings in a single village or where the area in respect of which the settlement is effected is less than a village in respect of all holdings in such area, is not accorded in the same revenue year, the settlement shall take effect in respect of all holdings in such village or area from the beginning of the revenue year next after the latest date on which such sanction was accorded.'

I really cannot understand what exactly the position is. Section 170 (2) says 'The confirming authority may sanction the settlement with or without amendment or may return it for revision. The confirming authority shall have power to modify any order passed by the Revenue Officer on any objection made under section 169.' Section 170, sub-clause (3) says that all these shall be published finally. So I would suggest whether it is not desirable to say that it shall come into force after the final publication is made instead of resorting to the cumbrous method of referring to individual sanctions and the latest date on which the sanction is given."

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to withdraw the amendment."

The amendment was, by leave, withdrawn.

Clause 101 was put and carried.

Clause 101-A.

Section 178 (1).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that—

'between clauses 101 and 102, the following be inserted as clause 101-A:—

"101-A. In sub-section (1) of section 178 of the said Act for the words 'suit or proceeding' the words 'suit, application or proceeding' shall be substituted."

Sir, this is merely a consequential amendment."

The hon. the RAJA OF BOBBILI:—"I second it."

The amendment was put and carried.

Clause 101-A was put and carried.

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Clause 102.

Section 179.

* Sriman M. G. PATNAIK Mahasaya:—"The amendment that stands in my name runs as follows:—

'Delete clause 102 of the Bill as well as the following words in section 179 of the Act:—

"which concerns a right of which he is in possession".'

Sir, I am really unable to understand the expression 'the rights which he possesses' or 'the rights of which he is in possession.' Supposing a person is entitled to a piece of land—he does not practically possess it—according to the clause as it stands, does it mean that he is not entitled to sue for it?"

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"I do not think any distinction is made between the words 'of which he is in possession' and the words 'which he possesses.' In the case of incorporeal rights, the concrete possession does not enter into the mind. When you speak of a man being in possession of a property, it implies he is in concrete possession. Therefore it was felt that the words 'that he possesses' is a better expression than 'of which he is in possession.' The expression 'of which he is in possession' suggests the idea of a concrete thing, whereas 'which he possesses' is more appropriate for the expression of a right. 'Of which he is in possession' suggests physical or concrete possession, whereas 'which he possesses' suggests a legal possession. Therefore I would prefer the expression 'which he possesses' to 'of which he is in possession'."

Sriman M. G. PATNAIK Mahasaya:—"My objection is not answered. My point is whether a man, unless he is in possession, cannot sue. Is that the idea of the amendment? My objection is where a man is entitled to a right would he not be allowed to sue?"

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"You may use even the expression 'concerning his rights' and the words 'the rights which he possesses' may be omitted."

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that in clause 102 in the proviso to section 179 of the said Act for the words 'which concerns a right' the words 'which concerns his right' be substituted and the words 'which he possesses' be omitted."

The hon. the RAJA OF BOBBILI:—"I second the amendment."

The amendment was put and carried.

Clause 102, as amended, was put and carried.

Clause 103 was put and carried.

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Clause 104.

Section 181.

- * The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that—
'in clause 104 (section 181), before the words "private land" the
word "his" be inserted.'

Sir, this is merely a drafting amendment. There are many other
lands which are private but which the landholder cannot convert into
ryoti land. The idea is that he can convert only his private land into
ryoti land. Hence the amendment."

The hon. the RAJA OF BOBBILI:—"I second the amendment."

The amendment was put and carried.

Clause 104, as amended, was put and carried.

Clause 105 was put and carried.

Clause 106.

Section 185.

3 p.m. Mr. SAMI VENKATACHALAM CHETTI:—"I want to move amendment
No. 293."

* The hon. the PRESIDENT:—"The Bill seeks to amend only the
proviso to the Act, but the hon. Member wants to amend the main
clause itself by introducing a matter relating to the period prior to the
first day of July 1898. I therefore rule it out of order."

Clause 106 was put and carried.

Clause 107.

Section 186 (1) (a).

- * The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that—
'in clause 186 (1) (a) for the words "If the District Collector is
satisfied after giving notice to the landholder and the ryot
or inamdar, as the case may be, and making such inquiry as
he thinks fit, that a landholder is desirous of acquiring any
land," the following words "If the District Collector, on
the application of a landholder, is satisfied after giving notice
to the ryot or inamdar as the case may be and making such
inquiry as he thinks fit that the landholder is desirous of
acquiring any land" be substituted.'

* Mr. SAMI VENKATACHALAM CHETTI:—

293. In section 185 of the Act after the words "any other evidence" and
before the words "that may be produced" insert the following words:—
"relating to the period prior to the first day of July 1898."

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"This amendment is suggested with a view to meet the requirements
of section 200 (3). This section refers to an application under section
186. It is necessary therefore to provide for an application under
section 186. Hence this amendment.

The hon. Mr. H. G. STOKES:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Will it not be more appro-
priate if we put the word 'inamdar' just after the word 'landholder,'
because he comes under the category of landholder?"

* The hon. the PRESIDENT:—"He is already described as a land-
holder."

The amendment was put and carried.

Clause 107, as amended, was put and carried.

Clause 108.

Section 187.

- * The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I move that—

'For sub-clause (1) substitute the following:—

"(1) for the words 'an occupancy ryot' wherever they occur
the words 'a ryot' be substituted'."

This is because we are removing the term 'occupancy ryot' from the
Bill."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second
it."

The amendment was put and carried.

Clause 108, as amended, and clause 109 were put and carried.

Clause 110.

Section 189.

The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move that—

'In clause 110—

- (1) the word "and" at the end of clause (i) be omitted; and
- (2) sub-clause (ii) be renumbered as sub-clause (iii) and the fol-
lowing be inserted as sub-clause (ii):—

"(ii) in sub-section (2), for the words and figure 'Decrees
and orders passed under sub-section (1),' the
words and figure 'Decrees and orders passed in
the suits and applications referred to in sub-
section (1)' shall be substituted; and"

"This amendment brings the language of sub-section (2) into accord
with that used in sub-section (1) of section 189. The words 'Decrees

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and orders passed in the suits and applications referred to in sub-section (1) are more appropriate than the words 'decrees and orders passed under sub-section (1)'. This is merely a drafting amendment."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 110, as amended, was put and carried.

Clause 111.

Section 190.

The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that—

'In line 4 of sub-clause (2) the word and figures "section 30" and in line 5 the word and figures "section 38" be omitted.'

"These are consequential changes. The Bill as amended by the Select Committee authorizes the District Collector and not the District Court to enquire into applications made under sections 30 and 38. Therefore reference to these two sections has to be deleted from this section."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 111, as amended, and clause 112 were put and carried.

Clause 113.

Section 192.

* Sriman M. G. PATNAIK Mahasayo:—"I beg to move that—
'sub-section (3) be deleted.'

"Of course a portion of this sub-section is to be found in the existing Act itself, but still this provision prevents the ryot from putting forward his case simply because he is unable to pay the admitted amount. Although the ryot may have a valid plea, he will be stopped from putting it forward simply because he has not got the amount admitted to be due by him. In civil courts, we do not find such a provision. A man may file a suit for Rs. 3,000. The defendant may admit the claim to the extent of Rs. 2,900 and contest the claim with regard to the remaining Rs. 100. He would not be called upon to deposit Rs. 2,900 before he is allowed to contest the claim with regard to the remaining Rs. 100. I do not see any reason why the ryot should be treated differently and why his defence should be struck out altogether simply because he is

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not able to comply with the conditions laid down with regard to the deposit. Very often people do not have ready money to pay although they honestly admit their liability. Of course it may be said that a dishonest ryot may plead that the whole amount is not due to the landholder or that he does not owe to the particular landholder but to somebody else. But what do you do by a provision of this kind? You merely encourage a dishonest ryot, and discourage honest ryots who admit the liability to a great extent but who have not the immediate means of making the necessary deposit. I do not think that it is the policy of the Government or the legislature.

"Not only that, the scope of this clause is further widened. The 3-15 old section did not apply to certain kinds of cases. It ran as follows:—p.m.

Section 194 runs thus—

'In any suit or in any proceeding under this Act to recover rent if a ryot admits that rent is due from him but pleads that it is due not to the plaintiff or applicant but to a third person, or pleads that the provisions of this Act have not been complied with, the Collector shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the ryot pays into his court the amount so admitted to be due.'

Section 195 says—

'In any suit or proceeding under this Act to recover rent if a ryot admits that rent is due from him to the plaintiff or applicant but pleads that the amount claimed is in excess of the amount due, the Collector shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the ryot pays into his court the amount so admitted to be due.'

"This is also extended specifically to suits under section 95 and 112. To ask the ryot to deposit the amount is unfair and unjust. This sub-section should not be allowed to stand. It is better that my amendment No. 300 is taken up now and discussed. That amendment of mine provides how this question can be solved. Instead of the ryot being called upon to deposit the admitted amount in each case, the best thing would be to serve a notice upon the third person and then the court may be in a position to decide whether the plea of the ryot is *bona fide* or not. If the plea is *bona fide*, the court may decide whether the plaintiff may be treated as the landholder or not. In such a case there will be no difficulty for the court to pass a decree at once. The court may direct both of them to apply to the Collector to recognize one of them as the landholder. If the plaintiff is recognized, then the suit will be admitted; if not, the suit will be dismissed. Another thing may be done. The court may ask the plaintiff to furnish security to the court to safeguard the interest of the ryot as against the third person. All these three alternatives are open to the court. It is unfair to insist that the ryot should deposit the amount because he puts forward the plea that the plaintiff is not the rightful owner. I think it is but fair that my amendment should be passed; otherwise the plea of the ryot would be struck out altogether."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

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* Mr. V. P. NARAYANAN NAMBIYAR:—"Sir, I beg to oppose the amendment that has been moved by my hon. Friend, Mr. Patnaik. I have listened carefully to the long and laborious arguments that he has advanced in support of this amendment and I am yet to be convinced of the necessity for it. Why should the landholder be deprived of the sure remedies to get, without unnecessary delay, his dues? I submit that the amendment should not be accepted by the House."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I am sorry I cannot accept this amendment. It is quite necessary that the provision in the present Act should be there. From the speech of the hon. Member, I did not gather that he put forward any convincing argument. The provision in the present Act does not work any hardship."

The amendment was put and lost.

Clause 113 was put and carried.

Clauses 114 and 115 were put and carried.

Clauses 116 to 121 and 121-A were put and carried.

Clause 122.

Section 209.

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I beg to move the following amendment:—

'In clause 122 of the Bill substitute the word "any" for the word "major".'

"Clause 122 runs as follows:—

'All suits, applications or proceedings cognizable by a Collector under this Act shall be brought, made or taken in the revenue division in which the holding or major portion of the holding is situated.'

"We want that there should be no difference between a major and minor portion of the holding. It must be open to the party to file the suit in whichever court he chooses, in the court of the division in which the smaller or the bigger portion of his holding is situate."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I second the amendment. Even in the case of civil courts in respect of a suit in regard to immovable properties which are in the jurisdiction of more than one court, a suit may be filed in any one of those courts. The section, as it stands, says that the suit must be filed only in the court of the revenue division in which the major portion of the holding is situate. Moreover it will really be difficult for the courts to decide whether the major portion of the holding lies in their divisions or not."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment."
The amendment was put and carried.

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The hon. the PRESIDENT:—"Amendments Nos. 306 to 310^a are not 3-30 p.m. relevant."

"I will now put clauses 122 to 125 to the vote of the House."

Clauses 122 to 125 were put and carried.

Clause 126.

* The hon. the PRESIDENT:—"As regards amendment No. 310-A^b clauses (2) and (3) are irrelevant, and the first portion is already provided for in the Bill."

Clause 126 was put and carried.

^a Diwan Bahadur B. MUNISWAMI NAYUDU,—

Mr. SAMI VENKATACHALAM CHETTI:—

306. In clause 122 (i) after the word 'and' add the following:—
"any suit under this Act shall be instituted in the civil court of the lowest grade having pecuniary jurisdiction to try it and within the local limits of whose jurisdiction the holding or any portion of the holding in connexion with which the suit is brought is situate, and"

Mr. SAMI VENKATACHALAM CHETTI:—

307 In clause 122 (ii) [section 109, sub-section (2)] of the Act, the word 'suits' shall be omitted."

Mr. SAMI VENKATACHALAM CHETTI:—

308 Add the following proviso to sub-section (2) of clause 122 (ii) of the Bill, section 209 (2) of the Act:—

"Provided that a Collector shall not hear any matter under this Act at any place outside the headquarters of the revenue division in which the holding or any portion of the holding concerned is situate other than a place where there is a Civil court."

New clause after clause 125.

Diwan Bahadur B. MUNISWAMI NAYUDU,—

Mr. SAMI VENKATACHALAM CHETTI:—

309 In section 213 (1) of the Act, substitute the words 'in the civil court' for the words 'before the Collector'.

Mr. SAMI VENKATACHALAM CHETTI:—

310 Sub-section (1) of section 213 shall be renumbered as section 213 and sub-sections (2) and (3) shall be omitted.

Clause 126.

Section 215.

^b Mr. SAMI VENKATACHALAM CHETTI:—

310-A In section 215 of the said Act, for the words 'the Local Government may after previous publication make rules consistent with the Act,' the following shall be substituted:—

"The Local Government may after previous publication make rules for the purpose of carrying out the provisions of the Act. In particular and without prejudice to the generality of the foregoing provisions, the Local Government may make rules."

(2) After (5) add the following as (6) "for the setting apart of the forest land for the use of the ryots and for fixing the fees for the use of pasture and forest lands under section 6 (2)" and renumber the other clauses.

Omit the present sub-clause (11) and insert the following as (12):—

"For the ascertainment of the ayacut which can be commanded under irrigation work under section 134-A."

(3) Insert the following as (13):—

"For the constitution and working of land courts under section 189-A."

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Clause 127.

New schedule.

* The hon. the PRESIDENT:—" Amendment No. 312 * has already been disposed of."

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I move that, in item 10 of Part A of the schedule—

'the words "a ryot" be substituted for the words "an occupancy ryot"'
in column 3."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second the amendment."

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—" I also move, Sir—
'that item 12 of Part A of the schedule be omitted and item 13 be renumbered as item No. 12.'"

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

The amendment was put and carried.

Part B of the schedule.

* The hon. Sir ARCHIBALD CAMPBELL:—" I move—
'that in Part B of the schedule, before item 1, the following headings to columns (1) to (6) of Part B, be inserted:—

"Serial number.	Section of Act.	Description of application.	Period of limitation.	Time from which period begins to run.	Authority, if any, to which an appeal lies.
(1)	(2)	(3)	(4)	(5)	(6)

The headings of the various columns of Part B have not been printed in the Select Committee's Bill by a mistake. This amendment seeks to rectify the mistake."

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

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—" I move, Sir—
'that item 5 of Part B of the schedule be omitted.'

It relates to lanka lands."

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

The amendment was put and carried.

The hon. Sir ARCHIBALD CAMPBELL:—" I move—

'In item 6 of Part B of the schedule, for the words "the land is not acquired" which occur in the entry under column (6), substitute the words "the land is not required"'

that being the expression used in column 3."

* 312. In the heading for the words 'by a Collector' insert the words 'in the civil court'.

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

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I move—
'In item 13, in column (6), omit "(a) Against allowing commutation or refusal to allow commutation—District Collector and (b) "'

This amendment is considered necessary."

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

The amendment was put and carried.

The hon. Sir ARCHIBALD CAMPBELL:—" Sir, my amendments in No. 321-A * relate to the Irrigation Chapter and I think they will have to be taken up later."

Mr. T. SUNDARA RAO NAYUDU:—" I beg to move the following amendment:—

'In serial number 50 of Part B of the schedule for the words "The date of occupation" in column (5) substitute the words "The end of the revenue year in respect of which the payment is claimed"'

Khan Bahadur YAHYA ALI SAHIB Bahadur:—" I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, I oppose this amendment. I do not think this is necessary. Section 163 provides for payment of rent on land which has been unauthorizedly occupied. It contains two paragraphs: the first paragraph provides that the person who unauthorizedly occupies a land shall be liable to pay for each revenue year the rent fixed for the land, or if no rent has been fixed, such sum as the Collector may, on application, determine to be fair and equitable. So, the provision there, is that the rent must be paid for each revenue year. The second paragraph says:

'He shall also be liable to pay as damages for the unauthorized occupation such sum not exceeding one year's rent as so fixed or determined as the Collector may on application award.'

So, whatever may be the length of unauthorized occupation, the landholder is entitled to recover as damages an amount not exceeding one year's rent. The amendment proceeds on the basis that he can recover damages every year by substituting the words—

'the end of the revenue year in respect of which the payment is claimed.'

* Clause 127.

Schedule, Part B.

The hon. Sir ARCHIBALD CAMPBELL:—
" 321-A (1) Omit items 38 and 39 and renumber item 40 as item 38.
(2) In item 38 as so renumbered, in column (2), for the figures '139 (5),' substitute the figures '141.'
(3) Omit item 41 and renumber items 42 to 50 as 39 to 47.
(4) In item 39 as so renumbered, in column (3) for the figures '41,' substitute the figures '38.'
(5) In item 47 as renumbered, in column (5), for the words 'The date of occupation,' substitute the words 'The end of the revenue year in respect of which the payment is claimed'."

[Mr. B. Muniswami Nayudu] [7th November 1933]

The amendment proceeds on the basis as if under the second paragraph of section 163, the landholder is entitled to recover damages for each revenue year. On the other hand, the scope of the section is that he can recover damages once for all and that amount should not exceed one year's rent. Again, in section 163-A dealing with the ejectment of the trespasser the proviso says:

'Provided that where the landholder has received rent for any year, he shall not be entitled to any further damages for unauthorized occupation for that year.'

So, while under section 163-A you ask for eviction and you are entitled to damages for each year, under section 163 where the landlord can eject but does not sue for ejectment, it provides for payment of rent for each year and for damages which shall not exceed one year's rent. And the item in the schedule rightly says that when there is a suit for determining the sum payable as damages by a person unauthorisedly occupying the land, the period is one year from the date of occupation. If this amendment is accepted, it will mean that he can go on suing year after year. I therefore oppose this amendment."

3-45
p.m.

Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I do not understand the validity of the objection raised by my hon. Friend, Diwan Bahadur Muniswami Nayudu. All that is intended by this amendment is that instead of the limitation running from 'the date of occupation' which it is very often difficult to determine, it would be more desirable to make the limitation run from 'the end of the revenue year.' Under section 163 the landholder is entitled to collect from an encroacher rent fixed for that land for each revenue year or portion thereof and the encroacher shall also be liable to pay the penalty that is levied upon him as damages for unauthorised occupation. When a person encroaches upon an estate land, a penalty is added to the rent, to serve as a deterrent, as in the case of encroachment on ryotwari lands. It is intended to deter an undesirable unauthorised occupation of land. The amendment practically repeats the provision contained in the original Act.

"The amount leviable as penalty according to the present Act is a sum not exceeding the rent fixed or determined by the Collector. In the amending Bill the amount provided is a sum not exceeding one year's rent. There is not much difference between the two.

"This however has nothing to do with the amendment moved by my hon. Friend, Mr. Sundara Rao Nayudu. All that it says is that instead of counting limitation from the date of occupation, a circumstance not very easily ascertainable, it would be better that the period should run from the end of the revenue year, that is, from a period which is very easily ascertainable. 'Date of occupation' would give rise to much doubt and uncertainty. And it is in order to clarify matters that the period of limitation is proposed to run from the end of the revenue year. It is a simple amendment and it would benefit both the landholder and

7th November 1933] [Mr. A. Appadurai Pillai]

the ryot, principally the latter who would have the advantage of a longer period within which to prefer his appeal. Anyhow, the penalty or the amount which he is liable to pay for the encroachment is there. That is not in any way altered. The change suggested is only with reference to the time allowed for an appeal. This amendment is brought forward for the purpose of facilitating matters. I therefore support the amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"The case of Diwan Bahadur Appadurai Pillai is one of out-Heroding Herod. If it is a case of an amendment brought forward on behalf of zamindars, my hon. Friend does not see any objection to it. All the same, I would move the following amendment to the amendment before the House:

'For the words "in respect of which the payment is claimed" substitute the words "in which occupation was made".'

Mr. P. V. KRISHNAYYA CHODURI:—"I second the amendment."

* The hon. Sir ARCHIBALD CAMPBELL:—"I accept the amendment as now proposed to be further amended."

* The hon. the PRESIDENT:—"I will put the amendment in the amended form to the House. The question is that—

'in the serial number 50 of Part B of the schedule for the words "the date of occupation" in column (5) the following words be substituted:—

"the end of the revenue year in which occupation was made".'

The amendment was carried.

* The hon. the PRESIDENT:—"Clause 127 will be put to vote after the other items are finished."

Clause 128 was put and carried.

Clause 129.

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I move—

'that clause 129 be omitted.'

"Clause 129 runs thus:

'Any legal proceeding pending at the commencement of this Act in respect of any right, title, interest, obligation or liability acquired, accrued or incurred before the commencement of this Act may, notwithstanding anything contained herein, be continued, as if this Act had not been passed.'

"I shall try to explain the effect of this clause by means of an illustration. In regard to inams it was enacted that whole inam villages should be treated as estates. But hitherto the law was rather uncertain; now it is made clear. Supposing a suit is filed on 30th June 1934 (as it has been already resolved that this Act should come into force on the

[Sriman M. G. Patnaik Mahasayo] [7th November 1933]

1st July 1934), that is, a day previous to the date of coming into force of this new Act, it will not apply to that suit. If that is so, everybody will have notice to file suits for ejecting their tenants or for a declaration that the ryot has no occupancy right or for recovery of rent in a civil court so as to get a decision from that court on these points. Simply because a suit is filed the previous day, the ryot will be prevented from having the benefit of this legislation. In such a case, we may expect a large crop of litigation. If that is the case, the amendment of section 302 (d) will be of no use at all. Every inamdar will file suits. Even under the previous law what was practically saved was the final order of the court; that is, pending suits were not excepted. If you refer to the definition of 'old waste' you will find that what I say is correct. It is stated therein, 'and includes ryoti lands in respect of which before the passing of this Act the landholder has obtained a final decree by a competent civil court establishing that the ryot has no occupancy right.' That means a final decree or order must have been obtained. This is stated in clause 128 and that has already been adopted now. Now under clause 129 they want to save also pending suits or pending proceedings and as the Act is going to come into force on the 1st July 1934, practically no useful purpose will be served by the amendment of section 302 (d). Here, so far as this Act is concerned, you may also remember the policy of the former legislature. As legislation was attempted to be made in 1898 even with regard to these private lands, evidence available since then was excluded by legislation. If that is so, these inamdars have nearly eight months' notice now, and they can file suits. If suits are filed, they may continue for ten years or any number of years. And even then the provisions of the Act now to be passed will not affect their rights. And that is a very unjust course and should not be allowed. That means practically the effect of the section as amended will be nullified. Therefore on these grounds I urge that this clause 129 should be omitted."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second the amendment."

Mr. K. P. RAMAN MENON:—"Mr. Patnaik is a lawyer, Sir, and I am sure everybody will agree with him in thinking that some provision is necessary for fixing a time-limit. Of course, unless that date is fixed in the statute itself, it would be very difficult to enforce. If any additional obligations are cast upon parties by a statute, those obligations cannot be regarded as binding upon the parties or persons concerned even before the date of coming into force of that statute. That I believe is a proposition which cannot be denied by anybody. If, as a matter of fact, Mr. Patnaik is anxious that there should not be litigation under this Act, I would suggest to him the desirability of fixing a particular date on which this Act would come into force. It would be safe and sound to put it as, say, 31st January 1935 or some such date as that, and enact that proceedings after that date shall be governed by this Act, but that previous proceedings would be governed by the law as hitherto

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existing. Otherwise it would be a breach of faith with regard to persons who have entered into transactions in the belief that the law would be in a particular way. To say one fine morning that the law is changed or a particular provision is cancelled or absolutely abolished is not right. The people have a certain right to ask that their previous transactions should be protected. If there is such an apprehension on the part of persons affected by this Bill, that can be remedied by putting in a suitable amendment.

"Even if the Act is passed, it may take some time before the consent ^{4 p.m.} of the Governor and the Governor-General is obtained. I may suggest to the hon. Mover the desirability of omitting the words 'at the commencement of this Act' and substituting some date in December 1933. I would suggest this amendment for my Friend's consideration."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

* Khan Bahadur YAHYA ALI SAHIB Bahadur:—"After hearing the speech of the hon. Mover of this amendment, I feel that I must support his amendment and not the amendment of Mr. Raman Menon. The effect of this section appears to be far reaching because as I understand it, it means to say that it would be possible for anybody by the mere institution of a suit or an application or proceeding as the case may be on or before the 30th of June 1933 to effect a virtual repeal of the present amending Act, because every one of the changes that is sought to be made by this amending Bill could possibly be negated by the mere institution of a suit or a legal proceeding. As a matter of fact, the present position of law, with great respect to Mr. Raman Menon, is that Act I of 1908 has been held to have retrospective effect with reference to several sections of the Act. A decision of the Privy Council confirming two decisions of the Madras High Court has held with reference to particular sections that this legislation has retrospective effect. Therefore, to say that the statute speaks from the date when it came into force is not quite accurate. So far as this statute is concerned, with reference to section 6 and also section 8, there are decided cases of the Madras High Court where it has been held that rights which had been decreed before 1908 were affected by this particular enactment. Therefore, you not only rip open the position so far as the present amending Act goes, not only you repeal the amending Act by making it possible to defeat every one of the amendments, but you go back to the position as it stood even before 1908. That will be the virtual effect of introducing a provision to the effect that any legal proceeding which was pending on the date previous to the date fixed for this enactment coming into effect would save all rights sought to be modified or varied by this Act. Under cover of this section, it will be impossible to think of providing such substantial change in the law. I would therefore submit with all respect that the amendment will not effectuate the intention of the Mover. So far as the position of the hon. Mover is concerned, I submit that it would be defeating the object

[Mr. Yahya Ali] [7th November 1933]

of the present Bill and nullifying the respective fundamental provisions of the main Act itself by allowing this section to stand in the Statute book. I support the amendment moved by Mr. Patnaik."

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, the amendment moved by my Friend, Mr. Patnaik, is one which is against all canons of legislation. It is not an enactment whose object is to confer rights of a retrospective character. It is an Act in which existing rights are affected and certain new rights are conferred, certain new presumptions are enacted, and, as it well known by every canon of interpretation of statutes, these will come into operation only when the enactment comes into operation. Unless any particular section has retrospective effect, no enactment can have a retrospective operation. My hon. Friends fancy that the legislation now before the Council if passed and if its operation is postponed to the first day of July 1934, every landlord and every inamdar will at once go to courts, and flood the courts with litigation merely with the object of circumventing the objects of this legislation. The commonsense of inamdars and zamindars is not so bad. Reference was made to the existing Act I of 1908. It will be within the recollection of hon. Members that that Act was passed several months before it came into operation. In fact, the Governor's assent was given in March 1908, the Viceroy's assent in June 1908, and the Act came into force in July 1908. One of the drastic provisions was that any ryot found in possession of a ryoti land shall have occupancy right. That was deliberately enacted. It was known to everybody. I do not believe that the landlords dumped the courts with litigation for the purpose of ejecting the ryots so that no ryot was on a ryoti land on the first of July. This provision was a specific, deliberate and express provision by which occupancy right was sought to be conferred on people who were for agricultural purposes on ryoti lands on a single day which was notified to all the world solemnly by an enactment of the Legislature. Courts were not flooded with litigation. The same commonsense may be expected to prevail now also. The courts know how to decide properly questions as to existing rights. Anyway, there is no provision to take away existing rights and give occupancy rights to any and every ryot."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, since this Bill has been before this House, every section representing particular interests has made important observations. I understand there is some apprehension that, if this clause is left unaltered, suits may be filed in order to nullify the intention of the House in introducing this Bill. I suggest, therefore, that this amendment may be adjourned till to-morrow so that the question may be more carefully examined."

* The hon. the PRESIDENT:—"I hope by to-morrow the necessary drafts regarding clauses that have been left over will be ready. I hope the necessary discussion and consultations will be over by this evening so that we might easily finish the Bill, to-morrow before lunch. Amendments to clause 129 may be moved to-morrow."

"The House will now adjourn till 11 a.m. to-morrow."

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III.—PAPER LAID ON THE TABLE OF THE HOUSE.

* G.O. No. 1750, Law and Education, dated 28th September 1933, delegating to the Director of Public Instruction power of sanctioning transfer of subsidized elementary schools from one centre to another.

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

[7th November 1933]

APPENDIX I.

[Vide answer to question No. 398 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 7th November 1933, page 706 supra.]

Grants for village communications paid to district and taluk boards in certain districts from 1928-29 to 1932-33.

For district and taluk boards in	Grants paid in				
	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
	Rs.	Rs.	Rs.	Rs.	Rs.
1 South Arcot	39,019	30,079	23,929	10,499	10,000
2 Salem	6,120	9,787	35,000	10,000	12,862
3 Coimbatore	6,942	59,788	60,000	20,000	25,000
4 The Nilgiris	2,500	21,510	15,215	18,750	2,689

APPENDIX II.

[Vide answer to question No. 400 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 7th November 1933, page 710 supra.]

Annexure.

Rates for the supply of energy.

(1) Domestic supply—

(a) Comprising lights, fans and small motive apparatus of less than one horse-power, 4 annas per unit.

(Provided that the fans and apparatus form at least 30 per cent of the connected load.)

(b) Comprising lights only, 5 annas per unit.

Domestic supply will be subject to a minimum charge of Rs. 2 per month.

(c) Comprising heating and cooking only—The scale of rates specified under 2 (a) below.

(2) Supply for power for all purposes—

(a) On a flat rate during unrestricted hours—

For the first 500 units per month	..	2 annas per unit.
For the next 1,500 units per month	..	1.8
For the next 3,000 units per month	..	1.6
For the next 5,000 units per month	..	1.4
For all units over 10,000 per month	..	1.2

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Special rates will be given for supply during restricted hours only, of which particulars will be given on application.

(b) For agricultural purposes only—

Up to demand of 25 h.p.	.. ..	1.5 annas per unit
From 25 h.p. to 50 h.p.	.. ..	1.1

Special rates, for restricted hours of working.

The above rates will be subject to a monthly minimum charge of Rs. 6 per month per horse-power connected.

(c) On a two part tariff, as follows, hours being unrestricted. A standing charge of Rs. 7-8-0 per K.V.A. of maximum demand per month *plus* the following unit rates:—

For the first 2,000 units per month	..	1 anna per unit.
For the next 3,000 units per month	..	.85
For all units over 5,000 units per month	.. ..	.5

This tariff is subject to a maximum charge per unit not exceeding that resulting from the first rate as per clause (2) (a) for the same monthly consumption.

HIGH-TENSION TARIFF.

(1) At 22,000 volts.

Total monthly consumption in units.	Rate per unit.	Plus—
Up to 16,000	0.70 anna.	Rate per K.V.A. up to 250
Exceeding 16,000 and up to 45,000	0.60	K.V.A., Rs. 5.
Do. 45,000 and up to 80,000	0.55	From 250 to 500 K.V.A.,
Do. 80,000 and up to 170,000	0.50	Rs. 4-8-0.
Exceeding 170,000 units and up to 300,000 units	0.45	Above 500 K.V.A., Rs. 4.
Exceeding 300,000 units	0.40	The above rates will be
		subject to a maximum
		unit charge including
		demand of 1.5 annas.

(2) At 6,000 volts.

Up to 16,000	0.85 anna.	Up to 250 K.V.A., Rs. 6-4-0.
Exceeding 16,000 and up to 45,000	0.75	All demands exceeding
Do. 45,000 and up to 80,000	0.70	250 K.V.A., Rs. 5-8-0.
Do. 80,000 and up to 170,000	0.55	
Do. 170,000 and up to 250,000.	0.50	

The above rates will be subject to a maximum unit charge including demand of 1.5 annas.

Note.—In the event of the power factor of any installation of motors above one horse-power falling below 80 per cent at any time, the Company reserves the right to charge higher rates than the above up to the limits authorized by the Company's licence, dependent on the actual power factor of the installation.

[7th November 1933]

APPENDIX III.

[Vide item III—Papers laid on the table of the House—page 757 supra.]

G.O. No. 1750, Education, dated 28th September 1933.

Under G.Os. No. 62, Education, dated 15th January 1932, and No. 978, Education, dated 15th July 1932, the previous sanction of the Government is required for the transfer from one centre to another of an elementary school subsidized from provincial funds or for the utilization of the subsidy sanctioned for the employment of a teacher in one elementary school for employing a teacher in another school. It has been suggested that local bodies may be empowered to transfer schools from one centre to another in consultation with the inspecting officers, irrespective of the fact whether the new centre is in the approved list of schoolless centres or not. The Government, while unable to accept this suggestion, consider that the power of sanctioning transfers of subsidized schools from one place to another may be delegated to the Director of Public Instruction. The Director of Public Instruction will, therefore, hereafter sanction such transfers provided that the following conditions are satisfied:—

- (i) that the place to which the school is proposed to be transferred should be schoolless and have a population of not less than 500 in the case of boys' schools, not less than 2,000 in the case of girls' schools and not less than 1,000 in the case of schools for Muhammadans; and
- (ii) that there shall have been no elementary school in that place for the three years preceding the date of the proposed transfer, maintained entirely out of the funds of the local body concerned.

2. Proposals in regard to the utilization of subsidies sanctioned for the employment of teachers in elementary schools should continue to be submitted to Government.

(By order of the Government, Ministry of Education and Excise)

D. H. BOULTON,
Deputy Secretary to Government.

To all Presidents of Taluk Boards.
 „ all Chairmen of Municipal Councils.
 „ all Presidents of District Educational Councils.
 „ the Director of Public Instruction.
 „ the Examiner of Local Fund Accounts.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Finance Department.
 „ the Local Self-Government Department.
 „ the Commissioner, Corporation of Madras.
 „ the Presidents of the Malabar, Tinnevely, the Nilgiri and Madura District Boards.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Wednesday, the 8th November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT :

Uman Sahib Bahadur, K.C.I.E., The hon. Khan Bahadur Sir Mahomed. Krishnan Nayar, Kt., The hon. Diwan Bahadur Sir M. Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The hon. Sir Archibald. Stokes, C.S.I., C.I.E., I.C.S., The hon. Mr. H. G. Raja of Bobbili, The hon. the. Rajan, The hon. Mr. P. T. Kumaraswami Reddiyar, The hon. Diwan Bahadur S. Abdul Hameed Khan Sahib Bahadur. Ahmed Meeran Sahib Bahadur. Alamelumangathayaramma, Mrs. K. Annamalai Chettiyar, Mr. S. A. A. Appadurai Pillai, Diwan Bahadur A. Arasu, Mr. V. T. Basheer Ahmed Sayeed Sahib Bahadur. Basu Dev, Mr. C. Beyabani Sahib Bahadur, S. M. K. Bhanaji Rao, Mr. A. V. Birley, Mr. F. Dharmalingam Pillai, Rao Sahib V. Duraiswami Reddiyar, Mr. K. M. Gopalaswami Ayyangar, Diwan Bahadur N. Hall, C.I.E., O.B.E., I.C.S., Mr. J. F. Hood, I.C.S., Mr. H. M. Indrayya, Mr. C. Jagannatha Raju, Rao Bahadur G. Jagannatham, Mr. H. M. Jayaram Nayudu, Rao Sahib C. Kesavaramamurti Nayudu, Mr. K. Krishnayya Choudari, Mr. P. V. Krishnamurti, Rao Bahadur D. Krishnan, Mr. C. Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi. Kumararaja of Venkatagiri, The. Kuppuswami Choudari, Mr. J. Ladden, Mr. W. W. Langley, Mr. W. K. M. Madanagopal Nayudu, Mr. R. Mahmud Schammad Sahib Bahadur, Khan Bahadur. Manikkavelu Nayakar, Mr. M. A. Moidoo Sahib Bahadur, Khan Bahadur T. M. Moses, Mr. P. C. Muhammad Meera Ravuttar Bahadur, K. P. V. S. Muniswami Nayudu, Diwan Bahadur B. Muniswami Pillai, Rao Sahib V. I. Muthiah Chettiyar, Mr. M. A. Muthu Chettiyar, Rao Bahadur P. C. Nachiyappa Gounder, Mr. K. A. Nadimuthu Pillai, Mr. A. Pl. N. V. Nanjappa Bahadur, Subadar-Major S. A. Narasa Reddi, Mr. T. Narasimhaswami, Rao Sahib D. V. Narayanan Nambiyar, Mr. V. P. Natesa Mudaliyar, Rao Bahadur C. Patnaik Mahasayo, Sriman M. G. Patro, Kt., Rao Bahadur Sir A. P. Pattabhiramayya, Mr. K. Peddiraju, Mr. P. Pocker Sahib Bahadur, B. Premayya, Mr. G. R. Rajagopala Pillai, Mr. P. V. Ramamurti, Rao Sahib Pandit Ganala. Raman Menon, Mr. K. P. Ramaswami Ayyar, Mr. T. S. Ramaswami Mudaliyar, Mr. V. M. Ranganatha Mudaliyar, Mr. A. Ranganatha Mudaliyar, G. Rangaswami Reddi, Mr. M. B. Raja of Khallikote, The. Ramachandra Padayachi, Mr. P. K. Sahajanandam, Swami A. S. Sami Venkatachalam Chetti, Mr. Shetty, Mr. A. B. Singam Ayyangar, Mr. K. Siva Raj, Rao Sahib N. Sivasubrahmanya Ayyar, Mr. K. S. Smith, C.I.E., I.C.S., Mr. E. Conran. Sreshtha, Mr. M. S. Srinivasan, Rao Bahadur R. Sriramulu, Mr. G. Subbarayan, Dr. P. Subrahmanya Chetti, Rao Sahib P. Subrahmanya Bhatt, Mr. U. C. Sundara Rao Nayudu, Mr. T. Syed Tajuddin Sahib Bahadur, Khan Sahib. Thorne, C.I.E., I.C.S., Mr. J. A. Vasudeva Pillai, Mr. V. G. Vedachala Mudaliyar, Mr. M. Venkatarama Ayyar, Mr. K. R. Venugopala Nayudu, Rao Bahadur R. K. Viswanatha Rao, Rao Bahadur V. N. Wright, Mr. W. O. Yahya Ali Sahib Bahadur, Khan Bahadur. Yakub Hasan Sahib Bahadur. Zamindar of Mirzapuram, The.

[8th November 1933]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Control of Books

Alleged attack on Islam by Mr. Vaduvur K. Doraiswami Ayyangar in a publication entitled 'Missing Links' or the 'Marvellous Discoveries.'

* 404 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Home Member be pleased to state—

(a) whether the attention of the Government has been drawn to the scurrilous attack on the Holy Prophet and religion of Islam made in the book styled the 'Missing Links' or the 'Marvellous Discoveries' published by one Vaduvur K. Doraiswami Ayyangar, B.A.;

(b) whether any representations and deputations have been received by the Government protesting against the contents of the book; if so, from whom and when;

(c) if so, what action has been taken by the Government; and

(d) if not, why not?

A.—(a) Yes.

(b) Petitions protesting against the publication of the book were received during April–July 1933 from the Editor, The Darul Islam, who also interviewed the hon. the Home Member, and other Muhammadans of Madras, Hyderabad, Madura, Trichinopoly and other places.

(c) & (d) No interference by the Government was considered necessary in view of the facts *inter alia* that the book was published in 1931 and that action by the Government would only draw attention to what very few people had heard of.

Mr. BASHEER AHMED SAYEED:—"May I ask, Sir, whether no interference by the Government was considered necessary because the publisher gave an undertaking?"

The hon. Sir MAHOMED USMAN:—"Yes, Sir. I saw the author of this book, and he gave an oral undertaking that he has now given up the idea of continuing the work as stated at the end of his last publication. I have put it on record in the file."

Mr. BASHEER AHMED SAYEED:—"May I ask whether, in regard to the present publication, any undertaking not to republish that book was given?"

The hon. Sir MAHOMED USMAN:—"He told me that he had sold the copyright."

Mr. BASHEER AHMED SAYEED:—"May I ask whether Government feel any difficulty in proscribing that book in so far as the writer himself has undertaken not to republish it."

The hon. Sir MAHOMED USMAN:—"The Government thought it unnecessary because very few people knew the existence of this book published in 1931 and since the author had given an undertaking not to continue it."

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Mr. ABDUL HAMEED KHAN:—"May I know whether the Government consider it necessary that no member of any community should attack the religion of another community, and whether it is not the duty of the Government not only to prevent the knowledge being made available or becoming widespread but at the same time stop it initially?"

The hon. Sir MAHOMED USMAN:—"This is a book attacking both the Christian and Muhammadan religions. We will therefore watch if any further copies are republished."

Rao Bahadur C. NATESA MUDALIYAR:—"May I know whether the Government think it advisable to ask the publisher to expunge that portion which offends other religions whenever it is reprinted?"

The hon. Sir MAHOMED USMAN:—"If there is republication, the Government would consider the question as to what should be done in the matter."

Mr. SAMI VENKATACHALAM CHETTI:—"Have the Government consulted the followers of the Vaishnava faith if they have any objection to expunge the article complained against?"

The hon. Sir MAHOMED USMAN:—"The whole book, I think, contains fantastic theories of Islam and Christianity. I do not think it is possible to expunge any portion of it."

Control of Vehicles

Bus Inspectors employed in the districts.

* 405 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Home Member be pleased to state—

(a) how many motor buses have been plying for hire in each district in each year from 1928 up to date;

(b) whether all the districts have got bus inspectors; and

(c) if some districts do not have, which are those districts and why appointments have not been made to those districts?

A.—(a) Figures for the year 1928 and for the current year are not available. A statement^a giving the figures for the years 1929 to 1932 is placed on the table.

(b) No.

(c) Bus Inspectors have not been appointed in four districts^b because the number of buses for inspection in those districts does not justify the appointment of full-time officers.

Mr. A. B. SHETTY:—"May I know the minimum number of buses necessary to warrant the appointment of a Bus Inspector?"

The hon. Sir MAHOMED USMAN:—"One hundred and fifty buses."

Mr. P. V. KRISHNAYYA CHOUDARI:—"For which districts bus inspectors have not been appointed?"

The hon. Sir MAHOMED USMAN:—"Anantapur, Kurnool, Cuddapah and Guntur."

^a Printed as Appendix I on page 826 infra.

^b Anantapur, Kurnool, Cuddapah and Guntur.

[8th November 1933]

Mr. BASHEER AHMED SAYEED:—"Who is in charge of the inspection of buses in the four districts for whom no inspector has been appointed?"

The hon. Sir MAHOMED USMAN:—"The District Superintendent of Police."

Mr. A. RANGANATHA MUDALIYAR:—"May I know why Guntur which has a larger number of buses than some of the districts for which bus inspectors have been appointed has been excluded?"

The hon. Sir MAHOMED USMAN:—"I do not think in Guntur we have sufficient number of buses. The number there is only 118. Unless there are 150 buses, we do not consider the question of appointing a bus inspector."

Mr. P. V. KRISHNAYYA CHODARI:—"May I know whether Guntur has not more buses than the other three districts?"

The hon. Sir MAHOMED USMAN:—"The hon. Member may draw his own inference from the figures given."

Mr. BASHEER AHMED SAYEED:—"May I ask whether there is any proposal for recruiting these bus inspectors?"

The hon. Sir MAHOMED USMAN:—"At present, there is no proposal."

Duties of Motor Bus Inspectors.

* 406 Q.—Mr. K. A. NACHIYAPPA GOUNDER: "Will the hon. the Home Member be pleased to state—

- (a) what the works and duties of a motor bus inspector are; and
- (b) whether he is to tour round the district; if so, for how many days in a month and what the rate of travelling allowance and daily allowance allowed to him is?

A.—(a) The Inspector of Motor Vehicles examines twice in a year all vehicles plying for hire with regard to their structural strength, condition and running order generally and issues a certificate as to their fitness for use on the road. He has also to check vehicles at other times to see that they continue to be in good running order and possess current brake certificates.

(b) The Inspector is expected to visit important centres in the district in connexion with his work. He receives no travelling allowance or daily allowance but is given an allowance for the upkeep of a motor vehicle.

Mr. SAMI VENKATACHALAM CHETTI:—"Are the Government aware that in certain districts these bus inspectors insist upon spare parts being bought from a particular firm?"

The hon. Sir MAHOMED USMAN:—"I am not aware of it, Sir."

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Mr. SAMI VENKATACHALAM CHETTI:—"Will the hon. the Home Member make enquiries in regard to the abuse of the powers by the bus inspectors?"

The hon. Sir MAHOMED USMAN:—"If my hon. Friend brings a specific case to my notice, I shall enquire."

Mr. M. S. SRESHTA:—"May I know whether the recruitment to the appointment of bus inspectors is made by the Madras Services Commission?"

The hon. Sir MAHOMED USMAN:—"These people had been appointed long before the Madras Services Commission came into existence."

Mr. V. M. RAMASWAMI MUDALIYAR:—"In view of the growing number of bus accidents will the Government be pleased to order that a quarterly inspection of buses should be carried out?"

The hon. Sir MAHOMED USMAN:—"These are matters left to the District Magistrate."

Law and Order (General)

Alleged Hindu-Muslim tension in Cuddapah.

* 407 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that there has been communal trouble at Cuddapah between Hindus and Muslims owing to bhajana celebrations in the house of one Kotamma;

(b) whether this place of bhajana is located in Muslim quarters and very close to a Talim Khana and the shrine of a Muslim saint;

(c) when the first occurrence of trouble was;

(d) whether it is a fact that neither the District Magistrate nor the Chairman, Municipal Council, granted permission to erect a new temple in that place and that the Hindu leaders concerned went on constructing one without any licence;

(e) whether it is a fact that the bhajana procession was taken out on 4th July 1933;

(f) who gave permission to take the procession; and

(g) whether the local Muslim leaders took any objection to the same?

A.—(a) Yes.

(b) The place is reported to be at the end of the Hindu quarters and the beginning of the Muslim quarters and very near the "Talim" of a Muslim saint.

(c) On the 4th April 1933.

(d) No permission appears to have been given either by the District Magistrate or the Chairman. The information available with the Government is as follows:—The trustees pulled down one room of the house and apparently wanted to start construction of a temple. The Muslims took objection to it on the ground that it would be an innovation at a place near the Darga and Talim where

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there was no temple before. The trustees, however, stated that they only wanted to renovate the room, though, eventually, it was their intention to convert the house into a temple. They, however, gave a written undertaking that, under the circumstances, they would not construct a temple. Thereon the District Magistrate issued an endorsement on the petition of the Muhammadans to say that, in view of the undertaking, no interference was called for by him.

(e) Yes.

(f) The Sub-Inspector of Police gave Police bundobust on application.

(g) Two Muslims of the locality appeared before the District Magistrate on 5th July 1933 along with a number of others and presented a petition to say that the Hindus had arranged for a procession that day with Pandari bhajana, that Police bundobust had been made, and that necessary steps might be taken to prevent the Hindus from converting the private house into a virtual temple.

S. M. K. BEYABANI SAHIB Bahadur:—" May I ask the hon. the Home Member whether any action has been taken in the matter so that there may not be a recurrence of the communal trouble? "

The hon. Sir MAHOMED USMAN:—" The District Magistrate has passed orders permitting processions with the restriction that there should be no music within 100 yards from this temple. Against this order, both the Hindus and the Muslims have petitioned to the Government. The Government have replied that if they are dissatisfied with the order of the District Magistrate they can go to a competent court of law."

Mr. SAMI VENKATACHALAM CHETTI:—" Is not the matter *sub judice*? "

The hon. Sir MAHOMED USMAN:—" Not the order of the District Magistrate, but what has happened on the 4th April."

Mr. ABDUL HAMEED KHAN:—" May I know why the Sub-Inspector of Police gave Police bundobust, when the order of the District Magistrate did not permit any procession being taken? "

The hon. Sir MAHOMED USMAN:—" The District Superintendent of Police did not quite understand the order of the District Magistrate, and he did not communicate the order to the Sub-Inspector of Police. Therefore a mistake was committed, and the District Superintendent of Police was since told by the District Magistrate that it was wrong."

Mr. A. RANGANATHA MUDALIYAR:—" Is Talim a place of worship? "

The hon. Sir MAHOMED USMAN:—" I do not know, Sir, what exactly happens there in the Talim."

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Administration of Justice

Extensions and improvements to the District Munsif's Court, Bhimavaram.

* 408 Q.—Mr. G. SRIRAMULU: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the District and Sessions Judge recommended the enlargement of the Court-hall of the Bhimavaram Munsif's Court and the construction of a separate building for the bar and for the parties; and

(b) whether the Government will be pleased to state whether necessary estimates have been prepared for the construction of the said buildings?

A.—(a) A sum of Rs. 3,000 has been provided in the current year's budget for the extension of the Court-hall in the District Munsif's Court, Bhimavaram. The District Judge, West Godavari, has, in his list of minor works for 1934-35, applied for provision of funds for the construction of a parties' shed closer to the court-house. There is no proposal for the construction of a separate building for the Bar and the parties.

(b) An estimate for extending the Court-hall of the District Munsif's Court, Bhimavaram, is under the scrutiny of the Executive Engineer, Godavari Western Division.

Mr. G. SRIRAMULU:—" Will the hon. the Law Member be pleased to ascertain whether there is any necessity for separate buildings for the Bar and the parties? "

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I do not think it is necessary for me to ascertain this. If there was a necessity, the District Judge would have moved the High Court, and the High Court would have written to the Government."

Criminal Law

Repeal of the Moplah Outrages Act.

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

(a) whether the Government have received the resolutions that were passed at the second session of the Kerala Muslim Conference held at Calicut under the presidency of Sir Muhammad Habib-ul-lah Sahib protesting against the continuance of the Moplah Outrages Act and the Malabar Special Police; and

(b) what action the Government have taken or propose to take in the matter?

A.—(a) & (b) The hon. Member is referred to the answer to his question No. 116.

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Prisons and Prisoners

Inadequacy of the jail accommodation for the under-trial prisoners concerned in the Madras Conspiracy Case.

* 410 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that 14 of the under-trial prisoners in the Madras Conspiracy case are kept in three small rooms; and

(b) if so, how many are kept in each room and what the dimensions are of the rooms and what the arrangements provided for their daily needs and calls of nature are?

A.—(a) & (b) The information has been called for.

Mr. BASHEER AHMED SAYEED:—“ May I know whether the information called for has since been received? ”

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

Mr. BASHEER AHMED SAYEED:—“ May I ask the hon. the Law Member to issue instructions to the Superintendent of the Penitentiary not to huddle these prisoners in inadequate and insufficient rooms? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I may tell my hon. Friend that I had a conversation with the Superintendent of the Penitentiary, and I believe he has made arrangements for accommodating them comfortably as far as the accommodation in the Penitentiary will permit.”

Mr. BASHEER AHMED SAYEED:—“ May I ask, Sir, whether it was in connexion with this question of accommodation that very recently there was a big row in the Penitentiary on the 5th instant, and there was beating of undertrial prisoners, and doctors were sent for and examined in court by the Magistrate? Have the Government taken steps to prevent any such recurrence in the future? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Notice.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Will the hon. the Law Member be pleased to place the information on the table as soon as it is received? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ Yes, I shall place it on the table.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether the hon. the Law Member has perused or whether his attention was drawn to the report that appeared in the Press about the proceedings in the Court on the 6th instant? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I remember to have read something about it in the newspapers. I did not pay any special attention to it.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether the hon. the Law Member will call for a report in that connexion, so that suitable action may be taken in the matter? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ I shall consider the suggestion.”

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Alleged denial to the Madras Conspiracy case under-trial prisoners of facilities to wash their linen.

* 411 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the under-trial prisoners in the Madras Conspiracy case are not allowed to get their clothes washed either in the jail laundry or to purchase soaps at their cost for the purpose;

(b) if so, under what provision of law are they deprived of these facilities by the authorities and why; and

(c) whether it is a fact that these under-trials are not given any servants from amongst the convicted prisoners for cleaning the rooms, plates and clothes, etc., and for looking after their other necessities?

A.—(a), (b) & (c) The information has been called for.

Mr. BASHEER AHMED SAYEED:—“ May I ask what facilities have been given to the prisoners since the question was put? ”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“ My hon. Friend has put another question and that question will be answered to-morrow or so. I may tell my hon. Friend, however, that with reference to this matter also I had a personal conversation with the Superintendent of the Penitentiary, and it has been arranged to provide these prisoners with soap and other necessary materials.”

Irrigation

Progress of the Mettur Dam Work.

* 412 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Member for Revenue be pleased to state at what stage the Mettur Dam work is?

A.—About 97.5 per cent of the cubic contents of the dam has been completed. Out of the total length of the dam (about a mile) work on $3\frac{1}{2}$ furlongs on the right side has been finished in all respects. Work on $3\frac{1}{2}$ furlongs on the left will be completed by the end of November. The work in the gap of 633 feet in the river section through which the floods of 1933 are being passed will be taken up when floods subside, i.e., probably in December 1933 and should be completed by June 1934. The other works, viz., surplus sluices, irrigation sluices and supply channel have all been completed.

Local Self-Government

Veto by Government of proposals from certain district boards for free admission of depressed class pupils into secondary schools.

* 413 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether some of the district boards have passed resolutions offering to admit depressed class pupils in the secondary schools under their management free of school fees;

(b) if so, which of the district boards have passed such a resolution;

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(c) whether it is a fact that such resolutions have not been admitted by the Government;

(d) if so, on what grounds; and

(e) whether the copy of the Government Order issued in each case will be placed on the table?

A.—(a) Yes.

(b) The district boards of Anantapur, Chittoor, Coimbatore, East Godavari, West Godavari, Guntur, Malabar, Nellore, Ramnad and Trichinopoly.

(c), (d) & (e) The matter is under consideration.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know, Sir, whether the Government are aware that the management of any local board school or private school can spend within the 10 per cent of their grant by way of scholarships to depressed class pupils? "

The hon. the RAJA OF BOBBILI:—" They can spend by way of scholarships to depressed class and backward class pupils subject to the Educational rules."

Mr. P. V. KRISHNAYYA CHOUDARI:—" When such is the case, why should not the Government allow the resolutions passed by the various district boards permitting the admission of depressed class pupils in the secondary schools under their management free of school fees? "

The hon. the RAJA OF BOBBILI:—" There was considerable difference in the resolutions. Some district boards restricted the concession to Harijans; some to Adi-Andhras, Adi-Dravidas and backward classes. We wanted to know from them what exactly they meant by those terms. They intend to restrict these concessions to the untouchables. We have asked them to say how they proposed to meet the additional expenditure. Until that information is received, the Government are not in a position to admit the resolutions."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether Adi-Andhras do not come under 'backward communities' under the Educational rules? "

The hon. the RAJA OF BOBBILI:—" Yes, they do come."

S. M. K. BEYABANI SAHIB Bahadur:—" May I ask the hon. the Chief Minister whether Muslims come under the backward communities? "

The hon. the RAJA OF BOBBILI:—" The question does not arise, Sir. The question is in regard to particular resolutions passed by district boards in respect of depressed classes."

S. M. K. BEYABANI SAHIB Bahadur:—" In view of the fact that in some boards such concessions are contemplated to be given to pupils, may I ask the hon. the Chief Minister to consider the question of giving concessions to Muslim pupils also reading in board and municipal schools? "

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The hon. the RAJA OF BOBBILI:—" If a particular local body passed a resolution to grant special concessions to Muslim pupils, I shall certainly consider the question."

S. M. K. BEYABANI SAHIB Bahadur:—" Have any persons in the local body area made representations to give concessions? "

The hon. the RAJA OF BOBBILI:—" I am not aware of it."

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether at least in regard to the depressed classes, that is, Adi-Andhras and Adi-Karnatakas, the Government will be pleased to allow these concessions? "

The hon. the RAJA OF BOBBILI:—" I have asked for information from those local bodies as to what particular classes they want to give the concession. On receipt of the information, I shall consider the question." 11-15 a.m.

Rao Sahib V. I. MUNISWAMI PILLAI:—" May I ask the hon. the Minister for Local Self-Government whether the Director of Public Instruction is against the resolutions mentioned in clause (c)? "

The hon. the RAJA OF BOBBILI:—" The consultation was done confidentially."

Mr. BASHEER AHMED SAYEED:—" May I know whether, in districts where such resolutions have not been passed, instructions have been issued to the District Educational officers to persuade the authorities to admit these boys free of any fees? "

The hon. the RAJA OF BOBBILI:—" I do not think so."

Education

Schoolless centres for boys and girls.

* 414 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Education and Excise be pleased to state—

(a) on what basis or principles schoolless centres are selected, for the location of boys' schools and girls' schools;

(b) whether complaints have been received that strict adherence to these are not in the best interests of the schools in some cases;

(c) if so, from what places such complaints have been received and how they have been disposed of; and

(d) whether there are proposals for revising the policy of selecting schoolless centres, and if so, what they are and when they are to come into force?

A.—(a) The principles are that there should be no recognized school in the place, that the population should be not less than 500 in the case of boys' schools, not less than 2,000 in the case of girls' schools, and not less than 1,000 in the case of Muhammadan schools.

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(b) & (c) A complaint to that effect was received from the President, Taluk Board, Trichinopoly. G.O. No. 1750*, Education, dated 28th September 1933, passing orders on the President's letter is placed on the table.

(d) No.

S. M. K. BEYABANI SAHIB Bahadur:—" May I ask whether the limit of 500 mentioned in the answer to clause (a) is only for boys? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It is for both boys and girls. In the case of Muslims I think no distinction is made for this purpose between boys and girls."

Mr. BASHEER AHMED SAYEED:—" May I ask whether the hon. Minister will, in the light of the report of the Education Committee, consider the question of reducing the number fixed in clause (a) in the case of the Muslim community? "

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" It will be considered along with the other recommendations of the Committee."

UNSTARRED QUESTIONS

Irrigation

The Tungabhadra Project.

415 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether there was any conference between the British and His Exalted Highness the Nizam's officials regarding the Tungabhadra Project and, if so, when, where and what the result of the conference is;

(b) at what stage the Tungabhadra Project stands;

(c) when the actual execution is likely to be taken up; and

(d) in view of obtaining a loan on very cheap interest, whether the Government will take up the opportunity to float a loan at once for that purpose?

A.—(a) The attention of the hon. Member is invited to the Press Communiqué, dated 8th March 1933, which was placed on the table of the House with the answer to question No. 684, dated 15th March 1933, and to the answer given to question No. 313.

(b) A preliminary investigation is being made.

(c) & (d) Until the project is sanctioned, the question does not arise.

Land Revenue Administration

Dry lands recommended for water-rate permission under the Periyakulam tank.

416 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to lay on the Council table the report received

* Printed as Appendix II on pages 826-827 infra.

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in answer to question No. 504 asked at the meeting of the Council on 30th January 1933?

A.—The order of the Board of Revenue (B.P. Mis. No. 2578, dated 30th August 1932) and the Collector's report on which it was passed have already been placed on the table of the House—see Appendix to question No. 183 answered on 31st October 1932. The Government do not consider that any useful purpose will be served by placing any other reports on the table of the House. The extent of 50 acres mentioned in paragraph 2 of the Board's order quoted above was only approximate. The actual extent for which the Collector of Ramnad recommended the grant of permits for irrigation is 42.07 acres. A list* of the survey numbers comprising this extent is annexed. They were selected by the Collector after personal inspection in July 1932. Before the selection the Public Works Department had already taken levels for some of the lands. All the lands are low-lying. The drainage water does not run to waste; it can be utilized for the wet lands lower down. The list of lands selected by the Collector in July 1932 includes certain lands (measuring 14.34 acres) for which the Executive Engineer in his letter, dated 6th February 1932, did not recommend the issue of permits. The reason given by the Executive Engineer was that the grant of permission for these lands would prejudicially affect registered wet lands. The Collector's recommendation was based on personal inspection subsequent to the date of Executive Engineer's letter, and the Board of Revenue, after due consideration, accepted the Collector's proposals as the Executive Engineer had expressed the opinion that the issue of permits might be restricted to lands lying on the fringe of the ayacut.

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

II.—ADJOURNMENT MOTION RE THE APPOINTMENT OF DISTRICT PANCHAYAT OFFICERS.

Mr. SAMI VENKATACHALAM CHETTI:—" Sir, I rise to ask for leave to adjourn the business of the House to consider a definite matter of urgent public importance, viz.—

'the question of appointment of panchayat officers by Government arising from the answers given by the Chief Minister the other day to the House'."

* The hon. the PRESIDENT:—" Is the hon. Member moving the motion deviating from the wording of the motion he has already given notice of?"

Mr. SAMI VENKATACHALAM CHETTI:—" May I know what exactly the hon. President means by deviating? "

* Printed as Appendix III on page 827 infra.

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* The hon. the PRESIDENT:—"I am speaking of the second motion the hon. Member has given notice of."

Mr. SAMI VENKATACHALAM CHETTI:—"There is a slight deviation, Sir. After I gave notice of the motion I learnt that the appointments have been made and so I wanted to correct the wording of the motion in so far as it related to a matter of recent occurrence."

* The hon. the RAJA OF BOBBILI:—"Sir, in reply to a question on the 30th of last month I clearly stated that the appointments had been made. As hon. Members are aware, Government have taken power to make the appointments of district panchayat officers under Amending Act XVIII of 1933. The notification taking power to make the appointments was issued in July last. The appointments have been made on the recommendation of the Inspector."

"Sir, in connexion with this matter, another question might arise as to why the appointments were not made by the Services Commission. These are not Government appointments in the provincial service. According to the Services Commission Act, only the selection of candidates for Government Provincial or Subordinate Services should be made by the Commission. In this case the Government acted perfectly validly in making the appointments under the power given to them by the Amending Act."

"I do not see how the matter is either urgent or of public importance in so far as this motion concerns the appointments which have already been made."

Mr. SAMI VENKATACHALAM CHETTI:—"Mr. President, I do not propose to refer to the answers the hon. the Raja of Bobbili gave anticipating my criticism. As a matter of fact I have not raised any such question as yet. What I want is that the House should be given an opportunity to discuss the manner in which these appointments are made. I do not question the authority of the Government for making these appointments. Every Act of the Government proceeds on the basis that they have power to so act under one Act or another. That does not mean that they are not to be criticised or approved."

* The hon. the PRESIDENT:—"At this stage I do not think a long speech from the hon. Member is quite necessary."

Mr. SAMI VENKATACHALAM CHETTI:—"The hon. the Chief Minister made a speech."

* The hon. the PRESIDENT:—"I think the hon. Member has already made a longer speech than the Chief Minister."

"The hon. Member gave notice of an adjournment motion on the 6th instant stating that he wants to discuss the appointment of panchayat officers by the Government. Subsequently he slightly changed the motion and said that he wanted to discuss the method of appointment of panchayat officers by the Government as revealed by the answers of the hon. the Chief Minister given on the floor of the House. He

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has now further changed it by saying that he wants to discuss the question of appointment of panchayat officers. As far as I can see from the several changes which the hon. Member himself has made in the wording of the adjournment motion, I think there is no definiteness in what he wants to move. Secondly, if the hon. Member wants to have an opportunity of discussing questions regarding matters of policy, he may take other opportunities for doing it and not through an adjournment motion. I feel that there is no particular urgency in this matter and so I rule it out of order."

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, FOR CERTAIN PURPOSES (BILL No. 12 OF 1931).

* The hon. the PRESIDENT:—"The House will resume consideration of the Bill to amend the Estates Land Act. When the House rose yesterday, amendment to clause 129 was under discussion. Is it the wish of the hon. the Revenue Member that we should finish first clause 129 and then take up the other clauses, or does he desire that we should take up the other clauses first?"

* The hon. Sir ARCHIBALD CAMPBELL:—"As the amendments to the earlier clauses are agreed amendments, we may first dispose of those clauses."

Clause 4.

Section 6.

* The hon. the PRESIDENT:—"Yes. We will take up the amendment of Mr. Sami Venkatachalam Chetti (No. 56) * to clause 4."

* Mr. SAMI VENKATACHALAM CHETTI:—

In clause 4, number section 6 (3) as 6 (3-A), and add the following to it:—

"Provided that no forest land adjoining a village shall be so reserved by the landholder without the previous sanction of the Collector; such sanction shall not be given unless an extent of the forest land which, in the opinion of the Collector, is sufficient for the needs of the ryots of the village for the purpose mentioned in clause (b) of this sub-section, is excluded from the reserve and set apart for common use by the ryots for the said purpose without payment of any fees."

"Provided further that nothing in this sub-section shall affect any special rights which by law or custom the ryots have in the pasture land or forest land of the estate in regard to grazing of cattle, taking timber for agricultural purposes or fuel, gathering leaf for manurial purposes and the like."

6 (3-B) Notwithstanding the absence of proof of any special rights, reserved to in the foregoing provisos, the ryots holding land in the village in which the pasture land or forest land reserved by the landholder is situated, shall, on payment of such fees as may be agreed upon between them and landholder or settled by the Collector on application by the ryots holding not less than one-eighth of the total extent of the holdings in the village, be entitled to (i) graze their cattle, (ii) take timber for agricultural implements, and (iii) to gather leaf for manurial purposes in such pasture land and reserved forest land.

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Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I desire to withdraw my amendment."

The amendment was by leave withdrawn.

Clause 4, as amended previously, was put and carried.

Clause 9.

Section 13 (3).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I have an amendment to section 13 (3). I beg to move—

'that for new sub-section (3) of section 13, the following be substituted:—

"Notwithstanding any usage or contract to the contrary, the ryot shall not, by reason of his making an improvement at his expense, become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised as a consequence of such improvement."

"The object of the amendment is to make the intention clear that the ryots need not pay higher rent on the ground that the landlord has contributed a small share towards the cost of the improvement."

Mr. SAMI VENKATACHALAM CHETTI:—"I second the amendment."

The amendment was put and carried.

Clause 9, as amended, was then put and carried.

Clause 16 (i) (a).

Section 32.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, in consequence of the amendment to clause 9 which the House just now passed, section 32 also has to be suitably amended. I therefore move—

'Substitute the following clause 16 (i) (a):—

"(a) for sub-clause (ii) the following sub-clause shall be substituted, namely:

"(ii) the cost of making the improvement and the proportion in which such cost was borne by the landholder and by the ryot and"

"The object of this amendment is to make it clear that if the landholder merely contributes a small portion of the amount, the whole of the cost of improvement cannot be taken credit for by the landholder, but only that portion of the amount which he has contributed."

Mr. SAMI VENKATACHALAM CHETTI:—"I second the amendment."

The amendment was put and carried and the amendment was made.

Clause 16, as amended, was then put and carried.

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Clause 31.

Section 54.

* The hon. Sir ARCHIBALD CAMPBELL:—"With reference to the amendment 140, which relates to clause 31 of section 54 of the Act, I beg to move, Sir—

'After the words in the section as so renumbered, insert the following, namely:—

"for the words and figures 'in the manner provided for the service of notice under sub-section 2 of section 78,' the words 'by delivering a copy to him or to some adult male member of his family or to his authorized agent or when such service cannot be effected, by affixing a copy in the village chavadi or if there is no village chavadi in some conspicuous place in the village and by sending a copy by post to the ryot at his last known place of residence' shall be substituted and"

"It was pointed out, Sir, in connexion with this amendment that the provision in sub-section 2 of section 78, is not at all appropriate to this section and it would be better to bring in self-contained instructions as to how the notice should be served. Therefore, I beg to move this amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 31, as amended, was put and carried.

Clause 56.

Section 112.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, in the place of amendment 193 which relates to clause 56 of the Bill and section 112 of the Act, I beg to move—

'that the following be substituted:—

"(a) Renumber clause 56 as sub-clause (1) of clause 56.

"(b) In the clause as so renumbered, for the words and figures, 'In section 112 of the said Act . . .', substitute the following, namely:—

'Section 112 of the said Act shall be renumbered as sub-section (1) of section 112 and in the section as so renumbered . . .'

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"(c) To the clause as so renumbered, add the following sub-clause, namely:—

"(2) To the section as so renumbered the following sub-section shall be added, namely:—

"(2) Any person having an interest in the holding or part thereof who would be affected by its sale may institute a suit before the Collector contesting right of sale within the period fixed in sub-section (1) " " " "

"Sir, it was represented in the House that it is desirable that the person interested in the holding should be given an opportunity to institute a suit, and this amendment would serve that purpose."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 56, as amended, was put and carried.

Clause 58.

Section 116.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, with reference to amendment No. 195 which relates to clause 58, section 116 of the Act, I beg to move—

"For this clause, substitute the following clause, namely:—

"58. For section 116 of the said Act, the following section shall be substituted, namely:—

"116 (1) On receipt of such application, the Collector shall issue notice to the parties and after hearing such of them as appear shall determine the extent of land to be sold, the lots if any in which it shall be sold, the order in which the lots shall be sold and the estimated value of each lot and shall order the sale, appoint an officer to conduct the sale, draw up the proclamation of sale and direct copies thereof in the vernacular of the taluk to be posted in his office and in the taluk office.

(2) The proclamation shall specify—

- (a) (i) the land to be sold;
- (ii) the lots, if any, in which it shall be sold;
- (iii) the order in which the lots shall be sold;

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(iv) the estimated value of each lot; and

(v) the rent or rates of rent payable in respect of each lot;

(b) subject to the provisions of section 77-C, the amount specified in the written notice under section 112, or where it has been declared by the Collector in a suit instituted under section 114 that the ryot is liable to pay only a part of the amount specified in such notice, such part, together in each case with costs and interest, if any, up to the date of the order of the sale;

(c) any encumbrance subject to which the property is liable to be sold; and

(d) every other thing which the Collector considers material for the purchaser to know in order to judge the nature and value of the property " " "

"Sir, it was represented in this House during the debate on this amendment, that it is desirable that these particulars should be fixed by the Collector and not by the selling officer, and that every care should be taken to see that a larger extent of land was not brought to sale than was necessary to cover the arrear. This amendment will have that effect."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 58, as amended, was put and carried.

Clause 59.

Section 117.

* The hon. Sir ARCHIBALD CAMPBELL:—"With reference to amendment 196, which relates to clause 59 of the Bill and section 117 of the Act, I beg to move—

"For clause 59, substitute the following clause, namely:—

"59 For section 117 of the said Act, the following section shall be substituted, namely:—

"117 (1) The selling officer shall, by order, fix the date, time and place of the sale and direct a copy of the order in the vernacular of the taluk to be posted in the taluk office and cause the contents of the order and

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of the proclamation of sale to be published by beat of drum in the village where the holding is situated. He shall also post a copy of the order and of the proclamation of sale in the village chavadi or if there is no village chavadi in a conspicuous place in the village and shall send a copy of his order and of the proclamation of sale to the defaulter by post. A copy of the order and proclamation shall be published in the District Gazette.

- (2) *In fixing the date of sale not less than thirty days shall be allowed from the date on which publication by beat of drum is made as aforesaid.*
- (3) *If, for any reason, the selling officer is unable to hold the sale on the date fixed under sub-section (1), he may from time to time by order adjourn the sale to another day. Such order shall be published and posted in the village in the same manner as an order under sub-section (1). A copy of such order shall be delivered to the defaulter in person or sent to him by post.*

"Provision is made in this clause for fixing the date, time and place of sale and for proclamation of it by beat of drum in the village and for publication in a District Gazette. There is also provision for copies to be sent by post and for adjourning the sale from time to time where necessary."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 59, as amended, was put and carried.

Clause 71.

New Section 137-A.

11-45

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'that the figure "(1)" at the commencement be omitted.'

The hon. the RAJA OF BOBBILI:—"I second it."

The amendment was put and carried.

New section 137-A (b).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—

'that for the words "such lands" the words "the lands newly included in the ayacut under clause (a)" be substituted.'

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"Sir, with a view to making the meaning clearer this amendment has been introduced. Ambiguity arises as to whether the words 'such lands' as mentioned in the Bill in clause (b) of section 137-A refers to the lands already included in the ayacut or to the lands newly included in the ayacut. To remove this ambiguity this amendment is sought to be made."

The hon. the RAJA OF BOBBILI:—"I second it."

The amendment was put and carried.

Section 137-C.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I beg to move the amendment that stands in my name as follows:—

'In section 137-C insert between the words "re-classification of such land as unirrigated land" and the words "on the ground that it has not been possible" the following: "or that the irrigation work shall be improved or repaired".'

Sir, the scheme of the amended Act is that in sections 138 and 139 provision is made for having irrigation works repaired at the instance of a number of ryots or at the instance of a single ryot who deposits the amount. That section relates to the improvement of the irrigation work as a whole for the benefit of the villagers. Section 137-C is a section which concerns the irrigation works which though originally intended to serve particular lands, yet they subsequently failed to serve the purpose for which they were intended. That section says if on the enquiry or report under section 136-D the officer to whom the application is made finds that it has not been possible for a period of not less than six consecutive years to irrigate a particular land, then it may be open to the ryot to apply to the Collector for reclassification of such land from irrigated land to unirrigated land. Section 137-C provides that when this is made the Collector may pass an order reclassifying such lands as unirrigated and determining the rate of rent to be paid on the land. My amendment is to cover an alternative remedy and that is, if an application is made under section 137-C, that a particular land is not irrigated or it has not been possible for six years consecutively to irrigate it, the ryot may also claim that the irrigation work may be repaired so far as his lands are concerned so that all the irrigation facilities which the particular land originally enjoyed might be restored to it and the Collector may pass an order directing a particular improvement to be made to enable the ryot to irrigate his land. The object is to see that where a land is classed as irrigated land and has got a definite source of irrigation, it is not converted into unirrigated land. It is not always desirable to do so and the ryot also, I am sure, would not like to have his land converted from irrigated into unirrigated land. On the other hand, if it is possible to repair the irrigation work in a manner that the land may receive the supply of water in future, the tenant would rather prefer to be supplied with water than to have the land converted from irrigated into unirrigated. To provide for specific cases of that sort

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where complaint is not against irrigation works as a whole but in respect of particular works which serve particular lands and which require repair that this amendment is brought forward. This amendment was not unfortunately dealt with when clause 138 was being discussed by the hon. the Revenue Member and others, it being too late, and we were not in a position to embody it under a proper section. So, I am moving this amendment now. If the principle is accepted it will be open to the hon. the Revenue Member at the third reading of the Bill to bring it in a proper form and at a proper place. I, therefore, move the amendment."

Mr. SAMI VENKATACHALAM CHETTI:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I thought that a similar amendment of which I have given notice of would cover the cases which have been referred to by my hon. Friend, Mr. Muniswami Nayudu. If the hon. Member is not satisfied with that, I am perfectly prepared to reconsider his amendment at the time of the third reading."

The hon. the RAJA OF BOBBILI:—"It seems to me that the particular cases mentioned by my hon. Friend, Mr. Muniswami Nayudu, may not be objected to, but the real difficulty arises with regard to disused tanks. In the case of a patta land which has been reclassified as dry, you may compel the landholder to bring into existence an irrigation work which has been abandoned and thus supply water to the tenant for his land."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"In fact, I did not want that disused tanks should be repaired except where it is not impossible to repair them and restore them to their original condition. I brought my amendment under section 137-C for this reason: on an application to the Collector he may consider the restoration of the irrigation work as an alternative remedy satisfactory to the ryot or reclassify the land. It may more appropriately be put by my hon. Friend, the Revenue Member, at another place which he thinks proper and in which he may say that the ryot may on application have his land retransferred or repairs carried out to the irrigation work and the Collector on the materials placed before him may consider whether it is not possible to repair the irrigation work in which case he will order the repair to be carried out, instead of retransferring the land. The remedy will be effective if on an application made to the Collector the Collector is empowered either to alter the class or repair the irrigation work or if he considers that repair is not possible or could not be carried out then directly communicate to the ryot that he would retransfer his land and would not give the other remedy."

The hon. the RAJA OF BOBBILI:—"My point is that under the existing provisions we have agreed it is possible for a ryot to apply to the Collector to have an irrigation work repaired. But it is quite another thing if you give the power to a ryot to apply to the Collector to have a land reclassified."

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The KUMARARAJA OF VENKATAGIRI:—"Before agreeing to the adjournment I would like to know whether the principle has been accepted. If it is to be considered that the principle is accepted and the question of drafting is adjourned, I may have to speak on this amendment. I request the hon. the Revenue Member to let the House know whether the principle has been accepted."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, yesterday we discussed these matters and we arrived at an agreement. I was under the impression that the amendment that I was going to move would cover the cases mentioned by my hon. Friend, Mr. Muniswami Nayudu. What I suggest is that we should re-examine the question again and if we decide to introduce such an amendment as is proposed by my hon. Friend, Mr. Muniswami Nayudu, it may be introduced at the time of the third reading. I do not say now whether we accept any principle or not."

* The hon. the PRESIDENT:—"My difficulty is that this amendment should be passed or withdrawn. Otherwise difficulty will arise. If it is to be passed, the question of principle and all those things will have to be discussed. If it is withdrawn and only a consequential amendment put in at the third reading it will be the correct procedure."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"You will remember, Sir, that with a view to expedite the business of the House and not to take more time than is absolutely necessary, we agreed to have some of these amendments discussed at a meeting so that we might come to some understanding. When this point came in for discussion it was then thought advisable that it might be brought at the time when sections 138 and 137-C were taken up for discussion. But as we were discussing 138 I somehow forgot about this and it was not possible for us to take this up later as it was very late. This morning again when we met again to discuss in connexion with another matter, we had no time to discuss even that. Sir, we are not anxious to do anything which will impede the progress of the Bill. Before the second reading of the Bill is taken up it is necessary that all these things should be decided and it cannot be expected that we will be allowed to move these things after the second reading is over. So, if necessary, the second reading may be postponed for to-morrow. If the hon. the Revenue Member agrees to bring in this amendment at the third reading and if you, Sir, are prepared to allow it as a special case, I have no objection. Otherwise, it will be more convenient to bring it before the second reading is over. I only wanted to know the convenience of the House."

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I cannot accept this amendment in this place which provides for reclassification of unirrigated lands into dry lands. A provision such as this enabling the ryot to apply for the improvement or repair of irrigation work would in my opinion be out of place in this section. My hon. Friend, the Chief Minister, objects to the whole principle that it should be possible to apply for the repair or improvement of a work

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on the ground that for six consecutive years it has not been possible to bring the land under irrigation. It would of course be possible to consider some means of excluding the tank which has long been in disrepair.

12 noon. "I have no doubt that hon. Members opposite will accept some modifications on these lines. It was with that idea that I suggested that this question might be postponed to the third reading stage. Subject to there being no unreasonable demand on the landholder, I think that there will be no objection to agree to the principle of this amendment."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I then request you, Mr. President, to allow us to take this amendment after lunch? Although we sat late last night we were not able to discuss this and another amendment."

* The hon. the PRESIDENT:—"Yes."

New Section 138.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
that in clause (c) of new section 138, for the words "two hundred rupees" the words "two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work" be substituted."

"It is considered reasonable that the amount of deposit required from the ryot should be less in the case of a less important tank than in the case of a major tank."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."
The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
that in new section 138 after the sentence ending with the words "general nature of the defects of the irrigation work" the following sentence may be inserted:—

"Any ryot or ryots intending to file an application under this section and any person or persons authorized by him or them shall have free access to the irrigation work concerned to enable him or them to state these facts and the general nature of these defects."

"The section provides that the application should state in detail the facts on which it is based, that is to say, the general nature of the defects of the irrigation work. This amendment is simply intended to provide that the landholder should not obstruct the ryot in getting the necessary information for the purpose."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

* Sriman M. G. PATNAIK Mahasayo:—"It is stated in section 138 that—

"If on inquiry or report under section 136-D, the officer to whom the application is made is satisfied

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that the state of disrepair is due exclusively to the wrongful acts of the ryots or to omission to make such petty works or minor repairs as the ryots are by law or custom bound to carry out, he shall dismiss the application."

"I submit, Sir, that this is a very penal provision. In most of the villages the ryots are split into factions with the result that even the most necessary repairs which have to be executed by them as a body are not often executed regularly. It always happens that some of the ryots do not join the rest in doing the common work. Also, damage to the irrigation work may be caused by a single ryot. Under the circumstances, to say that the ryots cannot ask the landholder or apply to the Collector to restore the irrigation work to its efficiency is rather very hard. There are certain remedies open to the landholder now: he can prosecute the person who causes damage to the irrigation work, or he may sue him in a civil court for damages and compel him to carry out the necessary repairs. Of course, the landholder may say: 'If you ask me to go to the civil court and get the necessary remedies, it will be a hardship for me. If the ryots cannot be compelled to do the work summarily as I am compelled to do, that also will be a hardship to me.' It is for that reason that I have suggested this amendment. The landholder should be given the same powers as the tenant to apply to the Collector to compel the ryots to execute such petty works as they are by law or custom bound to effect. My amendment reads as follows:—

'Add the following at the end of Explanation to section 138:—

"If such works as are referred to in the aforesaid explanation are not regularly executed by ryots at the proper time every year or if any damage is caused to the irrigation work by the wrongful acts of any ryot, the landholder shall be entitled to apply to the officer to direct the ryot or ryots concerned to carry out such works or to repair such damage as the case may be or to deposit the estimated cost of such works or repair. The application shall be filed within three months from the cause of action arising and shall be disposed of by the officer after notice to the ryots concerned and hearing the parties. If the officer to whom the application is made finds

- (1) that the works stated in the application are such as the respondents (ryots) are bound by law or custom to carry out and that they failed to execute the works, or
- (2) that the damage was caused by the respondent or respondents wrongfully he shall call upon the respondents to execute the works or to repair the damage within the time specified by him or to deposit such amount as he may determine to be the cost of such works or repair. If the respondents express their unwillingness to execute the

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works or to repair the damage or fail to execute the works or to repair the damage within the time specified or such further time as the officer may grant he shall recover the amount fixed by him or such further sum as he may find necessary as if it were an arrear of land revenue and get the works executed or the repairs done by such person and under such supervision as he may order.

The officer to whom the application is made may make such order as he thinks proper as to the costs of the application or enquiry and such order shall be executable as a decree of the Collector."

"It is only in fairness to the landholders as well as the ryots that this provision has been introduced. You cannot compel landholders to go to civil or criminal courts to seek redress, when they are themselves compelled by summary proceedings to execute repairs to irrigation works. Some people may be surprised that I should propose such an amendment giving power to the landholder to apply to the Collector to compel the ryot to execute certain works, but everyone must be fair in these matters and should not be partisan. I think it fair that the zamindars should be given this power and if they are given this power, I am sure, they would not object to the clause about dismissal of ryots' petition, section 139 being deleted. Otherwise the ryots themselves will suffer if, owing to their own fault, their petitions are dismissed. As I said before it is possible to find in factious villages some ryots who will act against the interests of the ryots as a body including their own interests. I know of a case in which the question of occupancy right in a village was under dispute. Some ryots appeared as witnesses on the side of the landholder although they themselves held lands in the village and their own interests were at stake. They did so at the instance of the landholder and his officials. As they belonged to one faction, they said there was no occupancy right for the ryot in the village. These things are quite possible in the villages. Some ryots come forward and say such things to please the zamindar or to please somebody else. Sometimes, some ryots do not join with the majority in executing certain necessary repairs. These things give a handle to the zamindar to let the irrigation work go unrepaired. Considering all these circumstances, I have thought it necessary to introduce this amendment which is fair to both the landholder and the tenant. I move the amendment."

Mr. V. T. ARASU:—"I second it."

12-15
p.m.

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, this new provision is sought to be inserted as an amendment to an explanation. I submit in the first place that this is not a suitable place for introducing such an important provision. This amendment introduced an entirely new clause which was not considered or put forward at any time when the Bill was before the House. A suggestion on these lines was not, as far as I know, made to any of the committees from whose labours the present Bill emanated. (Interruption by Sriman M. G. Patnaik.) I

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am sorry my hon. Friend questions the constitution of all the committees that have considered this Bill. I can assure him that all these committees contained representative of both the ryots and the landholders. There are various difficulties in the way of carrying out this provision. It may be that one ryot may breach a tank-bund; it is difficult to ask the other ryots to pay for the cost of the repairs. There is also some difficulty in recovering the cost of the repairs from the ryots. The matter requires the most careful consideration. As far as I know, no general demand for any such provision was made either by the landholders or by the tenants' representatives before. I consider that this amendment should not be introduced at this stage."

* Sriman M. G. PATNAIK Mahasayo:—"Sir, there will be no difficulty in enforcing the provision in this clause. We know how joint and several contracts are enforced; so also the Collector can call upon the ryots to carry out the repairs. There will be no difficulty about it. The fact that such a provision did not suggest itself to anybody before, cannot be helped. Moreover nobody thought that section 139 would be accepted by the Select Committee. They ought not to have stated that the petition can be dismissed for some small default on the part of the ryots. The Select Committee accepted section 139. It must have struck everybody that that was a penal provision and that it should not be allowed to be inserted in the Bill. My complaint from the beginning and even now is that the Select Committee appointed to consider this Bill was not at all representative so far as the ryots were concerned."

The amendment was put and lost.

Clause 79.

Section 139 (1) (ii).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the following amendment:—

"After the words "within a specified time," insert the following, namely:—

"which may be extended from time to time by the officer. In passing an order specifying or extending the time, the officer shall consider any representations made by the ryot or ryots who made the application and pay due regard to the capacity of the estate of such landholder to bear within such time, the cost of such works in addition to the cost of other works, if any, ordered by such officer or by any other officer to be executed by such landholder or undertaken by such landholder of his own accord."

"Provision has been made for the extension of time allotted for repair to an irrigation work. Any representations the ryots wish to make in

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regard to the fixing or extension of time ought to be considered by the officer; the officer should pay due regard to the other commitments of the landholder."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 79.

Section 139 (1) (b) (ii).

* Sriman M. G. PATNAICK Mahasayo:—"Sir, I beg to move the following amendment:—

'Delete item (ii) in section 139 (1) (b) and the figure (1) in section 139 (1) (b).'

"Two grounds are stated for dismissing the application. One is that the irrigation work is found to be not in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it. The second reason is that the state of disrepair is due exclusively to the wrongful acts of the ryots or their omission to make such petty works or minor repairs as the ryots are by law or custom bound to carry out. I have no objection to the first ground remaining there. What I propose now is that the second ground should go. It is very unjust that the Government and the landholders in this House did not accept my amendment to have the power of enforcing the execution of petty works by the ryots. Let them pursue the ordinary remedy; the remedy now available to them is they have to go to a civil court or to a criminal court; but let them not penalize the ryots as a body for not carrying out petty works. The ground stated in sub-clause (ii) should not be considered as a plea for dismissing the petition."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"I am not prepared to accept the amendment. It seems to be that the application should be dismissed if the state of disrepair of the irrigation work is due to the act of the ryot or to the omission on the part of the ryot to carry out the repairs."

The amendment was put and lost.

Clause 71.

Section 139 (2).

* The hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move the amendment standing in my name—

'For sub-section (2) substitute the following sub-section, viz.:—

"(2) (a) The costs incurred by the applicant or applicants or by the landholder in connection with the application, shall be in the discretion of the officer to whom the application is made and he shall have full power to determine by whom and to what extent such costs are to be paid;

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Provided that the amount awarded as costs shall be reasonable and that the amount awarded to the landholder shall in no case exceed two hundred rupees in the case of a major irrigation work and one hundred rupees in the case of a minor irrigation work.

(b) Where any security has been deposited under section 138 the officer aforesaid may, if he awards costs to the landholder under clause (a), pay such costs out of the amount of such security and where such officer is satisfied that the application was frivolous, he may also declare the whole or part of the balance, if any, of the said amount to be forfeited to the Government."

The clause as drafted by the Select Committee provides for the payment of the cost to the landholder only. It does not provide for the payment of the cost to the ryot. It is considered desirable to provide for the payment of costs in both cases. It is also considered desirable to put a restriction on the amount that can be awarded as costs; it should not exceed Rs. 200 in the case of a major irrigation work and Rs. 100 in the case of a minor irrigation work."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second the amendment. This matter is left entirely to the discretion of the Collector. It gives him full discretion as to the cost to be awarded."

The amendment was put and carried.

Clause 71.

Section 139 (3), (4), (5) & (6).

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—
'for sub-sections (3), (4) and (5) of section 139 substitute the following sub-sections, namely:—

"(3) An order passed under clause (a) of sub-section (1) shall declare that, if the landholder refuses or within the time specified or within such further time as may be allowed fails to execute the works, he shall deposit the amount of the estimated cost within a time to be specified in that behalf. If the landholder fails to make the deposit within the time so specified or within such further time as may be allowed, the officer passing the order shall recover the same from the landholder as if it were an arrear of land revenue.

(4) On the estimated cost being deposited or recovered as aforesaid, the officer shall get the works executed as soon as may be by such persons and in such manner as he may direct and meet the cost of such works from the amount deposited or recovered as aforesaid."

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- (5) If the amount of the estimated cost deposited by or recovered from the landholder as aforesaid is found insufficient for the completion of the works, the officer may require the landholder to deposit such further sum as may be necessary for the purpose within a specified time and failing such deposit shall recover the same as if it were an arrear of land revenue and the amount so deposited or recovered shall be utilized by the officer for meeting the cost of the works.
- (6) If the amount deposited or recovered from the landholder under this section exceeds the cost of the works and the cost, if any, of the inspection of the same after completion, such excess shall be refunded to him."

This amendment is an alteration of the provision made by the Select Committee, but it will make for expedition in the repair of works if, as provided in this amendment, the officer orders the execution of the repairs at the landholder's expense and recovers the amount from him later."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I have great pleasure in seconding this amendment. As the hon. the Revenue Member said, it is an improvement on the present Act and even on the provisions introduced by the Select Committee. The provisions both in the present Act and in the Bill as amended by the Select Committee with regard to repair of irrigation works are such as could not be availed of by the ryots. The amendment now moved by the hon. the Revenue Member has the effect of enabling the Collector, when the landholder does not carry out the improvements ordered or refuses to carry out the improvements ordered, to collect the estimated cost from the landholder as if it were an arrear of land revenue; and after the amount is collected, to have the work carried out departmentally, so that it will go for the benefit of both the landholders and the ryots. It provides also that any additional amount that may be required during the course of the execution of the works may be similarly collected and spent. In the Bill as amended by the Select Committee, there is no provision that if a work or improvement is not effected and if there is delay, the Collector may order a rebate on the rent payable by the tenant till the repair is carried out. That is introduced by one of the amendments which the hon. the Revenue Member will move later. On the whole, the new provisions must be considered to be a fairly good advance upon the present state of the law. I have to express my thanks, Sir, to the zamindars and their party for accepting these amendments."

The amendment was put and carried.

Clause 71.

Section 139-A.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I move—

- (1) Renumber section 139-A as sub-section (1) of section 140.

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- (2) In the section as so renumbered, add at the end the following sentence, namely:—

"The amount of the decree may be recovered as if it were an arrear of rent."

- (3) To the section as so renumbered, add the following sub-section, namely:—

"(2) Nothing contained in sub-section (1) shall be deemed to affect the right of such holder of the estate to resume such inam for proper cause."

These amendments relate to section 139-A which deals with desabandam inamdars. As regards the first of these amendments, I am going later on to move for the deletion of section 140; and so it is unnecessary to keep the number as '139-A.' The next provision is to make it clear that the amount of the decree may be recovered as if it were an arrear of rent and the last provision is with a view to leave intact the rights of resumption on the part of the landholder."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 71.

Section 140.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move—that section 140 be deleted."

This is consequential to the passing of new sub-sections (3), (4), (5) and (6) to section 139."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

Clause 71.

Section 141.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move the following:—

omit section 141 and insert the following as section 141, namely:—

"141. At the time of passing an order under clause (a) of sub-section (1) of section 139 or at any time subsequent thereto, the officer passing the order may, on the application of any ryot or ryots holding land in the ayacut of the irrigation work in respect of which such order is passed, direct such temporary reduction of rent as he thinks fair and equitable until the works specified in such order have been completed."

The omission of the present section 141 as in the Select Committee Bill is consequential to the amendments to sub-sections (3) to (5) of section 139.

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The new section 141 provides for the reduction of rent until the irrigation works have been completed, if the Collector is satisfied that such an order is necessary."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

The amendment was put and carried.

* The hon. the PRESIDENT:—"Clause 71 will be put to vote afterwards. Clauses 72 to 128 having already been considered, we now go to clause 129. Mr. Patnaik's amendment No. 324, which is for the omission of the clause is for the consideration of the House."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, as we are going to discuss some other provisions of the Bill afterwards, I suggest that these remaining amendments also may be put off till after lunch, to enable us to hold consultations thereon meanwhile."

* The hon. the PRESIDENT:—"I think the House can go on with the other official business on the agenda."

Mr. SAMI VENKATACHALAM CHETTI:—"There are some points to be discussed among ourselves with reference to the other clauses of the Bill. And there is only half an hour for us to reach the usual lunch hour, i.e., 1-30. I think it would be better if we adjourn now and meet after lunch."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"If we adjourn at 1-30, we will have only one hour's interval for lunch. I do not know if it is sufficient for consultations to be held."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Not that I have any objection to this proposal, but I just want to say that the next item on the agenda is in my name. I expect it will be over very soon and so it may be taken up now and finished before we adjourn for lunch."

* The hon. the PRESIDENT:—"The House will now adjourn and meet again at 2-30 p.m."

After Lunch (2-30 p.m.)

Clause 71.

Section 137 (c).

* The hon. the PRESIDENT:—"Mr. Muniswami Nayudu's amendment (No. 221) is now for discussion."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am withdrawing it, Sir."

The amendment was by leave withdrawn.

Clause 71, as amended, was then put and carried.

Section 137-C.

* Diwan Bahadur B. MUNISWAMI NAYUDU:—

221 In section 137-C, insert between the words 're-classification of such land as unirrigated land' and the words 'on the ground that it has not been possible' the following: 'or that the irrigation work shall be improved or repaired.'

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Clause 129.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am prepared to accept an amendment that this clause be deleted on the understanding that at the third reading we may introduce the necessary consequential amendments following on the alterations made in the Bill in the course of its passage through the second reading. We also propose that the Act should be brought into force at once instead of on the 1st July 1934 and that there should be an amendment to section 6 of the Act which relates to the accrual of occupancy right, so as to make it clear that the ryots in inam villages will obtain their occupancy rights on some date to be mentioned, e.g., on or after the 1st November 1933. That is the understanding on which I am prepared to accept the amendment now before the House, to delete this clause."

Mr. W. K. M. LANGLEY:—"Mr. President, Sir, the group that I represent in this House do not feel at all easy on the subject of this proposal. In the ordinary way we should not have had any particular interest in this particular Bill. We naturally meet and consider each Bill which arises and decide what action, if any, we should take on such a Bill. We duly considered this particular Bill and came to the conclusion that, although it deals with property, yet we have the assurance from the original statement of the hon. the Revenue Member and others concerned that there will be no disturbance of property rights in connexion with this Bill. And we therefore decided not to take any active part in it. But the procedure since this Bill started has been so difficult to follow. Possibly owing to the acoustic properties of this Chamber or the portion of the Chamber to which our Group is relegated, we have been unable to follow very much of what has been happening, which appears to have been a sort of general compromise carried on between a few people on the Front Benches without the slightest consideration for the outside and private Member. That, I venture to think, is an entirely wrong procedure. In regard to a Bill of this nature, when especially a principle in the first place has been laid down, a principle of no expropriation whatsoever and no interference with property rights, we find in the course of casual amendments which we cannot hear at all so much revolutionary change in the Bill has taken place. I refer particularly to the change as regards the rights of inamdars. It seems to me that the procedure is absolutely wrong and one against which every private Member, however insignificant a body of Members he may belong to, should protest very strongly. Now, on this particular occasion, as regards this particular clause 129, this seems to be followed up by another possible attack on implied rights in connexion with property. People may have got inam property and may have law suits pending. And immediately, although they have been assured that those rights are not going to be interfered with in any way by this Bill, they find without any warning whatsoever, their rights absolutely swept away. I venture to remind the hon. the Revenue Member of his assurance in presenting the Report of the Select Committee that it is not the intention of the Government to confer any benefit or

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take away any existing rights of any party. May we have this assurance that in regard to this Bill and particularly in regard to this clause 129 this intention is to be carried out? We have no objection to any drafting alterations being postponed to the third reading. We are, however, anxious to ensure that the principle which the Government have repeatedly laid down in connexion with this Bill should be maintained, and that the principle intended to underlie this particular clause should stand although it may be put in a different drafting form. Sir, if we have that assurance, then probably we may be able to maintain the position that in respect of this Bill we have maintained hitherto. But, if not, then although we are an insignificant body, we are quite prepared to join any other small minority which may exist in this Chamber and fight the Bill at the third reading."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir. I wish very much that Mr. Langley had made this speech yesterday, and it would have had a very great effect upon all sides of the House. But to-day he has suddenly discovered that the procedure adopted in this House in regard to this Bill has been slipshod and not regular. But he and his advisers have been attending this Council day after day and attending very closely too; and I know they and their advisers have been following the matters so closely that they did not deem it proper or deem it even right that they should draw the attention of the House to any such irregularity. But this sudden discovery is not surprising to me because to-day I heard that this morning there have been some rumblings about it, and I do not want to go into the undercurrents of the reasons. But what I wish to state emphatically is that the procedure now adopted is not new or irregular. Probably Mr. Langley has not been accustomed to it hitherto in this House or in any other House. I may say that even in the Legislative Assembly people who have experience of it will know that even in that House which ought to set an example to other Councils, in such difficult matters, both the Government and the Opposition consult together and the principal Leaders of Parties come to certain understanding. Those decisions are put forward as amendments or propositions and they are carried. There is nothing strange in it I may assure Mr. Langley. There is nothing extraordinary in such a procedure because it saves the time of the House and it economizes the work of the Council. Therefore it is a necessary and a justifiable procedure. And I am surprised that Mr. Langley with his experience with regard to other Bills in this House should not have noticed that such a procedure is conducive to the happy settlement of questions in dispute. It is the Opposition that always very carefully scrutinizes all these matters. They are the watch-dog of the House. They are always on the watch to see if there is anything wrong; and if so, the Opposition will pounce upon the Government and raise at once questions of order and procedure. If the Opposition and the Government are together in a matter, it must be a matter for congratulation to the House and to the public instead of being a matter for regret as indicated by Mr. Langley. But why he should have objected to the procedure

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seems to be a matter which passes my understanding. All those who have any knowledge of how adjustment of party predilections will agree that the minority must be heard because their rights should not be interfered with. But, what is the reason in the case of Mr. Langley? I guess the reason. I know that what appeared in certain newspapers is an artificial agitation when vested interests are slightly disturbed. This group, which Mr. Langley now represents, has fallen from the position it once held. To-day, its mentality is different from what it was a few months back. To-day, it can fall a easy victim to any agitation in the hands of interested persons. I would only ask Mr. Langley and his advisers to go back and read the proceedings of the Legislative Council in 1908. In 1908, when the Estates Land Act was taken up for discussion, there were eminent Europeans like Mr. Forbes and Mr. Stokes. They were eminent Europeans of the first water. (Laughter.) They wanted that these zamindars should give their occupancy rights to the tenant on the day the Bill came into operation. Is it appropriation of the zamindars, who had both melvaram and kudivaram and who had the right of collection in respect of these two rights, when they had to give up a portion of their rights? They had the right of collection and yet the European Members of that day, the bureaucratic Government of that day, and the European Government of that day has chosen to take away the rights of the zamindars and vest permanent rights of occupancy on the tenants. To-day, it is strange to say that the ryots of the inamdars had been there for several years, that for years they have been at the mercy of the inamdars and yet, Sir, the European Group and their advisers feel that this is expropriation. Compare the right of the cultivating tenant of the inamdar to-day and his condition with the tenant under the Government or the zamindar. He is miserable like a slave, doing vetty work and yet European Members would perpetuate such slavery conditions and would guarantee that the system should be continued because some are accustomed to treat them in plantations no better. I say that this sort of mentality is brought into play now and therefore the tenants of the inamdars, they say, should be treated differently. The Government is going to give full rights of citizenship to these cultivators. On the one hand, we say, the British people are prepared to give self-government and on the other hand, some also say that 'we will perpetuate something akin to a slavery.' I am very sorry there should be change of front. I am sure it is not permanent. Possibly, it is a lapse of the moment. Possibly it may be due to extraordinary influence being brought to bear upon their views, possibly for a temporary period. It may be a wave, a temporary wave, which may pass away. I know most of them are intelligent and patriotic gentlemen. It will be a surprise to me to see them continue in this attitude. I have great respect for them and most of them I know personally. I am sure that they could not have come to this conclusion without some anxiety. All that I can say is, I give credit to their *bona fide* spirit. I think they have erred in their judgment and their judgment is not final."

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* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, Mr. Langley has treated the proceedings of this House very lightly and made statements as to how the Front-Benchers tried to do things in their own way, as if other Members especially, the European Group, were to have nothing to do with the things that were being done. My Friend, Mr. Langley of the European Group, knows that this Bill has been before this House for more than seven days. Even at the time of the introduction of this Bill, and after some amendments were moved, having regard to the very highly technical nature of the subject, dealing with landlord and the tenant, dealing with a Bill with very many difficulties, difficult to consider even according to the best of judges, it was thought necessary that instead of giving mere speeches it might possibly conduce to the convenience of this House, if Members who took some interest, met together and discussed. We made no secret of it and even in the meetings as some other hon. Members say, so far as the amendments were concerned, they were agreeable and acceptable to the House. We met from day to day for two or three days, and so this is not an unusual procedure. Similar procedure was followed in other cases also. When Mr. Birley introduced a Bill to amend the Local Boards Act so as to see that the taxation on motor vehicles is lessened, I am sure the Chief Minister met the European Group in their own room, came to an agreement, and as a result of the agreement between the Chief Minister and others, though I disagreed with it, it was passed without opposition because two parties agreed to the transactions. Even on many other occasions such things have happened, and my hon. Friend Dr. Subbarayan, will bear me out when I say that the amendment with regard to the profession tax was agreed to because of Mr. James and as the amendment was considered to be equitable and necessary in the interests of companies, it was introduced and passed because it was thought that the parties interested had agreed. I know Mr. Langley was one, who did not take interest in this Bill. Generally, he did not evince any interest and probably he thought he was not aware himself of the things that are going on. But how it happened that he had to change his mind and make this kind of charge, I do not want to say. I do not want to go so far as Sir Patro about his motives. Evidently, he thought that the reports made in the papers by certain interested people that the amendment was revolutionary was true and has taken it as the true word. He has not cared to ascertain what the fact was and if only he has got patience to find out the truth, I am sure I will be able to convince him that the amendments are not so revolutionary and not so expropriatory. I am interested just as the European is interested that no kind of expropriatory legislation should be introduced because as a minority particular people might suffer. So far as that is concerned, everyone can sympathize with him. There are many other minority interests in the House which are similarly situated. I have absolutely no interest in passing an expropriatory legislation. All that we did was to restore as much as possible the intention of Government as it was understood in 1908. If he had cared to know what exactly were intended by Government to be done at various stages,

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he will have no fault to find with. The other day when the amendment was moved with regard to the inamdars, elaborate arguments were made, lengthy quotations from Mr. V. Krishnaswami Ayyar and others were made. As Sir Patro pointed out, what the Government agreed to was only that which the Government always wanted to do and eminent lawyers like Mr. V. Krishnaswami Ayyar and Sir C. P. Ramaswami Ayyar were agreeable to the very amendment now carried. (A Voice: 'No.') He is interested in saying 'No' just as I am interested in saying 'Yes.' I have only to say, Sir, that a comparative statement of the various Bills has been put into the hands of hon. Members and I am sure Mr. Langley has got a copy of it. If he will care to look at it, he will find that in clause 4, sub-clause (b) of sub-section (2), the following was proposed to be substituted: 'Any inam village of which the grant was made or confirmed by the British Government; provided that where the entire kudivaram interests in any land in the village vests in the inamdar, such land shall cease to be part of the estate.' Now, the proviso has been merely a transposition of exception to section 8 from the Act as it now stands into the definition clause. So far as the definition itself is concerned, the Government's amendment was to take away the words 'inam granted to a person, not owning the kudivaram thereof.' The proviso is no more than the transposition of certain exceptions which existed in section 8. The wording in the Bill of 1922 was 'any inam made or confirmed by the British Government.' In the year 1928, there was a Government Committee, which also retained it as 'any inam village made or confirmed by the British Government.' The Bill introduced by the hon. the Revenue Member merely repeats it in the definition clause. I challenge my hon. Friend to tell me whether my amendment is anything more than what the Government tried to insert in the definition clause. As for the definition of inamdar, it is just to restore what the Government tried to do before. It is not at all right to say that the inamdar was taken by surprise, because the Bill of 1931 tried to do it. In the Select Committee, they tried to keep the definition as it is in the present Act. In the open Council I tried to restore it. If there fail to see where this question of taking by surprise comes in. If there was a surprise, it was when the Government Bill was introduced and published. Everyone knew what the Government was driving at. It may be that the inamdars were able to succeed in the Select Committee. As a Member of the House, I am entitled to plead for a definition which found place in a Bill which was published and which was in the hands of the people for the past two years. There is no truth in the statement that it was a revolutionary amendment, nor is there any justification for the inamdars to think that, because the Select Committee did not accept, I should not move in the matter. On the other hand, the Select Committee's voice cannot be final. That is an unreasonable statement to accept. The exception to section 8 has been omitted. That exception to section 8 was rather peculiar. In 1908, the Government in their discussions with the zamindars and other landholders had to protect them in respect of certain rights. In respect of the zamindars the protection made was as follows:—If they got the land by purchase, devolution or

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inheritance, they will have the right to enjoy it as they like for twelve years. If they reclaimed waste lands, they will be protected for 30 years. There was provision to treat certain lands as private lands. In the case of the inamdars also, certain lands will be treated as private lands. So far as the private land is concerned, the definition is still there. I therefore think, Sir, that there can be no legitimate objection so far as this Bill is concerned, that a particular privilege which had been given to the inamdar had been taken away. Since the amendment was there from 1931, it cannot be seriously complained. We have tried to fulfil the rights of the minorities. The whole objection has come evidently from a feeling that some vested right which had existed was taken away, while it had not been voiced forth by those who were affected. I know there can be no law which will not really affect some people or other. In those cases, the vested rights may be insignificant. More often in such insignificant cases, there has been more agitation carried on than when important rights were affected.

"Then, Sir, it will be really impossible to answer if Members, after sitting here from day to day for seven days continuously, should begin to accuse other Members that they are carrying on the business of the House in a manner which may not be creditable to the House, or of which they can take pride. It ought to have been the duty of such a Member to take the earliest opportunity to raise his voice of protest and to have asked the hon. the Revenue Member for an explanation in this matter. But to wait till the end, to have allowed us to go forward with the procedure that we were taking and then to turn round against us and say that we have adopted a wrong procedure, is, I submit, not what one would expect from an hon. Member of this House.

"Now, clauses 128 and 129 are new provisions introduced by the Select Committee. So far as clause 128 is concerned, it deals with rights which have already been decided and adjudicated upon by courts in decrees, and with rights which have been secured to persons who may be affected by the amendment. That section, it was agreed, was not to be interfered with, and it has also been passed. Then, section 129 deals with legal proceedings already instituted, and it was agreed that with regard to obligations and other things the old Act should be allowed to continue. This was the clause on which we tried to take some time to come to an agreement, and to consult various people to see if the inamdars and others would tell us in what manner it could be framed. We would have been very glad to have the help of anybody in respect of it. I do not say it has been done one way or the other. Everybody will be certainly entitled to put forward his views. We have tried to discuss it, and so far as clause 129 is concerned, we thought the purpose of that clause will be served by introducing an amendment to section 6 itself, that occupancy right should be conferred upon these people, with effect from the date of original occupation or some other date. The hon. the Revenue Member said that we would have to put in an amendment which would fix the date, it might

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be any date, to which probably in open Council we can agree. We have tried to remove any misapprehension in the matter and to give effect to it so far as section 6 is concerned from a date hereafter to be fixed. We therefore thought that in view of the fact that we are going to have a special explanation to section 6, clause 129 was not necessary. I am assured that clause 129 is a section by way of caution. Even without clause 129, a court can say whether certain changes effected ought to be retrospective, and which of them cannot be retrospective, and in each case the court can decide whether it should be retrospective or not. So clause 129 is absolutely unnecessary except by way of caution. The omission of clause 129, I am sure, Mr. Langley would not take it as a signal for revolt. While we omitted clause 129, we wanted that an amendment should be put in in section 6, which amendment has been accepted by the Advocate-General.

"I can only say this. We are in a Legislative Council here, and I am sure he is not going to attack any of us, to say that we are out to undo the rights of anybody. We have been trying as far as possible to be just to all. It may be that certain things are continued in the interests of the general wellbeing. It may be that certain small tenants are benefited, and that should not be a reason for anybody to say that we are taking away other's rights. I know my friend may as well say that he is in a minority. I may certainly assure him that we in this House look forward to the help of every minority here, whether the European Group or any other minority Group. If we on this side of the House stood up to move any amendment, it is not with an intention to confiscate the rights of any minority people, but as far as possible to bring the law into conformity with the interests of all concerned. But, unfortunately, if our intentions were misunderstood, as Mr. Langley was trying to do, it was not our fault."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I do not want to speak on any of the questions. But as my name has been mentioned more than once in the course of the speeches, I wish to say that my present duty is only to carry out any decision that has been reached by the Government in consultation with the different parties. I do not propose to express my views one way or the other on the amendments passed. I was only concerned with carrying out the decisions reached at the Committee by all the Members assembled. It does not mean that I am against any particular view or for any particular view. I merely explain my position here. On more than one occasion my hon. Friend, Mr. Muniswami Nayudu, was kind enough to refer to the Advocate-General. It does not mean I subscribe to his views or dissent from his views."

* Mr. W. O. WRIGHT:—"Mr. President, the intervention of my Group in this debate seems to have infused some heat in the speeches that have just been made. I think that too much has been read into the particular point which Mr. Langley wanted to make on our behalf. I would like in a very few words to remind the House what Mr. Langley

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explained on behalf of this Group was that we have not participated in the discussion of this Bill before for one reason, and one reason only, and that reason was that the hon. the Revenue Member gave us a definite assurance when he was moving the Report of the Select Committee. All Mr. Langley has asked is whether that particular assurance which the hon. the Revenue Member gave when moving the report of the Select Committee still held good and that none of the consultations between the Front Benches had in any way led to a departure from that assurance. As a Group we have no objection to these consultations. We value our time as much as anybody else in this House and, if it is possible by mutual agreement between the Front Benches to save the time of the House by presenting agreed amendments, no one will be more pleased than the Group on behalf of whom I am now speaking. We are not attacking these consultations but we do consider we have a right to ask whether the assurance to which I have referred still stands as on that assurance the whole of our attitude towards this Bill has been determined."

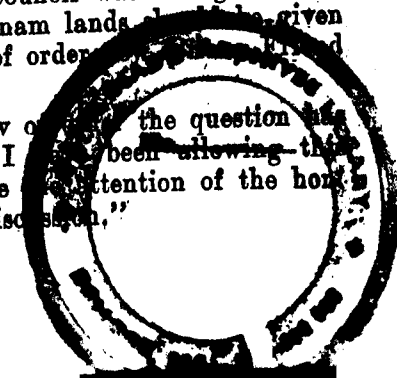
* Mr. K. R. VENKATARAMA AYYAR:—"Sir, we have reached a stage when it is necessary, though it is not yet the third reading, to take stock of the situation. Mr. Langley has done well before it is too late to speak on behalf of the European Group and make it clear that, though the Government of the day has generally been prone to depend upon the European Group for support of Government attitude, it is not to be regarded as an invariable axiom and that when the necessities dependent upon the merits of a particular controversy compel them to do so, they will not flinch from the strict performance of their absolute duty. It is but right that Mr. Langley stressed, and Mr. Wright in his turn has again stressed hard, the very significant fact that in introducing the Report of the Select Committee and asking that the Bill be taken into consideration, the hon. the Revenue Member made it absolutely and abundantly clear that no vested rights were sought to be interfered with and that nothing was going to be done against any section of landholders including the inamdars and that no new rights were going to be conferred either upon the existing ryots or upon any new class of people to be erected into the status of ryots. I do not think the hon. the Revenue Member now keeps saying that there has been no disturbance of rights. I think it is due to him that I should acknowledge frankly that he has not made a secret of it and that he has frankly confessed that the new provision in place of section 3 (2) (d), which includes whole inam villages has made a fundamental change in the law in so far as the vested interests in whole inam villages of inamdars who own kudivaram are concerned. It does rob them of their kudivaram right. It does create a new class of occupancy-holders who never had occupancy right by vesting the robbed right upon them. (Sriman M. G. Patnaik Mahasaya: 'Question.') My hon. Friend, Mr. Patnaik, sitting by the side of my hon. Friend, Mr. Muniswami Nayudu, may continue to question it. They both may question. But the matter is as clear as daylight. It is not as if I am asking the

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House to deal with a hypothetical case of an inamdar who may not own the kudivaram, and I am not adducing arguments on behalf of that class of inamdar. We are dealing with that category of inamdars who *ex concessi* do own the kudivaram also. In respect of that class of inamdars, it must go without saying, notwithstanding these questionings, that there is confiscation of their vested rights and that there is a statutory vesting of those rights on a new class of casual tillers who are for the first time erected into the position of permanent occupancy-holders. Can that confiscation be regarded by any man to be on a par with what was being done in regard to permanently settled estates, in regard to those landholders, when Act I of 1908 became law? My hon. Friend, Mr. Muniswami Nayudu and, more than he, my hon. Friend, Sir Patro, have been reiterating as if what is now being done in the year 1933 in regard to inamdars who own kudivaram is exactly on a par with and not at all different from what was being done in 1908 in regard to zamindars and landholders of permanently settled estates. One point was made clear in the discussions which progressed on this clause from 1903 to 1908 by the spokesmen of Government. I refer to Sir George Forbes, Mr. Gabriel Stokes and Mr. Atkinson. These three gentlemen made it absolutely clear on behalf of the Government that in regard to the class of inamdars who owned the kudivaram right also in addition to the melvaram, it was not the intention of the Government to deprive them of that kudivaram. They made it very clear that, so far as the holders of permanently settled estates were concerned, the common law of the country down from pre-British times as repeatedly expounded by eminent Judges in decisions of authority in our High Court, particularly Sir T. Muthuswami Ayyar and Sir Subrahmanya Ayyar, made it absolutely clear in regard to permanently-settled estates that the occupiers had the kudivaram right in them, a heritable and alienable kudivaram right—and that the zamindars or the permanently-settled estate holders were no more and no less than alienees or assignees of the Government Revenue. They had nothing to do with the occupancy rights in the lands. How can it then be said that what was done in 1908, which was merely declaratory of pre-existing occupancy rights of pre-existing kudivaramdars, is on a par with . . .

* Mr. K. P. RAMAN MENON:—"On a point of order, Sir. My hon. Friend, Mr. Venkatarama Ayyar, is discussing a point which has been decided by the House. The amendment concerned was moved by my hon. Friend, Mr. Muniswami Nayudu, and it was discussed at great length and carried. It may be that the Council was wrong when it decided that the tenants in occupation of inam lands should be given occupancy rights. But I believe it is out of order to raise that question."

* The hon. the PRESIDENT:—"Somehow or other the question has been once again raked up. That is why I have called the attention of the hon. Member to clause 129 which is now under discussion."



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* Mr. K. R. VENKATARAMA AYYAR:—"I am obliged to my hon. Friend for his interruption. Except for the fact that erroneous arguments were reiterated to-day in regard to section 129 and the attitude of the House in regard to it I should not have gone back to the subject. Really, if Mr. Raman Menon wanted to raise a point of order, it is a wonder to me why he did not raise it when his leader, Mr. Muniswami Nayudu, and Sir Patro, were trotting out their arguments."

* Mr. K. P. RAMAN MENON:—"Certainly not. You had to be pulled up."

* Mr. K. R. VENKATARAMA AYYAR:—"Your leader required to be pulled up."

* The hon. the PRESIDENT:—"The hon. Member may continue the debate."

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, I was saying that the statement made by Sir Patro and Mr. Muniswami Nayudu that what is done in the year 1933 in regard to inamdars is not at all different from what was done in regard to zamindars in 1908, is absolutely incorrect. As I said, the spokesmen of Government and the spokesmen of the ryots were all agreed in the year 1908 that the zamindars were not being deprived of occupancy rights which they possessed; on the other hand, then it was declared that those who did possess occupancy rights already had that right. But as regards the inamdars with whom we are concerned, whether under section 129 or under the definition clause which defines an estate, the fact is that these people admittedly do own kudivaram right. I am not speaking at all of inamdars who might not hold kudivaram interest. But, confining one's remarks to the class of inamdars who admittedly own the melvaram and kudivaram right, it is quite clear that they are not on a par with zamindars and that, while in the one instance, the legislation was merely declaratory, in the other instance, which is, the present instance, the legislation is entirely confiscatory and expropriatory. That being so, it is no good saying that this legislature which did away with zamindars' rights in 1908 ought not to flinch from doing away with inamdars' rights now. That is not a correct statement at all."

"Then, with reference to the idea that clause 129 after all is not a very material section and that this legislation is not to be regarded as having retrospective effect, the least that I can say is that to have meddled with the definition of 'estates' in regard to inams in the manner in which this legislature has on the present occasion done, and to leave the position as to retrospective effect or no retrospective effect somewhat uncertain, is hardly fair. I think, if it is the intention of the House to say that it should not have retrospective effect, that intention must suitably be made absolutely clear. Whether the proper way of doing it will be by sticking to clause 129 and passing it into law or by redrafting the sections themselves in such a way as to confine the operation of the new legislation in regard to inam villages

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as from a particular date specified, as has been pointed out, is a matter which is left safe in the hands of the legal advisers of the Government, particularly the Advocate-General. But, whether you fix the operation of this confiscation to date from the 1st of November 1933 or from the 1st of July 1934 or whatever other date you may mention, confiscation it is and it is poor consolation to those whose property is being confiscated to feel that the confiscation is not with retrospective effect, but is only with effect from the 1st November 1933 which is retrospective say, by six or seven days, or some future date which may be put in in the place of 1st November 1933. The question is what is going to be the fate of the people who will be robbed of the money value of the kudivaram right, whether you rob them with effect from 1st November or some other date. What is going to be the fate of the mortgagees and others who have lent money, inclusive of banks who have lent money, on the security of the kudivaram interest owned by these inamdars? All that raises a very great question, and merely because by the weight of numbers, after the Bill emanated from the Select Committee, and by agreement between certain groups of people on one side and certain groups of people on the other side, you have reached certain conclusions, can it be said that it is not a surprise? I think it is quite clear that it is a surprise, because, on the previous occasions when this topic came up for legislative consideration, the mode of drafting adopted made it clear that where the inamdar possessed the kudivaram right also, he is not to be deprived, by anything that was being enacted or proposed to be enacted, of that kudivaram right. That is the essence of the provisions of the previous Bills and that is the essence of the Bill as it emerged from the present Select Committee also. In this Select Committee there was my hon. Friend Mr. Muniswami Nayudu taking a leading part—he was at that time the Chief Minister. The Raja Sahib of Bobbili and the Kumararaja of Venkatagiri were also there. My friend Dr. Subbarayan was there, and with him, I was also there. Now, all of us agreed that the proposed change in the draft clause of the Bill of Sir Archibald Campbell was so radical and revolutionary that we should not, as if by pushing through an amending Bill intended merely to get rid of the defects experienced in the actual working of the Act, effect anything like such radical or revolutionary change, and that we should restore the previous law. And what all of us agreed to was this:

Clause 2 (section 3) sub-clause (2).—In the Bill as introduced, an important change was sought to be made in sub-clause (d) of clause (2) of section 3—definition of an inam estate—by the provision that every pre-settlement inam village shall be an estate. The onus of proof of occupancy rights in such an estate has now become fairly settled by decisions of the highest courts and the amendment proposed had the effect of affecting such onus of proof. We consider that it is undesirable to make so important an alteration of the law in this respect and have therefore decided to retain the existing sub-clause (d).

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"Now, even with regard to shifting of the onus of proof, we were so deliberate and cautious; and to this cautious and deliberate conclusion, the sponsors of the present revolutionary and confiscatory amendment were all willing and unquestioning parties. That is the most important thing to remember. Sir Archibald Campbell was there; Mr. Muniswami Nayudu gave his consent to it; the Raja Sahib of Bobbili also consented to it; and we on our side, Dr. Subbarayan and myself were also assenting parties. Then how can it be said that it is not a surprise to this House in which there are no representatives of inamdars at all and the position is, as stated by the hon. the Member for Revenue the other day, that 'notwithstanding the entire absence of the representatives of inamdars in this House, the hon. Member from the city of Madura made a powerful enough plea in their favour'."

* The hon. the PRESIDENT:—"I am afraid the hon. Member has dwelt too long on this point."

* Mr. K. R. VENKATARAMA AYYAR:—"My point therefore is that it is a surprise. It is no wonder therefore that the European group who went by the assurance of the hon. the Revenue Member that no change of vested rights and no alteration of vested rights was intended or going to be effected, did not care to intervene day after day and hour after hour in the course of the discussion. Because, whatever the course of the discussion be, the assurance on which they took their stand was there, that there was going to be no getting rid of vested rights. But vested rights have been got rid of and it is no wonder that, after it has become a fact,—a fact which has taken most people by surprise, Members have come upon the scene to say: 'We have taken you at your word. If we had for once doubted it, we would have taken a more active and vigilant part in the discussion and we would have made ourselves heard.' This is, I understand, what Mr. Langley said and his grievance is a perfectly legitimate grievance. My hon. friend, Sir Patro says that, at this stage if Mr. Langley is to be heard."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"A decision has been reached by the House with regard to the question of inams. I do not know why we are now going into the merits of this controversy in regard to inams."

* The hon. the PRESIDENT:—"I have already drawn the attention of the hon. Member that, at this rate, I cannot allow him to proceed further. The hon. Member may make what remarks he has with reference to clause 129."

* Mr. K. R. VENKATARAMA AYYAR:—"My point is, the European Group is perfectly within its right in sounding a note of warning as has been done by two respected Members of that Group. So long as they cast their lot with people of Sir Patro's type, the interests of this country are perfectly safe in the hands of the European Group; but once they sound a note of dissent Sir Patro is there ready to say that

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the country's fate is not safe in European hands. Now, the extent to which this country's interests are safe in European hands is a matter on which there may be divergence of opinion. I do not know what exactly is or ought to be the correct opinion on that point, but Sir Patro's word shall be the last word to be listened to with respect or attention on that topic. If it suits him, the interests of the country are safe in Europeans' hands; if it does not suit him, it is very unsafe to entrust the interests of the country in their hands. 3-30 p.m.

"I rather thought, Sir, that the reference to the position of coolies in plantations and estates and the comparison of their lot with the lot of the cultivators in inam villages and the conclusion that, those who were interested in continuing the slavery or the conditions of slavery, in plantations, were feeling interested similarly in perpetuating the conditions of slavery in inam villages also, were out of place here, and that kind of argument I deprecate. The occasion is not one in which I need particularly explain what especially is the position of coolies in plantations, but certainly, if the condition of coolies in plantations is one of slavery and serfdom, it does not at all come to be on a par with the condition of annual cultivators, under inamdars in inam villages. The condition of the annual cultivators in inam villages is exactly on a par with the condition of similar cultivators under ryotwari pattadars in the ryotwari holdings which abound in this country. That can, by no means, be called serfdom. It only shows that when it suits Sir Patro, he is prepared to cast away all decency to the winds and call names against his European friends, but when it suits him he hugs them. I think it was the other day that Sir Patro said that it was impertinence on the part of anybody on this side of the House, to say anything by way of criticism against the Justice Party. Impertinence is a word which is more pertinent and relevant on the present occasion if used against him."

Mr. K. P. RAMAN MENON:—"On a point of order, Sir, is it right for one hon. Member to call another hon. Member impertinent?"

* Mr. K. R. VENKATARAMA AYYAR:—"That was the word used the other day by Sir Patro. It then passed muster without protest."

"Turning to Mr. Muniswami Nayudu he no doubt expressed himself in regard to the European group's attitude in very restrained language. He expressed concern at Mr. Langley's attitude. I am glad of it and I am glad also that that attitude instead of being left unexpressed has been expressed most emphatically by two Members of this House. It was said with reference to compromise talks between the Raja Sahib of Bobbili and the hon. the Revenue Member and some others on that Bench, that those who had devoted thought and study to the subject, conferred together and took decisions. I do not say that such talks should not take place and decisions should not as a result of such talks be reached; but they were obviously on subjects of moment and capital importance which concerned large interests, not perhaps properly represented by those spokesmen who alone were taken into mutual confidence in those talks. It is not as if my hon. Friend, Dr. Subbarayan, and some

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others who are with him, did not devote thought and study to the subject which engaged those gentlemen who met together and took decisions. It does not appear that any invitation was extended even to Dr. Subbarayan to take part in these private personal talks, as a result of which decisions have been taken, which decisions have more or less been automatically put through during these two days. I thought the whole matter merited a completer mode of dealing than has been adopted."

* The hon. the PRESIDENT:—"The hon. Member had ample opportunity to intervene at that stage."

Mr. K. R. VENKATARAMA AYYAR:—"How are we to intervene when things are going on behind our backs? Are we to assume and imagine and intervene without knowing exactly how things were taking place? But the fact remains; it was not deemed important enough even to invite Dr. Subbarayan to these discussions. I am not talking at all about myself; I was part of the time away, no doubt. They probably dropped Dr. Subbarayan because he like me expressed a strong attitude on the first day, and warned zamindars against confiscating inamdars' rights probably he was dropped like a hot potato, in the view that he would not suit them in their discussions. It is not therefore, as if Mr. Langley or anybody else has changed his mind. With reference to the remark of Mr. Muniswami Nayudu that at one stage the late Mr. V. Krishnaswami Ayyar was prepared to agree to the identical change which has now been passed by this House, I am afraid that is an erroneous statement and must not be allowed to remain uncorrected. It was an erroneous statement as I made clear by reading to the House the speech of Mr. Krishnaswami Ayyar in extenso. There was some reference."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I was referring to Sir K. Srinivasa Ayyangar and Sir C. P. Ramaswami Ayyar."

Mr. K. R. VENKATARAMA AYYAR:—"The gentleman referred to was Mr. Krishnaswami Ayyar though there was a 'Sir' prefixed to him which was a surprise to me. It was extraordinary that Mr. Muniswami Nayudu in the course of his speech very naively referred to the present Select Committee as 'the Select Committee as constituted.' I wonder what he meant by that expression, which did not fail to catch my attention 'the Select Committee as constituted.' It was constituted when he was Chief Minister and the names were put in on the responsible suggestions made by him. More than all, he was there, and the Raja Sahib of Bobbili and the Kumara Raja of Venkatagiri were there. Therefore, I fail to understand the insinuation or suggestion lurking underneath the words, 'the present Select Committee as constituted.' One thing is clear, that the present Select Committee as constituted did not include anybody who in any sense was regarded as representative of the inamdars."

"Then it was said by Mr. Muniswami Nayudu that it was only a case of small adjustment of rights and not doing away with any rights. Perhaps I may be repeating my arguments if I canvass that statement. It is enough if I make it clear that that statement cannot be

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regarded as accurate or correct. It is not a case of small adjustment but it is a case of doing away with substantial rights. The only thing that we have to make sure of therefore is, is it or is it not the case now, as two European Members asked, the hon. the Revenue Member's assurance, which was more than once repeated on the floor of this House in connexion with this Bill, holding the field? If that assurance is to be regarded as holding the field, how is that assurance made good, assurance that has been vouchsafed to us, in regard to the kudivaram rights, in whole inam village? I think it is a point which would justify those who have taken up a definite attitude in the matter such as my Friend Dr. Subbarayan, myself, and the members of the European group, in sounding our protest against the third reading of the Bill being made smooth and easy, if the third reading is to be brought on very quickly, which by no means commends itself to us under all circumstances as the right thing to do. If it is to be brought on quickly, then it must be only on condition, that the safeguards or assurances are made good which will really enforce and give effect to the original assurance with which my hon. Friend, the Revenue Member, started the consideration of this Bill. Failing that, it will be clear case for His Excellency the Governor and His Excellency the Viceroy to discharge their responsibilities."

* Dr. P. SUBBARAYAN:—"Mr. President, I am glad that the hon. Member representing the planters has raised this issue and, as my Friend, Mr. Raman Menon, pointed out, I do not want to go into the merits of the clause which has been passed by this House, because the House has come to a decision and there it stands, except to say this. My Friend, Mr. Muniswami Nayudu, when he went into the details of the Bill as introduced by the hon. the Revenue Member, pointed out that even his Bill contained a clause having the effect of the clause he himself had moved as amendment in this House. But if I understand the law aright—by the way I am treated in this House, I do not say that anybody should give me any credit to my knowledge of law, I do not mean that, because each man is judged according to his merit and I think the conclusions the hon. Members may come to may or may not be correct and I do not quarrel about personalities—as I understand the Bill, the original Bill has no doubt made the inam villages estates. It had sought to provide an exemption in the case of such villages in which the landholder had the kudivaram right as private land. Therefore there is not the least doubt whatever that this right of private land which inheres in the inamdar has been taken away by the amendment that has been passed by this House; and I am sure the hon. Gentleman, the Revenue Member himself, will not deny that by such legislation we have really taken away the property rights. And to this extent the objection raised by the hon. Member representing the planters holds good. But whether it is the policy of the Government and whether the Government chose to do it with their eyes open, is a point for the Government to decide and not for us. The only point I want to make is that, if you are taking away such rights, say so; do not hide behind the fact that by a change of definition you have

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effected this change; let everybody clearly know that the Government, as a part of their policy, do want to take away this right that inheres in the inamdar at the present moment. We have heard a great deal about safeguards. That particular term has been worked to death in connexion with the White Paper both by those who defend the White Paper and by those who are against it. If the safeguards that we enact in this Legislative House are going to be of this kind, well, I wish to God there were no safeguards at all. For, if people know exactly where they stand, they can accommodate themselves to the extent they can to the conditions that would prevail. As I said in the beginning, Sir, the original Bill, as introduced by Mr. Forbes, contained clauses placing the inamdar in the same position as the landholder in a permanently settled estate. But they gave the inamdar a different position by a latter clause. I do not think the intention of the Government of the day was to take away property rights. We want to know what the intention of the present Government is. The hon. Gentleman, the Revenue Member, will explain that.

3-45
P.M.

"But with regard to clause 129 to which alone, Mr. President, we ought to confine ourselves, even though arguments have been adduced going far beyond clause 129, I would like to point out that in modern Parliamentary legislation at the present day, clauses 128 and 129 as drafted in the Report of the Select Committee do find a place because they think that in order to make clear the rights of parties that such safeguards ought to be provided in any legislation passed by a Parliament worth its name. But if the hon. Gentleman, the Revenue Member, thinks that perhaps in the transitional stage in which we are situated we are not a Sovereign Parliament and we need not copy this extraordinarily delicate procedure of the Mother of Parliaments he has got every right to say so. But what would be the exact thing he provides in order to safeguard the interests of people who have gone to Courts or have had decrees passed in their favour. But evidently there is no quarrel with regard to clause 128. I am really surprised that hon. Members are not willing to provide some safeguard in regard to a matter which they know goes far beyond the original scheme of the Bill, and it is for the House to decide whether they should vote in favour of the amendment or otherwise. I am glad my hon. Friend, Mr. Muniswami Nayudu, has stated that it has been left in the hands of the Advocate-General and when it comes back as drafted by him, the House will decide on its merits."

Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"What Mr. Muniswami Nayudu said was with regard to drafting and not with regard to date."

* Dr. SUBBARAYAN:—"I know it was only with regard to drafting and I did not say anything with regard to date."

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"Sir, I hope the Government will at least make it plain whether they intend to take away the rights of the inamdar and that is what we are concerned. I wish to know whether the Government are going to adhere to the speech made by the hon. the Revenue Member when he said that the Bill introduced by him was going to affect only the procedure and not property rights that might be vested in any one."

* Mr. BASHEER AHMED SAYEED:—"Sir, if I rise to speak on this occasion, I do so with a view to bring to the notice of the House one particular aspect of our proceedings in this Council. The other day, when the motion with regard to the expropriation of inamdars' rights was passed, there were several hon. Members who wished to have a chance of speaking on the motion and participate in the debate. But some of our friends on the Ministerial Benches moved a closure and those who wished to speak were shut out and the result was that several of the hon. Members were compelled to vote without due deliberation and without due thought as to what exactly they were voting for. A good illustration is furnished by the hon. Member representing the planters. If only time had been given for further elucidating the planters. If only time had been given for further elucidation on the broad issues involved in the amendment which was proposed on the broad issues involved in the amendment which was proposed, it would have acted otherwise. I wish to draw the attention of hon. Members here that there is no useful purpose served by hurried legislation and there is not much benefit derived by rushing on with amendments after amendments. If sufficient time had been given on the last occasion, probably the result would have been otherwise and the time that we are now spending need not have been required at all."

"Apart from that, I say that this amendment to omit clause 129 or alter it so as to suit the convenience of the zamindars is violently against all principles of equity and justice. You have already passed amendments with regard to inamdars including all villages, and the policy of the Government now appears to be that the major inam villages are alone to be affected. But who knows what may happen in these days. I feel it will not stand there. To-day we have started with major inams, viz., villages as such. Nothing will prevent the zamindar or the protagonists of the tenants' rights in coming forward and saying that even minor inams must be included and then it will only be a question of time."

* The hon. the PRESIDENT:—"The hon. Member must remember that we had enough of discussion of inams and that we are going on with clause 129."

* Mr. BASHEER AHMED SAYEED:—"I am only coming to that, with these introductory remarks."

* The hon. the PRESIDENT:—"Please come soon."

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* Mr. BASHEER AHMED SAYEED:—"What I am saying is that if this amendment was not going to be accepted as it is recommended by the Select Committee and the present amending motion is accepted, nobody knew where it would lead to. The major inams have already been covered by the definition. Then the minor inams will be laid hands upon. That will be a dangerous thing. If this amendment to omit is carried out, even the little benefits that the inamdars were imagining would be available to them will be gone once for all. That is a still greater hardship. A worse situation for the inamdars whether by purchase or grant cannot be imagined. The Muslim community in this country had the privilege and pride of giving thousands of inams to the Hindus and Muslims and most of the inams consisted of both kudivaram as well as melvaram."

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, is the hon. Member in order in referring to a matter which has already been thoroughly discussed."

* The hon. the PRESIDENT:—"I have already drawn the attention of the hon. Member to clause 129. I do not know if he is once again going to cover the whole ground."

Mr. BASHEER AHMED SAYEED:—"I am not covering the same ground. The hon. the Revenue Member is mistaken."

"I am appealing to the Members of the House in general and to the Muslim Members in particular, as Muslims living in this country, as Muslims having ruled this country and as having granted thousands of inams to Muslims and Hindus and having also received such inams from Muslim Rulers and Hindu Rajas, that it is their paramount duty to protect the inams which they gave and protect also the inams which their constituents received. It is the supreme duty of all Muslims as a body that they should not be a party for the omission of this clause. I submit that the Muslim Members of this House, wherever they may be sitting now, will have to answer to the charge of their constituents. There are hundreds of people going to be affected by this amendment. If clause 129 is going to be omitted, the little benefit and advantage that was left and which they imagined they would get, would be taken away, and the Muslim minority community and other minority communities, particularly the Brahman community, will be seriously affected. At least in the interests of these minority communities, I say that this amendment to omit should be voted down. Again I submit that at this juncture there is no justification whatsoever for the denial of this little benefit and little advantage that is sought to be given to inamdars and their successors in title by the new clause 129. I could easily imagine the effect of such amendments as have already been passed and the effect of the amendment that is now proposed to be made in a province other than our own. I could perhaps imagine what the probable effect of such amendments would be in a province like the United Provinces of Agra and Oudh where the relationship between a landlord and a tenant is so strained and

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where there are various political parties and revolutionary parties which are out for expropriation and where vested interests are sought to be set at naught. In this province there is no such great conflict of interests. If such be the case, and if the Government are going to be a party to the omission of this amendment and say that we have already agreed to the motion for including the inamdars under the scope of the Act and therefore we are going to be a party for the omission of this clause, viz., 129, as well, I submit that will be setting a very bad example. Sir, this example will be followed in provinces like the United Provinces and Bengal where zamindari and permanently settled estates exist. When they see what is happening in Madras, a quiet province, and come to know that the Madras Government itself has expropriated the right of the inamdar, then the Republican Army or other Kisan Party which is now fighting for establishing the rights of the ryots where non-existent will follow it up and you can easily imagine what will happen. The zamindars and the talukdars in Bengal will have indeed a very bad time and so with the Government. I ask whether this Government are going to set an example of this sort and are they going to give the first lead to the revolutionary and communist parties in the other provinces in the direction of expropriation of rights? Or are they going to give the proper lead in the matter of giving protection to the rights of the inamdars which they are bound to protect and so should be protected?

"Sir, circumstances do not justify and conditions do not warrant the omission of this clause. At any rate having already done one thing, it is not necessary that you should go to the extreme step of preventing the inamdars from enjoying the little right or the little privileges which might still be available to them, if the clause is retained."

"One other point to which I would invite the attention of this House is this: with the omission of clause 129 further amendments will have to be carried out in this House. That will make matters still worse. I do not know whether there are proposals for moving more amendments of this nature."

The hon. Sir ARCHIBALD CAMPBELL:—"I mentioned that I was not going to move any more amendments."

Mr. BASHEER AHMED SAYEED:—"I was not present when all those amendments were carried. At any rate what the hon. the Revenue Member said, viz., that he was not going to move more amendments will not be a remedy. I only wish to warn the representatives who come from various districts where they have got permanently settled estates and a large number of inams that they will have to answer their constituencies when they go back after this legislation. I had batches of people coming before me and charging that we are responsible for this state of affairs. I say 'No.' On the other hand the Government is setting up a bad precedent, and it has got a party behind it, that is the Ministerialists now in power, that is doing this havoc. The Ministerialists are also parties to this iniquity. So let the Government

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take note of this warning. Even if they want to bring such a measure into force, let there be some time given to inamdars before they do so, so that people who are at least clever enough might escape from the purview of this legislation. I say strongly that it is neither in the interests of the inamdars nor in the interests of the ryots that they should pass such a legislation, particularly when the Government avow that they want to safeguard the vested rights. I submit that the inamdars are not fairly or properly represented in this House. Whenever any Bills are brought up, as in the case of Marumakkattayam Bill, for instance, the Government used to nominate special Members. In this case the Government have egregiously failed in not nominating any special members as representatives of the inamdars and the inamdars are only taken by surprise. Now we shall be doing greater injustice by omitting this clause and by going further to amend the other sections beyond any redemption. I therefore say that it would be highly unjust to those who are not represented here if this amendment were to be passed."

Mr. R. MADANAGOPAL NAYUDU:—"I move—
'that the question be now put'."

Rao Bahadur Sir A. P. PATRO:—"I want to say a few words by way of personal explanation. Sir, Mr. K. R. Venkatarama Ayyar . . ."

B. POCKER SAHIB Bahadur:—"I rise to a point of order. That personal explanation should have been given at the time when Mr. K. R. Venkatarama Ayyar spoke."

* The hon. the PRESIDENT:—"I think that point of order is quite out of order."

* Rao Bahadur Sir A. P. PATRO:—"My hon. Friend Mr. Venkatarama Ayyar said that I was wrong in not voting for the rights of the inamdars and that I was wrong according to him. Sir, if I erred, I erred in very good company with European Members of this House who also voted with the Government."

"Sir, one more personal explanation and that is with regard to what I said concerning the treatment of labourers by the planters. When I said that these labourers are treated as if they are slaves I did not mean any reflection against the planters. At the height of rhetoric I said that they are treated as if they are slaves. I submit it should not be taken literally."

4 p.m. * The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I shall not attempt to join other hon. Members in the race to catch the red herring which my hon. Friend, Mr. Langley, has drawn across the trail in connexion with this amendment. I would rather deal with the real points which he wanted to bring forward. He referred firstly to my remarks when I introduced the Bill originally and later on when I presented the report of the Select Committee to the effect that this Bill was not intended to make any material differences in

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the rights of the various parties but to deal rather with matters of procedure. I have not got my speeches before me, but I believe that that was the import of what I said. That I still maintain is correct, but I have never said that all the amendments which will be proposed in this House would satisfy the same conditions. It was impossible for me to give an undertaking that no amendment to my Bill would be introduced which would have more far-reaching effects than my own Bill. (Mr. Basheer Ahmed Sayeed: 'You must have opposed them.') I made no secret of the fact as my hon. Friend, Mr. Venkatarama Ayyar, mentioned that these amendments relating to inams which my hon. Friend, Mr. Langley, referred to particularly, did make some material difference in the rights of the inamdars and their tenants in certain cases. But, Sir, those amendments which had that effect were on the list of printed amendments before this House some days before they came under consideration. I believe they were before the House even in January last. They were not amendments introduced as a result of the consultations that have taken place in the last two or three days between myself and the Leaders on the Opposite sides of the House. I will only emphasize the point which Sir Patro has already made that the Members of the European Group who were in this House when these amendments were under discussion must have heard all the arguments for or against those amendments and must have realized that several people considered that they were far-reaching in their effects on the rights of inamdars and yet they (the Europeans) supported those amendments."

"As regards our procedure in having consultations on certain sections of the Bill either during their consideration in this House or after they were adjourned, I may say that this arrangement has been made with the full knowledge of the House and with your consent, Mr. President, and no one has hitherto raised any objection to it. These discussions have taken place only with reference to amendments which have already been discussed in this House and on which there appeared to be a general measure of agreement as regards the principle but on which there was some disagreement or difference of opinion as regards the exact wording of the amendment intended to be put in the Bill. We therefore wanted to have time to meet and consider what will be the best form in which these amendments should be carried. As far as I can remember, there was no essential point of principle that was decided and rushed through in the way my hon. Friend, Mr. Langley, suggests."

"Yesterday we had one of these meetings. We met soon after the Council rose at half past four. The Members invited to be present were the Chief Minister, Mr. Muniswami Nayudu who is principally interested in these amendments, Mr. Sami Venkatachalam Chetti and the Advocate-General. It was generally known that we were going to have this meeting and as a matter of fact there were ten or eleven of us round the table. If my hon. Friends, Mr. Langley and Dr. P. Subbarayan, had come and joined us, we should have been most pleased."

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* Dr. P. SUBBARAYAN:—"I want to know whether the hon. Member is not aware of the House of Commons procedure when he says that it is for the Leader of the Opposition to go unasked to any meeting that may be held."

* The hon. Sir ARCHIBALD CAMPBELL:—"I apologize to my hon. Friend, the Leader of the Opposition, if he thinks that I have in any way slighted him. It was certainly not intended. But I was under the impression that he had left the management of the Bill at the hands of my hon. Friends, Mr. Muniswami Nayudu and Mr. Sami Venkatachalam Chetti."

* Dr. P. SUBBARAYAN:—"On a point of personal explanation, Mr. President, I regret to say that I never left the management of this Bill to anybody else. I have my own responsibility."

* The hon. Sir ARCHIBALD CAMPBELL:—"I mean I had that impression."

"Anyhow we should have been glad if these two hon. Gentlemen had sat with us from 4 o'clock till half past eight last night. We undertook these labours—I appreciate the work of the hon. Members who sat with us very much—in the hope that we might thereby save a considerable amount of time in this House. The procedure has been that amendments agreed upon at such meetings are as soon as possible, put into proper form and notice is given of them to the Legislative Council Office so that copies of the amendments can be in the hands of hon. Members before the amendments come up for actual discussion in the House. I am sorry that the hon. Member, Mr. Langley, feels that he has not had a fair chance of discussing this Bill, but I understand that the procedure has really saved a considerable amount of time of the rest of the House."

"As regards the particular point which he makes regarding clause 129, it was the question whether the deletion of the section will have any material effect on anyone's rights. In my Bill, as I originally introduced it, there was no clause of this kind. The Select Committee put in clauses 128 and 129. Clause 128 has been accepted by this House and that is perhaps the more important section of the two as it is the one which preserves all rights which have been confirmed by the decrees of courts. The other relates purely to procedure and as it is a matter of law, I will with your permission ask the Advocate-General to address the House on that subject."

* Diwan Bahadur Sir ALLADI KRISHNASWAMI AYYAR:—"Mr. President, I will not go into the merits of the controversy so far as this particular section is concerned. While it is true that in all modern enactments a section of that kind is inserted in order to safeguard the vested rights, the Committee held that there was no need for such a section and that the courts might be left to decide each case on its merits. There are settled principles of law in regard to statutory construction. If for example, the section in a statute wants a matter of procedure, the provision is treated as having retrospective effect. If on

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the other hand, it deals with vested rights, unless the particular section says so or by necessary intentment makes it retrospective, the courts will say, 'It is not retrospective.' If on the other hand, a particular section is declaratory in effect and not merely in form, the court may come to the conclusion that it is retrospective. In these circumstances the Committee by an overwhelming majority decided that there was no necessity to have a clause of that description. I do not think any serious change in rights is likely to ensue by the omission of this clause. That is what I have to say. So far as the other things are concerned . . . (Mr. Basheer Ahmed Sayeed: 'Which committee is he referring to?') I mean the informal conference, the conference in which all sections of the House were informally represented. (An hon. Member: 'Not all sections.') All parties in this House except, I believe, the European section, were represented.

"Then with regard to this particular question of inams, there was a feeling in the conference that you might make it expressly clear as to from what date the statute is to apply. As that point has not been decided by the House, I think an appropriate clause might be inserted in section 6 to the effect that ryots in possession of inams which have been newly brought under effect from a particular date (which is for the House to decide) shall be entitled to occupancy rights. Whether the statute is to apply from the date it is passed or from an earlier date, it is for the House to decide. This is what happened at the informal conference."

* The hon. the PRESIDENT:—"I will put the main motion to the vote of the House."

The question that clause 129 of the Bill be deleted was put and carried.

Clause 127.

Part B of the Schedule.

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to move with reference to clause 127 which relates to Part B of the Schedule the following amendments:—

- (1) Omit items 38 and 39 and renumber item 40 as item 38.
- (2) In item 38 as so renumbered, in column (2), for the figures "139 (5)," substitute the figures "141."
- (3) Omit item 41 and renumber items 42 to 50 as 39 to 47.
- (4) In item 39 as so renumbered, in column (3), for the figures "41," substitute the figures "38."

The first of these amendments is consequential upon the omission of section 139 (3) and (4) of the Select Committee's Bill and the replacing thereof by a new scheme which has been passed by this House. The second is consequential on the omission of sub-section (5) of section 139 of the Select Committee's Bill. The third is consequential on the

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omission of section 140 of the Select Committee's Bill. The fourth makes a consequential change which is necessitated by the previous amendments."

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

The amendment was put and carried.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I beg to move—

that in the item in the schedule relating to section 214, sub-section (1), in column (4), for the words "any District Collector or Collector" the words "the Board of Revenue or any District Collector, Collector or Officer" be substituted.

"This is to make the language of this item of the Schedule conform to the wording in the Act."

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

The amendment was put and carried.

The Schedule, as amended, was put and carried.

The Preamble of the Bill was put and carried.

4-15 P.M. The hon. the PRESIDENT:—"The third reading of the Bill will be taken up on Monday."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"May I ask, Sir, that copies of the Bill, as passed by the House, may be circulated to the Members so as to reach them by Saturday, so that they will be in a better position to follow the proceedings?"

The hon. Sir ARCHIBALD CAMPBELL:—"I shall endeavour to do so."

IV.—THE MADRAS FOREST ACT (AMENDMENT) BILL (BILL NO. 15 OF 1933).

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, I introduce the Madras Forest Act (Amendment) Bill (Bill No. 15 of 1933*) and move that the Bill be taken into consideration at once. In one or two words I may explain what the Bill is. Contracts relating to timber and to minor forest produce are given by the department to persons who go in for these contracts. Before written contracts are executed, the right to fell timber or gather minor forest produce is sold in auction or by private arrangement. Sometimes after such purchases are effected, these purchasers do not execute formal written contracts. In such cases it becomes necessary for the department either to do the works departmentally or to resell the rights in auction. After the sale in auction or otherwise the purchasers often execute formal contracts. After these

* Published in the Fort St. George Gazette on 17th October 1933.

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formal contracts are entered into, they are sometimes broken by these contractors. In such circumstances also, it becomes necessary for the department either to do the works departmentally or to re-sell the rights to other persons. In such cases sometimes loss is incurred by the department. I shall give an illustration. Suppose a particular sale takes place for Rs. 100 or Rs. 200. When it is resold, it is sold for a smaller amount. Thus the department incurs loss. The whole scheme of the Forest Act—particularly section 66 of the Act—is to the effect that any money due to the department under contracts or in any other way can be recovered by the department as an arrear of land revenue. Some years ago a Division Bench of the High Court cast some doubt on this procedure. That was a case relating to resale of a contract after the first sale was cancelled by the department. The Division Bench held that, after the contract was cancelled and when the rights were resold in auction, the department could not proceed against the defaulting contractor under the Revenue Recovery Act. The validity of that decision was doubted by another decision of the High Court. In any case there is a conflict of decisions and in these circumstances, it has become necessary to amend section 66. To have recourse to civil courts is a dilatory process and takes a long time. And by the time the decree is obtained and the decree-holder—the Government—tries to obtain the fruits of the decree, sometimes the contractor becomes insolvent or sells his property to a third person or alienates his property in other ways. Therefore to clear the doubt cast by the High Court decisions, I introduce this Bill and move that it be taken into consideration. The clause as amended will read thus:—

"All money other than fines payable to the Government under this Act or any rule made thereunder or on account of timber or forest produce or all expenses incurred in the execution under this Act in respect of timber or forest produce or under any contract relating to timber or forest produce, including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of a District Forest Officer and all compensation awarded to Government under this Act may, if not paid when due, be recovered, under the law for the time being in force as if it were an arrear of land revenue."

With these words I introduce the Bill and move that it be taken into consideration at once."

The hon. Sir MAHOMED USMAN:—"I second it."

The motion was put and carried.

Clauses 1 and 2 were put and carried.

The Preamble of the Bill was put and carried.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, I move that the Bill be passed into law."

The hon. Sir MAHOMED USMAN:—"I second it."

The motion was put and carried and the Bill was passed into law.

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V.—THE PERIYAR IRRIGATION TANK (PRESERVATION) BILL.
(BILL No. 16 OF 1933).

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to introduce the Periyar Irrigation Tanks (Preservation) Bill (Bill No. 16 of 1933*) and move that it be referred to a Select Committee. There are a certain number of proprietary tanks which are used as part of the Periyar Irrigation system, we have difficulty in having these tanks kept in proper order. That affects not only the original ryots under the tanks but also a great many other people. It is therefore very desirable that the Government should have power to see that these tanks are kept in proper order. In this Bill we have made provision to allow the landholder and other persons interested full opportunity to establish that the repairs are not needed or that less costly measures will suffice. The Government recognize that the full cost of the repairs should not be borne by the proprietors themselves but that the Government should bear their due share of the cost. The apportionment of the liability between the Government and the landholder is based on the principle that the Government alone are interested in the irrigation of the dry lands while the Government and the landholder are equally interested in the irrigation of wet lands. In certain cases we provide that the landholder can proceed to a civil court and file a suit if he is not satisfied with the arrangement arrived at under the Bill. I beg to introduce the Bill and move that it be referred to a Select Committee consisting of the undermentioned Members:—

- (1) Diwan Bahadur Sir Alladi Krishnaswami Ayyar (Advocate-General).
- (2) Mr. J. A. Thorne.
- (3) Diwan Bahadur N. Gopalaswami Ayyangar.
- (4) Mr. J. F. Hall.
- (5) Rao Bahadur P. C. Muthu Chettiyar.
- (6) Mr. T. C. Srinivasa Ayyangar.
- (7) Rao Sahib A. S. Alagannan Chettiyar.
- (8) Mr. K. R. Venkatarama Ayyar.
- (9) Mr. W. P. A. Soundara Pandiyan.
- (10) Zamindar of Bodinayakkanur.
- (11) Kumara Raja of Venkatagiri.
- (12) Mr. R. Foulkes.
- (13) Mr. G. R. Premayya.
- (14) Mr. P. V. Krishnayya Choudari.
- (15) Mr. K. P. V. S. Muhammad Meera Ravuttar.
- (16) Hon. Sir Archibald Campbell (Mover)."

The hon. Sir MAHOMED USMAN:—"I second it."

* Published in the Fort St. George Gazette on the 17th October 1933.

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Mr. H. M. JAGANNATHAM:—"Sir, I move that Standing Order No. 39 (2) be suspended and the following additional names be included with the names given by the hon. the Revenue Member:—

- (1) Mr. R. Madanagopal Nayudu.
- (2) Mr. P. V. Rajagopal Pillai.
- (3) Mr. G. Ramamurti.
- (4) Mr. H. M. Jagannatham (Mover)."

Rao Sahib P. SUBRAHMANYAM CHETTI:—"I second it."

Dr. P. SUBBARAYAN:—"Sir, all the Members representing the Madura district are on the Select Committee. I do not see why the Standing Order should be suspended and why additional names should be included."

* The hon. the PRESIDENT:—"The question is that Standing Order No. 39 (2) be suspended."

The motion was put and lost.

The question that the Bill (Bill No. 16 of 1933) be referred to a Select Committee consisting of the names already referred to was put and carried.

* The hon. the PRESIDENT:—"I appoint Mr. K. R. Venkatarama Ayyar, who is in the Panel, as the Chairman of the Committee." 4-30 p.m.

VI.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1933-34.

(1) GRANT I—LAND REVENUE—RESERVED.

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I beg to move on the recommendation of His Excellency the Governor—

'that the Government be granted a further sum not exceeding Rs. 100 under Grant I—Land Revenue—Reserved.'

This, Sir, is a token demand for additional appropriation under the head '5 (a) Land Revenue—Charges of Administration—Reserved—A. Taluk Establishments—Pay of Establishments'. Although we can find the money for these purposes by reappropriation, I have to bring this token motion because this particular item of the Budget was cut at the time the budget was passed by the Legislative Council; and consequently we cannot reappropriate to this head. The provision made under this head is for permanent establishment of deputy surveyors and draughtsmen attached to Inspecting Tahsildars, etc., and for temporary establishment of deputy surveyors, draughtsmen and chainmen employed in certain districts for subdivision work connected with the acquisition of land, assignment of land, survey of waste blocks, survey of local funds roads, etc.

"We keep our permanent staff of the Survey department as small as possible, and employ temporary staff only according to the need of the

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moment. This naturally varies from time to time; and there are, as will be seen from the explanatory memorandum already circulated, fifteen different items on which these temporary surveyors and others have to be employed. I think I need not weary the House by reading out those items, as they are all mentioned in the note circulated to the Members of this House."

* Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I have given a cut motion for this demand, which runs as follows:—

"To reduce the allotment of Rs. 100 under Grant I—Land Revenue—Reserved, by Rs. 1."

"The object is, Sir, to discuss the question of the retrenchment policy of the Government, because when the Government have not got sufficient money for granting remission of land revenue to the people, they seem to have sufficient funds—though it is an amount of Rs. 100—for these proposals. The ryots are suffering very much, Sir, on account of the present financial crisis; but the Government are not at all considering the question of remission, though they have considered it for certain districts; but the . . ."

* The hon. the PRESIDENT:—"I am afraid the hon. Member cannot speak about the remission question now; he can speak about the retrenchment question."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I bow to your ruling, Sir; but I want to bring to the notice of the hon. the Revenue Member the fact that Rs. 100 was cut under this head at the time of the Budget. I want to stress the point that when the Government have not got money for remission purposes, they are in a position to entertain additional establishment. Can they not carry out these works with the present permanent establishment, I ask, instead of appointing temporary establishment? I request the hon. the Revenue Member to consider this point. As we have been given a non-official day, some resolutions that we have given notice of on the remission question are likely to come up; and so I do not want to take up that point now. I appeal to the hon. Member to adopt the same attitude in regard to that question when it comes up before the question on the non-official day."

Mr. K. P. RAMAN MENON:—"Sir, I second the motion moved by my hon. Friend, Mr. Krishnayya Choudari. My reason is this: It is only a person who has got sufficient funds that always goes in for extra things. That is an ordinary truism which cannot be denied by anybody either here or elsewhere. The Government say that they are not in a position to make any remission of land revenue; they say that they have just enough funds to make both ends meet. When even the existing establishment has to be cut out in certain cases, it is quite clear that the Government have not got sufficient funds to spare for any new purpose. When

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an employer has not got sufficient extra funds, it is not proper, I think, for him to entertain new hands. For this reason, Sir, I second the amendment moved by my friend."

Mr. BASHIR AHMED SAYED:—"May I know, Sir, from the hon. the Revenue Member whether the establishment that he is going to employ is already employed in the Government departments or is it entirely to be a new staff, to be employed for the period stated against each item? If these persons are already employed under Government, I should like to know why these were not included in the Budget when the Budget was passed by this House. Since they were not so included, I want to know why and how such a necessity has arisen now as to necessitate this supplementary demand. If it is a question of retaining persons who are already employed, just with a view to enable them to finish the work, I can easily understand this demand. But if it is for appointing fresh men altogether who are not in service, I want to know how these items of work are urgent and why we should go in for such a huge sum."

"Another point I wish to ask the hon. the Revenue Member is: Is it fair, when the Council has already reduced the total amount by Rs. 100, to come up now by way of a supplementary demand, saying 'We want Rs. 3,200 for this purpose? I should like to know, Sir, how he justifies this big amount.'"

The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, we have this year borne in mind the need for economy in all ways possible; we have in fact reduced the permanent staff to an absolute minimum, and we employ temporary staff from time to time so as to enable us to reduce or increase the actual staff according to our needs. We made a forecast, as near as possible of the probable requirements of permanent staff and temporary staff for this year; but we have unfortunately underestimated the staff required. If this demand is not met, we shall have of course to stop all these works, these fifteen items of work which are now going on in various parts of the Presidency. These are all small items; I cannot say for certain whether the men are at present engaged on all of them. I think in some cases they are, because in some cases the staff is required for six months or five and a half months. I am afraid if this demand is not passed, we shall not only have to stop further work but also to reduce the staff already employed."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I do not press the motion, Sir."

The cut motion was, by leave, withdrawn.

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

"that the Government be granted a further sum not exceeding Rs. 100 under Grant I—Land Revenue—Reserved."

The motion was carried and the grant was made.

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(2) GRANT XXVII—MISCELLANEOUS DEPARTMENTS—RESERVED.

* The hon. Sir MAHOMED USMAN:—"Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move—

'that Government be granted a further sum not exceeding Rs. 15,000 under Grant XXVII—Miscellaneous Departments—Reserved.'

"I make this motion, Sir, as a result of the resolution that has been passed in this Council 'to take early steps to investigate the possibility of establishing a broadcasting service for this Presidency.' After examination, we thought that before a scheme was embarked upon by the Government, we should make certain investigations and for that purpose we require the services of an expert from England. I have stated in the note explaining this demand that this grant is 'For the expenditure expected to be incurred during the current year as detailed at the beginning of this note.' The amount that may be required during the next year will be provided in the budget estimate for that year."

Mr. W. O. WRIGHT:—"Sir, I should like to congratulate the Government of Madras and the Home Member on their decision to take definite action in regard to the question of establishing a South Indian Broadcasting Service."

"I think that everybody in this House will agree with me when I say that one of the greatest authorities on publicity in recent times was the late Lord Burnham. I would like to remind the House of what Lord Burnham said on the question of broadcasting in one of the paragraphs of the report of the Simon Commission:

'Provided a system of loudspeakers in village meeting places can be set up, broadcasting may in time become the most useful instrument that the State can command for explaining itself to the common people.'

"There are difficulties in India which do not exist in other countries, both linguistic and atmospheric. The broadcasting service of the Madras Corporation had been a remarkable pioneer in this province in this method of both entertainment and instruction. I think, Sir, credit is due to the Corporation of Madras for its progressive spirit in this matter. The experience it has gained will be valuable to the Government in this much larger scheme which is under contemplation now. But in addition to that, the most up-to-date scientific knowledge is necessary before the province embarks upon any scheme for South India generally, and before more money is spent on developing the scheme."

"In this connexion, I would like to refer to the part which the European Association has played in pressing this matter on the attention of the Government. The European Association appointed a special Subcommittee to obtain information from other countries, and they were able, with the co-operation of several Indian colleagues, to obtain a very large amount of information about broadcasting, as it is being conducted in other parts of the world. It was able to place before the Government of Madras last year a report which was published throughout India, and which I believe, received a very considerable amount of attention from all parts of the country. Therefore I think on behalf of the European

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group in this House, I have a right to claim that we have at least been instrumental to some extent in persuading the Government to take the first step which they are taking to-day.

"I hope, Sir, that the Government will look at this question from the broadest point of view. The one thing that is required for South India is a broadcasting service established under statutory authority, able to broadcast in Tamil, Telugu and Malayalam, and later perhaps in Kanarese, Tulu, Oriya and Hindustani, which would be able to disseminate news, to explain policies, to give entertainments, propagate education and knowledge of public health, popularize good drama, good music, good literature and, generally speaking, to act as a most humanising and elevating influence. It would be a wonderful day, Mr. President, when in every village in this Presidency, there is electric light and a loud-speaker in the village square."

"As regards the cost, there is no reason why the education and public health budgets should not contribute to the establishment of this service. A system of broadcasting which can reach every village and propagate health and education ideas would be far more effective than a vast army of Government propagandists and teachers."

"For these reasons it is to be hoped that when Government does decide after expert advice to make a definite move it will do so on a sufficiently large scale. The Madras Corporation has shown the way in which this new service should be treated. No reliance should be placed upon any revenue from the sale of individual receiving sets. In the first instance the progress of broadcasting must be through the media of loudspeakers and not of individual receiving sets. The establishment of an efficient system should be regarded as of the same importance as the establishment of schools, clinics, even birth-control clinics, hospitals and propaganda generally. In the coming days when the electorates will be greatly increased broadcasting will be even more important as a means of explaining policies to the masses at large and should be an effective instrument for the widest form of political education."

"I desire to commend this demand for supplementary grant most warmly to this House and to urge upon Government not only the importance of securing the expert advice required in as short a time as possible, but also of acting on that advice and proceeding to the final stage of establishing a South Indian broadcasting service."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, I am very glad that the Government have come forward with a proposal for investigating the possibility of establishing a Provincial broadcasting service. This subject was discussed elaborately in this House on a resolution moved a few months ago. I am very glad that the Government have taken the matter in hand. The Madras Corporation has done as far as it has been able to do in this matter. They have been able to furnish the Government with information as to the number of places where loud-speakers can be established and also the details of working the broadcasting system, how it can be improved and how we would be able to take advantage of the Provincial broadcasting system. I must say, Sir, that Madras

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is behind Calcutta and Bombay. In regard to these two cities, the Government of India have come to their help and with the aid of the Government of India, they have been able to establish a broadcasting system. The residents of Calcutta and Bombay and also of other towns in Northern India have derived great advantage from the service. They get a very good selection of music. I may say, Sir, that Madras is the only place where musicians have been encouraged and good music is provided, so far as this part of the country is concerned. It is, however, true to say that the Corporation has not been able to arrange for musicians of the professional type on certain days in the week. If a Provincial broadcasting service is to be established, I am sure most of the municipalities in the Presidency and large unions also will be able to join and contribute their quota to the general funds required for the Provincial broadcasting service by taking advantage of it. In some of the municipalities where broadcasting stations have been opened, they are now resorting to gramophone records being broadcast by means of loud-speakers. That is a very poor substitute for a Provincial broadcasting service. I am sure the public are looking forward to the day when a Provincial broadcasting service would be established.

"I may also say, Sir, that Colonel Webb approached me some time ago and asked me whether we would be able to broadcast to a distance of about 30 miles to Vellore and Chingleput, where he is having a village reconstruction scheme. The Electrical Engineer of the Madras Corporation who is working the broadcasting station here said that we would have to spend a lot of money to increase the power of our station. The very good schemes taken in hand by Colonel Webb would derive immense advantage from this proposed system.

"I would like to refer on this occasion to Lord Lothian's broadcast speech here in Madras when he came here about two years ago. He spoke from the Corporation broadcasting station. He laid great stress on the value of broadcasting for politicians, and said that in times of election it would serve a great and useful purpose, as politicians belonging to various parties can communicate their views and programmes to their constituents by broadcasting their speeches from the central broadcasting station. I am sure when the new elections are going to be held, with a very much larger electorate, it will be impossible for the various candidates and leaders of parties to approach all persons. So it would be of very great advantage for political leaders and parties in the coming days to broadcast their political speeches to the people.

"For the Health department we are spending large amounts every year for propaganda work. And I am sure the Health department will welcome this move, because they will be able to take advantage of this system very often, and most of the health lectures will be broadcast. I congratulate the Government on the steps they have taken so far. I only wish that after investigation the Government will establish a Provincial broadcasting service as soon as possible."

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* Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, in supporting this motion for a supplementary demand of Rs. 15,000, I wish to say a few words. The Legislative Council certainly feels grateful to the Government for the expeditious manner in which its resolution has been taken notice of by Government and acted upon. Sir, the Corporation of Madras has also sent up a scheme to the Government for sanction. If the Government are not able to launch on a big scheme, the Corporation of Madras was prepared, if only Government gave a subsidy and also a licence for a more powerful broadcasting service to be undertaken by the Corporation, to spend money on the broadcasting scheme. If the Government feel that large amounts will be necessary and so they will not be in a position to take up the scheme immediately, I would ask the Government to give consideration to the scheme put forward by the Corporation of Madras. But if the Government themselves are prepared to take up the scheme, then I am sure the Corporation will only be too glad to give its help with regard to the starting of a Provincial broadcasting service. As has already been pointed out, the broadcasting service has been working well in Calcutta, Bombay and also in Colombo, and it may not be difficult for Madras to start a broadcasting service. The advantages of broadcasting have already been explained. I wish only to draw the attention of the Government to the need for starting the scheme at a very early date. I understand that this supplementary demand is just for taking expert advice on this matter. As regards advice, I do not think much advice is needed. After all, the scheme has been put forward both by the Corporation and the European Association who have taken interest in this subject, and it only remains for the Government to work up the details for starting a Provincial broadcasting service. It was pointed out the other day during the discussion of the resolution on broadcasting service that even Calcutta, where the broadcasting service of the Government was working at a loss, has now come to feel that there is no need to incur any loss at all and it may be possible for the Government to work at a profit. Under these circumstances, I think it will be possible for the Government to draw up a scheme and work it up at an early date. I therefore commend this motion for supplementary grant for the unanimous acceptance of this House."

* The hon. the PRESIDENT:—"There are several other hon. Members who are anxious to speak on this subject. Therefore we shall take it up on Saturday when we shall transact Official Business. On Friday we transact Non-official Business."

"The House will now adjourn and meet again at 11 a.m. on Friday."

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

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APPENDIX I

[Vide answer to question No. 405 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 8th November 1933, page 763 supra.]

District.	Number of motor cars and buses plying for hire at the end of			
	1929.	1930.	1931.	1932.
Madras City	630	667	652	612
Anantapur	119	81	68	55
North Arcot	364	208	185	184
South Arcot	139	171	85	69
Bellary	123	80	85	83
Chingleput	252	247	254	192
Chittoor	162	109	75	97
Coimbatore	472	609	355	346
Ouddapah	99	53	40	49
Ganjam	106	95	71	70
Godavari, East	275	324	312	243
Godavari, West	251	147	282	99
Guntur	174	108	97	118
South Kanara	216	311	230	193
Kistna	281	310	156	128
Kurnool	183	127	118	71
Madura	436	444	496	380
Malabar	621	567	583	490
Nellore	155	133	76	83
The Nilgiris	95	112	80	84
Ramnad	459	347	291	209
Salem	353	296	284	321
Tanjore	361	510	171	193
Tinnevely	275	345	249	235
Trichinopoly	395	256	216	113
Visagapatam	224	234	236	156

APPENDIX II.

[Vide answer to question No. 414 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 8th November 1933, page 772 supra.]

G.O. No. 1750, Education, dated 28th September 1933.

Under G.Os No. 62, Education, dated 15th January 1932, and No. 978, Education, dated 15th July 1932, the previous sanction of the Government is required for the transfer from one centre to another of an elementary school subsidized from provincial funds or for the utilization of the subsidy sanctioned for the employment of a teacher in one elementary school for employing a teacher in another school. It has been suggested that local bodies may be empowered to transfer schools from one centre to another in consultation with the inspecting officers, irrespective of the fact whether the new centre is in the approved list of school-less centres or not. The Government, while unable to accept

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this suggestion, consider that the power of sanctioning transfers of subsidized schools from one place to another may be delegated to the Director of Public Instruction. The Director of Public Instruction will, therefore, hereafter sanction such transfers provided that the following conditions are satisfied:—

- (i) that the place to which the school is proposed to be transferred should be school-less and have a population of not less than 500 in the case of boys' schools, not less than 2,000 in the case of girls' schools and not less than 1,000 in the case of schools for Muhammadans; and
- (ii) that there shall have been no elementary school in that place for the three years preceding the date of the proposed transfer, maintained entirely out of the funds of the local body concerned.

Z. Proposals in regard to the utilization of subsidies sanctioned for the employment of teachers in elementary schools should continue to be submitted to Government.

(By order of the Government, Ministry of Education and Excise)

D. H. BOULTON,
Deputy Secretary to Government.

To all Presidents of Taluk Boards.
 " all Chairmen of Municipal Councils.
 " all Presidents of District Educational Councils.
 " the Director of Public Instruction.
 " the Examiner of Local Fund Accounts.
 " the Inspector of Municipal Councils and Local Boards.
 " the Finance Department.
 " the Local Self-Government Department.
 " the Commissioner, Corporation of Madras.
 " the Presidents, District Boards, Malabar, Tinnevely, the Nilgiris and Madura.

APPENDIX III.

[Vide answer to question No. 416 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 8th November 1933, page 773 supra.]

List of lands.

Survey number.	Extent.	Survey number.	Extent.	Survey number.	Extent.
	ACS.		ACS.		ACS.
387	4.36	614-1 D-2 A ..	1.30	23-4 ..	0.59
380-3 ..	0.36	2 B ..	0.28	24-1 ..	0.68
378	1.58	2 C ..	0.56	26-1 ..	1.06
374-1 ..	2.03	2 D ..	0.28	20-1 ..	0.70
360-1 ..	1.76	2 E ..	0.29	18-1 ..	0.88
497-3 ..	0.58	655-7 ..	1.72	52-1 ..	0.80
568-1 ..	1.83	10 ..	2.40	2 ..	0.46
175-3 ..	3.27	11 ..	0.69	3 ..	0.35
625-1 ..	3.17	272-1 A ..	1.31	66-1 ..	1.35
2 ..	1.25	241-1 ..	0.69		
621-1 ..	2.33	223-1 ..	0.54	Total ..	42.07
3 ..	2.32	2 ..	0.30		

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 10th day of November 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Usman Sahib Bahadur, K.C.I.E., The
hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, Kt., The hon. Diwan
Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D.,
I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon.
Mr. H. G.
Raja of Bobbili, The hon. the.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon.
Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Bashier Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Erlam Smith, Mr.
Gopalaswami Ayyangar, Diwan Baha-
dur N.
Hood, I.C.S., Mr. H. M.
Indrayya, Mr. C.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Keevaramamurti Nayudu, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Krishnaswami Ayyar, Kt., Diwan
Bahadur Sir Alladi.
Krishnaswami Ayyar, Mr. K. V.
Kumararaja of Venkatagiri, The.
Kuppuswami Choudari, Mr. J.
Ladden, Mr. W. W.
Madanagopal Nayudu, Mr. R.
Madhusoodanan Thangal, Mr. P.
Mahmud Schamnad Sahib Bahadur,
Khan Bahadur.

Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur
T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur,
K. P. V. S.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Partharasathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Khallikote, The.
Ramachandra Padayachi, Mr. P. K.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Madaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Sahajanandam, Swami A. S.
Sami Venkataschalam Chetti, Mr.
Shetty, Mr. A. B.
Singam Ayyangar, Mr. K.
Siva Raj, Rao Sahib N.
Sivasubrahmanya Ayyar, Mr. K. S.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Sreshta, Mr. M. S.
Srinivasan, Rao Bahadur B.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. O.

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PRESENT—cont.

Sundara Rao Nayudu, Mr. T. Syed Tajuddin Sahib Bahadur, Khan Sahib.
 Thorne, C.I.E., I.C.S., Mr. J. A. Vasudeva Pillai, Mr. V. G. Venkatarama Ayyar, Mr. K. R. Venugopal Nayudu, Rao Bahadur R. K.

Viswanatha Rao, Rao Bahadur V. N. Wright, Mr. W. O. Yahya Ali Sahib Bahadur, Khan Bahadur.
 Yakub Hasan Sahib Bahadur. Zamindar of Mirzapuram, The.

I.—NEW MEMBERS.

The undermentioned new Members were sworn in:—

1 Mr. Erlam Smith.

2 M.R.Ry. K. V. Krishnaswami Ayyar Avargal.

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Industries

Experiments in Ericulture.

* 417 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the hon. the Minister for Education and Excise be pleased to state—

(a) whether experiments in ericulture are being carried on by the Industries Department side by side with Sericulture; and

(b) whether the Government have investigated whether there is a commercial possibility for ericulture in this Presidency?

A.—(a) Yes.

(b) No; it is too soon to say anything definite. The Director's latest report shows that definite markets for cocoons at remunerative prices were not available and the department hopes in the course of the current year to ascertain suitable markets for the disposal of eri-cocoons.

Diwan Bahadur A. APPADURAI PILLAI:—"May I know, Sir, whether Government will give up ericulture if it is not profitable and take to sericulture intensively?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"We are investigating, Sir. We are not yet in a position to say whether it will be profitable or not."

Mr. A. RANGANATHA MUDALIYAR:—"May I know, Sir, if the market they are investigating is for cocoon or manufactured cloth?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"At present we are making enquiries about cocoons."

Mr. M. S. SRESHTA:—"Does the experiment involve much expenditure?"

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No. It is likely to produce good results."

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Co-operative Societies

Tenants' Co-operative Societies formed for the benefit of the Depressed Classes during 1928-1933 in the Northern Circars.

* 418 Q.—Mr. G. R. PREMAYYA: Will the hon. the Minister for Public Works be pleased to state—

(a) the number of tenants' co-operative societies for the depressed classes which have been formed from 1928-1933 (Northern Circars); and

(b) how many of them have since been cancelled by the Collectors?

A.—(a) & (b) A statement* is appended showing the number of tenants' co-operative societies for depressed classes registered during 1928-1933 in each of the districts of the Northern Circars and the number of societies cancelled out of those registered during this period. The Collector is not the cancelling authority.

Mr. G. R. PREMAYYA:—"Why were these co-operative societies cancelled?"

The hon. Mr. P. T. RAJAN:—"Probably they were not working properly."

Mr. G. R. PREMAYYA:—"Who is the cancelling officer?"

The hon. Mr. P. T. RAJAN:—"The cancelling officer is the Registrar of Co-operative Societies."

Mr. G. R. PREMAYYA:—"When the tenants' co-operative societies were cancelled, to whom were the lands in question granted?"

The hon. Mr. P. T. RAJAN:—"I have no information, Sir."

Public Works

Appointment of an Acting Consulting Architect vice Mr. R. Dann on leave.

* 419 Q.—Mr. ABDUL HAMEED KHAN: Will the hon. the Minister for Public Works be pleased to state—

(a) whether anybody has been appointed as Acting Consulting Architect in place of Mr. R. Dann who is on leave;

(b) if so, the name and qualifications of the gentleman so appointed;

(c) on what terms and for what period has the appointment been made;

(d) what the qualifications prescribed by the Statutory Rules for the post are and whether the officer, if any, appointed in place of Mr. Dann satisfies the qualifications so laid down;

(e) whether the appointment was recommended by the Madras Services Commission; and

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(f) whether there are any proposals to revive the post of Assistant Architect to Government that has been retrenched; and the grounds therefor?

A.—(a) Yes; the officer is however not now in service as Mr. Dann has returned to duty from leave.

(b) Mr. J. Fernandes—

Qualifications—

Holder of the diploma of the Sir Jamsetji Jijibhai School of Arts, Bombay.

Fellow of the Indian Institute of Architects.

Served as an Assistant Architect under George Wittet, late Consulting Architect to the Government of Bombay for ten years.

Served as Architect of Bombay under the Government of India for four years from 1921–25.

Served as an Assistant Architect under the Consulting Architect to the Government of Bombay for seven years from 1925–32.

(c) He was engaged on contract on Rs. 700 per mensem from the 27th May 1933 to the 16th October 1933.

(d) The qualifications prescribed for the holder of the post of Consulting Architect are detailed in rule 5 of the rules governing the Madras Service of Architects. (Vide Annexure*). Mr. Fernandes possesses them.

(e) Yes.

(f) The Government have under consideration a proposal from the Chief Engineer to revive the post of Assistant Consulting Architect. The Chief Engineer has urged that a detailed examination of the work of the Consulting Architect section shows that for minimizing delay, avoiding errors in detail, securing economy in execution and ensuring efficiency of work it is essential that the Consulting Architect should have the assistance of a full-timed gazetted assistant with architect's qualifications.

Mr. ABDUL HAMEED KHAN:—"May I know from the hon. Minister what is the standard that is given to the holder of the diploma of the School of Arts, Bombay, by the Royal Society of Engineers?"

The hon. Mr. P. T. RAJAN:—"I have no information, Sir."

Mr. ABDUL HAMEED KHAN:—"May I know whether it is a fact that this diploma is recognized as equivalent to only the intermediate course and that the diploma holder has to pass through a longer period than the one who goes out of the school of the Royal Society of Engineers?"

The hon. Mr. P. T. RAJAN:—"I have no information, Sir."

* Printed as Appendix II on pages 904–905 infra.

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Mr. V. T. ARASU:—"May I know whether the hon. Minister is aware of the fact that there are one or two members of the British Institute of Royal Architects in the Presidency?"

The hon. Mr. P. T. RAJAN:—"I am not aware."

Mr. V. T. ARASU:—"Will the Government try to ascertain whether there are persons with such qualifications and, if so, try to secure their services?"

The hon. Mr. P. T. RAJAN:—"When the occasion arises the Services Commission will call for applications. Then, persons qualified may apply for the post."

Mr. K. P. RAMAN MENON:—"May I know if the new gentleman has similar qualifications as that of Mr. Dann?"

The hon. Mr. P. T. RAJAN:—"I want notice."

Mr. K. P. RAMAN MENON:—"What are the qualifications of Mr. Dann?"

The hon. Mr. P. T. RAJAN:—"Notice."

Mr. A. RANGANATHA MUDALIYAR:—"May I know if there is a proposal that the department of the Consulting Architect should be made a separate department from the Public Works Department?"

The hon. Mr. P. T. RAJAN:—"No."

Local Self-Government

Appointment of Commissioners to Municipalities.

* 420 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether commissioners have been appointed to all the municipalities included in the schedule of the recent amendment to the District Municipalities Act;

(b) whether commissioners have also been appointed to municipalities other than those contained in the schedule referred to above;

(c) if so, what those municipalities are, and what the reason and principle are on which commissioners were appointed to such municipalities;

(d) whether in the case of the non-scheduled municipalities the Government consulted the respective municipalities before making the appointment; and

(e) whether the Government will be pleased to give the names of the commissioners and their qualifications that were appointed to the municipalities, scheduled and non-scheduled?

A.—(a) Yes.

(b) Yes.

(c) Saidapet, Nandyal, Negapatam, Tadpatri, Dindigul, Tirupati, Conjeeveram and Bellary municipalities. The notifications relating to the appointment of Commissioner,

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which have been published in Part I-A of the *Fort St. George Gazette* contain the reasons for notifying these municipalities.

(d) No.

(e) The attention of the hon. Member is invited to the statement appended to Legislative Council question No. 351. Since that statement was furnished M.R.Ry. C. Balagurunatham Pillai Avargal, B.A., Tahsildar, Bellary, has been appointed as the Commissioner of the Bellary Municipality.

Mr. M. A. MANIKKAVELU NAYAKAR:—"Is the Government going to notify other Municipalities and, if so, whether Vellore will be one of them?"

The hon. the RAJA OF BOBBILI:—"I cannot exactly say."

Mr. P. V. KRISHNAYYA CHOUDARI:—"What is the basis on which these municipalities were notified in the *Fort St. George Gazette*?"

The hon. the RAJA OF BOBBILI:—"Each municipality has been notified for different reasons."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether Guntur will come under this category or not?"

The hon. the RAJA OF BOBBILI:—"May come in the future list; I can't say at present."

Dispute between the Namakkal Taluk Board and the Trichinopoly District Board regarding the control of certain ferry farms.

* 421 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether representations have been made to the Government in the matter of the control of certain ferry farms which is in dispute between the Namakkal Taluk Board and the Trichinopoly District Board; and

(b) if so, how they have disposed of the matter and whether a copy of the order passed by Government in this behalf will be placed on the table?

A.—(a) A representation was received from the Trichinopoly District Board regarding the debit of the cost of cutting summer pathways at the ferry crossings for the convenience of the public during summer.

(b) A copy * of G.O. No. 4161, L. & M., dated 9th October 1933, is placed on the table.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know whether the fisheries belong to the taluk board or the district board?"

The hon. the RAJA OF BOBBILI:—"Each case has to be decided on its merits."

* Printed as Appendix III on pages 906-908 *infra*.

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The hon. the PRESIDENT:—"May I, at this stage, request hon. Members to keep silent so that the hon. Member putting the question and the hon. Member answering may at least be heard by the reporters?"

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know whether it varies from district to district?"

The hon. the RAJA OF BOBBILI:—"I think so, Sir. But I can't say at present."

Application of the Cumbum Taluk Board for a grant or loan to pay the teachers' salaries in arrears.

* 422 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state whether the Government have received any representation on behalf of the new Cumbum Taluk Board for a grant or a loan to pay the arrears of salaries to the teachers in its employ?

A.—Yes; the question is under the consideration of Government.

S. M. K. BEYABANI SAHIB Bahadur:—"May I know if this is the only taluk board that has made this request?"

The hon. the RAJA OF BOBBILI:—"There are many more."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Government will consider the question in respect of other taluk boards also?"

The hon. the RAJA OF BOBBILI:—"Yes, the question whether taluk boards can pay annuities if loans are granted has to be considered."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask whether the Government are satisfied themselves as to whether the taluk boards will be self-supporting by bifurcation of the constitution?"

The hon. the RAJA OF BOBBILI:—"The bifurcation is done in pursuance of the policy of the Act."

Mr. A. RANGANATHA MUDALIYAR:—"May I know whether at any time these taluk boards were self-supporting?"

The hon. the RAJA OF BOBBILI:—"The boards were in difficulties even before."

Mr. C. BASU DEV:—"May I know; Sir, if the quality of the education will not suffer if the present state of things continues?"

The hon. the RAJA OF BOBBILI:—"Definite qualifications are fixed for teachers."

Mr. ABDUL HAMEED KHAN:—"May I know whether Government have at any time considered the question of insisting upon the local bodies that their employees are paid regularly, at any rate the teachers whose satisfaction and contentment is essential for good education."

The hon. the RAJA OF BOBBILI:—"I quite agree with the point of view put forward by the hon. Member; but the difficulty is that most of the boards have no funds with them."

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Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether Government have any comprehensive scheme for coming to the succour of the local bodies who are working at a deficit, especially the taluk boards?"

The hon. the RAJA OF BOBBILI:—"It is not possible to have a scheme."

Mr. BASHEER AHMED SAYEED:—"May I know what amount is in arrears by way of arrears of salaries?"

The hon. the RAJA OF BOBBILI:—"No information."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government have received any complaints with regard to the non-payment of salaries and, if so, how many case?"

The hon. the RAJA OF BOBBILI:—"I cannot say but Government have received numerous complaints."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know if the Government are aware that the labour schools that are transferred to the taluk boards are also suffering from the same disabilities?"

The hon. the RAJA OF BOBBILI:—"I do not think so, Sir, because the labour schools, so far as my information goes, are given special grants for maintenance."

Sriman M. G. PATNAIK Mahasayo:—"Is there no education fund for these boards?"

The hon. the RAJA OF BOBBILI:—"Apparently the funds are found to be insufficient."

Mr. V. T. ARASU:—"Is it a fact, Sir, that in the case of most of these taluk boards the delay in the payment is due to the delay on the part of the Government in the distribution of their grants?"

The hon. the RAJA OF BOBBILI:—"I do not think so."

Mr. T. S. RAMASWAMI AYYAR:—"May I know who is to blame for this sad state of officers of the taluk boards, is it the Government or the taluk boards themselves? Is it because Government are not providing enough money for the taluk boards to carry on their work?"

The hon. the RAJA OF BOBBILI:—"It is due to the Bill bifurcating the taluk boards passed by this Council."

Mr. A. RANGANATHA MUDALIYAR:—"Is it a fact that Government have no information whatever of their difficulties?"

The hon. the RAJA OF BOBBILI:—"According to the policy laid down, the boards have to be subdivided."

Mr. ABDUL HAMEED KHAN:—"May I know whether Government will not consider it advisable as, in the case of municipalities, to see that they have education fund out of which payment of salaries are made?"

The hon. the RAJA OF BOBBILI:—"There is a fund under the Elementary Education Act."

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Medical Administration*Improvements to the Victoria Caste and Gosha Women's Hospital, Madras.*

* 423 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any proposals before the Government for improvements to the Victoria Caste and Gosha Women's Hospital, Madras;

(b) if so, what they are, for how long they have been pending and what their total cost is;

(c) whether the Government propose to provide for the required funds in the next budget estimates; and

(d) if so, to what extent and for what purpose?

4.—(a) Yes. There is a combined scheme for improvements to the hospital and for the construction of a Medical school and Hostel for women in Madras.

(b) The main items of work included in the scheme are—

(1) Additional wards for 124 beds.

(2) Out-patient department.

(3) Laundry.

(4) Cow-shed.

(5) Additions to the existing delivery room (this work has been taken up for execution).

(6) Medical school block.

(7) Dissection block.

(8) Hostel for 160 students.

(9) Quarters for Indian nurses.

(10) Superintendent's quarters.

(11) Matron's quarters.

The total cost of the scheme which has been pending since 1925 as finally revised is estimated at Rs. 15.10 lakhs.

(c) & (d) The Government are considering the question of providing a sum of Rs. 76,000 for the construction of the out-patient department.

Mr. BASHEER AHMED SAYEED:—"May I know whether, in view of the fact that these schemes are pending ever since 1925, the hon. Minister is considering the provision of adequate funds in the next year's budget?"

The hon. the RAJA OF BOBBILI:—"The answer states that the Government are considering the question of providing Rs. 76,000 for the construction of out-patient department."

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Rao Bahadur Sir A. P. PATRO:—" May I stress the necessity and desirability of separating the improvement scheme from the school scheme so that the improvement schemes which are very urgent may be taken on hand? "

The hon. the RAJA OF BOBBILI:—" For the sake of convenience a list of all schemes are given; in each case the scheme is considered separately."

Mr. ABDUL HAMEED KHAN:—" May I know whether the name of the hospital has been changed and, if so, what is the present name? "

The hon. the RAJA OF BOBBILI:—" The question does not arise; I do not think the name has been changed."

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether the Government are aware of the immediate necessity for the construction of an out-patient department taking into consideration the fact that in a room of about 16 by 12 feet about 300 patients are received for consultation and that a portion of the room is screened off to attend to special cases? "

The hon. the RAJA OF BOBBILI:—" The Government are aware of the fact and that is why they are considering to give precedence to that scheme."

Mr. BASHEER AHMED SAYBED:—" In view of the fact that 76,000 has been provided in the supplementary budget, may I know what amount is proposed to be provided in the next year's budget? "

The hon. the RAJA OF BOBBILI:—" This provision will come in the next year's budget."

Mr. V. T. ARASU:—" May I know whether it is a fact that several patients are accommodated in the veranda for want of accommodation? "

Mr. ABDUL HAMEED KHAN:—" May I know whether the hon. Minister will see that the name is changed and a better name is put in order that the object of the institution is brought into prominence and kept in view? "

The hon. the RAJA OF BOBBILI:—" I have no definite information. I will certainly consider the suggestion."

11-15 a.m. Mr. YAKUB HASAN:—" Will the Government be pleased to increase this amount of Rs. 76,000 to a figure that will cover the cost of the block of the medical school for women? "

The hon. the RAJA OF BOBBILI:—" That is a separate question, Sir."

Rao Bahadur C. NATESA MUDALIYAR:—" May I know whether this work for Rs. 76,000 will be taken up immediately and a supplementary grant asked for? "

The hon. the RAJA OF BOBBILI:—" I have already answered that it is proposed to include this item in the Budget for 1934-35."

Mr. V. T. ARASU:—" Is there any proposal before the Government to construct a children's hospital as an adjunct to this hospital? If so, in which place? "

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The hon. the RAJA OF BOBBILI:—" From the Prince of Wales Fund, it has been proposed to construct a women and children's block in the same compound."

Rao Bahadur C. NATESA MUDALIYAR:—" May I know, Sir, whether the Prince of Wales Children's Hospital Committee have got any surplus money and, if so, whether the hon. Minister would ask them to make a grant immediately? "

The hon. the RAJA OF BOBBILI:—" I think the Committee have placed all the funds at their disposal available for this purpose, and this fund will be used for the cost of the buildings."

Employment of Muslims as Registrars and Inspectors of Ayurvedic and Unani dispensaries.

* 424 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Unani, Ayurvedic and Siddha dispensaries in the Presidency under the Local Boards, Municipalities and the Government;

(b) the number of Registrars and Inspectors appointed recently and how many of them are Muslims; and

(c) how many qualified Muslims had applied for the above posts?

A.—(a)

		Number of institutions of Indian medicine.		
		Unani.	Ayurveda.	Siddha.
Local boards Municipalities Madras City		6	180	25
	including the	11	38	8
	Government		1	

(b) Two Medical Registrars and two Inspecting Medical Officers. There is no Muslim among them.

(c) Twelve qualified Muslims applied for the posts of Inspecting Medical Officers. No qualified Muslim applied for the posts of Medical Registrars.

S. M. K. BEYABANI SAHIB Bahadur:—" May I know whether the two Inspectors that were appointed were meant only for Ayurvedic or Siddha dispensaries, or for both? "

The hon. the RAJA OF BOBBILI:—" One for Ayurvedic and one for Siddha dispensaries."

Mr. ABDUL HAMEED KHAN:—" May I know whether it is a fact that the number of Unani dispensaries is so small on account of the attitude of the various Municipalities and Local Boards in not encouraging the establishment of Unani dispensaries in their local areas? "

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The hon. the RAJA OF BOBBILI:—"I have not received any such complaint."

S. M. K. BEYABANI SAHIB Bahadur:—"May I know, Sir, the reasons why the Unani dispensaries in this Presidency are so few? Will the Government take steps to increase their number?"

The hon. the RAJA OF BOBBILI:—"It is a matter for local boards, Sir."

Appointment of Registrars and Inspectors for the dispensaries run on the Indian systems of Medicine.

* 425 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) the number of Government Unani, Ayurvedic and Siddha dispensaries in the Presidency;

(b) the number of Registrars and Inspectors of Unani, Ayurvedic and Siddha dispensaries recently appointed by Government and how many of them are Muslims; and

(c) how many qualified Muslims had applied for the post?

A.—The attention of the hon. Member is invited to the answer to question No. 424.

S. M. K. BEYABANI SAHIB Bahadur:—"May I know whether the Select Committee have recommended any names of Muhammadan candidates to the post of inspectors who were recently appointed?"

The hon. the RAJA OF BOBBILI:—"There was no recommendation made."

Mr. ABDUL HAMEED KHAN:—"May I know whether any inspector qualified in Ayurvedic or Siddha medicine can efficiently inspect dispensaries run under the Unani system?"

The hon. the RAJA OF BOBBILI:—"Only two appointments have been made and the persons appointed are not conversant with the Unani system of medicine. The number of Unani dispensaries are only 17 at present and we cannot have an inspector for this small number."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government does not consider it advisable to add at least one more inspector in the next budget so that he might be appointed for the Unani dispensaries?"

The hon. the RAJA OF BOBBILI:—"If funds are available the matter will be considered."

Mr. ABDUL HAMEED KHAN:—"May I know whether it will not be possible to do it in the next budget?"

The hon. the RAJA OF BOBBILI:—"It is now too late to consider it for the next budget."

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S. M. K. BEYABANI SAHIB Bahadur:—"May I know why the recommendation of the Selection Committee was not accepted?"

The hon. the RAJA OF BOBBILI:—"I have just answered the question, Sir."

Appointment of Indian Christians as Registrars and Inspectors of dispensaries under the Indian Systems of Medicine.

* 426 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether four new posts were recently added to the cadre of the Government School of Indian Medicine—two Registrars and two Inspectors of Dispensaries;

(b) whether applications were invited from qualified candidates;

(c) whether final appointments have been made;

(d) whether qualified Indian Christian candidates applied for the posts, if so, for what posts, and whether they were interviewed by the Selection Board; and

(e) whether any of the Indian Christians has been appointed, and if not, why not?

A.—(a) The Government have sanctioned the appointment of two Medical Registrars and two Inspecting Medical Officers in the Indian Medical School and Hospital, for a period of two years;

(b) & (c) Yes.

(d) & (e) No qualified Indian Christian candidate applied for appointment as Medical Registrar. Only two qualified Indian Christian candidates applied for appointment as Inspecting Medical Officers. Of these only one appeared for the interview held by the Selection Committee. He was not appointed as he was not recommended by the Committee.

Diwan Bahadur A. APPADURAI PILLAI:—"May I know why no Indian Christian has been appointed for any of these posts?"

The hon. the RAJA OF BOBBILI:—"The reason is given in the answer, Sir."

Diwan Bahadur A. APPADURAI PILLAI:—"May I know whether the Government will be pleased to consider, in making future appointments, the claims of qualified Indian Christians?"

The hon. the RAJA OF BOBBILI:—"It is a matter which is left to the Selection Committee."

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Religious and Charitable Endowments

Inclusion of a review of the administration of the Muslim Charitable Endowments in the annual Administration Report for the Presidency.

* 427 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have considered the question of including a review of the administration of the Muslim Charitable and Religious Endowments in the yearly Administration Report for the Presidency;

(b) if not, what steps the Government propose to take to furnish to the public information as to the nature and condition of the several Muslim Charitable and Religious Endowments in the various parts of the Presidency;

(c) whether Collectors have submitted any reports on the administration of Muslim Charitable and Religious Endowments in the districts of South Arcot, Salem, Coimbatore and the Nilgiris for the years 1930-31, 1931-32 and 1932-33;

(d) if so, whether a copy of the same will be placed on the table of the House; and

(e) if such reports are not available, whether the Government will call for the same?

A.—(a) No.

(b) So far as Wakf properties are concerned, no action is considered necessary in view of the provisions of the Mussalman Wakf Act which has been extended to this Presidency. As regards service inams, the question of preparing and placing on the Council table lists of Mussalman inam lands confirmed by the Inam Commissioner and existing at present is under consideration.

(c) No.

(d) The question does not arise.

(e) Government do not consider it necessary to call for the reports in question.

Forest Panchayats

Forest panchayats in the district of South Arcot.

* 428 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) which the forest panchayats functioning in the district of South Arcot are and how they are now constituted;

(b) what the area managed by each of the panchayats in the said district is, which villages comprise the same, and what the total income derived by each of them respectively during the last five years is;

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(c) what the amount spent by each panchayat in the said district towards protection of the reserves during each of the last five years is;

(d) what the amount spent by each panchayat was during the last five years on works other than the protection of the forest reserves and what the nature is of the works done and the objects for which the amount was spent; and

(e) in how many panchayat areas in the district of South Arcot, the process of dibbling of avaram has been carried on and with what result?

A.—Forest panchayats are constituted in accordance with the rules contained in B.S.O. No. 195-A. The Government have not the detailed information asked for. There are nearly 70 panchayats in the district and the compilation of the information will mean a great deal of labour.

Representation of Muslims and depressed classes on the forest panchayats in the South Arcot district.

* 429 Q.—MR. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) what the strength of Muslims and depressed classes in each of the forest panchayats in the district of South Arcot is;

(b) what the total strength of each of the forest panchayats in the district of South Arcot is;

(c) what steps the Government have taken or propose to take to remove the disparity in the proportion of the various communities in the forest panchayats of the district;

(d) whether any petitions were received by the Board of Revenue at any time from the ryots within any of the forest panchayat areas during the years 1931 to 1933 in the said district;

(e) if so, what the subject-matter of the petition was and how were the same disposed of; and

(f) whether a copy of the orders passed by the Board of Revenue or the District Collector on the petitions will be placed on the table?

A.—(a) & (b) A statement* showing the strength of each of the forest panchayats in the Tirukkoyilur taluk of the South Arcot district and the number of Muslims and members of depressed classes in each of these panchayats in February 1933 is annexed. The Government have no information regarding forest panchayats in the other taluks of the district.

(c) The hon. Member's attention is invited to the reply to clauses (d) and (e) of Legislative Council Question No. 524 answered on 24th February 1933. The election to forest

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panchayats is confined to permit holders and these may not include members of all communities. However, before the election is begun, the officer conducting it usually explains to the voters present that the panchayat should be representative of all communities.

(d) to (f) The Government have not the information but have called for a report.

Irrigation

The Appapuram Project.

* 430 Q.—Mr. G. SIMHACHALAM: Will the hon. the Member for Revenue be pleased to state—

(a) whether the investigation of the Appapuram project was entrusted to a special staff two years back;

(b) if so, whether the Government will be pleased to state what progress has been made in the preparation of plans and estimates; and

(c) why the East Bank Canal project already taken for execution, is still pending execution?

A.—(a) A special division for the investigation of the project was formed in 1929 and completed its work of preparing plans and estimates in 1931–32.

(b) The plans and estimates are now with the Irrigation Development Board.

(c) The actual execution of the scheme has not been commenced as the land required has not yet been handed over. The preliminary works such as investigation, alignment, demarcation, etc., are in progress. As regards the 15,000-acre area, block levels along lines for a length of 250 miles have been taken to fix the ayacut and the general alignment of the channels to serve the area. Nine miles of extension of flood bank have been aligned. The alignment and demarcation of the second reach, 4½ miles of the third reach of the Main Canal, the Divi Canal, and 30 miles of the channels and branches have been completed. In the fourth reach of the Main Canal, the centre line has been aligned for a length of 3 miles.

Mr. G. R. PREMAYYA:—“As regards the answer given to clause (c), may I know who is to hand over the land required?”

The hon. Sir ARCHIBALD CAMPBELL:—“The land is required by the Revenue Department on behalf of the Public Works Department. The Revenue Department will acquire and hand it over to the Public Works Department.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know whether they are going to make a provision in the next year's budget for the execution of this project?”

The hon. Sir ARCHIBALD CAMPBELL:—“I cannot say off-hand.”

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Construction of a permanent masonry anicut in the Kodaimal Alagian anicut of the Tambraparni system.

* 431 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state with reference to a proposal to construct a permanent masonry anicut in the place of the present temporary dam in the Kodaimal Alagian anicut of the Tambraparni system of the Tinnevely district—

(i) what order, if any, has been passed by the Government; and
(ii) whether the estimates for a permanent dam have been sanctioned and when it is likely to be taken up for execution?

A.—(i) & (ii) The estimate for the construction of a permanent anicut amounts to Rs. 8,800 and is within the Chief Engineer's powers of administrative approval. He has sent the estimate to the Board of Revenue for remarks.

Investigation of the North Kodaimal Alagian channel by the Tank Restoration Scheme Party.

* 432 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state whether the Tank Restoration Scheme party has investigated the North Kodaimal Alagian channel of the Tambraparni system in the Tinnevely district and prepared an estimate for Rs. 72,000 for necessary repairs and improvements?

A.—Yes.

Rejection of certain T.R.S. proposals by the District Collector, Tinnevely.

* 433 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) what action, if any, has been taken by the Chief Engineer on a memorial, dated 18th April 1933, by the Tinnevely District Association to the Government regarding the rejection of the T.R.S. proposals in respect of 9 irrigation works in the Tinnevely district by the Tinnevely District Collector, which was forwarded to the Chief Engineer for disposal in Memorandum No. 1896-D/33-1; and

(b) what the final order on the same is?

A.—A report has been called for.

Improvements to the Vishnuvakkam Maduvu.

* 434 Q.—Rao Sahib V. DHARMALINGAM PILLAI: Will the hon. the Member for Revenue be pleased to lay on the table the report called for in answer to question No. 315, dated 5th August 1921?

A.—A copy of the Collector's letter is annexed.

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Land Revenue Administration*Enhancement of land revenue in Malabar.*

* 435 Q.—Mr. K. P. RAMAN MENON: Will the hon. the Member for Revenue be pleased to state—

(a) whether any instructions have been given to the Revenue officers in the Malabar district as to what should be done with the 12½ per cent suspensions made last year;

(b) whether the Government intend to collect land revenue in Malabar according to the recent resettled rates or the old rates this year; and

(c) whether the Government are proposing to issue instructions that the enhanced rates should not be collected this year.

A.—(a) It is presumed that the hon. Member desires to know whether the land revenue suspended last year will be collected in this fasli. This question is under examination.

(b) & (c) The existing orders are that the land revenue in Malabar should be collected this year at the rates sanctioned at resettlement less the increment remission detailed in paragraphs 27, 28 and 29 of the resettlement notification. In addition increment remission in respect of the increase due to reclassification will be granted in accordance with the rules approved in G.O. No. 310, dated the 8th February 1932. The question whether any further concessions should be granted is being examined.

Mr. K. P. RAMAN MENON:—“ May I know whether the consideration of this question will be over before the next demand for kist? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I hope so, Sir.”

Mr. A. RANGANATHA MUDALIYAR:—“ When is the first instalment of kist due in the Malabar district, December or January? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ I think it is December.”

Assessment in South Kanara of dry lands planted with coconut trees

* 436 Q.—Mr. A. B. SHETTY: Will the hon. the Member for Revenue be pleased to state—

(a) the area under the dry system of coconut cultivation in South Kanara;

(b) the time required for coconut trees to begin to yield and to come to full bearing when they are grown under this system;

(c) whether dry lands where coconut plantations have been raised are now being classified as garden lands in South Kanara; and

(d) whether any representation has been made to the Government that no garden assessment should be levied on such lands till the coconut trees come to full bearing?

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

(b) The Government have no definite information.

(c) When the current settlement was introduced land was classified as garden if it contained ten bearing coconut palms to an acre. Whether any change in this procedure is necessary will be considered when the Settlement Officer's scheme report is dealt with.

(d) A representation on the subject has been received and it is under consideration.

Mr. A. B. SHETTY:—“ May I know whether Government are aware that coconut plants are raised on dry lands at considerable expense of money and labour and if when ten trees come into bearing on an acre, the land is treated as garden land and taxed heavily, it will work as a great hardship to ryots and it will discourage hereafter the spread of this dry system of cultivation? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ The hon. Member's suggestion will be considered.”

Mr. A. B. SHETTY:—“ May I know whether Government will call for information on the subject from the Agricultural Department? ”

The hon. Sir ARCHIBALD CAMPBELL:—“ Yes.”

Administration of Justice*Increments to District Munsifs pending confirmation in service.*

* 437 Q.—Mr. BASHEER AHMED SAEED: Will the hon. the Law Member be pleased to state—

(a) whether the Government have passed any orders granting increments to District Munsifs now in service but not confirmed; and

(b) if so, whether a copy of the orders will be placed on the table together with the principles followed in the matter?

A.—(a) & (b) The attention of the hon. Member is invited to the copy of G.O. No. 2966, Law (General), dated 5th September 1933, which was laid on the table in connexion with his question No. 215 answered at the meeting of the Legislative Council held on 31st October 1933. The reasons for the action taken by Government are fully explained therein.

Forests*Disforestation of lands in Salem district since 1928.*

* 438 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) how many acres have been disforested in Salem district in each year since 1928;

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(b) in which places and to what extent such disforestation has been made;

(c) whether the lands so disforested have been assigned;

(d) if so, to whom, and on what principles; and

(e) if not, why it is kept pending?

A.—(a), (b), (c), (d) & (e) A statement* furnishing information on the several points is appended.

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know when the disforestation of forest areas in Omalur and Harur taluks was ordered?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am not able to answer the question without notice."

Mr. K. A. NACHIYAPPA GOUNDER:—"May I know whether all the expropriated ryots from Mettur have been provided with lands?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I believe that some have been provided; and such of them as have not been provided will be provided."

Assignment of lands in Salem disforested since 1928.

* 439 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the hon. the Law Member be pleased to state—

(a) how many acres of land have been disforested in each year from 1928 in Salem district;

(b) how many acres have been assigned so far out of the land so cleared;

(c) to whom they have been assigned;

(d) on what conditions; and

(e) whether a copy of the order or orders passed in the matter will be placed on the table?

A.—(a), (b) & (c) The hon. Member's attention is invited to the answers to question No. 438.

(d) The assignments have been of three classes; (i) for the cultivation of plantation products under the rules regulating such grants in the Shevaroyas, (ii) under the ordinary darkhast rules, and (iii) to persons dispossessed by the Cauvery-Mettur reservoir works; the assignments in the third-class were free of payment of market value but subject to a condition against alienation within 10 years.

(e) It is not practicable to place on the table a copy of each of these numerous grants.

* Printed as Appendix VI on pages 908-911 infra.

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Prisons and Prisoners

Release of Mr. Narayana Menon.

* 440 Q.—Mr. M. A. MANIKKAVELU NAYAKAR: Will the hon. the Law Member be pleased to state—

(a) the number of years that Mr. Narayana Menon (State prisoner) has been a prisoner;

(b) whether the political conditions in Malabar have become normal and, if so, since when;

(c) when the Government last considered the question of the release of Narayana Menon; and

(d) whether the Government are considering or propose to consider the release of political prisoners including that of Mr. Narayana Menon?

A.—(a) Narayana Menon is not a State prisoner, but one convicted by a court of law. He has been a prisoner for the past 11 years.

(b) Conditions in Malabar are at present normal. It is not possible to say exactly from what time they have been so.

(c) The question of Narayana Menon's release was last considered in July 1933.

(d) The Government are from time to time reviewing the question of releasing prisoners convicted of offences connected with the Malabar rebellion and the civil disobedience movement. They do not propose to reconsider the question of Narayana Menon's release at present.

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, in view of the fact that the conditions in Malabar are at present normal and also in view of the fact that the hon. the Law Member, when he was on this side of the House, was an indefatigable advocate for the release of this gentleman, will the Government now consider the question of the release of Mr. Narayana Menon, because the last time it was considered was only in July?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is too early to consider it again now."

Mr. YAKUB HASAN:—"Will the hon. the Law Member state what the reasons are for not releasing him?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"It is not considered safe in the interests of the peace and tranquillity of the district."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the hon. the Law Member himself has not more than once pleaded for his release?"

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The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The hon. Member can ascertain it from the reports of the Council Proceedings."

Mr. ABDUL HAMEED KHAN:—"May I know what Government mean exactly by saying that his release will disturb the peace and tranquillity of Malabar?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government mean what my words mean."

Dr. P. SUBBARAYAN:—"In view of the testimony given by the hon. the Law Member in the law courts, and considering that the hon. the Law Member had such a high opinion of this gentleman, would he consider the desirability of releasing this gentleman?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have given the answer already. The Government have considered the question and come to this conclusion."

Mr. YAKUB HASAN:—"Is not the Madras Government powerful enough to resist any of the actions of Mr. Narayana Menon that he even after eleven years of imprisonment may find himself capable of doing?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Yes. The Government is powerful enough, and that is the reason why the Government have kept him there."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know the nature of disturbance that he is likely to cause?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Other dangerous persons cause."

Mr. ABDUL HAMEED KHAN:—"Will the Government say when they are likely to consider this question again, if they will not consider it at present?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am sorry I cannot answer it."

Mr. SAMI VENKATACHALAM CHETTI:—"Can the hon. the Law Member stand as surety for this gentleman?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Certainly not."

Dr. P. SUBBARAYAN:—"May I take it that the hon. the Law Member has changed his opinion and now thinks that Mr. Narayana Menon is a dangerous person?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"What my opinion was can be ascertained from the Council Proceedings. What my opinion is can be seen from the answer given."

Mr. ABDUL HAMEED KHAN:—"May I know whether the Government insist upon any conditions for his release?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I have nothing to add to the answer given."

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Denial to the Madras Conspiracy case under-trial prisoners facilities admissible under the rules.

* 441 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that the under-trial prisoners in the Madras Conspiracy case have not been allowed by the jail authorities to have their own shaving sets, toilet soaps, oil, tooth paste and brush, smoking stuffs or even washing soaps at their own cost;

(b) if so, under what provision of law and what rules of the Jail Manual are they deprived of these facilities;

(c) whether by reason of the refusal of these facilities, which the prisoners are entitled to under the law, they went on hunger-strike;

(d) if so, how many of them have suffered from hunger-strike and for how long; and

(e) whether any report will be called for and placed on the table of the House about the present condition of their health?

A.—(a) Yes, for a time. The concession has subsequently been allowed as a special case.

(b) Section 81 of the Prisons Act and rule 735 of the Madras Jail Manual.

(c) & (d) Twenty prisoners went on hunger-strike. The strike lasted for two days.

(e) No.

Escape of a political prisoner from the Central Jail, Bellary.

* 442 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that a political prisoner escaped from the Central Jail, Bellary, some time ago;

(b) if so, who the political prisoner was, what the offence for which he was convicted was and what the nature of the sentence he was serving was;

(c) what the circumstances were under which he escaped from the prison;

(d) whether any enquiry was made into the matter and any statement recorded from the prisoner; and

(e) whether a copy of the report, the statement of the prisoner and orders passed by the Government thereon will be placed on the table?

A.—(a) & (b) The hon. Member apparently refers to the two prisoners Hazar Singh and Prem Prakash who escaped on the morning of 3rd October 1933 from the Central Jail, Bellary, and were re-arrested on the night of 4th October 1933. Hazar Singh was convicted under sections 4 (b) and 5 of the Explosives Substances Act, sections 13 and 19 (c) of the Arms Act, and section 395

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read with section 397 of the Indian Penal Code. He was sentenced to transportation for 10 years and 2 years' rigorous imprisonment and transportation for life to run concurrently. Prem Prakash was convicted under section 3 read with sections 6 and 4 (b) of the Explosives Substances Act. He was sentenced to transportation for life on the first count and 7 years' rigorous imprisonment on the second count to run concurrently.

- (c) It is reported that the escape was effected with the connivance and help of some warders.
 (d) The matter is the subject of trial in a court of law.
 (e) No.

Transfer of Mr. H. D. Raja, a political prisoner, to the Berhampur jail.

* 443 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. H. D. Raja, a political prisoner, has been transferred from the Madras Penitentiary to Berhampur even before the period for appeal against his conviction has expired;

(b) if so, under whose orders and why this was done;

(c) whether such transfer is against the practice followed in the Jail department; and

(d) what facilities are afforded to Mr. H. D. Raja to instruct his advocates for the proper conduct of the appeal against his conviction?

A.—(a) to (c) The information has been called for.

(d) The hon. Member is referred to rule 442 of the Madras Jail Manual. The prisoner has since furnished the security required and has been ordered to be released.

Criminal Tribes

Resolutions passed at the Irulars' Conference held at Tiruvannamalai on 28th July 1929 and 5th April 1931.

* 444 Q.—Mr. V. M. RAMASWAMI MUDALIYAR: Will the hon. the Home Member be pleased to state—

(a) whether the Government have received copies of resolutions passed at the Irulars' Conference held at Tiruvannamalai on 28th July 1929 and 5th April 1931;

(b) if so, what action has been taken by the Government in respect of the said resolutions;

(c) whether these tribes in North and South Arcots are classified as criminal tribes;

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(d) whether the Collector of North Arcot forwarded any proposals for the betterment of the conditions of the Irular tribes and, if so, what action have the Government taken on the proposals; and

(e) whether it is a fact that there was a proposal to assign a portion of Kanamadi Forest in Tiruvannamalai taluk in order to enable them to settle down in life and, if so, what has become of this proposal?

A.—(a) No copies of resolutions were received in 1929. Copies of certain resolutions passed by an Irulars' Conference were received in May 1931.

(b) None. Resolutions of the kind are not acted on unless they are accompanied by representations in the form of a memorial stating the grounds and circumstances of each.

(c) Yes.

(d) No such proposals have been received by the Government.

(e) The Government have received no such proposal.

Mr. M. A. MANIKKAVELU NAYAKAR:—"Considering that these Irulars and other communities who are included under the so-called criminal tribes list have now settled down to a quiet life, will the Government consider the advisability of removing them from that list?"

The hon. Sir MAHOMED USMAN:—"I do not think so."

UNSTARRED QUESTIONS

Irrigation

Provision of a flood bank to the Korayar river in the Srivilliputtur taluk.

445 Q.—Mr. M. DEVADASAN: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the right bank of the Korayar river higher up Maruthuvaneri anicut in Srivilliputtur taluk, Ramnad district, breached a number of times between 1914 and 1925;

(b) whether the breach was finally closed in 1925;

(c) whether the river breached again after 1925;

(d) whether the Executive Engineer, Tinnevely Division, inspected the river and proposed the formation of a flood bank to prevent further breaches in the Korayar and in order to allow the legitimate supply to Maruthuvaneri and Elundrakondan tanks;

(e) if so, what orders have been passed by the Collector of Ramnad on this proposal, and when;

(f) whether the estimates have been prepared for this work and what the approximate cost of this work is; and

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(g) whether this work entails acquisition of lands and if so, what the extent is that has to be acquired and what the approximate cost of the land to be acquired will be?

A.—The Government have not the information. A report has been called for.

Inrush of the Godavari waters into the Nakkala drain owing to defective shutters.

446 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that considerable damage to crops and houses has been caused by the Nakkala drain in Narasapur taluk, West Godavari, and, if so, whether the Government will be pleased to lay the report of the Collector on the table of the House;

(b) whether it is a fact that there is a backing up of the Godavari flood water into the said drain on account of the improper working of the shutters; and

(c) whether there is any proposal to replace the present self-acting shutters by screw-gearing shutters and, if so, when the proposals are likely to be carried into effect?

A.—(a) An extract* from the report of the Collector of West Godavari, dated 22nd September 1933, is laid on the table. The Government have no information about the extent of the damage caused by the river water which flowed into the drain.

(b) & (c) An extract* of paragraph 17 of the Chief Engineer's Inspection notes, dated 23rd August 1932, is laid on the table. As soon as the results of the experiment are known, the Chief Engineer proposes to take necessary further action in the matter.

Land Revenue Administration.

Damage to West Godavari by floods.

447 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Revenue be pleased to state—

(a) whether any reports have been received from the Collector, West Godavari, regarding the damage caused, (i) by the Godavari floods, (ii) by the Kollair floods;

(b) if so, whether the same will be placed on the table of the House; and

(c) what steps have been taken to alleviate the distress caused?

* Printed as Appendix VII on page 912 infra.

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A.—(a) & (b) Copies* of (i) the report of the Collector, dated the 11th October 1933, on the floods in the West Godavari district;

(ii) two telegraphic reports* on subsequent floods; and

(iii) an extract from a report,* dated the 26th October 1933, are laid on the table.

(c) In addition to the steps taken by the Collector as detailed in his reports, the Government have sanctioned sums aggregating Rs. 8,350 (rupees eight thousand three hundred and fifty) for relief of distress.

The Government have also sanctioned the following payments by local boards towards flood relief:—

(i) Contribution by the West Godavari District Board of Rs. 1,500 to each of the two flood relief committees;

(ii) Contribution by Taluk Board, Narasapur, of Rs. 99-1-0; and

(iii) Contribution by West Godavari District Board of Rs. 1,000.

A proposal to sanction a contribution of Rs. 1,000 towards flood relief from the funds of the Narasapur Panchayat Board is under the consideration of the Government.

Destruction of crops in the Godavari lankas owing to floods.

448 Q.—Mr. P. PEDDIRAJU: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that there was a wholesale destruction of crop in the Godavari lankas owing to floods;

(b) whether the lanka lands in the Godavari delta have become unfit for raising any crops this year; and

(c) whether the Government have taken any steps to grant remission on the said lands?

A.—(a) & (b) The Government have no information other than what is contained in the detailed report of the Collector of West Godavari, dated 11th October 1933, which has been laid on the table of the Council in answer to question No. 447. A report showing some flooding of lankas in East Godavari was received from the Collector of that district but there is no mention in the report of damage to crops in lankas.

(c) The West Godavari Collector has called for a detailed report about lankas and will submit proposals for remission if necessary.

* Printed as Appendix VIII on pages 913-918 infra.

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Abolition of the post of assistant karnam, Kanakal village, Rayadrug taluk.

449 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) how many madiras or dependent villages there are for the village of Kanakal in the Rayadrug taluk of the Bellary district;

(b) what the total mileage is of all these various villages;

(c) how many tanks there are in all these villages;

(d) whether it is a fact that some of these are the biggest tanks in the Ceded districts;

(e) what the total number of acres cultivated in this group is, how much wet and how much dry;

(f) whether it is a fact that there is only one karnam for all these villages and that his pay is only Rs. 15;

(g) whether there was an assistant karnam employed previously for this group; if so, why that post was abolished;

(h) whether there are any proposals for reviving the post of the assistant karnam or of increasing the pay of the only karnam;

(i) whether there is any proposal for amalgamating these big villages of Kottapalli, Gangalapuram and Marampalli with their large ayacut into one unit and appoint village officers for the same; and

(j) if not, whether the Government will consider the proposal?

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

(b) The total area of the village is 15,704.63 acres.

(c) There are two tanks, one called Chikkanna Vadiar cheruvu and the other Krishnareddi cheruvu.

(d) The Government have not the information.

(e) At the time of the re-settlement in fasli 1334, the occupied area in the village was as follows:—

Occupied.		Total.	Inam.
Wet.	Dry.		
ACS.	ACS.	ACS.	ACS.
2,275.95	6,880.59	9,156.54	1,630.91

(f) There is one karnam for the village. The Government do not know what his pay is.

(g) The Government have not the information.

(h), (i) & (j) There are no such proposals under the consideration of the Government. Under section 6 (1) of the Madras Hereditary Village Offices Act III of 1895, the Board of Revenue is the authority competent to group or amalgamate any two or more villages or portions thereof so as to form a single new village and to create new village offices.

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

NON-OFFICIAL BUSINESS.

BILLS.

III.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908.

* The hon. the PRESIDENT:—"On 1st August 1933, Mr. Sami Venkatachalam Chetti moved for leave to introduce his Bill further to amend the Madras Estates Land Act, 1908. The adjourned consideration of the motion will now be taken up. Does any hon. Member oppose?"

* The hon. Sir ARCHIBALD CAMPBELL:—"I beg to oppose the introduction of the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—"I can only say that I am surprised that Government should object even to the first reading of the Bill. It will be quite unusual if the procedure adopted by the hon. the Raja of Bobbili was in order to break the convention. I am all the more surprised that the Government itself is lending the weight of its numbers for the purpose of breaking the convention. But I am not sorry. If this kind of transgression of the convention should be resorted to by every party in regard to private Bills, and if Government should object even to the first reading of those Bills, it will really be a great injustice to the minority parties."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, it is quite true that as a rule we raise no objection to the first reading of a Bill, even though we are opposed to the Bill itself, because the first reading is merely a request for leave to publish the Bill for the first time. The Bill which is now before the House has already been published in the *Fort St. George Gazette*, when leave to introduce the Bill was given to my hon. Friend, Mr. Satyanarayana Choudari. The Bill has therefore been before the public and before this House for several months. The time has now come when we should express our opposition to this Bill, especially as the hon. Mover himself had moved certain amendments on the lines of his Bill when the Bill which I introduced was taken into consideration by this House; this Bill includes however many provisions which it is well known that we cannot accept."

* The hon. the PRESIDENT:—"I will put the question to the vote of the House. The question is

'That leave be granted to Mr. Sami Venkatachalam Chetti to introduce his Bill to further amend the Madras Estates Land Act of 1908.'

The motion was declared lost.

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11-30 Mr. Abdul Hameed Khan demanded a poll and the House divided a.m. thus:

Ayes.

- | | |
|-----------------------------------|--------------------------------------|
| 1 Dr. P. Subbarayan. | 15 Mr. Moulvi Hafeez Anumanthakudi |
| 2 Mr. Yakub Hasan. | Mustapa Ahmed Meeran. |
| 3 " K. R. Venkatarama Ayyar. | 16 Diwan Bahadur B. Muniswami |
| 4 " Sami Venkatachalam Chetti. | Nayudu. |
| 5 " T. S. Ramaswami Ayyar. | 17 Mr. K. P. Raman Menon. |
| 6 " V. T. Arasu. | 18 " M. S. Sreshta. |
| 7 " A. B. Shetty. | 19 " P. V. Krishnayya Choudari. |
| 8 " M. A. Manikkavelu Nayakar. | 20 " C. Indriah. |
| 9 " Abdul Hameed Khan. | 21 " J. Kuppuswami Choudari. |
| 10 " Basheer Ahmed Sayeed. | 22 " G. R. Premayya. |
| 11 " U. C. Subrahmanya Bhatt. | 23 " K. Pattabhiramayya. |
| 12 " K. P. V. S. Muhammad Meera | 24 Rao Bahadur R. K. Venugopal |
| Ravuttar. | Nayudu. |
| 13 " K. A. Nachiyappa Gounder. | 25 Mr. C. R. Parthasarathi Ayyangar. |
| 14 " K. S. Sivasubrahmanya Ayyar. | 26 " A. Ranganatha Mudaliyar. |

Noes.

- | | |
|--|---|
| 1 The hon. Khan Bahadur Sir Mahomed Usman Sahib Bahadur. | 26 Khan Bahadur Yahya Ali Sahib Bahadur. |
| 2 " Diwan Bahadur Sir M. Krishnan Nayar. | 27 Mr. P. Bayappa Reddi. |
| 3 " Sir Archibald Campbell. | 28 Khan Bahadur T. M. Moidoo Sahib Bahadur. |
| 4 " Mr. H. G. Stokes. | 29 Mr. P. K. Ramachandra Padayachi. |
| 5 " Diwan Bahadur S. Kumaraswami Reddiyar. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 6 " Mr. P. T. Rajan. | 31 The Kumararaja of Venkatagiri. |
| 7 " the Raja of Bobbili. | 32 The Raja of Khallikote. |
| 8 Mrs. K. Alamelumangathayaramma. | 33 The Zamindar of Mirzapuram. |
| 9 Rao Bahadur V. N. Viswanatha Rao. | 34 Mr. M. A. Muthiah Chettiar. |
| 10 Mr. J. A. Thorne. | 35 Sri A. V. Bhanoji Rao. |
| 11 " H. M. Hood. | 36 Mr. K. M. Duraiswami Reddiyar. |
| 12 Diwan Bahadur N. Gopalswami Ayyangar. | 37 Swami A. S. Sahajanandam. |
| 13 Mr. R. Madanagopal Nayudu. | 38 Mr. H. M. Jagannatham. |
| 14 " E. Conran Smith. | 39 Rao Sahib P. Subrahmanya Chetti. |
| 15 " T. Sundara Rao Nayudu. | 40 Mr. S. A. A. Annamalai Chettiyar. |
| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 41 Rao Sahib C. Jayaram Nayudu. |
| 17 Mr. M. D. T. Ranganatha Mudaliyar. | 42 Diwan Bahadur A. Appadurai Pillai. |
| 18 " G. Ranganatha Mudaliyar. | 43 Rao Sahib D. V. Narasimhaswami. |
| 19 Rao Sahib N. Siva Raj. | 44 " Pandit Ganala Ramamurti. |
| 20 Rao Bahadur R. Srinivasan. | 45 Mr. K. Kesava Ramamurti Nayudu. |
| 21 Rao Sahib V. I. Muniswami Pillai. | 46 S. M. K. Beyabani Sahib Bahadur. |
| 22 Mr. G. Sriramulu. | 47 Rao Bahadur Sir A. P. Patro. |
| 23 " P. C. Moses. | 48 " C. Natesa Mudaliyar. |
| 24 " P. V. Rajagopala Pillai. | 49 Mr. C. Basu Dev. |
| 25 " V. G. Vasudeva Pillai. | 50 " F. Birley. |
| | 51 " W. O. Wright. |
| | 52 " C. Krishnan. |
| | 53 " W. W. Ladden. |

Neutral.

Sriman M. G. Patnaik Mahasayo.

Ayes 26. *Noes* 53. *Neutral* 1.

The motion was lost.

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IV.—A BILL FURTHER TO AMEND THE MADRAS IMPARTIBLE ESTATES ACT FOR CERTAIN PURPOSES (BILL No. 17 OF 1933).

* Mr. A. V. BHANOJI RAO:—" Mr. President, in introducing my Bill * to amend the Madras Impartible Estates Act, I wish to briefly state the Objects and Reasons which underlie this measure.

" The scattered nature of some estates has given rise to considerable administrative difficulties. In cases where the same irrigation channel or tank serves more than one estate, disputes have arisen as regards the distribution of water, the liability of the landholders to repair and maintain such works. This has resulted in litigation. Then again by reason of the fact that villages of different estates are intermingled, landholders are debarred in certain cases from undertaking new irrigation works which are calculated to benefit both the tenants and the zamindars. Finally the creation of new provinces like Orissa would result in dividing estates in two Provinces, which would subject landholders and tenants to the inconvenience of coming under two different Provincial Governments with different laws and High Courts.

" Sir, the purpose of my Bill, therefore, is to make such adjustment of boundaries possible and free from any legal objection.

" Leading lawyers are of opinion that exchange is permissible even under the law as it now stands, but the sale of portions of estates for acquiring other properties may not be so permissible. The intention of the amending Bill is to put on a definite basis what is not definite and what may be contestable.

" This Bill, it should be noted, does not in any way empower zamindars to enlarge the estates. It will be found to be advantageous to both the tenants and the landholders. It preserves the principle of the Act and provides ample safeguard for prevention of any abuse of the provisions contained therein.

" With these words, Sir, I commend this measure for the acceptance of this House and move that it be referred to a Select Committee consisting of the following Members:—

- (1) The hon. Sir Archibald Campbell.
- (2) The hon. the Raja of Bobbili.
- (3) The Kumararaja of Venkatagiri.
- (4) The Raja of Khallikote.
- (5) Mr. J. A. Thorne.
- (6) The Advocate-General (Diwan Bahadur Sir Alladi Krishnaswami Ayyar).
- (7) Mr. P. V. Rajagopala Pillai.
- (8) Diwan Bahadur A. Appadurai Pillai.
- (9) Sir A. P. Patro.
- (10) Mr. G. Sreeramulu.
- (11) Diwan Bahadur B. Muniswami Nayudu.
- (12) Mr. C. Indrayya.
- (13) Dr. P. Subbarayan.

* Published in the Fort St. George Gazette on the 24th October 1933 as Bill No. 17 of 1933.

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- (14) Mr. K. A. Nachiyappa Gounder.
- (15) Ahmed Miran Sahib Bahadur.
- (16) The Mover (Mr. A. V. Bhanoji Rao)."

The ZAMINDAR OF MIRZAPURAM.—"I second it."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I do not rise actually to oppose the motion, but, I think I should make it clear that the Government cannot accept all the details of the Bill as it is now before the House. I understand that the general principle of the Bill is that there is a desire amongst the holders of impartible estates to have the power to exchange portions of their estates for portions of other estates. I think there are some points in the Bill which require some alteration, but I do not wish to take up the time of the House by referring to them at length as such details can be considered in the Select Committee. I merely wish, at this stage, to give a note of warning that we do not propose to accept the Bill as it stands."

Mr. ABDUL HAMEED KHAN:—"Sir, I do not also wish to oppose the motion, but I should like to know from the hon. the Revenue Member why, in this case, the Government deviated from their general policy of publishing non-official Bills only after they have been introduced in the House. I want to know from him why the Government deviated from that general principle, what the special reason is for departing from that rule and whether the Government, who are not now prepared to accept all the details of the Bill, accepted them all when they published the Bill?"

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, while thanking the hon. the Revenue Member for the attitude he took on this Bill saying that he reserved his right to have it altered, I say, that the Government, especially the hon. the Revenue Member have opened themselves to suspicion. The Bill that was rejected without leave being granted for its introduction a few minutes earlier was a Bill which concerned the people and this is a Bill which concerns the landholders. This Bill is intended to help the landholders to consolidate their estates. I do not object to this further consolidation of the estates, because the original Act itself was intended to prevent disintegration of the estates, but at the same time, the anxiety which the Government have shown in giving leave to publish this Bill in advance of the leave of the House and in agreeing to the Bill going to the Select Committee so readily with the reservation that they will take such objections as they consider necessary later on, reveals the fact that they are anxious to secure the well being of the landholders and the attitude which the hon. Revenue Member persisted in as regards the last Bill which he rejected reveals the other fact that he is not equally anxious for the welfare of the masses. Sir, if I intervene in connexion with the discussion of this Bill, it is not with a view indirectly to canvass support for the other Bill, but only to condemn the attitude taken by the Government in regard to this Bill as contrasted with their attitude to the other Bill. On the motion for leave to introduce, the Mover has simply to make

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the motion and if there is objection, there is a statement by the objector. No other Member has got a right to intervene and express his opinion either for or against. That being the case, is it just to the House that the hon. the Revenue Member should rise up and say that he objects on the ground that on a previous occasion that Bill was published. It is not open to the House to consider whether the provisions are right or not and he has effectively prevented any Member from standing up and speaking for or against the Bill. I am sure persons who are anxious about the protection of minorities—I include the European group also—would have to realize that the minority in opposition should not be put down by the iron hand of the Revenue Member of the Government who seems to be more anxious than ever to please one section of the House than another. I do not want to say anything more. I expected that some statement would be made by the hon. the Revenue Member as regards his attitude on other questions left outstanding. I only wish to say this that this Government, while they protect the landholders and will continue as their protectors, the masses mean nothing to them. I do hope that they will take the serious warning that I give on behalf of the House that we cannot get on if our measures are slighted and rejected and that they also could not continue long merely by patting on the back of a section, however influential it may be.

"So far as this Bill is concerned, I am one of those who do not object to it. If there was a principle in making certain estates impartible, the object of this Bill in trying to consolidate them and to exchange certain portions will be in furtherance of that object. But at the same time it would be absolutely necessary that in Bills of this sort there must be sufficient protection afforded to persons who may have lent money on the basis of these estates or properties being partible and by carefully making suitable provisions in them.

"Then again, the interests of persons interested in private estates who will be entitled to shares in that property also should be protected. Unfortunately in this House I do not think we have representatives either for the one or for the other. I am sure the hon. the Revenue Member who, I am glad, has not given his full consent to the Bill itself, though he gave his consent for previous publication, will protect the interests of the people, however poor they may be."

* Dr. P. SUBBARAYAN:—"Mr. President, I hope the hon. Gentleman, the Revenue Member, will at least now realize the danger of treating one side of the House in a different manner from the other. I am not objecting to the principles of the Bill as such. If the Government thought that it was not right to publish a Bill moved by a particular Member on this side of the House because they were against the principles of the Bill, I cannot understand the *raison d'être* for allowing a particular Bill given notice of by a Member on the other side of the House to be published before it was introduced in this Council. Therefore they cannot get away from the blame that has been attached to them by my Friend, Diwan Bahadur Muniswami Nayudu that they are treating one section of this House in a partial manner."

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you belong to the Government side of the House and your vote is available to the Government, then you are sure to be treated in a different manner from others. If the Members of the Reserved Half really feel that such is the way that the Government of the country should be carried on, then the time has come when a different system should take its place.

"The convention, no doubt, Mr. President, that has been the practice in this House of not objecting to the introduction of any measure in its initial stage, has been broken, and violently broken, because the Government intend to protect one set of persons against another. I hope the hon. Members of the Reserved Half will see that this blame does not attach to the Government as it exists to-day, and I hope at least in future, the hon. Members will bear in mind the sentiment that has been expressed by my hon. Friend, Diwan Bahadur Muniswami Nayudu."

"The hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, some hon. Members on the other side of the House have asked for reasons for the different advice tendered to His Excellency the Governor as regards the previous publication of this Bill and the previous publication of Mr. Sami Venkatachalam Chetti's Bill to amend the Madras Estates Land Act. The Bill now before the House was originally introduced by my hon. Friend, the Raja of Bobbili, and on that occasion leave to publish it was given even before leave to introduce it had been obtained in the Council. I may give two reasons for this. In the first place, as far as we could see, there was not likely to be much controversy over the principles of the Raja of Bobbili's Bill. In the second place, we understood that the reason given by the Mover of the Bill was urgent, namely, that a new Province was likely to come into being at a very early date and that certain people were desirous to exchange portions of their estates so that the whole of their estates may be entirely in one province or in the other and they may have only one Government, one High Court and one system of law to deal with, when the new Province is created. We did not know exactly when the new Province would be constituted, but we did know that the Government of India and the Secretary of State were taking steps to bring about the constitution of that Province before the reforms now under consideration are brought into being. On that ground it was thought desirable that this Bill should go before the House at as early a date as possible. I am glad that our anticipation that the principles of the Bill would not be opposed has turned out to be correct. The publication of the Raja of Bobbili's Bill led to no adverse expression of opinion, as far as I am aware, but Mr. Sami Venkatachalam's Bill was of a highly controversial character and it was deemed by some people to be of a confiscatory character. Thus, the characters of the two Bills are entirely different, and on that basis we have accorded them differential treatment.

As regards the point made by my Friend, Mr. Muniswami Nayudu, it may say that the same point had occurred to me and I had observed

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in a note I wrote on the subject that among the points to be considered is the effect on ryots and tenants in land sold or purchased; it is our intention to see that neither their rights nor the landholders' rights are affected by such transfers as those contemplated in the Bill."

The motion was put and carried and the Bill referred to the Select Committee.

V.—THE MADRAS ALIYASANTANA BILL (BILL No. 12 OF 1933).

* Mr. K. P. RAMAN MENON:—" Sir, I move—

'that the Madras Aliyasantana Bill' (Bill No. 12 of 1933) be circulated for the purpose of eliciting public opinion thereon, and that such opinion be obtained and placed on the table of the House before the next meeting of the Council.'

"Sir, there are certain salient points on which the Aliyasantana law differs from the ordinary Hindu law. It may be noted that in the Aliyasantana law there are no mutual rights between husband and wife; there is no recognition of status of sons or of their children as heirs to the property. Then again, Sir, the Aliyasantana law does not recognize the right to partition amongst the members thereof. As a result, there is constant conflict amongst the members of the Aliyasantana family. Moreover, one family may grow to such an extent that sometimes there are 100 members in it whose exact relationship to one another is difficult for themselves to state. Then for this whole body one person, whether male or female, becomes the manager. Naturally he or she would prefer the interests of those nearer to him or her than the interests of those remotely connected.

"It may be asked whether this demand is a new one or has been in existence for a long time. In this connexion, I may mention that this demand has been in existence, at least to my knowledge from 1887 or 1888 onwards. The Government first of all recognized this demand from the Aliyasantana and Marumakkattayam people and appointed what is known as the Malabar Marriage Commission which was presided over by Sir T. Muthuswami Ayyar. At page 404 in Volume 58 of the Legislative Council Proceedings there is an extract from their report which I beg leave to read to the House. The tarwad under the Aliyasantana law is exactly the same as the tarwad under the Marumakkattayam law. This is what it says:

It (meaning the tarwad) huddles together as a family a number of distant relatives not necessarily drawn to each other by any bond or affection. It makes home life in the best sense of the word impossible, for the father is a casual visitor and the mother and children are but units in a heterogeneous flock dependent on a practically irresponsible guardian who from the mere accident of his being the eldest of the flock is expected to be able to regard every member with an impartial love and to prefer their interests to those of the wife of his bosom and the children of his loins. While attempting to maintain the impartibility of family property, it has been unable to prevent such property from being encumbered in every possible way and the effort to get rid of the encumbrances demoralizes the people to such an extent that Malabar has become notorious for forgery, perjury and reckless litigation."

* Published in the Fort St. George Gazette on 15th August 1933.

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"Of course South Kanara which follows the Aliyasantana law is not an exception to what is stated here and it does not differ from Malabar.

'The rule which vests the management of the tarwad property in the eldest male, raises a man to power when he is in his dotage and creates a constant conflict between duty and interest, and by way of climax to the many temptations which invite him to provide for his wife and children by malversation and breach of trust offers him the assurance that he cannot be called to account. Finally, by declaring the right of every member to receive maintenance from the tarwad, from the womb to the grave, junior members are encouraged to pass useless lives in sloth and idleness without effort to better their condition.'

"That is a very graphic description of the Malabar family which applies word for word to an Aliyasantana family. The report of the Malabar Marriage Commission culminated in what is known as the Malabar Marriage Act which recognized marriages among the Aliyasantana and Marumakkattayam people. And it may be also noted in this connexion that it was with reference to a case which arose in South Kanara as to the validity of marriages among the Aliyasantana and Marumakkattayam people that the first decision was given by the Madras High Court.

"Efforts have been made ever since 1896 (when the Malabar Marriage Act was passed) to remedy these conditions by trying to introduce Bills in connexion with Marumakkattayam and Aliyasantana law. The first effort was made by Sir Vasudeva Raja of Kollengode in 1908 when he was a Member of this Council. Then, Sir Krishnan Nayar, who was then a Member of this Council, introduced another Bill which also was in the same direction. Then again, when I was a Member of this Council in the pre-Reforms days, in 1913, I introduced two Bills in this connexion to put the Marumakkattayam and the Aliyasantana law on what I considered to be the proper basis on the lines of the opinion given by Justice Muthuswami Ayyar. Later, in the year 1918 or so, Mr. Prabhakaran Tampan (now a Member of the Assembly) as a Member of this Council introduced a Bill which sought to put the tarwad management on a proper basis.

12 noon. "Then again, Sir, Mr. K. Madhavan Nayar as a Member of this Council introduced another Bill in 1927 or 1928. That was not followed up. Lastly Messrs. Nambiyar and Palat's Bills were consolidated in the Marumakkattayam Act of 1930. We see from the progress of this agitation that the matter has been practically before the public ever since 1889 or 1890. It is not at all a new measure. It is not a matter in which some people who have practically nothing to do are trying to shape the law according to their whims and fancies. According to the Aliyasantana people there is some difference of opinion among them regarding the partition of properties. The Marumakkattayam law which was originally passed by this Council was referred back to this Council really on this ground. His Excellency's message in returning the Bill is found on page 63 of Volume LXV of our Council Proceedings. This is what His Excellency observes:

'It is clear to me that the Marumakkattayis desire this Bill and it is equally clear that not only does a large section of the people governed by the Aliyasantana law not want this Bill at all but that no section desires it as it

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stands. I therefore consider that it is desirable to exclude the followers of the Aliyasantana law from the operation of this Bill at present. If at some future date it is desired to include them within the scope of the Bill a short Bill applying the provisions of this Bill to them with such changes as may be necessary may be introduced.'

It may be seen from this message that a certain section of the people did not want that that Bill should be passed as it stood while others opposed it and consequently His Excellency naturally thought that it would be better not to tack on the Aliyasantana Law with the Marumakkattayam Law but to deal with it separately. But it would be clear on further investigation that the difference of opinion was only as to the incidents attaching to property obtained on partition. In accordance with that desire another Bill has been introduced and a reference to this Bill will show that it closely follows section after section the Marumakkattayam Act, the chief difference being in Chapter V with reference to partition—as to how partition should be effected, as to what rights Members would possess over properties obtained on partition. The Bill differs to a very considerable extent from what is contained in the Marumakkattayam Act. Whether all these conditions are necessary and whether all these provisions are really workable is a matter which may be considered after the opinions are received. What we want is to get the opinion of the people with reference to the change of law that I seek to introduce. That is what this motion aims at. We want the Government to circulate the Bill and elicit opinions, to get as many opinions as possible, so that this House might be guided by the valuable contributions which may be made by persons who are interested in the matter. Hon. Members must be in possession, as I am, of certain papers dealing with this subject that have been put into our hands recently. I refer to one such. At a meeting which was held on 8th July 1933, paragraph 2 of this paper says—

'It was resolved that in view of the fact that the Aliyasantana public and in particular the South Kanara Aliyasantana League have not been consulted, the League is of opinion that the Bill is premature, and therefore the League regrets that it is not in a position to either support the Bill or to propose any amendment at this stage to the Aliyasantana Bill now sought to be introduced.'

Fortunately for me that statement is completely contradicted in the next paragraph. This is what that paragraph states:—

'The League is unanimously of opinion that a District Committee consisting of representatives from all Aliyasantana communities should be constituted and that this Committee should tour round the district with a view to sound public opinion regarding the changes required in the Aliyasantana system.'

This passage clearly indicates that changes are necessary in the Aliyasantana system of law. I cannot think of any better machinery than the machinery of Government for getting the opinion of the public. The opinion that will be elicited by any committee touring round the district will not have the same weight as the opinions obtained from leaders or influential gentlemen of the district by the Government. The attitude of the Aliyasantana League reminds me of a statement attributed to Louis XIV of France. "I am the State," he is reported to have said and the Aliyasantana League believes that they form South Kanara. The Aliyasantana League of South Kanara probably thinks that it is the

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only League which is fully representative of public opinion and as such a body has not been consulted the Bill should not go through. I demur to such a position. Any association or body, however great it may be, cannot consider itself as the sole exponent of the views of the public. I submit therefore that this motion is a very harmless motion which I am moving before the House. We want public opinion to be elicited and this public opinion could be elicited in the only way in which I propose it should be elicited, viz., by circulating the Bill. I therefore ask this House to unanimously vote for this motion, thus calling upon the Government to circulate the Bill for public opinion and, after it is received, to place the same on the table of the House for the information of hon. Members. I hope the House will pass this motion."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I second it."

* Mr. M. S. SRESHTA:—"I have much pleasure in supporting this motion. I do not think it is necessary at this stage to go into the merits of the Bill. I cannot conceive that any one in the House will have any objection to have the Bill circulated and elicit public opinion. The object is merely to ascertain what the public have to say about this important Bill. The merits of the Bill have been fully explained by my hon. Friend, Mr. Raman Menon, and if it is necessary for me to do so, I shall rise again at the proper stage to speak about the Bill. I now merely support the motion that the Bill be circulated for the purpose of eliciting public opinion thereon."

* The hon. the PRESIDENT:—"The motion before the House is that the Madras Aliyasantana Bill (Bill No. 12 of 1933) be circulated for the purpose of eliciting public opinion thereon and that such opinion be obtained and placed on the table of the House before the next meeting of the Council."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I beg to move—

that after the word "obtained" in the motion now moved, the words "by 31st March 1934" be inserted and the rest of the words in the motion be omitted."

"Sir by accepting my amendment time will be available for the people to consider the Bill in all its aspects. Now the communities live in various villages access to which is not easy during this part of the year. Therefore I feel that sufficient time should be made available for them. If anything less than six months time is allowed, I am of the opinion that it would be insufficient. Therefore it was felt that it was absolutely necessary that more time than that suggested by the mover should be allowed to get anything like adequate public opinion of the communities who are very seriously affected by this Bill, and that time till 31st March 1934 should at least be granted therefore. I therefore move that such opinion be obtained before 31st March 1934."

* Mr. T. SUNDARA RAO NAYUDU:—"I beg to second the motion moved by my hon. Friend, Mr. Madanagopal Nayudu. The House is fully aware that when this Council passed the Marumakkattayam law some time back and when it wanted to apply it to the followers of the

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Aliyasantana system of law, there was a tremendous agitation among the Aliyasantana people against the Marumakkattayam law being applied to them. A league was also formed in South Kanara and innumerable meetings were held protesting against the passing of that law. A deputation was led by my Friend Mr. Hegde (Diwan Bahadur Mahabala Hegde) before His Excellency the Governor, and that deputation explained the difficulty which the followers of Aliyasantana law were feeling after the passing of that law; as a result of that His Excellency was pleased to send back that Bill to this Council asking us to exclude the Aliyasantana people from the scope of that Bill. The Council amended the Bill accordingly. Soon after that, Mr. Shetty introduced this present Bill in this Council. I understand from responsible representatives of the followers of Aliyasantana law that Mr. Shetty did not consult these people. The Aliyasantana League, a very big league and a representative association in South Kanara was not at all consulted."

Mr. U. C. SUBRAHMANYA BHATT:—"I just want to know whether my hon. Friend can read a manuscript speech."

Mr. T. SUNDARA RAO NAYUDU:—"I am not reading from a manuscript, Sir, but I am speaking with the help of my notes."

Sir, it is not my intention at this stage to go into the merits of this Bill. My hon. Friend, Mr. Raman Menon, has already dealt with the various provisions of the Bill. It is absolutely necessary that persons who are affected most by this Bill, viz., the Bhants and the Bhilavas, should know thoroughly about the effects of this measure. They are very conservative and they are very suspicious of this new enactment being passed. Unless and until we get public opinion from the various associations and bodies concerned and find out whether those people really want such a legislation it is not right that we should force this legislation on the unwilling people. We, the Members of the Legislative Council, cannot arrogate to ourselves the power of legislation on behalf of persons who are really not in need of it. Unfortunately we have got only two representatives from the district of South Kanara and they are of divergent views. I should think that my hon. Friend, Mr. Sreshta, cannot claim to have such an intimate knowledge of the Aliyasantana system of law as to be of real help to this Council. In these circumstances, it is much better that we give sufficient time to the people of South Kanara to express their opinions and ventilate their grievances, so that they may be placed before this House for their consideration. We want to know if the agitation carried on in favour of this legislation is artificial and whether the people of the district who are affected by such a legislation are really against it. With these few words I second the amendment."

Khan Bahadur T. M. MOIDOO SAHIB Bahadur:—"I do not move my amendment."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, hon. Members are aware that the followers of Aliyasantana law were excluded from the operation of the new Marumakkattayam law on the recommendation

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of His Excellency the Governor. That recommendation was unanimously and respectfully accepted by this House. Therefore in deciding as to the attitude to be adopted towards the motion under discussion the message of His Excellency has to be carefully considered. While the message points out the opposition to any alteration of the existing state of affairs, His Excellency allows the introduction of a Bill at a future date. I may be permitted to read out that portion of the message. What has been said is:—

12-15 p.m. If at some future date it is desired to include them within the scope of the Bill, a short Bill applying the provisions of this Bill to them with such changes as may be necessary, may be introduced.

The main point at issue now is whether a Bill is really desired by the followers of Aliyasantana Law. Regarding this matter, it is indeed unfortunate that the two stalwarts are poles asunder. Diwan Bahadur Mahabala Hegde, a former distinguished Member of this House, a former District Board President and a former Government Pleader and Public Prosecutor of South Kanara, who is now bodily present in the President's Gallery and in spirit with some hon. Members of this House, firmly asserts that the Bill is not wanted."

Mr. M. A. MUTHIA CHETTIYAR:—"Can the hon. Member refer to anybody who is in the Visitors' Gallery?"

* The hon. the PRESIDENT:—"There is nothing intrinsically wrong in referring to anyone outside this House."

* Mr. V. P. NARAYANAN NAMBIYAR:—"The present hon. Member for South Kanara, Mr. A. B. Shetty, who is now the District Board President, and who is respected by all sections of this House, for he always talks on facts and figures, with equal emphasis says that the Bill is a necessary measure. Sir, I venture to submit that the best way to deal with the Bill would be to constitute a small committee composed of three gentlemen and presided over by the hon. the Law Member to tour in South Kanara to find out the real position. If that is not possible I would gladly support the motion that the Bill be circulated for opinion. In circulating the Bill there are two points to be kept in view. The first is that representative opinion must be collected. The second point is, in case representative opinion welcomes the Bill, then there should be sufficient time for the present Council to push through the measure. There cannot be any controversy in regard to the first point. With reference to the second point, it would be safer to request the hon. the Law Member who commands the confidence of the pro-change party and the no-change party in South Kanara to give us a proper lead in the matter."

* Rao Bahadur Sir A. P. PATRO:—"Sir, this is a measure of far-reaching importance, introducing as it does into South Kanara Aliyasantana families a social revolution by disintegrating them and dividing the members of the same family tied together by strong family links. The proposals with regard to the introduction of intestate succession will certainly lead to a great deal of litigation. I wish the Bill itself had been drafted by a lawyer who knows the legal consequences

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of the several provisions made therein. I am not of course referring to my hon. Friend, Mr. Raman Menon, in this connexion, but I refer to my hon. Friend, Mr. Shetty, who would have done well to have consulted a legal expert before he tried to introduce a Bill of this kind into the Council. As I said just now, this Bill goes to the very root of the family system of property which has obtained for several generations in this community. It also changes the present system of succession and partition. We have already passed the Marumakkattayam Bill which affects the social structure and customs of the people of Malabar and we do not know what the consequences of that Bill would be in actual working. Though in matters of social reform I have much sympathy with those who want to reform, I should warn them and say that we should proceed very cautiously. There have been instances both in the past and in recent times where social reform measures which have been rushed through legislative bodies have in the end become mere dead letters. I need only refer to the Act passed by the Indian Legislative Assembly, known as the Child Marriage Restraint Act. As hon. Members know from their own experience, that measure has not received that amount of support from the public which it was expected to receive and surely deserves to receive. It is a very excellent measure, it is a very salutary measure, but yet it has not had the same result as we all anticipated. I may also refer to the Nayar Regulation in Travancore. That surely has done a great deal of havoc. Social reformers may applaud it, but there have been a number of complaints about the Regulation. We have to see how far the family relations and property rights in Malabar are going to be affected by the Marumakkattayam Act. We all know that the hon. Member wanted to rush through this legislation as a complement to the Marumakkattayam Act and that as a consequence a deputation waited on His Excellency and requested him not to make the provisions of that Act applicable to Aliyasantana people of South Kanara. His Excellency rightly said that he thought that the Aliyasantana people did not want the Bill, that at any rate there was a great deal of dissatisfaction in the matter and that the promoters of the reform must wait for some time. But soon after His Excellency made that suggestion, another measure is prepared and is intended to rush it through the House now.

"In this connexion, it will be remembered that there was a conference on 20th May 1933 of all the Bunts of South Kanara. That conference of representatives of all the sections concerned was the proper place where this measure should have been first discussed. Also, the hon. Member for the City referred to the Bill last time and said that that part in leading the opposition to the Bill last time and said that that league had been omitted in the consultations in regard to the merits of this Bill. I cannot therefore conclude that this is a bona fide act in introducing this measure. This measure should have been placed before that league and before the representative conference held in May this year and their opinions elicited. These are important facts to be remembered in connexion with this Bill. I do not oppose the Bill on

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its merits; I only say that as a measure affecting the social customs and property rights of a people, it should be very carefully considered.

"Now what is it that the amendment asks the House to do? It only asks that sufficient time should be given for the Bill to be considered by the people affected. Let the Bill be sent to organized associations and prominent persons in the district, to the District Collector and the officials of the district who are conversant with the customs and habits of the people and let them consider the Bill and give their opinion on it. After all 31st March is not far away; we have only four months' time. I think the hon. Member from Malabar being an experienced person will decide that he should not rush through this Bill and accept 31st March as a reasonable date.

"Why should this Bill be considered in the next meeting of the Council? The hon. Member who is a shrewd gentleman can understand that if he rushed through this Bill and brought it forward for consideration in January, there would be many motions to adjourn its consideration to a later date and they will obstruct the further progress on the Bill. Why subject yourself to all these inconvenient motions; why not accept the reasonable proposal made in the amendment of the hon. Member Mr. Madanagopal Nayudu? I would therefore support the amendment—I do not speak on the merits of the Bill, I reserve my comments on it to a later stage—so that sufficient time may be given to the people affected by this far-reaching measure to formulate and express their views definitely on it."

* Mr. A. B. SHETTY:—"Mr. President, Sir, on 31st October 1931 and on 2nd November 1931, the Movers of the Marumakkattayam Bills made motions for the purpose of referring their Bills to a Select Committee, and the hon. the Law Member moved amendments to those motions saying that the Bills should be circulated for eliciting opinion on the ground that the Bill was a piece of social legislation and that Government ought to know the opinions of the people concerned before they made up their minds regarding the attitude they should take with regard to those Bills. On that occasion the Law Member gave an undertaking on the floor of the House that the opinions of the people concerned would be obtained by the 5th or 10th of January and accordingly opinions were obtained and the Bill was referred to a Select Committee at the January meeting which was held at the end of the month. Sir, a similar motion is made now in regard to a similar Bill and at almost the same time of the year and I do not know why this dilatory motion should have been brought except for indirectly achieving the purpose of putting off the consideration of the Bill instead of making a direct attack on it.

"The main provisions of this Bill are almost the same as the provisions of the Marumakkattayam Bill. The evils of the Aliyasantana system are the same as the evils of the Marumakkattayam system, the disabilities under which the people are suffering are the same and the

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reforms needed to remove the disabilities are also the same. Sir, this unnatural and peculiar system of law obtains nowhere else in this country except in Travancore, Cochin, Malabar and South Kanara. Now, Travancore, Cochin and Malabar have one after another got legislation passed for the purpose of effecting reforms in this system, and South Kanara is the only place now remaining under this system. It is very desirable that South Kanara should come into line with Malabar since the people in both the places are governed by the same system of law of inheritance and are following the same customs. The Marumakkattayam Bill was meant to be applied to South Kanara Aliyasantana people also and the majority of the opinions received in connexion with that Bill from South Kanara was in favour of the Bill, as will be evident to anybody who scrutinizes the opinions received and published by the Government. I do not want to go into the circumstances which led to the exclusion of the Aliyasantana people from the operation of that Bill. There was, if hon. Members will remember, practically no opposition worth the name to the Marumakkattayam Bill from South Kanara till the Bill was actually passed in the Council. It was partly on account of certain amendments made in the Bill, particularly the amendment for giving absolute shares to male members moved by Mr. Bhatt and accepted by the House that an agitation was set on foot against the Bill after it was passed in the Council. Sir, no new or revolutionary proposals are made in this Bill. It has been drafted on the same lines as the Marumakkattayam Bill. The objections and criticisms made against that Bill by the worst opponents of reform have been considered and they have been met by making suitable changes in this Bill. The present Bill is, therefore, much less radical than the Marumakkattayam Bill and it has been made so, so that it may not meet with opposition from the more conservative sections of the people.

"English and Kanarese copies of the Bill have been printed and distributed by me to leading men of the different communities affected by this Bill in the district as well as outside; several meetings have been held in different parts of the district to elicit opinions on the Bill and these meetings have passed resolutions in favour of the general principles of the Bill. I have also received from several leading men of the different communities affected by this Bill statements to say that they accept the general principles of the Bill. The Council will soon be in a position to know how far the statement is true that the district as a whole is against this Bill. I must congratulate the opponents of the Bill for getting Sir Patro to advocate their cause. Any other person in his position would not have spoken as he has done. If I think of bringing any Bill in future with regard to any subject in this Council, I shall take care to consult my Friend, Sir Patro, and take his advice. Some opposition to a Bill of this sort is inevitable: people with vested interests and people having their own axes to grind will always oppose a measure of this sort; it cannot be helped. Even in connexion with the Marumakkattayam Bill there

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was stout opposition from the *stani* families of Malabar; memorials and counter-memorials were received but this House took a sane and sober view of things and passed the Marumakkattayam Bill and also congratulated the movers of the Bill and complimented them; the whole House was glad that this measure which was long overdue was passed by it.

"Sir, this is a motion made only for circulating the Bill for eliciting public opinion. The object of this amendment is to indirectly torpedo this Bill and put it off till next August or so, so that it may have no chance of going through this Council. I do not understand why this frantic attempt should have been made first to oppose the circulation of the Bill and subsequently to gain time, if, as the opponents of the Bill have been going about telling, public opinion in the district is wholly and decidedly against the Bill. The Marumakkattayam Bill and this Bill have been before the people in the district at least for the last three years continuously; meetings have been held and people have been discussing this Bill all the time. Those who are in a position to give intelligent opinion about this matter can be asked to give their opinion by January. I don't see the necessity for granting further time. Anyway I am prepared to follow the advice given by the hon. the Law Member in this matter and I do not propose to say anything further."

B. POCKER SAHIB Bahadur:—"Mr. President, Sir, the ways of the Justice Party are rather inscrutable. It was only the other day that not only the Justice Party but also the quasi-Justice Party—if I can put some hon. Members under that category—were condemning wholeheartedly the dilatory motion which was supposed to have been made by the Members of the Opposition in connexion with the Estates Land Bill; they resort now to this dilatory motion certainly with the idea of defeating the measure itself, instead of facilitating the eliciting of public opinion. The oration of Sir Patro is rather irrelevant in this connexion because neither he nor any Members who opposed this motion spoke anything against the desirability of introducing a measure like this. The only question at issue before this House is whether this Bill should come up for consideration at the next meeting or at some unknown time after 31st March. That is the only question at issue. So far as I can see, none of the Members who have spoken in support of the amendment proposed by the Council Secretaries have adduced any reason to show that time is required until 31st March and that heavens will fall down if the Bill is taken into consideration before that. Let us see what the real difference is. If I understand aright, the next meeting of the Council will be some time in January and not in December; it will be somewhere about the end of January. If that is so, I do not see why they should oppose the motion moved by Mr. Raman Menon, and not fix the time as the date of the next Council meeting. So, their object is quite obvious; it is more to defeat the Bill itself than to have more time to facilitate taking of opinion."

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"Mr. Shetty has placed before this House all the relevant facts connected with it and Mr. Raman Menon has traced the whole history of the measure. So, it is not necessary to go into this question at all. The Marumakkattayam Bill, as it was originally introduced, applied to persons governed by Aliyasantana Law; when it was circulated for opinion, we had opinions from so many gentlemen governed by Aliyasantana Law on the footing that the Bill that was to be passed into law was to be applicable to them also. The majority of the opinions was in favour of the Bill. The only real difference that had to be considered both at the Select Committee stage and in the open Council was with regard to certain aspects of the division of property, whether it was to be *per capita* or *per stirpes*. It was understood that they came to some understanding that half of the property should be divided *per stirpes* and the other half, *per capita*. It was only on that point there was difference of opinion. I think it was rather a mistake that the clause as passed by the Select Committee was changed in the open Council. It was only on that account that all this difference arose so far as this Bill is concerned. No doubt the House had no other go but to accept the recommendations of His Excellency the Governor because the recommendation was itself in that form. The only recommendation was to exclude the people governed by Aliyasantana Law. If the recommendation had authorized us to make modifications, certainly this House would have passed the clause with such modifications as were desirable. But the House was handicapped as it could not go beyond the four corners of the wording of the recommendation."

"I am not referring to anything that happens outside this House, but it is a matter of common knowledge to this House that, whenever any controversy as regards matters which affect the public arise, the controversy really turns upon personal differences rather than differences on merits. That is a matter well known to hon. Members of this House. This occasion also is not an exception to that experience which all of us have. I do not want to say anything more about it. I had the same experience when I heard the statement made by Mr. Sundara Rao Nayudu. He was saying that Mr. Shetty did not consult many leading gentlemen at the time when he introduced this new Bill. I grant that Mr. Shetty may not have consulted some leading gentlemen. The only difference being on one particular question and inasmuch as the Bill has been introduced in accordance with the wish of the people, the objection that is raised is only a technical objection, that some people were not consulted. Even if they were not consulted, if the measure is one which will be to the good of the people, I do not see any reason why for this want of consultation on the part of Mr. Shetty, Members should raise objection to the Bill itself and why the Justice Party should be asked to utilize their power to defeat such a desirable measure as this. What I would appeal to the House is to see through all these games and to understand that this amendment to put off the Bill is not really intended to facilitate expression of opinion but to defeat the Bill itself. The House should not vote for

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this amendment unless they think that the Bill itself is not a desirable measure. Secondly, it is quite clear from the speech of Mr. Sundara Rao Nayudu that the real reason for this opposition is, not because there is something wrong in the Bill, not because people do not desire that this Bill should be speedily passed, but because Mr. Shetty did not undergo the formality or did not have the courtesy of consulting some gentlemen who were concerned with the Bill. I would appeal to the House to rise above all these personal differences and to see through all these questionable games; it is sought to defeat the Bill itself by bringing a dilatory motion like this. If the measure itself is an undesirable one, certainly I would be the last person to ask this House to circulate the Bill for eliciting public opinion. If the House thinks that the measure is a very desirable one, it should rise above all these kinds of tactics and see that the measure is passed as speedily as possible. As I have already pointed out, the only difference is between the end of January and the end of March. That does not make much difference. After all, it is only to elicit the opinion of the people governed by Aliyasantana Law in South Kanara and it will not take half a year. Two months will be quite ample particularly in view of the fact that the matter is one which has caused some agitation and has been under the consideration of the people for some time. I would appeal to the House to support the motion of Mr. Raman Menon."

* MR. BASHEER AHMED SAYEED:—"Sir, I rise to support the motion for circulating the Bill for eliciting public opinion. I am at one with the views expressed by the hon. Member for Ganjam that a measure of this type is sure to disturb the existing social fabric and the social integrity of families. That was the reason why I had to oppose certain clauses of the Marumakkattayam Bill which has become law. But that does not compel me to vote against the motion that is now before the House. Objections have been raised both inside this House and outside that this Bill ought not to be supported by this Council.

12-45
P.M.

"I have had occasion to discuss the matter with a gentleman who is most interested in this affair; and I must confess, Sir, that I was not at all convinced of the reasons that were adduced by him for the postponement of this measure for ever. All that could be adduced at the present moment against this Bill seems to be this; that there should be some time given to the people to make up their minds, and secondly that the opinion of the parties really interested must be ascertained before such a measure as this is pushed through the Council and made into law. I say that that purpose alone is sought to be achieved by the motion now before the House. If there is any real objection to the introduction or passing of this measure, it becomes necessary that we should address the parties interested and find out what they have to say about a measure affecting their vital interests. If the measure is not to be considered in the month of November or December as it is obvious, then it means that we can take it up in right earnest only at the next meeting. Between the next meeting and the present meeting, there may be many slips. Therefore I do not see how there can be any

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valid objection or even any *bona fides* in the attempt to postpone this measure. I consider, Sir, that the amendment moved by the Council Secretary to the Third Minister does not make out any case for such a long postponement. On the other hand, it is, I am afraid, not a *bona fide* attempt at doing anything constructive. It is an amendment practically to defeat the measure. If there is real honesty on the part of those who want to oppose this measure, let us know the real facts; and to know the real facts, it is necessary that the Bill should be circulated for public opinion. The whole population of South Kanara and those that are affected by this Bill should be given an opportunity to express their views. I have, placed in my hands, a copy of the resolutions that are alleged to have been passed at a meeting of the Aliyasantana League of South Kanara held on 8th July 1933. There are four resolutions passed, and I have perused them very carefully, and they have left me still unconvinced. I do not want to refer to the first resolution which relates to some telegram, etc., but the spirit of the other three resolutions seems to be only that there should be a postponement of the consideration of this Bill. For what purpose? It is in order to improve the Bill or in order to enable them to suggest amendments, or it is in order to enable them to make up their minds either to support or oppose any amendment at this stage. They have also admitted in those three resolutions, both expressly and impliedly, that there is a great necessity for the Bill. Now, Sir, in the case of persons like me who have no personal interest in the law that is now being administered in South Kanara, it may be argued that they have no function or place in a matter like this. I consider, Sir, that this is exactly the situation where people like me are called upon to interfere and intervene. If there is a difference of opinion between the Members of Malabar and South Kanara on a measure like this, those who are in a disinterested and dispassionate position, are the best fitted persons to give their opinions on and decide the matter. Let us take a dispassionate view, let the matter go before the public, let all the big leagues and conferences that have been referred to by the hon. Member from the City of Madras be given an opportunity to express their views and let those views be placed before this Council. True, we must have enough time to consider those views and give them their due value; and after that, let us take the measure before the Council and pass it. That is what exactly the present motion means and that is exactly what the other side also wants. If there are any reasons for postponing this measure besides those which have already been adduced, let them be made explicit, and let them be placed before us, so that we may weigh them. But if those reasons are the same as those referred to in the resolutions of the league, I submit there is no valid ground for postponing this measure indefinitely as is implied in the amendment. I have therefore pleasure in supporting the motion before the House."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, the motion of my Friend, Mr. Raman Menon, can be divided into two parts, viz., that the Bill be circulated for public opinion so that the people concerned may have an opportunity of expressing their views on the Bill

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and that it may be ordered by this Council that these opinions should be obtained 'before the next meeting of the Council.' With reference to the latter part of the motion, there is an amendment by my Friend, Mr. Madanagopal Nayudu, to the effect that the time mentioned in Mr. Raman Menon's resolution, i.e., 'before the next meeting of the Council' is too short and that therefore the opinions must be obtained before the 31st of March. In other words, the amendment says that the people concerned should be given more time to express their opinion. So far as the first part of the resolution is concerned, the Government agreed to that. This is a piece of social legislation and it is the opinion of the members of the community concerned that matters in a legislation of this kind. It is therefore desirable, nay, even necessary, that the opinions of the community concerned must be obtained before this House makes up its mind on the matter. So far as I have been able to ascertain the wishes of this House, from the speeches of the several hon. Gentlemen who have spoken, I believe that that is the general trend of opinion.

"Coming now to the second part of the motion, taking all things into consideration, I am inclined to accept the view put forward by my Friend, Mr. Madanagopal Nayudu, in his amendment. In a matter like this, it is desirable that adequate time should be given to the people concerned to express their opinions. If I may be permitted, without any breach of privilege, to refer to a conversation that took place between myself and Mr. Shetti before this amendment was thought of, I may say that I expressed to him even then my opinion that the time mentioned in this resolution, viz., before the next meeting, was inadequate. I did not of course tell him then what time would be necessary, but I did express to him before I saw this amendment that it was desirable to allow more time. On the whole, Sir, I would advise my Friend, Mr. Raman Menon, who has moved this motion, to accept the amendment of my Friend, Mr. Madanagopal Nayudu."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, we have to-day had an exhibition of conflicting views put forward by two Members of Government, one opposing a certain motion and the other saying: 'Yes, we sympathize with your Bill, but anyhow we are in favour of the amendment moved by one of the Ministers' Secretaries, as that would be the best way of dealing with the measure.' Sir, with regard to the other Bill, the hon. the Revenue Member said 'I am not in favour of it and therefore I oppose it'; that is good. But with regard to this Bill, the hon. the Law Member says that he is in sympathy with this social legislation, that he is anxious to see that the people express their opinion and that he will have no objection to push the Bill through; but the main point of the arguments put forward by Members on this side of the House who opposed the amendment of Mr. Madanagopal Nayudu was that by putting this off till the 31st March, the Government will be practically not allowing this Bill to go forward; it being a non-official Bill, after the 31st March next it will have no chance of going to a Select Committee or of being considered on its merits at all. I think it will be much better

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and more honest on the part of Government to say 'we do not think that the Bill will go forward during the lifetime of this Council, and so practically we oppose the Bill itself.' On the other hand, Sir, it gives very little satisfaction to the Members of this House who are interested in this social reform, with which reform my hon. Friend has always been associated and in which he has always taken a keen interest so far as Malabar is concerned, and who are interested in seeing that the Government give a chance to non-official Members to put forward this reform, to be told: 'I do not think that from now up to the 31st January 1934 there is sufficient time for the people to give their opinions even though the Bill concerns only one section of the people in one district, South Kanara.' Sir, South Kanara is above all other districts, the most enlightened and probably the most literate district too. It will be idle to say that 1½ months would not be sufficient for South Kanara to express itself on this Bill. If by January it is found that the time already given has not been sufficient, then I can understand his coming forward and saying that the time should be extended for another month or more; but even now to say that 1½ months are not enough and that three months should be given will amount practically to your accepting circulation only with a view to smother the Bill. I only want to comment upon the mentality of the Government Members here. If it is a question of the landlord and the tenant and there is a Bill brought forward to settle their disputes, the Government Member says: 'I won't allow you to go forward'; if it is a question of giving certain facilities to the landholders, you are prepared to have the Bill published even before its introduction, on the ground of the probability of the constitution of a new Province and appear to give it a chance; but if it is a question of social legislation, you say: 'We sympathise with you; but as there are differences, we won't say we won't support it, but we will give such time for the circulation of the Bill as will make it useless.' I think, Sir, it is time for us to protest against such an attitude of the Government. I can quite understand such attitude on the part of the Ministers making such differences in regard to people who are working shoulder to shoulder with them and saying, as one body, 'we approve this Bill' or 'we do not approve'; but that the Reserved Half who profess always to hold the scales even, who say that they must always look to the better Government of this country, that the Members of the Executive Council should simply play into the hands of the Party in Power purely for the purpose of getting their support on other matters and thereby try to stifle all legislation of this kind brought forward by non-official Members on the Opposition side, that they should be parties to that kind of procedure by which the non-official Members do not get a chance of bringing forward beneficial legislation, is not, Sir, I think even on the admission of the hon. the Revenue Member himself, a desirable attitude to adopt."

* Mr. K. P. RAMAN MENON:—"Sir, I did not intend to say much on this amendment; but a few remarks made by Sir Patro have to be controverted. Sir Patro said—and he simply copied the language of one of these emanations from South Kanara—that the Travancore Regulation

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has ruined the Nayar community there. Sir, I belong to the Nayar community; and I know more about Travancore, than those who say they know all about it or Sir Patro. Not only that; the Travancore Government must be regarded as knowing more about the Nayar community than any one of these gentlemen. So far as the Travancore Government is concerned, they have not only put the Nayar Regulation in motion, but they followed up that Regulation recently by another Regulation, applying it to the Kshatriyas of Travancore, who were also governed by the Marumakkattayam law. The fact that the Nayar Regulation is applied to the Kshatriyas of Travancore, may be taken to be sufficient guarantee of the correctness of the provisions contained in the Travancore Nayar Regulation. When the Travancore Government thinks that the new law that it has passed is good enough for their own Kshatriyas, for the ruling Maharaja's own kinsmen, neither my other friends, nor Sir Patro need be in any way anxious about the conditions of the Travancore Nayars.

"Then again, Sir Patro said, that this move is not a bona fide one. I hope, Sir, that he spares me that opprobrium of not being bona fide; but I would commend to Sir Patro, the desirability of his following the direction from which the agitation has emanated. Let him see what was the date on which the original Marumakkattayam and Aliyasantana Bill was passed in this Council. Let him enquire if the protagonists of the present agitation even cared to send their opinions to Government. Let him also enquire when the election to the District Board Presidentship in South Kanara took place and when memorials were submitted, whether it was after the election or before the election. If Sir Patro directs his enquiries along these avenues, then his mind will be cleared up and he will be sure that neither I nor Mr. Shetty can be convicted of the absence of bona fides; but that on the other hand it is the agitator who is really wanting in bona fides.

"With reference to the amendment now before the House, Sir, unfortunately I know . . ."

* The hon. the PRESIDENT:—"The hon. Member may continue his speech after lunch. Being Friday, we have to adjourn at 1 o'clock to-day"

The House will now adjourn for lunch and re-assemble at three.

After Lunch (3 p.m.)

* Mr. K. P. RAMAN MENON:—"I was just remarking, Sir, about the attitude taken up by Sir Patro in connexion with this Bill, and I may also assure you that we have sufficient representation of Aliyasantana interests in this Council. Besides Mr. Shetty who has given notice of a motion similar to mine, there are other hon. Gentlemen very well acquainted with the Aliyasantana conditions who are Members of this Council. There is Mr. Schamnad, there is Mr. Sreshta, and there is Mr. Bhatt. All of them are rubbing shoulders with Aliyasantana people almost every day of the year. In those circumstances, I do not think it

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is incompetent for this Council to deal with a question of this nature. But anyhow, in view of the fact that all that is required by this amendment is a little more time for opinions to solidify on this Bill, I personally have no objection to accepting the amendment that is proposed by Mr. Madanagopal Nayudu. But I must raise a protest or utter a word of caution with reference to the manner in which an adjournment like this is brought in. Well, Sir, it is objectionable to allow people opposed to any particular measure to creep up on the sleeves of any member of any powerful party, and to make it possible to have amendments proposed in this Council by such means. If this is so all that I can say is woe be to this Council. It is a game at which two can play. If one party to-day is powerful in this House, another party may be powerful to-morrow in the self-same House, and it makes it easy for this game to be played by others also. I emphatically protest against any such game and I would caution all Members of this Council that such a thing should not recur. With reference to the details given by the hon. the Law Member and with reference to the way in which he has advised me to accept this amendment, I may say I am prepared to follow his advice. I have known him for a long number of years, and I am certain that he will give us all the facilities which are within his command to enable us to see that a Bill of this nature is circulated and the opinions are received before the 31st March 1934, to enable us to bring up this Bill before the Council immediately after the opinions are elicited and circulated to Members or placed on the table of this House. Under these circumstances, as I do not want to raise bad blood in this Council but want to see that the Bill is smoothly piloted through the House. I am prepared to accept the amendment proposed by Mr. Madanagopal Nayudu."

* Dr. P. SUBBARAYAN:—"Mr. President, Sir, I want to say only a few words on the matter before the House. After all this Bill has been before the Council for a considerable time, and even before the Marumakkattayam Bill was introduced into this Council and passed into law, if the hon. Gentleman, the Law Member, will remember correctly, Mr. Karant had a Bill of this type introduced and published; but the measure fell through as Mr. Karant left the Council when the Congress Party decided not to attend the Council. And besides, as the hon. the Law Member pointed out that Bill concerned both Marumakkattayam and Aliyasantana systems and the same was the case in regard to Mr. Nambiyar's Bill and also Mr. Palat's Bill. But as the Government felt that sufficient notice had not been given to the Aliyasantanees, the Bill was sent back to this Council and the law with regard to Aliyasantanees was taken out of the Bill altogether. Mr. Shetty has now introduced his Bill because he has had a great deal of support in his own district of South Kanara and there is no doubt, whatever may be said by partisans on the other side, that there is a sufficient number of people wanting a measure of this kind. And, besides, I am told that Mr. Shetty's Bill as it stands to-day has left out a clause which was objected to at the time, and therefore I do not think that before the next meeting of the Council is too short a time for us to obtain opinions

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because the measure only concerns a single district and the district is educated and intelligent enough to understand what is behind the measure. And I am sure opinions can be gathered on this measure before the next meeting of the Council. I am surprised that Mr. Raman Menon has so meekly accepted the suggestion put forward by the hon. the Law Member. I do not want to disturb the family arrangement that has been come to between the two Members from Malabar. But I want to say this in defence of Mr. Shetty. I believe it was Sir Patro who questioned the bona fides of Mr. Shetty in bringing forward this Bill. I can assure Sir Patro from what I have known of Mr. Shetty for the last 21 years—I have known him for nearly 21 years now—that Mr. Shetty is not a person who rushes in without thinking of the consequences of the step he takes. (Rao Bahadur Sir A. P. Patro:—He can take care of himself.) Mr. Shetty, from what I know of him, is made of such stuff that he would take care of himself and can very well defend himself. I want to point out, Sir (Interruption from Rao Bahadur Sir A. P. Patro and Voices 'Go on')."

* The hon. the PRESIDENT:—"The hon. Member will go on without minding the interruptions."

* Dr. P. SUBBARAYAN:—"I will go on, Sir, but the hon. Member who has been long enough in this House, as long as I have been here, ought to know that he must not attribute motives to other Members of this House. Mr. President, I know it was far from Mr. Shetty's mind to think of any advantages to be derived from the introduction of this Bill. I am sure he is doing it as a part of his public duty and I hope hon. Members in this House will not pass unnecessary aspersions on Mr. Shetty even though they are meant to be of an inoffensive nature."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I wish to make a few observations. One of them is this. The hon. Member from Malabar has warned the House against the party games. I for one feel that when a statement was made on the opposite side that this adjournment motion of mine extending the time to 31st March 1934 is an attempt to stifle the Bill, I ought to rise at once and refute it. I say that that was not the intention of myself or my party. I also want to make it quite clear, Sir, that it was not as a party question that we took it up. We wanted justice to be meted out to lakhs and lakhs of people who are going to be affected by this Bill."

"Then, Sir, it is really unfortunate that such an experienced Member of this House as Mr. Raman Menon should have made such an unchivalrous statement against a gentleman who cannot defend himself and is not in this House to take care of himself, I mean Diwan Bahadur Mahabala Hegde, about whom he has stated that all this agitation began after his defeat in the district board election. It has been stated once before by Members on the opposite side that it is not right that references of this kind should be made by Members against persons who are not in this House to defend themselves and who cannot possibly take care of themselves. (A voice:—"it is the bona fides that are in question.") Well, Sir, if the bona fides of a gentleman are attacked

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by a Member, I must submit that there is no meaning in an outsider being attacked instead of the person attacking. To say the least, it is not fair. I think, Sir, it is certainly unfair. I want to say this in defence of Diwan Bahadur Mahabala Hegde. I also want to state that the agitation against this Bill is not of yesterday but is a longstanding one. I may say at once, Sir, that when Mr. Raman Menon made a reference to his defeat and stated that the agitation started after that defeat in reply to that insinuation, Mr. Mahabala Hegde wrote in the *Madras Mail*. I make reference to this fact not so much in defence of Mr. Hegde but to show that this agitation is of a longstanding nature. As long ago as 1911, Mr. Krishnan Nayar, who is now the Law Member, brought forward a Bill regarding Marumakkattayam and Aliyasantana systems of inheritance and property. Opposition to this Bill was started at that time itself and Mr. Mahabala Hegde was a party to that at that time. Later on, when the Bill of Mr. Karant, Bill No. 19 of 1929, was brought in, opposition to it was started at once. A meeting which was got up for the purpose of opposing the Bill was presided over by Mr. Hegde, and our Friend, Mr. Shetty, took an active part in opposing that Bill. It was only for a branch partition, a partition in which branches of a family could be separated one against the other, without being an individual partition. But Mr. Shetty opposed even that small measure in 1929. Now, we find him advocating the very thing which he opposed and which other people consider to be something worse, viz., the Bill now before the House.

"Therefore, I want to make it quite clear that this opposition is not of yesterday or that it started with the defeat of Mr. Hegde in the district board election, but is a very old affair. As regards the fact that the opposition did not start till as late as the 5th of November 1932, one has merely to state the fact that the Select Committee's report was not published to enable the people who are residents of that district to have any knowledge of what was going on; and efforts were also made to move the Government for opposing the measure at the earliest possible opportunity. The very fact that His Excellency the Governor thought it fit and necessary to send back the Bill for the purpose of excluding the Aliyasantanees from the operation of the Bill is evidence enough of the fact that the persons who are behind the opposition were not actuated by improper motives. Therefore, the opposition is there, not because Mr. Hegde was defeated in the election to the district board, but because there was a strong section of people who are against the measure and they made their voice felt effectively. These are the facts, Sir, but in view of the fact that Mr. Raman Menon has accepted my amendment to this motion, I hope the House will pass it unanimously."

* Mr. A. B. SHETTY:—"On a point of personal explanation, Sir, my hon. Friend, Mr. Madanagopal Nayudu, was good enough to say without knowing the full facts that I was a party to opposing Mr. Karant's Bill. I may state, Sir, that Mr. Karant's Bill was brought without consulting the wishes of the communities concerned in this matter. And that Bill proposed partition on *per capita* basis and the

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giving of absolute shares. It was on account of this fact that I took some part in opposing that Bill. This Bill provides neither *per capita* partition nor the giving of absolute shares to male members."

* The hon. the PRESIDENT:—"I will put Mr. Madanagopal Nayudu's amendment to the vote of the House. The question is—

'that after the word "obtained", the words "by 31st March 1934" be inserted and that the rest of the words in the motion of Mr. Raman Menon be omitted.'"

The motion was carried.

* The hon. the PRESIDENT:—"I will now put the motion as amended to the vote of the House. The question is—

'that the Madras Aliyasantana Bill (Bill No. 12 of 1933) be circulated for the purpose of eliciting public opinion thereon and that such opinion be obtained by 31st March 1934.'"

The motion was carried.

VI.—THE MADRAS ALIYASANTANA BILL (BILL NO. 13 OF 1933).

* Mr. A. B. SHETTY:—"Mr. President, Sir, I move—

'that the Madras Aliyasantana Bill' (Bill No. 13 of 1933) be circulated for the purpose of eliciting public opinion thereon, and that such opinion be obtained and placed on the table of the House before the next meeting of the Council.'

"In view of the voting on Mr. Raman Menon's motion, I accept the amendment of Mr. Madanagopal Nayudu. I wish to say only this much, Sir. As I have already said in my speech on the motion of Mr. K. P. Raman Menon, I gave notice of this motion for circulation at the instance of the hon. the Law Member. If the hon. the Law Member thought that the time mentioned was insufficient for the purpose of obtaining opinions and placing them before the House I should have expected him to have come forward with an amendment for extending the time. It seems to me that he has yielded to the wish of the party in power and accepted the amendment. I cast the entire responsibility on him and I request him now to take this House into confidence and let us know what chance this Bill has of going through this Council."

Mr. M. S. SRESHTA:—"I second it."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I am surprised that my hon. Friend should have made the statement he has made. He has stated that I told him that public opinion should be obtained before the next meeting. All that I told him was that he might table a motion for circulating the Bill for eliciting opinion thereon. I never mentioned to him the date before which the opinions should be obtained."

* Mr. R. MADANAGOPAL NAYUDU:—"I move—

'After the word "obtained," insert the words "by 31st March 1934" and omit the rest of the words.'

* Published in the Fort St. George Gazette on the 15th August 1933,

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Mr. T. SUNDARA RAO NAYUDU:—"I second it."

* Mr. A. B. SHETTY:—"On a point of personal explanation, Sir, I only said that the motion for circulation was made at the instance of the hon. the Law Member. I did not say that any time was suggested by him."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Not the date."

The amendment of Mr. Madanagopal Nayudu was put and carried. The main motion, as amended, was then put and carried.

VII.—THE MADRAS PUBLIC LIBRARIES BILL (BILL NO. 11 OF 1933).

* Mr. BASHEER AHMED SAYEED:—"I move—

'that the Madras Public Libraries Bill' (Bill No. 11 of 1933) be referred to a Select Committee.'

"Sir, in making this motion I just want to refer only to the outstanding features of the Bill and leave the rest to the House. Sir, hon. Members of this House are aware that more than 200 lakhs of rupees are being spent on Education in this Province and it is often stated that a good deal of that money is wasted from year to year on account of the lapses into illiteracy of all those pupils who get primary education. Now, Sir, hon. Members will agree with me that it is most uneconomic that we should allow the recurring of this wastage from year to year. One thing by which we can put an end to this kind of wastage year after year will be the education of the common people by the establishment of public libraries. The education of the common people nowadays, Sir, has become more important than the education of the rank and men of position. Formerly the theory was that education should be given to those of the rank and that it should filter down to the masses; but I hope that theory has not been a success. Now that we have realized that it is the paramount duty of the State and the public to educate the common people, the adults thereof, one factor which will facilitate the spread of education among the masses will be the establishment of an organized system of libraries all over the Presidency. Sir, it need not be said at this hour of the day that it is a great economic strain to establish libraries. We have always been trained to look upon material wealth and material welfare only as the be-all and end-all of life. Sir, people now have fully realized that the greatest asset to any country or community is the well-being of whole people. I need not mention that schools and libraries are the most important factors and that those are the only public institutions that serve the real improvement of the economic value of our community. Figures that have been collected by insurance companies have revealed that in a State like the United States of America while they have assessed the material value of the country as 500 millions of dollars, the human value they have assessed at 1,500 millions of dollars. Sir, the economic welfare of a people always depends and so also the peace

* Published in the Fort St. George Gazette on the 15th August 1933.

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and tranquillity of a nation, upon education and the more the common people are educated the less are they apt to be misled into things which do not conduce to the welfare of the people. From that point of view also the economic value of the establishment of libraries and schools cannot be exaggerated. It is true, Sir; that lots of funds are being utilized in the establishment of schools. But should we not realise that unless and until the education given in the schools is carried on and continued by other institutions such as public libraries which ought to be usually available to the common masses particularly to the adults, there is no use of our boys leaving schools at a certain stage? Libraries are intended and required to enable people to follow up the education that they receive in schools. Sir, usually for the establishment of libraries and other State institutions, the argument is advanced that there is financial stringency. I consider, Sir, in a case like this, we ought not to be looking to the financial side of the question. We have been doing any number of things without any consideration for finances, thanks to the Government, the latest of them being the establishment of a broadcasting organization to give amenities to the people of this Presidency. If we can do usefully broadcasting at a great cost it would be only reasonable to expect that investment of funds in the establishment of libraries ought not to matter at all. So plead financial stringency in a matter like this where adult education is concerned I submit, will be false economy. There are, no doubt, many libraries in this Presidency. But the system on which they are based seems to be very defective. It cannot be denied that our libraries are not so well organized as one would desire them to be, that is, so well organized as in the western countries. Many libraries that are now in existence depend mostly upon the philanthropic public or the generosity of any particular individual. Experience has shown us that so long as institutions depend upon the philanthropic public or any liberal-minded person, they are not lasting institutions and they do not continue as lasting institutions. They merely pass away with the wave of enthusiasm of the person who founds or organizes them. That should not be considered to be a healthy system of libraries in any country. It is necessary that we change that system and make the movement depend upon a permanent and constant factor and that could only be done by the State or Government as such and the local and municipal bodies which are quasi-Government institutions. Library I need not repeat is a vital instrument for self-education, particularly in the case of the adults. It may be asked why there should be an Act for the library movement or for the establishment of libraries. Sir, my answer to that would be only this: that if they are to be real libraries and not mere reading rooms wherein people could get a few periodicals or a few journals or some books they could lay hands upon, or some books of fiction or very light reading which will not be considered to be serving the real purpose of libraries we must have a sound basis to start with. If there is going to be any efficient library it should be organized properly and for such organizations, legislation is necessary. In order to make libraries an instrument for the perpetual education of the masses and the

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adults, there is a great need for a library law. The library system, it is to be a lasting one and if real benefit is to be derived from that, should be based on some legal structure. If this is granted, then the question how library finance is to be devised will arise. I say that library finance is a great factor which will contribute to the well-being of the libraries and the library movement as such. As I have already pointed out it is no use depending upon private sympathy and philanthropy of generous individuals for the establishment of libraries. Nor is it useful to depend upon the voluntary subscriptions of those who have a mind to contribute towards associations or reading rooms. The finances of the library system spread all over the country must be placed on a definite basis and for that also we require some legislation which will enable all those bodies to be placed on a sound basis.

"The library system includes not merely the establishment of certain libraries or reading rooms here and there, but it is an efficient library system that is required in the conditions of to-day. There are many libraries where you can have some books or other to read, but that will not serve the purpose of the education of the masses and the adults of the country. In a library, the distribution of books should be made a public project. Unless there is going to be some legislation to make it a public project started by public funds, you will not be able to run any efficient library. To secure a permanent basis and to secure perpetuity for libraries, a library law is required. Without a law, it will be difficult even for the Government to put these libraries on a perpetual and permanent basis."

"Then, Sir, there is another point. If we are to get real and full benefit out of a library establishment, you have also to put it on a legal basis. A good library law becomes necessary for all these purposes. One other important aspect in the case of a good library will be the unit of operation for purpose of circulation of books. Sir, very often people have gone to the extent of establishing libraries in isolated centres in a town or a village or in a taluk. But these have not proved to be absolutely useful. In order that there should be a perfectly organized system of libraries in the country, in order that there should be sufficient co-ordination between different authorities and between the different bodies who are interested in the progress of the library movement, you require some legislation which will prescribe what should be the unit of operation, what should be the area which should be covered by a single library or more than one library and what should be the kind of literature to be supplied in those areas according as they are rural or urban. For all that, you require legislation. Unless legislation is brought into existence to fix up the economical area for a library unit and to arrange for such units co-ordinating with each other in the selection of books, in the cataloguing of books and in the distribution and classification of books, no library will function effectively. Sir, for all these purposes, a library law is necessary."

"Sir, for a library to be efficient, there are many other factors that are required to be kept in view, and these factors should also be

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given their adequate place and value. These factors can be placed in their proper place only by a legislation of the kind that is now sought to be referred to a Committee. A library requires to be manned by efficient staff, and that efficient staff, if it is to function efficiently, requires some amount of training in library science, and without the required amount of training in library science, no library will possess efficient men to discharge the functions of a library. It is legislation that is required to make provision for all these things, to prescribe what amount of training should be given to librarians, to establish library training centres and to enable local bodies and other authorities to resort to centres where such training could be given. Without this training for library service and without proper standards of training and efficiency, no library can be called to be an efficient library, and these things can be ensured only by a Library Act.

"I realize, Sir, that in the Local Boards Act, there is a certain word 'library' introduced into one of the items of the schedules to the Act. That schedule among the purposes for which funds of the local board may be used mentions library as one. But we have seen that very few local boards have really taken advantage of that. For one thing, in the absence of facilities to organize in a perfect and efficient manner any library system, they have not had full benefit of that clause. It cannot be said that the establishment of libraries is one of the most legitimate and important items in the schedule of one hundred and odd items and that that provision is enough for the purpose of spreading the library movement and through it for the spread of education among the adults of the country. It is therefore to enable these local bodies and other organizations which might be interested in the establishment of libraries that this legislation is sought to be made. The Act has to provide for all matters required in connexion with the library system in all its fullest details. Although this Bill may not claim to have gone into very many details, still, I submit that this Bill is a modest attempt at putting the library system on a permanent, sound and useful basis.

"I might in conclusion mention only one further aspect. A good many countries of the world have library legislation enacted, some a century ago, some a decade ago. But in this country alone, up to date there has been no attempt at library legislation, and Madras can now take credit of having initiated a library legislation for the first time in India.

"Sir, this Bill which is now before the House is not, I venture to submit, any hasty attempt at any hasty legislation. This Bill has been drafted in 1930 by the Madras Library Association. It has been circulated to all the municipal councils and local boards, and has received the approval of about one hundred and more institutions and public associations. The library movement has had the benediction of His Excellency the Governor who has promised his personal support when a Bill was to be brought up. Not merely that, Sir. This Bill has been

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published all over the Presidency in several languages, and from the 30th of December onwards the propaganda made by the Madras Library Association on behalf of this Bill has been tremendous, and it cannot be argued by any stretch of imagination now that this Bill has not received sufficient publicity. Besides, it has been published in the Gazette by the Government in all languages, and it has been before the House for a considerable period. I would therefore suggest that this Presidency where education is fast advancing but which is receiving a set-back on account of the absence of a well-organized library system is very badly in need of a legislation of this kind, and I would therefore commend the motion that I have made to the acceptance of the House."

Mr. ABDUL HAMEED KHAN:—"Sir, I have great pleasure in seconding the motion which has been so very ably moved by my hon. Friend, Mr. Basheer Ahmed Sayeed. He has very fairly and exhaustively dealt with the subject. I believe, Sir, it is admitted on all hands that the primary duty of the State is to spread education among the people under its charge. I dare say, therefore, that hon. Members realise the value of libraries, and also how very necessary it is for the Government not to stop with the education of what are called the higher classes but to exert and endeavour to spread education among the masses. Sir, any gentleman who has studied the history of the Saracenic times and also the history of ancient India will find that the fundamental method of spreading education was by means of establishing libraries in practically every part of the country. It is only unfortunately during recent times that we find that libraries are very scarce. I am sure the Government which is very anxious to spread elementary education among the masses will certainly agree to a proposition of this character, because mass education can certainly not become perfect at any time unless it is possible for the Government also to afford facilities for the people to get at books as easily and as quickly as possible. As at present things are obtaining in this country, it is not possible for a villager or even for a townsman to get at books as easily as he ought to, just as it is difficult to get even a doctor in rural parts. Therefore, I think there will not be any opposition to this Bill either from the Government side or from any hon. Member. From the anxiety or desire of several hon. Members to get into the Select Committee on this Bill, I have no other alternative but to come to the conclusion that there is practical unanimity with regard to the acceptance of this Bill."

* The hon. the PRESIDENT:—"The motion before the House is that the Madras Public Libraries Bill be referred to a Select Committee."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, while welcoming the provisions of this Bill, I think in the Select Committee there are one or two points which ought to be taken into consideration. We have our experience with regard to grants to various local bodies for purchase of books. But unfortunately, the Government of the day were trying to stipulate with them as to what kind of books they should purchase and what kind of books they should not purchase. I want that in any

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future committee that might be constituted under this Act discretion should be given as far as possible in regard to the selection of books and there should be no interference by outside authority as to what they should or should not purchase, and the matter should not be left to be dictated to by the Government of the day which might be dominated by a particular party. The constitution of the committee should be one that is calculated to obtain that independence for the committee which a library authority in this Province should be expected to possess without any restraint.

"Secondly, there is one weak point to be mentioned here. For local board and municipal areas, the district boards and municipalities are taken as the bodies which are to function as library authorities in their local areas in the usual course. I do not object to these bodies taking up this work. But at the same time, we should also see that with regard to this particular object of co-ordinating the library activities and things connected with them it should not be made the sport of party politics. While it may be necessary for each district or a particular region which is less than a district to constitute a committee in which local boards might have some representation, we must ensure the representation in larger numbers of people who are interested in education and in the library movement, so that they also would have some kind of voice in the matter subject, however, to the central authority at the headquarters.

"With regard to the selection of books, I do not want to say much now. Here again, it is not a matter to be left to the local parties in power to say that particular books by particular authors should be patronized or that particular booksellers should have the monopoly of supplying books. It should be left entirely to be decided by a body which may be said to be well-acquainted with these matters.

"The third point that I would like to mention is that all the local bodies should be asked to levy a cess for this purpose. There is no provision here to compel the local bodies to levy this cess; you have left it entirely to their choice to levy the cess or not. If this is going to be the case, I am sure that even after the Bill has been on the Statute Book for a number of years, you will find that no one local body has levied this rate. The Select Committee will have to consider to what extent the local bodies can be asked to earmark a certain portion of their levy so that it may constitute the library fund or whether we can get the Local Government to agree to a provision compelling the levy of a rate. The Local Government may have the right to levy or the district boards may be compelled to levy, provided a Central Library Authority is set up of the kind I suggested.

"Lastly, if the Government are really anxious to help this movement, I think they may come forward with a certain contribution to make the thing a success. It is not enough to say that the local boards should levy a rate. We have the provisions of the Elementary Education Act under which a levy is sanctioned the Government guaranteeing

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to contribute as much as the local boards levy. Sir, such a provision must be made. I know, whoever is responsible for the drafting of this Bill could not introduce in it any provision by which the Government might be made to give a guarantee as such a provision would require the sanction of the Governor. If the Government really mean business—the nomination by them of two expert members means that they are earnest—they should agree to some kind of contribution. An amount equal to that collected by the local bodies for this purpose, if not more, should be guaranteed by the Government. With these few words I support the Bill."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, I rise to welcome this piece of legislation from the depressed classes point of view. Of late, Sir, the Government have been able to devote some attention to the educational needs of the depressed classes. Adults in the villages are now ignorant of what is going on around them and the parents have to spend a lot of money on tuition fees of their children. The economic condition of the depressed classes stands in the way of these people buying books and benefiting themselves. At a time like this when science has made great advancement, I think the rural population must be taught something of what is going on in the various fields of human activities and enterprises. For this purpose I am sure a Bill of this nature, if properly worked without party interference both in the rural areas and in the mufassal, would greatly benefit the children everywhere. When the hon. Member from Chittoor spoke just now, he referred to the drifting of party politics in these matters. I agree with him that it is necessary to exclude party politics in an educational question of this kind. I find that the Director of Public Instruction, my hon. Friend, Mr. Erlam Smith, is coming on the Select Committee and I am sure he will help matters so that both the adults and the children of my community will be really benefited. With these observations I support the motion."

Rao Sahib Pandit GANALA RAMAMURTI spoke in Telugu.

Mr. M. A. MUTHIAH CHETTIYAR:—"I move that the question be put."

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I would say just a word or two as regards the attitude of Government in this matter. Mr. President, the Government do not object to this motion to refer the Bill to a Select Committee. The Government are no doubt in sympathy with the objects of the Bill, as explained in the preamble and in the Statement of Objects and Reasons; but, at the same time, I must say that they consider that in many respects the Bill is defective and has to be rectified in the Select Committee.

"My hon. Friend, Mr. Muniswami Nayudu, took exception to the library committee being constituted in a manner which would enable the Government to dominate the committee altogether. I do quite agree with him to that extent, but if any endeavour is going to be made to take the Government out of the picture, I shall at once tell the hon. Members of this House that it will not be a step in the best interests

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of the movement whose promotion this Bill seeks to achieve, nor could I hold out any hope that, if the hon. Members of this House do want to saddle the Provincial revenues with any additional expenditure, the Government will agree to that. We all know that, with regard to the elementary education cess, the Government is under a statutory obligation to make a contribution equivalent to the amount of the cess collected. That Act was passed at a time when the Government was not suffering from the same financial stringency as it is suffering now. If for this movement hon. Members are going to ask the Government for any such contribution, I would say that that move will perhaps be the easiest method of seeing that the Bill comes to an end. I hope that, in the course of the deliberations in the Select Committee, the defects which the Government have been advised do exist in this Bill will be removed and the Bill will emerge in a form acceptable to the Government.

"If we have nominated two hon. Gentlemen as expert Members, it is not as an indication of our willingness to give any financial support to the organizations that are going to be established, as my hon. Friend, Mr. Muniswami Nayudu, thinks; it is because Government are anxious that expert advice should be placed at the disposal of this House both at the time of its deliberations in the Select Committee and also when the Bill is being discussed in the Council. In Mr. K. V. Krishnaswami Ayyar, we have a gentleman who, as President of the Madras Libraries Association, has had opportunities of coming into close contact with libraries and the library movement. Of course, with regard to the Director of Public Instruction, Mr. Erlam Smith, I need hardly say that he is the expert advisor of the Government. I am sure hon. Members will value his advice on the subject of this Bill greatly. It is with this object, with a view to place their services at the disposal of this House that His Excellency the Governor has nominated these two hon. Gentlemen. It will not be right for my hon. Friend, Mr. Muniswami Nayudu, to read into these nominations anything which the Government never intended. I therefore have no objection to this motion being passed by the House, but it is in the hope that the defects in the Bill will be rectified in the course of the deliberations in the Select Committee so as to make it acceptable to the Government."

The motion was put and carried.

Mr. BASHEER AHMED SAYEED:—"Mr. President, I move that Standing Order No. 39 (2) limiting the number of Members on the Select Committees be suspended."

Mr. SAMI VENKATACHALAM CHETTI:—"I second the motion."

The motion was put and carried and the Standing Order was suspended.

Mr. BASHEER AHMED SAYEED:—"Sir, I move that the following Members do constitute the Select Committee for the consideration of the Bill.

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| 1 The hon. the Minister for Education (Hon. Diwan Bahadur S. Kumaraswami Reddiyar). | 13 Diwan Bahadur B. Muniswami Nayudu. |
| 2 Mr. E. Conran Smith. | 14 Mr. Mahboob Ali Baig. |
| 3 " Erlam Smith. | 15 " V. P. Narayanan Nambiyar. |
| 4 " K. V. Krishnaswami Ayyar. | 16 " Sami Venkatachalam Chetti. |
| 5 Khan Bahadur T. M. Moidoo Sahib. | 17 Khan Bahadur Mahmud Sahammad Sahib Bahadur. |
| 6 Mr. P. C. Moses. | 18 Mr. A. B. Shetty. |
| 7 Rao Sahib V. I. Muniswami Pillai. | 19 " T. S. Ramaswami Ayyar. |
| 8 " P. Subrahmanya Chetty. | 20 " Abdul Hameed Khan. |
| 9 Rao Bahadur C. Natesa Mudaliyar. | 21 " Yakub Hasan Sait. |
| 10 Rao Sahib N. Siva Raj. | 22 The Mover (Mr. Basheer Ahmed Sayeed)." |
| 11 Mr. C. Basu Dev. | |
| 12 " H. M. Jagannatham. | |

B. POCKER SAHIB Bahadur:—"I second it."

Mr. T. SUNDARA RAO NAYUDU:—"I move that the following names be added to the list:—

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| 1 Rao Sahib Pandit Ganala Ramamurti. | 5 Diwan Bahadur N. Gopalaswami Ayyangar. |
| 2 Mr. R. Madanagopal Nayudu. | 6 B. Pocker Sahib Bahadur. |
| 3 Mrs. Alamelumangathavaramma. | 7 Mr. P. Bavappa Reddi. |
| 4 Rao Sahib V. Dharmalingam Pillai. | 8 S. M. K. Beyabani Sahib Bahadur. |

Mr. SYED TAJUDDIN SAHIB:—"I second it."

Mr. ABDUL HAMEED KHAN:—"I beg to add the following names:—

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| 1 Dr. P. Subbarayan. | 5 Rao Bahadur R. K. Venugopal Nayudu. |
| 2 Mr. U. C. Subrahmanya Bhatt. | 6 Mr. V. M. Ramaswami Mudaliyar. |
| 3 " V. T. Arani. | |
| 4 " M. S. Sreshtha. | |

Mr. V. M. RAMASWAMI MUDALIYAR:—"I move that the name of Mr. M. D. T. Ranganatha Mudaliyar be added to the list."

The hon. the PRESIDENT:—"The list has now come to 37."

The motion of Mr. Basheer Ahmed Sayeed was put and carried.

The motion of Mr. T. Sundara Rao Nayudu was put and carried.

The motion of Mr. Abdul Hameed Khan was put and carried.

The motion of Mr. V. M. Ramaswami Mudaliyar was put and carried.

VIII.—A BILL TO AMEND THE ANDHRA UNIVERSITY ACT, 1925, AS AMENDED BY ACT VI OF 1929.

Rao Sahib D. V. NARASIMHASWAMI:—"I move for leave to introduce a Bill to amend the Andhra University Act, 1925, as amended by Act VI of 1929."

Mr. C. BASU DEV:—"I second it."

The motion was put and carried.

Rao Sahib D. V. NARASIMHASWAMI:—"I introduce the Bill."

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IX.—A BILL FURTHER TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926, FOR CERTAIN PURPOSES.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move for leave to introduce a Bill further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes."

Mr. V. P. NARAYANAN NAMBIYAR:—"I second it."

The motion was put and carried.

Mr. P. V. KRISHNAYYA CHOUDARI:—"I introduce the Bill."

X.—RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

* Mr. V. T. ARASU:—"Under Standing Order No. 33, I move—
'that item No. 8 of the resolutions be taken up now'."

Mr. U. C. SUBRAHMANYA BHATT:—"I second it"

The motion was put and carried.

* Mr. V. T. ARASU:—"Mr. President, I move the following resolution which stands in my name:—

'This Council recommends to the Government that a remission of 25 per cent in the existing rate of assessment on ryotwari lands in the Presidency be granted during fasli 1343.'

"Sir, in support of this resolution, it is not at all necessary for me to make any lengthy speech, for the hon. the Revenue Member and the Government are fully aware of the hardships the ryots in this presidency are suffering from. All through the Presidency conferences of ryotwari landholders have been held and resolutions passed begging the Government to come to their rescue and remit a portion of the land revenue that is being collected from them now.

"Before going into the details of the problem, I shall only put before the Government two salient features of this question and point out how it is essential that Government should come forward and remit at least 25 per cent of their present rate of assessment. His Excellency the Governor in the course of his address to this House the other day put a very pertinent question. It is not possible for Members of this House to have both ways, that is, to ask for more money being allotted to the nation-building departments and at the same time ask that a portion of the land revenue should be remitted. To that question of His Excellency there can be only one answer, and I take this opportunity of conveying to His Excellency the Governor through the hon. the Revenue Member that this House would be prepared to consent to cutting down some of the activities of the so-called nation-building departments, if that is found necessary, provided the remission that is asked for now is granted. I will now point out to the hon. the Revenue Member some of the departments where the Government can very easily cut short the expenditure. In the Budget for 1933-34 I find a provision made for expenditure from current revenues to the extent of Rs. 35.77 lakhs on Hydro-electric schemes. As was pointed out by more

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hon. Member of this House during the budget debate in March last, this ought to be met from loans raised by Government; being capital expenditure, it is not proper on the part of the Government that this expenditure should be charged to current revenues. Then, again, Sir, you will find that under Irrigation, a sum of about Rs. 21 lakhs is provided and it is proposed to meet that expenditure from current revenues. This expenditure also, I submit, can legitimately be met from the excess of Rs. 20 lakhs or so at the disposal of Government in the Famine Relief Fund. According to the statute, it is obligatory on the part of the Government to maintain a minimum balance of Rs. 40 lakhs in that fund. There is now at the disposal of Government a sum of over Rs. 60 lakhs; therefore I would suggest that the excess amount of Rs. 20 lakhs may very well be utilized to meet the expenditure under irrigation works. There is another item which the Government can lay their hands on. For the Cauvery-Mettur project, a portion of the expenditure which is proposed to be met from current revenues, viz., about Rs. 28.29 lakhs, may be met from loans. In this connexion I beg to point out that it is wrong policy that the Government are pursuing when they spend on capital items of this kind from the current revenues, whereas the proper course for them would be to meet this expenditure from loans.

"These are some of the items for which they can avoid spending out of current revenues. And if they adopt that procedure the amount proposed to be spent can be made available for giving the remission that is now asked for.

"The second point I want to make is this. According to the answer that was laid on the table of the House the other day by Government in reply to a question put by my hon. Friend, Mr. Nadimuthu Pillai, they have admitted that the prices of foodstuffs have gone down by about 12½ to 20 per cent when compared with the figures that prevailed in October 1932. This is not my statement. This is one made by Government. Therefore you will find, Sir, that admittedly the price of agricultural products are very much lower to-day than what it was last year. On the basis of the prices prevailing then, Government have thought fit, and that after deep deliberation, to give a suspension of 12½ per cent. It is not necessary for me to point out how it is all the more necessary, when the prices have gone down still further to give a remission of at least 25 per cent. According to the statement of the Government, the fall in the prices of commodities when compared with the prices that prevailed last year is about 12½ and 20 per cent. The average of that would be about 16 per cent or so. According to Government, the prices that prevailed in October 1932 were so low that they found it necessary to give a suspension of about 12½ per cent. When the prices have gone down still further by about 16 per cent, that is the average arrived at between the 12½ per cent minimum and 20 per cent maximum, you will see, Sir, that the people are entitled to 28½ per cent on the basis of the calculation of the Government. We on this side of the House wanted to be somewhat moderate in our demand and therefore

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4-15 p.m. it is that we have put forward the claim for about 25 per cent remission of the assessment for the fasli 1343.

"There are several amendments which have been given notice of by hon. Members of this House the effect of which, if carried, would be that certain districts will be deprived of the remission that may be granted by the Government. It is suggested that districts that were settled after 1918 might be given remission and other districts should not be given. That would be the effect of the amendments given notice of by hon. Members on the other side. Last year the Government came forward and said that they would suspend the land revenue by 12½ per cent in the case of certain lands which were settled after the year 1920. As a result of that order only eleven districts were benefited. These districts are Vizagapatam, East Godavari, West Godavari, Kistna, Bellary, Anantapur, Trichinopoly, Tanjore, South Arcot, portions of North Arcot and Nilgiris. It is not fair that hon. Members should come forward and say that these districts alone should be given remission and others not. I would point out to hon. Members holding that view that the districts which were settled before the year 1918 are in the same disadvantage as those which were settled after the year 1918. The districts which were settled between the years 1913 and 1918 suffered very badly. That period being a boom period the commutation rate is very much higher than the prices prevailing to-day. Besides, the fall in prices as steep in the districts settled before 1918, as in those settled after that year. Therefore I suggest that the remission of 25 per cent should be given to all the districts alike irrespective of the fact whether they were settled before or after 1918.

"Sir, in reply to a question put by a certain hon. Member of this House the Government placed on the table of the House on 15th March 1933 a statement showing the commutation rate in respect of each district and the present price of paddy in the various districts. From that statement you will find that the commutation rate in the case of most districts is very much higher than the rate at which paddy is selling to-day. Although the rate at which paddy was selling and which the Government mentioned to this House is far too high than the market rate, it will be seen that the commutation rate is very much higher than the market rate and therefore it is essential that all the districts concerned, i.e., all the 24 districts of this Presidency should be given the remission that is now being asked for.

"Sir, the particularly pitiable condition of Tanjore ryots will be put forward before this House by hon. Members representing that district and I do not propose to go into that question in detail now. However, I should like to make one remark, viz., that the Tanjore district, where 90 per cent of the crops raised is paddy, should be given some sort of special treatment and should be given a higher rate of remission in the present rate of assessment.

"With these few words I commend the resolution for the acceptance of the House."

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* Mr. A. Pl. N. V. NADIMUTHU PILLAI:—"In seconding the motion brought forward by my hon. Friend, V. T. Arasu, I wish to say at the outset that this is not the first occasion when motions of this kind urging for reduction or remission of the land revenue demand have been before the House. It is now my most painful duty to impress upon the Government the need for a large hearted and generous policy of relief to the much oppressed ryot.

"Coming as I do from the Tanjore district which contributes, I should rather say is compelled to pay, the largest amount by way of land revenue in the Presidency, I cannot but reiterate the dire necessity for immediate relief to the ryots. The first crop of Kuruwai paddy has been harvested and usually that goes to meet the expenses of the transplantation of the second crop and Deepavali expenses for the ordinary ryot and still leave a balance for the winter months. But this year what is the tale of woe that the ryot has got to give—Kuruwai paddy sells at 10 to 12 annas per kalam of 24 measures. The coolie or labourer does not want the paddy for wages, even if thrice the quantity is offered. He wants to be paid in cash even if be 1 anna less. Where to go for the cash? Last year's harvest was not found sufficient even to meet the Government kist and harvesting charges. The money-lender refuses to advance even if the ryot is prepared to borrow. Further, small ryots have gone to the full length of their borrowing capacities; co-operative societies dues, mortgage debts and pro-note debts have all swelled up, owing to non-payment of even the interest and there is no other source from which to borrow. All the gold jewels and silver vessels were sold for paying last year's kist. The price of lands has gone below 50 per cent of their original value from 1931.

"The price of paddy, the staple crop of the delta, does not look like touching even last year's level from the conditions prevailing at present. There is the competition from Burma and other places and our chief markets are already flooded with rice from other quarters. Our best customer Ceylon has already begun production on a fairly large scale.

"The prevailing prices for the last three years have always been below the commutation rates at the last settlement. With no legislation for land revenue assessment, the Government have been going on merely adding to the burdens of the ryots with nothing but cold calculation on paper to guide them in the rates of assessment and the last load to be put on them is the change of taram and the consequent increase in rates due to the alleged benefits of the Cauvery-Mettur Project.

"The prices of commodities in the dry tracts also have reached a very low level. But two things remain at the same old high rates the pay of the officials and the cost of labour.

"In this connexion I may inform the Government that the ryots are prepared and in fact would welcome the payment of kist in kind

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valuing paddy at the commutation rates during the last resettlement. We have now come in sufficiently early to warn the Government of the necessity to frame their budgets according to the diminished return and I hope, Sir, the hon. Revenue Member will find his way to accede to our claim for remission."

* Mr. G. RANGANATHA MUDALIYAR:—"I desire to say just a few words in support of the resolution before the House. I presume, Sir, that the conversion of the suspension which the Government granted last year of 12½ per cent of the assessment on land revenue into an actual remission of the amount is only a formal proceeding necessary on the part of the Government in view of the economic conditions prevailing. I do not suppose that the expectation of the Government that the prices may rise sufficiently to enable them to collect the amount was anything but a forlorn hope and I am therefore surprised that the Government should think it necessary to await the reports of Collectors before taking this action. The demand that has been made for a 25 per cent reduction in the coming fasli is, I venture to submit, a most modest one and in appealing to this Council to carry it unanimously and in a manner that will impress the Government with the urgency of acceding to the Council's request, I desire to state that this demand for remission is not one that is made or can be made in the present conditions on behalf of particular districts only like Tanjore, Trichinopoly, Kistna or Godavari but is a common demand on behalf of all districts of the Presidency based upon patent economic facts of to-day. These facts and happenings have upset not merely the comfortable conclusion of revenue and settlement officers but the broader and more profound conclusions of economists and financiers alike throughout the world at the present time. The unparalleled fall in prices and the economic depression and suffering that it has involved, is, so far as we can see by no means a temporary or fast disappearing phenomenon. It is going to be upon us, that is both the Government and its land revenue payers, for a fairly long time and whatever economic re-adjustments may take place, they cannot be expected for many years to restore the prices to the level at which they stood before the fall began. The fall in prices is thus a more or less stable factor which all of us as well as the Government have to face. The Government which claims land revenue as a co-sharer with the cultivator in agricultural produce cannot get away from the obvious fact that this produce will be of greatly diminished monetary value for many years. It is therefore under a clear duty to share this depression by a re-arrangement of its money rates. The demand for a 25 per cent remission is an extremely modest one and its grant is a necessary preliminary in order to enable the Government to review and examine the whole position and take final measures. Unless they do so, they are bound to be up against this problem in a more intense form very soon. The present Government has often declared its anxiety to place the coming autonomous Government in the Province in a position free from embarrassment and give it a fair chance and unless

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the economic distress and the consequent discontent are alleviated, in time the new constitution will have to face a sullen and discontented electorate without faith in constitutional methods. The demand for a reduction of assessment based upon calculations of settlement rates that have proceeded on a growing level of ascending prices all along, I submit, one which agriculturists in all the districts of the Presidency have a right to make and I therefore hope that no wrong impression will be allowed to prevail that this resolution favours or is intended to favour any particular district or districts. The plight of the Tanjore district is no doubt particularly bad due to various reasons. In normal times it contributed towards the revenue much more than other areas but in this time of depression its condition is correspondingly worse. The area of wet cultivation has recently been extended considerably and production of paddy has also increased but the outside markets have been lost particularly the Ceylon market. The outside ports like Adirampatnam and Thopputhurai have been closed and the railway freights still continue to be prohibitive. The recent reduction in railway freights is illusory inasmuch as the rice from Burma and other parts could be imported at much cheaper prices by steamer into Ceylon. Tanjore pays a high wet assessment and produces rice in enormous quantities but the market price, both inland and foreign, has fallen considerably when compared with the prices taken as the basis of the last settlement. Unless the market price of rice substantially improves agriculture will be a profitless task.

"As the Government is aware resolutions have been passed at meetings of ryots in almost every village and town in my district urging an immediate and substantial reduction of the assessment as the only way out of the present crisis and calling upon their elected representatives in the Legislative Council to press this on the attention of the Government or to resign their places if their most reasonable request was not acceded to. Never before in the history of public agitation in the district has there been such unanimity among all sections of the public. I do not however wish to claim a special treatment for my district even though there is ample justification for it. The economic condition of ryots all over the Presidency is so bad that district jealousies or rivalries are out of place and I appeal to the House to carry this resolution unanimously."

Mr. P. K. Ramachandra Padayachi spoke in Tamil further supporting the resolution.

* Mr. P. W. KRISHNAMURTHY CHUDAMANI:—"Mr. President, I beg to move the following amendment standing in my name—
Add at the end, the words "and that the remaining assessment on lands be collected in kind and not in money".

"Sir, when my hon. Friend, Mr. T. S. Ramaswami Ayyar moved his resolution for remission of 12½ per cent of land revenue in January all sides of the House supported the motion, not because all of us were

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satisfied with the proposed percentage, but because, Sir, as the hon. Member put it, 'practical effect should be given to the resolution.' It was not his intention merely to raise the question and leave it to the Government to decide it as they liked. He added, Sir, in explaining the scope of his resolution, these words "though it may be that in the case of Tanjore and a few other recently settled districts there is a stronger case for remission, I feel that there is a case really for the whole Presidency. My amendment is based mainly on the fact that prices of foodstuffs, especially paddy, have fallen very low and the agriculturist is not able to get the margin of profit which he is entitled to get from the land." Sir, the sequel to that resolution is well known to all hon. Members. The Government did not accept that very moderate resolution; they gave a suspension of 12½ per cent to some districts and completely ignored the case for the whole Presidency.

"My amendment, Sir, has a two-fold object. It is my purpose first to press the Government to give substantial redress to the suffering ryots by giving them a remission of 25 per cent in land revenue during the current year. I may add here, Sir, that I have put my demand far more moderately than that of some of my hon. Friends in this House. My second object is to express the intense dissatisfaction of this House with the inaction and indifference of the Government in dealing with the serious economic crisis of the ryots, by the only means which, to my mind, is possible, that is the Government accepting in kind its share of the income from land, even if it be the maximum of 50 per cent of the ryot's net income in produce as calculated according to settlement principles. I may state here, Sir, that I am quite aware of the difficulties of a modern State in accepting payment of its taxes in kind, and also that this request has been put forward on former occasions by land-owners and rejected by the Government; but I would have fulfilled my object, Sir, if by this Honourable House passing my amendment in its entirety, the Government are made to realize how inadequate their action has been, if indeed they have really done anything tangible, in remedying the grievances that have been placed before them by the ryots in every part of this Province and also urged by hon. Members of this House year after year.

"It was an intense disappointment to hon. Members of this House Sir, when their modest and very moderate demand for a 12½ per cent remission of land revenue throughout the Province was met by the Government in a very niggardly manner, giving only a suspension of 12½ per cent to some districts. At the same time, the hon. the Revenue Member made a definite promise that he would carefully watch the trend of prices in the several districts and then would, if Government were satisfied of the necessity, convert this suspension of revenue into remission. I take it that he meant that similar relief would be given to other districts also if the need arose. The leader of my party, Diwan Bahadur B. Muniswami Nayudu, uttered a timely warning that this suspension was fraught with greater danger to the ryot than even the actual collection of the full amount, that it would always be

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hanging over the ryot's head like a Damocles' sword and that it would be an addition to the ryot's debts. We also believed, Sir, that the Government would think over the matter vigorously and would chalk out a programme which would afford relief to the ryot population by bringing about a higher price level for food-stuffs including paddy and other raw materials. On the other hand, while the Government have been sleeping over the matter after getting the required supplies during the Budget session, the plight of the ryots has gone from bad to worse. In some cases as in Tanjore, what has been given by way of suspension by one hand has been snatched away by the other. The levy of enhanced assessment and water-rates on double crop, 'udu' and coconut cultivation and the reclassification and raising of tarams in expectation of the dubious and unascertained advantages of the Mettur Project, in the face of well-reasoned representations and protests of the delta ryots are all instances to show that even when the Government promised a suspension of revenue, they were contemplating measures to recoup as much as possible of their losses on this account from the suffering land-owners.

"Although for a few months the prices showed a slight improvement, the outlook at present, Sir, is darker, than it ever was at the time when this hon. House passed the resolution for 12½ per cent remission; as a matter of fact, indications are not wanting for a further and more serious fall in the price of paddy. The Kuruvai harvest in Tanjore district is reported to have brought down the price of inferior quality of paddy from Re. 1 to 12 annas. When the merchants who have stored up paddy in expectation of the rise in prices promised by the Government as a result of their measures, release it for sale, as they will have to do in about a month, the price is bound to drop to a still lower level, and this year's produce will glut the markets to such an extent that the producer will find it next to impossible not only to realize any fair price for the paddy but also to find any purchaser who will pay him ready cash. Here, I wish to add, Sir, that what we find in Tanjore is symptomatic of every part of this Presidency; and, if I have taken my figures from that district, it is only because the ryots there are better organized and have provided us with statistics which are at once more reliable as well as handy in the presentation of my arguments.

"Now, Sir, my amendment as I have already stated at the beginning, is very moderate. It is also my belief that we chose a wrong moment at the time of our earlier resolution for 12½ per cent remission, because coming as it did just a little before the Budget, it was perhaps impossible to expect the Government to make any radical alterations and disturb their figures of expenditure proposed by them for the year. Hence, Sir, I think that this is the most proper time for pressing on the Government a resolution of this nature so that they might make adjustments to meet this coming liability and adjust their expenditure in accordance with a diminished land revenue for the year 1934-35.

"I now come to the second part of my amendment."

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The hon. the PRESIDENT:—"Before the hon. Member goes to the second part of his amendment, I wish to remind him that he has got only one minute before him."

Mr. P. V. KRISHNAYYA CHODARI:—"The ryots are not able to pay land revenue in cash as the prices of their produce have fallen abnormally low. Therefore I request the Government to issue orders to the various districts to collect land revenue in kind instead of in cash, because it is only then that the Government will realize the urgent necessity of improving the prices of agricultural produce. Although they have said they would take steps to raise the price level, they have in fact done nothing substantial to raise the prices. If the Government take their revenue in kind, they will be forced to take steps to increase the prices of agricultural produce as early as possible."

"Not only that, the hon. the Minister for Excise the other day said that we had only 50 tons of rice imported from Japan, but we know that 1,000 tons have already been imported and no steps are taken by the Government to prevent such imports. I request the Government to realize the danger of allowing such imports and address the Government of India to take steps to prevent them. I request the hon. the Revenue Member to see his way to grant a remission of 25 per cent of land revenue and to agree to take the remaining land revenue due to the Government in kind instead of in cash."

Mr. P. C. MUTHU CHETTIYAR in seconding the amendment made a speech in Tamil as follows:—

கனவான்களே :—

வரிகளில் வஜா செய்யவேண்டுமாய் கனம் மெம்பர் மிஸ்டர் கிருஷ்ண செனாதிரி. அவர்கள் பேசிய விஷயத்தை நான் ஆதரிக்கிறேன். மதுரை ஜில்லாவின் வரி செலுத்தவேண்டுகின்ற குறைகளை தெரிவிக்கவேண்டியவனாயிருக்கிறேன்.

சென்ற 1342-ம் பசலிக்கு விளைபொருள்களில் விலை தாழ்ச்சியானதுபற்றி இச்சட்ட சபையில் தெரிவித்ததில் 100-க்கு 12½ வீதம் தீர்வை வஜா செய்து கொடுக்க கவர்ன்மென்டார் தீர்மானம் செய்த விஷயத்தில் அது லாண்டு ரெவின்யூ என்றும் ஒரு பெயர் வைத்து இருப்ப தீர்வைக்கு வஜா இல்லாமலும் ஜமீன், இனாம் கிராமங்களில் உள்ள ரையட்ஸ் செலுத்தும் பெரியார் தண்ணீர் தீர்வைக்கு வஜா இல்லாமலும் செய்துவிட்டார்கள்.

அச்சட்ட சபை அங்கத்தினர்களும் அவ்விதம் எதிர் பார்க்கவில்லை. ஏற்காருக்கு வசூலாக்கக்கூடிய எல்லாவித பூரா தீர்வைக்கும் வஜா செய்யவேண்டுமென்று விரும்பியும் அவ்விதம் கவுன்ஸில் தீர்மானித்திருக்கிறதாக ஷே அங்கத்தினர்களும் நம்பி எண்ணினார்கள்.

இப்போது தஞ்சாவூர் ஜில்லாவிலுள்ளவர்கள் கற்றறிந்தவர்களாகக்கூட ஒவ்வொரு விஷயத்தையும் டேபிள் வாரியாக விஸ்டா கொடுத்திருக்கிறார்கள். அந்த விஸ்டா நாளும் பார்த்தேன். ஆரம்பத்தில் தஞ்சாவூர் ஜில்லா 1892-ம் வருஷத்தில் செட்டில்மென்டு செய்த பிறகு 1923-ல் மிஸ்டர் ஜாக்ஸனால் 1 செட்டில்மென்டு செய்த போது 100-க்கு 18½ வீதம் ஜாஸ்தி செய்திருக்கிறார்.

ஷே ஜில்லாவில் நஞ்சைகளை 1 முதல் 12 தரமாக கிளாஸிபிகேஷன் செய்திருக்கிறார், மொத்தம் நஞ்சை சுமார் 8 லக்ஷம் ஏக்கர்கள் இதில் 1 முதல் 3 தர

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தில் சுமார் 40 ஏக்கர் தான் 6, 7-வது தரத்தில் சுமார் 3½ லக்ஷம் ஏக்கர்கள் இருக்கின்றன.

மொத்தம் தீர்வை ஒரு போக்குக்கு சுமார் ரூ. 53½ லக்ஷம். இதில் ஏக்கர் ஒன்றுக்கு முதல் தரத்துக்கு நெல் 27 மூட்டை முதல் கடைசி தரத்துக்கு 7 மூட்டை நெல் வரை மிஸ்டர் ஜாக்ஸன் மதித்து கணக்கு செய்திருக்கிறார். பட்டணம் பக்கா சேர் படி 48 முதல் 50 உள்ளது ஒரு மூட்டை.

1923-ம் வருஷத்தில் செட்டில்மென்டியில் ஒரு மூட்டை நெல் விலை ரூ. 3-5-6 ஆக மதிக்கிறார்.

இப்போதய மூட்டை விலை ரூ. 2-க்கு கம்மியாக விற்கிறது என்பது தெரிந்த விஷயம்.

செட்டில்மென்டியில் செஸ் இதரமான சிலவுகளும் சேர்க்கப்படவில்லை.

1 செட்டில்மென்டு நிலைமை யோசித்தாலும் முதல் தரம். மிச்சம் ரூ. 7-8-0-லிருந்து கடைசி தரம் ரூ. 1-5-0 வரை ஆகிறது.

பனிரண்டு தாத்துக்கும் வரும்படி நிகரத்திலிருந்து பாதி சர்க்காருக்கு உண்டென்றாலும் இப்போது சர்க்காருக்கு அதிகம் வசூலிப்பது சராசரி 100-க்கு 31 வீதம் நினைக்கலாம். அப்படியல்ல இன்னும் 6, 7 தரம் அதிக விஸ்தீர்ணம் இருப்பதால் அதற்கு 100-க்கு 40 வீதம் அதிகமாக வசூலிக்கிறதாக ஏற்படலாம். நெல் விற்பனையானது ஆங்காங்கு சலிசாக விற்க ஏது இல்லாதபடிக்கும் இதர தேசங்களிலிருந்துவந்து சலிசான விலைக்கு விற்பனையாகி வருகிறது.

சற்றேறக்குறைய தொன்றாறு லக்ஷம் ஜமா ஆகக் கூடிய தஞ்சை ஜில்லாக் காரர்கள் புத்திமான்கள். அவர்கள் விபரமான டேடாவை கொடுத்திருக்கிறார்கள். அதைப்பற்றி விஸ்தாரமாக பல நண்பர்கள் பேசுவார்கள். ஆனால் இதுபோலவே மற்ற எல்லா ஜில்லாக்களும் நஷ்டமடைந்து வருகிறதென்பதை தீர்மானிப்பதில் என்ன சந்தேகமிருக்கிறது.

கவர்ன்மென்டார் அறியாத விஷயம் ஒன்றுமில்லை அவர்கள் செவ்வையாய் கணக்கை அறிவதில் நிபுணர்கள். நமது இராஜாங்கம் கும்பினியார் என்று உலகம் சொல்வார்கள். அப்பெயர் கும்பினியல்ல. ஆதியில் கம்பெனியார் வர்த்தக முறைமையில் வந்து அத்நோடு கவுன்ஸில் ஆலோசனையும் வைத்து அரசாங்கத்தினர்கள். சாதாரணமான இராஜாக்களாக எண்ணப்படாது. ரொம்ப உயர்ந்த விதமாக நீதியோடு ஆளக்கூடிய வர்த்தக தன்மையுடைய ராஜாங்கம். அவர்களிடத்தில் அதிக விபரத்தை சொல்லவேண்டியதில்லை.

அன்னியில் எங்கள் மதுரை ஜில்லாவின் விவசாயிகள் விரிவான நஷ்டத்தை யடைந்து இருப்பதை டேடா (data) வீட் போட்டு கொடுக்க வேண்டியதே இல்லை. ஏனெனில் திறமையாகவும் எல்லாவற்றையும் நன்குணர்ந்து நடுநிலையோடு சுமார் 12 வருஷம் கலெக்டராயிருந்து ஆண்ட ஹானரபிள் மிஸ்டர் ஜே. எப். ஹால் துரையவர்கள் போட்டு ஆப் ரெவின்யூவில் வந்து இச்சபையில் அங்கத்தினராக அமர்ந்திருப்பது எங்கள் மதுரையின் குறைவுக்கு விஸ்டா இல்லாமலே நிவர்த்திப்பதற்கு ஒர் அறிகுறியாகும்.

மதுரையில் அறிவாளரும் தயாள குணத்தை உடையவருமான் மிஸ்டர் ஜி. டி. போக் துரையவர்கள் செட்டில்மென்டு செய்தார்கள். ஷே ஜில்லாவின் சில கிராமங்களை மாதிரிக்கு எடுத்து அநேக ஒப்படிக்கையும் நேரே கண்டு முதிர்ச்சி பார்த்து அறிந்துள்ளவர். அந்த விபரங்களை நான் அறிவேன். முன் 1342-ம் பசலியில் வஜா செய்ததில் வாட்டர் ரேட்டுக்குக்கும் இருபுவுக்கும் வஜா பசலியில் வஜா செய்ததில் வாட்டர் ரேட்டைப் பிசு. லாண்டில் உண்டான சதந்தரமே இல்லாது விட்டுவிட்டார்கள். அது ரொம்ப பிசு. லாண்டில் உண்டான சதந்தரமே தவிர வேரில்லை. லாண்டு ரெவின்யூவுக்கும் தண்ணீர் தீர்வைக்கும் சேர்த்து தான் வஜா கிடைக்கவேண்டும். அந்த ரயத்துக்கு ஒரு மாதிரி என்று என்ன பார்ப்பாது. எத்தனையோ புது அயிட்டங்களுக்கு சிலவு செய்ய விரும்புகிறீர்கள். அவைகளை இந்த சமயம் நிறுத்திவைக்கவேண்டும். மொத்தமான சம்பள வீதங் களில் கவனிக்கவில்லை. சகல பதார்த்தங்களும் விலை மலிந்து விற்பதற்கு பெருவிலைமலிருக்கிறது. விலை பொருள்கள் பண்ட மாற்றுதல் ஆக யோசனை

[Mr. P. C. Muthu Chettiyar] [10th November 1933]

செய்யவேண்டும். சமீபத்தில் கோடையில் ரூபாய் ஒன்றுக்கு 21½ படி நெல் வீதம் விற்றிருக்கிறது. மதுரை ஜில்லாவில் ஏக்கர் 1-க்கு 2 மூட்டை முதல் 5 மூட்டை வரை காணக்கூடிய நிலங்கள் ஏராளமாய் இருக்கிறது. முந்திய வருஷத்தில் 100-க்கு 12½ வீதம் வஜா கொடுத்ததுபோல் கொடுக்க நினைக்கக்கூடாது. கடைசியாக குறைந்தபடியும் 100-க்கு 25 வீதமாவது எல்லா ஜில்லாக்களுக்கும் எல்லா தீர்வைகளுக்கும் வஜா கொடுக்கவேண்டுமாய் இந்த விஷயத்தில் ரொம்ப தயவுடனே நமது இராஜாங்கம் தீர்மானிக்கவேண்டுமென்று பிரார்த்திக்கிறேன்.

4-45
p.m.

Mr. BASHEER AHMED SAYEED:—"Sir, I rise to move—

that after the word "assessment" in the resolution and before the words "on ryotwari" insert the following words, viz., "inclusive of water-cess and other cesses".

The object of this amendment is to remove certain practical difficulties that have been felt by the ryots in connexion with the orders of Government to suspend the collection, by 12½ per cent, of the land revenue. The way in which it has been worked has caused great hardship to all those ryots who have been cultivating wet crops on dry lands. Hon. Members are aware that in this Presidency there are many districts where a major portion of the land is only dry; a good proportion of these lands is cultivated by water that is available in tanks or reservoirs and from projects constructed at the cost of the Government. What was done last time when the suspension of 12½ per cent was ordered, was that the Collectors did not give effect to this suspension to the ryot in the case of the water-cess and other cesses that were payable by the ryots as land revenue. They took into consideration only the assessment on wet lands. With regard to wet lands, the assessment is a definite figure. But still there is practically no difference between the wet assessment and the assessment that is actually collected from the ryots when they raise wet crops on dry lands with Government water. Wet assessment is only the land tax on dry land plus water-cess. That being the case, the ryots did not get the benefit of the remission of 12½ per cent of the revenue. The definition of the word 'assessment' was narrowed down and only those people who were cultivating wet land with wet crops got the benefit. The rest of the ryots were denied this benefit. Wet lands form only a small proportion. But the major portion of the districts have dry lands which depend for water from reservoirs and tanks. For instance in the taluk of Vriddhachalam under the Toludur project 25,000 acres of dry lands are cultivated with wet crops with water taken from that reservoir. Those 25,000 acres of land yield to the Government nearly Rs. 1½ lakhs at the rate of Rs. 6-4-0 per acre. There is no difference between the rate of the wet assessment and the dry assessment which is inclusive of water-cess. I only ask for a very modest and very reasonable concession being extended to the holders of dry lands who cultivate wet crops with Government water. I do not see any reason why the Government should not have issued instructions to include the dry lands for which water-cess is levied and collected, when remission was given. What I want is that the Government should extend its concession to all the ryots in the districts like South Arcot, Tinnevely, Madura, Salem and Coimbatore. It may be argued that there is no

10th November 1933] [Mr. Basheer Ahmed Sayeed]

justification for any such concession being extended to the ryots holding dry lands. But I venture to state that there is not much force in that argument."

* The hon. the PRESIDENT:—"The hon. Member may continue his remarks to-morrow."

XI.—ANNOUNCEMENT RE THE APPOINTMENT OF CHAIRMEN TO CERTAIN SELECT COMMITTEES ON BILLS.

* The hon. the PRESIDENT:—"I have to announce that I have appointed Mr. Yakub Hasan as Chairman of the Public Libraries Bill and Diwan Bahadur A. Appadurai Pillai as Chairman of the Impartible Estates Act (Amending) Bill."

The House will now adjourn and meet again at 12 noon to-morrow.

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

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APPENDIX I.

[Wide answer to question No. 418 asked by Mr. G. R. Premayya at the meeting of the Legislative Council held on the 10th November 1933, page 831 supra.]

Serial number and name of the district.	Number of tenants' co-operative societies registered in 1928-33.	Number of tenants' co-operative societies cancelled.
(1)	(2)	(3)
1 Guntur	35	1
2 West Godavari	6	1
3 Kistna	18	6
4 Ganjam	..	..
5 Vizagapatam	..	..
6 East Godavari	21	1
Total ..	80	9

APPENDIX II.

[Vide answer to question No. 419 asked by Mr. Abdul Hameed Khan at the meeting of the Legislative Council held on the 10th November 1933, page 832 supra.]

Rules governing the Madras Service of Architects.

No person shall be eligible for selection for admission to the service unless he

- is a Fellow or Associate of the Royal Institute of British Architects with practical experience in India, or
- has obtained the diploma of any of the schools or institutions of architecture mentioned in Annexure A to these rules or has completed three years' articles of pupillage with a firm of architects of standing and has, in either case, served as a practising architect in India or as an assistant architect to a firm of architects in India for at least ten years in the case of a candidate for selection for admission to class I and for at least three years in the case of a candidate for selection for admission to class II.

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ANNEXURE A.

[Referred to in rule 5 (b).]

List of Schools or Institutions of Architecture.

- University of Liverpool; School of Architecture.
- University of London; School of Architecture.
- Victoria University, Manchester; School of Architecture.
- Architectural Association (London).
- Glasgow School of Architecture.
- University of Sheffield; Department of Architecture.
- Edinburgh College of Art.
- Cambridge University; School of Architectural Studies.
- Robert Gordon's College, Aberdeen.
- Leeds College of Art; School of Architecture.
- Welsh School of Architecture; The Technical College, Cardiff.
- The Sir Jamsetji Jijibhai School of Art; Bombay.
- McGill University, Montreal; School of Architecture.
- University Toronto; Department of Architecture.
- Armstrong College, Newcastle-on-Tyne.
- Birmingham School of Architecture.
- Royal West of England Academy, Bristol; School of Architecture.
- University of Sydney; School of Architecture.
- Northern Polytechnic (London); School of Architecture.
- Leicester College of Arts and Crafts; School of Architecture.
- Municipal School of Arts and Crafts, Southend-on-Sea; School of Architecture.
- University of Manitoba; The Department of Architecture.
- University of Witwatersand, Johannesburg; School of Architecture.
- The Beaux Arts at Paris.

APPENDIX III.

[Vide answer to question No. 421 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 10th November 1933, page 834 supra.]

G.O. Ms. No. 4161, L. & M., dated 9th October 1933.

READ—the following paper:—

From the President of the Trichinopoly District Board,
dated 1st June 1933, No. 2815-F/29.

Order—Ms. No. 4161, L. & M., dated 9th October 1933.

The Government agree with the Inspector of Municipal Councils and Local Boards that the Joint Committee of the Trichinopoly District Board and the Namakkal Taluk Board should deal only with the

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procedure to be followed in deciding about the necessity of cutting summer pathways and with the question whether the Namakkal Taluk Board should be consulted and given notice of it before action is taken. The Committee should not enter into any other question. The Government further consider that no part of the expenditure hitherto incurred by the district board can legitimately be debited to the taluk board and they therefore decline to re-open the case so far as past expenditure is concerned. As regards the future, the expenditure may be shared equally by the district board and the taluk board if it is decided by the Joint Committee that the summer pathway is necessary.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the President of the Trichinopoly District Board.
" President of the Namakkal Taluk Board.
" Inspector of Municipal Councils and Local Boards.
" Public Works and Labour Department.

APPENDIX IV.

[Vide answer to question No. 429 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 10th November 1933, page 843 supra.]

Statement showing the strength of each of the forest panchayats in Tirukoyilur taluk, South Arcot, and the number of Muslims and members of depressed classes in them.

Name of forest panchayat.	Strength.	Muslims.	Depressed classes.
1 Ponnilyandal	6	..	..
2 Madampoondi	9	..	..
3 Murukkampadi	6	..	..
4 Mana'urpet	8	..	2
5 Kallandal	7	..	1
6 Viranjipuram	7	..	..
7 Arungurukkai	12	..	..
8 Kunjaram	7	1	..
9 Mandagapadi	6	..	1
10 Pinnalavadi	9	..	..
11 Pidagam	9	1	..
12 Kallamedu	5	..	..
13 Senkurichi	7	..	..
14 Edaikkal	8	..	..
15 Mulasamudram	6	..	..
16 Sirupakkam	7	1	..

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APPENDIX V.

[Vide answer to question No. 434 asked by Rao Sahib V. Dharmalingam Pillai at the meeting of the Legislative Council held on the 10th November 1933, page 845 supra.]

Copy of the letter from the Collector of Chingleput district, Saidapet, D. Dis No. 8199-21-A-4, dated 9th November 1921.

[Legislative Council—Question No. 315—Irrigation—Tiruvallur taluk—Vishnuvakkam Maduvu Tangal.]

I have the honour to state that the Maduvu Tangal is situated at the east end of No. 2, Vishnuvakkam tank group. Irrigation by baling is carried on along the whole length of this maduvu. The extent of ayacut under it according to the settlement register is 309.60 acres as shown below:—

	ACS.
110 Kakekelavakkam	131.99
111 Vilapakkam	30.40
115 Visnuvakkam	147.21
Total	309.60

As irrigation is reported to be practically all carried out by baling, the Public Works Department consider that there is no necessity to treat the maduvu as an Imperial source. The extent of 423.23 acres as ayacut under this maduvu tangal in the question seems to be incorrect.

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APPENDIX VI.

[Vide answer to question No. 438 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 10th November 1933, page 848 supra.]

Name of disreserved area.	Approximate extent.	Whether the disreserved area has been assigned.	If assigned		If not assigned why the question of assignment is pending.
			Extent.	To whom.	On what principles.
Ayyampatty ..	ACS. 55.40	Yes.	ACS. 53.65	Mr. S. C. O. Reilly ..	For cultivation of plantation products.
Manjavadi Ghaut.	368.18	Yes.	128.75	Mr. S. M. Pritchard ..	Do.
Kattur ..	50.32	Yes.	241.03	Messrs. J. Stines, N. Stanes and J. C. Scott.	Do.
Arasankadu ..	631	Yes.	50.32	Mrs. M. Cayley ..	Do.
Maryland ..	52	Yes.	549.69	The Indian Peninsular Rubber and Tea Estates, Limited, Manager Mr. E. G. Windle.	Do.
Atur Ghaut ..	416.96	Yes.	106.64	Mr. R. Foulkes ..	Do.
Nartanchedu ..	250	Yes.	55.34	Mr. C. D. Ryle ..	Do.
Mallespuram Ghaut.	265	Yes.	5.07	Do.	Do.
Kapputhoor ..	88	Yes.	77.56	Do.	Do.
Vanier ..	445	Yes.	236.09	Mrs. M. S. R. Short...	Do.
Kanjari ..	156.4	Yes.	106.01	Mr. P. J. Watts ..	Do.
			39.28	Mr. S. C. O. Reilly ..	Do.
			42.03	Mr. N. M. Hight ..	Do.
			169.09	Mr. E. L. Payser ..	Do.
			51.21	Mr. N. M. Hight ..	Do.
			217.70	Do.	Do.
			33.26	Mr. W. B. Dickens ..	Do.
			55.73	Mr. C. Rahm ..	Do.
			427.30	Mrs. Cayley ..	Do.
			112.77	Mr. P. J. Watts ..	Do.

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Pringadai ..	542.53	Yes	286.21	Father Capello ..	For cultivation of plantation products.
..	..	..	16.72	Muhammed Hussain Saib.	Do.
..	..	..	239.60	The Indian Peninsular Rubber and Tea, Limited, Manager Mr. E. C. Whindle.	Do.
Godumalai ..	107	Portions assigned.	5.79	Ordinary ryots ..	Ordinary dar-khast rules.
			51.37	Taken up for Salem-Attur Railway line.	ACS.
			5.79	Already assigned by Settlement Party.	5.79
			12.39	Not fit for assignment.	12.39
			38.65	Fit for assignment. Transfer proposals under consideration.	38.65
			108.20		108.20

Perumbalamalai ..	12,750	Assignment in progress.	2,434.91	Ryots ousted by the Cauvery-Mettur Project.	Assignments are made on principles approved by the Board.
Woddapatti ..	310	..	..	To.	Do.

The cultivable area as reported by the Survey Officer is only 4,447.76 acres. Of this 2,434.91 acres have been already assigned. The Revenue Divisional Officer reports that 600 acres of the remaining area are unfit for cultivation. There are now 125 eligible applicants and about 625 acres may be required for them. For the remaining extent of about 787 acres there are no applications at present.

The cultivable area as furnished by the Survey Officer is only 162.76 acres. The Deputy Tahsildar, Pennagaram, reports that after excluding the portions required for reserved forest margin, the area assignable is only 144.06 acres. The assignments are to be made to the expropriated ryots of Mettur. The Revenue Divisional Officer reports that no lands have been assigned till now. He is being asked to begin and complete the assignments at an early date.

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APPENDIX VII

[Vide answer to question No. 446 asked by Mr. P. Peddiraju at the meeting of the Legislative Council held on the 10th November 1933, page 854 supra.]

(1)

Extract from the report of the Collector of West Godavari, dated 22nd September 1933.

On the way I inspected the out-fall sluices of the Nakkala drain by going on boats. Water was seen coming from the Godavari into the drain through the sluices which are weak. The village munsif was trying to shut up the crevices by putting sand banks, etc. Again, at Lakshmipuram lock, I found the water flowing from the river into the canal.

(2)

Extract of paragraph 17 of the Chief Engineer's Inspection Notes, dated 23rd August 1932.

17. *Nakkala outfall sluice.*—Inspected this work with reference to a complaint received recently from the Member of the Legislative Council for this district. The complaint is nothing new and the damage, if any, occurs only occasionally whenever there are high floods in the river. After all this flooding is not altogether unwelcome and is a blessing in disguise. The lands so flooded yield a bumper crop when next they are cultivated in the dalwa season. The flap shutters, which are supposed to be automatic in action, do not function quite satisfactorily in that they do not open fully to let out the land floods nor do they close up tightly to keep out the river floods. A better type of shutters suited to the tidal conditions obtaining here has not been invented so far and in some cases screw shutters manipulated by men have been substituted with some advantage. In this case, the Executive Engineer proposes to fix up a rack and pinion arrangement to the existing flap shutters to enable their being raised and closed as desired and this may be done in one of the vents as an experiment. If it proves successful the other vents and other sluices might be treated similarly; if not ordinary screw shutters might be fixed with advantage.

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APPENDIX VIII.

[Vide answer to question No. 447 asked by Mr. P. Peddiraju at the meeting of the Legislative Council held on the 10th November 1933, page 855 supra.]

(1)

Report of the Collector of West Godavari, dated 11th October 1933.

[Floods—West Godavari—Godavari river and Collair—
Damage—Detailed report—Submitted.]

1. *The causes and extent of the floods.*—On account of heavy rains in the last week of July and the first week of August the Budameru, a jungle stream in the Kistna district, went into floods with the result that water rose to an unusually high level and breached its banks in several places. The flood water entered the Collair and caused much anxiety to the people living in the lanka villages of Collair and low-lying villages of the delta bordering the Collair. The main damage was caused to the standing paddy crop. The special feature of the Collair flood this year was that it came much earlier than usual and just at a time when the transplantation was about to be completed. About the same time, the river Godavari also went into floods. The flood level rose to 12.3 feet over the crest of the Dowlaishweram anicut on 4th August 1933 and 13.6 feet at 6 p.m. on 12th August 1933. It gradually fell, and the flood level on 16th August 1933 was below 10 feet over the anicut and about 7 feet over the anicut on 16th August 1933. It began to rise again in September for the second time. On 12th September 1933 the flood level was 8 feet over the Dowlaishweram anicut. On 16th September 1933 it was 10 feet, on 18th September 1933 it was 12.9 feet and at 6 p.m. on 20th September 1933 it was 13.9 feet, which appears to be the highest flood level so far recorded since the year 1891. From 21st September 1933 morning it began to fall, and the flood level was below 10 feet over the crest of the anicut on 22nd September 1933. Simultaneously there were heavy rains. There was also drainage water from the canals and drains. All this water could not find an outlet into the river since the flood level in the river was higher than that outside the embankment. The drainage water in the fields could not find an outlet, and the result was accumulation and stagnation, and the consequent submersion of crops in the low-lying areas.

The most seriously affected taluks are Ellore and Narsapur.

2. *The total number of lives lost and of families that have been rendered homeless.*—There was no loss of human life as the signs of the floods were perceived during the day time. In Ellore taluk the water inundated the dwelling huts in eleven low-lying villages, viz., Koniki, Satyavole, Mupparru, Manur, Kalakurru, Komatilanka, Paidichintapudu, Prathikollanka, Gudivakalanka, Agadallanka and Chettunnepadu bordering the Collair and about 175 families were rendered homeless. In Narsapur taluk 509 families, whose houses were damaged or washed away by the Godavari river floods, have been rendered homeless in

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August. In the September flood, the number of houses that were damaged was greater, being 1306. Some of the houses affected by August flood and were got reconstructed fell again on account of the September flood.

3. *Extent of damage done to (a) Government property (other than irrigation works).*—No damage was caused to Government property. The earthen road (Local Fund) leading from Sreeparru to Maheswarapuram hamlet of Kalakurru in Ellore taluk was breached in several places. The Palacole-Doddipatla road in Narsapur taluk was badly damaged between Nakkala drain and Doddipatla.

(b) *Damage to Minor Irrigation works.*—No damage was caused to Minor Irrigation Works.

(c) *Damage to crops, fields, and other private property including houses and livestock:*—

Ellore taluk.—About 15,155 acres have been affected by the Collair floods. The standing crop in this area was wet paddy, which was badly damaged. About 10,760 acres is likely to come up for remission of assessment or water rate. There will be deterioration in the yield of the crop in the remaining area. About 80 cattle in all were lost either in floods or subsequently on account of disease as there was no place for them to roam about. No other damage to private property was caused except that 50 ploughs were carried away by the floods. As already stated in paragraph 2 above, about 175 dwelling huts in the low-lying tracts were damaged.

Narasapur taluk.—The standing paddy crop in 14,650—82 acres has been affected. The fields affected by the September flood are almost the same as those affected by August flood. No private property was damaged, except 509 houses in the first flood and 1,306 houses in the second flood. There was no loss of livestock. Most of the settlement and lease lankas in Yenugavani lanka, Ilapakurru, Doddipatla, Bhimalapuram, Koderu, Nadupudy, Pedamallam and Karugorumilli villages were under submersion for nearly one month. Standing crops such as ganti, ragi, gingelly, and budama have been totally lost. Portions of the lankas, which were reserved as pasture grounds for cattle have been covered by silt. Thus cattle have been deprived of their pasturage. The ryots complain that the season for planting chillies has expired, and the tobacco seedlings have been washed away by the flood and that it will be very difficult to procure seedlings now. Detailed reports about these lankas have been called for. It may be necessary to remit a moiety of the rentals in very hard cases.

Tanuku taluk.—The padugai and lanka lands in Teeparru, Usulumarru, Kakraparru, Mukkamala, Khandavilli, Malleswaram, P. Vemavaram, and Sidhantam villages were submerged by the river floods. These lands were cultivated with maize, gingelly, green hemp, chama, etc., and the crop was completely lost. The loss is estimated at Rs. 10,000. It is reported that the above lands will be cultivated again with cholam or some other suitable crop. There is no loss of livestock except for a solitary cow in Mukkamala village which was carried away by the flood while grazing in a lanka. No damage was caused to houses.

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Bhimavaram taluk.—About 5,737 acres were affected by the floods in the Yanamadurru drain and Collair, out of which about 2,737 acres is expected to come up for remission. There was no damage to other property.

Tadepalligudem taluk.—The area affected by the floods in the Collair and drains is about 3,420.22 acres, out of which about 2,376.72 acres is expected to come up for remission. Four cattle-sheds in Thokalapalli village are reported to have been washed away by the Collair floods. It is also reported that about 400 cattle tethered in the fields of the villages bordering the Collair, died on account of continuous exposure to wind and rains. It would appear that some cattle die every year on account of such exposure. There was no damage to dwelling houses.

Korrur taluk.—About 1,150 acres in seven proprietary villages were submerged. It is reported that these lands are naturally low-lying and are usually subject to submersion every year. The total area in the delta taluks of the district affected by floods is about 40,132 acres.

4. *Measures taken to mitigate the effects of the floods and whether anything not being the duty of the Public Works Department was not done which might have been done to mitigate their effects still further.*—All possible measures were taken to mitigate the effects of the floods. The flood bank of the Godavari river was closely watched so as to prevent the bund from breaching. The Tahsildars, Revenue Inspectors and village officers in Narasapur and Tanuku taluks were on flood duty, watching the bank and helping the Public Works Department in preventing breaches in the flood bank.

5. *Measures taken for the relief of distress and their cost to Government—Ellore taluk.*—About 20 bags of rice were collected by local subscriptions and distributed among the distressed. An amount of Rs. 350 was sanctioned by the Government for special relief by way of money payment. This amount was disbursed at the rate of Rs. 2 per each hut damaged so as to enable the homeless families to reconstruct their houses immediately. It is also proposed to supply water for second crop in the badly affected areas as far as possible to compensate for the loss of first crop in them.

Narasapur taluk.—A grant of Rs. 3,000 was sanctioned by Government for the relief of distress caused by the Godavari floods in this taluk. Out of this amount, a sum of Rs. 2,998-10-6 was actually spent as detailed below:—

	RS.	A.	P.
(i) Cash amount disbursed among the distressed families at Rs. 2, Rs. 1½ and Re. 1 each ...	2,886	0	0
(ii) Money spent for purchase of rice for distribution among the distressed ...	50	2	6
(iii) Charges incurred for engaging steam launches and boats in connexion with relief measures ...	62	8	0
Total ...	2,998	10	6

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Besides this, 74 bags of rice were collected from the local people and distributed. Four hundred and eighty-four families who were rendered homeless were granted 484 palmyra trees worth Rs. 1,210 at the rate of one tree each family free of cost. In addition to all this nearly 1,000 distressed persons were fed locally at Narasapur for ten days during the first flood time and about 800 persons were fed at Koderu and Narasapur for eight days during the second flood time. Steps are also being taken to bring in as much of the affected area as possible in Narasapur, Bhimavaram and Tadepalligudem taluks within the second crop irrigation this fasli (1343). The Government have also sanctioned the payment by the West Godavari District Board of a contribution of Rs. 3,000 for the relief of distress caused by floods in Narasapur and Ellore taluks.

6. *Whether it is proposed to give further relief (i) by way of advances (a) to cultivators and (b) to the people rendered homeless for the purpose of helping them to repair or rebuild their houses or (ii) otherwise.*—It is proposed to advance loans under the Agriculturists' Loans Act. But so far, no applications for loans have been received.

7. Approximate estimated cost on account of (a) repairs to Government property mentioned in paragraph 3 (a) and (b) above, and (b) anticipated remission of revenue:—There was no damage to Government property. None of the masonry irrigation works have been damaged by the floods, but some portions of the canal banks and distributaries in Narsapur subdivision, have breached and the cost of repairing them is estimated at Rs. 2,000. The anticipated remission of land revenue is shown below:—

	RS.	A.	P.
(1) Ellore taluk	47,283	0	0
(2) Narasapur taluk	39,672	0	0
(3) Tanuku taluk	Nil.		
(4) Bhimavaram taluk	13,075	0	0
(5) Tadepalligudem taluk	14,747	0	0
(6) Kovvur taluk	Nil.		
Total ...	1,14,777	0	0

It is likely that some of the crops affected by the floods may recoupe and yield an outturn which may be above the remittable limit. Taking this fact, which is very probable fact, into consideration, I would estimate the total figure under remission for the whole district at one lakh in round figures.

8. *The number of breaches (so far as known) that have been closed by private agencies and individuals.*—Petty cases of percolation in the flood bank between Pedamallam and Karugorumilli were closed by the private individuals. The bund of the bank canal which overflowed at Gangadupalem was strengthened by the villagers. When the flood-bank at Chinchinada was affected on 20th September 1933 the villagers safeguarded it by attending to the repairs immediately.

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9. *Whether it is practicable and desirable to take any measures to prevent the recurrence of such floods or to mitigate their effect and if so, what measure.*—The embankment which was somewhat weak near Ummidivaripalem, hamlet of Mukkamala threatened to breach during the last floods. It is necessary that the flood-bank here should be strengthened and a revetment of stones constructed on the side of the bank canal which touches the embankment here. The two subsidiary shutters of one vent of the Nakkala out-fall sluice were washed away during the flood in August. The Executive Engineer, Godavari Western Division, states that an estimate has been prepared to replace the flap shutters by those of a screw gearing pattern. The flood-bank of the Godavari river near Narasapur stops at Narasapur town. There is a stone revetment on the border of Narasapur locks and the stone gap of about three furlongs between the Narasapur locks and the stone revetment. The Godavari water backs up in a portion of the gap, and nearer the river there are houses and paddy fields. In times of flood, the water backs up immensely and endangers the houses of Madhavayapalem and paddy fields of Narasapur. If a protecting bund is raised at this place, I think the houses and paddy fields may be saved from submersion to a large extent. The Executive Engineer, Godavari Headworks Division, has been addressed to investigate this.

(2)

Telegram from the Collector of West Godavari, dated the 22nd October 1933.

Please refer my telegram 19th regarding further flood havoc in West Godavari. Heavy rains on 17th, 18th, 19th breached several irrigation tanks in upland villages, caused unexpected floods. In Rallamadugu, Yerrakalva, Tammileru sudden visitation of floods damaged numerous hamlets, breached Ellore Canal badly in several places and railway line between Pulla and Chagallu. Three taluks have been affected, viz., Ellore, Tadepalligudem and Kovvur. Through railway service suspended between Bhimadole and Chagallu stations. About forty villages badly affected. Nearly 2,000 houses mostly thatched huts damaged. No loss of human life except, a child in mother's arms washed away, while mother was crossing a stream. About 60 cattle perished. Paddy crop not much damaged. About 35 M.I. tanks have breached. Roads in several places inundated and damaged. Details not available. Flood havoc rather wide-spread this time. Relief measures organized and rescue work done wherever necessary by revenue officers. Personally visited large portion of affected area. District Superintendent of Police also visited and organized relief in some places. Revenue officers in affected area fully engaged in flood relief work. Please sanction relief grant rupees five thousand by wire. Separate application for repairs to M.I. tanks will be submitted urgently after details are available.

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Telegram from the Collector, West Godavari, dated 19th October 1933.

Heavy rains last two days resulted in floods in Tammileru. Four hundred houses damaged in Tangellamudi and Ellore. Relief arranged by the Revenue and Municipal authorities. No loss of life or cattle. Railway line breached between Pulla and Kaikaram. Detailed report follows.

(3)

Copy of letter from the Collector of West Godavari, dated 26th October 1933, No. R.O.C.A. 2-4172/33.

[Floods—Godavari river and Collair—Damage—Further report—Submitted.]

The Tahsildars, Narsapur, Kovvur and Tanuku, were requested to inspect all the affected lankas in their taluks and submit detailed reports through the Revenue Divisional Officers concerned before the end of December 1933, as it would be too soon now to estimate the outturn or loss of the crops in lankas. After their detailed reports are received by me, I shall inspect some of the affected lankas and submit a consolidated report on all the affected lankas with my recommendations for remitting a moiety of the rentals in deserving cases.

2. No serious damage was caused to any of the major irrigation works in this district and that only portions of the canal and channel banks in Narsapur subdivision of the Godavari Western division breached. The cost of repairing them was estimated at Rs. 2,000.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Saturday, the 11th November 1933.

The House met at 12 noon, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Usman Sahib Bahadur, K.O.I.E., The
hon. Khan Bahadur Sir Mahomed.
Krishnan Nayar, Kt., The hon. Diwan
Bahadur Sir M.
Campbell, K.O.I.E., C.S.I., C.B.E., V.D.,
I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon.
Mr. H. G.
Raja of Bobbili, The hon. the.
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon.
Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Meeran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Bashier Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyahani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Gopalaswami Ayyangar, Diwan Baha-
dur N.
Hood, I.C.S., Mr. H. M.
Indrayya, Mr. C.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Kesavaramamurti Nayudu, Mr. N.
Koti Reddi, Mr. K.
Krishnamurti, Rao Bahadur D.
Krishnan, Mr. C.
Krishnayya Choudari, Mr. P. V.
Kuppuswami Choudari, Mr. J.
Madanagopal Nayudu, Mr. R.
Manikkavelu Nayakar, Mr. M. A.
Moidoo Sahib Bahadur, Khan Bahadur
T. M.
Moses, Mr. P. C.
Muhammad Meera Ravuttar Bahadur,
K. P. V. S.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Muthu Chettiyar, Rao Bahadur P. C.

Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Natesa Mudaliyar, Rao Bahadur C.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattabhiramayya, Mr. K.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Khallikote, The.
Ramachandra Padayachi, Mr. P. K.
Ramamurti, Rao Sahib Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. G.
Rangaswami Reddi, Mr. M. B.
Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Shetty, Mr. A. B.
Singam Ayyangar, Mr. K.
Siva Raj, Rao Sahib N.
Sivasubrahmanya Ayyar, Mr. K. S.
Smith, C.I.E., I.C.S., Mr. E. Conran.
Soundara Pandiyan, Mr. W. P. A.
Sreshta, Mr. M. S.
Srinivasan, Rao Bahadur R.
Sriramulu, Mr. G.
Subbarayan, Dr. P.
Subrahmanya Chetti, Rao Sahib P.
Subrahmanya Bhatt, Mr. U. C.
Sundara Rao Nayudu, Mr. T.
Syed Tajuddin Sahib Bahadur, Khan
Sahib.
Thorne, C.I.E., I.C.S., Mr. J. A.
Vasudeva Pillai, Mr. V. G.
Venkatarama Ayyar, Mr. K. R.
Venugopal Nayudu, Rao Bahadur R. K.
Viswanatha Rao, Rao Bahadur V. N.
Wright, Mr. W. O.
Yahya Ali Sahib Bahadur, Khan
Bahadur.
Yakub Hasan Sahib Bahadur.
Zamindar of Mirzapuram, The.

[11th November 1933]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Law and Order (General)

Restoration of the movable property seized in the Gowtami Satyagraha Ashramam; Sitanagaram.

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

(a) whether movable properties have been seized from the Sitanagaram Ashramam in January 1932;

(b) whether movables belonging to individuals have also been seized;

(c) if so, under whose orders they have been seized;

(d) whether a proper inventory has been prepared at the time in the presence of the parties concerned;

(e) whether all the legal formalities have been observed at the time of seizure;

(f) when the above samans were conveyed to Rajahmundry and kept in police headquarters;

(g) if so, under whose orders the samans were removed from the Ashram;

(h) whether the properties so brought were kept under proper seals and locks;

(i) whether the Government have ordered the return of the movables to Dr. Subrahmanyam;

(j) whether the properties have been handed over to the party according to the inventory; and

(k) whether the locks and seals are intact?

A.—(a), (b) & (c) The Sitanagaram Ashram was notified by the Government under section 3 (1) of the Unlawful Association Ordinance, 1932, and thereupon under the orders of the District Magistrate of East Godavari the Ashram buildings with all the movables were seized by the Deputy Superintendent of Police, Rajahmundry, on 18th January 1932.

(d) A list of the movable property was prepared by the Deputy Superintendent of Police in the immediate presence of the District Superintendent of Police, the Taluk First-class Magistrate of Rajahmundry, the local Station-House Officer of Rajanagaram and the local village magistrate besides others.

(e) Yes.

(f), (g) & (h) All movables except a few articles which were found too heavy or unwieldy for removal were removed by the Deputy Superintendent of Police to Rajahmundry on 19th January 1932 and stored in the old police hospital building for safe custody. A guard was posted on it.

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(i) The buildings along with the movable property not already confiscated were ordered by the Government to be restored to the rightful owner.

(j) The District Magistrate has reported that the Ashram buildings with the movables not already confiscated were handed over to Mr. B. Subrahmanyam.

(k) The Government have no information.

Mr. C. INDRAYYA:—"With reference to clause (b) of the question the answer does not make any reference to it. The question is: 'whether movables belonging to individuals have also been seized;' but the answer does not refer to it at all. Will the hon. the Home Member be pleased to state whether the movables belonging to individuals have been seized?"

The hon. Sir MAHOMED USMAN:—"I have no definite information, Sir. I am prepared to enquire."

Mr. M. A. MANIKKAVELU NAYAKAR:—"With reference to clause (k) of the question, may I know whether the Government called for the information but did not get it?"

The hon. Sir MAHOMED USMAN:—"The Government have no information as the District Magistrate in his report did not mention anything about this matter."

Mr. M. A. MANIKKAVELU NAYAKAR:—"It was a definite question put down on paper, Sir, but yet no answer has been given."

The hon. Sir MAHOMED USMAN:—"I have already explained it, Sir."

Restoration of the movable property seized in the Gowtami Satyagraha Ashramam; Sitanagaram.

* 451 Q.—Mr. C. INDRAYYA: Will the hon. the Home Member be pleased to state—

(a) whether movable properties have been seized from the Sitanagaram Ashram in January 1932;

(b) whether movables belonging to individuals have also been seized;

(c) if so, under whose orders they have been seized;

(d) whether a proper inventory has been prepared at the time in the presence of the parties concerned;

(e) whether all the legal formalities have been observed at the time of seizure;

(f) whether the above samans were conveyed to Rajahmundry and kept in police headquarters;

(g) under whose orders the samans were removed from the Ashram;

(h) whether the properties so brought were kept under proper seals and locks;

[11th November 1933]

(i) whether the Government have ordered the return of the movables to Dr. Subrahmanyam;

(j) whether the properties have been handed over to the party according to the inventory; and

(k) whether the locks and seals are intact?

A.—The attention of the hon. Member is invited to the answer given to question No. 450.

The Gowtami Satyagraha Ashramam, Sitanagaram.

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

(a) whether the Gowtami Satyagraha Ashramam at Sitanagaram has been returned to Dr. Subrahmanyam by the Government;

(b) whether any damage was done to the Ashramam when it was in the hands of the Government; and

(c) if so, what steps do the Government propose to take to make good the loss?

A.—(a) The Sitanagaram Ashram has been restored to Dr. Subrahmanyam under the orders of the Government.

(b) & (c) The Government have no information and they do not propose to take any action in the matter.

Mr. ABDUL HAMEED KHAN:—"May I know, Sir, what reason the Government have to justify their statement that they do not propose to take any action in the matter?"

The hon. Sir MAHOMED USMAN:—"Every care has been taken to keep the properties in order; but if in spite of it, there has been any damage, the Government are protected under the law."

Mr. ABDUL HAMEED KHAN:—"May I know, Sir, whether it will not serve the ends of justice if the Government hold an enquiry and see if no harm has been done to the property or whether any damage has been done to it?"

The hon. Sir MAHOMED USMAN:—"There is no necessity for any such enquiry. But, if the hon. Member wants, I am quite prepared to find out whether there has been any damage."

Restoration of the Gowtami Satyagraha Ashramam, Sitanagaram, to the rightful owners.

* 453 Q.—Mr. C. INDRAIYA: Will the hon. the Home Member be pleased to state—

(a) whether the Gowtami Satyagraha Ashramam at Sitanagaram has been restored to Dr. Subrahmanyam by the Government;

(b) whether any damage was done to the Ashramam when it was in the hands of the Government; and

(c) if so, what steps do the Government propose to take to make good the loss.

A.—The attention of the hon. Member is invited to the answer given to question No. 452.

[11th November 1933]

Police

Rule of three years applicable to the gazetted ranks of the City Police Force.

* 454 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Home Member be pleased to state—

(a) whether the rule as to the three years tenure of office in the City of Madras is applicable to the gazetted ranks of the City Police Force;

(b) if so, when the rule was brought into force and in how many cases it was acted upon during these years;

(c) how many of the present officers of the City Police Force have put in more than three years and who they are; and

(d) why the rule of three years has not been enforced in their cases?

A.—(a) Yes, except in the case of the Commissioner of Police.

(b) The rule about Assistant Commissioners of Police was introduced in October 1928 and that about Deputy Commissioners of Police in July 1929. It has been acted upon in thirteen cases.

(c) One; M.R.Ry. Rao Sahib T. S. Kalyanasundara Ayyar Avargal, Assistant Commissioner of Police.

(d) The Government consider that it is in the public interest that he should continue as Assistant Commissioner of Police till the end of this year.

B. POCKER SAHIB Bahadur:—"May I know what the Government mean by 'the end of this year?' Do they refer to the calendar year or the official year?"

The hon. Sir MAHOMED USMAN:—"Till the end of 1933."

Prisons and Prisoners

Mappilla prisoners convicted and detained on account of offences connected with the Malabar Rebellion, 1921.

* 455 Q.—B. POCKER SAHIB Bahadur: Will the hon. the Law Member be pleased to state—

(a) how many Mappilla prisoners who were convicted of offences connected with the Malabar Rebellion of 1921 were released before the expiry of their sentences between 1st January 1930 and 31st August 1933;

(b) how many Mappilla prisoners convicted of offences connected with the Malabar Rebellion of 1921 are still undergoing their sentences giving the number of such persons who have been convicted of (a) murder, (b) waging war against the King, (c) dacoity, and (d) other offences;

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(c) how many Mappilla prisoners convicted of offences connected with the Malabar Rebellion of 1921 are undergoing their sentences (i) in Andamans, (ii) in other jails, giving number of such prisoners in each jail;

(d) how many Mappillas who were confined under the Moplah Outrages Act and the State Prisoners Regulation in connexion with the Malabar Rebellion of 1921 were released and permitted to go to Malabar between 1st January 1930 and 31st August 1933;

(e) how many Mappillas are still undergoing confinement (i) under the Moplah Outrages Act, and (ii) under the State Prisoners Regulation in connexion with the Malabar Rebellion of 1921, giving the names of the jails or cities in which they are confined and the number of such Mappillas in each of such jails or cities;

(f) whether the release of the Mappilla convicts or Mappilla State prisoners has in any way affected the peace and tranquillity of Malabar;

(g) whether there are some old and decrepit Mappilla prisoners in Vellore Jail, whether they were shown to the Inspector-General of Prisons, and whether the Inspector-General of Prisons has made any recommendations to the Government as to their release;

(h) whether there are in Vellore Jail Mappilla prisoners convicted of offences connected with the Malabar Rebellion of 1921 in the same case and in connexion with the same incident, as other convicts who have been released before the expiry of their term, and if so, what the special reasons are for not releasing them; and

(i) whether there are Hindus other than Mr. M. P. Narayana Menon who were convicted of offences connected with the Malabar Rebellion of 1921, and if so (i) how many, (ii) in what jails, and (iii) what their names are?

A.—(a) Two thousand seven hundred and seventy-five.

(b) One hundred and ninety-two (including 99 Andaman prisoners whose release has been sanctioned) as shown below:—

(a) (i) Murder	35
(ii) Murder and waging war against the King	13
(iii) Murder and dacoity	1
(iv) Murder and other offences	28
(v) Murder, waging war against the King, dacoity and other offences	6
(vi) Murder, waging war against the King and other offences	1
(vii) Murder, dacoity and other offences	4
Total	88

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(b) (i) Waging war against the King	90
(ii) Waging war against the King, dacoity and other offences	2
(iii) Waging war against the King and other offences	2
Total	94

(c) (i) Dacoity	7
(ii) Dacoity and other offences	2
Total	9

(d) Other offences	1
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(c) (i) In the Andamans, 127 prisoners (including 99 prisoners whose release has been sanctioned).

(ii) In other jails, etc.—	52
Central Jail, Vellore	1
Do. Coimbatore	1
Do. Cannanore	2
Do. Salem	4
Wellesley Sanatorium Jail, Bellary	—
Total	60

Mental Hospital, Madras	5
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(d) (i) Under the Moplah Outrages Act 9
(ii) Under the Madras State Prisoners Regulation II of 1819 179
(e) (i) *The Moplah Outrages Act*.—There are now seven Mappilla prisoners under detention in the following places:—

Name of place.	Number.	Remarks.
Madras City	1	} At large under Police surveillance.
Vellore	2	
Cuddalore	1	
Salem	2	
Trichinopoly	1	
	7	

[11th November 1933]

- (ii) *The Madras State Prisoners Regulation II of 1919.*—
Twenty-six Mappilla prisoners are now under detention
in the following towns:—

Town.	Number.	Remarks.
Arkonam ..	2	} At large under Police surveil- lance.
Vellore ..	3	
Chidambaram ..	2	
Villupuram ..	1	
Coimbatore ..	1	
Masulipatam ..	1	
Kurnool ..	2	
Madras ..	4	
Palni ..	1	
Madura ..	1	
Kumbakonam ..	1	
Tanjore ..	1	
Palamcottah ..	1	
Pettai ..	1	
Karur ..	2	
Trichinopoly ..	2	

26

(f) No.

(g) There are a few old Mappilla rebellion prisoners in the Central Jail, Vellore. They were seen by the Inspector-General of Prisons at the time of his inspection of the jail. He has not made any special recommendations to the Government regarding their release, the cases of all Mappilla prisoners having been reviewed by them.

(h) There are now in the Central Jail, Vellore, 52 Mappilla prisoners convicted of offences connected with the Malabar Rebellion of 1921. They have not been released as they have been classified as dangerous. It is possible that persons who were convicted along with them for the same offence have been released.

(i) Yes, there are two Hindu prisoners, one in the Andamans by name Poovanthala Pannan and another in the Mental Hospital, Madras, by name K. Raman Nayar.

B. POCKER SAHIB Bahadur:—“The Government say in reply to clause (b) of the question, that there are 192 (including 99 Andaman prisoners whose release has been sanctioned). I should like to know why those 99 prisoners are not in their homes, even though their release has been ordered?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“I believe it is for want of ships to convey them to their homes. I think so, but I am not sure.”

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B. POCKER SAHIB Bahadur:—“I want to know whether it is for want of ships or for want of money on their part to pay for their passage?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“I shall make enquiries.”

Mr. ABDUL HAMEED KHAN:—“May I know, Sir, whether the hon. the Law Member does not remember that, when we last met, he was pleased to state that want of ships was responsible for their not having been brought here? What steps have the Government taken since then to see that these people are got back?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“Notice, Sir.”

Mr. YAKUB HASAN:—“When were they released, how long have they been waiting for a steamer?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“I cannot say.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“With reference to the second sentence of the answer to clause (h), that ‘they have not been released as they have been classified as dangerous,’ may I know by whom they were classified like that?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“By the District Magistrate.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether the Government will be pleased to call for a report from the Superintendent of the Jail whether subsequent to their conviction they have improved or whether they continue to be dangerous?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“The fact whether they are dangerous or not has nothing to do with their conduct in the jail.”

B. POCKER SAHIB Bahadur:—“Will the Government be pleased to consider the case of these prisoners also periodically?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“They are being considered periodically.”

Mr. BASHEER AHMED SAYEED:—“May I ask whether the hon. the Law Member will take some steps to get these prisoners back by asking the authorities to provide for their conveyance here by ships?”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“I will consider the suggestion.”

B. POCKER SAHIB Bahadur:—“In view of the promise made, by him, will the hon. the Law Member see that these persons, whose release

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has been sanctioned and who are still in the Andamans, are brought back at Government expense with their families, if any?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I shall consider my Friend's suggestion."

Frequent adjournments of the Madras Conspiracy case trial on account of the illness of the accused.

* 456 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) how many of the under-trial prisoners in the Madras Conspiracy case are put in 'A,' how many in 'B' and how many in 'C' class;

(b) whether it is a fact that a majority of the 'C' class under-trials have been constantly suffering from some ailment or other;

(c) whether by reason of their illness and the inconvenience caused to them, the trial is frequently delayed and protracted; and

(d) what steps the Government propose to take to redress the condition of the 'C' class under-trials?

A.—(a) The hon. Member is referred to Rule 733-A of the Jail Manual. Eleven have been placed in the special class and nine in the ordinary class.

(b) & (c) The Government have received a report about the illness of some of the accused and the matter is being looked into.

(d) The hon. Member apparently refers to the condition of the health of under-trial prisoners of the ordinary class now confined in the Penitentiary, Madras. His attention is invited to the rules in Chapter XXXVIII of the Madras Jail Manual regarding the health of prisoners and the medical administration of jails.

Mr. BASHEER AHMED SAYEED:—"May I ask, Sir, whether it is not possible to take some adequate steps to prevent this constant illness of the under-trial prisoners in the Penitentiary?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Government have received a report on the subject and they are considering it."

Mr. ABDUL HAMEED KHAN:—"May I know whether these under-trial prisoners are entirely in the charge of the Jail authorities or are they also in the charge of the Police?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"They are entirely in the charge of the Jail authorities."

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Public Service

Promotion of lower division clerks to the upper division in the Secretariat.

* 457 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that Secretaries to Government have been empowered to fill a certain percentage of upper division posts in their offices from the lower division;

(b) if so, whether the present number of posts in the upper division held by lower division clerks works out to the percentage referred to in clause (a); and

(c) whether the Government have any proposal regarding the question of amending the rules suitably so as not to prejudice the claims of lower division clerks for promotion?

A.—(a) & (b) The Madras Ministerial Service Rules govern the recruitment of clerks to the Secretariat. Recruitment to the upper division may be either direct or by promotion from the lower division. There is no rule fixing the percentage of upper division posts to be filled by promotion.

(c) No, but the question will be considered in connexion with the revision of the rules which is now under consideration.

Mr. BASHEER AHMED SAYEED:—"May I ask, Sir, whether any orders have been issued by Government fixing the relative position of a permanent lower division clerk and a direct recruit for purposes of confirmation?"

The hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice of the question."

Mr. M. S. SRESHTA:—"May I know whether, in connexion with the revision of the rules, it is proposed to fix a percentage of appointments to be made by promotion from the lower division?"

The hon. Sir ARCHIBALD CAMPBELL:—"When these rules are being revised, this question will be taken into consideration."

Mr. M. S. SRESHTA:—"But is it not a fact, Sir, that in practice, certain appointments have been given so far to people by promotion from the lower grade?"

The hon. Sir ARCHIBALD CAMPBELL:—"Some lower grade clerks have been promoted to the upper division."

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government are aware that many permanent lower division clerks have officiated and have been doing drafting work in the hope of getting confirmed in the upper division; and if so, what the Government propose to do in their cases?"

The hon. Sir ARCHIBALD CAMPBELL:—"First part, yes: second part, as I said, the revision of the rules is under consideration."

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Local Self-Government*Procedure in the appointment of District Panchayat Officers by the Government.*

* 458 Q.—**Mr. K. A. NACHYAPPA GOUNDER:** Will the hon the Minister for Local Self-Government be pleased to state—

(a) whether the applications for District Panchayat Officers' posts are received direct by the Government or through the Presidents of District Boards;

(b) whether such appointments are made only in consultation with the Presidents of District Boards or by the Government independently;

(c) if these appointments are made in consultation with the Presidents of District Boards, what the reasons are therefor; and

(d) if these appointments are made in consultation with the Presidents of District Boards, in how many cases their recommendations have not been heeded to and in which district or districts and for what reasons?

A.—(a) In a few cases applications for the post of District Panchayat Officer have been received through Presidents of District Boards and in other cases directly by Government.

(b) Government will make the appointments to the service of District Panchayat Officers independently, but they will consult the President of the District Board before a particular District Panchayat Officer is posted to his district.

(c) & (d) The questions do not arise.

Mr. V. T. ARASU:—" May I know whether the Government have advertised for these posts? "

The hon. the **RAJA OF BOBBILI:**—" No, they have not advertised."

Mr. V. T. ARASU:—" If the Government have not advertised that they were going to appoint panchayat officers, how then did the people come to know of it and submit applications to the Government? "

The hon. the **RAJA OF BOBBILI:**—" Nearly six hundred applications have been received even without the advertisement."

Mr. P. V. KRISHNAYYA CHOUDARI:—" When the Government themselves have received applications for appointments to these posts, may I know what made them ask the District Board of Guntur to call for applications for these posts? "

The hon. the **RAJA OF BOBBILI:**—" At the time the resolution of the District Board was passed, no application had been received at all; so, the Board was asked to call for applications and to send their recommendations."

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Mr. P. V. KRISHNAYYA CHOUDARI:—" Is it not a fact, Sir, that the Guntur District Board sent a reply that there were about 250 applications pending in their office at the time of making the appointment? "

The hon. the **RAJA OF BOBBILI:**—" At the time the second appointment was made, the Government themselves had taken the power to appoint these officers."

Mr. V. T. ARASU:—" The hon. the Minister said that he has received six hundred applications. May I know how these people got to know that the Government proposed to appoint panchayat officers? "

The hon. the **RAJA OF BOBBILI:**—" The Government had taken power in July itself, to make the appointments themselves."

* **Mr. V. M. RAMASWAMI MUDALIYAR:**—" Is it not a fact, Sir, that the Government have framed certain rules for their recruitment and that the candidates selected have to conform to the rules so made? "

The hon. the **RAJA OF BOBBILI:**—" Yes."

Mr. M. A. MANICKAVELU NAYAKAR:—" Is there any age-limit for the candidates? If so, may I know what it is? "

The hon. the **RAJA OF BOBBILI:**—" Thirty years."

Mr. V. T. ARASU:—" Will the hon. the Minister be pleased to give the names and qualifications of the candidates who have been selected for panchayat officership? "

The hon. the **RAJA OF BOBBILI:**—" I want notice, Sir."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Are the Government aware that several District Boards have already got reserve panchayat officers? "

The hon. the **RAJA OF BOBBILI:**—" Yes, about 14 of them."

Rao Sahib V. I. MUNISWAMI PILLAI:—" Are they going to take their claims also into consideration? "

The hon. the **RAJA OF BOBBILI:**—" All those that are qualified and are suitable for the posts will be appointed."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Before they make the appointments, may I know if the Government have asked the respective District Boards whether they are prepared to spare the necessary money for these appointments? "

The hon. the **RAJA OF BOBBILI:**—" No, Sir. All District Boards have been asked to create the posts of panchayat officers."

B. POKKAR SAHIB Bahadur:—" Are the Government applying the communal Government Order to these appointments, Sir? "

The hon. the **RAJA OF BOBBILI:**—" The communal Government Order could not strictly be applied, as there are already 14 panchayat officers appointed by the District Boards. The Inspector has been asked to take into consideration the claims of all communities in sending up his recommendations."

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Medical Administration

Plans and estimates for opening a new out-patient department in the Victoria Caste and Gosha Women's Hospital, Madras.

* 459 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether any scheme and estimate for a new out-patient department in the Victoria Caste and Gosha Women's Hospital, Madras, have been received by the Government;

(b) if so, when were the same received and at what stage the estimate is; and

(c) when the same will be sanctioned and what the total cost of the estimate is?

A.—(a) Yes.

(b) & (c) The proposal which was received by the Government in July last is being considered in connexion with the Civil Budget Estimate for 1934-35. The total cost of the scheme is estimated at Rs. 76,000.

Mr. BASHEER AHMED SAYEED:—“ May I ask what schemes are pending with regard to the in-patient department in the Victoria Caste and Gosha Hospital?”

The hon. the RAJA OF BOBBILI:—“ All the details were given, Sir, in answer to a question yesterday.”

Mr. BASHEER AHMED SAYEED:—“ May I ask whether any amount is sought to be provided for the in-patient department in the next Budget or Financial Estimates?”

The hon. the RAJA OF BOBBILI:—“ I answered that question yesterday, that the Government are considering the scheme at a total cost of Rs. 76,000.”

Mr. BASHEER AHMED SAYEED:—“ But that Rs. 76,000 is for the out-patient department. I am asking the Minister whether he will see to it that some amount is provided for the in-patient department of the same Hospital next year?”

The hon. the RAJA OF BOBBILI:—“ There are a number of schemes, Sir; and it would not be possible to provide for all of them in the next year's Budget.”

Public Health and Sanitation

Scheme of protected water-supply to Mangalore town.

* 460 Q.—Mr. A. B. SHETTY: Will the hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Director of Public Health has been drawing the attention of the Government to the prevalence of enteric fever as an endemic disease in Mangalore and the need for protected water-supply to the town;

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(b) whether the Hassamar Valley scheme has been abandoned on the ground that the supply is inadequate for the town;

(c) whether any other scheme is proposed to be investigated; and

(d) what further action the Government propose to take in the matter?

A.—(a) The Director of Public Health has pointed out the need for a protected water-supply to the town in order to reduce the incidence of mortality from enteric fever.

(b) to (d) The Hassamar Valley scheme has not been abandoned. In June 1928, the Municipal Council was asked to report whether it accepted the proposals of Government for the financing of the scheme. As no final reply was received from the Council the papers were recorded.

Mr. A. B. SHETTY:—“ Will the hon. the Minister be pleased to state whether the water-supply expected to be made available by means of the Hassamar Valley scheme has been thought to be inadequate for the purposes of the town?”

The hon. the RAJA OF BOBBILI:—“ I have no information about it.”

Mr. M. S. SRESHTA:—“ Has the Government considered the possibility of an alternative scheme which would cost less than the Hassamar Valley scheme?”

The hon. the RAJA OF BOBBILI:—“ No further communication has been received from the Municipal Council.”

Mr. M. S. SRESHTA:—“ Will the hon. the Minister consider the desirability of asking the Municipal Council to propose some other schemes which would cost less and which would meet the case?”

The hon. the RAJA OF BOBBILI:—“ It is for the Municipal Council to move in the matter.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know, Sir, whether the Director of Public Health recommended any other town for protected water-supply on account of the prevalence of enteric fever?”

The hon. the RAJA OF BOBBILI:—“ The Government have no information.”

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

II.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1933-34.

GRANT XXVII—MISCELLANEOUS DEPARTMENTS—RESERVED.

* The hon. the PRESIDENT:—“ The House will now resume discussion on the motion for a supplementary grant for investigating the possibility of establishing a Provincial Broadcasting Service.”

* Mr. A. B. SHETTY:—“ Mr. President, Sir, I am glad that Government have taken such prompt action in giving effect to the resolution passed by this House in regard to this matter. The hon. the Finance Member

12-15
p.m.

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is responsible for taking such prompt action. He has shown ready sympathy with the object of this resolution even before it came to the House for discussion, and he has given his enthusiastic support to it. I need hardly say, Sir, that broadcasting is the most powerful of all tools of human intercourse. It is the most potent instrument of adult education yet conceived. Even illiteracy, Sir, is no impediment to the use of this effective means of educating the people. The employment of wireless has passed the stage of experiment to-day, and it is now recognized and used as the means of giving instruction, affording entertainment and carrying on propaganda in several of the advanced countries of the west. Russia which has a close resemblance to India in the vast extent of its territory, in the variety of its languages and the illiteracy that prevails in the country, has found no difficulty in establishing broadcasting service. And the experience of Russia which has so successfully taken to broadcasting service must be an encouragement to this country. The experience of Ceylon in this matter is also very instructive. Sir, the Indian Welfare Association which has on its committee several notable personalities, European as well as Indian, had paid some attention to the study of this question last year. This association has been impressed very much with the educational possibilities of broadcasting service, especially of rural broadcasting service in our villages. And it has issued a leaflet showing how this scheme could be very practicable and self-supporting in Indian villages. The pioneering work which this Province is proposing to do in this field will, I am sure, be of immeasurable benefit to other Provinces also. And when a Provincial Broadcasting Service comes to be established in this Province, as I hope it will be done before long, and even before the new Reforms come into effect, it will, I am sure, always remain as an enduring monument to the far-sighted and good work done by the hon. the Finance Member for the progress of this Province."

* Mr. BASHEER AHMED SAYEED:—"Sir, I associate myself with the congratulations that have been tendered to the hon. the Home Member, and I also take this liberty to congratulate him upon the very prompt action he has taken on the resolution of the Council. Our thanks are also due to the hon. the Finance Member for having released funds so generously for this very necessary service that is to be established. Probably this must have been established long ago, but anyway, Sir, the Government deserves our thanks for having taken such prompt action."

"But my object in rising to speak on this occasion is only this. The Government wants that an expert should be appointed to go into the whole question, examine all aspects and make a report. I have some doubts, Sir, about the advisability of appointing an expert for this purpose. I find there are several firms who can undertake to do this work, and if tenders are called for, any firm may do this by deputing one of its engineers. I consider it may be useful to try any one of the British firms, or if there are any branches of these firms established in India, through those firms we can have this work done."

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Sir, what has been done in other matters leads me to assume that the appointment of these expert officers always leads the Government into great difficulties. We have had one or two departments, particularly the Forest department, where the expert came here and gave advice, but that advice proved to be a source of terrible loss to the Government. The Government have lost about 50 to 60 lakhs by following the advice tendered by their experts in the matter of forest exploitation. So, Sir, I want the Government to avoid such contingencies in future, and they should not get themselves committed to any position without realizing all the implications thereof. I would therefore ask the hon. the Home Member to find out whether it will not be in the interests of the public finances of this Presidency and also in the interests of efficiency if this work is entrusted to any competent firm in England so as to enable them to depute their engineers and find out what exactly is the method, the system and the procedure that has to be followed in connexion with the establishment of this broadcasting service. Moreover, Sir, the firms would be in a better position to give us expert advice out of their experience and out of their own knowledge of the various conditions existing in this country. And their advice may be more reliable than the advice of a single individual expert. I want the Government to consider this suggestion and tell us what they think about it."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to support the motion for the grant of Rs. 15,000 for investigating the possibility of establishing a Provincial Broadcasting Service. Sir, in the note that has been placed in our hands on this matter I find that the Government have said:

"The Government consider that without a proper investigation of the conditions of the Presidency, it will be most unwise to embark on any concrete scheme for the establishment of a Provincial Broadcasting Station."

"Sir, I am glad that the Government have thought it advisable to have an investigation before any scheme is provided for in the budget of the current year. I may point out, Sir, that the Ootacamund Municipal Council have asked for a loan for works among others for setting up a radio plant in Ootacamund where there was no investigation before such a plant could be introduced. The loan has been granted and the Council built a small shed and bought a radio set. Afterwards it was found that, due to climatic conditions, the set could not work, and the Council ultimately resolved to do away with the radio plant and have nothing to do with it. So, Sir, it is imperative that a thorough investigation must be gone through before the establishment of a broadcasting service is attempted."

"Secondly, Sir, I think the towns are enjoying very many amenities and it is the rural areas that must be given first consideration in establishing a Provincial Broadcasting Service in this Presidency. With these observations I support the motion."

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Mrs. K. ALAMELUMANGATHAYARAMMA further supported the motion for the grant in a Tamil speech. The following is the English translation of the same:—

“Mr. President, I am glad to note that the Government are taking steps to inaugurate an extensive broadcasting service. There are many directions in which broadcasting can be used for the service of the people. A resolution on broadcasting was brought forward in the Legislative Council by Mr. A. B. Shetty. Speeches were made on August 2nd last on this question by other Members and myself. The Corporation Broadcasting Station in Madras has been doing good work, but it has not been able to be of service to other rural parts. The proposal was made to the Government that an extensive service should be inaugurated throughout the Presidency. I am glad that the Government have accepted the proposal and have brought forward the matter before the Council for its acceptance.

“An important direction in which broadcasting can be of help is in rural reconstruction. Western countries have been able to do a great deal by means of broadcasting. It is well known that there is a continuous exodus from villages to towns owing to a variety of factors. People come to towns for purposes of education and amusement. This entails expenditure of money and waste of time. If broadcasting stations are established in important rural centres, they would be a source of instruction and amusement. In important district and village centres, broadcasting stations should be established. At the beginning, the question of finance would create some difficulty. But if the Revenue authorities collect a cess, just as they do in the case of education, from each villager, this question can be solved to some extent. I do not think villagers would feel great difficulty in paying a small cess. Throughout the whole year, villagers would be able to hear good music, and instructive talks on health, sanitation, agriculture, etc., which will be of practical help to them.

“The Government of Ceylon have been able to do a great deal to the people through the means of broadcasting. It is learnt from their report that the record of crimes has diminished appreciably. In Western countries broadcasting has been responsible for improvement of the people in many directions. I feel that in India it would be of very great importance to the general progress of our people. The people of the Province should co-operate with the Government in making the broadcasting scheme a great success. It is to be hoped that the Government would lose no time in putting the scheme into practice and helping to make broadcasting a part and parcel of the daily life of the people.

“I have great pleasure in supporting the motion.”

12-30, P.M. * Mr. M. S. SRESHTA:—“I shall not weary the House by making any long remarks on the subject which is not at all a controversial matter. In the first place I must join hands with other hon. Members in congratulating the hon. the Finance Member for his courage and judgment in readily accepting the resolution which was passed in this

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House and for having given his warm support from the very start. As has been pointed out, the action to be taken will have far-reaching results on this Province. Another point I wish to mention is this. It has been found that mistakes have been made in certain parts of the Presidency. There was a mistake made at Ootacamund. I do not agree with the lady Member that our expenditure should be stinted on this account. She quoted the instance of Ceylon where the expenditure has not been very heavy. Conditions are very different there and it is not possible to undertake this big experiment without some initial expenditure. I hope that the initial expenditure will not be stinted and that the necessary expenditure will be incurred because the experiment will be made a very costly one if the initial expenditure is stinted. Whoever is appointed as specialist, he should go to the other parts of the Presidency and go to Ceylon and find out what the experience of those administrations have been. Then it will be possible for the specialists to undertake the venture with less risk and less waste.”

* The hon. Mr. H. G. STOKES:—“It is a new sensation for the Finance Member, who is apt to be more commonly regarded as the public enemy, to be the recipient of such a chorus of approbation on this subject, on which the House has now been good enough to utter its approval. I do not propose to keep the House very long, because the remarks to be made on the subject are not controversial. I should like, however, to emphasize now, that what we are embarking upon is only a reconnaissance of the position, a preliminary reconnaissance. We do not necessarily commit ourselves to any scheme at all. When I had to look into this question, I confess to the House I was entirely ignorant of the subject and it seems to be extraordinarily difficult and extremely complicated. You have first of all the technical difficulties arising from very many things, e.g., different climatic conditions in different parts of the country. Mr. Muniswami Pillai has pointed out the fortunate experience of the Ootacamund Municipality, where the climatic conditions did not permit them to indulge in broadcasting of any kind. I understand that the money they have spent on this has been wasted. The Presidency of Madras, as you know, extends over about 13 degrees of latitude and includes in its area an extraordinary variety of climates. This makes it all the more necessary that we should have the general conditions examined by some one who knows something about the conditions which are favourable or unfavourable to broadcasting. We must have some man of that kind to go round the country, if necessary, making experiments and testing conditions, so that he may advise as to how we must set about proceeding in this question. One point is that, if we are to go in for a large central installation with considerable power, the initial expenditure may be very high indeed. One of the notes which has been furnished on the subject, I think, mentions that a really powerful installation capable of commanding a greater portion of the Presidency relating to every place outside would cost something in the nature of £130,000. That is a big order. There have been other possible schemes which might be cheaper. Instead of a single central installation, you may have a number of smaller ones dotted

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all over the place, and the very rough figures that have been got indicate each to cost two lakhs, in addition to the recurring expenditure. There would be difficulty in such cases, as you would have to provide a number of separate programmes for being broadcasted instead of a single central one. The whole thing is complicated. Apart from the technical aspects of the matter you also have the legal aspect, because the law of copyright comes in, and is likely to lead us to horrible complexities as in cases where special lectures or music are broadcasted you may find yourself let in for damages for infringing somebody's copyright. One speaker, I think it was Mr. Basheer Ahmed, deprecated the importation of an expert from outside India and suggested that we must go to the local firms who may be able to tell us, out of their experience, as to what we should do. I think he reminded us of the horrible fiasco resulting from the importation of forest experts some time ago. As to this argument, with all respect to local firms, I must observe that they are not invariably without interest in getting some particular brand of apparatus adopted. Moreover, at the present stage of the development of broadcasting in India, I doubt whether any local firm has any really deep knowledge of the subject. As regards the forest exploitation, the case is quite different from the present one. It is not proposed that the expert who comes out, must necessarily be employed to give effect to his plan. What he will be asked to do is to advise us and enable us to judge as to what would be the most careful and wisest way of approaching this problem, and what would be the best type of system to adopt. In the case of the forest experts, we were already committed to various exploitation schemes and we imported these people having already a number of exploitation schemes on hand. Having been already committed to these forest experiments, before these people appeared on the scene, we had to employ them to develop and extend them. I do not think these two cases are quite parallel. Having explained that what we are out for now is merely preliminary reconnaissance, I do not think I need touch at length upon other points which were touched by the various speakers. Everybody is agreed as to the possible ultimate benefits which would accrue from the installation of an efficient system of broadcasting. I think everybody realizes that, if successful, it will be of extraordinary value. That is why I personally thought it worth while to undertake, as quickly as possible, this preliminary investigation. Mr. Sreshta advised that we should not stint in incurring initial expenditure. I trust we may be in a position to take his advice. But I do not doubt that I shall in a short time be getting the abuse of the House in connexion with the question of land revenue remission and I must tell you perfectly clearly that, if we are compelled by circumstances to grant the remissions for which these Members are so enthusiastically clamouring, 25 or 30 per cent, etc., neither this scheme nor any other scheme will be possible. (Voices: 'We do not want it.') You do not want irrigation? (Voices: 'No.') I shall be glad to note that. I do not know if I need dwell further on the subject, or detain the House any longer. I do hope that the report which will be got will enable us at any rate to take steps in the direction of the installation of this useful system."

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Mr. BASHEER AHMED SAYEED:—"On a matter of personal explanation, Sir, I did not advocate that the advice should be got from the local firms. In fact there may not be any. I said that British firms should be called for to tender and their advice would be more valuable."

* The hon. Mr. H. G. STOKES:—"I must point out that to invite a tender commits you to spending money and practically commits you to the particular firm's recommendation."

The demand for a sum not exceeding Rs. 15,000 under Grant XXVII—Miscellaneous Departments—Reserved, was put and carried and the grant was made.

GRANT XXIX—CIVIL WORKS—WORKS—RESERVED AND TRANSFERRED.

* The hon. Mr. P. T. RAJAN:—"On the recommendation of His Excellency the Governor, I move—
that the Government be granted a further sum not exceeding Rs. 100."

This token demand deals with the construction of His Royal Highness the Prince of Wales Children Hospital with fifty beds in the compound of the Victoria Caste and Gosha Hospital as an adjunct to that hospital. 12-45 p.m.

"The cost of construction and equipment as well as a portion of the maintenance charges of the hospital will be met out of the funds at the disposal of the Prince of Wales Hospital Fund Committee. The remaining portion of the maintenance charges will be met from the Provincial funds. Early this year, a token demand was moved for the purpose of the maintenance of the hospital after the hospital has been constructed. Now, as the scheme contemplates, the hospital itself is to be constructed by the Government, and the money therefor will be provided from the funds made available by the Prince of Wales Hospital Committee, the Government bearing the centage charges. As the amount has not been provided for under the appropriate head, it is now proposed to move a token demand under Grant XXIX—Civil Works. I hope the House will be pleased to pass it."

* Mr. V. T. ARASU:—"I move, Sir—
that the allotment of Rs. 100 under Grant XXIX—Civil Works—Works—Reserved and Transferred, be reduced by Rs. 99."

"My object in moving this cut motion is merely to point out to the Government that the present site chosen for the erection of this hospital is most unsuitable. Sir, it was only yesterday that the hon. Minister for Local Self-Government replying to a question put by me has admitted categorically on the floor of this House that the present accommodation in the Victoria Gosha Hospital is quite inadequate and that the patients are made to lie in the verandas for want of accommodation inside. He has also placed before the House a scheme for improving that hospital. According to that scheme, the Government propose to put up additional wards for 124 beds, an out-patient department, a laundry, a cow-shed, additions to the existing delivery room, Medical School block, dissection block, hostel for 160 students, quarters

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for Indian nurses, Superintendent's quarters and Matron's quarters. From this, one can infer how much space will be necessary for all those buildings. I know, Sir, the place in which this Caste and Victoria Hospital is situated, and I, therefore, can assert that the open space now available in the compound of that hospital is too small a one for the Government to expand the hospital itself, not to speak of putting up any new buildings for the Medical School for Women and quarters for nurses and others. When that is the fact, I believe the hon. Minister will agree with me when I say that it is impossible to find space for all the new buildings which they now propose to put up, and I therefore want to know from him how it is possible to put up a hospital for children in addition there. Sir, one essential condition for erecting any hospital is that there must be open spaces around and that it must be well ventilated. It is a well-known fact that disease is cured not by the medicine that is administered, but by nature. When that is admitted, any scheme for the erection of a hospital must take into account the extent of space that is available. For, it is only open spaces that will admit of good ventilation for the buildings and which will afford facilities for the child in-patients in the hospital to move about and play freely. As I have pointed out at the outset, there is no possibility of expanding the hospital within the present compound itself. The only place which is available next to the Gosha Hospital is the Presidency College play-field. I wonder whether the Presidency College authorities would be willing to give up all that piece of land for the purpose of enlarging this hospital. It will be a good thing of course if the Education authorities could be persuaded to give away that block of land for hospital purposes. We all know that there is now a proposal before the Government to convert a portion of the foreshore in the Triplicane beach into a play-field for the Presidency College and other educational institutions. It will therefore be recognized that the Presidency College can give up very easily the plot of land next to this hospital, which is now utilized as a play-field. Unless we are going to be assured by Government that this play-field will be acquired by the Public Works Department for the purpose of expanding this hospital, I feel, Sir, that I cannot be a party to voting for this supplementary grant and allowing this hospital to be put up in the existing all-too-cramped-up space.

"There is another proposal that I will suggest. By the side of the Presidency College play-field there are Government quarters now under the occupation of the Government Electrical department, just to the east of the Gosha Hospital; if that portion is also acquired, you can very well utilize the place to expand the hospital in a satisfactory manner. Failing that, if Government think that they are not in a position to acquire those two plots of land, I would urge the Government to erect children's hospital on the marina next to the Queen Mary's College, where there is a large plot of land. I remember that about the year 1920 or 1921 a foundation stone was laid there for the purpose of erecting the Prince of Wales' Children's Hospital. I do not know

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why that place was abandoned later. I would however suggest that the Government may think of utilizing that plot of land. Failing that, I have another suggestion. We have large open space available for building purposes in the Spur Tank. That is a very popular centre, and if the children's hospital is erected there, I am sure that the hospital would be very popular. The next suggestion that I should like to make is this: and that is, a plot of land may be acquired opposite to the Government Maternity Hospital, Egmore, and on that land the hospital can be erected. Therefore, I urge that Government would do well to give up the idea of constructing the hospital in that small space available in the Gosha Hospital in Triplicane, and that instead they erect this hospital in any of the places I have suggested."

Mr. P. V. KRISHNAYYA CHAUDARI:—"In seconding this cut motion I just want to bring to the notice of the Council certain irregularities in the Public Works Department also. The Local Self-Government Department insist upon the non-official presidents of district boards by issuing a Government Order . . ."

* The hon. the PRESIDENT:—"I do not think those irregularities can be gone into now. I take it that the hon. Member has already seconded the motion."

* Mr. YAKUB HASAN:—"Mr. President, Sir, there is no doubt that the premises now occupied by the Gosha Hospital are not big enough for the women and children's hospital requirements. Therefore, unless some other adjoining places are acquired and added to the Gosha Hospital, it would not be proper that this children's hospital should be erected there. The various alternatives suggested by Mr. V. T. Arasu may be taken into consideration, and, if the Government could not accept one of those alternatives, they will not be doing the right thing. Therefore, I wish to draw the attention of the hon. the Minister to this point and I hope he will give us an assurance that he will find some better place or that he will add to the compound of the Gosha Hospital the land that may be available in the immediate neighbourhood."

Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is the English translation of the same:—

"Mr. President, the Speakers who have preceded me have referred to the grievances relating to the Gosha Hospital at Triplicane. Important among these are the lack of sufficient beds for women who come to the hospital for child-birth and the need for proper facilities for new-born children. Many women are put to the difficulty of squatting on the veranda for want of sufficient beds in the hospital. New-born children who cannot be placed near their mothers are kept in a very small room. They are kept in cradles, one above the other, like common utensils. This is the way in which things are done in a hospital which is supposed to attend carefully to the principles of health. It is the duty of the Government, who have created a special department, to consider and attend to the needs of public health and remedy grievances. On account of the lack of facilities in the hospital, it is

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the poor people who are suffering most. Women and children of all communities come to this hospital. Gosha women belonging to the Muslim community frequent the place for treatment. This hospital is the most important of the hospitals set apart for women in the city. Every day large numbers of women come here for treatment of their ailments. There is no waiting accommodation for them till they get their medicine. Even the room where the patients are examined is not sufficient.

"The only direction in which these grievances can be remedied is by extending the building. I request the hon. the Second Minister to pay attention to this question.

"Another point that I would like to bring to the notice of the Minister is the desirability of building a hostel to the lady students of the Medical School very near to Victoria Gosha Hospital itself. Though there are bus conveniences between the hospital and the present residence of students, it is not possible for them to visit patients every now and then, attend to their needs, and thus learn a good deal of valuable knowledge. I therefore request that a residential hostel for the use of lady students be built near the Victoria Gosha Hospital, as it will be convenient both to patients and students.

"There is now a proposal to build the Prince of Wales' Children's Hospital. I would suggest that the hospital be built near the Victoria Gosha Hospital. This will be convenient not only to women and children, but also to doctors and medical students, and to the general public. I would like the authorities to consider this proposal favourably.

"Finally, I would like to make an appeal to the authorities to provide in general better conveniences in hospitals for women, who form more than half the population with its proportionate number of children. I am glad to find that extensions are being made to the General Hospital. I hope womenfolk who go there will be able to enjoy better facilities in future. Particularly, I support the proposal for remedying the grievances relating to the Gosha Hospital."

1 p.m. * The hon. Mr. P. T. RAJAN:—"Sir, I hope hon. Members of the House will bear in mind the fact that this hospital is to be built out of the funds available with the Prince of Wales Hospital Committee.

"My hon. Friend, Mr. V. T. Arasu, speaking on this motion looked at it more from the point of view of playgrounds than from the point of view of the hospitals. If the Government can afford to have a very big building with spacious compound for constructing the hospital, they would only be too glad to do so. But, as our finances are limited and as we have got to carry on the work soon in order to provide as much help as we can, we must get on with this work without delay. There are three sites available for the construction of this hospital; the site near the Caste and Gosha Hospital, Triplicane, a site in Peters Road, Royapetta, and the space behind the Women and Children's Hospital,

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Egmore. We have selected the first of these for the following reasons. The Egmore Hospital has already accommodation for children and it serves Egmore and other areas well. The Victoria Caste and Gosha Hospital has not got satisfactory accommodation for children as they have provided with only sixteen beds in a ward. The accommodation for even these sixteen beds is not sufficient. There is great and urgent need for increased accommodation for children in the Caste and Gosha Hospital, Triplicane, as pointed out by the lady member. She also supported the proposal to make use of the space available there. As it is, women under-graduates have ample opportunities for learning children's diseases at Egmore and the women licentiates have not sufficient children clinical material at present. For these reasons the Government have decided to put up this building in the Triplicane area. I would like to point out to hon. Members that the site chosen is also defective in one particular. The present construction in that place necessitated pile foundations and it is estimated to cost Rs. 40,000. But seeing that advantages in having the hospital constructed in Triplicane outweigh the one disadvantage, the Government have decided to proceed with the work. I do hope hon. Members will be pleased to pass this token demand. If and when more funds are available, we can have more hospitals, with all the facilities mentioned by various speakers. In this circumstance, I hope the House will reject the cut motion and pass the token demand."

Mr. ABDUL HAMEED KHAN:—"I am glad the hon. the Minister for Development found it possible to expedite the work of bringing into existence this long-needed hospital for children. I am afraid I cannot agree with the demand put forward by Mr. Arasu that we should go to some other site for the construction of this hospital. It is no doubt necessary that all hospitals should have extensive areas and large compounds. But there are other considerations which must be borne in mind when we are thinking of constructing a hospital for people mostly poor. Of course, in the city we have got a number of hospitals in several parts, but there are none which can be compared with the General Hospital in North Madras. But if we now ask for a change of site for the construction of this hospital, this very necessary construction will be delayed. I do not think it is advisable on these considerations to delay the matter. In my opinion, the sooner this hospital is brought into existence, the better it will be for the poor people of the locality. Triplicane people belong to all communities and most of them are poor people. They will all be benefited if the hospital is located in that area. If we think of any out-of-the-way place for this hospital, we will be making it impossible for the poor people to benefit by it. In the proposed site itself, if the Government can secure a larger area, it will be very advantageous. For whatever reason, I submit, the construction of the hospital should not be delayed."

The cut motion was put and lost.

The demand was then put and carried and the grant was made.

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III.—DRAFT RULE UNDER SECTION 201 OF THE MADRAS LOCAL BOARDS ACT, 1920.

* The hon. the RAJA OF BOBBILI:—"Sir, under Rule 24-A of the Legislative Council Rules, I beg to move—

that the following draft of a rule proposed to be made by the Local Government under section 201 of the Madras Local Boards Act, 1920 (Madras Act XIV of 1920), amending Schedule V to the said Act, be approved:—

Draft Rule.

In Schedule V to the Madras Local Boards Act, 1920—

- (i) *in clause (1) of sub-rule (2) of rule 1-A for the words "rural dispensaries," the words "panchayat dispensaries" shall be substituted.*
- (ii) *in clause (e) of sub-rule (1) of rule 1-B, for the words "rural dispensaries," the words "panchayat dispensaries" shall be substituted; and*
- (iii) *in sub-rule (1) of rule (3), for the words "rural dispensaries," the words "panchayat dispensaries" shall be substituted.*

At present all the dispensaries are generally known as rural dispensaries and this has led to considerable confusion. At present as we have district boards, taluk boards and panchayat boards, we have got district board funds, taluk board funds and panchayat funds. To be in conformity with this practice, it is now proposed to substitute the words 'panchayat dispensaries' in the place of 'rural dispensaries,' so that, in future, dispensaries run by panchayats may be known as panchayat dispensaries, those run by taluk boards may be known as taluk board dispensaries and those run by district boards may be known as district board dispensaries. With these few words I request the House to approve these rules."

Mr. T. SUNDARA RAO NATUDU:—"I second the motion."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I want to know whether the panchayats will be given control over these dispensaries or whether the control will be with the taluk boards?"

* The hon. the RAJA OF BOBBILI:—"Sir, these rules do not make any change in the authorities controlling the dispensaries. Those dispensaries which are now maintained and controlled by panchayats will continue to be managed by them. The same is the case with the taluk board dispensaries and district board dispensaries."

Mr. P. V. KRISHNAYYA CHOUDARI:—"At present all the rural dispensaries are under the control of taluk boards. There are no dispensaries now under the control of panchayats. From to-morrow onwards, if they are called panchayat dispensaries, will the panchayats be called upon to pay an equal contribution in the place of the contribution now made by the Government. Without knowing whether

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the panchayats are in a position to take charge of the dispensaries and without knowing what the taluk boards will say in regard to their contribution, my fear is that, if we pass this rule, the rural dispensaries will have to be closed down. I am only anxious that the hon. the Minister should bestow some attention on this aspect of the change."

* The hon. the RAJA OF BOBBILI:—"Sir, the hon. Member has not understood the position correctly. It is not proposed under this rule to hand over the control over all rural dispensaries to village panchayats. At present all rural dispensaries, whether they are maintained by the taluk boards, district boards or panchayats, are commonly known as rural dispensaries. This has led to some confusion. My proposal is only to change the names of these rural dispensaries. The effect of this rule will be that hereafter those dispensaries which are maintained or will be taken over by the panchayats will be known as panchayat dispensaries. There is no intention to hand over all the rural dispensaries to panchayats at all. The position as regards control, financing and management of the rural dispensaries, will continue to be the same; only, instead of calling the dispensaries by whichever body they are maintained by one term 'rural dispensaries' it is proposed to call dispensaries maintained by district boards as district board dispensaries, the dispensaries maintained by taluk boards as taluk board dispensaries and those that are maintained by panchayats as panchayat dispensaries. It is not proposed to make any change in the present management or control."

The motion was put and carried and the draft rule was approved.

NON-OFFICIAL BUSINESS.

IV.—RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

REMISSION OF 25 PER CENT IN THE RATE OF ASSESSMENT ON RYOTWARI LANDS.

The hon. the PRESIDENT:—"Mr. Basheer Ahmed will continue his yesterday's speech."

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, I was speaking on the amendment that the words 'water-cess and other charges' should be included in the amendment moved by the hon. Member, Mr. V. T. Arasu. I was submitting to the House that there was no justification to exclude this important item of land revenue, viz., water-cess. After all, as I said, water-cess in the case of dry lands on which wet crop is raised with Government water is only a part of what is generally called assessment. In view of the fact that many districts, particularly the district of Coimbatore, the district of Salem and the district of South Arcot, where large dry lands are cultivated with wet crops would not have the benefit of the remission even if the resolution is passed as it stands, for a good portion of the assessment consists of

1-15
p.m.

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this water-cess which comes to Rs. 6-4-0 in the taluk of Vriddhachalam, to take a particular instance, I urge on the House that it is but fair and reasonable that all ryots and cultivators who pay assessment to Government should derive a uniform benefit out of any concession that the Government may be pleased to grant them. Moreover, it is not the case merely that only cultivators of wet land with wet crops have been affected by the fall in prices, by the failure of the monsoons and by the inadequate facilities for proper transport and sale of their produce. It is true, Sir, even this year the monsoon has more or less failed and crops have not been raised so far—the seasons now-a-days come very late. Prices have not improved, on the other hand there is a tendency for them to go further down. And in the absence of any encouragement in these days, when economic depression is still facing the people, the Government cannot say that it is too much on the part of the people to ask them to come to the rescue of the ryots. After all, the Government is a sharer in the produce of the land, and construed from that point of view, Government ought to come to the rescue of the people as a sharer. True, they have had settlements made, but the settlements that were made, it cannot be denied, were made only on the basis of progressive and increasing rates of prices and that has now become altogether falsified. Calculations by those expert settlement officers even during these few years, have not come true to any the least extent. All the settlement reports were based on the assumption that the existing prices would either continue or go on on an ascending scale. Far from that, prices have fallen beyond expectations, and I do not think the Government seriously contends that within the next year or a few years to come, prices are going to rise appreciably high. The Government can surely hold no such hope. Therefore it becomes necessary for the Government, which claims to govern for the people's benefit, to make the people happy and contented, to go to their rescue and give them some relief when they are in distress. But for the distressful conditions prevailing all over the Presidency, I do not think hon. Members in this House will be bothering the Government for remissions of 25 and 50 per cent. In fact, the Members on the Treasury Bench do not fully realize the effect of the present economic depression. If they would go into the interior and get into closer contact with the ryots and listen to their tale, they will be able to realize fully the conditions in which the poor ryots are living to-day.

“ Now, Sir, we have often been told by the hon. the Finance Member, and for that matter by the other Members of the Government also, that we should not be suggesting on the one hand reduction of land revenue assessment and on the other asking for increased grants for various nation-building and other useful activities. To that I would only say that not possessed of power, not being in the Treasury Benches, not wielding the power of office that ought to be wielded by us, we can only go to the Government with our legitimate demands. Here is a legitimate demand for a reduction in the assessment which is iniquitous as it is. There are other grievances which have to be redressed. If we

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were placed in power, if the Opposition were placed in power then it would be the duty of the Opposition, to suggest ways and means to make up the loss that may ensue by remission of assessment. Now that duty devolves only on the Treasury Bench: they should put forward constructive suggestions. Now that the Government is run by the Transferred and the Reserved Halves they should be able to save money and relieve the economic depression; they must be able to give larger grants for other useful activities. In that view, I cannot desist from bringing to the notice of the Government the legitimate grievances of the people and also asking them for greater concessions. Such being the case, I do not think there is much force in the argument that is often trotted out that the Opposition should suggest ways and means to balance the budget. I hope that argument will not be repeated any more. I therefore move the amendment which stands in my name.”

* K. A. NACHIYAPPA GOUNDER:—“ I have great pleasure in seconding the amendment so ably moved by my hon. Friend representing the Muslims of the Central districts. The amount which is asked to be included in the assessment is water and other cesses. Whatever may be the denomination, it is all a question of money which is very hard for the peasant folk to get in these hard days. So, Sir, the request made in this amendment is not unreasonable and if substantial relief is to be given to the agriculturists, it must be given by way of reduction in land revenue, water-cess and other cesses, by a reduction in the entire amount to be paid by the ryots. It is a peculiar feature in some districts that the water-cess is often more than the land revenue; and in those districts, if remission is not granted in the water-cess it will be a great hardship to the ryots.

“ Then coming to the resolution proper I should like to say a few words. The remission in land tax is a legitimate claim which the ryots are quite entitled to put forward when they are unable to pay it in their present down-trodden state. The present state of affairs could not have failed to engage the attention of the Government, of the hon. the Revenue Member and of His Excellency also, and so it is not necessary on my part to deal with it at great length. The prices of grains have abnormally fallen down. Sir, that this is due to overproduction some may say, but I may assert that it is not so especially as far as our part of the country is concerned. In my parts, I know Sir, in many cases the present yield of the land is not even equal to what has been invested in cultivation, because the cost of production remains as it was, but the prices have fallen so low. When such is the state of affairs, it will be too much to expect the ryots to pay the full amount of their dues to Government. In districts which have recently been resettled, the land revenue has risen so high that the percentage of reduction which has been asked for in this resolution will not be adequate, and in those districts the Government must voluntarily come forward to give a reasonable and greater percentage. In the district which I have the honour to represent, there is a peculiar feature which merits the closer attention of the Government. It is a district where there are no vast areas of wet lands;

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there is only a small portion near the Cauvery and that portion too is not in a satisfactory state. It is being irrigated by the Cauvery waters through a channel which gives a very uncertain supply because of the temporary nature of the korambu by which the water from the Cauvery is diverted. There the ryots suffer serious loss often. I have repeatedly brought the matter to the notice of the Government by way of interpellations and by 'cut' motions on demands for grants during the Budget Sessions, but I am sorry that the Government have not thought it desirable to grant any remission even in that area for the past three years. I have been putting the matter before them constantly and every year it has become almost an inevitable phenomenon that we should be experiencing trouble in that area, without any relief from Government. Apart from this, the rest of the area where wet crops are cultivated are garden (thottam) lands which are irrigated mostly by well-water. In this area the cost of production goes higher than that in the wet lands because a good deal of money is to be spent for taking water for the wet crops from the deep wells, besides the other usual expenses for raising crops. With regard to the rest of the lands (dry lands) where crops depend merely on rain water, there has been failure of rain for the past many years and this year we had too much of rain in some parts and insufficient rain in other parts of the district. Both these aspects have made the ryots suffer much and the crops in all the lands have not been to our expectations. Thus the resources of the ryots are drained, and if the Government do not come to their rescue now, they will be undoubtedly be ruined.

"Now, Sir, in every way, the district which I have the honour to represent has suffered much and it has not been given any relief. In the remission now under consideration I think my district will get a generous treatment and will be given at least this 25 per cent remission as a general case and in extraordinary cases which merit special consideration a greater percentage. Last year, we agitated for the remission in land tax and the House almost unanimously passed the resolution demanding a remission of 12½ per cent. I thought, Sir, that the Government would be pleased to grant that remission to all the districts, but unfortunately, they did not think it proper to accept the resolution *in toto* and made an eye-wash of it by granting a temporary suspension of 12½ per cent in some of the districts which have been resettled in recent years. But, Sir, to those districts also, the orders sanctioning temporary suspension have been issued very late, and I fear in most of the cases the amounts have been realized in full, and I do not know what the Government have done to make the temporary suspension of 12½ per cent operate in cases where the assessment has been realized in full.

1-30 p.m. "From some of the village officers of the parts where this temporary reduction is given, I heard that they have already made collections in full and they were in a dilemma as to how the amounts suspended were to be refunded. I do not know how such amounts have actually been made to go back to the hands of the ryots.

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"Sir, I think this resolution will be adopted by this House without opposition and I hope this year at least the Government will be kind enough to give the remission asked for as a general case to all the districts and will not make any distinction between districts and districts. I would like to say a few words with regard to the resettlement which is taking place in my district and I have done. I fear that it may come into effect in 1934-35. Sir, when the ryots are groaning to pay even the present rate of assessment, I ask the hon. the Revenue Member whether it is desirable to have the resettlement finished and given effect to in these troublous days, when the condition of the ryots is more an object of pity than anything else. I request that the Government will consider the present state of the ryots and will be graciously pleased to order that the resettlement should not be given effect to at least for some years to come."

* The hon. the PRESIDENT:—"The hon. Member has already exceeded his time.

"The amendment of Mr. Basheer Ahmed is that after the word 'assessment' and before the words 'on ryotwari' insert the following words, viz., 'inclusive of water-cess and other cesses'."

The House adjourned for lunch.

After Lunch (2-30 p.m.)

* The hon. Mr. H. G. STOKES:—"Mr. President, the resolution that has been moved calls for one or two general observations on the possible and probable financial implications which it would have if it were accepted. The resolution proposes that the Government should give a remission of 25 per cent of land revenue not only—I gather—in these districts in which 12½ per cent has already been given but also in other districts as well. I understand that it has also been urged that the remission of 25 per cent should also extend to water-rate which, as interpreted on the last occasion, was excluded in calculating the remission of last year. Well, we have not had the time to work out in detail all the financial effects of the various proposals before us. As the House is aware a remission of this kind will affect two financial years as the *fali* runs from July to June. Supposing this resolution were accepted on the restricted basis of the assessment proper, as was done last year excluding water-rate, 25 per cent for two years works out at a yearly loss of about 147 lakhs. That is what you are asking the Government to forego. Well, all that I have to say is: if you are going to ask the Government to do that, during the current year and the next year the Government will be in a deficit. You will make it impossible for the Government to undertake new schemes of any kind. No Part II schemes and no money for additional expenditure in any direction. So far as I can see, the result will be to place the Government at a recurring

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deficit for a considerable number of years to come. That is the prospect that I see before me. I do not regard that as a favourable one. Some hon. Members who were advocating remission, including my hon. Friend, Mr. Arasu, said that the Government may reduce their expenditure on nation-building departments. Are they prepared to vote for that? Are they prepared to abolish departments, such as the Agricultural department, the Industrial department or any other nation-building department?"

Mr. ABDUL HAMEED KHAN:—"Will it mean all that?"

The hon. Mr. H. G. STOKES:—"It may mean all that."

"Now taking the suggestion of my hon. Friend, Mr. Arasu, you cannot give more concessions to the Depressed Classes and spend more money on Muslim education which has been proposed or any other pleasant schemes which are put forward by Gentlemen in this House because you cannot have both increased expenditure and reduced revenue."

"My Friend, Mr. Basheer Ahmed, said that it is not for the Opposition to make suggestions. I ask: is it for the Opposition to come forward on the one hand with proposals for reduction of taxation and simultaneously press on the Government for enhanced expenditure? As for suggestions, I do not think the Government have ever asked for such suggestions from the Opposition. That is a point which Mr. Basheer Ahmed seems to entirely forget. What the Government have asked such persons is that they should exercise a certain amount of caution, and a greater sense of responsibility in presenting their proposals to the Government. But I do suggest to hon. Members of this House that in approaching these questions they should, not only avoid exaggeration in their arguments, but should view, with some sense of public responsibility, the possible effect on the administration, if their suggestions and demands are met. On the last occasion, when the House had this matter before them, I impressed upon them that whenever they revived this question they would have to bear in mind this aspect of the matter. I do not think I can add much to the remarks at the present stage. The discussion is in a sense premature because the Government have not fully considered over the matter and they have not made up their minds as they are awaiting final reports. On that aspect of the matter my hon. Colleague will tell the House as to what is being done."

"From the point of view of the finances of the Province, the position, as I see it, will be deplorable. Not only further expansion in the direction of introducing very many much needed Reforms will have to be stopped, but it is more than probable that when the new Constitution comes into existence it will have to be launched on a footing of practical bankruptcy. Some hon. Members may have in their mind the existence of balances. But these balances are not recurring resources

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on the basis of which you can ask us to proceed. That will probably be exhausted in a couple of years and when the Reformed Constitution comes into existence, it will be placed under the utmost possible disadvantage. I would not say it will jeopardize, but I say it will detrimentally affect the prospects of success of the new Constitution for the introduction of which on a favourable basis we all earnestly hope."

Mr. BASHEER AHMED SAYEED:—"On a matter of personal explanation, Mr. President. I said, Sir, that we in the Opposition not being in office and not being in power are not called upon to put forward any constructive schemes or suggestions to meet the deficit arising out of the remission of land-tax; or how the Government is to make up for that expenditure. If we really hold the responsible position of Government, certainly it may be just and legitimate for us to come forward with constructive suggestions. I would assure the hon. the Finance Member that we on this side of the House, are not in any manner less responsible than the Government Benches. I may say we are as alive to our responsibilities as the Members on the opposite side are to theirs if not more."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, much has been said by hon. Members on this resolution. I can assure the House that the Government fully realize the seriousness of the present situation and the difficult position in which the ryots are placed in respect of payment of land revenue and water-cess. But the Government, I am afraid, cannot accept the suggestion that is put forward by my friend, Mr. Choudari, that the assessment should be collected in kind and not in money. The acceptance of that suggestion will involve a considerable amount of expenditure as well as organization; granaries would have to be built or hired and a large additional staff would be required to collect the revenue. It would mean that we should have further heavy expenditure in connexion with the collection of land revenue. It is therefore not possible to accept that suggestion."

"As regards other matters, we have some time ago asked the Board of Revenue to obtain special reports from the Collectors on the economic situation and we will consider their recommendations as to what should be done with reference to the suspended revenue of the last fasli and as to whether any action is necessary to suspend or reduce the land revenue that will ordinarily be demanded in this fasli. We have asked that the reports should reach us by the 15th of November in order that we may have time to consider the reports and arrive at decisions before the kist is collected in the middle of December. I am sure hon. Members will not expect me or my Colleague to announce in advance of the receipt of these reports what we propose to do in connexion with this fasli. I am very glad that we have had this opportunity of listening to their representations from the point of view of the actual tax-payer, i.e., the ryot. We shall consider very carefully the remarks which

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they have made and the suggestions they have made when we have to come to a decision on receipt of the report of the Board of Revenue."

* Mr. V. P. NARAYANAN NAMBIYAR:—"Mr. President, we have carefully listened to the speech of the hon. Gentleman, the Revenue Member. He has said that the Government fully realize the seriousness of the present situation and the difficult position that face the ryots to-day. He has assured the House that on receipt of the special reports of the Collectors on the economic situation in the various districts that have already been called for, the whole question will be very carefully examined by the Government with due regard to the representations made on the subject. Though we feel that the hon. Gentleman, the Finance Member, has not dealt with the resolution in proper spirit, we do not, in view of what has been said by the hon. Gentleman, the Revenue Member, want to embarrass the Government by voting on the resolution now. Therefore, I propose that the consideration of the resolution be postponed to the next non-official day."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, I second the amendment moved by my hon. Friend. In doing so I should like to make one or two observations on the general question now before the House. The hon. the Finance Member said that the result of literally giving effect to the resolution would mean the cutting off of Rs. 147 lakhs from the Provincial revenues which may seriously prejudice the carrying on of the various beneficial activities of the Government. That, Sir, is certainly an answer that can be given to a resolution of this sort and the hon. the Finance Member was perfectly legitimate and within his rights in doing so. But at the same time, he proceeded to point out that we on the Opposition should not merely make proposals for reduction of revenue and increase of expenditure but should also make constructive suggestions as to how to make up the deficit that would be caused in the finances of the Government by our proposals. Equally, we also on this side of the House expect the Government to make a certain amount of constructive suggestions as to how to meet the situation in the country. I know full well that the hon. the Finance Member, as a Member of the Government and as a financier, is anxious to get on with the administration of the State. But I would only ask him to place himself for a moment in the position of the ryot from whom the revenue is to be collected and consider how he can pay the revenue demanded by the Government. If the hon. Member is satisfied from the reports he has received and from various other circumstances that the tenants can pay, that the revenue assessment is not high, and that in spite of the abnormal fall in prices for grains there is still a margin for the tenant to continue to pay not merely this year but also in future years when provincial autonomy will be introduced, I can understand him rise up and say boldly, 'As a Member responsible for the Government, as one who has got facts and figures in my hands, I do not agree with the premises on which this resolution is based, namely, that the people are unable to pay the

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revenue that is demanded of them, and the demand for reduction is unjustified.' If, on the other hand, the hon. Member is not satisfied that the tenant is in a position to pay and continue to pay in future also without any remission, it is absolutely no solace to the people or their representatives here if he says, 'I cannot get on with my Government and therefore you must pay somehow or other.' We have a right to expect the Provincial Government not merely to collect the tax-payers' money and keep order by means of police and prisons, but they should also be able to see and foresee and tell us that there is such and such a state of affairs in the country and that the people are in a position to pay and that they would not seriously suffer by the full amount of revenue being demanded of them. But we have not seen any attempt in that direction. The Government have not told us anything convincing or at least plausible which will show that in spite of the abnormal fall in prices the ryots' resources are such and the beneficent activities of the Settlement department and the land revenue policy of the Government are such that the ryots are left with a large margin from which they can afford to pay and continue to pay. In fact a resolution of this sort should not be merely looked upon as some kind of unreasonable demand on the part of the representatives of the people. I know there are some people who look upon it as an election stunt. But it should not be regarded as an absolutely unreasonable demand. It is something more and very sincere too. It is sincere in the sense that the sad plight of the people is portrayed in this House by means of this resolution. If the Government have said that something must be done to improve the lot of the ryots, but that the effect of carrying out the resolution would be that the administration cannot get on with the nation-building departments whose activities must be curtailed to a great extent, if they have proceeded further and said that they are taking steps to see that the position of the ryots is improved, that the capacity of the people to pay is improved, that steps are definitely taken by the Government with all the officials at their disposal to see that proper prices are got for the grain grown by the ryots in order that they may be able to pay their revenue, the Government would have gone some way to meet our resolution even though they are not able to give effect to it entirely. They have not done that. On the other hand, what they say amounts merely to this: we here are set above you by Providence to rule over you; you, the masses of the people, are to pay us and if we cannot get on without taking from you we must take it from you; we do not think anything more than that. That, Sir, is an attitude which is hardly worthy of any Member of the Government to assume. We here are not anxious that he should give up in the shape of cash a remission of Rs. 147 lakhs, but we are anxious that he should tell us how we can get over the difficulty of our domestic economy, even as the Government want to get over the difficulty of their domestic economy. If he had contributed during the discussion any solution of our domestic economy, we on our part would have been immensely satisfied and would have hailed the hon. the Finance Member who is probably the last Finance Member under this regime, as the greatest of all Finance

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Members and would have made him an example to all future Finance Ministers under the new regime.

"The hon. the Finance Member said that we will be starting the new Reforms under very unfavourable conditions if we do not make any concrete suggestions as to how to meet the situation created by the fall in revenue. The hon. the Revenue Member no doubt dismissed without much trouble the suggestion of my hon. Friend, Mr. Krishnayya Choudari, that the Government should agree to take its rent in kind instead of cash. Does he really know what it is that underlies that request? Are the people mad to ask the Government to adopt a procedure which everybody knows is not possible for the Government to adopt? No, that is not their real object. I think Mr. Choudari has made it clear that the Government have woefully failed in their duty of exploring the possibility of devising methods by which they could enable the ryot to get a fair price for the grain he grows so that he may be able to pay the Government revenue in cash. He clearly said: 'We are face to face with this trouble, namely, that we cannot find a sale for the grains we are growing and are unable to pay your demand in cash. Therefore, if you are bankrupt in the sense that you cannot devise any methods by which our grains can be sold for proper price, you please take our grain.' He went further and said that if the Government did not feel the need for devising some measures by which the ryots could get a proper value for their grain, the only way of making them do so would be to make them take their revenue in kind when they will become the largest owners of grain and would really feel the need to sell the grain at the best possible price. That is all that is meant by this amendment. Though to-day it might be one which may merit dismissal and no consideration whatever on the mere stating of it, I am sure, if things continue as they are to-day, it is going to be a serious business for the Government. When people are forced not by their own acts but by circumstances over which they have no control and by conditions which exist not merely in this Presidency but the world over and when they find that they could not get cash to pay the Government demand and that the Government do not take any steps to devise a method by which that situation would be eased, I am sure the idea or the feeling in the ryots' mind that they would rather pay the Government in grain and be done with it rather than bother themselves to find a sowcar who would purchase his grain at very low value and part with whatever cash they get from the sowcar to the Government, will take a practical shape. It is the duty of the Government to find out methods to solve the difficulties of the ryot in the matter of the sale of his produce. One year has elapsed since the hon. the Revenue Member dealing with the very question promised that the Government would consider the question of marketing facilities. If this resolution of Mr. Krishnayya Choudari is an indication of anything it is an indication of the feeling of the country that the Government have not done much in that direction. It may be that the Government have got their difficulties, but after all the people do want to feel satisfied that they are doing the best that they can do

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either within the powers vested in them under the Provincial Constitution or as persons who can communicate with the Government of India and that every step necessary to help the people of the country is being taken. It was only the other day that we had a leader in the *Justice* paper to the effect that the import of Japanese rice into Madras is threatening the country, that the people stand in dire need of some protection or other and that otherwise even the little money they could get for their grain might not be available. These are suggestions which the Government ought to consider seriously whether they give a remission or do not give a remission. You are not going to save the people of the country from starvation if, whether you give a remission or not, you do not deal with the problem of getting a proper price for the grain grown by the ryots. You will be running the risk of making bankrupt not merely the Government of the country, but you will be running the risk of making bankrupt the people of the country also. The hon. Member said: 'Do you contemplate getting on with the new Reforms with a bankrupt State?' May I ask: Do you want to leave a bankrupt people for the future Government? Do you want to leave a people who are absolutely unable to pay their revenue to the Government? It is not merely that the Government should not be bankrupt, but more important than that, the people should not be bankrupt. They should be in a position to pay their revenue to the future Government under the new Reforms. You may usher in the new Reforms with all the goodwill of the Government of the country, but that is not going to benefit anyone unless you have a contented people, a people with staying power in them, a people with money to pay the Government their demands. On the other hand, if the object of the Government is to drain the people, to give them no resources, to give them no staying power, then all the Reforms will be mere gilded ruins.

"Sir, I want to go one step further and say that there is something fundamentally wrong in our revenue system of the present day. No doubt at a time when high prices prevailed, the people were anxious to have their grain rents commuted into money rents. They thought it worth while to pay in cash and keep the balance of grain for their own use. But now we have passed through two or three years of very low prices and people are now seriously beginning to ask themselves whether it is not high time to go back to the sharing system. The theory that barter should take the place of the present money system is being advocated vigorously in some quarters and I should think that if prices continue so low as they are, barter would sooner or later get more popular.

"Sir, our land revenue policy has practically failed to meet the situation which we have been in during the last two or three years. You must devise some other method by which in good years you will be able to collect land revenue without any difficulty and during bad years to meet the difficulties of the ryot and make him pay land revenue without any serious consequence. It behoves the Government to consider

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whether they should not revise their land revenue policy in order to suit the new times. I do not know why the Madras Government alone should stick to their old methods and draw a red-herring across the line and say that they would become bankrupt. I want them to consider seriously whether they could not devise a system by which the actual land revenue they take from the ryot can have some kind of correlation to the prices that are prevailing; so that, when prices fall, you will be in a position automatically to adjust your revenue demand for that year to the fall in prices. I may say, Sir, that that seems to be at the bottom of the resolution. Last year we pressed for a reduction of land revenue by a certain percentage. The Government agreed to do so in the case of particular districts and not in the case of other districts. But the main principle has not been agreed to. The Government must devise a method by which the ryot will feel that, with the fall in prices, he will have to pay less land revenue, and when prices regain their original level, he will have to pay the amount he has been accustomed to pay. If the Government do not take that question seriously into consideration and if they consider that the Opposition in this House is impatient and unreasonable, I am sure they will not be able to meet the situation.

"I only want to bring to your notice one suggestion which was put forward on behalf of the landholders in our discussion on the Estates Land Act. The landholders tabled a resolution through my hon. Friend, the Raja of Khallikote, that the Collector may be empowered to go into the question on an application from a ryot, as to what extent there has been fall in prices and to consider, if the prices have fallen by more than 10 per cent, whether the rent may not be reduced in proportion. That shows the way in which the feelings of the people are working. I commend to the Government that principle when they consider the question of giving remission; the Government should assure the people that, with the fall in prices, what the ryot will have to pay will be less in proportion. With these few words I have great pleasure in supporting the adjournment of the consideration of this resolution to the next meeting of the Council, if the Government are prepared to give us a non-official day, so that in the meanwhile the Government may consider all the aspects of the question and see that something is done. I appeal to the hon. the Revenue Member that, when he gives a remission which he considers reasonable or whatever remission he may think is worth giving, he would give it in such a form as will benefit all."

* The hon. the PRESIDENT: "The motion before the House is that the further consideration of this resolution be postponed to the next non-official day. Any hon. Member speaking must confine himself to that point only."

* Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, the very fact that the Opposition has tabled this motion for the adjournment of

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this subject to the next non-official day, instead of pressing it to a division, is an indication that the Opposition is not really as irresponsible as has been suggested. It would have been quite easy for the Opposition to-day to press this resolution to a division and I am sure all parts of the House would have voted for it. But it is the intention of the Members of the Opposition not to embarrass the Government when they have expressed that they are sympathetic with regard to the resolution. The Government said they are awaiting the reports from the Collectors and the Board of Revenue. It is only because we are anxious about the result and about not any spectacular effect that we support this motion for the adjournment of the consideration of this resolution to the next meeting of the Council.

"I find it somewhat difficult to reconcile the speeches made by the hon. the Finance Member and the hon. the Revenue Member. The hon. the Revenue Member said that he certainly sympathized with the resolution and that, as soon as he got the reports from the Collectors, he would consider how the Government could help the people. But the hon. the Finance Member, as the financier of the Province, would not accept the principle to its fullest extent. Certainly, Sir, we are proud that the finances of this Province are in very able hands and that we are able to get on very well when other Provinces are finding it difficult to balance their budgets. But as has been pointed out by the hon. Member, Mr. Muniswami Nayudu, just as the Government wants to live, people who pay the taxes also ought to live. It is in that spirit that this motion has been moved.

"There is one other aspect of the matter to which I would invite the attention of the Government when it is considering this matter. When a similar resolution was tabled last year, practically the whole House voted for the resolution. Even though people wanted 25 per cent reduction even last year, the resolution that was tabled was only for a reduction of 12½ per cent. The resolution was moved in that form because the Members of the Opposition were alive to their sense of responsibility as legislators. They did so because they wanted to help the Government to give effect to their resolution. But there was one point on which we did not get the expected result. It is not about the percentage of reduction, but about the number of districts that got relief. I desire to point out that though the Government gave effect to the resolution of the Legislative Council to some extent, many districts felt disappointed. The Government gave remission to districts resettled after the year 1918. Of course there was a stronger case in the case of districts which had been settled after 1918. But there was one fundamental fact which the Government lost sight of. Fall in prices has been universal. People who got a better return by the sale of their products during the fat years have really lost a great deal during the lean years. To that extent all the districts have been affected. If I can voice the feeling of people both inside this House and outside,

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I may say that they want relief for all districts. Whether the relief given is as much as we expect or is not as much as we expect, I desire that every district should be benefited by any order that the Government may pass on this subject.

"The hon. the Finance Member said that a reduction of 25 per cent will mean great loss of revenue. At the same time I wish to tell him that the loss of revenue is expected to be a temporary one; it is not going to be a permanent one. It is not as if we want remission of land revenue for all time to come. We could have very easily raised the question of the land revenue policy of the Government on this occasion, but we all refrained from doing so because it is not our purpose now to raise the question in a Legislative Council which has not been able to pass a Bill regarding land revenue. As I have said, it is our purpose now only to ask for temporary relief because of the extraordinary situation that has arisen. If things improve and if conditions are better, certainly the people would be willing to pay what they have to pay. We find that even nations are in the same plight as individuals. They have found it hard to pay their dues; they did not say that they would not pay their dues; they wanted a little more time. It is only in that spirit that this resolution has been tabled and we request the Government to look at the full facts of the case and not merely pass an order on what one may call the dry reports they may get from the district officers. Even on the question of prices there has been great divergence of reports. The price at which paddy is sold at the district headquarters varies from that at which it is sold in villages. I wish the Government would note that point also. These are details and I do not want to go into them. I would therefore request the Government to look at this question sympathetically and make it unnecessary for this House to press the matter again when the question comes up again at the next meeting of the Council."

* The hon. the PRESIDENT:—"Unless any hon. Member wishes to oppose the adjournment motion, I would like to put it to the House."

The motion that the consideration of the resolution be postponed to the next non-official day of the Council was put and carried.

CREATION OF AN ANDHRA PROVINCE.

3-15
p.m.

* The hon. the PRESIDENT:—"The House will now resume discussion on the first resolution relating to the creation of an Andhra Province." (After a pause.)

"I think that hon. Members are not willing to discuss this resolution. I shall put it to the vote of the House."

* Mr. A. HARISCHANDRUDU:—

"This Council recommends to the Government that they may be pleased to urge upon the Government of India and the Secretary of State the great and urgent necessity of creating the Andhra Province simultaneously with the inauguration of the new constitution in India."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"There are a number of amendments given notice of, Sir."

* The hon. the PRESIDENT:—"All the amendments have already been moved on the 2nd August."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, the question of the redistribution of our Province into a number of Provinces, and in particular, the formation of an Andhra Province has engaged the attention of this House and the country for some years. It will however be of some assistance, I think, if I give a short retrospect of what has passed in recent years."

"Mr. Montagu and Lord Chelmsford in their Joint Report on the Constitutional Reforms, stated that they were impressed with the artificial and often inconvenient character of existing administrative units and added that while they believed that redistribution of Provincial areas could not be imposed upon the people by official action, they were bound to indicate their own clear opinion that wherever such redistributions were necessary, and could be effected by a process of consent, the attempt to do so should be made."

"They also said:

'We desire that it should be recognized as one of the earliest duties incumbent upon all the Reformed Provincial Governments to test Provincial opinion upon schemes directed to this end.'

"In 1918, the hon. Mr. Sarma moved in the Imperial Legislative Council a resolution in favour of the rearrangement of provincial areas on a language basis, especially when the people speaking a distinct language and in large numbers desired such a change. The Government of India remained neutral on the matter, and the resolution was lost."

"In November 1919, the Joint Select Committee made the following very definite pronouncement:—

'They do not think that any change in the boundaries of a province should be made without due consideration of the views of the Legislative Council of the Province. On the other hand, they are of opinion that any clear request made by a majority of the Members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province, should be taken as a *prima facie* case on the strength of which a commission of enquiry might be appointed by the Secretary of State and that it should not be a bar to the appointment of such a commission of enquiry that the majority of the Legislative Council of the province in question is opposed to the request of the minority representing such a distinctive territorial unit.'

"Then, Sir, section 52-A of the Government of India Act runs as follows:—

'The Governor-General in Council may, after obtaining an expression of opinion from the Local Government and the Local Legislature affected, by notification, with the sanction of His Majesty previously signified by the Secretary of State in Council, constitute a new Governor's province, or place part of a Governor's province under the administration of a Deputy Governor to be appointed by the Governor-General, and may in such case apply, with such modifications as appear necessary or desirable, all or any of the provisions of this Act relating to Governor's provinces, or provinces under a lieutenant-governor or chief commissioner, to any such new province or part of a province.'

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"In September 1921, Mr. A. B. Lathe moved in the Legislative Assembly, a resolution recommending—

'that the Governor-General in Council may be pleased to undertake the task of reconstituting the provinces of India in consultation with the various Local Governments and with a view to facilitate the constitutional development of the provinces.'

The Government of India stated that, while they could not think of undertaking then a work of such magnitude, they were prepared to consider any proposal which came up from the Local Governments in accordance with the procedure prescribed by the Joint Committee. The resolution was negatived by the Assembly.

"Since then, the Indian Statutory Commission have expressed the following views on this matter:—

'If those who speak the same language form a compact and self-contained area so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality. But it is not the only test—race, religion, economic interest, geographical contiguity, a due balance between country and town and between coast line and interior, may all be relevant factors. Most important of all, perhaps, for practical purposes, is the largest possible measure of general agreement on the changes proposed, both on the side of the area that is gaining and on the side of the area that is losing territory.'

"The Commission accordingly recommended that the Government of India should, as a matter of urgent importance, set up a Boundaries Commission with a neutral Chairman to investigate the main cases in which provincial readjustment seemed called for and to endeavour to work out schemes with a view to seeing how far agreement was possible.

"This Government in their views on the recommendations of the Indian Statutory Commission expressed themselves against the appointment of such a Boundaries Commission on the ground that that would necessarily delay the introduction of political reform. The Government of India in their despatch on the proposals for Constitutional Reforms on the recommendations of the Indian Statutory Commission were of opinion that except in the specific cases of Sind and Orissa, other possible readjustments of provincial boundaries should be held over until opinion had more clearly expressed itself, and that it would be for the new administrations themselves to take up such cases as they arose. His Majesty's Government have, in the White Paper on Indian Constitutional Reforms, referred only to the creation of the new provinces of Sind and Orissa, and there is no reference in the White Paper in regard to the formation or the policy to be adopted in regard to the formation of any new provinces.

"The hon. Member, Mr. A. Harischandrudu, stated that 'the urgency for the creation of an Andhra Province has now arisen in view of the definite statement by His Majesty's Secretary of State for India that under the new constitution, the power to create new provinces should not be given to the Federal Government, and that the Secretary of State has also stated in his evidence before the Joint Parliamentary Committee that he did not like to have a Boundaries Commission set up,

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implying thereby, that he viewed with disfavour any move for the redistribution of provinces, and that the little provision that is made in section 52 of the present Government of India Act . . . (which I have already quoted)—is going to be removed under the new constitution. I have been unable, Sir, to trace the remarks of the Secretary of State on which Mr. Harischandrudu has based his conclusions. I find no such statement in the White Paper or the reports of proceedings of the Joint Select Committee which appeared in the newspapers. I feel sure, Sir, that the provision will be made in the new Constitution for machinery by which new provinces can be made under the Reformed Constitution of India.

"With regard to the previous proceedings in this Council, the Madras Legislative Council passed a resolution in 1927 in favour of the formation of contiguous Telugu-speaking areas in the Presidency into a separate Andhra Province. The resolution was passed by 46 votes against 32, there being 6 neutrals. Of the members representing the Telugu-speaking areas, 17 voted for the motion and 5 voted against it, and 6 were neutral. A similar opinion was expressed by the Council in reference to a token cut on the Budget Demands in 1928. 44 members voted for and 20 members were against the formation of a new province. 29 members were neutral on that occasion. Of the members that represented the Telugu-speaking areas, 22 voted for, 1 against the motion and 5 were neutral. The total number of members representing the Telugu-speaking areas was 40 in 1927 and 43 in 1928.

"Another argument which has been brought forward in favour of the formation of the new provinces, particularly the Andhra Province, has been allegations that Telugus or the Andhra communities are neglected in favour of the Tamils. For instance, it has been alleged that due to the employment of Tamilians in headquarters, much is done for Tamils in various ways such as irrigation, hydro-electric works, and so forth, than for other parts or for the Telugu portion of the Presidency. I will give certain figures from which Members may draw their own conclusions as to the value of these allegations. If we take irrigation, the expenditure including direct and indirect charges on the several systems for which capital and revenue accounts are kept up to the end of 1931-32 in the Tamil and Telugu district, is as follows:—

Productive systems.

	RS.
Tamil districts	8½ crores
Telugu districts	4,90,00,000

"Out of that Rs. 8½ crores, for the Tamil districts, nearly Rs. 5½ crores relates to the Cauvery-Mettur Project: if we take that away, there were left only Rs. 3 crores spent in the Tamil districts, as opposed to Rs. 5 crores in the Telugu districts. As regards unproductive systems,

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the expenditure in Tamil districts is Rs. 60 lakhs and that in Telugu districts is Rs. 3,77,00,000. As regards working expenses on productive systems, the average annual expenditure for ten years in the Tamil districts was Rs. 16½ lakhs and for the Telugu districts Rs. 21½ lakhs. On the unproductive systems, in the Tamil districts it was nearly Rs. 1½ lakhs while in the Telugu districts it was nearly Rs. 3,40,000.

"As regards hydro-electric schemes, four schemes have been investigated in the Telugu country, including, in particular, the Kolat scheme which was selected as the most economical for development but was dropped last year for want of demand in the neighbourhood.

"The charge has also been made that the depressed classes in the Telugu districts have been neglected in favour of those in the Tamil districts. The following are the figures showing the position in this respect:—

	In the Andhra districts.	In Non-Andhra districts.
Total number of house-sites provided by assignment of poramboke lands up to the end of the year 1931-32 ..	17,600	14,100
Total number of house-sites provided by acquisition up to the end of 1931-32 ..	23,700	13,900
Total number of schools specially for depressed classes at the end of 1931-32 ..	437	739
Total number of wells constructed for depressed classes up to the end of 1931-32 ..	1,431 (besides 17 tanks).	789 (besides 2 tanks).
Total extent of land reserved for assignment of cultivation for depressed classes for the year 1931-32 ..	455,000 acres.	261,600 acres.
Total extent of land actually assigned for cultivation to the depressed classes up to the end of 1931-32 ..	225,000 acres.	130,000 acres.

"It will be seen that except in the matter of special schools, there is no foundation for the complaint.

"Another point to which reference has been made is that relating to special facilities for general and technical education which the Tamil population has enjoyed specially because Madras which is predominantly Tamil is the headquarters of the whole Presidency, and all the principal technical colleges are in Madras. The male population of the Andhra districts according to the last census was 8,748,676, and in the Tamil districts excluding Madras and the Nilgiris it was 10,643,188. That is, the population of the Tamil districts excluding Madras and the Nilgiris is 22 per cent more than that of the Andhra districts. We may put it that the ratio which the population of the Andhra districts bears to the population of the Tamil districts is 9 to 11. The number of students in the Andhra districts receiving instruction in schools was 797,000, and in the Tamil districts 941,000. The percentage of this to the male population works out at 9.1 in the case of the Andhra districts and 8.9 in the case of the Tamil districts; it is almost the same. The number of colleges in the Andhra districts is 13 and the number in the Tamil districts is 15. This is also as far as possible proportionate to the distribution of the population. As for secondary schools, there are

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213 in the Andhra districts and 214 in the Tamil districts. There are 22,504 elementary schools in the Andhra districts and 18,142 in the Tamil districts. As for training schools, there are 36 in the Andhra districts and 29 in the Tamil districts. Again, one of the oldest of the first-grade Government colleges is that at Rajahmundry and another first-grade Government college opened in 1916 is at Anantapur. Tamil districts have got only one such college, namely, that at Kumbakonam. There are two Government colleges for women. One of these is at Rajahmundry. The Andhra University has now been established at Vizagapatam and has been very generously supported by the Government which has given Rs. 27 lakhs for its foundation fund, Rs. 1 lakhs for initial expenditure on buildings and equipment, and Rs. 1 lakhs a year as recurring grant. Provision has been made at Vizagapatam for a school of medicine. At the present moment there is no engineering college in the Andhra country, but special instructions have been issued to the principals of colleges in Madras regarding the admission of Andhra pupils so as to ensure a fair proportion of the vacancies being given to them.

"As regards representation of the Andhras in the public services, I am afraid, Sir, that the reports which we obtain and publish showing the figures relating to the employment of the various communities do not show how many of the Government servants are Tamils, how many are Andhras, how many are Malayalis, etc. But, Sir, so long ago as 1922 the Government issued an order regarding a grievance that certain departments in some districts are largely manned by persons who do not know the language of the area in which they serve. The order stated that this had often been unavoidable in the past because there had not been sufficient people speaking the language of the area concerned, trained to hold the offices in question; and the Government stated that they considered that the state of affairs could best be remedied by distributing the places in the training institutions more or less on a linguistic basis and by expediting the provision of new training institutions in the areas from which fewest candidates qualified for employment under Government came and that when these measures had taken effect, it might be possible to direct that no subordinate officer should be appointed, or transferred to any district outside his own language area. I think the figures I have given show that the Government have kept this policy in view.

"As I have stated once before, Sir, in this House, the difficulty of ensuring that Andhras are employed in the headquarters offices in larger numbers is that we do not get a sufficient number of applications from them. I pointed out this difficulty on one occasion in 1929. The figures showed that out of 48 Andhra graduates who applied in 1929 for employment as clerks in the offices in the City of Madras, 22 were selected; but no less than 486 non-Andhra graduates had applied of whom 201 were selected. I submit, Sir, that the remedy for this disproportionate number of Telugus and Tamils employed lies in large number of applications coming in from those belonging to the Telugu part of the Presi-

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dency. (Mr. P. V. Krishnaiah Choudary:—‘Do you base it on the qualified candidates or the number of applications received?’) The figures that I have given relate to the number of applications from graduates for clerkships in the City of Madras including the Secretariat.

“We have attempted to work out in the Finance Department some estimate of the cost of introducing an Andhra Province. We have obtained figures from the Accountant-General of the actual revenue and expenditure in the twelve Telugu districts which might form the Andhra Province. The figures furnished by him show that the total revenue from the Telugu districts is Rs. 610 lakhs and the total expenditure incurred in these Telugu districts is Rs. 494 lakhs. These figures require certain corrections, as they simply show the revenue and the expenditure in the districts; but these figures do not include the share of the Telugu districts in the expenditure incurred for the whole Presidency, e.g., on headquarters offices, stationery and so forth. Making certain corrections in the Accountant-General's figures on this account, the revenue may be taken at Rs. 631 lakhs, and deducting the proportion of revenue relating to Ganjam area to be transferred to Orissa Province, the reduced revenue figure would be Rs. 606 lakhs out of a total revenue of Rs. 1,643 lakhs, that is, 35 per cent of the total revenue, whereas the population of the Andhra districts is 37 per cent of the total population of the Madras Presidency. In calculating the expenditure we have, of course,

add the cost of the new headquarters establishments and so forth. The figures adopted in our calculations are based upon the assumption that there will be a combined Director of Survey and Land Records, that there will be two Members of the Board of Revenue and one Secretary, that there will be a Chief Conservator of Forests, that there will be an Inspector-General of Registration, that there is to be a Governor and an officer of the same standing as the Governor of Bihar and Orissa, that there will be four Ministers on the pay of the Ministers here and four Council Secretaries, that there will be the Legislative Council President, Deputy President and the Secretary, that there will be four Secretaries to Government, four Under and four Assistant Secretaries, there will be a Services Commission, an Inspector of Municipalities, and Local Boards, a High Court consisting of a Chief Justice and three Judges, and an Advocate-General—our estimates do not include a separate City Civil Court as it will not be necessary at that there will also be an Inspector-General of Jails, an Inspector-General of Police and a Director of Public Instruction. It is that it will not be necessary to establish a Law College or an Engineering College, as the present arrangement may continue and conditions can be made by the Andhra Province towards the cost of the Engineering colleges. I need not go into more details. The various departmental departments will require their heads. Provision will also have been made for a Chief Engineer and for several miscellaneous matters including stationery and pensions. There will also have to be a certain amount of immediate expenditure in building a Government House, a Legislative Council Chamber and so forth. Provision will also have to

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be made for taking over a certain amount of financial debt. The immediate capital expenditure on a very conservative basis is estimated at 76 lakhs. It includes provision for a Government House, a Secretariat, a Council Chamber and a High Court, a Record Office, a Government Press and a Stationery Office. The total expenditure for the Andhra Province is estimated to be nearly 588 lakhs which will give a surplus of about 18 lakhs a year. I am afraid I cannot give similar figures for Malabar or Karnataka provinces, the latter at least will include not only a portion of this province but also portions of other provinces.

“Sir, another point for the consideration of this House is what would be the effect on the Constitutional Reforms if they are to be postponed till the new provinces are formed. The machinery for the formation of the Orissa Province has been at work I think for two or three years and can hardly be said to be finished yet. I do not wish to stress the difficulties which have arisen in regard to the settlement of boundaries and other matters. I am sure that hon. Members will consider whether similar difficulties will not arise in respect of other new provinces. But, Sir, it seems to be a question for very careful consideration whether at this stage it is desirable to take up this very important matter of the division of provinces when we are hoping to get Constitutional Reforms within say the next two or three years at the latest. I do not think it would be too optimistic. I want hon. Members to consider whether such changes could be carried out without causing delay in the introduction of the Constitutional Reforms.

“Then, Sir, there is another matter for consideration, namely, whether the disadvantages of the present arrangements require such a very expensive and such a far-reaching measure as the partition of the province to remedy the defects brought to notice. With regard to the Andhra Province surely matters can be remedied in a short time in other ways. Any proposal for the partition of the province is bound to lead to a certain amount of bickerings and agitation in the areas which form the borders between two rival provinces and would probably continue for a long time.

“Sir, unfortunately at this time there has been considerable agitation on communal lines in this country; we find jealousy and rivalry carried to considerable lengths by different communities and different races. Is it desirable, Sir, that we should emphasize any further those difficulties and differences by trying to create new jealousies and rivalries on account of language? Is it really necessary to do so?

“Then, Sir, at the present time this Presidency as a major province carries very considerable weight in the Government of India as a whole; but a series of small provinces will each carry little or no weight. That, Sir, I think is a matter to be very carefully considered by the hon. Members of the House. When they look forward to a federation, is it better for the people of the Andhra country, Malabar and the Tamil country to be merely small provinces carrying little weight on the federation or should they form one province, as they are now, united