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PROCEEDINGS OF THE MADRAS LEGISLATIVE COUNCIL

FIFTH SESSION OF THE FOURTH LEGISLATIVE COUNCIL
UNDER THE GOVERNMENT OF INDIA ACT, 1919

Vol. LXXIII (Nos. 1 to 5)

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PERSONNEL OF THE GOVERNMENT OF MADRAS.

Governor of Madras.

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

Members of the Executive Council.

1. 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.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Land Revenue administration as described under the following heads, namely :— <ol style="list-style-type: none"> (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. 2. Yeomials, inams and hereditary pensions. 3. Water-supplies, irrigation and canals, drainage and embankments ; water storage and water power. 4. Inland waterways including shipping and navigation thereon. | <ol style="list-style-type: none"> 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. Laccadives. 13. European and Anglo-Indian education. 14. Elections for Indian and Provincial Legislatures. 15. Fortnightly reports and preliminary special reports to the Government of India. 16. General service questions. 17. Office procedure. 18. Secretariat. 19. Matters of a general nature not allocated elsewhere. |
|---|---|

II.—Central Subjects.

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

2. The Hon. Sir Hopetoun STOKES, K.C.I.E., C.S.I., 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. | 4. Preservation and translation of ancient manuscripts. |
| 2. Pensions. | 5. Central Record office. |
| 3. Local Fund audit. | |

II.—Central Subjects.

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

3. The Hon. Rai Bahadur Sir K. VENKATA REDDI NAYUDU, Kt., Law Member. Took his seat on the 25th April 1934 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. | 2. Provincial law reports. |
| | 3. Administrator-General and Official Trustees. |
| | 4. Escheats. |
| | 5. Coroners. |

I.—Provincial Subjects—cont.

- | | |
|--------------------------------------|--|
| 6. Treasure-trove. | 9. Industrial matters included under the following head: Electricity, including hydro-electric scheme. |
| 7. Non-judicial and judicial stamps. | 10. Forests (including Cinchona) except panchayat forests. |
| 8. Prisons and prisoners. | 11. Minor Ports. |

II.—Central Subjects.

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

4. The Hon. Rao Bahadur A. T. PANNIRSELVAM, Home Member. Took his seat on the 16th August 1934 and is in charge of the following portfolios :—

I.—Provincial Subjects.

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

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. Rao Sahib V. I. MUNISWAMI PILLAI Avargal.

„ U. C. SUBRAHMANYA BHATT Avargal.

MAHBOOB ALI BAIG SAHIB Bahadur.

MR. DANIEL THOMAS.

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 <i>cum</i> 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 Boag, C.I.E., I.C.S., G. T.	NOMINATED.
16 Brock, O.B.E., V.D., Lieut.-Col. C. H.	Madras Planters.
17 Campbell, K.C.I.E., C.S.I., C.B.E., v.d., I.C.S., The Hon. Sir Archibald.	EX OFFICIO.
18 Davis, O.B.E., J. A.	Anglo-Indian.
19 Devadasan, M.	NOMINATED.
20 Dharmalingam Pillai, Rao Sahib V.	NOMINATED.
21 Duraiswami Reddiyar, K. M.	South Arcot, N.-M. Rural.
22 Ellappa Chettiyar, Diwan Bahadur S.	Salem, N.-M. Rural.
23 Foulkes, R.	NOMINATED.
24 Gopalaswami Ayyangar, Diwan Bahadur N.	NOMINATED.
25 Gopalaswami Mudaliyar, Diwan Bahadur M.	Bellary, N.-M. Rural.
26 Harischandrudu Nayudu, A.	Godavari East, N.-M. Rural.
27 Indrayya, C.	Godavari West, N.-M. Rural.
28 Iswaran Pillai, I. C.	Tinnevely N.-M. Rural.
29 Jagannadha Raju, Rao Bahadur G. (<i>Deputy President</i>).	Vizagapatam, N.-M. Rural.

Name of member.	Name and class of constituency.
30 Jagannatham, H. M.	NOMINATED.
31 Jayaram Nayudu, Rao Sahib C.	Chingleput, N.-M. Rural.
32 Jones, I.C.S., C. E.	NOMINATED.
33 Kesavaramamurti Nayudu, K.	Cocanada City, N.-M. Urban.
34 Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Madura and Trichinopoly <i>cum</i> Srirangam, Muhammadan Urban.
35 Kolanda Reddi, Rai Sahib C.	Kistna, N.-M. Rural.
36 Koti Reddi, K.	Cuddapah, N.-M. Rural.
37 Krishnamurti, Rao Bahadur D.	NOMINATED.
38 Krishnan, C.	NOMINATED.
39 Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.	NOMINATED.
40 Krishnayya Choudari, P. V.	Guntur, N.-M. Rural.
41 The Kumararaja of Venkatagiri (Raja Velugoti Sarvagnya Kumara Krishnayachendrula Bahadur Varu).	Nellore, N.-M. Rural.
42 Kumaraswami Reddiyar, The Hon. Diwan Bahadur S. (<i>Minister</i>).	Tinnevely, N.-M. Rural.
43 Kuppuswami Choudari, J.	Guntur, N.-M. Rural.
44 Ladden, W. W.	Madras Trades Association.
45 <i>Vacant</i> .	Anantapur, N.-M. Rural.
46 Madanagopal Nayudu, R.	Madras City, N.-M. Urban.
47 Madhusoodhanan Thangal, P.	NOMINATED.
48 The Maharaja of Venkatagiri (Sri Raja Velugoti Sir Govinda Krishna Yachendrula Bahadur Varu, K.C.I.E., Lieutenant-Colonel).	North Central Landholders.
49 Mahboob Ali Baig Sahib Bahadur.	Northern Circars, Muhammadan Rural.
50 Mahmud Schamnad Sahib Bahadur, Khan Bahadur.	South Kanara, Muhammadan Rural.
51 Manikkavelu Nayakar, M. A.	North Arcot, N.-M. Rural.
52 Metherell, J. K.	European, Madras Presidency.
53 Millar, W. H.	Madras Chamber of Commerce.
54 Moidoo Sahib Bahadur, Khan Bahadur T. M.	Malabar, Muhammadan Rural.
55 Moses, P. C.	Northern Districts, Christian.
56 Muhammad Meera Ravuttar Bahadur, K. P. V. S.	Madura <i>cum</i> Trichinopoly, Muhammadan Rural.
57 Muniswami Nayudu, Diwan Bahadur B.	Chittoor, N.-M. Rural.
58 Muniswami Pillai, Rao Sahib V. I.	NOMINATED.
59 Murugappa Chettiyar, Diwan Bahadur A. M. M.	Ramnad, N.-M. Rural.

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

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

Name of member.	Name and class of constituency.
126 Yahya Ali Sahib Bahadur, Khan Bahadur.	East Coast, Muhammadan Rural.
127 Yakub Hasan Sahib Bahadur.	North Arcot cum Chingleput, N.-M. Rural.
128 The Zamindar of Bodinayakanur (Kamaraja Pandia Nayakar, T. V. K.)	Southern Landholders.
129 The Zamindar of Chemudu (Sri Vyricherla Narayana Gajapati Raju).	Vizagapatam City, N.-M. Urban.
130 The Zamindar of Kirlampudi (Sri Raja Ravu Ramakrishna Ranga Rao).	NOMINATED.
131 The Zamindar of Minampalli (K. C. M. Venkatachala Reddiyar).	Trichinopoly, N.-M. Rural.
132 The Zamindar of Mirzapuram (Mirzapuram Raja alias Venkataramayya Appa Rao).	Northern Landholders, II.

Special Members.

133 Smith, W. Erlam	Nominated for the consideration of the Madras Public Libraries Bill and the Madras Elementary Education Act (Amendment) Bill.
134 Krishnaswami Ayyar, K. V. . .	Nominated for the consideration of the Madras Public Libraries Bill.
135 Javad Hussain Sahib Bahadur, Khan Bahadur.	Nominated for the consideration of the Madras City Municipal Act (Amendment) Bill.
136 D. H. Boulton, I.C.S.	Nominated for the consideration of the Bill to amend the Madras Elementary Education Act.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

OFFICIAL REPORT.

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

Monday, the 22nd October 1934.

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 :

Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The Hon. Sir Archibald.	Koti Reddi, Mr. K.
Stokes, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Hopetoun.	Krishnayya Choudari, Mr. P. V.
Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Krishnamurti, Rao Bahadur D.
Pannirselvam, The Hon. Rao Bahadur A. T.	Krishnaswami Ayyar, Kt., Diwan Bahadur Sir Alladi.
Raja of Bobbili, The Hon. the.	Kumararaja of Venkatagiri, The.
Rajan, The Hon. Mr. P. T.	Kuppuswami Choudari, Mr. J.
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.	Ladden, Mr. W. W.
Abdul Hameed Khan Sahib Bahadur.	Madanagopal Nayudu, Mr. R.
Ahmed Meeran Sahib Bahadur.	Mahboob Ali Baig Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.	Manikkavelu Nayakar, Mr. M. A.
Annamalai Chettiyar, Mr. S. A. A.	Metherell, Mr. J. K.
Appadurai Pillai, Diwan Bahadur A.	Millar, Mr. W. H.
Arasu, Mr. V. T.	Moidoo Sahib Bahadur, Khan Bahadur T. M.
Basheer Ahmed Sayeed Sahib Bahadur.	Moses, Mr. P. C.
Basu Dev, Mr. C.	Muniswami Nayudu, Diwan Bahadur B.
Bayappa Reddi, Mr. P.	Muniswami Pillai, Rao Sahib V. I.
Beyabani Sahib Bahadur, S. M. K.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Birley, Mr. F.	Muthiah Chettiyar, Mr. M. A.
Boag, C.I.E., I.C.S., Mr. G. T.	Nachiyappa Gounder, Mr. K. A.
Brock, C.B.E., V.D., Mr. C. H.	Nanjappa Bahadur, Subadar-Major S. A.
Davis, Mr. J. A.	Narasa Reddi, Mr. T.
Dharmalingam Pillai, Rao Sahib V.	Narasimhaswami, Rao Sahib D. V.
Ellappa Chettiyar, Diwan Bahadur S.	Narayanawami Pillai, Rao Bahadur T. M.
Foulkes, Mr. R.	Natesa Mudaliyar, Rao Bahadur C.
Gopalaswami Mudaliyar, Diwan Baha- dur M.	Palat, Mr. R. M.
Gopalaswami Ayyangar, Diwan Baha- dur N.	Parthasarathi Ayyangar, Mr. C. R.
Iswaran Pillai, Mr. I. C.	Patnaik Mahasayo, Sriman M. G.
Jaganatham, Mr. H. M.	Patro, Kt., Rao Bahadur Sir A. P.
Jayaram Nayudu, Rao Sahib C.	Pattagar of Palayakottai, The.
Jones, I.C.S., Mr. C. E.	Peddi Raju, Mr. P.
Kesavaramamurti Nayudu, Mr. K.	Pocker Sahib Bahadur, B.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Premayya, Mr. G. R.
Kolanda Reddi, Rai Sahib C.	Rajagopala Pillai, Mr. P. V.
	Raja of Khallikot, The.
	Ramachandra Padayachi, Mr. P. K.
	Ramakrishna Reddi, Mr. A.

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PRESENT—cont.

Ramalingam Chettiyar, Rao Bahadur T. A.	Sreshtha, Mr. M. S.
Ramamurti, Rao Sahib Pandit Ganala.	Srinivasa Ayyangar, Mr. T. C.
Raman Menon, Mr. K. P.	Srinivasan, Rao Bahadur R.
Ramaswami Ayyar, Mr. T. S.	Sriramulu, Mr. G.
Ramaswami Mudaliyar, Mr. V. M.	Subbarayan, Dr. P.
Ranganatha Mudaliyar, Mr. A.	Subrahmanyam Chetti, Rao Sahib P.
Ranganatha Mudaliyar, Mr. G.	Subrahmanya Bhatt, Mr. U. C.
Rangaswami Reddi, Mr. M. B.	Sundara Rao Nayudu, Mr. T.
Russell, I.C.S., Mr. T. B.	Thangal, Mr. P. M.
Sahajanandam, Swami A. S.	Thomas, Mr. Daniel.
Santhana Gounder, Mr. I.	Thorne, c.r.e., I.C.S., Mr. J. A.
Schammad Sahib Bahadur, Khan Bahadur Mahmud.	Vedachala Mudaliyar, Mr. M.
Sesha Reddi, Rao Bahadur B. P.	Venugopal Nayudu, Rao Bahadur R. K.
Shetty, Mr. A. B.	Yahya Ali Sahib Bahadur, Khan Bahadur.
Simhachalam Pantulu, Mr. G.	Zamindar of Kirlampudi, The.
Siva Raj, Rao Sahib N.	Smith, Mr. W. Erlam.
	Boulton, I.C.S., Mr. D. H.

I.—SWEARING IN OF NEW MEMBERS.

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

1. M.R.Ry. I. Santhana Gounder Avargal.
2. „ Diwan Bahadur N. Gopalaswami Ayyangar Avargal.
3. Mr. T. B. Russell, I.C.S.
4. „ D. H. Boulton, I.C.S.
5. „ W. Erlam Smith.

II.—RESOLUTION OF CONDOLENCE.

* The Hon. Sir ARCHIBALD CAMPBELL:—“ Mr. President, Sir, before we enter into the business of the day, it is my melancholy duty, with your permission, to move that an expression of the sincere regret of this Council at the death of M.R.Ry. G. Lakshmana Reddi Garu, M.L.C., and of deep sympathy with his bereaved family be placed on record and conveyed to them. A pleader by profession, Mr. Lakshmana Reddi rose in his early years by dint of merit, pleasing manners and perseverance to be a leader of the bar in the town of Gooty. He was President of the Gooty Union Board from 1917 to 1919 and during that time displayed considerable administrative ability, especially in connexion with the distribution of Rangoon rice when the Government exercised control over its movements. He was President of the Gooty Taluk Board from 1920 to 1925. He was elected President of the Anantapur District Board in 1929 and continued to hold that important office to the day of his death. In that capacity he displayed considerable ability in discharging his duties and won the encomiums of the Government. During his term of office, the administration of the District Board showed great progress, especially in respect of communications and public health; the roads were kept in excellent condition and two important bridges were constructed in his time. He took much interest in the amelioration of the condition of the scheduled classes and started several schools for Adi-Andhras. He was first elected to this Council at a by-election in 1930 and was re-elected at the general

22nd October 1934] [Sir Archibald Campbell]

election in 1931. As a member of this Council, he kept the needs of his district constantly before the Government; there was not, I think, a meeting of the Council when he failed to come and see me and in this way he served a very useful purpose in keeping us fully informed of the situation in his constituency. His sudden and tragic death in Madras at the end of last month causes a great loss to this Council and the Presidency and especially to the district of Anantapur and I feel that I have lost a personal friend. He leaves behind him a widow, three sons and a daughter who have our sincerest sympathy. Sir, I beg to move the motion of which I have given notice.”

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ Mr. President, Sir, in seconding the motion before the House, I beg to associate myself wholeheartedly with all that has been said about the work of Mr. Lakshmana Reddi and the feeling of sincere regret that has been expressed at his sudden demise. I was taken by surprise when I heard of his sudden death, while he was at his post of duty, as it were. On behalf of the Opposition, I beg to support the motion that has been moved.”

* The Hon. the RAJA OF BOBBILI:—“ Sir, the late Mr. Lakshmana Reddi was a man of sterling character and high principles. When I last visited Anantapur district, I had occasion to see for myself the results of his efficient administration of the district board. I feel sure that his untimely demise is a loss to the cause of local self-government not only in his district but in the Presidency generally. In his death we have lost an experienced Member of this Council and I personally feel we have lost a loyal party-man and a devoted and an intimate friend. I wish to thank you, Sir, for having given me an opportunity to associate myself, on behalf of my Party, with the sentiments expressed by the Hon. the Leader of the House and the Leader of the Opposition.”

Diwan Bahadur B. MUNISWAMI NAYUDU:—“ Mr. President, Sir, on behalf of my Party, I wish to associate myself wholeheartedly with the sentiments that have been expressed by the Hon. the Leader of the House and by other speakers at the sudden demise of Mr. Lakshmana Reddi. I knew Mr. Lakshmana Reddi fairly intimately, he being the president of an adjacent district board. I have had many occasions to see him in his place and also have an idea of his administration of the district board. He rose from a very ordinary family and came to occupy the highest place in the district. He was highly respected and revered in his district. I may add, Sir, his administration was characterized by efficiency. He was humble and unassuming. So far as this Council is concerned, we have lost a valuable friend and colleague. I therefore associate myself wholeheartedly, on behalf of my Party, with sentiments expressed by the Hon. the Leader of the House.”

Mr. F. BIRLEY:—“ Mr. President, Sir, on behalf of the European group, I beg to associate myself with the feelings of regret expressed by the Hon. the Leader of the House and by other hon. Members at the sad and sudden death of Mr. G. Lakshmana Reddi.”

[22nd October 1934]

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, it is rather very difficult for me to give expression to my feelings at the death of my dear friend, Mr. Lakshmana Reddi. I have no hesitation whatsoever in unreservedly associating myself with the kind sentiments expressed by the previous speakers. Whenever he came to Madras, he would stay with us in the Y.M.I.A., but last time contrary to his usual practice, he stayed outside in order to attend the Federation that was then going on. Sir, it is said in one of the epic poems that the most wonderful thing in the world is that, in spite of the fact that people see so many die before their eyes, few believe and act as if their turn also might come next. But in the case of our good friend, Mr. Lakshmana Reddi, I may say that he always conducted himself in such a way as though he was ever ready for such a contingency. He has done a good deal to better the condition of his fellow-beings and I wish, with his example before us, that we may also conduct ourselves in a similar way."

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

'That an expression of the sincere regret of this Council at the death of M.R.Ry. G. Lakshmana Reddi Garu, M.L.C., and of deep sympathy with his bereaved family be placed on record and conveyed to them.'

The resolution was carried *nem. con.*, the whole House standing.

III.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Elections to the Indian and Provincial Legislatures

Elections to the Provincial Legislative Council.

* 136 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) when the new elections for the Legislative Council is to come up; and

(b) whether it will be under the existing reforms or new reforms?

A.—The Government have no information.

Mr. A. RANGANATHA MUDALIYAR:—"Sir, the Government may not be able to give the exact date, but can they tell us whether the election will be held at least any time in 1935?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I am not in possession of any information on the subject."

11-15 a.m. Mr. ABDUL HAMEED KHAN:—"May I ask whether it will be possible for the Government to get information from the authorities concerned which will enable the Government to give definite information on this subject?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not think we can expect to get any further information at present."

22nd October 1934]

Land Revenue Administration

Exemption, if any from resettlement operations of tarams bearing 8 annas and less per acre in the Kurnool district.

* 137 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the Hon. the Member for Revenue be pleased to state in regard to the resettlement of revenue operations now going on in the Kurnool district—

(a) whether tarams bearing 8 annas and less per acre are exempt from resettlement operations; and

(b) whether in judging the effect of the new standards of living, the small holders, say, holding 5 acres and less, are taken as a separate group and their position examined; if not, why not?

A.—(a) No.

(b) It is not usual in settlement operations to consider ryots in groups according to the size of their holdings.

Mode of ascertaining the commutation value of crops with reference to the resettlement operations in the Kurnool district.

* 138 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the Hon. the Member for Revenue be pleased to state in regard to the resettlement of land revenue operations now going on in the Kurnool district—

(a) what the years between the last settlement and this are which the resettlement officer proposes to take—

(i) to arrive at an average of the gross produce in the area,

(ii) to measure the value of the produce by commutation into cash prices;

(b) what percentages will be allowed for

(i) vicissitudes of season in that area,

(ii) unprofitable patches of land,

(iii) merchants' profits and distance from markets; and

(c) whether in taking prices for purposes of commutation the resettlement officer is instructed to take the prices that obtained in the ryots' selling month, i.e., immediately after harvest, if not, why not?

A.—(a) to (c) The commutation rates adopted for the staple grains at the expiring settlement should be compared with the value calculated for such of them as continue to be staple grains from the average of recorded prices during the twenty non-famine years immediately preceding the commencement of resettlement operations. The existing orders are that, except for special reasons, no fresh calculation of grain outturns, cultivation expenses, allowance for vicissitudes of seasons, etc., will be made at a resettlement. The Government have not issued any special instructions to the Special Settlement Officer in Kurnool regarding these matters and they have not yet received his proposals for the resettlement of the district.

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Mr. A. RANGANATHA MUDALIYAR:—"It is said in the answer that the average of recorded prices during the twenty non-famine years immediately preceding the commencement of resettlement operations will be taken into account. Am I to understand that, by non-famine years, it is meant the years in which famine was not declared?"

The Hon. Sir ARCHIBALD CAMPBELL:—"The years in which prices were normal will be taken into account, excluding the years when prices were exceptionally high."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask if the Hon. Member is in a position to say which years the Government treat as normal years for the Kurnool district?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice of the question."

Mr. A. RANGANATHA MUDALIYAR:—"Will the Government give us the information as soon as they get it?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I shall endeavour to let the hon. Member have it as soon as possible."

Resettlement operations in the Kurnool district.

* 139 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the Hon. the Member for Revenue be pleased to state in regard to the resettlement of land revenue operations now going on in the Kurnool district—

(a) what the detailed headings are under which the expenses of cultivation will be examined;

(b) whether this question of expenses will be separately investigated for every taram of land or whether it will be under categories dry and wet;

(c) whether interest will be allowed as part of cultivation expenses on such capital as is invested by the ryot on livestock, agricultural implements, seed, and in unprofitable years, on labour and land revenue either from his own funds or from those borrowed from others; if not, why not;

(d) whether villages bordering on the reserved forests will be brought into a separate group making allowances for the operations of wild animals, especially of the wild pig; if not, why not; and

(e) whether in view of the Special Malaria Officer's report, the Government have issued or propose issuing instructions to the Resettlement Officer that all the tracts declared endemic by him should be dealt with under a separate group and appropriate allowances made for unhealthy conditions in fixing the rate; if not, why not?

A.—(a) to (c) The attention of the hon. Member is invited to the answer given to Question No. 138. Instructions for the calculation of cultivation expenses are contained in the Settlement Manual. The Government have not received proposals for the resettlement of the district.

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(d) The Government have not issued any instructions in the matter. The grouping of villages is a subject which will be dealt with in the Scheme Report.

(e) The Government have not issued, nor is it proposed to issue, any instructions. The present condition of the tract will be considered by the Special Settlement Officer in making proposals for resettlement.

Calculation of cultivation expenses in the resettlement operations of the Kurnool district.

* 140 Q.—Mr. SAMI VENKATACHALAM CHETTI: Will the Hon. the Member for Revenue be pleased to state regarding the resettlement of land revenue operations now going on in the Kurnool district—

(a) whether the Government have issued instructions to the settlement officer that in cases of lands bought with borrowed funds the interest on such loans should be included in the expenses of cultivation;

(b) whether the Government have issued instructions to the settlement officer to investigate the question of lands that do not pay at present rates and make a list of such lands in the district, to examine the present assessment and to revise the same so as to reduce the same to the minimum if not to cancel it altogether;

(c) what the present principles are which are being adopted in the said district for resettlement;

(d) how they are different from the principles adopted at the last resettlement; and

(e) in case there is a difference, whether it is proposed to reclassify the area?

A.—(a) The attention of the Hon. Member is invited to the answers given to Questions Nos. 138 and 139. The Government have not issued any instructions other than those contained in the Resettlement Manual.

(b) The instructions in the Resettlement Manual require that before a Settlement Officer recommends a revision of assessment he should examine the economic condition of the holders of agricultural land in the tract.

(c) & (d) The instructions for conducting resettlements are contained in the Resettlement Manual. The attention of the Hon. Member is, however, invited to G.O. No. 1042, Revenue, dated 25th May 1934, relating to the simplification of resettlement procedure. The simplified procedure will be followed in Kurnool.

(e) The Government have not yet received proposals for the resettlement of the district.

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Revision of adangals in South Kanara as per the resettlement scheme report.

* 141 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(a) whether revised adangals of the villages are being prepared now in South Kanara on the basis of the 12½ per cent enhancement as proposed in the resettlement scheme report;

(b) whether similarly adangals are being revised with reference to change of dry into wet or garden as recommended in the said report;

(c) if so, under what orders or authority this is being done and whether a copy of the same will be placed on the table of the House; and

(d) if not, what the nature is of the work that is being done now in the district by the Settlement Department?

A.—(a) to (d) The settlement staff prepares preliminary resettlement accounts on the basis of the existing revenue accounts, and subsequently issues final resettlement accounts prepared in accordance with the orders passed on the scheme report. The Government presume that the settlement staff in South Kanara is at present engaged in the preparation of preliminary resettlement accounts. The instructions are contained in the Resettlement Manual which is in the Secretariat Library.

Mr. U. C. SUBRAHMANYA BHATT:—“It is stated in the answer that the Government presume that the settlement staff is at present engaged in the preparation of preliminary resettlement accounts. Did the Government call for a special report from the Settlement Officer?”

The Hon. Sir ARCHIBALD CAMPBELL:—“No, Sir; we did not call for a special report.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I know why the Government would not call for a report in view of the special allegation contained in the question that the Settlement department is changing the adangals with reference to the scheme report?”

The Hon. Sir ARCHIBALD CAMPBELL:—“It is not necessary to do so.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I ask if it is presumed that the scheme report is to be given effect to, and if the objections are not to be heard?”

The Hon. Sir ARCHIBALD CAMPBELL:—“Certain columns in the adangal can be and are filled up before objections are heard; there are certain other columns which will not be filled up till objections have been heard.”

Mr. A. B. SHETTY:—“May I know if the Government propose to pass orders introducing new rates of assessment, in spite of the unprecedented economic depression we are having at the present time?”

The Hon. Sir ARCHIBALD CAMPBELL:—“Yes, so far as is necessary.”

[22nd October 1934]

Survey training of karnams at the instance of Inspecting Tahsildars.

* 142 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state (1) whether the inspecting tahsildars have an unfettered discretion to select karnams for survey training; (2) whether sometimes they send the same karnam for training thrice and even more often; and (3) whether in case a karnam is, without sufficient cause, sent for training a second, third and fourth time even, he has any remedy by way of appeal against the order of the inspecting tahsildar to the Revenue Divisional Officer or the Collector?

A.—(1) Under the existing rules an inspecting tahsildar has no authority to order karnams to undergo survey training. It is one of his duties to test the survey knowledge of karnams and it is open to him to recommend to the Revenue Divisional Officer that a karnam whose knowledge of survey is deficient should undergo training in survey.

(2) & (3) The Government have no information whether the same karnam is sent for training three times or more.

Mr. A. RANGANATHA MUDALIYAR:—“It is stated in the answer that the Government have no information whether the same karnam is sent for training three times or more. Is there no appeal against the order if the same karnam is sent for training only a second time, if it is done?”

The Hon. Sir ARCHIBALD CAMPBELL:—“I do not suppose that the same karnam is sent for training unnecessarily twice or thrice; if necessary, he can address the Divisional Officer or the Collector.”

Mr. A. RANGANATHA MUDALIYAR:—“May I suggest that the Government may enquire of the District Officers in the Kurnool district if there are not cases in his district in which the same karnam is sent for training thrice and even more?”

The Hon. Sir ARCHIBALD CAMPBELL:—“I shall call for a report.”

Government scheme, if any, for the cultivation of sugarcane in well-defined areas.

* 143 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have marked out any zones of wet land in each district for cultivation of sugarcane similar to the turmeric ayacuts in existence at present;

(b) whether it is a fact that in places where sugarcane is cultivated in isolated patches water-supply for the crop through the irrigation channels is inadequate and where it is adequate there is much wastage of water; and

(c) whether the Government have got any proposals for encouraging regular and systematic growth of sugarcane in well-defined areas and, if so, whether they will be pleased to lay them on the table of this House?

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A.—(a) No.

(b) The Government are not aware that the facts are as stated.

(c) No. But the Agricultural Department has been advocating the substitution of sugarcane for paddy wherever possible.

Mr. P. V. KRISHNAYYA CHOUDARI:—"With reference to answer (b), may I know if the Government will enquire into the matter whether there is adequate water-supply to sugarcane crops in isolated patches of areas in the Kistna Western division?"

The Hon. Sir ARCHIBALD CAMPBELL:—"If the hon. Member would tell us where those isolated patches are, enquiries will be made and I shall let him have the information."

Collection of full revenue on lands under partial cultivation.

* 144 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state whether there are instances of land tax being collected from ryots for the whole extent of land, when only a portion thereof is cultivated?

A.—The assessment is on the land and is ordinarily charged on the whole extent of lands included in holdings. The rules relating to remission of land revenue or water-cess, or both, in certain circumstances when a holding or a portion of it, is uncultivated, are contained in Board's Standing Orders Nos. 13 and 14.

Effect of the introduction of the flat rate system of water-rate in the Guntur district.

* 145 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state—

(a) the various classifications of lands in Guntur district before the introduction of the flat water-rate; and

(b) what the ratio is in which the flat rate has affected the water-rates that previously existed in each class under the different headings in the district?

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

Public Service

Government Order, if any, prohibiting public servants from filing suits against Government for the recovery of their pay or for restoration to office.

* 146 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state whether the Government have issued an order prohibiting the public servants to file suits against the Government for recovery of pay due or restoration to appointments?

* Printed as Appendix I on page 114 infra.

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A.—No orders prohibiting the filing of suits by public servants against the Government have issued, but the Government have recently had occasion to explain the legal position of public servants and the conditions under which they hold their offices and have pointed out the impropriety of filing suits against the Government in cases in which it is a well-established principle of law that no suit lies.

Mr. BASHEER AHMED SAYEED:—"May I ask whether the Government have issued any circulars warning Government servants against filing suits in vindication of their just rights?"

The Hon. Sir ARCHIBALD CAMPBELL:—"A circular has been issued which is referred to in the answer to the question."

Mr. BASHEER AHMED SAYEED:—"What was the occasion for the issue of this circular?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not remember the exact occasion; I must ask for notice."

Mr. BASHEER AHMED SAYEED:—"Even after the High Court had found that the Government were wrong in taking certain action against some public servants, may I know whether the Government have not yet remedied the grievances of public servants?"

The Hon. Sir ARCHIBALD CAMPBELL:—"It is quite impossible to give an answer to a general question of that sort."

Mr. BASHEER AHMED SAYEED:—"May I know whether the Government are prepared to call for the papers and pass necessary orders in view of the observations made by the High Court of Justice?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I do not know what case the hon. Member is referring to; probably it has been dealt with by the Government."

Proposal for the employment of the Madras Services Commission for filling vacancies under local bodies.

* 147 Q.—Mr. M. S. SRESHTA: Will the Hon. the Member for Revenue be pleased to state—

(a) with reference to the Hon. the Revenue Member's speech in reply to the discussion on the Madras Services Commission's report for 1932-33 that he would consider the suggestion of Mr. B. Muniswami Nayudu that the Madras Services Commission should be empowered to select candidates for services under local bodies, whether he has considered the suggestion; and

(b) if so, with what result?

A.—(a) & (b) Government have decided to defer consideration of the suggestion until the employees in question are constituted into a service or services under the administrative control of the Local Government.

[22nd October 1934]

Provincial Finance

Rate of interest on the borrowings and advances by Provincial Government.

* 148 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Finance be pleased to state—

(a) at what rate of interest the Government of India advance loan to Provincial Governments at present;

(b) at what rate of interest the Provincial Government advance loans to local bodies and municipalities; and

(c) what rate of interest the Provincial Government realize from works done out of loan funds got from the Government of India?

A.—(a) The rate of interest charged on loans to Provincial Governments in 1933–34 is $4\frac{1}{2}$ per cent. The rate for 1934–35 has not yet been announced.

(b) The rate fixed for 1933–34 is $4\frac{3}{4}$ per cent, which is $\frac{1}{4}$ per cent more than the rate charged to the Local Government. This rate has been provisionally adopted for 1934–35 pending the announcement of the Government of India rate.

(c) In recent years, the Government have borrowed from the Provincial Loans Fund for such works only as are expected eventually to yield a net return of not less than 6 per cent on the capital outlay invested.

Mr. K. A. NACHIYAPPA GOUNDER:—“ Will the Hon. Member be pleased to state what was the necessity for adopting the enhanced rate provisionally, i.e., quarter per cent more? ”

The Hon. Sir HOPETOUN STOKES:—“ Because we always charge the local bodies a small increase. The answer to this question was prepared, I think, early in August. I am now in a position to give the hon. Members of the House revised figures. Since the answer was sent to the Legislative Council Office, the Government of India have announced the rate of interest on their loans to this Government; for the year 1934–35 it will be $3\frac{1}{2}$ per cent; the rates for the local bodies will therefore be $3\frac{3}{4}$ per cent; formal orders to this effect will shortly be issued.”

Mr. K. A. NACHIYAPPA GOUNDER:—“ May I ask, Sir, what is the increase—quarter per cent more—due to? ”

The Hon. Sir HOPETOUN STOKES:—“ It costs us a little to deal with these loans and to pass them; we make a slight increase just as the Government of India charge us.”

Mr. BASHEER AHMED SAYEED:—“ Do the Government actually incur any extra cost in dealing with these loans which they disburse to local bodies? ”

The Hon. Sir HOPETOUN STOKES:—“ Yes, Sir.”

[22nd October 1934]

Railways

Railway accident on the Guntakal-Bezwada section on the Madras and Southern Mahratta Railway on 30th July 1934.

* 149 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Member for Finance be pleased to state—

(a) whether a serious accident took place at 3 a.m. on 30th July 1934 on the Guntakal-Bezwada section (Madras and Southern Mahratta Railway) near Basapuram station in the Nallamalais (Kurnool district);

(b) whether any loss of life or serious injuries resulted out of this accident;

(c) how many such accidents took place during this year and also last year; and

(d) what the causes of this accident are and what the precautions taken by the Railway authorities are to prevent such occurrences?

A.—(a) An accident took place at about 2–30 a.m. on the 30th July 1934 between Basavapuram and Chelama stations when the engine of No. 45 Up Passenger train struck some large boulders and the engine as well as two vehicles next to it derailed.

(b) There was no loss of life. The driver of the train was the only person who sustained severe injuries. Seven passengers received slight injuries.

(c) Apart from this occurrence there was a boulder slip at mile 350/9 between Bezwada and Chelama on 1st August 1934. No cases of the kind occurred last year.

(d) The finding of the officers' joint enquiry with which the Agent, Madras and Southern Mahratta Railway, agrees is as follows:—

“ We consider that the accident was due to the engine No. 45 coming into contact with heavy boulders which had slipped down from the side of the cutting on to the right side of the track.”

As regards measures to prevent the recurrence of such accidents in future the Agent reports as under:—

“ The rules in force on this Railway at present, to forestall any danger to traffic occasioned by wash-outs, land slips, etc., occurring during the monsoon season are as complete and comprehensive as it is possible to make them. It will be appreciated, however, that there are occasions when nature outwits human ingenuity, this accident being one of them.”

However, the District Magistrate's suggestion that some other dangerous looking rocks projecting over the track near this place might be got removed, has been commended to the Railway Administration for necessary action.

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Administration of Justice

Rate of travelling allowance and daily allowance payable to assessors and jurors attending Sessions Courts.

* 150 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) what is the present rate of travelling allowance and daily allowance paid to assessors and jurors who attend sessions courts;

(b) what are the qualifications and status of persons who are taken as assessors and jurors;

(c) whether there is any complaint that the travelling allowance and other allowances paid to them are too meagre; and

(d) if so, what the Government propose to do in the matter?

A.—(a) & (b) The hon. Member is referred to rule 395 of the Criminal Rules of Practice and section 319 of the Code of Criminal Procedure.

(c) There has been no general complaint from the public in this regard.

(d) Does not arise.

Mr. P. PEDDI RAJU:—“ May I ask whether the Government think that the daily allowance of 6 annas and 8 annas is sufficient allowance for jurors in important cases? ”

The Hon. Sir K. V. REDDI:—“ No complaint has so far been received, Sir.”

Mr. BASHEER AHMED SAYEED:—“ Is the Hon. Member aware that at the time of the Budget discussion, hon. Members of this House have repeatedly brought to the notice of the Government that the allowance should be revised and that the rates existing at present are highly unjust? ”

The Hon. Sir K. V. REDDI:—“ That may be so; but so far as the persons are concerned—the jurors and assessors—no complaint has been received by the Government.”

Mr. A. RANGANATHA MUDALIYAR:—“ Am I to understand that the Legislative Council Members are not representing the jurors? ”

The Hon. Sir K. V. REDDI:—“ I do not know whether jurors are voters to the Legislative Council.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know to whom the jurors have to complain—to the District Judge or to the Government? ”

The Hon. Sir K. V. REDDI:—“ To whomsoever they like.”

Mr. BASHEER AHMED SAYEED:—“ Do I understand that the Hon. Member is prepared to take action if a written memorandum is submitted to him by the jurors? ”

The Hon. Sir K. V. REDDI:—“ It will be considered.”

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Mr. U. C. SUBRAHMANYA BHATT:—“ Does the Hon. Member think that the Members of this House represent only voters? ”

The Hon. Sir K. V. REDDI:—“ That is what is meant by constitutional representation.”

Mr. A. RANGANATHA MUDALIYAR:—“ Arising out of the answer of the Hon. the Law Member, does he contend that the Legislative Council Members represent nobody else than the voters? ”

The Hon. Sir K. V. REDDI:—“ I do not know how the question arises; we are entering into constitutional matters.”

Mr. DANIEL THOMAS:—“ May I ask whether the Hon. the Law Member is aware that no daily allowance is paid to a number of assessors? ”

Mr. BASHEER AHMED SAYEED:—“ Why does the Hon. Member want to stand on the formality of a written representation from these affected persons? ”

The Hon. Sir K. V. REDDI:—“ No, Sir; if there is any real complaint, it will be gone into; not that we are opposed to it; I do not mean to say that nothing will be done, unless there is complaint.”

Mr. K. P. RAMAN MENON:—“ Does the Hon. Member think that the complaints made by Legislative Council Members are not real? ”

The Hon. Sir K. V. REDDI:—“ I am not prepared to say that.”

Mr. P. PEDDI RAJU:—“ Am I to think that the Government do not feel that the allowance of 6 annas is insufficient for jurors, apart from the question of having a written complaint from the jurors themselves? ”

The Hon. Sir K. V. REDDI:—“ I want notice.”

Mr. M. S. SRESHTA:—“ In view of the complaints now made, will the Hon. the Law Member go into the matter and pass necessary orders? ”

The Hon. Sir K. V. REDDI:—“ Certainly.”

Civil warrants issued during the last three years.

* 151 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state the number of civil warrants issued in the Madras Presidency for the past three years commencing from the year 1931 (districtwar particulars may be furnished)?

A.—The attention of the Member of the Legislative Council is invited to the figures in columns 10 and 11 of Judicial Statement No. 11 (Civil) appended to the Statistics of Civil Courts. The Government have no other information.

[22nd October 1934]

Forests*Working plans for the reserve forests in South Kanara.*

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

(a) whether it is a fact that the special officer sent to submit working plans recently submitted plans for working the reserve forests in South Kanara; if so, when;

(b) whether it is a fact that the then District Forest Officer, Mr. Padmanabha Pillai, submitted alternative plans whereby the reserve forests were not to be touched but the sleeper and other requirements of the Government were to be supplied by working the unreserve areas in the district; if so, when;

(c) whether it is a fact that the Government or the Forest Department accepted the proposals of Mr. Padmanabha Pillai to work the unreserve forests;

(d) whether it is a fact that in 1932–33, after the said report of Mr. Padmanabha Pillai, the sleeper and other operations were made in the unreserve forests and not in the reserve forests as planned by the special officer who submitted working plans; and

(e) whether it is a fact that forest concessions were withdrawn after the said alternative report of Mr. Padmanabha Pillai and with a view to work the said unreserve forest areas?

A.—(a) Yes. The Working Plans Officer submitted the South Mangalore Working Plan in November 1931.

(b) No. A scheme for working the unreserves for sleepers in South Mangalore was drawn up by an Assistant Conservator of Forests and submitted by the District Forest Officer, Mr. Padmanabha Pillai, in September 1932, but it is supplementary, not alternative to the Working Plan. The scheme for working the unreserves provides for the extraction of mature and over-mature timber for sleepers up to the end of 1936–37.

(c) Yes. The scheme was approved by the Conservator.

(d) The working of the scheme has been explained in answer to clause (b) above.

(e) Yes, but there is no connexion whatever between the working of the unreserves and the withdrawal of the concessions.

Mr. U. C. SUBRAHMANYA BHATT:—“With reference to the answer given, may I know whether, after the reports were received, any reserve areas were worked in South Kanara?”

The Hon. Sir K. V. REDDI:—“I do not know.”

Withdrawal of grazing concessions in South Kanara.

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

(a) whether the grazing concessions granted to ryots in South Kanara have been ordered to be cancelled; if so, for what reasons;

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(b) whether the withdrawal of the concessions was due to the fact that the Government accepted the alternative proposals of the Forest Officer, Mr. Padmanabha Pillai, to supply the needs of the department from the unreserve areas, in the place of the working plans submitted by the special officer about two or three years ago to work the reserve forests;

(c) whether it is a fact that the question of abuses of privileges was enquired into by the Chief Conservator of Forests or the Collector; and

(d) whether the said officers reported that the question of abuses could not be definitely proved or established?

A.—(a) No free grazing was ever allowed to the ryots in South Kanara district. The concessions that were withdrawn in some of the reserves were those which were known as the South Kanara forest concessions which did not include any grazing concessions.

(b) The hon. Member is referred to the answer to clauses (b) and (c) of question No. 152.

(c) The attention of the hon. Member is invited to the reports of the Forest officers regarding the abuse of the concessions in the reserved forests of South Kanara which were laid on the table of the House in October 1933.

(d) No.

Mr. U. C. SUBRAHMANYA BHATT:—“Will the Hon. Member be pleased to place on the table of the House the report from the Collector and the Conservator of Forests?”

The Hon. Sir K. V. REDDI:—“I will consider the suggestion.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I know whether the Collector and the Conservator of Forests gave any notice to the associations which made representations to prove their case, before they enquired into the matter?”

The Hon. Sir K. V. REDDI:—“I should think so; in fact one of the Members of the Legislative Council was given notice.”

Restoration of the forest concessions in South Kanara.

* 154 Q.—Mr. A. B. SHETTY: Will the Hon. the Law Member be pleased to state whether the Government have passed any orders regarding the representations made for the restoration of the forest concessions in South Kanara?

A.—No.

Mr. A. B. SHETTY:—“Will the Hon. Member be pleased to state whether the Government propose to pass orders restoring the forest concessions in South Kanara?”

The Hon. Sir K. V. REDDI:—“The matter is under consideration; as soon as the consideration is finished, orders will issue.”

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Mr. U. C. SUBRAHMANYA BHATT:—“ May I know as to what length of time will be required to come to a decision? ”

The Hon. Sir K. V. REDDI:—“ It is difficult to say offhand.”

Imposition of a fee for the removal of kanuga leaves in the Dhone taluk, Kurnool district.

* 155 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Law Member be pleased to state whether at one time kanuga leaves were allowed to be removed free of charge for manurial purposes in the Dhone taluk, Kurnool district, and whether now a charge is levied for every cart-load of leaves removed and, if so, what the present rates are and the reasons that have led to the change in the rules?

A.—It is not a fact that kanuga leaves were ever allowed to be removed free of charge for manurial purposes in the Dhone taluk of the Kurnool district. Prior to 1922 the tree was a reserved tree. In that year the tree was transferred to the list of classified trees and removal of leaves was permitted on payment of a fee of Rs. 2 per cart-load. In 1931 this rate was reduced to one rupee in the case of trees situated in “ unreserves.”

Mr. A. RANGANATHA MUDALIYAR:—“ It is stated in the answer that kanuga leaves were not allowed to be removed free of charge for manurial purposes in the Dhone taluk of the Kurnool district. Will the Hon. Member be pleased to enquire into the matter? ”

The Hon. Sir K. V. REDDI:—“ If the hon. Member will be pleased to give me exactly where the enquiries should be made, I shall be glad to do so.”

Resolution of the Ryots' Conference, Tiruvannamalai, for the reduction of the grazing fees and the seigniorage.

* 156 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(a) whether the ryots' conference held on 17th January 1934 at Tiruvannamalai sent a resolution requesting the Government to reduce the grazing fees for cattle in reserve forests and the seigniorage for manure leaves to be reduced to the original rate, i.e., five annas per cart-load of manure leaves, three annas for cows and one anna per sheep; and

(b) what action was taken by the Government in the matter?

A.—(a) Yes.

(b) Government considered that no reduction in existing rates could be effected.

Mr. M. A. MANIKKAVELU NAYAKAR:—“ With reference to answer (b), am I to understand that the Government are unwilling to reduce the rates or they think that no case for reduction has been made out? ”

The Hon. Sir K. V. REDDI:—“ The latter; no case has been made out for reduction.”

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Mr. V. M. RAMASWAMI MUDALIYAR:—“ Will the Hon. Member be pleased to state the reasons why the original rates were increased to the present rates? ”

The Hon. Sir K. V. REDDI:—“ I must ask for notice.”

Mr. C. R. PARTHASARATHI AYYANGAR:—“ Will the Hon. Member take into consideration the fact that prices have fallen down? ”

The Hon. Sir K. V. REDDI:—“ They are showing signs of rising.”

Mr. BASHEER AHMED SAYEED:—“ May I ask if the Hon. Member is in a position to state the reasons why no reduction could be effected? ”

The Hon. Sir K. V. REDDI:—“ If the hon. Member wants reasons, they will be given.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know if the Hon. Member is aware that the condition of the agriculturist has not improved in any manner? Does the Hon. Member think then that no case has been made out? ”

The Hon. Sir K. V. REDDI:—“ I do not know what the hon. Member is referring to. I should think that, during the depression, no doubt, the agriculturist was hit a bit hard; but I think things are improving.”

Mr. BASHEER AHMED SAYEED:—“ Is the Hon. Member in a position to give the reasons for inability to reduce the present rates? ”

The Hon. Sir K. V. REDDI:—“ Notice, Sir.”

Depressed Classes

Advisory Committee of the Government Adi-Dravida Hostel, Calicut.

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

(a) whether it is a fact that an advisory committee has been attached to the Government Adi-Dravida Hostel, Calicut, and if so, who the members are of the committee; and

(b) what the purpose is for which the Committee was constituted and whether a copy of the Labour Commissioner's original proceedings on the subject will be placed on the table?

A.—(a) Yes. The following gentlemen are the members of the Committee as at present constituted:—

- (1) The Collector of Malabar (*President*).
- (2) M.R.Ry. C. Krishnan Avargal, B.A., B.L., M.L.C. (*Vice-President*).
- (3) „ V. V. Govindan Nayar, B.A., L.T., Teacher, Ganapat High School, Calicut.
- (4) „ V. R. Nayanar Avargal, B.A., Servants of India Society, Calicut.
- (5) „ E. Kannan Avargal, Calicut.

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(6) M.R.Ry. V. K. Vydier Avargal, L.M. & S., Honorary Assistant Surgeon, Headquarters Hospital, Calicut.

(7) Mr. J. F. Thaddeus, B.A., L.T., Headmaster, Malabar Christian College, Calicut.

(b) The Committee was formed to help the Collector of Malabar in the supervision of the hostel. There are no *Proceedings* of the Commissioner of Labour on the subject. It is not clear to what the Member of the Legislative Council refers.

Rao Sahib V. I. MENISWAMI PILLAI:—"If there are no proceedings of the Commissioner of Labour, may I know from the Hon. Member who formed the Committee, for what period the Committee is formed, and what are the functions of the Committee?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The functions of the Committee are purely advisory, as the question itself suggests; the Committee was formed by the Commissioner of Labour, I think, in consultation with the Collector of Malabar; the term of the Committee is three years."

B. POCKER SAHIB Bahadur:—"May I know whether there is any member of the Adi-Dravida community in this Committee?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I do not think, Sir; but Mr. Kannan belongs, I think, to one of the Depressed Class communities of Malabar."

Police

Direct recruitment of Inspectors of Police.

11-30 a.m. * 158 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) whether direct recruitment of Inspectors of Police has been made since 1930; and

(b) if so, how many in each year?

A.—Direct recruitment of Inspectors has now been stopped. The last direct recruitment was made in 1930.

B. POCKER SAHIB Bahadur:—"May I know, Sir, what are the reasons for stopping the direct recruitment of Inspectors of Police?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Apparently, it was not thought necessary, Sir."

Mr. BASHEER AHMED SAYEED:—"In view of the fact that admittedly it will take many long years for communal inequalities to be redressed, will the Government consider the desirability of reopening the question of direct recruitment of Inspectors?"

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The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I believe it has been the policy of the Government not to introduce communal representation in the matter of promotion to the higher grades of the Police Service. Seeing that the question involves a matter of policy, it would not be possible for me to give a direct answer."

B. POCKER SAHIB Bahadur:—"May I know, Sir, whether it is the definite policy of the Government not to pay any regard to communal representation in the higher grades of the Police Service?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Absolutely no; communal representation in the higher services is accepted by the Government, but not by overlooking the claims of members of other communities in the lower grades. That is why the Government begin by applying communal representation in the matter of recruitment of Sub-Inspectors."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask the Hon. the Home Member if, even after he has taken up office, he still feels that communal representation is not necessary in the higher grades of the Police Service?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"That has been the policy of the Government, Sir; it has been accepted on all hands that at least in the Police department, it won't do to introduce communal representation in the matter of promotion from the lower to the higher grades."

Mr. BASHEER AHMED SAYEED:—"If communal representation is not to apply at the stage of promotions, how does the Hon. Member propose to equalize the representation of the various unrepresented communities?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Recruitment to the Sub-Inspectors' posts is done wholly on the basis of communal representation, and it won't be very long before we can enforce communal representation automatically by promotions from the lower grades."

Representation of Muslims in the cadre of Inspectors of Police.

* 159 Q.—Mr. BASHEER AHMED SAYEED: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that promotions from the grade of Sub-Inspectors of Police to the grade of Inspectors is not made in accordance with the Government Order on communal representation;

(b) whether it is a fact that certain communities are over-represented in the grade of Inspectors to the detriment of the claims of other communities;

(c) whether it is a fact that the Muslim community in particular is under-represented in the grade of Inspectors; if so, what the proportion is in relation to other communities;

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(d) whether the Government have considered the desirability of appointing Inspectors of Police by direct recruitment to secure the due proportion of the various communities in the grade of Inspectors; and

(e) if not, how the Government propose to secure the due and proper representation of the Muslim community in the grade of Inspectors of Police?

A.—(a) Yes.

(b) Brahmans are over-represented in the cadre of Inspectors both in the District and the City Police; Anglo-Indians, Christians and Non-Asiatics are over-represented in the City Police, but under-represented in the District Police. The other communities are under-represented both in the District and the City Police.

(c) The percentages of Inspectors belonging to the several communities in the District and the City Police are given below:—

Community.	District police.		City police.	
	PER CENT.		PER CENT.	
Brahmans	55		27	
Non-Brahmans	33		35	
Muhammadans	6		11	
Anglo-Indians, Christians and Non-Asiatics	6		27	

(d) & (c) Direct recruitment to the rank of Inspector of Police has been stopped. Since the communal rotation rule is applied to the appointment of Sub-Inspectors of Police by direct recruitment each community will in course of time get its due share of appointments in the cadre of Inspectors of Police. No special steps are considered necessary.

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know if the Hon. Member is aware of the fact that in other branches of service direct recruitment is one of the methods adopted for giving adequate representation to communities that are not now properly represented? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ My answer relates to the Police department, Sir.”

Mr. BASHEER AHMED SAYEED:—“ May I know if the Hon. Member is aware that, in the Police department, direct recruitment from the minority communities has proved a success and that most of the minority community candidates who were directly recruited have been promoted as Deputy Superintendents of Police? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ May I request the hon. Member to kindly repeat his question? ”

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Mr. BASHEER AHMED SAYEED:—“ May I know whether the Hon. Member is aware that, wherever direct recruitment has been in effect, it has been a success with regard to the minority communities, and in view of that fact, is it not desirable, in the opinion of the Government, that minority communities at least should get direct recruitment in the matter of these particular appointments? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ I take it, Sir, that direct recruitment has proved a success just as much as promotion from the lower grades also has proved a success.”

Mr. ABDUL HAMEED KHAN:—“ May I know, Sir, whether it is not a fact that in the recruitment of non-Asiatics, this particular rule does not apply? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ I am not aware of this rule not applying in the case of such people.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ If Deputy Superintendents and District Superintendents of Police can be recruited directly, cannot an Inspector of Police be directly recruited in order to overcome the present anomaly? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ There again, Sir, as I said, it is a matter of policy on which I am sure hon. Members would not expect a reply from me at this stage.”

B. POCKER SAHIB Bahadur:—“ Is the Government aware that the statement in the answer to clauses (d) and (e) of the question that ‘ Since the communal rotation rule is applied to the appointment of Sub-Inspectors of Police by direct recruitment, each community will in the course of time get its due share of appointments in the cadre of Inspectors of Police ’ is incorrect and fallacious? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ That is a matter of opinion, Sir.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know whether if direct recruitment is had recourse to for Inspectors, the officers who joined service as Sub-Inspectors will be left without any chance of promotion? ”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ Yes, there is that danger.”

Representation of Muslims in the cadre of Sub-Inspectors of Police.

* 160 Q.—Mr. BASHEER AHMED SAYEED: Will the Hon. the Home Member be pleased to state—

(a) what the proportion fixed is in the grade of Sub-Inspectors of Police for appointment by promotion from head constables and when the said ratio was fixed;

(b) ever since the said ratio was fixed, how many such head constables were promoted as Sub-Inspectors and how many of them are Muslims, Brahmans, non-Brahmans and Christians respectively;

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(c) whether it is a fact that the proportion of Muslims in the grade of Sub-Inspectors is much less than the proportion allotted to them under the communal Government Order;

(d) what steps the Government propose to take to ensure the adequate proportion of Muslims in the grade of Sub-Inspectors; and

(e) whether the Government propose to issue orders in the matter before the next recruitment to the grade of Sub-Inspectors?

A.—(a) The Madras Police Subordinate Service Rules, which came into force on 23rd March 1931, prescribe that not more than 30 per cent of the cadre of Sub-Inspectors shall be filled by promotion of head constables.

(b) The number of head constables promoted as Sub-Inspectors since 23rd March 1931 and the communities to which they belong are given below:—

Muslims	...	...	13
Brahmans	...	...	13
Non-Brahmans	...	...	19
Christians	...	...	1

Total ... 46

(c) In the District Police the proportion of Muslims in the grade of Sub-Inspectors is less than that allotted to them in the communal rotation rule by 4.52 per cent. In the City Police there is one Muhammadan Sub-Inspector in excess of the prescribed number.

(d) & (e) The communal rotation rule is applied only at the time of first appointment. The object of the rule is to rectify communal inequalities and in course of time each community will get the proportion of posts fixed for it. The Government do not propose to take any special steps in the matter.

Mr. BASHEER AHMED SAYEED:—" May I ask what period of time it will take for the minority communities to become properly represented, if promotions are not to be governed by communal rotation? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I want notice of the question for calculating the time."

Mr. BASHEER AHMED SAYEED:—" May I ask then whether, in the interests of the minority communities and with a view to redress their grievances, at least so far as these minority communities are concerned, direct recruitment will be resorted to for a definite period of time until such inequalities are redressed? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I do not think it is possible at this stage, having regard to the policy of the Government."

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Mr. BASHEER AHMED SAYEED:—" Has the Hon. Member examined the question, or will he examine the question before he makes up his mind either way? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" As I have already stated, it is a matter of policy on which hon. Members would be unfair to expect me to give a reply at this stage."

B. POCKER SAHIB Bahadur:—" Are the Government aware that according to the policy said to have been pursued by the Government now, viz., the application of communal rotation rule only to the recruitment of Sub-Inspectors, the want of proportion of the minority communities will never be remedied at any time? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" That is again a matter of opinion, Sir."

Special report, if any, from the Inspector-General of Police regarding recruitment of Depressed Classes to the Police Force.

* 161 Q.—Mr. A. B. SHETTY: Will the Hon. the Home Member be pleased to state whether the Government have called for any special report from the Inspector-General of Police on the subject of recruitment of Depressed Classes for the Police force to satisfy themselves that the Memorandum No. 6686-1, Public (Police), dated 13th July 1933, from the Government is being given effect to in the districts?

A.—The Government called for a report from the Inspector-General of Police with reference to clauses (e), (f) and (g) of question No. 727 put in the Legislative Council by Swami A. S. Sahajanandam on the 8th March 1934.

Number of Police officers in charge of the control of traffic in the Presidency.

* 162 Q.—Mr. A. B. SHETTY: Will the Hon. the Home Member be pleased to state—

(a) the number of Police constables and officers doing traffic control work in Madras City and in each district of this Presidency; and

(b) the additional measures, if any, taken for traffic control and regulation during the last two years?

A.—The information required is supplied in Annexures * I and II respectively to this answer.

Mr. A. B. SHETTY:—" May I know whether Government propose to employ additional Police force for traffic control and regulation work? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Where, Sir? "

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Mr. A. B. SHETTY:—"In the Madras City and in the districts?"

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"If the necessity is felt, it will be done."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether, in view of the alarming increase in the number of motor accidents in the City and outside, the Government contemplate more effective control and regulation of traffic, including insurance against third party risks, etc.?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The matter is being considered at this very moment in all its aspects, with a view to counteract the evil."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that Government have been told times without number that there is a need not only for increasing the number of constables for traffic control but also the educational qualifications of the head constables, will the Government consider the question, so that these constables and head constables may carry on their work without any danger of being affected by temptations?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The necessary number of policemen are being put on to traffic work consistently with the discharge of other work of the Police department; and as far as recruitment is concerned, I can only say that those who are given traffic work are given special training for this kind of work; and if the hon. Member requires to know the general educational qualifications of these men, he will find that S.S.L.Cs. and Intermediates are applying for enlistment to the post of constables."

Mr. V. T. ARASU:—"May I know whether the Local Government have addressed the Government of India asking them for permission to increase the number of the Police force in the Presidency, and if so, what reply has been received?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I am not aware of the Government of India having been addressed in the matter."

Disposal of the old Police lines at Dadhagapatti in Salem Town.

* 163 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state what the Government propose to do with the old Police lines near Dadhagapatti in Salem Town, since new lines have been built at the Komarasamipatti area of the town?

A.—Thirteen head constables' and eighty-five constables' huts have been retained for the use of the Presidency General Reserve detachment and of the men of the Shevapet and Salem Town Police stations and the District Special Branch. The remaining forty-eight constables' huts have been handed over to the Revenue Department.

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Local Self-Government

Supersession of the Trichinopoly Municipal Council and the appointment, if any, of a special officer.

* 164 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) for what definite reasons or on what definite charges the Trichinopoly Municipal Council was superseded;

(b) whether any special officer has been appointed to that municipality for the period of supersession or whether the commissioner of that municipality will function as special officer;

(c) if any special officer has been appointed, who he is, what his qualification is and what the pay drawn by him is;

(d) who the present commissioner of that municipality is; and

(e) when he assumed office and who his predecessor was?

A.—(a) Copy of G.O.* No. 2641 (54-S), L. & M., dated 31st May 1934, containing the reasons for superseding the council is placed on the table.

(b) & (c) The commissioner of the municipality has been appointed as the special officer under section 41 (3) (b) of the Madras District Municipalities Act in addition to his own duties. The commissioner receives no extra allowances for the additional duties.

(d) The present commissioner is Mr. H. C. M. McLaughlin.

(e) He assumed office on the 4th August 1933 and had no predecessor.

Policy of Government in regard to the undertaking by local bodies of remunerative enterprises.

* 165 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased—

(i) to place on the table of this House a statement of the Government's policy with regard to the undertaking of remunerative enterprises by local boards; and

(ii) to state whether the Government have consulted any experts or other persons or bodies with regard to suitable remunerative enterprises that might be taken up by local bodies?

A.—(i) The attention of the hon. Member is invited to Chapter VII of the Report of the Financial Relations Committee and to G.O.s^b Nos. 1206 L., dated 3rd December 1920, No. 707 M., dated 25th May 1920, No. 2706, L. & M., dated 4th December 1923, No. 4441, L. & M., dated 4th December 1925, and No. 862, L. & M., dated 14th March 1925. The policy of Government has clearly been to

* Printed as Appendix III on page 117 infra.

^b Printed as Appendix IV on pages 117-128 infra.

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encourage these remunerative enterprises. Instructions have been issued on various occasions to the local bodies in the matter and the importance of developing these sources of revenue has been repeatedly impressed upon them. Government have also granted loans for such schemes so far as funds permitted.

- (ii) Government have not considered it necessary to consult any outside experts on this matter.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether the Government have suggested any remunerative enterprises to the local bodies for adoption? "

The Hon. the RAJA OF BOBBILI:—" The report of the committee appointed for the purpose has been circulated for information. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" They have authorised the local bodies to adopt remunerative enterprises; but my question is whether Government have definitely suggested any remunerative enterprises to the local bodies? "

The Hon. the RAJA OF BOBBILI:—" No such suggestion has been made; but if any local board asks for the advice of the Government, Government will be very glad to place all the information available before them. "

Mr. P. V. KRISHNAYYA CHOUDARI:—" Will the Government consult experts and advise the local bodies to undertake some definite remunerative enterprises, considering the present financial condition of the local bodies? "

The Hon. the RAJA OF BOBBILI:—" I do not see how we can do it; it all depends on the conditions in each particular district. "

Medical Administration

Restrictions on candidates from Malabar and South Kanara for admission into the Madras Medical College.

* 166 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that the Government have issued an order concerning admissions to the Madras Medical College; if so, whether the Government will be pleased to place a copy of the same on the table of the House;

(b) whether it is a fact that only 10 per cent of the candidates were admitted as per the abovesaid Government Order from Malabar and South Kanara put together; if so, on what basis was Kanara joined with Malabar; and

(c) why the Government have restricted the number of admissions from South Kanara?

A.—(a) Yes. A copy of G.O. No. 1556,* P.H., dated the 19th June 1934, is placed on the table.

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- (b) Yes. The districts of Malabar and South Kanara were treated as one group—West Coast districts. As South Kanara would by itself be too small a unit, it was added on to Malabar, the two districts forming a well-defined group.

- (c) The Government have not restricted the number of admissions from South Kanara. They have however restricted the number of admissions from each group of districts in order to provide for an adequate representation of language areas.

Mr. U. C. SUBRAHMANYA BHATT:—" May I know what prevented the Hon. Member from applying the linguistic basis to the West Coast districts also? Is he not aware that at least two or three districts in the Presidency are Kannada districts? "

The Hon. the RAJA OF BOBBILI:—" For the sake of convenience, the West Coast districts, the Telugu districts and the Tamil districts were formed into different groups. "

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether the candidates from South Kanara will not suffer if they are tacked on to the major district of Malabar? "

The Hon. the RAJA OF BOBBILI:—" The proportions have been fixed with regard to the population of the three areas. "

Mr. U. C. SUBRAHMANYA BHATT:—" Has any separate proportion been fixed for South Kanara? "

The Hon. the RAJA OF BOBBILI:—" No, Sir; I do not see any necessity for it. "

Mr. U. C. SUBRAHMANYA BHATT:—" If such proportion is not fixed for South Kanara, it is possible that all the students selected may be from Malabar; is there anything to prevent it? "

The Hon. the RAJA OF BOBBILI:—" My hon. Friend overlooks the fact that proportions are not fixed for every district, but only for groups of districts. "

Selection of candidates for admission into the Medical College, Madras.

* 167 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) on what principles selection is made of candidates to be admitted to the Madras Medical College;

(b) if rules exist as to how selection should be made, whether the Government will be pleased to place such rules on the table of the House;

(c) whether it is a fact that at the last selection only 10 per cent of the seats were allowed for Malabar and South Kanara; and

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(d) whether the Government will be pleased to place on the table of the House a statement showing the names of all candidates, the districts to which they belong, the communities to which they belong, the qualifications possessed by them, whether they were selected or rejected, and on what ground those who were selected were preferred to those who were rejected?

A.—(a) & (b) The attention of the hon. Member is invited to G.O. No. 1556, P.H., dated the 19th June 1934, a copy of which has been placed on the table of the House with reference to clause (a) of question No. 166.

(c) Yes; vide the answer to clause (b) of question No. 166.

(d) No; no useful purpose will be served by placing such a statement. The selections were made in accordance with the rules framed for the purpose and generally on the merits of the applicants.

Mr. M. S. SRESHTA:—" May I know on what figures the percentage of 10 for South Kanara and Malabar was arrived at? "

The Hon. the RAJA OF BOBBILI:—" Approximately on the population basis."

Mr. M. S. SRESHTA:—" May I know how, South Kanara being a district in which Canarese is spoken, it was ascertained that 10 per cent would be sufficient for South Kanara and Malabar together? "

The Hon. the RAJA OF BOBBILI:—" The figure was not at all based on the language of the people of the district concerned, but on the total population."

Mr. A. B. SHETTY:—" Out of the 10 per cent allotted for the West Coast, what is the percentage selected from South Kanara? "

The Hon. the RAJA OF BOBBILI:—" All selections are made by the Committee, and Government have no information."

Mr. A. RANGANATHA MUDALIYAR:—" Is not the proportion based on a purely linguistic basis likely to affect prejudicially less influential districts like the Ceded districts? "

The Hon. the RAJA OF BOBBILI:—" It is not entirely on a linguistic basis that the matter has been decided."

Mr. M. S. SRESHTA:—" What was the need for going on the linguistic basis, when we have already got one communal basis? "

The Hon. the RAJA OF BOBBILI:—" We must see as far as possible that all the districts are properly represented."

Mr. M. S. SRESHTA:—" Why not select the candidates by competitive examination, of course having due regard to communal representation (laughter)? "

Mr. U. C. SUBRAHMANYA BHATT:—" May I know whether it is not a fact that only a small percentage from out of the 10 per cent fixed, went from South Kanara? "

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The Hon. the RAJA OF BOBBILI:—" I have already stated that Government have no information about the number of candidates from each district."

Rules regulating the admission of students into the Madras Medical College.

* 168 Q.—Mr. K. P. RAMAN MENON: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether there are any rules regulating the admission of students to the various courses in the Madras Medical College;

(b) if so, when these rules were framed;

(c) whether admission to the courses is distributed districtwar;

(d) if so, what the percentage allotted to each district is;

(e) whether the percentage is based on the population of each district;

(f) if not, on what basis are the percentages determined;

(g) if there are rules, whether they lay down how many non-Brahmans and how many Brahmins are to be admitted to the College from each district;

(h) if so, on what is the proportion fixed;

(i) whether any seats in the Madras Medical College are reserved for students coming from the Native States in Southern India, viz., (1) Mysore, (2) Travancore and (3) Cochin;

(j) whether these States contribute for the upkeep of the College;

(k) if seats are so reserved, on what principle are they so reserved; and

(l) in such reservation, whether any proportion is reserved for non-Brahmins and any for Brahmins?

A.—(a) Yes, in respect of the M.B.B.S. (including the Pre-Registration) course and the Sanitary Inspectors' course. No rules have been framed for regulating admissions to the other courses in the College, viz., the course for Military Medical pupils, the course for the Chemists' and Druggists' Diploma and the Hygiene courses (excluding that for Sanitary Inspectors).

(b) The rules for the selection of candidates for admission to the M.B.B.S. course were revised and issued in June 1934 and the rules regulating admissions to the Sanitary Inspectors' class were issued in March 1933.

(c) to (f) Admission to the courses—M.B.B.S. and Sanitary Inspectors—is not made districtwar. To secure an adequate representation of linguistic areas the Presidency has been divided into three groups of districts, viz., Telugu districts, Tamil districts and West Coast districts. Forty-five per cent of the seats available in the Madras and the Vizagapatam Medical Colleges after allotment to foreign students in respect of the M.B.B.S. course and 45 per cent of the seats available in the Madras

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Medical College in respect of the Sanitary Inspectors' course have been allotted to candidates from the Telugu districts, an equal percentage to candidates from the Tamil districts and the remaining 10 per cent to those from the West Coast districts. These percentages have been fixed generally on the basis of the population and extent of the areas concerned.

- (g) & (h) The rules lay down the percentage of the Brahman and non-Brahman (Hindu) candidates to be admitted for the M.B.B.S. and Sanitary Inspectors' courses, from each linguistic group of districts and not from each district. The percentage of Brahman candidates to be admitted is 17 while that of the non-Brahman (Hindu) is 41. Extracts of the rules ^a on the subject are appended.
- (i) Ordinarily six seats for students sent by the Travancore State and two seats for students sent by the Cochin State are reserved annually in respect of the M.B.B.S. course and two more seats are allotted for other foreign students, preferentially those from Pudukkottai, Banganapalle and Sandur. No seats have been specifically reserved for students coming from the Mysore State. Nor have any seats been reserved for candidates from Indian States for the Sanitary Inspectors' course.
- (j) No; but the Travancore and Cochin Governments pay each a contribution of Rs. 1,000 a year for each of their students admitted to the M.B.B.S. course.
- (k) The seats for the Travancore and Cochin students have been reserved on the basis of the requirements of the two States.
- (l) No; the matter is one which is entirely within the discretion of the States concerned.

Mr. K. P. RAMAN MENON:—"The answer to clause (c) of the question is: 'To secure an adequate representation of linguistic areas the Presidency has been divided into three groups of districts . . . 45 per cent of the seats available in the Madras and the Vizagapatam medical colleges after allotment to foreign students in respect of the M.B.B.S. course and 45 per cent of the seats available in the Madras Medical College in respect of the Sanitary Inspectors' course have been allotted to candidates from the Telugu districts, an equal percentage to candidates from the Tamil districts and the remaining 10 per cent to those from the West Coast districts.' Does the Hon. Member refer to the Madras College or the Vizagapatam College?"

The Hon. the RAJA OF BOBBILI:—"I believe the reference is to both the colleges put together."

Mr. K. P. RAMAN MENON:—"The answer to clauses (g) and (h) is 'The rules lay down the percentage of the Brahman and non-Brahman (Hindu) candidates to be admitted for the M.B.B.S. and Sanitary

^a Printed as Appendix VI on page 130 infra.

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Inspectors' courses, from each linguistic group of districts and not from each district. The percentage of Brahman candidates to be admitted is 17 while that of the non-Brahman (Hindu) is 41.' May I know if any candidates who belong to other communities have been admitted?"

The Hon. the RAJA OF BOBBILI:—"There may be a few, I believe, but I cannot give the exact figure."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know why such a large percentage as 45 is fixed for the Madras Medical College for candidates from the Telugu districts, while the Andhra students have got a separate college at Vizagapatam?"

The Hon. the RAJA OF BOBBILI:—"I have already stated that this percentage is based on the annual admissions to both the colleges."

Number of applicants from South Kanara for admission into the Madras Medical College.

* 169 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the total number of applications to the Madras Medical College from South Kanara students was;

(b) what their names are and the classes in which they have passed the Intermediate examination; and

(c) why some students who have passed the Intermediate examination in the second class were preferred to those who have passed in the first class?

A.—(a) Nineteen.

(b) A statement ^a is placed on the table.

(c) Selection was made in accordance with the rules laid down by the Government. No candidate who had passed the Intermediate Examination in the second class was preferred to one belonging to the same community who had passed the Intermediate Examination in the first class with the same subjects.

Lady students from South Kanara seeking admission into the Madras Medical College.

* 170 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the total number is of ladies from South Kanara who have applied for admission to the Madras Medical College; and

(b) whether it is a fact that no lady students from South Kanara were admitted into the College though there were applicants who had passed the Intermediate examination in the first class; if so, why they have not been admitted?

^a Printed as Appendix VII on page 131 infra.

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A.—(a) Two.

(b) No. Of the two applicants, one had passed the Intermediate Examination in the first class (with Physics, Chemistry and Natural Science) and she was admitted. The other had passed the Intermediate Examination in the second class (with Physics, Chemistry and Ancient History) and she was not admitted.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask, Sir, why separate classification for the admission of ladies has not been made?"

The Hon. the RAJA OF BOBBILI:—"The necessity has not been felt."

Agriculture

Damage to paddy crops in South Kanara due to the prevalence of a pest.

* 171 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the paddy crops in most areas in the district of South Kanara are affected by a pest; if so, what steps have been taken by the Government against the spread of such pest;

(b) whether there has been such a pest in the district of South Kanara at any time in the past; and

(c) what the approximate extent in thousands of acres is of the area affected by the pest?

A.—(a) The Rice Hispa pest appeared on the paddy crop in South Kanara district during the current first-crop season. As soon as the pest was noticed, control measures were demonstrated to ryots in the affected villages. The methods of control are (1) clipping the tips of seedlings where grubs of the pest are found and destroying them, (2) bagging the adult insects, and (3) spraying the badly-affected plots with insecticides. The Deputy Director of Agriculture, Tellicherry, reports that just now the pest is well under control. Control measures are still being carried on in nursery plots intended for the second crop.

(b) Some ten to fifteen years ago there was a similar appearance of the pest.

(c) It is too early to estimate the damage at present. About 20 per cent of the paddy in the district was attacked. The attack was more severe in the coast villages than in the interior villages.

Mr. U. C. SUBRAHMANYA BHATT:—"Beyond mere advice tendered by the officers of the Agricultural Department, was anything substantial done by the department in order to remove the pest?"

The Hon. Mr. P. T. RAJAN:—"The practice has been to stop the pest first and then give advice to meet any emergency."

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Damage to paddy crops in South Kanara due to the prevalence of the pest known as 'Rice Hispa.'

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

(a) whether the Government have received any report regarding the prevalence of the pest known as 'Rice Hispa' in South Kanara and the damage it has done to the paddy crop; and

(b) if no report has come, whether they will call for a detailed report and place it on the table of the House?

A.—(a) & (b) The hon. Member's attention is invited to the answer given to question No. 171 on the same subject.

Registration

Inspection of the District Registrars' offices.

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

(a) whether it is a fact that annual inspections of District Registrars' offices are conducted at present almost entirely by camp clerks of the Inspector-General of Registration;

(b) what details of inspection are carried out by these clerks;

(c) whether the Inspector-General of Registration is expected to be present at the time of the inspection by camp clerks;

(d) if the Inspector-General joins in the inspection, at what stage does he do so;

(e) how many days does the annual inspection of a District Registrar's office take and how many days or hours is the Inspector-General present at the inspection as a rule;

(f) whether the Government have fixed any rules in regard to inspections by the Inspector-General of District Registrars' offices;

(g) if so, whether they will be pleased to state what those rules are; and

(h) if not, why not?

A.—(a) No.

(b) One or two clerks of the Inspector-General's office scrutinize the maintenance of routine registers like current and periodical registers, pay bills, service books, appeal registers, etc., while the Inspector-General examines himself the administrative, original enquiry and appellate work of the Registrar and in addition scrutinizes the notes made by the clerks.

(c) & (d) Not necessarily. The camp clerks are sent in advance to Registrar's office only when surprise inspection of any sub-office in the district is to be made by the Inspector-General before reaching the headquarters.

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(e) The inspection lasts for about two days on the average according to the number of offices in the registration district concerned. The duration of the inspection of the records of a Registrar's office by the Inspector-General depends mainly upon the number of appeals, original enquiries, the number of impounded documents adjudicated by the Registrar and the number of sealed wills in the office. The Inspector-General's inspection of the records both in the office and the camp residence occupies a day.

(f) No.

(g) Does not arise.

(h) The necessity for any rules for inspection by the Inspector-General has not been felt so far.

Mr. M. S. SRESHTA:—"With reference to the answer to clause (a), may I know whether any enquiry was made to ascertain whether the offices were inspected almost entirely by camp clerks, in order to enable the Hon. Minister to give a definite reply?"

The Hon. Mr. P. T. RAJAN:—"I have no information."

Mr. M. S. SRESHTA:—"Am I to understand that the Hon. Minister has given a negative reply to my question without having any information on the point?"

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

Mr. M. S. SRESHTA:—"I want to know whether any enquiry was made before my question was answered?"

The Hon. Mr. P. T. RAJAN:—"The answer is given in the printed list and I believe it was put there after necessary enquiry."

Mr. BASHEER AHMED SAYEED:—"May I know, Sir, whether the rules contemplate the action of the Inspector-General of Registration, as is stated in the latter part of the answer?"

The Hon. P. T. RAJAN:—"No. It has been the practice in the past."

Mr. M. S. SRESHTA:—"In view of the reply made to the question by the Hon. Minister, will he now at least make a proper enquiry to enable him to reply to my question?"

The Hon. Mr. P. T. RAJAN:—"I do not think there is any need for it."

Mr. BASHEER AHMED SAYEED:—"Does the Hon. Minister realize that it places the Registrars in an awkward predicament if clerks are sent for inspection of their offices, whatever might be the routine or formal nature of the inspection?"

The Hon. Mr. P. T. RAJAN:—"That has been the practice, and I do not think there is need for any action."

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Mr. ABDUL HAMEED KHAN:—"May I know, Sir, whether the Inspector-General has at any time called for the services of more inspectors, so that he might not send clerks for purposes of inspection?"

The Hon. Mr. P. T. RAJAN:—"I do not think that any such request has been made by the Inspector-General of Registration."

Appointment of S.S.L.C. candidates as Sub-Registrars.

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

(a) whether there are amongst clerks promoted to Sub-Registrars since the introduction of G.O. No. 964, Public (Services), dated 24th September 1929, S.S.L.C. holders who have obtained at the S.S.L.C. examinations less than the minimum marks prescribed in the General Rules of 1929;

(b) whether S.S.L.C. clerks who had obtained less than the minimum have been appointed to act as Sub-Registrars subsequently to the Government Order referred to above;

(c) whether a Government Order has been passed since the Government Order referred to above, prohibiting the employment as Sub-Registrars in permanent or acting capacity of clerks who had not obtained the prescribed minimum marks;

(d) whether representations have been made to the Government praying that the Government Order recently passed might not affect prejudicially those already in service permanently or in acting capacity as clerks in the Registration Department; and

(e) if so, what action has been taken by the Government on those representations?

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

(c) No.

(d) Representations have been received from certain clerks for exemption from the operation of the minimum of 35 per cent marks in the subjects in the Secondary School-Leaving Certificate Examination prescribed in the rules for admission to the Madras Registration Subordinate Service.

(e) Orders have been issued declining to comply with their request.

Mr. M. S. SRESHTA:—"May I know, Sir, whether the clerks who are now prejudicially affected were not appointed at a time when the present adverse orders were not issued?"

The Hon. Mr. P. T. RAJAN:—"I suppose these clerks were appointed before these orders; subsequently, naturally they come under these rules."

Mr. M. S. SRESHTA:—"May I ask the hon. Member in this matter at least to make an enquiry and find out whether anybody has been retrospectively affected?"

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The Hon. Mr. P. T. RAJAN:—"Government have no information as to the number of clerks who have not got the required number of marks in the department."

Mr. M. S. SRESHTA:—"My point is that many clerks who were appointed at a time when the present rules were not issued, were prejudicially affected and that is why I ask the Hon. Minister, in order to do justice to those clerks, to make an enquiry and find out whether retrospective effect has been given to the Government Order to the prejudice of these clerks."

The Hon. Mr. P. T. RAJAN:—"No retrospective effect has been given. The rules say that certain requirements are necessary and if the clerks do not possess those qualifications they cannot be appointed."

Status for promotion of those clerks with acting service as sub-registrars for a continuous period of two or three years.

* 175 Q.—Mr. ABDUL HAMEED KHAN: Will the Hon. the Minister for Public Works be pleased to state whether the clerks who have acted as sub-registrars continuously for two or three years have also been treated as having acted in stopgap arrangements?

A.—Yes.

Mr. ABDUL HAMEED KHAN:—"May I ask whether those persons who have acted for a sufficiently long period of two or three years are not entitled to better treatment at the hands of the heads of the department?"

The Hon. Mr. P. T. RAJAN:—"These appointments were made, not on any organized provincial basis, but were made according to the requirements of each district, and as such it is not possible to give them any permanent footing."

Mr. ABDUL HAMEED KHAN:—"Is it not improper that the claims of persons who have acted for two or three years as sub-registrars, should be overlooked and persons who have acted for a lesser period, merely because they have got better qualifications, should be appointed?"

The Hon. Mr. P. T. RAJAN:—"By mere chance they acted for two or three years probably."

Proposals, if any, for the opening of additional Sub-Registrars' offices during the next official year.

* 176 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state whether the Government intend to open new offices of Sub-Registrars in the next official year and, if so, their number and the places at which they will be started?

A.—The Government do not at present contemplate the opening of any new sub-registry offices in the next official year.

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Mr. A. RANGANATHA MUDALIYAR:—"May I know from the Hon. Minister when it will be possible for the Government to open new sub-registry offices, if not in the next official year?"

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

Mr. A. B. SHETTY:—"May I know whether the Government are aware of the fact that there is need for more sub-registry offices in South Kanara?"

The Hon. Mr. P. T. RAJAN:—"Probably there may be such a need, Sir."

Temporary sub-registry offices in the North Arcot district.

* 177 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state how many temporary sub-registry offices were opened in the North Arcot district during the past five years?

A.—No temporary sub-registry offices were opened during the period in the district. There were in existence in 1929 and 1930 two temporary sub-registry offices at Kalambur and Kannamangalam which were made permanent in 1930.

Employment of temporary clerks to cope with additional work in the offices of Sub-Registrars.

* 178 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state whether the system of appointing temporary clerks to cope with the additional work thrown on the office of the Sub-Registrar from time to time has been abolished and, if so, why and from what date?

A.—Yes. The system was abolished as a measure of retrenchment in August 1931.

Mr. A. RANGANATHA MUDALIYAR:—"May I know, Sir, whether when the additional temporary clerks were done away with as a measure of retrenchment, the additional work in these offices also was done away with?"

The Hon. Mr. P. T. RAJAN:—"I should not think so, Sir."

Mr. A. RANGANATHA MUDALIYAR:—"Will the Hon. the Minister please consider the question of giving relief in view of the additional work?"

The Hon. Mr. P. T. RAJAN:—"If there is more work than those clerks can cope with, then I suppose the Inspector-General would make representations to the Government and the Government will look into the matter."

Mr. A. RANGANATHA MUDALIYAR:—"Will the Hon. Minister please communicate the views expressed in the Council about this matter to the Inspector-General?"

The Hon. Mr. P. T. RAJAN:—"I suppose, he can read it from the papers."

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Education

Rules, if any, regulating the period of service of an Educational Officer in a place or post.

* 179 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state whether there is any period or time-limit during which an educational officer is to serve in a place or post; if not, why the Government have not thought fit to frame rules in that behalf?

A.—There is a time-limit of three years generally for officers in the Inspectorate.

Mr. U. C. SUBRAHMANYA BHATT:—“Is there any such rule for the officers who are employed in the lecturing work in the Educational department?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“No, Sir.”

Mr. U. C. SUBRAHMANYA BHATT:—“May I suggest to the Hon. Minister whether it is not advisable to have some such rule framed to prevent inequalities in the service, by which one person continues in a particular office for 12 or 13 years, while others are constantly shifted within two or three months?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“With regard to the officers of the teaching staff, there is nothing objectionable in detaining them for a long number of years in one place.”

Mr. U. C. SUBRAHMANYA BHATT:—“Is it not a fact that many officers have been retained in particular places for over 12 or 13 years?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say whether it is 12 or 13 years, but they are retained for a long number of years.”

Mr. U. C. SUBRAHMANYA BHATT:—“Is it the policy of the Government to retain them in such posts for a long time?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“It is the policy of the Government not to disturb them unless there is necessity for it.”

Mr. U. C. SUBRAHMANYA BHATT:—“Will not that policy affect those who are constantly transferred?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“No, Sir.”

Recoveries still due from Deputy Inspectors of Schools on account of excess travelling allowance drawn by them.

* 180 Q.—Mr. P. V. KRISHNAYYA CHAUDARI: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) from how many deputy inspectors of schools recoveries have still to be made on the excess travelling allowance drawn by them;

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(b) whether it is a fact that the diaries of deputy inspectors are destroyed after a fixed period;

(c) what the fixed period is at the end of which such diaries are destroyed;

(d) whether it is a fact that recoveries are being made from certain deputy inspectors for periods of which the diaries have been destroyed departmentally; and

(e) if so, in what manner are Government making the recoveries from the said deputy inspectors in the absence of the recorded information in their diaries?

A.—(a) 21 Deputy Inspectors of Schools.

(b) to (e) Though the rules provide for the destruction of diaries after two years, it is understood that in many districts the diaries have been preserved pending the final disposal of the question of this recovery and that in the very few cases in which diaries are not available, it has been possible to obtain the necessary information from other records.

Mr. BASHEER AHMED SAYEED:—“What is the amount that is still to be recovered from these poor Deputy Inspectors of Schools, Sir?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Notice, Sir.”

Mr. BASHEER AHMED SAYEED:—“May I ask whether the Government will reconsider the question and make the Director of Public Instruction also liable to a small portion of the amount, in view of the fact that the Director of Public Instruction it was that was responsible for this muddle?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not admit that. I am not prepared to order recovery from anybody except the Deputy Inspectors of Schools who have already received the money.”

Mr. BASHEER AHMED SAYEED:—“Was it not a fact that owing to a misapprehension that the rules allowed them to draw these allowances and under the direct orders of the then Director of Public Instruction, these allowances were drawn by these Deputy Inspectors of Schools?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I do not see how that question arises out of this. I cannot say that off-hand.”

Principles governing the allotment of educational grants to District Educational Councils.

* 181 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) on what principles the teaching, building and furniture grants are allotted to the various District Educational Councils;

(b) what the number is of aided elementary schools in each district in the year 1933-34;

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(c) what the amount is of teaching grant, building grant and furniture or other grants given to each District Educational Council in the year 1933-34; and

(d) what the amount is of teaching, building and furniture grant given to each District Educational Council in each year since 1923-24?

A.—(a) The provision for teaching grants made in the annual Civil Budget Estimates of the Government is distributed among the several District Educational Councils on the basis of the assessed grant figures for the districts and the distribution of the provision for building and equipment grant is normally made with reference to schemes that mature for payment in the budget year.

(b) The information is contained in the subsidiary tables appended to the annual reports on Public Instruction. The report for 1933-34 is not yet ready.

(c) & (d) The particulars are given in the appended statements.*

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, whether Government is aware that there is a percentage cut in assessed grants in every district? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Oh, yes. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know, Sir, how the cut comes into play when they allot assessed grants for each district? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Government are not able to pay the full assessed grants, because the finances of the Government do not allow that, and we are trying our best to assist the educational councils as much as possible. "

Mr. BASHEER AHMED SAYEED:—" May I know what stage has been reached in regard to the question of the abolition of the District Educational Councils? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The question is not under consideration at all. It was given up long ago. "

Mr. K. A. NACHIYAPPA GOUNDER:—" May I know what is the reason for the low amount allotted to the Salem district considering the number of schools and backwardness of the district in point of education? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Notice, Sir. "

Elementary schools, if any, admitting pupils free from payment of school fees.

* 182 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether any elementary schools under the control of local boards and municipal councils admit pupils, free of payment of school fees, irrespective of their poverty; and

* Printed as Appendix VIII on pages 132-135 infra.

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(b) whether any Government instructions have been issued on this subject?

A.—(a) Yes.

(b) The hon. Member is referred to rule 73 (iii) of the Madras Educational Rules.

Memorandum of the Catholic Hierarchy regarding consolidation and concentration of elementary schools.

* 183 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have received a memorandum from Catholic Hierarchy making representations in regard to the Government scheme for the centralization and consolidation of elementary schools;

(b) what action has been taken thereon; and

(c) whether the Government will be pleased to place the memorandum on the table of the House?

A.—(a) Yes.

(b) The memorandum is under consideration.

(c) The Government do not see sufficient reason to do so.

Inclusion of St. Joseph's Higher Elementary Girls' School, Coondapoor, in the scheme of the District Educational Officer, South Kanara, for consolidation and concentration of elementary schools.

* 184 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the scheme prepared by the District Educational Officer of South Kanara, for the consolidation and concentration of elementary schools, includes St. Joseph's Higher Elementary Girls' School of Coondapoor; and

(b) whether this is in accordance with the instructions issued by the Director of Public Instruction for the preparation of the scheme.

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

Mr. M. S. SRESHTA:—" Will the Hon. the Minister please call for the information? "

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" The information will come to the Government and there is no need to ask the District Educational Officers. "

Schools recommended for closure in the Tinnevely district pursuant to the introduction of Mr. Champion's Scheme.

* 185 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Education and Excise be pleased to state how many schools of the depressed classes and of the Christian missions have been recommended in the district of Tinnevely by the educational authorities for closure on the strength of the proposals of Mr. Champion?

A.—None. No proposals for closure have been received from Tinnevely district.

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UNSTARRED QUESTIONS**Inland Waterways**

Collection of toll at Olavanna in the Kallai river, South Malabar.

186 Q.—B. POCKER SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

(a) what the circumstances were which led to the collection of toll at Olavanna in the Kallai river, South Malabar, and when the collection of such toll commenced;

(b) what the amount spent by the Government was in clearing the silt at Olavanna before the institution of the toll;

(c) whether it is a fact that the toll was instituted with a view to recovering the cost of removing the silt and if so, whether that amount has been recovered by the collection of toll so far made;

(d) what the amounts are of toll collected at Olavanna each year since the institution of the same up till now;

(e) what the articles are on which the toll is levied and at what rate;

(f) whether the Government have received petitions from the citizens or public bodies praying for the abolition of the toll and what action the Government have taken on such petitions;

(g) whether the Government have received any representation from the Malabar Chamber of Commerce praying for the abolition of the toll and whether the Government have passed any orders on the same;

(h) what amounts have been spent by the Government each year from the time of the institution of the toll up till now for clearing the silt and for repairs;

(i) whether the interest on the savings out of the total amount of tolls collected so far will not be adequate to meet the expenses of clearing the silt periodically or whenever necessary hereafter; and

(j) whether the Government propose to abolish the toll and if so, on what date?

A.—(a) The proposal for the establishment of a toll station at Olavanna started with the request of the timber merchants of Calicut made to His Excellency the Governor during his visit to that place in 1924. The Government considered that in cases where there was a great deal of traffic and trade dependent on an adequate flow of the river, the work of keeping the waterway free of obstruction and silting might be undertaken, provided the scheme was made self-supporting and the incidence of payment was on the parties benefited and, if practicable, in proportion to the benefits derived. Accordingly the toll station was established and toll came to be levied from 15th February 1927.

(b) The Government have no information.

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(c) As regards the first part of the question, the attention of the hon. Member is invited to answer to clause (a). The information required in the second part is contained in the annexed statement No. I. ^a

(d) & (h) No separate account is maintained for the Olavanna station alone, but the results of the working of the reach between Elathur and Olavanna is given in the annexed statement No. I. ^a

(e) The particulars are given in the annexed statement No. II. ^a

(f) & (j) A resolution of the Malabar District Board, recommending the abolition of the toll at Olavanna has been received and a further report has been called for from the President, District Board.

(g) No, but the Collector forwarded to Government copy of a letter received by him on the subject from the Malabar Chamber of Commerce. The matter is pending the receipt of further information called for.

(i) No.

Irrigation

Strengthening the bund at the breach-site in the Korayar river.

187 Q.—Mr. M. DEVADASAN: Will the Hon. the Member for Revenue be pleased—

(i) to lay on the Council table—

(a) the report called for in answer to question No. 666 asked at the meeting of the Council on 21st February 1934; and

(b) notes of inspection of the Executive Engineer, Ramnad, regarding the breaches of the Korayar river, dated January-February 1934, or a summary thereof; and

(c) the result of the discussion by the Executive Engineer with the Collector of Ramnad referred to in answer to clause (f) of question No. 593, dated 1st February 1934;

(ii) to state—

(a) whether the Government have information that the newly formed bund at the breach-site in the Korayar river is weak and that the river is likely to get breached once again even during a normal flood; and

(b) whether the Government have directed expeditious strengthening of the bund at the breach-site by providing adequate revetment before the next rainy season?

A.—(i) (a) The several clauses of question No. 666 are answered in the annexure. ^b

(b) A summary of the notes of inspection of the Executive Engineer received is placed on the table of the House.

^a Printed as Appendix IX on page 136 infra.

^b Printed as Appendix X on pages 137-138 infra.

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- (c) The attention of the hon. Member is invited to the answer to clause (b) in the annexure.
- (ii) (a) No.
- (b) The attention of the hon. Member is invited to answer to clause (a) in the annexure.

Restoration of the Panchantangi tank.

188 Q.—Mr. M. DEVADASAN: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the Executive Engineer ordered the restoration of the Panchantangi tank in or about 1925 and the matter has been under the consideration of the Government since then;

(b) why the restoration of this tank is delayed; and

(c) the progress that has been made in this matter after the Government answered question No. 106 (c) on 3rd November 1931 and question No. 558 on 3rd November 1931.

A.—(a) to (c) As the hon. Member has been informed in the answers given to question Nos. 589 on the 3rd November 1931, 772 given on the 28th January 1932 and 330 given on the 3rd November 1933, the Panchantangi tank is not in an abandoned state, but in order to ensure a better supply the Executive Engineer considered that certain improvements should be made; plans and an estimate for Rs. 1,730 were sent to the Superintending Engineer but he returned them to the Executive Engineer in March 1933 for information on certain points; the estimates are within the powers of sanction of the Superintending Engineer who stated that he would himself deal with them. The Government have no further information.

Allotment for minor irrigation works in the North Arcot district.

189 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) what the allotment sanctioned for minor irrigation works in the North Arcot district is; and

(b) whether the Government will be pleased to furnish figures of grant sanctioned talukwar for the current year and the last year in the North Arcot district?

A.—(a) The allotment for 1934-35 is—

	RS.
Works	4,500
Maintenance and Repairs	1,60,000

(b) A statement ^a is attached.

^a Printed as Appendix XI on page 138 infra.

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Land Revenue Administration

Seasonal remission granted for poor harvest under the Palar and the Cheyyar spring channels.

190 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government will be pleased to lay on the table the amount of seasonal remission granted for poor harvest under Palar and Cheyyar spring channels in the North Arcot district; and

(b) whether there are any rules governing the grant of seasonal remission to wet lands under spring channels?

A.—(a) The amounts of seasonal remission granted in fasli 1343 for loss of crop or for poor yield on lands under the spring channels of the two sources are given below:—

	RS.	A.	P.
Palar river	957	8	0
Cheyyar river	245	11	0

(b) The rules relating to the grant of season remissions are laid down in B.S.O. No. 13. There are no special rules applicable to wet lands under spring channels.

Fundamental Rules

Countersignature by District Medical Officer of medical certificates granted by registered medical practitioners in support of applications for leave.

191 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Finance be pleased to state whether it is permitted to departmental officers to call on or compel a member of their staff applying for leave on medical certificate to appear before the District Medical Officer without assigning any reason in the face of the medical certificate granted by fully qualified registered medical practitioner and, if so, whether the Government will be pleased to place the rulings permitting such procedure on the table of the House?

A.—The hon. Member's attention is invited to subsidiary rule 17 under Fundamental Rule 74 (a) in Annexure II, Part I to the Fundamental Rules and the subsidiary rules of the Madras Government.

Administration of Justice

Official Receivers in the Northern Circars.

192 Q.—Mr. P. C. MOSES: Will the Hon. the Law Member be pleased to state—

(a) whether it is a fact that all the Official Receivers in the Northern Circars have been members of one community from the creation of these offices; and

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(b) whether it is a fact that the present Official Receiver of the Guntur district has been continuing in that office for the last seventeen years and whether it is a fact that he is more than sixty years of age?

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

(b) The answer to the first part of the question is in the affirmative. The Government have no information in regard to the latter part, but have called for it.

Agriculture

Damage by insects to sugarcane crops in the South Arcot district.

193 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware of the fact that the sugarcane produce in the South Arcot district has been devastated by insects; and

(b) what steps the Government have taken to stop, in future, devastation by insects?

A.—(a) The sugarcane crops in South Arcot district were attacked by the cane fly (*Phyrrilla Purfoutilla*) during the last cane season. This is usually a very minor pest but assumed a serious form last year. During the current season the pest is said to be found in small numbers in some of the cane areas round Nellikuppam Sugar Factory.

(b) The measures taken to combat the pest were, the collection of the adult insects in cloth bags or nets and killing them by burying them in deep pits. The control of the spread of the pest was also effected by the collection of cane leaves containing parasitic egg masses laid by the adults and releasing the parasites. These methods were very successful in controlling the pest and are being employed at the Nellikuppam Farm now.

Agricultural farms in the Presidency and the income and expenditure on their account.

194 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) how many agricultural farms are there in the Madras Presidency; and

(b) whether the Government will be pleased to furnish a statement showing their income and expenditure for the last three years?

A.—(a) & (b) The hon. Member's attention is invited to the annual reports of the Agricultural Stations for the respective years which contain the information.

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Co-operation

Confirmation of Senior Inspectors of Co-operative Societies.

195 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is a Government Order passed in the Development Department in the year 1924 to the effect that the Senior Inspectors will not be confirmed in their appointments unless they pass certain prescribed tests;

(b) what the subsequent orders passed on the subject are;

(c) how many Senior Inspectors were confirmed in their appointments since the date of the Government Order up to date;

(d) whether all these confirmations have been made in accordance with the Government Order referred to in clause (a);

(e) how many Senior Inspectors were confirmed even without passing the prescribed tests; what their names are and the period of their service as Senior Inspectors when they were confirmed; and

(f) how many Senior Inspectors were not confirmed for the reason that they did not pass the tests; what their names and the period of their service as Senior Inspectors are?

A.—(a) The Book-keeping test in the Higher Grade, was prescribed in 1924 for senior inspectors. It was then ordered that those senior inspectors who had not already passed the test should be called upon to appear for it, and that the case of any member of the staff who failed to pass after two attempts should be reported for the orders of Government.

(b) With reference to the orders mentioned in the answer to clause (a), the Registrar furnished in June 1927 a list of senior inspectors who had not passed the test and recommended that they might be allowed time till April 1928 to pass the test. The Government accepted the Registrar's recommendation. Subsequently in April 1928 the Registrar proposed that those senior inspectors who were more than 45 years of age might be exempted from passing the test. The Government declined to approve the proposal but granted the inspectors time till December 1929 to pass the test. The Registrar was at the same time informed that, in exceptional cases, he might permit them, in lieu of passing the test, to undergo a course of training in Book-keeping in some recognized institute and that he should himself hold an examination at the end of the course and satisfy himself that the candidates had acquired a fairly good knowledge of the subject. In March 1928, the Government prescribed three more tests in addition to the Book-keeping test, viz., Banking (Higher Grade), Co-operation and Auditing (First class) for senior inspectors appointed from and after 28th March 1928. The Government then directed that preference should be given to those who had passed the above tests.

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and that candidates without these qualifications, if appointed, would be required to pass the examinations within two years of their appointment and would not be confirmed till they had passed the tests. In February 1930, the Registrar brought to notice that, since the issue of the orders prescribing the test in 1924, 41 senior inspectors who had not passed the Book-keeping test had been confirmed. He requested Government to ratify their confirmation. The number of senior inspectors then in service who had to pass the test was 35. The Government ratified the confirmation of all these 35 officers. It was laid down that senior inspectors should generally pass the test and that, in exceptional cases, they should be asked to undergo a course of training in Book-keeping in some recognized institute in order that they might acquire sufficient knowledge of the subject; and that their increments should be stopped till they passed the test or completed the special course of training. The higher qualifications prescribed for senior inspectors have been abolished with effect from 15th March 1932 and no qualifications other than those prescribed for junior inspectors are now necessary for senior inspectors.

- (c) Sixty-two officers were from time to time confirmed as senior inspectors substantively and 38 provisionally.
 (d) Forty-one men confirmed before 1930 had not passed the necessary test at the time of confirmation *vide* answer to clause (b). All subsequent confirmations were made in accordance with the Government orders on the subject.
 (e) & (f) The information is given in the two appended statements ^a respectively.

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

IV.—FINANCE COMMITTEE FOR 1934-35.

11-45
a.m.

- * The Hon. Sir HOPETOUN STOKES:—“ Sir, I beg to move—
 ‘ that, with a view to the filling up of the vacancy in the Standing Finance Committee caused by reason of the acceptance by the Hon. M.R.Ry. Rao Bahadur A. T. Pannirselvam Avargal of office as Member of the Executive Council, this Council do proceed to elect a member of the said Committee, and
 ‘ that with a view to the filling up of the vacancy in the Standing Finance Committee caused by reason of the death of M.R.Ry. G. Lakshmana Reddi Garu, Member of the Legislative Council, this Council do proceed to elect a member of the said Committee.’ ”

The Hon. Sir K. V. REDDI:—“ I second it, Sir.”

The motion was put and carried.

^a Printed as Appendix XII on pages 139-140 *infra*.

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* The Hon. the PRESIDENT:—“ I have to inform the House that, in accordance with the regulations framed under Standing Order No. 78 for the holding of elections by means of the single transferable vote, I fix 3 p.m. to-day as the time by which nominations of candidates for election of two Members to the Finance Committee should be sent to the Secretary. If the number of candidates exceeds the number of vacancies, viz., two, there will be an election between 2-30 and 4 p.m. to-morrow.”

V.—A BILL FURTHER TO AMEND THE MADRAS CITY CIVIL COURT ACT, 1892, FOR A CERTAIN PURPOSE (BILL No. 14 OF 1933).

* The Hon. Sir K. V. REDDI:—“ Mr. President, Sir, I beg to present the Report ^a of the Select Committee on the Bill further to amend the Madras City Civil Court Act, 1892, for a certain purpose (Bill No. 14 of 1933) and move that the Bill, as amended by the Select Committee, be taken into consideration.”

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—“ I second the motion.”

Mr. BASHEER AHMED SAYEED stood up.

* The Hon. the PRESIDENT:—“ If the hon. Member is not going to make a speech, I wish to put the motion to the vote of the House.”

Mr. BASHEER AHMED SAYEED:—“ I only wish to make a few observations. Sir, there was a time when a Bill of this kind was justified. The High Court, no doubt, was for such a thing some five or six years ago; when the Hon. the late Mr. Justice Waller was on the High Court Bench, he recommended and the Chief Justice of the High Court approved of the scheme that there should be an enhanced jurisdiction vested in the City Civil Court. But, since then times have changed considerably. There was at that time justification, for the work in the High Court was so much and so voluminous that it was not possible for the High Court to dispose of all the cases, appeals and the petitions before them with any expedition, and so it was suggested that the jurisdiction of the City Civil Court should be increased to Rs. 5,000 or Rs. 10,000. But now during the last five or six years, the statistics furnished by the Government reveal that those circumstances which justified the necessity for such enhanced jurisdiction, do not obtain to-day. Then, Sir, I do not see why Government should now take up this measure and push it through when the circumstances do not need such an amendment of the existing state of the law. Now, Sir, the number of suits that have been filed on the Original Side of the High Court is appallingly low and signs are not in any way encouraging that the number of suits will increase in the near future. That being the case, I should say that this question ought to be deferred until and unless

^a Printed as Appendix XIII on pages 140-142 *infra*.

[Mr. Basheer Ahmed Sayeed] [22nd October 1934]

a fresh opinion is invited from the High Court of Judicature as to whether the circumstances then existing do also exist to-day. I contend that those circumstances do not prevail any longer and there is no need for such a measure to be pushed through in this Council. I would therefore suggest that the Government do take once again the opinion of the High Court on this subject and find out whether the High Court still wants the enhancement of the jurisdiction of the City Civil Court in regard to suits. I must say that, subsequent to those recommendations or at the time the recommendations were made, the strength of the High Court was also increased by two Judges. There are at present 14 Judges as against 7, 10 and 12 that existed some years ago. It may be that the work is not expedited in the High Court and there is no disposal as early as could be desired. But then there may be other causes which have been already investigated or which may deserve still further investigation for the delay in the disposal of appeals, suits and petitions. But I do not think, Sir, that that alone will be a justification for enhancing the jurisdiction of the City Civil Court.

12 noon. "Then, Sir, it is but fair and reasonable that if the volume of the work in the High Court has fallen and if the number of Judges of the High Court has increased of late, there should be some retrenchment shown with regard to the establishment of the High Court. Surely the enhancement of jurisdiction of the City Civil Court will involve the additional appointment of a Judge or two Judges and certainly additional establishment on the lower rungs. In that case there should certainly be a corresponding curtailment of the present establishment of the High Court. I do not know, Sir, whether that question has at all been examined, as to whether it is possible or not to curtail the establishment that is now available in the High Court on the Original Side. At any rate I should say that in these days when the Government are so stingy and when its guiding condition seems to be one of retrenchment, they should not go in for any extra and further expenditure without any extra and corresponding privilege or advantage to the litigant public or the taxpayer.

"Now, Sir, there are other questions too which are involved in the enhancement of jurisdiction. Whatever the arguments that may be advanced by the Government on the question of the cost to the litigant public, I am not convinced that any case has been made out to tax the litigant public. Certainly the institution of suits in the City Civil Court will increase the initial cost of the suitor. It will certainly mean that he will have to pay a very high scale of fees compared to what at present obtains in the High Court, Original Side. On the Original Side the litigant has to pay in progressive stages in the course of one or two years. More than that will have to be paid in the City Civil Court even at the very institution of the suit. I do not think that that can be claimed as an advantage to the person who seeks justice in courts of law. I would further submit that even the question of the revision of the scales of charges of the advocates had not been considered when the question of enhancement of jurisdiction of the City Civil

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Court was being considered. It is a matter for both the litigant public as also the advocates that are employed by these suitors that the scales of court-fees and counsel's fees should be revised to the benefit and advantage of the parties concerned. In the absence of those considerations having weighed with the Government to any the least extent, I do not think it is just or fair that at this moment the Government should push on with this measure. I would respectfully submit that this measure should be postponed until old conditions recur, or until the High Court has given its further and considered opinion as to the necessity of proceeding with a measure of this kind."

* The Hon. Sir K. V. REDDI:—"Mr. President, Sir, I regret that the hon. Member has thought it fit to raise this question now after what has happened in the Select Committee. Sir, all those arguments which the hon. Member has now advanced were advanced by him in the Select Committee. At an earlier stage I was asked to give a certain undertaking which I gave to the Select Committee in the matter of fixing the amount at Rs. 5,000 in the first instance and only when experience suggests that it should be raised to Rs. 10,000. All that the section says is that power is taken by the Government to raise it to Rs. 10,000, if necessary. I do not admit, Sir, any of the arguments which have been advanced now to be correct in the least. I do not admit that the High Court have not got sufficient work, or that the Judges are too many to be there. I do not admit that any change would be necessary even after this jurisdiction is given to the City Civil Court in the number of the Judges, or that the High Court staff on the Original Side should be reduced. I do not admit, Sir, that it will in any way cause inconvenience to the clients in the matter of the scales of charges for the suits. In fact a statement was placed before the Select Committee in which it was clearly pointed out that, so far at least as the suits up to Rs. 5,000 go, there is absolutely no disadvantage at all when the suits are filed in the City Civil Court instead of in the High Court. On the other hand, in certain stages it is better, it is more advantageous, to the client than anybody else. I should therefore think, Sir, that there is no point in my hon. Friend's raising the objection at this stage that we should go again through the whole course of making enquiries and starting again. I think, Sir, that it will be unnecessarily delaying a piece of important legislation and I hope my hon. Friend will not object to it any longer."

The motion that the Bill, as amended by the Select Committee, be taken into consideration, was put and carried.

Clauses 1 and 2 were put and carried.

The Preamble was put and carried.

The Hon. Sir K. V. REDDI:—"I now move, Sir, that the Bill be passed into law."

The Hon. Rao Bahadur A. T. PANNIRSELVAM seconded the motion.

The motion was put and carried and the Bill was passed into law.

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VI.—A BILL FURTHER TO AMEND THE MALABAR LAND REGISTRATION ACT, 1895, FOR A CERTAIN PURPOSE (BILL NO. 16 OF 1934).^a

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I beg to introduce a Bill further to amend the Malabar Land Registration Act, 1895, for a certain purpose (Bill No. 16 of 1934) and move that the Bill be taken into consideration at once.

"Section 14 of the Malabar Land Registration Act of 1895 which provides for the joint registration of proprietors and occupants of estates, as it was corrected by Madras Act I of 1920 runs as follows:—

"Notwithstanding anything contained in this Act or in Regulation XXVI of 1802, the Collector may, on the application of the registered proprietor of an estate or of any person entitled to occupy such estate, register as occupant jointly with such proprietor, (i) any person who is entitled by virtue of any contract with the proprietor or his predecessor-in-title to occupy such estate, or (ii) any person who is bound by a contract with the proprietor or his predecessor-in-title to pay to the Government the land revenue assessment on such estate:

Provided that before ordering joint registration as aforesaid the Collector shall give notice to the proprietor or to the person entitled to occupy as the case may be and consider his objections."

"This is the last sentence:—

"The Collector shall state in his order the period for which such joint registration shall be in force which period shall not extend beyond the date of the termination of the contract referred to in this section."

"By this Bill we propose to substitute the following sentence for that last sentence:—

"Every joint registration made under this section shall remain in force so long as the occupancy continues."

"This proposal is brought forward at the suggestion of the local officers of the Malabar district who have pointed out that in many instances the occupancy continues although the contract has actually expired, and it continues on the same terms. It is also pointed out that under the Malabar Tenancy Act the cultivating verumpattamdars have been given fixity of tenure. There is a tendency for the tenants to neglect their duties to pay land revenue when it is their duty to do so. It is in the interests of the tenants that they should know definitely the amount of land revenue due on their lands. The tenant will also have the security that the lands in his possession and the crops thereon will not be sold for arrears of revenue which have accrued on lands which are not in his occupation and for which he is not responsible.

"This motion, I believe, Sir, will be in the interests of both the proprietors and the tenants in the Malabar district. I therefore introduce this Bill and move that it be taken into consideration at once."

The Hon. Sir K. V. REDDI:—"I second it."

* Mr. K. P. RAMAN MENON:—"Mr. President, Sir, I heartily support the motion of the Hon. the Revenue Member. I may even go further and say that even without any application from the proprietor or the tenant who is now given fixity of tenure, *suo motu* the revenue authorities should register the name of the person who is in actual

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occupation of the land. If we follow the Revenue history of Malabar it will be seen that before the settlement in 1902-04 pattas were issued in the names of the various kanamdars or the verumpattamdars in actual occupation of the land. This position was altered by the settlement of 1902-04 so far as the tenant and the janmi are concerned. There are janmis who have 1,000 to 2,000 tenants or more under them. The total assessment in the case of the zamorin is over a lakh of rupees and the tenants under him number over 10,000 or even 20,000. He does not know exactly what particular amount a tenant has to pay. Nor does the tenant know exactly what he himself has to pay. And the result is, as was mentioned by the present Zamorin Raja in the speech that he delivered in Calicut with reference to the revenue assessment he has to pay, that he paid Rs. 13,000 out of his malikhana allowance for the last instalment of revenue for March. This Rupees 13,000 probably is the assessment payable by various tenants who have to pay varying sums, from four annas to Rs. 100 or Rs. 150. It would take an enormous amount of time and labour for him to find out what amount a particular tenant has to pay, and levy the same from him. As a matter of fact, under existing conditions we see that there are landlords who do not collect the full amounts and on the other hand there are other landlords whose collections are far in excess of their dues. It will be very convenient if we revert to the old system wherein persons in occupation of the land have their names registered without any application from others or themselves. At any rate the Bill which the Hon. the Revenue Member has introduced is certainly one that is advantageous both to the landlords and tenants."

The motion that the Bill be taken into consideration at once was put and carried.

The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I move—

"In clause 1, for the figures "193" substitute the figures "1934"."

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 1 as amended and clause 2 were put and carried.

The Preamble was put and carried.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—
'that the Bill be passed into law.'

"I have received no objections to the Bill. On the other hand I gather from the remarks which have fallen from the hon. Member from Malabar that he not only approves of the Bill but wishes it to go much further. That is a matter which must be reserved for further consideration."

The Hon. Sir K. V. REDDI:—"I second it."

The motion was put and carried and the Bill was passed into law.

12-15
p.m.

^a Published in the Fort St. George Gazette, dated 2nd October 1934.

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VII.—A BILL FURTHER TO AMEND THE MADRAS COMPULSORY LABOUR ACT, 1858 (BILL No. 18 OF 1934). *

* The Hon. Sir ARCHIBALD CAMPBELL:—"I beg to introduce a Bill further to amend the Madras Compulsory Labour Act, 1858 (Bill No. 18 of 1934) and move that the Bill be referred to a Select Committee consisting of:—

The Advocate-General.

Diwan Bahadur N. Gopalaswami Ayyangar.

Mr. P. V. Krishnayya Choudari.

Diwan Bahadur C. S. Ratnasabhapaty Mudaliyar.

Rao Bahadur R. Srinivasan.

Diwan Bahadur A. Appadurai Pillai.

Rao Sahib D. V. Narasimhaswami.

Mr. V. M. Ramaswami Mudaliyar.

„ T. C. Srinivasa Ayyangar.

Rao Bahadur T. A. Ramalingam Chettiyar.

Mr. B. Pocker Sahib and

The Mover.

"Sir, this Bill is intended to remove certain difficulties which have been found in connexion with the carrying out of certain measures for the prevention of damage to public works such as irrigation works. Under the Act, it is lawful for the heads of villages 'to make requisitions upon the inhabitants for the supply of materials to wit, trees and leaves, bamboos, straw and the like, necessary for stopping breaches in the embankments of tanks, rivers and canals and to seize and, if necessary, to cut down such articles wherever they may be found.' The section does not provide for a requisition being made for other materials such as earth, stone and gunny bags which are also necessary for stopping breaches. Further, the section refers only to stopping breaches and the power to requisition materials conferred by it can apparently be exercised only after the breach has actually occurred and not for the purpose of preventing a breach which is in imminent danger of occurring. On the other hand, section I of the Act enables heads of villages to make requisitions for labour to prevent a breach where one is in imminent danger of occurring as well as to repair a breach after it has occurred. It is proposed that all materials requisitioned under the section should be paid for at the highest prices prevailing in the neighbourhood. I move that the Bill may be considered by a Committee so that the section may receive careful examination."

The Hon. Sir K. V. REDDI:—"I second it."

The motion was put and carried and the Bill was referred to the Select Committee.

* Published in the Fort St. George Gazette, dated 9th October 1934.

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VIII.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, AND TO AMEND THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934, FOR CERTAIN PURPOSES (BILL No. 10 OF 1934).

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I understand that it is the desire of the Opposition that the consideration of the next motion on the agenda should be postponed till after lunch. If that is the wish of the House, I have no objection, Sir, and I move the adjournment of this item of business till after lunch."

The Hon. Sir K. V. REDDI:—"I second it."

The motion was put and carried.

IX.—A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 13 OF 1934). *

* The Hon. the RAJA OF BOBBILI:—"I beg to introduce a Bill further to amend the Madras District Municipalities Act, 1920, for certain purposes (Bill No. 13 of 1934), and move that the Bill be taken into consideration at once."

"I shall briefly explain the clauses of the Bill. Clause 2 is intended to provide for the date from which the restoration to office of a Councillor under sub-section (4) of the Madras District Municipalities Act, 1920, is to count. Clause 3 attempts to bring the District Municipalities Act in line with the recent Local Boards Act by which the Government have taken power to fix the strength and the scales of pay of certain establishments and the schedule of establishments. Clause 4 introduces the principle of communal rotation to local bodies and this was recommended by a resolution of the House. Clause 5 gives the power to Government to transfer employees from one municipality to another municipality or local body. Hon. Members are aware that in pursuance of such a resolution of this House, Government have drafted rules and communal rotation to the local bodies will be coming into force in a few weeks' time. To give effect to this it is necessary in the case of the higher officers like Assistant Engineers and Head Accountants to form definite cadres. When the posts are only one or two it will not be possible to apply the communal rotation principle. So it is considered necessary and desirable to give effect to communal rotation. Therefore Government will place the higher posts in the provincial cadre. In the case of the smaller posts, it will be a single cadre within the district among the municipalities, district boards and the panchayats which will all be treated as one cadre. For this purpose, it is necessary that Government should take power in this manner. Clause 6 deals with the question of remission when a building is vacant. This will enable owners of properties to give notice to the municipalities even for future periods as to when the houses would be vacant. Clause 7 deals with irrigation works and it has been found necessary and desirable that all Government irrigation works should be placed under the control of the

* Published in the Fort St. George Gazette Extraordinary, dated 23rd July 1934.

[The Raja of Bobbili] [22nd October 1934]

Irrigation Department. This therefore takes away the control of the municipalities. With these words, I move that the Bill be taken into consideration."

Mr. T. SUNDARARAO NAYUDU:—"I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I move, Sir—
'that the Bill be referred to a Select Committee.'

"My reasons are these. I do not think that so far as the Statement of Objects and Reasons is concerned, it in any way shows the urgent necessity, nor has the Member in charge of the portfolio made out a case as to why the Bill should be passed at this meeting itself. Secondly, there are in the Bill, as drafted, seven provisions which may have certain objectionable features. They may be removed by the Bill being considered by a Select Committee. The Bill, no doubt, is small containing only seven clauses. But there are three clauses which are contentious and by careful examination by the Select Committee, the defects may be removed. The first is with regard to the removal of the difficulties in the matter of restoring to office of councillors who have been removed by reason of default in the attendance at meetings. I quite understand the spirit of the amendment itself. It proceeds on the presumption that there will be three consecutive meetings within a period of three months. If my memory is correct, the Act says two consecutive meetings in two months. When the Act was amended in 1930, it was considered that the district board should hold a meeting once a month. There was an amendment that it need not meet once every month. It is not possible to hold three meetings in three months. Unless it be that we make it a dead letter, it is not possible to make it three months. We may be able to agree subject to modifications that may be necessary when the question is discussed in the Committee. Then the provisions of clause 3 may be read together. So far as the first two clauses are concerned, evidently the Chief Minister is relying upon the attitude of Government that by a process of taking control over the establishments the object should be effected. This has been necessary because the taluk boards have been abolished and there are a number of cases where people have been thrown out of employment. It will be necessary to meet the cases of people like that who have been thrown out of employment that Government should take some power. So far as municipalities are concerned, there is no such thing. There is no proposal to abolish the municipal councils. So far as the municipal councils are concerned, nothing has been said to show how this could be done. Local boards are rural in their purpose. So far as the urban areas are concerned, I do not see any reason why Government should take the power with regard to accountants and secretaries. Government have passed a law to appoint executive officers for every municipality. So far, it is good. You may expect the executive officers, in the matter of appointing men and the creating of posts with salaries, to see that they will have some amount of responsibility and that the municipal councils are not allowed to play pranks with finance. If we believe in self-government, they must have some powers in these matters.

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"The Government might have power to intervene in particular cases, to consider whether the action of the municipal council should not be set aside. You can have a provision that, if on a proper representation made to them and on proper enquiry being made the Government find that further action is necessary, the Government reserve power to veto the action of the municipal council. But that is not what the Bill says. It says that, in regard to all classes of officers of whatever designation, the Government shall have power to fix or alter the number, designations, grades and the salaries. If the municipal council finds the need to create a small office at any time, it cannot do so unless it comes to the Government and gets their sanction. That means you negative all power of Local Self-Government from the municipal councils and do away with any kind of initiative on their part. Even for a very small office on a low salary, the Secretariat here must consider whether that particular office is necessary or not for the municipal council. I can understand the Government reserving that right in the case of offices like the electrical engineer, the health officer or the chief executive officer, whom the Government have now power to appoint and control. But to go further and take power to fix the number and salary of every conceivable office seems to be too much. Perhaps, the Hon. the Chief Minister might have in his possession certain facts; but he has not told us why it is that he wants all that power. All that we find in the Statement of Objects and Reasons is that the Government have taken power to fix the strength of the staff and the scale of salaries in the case of local boards by the recent amendment to the Local Boards Act, and so a similar provision to take power is sought to be made in the case of district municipalities. In the case of local boards, the real situation arose out of the fact that with the abolition of taluk boards a number of people were thrown out of employment, and in the interests of those people, some arrangement had to be made. But here in this Bill, the Government do not merely take power to fix the number of people to be appointed and the scale of their pay but also to transfer any officer from one municipality to any other municipality or local board. I do not know if such a thing will work smoothly. After all, if the municipality is put in charge of dealing with certain functions, we must expect the municipality to know exactly whether it will find a certain man fit and able to do the work of a particular office; on the other hand, if a man is thrust on it, however honest or good, it may not know whether he could actually do the work. If the Government merely say that at the instance of a particular municipality they should interfere and set right matters by way of transfers either by mutual arrangement or for reasons of State policy, I can understand it. But to take general power to transfer a man from one district to another district is, I think, too much for the Government to ask. I wanted to meet the Hon. the Chief Minister with a view to request him to consider my request as to what extent a reference of the Bill to a Select Committee is necessary. But this Bill has been reached now before I could do so. If the Bill is however referred to

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a Select Committee, the provisions may be so modified that the objections to it may be removed and the Government may take power actually required to have the municipalities efficiently administered. I know that the Hon. the Chief Minister may have certain principles in the case of making these transfers. It may be that a certain municipality would like to retain a certain officer and it may pass a resolution that this officer should not be removed or transferred. It is fair and necessary, in the interests of the administration itself, that the Government should allow the officer to be retained. The Government will have to give a certain amount of latitude to the municipalities in regard to their own employees. I therefore think that, for these reasons, it is necessary that this Bill should be referred to a Select Committee."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, I second this motion. It seems to me that there is no urgency at the present moment that this Bill should be passed to-day. At the last meeting we had a sort of conference with the Hon. the Chief Minister. Then, we thought that certain amendments may be passed. Only one of them is included in the agenda to-day. Apart from that, it seems to me that the provisions in clauses 3 and 5 require some scrutiny as they stand. The Government wants to take power to fix the number of appointments, scales of pay and other things in regard to every grade of service including even peons. Even though the Government may not really interfere in smaller appointments, yet power is taken under section 5 to transfer any employee of any local body to any other local body. That seems to me to be going too far. Anyway, that is a matter which requires looking into to see whether the Government may not be satisfied by restricting these two clauses to some important appointments while taking power to fix the grade of appointments, the salary and conditions of service of the others. Whether a provision like that will not satisfy the Government is a matter which will have to be considered. It seems to me that as the matter is not at present urgent, this Bill may be referred to a Select Committee. With reference to those two clauses I referred to, the Government may well consider what provision is absolutely necessary. As regards clauses 2 and 6, even though in principle we do not object, the wording of the two clauses may profitably be gone into in a Select Committee. They are important provisions. At any rate, what stands in the place of clause 2 is a matter which has gone to courts several times. In a matter like that, a reference of this Bill to a Select Committee will help to scrutinize the language and put it in the proper form. With these remarks, I second the motion which has been made by my hon. Friend Mr. Muniswami Nayudu."

Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, in supporting this motion to refer the Bill to a Select Committee, I endorse all that has been said by my hon. Friends, Mr. Muniswami Nayudu and Mr. Ramalingam Chettayar. But I should just like to add one word more. The Hon. the Chief Minister has said that one of the reasons which induced him to bring forward this legislation is to give effect to the

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communal principle and to see that there is more communal representation in these services also. No doubt, Sir, in some departments communal representation might be a good thing. But when communal representation comes into conflict with certain vital principles of local self-government, as for instance in this case, I should think that communal representation should take a subordinate place. This is a subject dealing with local self-government. I should submit, Sir, that for the sake of introducing communal representation in the local bodies in the whole of this Presidency in the interests of the communities concerned, the interests and the principles of local self-governing institutions should not be subordinated or sacrificed in the least. To explain matters, local self-government is meant for a certain district or a certain municipality. I can quite understand a measure wherein the communities of those districts or of those municipal areas are given adequate communal representation. But the idea underlying this measure, as explained by the Chief Minister, is not that. What the Hon. the Chief Minister wants is to take the proportion of the communities in the whole Presidency and give effect to it in the various local bodies. This, I submit, Sir, will do injustice to the municipalities and also to the local self-governing institutions. For instance, it is quite possible that a particular community does not find a place in a particular municipality, and yet an officer of that community will be thrust upon that particular municipality. Then again, Sir, to give effect to measures like this, it would mean doing away with the little vestiges of local self-government which still remain in the land. In the event of passing a measure like this, local self-government as such will become a regular department of Government. The question we have to consider is how far we may give effect to the principles underlying this measure. I do not say that some of the principles underlying this should not be given effect to. But to give wholesale effect to the principles as embodied in this Bill would do away with all the semblance of local self-government which the local bodies are supposed to possess at present. As such, it is worth while that a Select Committee goes into this matter, considers all the aspects of the question and the possible consequences, and makes its recommendations to this Council."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, though the Bill has been brought forward to cure some defects which exist in the present Act, I am afraid some of the provisions really are retrograde. For example, Sir, speaking about section 5, it may be contended that the idea is that the security of services of people serving in the local bodies should be ensured. While I am second to none in supporting that sentiment, I do not think it is the same thing to say that an office is for an officer. Till now, it was considered that a certain office was the chief thing and the person appointed was intended for the office. Now, Sir, it looks as if the office is intended for an officer. It may be that when this section 5 is given effect to the idea is more to see that certain officer's interests are preserved than the work with which he is concerned.

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12-45 p.m. "I cannot understand what need there is for Government to interfere in small matters like this. It may be that efficiency requires Government's intervention. Even now Government has got power to interfere where there is maladministration, or where the officer or servant of a local body is badly treated. But to say that because certain cases have occurred of maladministration or bad treatment of officers Government should have power to convert local bodies into so many departments of Government is tantamount to taking away the powers that the local bodies have been enjoying. I do not know if Lord Ripon, when he introduced local self-government, ever contemplated a day when local bodies would become so many departments of Government. Instead of decentralization, now the movement is for centralization. I do reiterate that I am as anxious as any Member of the House that the efficiency of the local bodies should be maintained and corruption and maladministration should not take place. But to take away the powers, on the plea of corruption or ill-treatment of officers, till now enjoyed by local bodies, is certainly interference with the autonomy of local bodies.

"I was amused to see an explanation in the Statement of Objects and Reasons under clause (5), viz., 'The power of appointment conferred by the Act on Municipal Councils and their executive authorities will remain unaffected.' I am not able to see how that power would remain unaffected when Government take power to transfer officers from one Municipality to another. If there is an appointment which the Municipality can fill up, how can it do if the Government is going to impose its own officer by transferring other officers from another Municipality to that place? In the name of efficiency, already too much of interference from Government has taken place, and I will be failing in my duty as a Member of the House if I do not raise my protest against the further taking of the powers from the local bodies. I therefore feel very strongly that however well-intentioned the idea of improving the efficiency of local administration may be, it is at the same time not good to take away the powers hitherto enjoyed by local bodies. This is only, I know, a sequel to other powers which have already been taken away from local bodies. With regard to municipalities, when commissioners were appointed it was contended that it was necessary for the administration of some of these bodies. It was, in fact, correct that there should be a permanent staff who should have the working of the administration while the policy might be guided by the local bodies. For that purpose the appointment of Commissioners was welcomed by this House. But that does not mean that the local bodies should not at all have any power with regard either to the appointment of officers or their transfer from place to place. If Government thought that their interference was necessary, they are certainly entitled to ask this House to give them powers to frame rules and regulations to see that the servants of local bodies are treated properly, with regard to their scale of pay, provision for appeals and such other things. But to say that the Government will hereafter convert these local bodies into so many departments of Government is a retrograde

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step and I do not think a reference to a Select Committee is ill-advised. It is only a few minutes ago we passed a motion that a small Bill like the Madras Compulsory Labour Act should be referred to a Select Committee, though the Hon. the Revenue Member explained that it was a very formal matter. I therefore warmly support the motion for referring the Bill to a Select Committee."

* Mr. C. BASU DEV:—"Mr. President, Sir, the Hon. Member from Chittoor in supporting his motion to refer this Bill to a Select Committee has advanced arguments mostly centering round clauses 3, 4 and 5 of the Bill. I shall therefore confine myself to answering these arguments. As one associated with the hopes and aspirations of the municipal employees of this Presidency, as the General Secretary of the Madras Provincial Municipal Employees' Federation, it is my duty to protest against any attempt to delay the passing of this Bill into law. I know the intense disappointment which the municipal employees felt last August when, for want of time, the Hon. the Chief Minister could not move for the consideration of this very measure, and I have since received several representations from them to see that this Bill is passed into law at the earliest possible opportunity. The hon. Member from Chittoor complains that no case has been made out that this measure is urgently required. I beg to submit that there is great urgency for this measure. Several municipalities are unable to meet the extra expenditure which the appointment of commissioners entailed, with the result their high-paid officers are being either dispensed with or their salaries considerably cut down. It may not be possible for all these men to be absorbed as commissioners; and the only alternative method of mitigating their hardship is for the Government to take power to transfer them to richer municipalities which can afford to pay them their proper salaries. This is certainly a circumstance of urgency. Again in pursuance of their power to sit in appeal against the orders of punishments and dismissals of municipal councils passed against their employees, the Government have set aside several unjust punishments and reinstated several persons unjustly dismissed. This has created considerable ill-feeling and friction between the employee and the employer which in turn had a very bad effect upon the administration of the municipality. Power to transfer if judiciously and justly exercised by Government, will soften the bitterness of feeling and conduce to a better and more efficient administration.

"With reference to clause 3, it only embodies the representations and resolutions made year after year by the municipal employees in their annual conferences and also in their addresses and deputation to the Hon. the Chief Minister. Much has been said on the floor of this House that this Bill is retrograde in character and is calculated to deal a death blow to the principle of local self-government. I am sorry that experienced men should have confused the issues. This measure is far from being retrograde, far from encroaching upon the

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legitimate rights and privileges, only attempts to help and guide the self-governing institutions on proper and methodical lines. This measure while it seeks to afford the much-needed protection to the municipal employees from the vagaries of their employers, it also seeks to import into the administration of these self-governing institutions a method and a system which is woefully wanting. To refer these simple but salutary provisions of this Bill to a Select Committee will delay the Bill by at least three months more and already we have lost three months. I therefore strongly oppose the motion to refer it to a Select Committee and support the Hon. the Chief Minister and say that the Bill should be taken up for consideration at once."

* Mr. J. A. DAVIS:—"I feel compelled to support the motion to refer the Bill to a Select Committee. We have been too hasty in the matter of amendments to the District Municipalities Act. The suggested amendments amount to taking away with one hand what is given by the other. Appointments carrying over Rs. 80 per mensem are vested in the Council. Placing transfers in the hands of someone else will negative this privilege.

"For instance, we hastily passed a section that commissioners could be transferred if two-thirds of a municipal council voted for such transfer. What has been the result of such a provision in the very first municipal general elections? The commissioner has had to take an active part in them and so arrange party matters that the municipal councils are divided, not admitting of any section securing a two-thirds majority. There are many such provisions involved in the proposed amendments, which will result in chaos in municipal administration, so far as the staff is concerned.

"I therefore trust the Hon. the Minister will see his way to allowing the measure being thoroughly gone into in Select Committee. There seems no need for haste."

Mr. ABDUL HAMEED KHAN:—"I am afraid I cannot agree with my friend, Mr. Basu Dev, that there is need for the urgent passing of this Bill. I do not know whether he has obtained the consensus of opinion of the municipal employees. A few municipal servants might have written to him asking for expediting this legislation. As a matter of fact, if anybody were to ascertain the opinion of municipal servants, I am sure that he will find that it is very necessary that this Bill should be referred to a Select Committee. As to the question of provincializing the municipal service I am entirely opposed to it, for the one reason that it takes away the power of the municipalities with regard to the appointment of their own officers."

* The Hon. the RAJA OF BOBBILI:—"I must correct the hon. Member. What I said was the forming of a provincial service. It does not mean provincializing the service or the taking away of the power of appointments. It only refers to transfer of municipal servants; the power of appointment remains as it is."

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Mr. ABDUL HAMEED KHAN:—"So far as the question of transfers and appointments are concerned, if these officers are not to be entirely under the control of the municipality and if any officer seeks to get himself transferred from one municipality to another with the aid of the Government I fail to understand what power the municipality has over that man. He will certainly find argument or reason against the municipality; because the municipality might call upon him to do this work and that or take a little more work from him. He will make that reason enough to make an appeal to the Government to see that he is transferred. So that officer will certainly not be under the control and direct supervision of the municipality. Further with regard to the pay itself, I do not think it is advisable to fix one uniform rate of salaries throughout the Province. It is no doubt true that we have to see that the tenure of office of all these servants is guaranteed. But in trying to secure guarantee or tenure of office, we should not compel municipalities, large and small, to pay salaries which may not be proportionate to their incomes. We have ourselves known that the Government, in fixing the salaries of commissioners, have not fixed them equally to all commissioners in different municipalities. They have varied scales of pay for the commissioners of different municipalities in proportion to the revenues of the respective municipalities. Such being the case, I fail to see how the Government can insist on the municipalities paying a uniform scale of pay to their subordinates. It may be possible for certain municipalities to get men on lower scales of pay while for certain other municipalities it may be necessary to pay more. Scales of pay will vary according to the economic condition of the various places. If we try to make the salaries uniform in all municipalities, merely because the Government should be in a position to transfer the municipal servants from one municipality to another, we will be compelling certain municipalities to appoint their servants on higher salaries than what they can afford to pay. 1 p.m.

"Then with regard to the question of communal justice in the municipal service, of course the point has been made that communal representation is necessary in certain cases but is not necessary in others. I do not agree with that view, because wherever injustice has been done to a particular community, it is necessary that steps should be taken to do justice to that community as far as possible. We know that there are many municipalities in whose services the communities living within the municipal areas are unrepresented. For instance, the District Board of Malabar is a glaring example. Although the Muslim population of Malabar is not less than one-third of that of the district, there are no Muslims at all in the district board service. In order to redress the inequalities which exist in the services of the various district boards and municipalities, we should have some power with us. I do not know how these inequalities can be redressed by having a provincial cadre of the municipal and district board services. There may be a district where a particular community is much greater

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in numbers than in any other district. We will have to fix proportions for each municipality and district board according to the populations of the various communities in the areas served by the respective municipalities and district boards. By that means alone we will be able to remedy the inequalities that I have pointed out and not by having a provincial cadre and transferring people from place to place. I am sure the method suggested in the Bill would not work in actual practice. As a matter of fact, if this Bill is not properly looked into by a Select Committee and passed as it is, it will take away certain important powers of municipalities which ought to be in their hands."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, the question is one of public policy. The question did not arise when in olden days officials were the heads of the local bodies, but now that the non-officials have come to occupy those places, the situation has changed. Sir, it is a well-known fact that in many of these local bodies there are factions. When that is the case, some provision should be made to safeguard the interests of the employees of these local bodies. Very often the party that gets into power in a local body suspects the employees to have helped the party which has been in power previously and tries to harm them. What then is the position of the employees? If a certain employee has incurred the displeasure of the executive head of a local body, should he not be transferred to some other local body? Some people go to the length of dismissing an employee whom they suspect to have helped the opposite party. What is the remedy for this state of affairs? Of course, an appeal to the Government is provided. But what could the Government do? They can set aside the order of dismissal, but how can the employee continue in the service of the same local body whose executive head is prejudiced against him? The Government cannot dissolve the municipality or the local body, for that would be considered very atrocious. They cannot dismiss the chairman or the president of the local body. Under the circumstances, I am sure it cannot but be conceded that the best thing to be done is to transfer the employee to some other local body. If the necessity for transfer is conceded, the other things follow as a matter of course. The hon. the Mover of the amendment himself did not go to the length of denouncing the provisions of the Bill as others did; he only said that this matter requires consideration. He did not condemn the provisions because he knows full well that there are such difficulties.

"If transfer is to be made, there should be a uniform scale; otherwise there will be difficulties. The hon. Member who has just sat down has misunderstood the term 'uniform scales.' Let us take the case of managers of municipalities. They may be divided into four or five grades—first grade, second grade and so on up to the fifth grade. Big municipalities may have managers of the first grade drawing high salaries whereas small municipalities may have managers for the fifth grade on, say, Rs. 50. There will be no difficulty. Transfers can be effected in that way. I do not see any insuperable difficulty to have

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the sort of uniform scales of pay that I have suggested. There is also another thing. The Government should fix not merely the scales of pay for various grades, but also the number of people in the various grades in a municipality. Otherwise a chairman who gets into office with the help of some of these people may try to create some posts which are quite unnecessary or promote a man to a higher grade who does not deserve it. In such cases what is the remedy? (An hon. Member: 'Abolish the municipality.') That is the only course if no other course is possible. The point is these people who go to the municipalities and local boards should not go there with the idea of getting power to exercise patronage. They should not try to get control over appointments and thereby gather strength. That should not be the case. The only thing is to take away that power of patronage and then all squabbles will cease automatically. What have the Government done with regard to appointments in Government service? Have they not left the selection in the hands of a Services Commission? They have not put the power in the hands of the Ministers, for if they did so, the life of the Ministers would be made miserable. Similarly, in the case of these servants of the municipalities and local bodies, the Government should fix the scales of pay uniformly so that in cases where there is misunderstanding between the executive head and any employee, the employee can be transferred if necessary to another place. Of course some people think that any power placed in the hands of the Government will be like a weapon placed in the hands of a mad man. They think that the Government will use that weapon to harm the people. I do not think the Government will use this power unless there is absolute necessity for the exercise of it. In no other way can we solve this difficulty that we meet with in local boards and municipalities. I know full well that there are misunderstandings between the chairman or the president and certain employees in many cases and the best and the easiest solution is to vest a power of transferring the employees in the Government. The Government will exercise that power only in cases where necessity arises.

"One of my hon. Friends spoke about communal representation. Of course he is a communalist. How is it possible to provide that a man belonging to a particular community should be appointed in a particular municipality? Suppose there is trouble and that man has to be transferred. Then the communal proportion will be affected. The best thing is to take the population of the Presidency as a whole and fix proportions for the representation of the various communities in the municipal and local bodies services. Otherwise, suppose there are ten subordinates in a municipality; we cannot say that one man of a particular community should be there whether his remaining there is desirable or not. Communal representation cannot be secured in that way. The whole Presidency should be taken as the basis and the appointments made accordingly. For this purpose the Government should have such a power.

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"But what I have said till now does not justify the passing of this Bill at one sitting. No case has been made out for such a step. I do not know what was the state of things some time back, but at any rate the state of things at present does not warrant such a step. There is difference of opinion on the matter and it requires to be discussed thoroughly. Therefore it ought to be referred to a Select Committee."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, the only issue is whether this Bill should be referred to a Select Committee or not. There are various clauses about which widely different opinions are held by several members of the House. Several highly controversial issues have been raised. When such controversial issues have been raised, the question is whether it is desirable to rush this Bill through this House. I do not think we have many precedents for rushing through Bills of this nature. I quite appreciate the desire of the Hon. the Chief Minister to have this Bill passed early so that the various difficulties which have been referred to may be removed. The question is whether we can pass this Bill so quickly without removing all the difficulties which have been experienced by the local bodies. In the first place, it has been desired for some time that the power of appointment should be taken away from both the local bodies and the local Government. With that object in view Diwan Bahadur B. Muniswami Nayudu asked a question whether the Madras Services Commission could be empowered to select candidates for service under local bodies. The Government have in reply to a question of mine stated to-day that it has been 'decided to defer consideration of the suggestion until the employees in question are constituted into a service or services under the administrative control of the local Government.' For some time past, endeavours have been made to take away the power of selection of Government servants from the hands of the Government and vest it in the Services Commission. At present the Government have got powers only in regard to certain minor administrative matters and the power of appointment is vested in the Madras Services Commission. That being so, is it desirable that the power of appointment vested in the local bodies should be transferred to the Government? That question has to be very carefully considered, but that has not been touched at all in the Bill before us. The present Bill deals only with transfers but what about appointments? That is a very sore point. Then as regards communal representation, although I am not fully wedded to the principle of communal representation, I think it is certainly desirable in the case of certain communities. But how is it to be achieved if the power of appointment is not in the hands of the Government? I do not know what provision is going to be made for making appointments on a communal basis if the power of appointment is not to be in the hands of the local Government. These are points which have to be very carefully considered. I understand that certain rules have to be framed by the Local Self-Government Department with a view to find out how the principle of communal

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representation can be applied to services under local bodies. But how can any rules give effect to the principle of communal representation unless the Local Self-Government Department has the power of enforcing these rules? I think the matter is a very large one and has to be very carefully considered. It may be desirable in order to remove these difficulties to appoint a Services Commission for the local bodies similar to the Madras Services Commission. These and such other questions will have to be considered before we proceed with the Bill any further and I think therefore that the Bill should not be rushed through. Even the very questions sought to be solved by clauses 3, 4 and 5 of the Bill must be considered by a Select Committee. How we can, without hearing the arguments on all sides, come to a decision on these questions, I fail to understand. It is no doubt easy for the Hon. the Chief Minister wielding such enormous powers over his party, to tell his party that this Bill must be passed as it stands, and we will be helpless and the Bill will be passed.

"I hope he will not exercise his power tyrannically. It is desirable that he should go on constitutionally and I hope the usual practice of referring a Bill to a Select Committee will be adhered to. I know that the Hon. the Chief Minister listens to arguments; I am sure he will not press his view on the Council to-day but will consider the desirability—in view of the controversial nature of the various issues involved—to allow the motion, for reference of the Bill to a Select Committee, to be passed."

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p.m.

* Mr. G. SIMHACHALAM:—"Sir, I am sorry to notice that, in a matter where there is absolutely no controversy, so many doubts have been given expression to and so many explanations have been offered. This Bill is long overdue and I am really glad that the Hon. the Chief Minister is alive to his responsibility and has brought forward this measure. I know that this measure will enable the municipalities to maintain a high level of efficiency in their administration. No doubt I feel that the transference of the subordinates on low salary from one municipality to another will entail certain difficulties, but it may be limited to particular areas, to the districts adjoining. The Government can certainly fix such areas under the rule-making power.

"I am sorry that the question is viewed from altogether a different point of view, because most of our friends seem to think that the little power which the municipal councils were enjoying so far, is sought to be taken away by this amending Bill. I feel quite the reverse, because there are many persons who think that this power is a burden to them. We know as practical men how some of the subordinates of municipal councils are subjected to terrorism; if they do not work favourably to the man in power, certainly they will be in danger. As President of the Municipal Employees Association, I have been experiencing this difficulty for so many decades. The interests of the municipal employees ought to be safeguarded and not those who are seeking for power. Persons seeking power are not going to do justice

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either to the people or to the employees. I am against referring this Bill to a Select Committee and I respectfully submit to the Council that there should be no delay in getting this amending Bill passed."

* Mr. C. R. PARTHASARATHI AYYANGAR:—"Sir, the defect of Members in this Council is not to view things from a non-party point of view. Each party thinks that there is some ulterior motive when another party brings forward a measure; the employees in the municipalities are pawns in the game. It has become a sort of curse that people look at things from party point of view or from communal point of view. I wish that municipal councils should be free from communal bias. Hereafter it is time to think for the Government and for the Hon. Ministers to find out whether there are any people in a locality who will approach questions from a non-party point of view. It is time to recognize facts that they have gone too far with communal or party politics in municipal administration. I strongly support the measure—to look at things from an idealistic point of view and not from the point of view of self-aggrandisement. When the Hon. Minister wants to take power for the purpose of eschewing party politics from municipal administration, I say it is an incipient recognition of the fact that we are brushing away party and communal politics in municipal administration. From that point of view I heartily endorse any attempt however little, however insignificant it may be, for the purpose of doing justice; call yourself by any party you like; do real justice, not the nominal justice you are meting out.

"But you are imposing commissioners on municipalities which could ill-afford the heavy burden of maintaining them. The commissioners are sometimes clerks from the Secretariat and they do not know what to do. Now it is high time that the Government and the Hon. Minister should think of the great necessity to restore harmony in local self-government and not to make them a mere mockery of local self-government. From that stand-point, I quite recognize the necessity for the Hon. Minister to arm himself with the power to transfer employees from one place to another. I know what is going on in municipalities; people are appointed or dismissed arbitrarily. Though commissioners have been appointed, justice is not meted out to the employees. If you are going to be impartial, of course take this power; but exercise it wisely, not from party point of view. If you really mean to do justice, go on.

"Secondly, there is a provision in the Bill, to authorize the municipalities to think for themselves, instead of allowing the thinking to be done by others. If you give them some work to do, there will not be much of party politics. You must give them ripe advice on matters like the combating of epidemics, improvement of sanitation, protected water-supply, etc. I am yet to know if the Hon. the Chief Minister has sent out circulars advising the municipal councils on matters which require their immediate attention. I am anxiously waiting for the day when the Hon. Minister will give substantial advice especially in the

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matter of remunerative business being taken up by municipalities, what remunerative business should be undertaken by them. If the Hon. Minister wants to take power for the purpose of encouraging people to think independently, to do some constructive work, instead of allowing them to be immersed in party politics, I heartily support him. We should certainly support any attempt to clear these municipalities of persons who dance attendance on Councillors and who do no business at all. When the Hon. Minister has an opportunity of speaking to such people, he will be able to understand what sort of people they are. If you encourage people to do work on the right lines, you will be cleansing the municipal administration, of their stinking evils. We want men who are free from communal prejudices but men who have the interest of municipalities in their hearts. Sanitation in my municipality is bad; people have been agitating against it for the last twenty years and to see that it is improved. In spite of the fact that commissioners have been appointed, sanitation has not improved; give us better commissioners. Every municipality should be cleansed of its impurities; every district board should be well administered. If you attend one of the meetings of a municipality or of a district board, you will know what is happening; you will not know anything if you sit here in the Fort St. George. I heartily support any attempt in the right direction; but if it is meant to gain strength for the party, I must oppose it. If you really mean business, go on. I heartily support any measure intended to cleanse municipal administration of its impurities."

* Dr. P. SUBBARAYAN:—"Mr. President, I do not think there is any harm in referring this Bill to a Select Committee. I know that the Hon. the Chief Minister thinks that this is an urgent measure because many taluk board employees have been thrown out of employment by the passage of the recent Local Boards Act. But I do not think that the delay in referring this Bill to a Select Committee will be so much as to involve any injustice to the employees, because the passage of this Bill can be effected in January by referring it to a Select Committee now. The delay will not be so much as to endanger the position as it stands to-day. Besides, as was shown by Mr. Davis, who spoke on the other side of the House, many people connected with local board administration seem to have the feeling that this measure ought to be given further consideration before a Select Committee than has been given to it by the mere framing of the Bill. After all, compromises can be made in a Select Committee and it is not easy in a large council as this to come to decisions on matters which pertain to the employment of people in local bodies and municipalities. I would therefore appeal to the Hon. the Chief Minister to refer this Bill to a Select Committee so that it may have the advantage of being considered by persons experienced in local board and municipal administration, so that it may come out of the Select Committee in a manner acceptable to a large majority of this House."

At this stage the House adjourned for lunch.

[22nd October 1934]

VIII.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT, 1908, AND TO AMEND THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934, FOR CERTAIN PURPOSES (BILL No. 10 OF 1934).

After Lunch (2-30 p.m.)

The Hon. the PRESIDENT:—“The House will proceed with the Bill further to amend the Madras Estates Land Act, 1908, and to amend the Madras Estates Land (Amendment) Act, 1934, for certain purposes (Bill No. 10 of 1934).”

* The Hon. Sir ARCHIBALD CAMPBELL:—“Mr. President, I beg to present the report^a of the Select Committee on the Bill further to amend the Madras Estates Land Act, 1908, and to amend the Madras Estates Land (Amendment) Act, 1934, for certain purposes (Bill No. 10 of 1934), and move that the Bill, as amended by the Select Committee, be taken into consideration.

“Sir, I do not think I need take up the time of the House by making a long speech now. I would only point out that the report of the Select Committee is full and the objects of the proposals embodied in the Bill are fully explained. The Select Committee gave very careful consideration to all the representations which were made to it, and have in consequence, recast the scheme of the Bill so as to meet some of the points which were put before it. I hope that in this form it will be more acceptable to those who criticised the former Bill.”

Mr. G. T. BOAG:—“I second it.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“Mr. President, Sir, under Standing Order No. 73, I beg to present this petition to this Honourable House. With your permission, Sir, I present the petition on behalf of the inamdars in connexion with Bill No. 10 of 1934, i.e., the Estates Land Act (Amending) Bill, which is under consideration now.

“The petitioners complain that full investigation or enquiry with regard to the inams had not been made, and every aspect of the question was not considered in full before the Bill was brought in, and they also explain the difficulties and hardships which would be caused if the said Bill becomes law. They further explain, Sir, that there is no warrant for passing this Bill which will affect them very prejudicially and ruin them. This petition has been signed by five people who represent various Inamdars' Associations, and I request that this may be read over to the Council.”

* The Hon. the PRESIDENT:—“The Secretary will read it to the Council.”

The Secretary to the Council then read the petition.^b

^a Published in the *Fort St. George Gazette*, dated 2nd October 1934.

^b Printed as Appendix XIV at pages 142-144 *infra*.

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Mr. BASHEER AHMED SAYEED:—“Mr. President, Sir, I rise to move the motion that stands in my name, namely: 2-45 p.m.

‘that the further consideration of the Madras Estates Land (Second Amendment) Bill be adjourned till after a thorough investigation and enquiry has been made by the Government in regard to inam tenures in the various districts in the Presidency and the present position of the inamdars and their tenants in the inam villages in the Presidency.’

“I should consider, Sir, that the motion is self-explanatory and does not require any elaborate arguments. I would only submit even at the outset that the scope of this motion is not that any legislation that the Government intend to bring forward in the interests of any people should be stifled at any cost. Far from that. The object of this motion is to give the Government and also the parties affected greater opportunities to find out and come to a definite policy as to what exactly should be the privileges and the rights that should be conferred on parties who deserve them and what exactly should be the limit to which those parties who are already enjoying certain rights should forego them. It is with that object that we are here proposing that the consideration of this Bill should be deferred in order that the real intention of the parties concerned may be given effect to.

“Now, Sir, the measure before the Council, it need not be stated, is a far-reaching one, and it has taken very many turns which have been unexpected and the parties concerned, the inamdars, have been taken by surprise in many of the transactions that have taken place with reference to this Bill. A measure of this kind, one would naturally expect, should have been proceeded with very cautiously, very slowly and on very sound and solid foundations, but as it is, we have been at our wits' end to find out what exactly has been the cause for the provocation which is implied in this measure. We have been contending even on prior occasions that in this country, the relationship between the inamdars and their tenants has not been such as to warrant or justify any such measure on the part of the Government. We have repeatedly asked the Government to state categorically what was the credential or what were the grounds and the reasons which made them proceed with this measure. In fact, Sir, the Government had stated with reference to the Estates Land Act, that even within the short period after the enactment of that measure, difficulties, complications and differences arose and that time and again attempts were made to amend the measure, that owing to several difficulties, several events unforeseen, including even the Great War did not allow them to proceed with the amendments which were then felt to be necessary. But, one would expect a similar statement or a similar contingency being stated to justify this measure.

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"I would only invite the attention of the Hon. the Revenue Member to the Statement of Objects and Reasons which was published along with the Bill No. 12 of 1934 in which he stated—

"Within a year of the coming into force of the Madras Estates Land Act, 1908, which is the first enactment in this Presidency defining the substantive rights of the landholders and ryots, some defects came to light and an Amending Act (Madras Act IV of 1909) was passed. Since then other defects and difficulties inseparable from a first attempt were disclosed by numerous decisions of the High Court and the Board of Revenue and other sources. The Government as far back as 1913 took up the subject of amending the Act and introduced a Bill in the Legislative Council. In 1911, four other private Bills were also introduced proposing amendments to the Act."

"Now, Sir, I wish that Hon. Members of this House mark the words that follow.

"Enquiries were started and all persons interested consulted, but before the Bills could be passed into law, the Great War intervened and their further consideration had to be postponed till after its close. After the war ended, the subject was again taken up and it has been continuously under the consideration of the Government ever since. In 1922 and again in 1924, large and representative committees were constituted for considering the amendments necessary to the Act. A Bill prepared by a sub-committee of the second of the above committees reached the Government in 1928 and the present Bill is very largely based upon it."

"This Statement of Objects and Reasons refers to the Estates Land Act (Amending) Bill. That was a question which found final shape in 1908, and for the Government to come to any decision or resolution as to whether any Bill should be introduced amending the state of the law and in what shape it should be done, it took nearly from 1908 to 1931 or full 23 years. They had to consult, consider and do all these things which are narrated in the Statement of Objects and Reasons. In order to amend the law which they thought at that time was perfect, they instituted elaborate enquiries—commissions were instituted, committees were appointed—and on the basis of those enquiries, the enactment itself was passed.

"Now, Sir, it would stand to reason that when the relationship between the inamdars and their tenants which has been admitted on more than one occasion does not stand on the same footing—I say, Sir, on the same footing—as that, between the estate-holders and their tenants, one would expect that something like an enquiry would have taken place. But far from that, in spite of the several demands made from time to time by the interests affected, and the demands made on the floor of this Council by representatives, elected both by the inamdars and by the ryots, the Government have turned a deaf ear.

"Coming to recent events, you will remember that His Excellency the Governor when he returned the measure on representations made by the inamdars with regard to the deleterious effects of the measure passed by this Council, made an observation that he was 'satisfied' that the inamdars did not anticipate that those amendments would be

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incorporated in the Bill. In view of the complexity of the question involved, which in my opinion requires further consideration by the Council, I think it should be dealt with in a separate Bill . . . Now, Sir, these words are very significant. His Excellency said that those amendments which were passed, the scope of them, the implication and the significance of them, would not have been realized by the inamdars at the time when they were passed, because the time given to them was short, the opportunities that they could have for the consideration of those amendments were so limited that His Excellency thought that it was necessary that the question deserved deferment and that it should be considered at a later stage. I do not think the Hon. the Revenue Member was justified in the interpretation which he seems to have put on these significant words of His Excellency. The words 'the complexity of the question involved' have been interpreted by the Hon. the Revenue Member as meaning nothing to him. Even soon after these amendments made by the Council were returned to the Council for reconsideration, he seems to have been of the impression that those very amendments would be re-introduced in this Council at the next session or earlier even if possible in the very same form in which they were passed by the Council and returned by His Excellency the Governor. I do not think that that was the object with which His Excellency returned those amendments. If he had been told at the time by the Hon. the Revenue Member or any other responsible person who was in charge of the Bill, that the idea or the understanding of the Revenue Member was merely this, that those very amendments should be brought over once again in the Council for consideration without anything being done in the interregnum, probably His Excellency would have used more specific and more elaborate words to make clear what exactly he meant. As it is, what has happened is, I venture to submit, the Hon. the Revenue Member has not understood what exactly was passing in the mind of His Excellency when he said that there is great complexity in this question and that adequate opportunity should be given to the inamdars to consider what exactly their position is. I do not think there can be any dispute with regard to the significance of the words used by His Excellency the Governor.

"Sir, when the Government enacted the measure of 1908, they had an elaborate enquiry and when amendments were made to that enactment they had prolonged enquiries. A similar thing was certainly contemplated by His Excellency when he said that this question was complex and that it required further consideration.

"Now, Sir, all that the inamdars have been urging in their memoranda time after time was that the Government should establish a case for bringing into existence a measure of this kind which has been described to be of an expropriatory and confiscatory character. The Government cannot deny that charge against this measure. The

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measure is so and so. It cannot be said that the measure is innocent, that it merely conveys or vests people with rights which they deserve and that it does not affect the rights of others. In fact, the inamdars have been enjoying certain rights and privileges by established law, by custom or even prescription and those rights are sought to be taken away by this Bill. It is futile and foolish on the part of any one to say that the inamdars' rights are not being affected by a measure like this. The inamdars' rights are being vested in the ryots. Well, Sir, speaking and representing as I do the ryots as well as the inamdars, I am bound to say that it is not really fair or it is not just for Government to take away the rights of one and then vest them in the other. In fact, whatever grievances there have been in existence for which Government have constituted committees, not merely committees but representative committees and special committees, to go into the whole question, they related only to the estates and their ryots. And if the question or if these similar circumstances were to be extended to the relationship between the inamdars and their ryots a similar enquiry ought to have taken place. As it is, the Government have not attached any consideration to the demands that have been made by representatives of the inamdars and their constituted associations either. All that they have been urging for, on the strength of the observations made by His Excellency, was that the Government should go into the whole question and enquire into the exact position and then come to certain decision and, when they come to any decision, should give a fair opportunity to those inamdars to place their case as well. As the petition that has just been read out to the members of this House has dealt in elaborate terms, with the circumstances and the progress that has been made with reference to this measure, no one will feel justified that this measure ought to go on in this haste.

3 p.m. "The scope of the Bill has certainly varied. The original Bill as introduced is no longer to be seen. Even a cursory glance at the Bill would convince people that what the Hon. the Revenue Member originally introduced, the Bill No. 10 is no more Bill No. 10 of 1934. It has undergone such a serious and drastic change that we do not exactly find where exactly the real body has disappeared. The Government now seems to be taking up an attitude of persecuting the inamdars. I do not know what exactly is the cause for such persecution of the inamdars. We have heard nothing from the ryots except from one or two hon. Members who have espoused their cause, I say partly justly and partly unjustly. Except those voices here, in the country abroad we have not heard any complaints of any serious nature from the ryots in regard to these inamdars. In fact the Government seem to be acting on a number of presumptions, presumptions which are unsustainable and untenable. They think that even as the zamindars are merely owners of melvaram, the inamdars also are similarly owners of melvaram. It has been repeatedly pointed out here that there are still inams which continue as such, consisting of both the melvaram

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and kudivaram. But the Government have assumed that an inamdar owns only the melvaram, from what facts and figures we do not know. These facts and figures have not been placed before this House. And without any facts, and without any figures, without any investigation of the real state of the inams and their tenure, the nature and character of these inams, the Government seem to presume that all inamdars own only the melvaram and that the kudivaram should vest if it did not already vest in the ryots. Why? What is the basis? And what is the credential for such a presumption? The Government further seem to ignore the fact that whole inam villages have ceased to exist in many cases years ago, decades ago. The Government want to turn a deaf ear to that position. That position has been brought home to the Government more than once in a more emphatic manner than I can conceive that these inams have been subdivided and subdivided. Even under the Muhammadan law they take a 1/720 share. In that manner these inams have been subdivided, and there is no trace of these inams available. I may say, Sir, that with regard to certain inams granted to Muslims for charitable endowments for the purpose of maintaining shrines and mosques, one is not able to trace in whose names the inams exist today. I called for certain information from the Government and the Government have said that it was impossible for them to supply that information, even though their registers ought to show where exactly are the portions of those inams today. When that is the case, I should consider that the same state of affairs prevails with regard to other inams given all over the Presidency. Why should the Government, the Hon. the Revenue Member, presume that these inams are really only the melvaram.

"Again, Sir, the Select Committee which went into this question was asked specifically in writing that the inamdars' representatives should be given a hearing, that the committee should be allowed to discuss the matter with them. But what has the Select Committee done? In the report the Select Committee state—

'At the meeting a feeling was expressed that informal conversations between the representatives of the interests of the inamdars and the interests of the tenants in inam villages might lead to some agreed proposals which would simplify discussion in the Committee. To enable such mutual consultation to be made and agreed proposals to be arrived at, the Committee adjourned to the 12th September 1934.'

"On one day they wanted to get the whole thing considered and decided and then frame their proposals.

'On the 12th and 13th September the proposals which resulted from informal consultations among certain members of the Committee were discussed and accepted by a majority of the Committee.'

"So, these informal consultations were not among the ryots, the inamdars and the Government and the Select Committee, but only

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between some members. These are proposals which resulted from informal consultations among certain members of the Committee and they were accepted by a majority of the Committee. I want to know whether this was all that was intended by the previous communiqué that was issued at the instance of the Secretary to the Committee that representations would be given consideration. In fact they started with one thing, even as the Bill started, and ended with another. So these proposals for consultations, to get information and also obtain agreed resolutions started on one thing and ended with another quite different and quite extraneous to the purpose that had been intended. Sir, if the Government is really serious, if the Government's idea is that the people who are denied their legitimate rights should be vested with those rights, what is there that prevents the Government from making an elaborate enquiry, investigating into the matter, giving opportunities to the inamdars to justify their case and then bringing this measure? What will happen if they do so? Is the Government going to come to naught if any such investigation or enquiry is made? In fact it was contemplated when the amendments were referred back to the Council that before any fresh Bill was brought before this House, there would be an enquiry into the exact nature and character of the tenures concerning inams. Now without that enquiry why should this Bill be pushed forward. I would only say, Sir, that there is no urgency or necessity. In fact, there is now greater necessity and greater urgency to postpone the measure. But if the Government should only take into their heads that they should justify not themselves but also justify the subjects, the ryots as well as the inamdars, they would certainly not flinch from instituting an enquiry of the kind asked for by the inamdars.

“Again, Sir, the Bill as it emerged from the Select Committee has affected substantive rights of the parties. Not merely that; it has even affected the law of procedure, the law of evidence. If the decisions had been in one way and not to the advantage of the ryot, then opportunity should be given to them or the inamdars to get those decisions varied or rectified. But the Government while attempting to show that they are going to restore the *status quo* prevailing before the 1st July 1918, have gone the other way and the object they wanted to achieve has not been achieved. What they have achieved is really to affect the inamdars to the fullest extent possible. Is that what the Government should do? That is what I ask. If the Government thinks that certain decisions have gone wrong, they should say how those decisions have gone wrong. When the Muslim Wakf Validating Act was passed, the decision of the Privy Council went against the law as laid down in Islamic jurisprudence. It was proved to the hilt that the law laid down regarding the Wakf properties of Muslims was directly contrary to the existing law of Islam. Then it was that they passed the Act. But now has the Government proved any such thing in a case like this? To make a statement that the inamdars have been

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given rights by these decisions, thereby casting reflections on the decisions which have gone on the merits and on questions of law and evidence, is not really the proper thing to do in a matter like this. What is it that the Government have in their possession to show that this measure is beneficial, that this measure is just, that this measure is warranted by the existing circumstances. Why should they at once go and amend the law of evidence, and that amendment only to confer, so far as this measure is concerned, benefits on one party as against another and take away the rights and privileges that are now vested in the other party, the inamdars? Why should the law of evidence be amended in order not to justify any valid grievance but to give undeserving rights and privileges to one class against another. Even a Government which is utterly capitalistic should not have gone to this extent. The inamdars are as much the subjects of the Government as the ryots who are cultivating the inam lands. When such is the case, why should this onesided legislation be proceeded with post haste? I consider that no valid argument can be advanced against the postponing of this measure until such time as an elaborate and thorough enquiry is made regarding the position of the inams, their tenures, the condition of their subdivisions, the position of the ryots and also how these measures that are proposed would affect them. Strictly speaking, this measure should have been given the widest publicity. It has been pointed out in the petition that has been presented just now, that this Bill had not even been published in the vernaculars of the Presidency. Is it fair that without publishing this report of the Select Committee and the Bill as amended, it should be placed on the agenda of the Council? I therefore submit that it is not really in the interests of the inamdars. Nor is it fair to the inamdars who are mostly acquainted with the vernaculars only. They are not all educated in English in the Universities. They have not gone through even the High School course of education. That being the case, why should the benefit of the knowledge of this report of the Select Committee and the Bill be denied to them? I venture to say, Sir, that the Government seems to be pursuing a very narrow policy and a policy which will not in the long run benefit them or the ryots whom they are now supposed to benefit. The ryots will soon come into their own. And what the Government have not done this year they will be forced to do next year or so. They will be forced to bring in amending measures to the existing Bill. The Select Committee that was originally constituted for the Bill No. 12 of 1931, definitely stated that they were not for the inclusion in the definition of ‘inams’ in the way in which it was sought to be done, and I do not see that any change has come over that position as it obtained then for the inclusion of these definitions. And even considerations which are not germane to the issues before this House have been introduced by the Select Committee. The whole system of law seems to have been changed. There is no objection to

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changing any existing law, but before you do it, you should take into consideration all aspects of the question and afford opportunities to all parties interested and then proceed with the measure. All that I ask in the motion is that the consideration of this Bill should be deferred and an enquiry should be instituted by the Government, and any measure should be brought forward only as a result of such an enquiry, after full consideration and consultation among the various interests affected. I therefore make this motion."

3-15 P.M. * Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I heartily second this motion. The terms of the resolution clearly mention the object for which the enquiry is sought. In any case of legislation affecting large interests, long established rights or widely prevailing usages, an enquiry preparatory to undertaking such legislation, is essential. This resolution claims nothing more.

"The subject-matter of the Bill has been in one shape or another before this Council frequently during the past two or three years, but with no satisfactory results. The reason is obvious. There has been a lack of information regarding the inam tenures and the present condition of the inamdars and the tenants in inam villages. There are thousands of inam villages scattered all over the Presidency and the tenures therein are various. There is no one tenure prevailing in them or even in some groups of them. It was mentioned frequently that the beneficial provisions of the Estates Land Act I of 1908, which are applicable to the zamindaris should also be extended to all the inams. Nothing is more misleading than the assertion that the conditions of the inams are identical or even similar to those of the zamindaris. The origin of the zamindaris is well known. The zamindaris are in some cases continuations of principalities which, prior to the permanent settlement, were in the nature of sovereign or semi-sovereign states. In certain other cases, the farmers of land revenue from the Hindu Rajas or Muslim Nawabs or from the East India Company, were recognized as zamindars in respect of large groups of villages and a peshkash settled with them by the permanent settlement. In some few cases, new zamindaris appear to have been created. One feature common to all is that they were all large estates comprising numerous villages. In the nature of things, the zamindar can only be collecting melvaram or rent from the tenants. The zamindars could hardly have cultivated the lands themselves. It may have been that in some cases the zamindars might have kept some lands as their own domain or home farm lands. That would rather be the exception than the rule.

"In most of these zamindaris—probably in almost all of them—a usage of impartibility has prevailed which kept these estates unpartitioned and intact. In such cases, it would not be improper to proceed on the assumption that the tenants on the lands must be presumed to

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have permanent occupancy rights. Any legislation to protect such rights or confer occupancy rights on the zamindari tenants, when they are holding the land for agricultural purposes was justifiable and called for. That was the reason for enacting the Madras Act I of 1908. In fact, courts of law even previously have held that there was such a presumption.

"The case of inams is different from that of zamindaris. The Statement of Objects and Reasons for the present Bill No. 10 of 1934, goes into an antiquarian discussion for showing that the Raja or the Nawab who made these inams could not, on the Laws of Manu, be owners of both the rights. I question the correctness of that view. However, even the Statement of Objects and Reasons recognizes the possibility of inams of both *varams*; further, the inamdars could have lawfully been the owners of both the *varams* in a variety of ways. The argument that when an inam was made, it could convey only the right of the grantor and that no *kudivaram* could be conveyed assumes that every bit of land in the inam villages must have been under cultivation and in the holding of tenants when the inam was made. There is however no ground at all for such an assumption. The inams in many cases were only of partially cultivated villages with a large extent of waste land. Inamdars of such villages and their descendants owning those villages have reclaimed waste lands, with their own labour and money retaining full rights therein. There are inam villages and I can speak of a number of them in the Ramnad district, where inamdars should have brought in and settled ryots on the land; for, I find that in many inam villages there are definite fractions in the village—one fraction known as *Pannaikarai*, i.e., lands owned by inamdars in full right (both *varams*) and the other fraction known as *kudikarai* where in the tenants own *kudivaram* rights. This must be due to an arrangement in olden times whereby the inamdars let some lands to the tenants giving them *kudivaram* rights, retaining some lands to themselves with full rights and got them cultivated by periodical leases or by hired labour or themselves cultivating. This arrangement has been going on for decades without any grievance, the rights of both parties being mutually respected.

"There has been acquisition by the inamdars of *kudivaram* rights from tenants and also from other inamdars who held both rights. I do not think it necessary to detail all the various ways in which the inamdars might have lawfully possessed or acquired *kudivaram* rights.

"About 50 or 60 years after the permanent settlement of the zamindaris, the Government appointed an Inam Commission to investigate the inams. I do not say that the purpose of the investigation by the Inam Commission was to find out whether the inamdars held the entire ownership in the land including both the *varams* or only the *melvaram*. The purpose of the Commission was to investigate the nature of the inam service and to issue pattas enfranchising or continuing the inam

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on conditions. However, in the course of the investigation, the Inam Commission was able to note the existence of two classes of inams in relation to the rights with which we are now concerned. In the report made in 1869 by Mr. Blair, the Inam Commissioner, at the conclusion of the investigation, we find the following observation:—

‘The inams in this Presidency are of two kinds. First, those where the proprietary rights in the soil and the right to the Government share or the revenue derivable from the land coalesce in one and the same individual, and secondly those where the proprietary or occupancy right is vested in one or more individuals while the Government share of the revenue has been granted to one of them.’

“Sir, Mr. Blair’s observation is as true to-day as it was when he made it.

3-30
P.m.

“Inams were made for diverse purposes and to all sorts of people. Inams were granted to temples and charitable institutions, to maths and to learned people, to Brahmans for subsistence and to a large number of individuals for service. There are inams to potters, pujaris of village temples, etc. The grantees and their descendants have been cultivating the soil and doing the puja. Sometimes they cultivate themselves and at other times they let the land to others for cultivation. There are inams granted to people who are divers and who pursue various other professions. In this country people who follow certain other professions or avocations are also agriculturists. Even in the case of inams to Brahmans, the members of which caste do not actually plough, there are villages where the Brahman inamdars keep agricultural stock and pursue the profession of agriculture by hired labour or by letting the land. Unlike the zamindaris which are impartible and have continued intact, the inams, due to the operation of the ordinary laws of partition, succession and alienation, have been divided and subdivided into very small fractions. There would be now several lakhs of inamdars, in many cases each holding lands separately from another with his own set of tenants. Even in a single village, there would be many such separate parcels of land held by inam sharers individually and separately. In these circumstances, to view the inamdars in the same light as zamindars would be wholly unjustified.

“The tenures are not uniform but are peculiar and various. The conditions of holding are equally various. The inamdars who own their small extents of land are in many cases depending thereon for their subsistence. They have been the subject-matter of transfers, alienation, etc. Rights have been acquired and lost all in a legal way. There is no benevolence or justice in depriving a very large number of poor inamdars of their kudivaram rights and vesting them in others. There can be no public policy to support it.

“Before enacting Madras Act I of 1908, Government investigated the subject for a long time. Experienced officers like Mr. Ross and Mr. Forbes were placed on special duty and after elaborate investigation and detailed consideration, that piece of legislation was enacted.

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While all zamindaris and separated parts thereof were brought within the terms of the Act, all inams were not brought within it. Only those inams in which the melavaram alone was granted to one not owning the kudivaram, were brought within it. This is a clear admission, if any admission is needed, of the existence of various classes of inams even in origin, such as inams of melvaram only, inams of both varams and inams of melvaram to one already owning the kudivaram. During the long interval between the dates of inams and the date of the Act, kudivaram might have also been acquired by the inamdars. The subject was complicated, and the Government had not any idea of taking away the rights of the inamdars to kudivaram in cases where they possessed it. That is why they limited the definition of ‘estate’ relating to inams. Mr. Forbes stated during the discussion in the Council on the Bill which became Madras Act I of 1908, that it was not intended to take away any vested rights. The difficulties and hardships that would undoubtedly be felt by those inamdars who came within the Act even in the matter of acquisition of kudivaram were recognized and for their benefit an exception to section 8 was enacted. Section 8 debarred the merger of kudivaram and melvaram when a landholder acquired the kudivaram right. The landholder could not own it as a ryot. The exception provided that if in an inam village which came under that Act the landholder acquired kudivaram right, that land would cease to be part of the estate. Sir, how careful have been the framers of that Act in dealing with the inams? Nothing has been shown as to why the inamdars should be dealt with in the drastic way in which the Bill which was introduced in July last (Bill No. 10 of 1934) and the Bill now before the Council deal with them.

“Sir, after several years’ working of the Act I of 1908, Government desired to undertake legislation to amend that Act and they did so only after appointing departmental committees on more than one occasion and investigating the matter even for rectifying defects. The Bill which was introduced thereafter did not introduce any substantial changes in the rights of parties. When Bill No. 12 of 1931, was introduced by the Hon. the Revenue Member, he made it plain that the Bill only aimed at removing difficulties that were found in the working of the Act. So far as inams were concerned, the Bill simply aimed at bringing all the inams within the Act, but took care to safeguard vested rights. In fact, in that Bill, the exception to section 8 of the Act, was brought in with a slight modification within the definition of ‘private land.’ It was prominently mentioned by the Mover and others that the Privy Council upset the decision of Madras High Court regarding the onus of proof between the inamdar and the tenant. The difficulties regarding the onus were provided for by the altered definition of ‘estate’ in that Bill.

“The Select Committee on the Bill thought that even that attempt at change in the existing law was not called for and restored the original

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definition of 'estate' in the Act. One significant circumstance in this connexion deserves calling attention to. My Hon. Friend Diwan Bahadur Muniswami Nayudu, who was then holding the responsible position of Chief Minister, was a member of that Select Committee. It appears he recognized the importance of the changes that were sought to be introduced in that Bill in respect of inams, and in one of the earlier sittings, he thought it necessary to postpone discussion of the provisions relating to inams to a later sitting, so that the Advocate-General might be present. At the later sitting, the Committee dropped the proposed changes and restored the definition of 'estate' regarding inams as it was in the original Act. I do not believe that my hon. Friend appended any dissenting minute to the report. I do not say that because he did not do so then, he cannot propose the drastic changes which he has seen fit to propose since. The inference I seek to draw is that my hon. Friend Mr. Muniswami Nayudu must have felt a considerable sense of responsibility to all interests concerned when he held that high office and refrained from pressing his personal views. Now, as a private member he has been putting forward his individual views which I say are only one side of the controversy. The Select Committee report on Bill No. 12 of 1931 was presented to the Council by the Hon. the Revenue Member, and there was no amendment tabled by the Government to introduce even the change which was proposed in the Bill.

3-45 p.m. "The Hon. Mr. Muniswami Nayudu later gave notice of certain amendments regarding inams. He moved them during the discussion of the said Bill last year; we were surprised at the Hon. Revenue Member accepting the amendments. They were not identical with the deleted provisions of Bill No. 12 of 1931 regarding inams, but on the other hand the new amendments introduced vast changes seriously affecting the rights of inamdars. No reasons were given for the sudden change of policy implied in the Mover's acceptance of the amendments. What followed later, viz., the agitation, the deputations to His Excellency the Governor, the return of the Bill to the Council, the passage of the Estates Land (First Amendment) Act, are all well known and I need not detain the Council by elaborating on them. One would naturally expect that in these circumstances the Government would direct a thorough investigation and enquiry in regard to inam tenures in this Presidency and the present position of the inamdars and the tenants in the inam villages before introducing a Bill. No such course was adopted. It cannot be said that information that would be gathered by such an investigation is available already. I may refer to a question put last year in this Council by my hon. Friend Mr. T. S. Ramaswami Ayyar requesting information on a number of points relating to inams in this Presidency. The answer to the same was a substantial negative. It cannot be said that the legislation is urgent and that it cannot await an enquiry. The enactment of section 127 in the Act prohibiting ejectment of tenants for two years from 1st November 1933 gives enough

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time to pursue an investigation and come to the Council. The present Bill, No. 10 of 1934 contains changes which are fundamental and are destructive of the rights of the inamdars. No information has been placed before the Council as to why the Government changed their views which they held in 1931, that all vested rights should be protected.

"Even the Statement of Objects and Reasons appended to the Bill does not enable us to find any adequate reasons for the changes. The Bill as amended by the Select Committee is far worse than the original Bill itself. It is strange and unfortunate that every successive attempt at this legislation has only resulted in making the matter progressively against the inamdar. Large numbers of inamdars who have been unquestionably enjoying both rights from generation to generation and who have purchased for valuable consideration kudivaram rights stand to lose their rights. Where is the justice in taking away their rights and vesting them in tenants irrespective of the fact whether those tenants came on the land by letting by the inamdar or were on the land already and if so, how and under what circumstances. The whole of the trouble can be avoided if only the Government would be good enough to make an investigation even now and frame legislative proposals on the results of the investigation. I support the motion."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"A large amount of time has been taken to canvass the position which the Mover and Seconder had taken at the time the Bill was introduced. They have spoken at great length on there being no need according to them for a legislation of this sort. They have also tried to go back to the previous state of law and begun to say that this Bill is absolutely unauthorized. I think hon. Members will feel that this question has been discussed and debated upon at very great length both at the time when this Bill was introduced and when the Council by vote accepted the principles of the Bill that is, the conferring of occupancy rights in the case of inams. The only question which can be legitimately gone into now would be to what extent the Select Committee has carried out the original principles of the Bill and the amendments and to what extent recommitment or further consideration is necessary. So far as this is concerned, I have got only a few criticisms from my friend Mr. T. C. Srinivasa Ayyangar. He has referred to the main grievance that in the Bill as it has emerged from the Select Committee there is a provision for registration of all private lands within a period of two years. He seems to make that his main point of attack. I thought, Sir, and I am sure the Hon. the Revenue Member will tell us later on that that provision is intended more for the purpose of securing the rights of inamdars themselves by a registry to show what can be said to be private land so that there may be no more trouble about it. I do not think the provision is really in the interests of the tenants; if at all, it is in the interests of the inamdars. I know, Sir, that at one stage, the inamdars had been very enthusiastic about it. As to why they changed later on I cannot

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say. This much I can say that the Bill aims at trying to ascertain what may be said to be private land as early as possible. If only hon. Members will look into the categories of private land in the definition clauses, there are certain peculiar features and these things require that the ascertainment of private land should be done as quickly as possible.

“ There is a question as to whether the inamdars had been in possession of lands for a period of twelve years before 1933 or before 1908. There is the question as to who were the inamdars then in possession after they purchased lands. It is essential more in the interests of the inamdars than others that with regard to that kind of property which is private land the thing should be examined as quickly as possible and should be decided once for all. The Bill as it has emerged from the Select Committee has provided only for that. My friend asks why there should be penalty. The section says that once the list is prepared it shall become final, giving all opportunities to the persons concerned to come in within a reasonable time. The period of two years has been specially fixed with a view to give as much time as possible for an enquiry to be made in the widest possible manner after the widest possible publicity is given. And it has been thought necessary not to allow this litigation to go on endlessly but to entrust it to an executive officer of the Revenue Department to have this enquiry conducted as early as possible. It will be open to the hon. Member to move amendments and to have these amendments accepted by the House if really he thinks they are of any substance. The way to get them done is not by blocking the Bill by the resolution that he has tabled but by moving an amendment. After all he wants that the Bill should await the ascertainment of the rights between the inamdars and the tenants and a thousand and one other things. That is a demand which has been made at the time the Bill was introduced and referred to a Select Committee. At that time a request was made to place before the Select Committee all the materials available with the Government with regard to the settlement of inams in 1860; a copy of the report of the Inam Commissioner was also put into the hands of every member of the Select Committee. That itself would have gone to show that the inams which were dealt with by the Inam Commission have been not only whole inam villages but probably a very large number of minor inams. And as has been already pointed out this Bill deals with whole inam villages and not minor inams.

4 p.m. “ If you take only the whole inam villages, they would not be even one-tenth of the inams considered by the Inam Commission. My friend reads only a solitary passage from a paragraph of Mr. Blair's report which says that there are two classes of inams in one of which both the soil and the melvaram vested in the inamdar and the other where they did not so vest in one and the same person. That had absolutely no reference to whole inam villages. This has to be read in reference to inams granted to the village artisans and other village servants for village service. In those cases, the actual inamdar was a cultivator

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too. It was for that reason that in 1908 minor inam villages were excluded from the operation of the Act of 1908. (The Hon. Sir Archibald Campbell: minor inams). Yes, minor inams were excluded from the Act of 1908 while whole inam villages were included. In 1905 when the Bill was introduced by the Government the definition of an estate included not only whole inam villages but also minor inams. It was on account of this objection that minor inams were excluded in 1908. There is absolutely no attempt now to bring them back under this Bill. All that we are now dealing with are whole inam villages.

“ My hon. Friend said that the Bill had certain provisions which shifted the onus of proof on to the inamdar and suggested that if those provisions were accepted the inamdar would be unable to prove what the origin of the inam was and whether melvaram and kudivaram vested in him according to the original grant or not. I sympathize with the inamdars, but did they ever sympathize with the tenant when the Privy Council said that he should prove that according to the terms of the original grant the kudivaram did not vest in the inamdar? The inam was granted to the inamdar and the inam deed must be with him. He could refuse to produce it and yet under the ruling of the Privy Council it was the tenant who had to prove that originally the inamdar had not the melvaram and the kudivaram together. That was the law which my friend Mr. T. C. Srinivasa Ayyangar and those who think with him thought to be very satisfactory. It is very satisfactory so far as they are concerned. But what the Government are doing now is to say that that was not their object in 1908 at all and that the ruling of the Privy Council has altered the law. Therefore as has been stated in the statement of objects and reasons of the Bill, the Government are now trying by this Bill to revert to the position as it was when the Act of 1908 was passed by throwing the onus of proof on the inamdar and asking him to show that at the time of the original grant he had both the melvaram and the kudivaram together. Now in one of the amendments which the representatives of the inamdars themselves have given notice there is a presumption in favour of the tenants. I refer to amendment No. 2 on the Notice Paper, probably the first amendment that will be discussed to-day. There we find that even the inamdars—Mr. T. C. Srinivasa Ayyangar included—have given notice of an amendment containing the following presumption, namely:—

‘ provided that in all proceedings in which the question arises as to whether the grant included the kudivaram, it shall be presumed that it consisted of the melvaram alone until the contrary is shown.’ ”

Mr. T. C. SRINIVASA AYYANGAR:—“ It is intended to redress what has been said to be an injury done to the tenants by the decisions of the Privy Council. That shows that we are not unreasonable people.”

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Diwan Bahadur B. MUNISWAMI NAYUDU:—“ I know that Mr. Srinivasa Ayyangar is not an unreasonable man, except probably when he has to second a motion like this instead of leaving his colleague from Madura to do it in better language.

“ Therefore, in so far as his complaint that the onus is unjustly thrown on the shoulders of the inamdars is concerned, I have shown that there is no injustice in it because the inamdars themselves have accepted that position. With regard to this question of onus, it has been said that what is now presumed to be private land will not hereafter be presumed to be private land. Under the Act of 1908, when a question arises whether a land is private land or ryoti land, it is presumed to be private land and that is just what is provided here also.

“ The last objection they put forward is that certain kinds of evidence are to be excluded in proof of the fact that at the time of the admission of the tenant he had no occupancy right. Yes, those kinds of evidence are not admissible only to prove that at the time of admission the tenant had no occupancy right. Otherwise they are admissible to prove what the rent is and other matters. All these questions have been carefully discussed in the Select Committee. Members who represented the inamdars very ably put forward their case and I am sure they will repeat their case in this House and they will surely be able to convert the House if their arguments are reasonable. But the amendment before us is merely intended to block the Bill and put off its consideration for ever. It is not intended for the purpose of honestly solving the differences that exist between tenants and inamdars. I do not think I need answer the allegation made by the hon. Member who moved the amendment to the effect that there has been no demand for this Bill from the tenants. That is the way in which inconvenient things can be pushed aside. I do not know what volume of opposition there is to-day from the inamdars. No doubt it may be that they are organized, they are more vocal and they can use pen and paper to put forward their case. They have got the Press to help them. But so far as the tenants are concerned, they have agitated for this for a very long time. The various cases that have gone to the Privy Council, not to speak of the several cases that have stopped with the lower courts, are themselves evidence to show with what amount of assiduity the inamdars have been trying to eject the tenants. My friend Mr. T. C. Srinivasa Ayyangar—it is not generally the case with him—tried to refer to my attitude when I was a member of the committee which considered this question some time back. He thinks he has been very proper in doing it and I take it I will be very proper in replying to him. I believe he was one of those who sat with me on some of the committees constituted by the Government in 1921 and 1924 with a view to considering what amendments were necessary to the Act. I am sure he has not forgotten it, but if he has forgotten he may brush up his memory by looking into

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the copies of the proceedings which he must have with him. Several times I was one of the staunch advocates who pressed for the inclusion of all inams. He referred to the select committee. I may tell him that at the meeting at which this question of inams was considered I was not present. If he says that I was present and that I agreed to what he has said, it is a mistake. I am sure he will correct himself.

“ I do not want to say anything more than that all the suggestions made by Mr. T. C. Srinivasa Ayyangar to improve the Bill are embodied already in the amendments that have been tabled. They can all be discussed in the Council. (Mr. Basheer Ahmed Sayeed: ‘ With what result?’) As a constitutional legislator he knows what his position is. I am sure, Sir, he will agree with me that so far as the Hon. the Revenue Member is concerned, he has got one in whom he may have absolute confidence that if he can make out a case he will sympathetically consider it. While this Bill was considered by the Select Committee, it was the lot of the Hon. the Revenue Member not to please both sides. He has dealt with the tenants’ representatives in the same way in which he has dealt with the representatives of inamdars. He has refused to accept unjust amendments irrespective of the fact whether they were acceptable to the tenants or acceptable to the inamdars. I for my part fought hard in the select committee on certain points, but I was overruled. I do not complain. I hope my friend Mr. T. C. Srinivasa Ayyangar will take it in the same spirit where he has fought and failed just as I have done where I have fought and failed. I wish therefore that the representatives of inamdars abandon the idea of putting off the consideration of the Bill merely for the purpose of an enquiry which leads us nowhere and go forward with the amendments which have been tabled and have them considered on their merits.”

* The Hon. SIR ARCHIBALD CAMPBELL:—“ Mr. President, Sir, I cannot accept this amendment and I do not suppose that the hon. the mover expects me to accept it. He has put forward as one reason for justifying his amendment the fact that a prolonged enquiry was made before my earlier Bill which became the Madras Estates Land (Amendment) Act of 1934 was introduced. But I would remind the House that that Bill covered a vast number of subjects and was an extremely intricate Bill and as finally passed it included 127 sections, whereas this Bill consists of only nine sections. The Bill is therefore very much shorter, and it deals only with one matter, namely, the relations between inamdars in whole inam villages and their tenants. (Mr. Basheer Ahmed Sayeed: ‘ A most important matter.’) I quite agree that it is a most important matter and it is for that reason that His Excellency thought it better to return the Bill—my original Bill—in order that the provisions relating to this matter which had not been introduced by me originally but were introduced in the course of the discussion, could be separately considered. Sir, there has been ample time for the consideration of the matter. The Government hoped that during the interval

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which elapsed before I carried out my intention which I announced with the concurrence of my colleagues on the Cabinet, namely, that a Bill would be introduced on the same lines in this House—the Government hoped that the opportunity would be taken by the inamdars to approach the representatives of the ryots and if possible arrive at some agreed solution of the difficulties. But, Sir, our hopes were entirely disappointed. I received deputations from inam associations. I listened with great care and attention to certain persons who interviewed me as representing the views of the inamdars though they were not in all cases inamdars themselves. I endeavoured to see in what way something might be done to prevent more hardship, if there was to be hardship at all, to the inamdars than was necessary in order to protect the rights of the tenants. I do not want to cover the ground again which I covered when introducing the Bill, when I put forward the reasons which led us to consider it essential that legislation should be introduced without delay in order to prevent the tenants in inam villages from losing their kudivaram rights. As I mentioned then, the last ruling of the Privy Council in January 1934 seemed to show that it was merely a matter of time for the operation of the law as it stands at present and as interpreted by the highest courts to lead to the deprivation of the ryots of their kudivaram rights in all cases, although I believe in thousands of villages inamdars hitherto have never claimed this right and have admitted that the ryots have got it. That is why we have felt it necessary to undertake this legislation without further delay and meantime to hold up the operation of the courts.

“Now, Sir, the hon. the mover of the amendment wishes that an enquiry should be held before we legislate. Now that enquiry if it is to be of any use at all should be thorough and must occupy a considerable time and cost a great deal of money not merely to the Government but also to the inamdars and the tenants. In every case, there will have to be an enquiry under his proposals. And the people who will profit would be the vakils. It is difficult for me to see who else is to profit by it. The result of the enquiry would not be binding on the Government unless they chose to accept it. It would not be binding on the tenants and it would not be binding on the inamdars. It certainly would not be binding on the civil courts. The best thing therefore is to make an enquiry which is a statutory enquiry and that is what we are doing under the present Bill. We have provided for an enquiry being held under the present Bill whose result will be binding on the Government, on the inamdars, on the tenants and on the civil courts. We have laid down in the Bill as now revised in what cases kudivaram rights shall be retained by the inamdars for all time unless they choose to convert the land into ryoti land. I submit, Sir, that it is better for us to pass this Bill as soon as possible and have this enquiry without further delay so that we may set at rest this litigation which is going on and which is likely to proceed further between inamdars and their

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tenants to the detriment of the interests of both. It is of course open to this House to amend the provisions of this Bill so as to provide further classes of private land if they think it necessary to do so. But the present scheme was put forward after the Bill was introduced and considered by the Select Committee and the Select Committee adjourned to see if it was possible for the representatives of the two parties to come to some agreement. Neither party had any suggestions to make. Therefore with the concurrence of my Hon. Colleague the Chief Minister and the Government I put forward these suggestions as to the lines on which we should proceed.

“Those suggestions were welcomed by those members on the Select Committee who sponsored the cause of the inamdars; they are now opposing the provisions of this Bill. The Select Committee would not have proceeded with the consideration of those suggestions, if they had not at first received their acquiescence and support. I therefore submit that no useful purpose will be served by the postponement of the consideration of this Bill in order that there may be a non-statutory enquiry before it is passed.” 4-15 p.m.

The motion was put and lost.

Mr. BASHEER AHMED SAYEED:—“Sir, I move—

‘that the Madras Estates Land (Second Amendment) Bill (Bill No. 10 of 1934) and the amendments thereto by the Select Committee, be referred again to a Select Committee for fresh report after due enquiry and taking of evidence.’

“I do not want to repeat the arguments that have been already advanced in support of the earlier motion. But this at least, I hope; the Hon. the Revenue Member will concede is a modest demand. It has been admitted that the Select Committee has made a new Bill altogether. I venture to say that the principles which are now involved in this Bill cannot be and are not the same as in the original Bill introduced by the Hon. the Revenue Member. When a new Bill has been introduced and has not been published, as I stated before, in the vernacular languages, it is but meet and elementary justice that this Bill should be reconsidered by the Select Committee and that time should be given to the inamdars and other affected interests to find out where these amendments lead. Thanks to the Printing Department and to the Secretary to the Council, even a very cursory glance at the Bill shows that except clauses 3 and 9 of the Bill, the whole Bill has been redrafted. While that is the case, I only ask the House to accept this motion which means recommittal of the Bill to the very same Select Committee, or if it is the desire of the House, to a fresh Select Committee which can bring to bear upon it fresh ideas and fresh aspects on the question. Previous speakers, one or two of them, have stated

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that what the inamdars asked, has been conceded. I do not see in the Bill any sign or mark which would show that the Bill has conceded any of the requests made by the inamdar. I searched in vain the three or four volumes that were circulated to the Members of the Select Committee soon after the Bill was introduced, when the Bill was being considered and even after the Bill was reported on by the Select Committee, to find out what suggestion of the inamdars has been incorporated by the Select Committee. My Hon. Friend from Chittoor stated that the enquiry which is sought to be made, is the demand of the inamdars and it has been conceded. Let us consider at what cost it has been conceded. The enquiry is to be short and all the material that would be relevant and all the material which will go to prove the case of the inamdar would be shut out. All this evidence cannot be entertained. Documentary evidence will have to be shut out. It is not known what exactly is the kind of material, the sort of evidence that can be let in by the inamdar to prove that he has the kudivaram right also and that the land is his private land. The definition of 'private land' is quite unnecessary. It has been imported into the Bill by the Select Committee which is unwarranted. All that is now required by this motion is that the Select Committee should hold enquiries, take evidence and submit a fresh report. The inamdars ask for evidence being let in by the Select Committee itself, not an enquiry of the nature which was contemplated in the earlier motion, but an enquiry by the Select Committee itself; the Select Committee can take evidence and come to conclusions. This modest request would not cost much—only a few hundreds of rupees probably by having prolonged meetings of the Select Committee. On prior occasions, in the matter of the Andhra University Act, in the case of the Malabar Tenancy Act and in the cases of several other enactments, Select Committees have taken evidence. Even that ordinary concession is not given in this case, which affects two or three lakhs of people and six thousand of whole inam villages. I do not think that anything will be lost by this Bill being referred back to the same Select Committee. It may take two or three months more. When the very substantial Estates Land Act of 1908 had to wait till 1934 for relevant amendments to be incorporated and to take a definite shape, I do not see what will be lost by this measure waiting for a few months more or years if that is to be the case. One hon. Member said that it is proposed to restore the old state of law; there is no doubt an amendment to that effect. But the inamdars have asked that the whole burden, the whole onus of proof should not be thrown upon them. That has not been taken into consideration. It is really astonishing that a Select Committee which started saying that it will go into the question and do everything to adjust the grievances, has done nothing and has turned a deaf ear to the very many modest demands of the inamdars. I submit that this very Select Committee or some other Select Committee may be able to view the whole situation in a fresh light and then make the measure less objectionable to the parties affected. The Hon. the Revenue Member has not

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given any valid grounds for rejecting modest demands of this kind. He wants to have a statutory committee; but what is the statutory enquiry that is contemplated in the amendment? Why should retrospective effect be given effect to it, which is contrary to any principles, even the elementary principle of legislation. What about the pending cases? Are they also to be affected? They should be outside the new law. Is it reason? Is it fairness? What is the principle of jurisprudence on which this enactment is based, we are not able to understand—that pending cases should be decided by an enactment which is yet to come, which is yet to receive the assent of the Governor and the Governor-General; we cannot understand the mentality of those who are responsible for this Bill. I can only say that the inamdars may have offended; but the punishment given to them is too serious and too heinous. They do not really deserve such punishment; great injustice is being done to the inamdars; I cannot call it mere injustice; I am reminded of the couplet in Hindi used by the late Muhammad Ali; the gist of the couplet is this; "it is not tyranny; it is something else, not mere tyranny; certainly I am to be condemned; but the charge is false; I am liable to condemnation but the charge is false." The inamdars may be liable to condemnation; they may have offended the powers that be, the party in power or certain individuals; but do they deserve this punishment? I cannot for a moment think that such treatment is just and fair to the inamdars; after all, what do they want? They say "let the cases be decided against them; but let there be an enquiry; the Government have all the power; they have all the resources; let them have an enquiry; what prevents them from having an enquiry? At least the Select Committee can go into the whole question; this was what was contemplated; at least this was the impression that was created in the minds of the inamdars when the Estates Land Act Amending Bill was referred back to the Council by His Excellency the Governor; that impression is sound and really just; it is well-founded. I therefore move for the acceptance of the amendment which I have already read out."

* Mr. G. SIMHACHALAM:—"Sir, in seconding the motion so ably moved by my friend, Mr. Basheer Ahmed, I wish to make a few observations. From the discussion we have had, three points are quite clear to my mind, namely, exhaustive enquiries have not been made, the matter is highly controversial and the policy that is pursued by the Government is not the just and the right policy. With regard to the first point, I know from the reply given by the Hon. the Revenue Member to a question recently, that no exhaustive enquiries were made. Collectors were made to send in some reports with regard to the record of rights. I am sure that the Collectors could not have made satisfactory enquiries and placed before the Government correct information. As regards the second point, I wish to hear from the hon. the Advocate-General if this is not really a highly controversial point. I am sorry that I cannot

[Mr. G. Simbachalam] [22nd October 1934]

understand the subtle intricacies of law or rather the subtleties of law on this point; there are different kinds of inams and there are different kinds of endowments; there is a method of rightly appreciating the claims of either party. I do not know whether the policy that is being pursued by the Government is just and right. I once again ask the Hon. the Revenue Member why they should not hear the case of the inamdars. The High Court of Judicature recognizes that every opportunity should be given to all parties, when important questions come up. Even from the point of view of good administration, I do not think that the Government will suffer if such an opportunity is given to the inamdars. I wish to have a satisfactory answer from the Government whether there is absolute necessity for the introduction of such an enactment at this juncture, especially when one section feels that it is not heard, that opportunities were not given to it and that its claims have not been properly ascertained. No doubt my hon. Friend, Mr. Muniswami Nayudu has tried to rebut the arguments advanced by the previous speakers; but I am not perfectly satisfied that he has done it in a manner which will convince the House that postponement of the consideration of this Bill is unnecessary."

4-30 P.m. "In our enthusiasm to help the ryots, I am afraid we will be doing positive injury to the ryots when we are not in a position to appreciate the several subtleties involved in the question. I would only sound a note of warning to the Hon. Members of this Council that unless and until we are satisfied that we are doing justice to the constituencies to which we belong, we should not rush through the Bill and come to some conclusion or other and thereby lose our prestige. Certainly, Sir, this is a very important matter in connexion with which so many questions of law have to be discussed. I am sure the Members of this Hon. House will not be doing justice unless and until they are satisfied that a proper elucidation of facts and law has been made. I therefore support the motion moved by my friend and request the House to see that the bill is referred either to the same Select Committee or to some other committee which, in the opinion of the House, will be able to place the matter on a satisfactory basis."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I do not think there is any necessity to refer this Bill again to a Select Committee for fresh report after due enquiry and taking of evidence. As I have already stated, the matter was most carefully examined in the Select Committee. The amendments which the Select Committee has made in the original Bill have been made to meet objections raised to the original Bill by inamdars or their sponsors so far as they could be met without undue detriment to the interests of the tenants. (Mr. Basheer Ahmed Sayeed: 'Question.') I was told that section 185 was of no use to the inamdars; so we have introduced a further clause as regards the definition of 'private land' so far as inamdars are concerned, and we have

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provided another procedure in the place of the procedure in section 185. We were told that in many cases persons had sold or mortgaged inam villages or portions of them after they had obtained decisions of civil courts that they had the kudivaram right; and we have made provision to meet that objection. I think that will provide some measure of protection not only of the inamdars themselves, but of those who have obtained interests from them, in the rights which have been conferred on them through the civil courts, although we may not agree that these decisions of courts were in accordance with old established custom, as some might say, of the country. I feel, Sir, that the inamdars have set out their case extremely well; we had masses of literature, and I do not think there is any necessity to take any further evidence. We have acted on the assumption that those statements are generally capable of proof, so far as statements of the nature which I have mentioned are concerned though I cannot admit all the claims they have made in their various memoranda and articles. But we have given very careful consideration to their representations and I do not think that their case will be strengthened by any further evidence which they can bring forward. They had ample time to bring forward such evidence, before the Bill was introduced and they have had two or three months since; and I do not think anything will be gained by giving them a few more weeks for producing such evidence. I submit, Sir, there is no necessity to refer this Bill again to a Select Committee."

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

'That the Madras Estates Land (Second Amendment) Bill (Bill No. 10 of 1934) and the amendments thereto by the Select Committee, be referred again to a Select Committee for fresh report after due enquiry and taking of evidence.'

The motion was lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"May I request you, Sir, to adjourn the consideration of the amendments till to-morrow? I do not think much time will be lost by this short adjournment. A large number of amendments have been handed to us during the course of this day, and we would be in a better position, if some time is given, to see whether they overlap each other, or when any amendment is accepted or lost, what should be the consequential amendments. For that purpose, a little time may help us; and we may not also take much time to-morrow over these amendments. If therefore you are pleased to put this off till to-morrow, it will be a great convenience; and I do not think the Leader of the House will have any objection. If you will permit me, Sir, I shall move it as a regular motion."

* The Hon. the PRESIDENT:—"The motion that the Bill be taken into consideration is still under consideration. Unless that is disposed of, we cannot take up the amendments.

"The main motion before the House that the Bill be taken into consideration is for discussion. (After a pause.) I think the House is ready for a vote."

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The motion that the Bill be taken into consideration was put to the House and carried, and the Bill was taken into consideration.

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I move that the further consideration of the Bill be postponed till to-morrow."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I am not prepared to accept this motion. This morning when this Bill was to come on just before lunch, the Leader of the Opposition asked me to allow a short adjournment till after lunch, in order that he and his party who were concerned with the amendments could go through them and decide which of them they should press and which they should withdraw. At that time, I accepted that adjournment and indeed I myself moved the adjournment motion. As the Opposition through their Leader asked for an adjournment and the discussion of the Bill was in consequence postponed by some hours, I think the Opposition is not treating me fairly, in applying for a further adjournment now on the same grounds."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I am very sorry that any such thing as want of fair treatment should be mentioned by the hon. Member. I am grateful to the hon. Member—and in the absence of our Leader, I desire to say what he would have expressed—we are all very grateful to him for allowing the consideration of the Bill to be postponed till after lunch time. There is no question about that. However, in view of the fact that we have only about 20 minutes more for the day and of the fact that a large number of slips notifying proposed amendments have been handed in to us during the course of the day, I thought it would be more convenient to deal with them to-morrow. If, however, any inconvenience would be felt by the Hon. the Revenue Member, I personally feel that I should not allow any such feeling; and certainly I do not wish to be the cause of it."

* The Hon. Sir ARCHIBALD CAMPBELL:—"As a matter of personal explanation, I may say that my convenience does not matter at all. I am prepared to sit for two or three weeks; but I was told that various members would like to complete the business of the Council soon as they are anxious to attend to canvassing in connexion with the elections to the Legislative Assembly which are to take place shortly. On that ground, Sir, I thought the consideration of this Bill should not be unduly delayed."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I don't press my motion."

The motion was by leave withdrawn.

The Hon. the PRESIDENT:—"I shall now put the clauses one by one to the vote of the House."

Clause 1.

Clause 1 of the Bill was put and carried.

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Clause 2.

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I beg to move—

'In sub-clause (i) of clause 2, substitute the following for (d):—

"(d) any village of which the land revenue without the kudivaram has been granted to a person not owning the kudivaram thereof provided that the grant has been made, confirmed or recognized by the British Government and provided that in all proceedings in which the question arises as to whether the grant included the kudivaram, it shall be presumed that it consisted of the melvaram alone until the contrary is shown."

"Sir, in placing this amendment for the consideration of this House, I desire to mention briefly the reasons. One of the three considerations which are mentioned in the Statement of Objects and Reasons of the Bill is that the decision of the Privy Council has wrongly thrown the onus of proof on the tenant; that the tenants do not keep accounts or are not generally in possession of records with which they might easily decide the onus and that as a consequence considerable hardship results to the poor and ignorant tenant population. That has been one of the main reasons which actuated the Government in bringing forward this legislation. There are no doubt other reasons mentioned also. Although even among the inamdars there are ignorant and poor people, still when it is said that the tenants—and their number is very large—are likely to suffer from the onus being placed on them, there is an element of justice in it, and therefore some of us were willing to concede that the onus may be placed on the inamdar. That is why for the purpose of restoring what was considered to be a proper view of law, on the basis of the decision of the Madras High Court until it was reversed by that of the Privy Council, we accepted the position, viz., to shift the onus of proof on the inamdar and thus meet the situation. And that is why, Sir, I move this amendment."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am afraid I am not prepared to accept this definition of inam village which is different from that in the Act. This amendment restores not only the definition in the existing Act but also wants to lay down that it should be presumed that the grant consists of the melvaram alone until the contrary is shown. This will still leave the tenant in a very difficult position. It will not safeguard him, as we all know that he is at a very great disadvantage when he has to appear in the courts against the inamdar. He is generally a poor man and cannot afford to employ leading vakils, nor has he any documents at his disposal. He will have very great difficulty in combating any claim against him. I submit, Sir, that this amendment would interfere with the whole scheme of the Bill as it has come from the Select Committee and therefore I must oppose it."

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

'In sub-clause (i) of clause 2, substitute the following for (d):—

"(d) any village of which the land revenue without the kudivaram has been granted to a person not owning the kudivaram thereof provided that the grant has been made, confirmed or recognized by the British Government and provided that in all proceedings in which the question arises as to whether the grant included the kudivaram, it shall be presumed that it consisted of the melvaram alone until the contrary is shown".

The amendment was lost.

4-45
p.m.

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I move—

'(a) Omit item (ii) and Explanation in sub-clause (i) of clause 2, and

'(b) At the end of sub-clause (i) of clause 2, add a proviso as follows:—

"Provided that any inam village wherein any landholder has obtained before the 1st day of November 1933 in respect of any land therein a final decree or order of a Civil Court establishing that the tenant has no occupancy right in such land and no tenant has acquired any occupancy right before the commencement of the Madras Estates Land (Second Amendment) Act, 1934, shall not be treated as an estate within the meaning of section 3, clause (d) of the Act."

"The reasons for my moving this amendment are these. The whole range of the discussion as will be obvious centred round the fact that the inams consisted of a royal share, and that whenever there is an inam it must be presumed to be a grant of that. Where the onus is cast upon the inamdar with the obligation on him to discharge that onus or where even a conclusive proof has been made and decisions of courts have been obtained in particular instances that an inam consisted of both varams, certainly they must be excluded. A question of onus is a question of proof and after proof has been adduced and decision given, not to give effect to that, I think, would be creating a very serious difficulty, and would be destructive of the rights which have been conferred and enjoyed for a long time and confirmed by decrees of courts. I therefore move that my amendment be accepted."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the amendment, Sir."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I must oppose this amendment. We have been told on more than one occasion that these inam villages have been divided among several owners. It is

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now proposed that if one manages to go to a court and get a decree for kudivaram in half an acre of land, the whole of that village should not be treated as an estate. It is a most extravagant demand.

"As regards the case where the inamdars have got civil court decrees in their favour, we have provided for them in another clause by allowing them to retain the kudivaram for 12 years and at the end of 12 years, if they are not themselves cultivating the land, they have to admit the tenant's right to the kudivaram but they can claim, I understand, under section 25 of the Act a premium on admitting a ryot into the ryoti land. It seems that is an adequate recognition of the rights which the inamdars have obtained under the civil court decrees in cases which will not be private land under this Bill."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the reason given is that these inam villages have been cut up by partitions into small parcels and the question is raised 'if one inamdar gets a decision, how to treat the rest of them?' Then, what is the scheme of this Act, if a village has been divided as per law among four members of a family which originally owned the entire village, into four portions and each portion is separate? The landholder will be an inamdar owning the melvaram and the tenants will have the kudivaram. Although originally the whole village must have been granted, to-day by virtue of the legal position, by rights which the law recognizes and enforces, the inamdars are entitled to divide—and there may be alienations in particular instances—and it may be after a hard contest in the presence of the ryots in a fair trial, they are entitled to both varams; and the remedy that the inamdar can admit a ryot within 12 years is not a remedy at all. I submit it is not an adequate compensation. I therefore submit my amendment for the consideration of the House."

The amendment was put and lost.

Mr. P. PEDDI RAJU:—"Mr. President, I move the following amendment that stands in my name:

'At the end of sub-clause (i) of clause 2 and before the explanation, insert the following proviso:—

"Nothing in this sub-clause shall affect the inam lands of any person holding less than 30 acres in extent where such inam was not an estate or part of an estate or has ceased to be such under the provisions of the Madras Estates Land Act of 1908, but became an estate or part of such an estate under the provisions of this Act."

"My idea is this. No doubt several amendments moved by my hon. Friends, regarding the burden of proof and other things have been vetoed. It has been said in the press and outside that so far as the inamdars are concerned there are several divisions for centuries and people now own very small extents of land. My idea in moving this amendment is that there are several poor people who are also inamdars and they have been exercising both melvaram and kudivaram till now.

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But by one stroke of the pen the Government or this legislature ought not to take away the vested rights of these poor people and convert the so-called inamdars into practical paupers. So, my object is to protect the petty landholders, the peasant proprietors who own 30 acres of land and to see that this legislation would not affect these poor people. These consist of three classes: not only the original inamdars who became divided and who own less than 30 acres of land in extent at the time, i.e., 1st day of November 1933. Of course, subsequent subdivisions will not affect them. There is also a large class of persons who hold inams either by purchase or by inheritance or in several other ways they might have acquired these lands. My submission to the Council is, whatever you may do generally with regard to the inams, it is in the interests of all classes of people, not only the original agharamdars, but people who have subsequently acquired rights that small peasant, proprietors should be protected—even according to the Government the original Estates Land Act of 1908, has worked some hardship on the tenants. Whatever may be the state of the law, people have been led into transactions, have spent large sums of money on purchase of these lands; it is unsafe to punish them because there was a bad law prevailing in those 20 years. My submission therefore to the Council is that the operation of this Act should not affect the small peasant proprietors. That is why I move the first portion of my amendment."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it, Sir."

The Hon. the PRESIDENT:—"Is the hon. Member not moving the other amendments?"

Mr. P. PEDDI RAJU:—"If this fails, I shall move the third amendment."

* The Hon. Sir ARCHIBALD CAMPBELL:—"I oppose this motion. We have not hitherto discriminated between holders of portions of land in an inam village under our scheme. I am afraid it is impossible to recast the scheme now. To meet the cases of these small owners, we have provided that if a person has been actually cultivating land himself for the last 12 years, he will then be permitted to retain that land as his private land. That will take the land out of the scope of this Bill, so far as his relations with his tenants are concerned. I think that is as far as we can go."

Mr. P. PEDDI RAJU:—"One word by way of reply, Sir. Of course the Hon. the Revenue Member says that he has made provision for these things in private land. Men may be owning lands and may have cultivated them for 20 years but they may have let them out for one or two years subsequently. They will not come under the exceptions of private land. So, in order to protect these small landed proprietors I have brought forward this motion."

The amendment was put and lost.

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* Mr. G. SRIRAMULU:—"Mr. President, I beg to move the following amendment:—

'At the end of sub-clause (i) of clause (2) and before the explanation, insert the following proviso:—

"Nothing in this sub-clause shall affect the inam lands not exceeding 30 acres in extent acquired for valuable consideration by a cultivator prior to 1st November 1933, where such lands are situated in inam village which is not an estate or has ceased to be an estate under the provisions of the Madras Estates Land Act of 1908 and which has become an estate or part of an estate under the provisions of this Act."

"In moving this motion, being a representative of the backward and toddy-drawing communities called 'Settibalija' alias 'Ediga' and Kalali alias 'Gouda,' I wish to bring to the notice of this House the conditions of some of the members of the two communities and similar other backward and depressed classes such as the Panchamas, Thurpu Kapus, barbers, washers, weavers, shepherds, Christians and Muhammadans, who own small extents of land in the whole inam villages of the East and West Godavari districts where you find many inam villages. Almost all these inam villages have been divided piece-meal and by metes and bounds either by the original grantees or by their successors even long long ago. Such piece-meal portions have been purchased by many members of the backward and depressed classes aforesaid for valuable consideration which they earned by hard labour. They have purchased these small extents of lands for very high prices with the firm belief that they have full proprietary rights in these lands including both melvaram and kudivaram rights. They have been so enjoying these lands ever since their purchase and some of the purchases are even centuries old. These people have been considering that these lands are their treasure on which they and their families could rely for ever for their livelihood. Some of the members of these communities are people working in the mills at Rangoon and Moulmien in Burma who out of their savings of hard labour, purchased these lands. They are still working in those far off places, having leased their land for some grain rents and having kept their families here who live on the income of these lands. Some owners of these lands are infant children who lost their fathers and are bred up by their widowed mothers. Some are ladies without any male assistance. Under these circumstances, it is beyond all possibility for them to cultivate their lands either through personal or hired labour. Moreover some of these people have also borrowed large moneys on the security of these lands for their purchase and for their other needs. If therefore as now contemplated under the present Bill (Bill No. 10 of 1934) all these people are to be told that they have no kudivaram rights in their lands I believe it is a death-knell to most of them."

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" I request that the hon. Members of this House will be pleased to deeply consider the case of these purchasers who own small bits of lands in these inam villages and who live mainly upon them. I therefore suggest that provision be made in the Bill to exclude these purchased lands from the operation of the Act up to the extent proposed in the amendment, that is to say, that thirty acres and less under a single holder shall not come within the purview of the Act.

" To substantiate my above statements, I would like to place certain facts before the House about some villages in Narasapur taluk in the West Godavari district. I shall mention certain facts and figures for the information of hon. Members in support of my case. I may first cite the case of Vaddiparru aghaharam where there are more than 700 landowners of whom 400 are toddy-drawers (Settibalijas) and 268 are Panchamas and Christians. Of these 400 toddy-drawers one person owns more than 30 acres; there are 13 owners of lands owning between 30 and 10 acres, while 386 owners have got below 10 acres. All the 268 Panchama and Christian landowners have each below 10 acres. There is a village called Matchipuripalem with a total number of 123 landholders of whom 46 are Brahmans, three are Settibalijas, 43 are Panchamas and Christians, and the rest are Kapus. Of the 43 Panchamas and Christians only one owns between 10 and 30 acres and 42 own below 10 acres of land. The three Settibalijas own each below 10 acres. There is Velivala aghaharam with 110 land-holders of whom Brahmans are 72; and six belong to the depressed and backward classes; among these there are nine toddy-drawers and six Panchamas and 19 shepherds owning less than 10 acres each. There is another aghaharam, Venkatapuram in which there are 39 land-holders, of whom Brahmans are 19 and toddy-drawers are 14, five Kapus and one Panchama; all the 14 toddy-drawers, four Kapus and one Panchama own less than 10 acres each. There is Miniminchilipadu aghaharam with a total of 80 land-holders of whom 25 belong to the higher classes and 27 are Settibalijas; all the 27 Settibalijas own less than 10 acres each.

" There are a good number of villages like these so far as the Northern Circars are concerned. I would therefore request the hon. Members of this House to consider the position of the owners of small pieces of land in the aghaharam villages, which pieces of land they have purchased out of the income which they have saved from their hard labour. And I would appeal to hon. Members of this House to exempt these lands up to an extent of 30 acres which are in the hands of owners."

Rao Bahadur B. P. SESA REDDI seconded the motion.

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, Sir, I cannot accept this amendment. The Mover referred to a number of small holders. As has been mentioned, a great many of these must be cultivating the lands themselves and must have done so for a period of 12 years. If so, such land will be included as private land at the enquiry which we propose to hold, and they will get the kudivaram unless they choose to convert the land into ryoti land. I am sure hon.

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Members will realize that provisions of this kind will only lead to considerable complications. We must keep our procedure as simple as possible. I submit, Sir, that we cannot make the application of this Bill depend upon the exact areas held by inamdars."

The amendment was put and lost.

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

X.—PAPERS LAID ON THE TABLE OF THE HOUSE.

^a 1. *Lists of posts on Rs. 500 per mensem and above created during the quarter ending 30th June 1934.*

^b 2. *Proceedings of the Finance Committee, dated 11th July 1934.*

^c 3. *G.O. No. 1604, Revenue, dated 13th August 1934, relating to the settlement proposed according to the Madras ryotwari system of 63 villages in the resumed muttas of Koyyaru, Antada and Makaram in the Gudem taluk of Vizagapatam district.*

^c 4. *G.O. No. 1892, Revenue, dated 23rd September 1934, regarding resettlement scheme report relating to the southern taluks of the Salem district and 26 villages of the Musiri taluk of the Trichinopoly district.*

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

^a Printed as Appendix XV on pages 144-146 *infra*.

^b Printed separately.

^c Placed on Editors' Table.

[22nd October 1934]

APPENDIX I.

[Vide answer to question No. 145 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 22nd October 1934, page 20 supra.]

Statement comparing the rates of water-cess levied in Guntur district for irrigation with Kistna River water before and after the introduction of the fixed rates of water-cess.

Class and sort of soil.			Class of irrigation source.		Dry rate.		Corresponding wet rate.		Rates of water-cess levied before the introduction of the fixed rates of water-cess (Wet — Dry plus Re. 1) per acre.		Fixed rates of water-cess now leviable per acre.		Difference.	
(1)			(2)		(3)		(4)		(5)		(6)		(7)	
				RS. A.		RS. A.		RS. A.		RS. A.		RS. A.		RS. A.
II-1	..	..	1	3 8		12 8		10 0		6 4	—	3 12		
II-3	..	..	1	2 0		9 0		8 0		6 4	—	1 12		
II-3	..	..	2	2 0		8 0		7 0		6 4	—	0 12		
II-3	..	..	3	2 0		7 0		6 0		5 0	—	1 0		
I-3	..	..	1	2 8		8 0		6 8		6 4	—	0 4		
I-3	..	..	3	2 8		6 0		4 8		5 0	+	0 8		
III-3	..	..	1	1 8		6 0		5 8		6 4	+	0 12		
III-3	..	..	2	1 8		5 0		4 8		6 4	+	1 12		
III-3	..	..	3	1 8		4 0		3 8		5 0	+	1 8		
IV-1	..	..	1	2 0		9 0		8 0		6 4	—	1 12		
IV-3	..	..	1	1 4		7 0		6 12		6 4	—	0 8		
IV-3	..	..	3	1 4		5 0		4 12		5 0	+	0 4		
V-3	..	..	1	0 12		5 0		5 4		6 4	+	1 0		
V-3	..	..	3	0 12		3 8		3 12		5 0	+	1 4		
V-4	..	..	1	0 8		4 0		4 8		6 4	+	1 12		
V-4	..	..	2	0 8		3 8		4 0		6 4	+	2 4		
V-4	..	..	3	0 8		3 0		3 8		5 0	+	1 8		
V-5	..	..	2	0 4		3 0		3 12		6 4	+	2 8		
V-5	..	..	3	0 4		2 8		3 4		5 0	+	1 12		
V-5	..	..	4	0 4		2 0		2 12		5 0	+	2 4		

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APPENDIX II.

[Vide answer to question No. 162 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 22nd October 1934, page 35 supra].

ANNEXURE I.

Statement showing the number of Police officers and constables doing traffic control work in the Madras City and in each district of the Presidency.

	Inspector.	Sergeants-Major.	Sergeants.	Sub-Inspectors.	Head Constables.	Constables.
Madras City	1	2	10	5	22	201
Ganjam	..	..	..	..	1	8
Vizagapatam	..	..	..	..	2	11
Jeypore	..	..	..	..	..	..
East Godavari	..	..	1	2	4	35
West Godavari	..	..	..	..	1	20
Kistna	..	..	..	..	3	11
Guntur	..	..	..	..	1	17
Nellore	..	..	1	..	1	15
Kurnool	..	..	..	..	1	13
Bellary	..	..	..	..	1	17
Anantapur	..	..	..	..	1	6
Cuddapah	..	..	..	..	1	13
Chittoor	..	..	..	..	1	18
North Arcot	..	..	..	..	3	43
Chingleput	..	..	..	1	5	48
Salem	..	..	..	..	3	14
Madura, North	..	..	2	2	4	73
Madura, South	..	..	..	..	..	5
Ramnad	..	..	..	1	1	51
Tinnevely	..	..	..	..	2	27
Coimbatore	..	..	..	1	3	4
Nilgiris	..	..	..	3	6	44
Malabar	..	..	..	1	6	57
South Kanara	..	..	..	1	3	40
South Arcot	..	..	..	..	1	23
Tanjore	..	..	..	2	3	40
Trichinopoly	..	..	..	2	4	62
Railway Police, Trichinopoly	..	..	4	..	..	65
Railway Police, Madras	..	..	..	..	2	6
Total	1	2	19	20	86	1,017

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ANNEXURE II.

Statement showing the additional measures taken for traffic control and regulation in Madras City and in the mufassal during the past two years.

Madras City.

1. Rules have been passed penalizing passengers boarding or alighting from buses in motion.
2. A by-law has been introduced under the Madras City Police Act that hand-carts and double bullock-carts should carry adequate lights at night.
3. An attempt has been made to simplify and clarify traffic control signals. The "come on signal" (No. 4 in the Driving Licence Book) which had been much abused and had led to much confusion has been abolished and all waving of arms stopped.
4. All heavy traffic points manned by sergeants have been duplicated whenever possible, i.e., a constable is deputed to relieve the sergeant during certain periods of his four hours point duty, setting him free to note down and check any bad driving or other breaches of the traffic regulations and to prevent obstructions and divert slow moving traffic to the left of the road.
5. Traffic control "umbrellas" have been erected at some important points both to serve as shelters for the traffic control officers and to indicate the presence of traffic points.
6. Bus traffic has been more rigorously controlled and the endorsements of a number of drivers who persisted in breaking the rules have been cancelled, after a final warning.

Mufassal.

1. All men employed on traffic regulation have been intensively trained therein.
2. Steps have been taken to apply the Motor Vehicles Act and Rules with special vigour.
3. Bus services have been limited and timings prescribed and enforced in most districts.
4. As far as practicable additional men have been added to the traffic staffs at the sacrifice of less important duties.
5. Local authorities have been asked to provide traffic street and road signals and white lines where needed.
6. Bus stands have been provided at busy centres and constables have been posted to regulate arrivals and departures from stands.
7. Speed-limits have been imposed where considered necessary.
8. Provision has been made for regulating traffic outside all railway stations.

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9. Stop watches have been supplied to eight districts and speed trapping is in vogue therein.

10. In Madura and Trichinopoly towns separate and sufficient traffic staffs have been provided and traffic work has been reorganized on City lines.

APPENDIX III.

[Vide answer to question No. 164 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 22nd October 1934, page 37 supra.]

G.O. No. 2641 (54-S), L. & M., dated 31st May 1934.

In G.O. No. 2185, L. & M., dated the 4th May 1934, M.R.Ry. P. Ratnavelu Thevar Avargal was removed from the office of Chairman of the Trichinopoly Municipal Council for having abused the powers vested in him and for having wilfully disobeyed the lawful orders issued by the Government. It is now brought to the notice of the Government that, at its meeting held on the 25th May 1934, the Council elected the same M.R.Ry. P. Ratnavelu Thevar as its Chairman. It is clear that the Council has acted perversely in the matter and has abused the powers vested in it. The Council has demonstrably shown that as at present constituted it is not competent to perform the functions imposed on it by law. The Government therefore propose to supersede the Council for a period of two years. Under sub-section (1-A) of section 41 of the Madras District Municipalities Act, 1920, the Trichinopoly Municipal Council is accordingly called upon to show cause, if any, against the proposal within a fortnight from the date of this order.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the Commissioner, Trichinopoly Municipality, through the Chairman, Municipal Council, Trichinopoly.
" Collector of Trichinopoly.
" Inspector of Municipal Councils and Local Boards.

APPENDIX IV.

[Vide answer to question No. 165 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 22nd October 1934, page 37 supra.]

(1)

G.O. No. 1206 L., dated 3rd December 1920.

READ—the following papers:—

I

G.O. No. 1522 L., dated 11th October 1917.

ABSTRACT.—Instructions for the development of markets and slaughter-houses issued to local boards and municipal councils.

[22nd October 1934]

II

G.O. No. 707 M., dated 25th May 1920.

ABSTRACT.—The possibility of improving financial resources by building markets piecemeal commended to local bodies.

Order—No. 1206 L., dated 3rd December 1920.

The attention of all local bodies is invited to paragraphs 211–214 of the Report of the Financial Relations Committee in which stress is laid on the need for the development of markets, slaughter-houses and cart-stands as remunerative investments; and they are advised to appoint committees for drawing up programmes for such development, to be carried out during the ten years commencing from 1921–22. Each programme should be such that it could be financed out of the local body's resources without detriment to the financing of its obligatory expenditure. Copies of the programmes drawn up should be submitted to the Government for information.

2. The Financial Relations Committee has also endorsed the recommendation of the Local and Municipal conference that all capital expenditure should ordinarily be met out of loan funds, though there is no objection to its being charged to current revenues in cases where either an actual surplus has been realized or the expenditure is limited and can be more conveniently and without detriment to the needs of ordinary expenditure, met out of current revenues. Local bodies are requested to note that, in the allotment of loans to them for capital expenditure, other than that required for water-supply and drainage, preference will ordinarily be given by the Government to loans for remunerative works such as markets, slaughter-houses and cart-stands.

(True extract)

F. J. RICHARDS,
Acting Secretary to Government.

To all Presidents of District Boards.
„ all Chairmen of Municipal Councils.
„ all Collectors.
„ the President, Corporation of Madras.
Copy to the Financial Department.

(2)

G.O. No. 707 M., dated 25th May 1920.

Markets are remunerative works which, if judiciously developed, can be made a useful endowment to the financial resources of a local body and they can yield excellent returns for the money spent on them. Markets should ordinarily be constructed from the normal resources of local bodies or from loans specially raised for the purpose. The initial cost of a market of approved design is however, at times, beyond

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the immediate financial capacity of a local body. The Government commend to the consideration of local bodies the possibility of improving their financial resources by building markets piecemeal on the lines sketched in the annexure and plan subjoined.

2. Before undertaking such construction the site should be carefully selected, and professional advice should be sought as to its suitability. Local bodies are advised to consult the Sanitary Engineer and his staff in this matter. Provided the scheme is carefully considered in all its aspects before work is undertaken, the Government see no reason why a local body, if it so wishes, should not proceed with construction as funds permit and requirements dictate.

3. Attention is invited to the suggestions for—

- (i) the levy of fees according to the plinth area occupied, and
- (ii) to their departmental collection, and also to the procedure indicated which allows for a revision of the lay-out at trifling cost if it is found that the wishes and convenience of the market-goers require it.

(True extract)

F. J. RICHARDS,
Acting Secretary to Government.

To all Chairmen of Municipal Councils.
„ all Presidents of District Boards.
„ all Collectors.
„ the Sanitary Commissioner.
„ the Sanitary Engineer.
„ the Sanitary Board.

APPENDIX

Suggestions for the construction of a daily market.

I. The first step is to select a site and obtain the approval thereto of the District Medical and Sanitary Officer or other responsible officer. The site, if possible, should be in full view of a public thoroughfare to which people resort for their daily purchase. It is very necessary that the whole of the interior of the market should be visible from the public road.

Ordinarily the site will be rectangular, but it is desirable, if possible, to reserve a portion of land outside the rectangle for the sale of meat and fish.

If there are public thoroughfares on opposite sides of the market, so much the better.

II. An enclosing wall is not absolutely necessary at the outset. In any case such a wall should not be high, as it may be desirable to replace it (when funds are available) by the construction of shops.

In any case the wall which divides the market from the main street should not exceed 3 feet in height and might be conveniently lower in order that passers-by can see inside. Railings, if desired, could be added to the wall later. It is sounder to keep this wall open than to build shops between the market and the road, for, although the shops are popular, they will diminish the popularity of the market.

It is desirable that low plinths should be constructed adjoining the wall on both sides, forming a pavement 4 or 5 feet wide on which petty dealers may sit.

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The other three sides of the market should be reserved for shops and godowns, which may, if space permits, be doubled, facing outwards and inwards. Ordinarily, however, inward facing shops only will be erected. Such shops and godowns should be substantially built and should only be erected at leisure as funds permit and when demand is assured.

If the far side of the market (that is, the side opposite to the main street) also adjoins an important thoroughfare, shops might be dispensed with and a low wall similar to the one recommended for the main street should take their place.

III. The next step is to lay out the interior of the market in plinths. No superstructures should be erected until the plinth areas have been completed and their popularity is assured.

The plinths at first may be constructed by countersinking regular pathways and throwing the earth so excavated on to the plinth sites, tamping it well.

In carrying out this work the greatest care must be taken to see that the market area is properly drained, and that storm water will not stagnate anywhere within the market area.

The plinths may at first be rivetted with stone or brick. When funds are available, some of them may be covered with Cuddapah slabs.

The plinths should not be more than 6 or 8 inches high, and they should be, if possible, arranged in rectangles made up of multiples of squares of 16 or 20 square feet.

Earthen plinths to start with are recommended, as it may be found necessary to rearrange the distribution of the plinths to suit the wishes of vendors. Their wishes should be complied with as far as possible, as this is an important factor in making the market popular.

IV. Fees should be levied according to plinth area occupied, and not according to head loads or cart loads.

If the plinths are properly laid out, it should be possible to allot a square to each vendor measuring 4 by 4, or 5 by 5 feet, levying a fixed fee for each unit.

Such fees should be kept low, and encouragement should be given to vendors to lease particular squares by the week or month or year. For this purpose booklets of tickets could be issued, and, to encourage regular leasing, reduction may be made by charging only six days' fees for week's fee or 24 day's fees for a month.

Collection of fees should be departmental. If squares are properly marked out the daily earnings of a full market can be easily estimated, and there should be very little scope for speculation. The system of farming by auction is wasteful, and less lucrative than departmental collection properly controlled.

Fees will vary according to the commodities sold and according to the position of the particular square; for instance, squares near the entrance of the market and corner squares will realize three or four times the value of squares not so favourably situated.

Vendors should be permitted to construct temporary shelters over the portions of plinths leased by them if they so desire on condition that any structures erected are removed if the local body requires it.

It is desirable for the local body at an early stage in development to provide refreshment stalls and drinking water. The refreshment stalls should be leased to respectable contractors on definite terms for periods of not more than a year. Such stalls should be models of good masonry and cleanliness.

Special provision should be made for the sale of fish, meat, live-stock and perhaps fuel and charcoal in annexes outside the three lines of shops which surround the market proper.

V. When funds permit, the construction of overhead shelters (or even stalls protected by expanded metal within the area of the main market) may be undertaken for the convenience of dealers in cloth, salt or grain. All such structures should be kept as far as possible from the main road in order that the view of passers-by should not be obstructed.

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Note on weekly markets

The foregoing suggestions for the construction of a daily market could be adapted to a weekly market so far as the provision of plinths and the levy of fees according to plinth areas are concerned, but in most cases the lay-out would be different.

In the first place it would be unwise to build shops round the *perimeter* of a weekly market, for the focus of gatherings in a weekly market is usually the centre and the main entrance, and not the circumference. In the second place, it is necessary in a weekly market that the peripheral wall should be higher than is necessary in the case of a daily market.

Thirdly, greater latitude should be allowed in a weekly market for the market-goers to distribute themselves according to the commodities sold, and it might be disastrous to attempt to pin them down to particular portions of the market.

Stalls, shops, shelters and other superstructures should not be undertaken without the most careful consideration, and until the demand for such structures is absolutely assured; the construction of good refreshment sheds and water pandals may, however, be a desideratum in every weekly market, even if not lucrative, provided that the local body in control can insist that refreshments are sold in the approved stalls. The promiscuous vend of food and drink all over a shandy irrespective of mire and dust is a fruitful cause of sickness. It might also be practicable to furnish rural co-operative societies (for the purchase and sale of grain or cloth) with permanent accommodation for the transaction of their business and the storage, if need be, of their wares.

(3)

G.O. No. 2706, L. & M., dated 4th December 1923.

An extract from the Administration report of the Madura District Board for 1922-23 on the substantial results of the policy adopted by that Board in regard to the maintenance and development of avenues is communicated to all other local bodies for information.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Acting Secretary to Government.

To all Presidents of District Boards.
" Presidents of Taluk Boards.
" Chairmen of Municipal Councils.
" Collectors.

Copy to the Inspector of Local Boards and Municipal Councils.

APPENDIX.

Extract from the Administration report of the Madura District Board for the year 1922-23.

Tree-planting.—With a view to the proper care of avenues and making them a source of revenue to the District Board as well as a joy to travellers, an attempt has been made to develop a scheme on a sound basis. To make a beginning, a small staff consisting of an avenue superintendent on Rs. 100 plus Rs. 35, fixed travelling allowance, a maistri on Rs. 15, a gardener and an avenue coolie on Rs. 10 each per mensem was appointed in 1921 and continued to work in the present year. The avenue superintendent was trained at Dehra Dun and was strongly recommended by Mr. Cox, the Chief Conservator. This establishment is under the direct control of the President, District Board.

The results already obtained abundantly prove how neglected this subject has been in the past and the great profit that may be expected in the future.

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The work of the avenue superintendent has been hitherto chiefly of a preliminary character as a start from the very beginning has had to be made. The avenue trees in the whole district have been carefully renumbered and an avenue register has been prepared and is nearly completed showing the following details: serial number of tree, kind, size and approximate market value at the time of last inspection. The register will be brought up to date every year, and will also show the disappearance of trees, the cause (windfall or sale), how disposed of, and the value realized. Thus a complete record will be kept of every avenue tree in the district. Incidentally it is of interest to note that the total capital value of the trees now standing in avenues throughout the district amounts on this rough calculation to nearly a crore of rupees.

Generally speaking, a tree reaches its maximum value on attaining full maturity. After that, it gradually deteriorates until it dies. In the case of timber trees therefore it is uneconomical to allow a tree to stand after it has attained its full growth. Fruit trees on the other hand continue to yield revenue until they cease bearing fruit, when they may still be at their maximum value from the point of view of timber or fire-wood. Accepting these two principles, which have been entirely ignored in the past, an attempt will be made by careful selection to realize the full market value of every tree. Wanton felling merely for the sake of revenue will be scrupulously avoided as in many cases the real value of a tree is the amount of shade it gives.

This district is singularly fortunate in the fact that some of the great pre-British rulers of the country devoted great attention to the planting of avenues. Especially is this so in the case of Queen Mangammal, one of the last of the Naiks (Circa A.D. 1730). Her roads are still known as 'Mangammal Salais' and her avenues are still standing. Unfortunately, every storm exacts its toll and in many places, especially in recent years, numbers of trees have disappeared. It must be observed that her chief object in planting avenues was to give shade to travellers and her trees are almost entirely shade-trees; but there is no reason at all why this object should not be combined with profit by a more careful selection of the trees to be planted.

The operations of the avenue superintendent are at present confined to a radius of ten miles from Madura, that is practically the Madura taluk. The register above referred to, however, is for the whole district.

A nursery was started last year with the kind permission of the Collector in the compound of the Tamukkani bungalow and was continued this year. Seedlings are transplanted from seed-beds into pots before they are taken to the road-side. The chief plants that have thus been reared are casuarina, vagai, margosa, tamarind, ponga, konnai and rain trees. It is found by observation that these trees grow best in this district. A casuarina plantation has already been begun on local fund poramboke by the road-side at Uthangudy about three miles from Madura on the Madura-Melur road at a cost to date of Rs. 587. An arecanut plantation was first tried on this spot but proved a failure. Many of the casuarina plants have grown to a height of 7 feet and have cost about 7 annas each for the first year. The rate of growth is so satisfactory that the plants may not need watering after the second year. Three hundred and six avenue trees have been planted on road No. 3 (Madura-Parapatti) for a distance of about two miles beyond municipal limits at a cost of Rs. 215. Two hundred and thirty-five plants have also been planted in the second and third miles of road No. 4 (Madura to Virudupatti) costing Rs. 188.

The planting and maintenance of avenues have hitherto been in the hands of the Engineering Department and estimates have been sanctioned without much knowledge of what was being done though it must be admitted that in some places fine results have been shown. The avenue superintendent has now been deputed to examine the estimates before they are sanctioned and this has resulted in a large saving. Thus the estimates for maintaining avenues for this year have been cut down from Rs. 10,625 to Rs. 8,600 after careful scrutiny.

As an instance of what can be done by the sale of judiciously selected trees under proper supervision it may be mentioned that the avenue superintendent was ordered to choose a number of vagai trees in the sixth and seventh miles of road No. 27. The Vice-President presided at the auction and 19 trees fetched a sum of Rs. 1,613. Formerly these trees would probably have been sold by maistris and sub-overseers for trifling sums. The avenue on this road is very dense and the felling of the trees has caused no noticeable gaps. Similarly 13 trees on road No. 3 realized a sum of Rs. 1,139 in the current year. These operations will be extended to other roads.

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A list showing local fund porambokes measuring over half an acre suitable for planting trees is almost ready and it is proposed to take early steps to plant them up with trees yielding fuel, where they are within easy reach of Madura and with coconut, etc., trees in other places.

Plantations in markets were not made during the year under report. The scheme outlined in the preceding paragraphs has only just been begun and the other local boards have not yet had a chance of working together. But it is hoped that they will all do so in the near future.

(4)

G.O. No. 4441, L. & M., 4th December 1925.

Extracts from the letter Dis. No. 1699, dated 20th November 1925, from the President, District Board, Madura, on the avenue policy adopted in the district, is communicated to all local bodies.

(By order of the Government, Ministry of Local Self-Government)

C. B. COTTERELL,
Secretary to Government.

To all Presidents of District Boards and Presidents of Taluk Boards.

„ all Chairmen of Municipal Councils.

„ all Collectors.

Copy to the Inspector of Local Boards and Municipal Councils.

APPENDIX.

Extracts from the letter Dis. No. 1699, dated 20th November 1925, from the President, District Board, Madura.

I have the honour to state that I received a copy of resolution No. 170, dated 3rd August 1925, of the Ramnad District Board, together with the President's letter Dis. No. 2130, dated 12th October 1925, on 28th October 1925. The subject of the resolution is the report of two of its members on the avenue operations of the Madura District Board. They made an inspection in September 1924 and their report is dated 13th June 1925, nine months later. The District Board resolved to send a copy of the report to Government, and the President's letter quoted above shows that copies of his letter and of the report have been circulated among all other presidents of district boards.

2.

3. The circulation of this report may have a tendency in deterring other district boards from making an attempt to profit by resources which they may not yet have fully exploited. So I propose to examine the report in some detail. For this purpose it may be studied under two heads, viz., (1) the principles adopted by the Madura District Board in forming an avenue policy and (2) the results achieved.

The objects this Board aims at are—

- (i) To restore existing avenues.
- (ii) To plant avenues of shade trees where none exist at present.
- (iii) To plant quick growing fuel yielding trees wherever possible in order to supplement the shortage of firewood in this district.
- (iv) To plant trees for timber which yield revenue in years to come.

4. At the outset it was recognized that trees can be planted for two purposes each distinct from the other. One is the creation and maintenance of shady avenues on all roads, the other is the planting of profit-yielding trees on waste lands as a remunerative enterprise. The first error committed in the report is the confusion of these two ideas. It is stated that 'an avenue casuarina is absolutely unfit.' But the Madura District Board has never thought of planting casuarinas as avenue trees. Nothing has been farther from its intention. It has, however, definitely adopted the principle that no tree is as profitable as the

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casuarina, as a remunerative enterprise. That, of course, may not hold good in all districts but it certainly would in Ramnad. To be certain that this species is suitable to natural conditions in Madura, an experimental plot was planted on a site selected for its convenience 5 or 6 miles from Madura on the Melur road. One and a half acres was planted two and a half years ago, and a second similar area the following year. The members have inspected this plantation, but here again they err in their conclusions. They reluctantly admit that 'some (trees) were certainly good,' but unaware of the difference of age, they condemn the remainder as 'stunted growth.'

5. Let us for a moment pause to consider the reasons which influenced this board in selecting casuarina as a source of profit. Three or four years ago the attention of the Board was drawn to the shortage of fuel in Madura and its excessive cost by two able officers of the Forest Department, namely, Messrs. S. Cox and Hugo Wood. Both strongly urged the plantation of casuarinas. Enquiries elicited the fact that this tree is greatly valued here for fuel, especially by the numerous owners of dyeing, etc., factories, and that the supply of this fuel was far short of the demand. The following figures obtained recently fully justify the Board's decision to make an attempt to supply the shortage.

6. The import of casuarina fuel into the town of Madura from February 1924 to August 1925 by the Madura Fuel Trading Company, Limited, was 4,102 tons. The accounts of this firm are audited by the Assistant Registrar of Joint Stock Companies and may be accepted as correct. Details of the total imports of fuel into Madura by this firm are given in the following list, which not only shows the enormous quantity, but also the great distances it is transported:—

Statement showing the import of firewood into Madura town for 19 months from February 1924 to end of August 1925.

Serial number and name of station.	District.	By rail.		Total.
		Casuarina.	Other fuel.	
		TONS.	TONS.	TONS.
1 Porto Novo	South Arcot	165	..	165
2 Alapakam	Do.	151	..	151
3 Pudu chatram	Do.	468	..	468
4 Pattukkottai	Tanjore	660	40	700
5 Saliyamangalam	Do.	215	23	238
6 Budalur	Do.	78	157	235
7 Ammapettai	Do.	592	..	592
8 Mannargudi	Do.	75	..	75
9 Karlapatnam	Do.	46	9	55
10 Vaiyampatti	Trichinopoly	666	8,241	8,907
11 Manaparai	Do.	334	3,898	4,232
12 Samudram	Do.	119	86	205
13 Kalpatti chatram	Do.	18	5,948	5,966
14 Kattalai	Do.	..	50	50
15 Aiyalur	Madura	314	8,516	8,830
16 Vadamadura	Do.	44	6,154	6,198
17 Thamaraiipudi	Do.	..	51	51
18 Dindigul	Do.	..	134	134
19 Ambathurai	Do.	..	28	28
20 Vadipatti	Do.	..	766	766
21 Sholavandan	Do.	33	30	63
22 Tirumangalam	Do.	..	27	27
23 Pandikanmoy	Ramnad	34	116	150
24 Paramakudi	Do.	23	247	270
25 Parthibanur	Do.	67	599	666
26 Tiruppuvanam	Do.	..	213	213
27 Valandaravai	Do.	..	175	175
28 Manamadura	Do.	..	1,101	1,101
29 Uchipuli	Do.	..	98	98
30 Thirupachetti	Do.	..	36	36
Total import by rail for 19 months ..		4,102	36,743	40,845
Average for one month ..		216	1,934	2,150
Average for one day ..		7.2	64.4	71.6

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Figures for the import of fuel by other agencies are omitted, as their accuracy cannot be guaranteed, but the quantity must be very considerable, especially that brought in by carts. The above list is however sufficient for my purpose, and it must surely convince any one that the policy of this District Board cannot be wrong. One more point should be noted. The statistics given are for Madura town only, and make no reference whatever to the other five municipalities nor to the rural tracts in the district. If the figures were available, they could only strengthen the general argument that the District Board will find it profitable to grow any tree suitable for fuel wherever it is possible. As already stated, however, it intends chiefly to exploit the casuarina.

7. Let us now examine the cost of production—

	RS.	A.	P.
Cost—			
The amount spent on the plantation up to the date of inspection by the members	1,339	10	3
The amount spent on the plantation after inspection up to the end of September 1925	424	0	0
Total ...	1,763	10	3
Probable expenditure for a watchman to prevent thefts and to look after young plants for casualties for 4 years at Rs. 60 a year	240	0	0
Grand total ...	2,003	10	3
Or roughly ...	2,000	0	0
Rough forecast of the expected revenue—			
330 tons at Rs. 15 per ton	4,950	0	0
Or roughly ...	5,000	0	0
Expected profit ...	3,000	0	0

Out of 3,000 trees planted, 2,000 may safely be expected to stand at the time of felling, viz., at the end of the seventh year. Judging by the rate of growth it is anticipated that six trees will make a ton. Thus 2,000 trees will amount to 330 tons.

8. The price of casuarina as now sold in Madura is Rs. 18 to Rs. 20 per ton. It has been steadily rising for the past 2 years, and it will probably continue to rise. To be on the safe side, however, we will take Rs. 15 per ton, as realizable 5 years hence. Thus 330 tons at Rs. 15 per ton will amount to Rs. 4,950 or roughly Rs. 5,000. I think these figures will be considered conservative.

9. I am aware that the cost of production as given above may not compare favourably with the cost in South Arcot or Tanjore, where these trees have been grown on a large scale for many years, but little or nothing in this direction has been done hitherto in Madura. It must be borne in mind that my figures represent the cost of production in an experimental plantation, and it is only reasonable to suppose that it will be reduced as experience grows.

10. The report says 'We think by the time the casuarina plants become ripe for cutting, the expenditure incurred on them, inclusive of the cost of establishment, would be several times the actual worth of the fuel.' Can any statement be more fatuous? But complete ignorance of the subject is further displayed by the statement that casuarina trees are planted 'only in sandy tracts where nothing else will grow.' It is well known that casuarinas are grown even in paddy lands in considerable areas in South Arcot and elsewhere—a fact that may be observed, without looking farther, by anyone travelling on the South Indian Railway.

11. I trust I have said enough in regard to the principles guiding the policy of this Board. Whatever fault may be found with the method of putting them into practice, it is impossible to challenge the soundness of the principles. Let us, however, test the fairness of the remarks made in the report as regards what has been done.

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12. Experiments in the creation of avenues are being made to discover the most suitable trees. The idea underlying these experiments is, that many fruit-bearing trees afford also ample shade, such as tamarind, mangoes, iluppaas, etc. They will be selected wherever the conditions are favourable, and it is hoped that they will add considerably to the revenue of the District Board in the course of time. The report refers to the Madura-Tirupparankundram road which the members inspected, but they did not inspect the Madura-Parapathi road where the trees that have been planted (chiefly tamarind and margosa) are growing well. The former road traverses an open wind-swept area where the conditions are so adverse to the growth of trees, that tamarinds, etc., planted many years ago have even yet scarcely attained a height of more than 15 feet or so. It will obviously be years before an avenue can be established here. But in spite of the difficulties, about 50 per cent of the trees planted are growing, and vacancies will be filled up every year with plants of those kinds that are found to grow best in this locality. The road was selected for experiment, knowing the uphill work to be done, because of its proximity to Madura, and because huge crowds use it on days when festivals take place in the temple at Tirupparankundram 3 miles distant.

13. The report refers to the nurseries. The District Board office (an old bungalow) is situated on one of the finest sites in the town on the banks of the Vaigai, and is some 5 or 6 acres in extent. It is intended to grow here all the seedlings needed for the present, but they require a comparatively small area. The rest of the compound was until recently covered with scrub jungle and prickly-pear, that have now been entirely removed. It is intended in the near future to build handsome new offices on this site and to make the garden worthy of the building. In the meantime the vacant spaces referred to above are being planted with grape-vines, vegetables, fruit-trees, etc., the idea being that the District Board office garden should at least pay for the special staff employed, while at the same time every effort will be made to create beautiful surroundings to the building. This is the 'Kitchen garden' of the report!

14. It may be gathered from their remarks that the employment of a special staff does not meet with the approval of the two members. The special staff consists of an Avenue Superintendent on Rs. 100 per mensem, plus Rs. 35 as fixed travelling allowance, and three or four coolies employed in the nurseries and garden. The Avenue Superintendent was trained in the Forest College at Dehra Dun. He entered the Forest Department, but retired early in his service on account of ill-health. He was re-employed for some time later on, and was put in charge of the Forest College gardens at Coimbatore. He was very highly recommended to me by Mr. Cox, Chief Conservator of Forests. His duties consist not only in supervising all plantation works and the nurseries but also in scrutinizing and checking estimates submitted by the Engineering Department for the maintenance of the existing avenues, tabulating and checking auction sales of usufructs all over the district, and he also conducts sales of matured avenue trees under the Vice-President. He is in fact engaged in all works connected with avenues in office and out of doors. As regards the wisdom of employing a special staff, I need do no more than refer to G.O. No. 107 L., dated 24th January 1918, and to the very able notes printed, with that order prepared by Mr. F. J. Richards and Mr. S. Cox and also to paragraphs 216 and 220 of the Financial Relations Committee's report. In all these papers incontestable arguments are presented to show that if any improvement is to be made over existing methods, avenues and everything connected with them must be transferred from the District Board Engineering Department to a special staff.

15. One word in conclusion. Trees cannot be grown in a day. Much patient labour, courage and perseverance are necessary to achieve success. Defective rainfall and other adverse circumstances beyond control must be reckoned with, and failure in many directions cannot be avoided. Above all efforts such as those initiated by the Madura District Board require time to mature. The Government Order quoted above alludes to a programme extending over 50 years; yet it is scarcely 3 years since the work was begun here. The extract from the administration report of the Madura District Board for 1922-23 which Government was pleased to circulate with G.O. No. 2706, dated 4th December 1923, was not intended by its writer to be anything more than a statement of an attempt that was being made to replace old avenue trees that are disappearing year by year, and to construct a scheme which will alleviate the distress of the people caused by the high cost and scarcity of firewood.

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(5)

G.O. No. 862, L. & M., dated 14th March 1925.

The importance of developing the income from remunerative enterprises has more than once been brought to the notice of the local authorities. Their attention is invited to paragraphs 211 to 220 of the Report of the Financial Relations Committee communicated with G.O. No. 1193 L., dated 27th November 1920, and to G.Os. No. 707 M., dated 25th May 1920, and No. 1206 L., dated 3rd December 1920.

2. A study of the figures for 1923-24 produces the following results. The income from railways is not taken into account. The district and taluk boards realize a surplus of Rs. 5,02,000 in 24 districts. Of this amount Rs. 2,80,000 was realized by four districts. The average for these four districts is Rs. 70,000. The union boards in 24 districts realize Rs. 3,02,000. Of this amount nearly Rs. 1,38,000 was realized by the union boards in five districts. The average for these five districts is Rs. 27,600. Among municipalities the figures are as follows:—80 towns realize a surplus of Rs. 90.5 lakhs. Of this amount over 4.2 lakhs was collected in 13 towns. The average for these 13 towns is Rs. 32,300.

3. If these average amounts had been attained by the other local bodies, the result would have been a net revenue for district and taluk boards of Rs. 16.8 lakhs, a net revenue for union boards of Rs. 6.62 lakhs and a net revenue for municipalities of Rs. 25,84,000, that is to say, the net revenue from these remunerative enterprises to local bodies in the Presidency would have been Rs. 49.3 lakhs instead of less than Rs. 17.5 lakhs.

4. The Government are of course aware that the conditions in districts differ considerably, but it is by no means a safe assumption that it is the richest districts which make the most money out of these remunerative enterprises. The district and taluk boards in Kistna district, for instance, made no net revenue from these sources for 1923-24. The Government are convinced that it would not be at all unreasonable to expect an average of Rs. 70,000 for district and taluk boards in a district, of Rs. 27,600 for the unions in a district and of Rs. 32,300 for a municipality.

5. The Government trust that the presidents, chairmen and members will ponder these figures and pay real attention to the development of these resources. They consist mainly of markets, cart-stands, slaughter-houses and avenues. It must be remembered that these are perhaps the most satisfactory sources of local revenue. The payments are not in the form of taxes but are definite payments for value received. A man who wants a stall in a market has no objection whatever to paying a reasonable price for it. In fact he would much sooner do so than not have facilities for selling his goods. These payments therefore avoid the most objectionable feature of all taxation, viz., the unwillingness to pay. The Government trust that a real effort will be made to develop these

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resources not only in the financial interests of the local bodies but for the provision of increased facilities and amenities to the public.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Secretary to Government.

To all Presidents of District Boards (with copies for union boards in the district).
 „ all Presidents of Taluk Boards.
 „ all Chairmen of Municipal Councils.
 „ all Collectors.
 „ the Inspector of Municipal Councils and Local Boards.
 „ the Examiner of Local Fund Accounts.
 „ the Revenue Department.
 „ the President, Corporation of Madras.
 „ the Finance Department.

APPENDIX V.

[Vide answer to question No. 166 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 22nd October 1934, page 38 supra.]

G.O. Ms. No. 1556, P.H., dated 19th June 1934.

READ—the following papers:—

From the Surgeon-General, Ref. Ms. No. 193-5, dated 21st May 1934.

From the Surgeon-General, Ref. Ms. No. 193-9, dated 13th June 1934.

Order—Ms. No. 1556, P.H., dated 19th June 1934.

Revised rules for the guidance of the Committee for the selection of candidates for admission into the Medical Colleges at Madras and Vizagapatam are appended.

(By order of the Government, Ministry of Local Self-Government)

S. G. SENGODAIYAN,
Deputy Secretary to Government.

To the Surgeon-General with the Government of Madras.
 „ Members of the Committee.

APPENDIX.

Rules.

1. Age-limit.

Candidates should have completed 17 years of age on or before registration as a Medical student which will be subsequent to passing the Pre-Registration Examination.

2. In the selection of candidates applicants belonging to the Madras Presidency should be given preference. The number of seats which can ordinarily be allotted to non-Madrasi candidates is specified below:—

(1) Students sent by the Travancore State	...	...	...	6
(2) Students sent by the Cochin State	...	...	...	2

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(3) Applicants other than those coming from Travancore and Cochin, preference being given to those from Pudukkottai, Banganapalle and Sandur 2

If applicants of the third category are not forthcoming in any year the seats ordinarily intended for them should be allotted to Madras students.

The States of Travancore and Cochin, if they so desire, have the right to select their own candidates for whom seats are reserved provided the candidates possess the prescribed minimum educational qualifications. If a sufficient number of Madras candidates and other foreign candidates are not forthcoming, seats can be allotted to candidates from Travancore and Cochin in addition to the number ordinarily reserved for them.

3. In order to secure an adequate representation of linguistic areas, so far as qualified candidates from such areas are available, 45 per cent of the seats available in both the colleges after allotment to foreign students will be allotted to candidates from Telugu districts, an equal percentage to candidates from Tamil districts, and the remaining 10 per cent to those from the West Coast. If a sufficient number of qualified candidates of a particular linguistic area are not forthcoming, the balance of seats available for that area may be distributed between the other two areas in the proportion in which seats are normally allotted to those two areas. The seats thus allotted to each area will be distributed amongst the various communities of that area in the manner prescribed in rule 4 below.

4. So far as qualified candidates of each community in the same linguistic area are available, candidates should be selected from the several communities in the proportion prescribed by the Government in G.O. No. 712, Public, dated the 2nd July 1929, for recruitment to Public Services, viz.—

	PER CENT.
Brahmans	17
Non-Brahmans (Hindu)	41
Christians, Anglo-Indians and non-Asiatics	17
Muhammadans	17
Other communities including scheduled classes	8

If candidates of any particular community possessing even the minimum educational qualifications are not available in sufficient number, candidates belonging to other communities, in the same linguistic area should be selected in their places so that the resulting proportions may differ as little as possible from the standard proportions referred to above.

5. Order of preference.—In making the selection the Committee will ordinarily give preference to candidates of the same community in the same linguistic area in the following order:—

- Those with a B.A. or B.Sc. degree in science, provided they are not over 21 years of age.
- Those who appeared for the B.A. or B.Sc. degree examination in science and passed the science portion of the examination provided they are not over 21 years of age.
- Those who have passed the Intermediate Examination in Arts and Science in the first class or second class taking Physics, Chemistry and Natural Science.
- Those who have passed the Intermediate Examination in Arts and Science in the first class or second class taking Physics, Chemistry and Mathematics.
- Those who have passed the Intermediate Examination with Physics and Chemistry and any other subject or any other examination accepted by the Syndicate of the University of Madras as equivalent to the Intermediate Examination in Arts and Science with Physics and Chemistry.

6. In order that no seat in either college may be left vacant, a few more than the prescribed number of candidates, say, not exceeding twenty, should be selected. The list of such candidates who will form the reserve should be kept

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separate from the list of candidates selected for admission. Their names should not be published until they are actually required to join either college.

7. Applicants should as far as possible be admitted to the college which they have selected. The Committee are at liberty, however, to allocate a candidate to either college, should they find it necessary to do so.

APPENDIX VI.

[Vide answer to clauses (g) and (h) of question No. 168 asked by Mr. K. P. Raman Menon at the meeting of the Legislative Council held on the 22nd October 1934, page 42 supra.]

Rule 4 of the rules for the selection of candidates for admission into the Medical Colleges at Madras and Vizagapatam.

So far as qualified candidates of each community in the same linguistic area are available, candidates should be selected from the several communities in the proportion prescribed by the Government in G.O. No. 712, Public, dated the 2nd July 1929, for recruitment to Public Services, viz.:—

	PER CENT.
Brahmans	17
Non-Brahmans (Hindu)	41
Christians, Anglo-Indians and non-Asiatics	17
Muhammadans	17
Other communities including scheduled classes	8

If candidates of any particular community possessing even the minimum educational qualifications are not available in sufficient numbers, candidates belonging to other communities in the same linguistic area should be selected in their places so that the resulting proportions may differ as little as possible from the standard proportion referred to above.

Rule 2-II of the rules to regulate admission into the Sanitary Inspectors' class, Medical College, Madras.

So far as qualified candidates of each community are available, candidates should be selected from the several communities in the proportion prescribed by Government in G.O. No. 712, Public, dated the 2nd July 1929, for recruitment to Public Services, viz.:—

	PER CENT.
Brahmans	17
Non-Brahmans (Hindu)	41
Christians, Anglo-Indians and non-Asiatics	17
Muhammadans	17
Other communities (including depressed classes)	8

If candidates of any particular community possessing even the minimum educational qualifications are not available in sufficient numbers, then candidates belonging to other communities may be selected in their places so that the resulting proportions may differ as little as possible from the standard proportions referred to above.

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APPENDIX VII.

[Vide answer to question No. 169 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 22nd October 1934, page 43 supra].

Statement showing the names of candidates from South Kanara who applied for admission.

Regis- ter num- ber.		
<i>Brahmans.</i>		
74	Miss B. Shambavi Bai	Intermediate, Physics, Chemistry and Natural Science, first class.
152	G. K. Govinda Bhat	Intermediate, Physics and Natural Science, second class.
118	G. Giridhar Prabhu	Intermediate, Physics, Chemistry and Natural Science, second class.
88	B. Krishna Achar	Do.
85	K. Bhaskar Rao	Do.
138	P. Rama Rao	Do.
19	M. Shripad Rao	Intermediate, Physics, Chemistry and Mathematics, first class.
54	P. Sanjiva Rao	Do.
215	N. D. Muthuswami Rao	Intermediate, Physics, Chemistry and Mathematics, second class.
<i>Non-Brahmans.</i>		
133	M. Deva Roy	Passed Parts II and III of B.A.
86	A. P. Thirumanappa Alva	Intermediate, Physics, Chemistry and Mathematics, second class.
155	M. Asoka	Do.
72	S. Vasantha Shetty	Do.
<i>Indian Christians.</i>		
79	Joseph I. Rebello	Parts I and III of B.A.
73	F. G. T. Menezes	Intermediate, Physics, Chemistry and Mathematics, first class.
129	Victor P. F. Tellis	Intermediate, Physics, Chemistry and Mathematics, second class.
247	N. J. Mathias	Do.
180	Miss Josephine Gonsalvez	Intermediate, Physics, Chemistry and other subject, second class.
<i>Muslims.</i>		
87	P. Mahin	Intermediate, Physics, Chemistry and Natural Science, second class.

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APPENDIX VIII.

[Vide answer to question No. 181 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 22nd October 1934, page 52 supra.]

Name of the District Educational Council.	(1)	(2)	(3)	(4)	(5)
	Teaching grants.	Building grants.	Equipment grants.	Compensation for loss of fee income due to the exemption of poor girl pupils from payment of fees.	
	RS.	RS.	RS.	RS.	
	1933-34.				
Ganjam	2,29,870	1,343	..	..	46
Vizagapatam	2,51,962	2,000	245	..	..
Godavari, East	1,70,313	..	21	..	..
Godavari, West	1,57,350	..	..	..	..
Kistna	2,09,387	985	380	8	..
Guntur	3,56,269	..	285	28	..
Kurnool	1,16,678	..	..	108	..
Bellary	58,232	..	..	..	..
Anantapur	46,200	..	..	25	..
Cuddapah	1,15,506	..	..	123	..
Nellore	1,68,834	..	74	..	..
Madras	1,46,869	..	1,051	594	..
Chingleput	1,18,031	5,000	314	130	..
North Arcot	1,42,172	981	303	251	..
Chittoor	88,830	..	..	125	..
South Arcot	1,60,658	..	..	30	..
Tanjore	2,34,917	93	104	891	..
Trichinopoly	1,29,929	13,500	57	387	..
Madura	1,38,368	..	1,233	..	..
Ramnad	2,57,118	10,500	50	19	..
Tinnevely	4,97,397	2,810	1,755	233	..
Coimbatore	1,04,885	..	..	84	..
Salem	63,896	..	40	117	..
The Nilgiris	43,254	506	19	11	..
Malabar	9,64,539	..	69	891	..
South Kanara	2,10,536	2,117	..	899	..

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Teaching grants to Elementary Schools.

Name of the District Educational Council.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Ganjam	1,24,564	1,31,299	1,59,481	1,76,488	1,74,983	1,86,408	2,14,500	2,38,110	2,32,039	2,42,474
Vizagapatam	1,22,779	1,40,036	1,65,981	2,09,385	2,64,018	2,79,879	2,50,000	2,58,617	2,30,537	2,28,939
East Godavari	82,002	92,203	1,09,940	1,20,666	1,45,063	1,44,990	1,75,000	1,56,757	1,45,177	1,61,507
West Godavari	..	..	..	..	1,36,362	1,10,335	1,19,285	1,38,933	1,46,563	1,51,653
Kistna	1,71,828	1,90,229	2,27,590	2,66,551	1,68,148	1,76,526	1,57,000	1,96,267	1,77,364	1,91,765
Guntur	2,06,582	2,11,362	2,45,850	2,69,408	3,52,340	3,52,472	2,83,647	3,29,432	3,20,109	3,36,520
Kurnool	74,086	76,752	90,217	90,811	1,05,797	92,506	1,37,793	1,29,203	1,12,518	1,16,015
Bellary	39,600	40,864	46,800	52,471	64,328	68,538	69,525	69,333	64,197	60,401
Anantapur	44,538	47,365	54,820	55,026	75,262	68,822	95,926	76,844	60,344	50,954
Cuddapah	74,947	82,217	95,557	1,05,381	1,34,176	1,43,854	1,52,000	1,41,814	93,809	1,09,923
Nellore	85,137	87,432	1,03,032	1,15,013	1,48,801	1,80,126	1,10,955	1,66,462	1,57,319	1,51,498
Madras	1,33,650	1,43,164	1,61,692	1,76,891	2,21,485	2,29,270	2,64,081	1,99,400	1,88,926	1,51,205
Chingleput	1,16,352	1,16,899	1,31,944	1,47,091	1,69,476	1,75,000	1,80,000	1,49,102	1,22,248	1,11,021
North Arcot	95,304	98,880	1,10,185	1,25,234	1,58,717	1,65,535	1,80,000	1,68,029	1,46,655	1,39,043
Chittoor	66,375	71,189	80,036	94,837	1,12,686	1,25,000	1,43,838	1,27,248	1,00,721	92,394
South Arcot	1,32,636	1,36,227	1,53,254	1,61,943	1,80,012	1,85,063	1,95,000	2,01,493	1,71,885	1,61,822
Tanjore	1,53,528	1,74,989	2,01,835	2,23,607	2,93,942	2,79,281	3,20,630	2,81,731	2,49,001	2,54,609
Trichinopoly	91,399	91,000	1,09,184	1,28,109	1,72,859	1,79,331	2,05,000	1,55,345	1,32,905	1,32,564
Madura	91,852	94,336	1,08,831	1,28,109	1,68,361	1,76,660	2,00,000	1,78,438	1,44,562	1,42,787
Ramnad	1,18,082	1,34,268	1,52,594	1,94,671	2,57,646	2,70,623	2,77,062	2,80,476	2,41,103	2,46,996
Tinnevely	2,14,206	2,29,810	2,70,263	2,96,620	4,29,853	4,52,343	5,20,771	5,29,084	4,89,507	4,89,733
Coimbatore	67,265	77,463	87,835	1,01,079	1,22,346	1,27,572	1,48,342	1,41,273	1,08,954	1,06,546
Salem	57,556	42,967	51,028	62,882	77,910	83,230	95,000	86,794	70,625	67,106
The Nilgiris	29,459	30,242	36,405	38,480	46,570	47,860	52,195	52,888	45,134	43,022
Malabar	3,22,100	3,45,794	4,07,383	5,61,461	6,97,227	7,22,923	8,32,128	9,28,012	8,79,612	9,33,972
South Kanara	84,173	88,013	1,02,523	1,27,648	1,77,732	1,87,853	2,21,322	2,04,750	1,82,486	2,06,731

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Building Grants.

Name of the District Educational Council.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
Ganjam ..	RS. 3,757	RS. 562	RS. 436	RS. ..	RS. ..	RS. ..	RS. 2,862	RS. ..	RS. ..	RS. 1,588
Vizagapatam ..	8,291	2,000	955	..	..	..	..	..	..	..
East Godavari ..	1,365	..	..	..	..	..	487	1,757	..	..
West Godavari ..	..	..	..	..	801	655	995	775	..	..
The District Educational Council was constituted in 1927-28.										
Kistna ..	1,596	2,000	..	..	3,297	4,000	..	..	..	5,176
Guntur ..	3,000	..	..	..	258	4,996	..	..	..	1,795
Kurnool ..	1,491	1,550	..	..	..	..	..	3,325	..	..
Bellary ..	1,128	..	..	..	..	..	..	1,582	..	..
Anantapur ..	1,100	330	..	..	..	..	..	..	..	200
Cuddapah ..	2,000	..	..	..	..	..	792	470	..	656
Nellore ..	2,100	..	..	..	..	4,039	..	..	..	..
Madras ..	4,930	9,060	14,389	9,468	..	486	533	243	..	10,217
Chingleput ..	2,391	2,271	6,758	2,506	..	4,237	1,696	5,078	..	6,060
North Arcot ..	1,400	..	2,784	..	5,305	..	..	..	..	..
Chittoor ..	1,200	2,400	..	1,167	..	..	..	..	..	..
South Arcot ..	12,323	2,000	925	..	..	..	55	153	..	..
Tanjore ..	1,700	..	..	..	..	4,774	3,261	3,459	..	18,741
Trichinopoly ..	5,475	2,000	..	..	2,253	2,496	..	7,500	..	..
Madura ..	7,676	7,440	1,926	3,524	7,654	6,91	3,920	8,445	..	3,629
Ramnad ..	1,500	7,517	4,100	3,626	6,640	7,711	16,087	..	..	6,209
Tinnevely ..	11,507	2,923	287	..	11,792	..	11,406	8,578	..	22,330
Coimbatore ..	5,866	2,000	..	3,306	..	1,000	2,054	3,087	..	5,642
Salem ..	2,300	1,000	..	3,637	..	736	962	4,270	..	3,560
The Nilgiris ..	..	..	3,382	3,066	5,901	2,296	449	672	..	3,355
Malabar ..	8,397	..	4,130	..	..	..	1,527	3,727	..	4,250
South Kanara ..	3,000	..	..	..	..	..	2,914	8,183	..	1,868

No grants were sanctioned as the provision included in the Civil Budget Estimates was resumed as a measure of retrenchment.

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Equipment Grants.

Name of the District Educational Council.	1923-24.	1924-25.	1925-26.	1926-27.	1927-28.	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
Ganjam ..	RS. 620	RS. ..	RS. 5,600	RS. 2,880	RS. ..	RS. 1,040	RS. 412	RS. 1,229	RS. ..	RS. 105
Vizagapatam ..	689	..	160	2,640	..	..	193	1,229	..	775
East Godavari ..	374	..	2,000	560	..	..	561	838	..	44
West Godavari ..	..	..	..	..	346	..	73	212	..	414
The District Educational Council was constituted in 1927-28.										
Kistna ..	835	1,000	400	4,452	..	612	136	2,288	..	46
Guntur ..	1,103	2,740	800	640	..	..	866	673	..	1,266
Kurnool ..	399	484	240	320	..	..	..	..	..	588
Bellary ..	230	235	1,280	2,000	1,200	80	..	..	..	346
Anantapur ..	376	278	2,720	720	..	..	..	..	..	725
Cuddapah ..	563	136	976	1,200	..	..	512	730	..	114
Nellore ..	980	562	..	3,280	1,760	840	..	..	..	..
Madras ..	1,586	3,727	2,500	1,769	1,167	..	371	1,102	..	3,067
Chingleput ..	685	453	1,401	4,315	247	247	208	922	..	2,562
North Arcot ..	370	365	1,782	3,600	..	1,680	1,389	178	..	862
Chittoor ..	320	322	186	1,547	429	2,201	243	..	..	..
South Arcot ..	550	616	1,120	1,680	..	80	..	..	..	991
Tanjore ..	435	465	4,480	4,448	..	240	2,750	..	..	873
Tinnevely ..	410	436	2,622	3,200	2,240	720	596	1,650	..	1,356
Trichinopoly ..	191	240	1,631	983	165	2,185	448	1,420	..	2,020
Madura ..	492	4,383	880	1,528	1,215	1,345	..	..	..	3,212
Ramnad ..	4,156	5,716	6,226	3,966	..	800	3,457	4,163	..	1,456
Tinnevely ..	300	349	268	3,966	431	..	596	909	..	582
Coimbatore ..	270	295	1,433	1,200	1,120	640	734	2,253	..	317
Salem ..	691	..	145	19	140	315	..	..	..	..
The Nilgiris ..	1,329	698	5,615	11,600	1,120	..	..	1,127	..	..
Malabar ..	160	..	2,893	877	880	580	176	..	..	440
South Kanara ..	..	..	..	..	..	..	..	..	..	..

No grants were sanctioned as the provision included in the Civil Budget Estimate was resumed as a measure of retrenchment.

[22nd October 1934]

APPENDIX IX.

[Vide answer to question No. 186 asked by B. Pocker Sahib Bahadur at the meeting of the Legislative Council held on the 22nd October 1934, page 55 supra.]

I.—Statement showing the Receipts at Olavanna and Karaparamba stations and the Expenditure on the reach between Elathur and Olavanna.

	Revenue.		Expenditure.
	Olavanna.	Karaparamba.	
	RS.	RS.	RS.
15th February 1927 to 30th March 1927	693	1,125	1,715
1st April 1927 to 31st March 1928	10,552	1,950	7,169
1st April 1928 to 31st March 1929	7,839	2,035	17,061
1st April 1929 to 31st March 1930	8,150	1,510	14,150
1st April 1930 to 31st March 1931	7,060	1,450	8,425
1st April 1931 to 31st March 1932	4,650	1,000	1,939
1st April 1932 to 31st March 1933	7,225	1,550	2,481
1st April 1933 to 31st March 1934	7,620	1,336	5,136
	53,789	11,956	58,076
	= Rs. 65,745.		
Add charges on account of tools and plant establishment, etc., at 15 per cent roughly			8,710
	Total ..		66,786

II.—Statement showing the Rate of Tolls levied at Olavanna.

- 1 For each boat laden with goods or carrying one or more passengers. Two annas.
- 2 For each boat empty with not more than two boatmen. One anna.
- 3 For each log of timber with bamboos necessary to float. Do.
- 4 For each raft of bamboos only with necessary crew not exceeding 200 square feet measured over the floating surface. Two annas.
- 5 For each raft of not more than thirty planks not exceeding $1\frac{3}{4}$ inches in thickness with necessary crew with an additional one anna for every ten planks or part of ten planks above thirty. Three annas.
- 6 For all articles including sawn timber 100 square feet measured over the floating surface. One anna.

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APPENDIX X.

[Vide answer to question No. 187 asked by Mr. M. Devadasan at the meeting of the Legislative Council held on the 22nd October 1934, page 55 supra.]

ANNEXURE I.

Summary of the inspection note of the Executive Engineer, Ramnad division, Madura, dated 28th January 1934.

Elundrakondan tank, its supply channel and the anicut below its head across the Korayar and the site of the proposed flood bank on the right side of the Korayar.

The tank bund and the channel bank are low at places and these should be strengthened during the coming closure.

A breach in the channel bank above the scouring sluices at its entrance to the tank has been ring bunded by the ryots and it should be closed without any more delay.

There is a bund in the channel about $1\frac{1}{2}$ furlongs below the head where the right bank gets scoured and becomes weak. This point should be protected with revetment for a length of about 50 to 60 feet.

Between the Elundrakondan anicut and Maruthuvaneri anicut there is a flood bank about one furlong in length along the right side of the river. Between this flood bank and the Alandrakandan anicut the natural ground is generally high, but there are also low places here and there through which water spilling occurs. This portion requires a flood bank. Between the flood bank and the Maruthuvaneri anicut, there is a big breach in the right margin of the river and through this, water from the river is wasted. To prevent this and also to utilize the spill water of the Deviyar—which runs parallel to and south of the Korayar—a flood bank in continuation of the existing one is proposed to be taken southwards (i.e., at right angles to the river) to meet the Nallamangalam tank supply channel. Collector to be consulted about this proposal. The Subdivisional Officer will submit an approximate estimate for the work. Revetment will be required at some places in this flood bank. Approximate estimate for this also should be sent. The head of the channel taking to the north from the Elundrakondan anicut gets shoaled often. The removal of S curve at the site may help to pass off the silt. An approximate estimate for cutting a straight channel and revetting the common bank on the channel side should be submitted.

The breaches are due to—

- (i) the river is throttled for some length above the anicut by side shoals which have been helped by the presence of a large number of palmyra trees;
- (ii) encroachment on the left side; and
- (iii) non-removal of the needle shutters from the vents in the anicut by the ryots during floods.

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ANNEXURE II.

Legislative Council question No. 666.

666 Q.—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the breaches in the Korayar river between the Nallamangalam and Elundrakondan anicuts and in Elundrakondan Periyakulam have been closed and the dismantled revetment in the river has been repaired; if not, why these have not been done;

(b) the improvements the Government propose to carry out to prevent the recurrence of frequent breaches; and

(c) whether it is a fact that the Executive Engineer, Tinnevely, inspected the Elundrakondan supply channel in or about 1927 and proposed the construction of a groyne on the right bank of the Korayar river above the Elundrakondan anicut to prevent the repeated formation of the shoal at the head of the supply channel owing to the incorrect position of the anicut; and if so, what has been done in the matter?

A.—(a) There were breaches during the extraordinary floods in 1933-34 and they have been closed. The displaced revetment will be repaired and strengthened during the current year when the new earth work settles well.

(b) The local officers are considering the question.

(c) The Executive Engineer, Tinnevely division, inspected these works in 1928. There is no reference in his inspection notes to any groyne.

APPENDIX XI.

[Vide answer to question No. 189 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 22nd October 1934, page 56 supra.]

Statement showing the amounts of the Minor Irrigation grant allotted for expenditure in each taluk in the North Arcot district during 1933-34 and 1934-35.

Taluk.	Amount allotted in 1933-34.		Amount allotted in 1934-35.	
	Works.	Maintenance and repairs.	Works.	Maintenance and repairs.
	(2)	(3)	(4)	(5)
(1)	RS.	RS.	RS.	RS.
Arkonam	95	9,400	500	7,200
Chengam	..	13,500	300	13,000
Cheyar	..	13,000	500	13,900
Gudiyattam	38	4,500	38	6,600
Polur	..	13,500	600	28,700
Tiruppattur	..	8,220	..	8,100
Tiruvannamalai	390	21,459	300	21,500
Vellore	107	9,872	2,016	7,200
Wallajah	..	17,000	246	22,400
Wandiwash	..	60,819	..	31,400
Total	630	1,71,270	4,500	1,60,000

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APPENDIX XII.

[Vide answer to question No. 195 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 22nd October 1934, page 60 supra.]

(1)

List of Senior Inspectors who have been confirmed without passing the book-keeping test.

Name.	Service as Senior Inspector.
1 M.R.Ry. K. Vedachala Ayyar ..	13th March 1919 to 31st August 1924.
2 „ C. N. Krishnasami Ayyar ..	1st August 1912 to 31st August 1924.
3 „ V. S. Ramasami Ayyar ..	1st April 1919 to 31st August 1924.
4 „ R. Desika Acharya ..	1st February 1920 to 31st August 1924.
5 „ R. Krishnasami Ayyar ..	7th June 1918 to 31st August 1924.
6 „ C. Govindasami Mudaliyar ..	1st April 1919 to 31st August 1924.
7 „ P. D. Muthukumarasami ..	Do.
8 „ T. Ramachandra Rao ..	Do.
9 „ K. Narayanasami Mudaliyar ..	1st February 1920 to 31st August 1924.
10 „ A. Cunniah Chettiyar ..	1st April 1919 to 31st August 1924.
11 „ C. Kuppusami Mudaliyar ..	7th June 1919 to 31st August 1924.
12 „ T. Krishnasami Ayyangar ..	5th November 1921 to 31st August 1924.
13 „ T. Munisami Mudaliyar ..	28th September 1919 to 31st August 1924.
14 „ K. V. Krishnaswami Ayyar ..	1st February 1920 to 31st August 1924.
15 „ C. Seshadrichakravarthi Ayyangar.	Do.
16 „ P. Subramanyam ..	Do.
17 „ M. Giriappa ..	22nd April 1919 to 31st August 1924.
18 „ P. Anjaneyalu ..	1st February 1920 to 31st August 1924.
19 „ U. L. Venkatanarasiah ..	15th July 1921 to 31st August 1924.
20 „ T. Narasimha Sastri ..	1st February 1920 to 31st August 1924.
21 „ C. Srinivasa Ayyangar ..	18th July 1921 to 31st August 1924.
22 „ P. R. Doraiswami Ayyar ..	15th July 1921 to 31st August 1924.
23 „ K. S. Prakasa Rao ..	1st February 1920 to 31st August 1924.
24 „ C. D. Samuel Pillai ..	Do.
25 „ C. Kannan Nair ..	Do.
26 „ T. R. Ranganatha Ayyangar ..	Do.
27 „ K. Achutha Nair ..	23rd January 1922 to 1st April 1924.
28 „ R. Narayana Ayyar ..	22nd April 1922 to 27th January 1926.
29 „ Y. Rama Sastri ..	14th July 1922 to 18th February 1926.
30 „ C. Varadaraja Mudaliyar ..	5th April 1923 to 18th February 1926.
31 „ A. Sivaramakrishna Ayyar ..	10th February 1925 to 6th September 1929.
32 „ S. Krishna Ayyangar ..	11th February 1925 to 6th September 1929.
33 „ T. V. Muthusami Ayyar ..	10th July 1925 to 6th September 1929.
34 „ S. Narasimha Ayyar ..	Do.
35 „ V. Nainar Chettiyar ..	Do.
36 „ K. Ramachandra ..	22nd July 1925 to 6th September 1929.
37 „ A. Ramachandra Rao ..	27th July 1925 to 3rd October 1929.
38 „ M. Koteswara Rao ..	1st August 1925 to 3rd October 1929.
39 „ T. V. K. Babu Rao ..	20th August 1925 to 3rd October 1929.
40 „ K. Nagaratnam Ayyar ..	26th April 1926 to 3rd October 1929.
41 „ C. M. Bheemaraya Mudaliyar ..	1st May 1926 to 3rd October 1929.

NOTE.—Of these, Nos. 5, 10, 12, 18, 21, 22, 30, 31, 32, 34, 36, 37 and 41 alone continue in service retaining their lien on the Senior Inspectors' posts.

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(2)

List of Senior Inspectors who have not been confirmed for failure to pass the tests.

	Name.	Service as Senior Inspector.
1	M.R.Ry. A. D. Balasundara Mudaliyar.	1st October 1926 to 14th January 1930.
2	" N. Narasimha Acharya ..	1st January 1928 to 26th April 1928.
3	S. M. Shah Sahib ..	27th May 1928 to 10th January 1930.
4	M.R.Ry. S. Sambanda Mudaliyar ..	13th July 1928 to 12th November 1933.
5	" Gorochand Padhi ..	23rd June 1928 to 13th November 1933.
6	" M. Voeraraghava Ayyangar ..	13th February 1929 to 29th January 1934.
7	" K. S. Sundararamiah ..	14th July 1928 onwards.
8	" K. Nagaratnam Davara ..	1st October 1929 to 29th December 1933.
9	" V. Govindan Nair ..	8th August 1929.
10	" R. Muthukumaraswami Pillai.	1st January 1930.
11	" G. Chandramouleswara Rao ..	1st February 1930.
12	" C. V. Sesha Pillai ..	14th December 1931 onwards and previous service for one year nine months and 29 days.
13	" L. Srinivasa Rao ..	11th July 1932 onwards and previous service for 2 years, 2 months and 23 days.
14	" G. Audikesavalu Chetty ..	8th February 1930 onwards and previous service for 1 year 10 months and 28 days.
15	" R. Narasimham ..	17th February 1930 onwards.
16	" B. Narasimha Patnaik ..	11th March 1930 onwards.
17	" B. Sivagurusatha Pillai ..	16th June 1930 onwards.
18	" V. Bhaskara Ayyar ..	7th October 1931 onwards and previous service for 1 year 1 month and 25 days.

APPENDIX XIII.

[Vide item V at page 61 supra.]

BILL No. 14 OF 1933.

A Bill further to amend the Madras City Civil Court Act, 1892.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

The Select Committee, appointed to consider the Bill further to amend the Madras City Civil Court Act, 1892 (Bill No. 14 of 1933), has the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English, on the 19th September 1933, in Telugu, Tamil and Hindustani on the 17th October 1933,

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and in Kanarese and Malayalam on the 12th December 1933.

3. The Committee met on the 18th May 1934 at Stonehousehill, Ootacamund, and again on the 30th July 1934 in the Committee room of the Council Chamber, Fort St. George, for the consideration of the provisions of the Bill. On the 30th July 1934 it passed its report.

4. The Committee is of opinion that the extended jurisdiction of the City Civil Court should in the first instance be limited to Rs. 5,000. The Hon'ble the Law Member gave an assurance on behalf of the Government that in the notification to be issued under the new proposed section 3-A, the extended jurisdiction of the City Civil Court would be limited to Rs. 5,000 in the first instance though power was being taken by the Government to extend it up to Rs. 10,000. Mr. Birley wants that in the Bill itself the jurisdiction of the Court should be limited to Rs. 5,000, but the majority of the Committee is satisfied with the assurance given on behalf of the Government and has accepted the provisions of the Bill as they stand with some purely verbal changes therein.

5. The Committee thinks that it is unnecessary to republish the Bill as amended by it.

M. A. MUTHIAH CHETTIYAR,
Chairman.

[Note.—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

BILL No. 14 OF 1933.

As amended by the Select Committee

A Bill further to amend the Madras City Civil Court Act, 1892, for a certain purpose.

VII of 1892. WHEREAS it is expedient further to amend the Madras City Civil Court Act, 1892, for the purpose herein-after appearing;

It is hereby enacted as follows:—

1. This Act may be called the Madras City Civil Court (Amendment) Act, 1934.

Short title

[22nd October 1934]

Insertion
of new
section 3-A
in Act VII
of 1892.

2. After section 3 of the Madras City Civil Court Act, 1892, the following section shall be inserted, namely:—

Enhance-
ment of the
jurisdiction
of the City
Court.

“ 3-A. Subject to the exceptions specified in section 3, the Local Government may, by notification in the Official Gazette, invest the City Court with jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature (.) arising within the City of Madras and of such value not exceeding ten thousand rupees as may be specified in the notification.

APPENDIX XIV.

[Vide item VIII on page 82 supra.]

Petition from M.R.Ry. M. L. NAGOJI RAU Avargal, Pleader, Arni, and member, Arni Jaghir Inamdar's Association, and certain others on behalf of the inamdars in the Presidency, to the Honourable Members of the Madras Legislative Council, dated the 22nd October 1934.

The humble petition submitted to the Honourable Members of the Legislative Council on behalf of the inamdars in the Presidency in regard to the Madras Estates Land Second Amendment Bill No. 10 of 1934 respectfully sheweth:—

In November 1933, when amendments of a farreaching and serious character were passed by the Legislative Council prejudicially affecting the rights of the inamdars in whole inam villages, the provisions were directed to be deleted by His Excellency the Governor on the ground of want of notice to the parties concerned and leaving them for a new Bill to be introduced.

In August this year, a Bill identical in terms with those deleted was introduced by the Government and referred to a Select Committee. The Select Committee met on the 4th August and invited suggestions on or before the 27th August but the Bill was not published in vernacular in the Gazette, till after some time in September long after the last day for making suggestions. The Select Committee, however, instead of considering the Bill as referred to them in the light of representations and suggestions made to them, introduced changes of such a radical and farreaching nature that it virtually amounts to a new Bill which also has not been before the public for any appreciable or reasonable time in that even now, as the petitioners understand, the Bill as amended by the Select Committee has not been published in the vernaculars though it has been published in English on the 3rd October.

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The petitioners submit that the Bill and the amendments made by the Select Committee are not the result of any investigation or enquiry made as regards the varied nature of the tenure in the various districts and various other necessary circumstances. The petitioners therefore submit that it is a fit case in which the Government should hold a thorough investigation in the matter before proceeding further with the matter.

As regards the merits of the Bill, the petitioners submit that the main reason for amending the law relating to inamdars was to remove the supposed hardships occasioned to the tenants by certain rulings of the Privy Council and to restore the law as it stood prior to the same. Further, it was also stated that the position of the inamdars should be placed on the same footing as that of the other landholders like the zamindars. But the provisions of the Bill have far exceeded the requirements of the avowed objects of the Bill. Instead of achieving the above objects and of requiring every inamdar to prove that he had the kudivaram right, the Bill shuts out all opportunities to the inamdars of proving their kudivaram rights except in a very limited category of cases mentioned in the Bill. It also does not adequately safeguard the rights accrued even under the final adjudication of courts. The categories in which the inamdars can show that he has the kudivaram right has therefore to be enlarged considerably. Even the limited categories are couched in a language which is bound to create any amount of trouble and conflict with the result that even the limited concessions may become nullified.

The petitioners submit that even the small concessions given are far outweighed by the procedure and the Rules of Evidence laid down—applicable only to the inamdars and the consequent loss and difficulties to them. First of all, the measure is sought to be given a retrospective operation, i.e., from 1st November 1933. Secondly, while it is provided that with regard to the other class of landholders, they can apply to the court for making a record of their private land, wherever a dispute arises and there is necessity for the application, the inamdar is compelled to go to the court with an application within two years of the new Act for the purpose and if he did not do so, he will lose all his rights for ever. Even here, the procedure prescribed is all onesided and very costly and is sure to work great hardship to the inamdars. There is no reason disclosed for making this onesided and discriminatory procedure for the inamdars.

While the other landholders can show that any land is their private land by proof of local custom, specific acts of letting as private land and by various other evidence, the inamdars are debarred from letting in admissions of tenants that they had no occupancy rights, in lease deeds, muchilikas and pattas and the like. Thus the only important class of evidence available to the inamdar is shut out with the result that while in theory he is given the right to prove the kudivaram in certain class of cases, the proof is rendered very difficult, if not impossible, and also very costly by the special procedure and the Rules of Evidence prescribed for

[22nd October 1934]

the inamdars alone. The petitioners submit that there is absolutely no warrant for this onesided and discriminatory treatment accorded to the inamdars by the Bill as amended by the Select Committee.

Further, the petitioners submit that while doing justice to the inam tenants, they should not do any injustice to the inamdars and the legislature must recognize and give effect to the almost admitted fact that the vast inamdars are the petty holders of only a few acres and as such their rights should not be touched to any extent, if they can show that they owned the kudivaram right in some way or other. Similarly, the other principle, viz., before occupancy rights are given to tenants by the legislature, the inamdars should be given the opportunity to resort to direct cultivation of themselves or the members of their family just as the same principle has been recognized and provided for in the Malabar Tenancy Act. In any case, the rents payable at the time of the commencement of the Act should be safeguarded to the inamdars and must be deemed to be fair and equitable rent within the meaning of the Act. The Bill as amended by the Select Committee has not provided for these well recognized and equitable principles and the petitioners submit that in any case, they should be provided for.

The petitioners submit that most of the charitable and religious institutions also own whole inam villages and their upkeep and continuance will be greatly jeopardized if this Bill is carried into law inasmuch as no provision is made in the Bill for safeguarding the rights of those institutions in any manner provided they had kudivaram rights.

In conclusion, the petitioners submit that the inamdars are most of them economically as poor as the inam tenants or the holders of minor inams and as such there is no warrant for passing this Bill which will affect them very prejudicially and will even ruin them.

APPENDIX XV.

[Vide item X—Papers laid on the table of the House—at page 113 supra.]

FINANCE DEPARTMENT.

LIST OF POSTS ON RS. 500 PER MENSEM AND ABOVE CREATED DURING THE QUARTER ENDING 30TH JUNE 1934.

Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
PERMANENT.			
Public Works and Labour Department— Commissioner of Labour.	Pay in the regular line of Indian Civil Service.	From 24th April 1934.	

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Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
TEMPORARY.			
<i>Extension of previous sanction.</i>			
Public Works and Labour Department— Executive Engineer ..	625—1,375	Till the end of September 1934.	For the charge of Ramnad division.
Superintending Engineer.	1,750—100—2,150.	Do.	For the charge of the Dowlaishweram Circle.
Electricity Department— Executive Engineer.	625—1,375.	1934—35.	For Trichinopoly extension scheme.
Public (Special) Department— Additional District and Sessions Judge, East Godavari.	Pay in the regular line of Indian Civil Service.	20th April 1934 (one day).	Rao Bahadur A. V. Govinda Menon continued to hold the post.
Law Department— Additional Sub-Judge, Rajahmundry.	650	One year.	
Sub-Judge, Devakottai.	650	Do.	
Sub-Judge, Kurnool ..	650	Do.	
Additional Sub-Judge, Kumbakonam.	650	Five and a half months.	
Assistant Secretary, Law (Drafting).	500—50—800	Six months from 1st April 1934.	
Finance Department— Assistant Secretary to Government.	500—50—800	For the period 1st to 8th April 1934.	Post created in connexion with the preparation of the Budget Estimates for 1934—35.

Posts newly created.

Local Self-Government Department— Executive Engineer ..	Rs. 1,375 plus overseas pay of £30 per mensem.	One month ..	Sanctioned for check-measuring the drainage works executed by the Corporation of Madras during the three years from 1931—32 to 1933—34.
Public (Special) Department— Assistant Reforms Officer, Chief Secretariat.	Rs. 600 per mensem plus special pay of Rs. 50 per mensem plus personal pay of Rs. 150 per mensem.	From 21st April to 20th October 1934. (Held in absence from 11th June to 25th August 1934.)	Rao Sahib P. Appu Nair was appointed to the post.

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Department and designation of the post.	Pay per mensem. RS.	Period of tenure.	Remarks.
TEMPORARY—cont.			
Posts newly created—cont.			
Public (Special) Department—cont. Deputy Secretary to Government, Public Department.	Pay in the senior time-scale of Indian Civil Service subject to a maximum of Rs. 2,000 plus special pay of Rs. 200.	From 11th June to 25th August 1934.	Rao Sahib Nair was appointed to the post.
Law Department— Additional Sub-Judge, Cocanada.	650	Ten months.	
Additional Sub-Judge, Nellore.	650	Nine do.	
Additional Sub-Judge, Ellore.	650	Ten do.	
Additional District Munsif, Coimbatore.	Indian Civil Service (cadre).	Six do.	

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 23rd October 1934

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

PRESENT :

Campbell, K.C.I.E., C.S.I., C.B.E., V.D.,
I.C.S., The Hon. Sir Archibald.
Stokes, K.C.I.E., C.S.I., I.C.S., The
Hon. Sir Hopetoun.
Reddi Nayudu, Kt., The Hon. Rai
Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur
A. T.
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, A. M.
Alagannan Chettiyar, Rao Sahib A. S.
Alamelumangathayaramma, Mrs. K.
Annamalai Chettiyar, Mr. S. A. A.
Appadurai Pillai, Diwan Bahadur A.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed Sahib Bahadur.
Basu Dev, Mr. C.
Bayappa Reddi, Mr. P.
Beyabani Sahib Bahadur, S. M. K.
Birley, Mr. F.
Boag, C.I.E., I.C.S., Mr. G. T.
Brock, C.B.E., V.D., Lieut.-Col. C. H.
Davis, Mr. J. A.
Dharmalingam Pillai, Rao Sahib V.
Ellappa Chettiyar, Diwan Bahadur S.
Foulkes, Mr. R.
Gopalswami Mudaliyar, Diwan Baha-
dur M.
Gonalswami Ayyangar, Diwan Baha-
dur N.
Iswaran Pillai, Mr. I. C.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnaswami Ayyar, Kt., Diwan
Bahadur Sir Alladi.
Kumararaja of Venkatagiri, The.
Kuppuswami Choudari, Mr. J.
Ladden, Mr. W. W.
Madanagopal Nayudu, Mr. R.
Maharaja of Venkatagiri, The.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Metherell, Mr. J. K.
Millar, Mr. W. H.
Moidoo Sahib Bahadur, Khan Bahadur
T. M.
Moses, Mr. P. C.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur
A. M. M.
Muthiah Chettiyar, Mr. M. A.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasa Reddi, Mr. T.
Narayanaswami Pillai, Rao Bahadur
T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriinan M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattagar of Palayakottai, The.
Peddi Raju, Mr. P.
Pocker Sahib Bahadur B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Raja of Khallikote, The.
Ramachandra Padayachi, Mr. P. K.
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.
Ratnasabhapatni Mudaliyar, Diwan
Bahadur C. S.
Sahajanandam, Swami A. S.
Schamnad Sahib Bahadur, Khan
Bahadur Mahmud.
Russell, I.C.S., Mr. T. B.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Simhachalam Pantulu, Mr. G.
Siva Raj, Rao Sahib N.
Santhana Gounder, Mr. T.

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PRESENT—cont.

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. M.
Thomas, Mr. Daniel.
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.
Venugopal Nayudu, Rao Bahadur R. K.
Syed Tajuddin Sahib Bahadur, Khan Bahadur.
Zamindar of Kirlampudi, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Education

Proposal, if any, for the revision of the list of backward communities.

* 196 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government keep a list of backward communities and, if so, for what purposes;

(b) whether there is any proposal to revise the same; and

(c) if so, when and what the communities are that are proposed to be added to or removed from that list?

A.—(a) The hon. Member is referred to Appendix 17-A of the Madras Educational Rules which contains a list of communities which are recognized as backward for the grant of fee concessions with reference to rule 92 of these rules.

(b) & (c) There is no proposal for revising the list.

Mr. M. A. MANIKKAVELU NAYAKAR:—“ This list was prepared quite a number of years ago. Since then, many of the communities are pretty well advanced in education. Will the Government be pleased to revise the list so that really backward communities may have a chance of getting the concession and also for the reason that the present Government Order which has been suspended for a year may also be completely cancelled? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I may say the Retrenchment Committee examined the question and they were not in favour of any revision.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ Am I to understand that the Government Order which has been suspended for a year will be cancelled? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The question does not arise out of this.”

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Admission of pupils of the depressed classes into public schools.

* 197 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) in how many schools was admission refused to the pupils of the depressed classes in this Presidency;

(b) how many schools had to be closed on account of the admission of depressed classes into them; and

(c) in how many places the pupils of the depressed classes were boycotted by reason of their admission into the schools?

A.—(a), (b) & (c) The information asked for is not available. For the latest general information on this subject the hon. Member is referred to G.O. No. 1288, Education, of May 21st last, in which the Government reviewed the Director of Public Instruction's report on the subject of the admission of depressed class pupils into schools under public management during the year 1932–33.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether, under the existing rules, there can be any school denying admission to the Adi-Andhras? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ At present, grants have been withheld in some cases, I know. The withdrawal of recognition rests with the District Educational Councils.”

Mr. A. B. SHETTY:—“ May I know whether the Government are taking any further steps in the matter of helping the admission of depressed classes in schools? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ They are considering what kind of further checks can be devised.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know if it is not a fact that all the communities should be admitted once the schools are recognized? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say off-hand.”

Selection of candidates for admission into the Government Training School for Girls at Tinnevely.

* 198 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) how many candidates applied for admission into the Government Training School for Girls at Tinnevely;

(b) how many were selected for admission;

(c) who the selecting authority for the institution is;

(d) what the principle followed in the selection is;

(e) whether the headmistress of the institution is consulted in the selection of students; and

(f) if not, why not?

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A.—(a) Sixty-one. It is presumed that the question relates to this year's applications.

(b) Twenty-seven.

(c) The Inspectress of Girls' Schools, IV Circle, aided by the Headmistress of the school and the Sub-Assistant Inspectress, where necessary.

(d) Candidates possessing the required educational qualifications with teaching experience are first selected. Preference is then given to candidates coming from rural parts and those possessing higher educational qualifications.

(e) Yes.

(f) Does not arise.

Rao Sahib V. I. MUNISWAMI PILLAI:—"With reference to the answer to clause (d) may I know, Sir, whether there is any preliminary examination before the candidates are selected?"

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

Number of candidates selected for admission into the B.E. class, Engineering College, Guindy.

* 199 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state the number of candidates selected this year by the Selection Committee to the Madras Engineering College for the B.E. class?

A.—61.

MR. U. C. SUBRAHMANYA BHATT:—"May I know whether the Selection Committee after selecting candidates in the first instance selects also the supplementary names to fill up vacancies in the first list?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No information."

MR. U. C. SUBRAHMANYA BHATT:—"Will the Hon. Minister be pleased to call for the information?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is a matter left to the Selection Committee and I am afraid the Selection Committee will resent any interference."

Rao Sahib V. I. MUNISWAMI PILLAI:—"May I know why the number is restricted to 61 and whether there are not many more desiring admission?"

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

MR. U. C. SUBRAHMANYA BHATT:—"May I know if it is a fact that the Principal makes all sorts of manipulations in regard to vacancies?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think so."

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MR. A. B. SHETTY:—"May I know whether among those who have come out of the Engineering College, there are a good many who are unemployed?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"No information."

Number of candidates from South Kanara admitted into the B.E. class, Engineering College, Guindy.

* 200 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) what the total number is of applications this year from South Kanara to the B.E. class of the Madras Engineering College; and

(b) what the total number is of candidates from South Kanara admitted this year into the B.E. class of the Engineering College?

A.—(a) Eleven.

(b) Four.

Industries

Memorials from the Tinnevely district for a joint examination of a combined paper factory, hydro-electric and irrigation reservoir scheme for Papanasam.

* 201 Q.—MR. DANIEL THOMAS: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether the Government have received some memorials from the Tinnevely district praying for a joint examination by the Industries, Hydro-electric and Irrigation departments of a combined paper factory, hydro-electric and irrigation reservoir scheme for Papanasam in the Tinnevely district;

(b) whether any, and if so, what orders have been passed upon the same; and

(c) what action, if any, the Government propose to take on these memorials?

A.—(a) Yes.

(b) & (c) There is no likelihood of Government taking up the scheme.

MR. DANIEL THOMAS:—"May I know whether this matter has been investigated by the Government?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The matter has been examined by the concerned departments."

MR. DANIEL THOMAS:—"Is there no opinion of the officers on record?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The opinion of the officers concerned is found in clause (b)."

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Measures taken by the Director of Industries for the manufacture of white-sugar from palmyra jaggery and palm juice.

* 202 Q.—Mr. DANIEL THOMAS: Will the Hon. the Minister for Education and Excise be pleased to state with reference to the answer to question No. 692 in the Legislative Council, dated 24th February 1934—

(a) what action, if any, has been taken so far by the Director of Industries in the matter of (1) researches and (2) demonstrations of small scale manufacture of white-sugar from palmyra jaggery and plan juice by the open pan system;

(b) what steps have been taken by Government to develop the manufacture of white-sugar from palmyra juice and jaggery, (1) as a small scale industry and (2) as a cottage industry; and

(c) what further action, if any, the Government propose to take for the above purpose?

A.—(a) & (b) The Director of Industries has carried out experiments on the manufacture of sugar from date palm juice. The Government have recently sanctioned his proposal to conduct demonstrations in the Tinnevely district of the manufacture of sugar from palmyra juice by the open pan system using centrifugal.

(c) None.

Mr. A. RANGANATHA MUDALIYAR:—“The question refers also to any measures that might have been taken for the manufacture of sugar from palmyra jaggery. May I know what the Hon. Minister has got to state with regard to that?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“If we say that the question of manufacturing sugar from palmyra juice has been sanctioned, it follows that no investigation has been undertaken with regard to the manufacture of sugar from palmyra jaggery.”

Mr. A. RANGANATHA MUDALIYAR:—“Is it because that no experiment is needed at all with regard to the manufacture of sugar from palmyra jaggery also?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say it now.”

Mr. DANIEL THOMAS:—“May I know when this demonstration will be actually started?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Notice.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know whether the demonstrations will be given in other districts also?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say now.”

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Proposals, if any, for the manufacture locally of writing paper.

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

(a) what the quantity is of writing paper imported into the Madras Presidency and what its cost is; and

(b) whether there are any proposals under consideration of the Government to manufacture paper locally with the help of the Mettur Hydro-Electric Scheme?

A.—(a) The average for the five years ending 1932–33 was 28,600 cwt. valued at Rs. 8,05,700. But the imports have declined from 40,000 cwt. in 1928–29 to 17,800 cwt. in 1932–33.

(b) No.

Mr. A. RANGANATHA MUDALIYAR:—“The answer says that the imports are steadily declining and we have the average quantity produced for five years. May I know whether the production has been increasing year after year?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Notice.”

Mr. V. T. ARASU:—“May I know if the figures given include the paper imported from the Bengal province?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Notice.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“Have the Government ever examined the possibility of manufacturing paper?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I cannot say now.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“May I know if there is any likelihood of Government taking up the management of the Rajah-mundry paper mills?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“Not likely.”

Mr. V. T. ARASU:—“May I know whether these imports are from foreign countries or include the imports from the other Provinces of India also?”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“I have no information.”

Scholarships to Depressed Class Christians for Industrial education.

* 204 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) with reference to his reply to the last supplementary question arising out of question No. 533 asked on 29th January 1934, whether any Depressed Class Christians are in receipt of scholarships for Industrial education;

(b) in accordance with what rules are scholarships distributed for Industrial education;

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(c) whether any scholarships for Industrial education are set apart for the depressed classes; and

(d) if so, how many of such scholarships are held by converts to Christianity from the depressed classes?

A.—(a), (b), (c) & (d).—(1) Industrial scholarships are awarded by the Director of Industries and the Commissioner of Labour. The scholarships awarded by the Director of Industries are open to all castes while those awarded by the Commissioner of Labour are restricted to Depressed Class Hindus and to those converts to Christianity who are in criminal tribes settlements.

(2) The rules governing the grant of scholarships by the Director are contained in Chapter 9 of the Code of Regulations for Industrial Schools. The rules for the grant of scholarship by the Commissioner of Labour are contained in Public Works and Labour Department Notification No. 192, dated 5th April 1930, published on page 562 of Part I of the *Fort St. George Gazette*, dated 15th April 1930.

(3) The total number of scholarships awarded each year by the Director is 60. Thirty-one scholarships are now held by Depressed Class Christians. The total number awarded by the Commissioner of Labour is 170 and two of these are held by converts to Christianity from the Depressed Classes.

Mr. G. R. PREMAYYA:—"I find that 30 scholarships are held by Depressed Class Christians. Am I to understand that it is for the whole Province?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes."

Agriculture

Cost of maintenance of the Special Officer and the establishment employed for improving the price of paddy.

* 205 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Public Works be pleased to state—

(a) how much have the Government spent in the form of salary and allowance towards the maintenance of a special officer and his office for improving the price of paddy; and

(b) whether the Government will be pleased to state the result of the investigation?

A.—(a) The expenditure in these items up to 31st July 1934 will amount to Rs. 3,700 approximately.

(b) The Special officer's report has not yet been received.

Mr. A. RANGANATHA MUDALIYAR:—"May I know what the period is, roughly, during which there has been this expenditure of Rs. 3,700?"

The Hon. Mr. P. T. RAJAN:—"I believe it is for a period of six months."

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Mr. A. RANGANATHA MUDALIYAR:—"May I know what good has been turned out in these six months?"

The Hon. Mr. P. T. RAJAN:—"The report is awaited."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know when the report will be published?"

The Hon. Mr. P. T. RAJAN:—"When the report is sent to Government, the question will be considered."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Do the Government wait for their information till the receipt of the report?"

The Hon. Mr. P. T. RAJAN:—"Yes. The enquiry is spread out for six months and we are at the end of the period."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether diaries are not sent by the officer?"

The Hon. Mr. P. T. RAJAN:—"I have no information."

Proposals, if any, for the inauguration of fruit research stations.

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

(a) whether there are proposals to start fruit research stations; and

(b) if so, in what places?

A.—(a) & (b) It is proposed to start a Fruit Research Station in the Cuddapah district with the aid of a grant from the Imperial Council of Agricultural Research. No other fruit station is at present contemplated but application has been made for financial aid from the Imperial Council of Agricultural Research towards a scheme for carrying out further research on banana at some of the existing Agricultural Research Stations in this Presidency.

Mr. P. V. KRISHNAYYA CHOUDARI:—"What are the special reasons to fix the fruit research station at Cuddapah?"

The Hon. Mr. P. T. RAJAN:—"Probably the district is best suited for the purpose."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Are there no other districts like West Godavari, Kistna and East Godavari, which are mainly depending upon their fruit cultivation?"

The Hon. Mr. P. T. RAJAN:—"There might be a number of districts, but Government consider this district a fit one where they can start the work."

Mr. A. B. SHETTY:—"May I know why this has been delayed so long?"

The Hon. Mr. P. T. RAJAN:—"I believe the time is taken up with reference to the acquisition of lands."

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Restrictions on the sale of coriander.

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

(a) whether there are any proposals to restrict the sale of coriander; and

(b) if so, what those proposals are and why they have been made?

A.—(a) There are no such proposals under consideration of this Government.

(b) Does not arise.

Mr. P. V. KRISHNAYYA CHOUDARI:—“Are there any proposals in the India Government to introduce this system of the restriction of coriander?”

The Hon. Mr. P. T. RAJAN:—“I have no information on the point.”

Proposals of the Live-stock department for opening a cattle-breeding station in the Guntur district.

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

(a) whether the Government have received any proposals from the Live-stock department to start a cattle-breeding station at Tada-palla in the Kistna Lanka in the Guntur district;

(b) if so, whether they will be pleased to lay it on the table of the House; and

(c) whether any and, if so, what orders the Government have passed on the same?

A.—(a) No such proposal has been received.

(b) & (c) Do not arise.

Employment of agricultural graduates in the Agricultural and the Co-operative Departments.

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

(a) what number of agricultural graduates have come out of the College at Coimbatore during each of the last three years;

(b) how many of these have been employed by the Government in the Agricultural Department; and

(c) how many in the Co-operative Department or other departments?

A.—(a) 54, 48 and 40 agricultural graduates have passed out of the College at Coimbatore during 1932, 1933 and 1934, respectively.

(b) A statement^a showing the number of these graduates employed by Government in the Agricultural department is appended.

^a Printed as Appendix I on page 234 infra.

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(c) No agricultural graduate was employed in the Co-operative department. One agricultural graduate has been appointed as a demonstrator in the Government Victoria College, Palghat.

Mr. A. B. SHETTY:—“May I ask whether the Government are aware how many agricultural graduates there are to-day who are unemployed?”

The Hon. Mr. P. T. RAJAN:—“I am afraid I cannot give the information off-hand.”

Mr. A. RANGANATHA MUDALIYAR:—“Is there any objection to their being appointed in the Co-operative department?”

The Hon. Mr. P. T. RAJAN:—“Recently, instructions are being given on subjects connected with the co-operative movement and when those students are fit, they can be appointed.”

Mr. A. B. SHETTY:—“Is the Hon. Minister aware that the Agricultural Commission has recommended that an Agricultural degree should be treated as equal to a Science or Arts degree and that they should be given employment in the Revenue and Co-operative departments?”

The Hon. Mr. P. T. RAJAN:—“If it is so, it is for the Services Commission to take up the question.”

Mr. G. R. PREMAYYA:—“Is there any other department besides the Co-operative department, where these people can be appointed?”

The Hon. Mr. P. T. RAJAN:—“Just now, I gave him the information.”

Mr. V. T. ARASU:—“Will the Government be pleased to draw the attention of the Services Commission that an agricultural degree is equal to an art and science degree?”

The Hon. Mr. P. T. RAJAN:—“As I said, if the Services Commission considered that these graduates are qualified and suitable for the job, they will be recruited.”

Mr. M. S. SRESHTA:—“Cannot the Government give an instruction to the Commission?”

The Hon. Mr. P. T. RAJAN:—“I do not think there is any necessity to do so.”

Admission of candidates into the Agricultural College, Coimbatore, for the last three years.

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

(a) the number of applications received for admission to the Agricultural College in each of the last three years; and

(b) the number of candidates who were given admission and of those who joined the college in each of these years?

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A.—(a) 180, 139 and 91 qualified candidates applied for admission during 1932, 1933 and 1934, respectively.

(b).—The following statement gives the necessary particulars:—

Year.	Number selected.	Number joined.
1932	48	45
1933	48	40
1934	44	28

11-15 a.m. Mr. A. B. SHETTY:—" May I ask why there has been a decrease in the number of applications for admission to the Agricultural College and in the number of students who join the college? "

The Hon. Mr. P. T. RAJAN:—" Probably they fear they could not find employment."

Mr. A. B. SHETTY:—" May I ask what the Government propose to do in the matter? "

The Hon. Mr. P. T. RAJAN:—" I am afraid nothing can be done."

Veterinary

Conditions of affiliation of the Madras Veterinary College to the University of Madras.

* 211 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) the conditions subject to which the Madras Veterinary College has been affiliated to the University of Madras; and

(b) whether the diploma course will still be continued and, if so, what changes have since been made in the terms of admission to that course?

A.—(a) New Regulations for the institution of a degree examination known as B.Sc. (Veterinary) have been adopted by the Academic Council and approved by the Senate of the University of Madras. Proposals for affiliating the Madras Veterinary College to the University are under consideration. The conditions are those specified in the new Regulations forming paragraph XI of the Notification published in Part I-B of the *Fort St. George Gazette*, dated 27th March 1934.

(b) The diploma course will continue and no changes are now contemplated in that course.

Mr. A. RANGANATHA MUDALIYAR:—" In answer to clause (b), it is said that no changes are now contemplated. If so, may I ask whether Government will give previous notice to the public before they introduce any change? "

The Hon. Mr. P. T. RAJAN:—" Before any change takes place, the head of the department will inform the Government, and if any change is to be made, the Government might consult the Committee."

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Mr. V. T. ARASU:—" Which Committee? "

The Hon. Mr. P. T. RAJAN:—" The Advisory Committee on Agriculture, Co-operation, etc."

Employment for the graduates of the Madras Veterinary College.

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

(a) how many graduates have been sent out of the Veterinary College during each of the last three years; and

(b) how many of these have been employed by the Government?

A.—

Year.	Number of students sent out excluding private students.	Number employed by Government.
(1)	(2)	(3)
1932	41	6
1933	23	9
1934 up to date ...	21	...

Mr. A. B. SHETTY:—" May I ask how many veterinary graduates there are who are unemployed? "

The Hon. Mr. P. T. RAJAN:—" I have no information to give immediately, Sir."

Mr. A. B. SHETTY:—" May I know whether the Hon. Minister is aware that there is little or no scope for private practice for these veterinary graduates? "

The Hon. Mr. P. T. RAJAN:—" Probably so, Sir."

Mr. A. RANGANATHA MUDALIYAR:—" May I ask why in those circumstances people flock to this College? "

The Hon. Mr. P. T. RAJAN:—" That question might very well be put to the students who seek admission to the College."

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know whether Government have any scheme of rural reconstruction wherein these men could be employed? "

The Hon. Mr. P. T. RAJAN:—" Just at present, the Government have no scheme."

Transfer of 'Live-stock' to the Veterinary Department.

* 213 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: With reference to my speech during the Budget in March 1934 and the reply thereto, will the Hon. the Minister for Public Works be pleased to state whether the Government have decided to hand over 'live-stock' to the Veterinary department and, if not, why not?

A.—No decision has yet been reached.

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Mr. P. V. KRISHNAYYA CHOUDARI:—"In the last Budget speech, the Hon. Minister was pleased to state that the matter will be considered. May I know how long it will take for deciding the question of handing over live-stock to the Veterinary department?"

The Hon. Mr. P. T. RAJAN:—"As things remain, no change is contemplated."

Mr. P. V. KRISHNAYYA CHOUDARI:—"But the answer given on paper is that no decision has yet been reached. Which is correct, Sir, whether live-stock would not be transferred to the Veterinary department, or whether a decision is yet to be reached?"

The Hon. Mr. P. T. RAJAN:—"Things go on as they are. We are going to take up the matter later on."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Am I to understand from the answer that the transfer of live-stock will not be made to the Veterinary department?"

The Hon. Mr. P. T. RAJAN:—"At present, the *status quo* will be maintained, Sir."

Local Self-Government

Alleged irregularities in the conduct of elections to the Chingleput District Board from the Uttiramerur circle.

* 214 Q.—Mr. V. T. ARASU: With reference to the answer given to interpellation No. 830 (1040) on the 23rd of March 1934, regarding the election of a member to the Chingleput District Board from the Uttiramerur circle, will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the papers concerned have subsequently been unearthed; and

(b) if so, what steps the Government propose to take to put a stop to the recurrence of such mislaying of papers relating to elections and election cases?

A.—(a) Yes.

(b) Now that the taluk boards have ceased to exist mistakes of the kind committed in this case, viz., mixing up of counterfoils of district and taluk board election, will not recur.

Mr. V. T. ARASU:—"Will the Hon. the Chief Minister be able to give the designation of the officer who was responsible for this mislaying of the voting paper?"

The Hon. the RAJA OF BOBBILI:—"I am afraid I cannot remember the name."

Mr. V. T. ARASU:—"May I know at least the circumstances under which the paper got mislaid?"

The Hon. the RAJA OF BOBBILI:—"It was reported that he made a mistake."

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Mr. V. T. ARASU:—"May I know whether Government realize the serious results which followed the mislaying of the voting paper by the officer and the injustice caused to the party concerned?"

The Hon. the RAJA OF BOBBILI:—"I regret the mistake committed, and I shall see that such a thing does not recur in future."

Mr. U. C. SUBRAHMANYA BHATT:—"May I know what action has been taken against the officer?"

The Hon. the RAJA OF BOBBILI:—"No action has been taken. He has submitted his explanation."

Mr. V. T. ARASU:—"May I know whether the party injured by the mislaying of the voting paper has petitioned to the Government about the difficulties undergone by him, and, if so, what action the Government have taken on the petition?"

The Hon. the RAJA OF BOBBILI:—"I cannot exactly say now what action the Government have taken. But I do not think the Government can interfere at this stage."

Mr. V. T. ARASU:—"May I know whether it is a fact that the Government have written to the party concerned that the statement made by him in the petition is untrue, and, if so, whether Government would consider the desirability of writing to the gentleman concerned stating an expression of their regret?"

The Hon. the RAJA OF BOBBILI:—"I shall consider the matter."

Muhammadan candidates for appointment as commissioners of municipalities.

* 215 Q.—Mr. A. M. AHMED MEERAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many applications for appointment as commissioners of municipalities were received from Muhammadan candidates between 1st January 1934 and 30th June 1934;

(b) how many of such Muhammadan applicants are B.A.'s; how many of them are M.A.'s; and how many of them are B.L.'s;

(c) how many of such Muhammadan applicants are from Government service, how many of them are from municipal service and how many of them are from local board service; and

(d) how many of such Muhammadan applicants were appointed as commissioners?

A.—(a), (b) & (c) The Government do not propose to compile the information, as they consider that no useful purpose will be served thereby.

(d) Two.

Mr. AHMED MEERAN:—"May I know whether it is likely that Government will consider the question of appointing some more Muslims as commissioners?"

The Hon. the RAJA OF BOBBILI:—"Yes. I am examining that question, Sir."

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Payment of compassionate grants, if any, to district boards functioning in the place of the defunct taluk boards.

* 216 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what amount of compassionate grants was paid to the taluk boards in each district in the year 1933-34; and

(b) whether the Government propose to pay these grants to the district boards which have taken over the functions of such taluk boards?

A.—(a) Compassionate grants as detailed below were paid only to the following taluk boards in the South Kanara district during 1933-34:—

Name of taluk board.	Amount of compassionate grant paid in 1933-34.
	RS.
(1) Kasaragod	5,000
(2) Puttur	5,020
(3) Karkal	6,010
(4) Mangalore	400
Total ...	16,430

(b) The Government have decided to discontinue the payment of the compassionate grants and at the same time to increase the grant payable to the district board for the maintenance of its second-class roads by an equal amount. G.O. No. 3845, L. & M., dated the 28th August 1934, on the subject is laid on the table.

MR. A. B. SHETTY:—“ May I ask whether the compassionate grants were not given for supplementing the general resources of the taluk boards? ”

THE HON. THE RAJA OF BOBBILI:—“ I cannot exactly say, Sir. From the file, I find that the grants have been given for second-class roads.”

MR. A. B. SHETTY:—“ If they have now been converted into grants for second-class roads, may I know whether it will not affect the finances of the South Kanara District Board, because it would necessitate the payment of contributions equal to the grants paid? ”

THE HON. THE RAJA OF BOBBILI:—“ Though it may affect the general finance of district boards, it will benefit the roads in the district.”

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Proposal, if any, for the appointment of Commissioners to district boards.

* 217 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether there is any legislative proposal to provide for the appointment of commissioners to the district boards similar to those employed under district municipalities;

(b) if so, when the Bill is to be introduced;

(c) what are the Government's proposals regarding

(i) the manner of disposal of the secretaries who are employed under the district boards now;

(ii) the qualifications and the scale of pay of such commissioners; and

(iii) their powers and duties?

A.—(a) No such proposal is at present under the consideration of Government.

(b) & (c) Do not arise.

MR. M. A. MANIKKAVELU NAYAKAR:—“ Have the Government dropped the idea of appointing commissioners to district boards? ”

THE HON. THE RAJA OF BOBBILI:—“ The matter has not been dropped.”

Reservation of seats for Christians and Muslims in the Village Panchayat Boards.

* 218 Q.—MR. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have issued any instructions to the district panchayat officers for the reservation of seats for Christians and Muslims in the village panchayat boards; and

(b) if not, why not?

A.—The power of Government to reserve seats on panchayats other than ex-unions has been delegated to the Inspector of Municipal Councils and Local Boards. Government see no need to issue instructions to district panchayat officers in the matter.

Reduction in the motor licence fee income of district boards.

* 219 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the motor licence fee income of district boards has become reduced as the result of the amending Act fixing Rs. 7-8-0 per seat per quarter; and

(b) if so, by what amount in each district?

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- A.—Government have no information as to the extent of loss, if any, suffered by district boards as a result of the Madras District Municipalities and Local Boards (Amendment) Act, 1933 (Madras Act XXV of 1933). The extent of such loss, if any, can be ascertained only after the Act has been in force for a full year. The Act came into force only from 1st April 1934.

Mr. A. B. SHETTY:—“ May I ask whether Government have made any enquiry in the matter to find out whether district boards are as a matter of fact losing a good deal of their motor licence fee income? ”

The Hon. the RAJA OF BOBBILI:—“ If the district boards bring the matter to the notice of the Government, it will be considered.”

Collection by municipalities of licence-fees for carts, bullocks and horses.

* 220 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that in municipalities even though the tolls have been abolished, the system of collecting licence fees for carts, bullocks and horses still continue; and

(b) whether it is a fact that some of the municipalities have raised the cart-stand fees from six pies to two annas and that fees are being collected from all places including backyards?

A.—(a) The Government presume that the the hon. Member refers to taxes on carts and animals. Municipal councils levy taxes on animals and carts under sections 78 (1) (c) and (d), 98 and 105 of the Madras District Municipalities Act, 1920, as amended.

(b) Government have no information regarding the enhancement of cart-stand fees in certain municipalities. A few petitions were received by Government containing allegations that municipalities are collecting cart-stand fees even from carts which do not use the cart-stand and the municipal councils concerned have been advised as to the correct procedure to be followed in levying cart-stand fees under the Madras District Municipalities Act.

Total collection of petrol-tax during the last five years for the Road Development Fund.

* 221 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state the petrol-tax amount collected from Madras City and from each district of this Presidency for the Road Development Fund during each of the last five years?

A.—The Road Development Fund has been constituted out of the proceeds of the extra duty of customs and of excise of not less than 2 annas per gallon on motor spirit. The gross amount of customs duty collected on foreign motor spirit at the

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Madras Port during the last five years ended 1933–34 is as shown below. There were no imports at the subordinate ports in the Presidency:—

Year.	Customs duty collected at the Madras Port.
	RS.
1929–30	5,25,424
1930–31	10,93,217
1931–32	16,05,711
1932–33	7,63,567
1933–34	1,251

Mr. A. B. SHETTY:—“ The information asked for in the question is to know what amount has been collected as petrol tax from the Madras City and from each district. The answer does not give the information wanted.”

The Hon. the RAJA OF BOBBILI:—“ I do not think it will be possible to supply the information as to the amount collected from each district in the Presidency, and we got information from the Madras Port.”

Mr. A. RANGANATHA MUDALIYAR:—“ May I know the reason for the very low figure in the year 1933–34? ”

The Hon. the RAJA OF BOBBILI:—“ I believe previously petrol was being imported from America. Now most of the petrol is coming from Burma.”

Public Health

Scheme for a protected water-supply to the Tinnevely Municipality.

* 222 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether any memorial from the citizens of Palamcottah has been received by the Government on the subject of the introduction of the scheme of protected water-supply in the municipality of Palamcottah;

(b) if so, whether the Government will be pleased to place the same on the table of this House;

(c) how long the scheme has been engaging the attention of the Government and of the Municipal Council;

(d) whether the Government are considering any proposal for the introduction of the system of protected water-supply in the municipality of Tinnevely;

(e) if so, when the same will be introduced therein?

A.—(a) & (b) No memorial has been received from the citizens of Palamcottah on the subject.

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- (c) The question of providing a water-supply scheme for the town was considered from time to time but was dropped on account of the inability of the council to finance the scheme. The council moved again in the matter in August 1933 and the Government have since sanctioned the investigation of a scheme.
- (d) & (e) No proposal for the introduction of a protected water-supply for Tinnevely is under the consideration of the Government.

Operation of the Leper Act in the Presidency.

* 223 Q.—MR. M. D. T. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Local Self-Government be pleased to state—

- (a) the number of lepers in the Presidency ascertained by the periodical census and other reliable enquiry;
- (b) whether the Leper Act has been applied to any part of the Presidency;
- (c) whether it has been applied to the City of Madras and its suburbs; if not, why not; and
- (d) what measures the Government have adopted or propose to adopt for the relief of lepers in the Presidency?

A.—(a) The number of lepers in the Presidency according to the Census Report of 1931 is 33,127.

(b) No.

(c) No. The Government considered that the extension of the Act to the City of Madras was neither necessary nor desirable. The considerations which weighed with the Government in coming to this decision were the following:—

- (1) The provisions of the Lepers Act were out of date and too antiquated to fit in with modern conditions.
- (2) The only remedy provided under the Act was compulsory segregation of pauper lepers.
- (3) The necessity for providing adequate accommodation for a large number of lepers in the city would mean a large expenditure on buildings, staff and maintenance.
- (4) Most of the pauper lepers belong to the “burnt out” variety which is non-infectious according to the latest results of modern research.
- (5) The difficulty of detecting in future cases of leprosy.

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- (6) The introduction of any element of compulsion is likely to destroy the confidence which the Government are trying to establish between lepers and medical officers and to induce a greater degree of concealment than exists at present.

(d) A short note* on the measures adopted by the Government for the relief of lepers is laid on the table.

Rao Bahadur C. NATESA MUDALIYAR:—“With reference to the answer to clause (a), may I know whether Government is aware that the figure given in the answer is only the minimum, and in fact, if actual figures were taken, it will be one and a half times that number?”

The Hon. the RAJA OF BOBBILI:—“It has not been possible to carry on any accurate census. I think it will be much more than the approximate figure given.”

Rao Bahadur C. NATESA MUDALIYAR:—“The answer to clause (c) is that the extension of the Leper Act to Madras is unnecessary. May I know whether Government is aware that lepers are a menace to the city? They can be found everywhere, in every street and in every lane in the city. For every ten persons there are about three who are suffering from the actively infected stage of leprosy?”

The Hon. the RAJA OF BOBBILI:—“The point is that the present Leper Act is out of date and unsuitable for extension to the City of Madras. So we are not able to enforce compulsory segregation of lepers, for which the Government have neither the accommodation nor the finances required.”

Rao Bahadur C. NATESA MUDALIYAR:—“May I know whether the compulsory segregation of pauper lepers is the only way of eradicating leprosy from this land?”

The Hon. the RAJA OF BOBBILI:—“If the Lepers Act is extended, the Government will be compelled to enforce compulsory segregation of all lepers.”

Rao Bahadur C. NATESA MUDALIYAR:—“May I know why this out-of-date Act is not repealed and a new Act brought into existence?”

The Hon. the RAJA OF BOBBILI:—“I believe it is a Government of India Act.”

Emigration

Publication of the report of the Local Government regarding emigration to Malaya.

* 224 Q.—MR. M. B. RANGASWAMI REDDI: Will the Hon. the Home Member be pleased—

- (a) to lay on the table the report sent by the Local Government to the Central Government regarding the Malaya emigration; and

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(b) to state whether non-official opinion was obtained by the Local Government before submitting a reply to the Government of India?

A.—The attention of the hon. Member is invited to the answer given to question No. 753 on 9th March 1934.

Labour

Opinion of the Local Government regarding the issue of civil warrants against judgment-debtors.

* 225 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that the Government of India called for the opinion of the Local Government in the matter of issuing civil warrants against judgment-debtors; and

(b) if so, what the nature of the opinion given was?

A.—The attention of the hon. Member is invited to the answer given to question No. 578 on the 31st January 1934.

Electricity

Proposals for the constitution of a Statutory Electricity Board.

* 226 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether there are proposals before the Government to constitute a Statutory Electricity Board; and

(b) if so, the reasons of the Government for constituting such a Board?

A.—(a) & (b) The Chief Engineer for Electricity has submitted proposals for the constitution of a Statutory Board. These are being examined.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the Government will issue any statement after the proposals are scrutinized and examined by the Government? ”

The Hon. Sir K. V. REDDI:—“ I do not know what statement the hon. Member contemplates. If the public want to have information, it will be published when the time arrives.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask the reason why the Government turned down the proposal of the Chief Engineer for Electricity? ”

The Hon. Sir K. V. REDDI:—“ Who told the hon. Member that the Government have turned down the proposal? It has not yet been considered, Sir.”

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Scheme, if any, for the electrification of the Province.

* 227 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether the Government are working out any scheme to electrify the whole Province; and

(b) if so, what the details of the same are?

A.—(a) No.

(b) Does not arise.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ The Hon. Member in charge himself has made some speeches in certain places to electrify the whole Province. May I know whether that speech is correct or whether the answer given on paper is correct? ”

The Hon. Sir K. V. REDDI:—“ If the hon. Member means that the speech had the effect of electrifying the Province, it is certainly not so. What I meant was that it was the hope of the Government.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I know whether the Mettur Hydro-Electric Scheme has been sanctioned? ”

The Hon. Sir K. V. REDDI:—“ It has gone to the Secretary of State for sanction.”

Investigation of a hydro-electric scheme for the benefit of the Telugu districts.

* 228 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether there is any new hydro-electric scheme under the consideration of the Government; and

(b) whether the Government have investigated or propose to investigate any scheme which would be of use to the Telugu districts?

A.—(a) Yes; the Mettur Hydro-Electric Scheme.

(b) Yes; the Kolab Hydro-Electric Scheme has been investigated and the possibility of developing power at the Chettipet weir in the Godavari Western delta which has already been partly studied will be further investigated as soon as possible.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Are the Government aware that there is one Kistna Reservoir Project which can give electricity to the whole Province? ”

The Hon. Sir K. V. REDDI:—“ I cannot be so confident of the Kistna Reservoir Scheme. It has not yet been investigated. It can only come in after the irrigation scheme has been first completed.”

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Mr. V. T. ARASU:—"Will the Hon. Member be pleased to state the length of time that this Kolab Hydro-Electric Scheme has been under investigation?"

The Hon. Sir K. V. REDDI:—"I should suppose a pretty long time. It was decided some time ago to abandon it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"In view of that abandonment, may I know whether Government will investigate the Kistna Reservoir Project immediately?"

The Hon. Sir K. V. REDDI:—"Immediately? It can only be immediately after the irrigation work has been completed."

Municipalities served by the Pykara Hydro-Electric Scheme.

* 229 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state the names of municipalities that are supplied with electricity from the Pykara Hydro-Electric Scheme?

A.—Ootacamund, Coonoor, Coimbatore, Pollachi, Tiruppur, Erode, Salem and Palghat.

Contract for the supply of electricity to Villupuram, Cuddalore and Chidambaram.

* 230 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(a) whether any contract has been given for supplying electricity to Villupuram, Cuddalore and Chidambaram;

(b) if so, for how many years; and

(c) why the Government cannot undertake to supply electricity to these places?

A.—(a) A licence has been granted under the Indian Electricity Act, 1910, to the South Arcot Electricity Distribution Company, Limited, for the supply of electricity in the area.

(b) Twenty years from the 11th July 1933.

(c) The area covered by the licence is included in the Government's programme of future hydro-electric development and a clause has been inserted in the licence obliging the licensees to cease generating their own power and to take all their requirements from a Government hydro-electric system as soon as a supply from the latter is made available in the area.

Supply of electricity to Madras from the Pykara Hydro-Electric Scheme.

* 231 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(a) how many years it will take for supplying electricity to Madras from the Pykara Hydro-Electric Scheme;

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(b) whether a survey has been taken for this purpose from Mettur to Madras;

(c) if so, when the Government will begin to supply electricity to Madras from Pykara Scheme; and

(d) what the districts are which will be served by this scheme?

A.—(a) & (c) It is not possible now to say whether the supply of power from Pykara can be made available in Madras, and if so, when.

(b) Yes.

(d) The Coimbatore and Nilgiri districts and parts of Malabar and Salem districts are now being served. Supply will shortly be extended to Trichinopoly and Tanjore districts, but this will be only as a temporary measure. When the Mettur Hydro-Electric Scheme comes into operation, it will take over the load in Trichinopoly and Tanjore districts, thus enabling the Pykara system to be extended to the Madura district and to other parts of the Malabar district.

Charges for electricity supplied by the Mysore Government for the construction of the Mettur dam.

* 232 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(a) the charge per unit for supplying electricity by the Mysore Government for constructing the Mettur dam;

(b) the probable cost per unit for supply from the Pykara Scheme; and

(c) the charge now levied per unit for supplying electricity in (1) the Madras Corporation and (2) Coimbatore?

A.—(a) The rate varied from 0.75 anna per unit to 0.55 anna per unit according to the total number of units supplied in the month as shown below:—

Quantity of energy supplied in the month.		Rate per unit.	
Up to 374,999 units	..	0.750 anna per unit.	
375,000 to 399,999	..	0.725	..
400,000 to 424,999	..	0.700	..
425,000 to 449,999	..	0.675	..
450,000 to 474,999	..	0.650	..
475,000 to 499,999	..	0.625	..
500,000 to 524,999	..	0.600	..
525,000 to 549,999	..	0.575	..
550,000 and above	..	0.550	..

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(b) The actual rate per unit of power supplied from Pykara varies according to the class of load. The rates for various classes of supply which are now in force are shown in the annexed schedule.^a

(c) The rates charged in the Madras City are contained in the booklet "Conditions, rates and general information for supply of electric energy" published by the Madras Electric Supply Corporation. These rates were published in the *Port St. George Gazette*, Part I, page 805, dated 30th May 1933.

The rates charged in Coimbatore are the same as those referred to in the answer to clause (b) of this question.

Mr. A. RANGANATHA MUDALIYAR:—"May I know approximately how many units were consumed every month with reference to the answer to clause (a)?"

The Hon. Sir K. V. REDDI:—"It will be supplied to the hon. Member if he wants the information."

Mr. A. RANGANATHA MUDALIYAR:—"Is there any proposal to see that the charges for electricity are reduced?"

The Hon. Sir K. V. REDDI:—"I want notice, Sir."

Ports

The Tuticorin Harbour Works.

* 233 Q.—Mr. M. D. T. RANGANATHA MUDALIYAR: With reference to the adjournment motion of 5th November 1927 carried in this Council in connexion with the Tuticorin Harbour Works, will the Hon. the Law Member be pleased to state—

(a) what action was taken to stop the Harbour Works;

(b) whether it is true that measures have been taken to carry on the works, and, if so, at what cost; and what portion of the cost will be borne by the Tuticorin Port Trust; and

(c) whether before taking any action the Port Trust had been consulted; and, if so, with what results?

A.—(a) The attention of the hon. Member is invited to the answer given in the Council on 25th January 1928 to clauses (a) and (b) of question No. 1452. The Tuticorin Harbour scheme has been abandoned.

(b) Does not arise.

(c) Yes; with the result indicated in the answer to clause (a).

^a Printed as Appendix IV on pages 236-239 infra.

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Prisons and Prisoners

Condition of the Jail Libraries.

* 234 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether the Government have ever appointed a committee to enquire into the condition of the jail libraries; and

(b) if so, what action the Government have taken on the report of the committee?

A.—(a) Yes, in 1930.

(b) Certain bulletins published by the Industries department have been supplied to jail libraries as recommended by the Committee. The purchase of new books for jail libraries, at an estimated cost of Rs. 6,100 has been deferred on account of financial stringency.

Mr. P. V. KRISHNAYYA CHOUDARI:—"After the finances are improved at least, may I know whether the Government will give effect to the Committee's report?"

The Hon. Sir K. V. REDDI:—"If it is as regards the supply of books to jail libraries, the answer is certainly yes, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Hon. Member has not received complaints from prisoners in jails with regard to the inadequacy of books in the jail libraries?"

The Hon. Sir K. V. REDDI:—"That is so. Our difficulty is with regard to finance."

Mr. A. RANGANATHA MUDALIYAR:—"If any other department is issuing bulletins as the Industries department, may I know whether they will be made available to the jail libraries?"

The Hon. Sir K. V. REDDI:—"If the hon. Member can kindly state what further bulletins should be supplied, the Government will certainly consider the suggestion."

Mr. A. RANGANATHA MUDALIYAR:—"I would suggest straight-away bulletins like those issued by the Department of Agriculture or any other department?"

The Hon. Sir K. V. REDDI:—"I have not the slightest objection, Sir."

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Is there any restriction for the prisoners to take any of the books in the jail libraries?"

The Hon. Sir K. V. REDDI:—"Not for the books that are in the library."

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Mr. V. T. ARASU:—"In regard to the answer given by the Hon. Member that the report of the Committee will be considered when the finances improve, may I know when he expects the finances to improve?"

The Hon. Sir K. V. REDDI:—"If the Hon. Member will tell when the present depression will go, we shall be very glad to answer the question."

Irrigation

Tenders for the execution of works in charge of the Public Works Department.

* 235 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that Engineers of the Public Works Department are empowered to dispose of works without calling for any tenders;

(b) whether during the last three years in the Kistna Western Division certain works were given to contractors without calling for tenders;

(c) what the works executed in this manner were and what the reasons were for doing so;

(d) whether it is a fact that in the same division and during the same period the lowest tenderer was not accepted in the case of other works;

(e) what the works were that were not given to the lowest tenderer and what the reasons were for the same; and

(f) what the actual difference is in the amount of the lowest tenders and the tenders actually accepted?

A.—(a) The rules in the Public Works Department Code till they were recently revised required that tenders should invariably be called for whenever a new major work, i.e., a work costing over Rs. 10,000 was to be given on contract or when the amount involved in a particular contract exceeded Rs. 10,000. When the amount involved was Rs. 10,000 or less it was left to the discretion of the Executive Engineer to call for tenders or not. The present rule which has been prescribed as an experimental measure till 31st March 1935 is that when the amount involved is Rs. 2,500 and above tenders should invariably be called for, except in cases when the previous sanction of the Superintending Engineer is obtained for dispensing with them for works not exceeding Rs. 10,000 in cost and that the previous sanction of the Government should be obtained as now for works costing above this limit.

(b) Yes; within the limits prescribed in the rules.

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(c) to (f) No works were given on contract without calling for tenders in cases where the rules in force required that tenders should be called for. The Government have no information as to the names of works executed without tenders being called for in cases where the rules did not compel the calling for tenders. A statement^a is however attached giving a list of works for which tenders were called for and giving reasons for not accepting the lowest tenders in cases where this was not done. The differences involved have been indicated where possible.

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know why the Government, in view of the depression, should not lay down that for every work to be done tenders must be called, so that Government may be able to make a fairly large saving?"

The Hon. Sir ARCHIBALD CAMPBELL:—"It will involve a considerable amount of trouble and expense to call for tenders in every case of work to be done."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Hon. the Revenue Member is aware that there are other Departments which are calling for tenders for small works?" 11-30 a.m.

The Hon. Sir ARCHIBALD CAMPBELL:—"That question should be addressed to Members in charge of those departments."

Mr. P. V. KRISHNAYYA CHOUDARI:—"May I know whether the Hon. the Revenue Member is aware that on account of the recent order issued by the Government in the Local Self-Government Department that the lowest tenders should be accepted, several lakhs have been saved by the district boards?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I am not in charge of that department."

Proposals for the revision of the constitution of irrigation advisory boards.

* 236 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 are contemplating to revise the constitution of the irrigation advisory boards; and

(b) if so, whether the Government will be pleased to lay on the table of this House a copy of the proposals for changing the constitution of these boards?

A.—(a) & (b) A copy of G.O. No. 1676 I., dated 3rd August 1934, is placed on the table.

^a Printed as Appendix V on pages 239-242 infra.

^b Printed as Appendix VI on pages 242-245 infra.

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Assessment and levy of water-tax on lands in the Tanjore district brought under the Cauvery-Mettur Scheme.

* 237 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) what is the total cost involved in putting up the Cauvery-Mettur Reservoir and for digging channels in Tanjore district;

(b) what is the total extent of land so far available in the Tanjore district for irrigation by the Cauvery-Mettur Scheme;

(c) what the range of existing assessment of those lands is;

(d) what the water-tax that is to be imposed on those lands for supplying water by the Mettur scheme is; and

(e) whether there is any proposal to enhance the assessment of those lands in any way now?

A.—(a) Rupees 487.50 lakhs for head works at Mettur.

Rupees 191.50 lakhs for main canals and branches.

(b) The ultimate irrigable area of new extensions is 301,000 acres, the whole of which is expected to be localized in the Tanjore district.

(c) The rates of assessment on single crop wet lands in the Tanjore district as a whole range from Rs. 1-12-0 to Rs. 16-10-0 per acre and those on dry lands range from 4 annas to Rs. 5-15-0 per acre. The Government have no information regarding the range of assessment of the lands referred to.

(d) The attention of the hon. Member is invited to G.Os. Nos. 1853, Revenue, dated 5th September 1932 and 535, Revenue, dated 15th March 1934, which have been placed at the disposal of the press.

(e) The attention of the hon. Member is invited to G.O. No. 1238, Revenue, dated 14th July 1932, regarding reclassification of sources in the Tanjore district, which are affected by the Cauvery-Mettur Project.

Stoppage of water in fasli 1343 for the irrigation of the first crop under the wet ayacut of the Red Hills.

* 238 Q.—Mr. V. T. ARASU: Will the Hon. the Member for Revenue be pleased to state—

(a) whether a memorial, dated 31st December 1933, seeking relief on account of the entire stoppage of water in fasli 1343, for the irrigation of the first crop under the wet ayacut of the Red Hills tank was received by the Government from the ryots of the sixteen villages included under the ayacut of the tank;

(b) if so, what the reasons are which impelled the Government to stop the supply of water to those lands; and

(c) whether at least in fasli 1344 water will be supplied if the level of water in the Red Hills tank is above plus 38 feet level?

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A.—(a) Yes.

(b) The supply of water for irrigation had to be stopped because the supply in the tank was less and it had to be conserved in order to safeguard the water-supply of Madras City.

(c) Water for irrigation will be issued in accordance with rules of regulation. These are—

(1) So long as the level of water in the Red Hills tank is at plus 38.00 or lower, no water will be issued for irrigation. After the level rises above plus 38.00, water will be issued for irrigation from 1st September to 14th October (inclusive), but the supply is liable to be cut off if in the meantime the water level in the tank falls to plus 38.00.

(2) During the north-east monsoon issues for irrigation will be stopped from the 15th October and will not be resumed till the 15th December or until the full tank level (plus 44.67) is reached, whichever date is later.

(3) Issues for irrigation resumed under the preceding sub-rule will be continued till the 31st January if in the meantime the level of water in the tank does not fall to plus 38.00. During this period issues will be stopped if at any time the water falls below this level.

(4) Issues for irrigation under the Cholavaram tank will be made only when they are made under the Red Hills tank.

The rules are at present under reconsideration in consultation with the Madras Corporation.

Mr. V. T. ARASU:—"May I know whether the Hon. the Revenue Member is aware of the fact that in December 1933 the water level in the Red Hills was over 40 feet. If so, why has Government stopped the supply of water for purposes of irrigation?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Government and the Corporation of Madras have come to a conclusion with regard to the buying up of the rights of the ayacutdars in that area?"

The Hon. Sir ARCHIBALD CAMPBELL:—"No decision has been arrived at."

Mr. V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether, in view of the fact that for a large number of years this question had been under the consideration of the Government, a speedy decision is not desirable?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Yes, Sir."

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Mr. V. T. ARASU:—" May I know if the Hon. the Revenue Member will be pleased to state the reason or reasons which compelled the department concerned to stop the supply of water for irrigation, though the water of the tank was above the level prescribed under the rules? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice, Sir."

Mr. A. RANGANATHA MUDALIYAR:—" It is stated that ' water will be issued for irrigation from 1st September to 14th October (inclusive), but the supply is liable to be cut off if in the meantime the water level in the tank falls to plus 38.00.' In such cases, if the crops suffer, will Government grant remission? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Remission would be granted under the ordinary rules."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know what the view of the Government is on this question, apart from the view of the Corporation, regarding the purchase of the rights of the ayacutdars? "

The Hon. Sir ARCHIBALD CAMPBELL:—" It is dependent on the decision to which the Corporation comes on the matter."

Mr. V. T. ARASU:—" In view of the fact that there is constant trouble between the people who own lands under this ayacut and the Government, will Government be pleased to consider the desirability of acquiring those lands for themselves and thereby putting an end to the trouble? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I do not think there is any necessity for Government to acquire the lands. The dispute is one between the ayacutdars and the Madras Corporation."

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know whether it is not a fact that the ayacutdars under the Red Hills have filed a suit against the Secretary of State for violation, according to them, of the obligations the Government have undertaken? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir."

Mr. V. M. RAMASWAMI MUDALIYAR:—" In view of this, may I ask what part the Government expect to play in bringing about a settlement? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I cannot exactly say what part the Government will have to play. We have arranged to call a conference of all parties concerned and endeavoured to arrive at an agreement; the matter is still under consideration."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" May I know whether the Corporation of Madras have not brought to the notice of the Government the scarcity of water-supply from the Red Hills tank and whether the Corporation have not addressed the Government to arrange for the acquisition of the rights of the ayacutdars? "

The Hon. Sir ARCHIBALD CAMPBELL:—" The Corporation drew the attention of the Government to the importance of conserving the

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supply of water in the Red Hills and connected tanks for the needs of the City of Madras, but I do not recollect that they have asked us yet to take any measures for the acquisition of lands at their cost."

Mr. V. T. ARASU:—" Arising out of the answer given by the Hon. the Revenue Member, viz., that Government made an effort to bring about a conference of all parties concerned to effect a compromise, will the Hon. Member be pleased to state to what extent Government are prepared to go if a compromise is to be effected? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I cannot say anything further as to what Government would propose to do."

Resolution of the Tinnevely District Conference, dated the 21st January 1934, regarding damage by floods in the Tambraparni.

* 239 Q.—Mr. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state—

(a) whether a copy of the Resolution No. XVIII of the Tinnevely District Conference, dated 21st January 1934, concerning damage by floods in the Tambraparni River has been communicated to the Government; and

(b) whether any and, if so, what action has been taken by the Government on that resolution?

A.—(a) An unsigned printed copy of this and other resolutions passed at the Conference and purporting to come from the Joint Secretaries was received.

(b) No action was taken on it with reference to Rule V of the rules for submission of petitions to the Government of Fort St. George extracted below:—

Resolutions submitted by associations and other similar bodies will receive no attention; any such body wishing action to be taken on its representation should submit them in the form of a memorial stating the grounds and circumstances of each case.

Representation of the Tinnevely Mahajana Sangham, dated the 18th March 1934, to the Chief Engineer for Irrigation regarding the restoration of the Sivilipperi anicut and tank.

* 240 Q.—Mr. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state—

(a) whether a representation was made to the Chief Engineer for Irrigation on 18th March 1934 at Tinnevely on behalf of the Tinnevely Mahajana Sangham, praying for the investigation of a proposal to restore Sivilipperi anicut and tank; and

(b) whether any and, if so, what action has been taken on the same?

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- A.—(a) Yes.
(b) It is under the consideration of the local officers.

Improvements to the Kurnool-Cuddapah canal.

* 241 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Member for Revenue be pleased to state—

- (a) how many tanks are supplied by the Kurnool-Cuddapah canal
(i) in the Kurnool district, (ii) in the Cuddapah district;
(b) whether the Government have investigated the feasibility of connecting this canal to the Cumbum tank;
(c) if so, what the estimated cost of the project is;
(d) whether the question of widening the Kurnool-Cuddapah canal is under the consideration of the Government; and
(e) if so, when the work will be taken up?

A.—(a) A statement giving the information is laid on the table.
(b) & (c) The answer to (b) is in the negative. The Nallamalais intervene between the tank and canal, the shortest distance between the two being about 30 miles. A tunnel at least 20 miles long, will have to be constructed to connect them and it is reported to be not a practical proposition even from the point of view of levels.

(d) & (e) The answer to (d) is in the negative.

S. M. K. BEYABANI SAHIB Bahadur:—"In view of the fact that there has been scarcity of rains for the past 30 years, will the Government consider the desirability of improving the Cumbum tank?"

The Hon. Sir ARCHIBALD CAMPBELL:—"The question has been considered whether it is possible to improve the supply of the tank. I do not think anything more can be done."

Mr. A. RANGANATHA MUDALIYAR:—"The answer to clause (b) is in the negative. May I know whether this question was considered and then given up as not feasible?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I have no recollection of such investigation; I must ask for notice of the question."

Provision of a permanent structure across the Cauvery at Jedarpalayam in the place of the temporary korambu.

* 242 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

- (a) whether there is any proposal to put up a permanent structure across the Cauvery at Jedarpalayam in the Namakkal taluk of the Salem district instead of the present temporary korambu as soon as the Mettur Reservoir is completed and the regulation of water in the Cauvery is known; and

(b) if so, what are the details of that proposal and when it is proposed to give effect to it?

A.—The answer to (a) is in the negative.

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Land Revenue Administration

Action taken on the resolutions passed at the Ryots' Conference, held at Tiruvannamalai, on the 17th January 1934.

* 243 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have received a copy of the resolutions passed in the Ryots' Conference held on 17th January 1934 at Tiruvannamalai under the presidency of Mr. S. Satyamurti;

(b) whether they have taken any action on those resolutions; and

(c) whether it is a fact that remission for waste and shavi in portions of fields have been requested to be given and what orders were passed on the same?

A.—(a) A copy of the resolutions purporting to have been passed at a Ryots' Conference held on 17th January 1934 at Tiruvannamalai was received by the Government on 22nd January 1934.

(b) No special action was taken. A number of the requests have however been under the consideration of the Government in other connexions.

(c) Yes. Under B.S.O. No. 13 (4) season remissions are not admissible for portions of fields.

Mr. M. A. MANIKKAVELU NAYAKAR:—"With reference to clause (b) it is stated 'A number of the requests have however been under the consideration of the Government in other connexions.' May I know with what results?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice."

Mr. V. T. ARASU:—"Which are the requests that are under consideration and which have been turned down?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I must ask for notice, Sir."

Mr. M. A. MANIKKAVELU NAYAKAR:—"With regard to clause (c) it is stated that 'under B.S.O. No. 13 (4) seasonal remissions are not admissible for portions of fields.' Is it contemplated to amend the Board's Standing Order suitably so as to give remission for portions?"

The Hon. Sir ARCHIBALD CAMPBELL:—"No, Sir."

Assessment on inam lands in the Guntur district.

* 244 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 assessment of land revenue on inam lands in the Guntur district has been increased as a result of the Government Order, dated 21st May 1933;

(b) what the increase has been in assessment as per this Government Order talukwar in the taluks of Guntur, Tenali, Repalle and Bapatla;

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- (c) what the acreage is under each 'taram' of the concerned lands, talukwar, and what the percentage is of increase under each class;
- (d) whether the Government have received any petitions from the ryots of the concerned taluks about the severity of the increased taxation;
- (e) what action has been taken by the Government on them; and
- (f) what orders or report, if any, have been issued by the District Collector, Guntur?

A.—(a), (b) & (c) No Government order was issued on 21st May 1933 increasing the land revenue on inam lands. The Government presume that the hon. Member refers to G.O. No. 1061, Revenue, dated 20th May 1932, in which the rates of water-cess (not land revenue) in Guntur among other districts, were revised. If this presumption is correct, the attention of the hon. Member is invited to the statement laid on the table of the House on 3rd August 1934 with reference to the answer to question No. 499 given on 29th January 1934. The Government have no other information.

- (d) Some representations were received as regards the rates introduced in G.O. No. 1061, Revenue, dated 20th May 1932.
- (e) The Government declined to alter the rates.
- (f) The Government have no information.

Takavi loans to the agriculturists in the North Arcot district.

* 245 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) how much amount has been granted in the shape of takavi loans for the agriculturists in the taluks of North Arcot district for the years commencing from 1932–33;

(b) how much loan so far has been granted during the current official year 1934–35 to the taluks in the North Arcot district;

(c) what the total amount of arrear is of loans left uncollected for the last fasli year;

(d) in how many loan cases coercive action was taken, such as land sale, distraint of property, etc.;

(e) how many applications have been received from the villagers of Mallavadi and Usambadi of Tiruvannamalai taluk praying for the grant of extension of time by one more year to repay the annual instalment of varaga loan;

(f) whether they were granted extension of time; and if so, in how many cases; and

(g) if not, why not?

A.—(a) to (g) The Government have not the information.

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Mr. V. M. RAMASWAMI MUDALIYAR:—“ Will Government consider the question of calling for the information? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I feel, Sir, that the compilation of the information relative to each taluk for a number of years will involve a considerable amount of labour on the part of our officers and I am not inclined to call for the information. If any information is required with regard to any special case I shall be glad to consider the question of obtaining it.”

[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, AND TO AMEND THE MADRAS ESTATES LAND (AMENDMENT) ACT, 1934 (BILL No. 10 OF 1934).

Discussion on the above Bill was resumed.

Clause 2.

Sub-clause (i).

* The Hon. Sir ARCHIBALD CAMPBELL:—“ Mr. President, Sir, I move—

‘ that for sub-clause (i) of clause 2, the following be substituted, namely:—

“ (i) for sub-clause (d) of clause (2), the following sub-clause shall be substituted, namely:—

‘ (d) any inam village of which the grant has been made, confirmed or recognized by the British Government notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors in title of the grantee or grantees.

Explanation (1).—Where an inam village is resumed by the Government, it shall cease to be an estate; but, if any village so resumed is subsequently re-granted by the Government as an inam, it shall, from the date of such re-grant, be regarded as an estate.

Explanation (2).—Where a portion of an inam village is resumed by the Government, such portion shall cease to be part of the estate, but the rest of the village shall be deemed to be an inam village for the purposes of this sub-clause. If the portion so resumed or any part thereof is subsequently re-granted by the Government as an inam, such portion or part

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shall, from the date of such re-grant, be regarded as forming part of the inam village for the purposes of this sub-clause.' "

This amendment is intended to effect certain improvements in the wording of the definition of 'estate' as far as inam villages are concerned. The explanations have been introduced in view of the fact that in certain cases it may be that in future inams which have been resumed will be re-granted as inams. That has not been the custom of Government in recent years. I need not say anything more in support of this amendment."

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 2.

Sub-clause (ii).

* Mr. T. C. SRINIVASA AYYANGAR:—"I move, Sir—

'In sub-clause (b) (ii) of clause 10 of section 3, omit the words "as private land" and also the words "and has not converted the land into ryoti land".'

"The object of my amendment is this. Although there are some inam villages in which there exist lands which are known as 'pannai' lands, I understand there are many inam villages where the conception of private land as such in contrast with what is known as ryoti land does not exist. They only know that they are owners of land itself where they owned both the warams in it. The terms 'private land' and 'ryoti land' connoting distinct legal notions were creatures of Act I of 1908; such being the case, to introduce in this clause which deals with enjoyment prior to 1908, qualifications therefor based on the expressions 'private land' and 'ryoti land' which came into existence later would be wrong, and would, I think, create confusion. Because in these inam villages to which the Act did not apply, there was then no classification such as private land or ryoti land. To omit these words would not in any way alter the idea which is sought to be conveyed in this clause. On the other hand to introduce the terms 'private land' and 'ryoti land' in respect of enjoyment in the period prior to the introduction of the Act would be creating difficulties in the matter of construction. The idea of ownership of kudivaram and the enjoyment of both warams by inamdars is what is intended. I do not want that we should introduce anything which will give rise to any difficulty in this clause and I want to eliminate those words which were not in currency before."

Mr. P. PEDDI RAJU:—"I second it."

11-45 a.m. Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, the words 'as private land' are found in the Act of 1908 and they have only been repeated in the present Bill for the reason that we are allowing as private lands that class of lands which have been treated as such

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in 1908. I really see no reason why the words 'private land' which have been there since 1908 and have not caused any difficulty till now should not be left alone.

"As regards the last portion of the amendment, I should explain that this merely tries to provide that if between 1908 and to-day, any private land has been voluntarily converted into ryoti land, such land shall cease to be private land. In these circumstances the amendment moved is not necessary."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, for the reasons explained by Mr. Muniswami Nayudu, I oppose this amendment. The Bill merely reproduces the old definition in the Act of 1908 with the addition, as he stated, of a proviso to cover the cases in which kudivaram has been transferred by the landholder to some one else."

* Mr. T. C. SRINIVASA AYYANGAR:—"Apparently I have not made myself quite intelligible and that has led to Mr. Muniswami Nayudu opposing my amendment. My object is not to enlarge the definition of private land or to limit the qualifications which are mentioned there for the purpose of defining one category of private land. Mr. Muniswami Nayudu stated that the words 'private land' have been in currency ever since the Act of 1908. True, only in villages which became estates by virtue of that Act. But sub-clause (ii) deals with cultivation for a continuous period of twelve years immediately before the 1st day of July 1908. We are dealing with enjoyment and cultivation prior to the coming into force of even that Act. In such a case the expressions 'private land' and 'ryoti land' would really create confusion."

The amendment was put and lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, I move my next amendment to sub-clause (b) (iii) of clause 10 of section 3—

'Omit the words "and has not converted the land into ryoti land".'

"Sub-clause (iii) deals with estates which will come within the definition of estates under the present Bill. Here there is really no justification for introducing an expression 'ryoti land' which the inamdar could not have had in his mind. The inamdar never knew these distinctions as applicable to his village."

Mr. P. PEDDI RAJU:—"I second the amendment."

* The Hon. Sir ARCHIBALD CAMPBELL:—"For the reasons given against the previous amendment, I must oppose this amendment also. This sub-clause relates to continuous cultivation for twelve years immediately before 1st November 1933. It is possible, however, that since that date the inamdar might have sold to a tenant the kudivaram which he obtained by means of continuous cultivation, and it is absurd that he should be enabled to recover it again from the tenant without payment."

The amendment was put and lost.

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* Mr. T. C. SRINIVASA AYYANGAR:—" Mr. President, I move—
For sub-clause (b) (iv) of clause 10 of section 3, substitute the
following:—

" (iv) Any land in an estate within the meaning of sub-clause (d) of clause 2 of section 3, the entire kudivaram in which has vested or vests in the inamdar before or after the commencement of this Act : provided that the surrender or abandonment of land by a ryot shall not, unless followed by possession for a continuous period of twelve years, have the effect of vesting the kudivaram interest in the land in the inamdar."

Sir, in moving this amendment, I desire to place before the House, briefly, a few reasons. The scheme underlying the attempts at legislation in this matter is to bring in all the inams within the Act I of 1908. In the prior Bill (Bill No. 12 of 1931), when the Government wanted to introduce changes, 'private land' was defined as follows:—"All land in an estate within the meaning of sub-clause (d) of clause 2, the entire kudivaram interest in which has vested or vests in the inamdar before or after the commencement of this Act; provided that the surrender or abandonment of the 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." That provision was intended to protect the vested rights of inamdars. The present Bill and the Bill emerging out of the Select Committee take away the rights of inamdars—expropriate their rights. My amendment substantially reproduces the provision which was in the Government Bill introduced in 1931. This will safeguard the undoubted vested rights of the inamdar and will go a very great way towards redressing the grievances which they feel on account of the drastic provisions in the Bill now before the Council, which are destructive of the inamdars' rights."

Mr. P. PEDDI RAJU:—" I beg to second the amendment. I submit that this amendment is practically the same as the amendment of the Government in their Bill of 1931. It has been the accepted principle of the Government all along that vested rights of the inamdars should not be divested by means of legislation. They, therefore, instead of putting in the words 'acquired for valuable consideration, etc.' which would have the effect of putting a lot of burden upon the inamdar, stipulated that whatever he has acquired by means of purchase or otherwise should not be disturbed. Of course there is always the proviso that the surrender of land by a ryot shall not, unless followed by continuous possession for twelve years, have the effect of vesting the kudivaram interest in the land in the inamdar. As regards acquisition for valuable consideration or acquisition by inheritance there is no difficulty. All along it has been stated that, so far as vested

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rights are concerned, there will be no expropriation. In the interests of the Government as well as the people it is necessary that vested rights should be safeguarded."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, the whole argument of my hon. Friend is that the Bill of 1931 provided for certain things and that this Bill should contain those provisions and not go beyond that. In that Bill there was no idea of changing the definition of 'Inam' so long as the exception to section 8 was there in the definition of 'private land.' But what is now sought to be done is that in all inam villages where kudivaram and melvaram was granted to inamdars, they should be allowed to treat such lands as private lands if they acquired the same for some consideration from cultivating tenants. If this amendment is given effect to, it would mean that every inamdar with vested interest in the soil would be entitled to treat the whole village as private land. Therefore the principle of the Bill itself would be contravened. I am therefore constrained to oppose the amendment."

* The Hon. Sir ARCHIBALD CAMPBELL:—" For the reasons explained by Mr. Muniswami Nayudu, I must oppose this amendment. I would also point out that the amendment would affect future acquisitions as well as those which have taken place in the past. This would not be in accord with the scope of the Bill which provides that as regards private lands an enquiry should be held and the question settled once for all. This amendment would throw open the list of private lands to constant revision. As explained by Mr. Muniswami Nayudu, this amendment is contrary to the intentions of the present scheme of the Bill."

Mr. T. C. SRINIVASA AYYANGAR:—" I have only to add a few words by way of reply. That the present Bill now under consideration is fundamentally different from the Bill which the Government itself introduced in 1931 is beyond all doubt. Our grievance is that there was no investigation previously. The Government actually introduced in 1931 only a modest Bill. So far as the inamdars were concerned, the provision in that Bill would not have substantially expropriated their rights or prejudicially affected the rights which had already vested in them. In these circumstances there is no ground whatever for proceeding much further in the direction of taking away the rights of inamdars. What is now sought to be introduced is merely what the Government wanted to introduce two or three years ago as a proper provision safeguarding the just rights of inamdars. No justification has been shown and no good reasons have been given for the drastic provision which has been made in the Bill. The Hon. the Revenue Member's contention is that this amendment would involve not only the already vested interests but also the interests which are likely to be vested hereafter. If his objection be against vesting

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noon.

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rights in inamdar hereafter of kudivaram, I am quite prepared to agree to any appropriate modification. There is no reason why the whole amendment should be rejected.

"There are two classes of cases referred to in this amendment. There is the case of surrender or abandonment in which no valuable consideration is given by the inamdar when he gets the land thereby although the tenant did not care to own the land and surrendered it. In this case there is the qualification introduced that unless the surrender is followed by continuous possession for twelve years, the right need not be protected. There are two parts in the amendment, one dealing with vested rights—rights acquired for consideration or by succession, etc.—deserving absolute protection and the other with rights vested in the inamdar by surrender or abandonment, which are subject to the qualification that possession should co-exist for the purpose of their being protected.

"I commend the amendment for the acceptance of the House."

The amendment was put and lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, as the larger amendment which I moved has been lost, it is necessary to move the other amendments in order to minimize the difficulties. I move, Sir—

"that in sub-clause (b) (iv) of clause 10 of section 3, the words "but not the melvaram" and the words "and has not converted the land into ryoti land, and" be omitted."

The reason why I want to omit the words 'but not the melvaram' is this. In inam villages the inamdars own both varams in respect of many lands in the village. This clause protects the kudivaram of a man who acquired that right for valuable consideration from a person not owning the melvaram thereof. I say, if a person has undoubtedly had both the varams and if he carved out the kudivaram and sold it for valuable consideration to another person, I do not see why the person who purchased the kudivaram from this person should be penalized when a person who purchased the kudivaram from the kudivaram-owners only is protected. I do not see any justification for this differentiation. Therefore, Sir, I move the amendment."

Mr. P. PEDDI RAJU:—"Sir, I second the amendment. In doing so, I want to bring to the notice of the House the following facts. In several cases agrapharamdars have gone to court and the tenants have contested the suits; compromise decrees have been passed and sale-deeds have been executed. Those sale-deeds do not show that the kudivaram has been purchased from a person not owning the melvaram thereof. Those deeds assume that both the melvaram and the kudivaram vested in the agrapharamdar and the tenants have purchased both varams for valuable consideration from the agrapharamdars. If a man purchased the kudivaram from a person not owning the melvaram thereof, his right is protected. But if he has purchased both varams from a person who

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has been recognized to possess both the varams, he is not protected. There are innumerable such cases in the delta taluks of Northern Circars where the tenants have taken sale-deeds of both melvaram and kudivaram from the agrapharamdars. It will be a pity if the rights thus acquired are not protected. It will be a hardship on the person who has acquired both the varams from the agrapharamdar and I do not see any justification for making this differentiation."

Sriman M. G. PATNAIK Mahasayo:—"Sir, the amendment merely loses sight of the principle underlying the Act. The Act says that a melvaramdar who acquires the kudivaram can hold the kudivaram only as a melvaramdar, or in other words, the kudivaram cannot vest in him completely. If we once concede that principle, then it becomes clear that a person who purchases both varams from a person who owns the melvaram can have only the melvaram and not the kudivaram for ever. If a person purchases both varams from a person who was the original kudivaramdar and not the melvaramdar but subsequently acquired the melvaram, then the purchaser will have both varams permanently. There is no difficulty. The principle of the Act is this: A kudivaramdar can acquire the melvaram and retain it permanently, but a melvaramdar cannot acquire the kudivaram and retain it permanently. That is the distinction made in the Act. If this is given up the whole purpose of the Act will be defeated. The words 'but not the melvaram' are quite necessary and if they are omitted, the distinction that is sought to be made will become impossible and the Act will become a nullity."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, this amendment has very far-reaching effects and if accepted will nullify the other provisions of the Bill. The clause as it stands does not refer to the question as to what the original grant was—whether it was of the melvaram or the kudivaram or both. It has reference only to the person who sold the property having also the kudivaram. Let us take an ordinary case. There is a whole inam village where a large area is uncultivated, although it is cultivable. If a man purchases some uncultivated land from that inamdar, he will be supposed to have purchased both the kudivaram and the melvaram and he could treat it as his private land and no tenant can acquire any occupancy right in that land. But the principle of the Act is to grant occupancy rights to tenants and to protect their occupancy rights. Therefore such a step as is contemplated in the amendment will be against the principle of the Act. There is another thing which this amendment, if accepted, will lead to. The original inamdar may have a large area of uncultivated land in his village but that land will not be treated as his private land. That land may go into the possession of another person by inheritance or by gift and even then it could not be treated as private land. But the only person who has bought the land will have the benefit of treating the land as private land. Generally, the rent that is paid on the land that is actually cultivated is an essential item in determining the

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price that is paid for the uncultivated land. The possibility of calculating rent on the uncultivated land does not enter except in a remote degree into the question. I therefore think that it is against the principle of the Bill to extend the scope of private land to uncultivated lands also, for that would prevent the acquisition of occupancy rights by persons who may thereafter come into the possession of the land."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, for reasons which have been already explained, I must oppose the amendment as being contrary to the principles of the Bill which the Select Committee has brought forward. Where a landholder has acquired the kudivaram from a tenant for valuable consideration and then sells both varams to some one else, of course that person steps in the landholder's shoes and his rights are preserved. But we are not prepared to say that the landholder could acquire kudivaram in any other way. I submit that this amendment must be opposed."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the Hon. the Revenue Member has referred us to the reasons given by the two learned gentlemen and I am sorry to say that the speech of Mr. Muniswami Nayudu is neither lucid nor convincing. The clause, in question, has introduced a fourth category of private land, viz., cases in which the kudivaram did not previously vest in an inamdar. Now, if the principle underlying the Bill could tolerate an inamdar acquiring kudivaram interest and having that interest protected, why should you draw a distinction regarding the source from which the kudivaram interest has been acquired? Why do you say that the kudivaram interest acquired from tenants by the inamdars should be protected while the kudivaram interest acquired by one inamdar from another inamdar for valuable consideration should not be protected? Neither public interest nor the interest of any class of ryots or tenants is involved in this matter. A man has paid hard cash and valuable consideration for the purchase of this right, but one kind of acquisition is sought to be protected while another kind of acquisition is not to be protected, though the nature of the right acquired in either kind is the same. There is no substance in the distinction. If a person has acquired kudivaram interest whether it be from the melvaramdar who also possessed the kudivaram right or from a tenant who possessed only the kudivaram right, as long as he has acquired it for valuable consideration, his right should be protected subject of course to the limitations mentioned in the sub-clause. There is considerable justice in the amendment and I hope the House will view it with favour."

The amendment was put and lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, I move—

"that in sub-clause (b) (iv) of clause 10 of section 3, for the words, "unless it is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock," the words "unless it was followed by possession" be substituted."

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"In commending this motion for the acceptance of the House, I desire to state that there are cases where with the best of efforts lands cannot be cultivated year after year. There is a well-known system of cultivation of soils which are not fertile in some districts in the south called *mathukadu* cultivation. Certain crops cannot be grown in the same land year after year and certain lands cannot be cultivated year after year at all. There may be cases where for the purposes of reclamation and other purposes the lands cannot be cultivated year after year continuously. In all these cases, as long as the person has paid valuable consideration for the acquisition of the right and possesses the right and there is no tenant on the land claiming the right, the right should be protected without placing on the owner unnecessarily onerous conditions."

Mr. P. PEDDI RAJU:—"I second it."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I am afraid the hon. Member is looking at the Bill from a very different point of view. Emphasis is sought to be given to the words 'followed by possession.' These words are sought to be substituted for the words in the Bill. Possession would mean anything and everything; if I receive rent from a person, it will be possession. If another person is cultivating the land and I am receiving rent for the land, it will be in my possession. There is the deliberate provision in the Bill that the land should be cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock. The amendment wants that these words should be substituted by the words 'unless it was followed by possession.' This would nullify the very important provisions of the Bill. Possession would mean anything; technical possession is possession. Mr. Srinivasa Ayyangar with his legal knowledge can very easily see that the use of the words referred to would defeat the very object of the Bill, namely, that the land should have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock." 12-15 p.m.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"The clause provides for the landholder's own lands being treated as private lands; these lands are different from other lands whose occupancy rights can be acquired by others; these lands may be at the disposal of the landholder and he may let them out to any tenant subject to any premiums he may receive. This clause provides for certain lands being relegated as private land and the occupancy rights of such lands vest in the landholder himself. The whole Bill proceeds on the basis that the actual possession is with the landholder himself, that the land should be treated as private land. The landholder himself must cultivate the land or by hired labour. The inamdar can purchase the land for valuable consideration. Even a landholder may be taken to purchase a land for valuable consideration, where the valuable consideration is arrears of rent. Some distinction is sought to be made between this kind of purchase and other kinds of purchase. If you refer to clause 4 of section 8 of the Act of 1908, it

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gives occupancy right to the landholder if the land is purchased for valuable consideration; but it takes away that right in the case of land acquired for arrears of rent. In the case of lands acquired for arrears of rent, as the law now stands, the ordinary landholder cannot treat them as his private lands. What is provided in the Bill is that in a case in which the purchase is for arrears of rent, the occupancy right would not vest with the landholder. But where a land has been purchased for arrears of rent and has been in the actual cultivation of the landholder for a period of twelve years, then it shall be given the special privilege of being treated as private land. There are different kinds of possession; possession through a court of law; possession may be constructive or symbolic or in any other manner. If the amendment is accepted, practically all the lands acquired for arrears of rent would come under the category of private land. The Bill wants to treat a land as a private land when the landholder cultivates it himself, by his own servants or by hired labour, with his own or hired stock. If you accept the definition in the amendment, it will widen the scope of private land and it will practically nullify the beneficent provisions of this Bill."

* Mr. T. C. SRINIVASA AYYANGAR:—"My friends are repeatedly saying 'beneficent provisions of this Act.' I am at a loss to understand which Act they are referring to. I am at a loss to understand which Bill it is. Is it the third Bill that has been drafted by the Select Committee or the second Bill which was introduced in the Council or the first Bill which was piloted through this Council and emanated from the Select Committee in the year 1932? Where is the criterion of beneficence? Is it to deprive the inamdars of everything and vest it in the tenant? There must not be any avoidable loss to the people whose rights are sought to be taken away. It is difficult to understand the reasons urged to oppose the amendment. We are making a new definition of private land to suit the circumstances of the inam villages which were not previously within the Act but which would come within the Act now. It is recognized even in this third Bill now before the Council that the inamdars might own both warams in many ways and that therefore the definition ought to be widened. We say that the definition is not worded sufficiently widely to meet cases in which valuable consideration has been given and rights acquired. There is no reason or equity why those people should be subjected to this difficulty."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, Mr. President, may I request your ruling whether I will be in order in moving the items V-a and V-b in the next set of amendments standing in my name, because in another connexion, the amendments which I moved to sub-clause (b) (iv) of clause 10 were disallowed."

* The Hon. the PRESIDENT:—"That amendment was lost."

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Mr. T. C. SRINIVASA AYYANGAR:—"I am feeling a doubt."

* The Hon. the PRESIDENT:—"If he has any doubt, the hon. Member may explain it."

Mr. T. C. SRINIVASA AYYANGAR:—"I beg to move the following amendment standing in my name, though I feel that in respect of the first item, the decision of the Council on some earlier amendments, may be put forward in opposition by some hon. Friends.

'The amendment runs thus:—

'After sub-clause (b) (iv) of clause 10 of section 3, add the following as sub-clauses (v) to (ix):—

- "(v) (a) that the land has been acquired by the landholder for valuable consideration before the 1st day of November 1933 from a person entitled to both warams in it;
- (b) that the land has been acquired by the landholder for valuable consideration before the 1st day of November 1933 and since the Madras Estates Land Act of 1908 from a person entitled to both warams;
- (vi) that the land is required by the landholder for bona fide cultivation of himself or any member of his family having beneficial interest therein by his own servants or by hired labour with his own or hired stock;
- (vii) that the land has been, prior to 1st July 1918, let as the landholder's own property;
- (viii) that the landholder's lands do not exceed 50 acres in extent and that the entire kudivaram interest therein has vested in the inamdar; and
- (ix) any land in an estate within the meaning of sub-clause (d) of clause 2 of section 3 in respect of which the landholder has before the 1st day of November 1933 obtained a decree or order of a competent Civil Court establishing that the tenant has no occupancy right in such land and no tenant has acquired any occupancy right in such land before the commencement of the Madras Estates Land (Second Amendment) Act, 1934."

"The proposition speaks for itself, the amendment gives exhaustive list of categories that can be fairly brought within the definition of private land. I only desire to add that, whenever the question of the loss of inamdars' rights by the provisions of this Bill was brought forward, my recollection is the Hon. Member was saying 'you better bring in categories which can be added to the list of private lands, within the major scheme of this revised Bill.' I submit that these come within what he thought would be proper."

Mr. P. PEDDI RAJU:—"I second it."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, we have already dealt with the acquisition of lands and under what circumstances the land will become private property. Clause (v) is covered by clause (iv). Clause (vi) says that the land is required by the landholder for *bona fide* cultivation of himself or any member of his family having beneficial interest therein by his own servants or by hired labour with his own or hired stock. This amendment goes too far. Clause (vii) says that the land has been, prior to 1st July 1918, let as the landholder's own property. That may be a matter of evidence; it merely says that the landholder treated that land as his private property. To treat such lands as private lands would take away the effect of the Bill itself. Clause (viii) has already been considered. My hon. Friends, Messrs. Peddi Raju and Premayya moved similar amendments with the exception that the extent was 30 acres then while it is now put as 50 acres. And the last clause (clause ix) is practically trying to bring in clause 4 of the Bill itself in the definition of private land. Clause 4 provides that in respect of land where the landholder has obtained an order of the final court declaring that the tenant has no occupancy right, such land should be put on a different category from ordinary lands, in the sense that for a period of twelve years he shall have the right of admitting any person to the possession of such land. What the amendment wants is this; the landholder is not only not satisfied with the amount he will get, but he wants to treat all such land as private land for all time to come. There is no reason why the category of private lands should be extended beyond what is really private land. I therefore think that none of these amendments should be passed and that the interest of the cultivating tenants will be affected if these amendments are accepted."

12-30
p.m.

Sriman M. G. PATNAIK Mahasayo:—"Sir, I want to say only a few words. This amendment presumes that occupancy right is not at all recognized in the cultivating ryots. That would be going against the principles of the Estates Land Act itself. I therefore oppose it."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, these clauses would, it seems to me, take away from the ryots even such rights as have been left to them under the existing law, and inamdars would be able, by a mere expression of opinion or something of that kind, to take the kudivaram right in all their lands. As has already been stated, clause (v) has been covered by the amendments passed. Clause (vi) appears to have been based on the provision in the Malabar Tenancy Act; but the position of inamdars cannot be compared with that of the janmis in Malabar; for the janmis are recognized by the Government as having themselves got the occupancy right and we regard them as the pattadars. But we do not regard an inamdar as usually having occupancy right or kudivaram. As was already stated, we have provided in the Bill a different treatment for those inamdars who have obtained court decrees in their favour by showing that they have got an occupancy right and that the tenants have not got such right. We consider that

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the provision in the Bill is sufficient to meet the needs in their case; because in cases in which the inamdar has got a civil court decree in his favour and the land comes within the definition of 'private land' as in the Bill, the inamdar will be able to treat it as private land for all time. Further than that, Sir, I do not think it is necessary to go. As regards clause (viii), I cannot see any reason for bringing in the question of the exact extent owned by any particular landholder. It will lead to considerable complications and possibly, advantage will be taken of it to sub-divide each inam village, so that each portion may come within the limit to be fixed. For these reasons, Sir, I must oppose the amendment."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I have listened very carefully to the arguments advanced in opposition to the amendment. I understand one argument—that this attempt at legislation is to protect the people who pursue *bona fide* the profession of agriculture. If the landholder or inamdar wants to be a cultivator himself and owns land in which no tenant has got a right on the day the Act comes into force, what is the principle of law by which the inamdar should not be permitted to continue as an agriculturist, retaining the land in which nobody else had a vested occupancy right whether he directly cultivates or indirectly by letting? Why should people who were not inamdars but merely occupied the land be given privileges and rights at the expense of the inamdars? I fail to see the principle."

"Item (vii) of the amendments which I move is what the present Bill itself, as originally introduced, provided. Clause 6 of the Bill reads:

"In section 185 of the said Act, for the words and figures "was before the first day of July 1898 specifically let as private land," the words, letter and figures, "was specifically let as private land before the first day of July 1898 or in the case of any estate within the meaning of sub-clause (d) of clause (2) of section 3, before the first day of July 1918" shall be substituted."

Now, I rely upon this very Bill itself as providing for a case of letting. Now, Sir, there may be a pursuit of agriculture by a man cultivating portions of the land himself and letting the other portions to another who may be quite willing to cultivate the land and pay rent by a share of the produce or otherwise. There is no virtue in prohibiting one method of cultivation and supporting another method of cultivation. No good ground is shewn to deviate from the provision in the original Bill. In these circumstances, Sir, I think there is unquestionable necessity for adding to the categories of 'private land.'"

The amendment was put and lost.

* Mr. K. KOTI REDDI:—"Sir, I move that at the end of sub-clause (ii), the following new sub-clause be added:—

"(iv) *jungle or other land not under the occupation of any tenant at the time when this Act comes into force, which the landholder wants to reserve for his cultivation not exceeding one-tenth of the area in the village.*"

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"I hope, Sir, that my amendment will share a better fate at the hands of this Council. I say so, Sir, because I believe this Council, when it comes into full possession of the facts, will be convinced of the justness of my amendment and will vote for it. I am one of those who are very seriously affected by this legislation. I purchased a shrotriyam village about five years ago under the impression that it would never come under the term of an 'estate' under the Estates Land Act. Because at the time the grant of the property was made which was in the 18th century, it was absolutely a waste land and as such I was certain when I bought it that it would never come under the provisions of the Estates Land Act. But when this Bill was brought forward in this Council, I thought it right not to oppose the provisions of the Bill as its ostensible object was to confer rights on occupancy tenants. I am one of those who believe that if in the interests of the large majority of the population, a few people have to be affected though very seriously, the interests of the majority ought to prevail. On that consideration, I never opposed the introduction of this Bill. But I have given notice of this amendment because I believe—and I am sure you will agree with me—the amendment affects nobody. I only want these inamdars, wherever it is possible, to be put on the same level and that only to a certain extent as the ryotwari landholders, so long as it does not affect anybody or any tenant. I cannot understand the distinction that is made between a ryotwari landholder and an inam landholder so long as nobody else is affected. All that I plead to-day is that so long as there is no tenant on a piece of land in the inam village, such land may be left to the inamdar who is prepared to occupy that land and cultivate it himself, and that just as any ryotwari landholder does his land. What are the principles that ought to underlie the estates land legislation, I cannot understand, except it be that the inamdar, ought not to be benefited, at the expense of any particular tenant or tenants. My amendment is this: when there is waste land, or other land which is not at present occupied by anybody and which might have come into the possession of the landholder, either by surrender, inheritance, etc., what harm is there in allowing the inamdar to occupy that land as a ryotwari landholder? I am only anxious that he should be allowed a certain portion of the land which he can claim as his own, and I want only that portion of the land which is unoccupied by anybody to be reserved for his cultivation. Whether he lets it out to tenants or not, we are not concerned. It will be within the experience of many Members of the House as many of them are ryotwari landholders—I am both a ryotwari landholder and an inamdar—that it will be necessary sometimes to let out to tenants most of the land (I have done it), and it may be that in three or four years more I will get back all my lands and cultivate them. I do not see why in the case of land which is not occupied by anybody at present, such a chance should not be given to the inamdar. You may say that as long as the inamdar cultivates the land by his own stock or by hired stock, by labour engaged by him or his

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own men, he may even now go on cultivating. It is true there is such a provision in the Bill, but the cases where for temporary purposes, as in the case of a ryotwari landholder, it may be necessary for him to let out for short periods, have not been provided for. I think, Sir, the times are coming when there will be many inamdars, even including Brahmans, at least in certain portions of the Presidency, who will cultivate the fields themselves. In many cases it has become necessary for educated people to go back to the land and cultivate the land themselves. Nowadays it is the cry everywhere, not on the platform alone, but in the Legislative Council and other places as well, to encourage educated young men to go back to the land and cultivate it. It is said that the only salvation for this country is not so much in industrialization but in improving agriculture by scientific means. And what is the provision that we see in this Bill for such a purpose? None. I say once more that as long as the tenants who now occupy the land in any inam village are not affected, there can be no harm in reserving at least one-tenth of the area for the purpose of cultivation by the inamdar himself. It may be that sometimes he will have to let it out for short periods, as the ryotwari landholders are doing. It will really be in the interests of proper cultivation, of developing the village, to make this small concession in favour of the inamdar. The inamdar, after all, is probably the man who is better able to apply scientific means for agricultural improvement to his land; and the tenants also would largely be benefited by such scientific methods. Who can do that better than the inamdar himself, provided he is allowed to do so? Will not the tenants be at a great disadvantage if the inamdar, wherever he is willing to do so, is denied the means of cultivating the land himself so long as he is not affected? As I have already stated, this opportunity for the landholder to let out his land whenever he feels it necessary to do so for short periods, should be given to him. It is only then that he would take to occupying the land and cultivating it himself. It is not an easy thing to bring under cultivation land which is a waste land and it is mostly that sort of waste land that I believe will be really available for occupation, as referred to in my amendment. After having spent a large amount of money for bringing back waste land for cultivation, it will not be fair to say to the inamdar: 'once you let it out even though for short periods, you can never get it back.'

"It is in the experience of most ryotwari landholders in this country who are educated, that though they have been cultivating the land for 12-45 themselves, it is sometimes necessary to let it out for short periods. If that opportunity is denied to these landholders, it is not possible for any inamdar to keep and cultivate the land for himself. Once more, Sir, I plead that the rights of the inamdars are to a great extent affected and serious inroads are made into their rights. As I once before said, personally I do not mind if it really helps the country and the poor tenants who are occupying the land and are prepared to toil day and night. I do not see why as a class where the claim is

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fair, these inamdars do not deserve the sympathy of this Council. I hope the Hon. the Revenue Member with all his generosity, with his clear thinking, would certainly consider the view that I have put forward and see that this small concession which I ask for the inamdar is given to him, because it affects nobody and does not affect any tenant who is in the occupation of the land. I only ask that the land which is not kept by him be reserved to the extent of only one-tenth, so that he may call it his own property. I doubt under the terms of the other clauses of the Bill whether in many of the inam villages, he can call any property his own. I therefore ask, why not allow this small concession of a piece of land wherever it is available to call it as his own for purposes of cultivation or for any other purpose. With these remarks I hope that the Government would seriously consider the question. Having affected the rights of inamdars to a large extent I hope Government would allow this concession to the inamdar, since it does not affect anybody, tenants or others. I therefore trust that Government will accept this modest and innocent amendment of mine."

The amendment fell through for want of a seconder.

The Hon. the PRESIDENT:—"Clause 2 as amended is for the vote of the House."

The motion was carried and clause 2 as amended was adopted.

Clause 3.

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, I move—

"In clause 3, explanation (2), for the words and figures "meaning the 1st day of November 1933 and the expression 'hereafter' in this sub-section shall be construed as meaning the period after the 1st day of November 1933" substitute the following words and figures "referring to the date of the commencement of the Madras Estates Land (Second Amendment) Act, 1934, and the expression 'hereafter' in this sub-section shall be construed as referring to the period after the date of the commencement of that Act."

"The reason for this amendment is that retrospective operation of laws is seldom resorted to, unless for very extraordinary reasons. No such reasons are shown. This clause is opposed to the original Bill itself in clause 3."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it, Sir."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I cannot accept these amendments. This question has been carefully considered in the Select Committee and Act VIII of 1934 which is the first amendment Act contemplated retrospective effect being given to this legislation to some extent if it is passed. I have, however, given notice of an amendment to substitute for the words and figures 'the

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1st day of November 1933' in both the places where they occur in this explanation, the words and figures 'the 30th day of June 1934,' that being the date on which the Madras Estates Land (Amendment) Act of 1934, came into force. This I have suggested as a compromise between the two points of view, one being that occupancy right should be conferred with effect from the 1st of November 1933 and the other that effect should be given as expressed by the hon. Mover of this amendment.

"By the Madras Estates Land (Amendment) Act of 1934, all proceedings in ejectment were stayed with effect from the date on which that Act came into force, that is to say, 30th June 1934. That means there is no ejectment by legal proceedings subsequent to that date. Therefore, there can be no hardship if the occupancy right is given effect to from that date. I hope the Mover will be prepared to accept the suggestion which I have made."

Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, I accept the amendment moved by the Hon. the Revenue Member. In the circumstances, I do not press my amendment."

The amendment was by leave withdrawn.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, I beg to move—

'For the words and figures "the first day of November 1933" in both the places where they occur, substitute the words and figures "the thirtieth day of June 1934."

"I have already explained the reasons for this amendment."

Mr. P. PEDDI RAJU:—"I second the amendment."

* Sriman M. G. PATNAIK Mahasayo:—"Mr. President, Sir, I am really sorry that I have to oppose the amendment given notice of by the Hon. the Revenue Member. All along I have agreed with him, but this time I am afraid I have to differ from him. I would just draw your attention to section 127 (2). At the time it was considered, what happened? We all know that the Bill was passed in November 1933. But then it was remitted for reconsideration and of course at that time representations were made by inamdars that their interests should be safeguarded. The tenants also made representations to His Excellency the Governor that if time was given the inamdars would have driven away the tenants from the land in the meantime. Therefore, section 127 (2) was enacted on the suggestion of His Excellency and that was accepted by this Council. That section says, that the ryots should not be ejected from 1st November 1933. Thus, their possession was vouchsafed by that Act and by this legislature from 1st November 1933. That is what was done. That means that we have already committed ourselves to that position, i.e., that the possession of the ryot should be protected from that date, subject of course to the result of this Bill. Therefore, the Government as well as this legislature are bound to protect the possession of the ryot from 1st November 1933. Otherwise

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section 127 (2) is meaningless if it is not intended to have another Bill like this introduced. As the present Bill was sought to be introduced in order to protect the interests of the ryots from 1st November 1933, section 127 (2) was enacted. If that is so, now to say that the possession of occupancy tenants should be protected from 30th June 1934, I do not understand what it means, when we have definitely pledged ourselves to protect the rights of occupancy rights from 1st November 1933. I do not see any reason why we should go back upon that pledge. Probably it will be explained that the assent of His Excellency the Governor-General was received on that date and that the Act was published on the 30th June 1934 and that therefore they should be protected from that date. I think there is absolutely no reason why their interests should not be protected from 1st November 1933. I think the wording in the section was not adopted on 1st November 1933 but in March 1934. We knew that the rights of the ryots should be protected with retrospective effect. Therefore, where is the reason for the Government going back upon what they have already pledged themselves to do. It is entirely unjust on the part of the Government to bring forward this amendment. If this date had been fixed as the 1st day of November 1933, we can understand it. Because sanction was not received it is said that protection should be given from the date on which the Bill became law. But we know very well on the date on which this Bill was passed by the Council, retrospective effect ought to be given to it from 1st November 1933. I cannot understand why Government should have now taken a different attitude. It is really unintelligible. They may of course try to effect a compromise, but what has to become of the persons who were ejected from the land between the 1st of November 1933 and 30th June 1934. His Excellency the Governor listened to our requests and then granted that the possession of the ryots from 1st November 1933 should be protected, and the legislature also did it. Are the Government going to go back upon that pledge? That is what I ask the Hon. the Revenue Member to answer. If a man had been driven out between 1st November 1933 and 30th June 1934, that man is helpless, he has no rights to fall back upon, he cannot maintain a suit and he cannot be reinstated, because the person who is in possession of the land on 30th June 1934 will get occupancy rights by statute and therefore he acquires kudivaram rights, but not the person who was in possession a day earlier. Our complaint at the time against the postponement of the Bill was that in the meanwhile the inamdars will drive away the tenants who were cultivating the land previously and introduce their own men into the land, so that their own men might acquire occupancy rights. If such a thing had been done between 1st November 1933 and 30th June 1934, there is no protection to the persons who were in possession on 1st November 1933. Probably the inamdars are so anxious to have the date altered, because they have committed some acts of spoliation and because they have ejected some persons.

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“ Otherwise there is absolutely no reason at all why they should quarrel over this date. Meanwhile the ryots may be driven out and the inamdar may say, ‘ Yes, we have driven them out because the Legislature and the Government have expressed a pious wish in section 127 (2) but no penalty is provided. That is why we have driven out these people and we have put in other persons in their place and under the present Act, these succeeding persons get the occupancy right.’ Therefore, Sir, I am very very sorry to find that the Government have gone back upon their pledge and the Legislature also by accepting this amendment would be going back on the pledge given last time. For these reasons I strongly oppose the amendment put forward by the Government.” 1 p.m.

* Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, I really appreciate the great vehemence of my hon. Friend from Ganjam, Mr. Mandhata Patnaik, but I am afraid I must dissociate myself from what he has argued with such force and vehemence. Sir, enthusiastic as he is with regard to the provisions of this Bill, our enthusiasm should be guided by reason. Now, what is there to apprehend that between the 1st day of November 1933 and the 30th June 1934 the whole of the inams will be converted into private lands and that all tenants will be wiped out and a revolution will set in? If there is any person that is to be turned out or ejected from the land, he must be turned out by the process of law which will take time. He cannot be ejected according to the wish of the landholder. My Friend Mr. Mandhata could not forcibly neck out any tenant who is cultivating the land; he cannot forcibly eject him and push in another tenant in his place. He will indeed be an extraordinary man who within these few months is able to turn out all the tenants from the inam lands and bring in new tenants in their place or himself cultivate the land. Does Mr. Patnaik consider the tenants are such innocent creatures as to be incapable of helping themselves and that they are so very much in the hands of the inamdars that they would quietly like a lamb surrender the land to him and walk out of it? It is a phenomenon to be expected when Satya Yuga came in but not in the present Kaliyuga and under the laws and conditions we are living in. If the inamdar asks his legal dues from the tenant for whom Mr. Mandhata is so very vehement, the latter will not easily pay. The inamdar will have to get even his legitimate and legal dues through the process of law, such as suit and execution proceedings. Yet Mr. Patnaik is so much afraid that within these few months the tenant will surrender the land and walk out of it and the inamdar will exercise the high-handed power of appropriating it to himself. I cannot imagine this state of things to be practically existing. But if there are any cases of unlawful ejectment, there is the remedy provided for it. It is open to such aggrieved tenant to go to court and get appropriate relief. It is already provided there in the Act and the tenant can get the needed relief. Therefore I do not think that all the force and vehemence which my hon. Friend has exhibited is in

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any way justified against the proposed change from 1st November 1933 to 30th June 1934. No other reason has been advanced by him to show that the change is going to work to the detriment of the tenant in any way. I stand by the tenants, I stand for their rights, and in the interests of the tenants themselves it is better to pacify the inamdar and even enter into a compromise with him. I warn my friend that if we try to carry on in this spirit the legislation regarding inams, the inamdars will also know how to drive a coach and four through this Bill."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, Sir, I submit that it cannot be disputed that this amendment will have its own consequences so far as the tenants are concerned. The Hon. the Revenue Member put it on the basis that it is a matter of compromise, and on that basis he accepted the change from 1st November 1933 to 30th June 1934. The Act was passed with the date 1st November 1933. It is suggested quite vehemently by those who are speaking in favour of the amendment, especially by my hon. Friend Sir Patro that no cases of ejectment have arisen at all. If inamdars have not turned out any of their tenants, I do not see why the inamdars are anxious to have the date changed from 1st November 1933 to 30th June 1934 unless it be that between the 1st November 1933 and the date now suggested by the Hon. the Revenue Member there may possibly be cases of eviction, and these cases of eviction the inamdars do not want to undo. The amendment itself therefore proceeds on the basis of evictions having taken place and with a view to protect them. I proceed purely on that very assumption. I say that the law has laid down—I mean the previous amending Act—that from the 1st November 1933 nobody shall be liable to be ejected, and if such evictions have taken place, they should be protected. But now, I quite see the spirit in which the Hon. the Revenue Member has brought forward this amendment for a change in the date. May I proceed further, Sir, and with your permission move another amendment and that is that this date should be not the 30th June 1934 but the 30th March 1934. I shall state my reasons for this amendment. So far as the Bill itself is concerned, the first Amendment Act was referred back to the Council by a message of His Excellency the Governor and it was in virtue of an amendment that was suggested by the Governor that this provision was brought forward, in view of the possibility of eviction being resorted to by the inamdars. The Council accepted that amendment and passed the Bill in the form in which it was suggested by His Excellency about the end of March 1934. Therefore at any rate after this Council has accepted this provision there could be no reason at all why in the face of that acceptance any person should have been ejected and if he was evicted before the Act actually came into force, then of course it will be a case for protecting the tenant.

"There is still another reason which I consider very weighty in this matter and that is this. You will see, Sir, fortunately or unfortunately, the date on which the first Amendment Act came into

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force was 30th June 1934, that is the end of the fasli year. The 1st of July should be the beginning of the next fasli. Possibly in many of the contracts which would have been entered into by way of leases with the tenants, they would have provided that the tenant should give up his tenancy at the end of the fasli year. Therefore it is very easy to argue that on the 1st July or the 30th June the tenant who had cultivated the land during the previous year ceased to be a tenant. He therefore ceases to be in possession of the land because his cultivation ceased and his tenancy ceased. But every one knows that some time in February or March the cultivation season is over and the land would be left fallow for some months before the next fasli year begins. Therefore it can very well be argued that the tenant ceases to cultivate the land and ceases to be in actual possession of the land as soon as the crops are harvested, that is, in February or March. Therefore it may lead to this, that the inamdars with some show of reason may argue that on the 30th June the tenant had been ejected or had evicted himself or had surrendered the land because under the agreement he must surrender the land on the 30th June. So on the 1st July the landlord has come into possession of the land. If the amendment I propose is accepted it would mean this. As the tenant has actually ceased cultivation in March, he practically surrendered the land in March itself. The Council held its last sitting in March, about the 31st of March last, to pass this Bill. And so it would be reasonable to fix the period 'as 30th March'. Even supposing the lease agreement said that he should surrender the land at the end of the year, yet on the 31st of March he would be in possession and entitled to be in possession till the end of the year. So for these reasons and in the spirit in which the Hon. the Revenue Member suggested his amendment, I move that for the words '30th day of June 1934,' the words '30th March 1934' be substituted. I would request the House to accept the amendment."

Mr. K. P. RAMAN MENON:—"I have great pleasure, Sir, in seconding this amendment just now moved by my hon. Friend, Mr. Muniswami Nayudu. The various dates mentioned in the amendments hitherto before the House are rather bewildering and it would be better to have the date suggested by Mr. Muniswami Nayudu for the reasons he mentioned."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am afraid I cannot accept this amendment. It is true that I suggested that the Mover of the previous amendment might accept my amendment as a compromise between the point of view of the Opposition and that of the Select Committee. But, Sir, the reasons why I moved my amendment were not merely to effect a compromise. Section 127 (2) of the Madras Estates Land (Amendment) Act of 1934 runs as follows:—

'(2) No tenant in possession on the first day of November 1933, of any land in an inam village, not being an estate within the meaning of sub-clause (d) of clause (2) of section 3 of the said Act as amended by this Act, or admitted by the

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inamdar to possession of any such land subsequent to the said date, shall be liable to be ejected until the first day of November 1935. . . ."

"Now, Sir, that has not cancelled all proceedings in ejectment between the 1st November 1933 and the 30th June 1934 when the Amendment Act came into force. It only suggests that after 30th June 1934 no such tenant can be ejected until the 1st November 1935. The tenants may have been perfectly legally ejected between the 1st November 1933 and the 30th June 1934 and other tenants may have been quite properly admitted in their place. It seems to me that we cannot ignore proceedings of that kind altogether. There may be a tenant A in possession on the 1st November 1933 and he may be ejected by legal process during December 1933 and later in January another tenant B may have been admitted possibly on payment of a premium or something of that kind to the landholder. If the original date, the 1st November subsists, then what is to be done? Who is to get the kudivaram right? Is it A or is it B? According to the amendment of the Select Committee A will get the kudivaram right and B will have to be ejected. That seems to me to be an improper position for us to take up, considering that A has been ejected by legal process. It is perfectly safe to assume that there will be no legal ejectments after the 30th June 1934. And it is perfectly clear therefore that the person in possession on the 30th June 1934 as a tenant could not have been ejected by legal process after that date. So, Sir, it seems to me that I shall be perfectly in order in recognizing the alteration of the date to 30th June 1934. The date 30th of March 1934 is open to the same objection as 1st November 1933. There may be legal ejectments between the date of 30th March and the 30th June but for such persons as may have been improperly ejected, I believe, the law provides a remedy. It is for those tenants who have been improperly ejected to claim such remedies as the law provides."

1-15
p.m.

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I am glad to add a few observations to the arguments of the Hon. the Revenue Member. It is against all accepted canons of legislation to have retrospective effect given to a provision especially when vested rights and accruing rights would be affected. Mr. Patnaik has been very vehement. My submission, Sir, is that apart from the question of ejectment, existing rights also would otherwise be affected. We shall take a case of a land acquisition where the acquisition proceedings began and ended between the 1st November and the later date. Who is to receive the compensation? To give retrospective operation will lead to a legal chaos. The Government amendment cannot avoid difficulties altogether; yet it goes a considerable way towards reducing the difficulties. 30th June is the end of the revenue year and that is the time when the cultivation arrangements are made for a fasli. Therefore, the Government amendment will solve many difficulties, if not all the difficulties."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"I do not press my amendment."

The amendment was by leave withdrawn.

The Hon. the Revenue Member's amendment was put and carried.

Mr. T. C. SRINIVASA AYYANGAR:—"I do not move the next amendment."

* Mr. MAHBOOB ALI BAIG:—"I beg to move—

'Add the following proviso to clause 1 of section 6 of the Act:—

"Provided that, in relation to any inam village within the meaning of sub-clause (d) of clause 2 of section 3 which was not an estate before the commencement of the Madras Estates Land (Second Amendment) Act, 1934, but became an estate by virtue of that Act, no tenant who is not the successor-in-title of the original tenant or who has not been in actual possession of the land for a continuous period of 12 years prior to the 1st day of November 1933 acquires occupancy rights; but it shall be competent to such a tenant to acquire occupancy rights by an application made to the Collector within two years of the commencement of this Act and on payment of premium to be fixed by the Collector."

"My purpose in moving this amendment is to make this piece of legislation consistent, logical and reasonable. The chief grounds urged in justification of the change that is sought to be brought about by this legislation, are, first the assertion that at the time of the grant, there were tenants in the village and therefore what was granted by the grantor, i.e., the Government, was merely the right to collect revenue and, secondly, that a tenant was not able to prove before courts that melvaram alone was granted to the inamdar. Therefore, the Government said that it was seeking to come to the rescue of such of the tenants, who had kudivaram rights in the land at the time the grant was made on the assumption, as I said, that the inamdars were granted only the melvaram. It would be right and just, I think, Sir, that the successor-in-title to such a tenant, who may be in possession at the time of the passing of the Act, should be given the rights which the inamdars are said to have derived or the courts may have conferred. But in some cases it may not be possible to prove whether a particular person is a original tenant or the successor-in-title of the original tenant. Therefore, a time is prescribed, namely, 12 years. If a tenant has been in possession for 12 years, it may be presumed that he is the successor to the original tenant. Thus far and no further can any legislation go. What jurisdiction is there, Sir, I ask for granting occupancy rights to a tenant who may have come upon the land merely as a trespasser or a tenant for a few years, especially in view of the fact that inams have been purchased for consideration

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from inamdars, who enjoyed both kudivaram and melvaram rights. If you want to be consistent, on principle you could grant only that right which the tenants possessed, but which was denied and not that which they had not. It is not the grant of a new right, which this measure aims at, but it is only reviving a right held at the time which, owing to certain circumstances, the tenant was not able to prove. The object, in other words, is only the revival of a right which was denied to the tenant in courts or by the inamdar. In this view, Sir, why should a trespasser or any person who is in possession of the land owing to some contract or other engagement get a right, i.e., the right of occupancy which he had not. In these circumstances, unless this provision is made, you will be giving occupancy rights to a tenant who is not the successor-in-title of the original tenant but to a person who is in possession by accident. The answer of the Government to the contention of the inamdar is that the inamdar had no kudivaram and therefore cannot be said to lose any and the measure is not therefore confiscatory. Would it not be confiscatory, Sir, if you grant a right to a person who never possessed any right by divesting the inamdar who enjoyed it till the date of this legislation? Therefore, the first portion is meant to make the legislation consistent, logical and reasonable. But at the same time, the latter portion seeks to bring into line the case of such tenants who might be there on the 1st November 1933. Hence the provision that 'it shall be competent to such a tenant to acquire occupancy rights by an application made to the Collector within two years of the commencement of this Act and on payment of premium to be fixed by the Collector is necessary.' It shall be competent to such a tenant on application made to the Collector on payment of premium to acquire occupancy rights. Such a provision would certainly answer all questions that might be urged by the inamdars, and it will be consistent with the principle upon which the whole inam legislation has been based. Therefore, I commend this amendment to the consideration of this House for their acceptance."

Mr. P. PEDDI RAJU:—"I beg to second this amendment. Sir, the object of this amendment has been explained by my friend. The point is this. Quite apart from the original inamdars and agharamdars it covers the cases of several people who have purchased kudivaram and melvaram rights, not of whole inams but of small pieces of land for valuable consideration for purposes of agriculture. For some reason or another, they may have to put in a tenant who may be in possession for two or three years. So far as I am acquainted with the condition of things in my district, there has been no tenant like this for more than two years. Ordinarily, these tenants come once a year. Sometimes they let it and sometimes they cultivate it themselves. It is rather unjust that the legislature should give occupancy right to a man who has come into possession of the land for a year or so. After all,

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this conferment of right will not help the occupancy tenant, but on the other hand, it will considerably damage the condition of the inamdar.

"I will explain this. For instance, now, we have no right to go back upon the right conferred on the tenant. It has to be admitted that the present rate of rent is the proper rent. In all those cases to which we are referring, the fair and proper rent is more or less the competitive rent. That has been the case with regard to the delta land. Now the land has been in possession of the tenant. I do not think he will be in a position to pay that rent. Because the inamdar has been paying all along for the improvement of the land; he has been manuring the land at least once in two or three years, and the tenant has been paying actually nothing for the improvement of the land. If this condition of things is allowed to go on, the tenant gains nothing by the occupancy right being conferred on him. Because, the land will not be able to fetch the rent he has now agreed to pay to the inamdar. Actually, it will not give any benefit to the tenant as he will not be able to pay the rent, and his right will have to be sold for arrears of rent. He cannot do so only if the land falls in value. On the other hand, if the land does not fall in value, what the occupancy ryot can do is that he may readily sell away his right. If he cannot sell it, the inamdar suffers a great deal of loss; he will not be able to recover the rent; he will not be allowed practically to improve the land. So the condition of things will grow from bad to worse. What is the use of giving occupancy right in those circumstances? So it is but necessary that he must have been in actual possession of the land for a continuous period of twelve years to get the occupancy right. I am not very particular about these twelve years. It may be at least six years. The question is whether a man who has got into possession of the land yesterday should be given occupancy right. In fact, the original tenant who had been in possession of the land has lost all his rights, and the man who has just now come into possession of the land has absolutely no right to anything like occupancy right. In such a case, if the man thinks that he is going to acquire the right under the present Act, it is but reasonable that he should be prepared to pay some premium to the inamdar. So we thought it advisable that a premium should be paid in the case of such a tenant if he is to get the occupancy right. If the rent is high, the premium to be paid may be nominal; if the rent is low, the premium may be even two or three times the rent. But the fixing of the premium may be left to the discretion of the Collector to whom the application should be made by the tenant within two years of the commencement of this Act. So, I have great pleasure in seconding this amendment."

1-30
p.m.

After Lunch (2-30 p.m.).

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, this amendment I fear cuts right across one of the basic principles of the

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Bill. If on the date of the passing of the Act whoever is in possession acquires occupancy rights just as in the case of the zamindaris any person occupying the land at the time when the Act was passed in 1908 acquired occupancy rights, then, this amendment will substantially go against the principle of occupancy rights and therefore cannot be accepted. Again, Sir, it is said that it is the son or grandson or other successor-in-title that should have the right. In other words, the amendment proposes to create a hereditary interest in the matter of possession, which again is opposed to the principles of this Bill. Thirdly, this amendment says, if a tenant has been ejected by a legal process and another tenant has come in possession of the land even if he be there for a number of years, then with a view to acquire occupancy right, he shall have to pay compensation to the inamdar. There is no doubt some justification for such a proposal, viz., that it will otherwise be a great hardship on the inamdar. After he has taken all the trouble and undergone all the expenses in order to eject a tenant lawfully and by a process of the court, that he should be deprived of the right because this tenant has come in only just a year or two after that and therefore he should acquire that right and the landlord should be deprived of the right to eject him seems to be, no doubt, on the face of it a hardship. But many hardships have to be borne under this Act. As I remarked in speaking in opposition to my hon. Friend (Mr. Srinivasa Ayyangar) the enthusiasm with which he has carried on his amendment leaves much room in this Bill for litigation. However, as we have acceded to the principle that whoever is in possession on the date of the passing of the Act acquires occupancy right there is no meaning in suggesting that because a person has not been enjoying occupancy rights for a definite number of years therefore compensation should be paid by him to acquire the right. I may be told that it will otherwise lead to great hardship on the part of the inamdars. But when the inamdar is deprived of his right even at the very beginning as in the case of land acquired by paying full consideration or at a sale for arrears of rent after the Bill is passed, he is deprived of the right of both the varams. Therefore, when the greater right is denied to him I do not see how this smaller right could be secured to him. On these grounds, I do not think the amendment could be accepted."

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I must also oppose this amendment, which as Sir Parasuram Patro pointed out, entirely runs counter to the principles of the Bill and will render it nugatory. If a person is to get the occupancy right under this Bill with this amendment, as successor-in-title, he will have to prove direct succession from the person who was the tenant at the time of the grant perhaps two or three centuries ago. It is almost impossible for anyone to prove that he has succeeded directly from the original tenant who was in possession of the land at the time of the grant;

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and the other method by which he can acquire the occupancy right would be by having been in occupation for a continuous period of 12 years prior to the first day of November 1933. Sir, a similar suggestion was made at the time the Act I of 1908 was passed. And I should like to quote one sentence from the speech of Sir George Forbes. In introducing the Bill he said:

'The truth is there is no such thing as a common law in India as giving occupancy right by mere effluxion of time. According to that common law every man who entered upon land and cultivated it was entitled to occupy it so long as he paid the proportion of the produce exacted by the State.'

"That is the position Government take up. I am unable, therefore, to accept any provision that occupation for a definite period shall be required before the occupancy right is acquired. It also seems to me that this would be extremely difficult to work. Suppose a tenant thinks that he has got the occupancy right. Then he would take no action. After the two years mentioned here the inamdar would say, 'I have got the occupancy right. You have got to satisfy this particular proviso. You have failed to apply to the Collector within two years. Therefore you have not got the occupancy right.'

"Again the question of the record of private rights of the inamdars would never be closed. We should have to be constantly adding cases as each inamdar obtained a decision in his favour under this proviso. That would be entirely contrary to the principle on which this Bill has been framed, namely, that the enquiry should set the question of kudivaram rights at rest finally."

* Mr. MAHBOOB ALI BAIG:—" Mr. President, the Hon. the Revenue Member's opposition to this amendment is on the ground that it is difficult to work out this proviso. Is there really any difficulty? It may be that it is not possible for a tenant to trace his title to the land to the original tenant. But, that is the reason why a period of 12 years is prescribed during which, he may be able to prove, he has been in possession. In some cases it is also possible to prove that he is the successor-in-title by survivorship, by succession or by purchase. He might have purchased from the original tenant or the tenant's successors or survivors. It is not very difficult to prove that he got his title from the original tenant. He may prove that he was continually in possession for, it is said, Sir, that the failure of the tenant to apply to the Collector within two years might debar him for ever. The same difficulty will be experienced by the inamdars who may not care to apply to the Collector for a declaration that certain lands are private lands. Therefore the difficulty of working referred to by the Hon. the Revenue Member could not be urged as an argument in the matter.

"The objection raised by Sir A. P. Patro that the position of the landholder will be different from the position of the inamdar is not important. As early as 1908, when the original Act was passed, it

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was stated that if any person was in possession, he must be declared to have possessed occupancy right. The whole difficulty in the case of inams arose on account of the misapprehension of the law as far as inams are concerned. Also there is a certain lacuna in the law in this respect. It is due to all these reasons that several persons paid valuable consideration and purchased the lands. Now you are taking away the rights of inamdars who bought the lands under the impression that the vendors had the right to sell. And not only that. You are giving the right not to a person who is the successor-in-title or to a person who may be presumed to be a successor of that tenant having been in possession for 12 years but to a mere trespasser or a lessee for a year. Therefore there is no difficulty in accepting this amendment."

The amendment was put and lost.

Clause 3, as amended, was put and carried.

Clause 4.

* Sriman M. G. PATNAIK Mahasayo:—"I move—

"In clause 4 (iii), insert the following between the words "in such land" and "no tenant":—

"in a suit for eviction and the landholder has obtained possession in execution of the said decree or order".

"Sir, this sub-clause deals with the case of inamdars who have obtained a final decree in respect of a land in an estate establishing that the tenant has no occupancy right. This provision was made just to give effect to the decree to a limited extent in the Act of 1908. We have to look to the provisions of the Act of 1908 for the principles followed. There are two provisions which would enable us to see what provisions we should introduce with regard to clause 3. The first provision that I would refer to is the definition of 'old waste' in the Act of 1908. It says: 'Waste includes ryoti land in respect of which, before the passing of this Act, the landholder has obtained a final decree of a competent civil court establishing that the ryot has no occupancy right, and so long as no right of occupancy has been acquired subsequent to the date of such decree.' That means, ryoti lands in respect of which a final decree of a civil court was obtained, were treated as old wastes. What is an old waste? It is simply a species of ryoti land under the Act of 1908. Old waste no longer exists; because in the Act of 1934 that does not find a place. Now, what is the difference between a ryoti land and an old waste? An old waste can be converted into ryoti land by the payment of $2\frac{1}{2}$ times the rent payable on the land under section 46 of the Act of 1908. That means that the landholder was assured of a premium of $2\frac{1}{2}$ times the rent payable on the land. In regard to these old wastes a landholder

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who obtained a final decree establishing that the ryot had no occupancy right in the land could secure a premium of $2\frac{1}{2}$ times the rent. That is all the benefit he would get from such a decree. Now, this clause as it stands says that the landholder could deal with the land as he pleases for a period of 12 years from the date of the commencement of this Act. That is the benefit he gets. During this period he can deal with it as he pleases. Then we have to refer to section 6 of the Act. It says that, 'subject to the provisions of the Act, every ryot now in possession or who shall hereafter be admitted by a landholder to possession of ryoti land . . . in his holding.' Therefore, supposing there is a ryot who was in possession of the land at the time the Act of 1908 came into operation. Though a final decree of ejectment had been passed against him, such a ryot could acquire occupancy right. This provision was interpreted to mean that even if a final decree of ejectment had been passed against him, the ryot in possession could acquire occupancy right. We must see that there is no conflict between the two provisions, viz., section 3, clause 7 and section 6. Both of them deal directly or indirectly with final decrees. In cases where there was a final decree but the ryot was not in possession, they should be treated as old waste. If there is a final decree in ejectment but the ryot was in possession at the commencement of the Act, the ryot must get occupancy right. This distinction should be borne in mind. Here I may refer to a ruling reported in 42 Madras, 400 (P.C.) at page 406. This is from page 406 of the Indian Law 3 p.m. Reports, Volume XLII:

"The effect of section 6, sub-section (i) of Madras Act I of 1908, as amended by section 3 of Madras Act IV of 1909, came before the High Court of Madras in Corinda Parama Guruvu v. Bothasi Dandasi Padhi (1) in 1910. In that case the landlord had before the 1st July 1908 obtained a decree for possession of ryoti land against the occupiers who were in possession on the 1st July 1908, and Benson and Sankaran Nair, JJ., rightly held that—

"It is immaterial that a decree for possession had been already passed. We must, therefore, hold that the defendants are ryots with a permanent right of occupancy".

Of course they followed the Madras ruling.

"That was with reference to section 6 of the Madras Estates Land Act. Here the distinction has been made as to whether the ryot has been in possession or not. We know that the rulings of the Privy Council have been based on an erroneous view of the principle of the Act and it is to overrule those rulings that this amending Bill has been introduced. If we bear that in mind, we will come to the conclusion that the benefit that the owners of inam estates get by being in possession of the right for a period of 12 years is quite enough for them. But what is the class of land to which the benefit should be confined? It must be a land in regard to which the question was directly raised whether the ryot had occupancy right or not, whether the inam was an estate or not. The question whether an inam was an estate or not

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might have arisen with regard to the jurisdiction of the civil court and according to the rulings of the Privy Council the ryot had to prove that the civil court had no jurisdiction. Very often he failed.

"We have seen how the ruling of the Privy Council in casting the burden of proof on the tenant is erroneous and no weight ought to be attached to decisions based on that ruling unless the question had been directly raised in a suit for ejectment filed by an inamdar and settled. This amendment says that the landholder must have filed a suit in ejectment and that he must have obtained possession of the land in execution of the decree. For section 6 says that the ryot who is in occupation gets the occupancy right. If the landholder has not obtained possession, then under section 6 and also according to the ruling of the Privy Council and the High Court, the ryot who is in occupation gets the occupancy right. If this amendment is not accepted, it may happen that a finding that an inam is not an estate might have been arrived at in a suit for rent. Suppose an inamdar who did not admit that his inam was an estate and that the ryot had got occupancy right, filed a suit in a civil court. The first contention of the ryot would have been that the civil court had no jurisdiction, because the inam was an estate. The ryot would have been asked to prove his contention. Now that law has been held to be erroneous by the present Bill, because the tenant could not prove whether an inam was an estate or not; if this amendment is rejected, it will create a hardship for the tenants and it will conflict with the provision in section 6. Of course, he gets occupancy right on the date of the commencement of this Act, but there is absolutely no reason why the effect of section 6 should be curtailed by this proviso. If we bear in mind the principle on which section 6 of the Act of 1908 has been introduced, we should see that the person who is in occupation gets the occupancy right. Therefore this provision should apply only to a person who is not in occupation, that is to say a person who has been ejected in pursuance of a decree."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second the amendment."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I am afraid I am unable to accent the amendment moved by my hon. Friend, Mr. Patnaik. The underlying principle of this clause in the Bill is that we do recognize that in certain cases inamdars have obtained decrees or orders of civil courts which recognize the fact that they are in possession of the kudivaram right. We do not propose to go into the merits of these cases but to recognize that there have been such cases. It has been represented to us that occasionally lands have been mortgaged or sold since those decrees or orders have been passed and the mortgagees or purchasers have assumed that the inamdar's enjoyment of the kudivaram will not be disturbed. It is not a case where one could say to the mortgagee or the purchaser 'caveat emptor.' He may be regarded as having taken due precautions when he has ascertained that there is a decree or order in favour of the inamdar. We have not made any distinction between one class of cases and another, nor is it

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right that we should do so. From this point of view, we must treat all the cases alike whether they were for eviction or whether they were merely for rent. The question whether the inamdar had the kudivaram or not must have arisen in the case of a suit for rent in a civil court, for if he had not the kudivaram, then the suit should have been brought in a revenue court. The question whether the civil court had jurisdiction or not must have been a preliminary issue and for deciding that issue the question whether the inamdar had the kudivaram or not must have been decided. It is perfectly true that in many cases the matter may not have been disputed at all and the case might have been decided *ex parte*. However, I am afraid we are not prepared to do otherwise, for the reasons I have mentioned, than treat all the decrees or orders of civil courts alike."

The amendment was put and lost.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, Mr. Patnaik has given an amendment to the proviso to clause 4 (iii) with the principle of which I am in agreement. With your permission, Sir, I should like to move an amendment myself. I beg to move the following amendment to the proviso:—

'After the word "deemed" in line two of the proviso, insert the words, "during the said period of twelve years or any part thereof".'

The proviso safeguards the validity of agreements between landholder and tenants subsisting at the commencement of this Act from the effect of new sub-section (5) of section 8. It was intended, of course, that that proviso should have effect only for the period of twelve years mentioned in sub-section (5) itself. It is for that reason that I accept the principle of Mr. Patnaik's amendment and I have suggested this method of expressing it in the Bill."

Sriman M. G. PATNAIK Mahasayo:—"I second the amendment."

The amendment was put and carried.

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I move that in sub-clause (iii) of clause 4, the following new sub-section after sub-section (5) of section 8 be added:—

'(6) If after the commencement of the Madras Estates Land (Second Amendment) Act, 1934, the landholder in an estate within the meaning of sub-clause (d) of clause 2 of section 3, purchases the kudivaram right in any land for valuable consideration either by private contract or at a sale for arrears or rent and cultivates it himself by his own servants or by hired labour with his own or hired stock for a continuous period of twelve years from such purchase, he shall, notwithstanding anything contained in sub-section (9) of section 185-A and the other provisions of the Act, be entitled to apply to the Collector and have such land recorded as his private land'

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"Sir, the object of the amendment is plain and the amendment speaks for itself. If an inamdar purchases land *bona fide* for cultivation by himself and continues to cultivate the land for twelve years he must be in a position to apply to the Collector and have that land added to his private land although he does this after the lapse of two years mentioned in this Bill. I commend this amendment to the acceptance of the House."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, by this amendment we will be introducing the old provision contained in the exception to section 8. The object seems to be not merely to have all private lands registered as such, but to allow inamdars to continue to acquire more private lands in future also. You will see, Sir, that there will be no justification for allowing the inamdar to purchase lands from the tenant except according to the provisions of this Bill. Trying to create new rights for the inamdar by saying that because he purchases the lands, they should become his private property, will be practically trying to get over the principle of the Bill, namely, that in respect of lands which are now not private lands, occupancy rights must inhere in the tenants, and that the inamdar could take as much premium as he likes when he lets a man on the land for cultivation. If this amendment is accepted, every conceivable method will be employed to purchase land and add to the private lands that the inamdars at present have and thus they will prevent occupancy rights from inhering in any person who may be let in."

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"You will see that in the Act of 1908 there is no provision at all for private lands being acquired or being created hereafter. The amendment as it is would apply to all inam villages whether they are estates now or will be estates hereafter and the landholder who purchases the kudivaram right of a land can have that land recorded as private land."

* The Hon. Sir ARCHIBALD CAMPBELL:—"For the reasons explained by Mr. Muniswami Nayudu I must oppose this amendment. As I have already stated, the principle is that in these inam villages as in the case of zamindaris, 'private land' should be settled once and for all and we should not allow any additions to be made hereafter. If a land is once recognized as ryoti land, it continues to be ryoti land and there is no reason why the inamdars should be given any special privilege of converting ryoti land into private land. If ryoti land passes into their possession, they will have the same privileges with reference to that ryoti land as the zamindars have now with reference to any ryoti land which passes into their possession. That is to say, they can cultivate it themselves or if they like they can allow a ryot to occupy such a ryoti land and they are then entitled to claim a premium, that is to say they can practically sell the kudivaram right to the ryot. I must oppose this amendment."

The amendment was put and lost.

Clause 4 as amended was put and carried.

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Clause 4-A.

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I beg to move the following amendment:—

'Omit clause 4-A of the Bill, i.e., section 23.'

The clause runs as follows:—

'Where in any suit or proceeding it becomes necessary to determine whether an inam village or a separated part of an inam village was or was not an estate, within the meaning of this Act as it stood before the commencement of the Madras Estates Land (Second Amendment) Act, 1934, it shall be presumed, until the contrary is shown, that such village or part was an estate.'

It is difficult to comprehend what could be the cases which are intended to come within this clause which enacts a special rule of evidence having retrospective operation. This is an extraordinary provision. There is clause 3 providing for retrospective operation for vesting occupancy rights in tenants on a date prior to the coming into force of this Act. The section is in very wide and general terms. Many other rights would have been validly acquired and lost when this Act was not in existence. To enact a clause like this retrospectively affecting rights is likely to create confusion. I feel bound to move that the clause be omitted. If such a provision is required, it is necessary to specify the categories in regard to which retrospectively rights should be given or taken away. If this clause is retained, it may create very many complications; the provision as it stands, is not sound; therefore I move for the deletion of section 23 which is clause 4-A of the Bill."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* The Hon. Sir ARCHIBALD CAMPBELL:—"I must oppose this motion; I am unable to see to what difficulty this provision will lead. It will affect any suits now going on; by a later clause we make this Act applicable to such suits, when they come up for final decision. This is a very important provision and it is essential to correct what we regard as the difficulties caused by the Privy Council ruling of 1st July 1918 which altered the previous view of the law held by the Government and by the courts that the burden of proof lay upon the inamdars. This section merely reproduces what was the old view taken by the Government before the Privy Council ruling was given and the Government make it applicable to future suits and proceedings and by another section make it applicable to cases now pending."

* Rao Bahadur Sir A. P. PATRO:—"I do not understand what is the difficulty which the hon. Mover feels. The decisions of courts created confusion in the matter of evidence. The decision of the Privy Council was with regard to a particular case. But there are general observations in that case and there is a great deal of confusion. It works a great hardship on the tenant. The provision in the Bill is to the effect that until the contrary is shown, the inam village or the part is an estate. It places the matter beyond all doubt, and no room is

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left for future litigation, it stops both the inamdar and the tenant from going to Court. As we all know, the Privy Council decision has created great deal of confusion in the matter of the burden of proof before law courts; therefore it is necessary that some step should be taken in order to standardize or stabilize the law and procedure in the matter. This provision has been introduced with a view to give certainty to decisions in future, though hard as it may seem according to the Law of Evidence; a new Law of Evidence is sought to be created by this Legislature; I do not see any objection whatever to the acceptance of this provision."

* Sriman M. G. PATNAIK Mahasaya:—"Section 23 merely states that these inam villages should be treated as estates and it was agreed; it was also agreed that the burden of proof should be cast upon the inamdars to show that they own kudivaram right also. Even the hon. Mover of this amendment stated in a previous amendment that the provision of law as to the burden of proof may be restored. So he accepts the principle of section 23 (clause 4-A). Now he turns round and says it should not be so. On other grounds that amendment of his could not be accepted; if that amendment is accepted, it will lead to litigation, which it is the intention of the Legislature to put an end to. It goes to the fundamental question whether the ryot should be presumed to hold the kudivaram right or not; all these presumptions are not arbitrary; they are based on some principles. Now, not only in this Presidency but in the whole of India the principle is accepted that the cultivating ryot is the owner of the soil; the Government as well as its assignees, the inamdar and the zamindar have only the right of collecting the revenue. That is the principle that has been accepted in this Presidency for a very long time past. It has been accepted by Sir Thomas Munro, Mr. Subrahmanya Ayyar and others. If that principle is accepted, there is absolutely no objection to this clause being retained."

The amendment was put and lost.

Clause 4-A was put and carried.

New clause 4-B.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I beg to move the following amendment:—

'After clause 4-A, insert the following clause:—

"4-B. To section 28 of the said Act, the following proviso shall be added, namely:—

'Provided that in the case of an estate within the meaning of sub-clause (d) of clause (2) of section 3, the rent or rate of rent lawfully payable by a ryot or tenant on the first day of November 1933 shall be presumed to be fair and equitable at the commencement of the Madras Estates Land (Second Amendment) Act, 1934, until the contrary is proved.'"

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Section 28 of the Madras Estates Land Act is as follows:—

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'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.'

Doubts have been raised in the minds of some of the inamdars whether in view of the decision of the Madras High Court in 1915, Madras Weekly Notes, 813, this section 28 is applicable to a case where a tenant acquires a right of occupancy for the first time under this Bill; and it is in order to set at rest that doubt that we propose this amendment. It is consequential really on the new sub-section (5) of section 8 of the Madras Estates Land Act."

Mr. G. T. BOAG:—"I second it."

The amendment was put and carried, and new clause 4-B was added to the Bill.

Clause 5.

Clause 5 was put and carried.

Clause 6-A.

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, we now come to that part of the Bill which deals with procedure. Clauses 6-A to 6-H all deal with the procedure and incidental questions, special rules with regard to evidence, etc. The provisions contained in this part of the Bill are as important as the substantive provisions which are dealt with in other portions of the Bill. I move that clause 6-A be omitted. It is recognized that the definition of private land in Act I of 1908 is insufficient in respect of inams, so an enlarged definition has been adopted. The inamdars' contention is that even the new definition cannot cover all the cases justly deserving protection. A new procedure has been adopted for the purpose of getting a record of private land. It is unnecessarily stringent. The principal objection, as I pointed out yesterday, is that the inamdars are compelled to register within a particular period and that if the land is not included in the register within that period, there should be more opportunity for the purpose of proving it to be private land or including it in the register. I consider that the provisions are drastic and in effect penal. Therefore, I desire that the provisions contained in the existing Act regarding the registry of private land which are applicable to the zamindars should be made applicable also to the inams. No new procedure need be introduced, especially when such a new procedure introduces a penal clause, viz., that after two years there shall not be any entry whatsoever. Therefore, Sir, I move that clause 6-A of the Bill be omitted."

Mr. P. PEDDI RAJU:—"Sir, I second the amendment. One other ground I wish to mention is that in the Estates Land Act certain provisions have been enacted to prove that certain lands are private lands, and the provisions that are brought forward in this Bill are more stringent in respect of certain classes of evidence. So far as the

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present Bill is concerned, the muchilkas and other contracts are not evidence; but the method of treatment of the land so far as private land is concerned, is treated as evidence. Why should the inamdars be in a worse position in letting evidence on the question whether a land is private land or not? There is absolutely no reason why the position of a landholder under an ordinary estate should be preferred to that of an inamdar under the present amending Bill. That is one of the reasons, Sir, why I support this amendment. The distinction sought to be made in clause 6-A should not be accepted, and therefore the clause should be deleted."

* Sriman M. G. PATNAIK Mahasayo:—"With regard to the record of rights of the inamdars in respect of private lands, certain provisions were made I think mainly at the instance of the inamdars themselves. The inamdars complained that practically there were no private lands in any inam village within the meaning of Act I of 1908. No doubt some lands were called private lands, but they were not private lands in the sense in which private lands were understood in the Act of 1908. The definition had to be made more comprehensive just to secure to the inamdars or the owners of inam estates certain rights in the lands which were in their cultivation for a long time. Therefore private land so far as it applies to estates other than inam estate, is not practically the same as private land in inam estates. No account was ever maintained to show that any land was private land, and therefore what was to be done? If things were left there, there would be a lot of litigation in respect of the whole village. Therefore I think it is the duty of the legislature as well as of the Government to see that there is no scope left for such litigation and that is the reason why the definition was widened. At the same time, provision was made for a record of rights being prepared, so that after a particular period there might be no fight between the ryot and the inamdar as to what was private land and what was not. Whatever is registered within that period as private land will be practically the absolute property of the inamdar, and in regard to the other lands of the inam village, the ryots will have occupancy right. Therefore it was done more for the benefit of the inamdars themselves and on their complaint that there was no private land within the meaning of Act I of 1908. Now again, they come forward and say that this is a great hardship to them. What they will do is this: if the record of right is not prepared immediately, they will go on creating evidence. The ryots can be no match to them in any fight in a court of law, and they can create any amount of evidence. We know that ryots in the estates, especially in inam villages, are very ignorant and any amount of evidence can be created against them; and there will be time for these inamdars to create such evidence hereafter. I think in one case—45 Madras Cases, 586—the Privy Council observed that there were a number of muchilkas forced by the inamdars to eject their tenants. The case went from the High Court to the lower

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courts thrice or so, and then ultimately it went up to the Privy Council. It is quite possible, as most of the inamdars are marksmen, that they can easily prove their case; and in many cases it will be impossible for the inam ryot to fight the inamdar in a court of law. Therefore, to put a stop to all that, it is necessary that there should be an enquiry as early as possible to determine what lands are private lands, so that there may be no litigation. Therefore, it is a great surprise to me that the inamdars or anybody on their behalf should now come forward and call in question the provisions which were introduced more on their own complaints and to redress the grievances which they put forward.

"Then with regard to the question of evidence, that is also explained here not only with regard to inams but with regard also to estates. When the question of occupancy right was in issue, such expressions were treated as of no evidence because of the inequality of the position of the ryot and the landholder. In many cases we find courts of law do apply such rules of evidence in regard to any suit between the zamindar and a ryot; and naturally one may say that the inamdars being more intelligent than the zamindars . . . (Mr. T. C. Srinivasa Ayyangar: 'Oh!') Yes, certainly; what doubt is there about it? The inamdars are more educated, more learned and several of them are lawyers, very influential, and they occupy most of the high offices in the land. That they are more intelligent than the zamindars there is no doubt. Therefore, Sir, if such a presumption was drawn against the zamindars, it ought to be drawn with greater force, I think, against the inamdars."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, my hon. Friend Mr. Patnaik has explained the reasons that led the Government to suggest this solution of the difficulty. I was certainly given to understand that practically no inamdars possessed any private land within the definition of Act I of 1908. If I recollect correctly, in the Select Committee my hon. Friend Mr. T. C. Srinivasa Ayyangar stated that in the Ramnad district there are some cases of inamdars having pannai land. We have therefore retained the old definition of private land and extended it as in the Bill. It was also strongly impressed upon me that section 185 was not of the slightest use to the inamdars, that none of them ever let any land specifically as private land, and that the safeguard left in the old Act was of no use to them whatsoever. It is for this reason that we have devised this new method by which we have an enquiry made by the revenue officials and the Inam Commissioner who is a Member of the Board of Revenue, to settle once for all what shall be 'private land' in the inam villages; and we have also specified what may be regarded as private land for that purpose. I submit, Sir, if we carry out this new scheme which is provided in the Bill it is quite unnecessary to retain the alternative scheme which is embodied in the Act as regards zamindars in sections 182 to 185, as the inamdars' rights to private land will be determined by the procedure which we have laid down in this Bill. The details of the scheme will presumably be dealt with later on."

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* MR. T. C. SRINIVASA AYYANGAR:—“ Mr. President, Sir, in view of the observations made by my hon. Friend Mr. Mandhata Patnaik, I think it is incumbent upon me to make a few remarks to dispel misconceptions which may otherwise prevail. He made an observation as if the inamdars’ representatives were agreeing parties to the scheme that emerged out of the Select Committee. Nothing can be further from the facts. My hon. Friend Mr. Muniswami Nayudu who sat in the Select Committee will bear me out, I do not think I am divulging any secrets of the Select Committee. The published minutes of the proceedings of the Select Committee would show what really transpired. Ever since last year the inamdars were crying that their rights were in jeopardy and that the provisions in the Bill which were confiscatory of their rights should be eliminated or substantially modified. When the Select Committee met for the consideration of the Bill, it was expressed that an informal discussion would be advisable, so that points of view may be exchanged and, if possible, a solution safeguarding the rights of both the parties and agreeable to all concerned might result. Sir, what could be the hope for, or what was the state of dispute in regard to which such a hope or a desire could have been expressed? The inamdars were feeling that their rights were very much prejudiced by the Bill even as it was, and that their rights were sought to be taken away. Whatever might have been the accepted view as regards the rights of zamindars within zamindaris, namely, that ordinarily the zamindars were only owners of the melvaram right alone, such is not the case in inams. It is well known that in inams, the inamdars hold both the varams in numerous cases. The attempt to talk over the matter informally was to secure, as much as possible, the inamdars’ rights and not to part with them. Even the Bill sought to place the inamdars on a par with the zamindars. The next day some of the members of the Select Committee met for an informal talk. The Hon. the Revenue Member also attended. He propounded a scheme which was somewhat different from what eventually emerged from the Select Committee. When the Select Committee met the next day, it was taken up for discussion. Mr. Venkatarama Ayyar led the discussion from the point of view of the inamdars. When dealing with the very first item that all inam villages should be estates, he clearly expressed that his acceptance of this clause was dependent upon the committee agreeing to include in the record further categories of land in which the inamdar had both the varams, so that his undoubted rights could be safeguarded. The Mover, the Hon. the Revenue Member, also stated that it was open to every member of the committee to alter the scheme by amendments which he considered appropriate and that any member might say at the end after the scheme had developed, whether he agreed to the whole scheme or not. The discussion went on. Hardly any substantive amendment of the inamdars was accepted by the majority of the committee. Even the amendment which bodily reproduced the provision contained in the Bill of 1931 regarding the vested rights of

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the inamdars was rejected. Similarly, other amendments which were urged to safeguard the inamdars’ rights were also rejected. We expressly stated in the Committee that we could not agree to the scheme. We would have welcomed any approach towards meeting our difficulties, but our rights were very much cut down and the procedure adopted made it difficult to prove even the narrowed rights. It is not correct to say that the present scheme of registration with all its implications, its penalties and its peculiar rules of evidence, were agreed to by us.

“ Now, Sir, going into the merits of the subject-matter of the amendments, I say there is no need to devise a new procedure applicable to inamdars. Once it is enacted that the inamdars like zamindars can own full rights in private lands and when the enactment defines what is a private land in zamindaris and what is a private land in inams, the procedure contained in sections 182 to 185 would automatically be allowed to apply. No distinction need be made in procedure for registering, between zamindars and inamdars.

“ It has been frequently stated that litigation should be avoided. Does the way to avoid litigation lie in compelling the inamdars whose number is in lakhs to apply for registry?

“ When rights are defined and made plain, the inamdars and tenants should be trusted, in their common sense and self-interest, to respect and recognise, the rights so defined. The inamdars can be expected to be reasonable and not to unnecessarily and unjustly deny the tenants’ rights.

“ The inamdars are said to be intelligent and capable people. If so, they will surely realise that to deny unjustly, would land them in a costly litigation in which they are not likely to win in the face of the double and treble onus of proof cast on them. I submit the whole scheme of this procedure is wrong; the original Bill is much better.”

The amendment was put and lost.

The Hon. the PRESIDENT:—“ Clause 6-A is for the vote of the House.”

The motion was carried.

Clause 6-B.

* MR. T. C. SRINIVASA AYYANGAR:—“ Mr. President, I move that in sub-section (1) of section 185-A, the words ‘ within two years of the date of the commencement of the Madras Estates Land (Second Amendment) Act, 1934 ’ may be omitted.

“ I do not intend to make a long speech, because I have already made the position clear that even if registry should be of a compulsory character, the two years limit may be avoided, so that people may come at any time and get a registry if they can support their claim by good proof.”

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Mr. K. A. NACHIAPPA GOUNDER:—"I second it, Sir."

The motion was put and lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I move—

In sub-section (2) of section 185-A, omit the words "A copy of the application and notice shall also be published in the district gazette."

"It may look odd if any provision for notice is sought to be deleted; however it is not really so in this case as I will show. There are provisions for the service of notice, otherwise in the Bill. The publication of the application and notice in the official gazette will be costly; and the gazette is not read widely. The non-publication in gazette may not seriously inconvenience but the obligation to publish in this manner will add to the inamdar's difficulties. Perhaps they will have to pay court fee and other incidental charges, not to mention, that they may have to pay the costs of the other side, if they fail. If the Government would be good enough to see especially when registration of a compulsory character is enacted in a piece of legislation—that the notice and the application are published in the district gazette without any cost, it will be in public interests and there will be no objection."

Mr. K. A. NACHIAPPA GOUNDER:—"I second it, Sir."

p.m. Diwan Bahadur B. MUNISWAMI NAYUDU:—"If it is the request of my hon. Friend that it should be published free of cost, I would join with him in that request. Anyhow, Sir, I think that the provision is absolutely necessary because the scope of the provision is that once a decision is made it becomes final and conclusive and cannot be revoked. The proceedings are started by the landholder himself and it is for him to see that the villagers and the tenants or the persons named in the application to whom the notice should go, have notice of it. Though certain persons only are named, the effect of the proceedings once they are completed and the registry is made, is that they are binding on all persons connected with the land. It is therefore necessary that as wide a publicity as possible should be given. The provision that the publication should be by beat of drum and by publication in the village chavadi could not be sufficient in respect of people who are living elsewhere and rely only on some kind of gazette for purposes of notice. It is therefore necessary in view of the conclusiveness of the nature of the proceedings for all concerned that some such publication in the district gazette should be made."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, for the reasons given by my hon. Friend, Mr. Muniswami Nayudu, I must oppose this motion. I would point out that even a proclamation of sale for arrears of rent has to be published in the district gazette, and this is surely a far more important a proceeding than a mere sale of a small portion of land for arrears of rent. It is to my mind essential that the application and notice should be published in the district gazette so that

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they may be as widely known as possible. I am afraid I cannot undertake to promise that the Government will publish all these applications and notices free of cost."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, the Hon. the Revenue Member has been good enough to rely upon the reasons given by Mr. Muniswami Nayudu. I hope he will also rely upon the reasons he gave for waiving the cost and will be good enough to consider that matter. One thing I may say with reference to this matter. It is not that the inamdars will be averse to publishing it, not that they object to have any publication made, and to give the matter the widest possible publicity. There may be hundreds of cases in which there is no dispute between the inamdar and the tenant's difficulty and yet for reasons of public policy the inamdars are called upon to make an application and get their private land registered. Now this legislation is forced upon them and the Government may show some concession, at any rate, that these notices and applications are to be published in the gazette without cost. I hope the Government will consider this aspect of the matter."

The amendment was put and lost.

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I beg to move—

that in sub-section (5) (b) of section 185-A, explanation (ii) may be omitted.

"The explanation is this: 'Any expression in a lease, patta or the like to the effect or implying that a tenant has no right of occupancy or that his right of occupancy is limited or restricted in any manner, shall not be admissible in evidence for the purpose of proving that the landholder had the kudivaram in the land concerned at the commencement of the tenancy.' Now, Sir, I have never known of a provision in which a material class of evidence, perhaps the only class of evidence which is likely to be available and which can make out the origin of the tenancy, or the existence of the right in one party was sought by one stroke of the legislative pen to be taken away. Now, what is the foundation for damping this whole kind of evidence? In agricultural villages, if a person not having the right to the kudivaram is let in and asked to cultivate either for a year or a number of years, then oftentimes the landholders take muchilikas or kararnamas from them or enter into lease deeds or similar documents. Now where is the foundation for saying or what is the evidence upon which it can be said that this class of documents should be done away with for purposes of evidence? By what other means can the inamdar reliably make out the origin of his claim, namely, that at the beginning of the tenancy he had the right to both the varams, if these are taken away? There will be hardly anything to rely upon if these are taken away. The onus of proof is upon him in a variety of ways. His rights are curtailed by the definition of private land within the four categories mentioned. A procedure by which he is bound to apply for registry within two years and not afterwards has been laid

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down. He is also debarred in effect from giving evidence from a reliable source. The only papers from which in the vast number of cases these people can make out their rights are not allowed. In what way can justice, that attenuated justice which is available to the inamdar in this Bill be done to him? Sir, the provision in the Bill is unprecedented and is in glaring contrast with sections 182 to 185. Look at those provisions. Ordinary ways of proof to make out 'private land' are available to the zamindars. There are no special rules of evidence and no shutting out any particular classes of documents. Section 183 (2) says: 'Notwithstanding anything contained in any agreement or compromise, the Collector shall not record any land as the landholder's private land, unless it is proved to be such by satisfactory evidence.' Again section 185 says: 'When in any suit or proceeding it becomes necessary to determine whether any land is the landholder's private land, regard shall be had to local custom and to the question whether the land was specifically let as private land before the first day of July 1898 or in the case of any estate within the meaning of sub-clause (d) of clause (2) of section 3, before the first day of July 1918, and to any other evidence that may be produced but the land shall be presumed not to be private land until the contrary is shown.' In those sections no relevant evidence is shut out and the whole field of evidence is available to the landholder, and nothing is prohibited. The provision in this Bill is in striking contrast. I wonder why the inamdar should be dealt with in an utterly different way to his total prejudice."

Mr. K. A. NACHIYAPPAN GOUNDER seconded the motion.

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I am afraid I must oppose this amendment. This explanation does not exclude altogether the production of leases, pattas, etc., as evidence. It only makes it clear that an expression in such a lease or patta to the effect that the tenant has no right of occupancy or that his right of occupancy is limited or restricted in any way is not admissible for the purpose of proving that the landholder had the kudivaram right in the land concerned at the commencement of the tenancy. If by other evidence the landholder can prove that he had the kudivaram right at the commencement of the tenancy, then this explanation would not debar the production of such evidence to show that he has retained the kudivaram which he had possessed at the commencement of the tenancy. It is well known that in pattas, etc., expressions are often included indicating that a tenancy is only for one year or something of that sort. The ryot accepts these deeds. He is ignorant and illiterate generally and he does not worry about such matters. And it is not fair that we should permit these documents to be produced in evidence against him to prove that he never had the kudivaram right unless the inamdar proves in the first place that he had the kudivaram right at the commencement of the tenancy."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, the explanation of the Hon. the Revenue Member in reply to the remarks of the hon.

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Member for Ramnad is not convincing. If in the case of zamindaris it was not thought necessary to alter the rules of evidence why in the case of inams alone a different procedure should be adopted which will override the provisions of the Evidence Act, is a thing I am not able to follow. It is suggested that in the case of inam tenants it is possible that the tenant himself being illiterate, may not know his rights. But it must also be known that in the case of many of these inams, difficulty has arisen regarding their original title. As a matter of fact the need for legislation on this point as has been pointed out, has arisen from the fact that the original title to these inams is not clearly known. It is not known whether originally the inamdar had both the varams or only the melvaram. It is only for the purpose of clearing the situation that this piece of legislation has been brought forward. If it is difficult for people to know how the inam started, how is the inamdar to prove his title to both the varams? Then he will have to fall back on other pieces of evidence. It is not possible either for the inamdar or for the tenant to know how the inam started and whether the inamdar had both the varams. But it is possible to find out from lease deeds and muchilikas whether the parties recognized the existence of both the varams or only one varam in the inamdar. In some cases it will be possible for the inamdar to prove in a court that he had both the varams vested in him and that it was recognized by the tenant. He can prove all this because he finds in many documents regarding leases that both the varams vested in him and that it was recognized by the tenant. It may be that it would be conclusive evidence. It is for the court to decide whether they are going to rely on such evidence. It is open to the court to say that it will not accept the evidence that has been as it were set up by the inamdar as against the tenant and the illiterate tenant not knowing his rights had accepted such terms. To make a sweeping statement that in all cases there should be a presumption that all recitals recognizing the rights of the inamdar to both the varams should be set aside merely because in the case of inamdars this Legislative Council wants to make a presumption against them is not the fair way of dealing with the subject. If it is contended that the inamdar may take advantage of a situation, it is open to the Legislature to lay down a procedure stating in what way the proof should be given, but to say that a certain proof which in every way would be legal proof should be shut out from a court of law is trying to take jurisdiction on a question of procedure which should ordinarily be left to a court of law. By this amendment the Legislature is taking power to lay down a rule of procedure which ordinarily a court of law would be the best authority to decide upon. It is putting the weight the other way and in a matter of such a controversial nature where we want to clear the situation, I think we would be acting unfairly if we try to set aside the ordinary rules of procedure. I therefore support the amendment moved by the hon. Member for Ramnad."

* Sriman M. G. PATNAIK Mahasaya:—"Here we are concerned with some documents and their evidentiary value. The ryot may know his

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rights. But so long as he continues in the possession of his holding, he does not care to know the contents of his documents. Whatever the inamdar says he does it. Even if the document is read out, he may not understand its contents. So, when the position is one of inequality, such documents should not be given any weight, which they ordinarily would have if left to the courts in the absence of any other evidence. It is a question of balance of evidence in civil courts. If no other evidence is adduced and if that is the only piece of evidence and it is proved on behalf of the inamdar, the court would say 'I accept the balance of evidence.' So, if power is given to courts to decide about the right of occupancy at the commencement of the tenancy, it will work great hardship. Such views were expressed not only by Sir Archibald Campbell but also by Mr. Forbes. In his speech introducing the bill which resulted in the Act of 1908, Mr. Forbes stated that in view of the inequality of the position, as between the landholder and the ryots, such documents should not be taken as evidence or admissions against the tenant. Therefore, it is but right that such evidence should be excluded. If it were left to the courts, they will say there is evidence. If the document is produced, it might have been executed by somebody sometime ago and the ryots cannot adduce evidence to show that they are not genuine documents. In view of the inequality of the position, it is desirable that such evidence should be excluded. If other evidence is adduced to show that the ryot had no occupancy right at the commencement of the tenancy, that is a different matter. There will be no hardship at all there. Such presumption was referred to in the speech of Mr. Forbes in introducing the bill and the courts also relied on such evidence. Well, it is dangerous to leave it to courts because individual officers will take different views. There will be no uniformity. Therefore, to secure uniformity, it is necessary to introduce such a rule. So it is but right that such a thing has been done."

Mr. T. C. SRINIVASA AYYANGAR:—"I desire to say only a word or two. I am surprised at the remarks of my hon. friend that it is dangerous to leave it to courts of law to adjudicate these disputes. I wonder how he could develop such a sense of respect for the capacity of courts to discover justice and administer justice. It surprises me. The hon. Mover has stated that pattas are printed on a large scale and similarly these other documents, with all sorts of terms and are given to the ryots and are applicable irrespective of the fact that some terms may or may not be applicable. If the assumption were true, that can take place only in zamindaris with many villages owned by a single landholder having innumerable ryots. I ask whether inams—personal inams—are held in that way. Each inam village is distinct from another. They are scattered units. Each one further is partitioned and subdivided, so much so that there are tens of thousands of inamdars, each of them having a small extent with a very few tenants. Would the argument of wholesale printing of pattas containing inapplicable conditions exist under these circumstances? The zamindari tenants are not very enlightened people

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nor has education made such great strides, among them. Nor are the inamdars' tenants so ignorant. The Hon. Revenue Member's argument may show a case against the zamindar, but not against inamdars. It must be left to courts of law, who get through the evidence and weigh the evidence due regard being had to all the attendant circumstances in each case. The explanation that Mr. Patnaik gave in support of this extraordinary provision for which there will be no parallel anywhere is simply astounding."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—"In consequence of the rejection of the previous amendment, I wish to move a few minor amendments to remove if possible the hardship that would otherwise be felt—

'In explanation (ii) of sub-section (5) (b) of section 185-A—

"(a) Omit the words 'or the like';

(b) for the words, 'admissible in evidence' substitute the words 'conclusive evidence'; and

(c) omit the last words 'at the commencement of the tenancy.'"

Explanation II puts in "any expression in a lease, patta or the like." It is a very large order. What will come in the compendious expression "or the like?" Is it a very specific expression which will denote any particular class of evidence and, if so, what? It is a loose expression of an indefinite character. Then if the courts cannot be trusted to deal with all relevant evidence, how can they be trusted to interpret this indefinite phrase which may mean anything and everything? What is the meaning of "or the like?" I submit in a statutory enactment, such an expression is open to serious objection. The other expression is "shall not be admissible in evidence." This does not give any discretion to the courts. Whether the courts, in particular circumstances, left to themselves, would attach great value or no value, they must reject the documents, as inadmissible. Assume an honest and knowing and enlightened tenant and a thoroughly honest and straightforward landlord, had entered into a transaction of lease. Even then, the courts instead of relying on the documents will have to reject them. The provision in the Bill is not at all good. On the other hand, if the Bill were to say 'Don't make it the conclusive evidence' it would be more appropriate. Ordinarily when documents between the parties or their privies are produced in courts, they are treated as very good pieces of evidence until the contrary is proved. Very good evidence will have to come to rebut them. Similarly also with regard to "at the commencement of the tenancy." It is for the purpose of proving that a particular land is a private land. Private land has already been defined as land continuously cultivated by the inamdar with his own labour or hired labour, etc. Domain land has also been defined. Often times, these leases and other documents referred

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to, will be necessary for the purpose of proving what the origin was. To shut them out will be to shut out evidence for all practical purposes. Therefore, I move that the amendment be accepted."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Having regard to the vote of the House on the previous amendment, I do not think, Sir, I need say much on this amendment. The Hon. the Revenue Member explained the scope of the explanation which is very much limited. It is not that pattas and leases should not be admitted at all but only for showing that at the origin of the tenancy, the inamdar has no occupancy right. It is for that purpose alone. Supposing at a later date you want to prove that the tenant had no occupancy right, it will not be inadmissible. It is only for the purposes of tracing the origin that this should not be used. The very object of this clause is restricted to prove the origin of the tenancy. Suppose there has been a tenant who continued for a number of years and you produce leases at an interval and then adduce that he had no occupancy right on that particular day when the lease was executed. Then it will be admitted. But it should not be used as absolute evidence or conclusive evidence. All that it provides is that any condition or promise in a lease or any written document which states that at some anterior period there was no occupancy right, cannot be admitted for the purpose of showing the origin of it. But it will be admissible otherwise. Then with regard to the words 'or the like' when combined with 'leases and pattas,' it means those that are connected with them. I do not think it may be used for the purpose of referring to any other documents. They must be only documents having some relation between the landlord and the tenant. I do not think, Sir, the words 'or the like' will lead to any difficulty in regard now. If the clause were to stand without the words 'at the commencement of the tenancy'; it cuts at the spirit of it. So, the other amendments would not become relevant."

The amendment was put and lost.

4-30 P.M. * The Hon. the PRESIDENT:—"Consequent upon the vote of the House on the previous amendments, Mr. Nachiyappa Gounder's amendment cannot be moved."

Mr. T. S. RAMASWAMI AYYAR:—"If the Hon. the President will read the amendment, he will find that it proposes a distinctly different issue from the other amendments already moved."

* The Hon. the PRESIDENT:—"That principle also has been voted upon."

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I now come to another set of provisions which have been made in this section. One of them is that

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an appeal can be made to the Inam Commissioner. I desire that instead of the Inam Commissioner being the appellate authority, the Board of Revenue should decide the appeal. I therefore move—

'In sub-section (6) of section 185-A, for the words "Inam Commissioner" substitute the words "Board of Revenue" wherever they occur.'"

Mr. K. N. NACHIYAPPA GOUNDER:—"I second it."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, I must oppose this amendment. I do not know what is the object of the Hon. Member in substituting the Board of Revenue for the Inam Commissioner. The ordinary work of the Board of Revenue is generally disposed of not by all the Members but by one Member. The effect will exactly be the same. Such things would generally be dealt with by the Inam Commissioner. The inam records are in the custody of the Inam Commissioner as such and not as a Member of the Board of Revenue. That is why the Inam Commissioner has been designated as the appellate authority."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I move—

'In sub-section (6) of section 185-A, omit the words "subject to the provisions of sub-section (8)."'

The importance of this amendment consists in this. If for reasons of public policy private land should be got registered within a particular time, and thereafter there should be no occasion for addition to the same; reason requires that the record should be unquestionable by any party afterwards so that a reference can always be had as to what lands are private lands. It was said that there might be tenants who were ignorant of the inclusion of a certain land, and that they must not be deprived of the opportunity of saying that there was a wrong inclusion. Hence the provision in the Bill allowing objection to an inclusion. This is wholly one-sided. There may be cases where the inamdar may not be in a position to know that a certain land was omitted in the register. This is more likely in view of the undoubted fact that an inam village is seldom held by a single individual. Several families with absentees, many co-owners, alienees, mortgagees, etc., often own in small shares. A number of them may be away from the place, and the man on the spot may not take care of their interest. Thus a mistake might be made and omission resulted. Equity requires that there must be a provision to rectify an unjustifiable omission or an omission which took place for no fault of the inamdar. There must be the same opportunity for both parties. Either there must be an end to further reopening for both parties, or if the matter is to be reopened at the instance of one party, it must be open to the other party also to reopen the case. That is not the case in the Bill, which contains only an one-sided provision to the prejudice of the inamdar. My first amendment therefore is that any reference to the provisions of sub-section (8) be omitted."

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Mr. K. A. NACHIYAPPA GOUNDER:—" I second it."

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I must oppose this because we want to retain sub-section (8). My hon. Friend's arguments seem to be partially against his own motion because if the inamdars have to have the similar right of reopening the question under sub-section (8), these words have to be retained."

Mr. T. C. SRINIVASA AYYANGAR:—" Either omit the provision altogether or give the same privilege to the inamdar also. That is the purpose of my amendments."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" May I ask whether the inclusion of the claims of the inamdars could be discussed now?"

Mr. T. C. SRINIVASA AYYANGAR:—" I will be satisfied if the whole sub-section is omitted."

* The Hon. Sir ARCHIBALD CAMPBELL:—" Sub-section (8) of this new section is to be retained. If that is done, then these words are essential."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—" Sir, I move—

'In sub-section (6) of section 185-A, add the words "Unless set aside by a civil suit to be instituted within two years from the date of the order in question."'

Mr. K. A. NACHIYAPPA GOUNDER:—" I second it."

* The Hon. Sir ARCHIBALD CAMPBELL:—" Mr. President, I cannot accept this amendment. The whole principle of our scheme is that we should endeavour to avoid as far as possible the expensive litigation that is now carried on between the inamdars and the tenants in the civil courts proceeding right up to the Privy Council. We believe we have provided adequate protection against wrong decisions by allowing second appeals to go up to the Inam Commissioner, and to add this clause will mean that we shall expose the inamdars and the tenants to the danger of further ruinous litigation."

Mr. BASHEER AHMED SAYEED:—" Mr. President, it has been a recognized policy of any Government, for the matter of that, that the decisions obtained in civil courts are by far preferable to decisions obtained from executive officers like the Collector or the Inam Commissioner. Curiously enough, the reason was not given why the Revenue Board has been omitted and the Inam Commissioner has been substituted wherever the words 'Board of Revenue' occurred in previous legislation. I should consider it is in the interests of the inamdar as well as of the tenant if a court of law should decide the rights between parties, instead of leaving it to the caprice of the Inam Commissioner, whoever that gentleman may be for the time being. I do not see what canons of law justify the assumption that the provision which gives a right of appeal to the Inam Commissioner is more satisfactory than a court of law deciding upon the

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issue. If it is a question of cost, it applies to both the parties. If the inamdar dragged the tenant to the court unjustifiably, he pays the cost. But if the tenant on the other hand dragged the inamdar to the court, the tenant must perforce pay for the initial cost of litigation. Which-ever party feels aggrieved, he must be given the opportunity to go to a court of law, the first or the second or the highest court of law to vindicate his rights. I do not appreciate the *raison d'être* of depriving parties of the right to go to a court of law. Wherever executive officers are given judicial powers, it should be the policy of the Government to deprive the executive officer of his executive functions. That is why this Council has been insisting all along that the executive functions should be separated from the judicial functions. Far from that, this measure seems to take a retrograde step and a retrograde measure is to be enacted in this Council."

* Rao Bahadur Sir A. P. PATRO:—" Sir, it is too much for anybody to say that in a revenue litigation, in a litigation between landlord and tenant, they should have recourse to the courts of law. It means litigation and longer litigation. Litigation has ruined the tenants. Litigation began in the munsif's court and ended with the Privy Council. It meant selling away of the few acres of land which the tenant possessed and on the other hand, the whole estate of the inamdar has been encumbered. Specially my Friend, Mr. T. C. Srinivasa Ayyangar, who has had the privilege of being an adviser to many estates in the south, should know this. Therefore in the interests of the inamdar as well as of the tenant, it was discussed and discussed with the greatest consideration that this ruinous litigation should be minimized as much as possible and that we should put a brake to it at some stage or other and at the same time see that justice was done with the least trouble. If a dispute arose, both the parties can go to the Collector and from the Collector there is an opportunity to go to Inam Commissioner. In matters of survey and settlement, in matters of litigation affecting revenue, the Collector and the Inam Commissioner are perfectly acquainted with all the details and the judicial requirements for the purpose of doing justice in the matter. Therefore it is proposed that the highest appeal should go to the Inam Commissioner. But to have a further opportunity of carrying the dispute as against the Inam Commissioner for the purpose of original litigation is to bring in the whole trouble again. It will save neither the tenant nor the inamdar from ruinous litigation. As a lawyer, one will be interested in seeing that there should be an appeal to the highest court in the land theoretically. But from the point of view of the poor tenant, he should be saved at some stage or other from his advocate friends."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—" I move—

'Omit sub-section (8) of section 185-A.'

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The subject of this amendment is not altogether different from the amendment that I moved, viz., 'Omit the words "subject to the provisions of sub-section (8)"' which was vetoed by the Council."

"I do not propose to make any long speech."

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

The Hon. Sir ARCHIBALD CAMPBELL:—"I oppose the motion."

The amendment was put and lost.

Mr. T. C. SRINIVASA AYYANGAR:—"I lost my amendment for the addition of the words 'unless set aside by civil suit, etc.' It may indirectly affect this amendment. I move—

'In sub-section (8) (a) of section 185-A:—

"(a) for the words 'any person aggrieved by any party including any land in the record of landholder's private land,' substitute the words 'any person aggrieved by any order passed in the preparation and publication of records of landholder's private land under sub-section (7)'; and

(b) before the word 'omission' add the word 'inclusion.' " " "

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

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I think, Sir, the question was already discussed in the Select Committee and the two years period was thought quite sufficient. I do not see why any further extension should be given for the purpose of correcting the record."

The amendment was put and lost.

Clauses 6-B to 6-II and clause 7 were put and carried.

Clause 8.

Mr. T. C. SRINIVASA AYYANGAR:—"I move—

'For clause (8), substitute the following:—

"8. Any legal proceeding pending at the commencement of the Madras Estates Land (Second Amendment) Act, 1934, in respect of any right, title, interest, obligation or liability, acquired or accrued or incurred before the commencement thereof may, notwithstanding anything contained herein, be continued as if it has not been passed."

This is merely for the purpose of not giving retrospective operation."

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

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"Unless there is a specific provision like clause 8, it is not possible to protect pending litigation. In view of this a number of suits also have been filed. So it is but fair that in regard to suits which have not become final a provision like this should find a place so that the tenant may be benefited."

The Hon. Sir ARCHIBALD CAMPBELL:—"I agree with Mr. Muniswami Nayudu."

The amendment was put and lost.

Clause 8 was put and carried.

Clause 9.

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

'After the words, "for the ejectment of a tenant," the following words be inserted, namely, "or for any proceeding involving a decision whether or not the inamdar has the kudivaram right in any land in an inam village".'

This is to bring the wording of this clause into line with section 127 (2) of the First Amendment Act."

Mr. T. C. SRINIVASA AYYANGAR:—"I second the amendment."

The amendment was put and carried.

Clause 9 as amended was put and carried.

The Hon. Sir ARCHIBALD CAMPBELL:—"I beg to move that the clauses be renumbered in numerical order."

The Hon. Sir K. V. REDDI NAYUDU:—"I second it."

The motion was put and carried.

The preamble was put and carried.

* The Hon. Sir ARCHIBALD CAMPBELL:—"I propose to move the third reading of the Bill on Thursday. I should like to take this opportunity to state that if the Government business is finished in time on Thursday, non-official business will be proceeded with on that day."

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

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

[23rd October 1934]

APPENDIX I.

[Vide answer to question No. 209 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 23rd October 1934, page 156 supra.]

Year.	Upper subordinates.	Fieldmen.	Village investigators.	Remarks.
1932	..	5	9	Besides these, 11 B.Sc. agricultural graduates of 1932 were appointed as village investigators of whom 7 resigned, 3 declined the offer and there was no response to the offer from one.
1933	..	11	6	
1934	..	..	2	

APPENDIX II.

[Vide answer to question No. 216 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 23rd October 1934, page 162 supra.]

G.O. Ms. No. 3845, L. & M., dated 28th August 1934.

READ—the following papers:—

G.O. No. 4712, L. & M., dated the 27th November 1928.

From the President, District Board, South Kanara, No. 2370/34, dated the 4th May 1934.

Order—Ms. No. 3845, L. & M., dated 28th August 1934.

In G.O. No. 1212, L. & M., dated the 1st April 1927, the Government reduced the maximum grant payable to the South Kanara District Board for the maintenance of its second-class roads from Rs. 1,03,917 to Rs. 80,000 and sanctioned recurring compassionate grants amounting to Rs. 30,470 to the taluk boards in the district to supplement their general resources. In G.O. No. 4712, L. & M., dated the 27th November 1928, the total compassionate grant payable to the taluk boards was reduced from Rs. 30,470 to Rs. 16,430 with effect from 1929-30 and in consequence the grant payable to the district board for the maintenance of the second-class roads was increased from Rs. 80,000 to Rs. 87,487 with effect from 1st April 1929. In view of the abolition of the taluk boards, the Government are pleased to direct that the payment of the compassionate grant of Rs. 16,430 referred to above be discontinued from 1st April 1934 and that the maximum grant payable to the South Kanara District Board for the maintenance of second-class roads be increased from Rs. 87,487 to Rs. 1,03,917 from the year 1934-35.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Secretary to Government.

To the President, District Board, South Kanara.
" Accountant-General, through Finance Department.
" Finance Department.
" Collector of South Kanara.
" Examiner of Local Fund Accounts.
" Inspector of Municipal Councils and Local Boards.

23rd October 1934]

APPENDIX III.

[Vide answer to question No. 223 asked by Mr. M. D. T. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 23rd October 1934, page 167 supra.]

Note on the measures adopted by the Government for the relief of lepers in the Presidency.

In 1931, the Government sanctioned the Surgeon-General's scheme for the reduction of the incidence of leprosy in the Presidency. Under this scheme the districts in the Presidency were divided into six groups. One of the groups was in charge of the Chief Leprosy Officer (Dr. J. J. Joseph). Other groups were placed in charge of special officers of the grade of Sub-Assistant Surgeons with a nursing orderly each to assist them. The duties of the group leprosy officers were—

- (1) to open leprosy clinics at important centres where the disease was endemic;
- (2) to train medical officers in leprosy work; and
- (3) to do propaganda and survey work.

Under the group leprosy scheme referred to above, a skeleton medical organization exists in every district to deal with leprosy. In March 1933, the Surgeon-General pointed out that such an organization could not reach its full utility without the aid of propaganda and social work amongst lepers to induce them to go to the clinics for treatment. He cited the case of Salem where propaganda and social work attained remarkable success through the efforts of social workers organized by Mrs. Todd. He suggested therefore that a scheme on the lines of the campaign conducted by Mrs. Todd in Salem should be tried as an experimental measure in at least two more districts. After a careful examination of the question, the Surgeon-General's proposal was accepted and sanction was accorded to the scheme for extending the anti-leprosy campaign to the districts of Chingleput and South Arcot where leprosy was largely prevalent. The campaign was carried on in the districts of Salem, South Arcot and Chingleput and the social work was conducted by Mrs. Todd with the assistance of Mr. Curtis, Assistant Director of Survey. The scheme which was in operation for six months in the first instance was reported by the Surgeon-General to be a success. The Surgeon-General considered that the results of the campaign were highly satisfactory. He suggested therefore that the scheme should be continued in 1934-35 and extended to North Arcot and Trichinopoly districts and Madras City. The Government sanctioned the continuance of the scheme during 1934-35, but it was confined to the Salem district alone.

Besides these, lepers are treated at the Lady Willingdon Leper Settlement at Tirumani which is maintained entirely from the Provincial funds. The Government are also giving capitation grants to private leper asylums at the rate of Rs. 6-4-0 per mensem for each patient and Rs. 3 per mensem for each untainted child. Treatment is also given at recognized leprosy clinics attached to Government medical institutions.

[23rd October 1934]

APPENDIX IV.

[Vide answer to question No. 232 asked by Mr. M. B. Rangaswami Reddi at the meeting of the Legislative Council held on the 23rd October 1934, page 172 supra.]

LOW TENSION TARIFF.

I. General purposes—

- (a) Lighting 5 annas per unit.
- (b) Combined installations of lights and not less than 100 watts in ceiling fans utilized per service. In the hills 200 watts or more in heating equipment may be substituted for the fans 4 " 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 or smaller capacity in proportion. (Monthly payment in advance and no deposit or agreement required.)
- (d) Public lighting 2 annas per unit for the first 16,000 units per month. 1-5 annas for all in excess of 16,000 units per month.
- (e) Lighting bulk supply 2-5 annas per unit. Minimum Rs. 15 per month per service.
- (f) Refrigerators, small cookers, heaters and pumps, sewing and washing machines, motors under 3 horse-power and other small appliances when metered on a separate circuit—1-5 annas per unit with a minimum of Rs. 2 per month per service. Where pumps or other equipment having motors of 3 horse-power or over are used on domestic premises and on a separate circuit, they may be classed as industrial load and charged accordingly.
- (g) Rate for small "All Electric Home"—
- (i) Single-phase services—
- For the first 60 units per month 4 annas per unit.
All in excess of 60 units per month 1 anna per unit.
Minimum Rs. 12 per month.
- (ii) Polyphase services—
- For the first 80 units per month 4 annas per unit.
All in excess of 80 units per month 1 anna per unit.
Minimum Rs. 15 per month.

The connected and utilized load in electrical equipment (other than lights and fans) shall exceed twice the connected load in lights and fans and be not less than 1,000 watts.

The above rates apply to each service connexion, and the consumer shall be required by a clause in the agreement to utilize the connected electrical equipment in a reasonable manner.

- (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—

Seven annas per week for one 40-watt lamp.
Fourteen annas per week for two 40-watt lamps.
Twenty annas per week for three 40-watt lamps.
Twenty-five annas per week for four 40-watt lamps.

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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. If larger or smaller lamps are required, the rate will be correspondingly modified.

- (i) Factory lighting for consumers under rates II (a), (b) and (c)—

Lighting to be on a separate circuit with meter and charged for at 4 annas per unit. Minimum Rs. 2 per month, or may be supplied under rate I (e).

Where lamps are connected to the power circuits a flat rate of Re. 1 per month per 40-watt lamp will be charged. Larger or smaller lamps in proportion.

II. General industrial tariff for small power of 3 horse-power and above—

- (a) Industrial power at 400 volts or lower—

First 3,000 units per month 1 anna per unit.
All in excess per month 0-75 "

No minimum, but if less than 250 units per connected horse-power are consumed during the year, the rate will be 1-25 annas per unit for the total consumption.

- (b) Alternatively Rs. 4 per K.W. of maximum demand per month as a minimum, plus 0-75 anna per unit. The overall unit rate shall not be more than 1 anna per unit without prejudice to the monthly minimum charge.

- (c) Electric boilers, heaters, large cookers and baking ovens with a connected and utilized load of 5,000 watts or more—

0-60 anna per unit if used only between 10 p.m. and 7 a.m.
0-75 anna per unit for 24-hour service.
Minimum monthly charge Rs. 10.

- (d) Bulk supply at 400 volts—

For mixed loads of lighting, heating and power, lighting load not to exceed 15 per cent of monthly consumption—

First 1,000 units per month 1-25 annas per unit.
Next 4,000 " 0-80 anna per unit.
All in excess per month 0-60 " "
Minimum monthly charge Rs. 100.

- (e) Power at 400 volts for bona fide agriculturists having not less than 3 horse-power connected—1 anna per unit.

No minimum charge but annual guaranteed consumption of power shall not be less than that equivalent to Rs. 12 per horse-power connected, otherwise balance will have to be paid. Lighting allowed on the power circuits up to 80 watts per 1,000 watts of motive power connected.

This rate will also be applicable to bona fide small cottage industries irrespective of the horse-power connected.

III. 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 thereof 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 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.

(No seasonal rebate is allowed for low tension consumers of light and power.)

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IV. 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. Rupee 1 down and 12 monthly payments of annas 13-6 for each Rs. 10 of purchase.

V. 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 forty 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 electric 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 thirty days.

(2) The standard tariffs are applicable only in cases where the installation is located reasonably near the power lines and feeders.

(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), (b) and (c), and all industrialists using low tension power for factory lighting will be charged in accordance with tariff I (b). By the standard agreement, a small ryot or cottage industrialist will be permitted a limited amount of lighting up to 80 watts per 1,000 watts of connected motive power utilized.

HIGH TENSION TARIFF.

High tension tariff at 11 K.V. & 22 K.V.

I. General purposes—

Class and 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	
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	0.435	
VI " 200,000 " 300,000	0.400	
VII " 300,000 "	0.375	

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.
2,000 K.W. and over, Rs. 3.

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 240,000 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. When the consumption exceeds 100,000 units per month, the energy charge will be the same as in paragraph I above (general purposes).

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.

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V. *Special rates.*—Rates for railway electrification, licensees, isolated installations, electro-chemical factories, 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 of each year starting from January 1st.

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 amount paid for power during the year must exceed the maximum monthly demand multiplied by 12 times the monthly demand charge, otherwise the balance will be charged for.

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 supplied 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 electrical energy.

APPENDIX V.

[Vide answer to question No. 235 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 23rd October 1934, page 175 supra.]

Statement.

Serial number and name of work.	Particulars.
1 Works in the various Delta sections of the division for 1932-33.	The lowest rates were accepted.
2 Labour rates for the Kistna river set works for 1932-33.	The lowest rates were accepted for ten out of eleven set works; in the eleventh, a few items of very low rates were disregarded as not being workable. The difference will be trifling.
3 Supply of lime at Kolana-konda for 1932-33.	The lowest tender was accepted.
4 Conveyance (general milewar) of materials by Government punts or boats for Delta works for 1932-33.	The main item (mileage item) was the lowest except for one tenderer who was rejected by reason of his inexperience. In the case of the other items reasons are recorded for disregarding the low tenders, viz., unsatisfactory work or newness to the work; and the difference will be trifling.

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- | Serial number and name of work. | Particulars. |
|--|--|
| 5 Conveyance (general milewar) of materials by Government punts or boats for Kistna river set works for 1932-33. | The rates accepted were the lowest except in a few cases where the lowest tenderers were rejected, being new or work unsatisfactory. |
| 6 Quarrying and supplying materials from the Tadepalli and Seethanagaram quarries, 1932-33. | The lowest rates were accepted for one quarry. For the other, in a few items the lowest rates of the tenderers were disregarded as they were new and had no idea of the work and their tenders were not in proper form. The difference will be trifling. The lowest rates were accepted. |
| 7 Quarrying and supplying materials from the Tadepalli and Kolanakonda quarry, 1932-33. | |
| 8 Conveyance of materials at consolidated rates to the Kistna river set works, 1932-33. | The lowest rates were accepted except in a few instances where the differences were small. The tenderers ignored were considered not fit for the work. |
| 9 Clearing silt in Battiprolu drain from the Railway bridge to the head of the Nagaram South drain, Vallatur. Estimate, Rs. 4,950. | The lowest tendered rates were accepted. |
| 10 Repairs to the left bank of the Kistna river, 20/6 to 26/6 below the anicut. Estimate, Rs. 18,000. | The rates of the accepted tender were the lowest in six out of nine items. The difference involved would be about Rs. 200. |
| 11 Repairs to the Local Fund Bank of the Kistna river above anicut, 0/0 to 7/5. Estimate, Rs. 4,250. | The work was given to a reliable contractor. Being a river conservancy work, special selection for reliability was necessary. |
| 12 Repairs to the Local Fund Bank of the Kistna river above anicut, 8/0 to 14/0. | The second lowest tenderer was given the work, the lowest being new to the work. The difference will be Rs. 80. |
| 13 Repairs to the Local Fund Bank of the Kistna river above anicut, 26/0 to 37/0. | The second lowest was selected. The lowest tenderer was considered new to the work. The difference will be about Rs. 200. |
| 14 Repairs to the Local Fund Bank of the Kistna river above anicut, 37/0 to 43/1. | The third lowest was selected. The two lowest were considered not fit for the work. The difference involved will be about Rs. 40. |
| 15 Repairs to the Local Fund Bank of the Kistna river above anicut, 38/0 to 44/0. | Workable low rates were settled under each item and given to two of the tenderers at those rates. The tenderers whose low rate were disregarded were either new to the work or were already given too much work to be of use in this new work. The difference will be practically nil considering the important items. |
| 16 Works in the various delta sections of this division for 1933-34. | Rates for various items of works in the sections are settled by this tender, and the ones settled were very low and reasonable. Really unworkably low rates were disregarded, the tenderers of those rates having been rejected as being either new or incapable of doing the works. |
| 17 The Kistna river set works in the division (labour rates) for 1933-34. | The lowest rates were settled. |
| 18 Extending the Repalle main drain straight cut. Estimate Rs. 22,570. | The lowest tenderer was considered incapable of doing the works, and the work was given at low reasonable rates, and got approved by the Superintending Engineer. The difference involved would be about Rs. 50. |
| 19 Quarrying and supplying materials from Kolanakonda quarry for 1933-34. | The lowest tendered rates were accepted. |
| 20 Quarrying and supplying materials from Sithanagaram and Tadepalli quarries. | The lowest tendered rates were accepted. |

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- | Serial number and name of work. | Particulars. |
|---|---|
| 21 Conveyance of materials (general milewar rates) by Government punts and private boats for river set works for 1933-34. | The lowest tendered rates in important items were unworkable and the contracts who tendered them were not capable men; and the higher rates were recommended to the Superintending Engineer, and got approved; the difference would be about Rs. 800. |
| 22 Conveyance of materials (general milewar rates) by Government punts and private boats for delta works, 1933-34. | The same reasons apply. The difference would be about Rs. 500. |
| 23 Repairs to the right flood bank of the Kistna river below the anicut. Estimate, Rs. 10,240. | The work was given at rates even less than the lowest tendered rates as the tenderers had tendered very high. |
| 24 Conveyance of rough stone to the Kistna river set works at consolidated rates for 1933-34. | Work was given at the lowest tendered rates. |
| 25 Repairs to Yendalur Punta Cheruvu. Estimate Rupees 3,940. | The third lowest tenderer was selected (total nine tenders) as the other two were either new to the works or had no idea of the execution of works as seen from their tenders with ridiculous rates. The difference will be about Rs. 350. |
| 26 Works in the various delta sections of the division for 1934-35. | The same remarks as for item 16 above. |
| 27 Improvements to the Gunderu drain. Estimate, Rs. 13,450. | The lowest tendered amount was accepted. |
| 28 The Kistna river set works in the division for 1933-34 (labour rates). | The lowest tendered rates were selected for four out of seven sets. In the others, the same procedure was adopted except in a few items where unworkably low rates were disregarded. The difference involved will be trifling. |
| 29 Conveyance of materials at milewar rates for delta works, 1934-35. | The lowest tendered rates in the few important items were unworkably low and the higher rates in these cases were recommended and got approved by the Superintending Engineer as the tenderer recommended was a capable man and the others were not considered fit. The difference involved will be about Rs. 800 and Rs. 500 respectively taking the rejected and unworkable rates into account. |
| 30 Conveyance of materials at milewar rates for river set works, 1934-35. | |
| 31 Conveyance of stone to Viswanathapalli set by punts by canal and cargo boats by river for 1934-35. | The lowest rates were accepted. |
| 32 Conveyance of stone solely by cargo boats for the various set works of the Kistna river for 1934-35. | The lowest rates were accepted. |
| 33 Quarrying and supplying materials from the Kolanakonda quarry, 1934-35. | For important items the accepted rates are the lowest. In other instances, the lowest rates were ignored as the tenderers were new to the work and had tendered for unworkable rates. |
| 34 Quarrying and supplying materials from the Sithanagaram quarry. | The lowest tendered rates were accepted. |

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Serial number and name of work.	Particulars.
35 Excavating the Pedakondur channel branch of the Kistna West Main Canal, C.R. No. 3 of 1934-35. Estimate, Rs. 47,286. Providing irrigation facilities to Block II of the Kistna Western Division. Estimate, Rs. 18,761 and block III, estimate, Rs. 54,071.	The rates selected were in most cases the lowest. The tenderers who tendered unworkably low rates were ignored. The Superintending Engineer's approval was obtained to the selection. The difference involved will be very little.
36 Repairs to the right flood bank of the Kistna river, 18/0 to 26/0, 36/0 to 44/0 and 44/0 to 52/3 for 1934-35.	The lowest tenders were accepted.
37 Supply of lime at Vaddeswaram for 1934-35.	Only one tender was received and his rates were asked to be further reduced and accepted.
38 Remodelling the Kuchena-pudi channel.	The lowest tendered rates were settled.
39 Conveyance to Inapur set by punts by canal and cargo boats by river.	Do.

APPENDIX VI.

[Vide answer to question No. 236 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council held on the 23rd October 1934, page 175 supra.]

G.O. No. 1676 I., dated 3rd August 1934.

READ—the following papers:—

G.O. No. 194 I., dated 12th July 1933.

G.O. No. 1267 I., dated 9th June 1933.

Order—No. 1676 I., dated 3rd August 1934.

Irrigation Advisory Boards exist for the three great deltas and for certain other irrigation systems in other parts of the Presidency. There are three for the Godavari delta (Eastern, Central and Western), two for the Kistna delta (Eastern, Western and Central) and one for the whole Cauvery delta, besides those for the Tungabhadra channels, Cum-bum valley channels in Periyar, etc. These boards are non-official bodies to which members till recently were being nominated by the Government on the recommendation of the Collector and the Superintending Engineer. In G.O. No. 1267 I., dated 9th June 1933, the power to constitute the boards and to nominate members thereto was delegated to Collectors, the power to be exercised in consultation with Executive Engineers. The functions of the boards are, as the name implies, purely advisory.

2. During the budget debate on the 13th March 1934, Mr. P. V. Krishnayya Choudari, M.L.C., suggested that with a view to make the boards function more usefully, district boards should be given the power to nominate members to the Irrigation Advisory Boards, and that

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officers of the Public Works Department should be required to consult the boards more regularly and to this end the matters on which the Boards ought to be consulted should be more fully defined. The Hon'ble Sir Archibald Campbell, replying to the debate, promised to consider these suggestions in connexion with the question of revising the rules relating to the working of the Boards which was under the consideration of Government.

3. The principal provisions in the existing rules are those relating to (a) constitution of the Boards, (b) meetings of the Boards and (c) functions of the Boards. How far these provisions require revision has now been examined by Government and it has been decided that some amplification of the provisions referred to is desirable and they, therefore, direct as follows:—

(a) *Constitution*.—(1) The suggestion that the District Board should be given the power to nominate members to the Advisory Board does not commend itself to Government. The President of the District Board concerned will, however, be an ex-officio member as the subject "proposals for new communications, or improvements of old, including bridges" has been included among those on which the Advisory Board is to be consulted. The President, District Board, should place all such proposals in which the District Board is taking the initiative before the Advisory Board before they are carried out. The Government's reasons for including this subject are that the provision of proper communications is intimately bound up with the development of an irrigation area and the construction of new roads without adequate provision for drainage may seriously affect the area through which they pass.

(2) The Executive Engineer or, if more than one Executive Engineer is concerned, the Executive Engineer designated by the Chief Engineer (Irrigation), will be a member of the Advisory Board ex officio. The Executive Engineer will not be entitled to a vote or share any responsibility for the advice tendered by the Board, but may take part in the discussions and explain matters. He will also be ex officio Secretary of the Board unless it desires to elect its own Secretary.

(b) *Meetings*.—It is considered desirable that meetings should be held on a regular day once a quarter, e.g., the first Monday in the second week of January, April, July and October each year or if it happens to be a public holiday, the next working day in the week, and if there is no business, the Secretary should intimate the fact to the members at least five days in advance. Special meetings for the transaction of urgent business may be convened by the President or on requisition from members.

(c) *Functions*.—The Boards should, under the existing rules, confine themselves to questions of policy and should have nothing to do with the remedying of individual grievances. What may be considered to involve questions of policy has not hitherto been specifically laid down and it has been suggested that an attempt should be made to define matters on which the Boards should be consulted by the Executive

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Engineer. The Government consider that, by way of illustration, the following may be mentioned as matters on which the Advisory Board should be consulted by the Executive Engineer. The time to be allowed by the Executive Engineer for the receipt of the Board's opinion should be limited to the period necessary for holding one meeting, and the forwarding of its opinion within a reasonable time thereafter:—

- (1) Changes in distribution of water in main canals.
- (2) Changes in the dates of closure of canals.
- (3) Important remodelling schemes.
- (4) Important changes in rules of regulation.
- (5) Important alterations or improvements in drainage methods.
- (6) New schemes of extension affecting a considerable portion of the district or delta.
- (7) Development and extension of second-crop cultivation.
- (8) Provision of facilities for irrigation of special crops over wide areas.
- (9) All important schemes of improvement of irrigation.
- (10) Proposals for new communications, or improvements of old including bridges.

4. The rules as revised are annexed to these proceedings.

(By order of the Governor in Council)

T. G. RUTHERFORD,
Acting Secretary to Government.

To the Chief Engineer for Irrigation.

- „ Board of Revenue.
„ Revenue Department.
„ Local Self-Government Department.
„ Superintendent, Government Press, for publication (order and annexure only).

ANNEXURE.

Rules for the constitution and working of the Irrigation Advisory Boards.

1. Each of the Boards shall be styled 'Irrigation Advisory Board' followed by the name of the irrigation system or area concerned.

2. Each of the Boards shall consist of five members nominated by the Collector in consultation with the Executive Engineer from among leading and influential landholders who themselves hold lands in the area concerned; the President of the District Board and the Executive Engineer shall also be members ex officio.

3. Each nominated member shall hold office for two years.

4. If more than one Executive Engineer is concerned in the area for which the Board is constituted, the Executive Engineer designated by the Chief Engineer for Irrigation shall be the member. The Executive Engineer shall not be entitled to a vote or share any responsibility for the advice tendered by the Board, but may take part in the discussions and explain matters. He shall be ex officio Secretary unless the Board decides to elect another member as Secretary.

5. The Board shall elect its President from among the members. Three members shall form a quorum.

6. (a) The Boards shall meet at least once in a quarter on a regular day; and, if there be no business, the Secretary shall intimate the fact to members at least five days in advance. Special meetings for the transaction of urgent new business may be convened on the orders of the President on a requisition from members. Any member who fails to attend three consecutive meetings shall vacate his seat. Rules regarding time, place of meeting and conduct of business, etc., may be framed by the Boards themselves.

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(b) Proceedings of each meeting shall be communicated to the Executive Engineer or Engineers concerned within three days after they have been passed in cases where he is not the Secretary of the Board.

7. The function of the Boards shall be to make recommendations on questions of policy or other important matters relating to the irrigation system and they shall have nothing to do with the remedying of individual grievances. The Board's dealings shall be with the Executive Engineers concerned. By way of illustration the following are mentioned as matters on which the Executive Engineer must consult the Advisory Boards:—

- (1) Changes in distribution of water in main canals.
- (2) Changes in the dates of closure of canals.
- (3) Important remodelling schemes.
- (4) Important changes in rules of regulation.
- (5) Important alterations or improvements in drainage methods.
- (6) New schemes of extension affecting a considerable portion of the district or delta.
- (7) Development and extension of second-crop cultivation.
- (8) Provision of facilities for irrigation of special crops over wide areas.
- (9) All important schemes of improvement of irrigation.
- (10) Proposals for new communications, or improvements of old, including bridges.

8. The President, District Board, should also place before the Board any such proposals as are mentioned in item (10) above, in which the District Board is taking the initiative.

9. The working of the Boards shall not entail any expense to the Government.

APPENDIX VII.

[Vide answer to question No. 241 asked by S. M. K. Beyabani Sahib Bahadur at the meeting of the Legislative Council held on the 23rd October 1934, page 180 supra.]

Statement.

1 Pagadial tank	Kurnool district.
2 Thungadancha tank	Do.
3 Ayyavarikoduru	Do.
4 Nandyal tank, small and big.	Do.
5 Kanala tank	Do.
6 Chintakunta tank	Do.
7 Patha Cuddapah tank	Cuddapah district.
8 Pitchipad tank	Do.
9 Nagayyapalli tank	Do.
10 Sunnapurazupalli tank	Do.
11 Madur tank	Do.
12 Pallavole tank	Do.
13 Pullur tank	Do.
14 Bynapalli	Do.
15 Dumpalagatta tank	Do.
16 Revulapalle tank	Do.
17 Chenukapalli tank	Do.

Under Chepad channel.

Do.

Do.

Do.

Under Mydkur channel and its branches.

Do.

Do.

Do.

Do.

Do.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Wednesday, the 24th October 1934.

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 :

Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The Hon. Sir Archibald.	Madanagopal Nayudu, Mr. R.
Stokes, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Hopetoun.	Maharaja of Venkatagiri, The.
Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Mahboob Ali Baig Sahib Bahadur.
Pannirselvam, The Hon. Rao Bahadur A. T.	Manikkavelu Nayakar, Mr. M. A.
Raja of Bobbili, The Hon. the.	Metherell, Mr. J. K.
Rajan, The Hon. Mr. P. T.	Miller, Mr. W. H.
Kumaraswami Reddiyar, The Hon. Diwan Bahadur S.	Moidoo Sahib Bahadur, Khan Bahadur T. M.
Abdul Hameed Khan Sahib Bahadur.	Moses, Mr. P. C.
Ahmed Meeran Sahib Bahadur.	Muniswami Nayudu, Diwan Bahadur B.
Alagannan Chettiyar, Rao Sahib A. S.	Muniswami Pillai, Rao Sahib V. I.
Alamelumangathayaramma, Mrs. K.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Annamalai Chettiyar, Mr. S. A. A.	Muthiah Chettiyar, Mr. M. A.
Appadurai Pillai, Diwan Bahadur A.	Nachiyappa Gounder, Mr. K. A.
Arasu, Mr. V. T.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Ari Gowder, Mr. H. B.	Nanjappa Bahadur, Subadar-Major S. A.
Basheer Ahmed Sayeed Sahib Bahadur.	Narasa Reddi, Mr. T.
Basu Dev, Mr. C.	Natesa Mudaliyar, Rao Bahadur C.
Beyabani Sahib Bahadur, S. M. K.	Palat, Mr. R. M.
Birley, Mr. F.	Parthasarathi Ayyangar, Mr. C. R.
Boag, C.I.E., I.C.S., Mr. G. T.	Patnaik Mahasayo, Sriman M. G.
Brock, C.B.E., V.D., Mr. C. H.	Patro, Kt., Rao Bahadur Sir A. P.
Dharmalingam Pillai, Rao Sahib V.	Pattagar of Palayakottai, The.
Ellappa Chettiyar, Diwan Bahadur S.	Pocker Sahib Bahadur, B.
Foulkes, Mr. R.	Premayya, Mr. G. R.
Gopalaswami Mudaliyar, Diwan Baha- dur M.	Rajagopala Pillai, Mr. P. V.
Gopalaswami Ayyangar, Diwan Baha- dur N.	Raja of Kallikote, The.
Iswaran Pillai, Mr. I. C.	Ramachandra Padayachi, Mr. P. K.
Jagannatham, Mr. H. M.	Ramakrishna Reddi, Mr. A.
Jayaram Nayudu, Rao Sahib C.	Ramalingam Chettiyar, Rao Bahadur T. A.
Jones, I.C.S., Mr. C. E.	Ramamurti, Rao Sahib Pandit Ganala.
Kesavaramamurti Nayudu, Mr. K.	Raman Menon, Mr. K. P.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.	Ramaswami Ayyar, Mr. T. S.
Kolanda Reddi, Rai Sahib C.	Ramaswami Mudaliyar, Mr. V. M.
Koti Reddi, Mr. K.	Ranganatha Mudaliyar, Mr. A.
Krishnayya Choudari, Mr. P. V.	Ranganatha Mudaliyar, Mr. G.
Krishnamurti, Rao Bahadur D.	Rangaswami Reddi, Mr. M. B.
Krishnaswami Ayyar, Mr. K. V.	Ratnasabhapati Mudaliyar, Diwan Bahadur C. S.
Kumararaja of Venkatagiri, The.	Sahajanandam, Swami A. S.
Kuppuswami Choudari, Mr. J.	Santhana Gounder, Mr. I.
Ladden, Mr. W. W.	Schamnad Sahib Bahadur, Khan Baha- dur Mahmud.

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PRESENT—cont.

Russell, I.C.S., Mr. T. B.
 Sesha Reddi, Rao Bahadur B. P.
 Shetty, Mr. A. B.
 Simbachalam Pantulu, Mr. G.
 Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 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 Tajudin 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.
 Vedachala Mudaliyar, Mr. M.
 Venkatachala Reddiyar, Mr. K. C. M.
 Venugopal Nayudu, Rao Bahadur R. K.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Forest Panchayats

Financial liabilities of the Daroji Forest Panchayat, Bellary district.

* 246 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) the estimated and actual income of the Daroji Forest Panchayat (Hospet taluk, Bellary district) from the Forest Panchayat area;

(b) the estimated and actual expenditure relating to it; and

(c) the amount of the total liabilities of the panchayat up to date with particulars?

A.—(a), (b) & (c) The Government have not the information but have called for a report.

MR. A. RANGANATHA MUDALIYAR:—“ May I ask the Hon. the Revenue Member whether it is a fact that the amount now actually collected by the panchayat is very much more than what the Government were getting when this forest was under their charge? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ I have no information; but I will ask for a report on that point.”

Irrigation

Drainage channel in Tirumalaikozhunthupuram village, Tinnevely district.

* 247 Q.—MR. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state with reference to the answer to question No. 116, dated 4th August 1934, regarding the proposed new drainage channel in Tirumalaikozhunthupuram village in the Tinnevely district—

(a) whether the estimates for the reformation of the old plantations called for by the Government have been received and whether orders have been passed on the same;

(b) whether the Assistant Director of Agriculture, Tinnevely, and the senior assistant in Systematic Botany of the Coimbatore Agricultural College, have given their opinion after inspection that no vegetation will grow in the area;

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(c) whether the Government have considered the utility for a report from the Agricultural department as to the feasibility of the proposal to grow plantations and the period necessary for the plantations to mature; and

(d) when the Government expect to take up the actual digging of the channel and what measures of relief, if any, are proposed to be taken for the proper drainage of the lands in the interval?

A.—(a) The estimates have not yet been received.

(b) No.

(c) The Government have already consulted the Agricultural department.

(d) The question of digging a new channel or of affording relief for the proper drainage of the lands can be considered properly only after the scheme for checking the sand drift is settled.

MR. DANIEL THOMAS:—“ With reference to the answer to clause (d) of this question, may I ask whether the scheme mentioned therein will take a number of years to materialize? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ Before thinking of digging a new channel, as stated in the answer, the question of checking the sand drift will have to be settled.”

MR. DANIEL THOMAS:—“ May I ask whether this can be avoided by giving a new alignment to the channel proposed? ”

THE HON. SIR ARCHIBALD CAMPBELL:—“ Not without great expense.”

Proposal, if any, for the preparation and publication of a statement of low-lying lands in the Eastern and Central deltas of the Godavari.

* 248 Q.—MR. K. KESAVA RAMAMURTI NAYUDU: Will the Hon. the Member for Revenue be pleased to state whether the Government propose to order the preparation and publication of a statement of low-lying lands in the Godavari Eastern and Central deltas liable to submersion similar to that published in 1907 as the extent and numbers of such lands must have been altered after the revision survey made after the last resettlement?

A.—The answer is in the negative.

Execution of repairs to minor irrigation works in the Kurnool district by invitation of tenders.

* 249 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state whether in the Kurnool district it is generally the case that tenders are invited for works relating to repairs of minor irrigation works and contractors are selected from among those who have tendered, and, if so, why the previous practice of giving, wherever possible, the works on contract to the ayacutdars concerned has been given up?

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A.—The general rule is that, as far as possible, persons should be selected as contractors who hold lands irrigated by the works and are therefore personally interested in their maintenance in a state of efficiency. This rule is followed in the Kurnool district wherever possible. But in most cases the ayacutdars are ignorant of the nature of the work to be done and (except in the case of a few kudimaramath works) the repairs require technical skill. The practice in the Kurnool district is therefore generally to call for tenders and select contractors from among those who tender. This conduces to both economy and efficiency.

Land Revenue Administration

Objections of the people of South Kanara to the resettlement proposals.

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

(a) whether the Government have considered the objections urged by the people in South Kanara against the resettlement proposals; and
(b) whether they have come to any final conclusions in the matter?

A.—(a) & (b) The Government have not yet received the reports of the Settlement Officer and the Board of Revenue on the objections urged against the proposals for the resettlement of the South Kanara district.

Mr. A. B. SHETTY:—“ May I know from the Hon. the Revenue Member whether an opportunity will be given to this Council to discuss these proposals and express its opinion on the matter? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ No further opportunities than are usually given on these matters.”

Mr. U. C. SUBRAHMANYA BHATT:—“ Is it not a fact that one of the objections raised by the Landholders' Association of South Kanara is that the date on which the previous settlement was based was itself a miscalculation? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice of the question. I cannot carry in my mind all the representations made.”

Mr. A. B. SHETTY:—“ May I know whether it is the intention of the Government to introduce the proposed enhanced rate in the next fasli? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ It will come into operation this fasli, if possible.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I ask the Hon. Member whether there have been occasions when the Council has been given an opportunity to discuss re-settlement questions after re-settlements have been put into operation? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice.”

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Mr. A. B. SHETTY:—“ May I ask whether, at a time like this when economic depression is still acute and the Government are obliged to give remission and are yet not able to collect the entire assessments, they intend to enhance the rate? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ Yes, Sir. That question was debated in this Council a number of times.”

Mr. U. C. SUBRAHMANYA BHATT:—“ May I know why the Government are anxious to introduce resettlement operations before the Reforms? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I have given reasons at length in this House before and I think it is hardly appropriate for me to take up the time of the House by venturing to make another speech on the subject.”

Punishment of village officers and menials for slackness in collection work.

* 251 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) how many village munsifs and karnams have been dismissed, suspended or otherwise punished in each taluk of the Salem district during the last five years;

(b) of these how many such punishments have been inflicted in each year for the delay or slackness in collection work;

(c) how many tahsildars, deputy tahsildars and Revenue inspectors in Salem district have been found fault with in each year for slackness in collection work during the past five years; and

(d) how many talayaris and vettis have been punished in each year for the past five years in Salem district on account of slackness in collection work?

A.—(a) to (d) The Government have not the information, and it is not possible to obtain it without giving subordinate officers a great deal of labour.

Mr. M. A. MANIKKAVELU NAYAKAR:—“ May I take it that there has been a large number of punishments for slackness in collection? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ Not so far as I am aware.”

Alleged circular of the District Collector, Salem, regarding prompt collection of the kist.

* 252 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that village munsifs in Salem district have been encouraged in collection work by giving medals and certificates of merit;

(b) how many munsifs have been given such medals and certificates of merit in each year since the introduction of that system;

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(c) whether it is a fact that the District Collector of Salem district has ever issued a circular that the village officers or village munsifs may make remittance of kist from their own hand if the collections are not made promptly, in each kist, and recoup the amount by making collections afterwards;

(d) if so, whether a copy of such a circular will be placed on the table; and

(e) whether it is a fact that the village munsifs are asked to borrow money for paying the monthly kist amount of their villages, if they are not able to make the collections promptly?

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

Representations from the ryots of Guntur district regarding the imposition of water-tax at a flat rate of Rs. 6-4-0.

* 253 Q.—Mr. P. V. KRISHNAYYA CHoudari: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government or the Revenue Board have received any representations from the ryots of Guntur district on the flat rate of Rs. 6-4-0 as water-tax;

(b) whether the Government are aware of the several representations made by the people of Guntur to the District Collector, Guntur;

(c) whether the Collector has sent any report to the Government or to the Revenue Board;

(d) if so, whether the Government will be pleased to place the report on the table of the House; and

(e) what orders the Government propose to pass on the report?

A.—(a) Yes.

(b) Yes.

(c) Yes.

(d) The Government do not think it necessary to place the report on the table of the House.

(e) The Government have directed (as recommended by the Collector) the transfer to wet by the settlement staff of ryotwari dry lands included in the ayacut of the Kistna Western Delta prior to 1929, of extents notified for inclusion subsequently and of lands fit for inclusion but not yet notified for inclusion, provided they satisfy the condition as regards levels. The new rates of water-cess will not apply to lands so transferred to wet.

Mr. G. R. PREMAYYA:—“ May I know whether the report mentioned in clause (d) is confidential? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ Without examining it again, I cannot say if it is confidential.”

Mr. G. R. PREMAYYA:—“ It is stated in the answer that the Government do not think it necessary to place the report on the table of the House? ”

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The Hon. Sir ARCHIBALD CAMPBELL:—“ We have acted on the report and the result is given in clause (e) of the answer.

Mr. A. RANGANATHA MUDALIYAR:—“ The Government have acted on the report of the Collector. May I ask whether they will not listen to the other side also? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ We received representations and the action we took is intended to meet those objections.”

Mr. A. RANGANATHA MUDALIYAR:—“ Was an opportunity given to the people to controvert the arguments given in the report of the Collector? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ We have stated in the answer to clause (e) what we are going to do. I believe that will meet the difficulties to which attention has been drawn.”

Assignment of lands in Salem district since 1920.

* 254 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Member for Revenue be pleased to state—

(a) what the extent is of assessed waste assigned to ryots in each of the taluks in Salem district in each year since 1920;

(b) what the number is of such assignments in each taluk in each year since 1920; and

(c) in how many cases in each taluk such assignments have been made to ex-military men, and what the extent is of such assignments in each taluk in each year since 1920?

A.—(a) to (c) The Government have not the information, and cannot obtain it without giving subordinate officers a great deal of labour.

Land revenue remissions granted in Cocanada taluk during the last fasli for failure of first crop due to floods.

* 255 Q.—Mr. K. KESAVARAMAMURTI NAYUDU: Will the Hon. the Member for Revenue be pleased to state—

(a) what the extent of lands and the amount of remissions granted are for failure of first crop in the flood affected areas in Cocanada taluk during last fasli;

(b) whether it is a fact that full water charge was levied for the entire blocks when only portions of them were irrigated for the second crop; and

(c) if so, whether the Government will be pleased to lay on the table the Government Order or the Board's Proceedings under which the levy was made?

A.—(a) Extent—5,328.12 acres.

Amount—Rs. 36,500-15-0.

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(b) & (c) The Government presume the question raised to be the same as was raised in petitions received this fasli from East Godavari district. A copy * of G.O. No. 2013, Revenue, dated 5th October 1934, dealing with those representations is attached.

Public Service

Procedure governing the calculation of pay of promotees to vacancies.

* 256 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state the departments in which persons promoted to vacancies some time after the vacancies have arisen have the benefit of the difference in pay from the date of vacancy and the departments in which such benefit is denied to the promotees together with reasons for the difference in the procedure adopted in the two classes of cases?

A.—No such distinction is made between one department and another.

Commerce

Importation of rice from Siam.

* 257 Q.—DIWAN Bahadur A. APPADURAI PILLAI: Will the Hon. the Member for Finance be pleased to furnish monthly figures showing the quantity of rice imported into this Presidency from Siam from the beginning of this year?

	TONS.
A.—January	11,732
February	10,490
March	15,373
April	28,785
May	18,005
June	17,765
July	12,182
August	22,407
September	20,613
Total	157,352

Diwan Bahadur A. APPADURAI PILLAI:—" Having regard to the fact that large shipments of rice are being still received, may I ask whether the Government contemplate any action to stop this import of foreign rice? "

The Hon. Sir HOPETOUN STOKES:—" I believe, Sir, I have already stated several times before, that the Government have already taken what action it is in their power to take by repeatedly addressing the Government of India in the matter."

* Printed as Appendix I on page 340 infra.

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether, as promised by the Government in answering a similar question, they have not written anything to the Government of India, and, if so, whether the opinion of the Madras Government was invited as to the measures necessary to stop this import? "

The Hon. Sir HOPETOUN STOKES:—" I must ask for notice."

Forests

Application for the administration of the Nellimalai forest by a village panchayat.

* 258 Q.—MR. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state whether the villagers residing in the villages around Nellimalai forest in Vellore taluk, North Arcot district, have applied to the Collector for the transfer of its management to a village panchayat?

A.—No applications for the transfer have been received.

Mr. M. A. MANIKKAVELU NAYAKAR:—" May I ask whether no applications were received by the Government or by the Collector? "

The Hon. Sir K. V. REDDI NAYUDU:—" By neither so far as I know."

Control of Vehicles

Reorganization of the service of bus inspectors.

* 259 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) how many bus inspectors had been employed prior to the reorganization made recently;

(b) the name, qualifications and service of each, and in which place each of them was employed;

(c) how many have been retained in service and how many have been ousted consequent on the reorganization;

(d) the name, qualification and service of those who have been retained;

(e) on what basis or principle such retention has been made; and

(f) whether new recruitment has been made after the reorganization, and, if so, how such recruitments are made and whether chances have been given to those who have been ousted from service at the time of the reorganization?

A.—(a) Twenty.

(b) The Government have no information.

(c) Fourteen were retained and four ousted. Two posts were vacant at the time the selections were made.

(d) The Government have no information.

(e) The Inspector-General of Police was instructed to select for the new appointments those among the existing Inspectors whom he considered suitable.

(f) No new recruitment has been made after the reorganization.

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Mr. ABDUL HAMEED KHAN:—" May I know the grounds on which four motor inspectors were dismissed? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" There was no dismissal, Sir."

Mr. ABDUL HAMEED KHAN:—" Why were four persons sent away? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The Government required a certain number of men and from among those available, they selected the best men."

Mr. ABDUL HAMEED KHAN:—" May I know on what principle they made the selection of the best men? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" The Inspector-General of Police was asked to select the best men and he selected the best among them."

Mr. ABDUL HAMEED KHAN:—" What is the test applied? Is it physical fitness or educational qualification? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I can only say that the best among the lot were selected."

Mr. ABDUL HAMEED KHAN:—" May I know what the Hon. Member means by best and what he understands by best? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I mean what the English word 'best' means."

Mr. V. T. ARASU:—" May I know whether the candidates selected possess the required technical qualifications? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" No particular qualifications have been prescribed for these posts."

Mr. V. T. ARASU:—" Is it the opinion of the Hon. the Home Member that no such qualifications are necessary for the bus inspectors? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" Not indispensable, Sir."

Measures for the prevention of motor vehicle accidents.

* 260 Q.—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the Hon. the Home Member be pleased to state—

(a) what steps the Government have taken and contemplate taking to prevent and check motor vehicle accidents;

(b) whether a speed limit is fixed in granting licences; and, if so, what; and

(c) how many prosecutions were launched in the three years ending 31st March 1934 for rash and negligent driving, and with what results?

A.—(a) (1) A pamphlet on " Road Sense " has recently been published in all the vernaculars and freely distributed amongst children attending elementary schools.

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(2) The whole system of traffic control is devised with the object of preventing accidents from motor traffic as far as possible: it is not possible to detail within the limits of a reply to a single question all the various measures taken or to be taken to minimize accidents on the roads.

(b) In granting G permits to motor vehicles plying for hire the issuing officer has power to fix a speed-limit which the vehicle in question shall not exceed. The actual speed-limit to be fixed has not been standardized.

No speed-limits are fixed in connexion with other licences.

(c) The Government have no information.

Bus accidents in the presidency since 1st January 1934.

* 261 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) what the number is of motor bus accidents that took place in each district since 1st January 1934;

(b) what the make is of the bus concerned in each accident, and how many casualties occurred in each accident;

(c) in how many cases prosecutions were launched, and what the result is of each; and

(d) what effective steps have been taken or proposed to be taken to prevent such accidents?

A.—(a) & (b) The Government have no information. An annual return of all motor accidents is sent up to Government each January by District Magistrates. No figures for the present year have therefore been received.

(c) The Government have no information.

(d) The hon. Member is referred to the answer to clause (a) of question No. 260.

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government have examined the allegation that several of the bus accidents are due to the laxity of examination of licensing of vehicles to use the road? "

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—" I have no information about it."

Local Self-Government

Observance of the rule of communal representation by local bodies.

* 262 Q.—Mr. M. DEVADASAN: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have issued any Government Order in pursuance of the resolution of Mr. Ahmed Meeran Sahib passed in this House on 1st February 1934;

(b) if so, whether the Government Order will be placed on the table of this House;

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(c) whether such a Government Order was communicated to the local boards, municipalities and the Corporation of Madras; and

(d) if no Government Order was passed, whether any instructions were issued to the said bodies for the observance of the principle embodied in the resolution?

A.—(a), (b) & (c) No.

(d) The attention of the hon. Member is invited to the statement placed on the table of the House on the 1st August 1934 in regard to the action taken on resolution No. 2 passed by the Council on the 1st February 1934.

Appointment of Muslims as panchayat officers.

* 263 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the number of panchayat officers so far appointed;

(b) the number of Muslims appointed as panchayat officers;

(c) whether posts of panchayat officers were advertised for before appointment; if not, why not; and

(d) the number of applications received from Muslims?

A.—(a) The Government have so far made twenty-six appointments of District Panchayat Officers.

(b) Two Muslims have been appointed as District Panchayat Officers.

(c) The posts of District Panchayat Officers were not advertised in the papers before appointments thereto were made. The Government notified in Part I-A of the *Fort St. George Gazette*, dated the 4th July 1933, that the appointment of District Panchayat Officers to all the districts in the Presidency will be made by them in exercise of the power vested in them under section 73-A of the Madras Local Boards Act, 1920. The notification gave sufficient publicity to the new appointments and a large number of applications were received by Government out of which the selection for appointments was made.

(d) Of the large number of applications received, some were from Muslims. Government do not consider that any useful purpose would be served by compiling the information asked for.

Mr. ABDUL HAMEED KHAN:—"I find from the answer that only 2 out of 26 appointments have gone to Muslims. Arising from this, may I ask whether it was due to the fact that there were not sufficient number of Muslim applicants that the Government were not able to appoint more Muslims?"

The Hon. the RAJA OF BOBBILI:—"Strictly speaking, the Government have not made all these 26 appointments. As a matter of fact, half of this number were already in service in local boards

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before this Provincial service was constituted. Therefore the number of new appointments actually made did not exceed half this number."

Mr. ABDUL HAMEED KHAN:—"In view of the fact that the Government have not made all the appointments themselves, may I ask whether it was not necessary for them to follow the communal Government Order so far as these 26 appointments are concerned?"

The Hon. the RAJA OF BOBBILI:—"It was not possible to apply the communal Government Order for all the appointments. People were already in service and had to be taken in."

Mr. ABDUL HAMEED KHAN:—"My question is this: a certain number of persons were there already in Government employ. Government appointed some others in addition. I am asking whether, in making up the number by appointing new men, the Government could not have removed the communal inequality?"

The Hon. the RAJA OF BOBBILI:—"The men who were already in service were not under Government employment. They were in district board service for the last two or three years. As far as possible, in making the new appointments, we have followed the communal Government Order."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Is it a fact that there are several other minority communities whose members have not been given these posts?"

The Hon. the RAJA OF BOBBILI:—"Sir, I am not in a position to give the names of the communities; but I think a number of backward communities are represented in these posts."

Mr. ABDUL HAMEED KHAN:—"May I ask whether it is not a fact that the communal Government Order has split the Hindu community into several sub-communities, whereas the Muslims have not been so subdivided in connexion with these appointments?"

The Hon. the RAJA OF BOBBILI:—"What the hon. Member says is correct."

Mode of payment and adjustment of the salaries of District Panchayat Officers.

* 264 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state whether the salaries of district panchayat officers are paid directly from the Government treasury and recouped from district board funds or whether they are directly paid by the presidents of district boards from district board funds?

A.—The salaries of the district panchayat officers are directly met from the funds of district boards.

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Language qualifications of the District Panchayat Officers appointed by Government.

* 265 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether care was taken to see that the district panchayat officers appointed by the Government to each district have sufficient knowledge, at least speaking knowledge, in the vernacular language mostly prevalent in that district;

(b) what the name and qualifications are of each of the persons appointed as District Panchayat Officers by Government in the several districts;

(c) from which district each of them comes; and

(d) whether each of them knows the principal vernacular language of the district in which he holds the appointment?

A.—(a) Yes, generally but with a few exceptions.

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

(d) Such of the officers as were not familiar with the vernacular language of the district at the time of their appointment are likely to have by this time acquired a knowledge of it.

Proposal, if any, for the appointment of Assistant District Panchayat Officers.

* 266 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state whether there is any proposal to appoint Assistant District Panchayat Officers; and, if so, on what pay?

A.—The question of fixing the number of assistant panchayat officers to be employed in each district and the scale of pay of these posts, is under the consideration of Government.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ Will the Hon. Minister be pleased to give preference to persons who are acting as supervisors in various district boards in making the appointments of assistant panchayat officers? ”

The Hon. the RAJA OF BOBBILI:—“ There is no proposal for appointing assistant panchayat officers. The question under consideration refers only to the number of posts necessary for each district. I am sure, wherever qualified men at present designated as assistant panchayat officers or supervisors are available, they will be given preference.”

^a Printed as Appendix II on page 341 infra.

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Qualifications and pay of the commissioners appointed to municipalities so far.

* 267 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) to which of the municipalities commissioners have so far been appointed since the question on the subject was answered in the Council last;

(b) what the population and the income of each such municipality is;

(c) who the person appointed to such office in each such municipality is;

(d) what the present pay and the scale of pay of the previous post held by each such officer are;

(e) what the educational as well as the special qualifications if any, of each of such officers are; and

(f) to which of the municipalities where there are no commissioners now, the Government propose to appoint commissioners in the course of this year?

A.—(a) to (e) A statement^a showing the particulars relating to the commissioners appointed to municipalities subsequent to Question No. 716, answered on the 28th February 1934, is appended.

(f) The attention of the hon. Member is invited to the answer to clause (c) of Question No. 20, given on the 1st August 1934.

Representation of Muslims among the Commissioners of Municipalities.

* 268 Q.—Mr. A. M. AHMED MIRAN SAHIR: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) for how many municipalities in this Presidency Commissioners have been appointed since the question on the subject was answered last;

(b) how many of the Commissioners so appointed are Muhammadans; and

(c) whether a statement showing the names of the Commissioners so appointed, their qualifications and their pay will be laid on the table of the House?

A.—(a) Commissioners have been appointed to thirty-seven municipalities subsequent to Question No. 716, answered on the 28th February 1934.

(b) Two.

(c) The attention of the hon. Member is invited to the statement appended to the answer to question No. 267.

^a Printed as Appendix III on pages 342-345 infra.

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Representation of Muslims among the commissioners of municipalities.

* 269 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many municipalities have had Commissioners appointed to them until to-day, since the question on the subject was answered last;

(b) how many of these Commissioners are Muslims and how many belong to the other communities;

(c) whether the Government will be pleased to place on the table a list of the Commissioners appointed until to-day with their communities and the qualifications each one possesses; and

(d) how many more Commissioners the Government propose to appoint during the year?

A.—(a) The attention of the hon. Member is invited to the answer to clause (a) of question No. 268.

(b) & (c) Attention is invited to the statement appended to the answer to question No. 267 in continuation of the statement furnished in the answer to question No. 716 given on the 28th February 1934.

(d) Attention is invited to the answer given to clause (c) of question No. 20 on the 1st August 1934.

Proposals, if any, for the appointment of Health Officers as Commissioners of Municipalities.

* 270 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) how many Health Officers in the Presidency have passed the Accounts and Audit tests;

(b) whether such officers are eligible for appointment as Municipal Commissioners; and

(c) whether the Government propose to recruit any Commissioners of Municipalities from Health Officers so qualified; if not, why not?

A.—(a) Of the fifty-five First-class Health Officers, eight have been exempted from passing the Accounts test and forty-three have passed the test. Of the forty-eight Second-class Health Officers, forty-one have passed the test. Health Officers are not required to pass any Audit test.

(b) Yes.

(c) There is a proposal under consideration to combine the office of the Commissioner with that of the Engineer or the Health Officer in certain minor municipalities; but an amendment of the Madras District Municipalities Act, 1920, is required to give effect to it.

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MR. P. V. KRISHNAYYA CHOUDARI:—“ May I ask when the Government are likely to adopt the policy of appointing health officers as municipal commissioners? ”

The Hon. the RAJA OF BOBBILI:—“ We are preparing an amending Bill to enable us to do that.”

Savings estimated on account of the abolition of taluk boards.

* 271 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the estimated net saving to each district board is owing to the abolition of the taluk boards and after the sanction of the establishments to district boards and the appointment of Educational officers; and

(b) whether it is a fact that in several district boards the number of local fund range officers have to be increased as a result of the abolition of taluk boards?

A.—(a) A statement * is laid on the table. The figures in the statement represent the savings as estimated at the time of the introduction of the Bill to amend the Madras Local Boards Act, 1920.

(b) Some presidents of district boards have suggested the creation of additional posts of overseers which in their opinion is necessary to administer the services of the late taluk boards.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know now the actual figures as regards savings? ”

The Hon. the RAJA OF BOBBILI:—“ Sir, it is too early to say what the actual savings will be. I do not think the Government or the district boards will be able to say that now.”

Strength of the clerical staff of each district board.

* 272 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state whether the Government have finally fixed up the total number of clerks for each district board; and if so, what the principle adopted by them is in fixing the number?

A.—Government have tentatively in the first instance fixed the total number of clerks to be employed by the district boards including such additional number as, in their opinion, is necessary for the additional work thrown upon the district boards consequent on the abolition of taluk boards. As some presidents have stated that the allotment made is inadequate and have asked for additional establishment, orders are being issued sanctioning additional clerks in cases where Government are satisfied that there is real need for additional establishment.

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Sanctioned strength and scale of pay of the office establishment of district boards.

* 273 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether orders have been passed fixing the strength of the office establishment of each district board;

(b) whether copies of orders passed in respect of each district board will be placed on the table;

(c) what the scale of pay allowed to each post is, and what the scale of pay is of that post previous to this arrangement;

(d) whether the existing incumbents are allowed to draw the same pay they were drawing or whether they have been fixed in the new rates;

(e) from which date such an arrangement is to come into force;

(f) on what basis or principles the strength of each district board office has been fixed; and

(g) whether the fixing of the strength of the establishments under the district board concerns only the office establishment of the district board or all the various establishments under them?

A.—(a) Yes; except that of the Nilgiri District Board.

(b) No.

(c) The scale of pay for upper division clerks is Rs. 55—5/2—65 and that for the lower division clerks is Rs. 30—3/2—45—2½/2—50. The scales of pay for the other Ministerial posts will be found laid down in G.O. No. 3033 (89-S), L. & M., dated the 22nd June 1934, a copy * of which is laid on the table. The scales of pay previously in force in the several district boards in respect of these posts varied considerably and no useful purpose will be served by collecting the information which would be a laborious process.

(d) & (e) Attention is invited to paragraphs 5 and 9 of G.O. No. 3033 (89-S), L. & M., dated the 22nd June 1934.

(f) The strength of the offices under the district board before the abolition of taluk boards was as far as possible retained and to this was added what additional number of clerks Government considered necessary in the respective district board offices to deal with the extra work thrown upon those offices by the abolition of taluk boards.

(g) In fixing the strength of the Ministerial establishment, the strength of such establishment employed in all the offices under the district board has been taken into consideration. The strength of the non-ministerial establishments has not yet been fixed.

* Printed as Appendix V on pages 346-349 infra.

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Principles underlying the absorption by district boards of the staff disbanded on the abolition of taluk boards.

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

(a) whether the Government have finally fixed the number and personnel of the clerks to be absorbed by district boards from the disbanded staff of taluk boards; and

(b) if so, what the principles adopted by them are in deciding the personnel of the clerks ordered to be absorbed?

A.—(a) Yes. Attention is also invited to the answer to question No. 272.

(b) Selections have been made in accordance with seniority based upon pay except in cases where it was considered that this principle would cause hardship.

Order of re-entertainment of the staff disbanded on the abolition of taluk boards.

* 275 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) in what order the clerks and other persons ousted from service on account of the abolition of taluk boards are taken back into service;

(b) whether a copy of the Government Order passed in this behalf will be placed on the table;

(c) whether such persons are eligible for pension or other privileges;

(d) what is to be done for the break of service in the case of each individual; and

(e) whether this period of break of service will be counted as service for purposes of pension?

A.—(a) Attention is invited to the answer to clause (b) of question No. 274. In preparing the list of ex-taluk boards clerks who should be appointed in vacancies arising under the district board in future, preference has been given to graduates among them. The question of absorbing others in the district board establishments is under consideration.

(b) No general orders were issued in regard to the principles on which selections were based.

(c), (d) & (e) The points raised are under consideration.

Policy underlying the division of the establishment of district boards into two cadres.

* 276 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Local Self-Government be pleased to state the policy pursued by the Government in dividing the establishment of the district boards into two cadres—upper and lower—and in fixing the scales of pay for each?

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A.—The practice in respect of Government services has been adopted, and the scales of pay prescribed for those services have been followed subject to certain slight modifications necessitated by the conditions of service in the district board offices.

Formation of joint committees by panchayat boards.

* 277 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 prohibited panchayat boards from forming into joint committees; and

(b) if so, what the reasons of the Government are for the same?

A.—(a) & (b) Under section 30 of the Madras Local Boards Act, it is open to two or more panchayat boards to constitute a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible. Joint committees formed with any object which is not contemplated under this section do not fall within the scope of the Act. It was brought to the notice of Government that some panchayat unions or joint committees which were formed in a few districts and which formally applied for recognition by Government were not conforming to the above provisions of the Act and so they could not recognize them as joint committees constituted under the Act.

Scale of pay of elementary school teachers employed by district boards.

* 278 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) which district boards have adopted the scales of pay prescribed by the Government for elementary school teachers; and

(b) whether the additional expenditure involved by the adoption of such a scale has to be met out of the general revenues and, if so, in which district boards and to what extent in each board?

A.—(a) & (b).—The reports called for by Government in regard to the adoption of the revised scales of pay are being examined by the Director of Public Instruction and his remarks are awaited.

Financial capacity of district boards to adopt the scale of pay laid down by Government for elementary school teachers.

* 279 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have called for a report and found out whether the finances of all district boards permit the introduction of the scales of pay laid down by the Government for elementary school teachers; and

(b) whether the Government propose to help such boards as are not in a position to give effect to the scales prescribed?

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A.—(a) The financial effect of the introduction of the revised scales has not yet been examined. The Government have called for a report from presidents of district boards as to the action taken in giving effect to these scales and their replies are being examined by the Director of Public Instruction.

(b) There is no such intention.

Prohibition of the employment of untrained teachers in local board schools.

* 280 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 candidates for admission into training colleges and schools are required to have put in at least one year's service as teachers;

(b) whether local boards are prevented from employing untrained teachers even for temporary periods; and

(c) what the reasons of the Government are for complete prohibition of the employment of untrained people in local board schools?

A.—(a) As far as training colleges are concerned, there is no rule prohibiting the admission of persons without previous teaching experience.

In the case of training schools, under the rule as recently amended by Government at least 50 per cent of the candidates selected for admission should have had not less than one year's previous teaching experience, but the Director of Public Instruction has the power to exempt members of the Depressed Classes, Muhammadans and women from the operation of this rule.

(b) & (c) The employment of untrained teachers by local boards for temporary periods is permissible under certain conditions.

Period of agreement between the Madras Corporation and the Madras Electric Supply Corporation.

* 281 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the period of agreement is between the Madras Corporation and the Madras Electric Supply Corporation; and

(b) how many years have elapsed since the date of agreement?

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

Mr. M. B. RANGASWAMI REDDI:—“Will the Government be pleased to call for the information?”

The Hon. the RAJA OF BOBBILI:—“It is an agreement between the Corporation and the Electric Supply Company and I do not think it is the business of the Government to call for this information.”

11-15 a.m.

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Medical Administration*Provision of a new building for the Government Queen Alexandra Hospital, Salem.*

* 282 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) what the number is of maternity cases attended to in the Government Queen Alexandra Hospital at Salem in each month during 1933;

(b) what the number is of beds provided in that hospital;

(c) at what stage the providing of a new building for that hospital is; and

(d) when it is proposed to be taken up and completed?

A.—(a) A statement ^a furnishing the required information is laid on the table.

(b) Twenty-one.

(c) & (d) The Surgeon-General has been asked to submit proposals for the construction of new buildings for consideration in connexion with the budget for 1935-36.

Electrification of the Government Hospitals at Salem.

* 283 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the electrification of the Government Headquarters Hospital, Salem, has been completed;

(b) if not, at what stage it is and when it is proposed to be finished; and

(c) whether the Government Queen Alexandra Hospital, Salem, is also to be electrified?

A.—(a) & (b) Full provision of Rs. 12,200 has been made in the current year's budget for the electrification of the Government Headquarters Hospital buildings and some residential buildings connected with them. It is expected that the work will be completed within the current year. The Government have no information about the present stage of the work.

(c) No.

Public Health*Free distribution of quinine in malarial tracts.*

* 284 Q.—MR. M. D. T. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Local Self-Government be pleased to state what steps have been taken, and at what cost, for the distribution of quinine free in malarial areas, and in which districts, during the three years ending 31st March 1934, and are being taken in the year 1934-35?

^a Printed as Appendix VI on page 350 infra.

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A.—A brief account of the working of the scheme of free distribution of quinine during 1931 and 1932 is given in the annual public health reports for these years which have already been published. As regards the year 1933, a similar account is given in the appended extract ^a from the report for that year. The scheme is continued in the thirteen districts of the Presidency during the current year and may be extended to new areas which are found to be malarious by surveys of the Malaria Officer, subject to a maximum expenditure of Rs. 45,000 in the year on the scheme. The subjoined statement shows the districts in which the scheme was working and the approximate cost of quinine distributed to the districts under the scheme during these years:—

Year.	Cost of quinine supplied to District Health Officers.	Districts in which the scheme was working.
1931-32	Rs. 28,927.	Bellary, Chingleput, Coimbatore, Cuddapah, Kurnool, Nellore, Salem, and South Kanara.
1932-33	32,578	Anantapur, Bellary, Chingleput, Chittoor, Coimbatore, Cuddapah, Ganjam, Kurnool, Malabar, Nellore, Salem, South Kanara and Vizagapatam.
1933-34	25,773	Do.
1934-35	45,000 (provided in the Budget).	Do.

Agriculture*Prevalence of the mahali pest in the arecanut plantations of South Kanara.*

* 285 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any report regarding the spread of the mahali disease in arecanut plantations in South Kanara; and

(b) whether any steps have been taken to control this pest and, if so, with what results?

A.—(a) Yes.

(b) A copy ^b of the report of the Deputy Director of the circle concerned is appended.

MR. A. B. SHETTY:—"The Government say that they have received a report regarding the spread of the disease. May I know what the report says; in what places the disease prevails and how far it has been brought under control?"

The Hon. MR. P. T. RAJAN:—"The appendix to the answer gives all the information available with the Government."

^a Printed as Appendix VII on page 350 infra.

^b Printed as Appendix VIII on page 351 infra.

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Veterinary*Aid to Ayurvedic Veterinary Dispensaries.*

* 286 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government or the Director of Veterinary Department have received any representations from the Ayurvedic Veterinary Dispensary, Angalur, Kistna district; and

(b) whether the Government propose to recognize such Ayurvedic Dispensaries by giving financial aid either from their funds or allow local bodies to render such aid?

A.—(a) Yes.

(b) Each proposal for a grant from Government or for Government permission to the local bodies to contribute towards the maintenance of a private Ayurvedic Veterinary dispensary will be considered on its merits.

Education*Provision for a Malayalam Lectureship in the Government Muhammadan College, Madras...*

* 287 Q.—MR. BASHEER AHMED SAYEED: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether there is any provision for the teaching of Malayalam in the Government Muhammadan College;

(b) whether the Government are aware that nearly one-third of the Muslim population in the Presidency for whom the College is meant speak Malayalam;

(c) whether it is a fact that on account of the absence of the provision for the teaching of Malayalam, a large number of Mappilla boys seek admission into other colleges to the detriment of the Muhammadan College;

(d) whether the Director of Public Instruction has sent up any proposal for the appointment of a Malayalam lecturer in the Government Muhammadan College, Madras; and

(e) whether the Government propose to make provision for the appointment of a Malayalam lecturer for the Government Muhammadan College in the next year's Budget?

A.—(a) No.

(b) Approximately a third of the Muslim population of the Presidency is to be found in Malabar district.

(c) In the year 1932-33, less than 50 Muhammadan students were reading in all the four colleges in Malabar district.

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Government do not consider that Mappilla students from Malabar will be diverted to the Government Muhammadan College, Madras, even if provision is made for teaching Malayalam.

(d) No. On the other hand the Director of Public Instruction reported against such appointment.

(e) No.

MR. ABDUL HAMEED KHAN:—"With reference to the answer to clause (c), may I ask on what basis the Government say that they do not consider that Mappilla students from Malabar will be diverted to the Government Muhammadan College, Madras, even if provision is made for teaching Malayalam?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"On the ordinary consideration that students will go to the college which is nearest to them."

MR. ABDUL HAMID KHAN:—"I am sure the Hon. Minister is aware that it is for the sake of Muslim culture that this college has been established; would not therefore Muslim students from all parts of the Presidency go to this college if proper facilities are provided for their education?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The Government do not suppose that by the introduction of Malayalam in this college more Muhammadan students from Malabar would go to this College."

Excise*Reasons for not proceeding with the Bill to amend the Opium Act, 1878.*

* 288 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Minister for Education and Excise be pleased to state why the Government did not proceed with the further stages of the Bill (No. 28 of 1932) to amend the Opium Act, 1878, for certain purposes?

A.—Some of the changes made by the Select Committee which considered the Bill were not acceptable to the Government. The Government had therefore to abandon for the time being their intention to proceed with the Bill.

MR. A. RANGANATHA MUDALIYAR:—"May I ask whether there was not a member of the Government on the Select Committee?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Yes, there was."

MR. A. RANGANATHA MUDALIYAR:—"May I ask whether the Reserved Half of the Government was not represented on the Select Committee by some of its important officials? Was not the Revenue Secretary on the Committee?"

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not think there was any Member of the Reserved Half on the Committee. The question concerns the Transferred Half. Mr. Thorne, who was on the Committee, is as much the property of the Transferred as of the Reserved Half."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask whether any member who represented the Government on that Committee raised any objection to the recommendations of the Committee and whether the report was not a unanimous report?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say what all took place at the time of the discussion, but I may say that there was no dissenting minute to the report of the Committee."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask whether the Government could not have introduced the Bill and then moved any amendments they liked to the Bill in the Council?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I thought it was not worth while doing that, but preferred to wait for some time and see if the Act would not work even without those amendments."

Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, I request you to note this. When a select committee is appointed, Members of the Government also sit on that committee. They raise no objection to the recommendations of the committee and the committee presents a unanimous report. But later on the Government give the go-bye to the report and the recommendations."

The Hon. the PRESIDENT:—"That is not a thing that can be avoided under the Standing Orders as they stand at present."

Revenue derived by opening toddy and arrack shops at Mettur.

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

(a) whether some arrack and toddy shops were opened at Mettur when the construction of the Mettur dam was commenced;

(b) if so, how many shops of arrack and toddy were opened;

(c) how many arrack and toddy shops were there before the commencement of the work; and

(d) the income from both the new and old shops for every year under (i) tree-tax, (ii) monthly rental value, (iii) duty on arrack and (iv) monthly sale of contract?

A.—(a) & (b) One arrack shop and one toddy shop were opened at Mettur after the construction of the Mettur Dam was commenced.

(c) None.

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(d) The income from the arrack shop and the toddy shop under the several heads is furnished below:—

Toddy shop.

Year.	Tree-tax.			Monthly rental value.		
	RS.	A.	P.	RS.	A.	P.
1928-29	5,197	8	0	1,505	0	0
1929-30	6,838	2	0	1,020	0	0
1930-31	9,600	0	0	1,910	0	0
1931-32	10,123	2	0	2,205	0	0
1932-33	10,438	2	0	3,010	0	0
1933-34	5,962	8	0	1,725	0	0

Arrack shop.

Year.	Duty on arrack.			Monthly sale of contract.		
	RS.	A.	P.	RS.	A.	P.
1928-29	3,762	4	11	500	0	0
1929-30	7,654	0	0	380	0	0
1930-31	8,950	1	0	530	0	0
1931-32	7,984	9	3	500	0	0
1932-33	6,042	10	8	505	0	0
1933-34	3,600	6	0	400	0	0
1934-35 (up to August 1934).	737	3	0	206	0	0

Mr. C. R. PARTHASARATHI AYYANGAR:—"May I ask why these arrack and toddy shops were opened there when there were none previously?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The people settled there apparently wanted these shops."

The Hon. the PRESIDENT:—"I wish there is perfect silence in the House at least during question time."

Mr. V. T. ARASU:—"Was any petition or mahazar received by the Government requesting that such shops may be opened there?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I have no information."

Mr. V. T. ARASU:—"Then, may I ask, what was it that made the Government open these shops?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"It is not the Government who opened these shops. We have Excise Officers who are advised by Excise Advisory Committees."

Mr. ABDUL HAMEED KHAN:—"May I ask whether these officers are not the Government?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"They do not constitute the Government; they are only officers of the Government."

Mr. V. T. ARASU:—"May I ask whether the Hon. Minister is sure that the Excise Advisory Committee recommended the opening of these shops?"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I cannot say."

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Fisheries

Notice of discharge to certain Sub-Inspectors and peons of the Fisheries Department.

* 290 Q.—Mr. A. B. SHETTY: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether any Sub-Inspectors and peons in the Fisheries department have been given notice of discharge; and

(b) if so, how many and for what reasons?

A.—(a) Yes.

(b) Nineteen Sub-Inspectors and sixty-one peons; consequent on the reorganization of the staff employed in the administration of the fish curing yards.

Mr. A. B. SHETTY:—“ May I ask what the Government propose to do with these sub-inspectors and peons who have been given notices of discharge? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think the Government have any proposals on the matter at present, but I believe the matter is under consideration.”

Mr. A. B. SHETTY:—“ May I ask how many of these people were drafted into the Fisheries Department from the Excise Department? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I cannot say.”

Mr. M. S. SRESHTA:—“ May I ask whether it is not possible to absorb them in some other department? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I do not think all these questions arise on this question.”

UNSTARRED QUESTIONS**Agriculture**

Marketing facilities for the heavy out-put of cotton in the Bellary and adjoining districts.

291 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) what steps are being taken to find suitable markets for the extensive cotton grown in the district of Bellary and the adjoining districts;

(b) whether there is a proposal to appoint a marketing officer for the Bellary district;

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(c) what steps are being taken to induce the ryots to grow such cotton as will find an easy market; and

(d) whether the Government propose to open a mill in the district of Bellary so that cotton grown there be utilized locally?

A.—(a) The Government are informed that the cotton known as “ westerns,” which is grown extensively in the Bellary district, has a good and steady market in Bellary. Most of the mills in Bombay, Ahmedabad and Madras buy this cotton, and lately there has been an appreciable foreign export of it. There has also been a marked increase lately in the number of bales of “ northern and westerns ” pressed. It has never been suggested that this variety of cotton does not find a market or that any steps are necessary to find new markets for it.

(b) & (d) No.

(c) The two agricultural stations at Hagari and Nandyal in this area are experimenting continuously to discover strains of cotton most suitable for cultivation locally. The quantity of pure seed distributed from these two farms in the year 1933–34 was 9,763 lb. There is a cotton sale co-operative society at Bellary.

Fisheries

Retrenchment of personnel in the Fisheries department, West Coast.

292 Q.—Mr. P. C. MOSES: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether it is a fact that as a measure of retrenchment in the Fisheries department, West coast, 11 (eleven) permanent Sub-Inspectors of Fisheries have been served with three months' notice either to quit service or consent to be reduced to the grade of petty officers;

(b) whether it is a fact that among the Sub-Inspectors of Fisheries at present in service there are men who have been drafted into the Fisheries department from the Excise department; and

(c) whether reverting these men into the Excise department or absorbing them into the new posts of Sub-Inspectors created in the Excise department is not feasible?

A.—(a) The Director of Fisheries has issued notices of discharge to 19 Sub-Inspectors on the whole, consequent on the abolition of posts of Sub-Inspectors recently in connexion with the reorganization of staff in the fish-curing yards.

(b) Yes.

(c) The matter is under the consideration of the Government.

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

II.—ADJOURNMENT MOTION *RE* FAILURE OF CROPS IN CEDED DISTRICTS.

Mr. K. KOTI REDDI:—“ Mr. President, Sir, under Rule 11, I beg leave to make a motion for the adjournment of the business of the House for the purpose of discussing a matter of urgent public importance, namely, the situation created by the failure of crops due to want of sufficient rain in almost the whole of the Ceded Districts which necessitates the taking of immediate steps for relieving the distress prevailing among the ryot and labour population of these districts.”

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ I second it.”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I have no objection to the motion.”

The Hon. the PRESIDENT:—“ No objection having been taken and the motion being in order, it will be taken up for discussion at 4 p.m. to-day.”

* III.—THE MADRAS DEBTORS' PROTECTION BILL (MONEY-LENDERS BILL) (BILL No. 21 OF 1932).

The Hon. the PRESIDENT:—“ The House will now proceed to consider the Madras Debtors' Protection Bill (Madras Money-lenders Bill, Bill No. 21 of 1932).”

* The Hon. Sir K. V. REDDI NAYUDU:—“ Mr. President, Sir, I beg your leave to make a statement on behalf of the Government in order to remove some misapprehensions in certain quarters which seem to have been caused on account of the omission of clause 6 of the Bill on an amendment moved by me in this Council. At the meeting of the Legislative Council held on the 1st August 1934 I moved that clause 6 and the explanation thereunder of the Madras Debtors' Protection Bill as amended by the Select Committee providing for a maximum rate of interest of 18 per cent per annum in the case of secured loans and 24 per cent per annum in the case of unsecured loans be omitted. In doing so I observed: ‘ Apart from the various difficulties that are in the way of enforcing a law like this, for we have known the instance of how the Usurious Loans Act has been circumvented—my main objection is due to a circumstance which I am sure the House will appreciate. The Government of India have intimated to us that they are taking up the question which is covered by this clause as an Indian question applicable to all the Provinces and that they are contemplating legislation. Therefore we are unable to approve of this clause

* The Bill was discussed on the 1st and 3rd August 1934 and its further consideration was postponed to the next non-official day.

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here. I therefore beg to move that it may be omitted.’ The amendment was carried in the Council. Subsequently the Government of India inform this Government that after careful consideration of the replies received and of the views expressed at the Economic Conference held at Delhi in April 1934 they have decided, in view of the diversity of conditions prevailing in the Provinces that the subject-matter (legislation to control money-lending and the unrestricted usurious rates of interest) is primarily one which should be dealt with by the provincial legislatures. They intimated that they do not therefore propose to undertake central legislation and said that they had no doubt that Local Governments would take such steps as might be necessary to initiate or support legislation dealing with the subject. In view of the last mentioned communication from the Government of India this Government are going to introduce legislation in this Council on this subject. This of course cannot be done as hon. Members are aware at the third reading of the Bill now before the Council. The Government are therefore going to introduce a separate amending Bill and have invited the opinion of the Hon'ble the Judges of the High Court and the Board of Revenue as to whether such a Bill should be on the lines of section 3 of the Bengal Money-lenders Act, 1933, or whether they consider that some other form of legislation would be more effective.”

Clause 2.

* The Hon. Sir K. V. REDDI NAYUDU:—“ Sir, I beg to move the following amendment:—

‘ For clause 2 (1), substitute the following:—

“ (1) ‘ bank ’ means a company carrying on the business of banking and—

(a) registered under any of the enactments relating to companies for the time being in force in the United Kingdom or in any of the British Dominions, or in any of the Colonies or Dependencies of the United Kingdom or in British India or in any State in India, or

(b) incorporated by an Act of Parliament or by Royal Charter or Letters Patent or by any Act of the Indian Legislature; ”

“ Sir, this is purely a verbal amendment. It does not make any difference in the meaning. Certain alterations have been made with a view to make the meaning clear.”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR second it.”

The amendment was put and carried.

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The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move the following amendment:—

'For clause 2 (2), substitute the following:—

"(2) 'company' means a company—

(a) registered under any of the enactments relating to companies for the time being in force in the United Kingdom or in any of the British Dominions, or in any of the Colonies or Dependencies of the United Kingdom or in British India or in any State in India, or

(b) incorporated by an Act of Parliament or by Royal Charter or Letters Patent or by any Act of the Indian Legislature,

and includes a life assurance company to which the Indian Life Assurance Companies Act, 1912, applies;""

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

11-30 a.m. The amendment was put and carried.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move the following amendment:—

'In sub-clause (v) of clause 2 (7)—

(i) for the words "by lessor" substitute the words "by a lessor;" and

(ii) for the words "by partner in cultivation," substitute the words "by one partner in cultivation.""

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clauses 4 and 5.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, I beg to move the following amendment:—

'Renumber clauses 4, 4-A, 4-B and 5 as 3, 4, 5 and 6, respectively.'"

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 3 (1) as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"Sir, the next amendment relates to clause 3, sub-clause (1). I beg to move—

'In sub-clause (c), for the words "supply to the debtor" substitute the words "furnish to the debtor.""

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The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 3 (3) as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment refers to clause 3, sub-clause (3) as re-numbered. I beg to move—

'In line 2, for the word "supplied" substitute the word "furnished.""

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 4 (1) as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment relates to clause 4 (1) as re-numbered. I beg to move—

'In line 4, for the figure "4" substitute the figure "3.""

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The amendment was put and carried.

Clause 5 as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment refers to clause 5 as re-numbered. I beg to move—

'For clause 5 as re-numbered, substitute the following:—

"5. In the receipt to be given under clause (b) of sub-section (1) of section 3, in the statement of account to be furnished under clause (c) of that sub-section and in the copy of the entries to be delivered under sub-section (2) of section 4, the figures shall be entered only in Arabic numerals.""

The Hon. Sir HOPETOUN STOKES:—"I second it."

The amendment was put and carried.

Clause 6 (1) as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment refers to clause 6 (1) as re-numbered. I beg to move the following amendment:—

'In line 4, for the figure "4" substitute the figure "3" and for the figure and letter "4-A" substitute the figure "4.""

The Hon. Sir HOPETOUN STOKES:—"I second it."

The amendment was put and carried.

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Clause 6 (2) as re-numbered.

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment refers to clause 6 (2) as re-numbered. I beg to move—

- ' (1) *In line 3 for the figure "4," substitute the figure "3" and for the word "supply" substitute the word "furnish."*
- (2) *In line 4, for the words and figure "sub-section (1) of that section," substitute the words "that sub-section;"*
- (3) *In lines 6 and 7, for the words "being a pawnbroker he fails" substitute the words "if a pawnbroker fails;"*
- (4) *In line 8, for the figure and letter "4-A" substitute the figure "4."*

The Hon. Sir HOPETOUN STOKES:—"I second it."

The amendment was put and carried.

Clause 8 (2).

* The Hon. Sir K. V. REDDI NAYUDU:—"The next amendment refers to clause 8, sub-clause (2). I beg to move—

- ' (1) *Re-letter sub-clauses (a) and (b) as (b) and (c), respectively, and insert the following as sub-clause (a):—*
"(a) the sum which may be charged as fee for a statement of account, furnished under clause (c) of sub-section (1) of section 3;"
- (2) *In sub-clause (b) as re-lettered for the figure "4" substitute the figure "3";*
- (3) *In sub-clause (c) as re-lettered for the figure and letter "4-A" substitute the figure "4."*

The Hon. Sir HOPETOUN STOKES:—"I second it."

The amendment was put and carried.

* Mr. C. BASU DEV:—"Mr. President, Sir, I move that the Madras Debtors' Protection Bill be passed into law. With your permission, I wish to reserve a few words to my reply with which I will finally commend this motion for the acceptance of this hon. House. At this stage however I would like to express my sincere thanks to the Government, particularly to the Hon. the Law Member for the very handsome statement he made with regard to the interest clause which at the last meeting, on the assurance of the Hon. the Law Member, that the Government of India would bring in a comprehensive Bill applicable to the whole of India, we consented to drop from this Bill. The Government of India, much to our regret, have given up the idea. But I am glad however that they have at least given the freedom to Local Governments in this matter. I understand, Sir, that in one or two Provinces, measures of this kind have already been

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translated on to the statute book and in the Central Provinces the Hon. the Finance Member, Mr. Raghavendra Rao, is very keen and particular in bringing down the rate of interest by a statutory measure to as low a rate as 6 per cent. In the Hon. the Law Member we expect a strong champion of those interests which suffer on account of the flexibility of the rate of interest varying in direct proportion to the needs of the borrower. I hope and pray that even at the next meeting itself the Government will place on the statute book a measure which even the laudable enthusiasm of Mr. Raghavendra Rao will have to emulate. With these words, I move that the Bill be passed into law."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, though I was one who took a very keen part in opposing the Bill, now I have reconciled myself to the Bill, particularly because reasonable amendments have been accepted by the House and I have also been convinced, to a certain extent, that certain provisions of the Bill are quite necessary and beneficial though I do not agree with all the provisions that have been passed by the Council. I need only say that at the early stages of the Bill very prominent members of this profession have given evidence to show that the restriction in the manner proposed in the Bill will only tend to curtail credit. I do not want to repeat what has been said already, except to say that we have to wait and see how this Bill works.

"I wish to confine my remarks to the statement made by the Hon. the Law Member. Sir, you may remember that the then Law Member opposed the Bill in the first stage very vehemently and the Bill was introduced into the Council by a small majority, 36 to 28. Then the Select Committee considered the Bill for a long time and took evidence and now we have come so far. The reasons given by the Government in not supporting the Bill at the early stages are that the Government were opposed to the introduction of provisions regarding interest and that the other provisions of the Bill were unworkable. I should say that all those objections are certainly still prevailing, and that the Government should well consider them. Now I see the Government are willing to bring forward a measure. I should say that the Government should certainly wait and see how this Bill works for some time. After all, the Mover of this Bill has modelled it on the Punjab Regulation of Accounts Act which was passed 3 or 4 years ago; it was not put into operation for a year or two after it was passed; we have yet to know the success and the results of that Act. Therefore, Sir, I would certainly urge upon the Members of the House that they should wait and see how the Act is going to work and then consider further amendments in the shape of restrictions with regard to interest. With regard to them, however, much can be said on both sides. If any restriction that is put is not going to be very reasonable,

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the party that will suffer most is the debtor first and not the money-lender; that has been the experience of very many persons older than myself. Even advanced countries like England did not have any restriction with regard to interest till the year 1927 and even there the present maximum rate of interest is 48 per cent; I wish to ask hon. Members of the House whether they are going to agree to this maximum. The Hon. the Law Member stated that the Government are consulting the High Court and the Revenue Board; I am very glad of that and I am sure that they will go into the question very carefully. I wish to make a suggestion to the Government in this connexion; if they should sponsor a measure in this matter, they should be very careful before they introduce it. I would be glad if the Government would appoint a small committee of officials—I am not suggesting non-officials—to go into the matter; they can appoint a Judicial officer to make enquiries and to submit a report as to the possibility of restricting the rate of interest; they can also ask him to report with regard to the working of the Usurious Loans Act. Such an enquiry would help hon. Members of this House when the Government come forward with a measure. Sir, I would strongly urge the Government to consider this proposal of mine.

11-45 a.m. “Another point that I want to refer to is this: Besides referring the question to the High Court and the Board of Revenue, I would be glad if the Government would write to the various Chambers of Commerce in respect of their proposal to have some restrictions on the rates of interest.

“It is now my pleasant duty, Sir, to congratulate my friend Mr. Basu Dev on his good luck in having had the good wishes of the Council so far in getting through this Bill. I am sure Mr. Basu Dev never expected so much success to the Bill even when he introduced it. The Bill as introduced by him, if it had been passed, would have been much worse than the one before us. The Bill has been very much toned down by the Select Committee and by Members of this Council, and it is very much better now than the Bill as introduced. Though I am one of those who opposed the Bill in its early stages, I have very great pleasure now in supporting the motion that the Bill be passed into law.”

Mr. ABDUL HAMEED KHAN:—“Mr. President, Sir, I should of course have congratulated my friend Mr. Basu Dev on the passing of this measure if he had been successful in influencing the financiers in his party to agree to the original Bill as introduced by him. Having regard to the composition of the present party in power, I knew even at the beginning that he would never succeed; still, it is very courageous on the part of Mr. Basu Dev, in spite of the opposition in his own party, to have pushed through this measure.

“Sir, we all know the various stages through which the Bill has passed. Originally my friend Mr. Basu Dev intended his Bill to be known as the Money-lenders Bill. But even the very name of the

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Bill has now been changed. This transformation itself suggests many things indeed. Mr. Basu Dev believed that any kind of legislation in this matter would mark an advance in the direction of breaking open the citadels of the financiers in his party.

“As regards the important provisions in the Bill, I shall first refer to the question of the restriction of interest. Mr. Basu Dev himself said that other provinces have advanced much further in this respect and that they took up this question much earlier; in this province, however, it has been left to a non-official member to bring forward a measure of this character. If there is any duty that devolves upon the Government first and foremost, it is to protect the masses who are oppressed by the money-lenders. The Government of this province did not think it necessary to bring forward a measure of this kind, even though they were aware that commerce and industries had been very much affected adversely by the high rates of interest. And when a non-official member brought forward this measure, the Government went to the extent of putting all possible obstacles in the way of the passage of the Bill. Somehow or other, Government thought it fit to address the Government of India on this question and were told that the Government of India themselves were thinking of enacting in the Indian Legislature an all-India measure dealing with this matter. Subsequently, the Government of India have dropped that idea and have enabled the Local Government to have their own enactments in the matter. When that was so, why did not the Government come forward with their amendments in regard to this very measure, so far as the restriction of the rate of interest is concerned? There was sufficient time for them to do so; they could have put off the Bill for a short period. On account of the fact that the Government have not thought it fit to do so, the courts are not accepting any lower rates of interest in the cases that come up before them. It may be that in some of the districts the rate of interest is low, but in the City and in many other districts the civil courts are not accepting reasonable rates of interest. The Bill as it is will help the unfortunate debtors to this extent, that they will ask for accounts being kept by the creditors. That is something done in the direction of preventing debtors being cheated from time to time. It has been possible for the money-lender to say one thing and do another. Again, the debtors, most of them being illiterate people and not being able to keep accounts themselves, have been believing as gospel truth whatever the money-lender told them. In this state of things, the Government should see to it that the money-lenders keep their accounts properly and correctly, under fear of punishment.

“An important change made in the Bill is the reduction of the amount of loan to Rs. 500 every time. This will help persons who take small loans; but there are many classes of people who go in for bigger amounts and thousands of rupees. Persons who lend such big amounts are very influential in the party in power, and I think that is why the Government have not found it possible to safeguard the interests of that

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section of debtors who go in for large amounts. Why should the Government take interest in one section of the people to the detriment of another very large section which is not vocal in this House? As suggested by my friend the Kumararaja of Chettinad who was good enough to give, I suppose, a left-handed compliment to the mover of this Bill, I hope when the Government come forward with an amending measure, it will be one acceptable not only to all sections of the House but to all sections of people in the country.

"With these words, Sir, I may say once again that I will not be doing justice to myself if I congratulate my friend Mr. Basu Dev wholeheartedly; but, as it is, he deserves the congratulations of the Council on getting this Bill passed."

Sriman M. G. PATNAIK Mahasayo:—"Sir, nobody would have failed to notice that the Bill, as it stands, is irritating to the money-lender and not at all beneficial to the debtor. Because, the money-lender if he is forced to maintain accounts, will bear a grudge against the debtor. On the other hand, the debtor won't get any benefit. I cannot of course say that the debtor was always cheated. Anyway, so long as the creditor has been charging excessive rates of interest, he has not cared to maintain accounts. Now I am glad that the Government are going to introduce a measure restricting the rates of interest. The Kumararaja of Chettinad said that although he was opposed to the Bill in the early stages, latterly he has become reconciled to it; it is no wonder that he became reconciled to it, because the Bill has been practically emasculated and made colourless. I would request Members to note the boast, rather the threat of the Kumararaja of Chettinad that it would be possible for the money-lenders to circumvent any measure that may be introduced for the relief of the debtors. That only shows how helpless these debtors are and how powerful these money-lenders are. I feel, Sir, that Government must bear this in mind and introduce very stringent provisions to keep down these money-lenders and to see that they are not in a position to oppress the debtors at all. What the Kumararaja has said just now may of course be taken to be the opinion of all the money-lenders. They think they are quite safe; they say: 'whatever the Government may do, we don't care'."

Mr. M. A. MUTHIAH CHETTIYAR:—"On a matter of personal explanation, Sir, I said that this Bill would be circumvented and that the first person to circumvent it would be the debtor."

Sriman M. G. PATNAIK Mahasayo:—"What the Kumararaja says only confirms my statement. He says that the debtors themselves would circumvent the provisions. That only shows the helplessness of the debtors and the confidence of the money-lenders that the debtors are in their hands. I hope, Sir, the Government will bear this point in mind and introduce very stringent provisions in the amending Bill which they propose to bring forward."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to support the motion before the House, that the Madras Debtors'

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Protection Bill be passed into law. Speaking from a depressed class and labour point of view, we are greatly disappointed by the provisions in the Bill as it emanated from the Select Committee. We all know this Bill had a very bad passage in view of the fact that there was great opposition from the money-lenders, as they wanted to see that the Bill was not at all placed on the statute book. However, I must say that the previous Law Member, the Hon. Sir M. Krishnan Nayar was greatly responsible for the passage of this Bill in its earlier stages. Now, after the statement of the Hon. the Law Member that the Imperial Government have thought it necessary that the fixing of the rates of interest should be left in the hands of the local legislatures, I am sure the Government will bring forward a Bill whereby the interests of the poorer classes would be safeguarded. One member of the Select Committee, Mr. Wright, rightly pointed out that there were cases where his servant had to pay about 200 per cent by way of interest, and many instances were also cited by the representatives of labourers and depressed classes where exorbitant rates of interest were charged. This is a point, Sir, which the Government should consider in bringing forward a comprehensive measure, as they propose to do.

"It is now my duty, Sir, to congratulate Mr. Basu Dev on the way in which he has piloted this Bill. Whatever may be the benefits to be derived from the provisions of the Bill, I think he richly deserves the congratulations of this House."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, you are aware that I am one of those who consistently supported this Bill at every stage of the consideration of this Bill, and I had a hard knock on my head for having done that, because I supported the deletion of clause 6 from the present Bill. We were ready to accept the deletion of the clause on the promise made on the floor of this House by the Hon. the Law Member that the Government of India was contemplating taking action with reference to that question on an All-India basis. Unfortunately, the present statement of the Hon. the Law Member has come to us as a piece of disappointment. Without the rate of interest being restricted, without a provision making adequate safeguards in that respect, the Bill as it now stands, will be of limited advantage. After all, the Bill provides only for the maintenance of accounts and for the grant of receipts, and it has also been very carefully worded, in order to maintain without much disturbance the relationship between the debtor and the creditor; care has also been taken not to prescribe any harsh punishment for the omission to maintain accounts or grant receipts. This has been done in order that the relationship between the creditor and the debtor may not be very much strained. After having taken all these precautions, not to restrict the rate of interest charged by the creditors, it seems to me, is rather disappointing. However, I hope the Hon. the Law Member will realize the seriousness of the situation and the hard position in which these unfortunate debtors are placed and see that no time is lost in finding out ways and means of introducing a measure at a very early date for the restriction of the

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noon.

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rate of interest. I hope he would not be influenced by the more influential sections of the public who may probably try to keep back or delay the introduction of such a measure. Already there are indications towards that end on the floor of this House, and one of the Members has begun to throw cold water on the proposal for the fixing of rates of interest admissible. I hope the matter would not be postponed to the Greek Calends but that it would be taken up as early as possible.

"I would like also to mention in this connexion that I now hesitate to congratulate Mr. Basu Dev on the completion of his work. He should not consider that his labours are over, they are yet to come. The question of fixing the rate of interest is the most important portion of this Bill and when that is brought forward again it will give rise to a lot of criticism and if Mr. Basu Dev would summon up courage then and get it through, I would be in a position to congratulate him on having undertaken a measure of legislation purely in the interests of the working classes and wage-earners. There is no use now, so far as I am concerned, in congratulating my friend very heartily on this measure.

"I would once more request the Hon. the Law Member not to delay matters in this regard but to take as little time as possible in pushing through this important piece of legislation. The fact that the rate of interest prevailing is 48 per cent in England or 52 per cent in Russia need not deter us in any way. That does not matter to us. We know, as a matter of fact, that the debtors are being hard hit on account of the high rates of interest charged on the loans taken by them. If the Hon. the Law Member realizes his duty in this respect, I hope he will not delay matters. With these words, I commend that the Bill be passed into law."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I do not hesitate to congratulate my hon. Friend, Mr. Basu Dev, on his achievement, nor will I qualify the congratulation that I intend offering him. Certainly, in my opinion, he has done good service to the large number of borrowers that we have in this province. I was surprised that my hon. Friend Mr. Hameed Khan should have said that in spite of the party to which he belonged, the Bill was brought forward by him. I fail to see, why there should have been a mention of the party to which he belonged. On the other hand, I think, there are a larger number of members on this side of the House that would welcome this Bill than on the remaining portion of the House. I really fail to understand him. I suppose he said that for the purpose of effect, without intending what he said.

"The Bill, as it is now before the House, has certainly undergone changes but the very fact that it has been accepted by even people of the kind of my hon. Friend, the Kumararaja of Chettinad, surely ought to be an indication to my hon. Friend, Mr. Hameed Khan, that there are persons even in this party who have welcomed such a Bill since it is designed to help the people at large. As long as borrowing exists, I think the method of circumventing, as pointed out by Mr. Patnaik,

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cannot be got rid of, and there would be circumventing whether it be at the instance of the borrower or of the creditor; more often at the instance of the borrower than at the instance of the creditor, as pointed out by the Kumararaja of Chettinad. Every one knows there will be circumventing and probably there will be third parties to help actual circumvention by giving their brains in suggesting the methods of circumvention. Therefore, circumvention is bound to exist as long as borrowing exists and this fact you cannot deny. I think the only method by which borrowing might be minimized would be in the strengthening of the co-operative societies that are existing in this land. Such a method will touch the money-lenders and they can probably divert their money to industrial concerns and make them a source of income. It is only by a very large expansion of the co-operative system that real benefit will accrue to the poor sections of the people. But as far as this Bill is concerned, there is no denying the fact that my hon. Friend, Mr. Basu Dev, has set the ball in motion. There is bound to be a number of amending Acts which will centre round this Act for the improvement of the lot of the borrower. I thank the Hon. the Law Member for having told us that the Government are intending to introduce a measure for fixing the rate of interest, and I hope he will do it as early as possible. To say that Mr. Basu Dev might wait for congratulations till that is done, is not fair. In my opinion, I think, he deserves unreserved congratulations and I congratulate him on his Bill. I hope this Bill will be the beginning of a number of other Bills which will go to the relief of the poor borrower. Without money flowing from one hand to another, you cannot continue to do real business. Therefore, so long as this is the actual state of affairs, Bills of this kind are a necessity and Mr. Basu Dev deserves our congratulation for his having made a successful attempt at having this Act placed on the Statute Book."

* Mr. C. BASU DEV:—"Mr. President, Sir, I shall not detain the House very much longer. I rise to speak now firstly to thank those who have helped me in the passage of this Bill. My hon. Friend, the Kumararaja of Chettinad, the leader of the opposition to the Bill, although he opposed it tooth and nail, did the honour of giving me the benefit of his suggestions with regard to pawn-brokers, which I think are a very useful addition to this Bill. It is true the Kumararaja opposed this Bill, but I feel confident that in his heart of hearts he did want to help the poor borrowers, of course without affecting the interests he represents. Sir, I am certainly thankful to my hon. Friend, Mr. Hameed Khan, for the compliments he paid me. But he did my party an injustice to which my Friend Mr. Madanagopal Nayudu has already referred. Apart from my obligations to the other sections of the House, to my party and to its leader, I offer my thanks for the very great encouragement and support that I derived from them. I do also offer my thanks to the Hon. the Leader of the Opposition and even to Sir Patro who was rather hard on me the other day.

"With regard to the suggestion which the hon. Kumararaja of Chettinad has made, namely, that the restriction of the rate of interest is

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not conducive to the prosperity of the country and that when the question is taken up by Government it should be referred to a committee of experts or officials, I think, if this suggestion were accepted, it will retard the introduction of this Bill in this Council and it will not see the light of day during the lifetime of this Council. I, therefore, respectfully suggest to the Hon. the Law Member that he should make all possible expedition to see that even at the next January meeting he introduces the measure which he has promised.

"Sir, some of the gentlemen who have spoken already and offered me qualified congratulations, have laid great stress, and rightly too, on the question of restriction of the rate of interest. While I regret that that clause had to be omitted from the present Bill, I certainly do not think that the omission of that clause would in any way detract from the utility or effectiveness of this measure. Sir, the idea of a Money Lenders' Bill first struck me when I came into contact with the sad predicament of a friend of mine, whose name I am now in a position to give. He is Mr. Sundaresan, a gentleman who was about to be promoted to an officer's rank in the Postal Audit Department. He borrowed Rs. 600 from a Gujarati money-lender and after paying about Rs. 6,000, he had to be adjudicated for a further sum of about Rs. 7,500. This surely is not a case of suffering on account of high rates of interest, however high it may be, but is a glaring case of the misery which a borrower can be put to by dishonest methods in the business of money-lending, which the provisions of this Bill can to some good extent prevent. During the Select Committee stage, it will be remembered, the Gujarati money-lenders who came before it to give evidence, said that it was impossible for them—a very astonishing statement—to keep accounts and grant receipts. Such is the attitude of a very important section of money-lenders, with whom I am sure 90 per cent of the employees of Government and of the Railways are very well and sadly acquainted. I do not want to detain the House any longer. I once more beg to stress the great need for a Bill to restrict the rate of interest and put it down as low as 6 per cent.

12-15 p.m. "If we want the industries to develop, if we want the commerce of this country to expand and if we want really to afford relief to those men and women who on account of the stress of circumstances are forced to borrow at very high rates of interest to meet their urgent personal needs, the restriction of the rate of interest and putting it down even as low as 6 per cent is urgently necessary. I would once more appeal to the Hon. the Law Member to come forward with his Bill and introduce it in the January meeting of the Council.

"Before I sit down, I would like to acknowledge with grateful thanks the kind and unfailing sympathy of Sir M. Krishnan Nayar, thanks to whose courage and support this measure came out after all from the Select Committee stage; and my thanks are also due to Diwan Bahadur R. V. Krishna Ayyar, Secretary to Council, who with his usual zeal and acumen assisted this Bill in all its stages. With these words I once more commend this Bill to the acceptance of this House."

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* The Hon. Sir K. V. REDDI:—"Mr. President, Sir, in supporting the motion that this Bill be passed into law, I think I would be failing in my duty if I do not congratulate my friend Mr. Basu Dev for having taken the trouble and interest in bringing forward this Bill. Other speakers have referred to various points, and I think it would not be necessary for the Government to refer to all of them. I will only refer to one or two.

"The Kumararaja of Chettinad, for instance, has pleaded for delay and he wanted the proposed Bill of the Government to be referred to a committee. Sir, as far as the delay is concerned, I am afraid he is not justified in asking for delay (Hear, hear). There are others here who are present who think that it should be brought forward as soon as possible. All that I can tell the House, Sir, is that the Government will not delay and will not either rush through the legislation without giving an opportunity to certain bodies whom the Kumararaja of Chettinad asked the Government to communicate with. Certainly that question as regards consulting certain public bodies will be considered by the Government, such bodies, for instance, as the Chambers of Commerce, Trade Unions and possibly even the Nagarathars' Association. The question of consulting them will be considered by the Government very soon.

"Then, Sir, I have to refer to one comment made by Mr. Hameed Khan. The hon. Member stated that whereas other provinces have introduced Bills and passed them into law on this question, this Government not only did not do anything but has allowed a private Member to introduce this Bill. Well, Sir, I am not sure if in the other provinces all the Bills were Government Bills on this subject. I am not quite sure any way. And so far as the Punjab Bill is concerned, it will be remembered that this question of interest was not dealt with in that Bill. I would only refer to one other circumstance to show that the conditions in this province are somewhat different from those obtaining in other provinces where these Bills have been passed. Any way, Sir, the fact that this Government allowed a private Member to bring forward a Bill like this, I think, stands to the credit of this Government. (Rao Bahadur T. A. Ramalinga Chettiyar:—"The Government did not allow it. The Bill was brought in this Council.") The Government did allow it. I suppose it will not be seriously contended that the Government opposed it. If they wanted to do so, they would have done it. So, I think, this is a circumstance which goes to the credit of the Government. It is a matter for satisfaction that this Bill is now going to become law very soon.

"My friend Mr. Appadurai Pillai wanted the Government Bill re the rate of interest to be introduced immediately. I have already said, Sir, that it will be introduced without any avoidable delay. I have no more to add, Sir, and I am sure the House will pass this Bill unanimously."

The motion that the Bill be passed into law was then put and carried, and the Bill was passed into law.

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IV.—THE MADRAS PUBLIC LIBRARIES BILL (BILL No. 11 OF 1933).

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I move that the consideration of the Madras Public Libraries Bill as amended by the Select Committee be adjourned to the next meeting of the Council."

Mr. U. C. Subrahmanya Bhatt seconded it.

The motion was put and carried.

V.—THE MADRAS MATERNITY BENEFIT BILL (BILL No. 10 OF 1933).

Mr. V. M. RAMASWAMI MUDALIYAR:—"Mr. President, Sir, I beg to present the report of the Select Committee on the Madras Maternity Benefit Bill (Bill No. 10 of 1933) and move that the Bill as amended by the Select Committee be taken into consideration."

"Sir, in making this motion I am tempted to say that this is one of the very first pieces of social legislation for which this Council will make itself responsible. Sir, in this country we are not much accustomed to social legislation either on a voluntary basis or on a State-aid basis and, as such, this Bill will, I trust, be one of the first steps in building up a number of social legislations in order to alleviate the conditions of penury and distress amongst the working classes of this Presidency. The Bill as it passed through the Select Committee stage has undergone a few changes of great importance."

"First of all, the scope of the application of the Bill has been restricted to perennial factories as opposed to seasonal factories. While this change wrought by the Select Committee is in consonance with the recommendations of the Royal Commission on Labour, I personally would regret it, and I have to state that this finds a parallel in the two other similar enactments in the sister presidencies of this land. Secondly, this Bill in compliance with the consensus of opinion obtained by its circulation has been extended in scope and application from a few towns that were named in the original Bill to the whole Presidency of Madras. In this connexion, from the volume of opinion which has been circulated to the members of the Select Committee, I make bold to say that this is one of the steps taken in order to meet the demands and desires of the employers as well as trade unions in this province and with a view to bring about uniformity throughout the province in the conditions and rights of women workers."

"Again, Sir, there has also been an understanding that this Bill will not apply to agricultural or plantation labour and I think that also is in consonance with the recommendations of the Royal Commission on Labour and with the expressed desire of the various interests in this province."

"I have also to mention, Sir, that with regard to the qualifying period by reason of which a woman-worker in a factory will entitle herself to maternity benefits, the original Bill had a provision to the effect

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that six months was the necessary period for her to receive the maternity benefit. That has been revised in the Select Committee and the qualifying period has now been enhanced to nine months."

"These are a few of the changes which have been effected in the original Bill when it passed through the Select Committee. Barring that, I do not see any change of a fundamental nature has been introduced. I have, however, to make one observation. Throughout the consideration of the provisions of this Bill in the Select Committee, the Committee had been largely influenced by the recommendations of the Whitley Commission, the Royal Commission on Labour, which are contained in page 263 of its report. I have also to bring to the notice of this House that while there is a general desire to fall in line with the recommendations of the Whitley Commission on various questions, with regard to one particular question the Select Committee did not seem to so come into line, and that is with regard to the extent of the benefit to be received by a woman-worker who has qualified herself for it. The Royal Commission on Labour further recommended that a woman-worker should be entitled to eight weeks' benefit, four weeks before the date of confinement and four weeks thereafter. The Select Committee, however, has thought fit with special reference to the conditions in this Presidency, that the benefit should be restricted to three weeks before the date of confinement and four weeks thereafter."

"These are some of the points which I thought hon. Members of this House are entitled to have information on and I would, with your permission, formally make the motion that stands in my name."

Rao Sahib V. I. Muniswami Pillai seconded the motion.

The motion was put and carried and the Bill was taken into consideration.

Clauses 1, 2, 3 and 4 were put and carried.

Clause 5.

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, Sir, I move—

that in sub-clause (1), for the words "for the period immediately preceding her confinement" the words "during the period immediately preceding her confinement" be substituted; and for the words "notifies her intention" in the proviso, the words "gives notice of" be substituted."

The Hon. Sir K. V. Reddi seconded the motion.

The amendment was put and carried.

Mr. C. H. BROCK:—"Mr. President, Sir, as I have the assurance of the Hon. the Home Member that in the opinion of the Law (Drafting) Department the proviso as it stands does imply regular and continuous employment of nine months, I beg to ask permission not to move the amendment standing in my name."

The amendment was not moved.

Clause 5 as amended was put and carried.

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*Clause 6, sub-clause (2).*12-30
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* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I beg to move—
'For the words "until four weeks," substitute the words "until the expiry of four weeks." ' This is a verbal alteration."

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 6 as amended was put and carried.

Clause 7.

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I move—
'After the word "notice," insert the word "given." ' Here again, it is a verbal alteration."

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 7 as amended was put and carried.

Clause 8, sub-clause (1).

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I beg to move—
'For the words "a woman absents herself" substitute the words "a woman-worker absents herself." ' "

The Hon. Sir K. V. REDDI:—"I second it."

The motion was put and carried.

Clause 8, sub-clause (2).

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I beg to move—
'For sub-clause (2) substitute the following:—

"8 (2) (a) No notice of dismissal given without sufficient cause by an employer to a woman-worker within a period of three months before her confinement shall have the effect of depriving her of any maternity benefit to which, but for such notice she would have been, or would on or before the date of her confinement, have become entitled under this Act.

(b) If any question arises as to whether any notice of dismissal given under clause (a) was or was not given for sufficient cause, it shall be referred to the Inspector of Factories whose decision shall be final.

(c) The provisions of this sub-section shall not apply to notices falling under sub-section (1)."

"This amendment, Sir, unlike the previous amendments is not wholly formal. The reason why this amendment has been proposed is this. Sub-clause (2) as resolved upon by the Select Committee might have

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the effect of imposing on an employer a woman-worker whose services he desires to dispense with. If we say that the notice of the dismissal shall not be valid, that would necessitate probably the employer giving a second notice after the period of her confinement is over. The object of this clause, as I understand it, is merely to secure maternity benefit for an expectant mother and unscrupulous employers should not be free to give notice to escape the liability to give this benefit. That object is more than well secured by the proposed amendment which I have just now moved, and the further amendment which I contemplate herein will have this effect, that instead of every case where notice has been given being examined by the Labour Commissioner, it is only where the person affected feels that she has a grievance, the case will be examined by the Inspector of Factories. The reason why we substitute the Inspector of Factories instead of the Labour Commissioner is that it would be much better if we keep out a central officer like the Labour Commissioner, who, very often, has to intervene in disputes between the employer and the employed and controversies that might otherwise ordinarily arise. Again, it seems to me, Sir, that there is no necessity for providing that every case of notice should be examined by the authorities. It might be that, in most cases, the notice of dismissal or notice dispensing with the services of a woman-worker might have been for valid reasons and there might be no occasion or object in making the officer of Government enquire and examine the justice of the order passed. This amendment which we are now moving gives room for any person who feels aggrieved by the order to take necessary action for bringing it to the notice of the Inspector of Factories, whose decision upon the validity of the order of dismissal that has been passed by the employer will be final. It is therefore that I would commend this amendment and I hope the hon. Member, the proposer of this Bill, would have no objection to accepting it."

The Hon. Sir K. V. REDDI:—"I second it."

* Mr. V. M. RAMASWAMI MUDALIYAR:—"Sir, with your permission, I would like to draw the attention of this House that this clause, as it stands in the Bill emanating from the Select Committee, is a clause which does not find a parallel in similar Acts in the sister provinces. The need for such a provision was clearly established before the Select Committee from the opinion gathered from the various institutions. It is only as a protection against unscrupulous employers that such a provision was found necessary and the Select Committee was pleased to agree with the provision as it finds a place in the Bill. Subsequent to the report of the Select Committee, certain administrative difficulties were pointed out in working the provision as it stood, and I for one felt, Sir, that this Act would have to depend entirely on the good will of the employers for the successful operation of the various provisions in the Act. I had also the benefit of the opinion of the Commissioner of Labour of Bombay in the working of the provisions of a similar Act in the Bombay Presidency. It seems to me, Sir, that for the proper working of this Act, you have to fall back upon the employer. The opinion of the Commissioner

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of Labour in the Bombay Presidency for the year 1929 which is contained in the report of September 1931 on this question indicates the attitude adopted by the owners of factories. He says that the attitude of the employers was such that he found no difficulty in working out the scheme of this Act. That view has also been reaffirmed in the latest report of the Commissioner of Labour where he says that employers in large factories continue to treat liberally, with a few exceptions, more in the spirit than in the letter of the law. In view of these circumstances, I am content with the revised amendment proposed by the Hon. the Home Member, which in a way will prove adequate safeguard against unscrupulous employers while giving freedom to the employers generally, and at the same time, provide protection to the work-women by an appeal to the Inspector of Factories."

Mr. C. BASU DEV:—"If I rise to intervene, it is not so much to oppose the amendment which has been so very promptly accepted by the Mover of this Bill as to draw the attention of this House to the omission of the last proviso which deserves careful consideration. I thought, Sir, that that proviso was a very necessary one. Though pregnancy by itself may not be treated as a sufficient cause for the discharge of the woman-worker, yet consequent inability to do the usual quantity of work can be considered as sufficient cause. I have no objection to accept the amendment and making the Inspector of Factories the final authority of appeal and deleting the last proviso, if I can have an assurance from the Government that in giving his decision, the Inspector of Factories will not consider inability to turn out the usual quantity of work on account of pregnancy, sufficient cause for discharge. Without such assurance it will be dangerous to the woman-worker if this proviso is omitted."

Mr. R. MADANAGOPAL NAYUDU:—"I am not really able to see what safeguard there is in the proviso that pregnancy shall not by itself be considered a sufficient ground or inability to do the usual work shall not, by itself, be a sufficient ground. I thought it was more a disqualification than a safeguard and the removal of that clause was to the advantage of the labourer. Therefore, I think that the amendment moved by the Hon. the Home Member will serve the best interests of the women-labourers."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, am I to understand that the proviso is to be omitted on account of the Home Member's amendment? Then, I am sorry. It is only intended against unscrupulous employers. In the early months, a woman who is pregnant may be vomiting or keeping quiet, on account of some giddiness, in a corner. She should not be dismissed on that account. Once she became pregnant, how can she be sent away on the ground that she was not able to do full work and was sitting here and there? The Act is for unscrupulous employers. I am against taking away the proviso, whatever may be the intention of Government."

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I am very thankful to the hon. Mover for accepting the amendment proposed by

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me. As regards the fears expressed by Mr. Basu Dev and Dr. Natesa Mudaliyar, I can only say that there is a safeguard provided in the amendment that in every case where a woman worker feels aggrieved, she has a right to take the case to the Inspector of Factories. I believe, Sir, hon. Members of this House can give credit to the Inspector of Factories for having this much of commonsense that no woman is deprived of the maternity benefit by reason merely of the natural handicaps which a woman is subject to during the period of her pregnancy. The proviso seems to me to be wholly superfluous."

The amendment was put and carried.

Clause 8 as amended and clause 9 were then put and carried.

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p.m.

Clause 10.

* The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I move—

'In clause 10, for the words "shall, on conviction, be liable to a fine," substitute the words "shall be punishable with fine".'

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 10 as amended and clauses 11 and 12 were then put and carried.

Clause 13.

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I move—

'In clause 13, sub-clause (2) (d), after the words "provision has not been made," insert the word "therefor".'

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

Clause 13 as amended and clause 14 were then put and carried.

Preamble.

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I move—

'In the preamble, for the first paragraph, substitute the following:—

"Whereas it is expedient to prevent the employment of women in factories for some time before and some time after confinement and to provide for the payment of maternity benefit to them"'

The Hon. Sir K. V. REDDI:—"I second it."

The amendment was put and carried.

The preamble as amended was then put and carried.

* Mr. V. M. RAMASWAMI MUDALIYAR:—"Mr President, I am very much obliged to the House for having considered the provisions of this Bill. I now move that the Bill as considered be passed into law."

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"In making that motion, I am in duty bound to express to the Government, especially to the Hon. the Home Members past and present, my deep sense of obligation for the paternal interest that they have taken in enabling me to pilot this Bill through. Sir, the previous Home Member, Sir Mahomed Usman, was at one stage contemplating himself to act upon the recommendation of the Royal Commission on Labour. But in the meanwhile as I had given notice of my (Maternity Benefit) Bill, the Government dropped their proposal and allowed me to bring forward this private Bill. At various stages through which this Bill passed, I had the benefit of their advice on several matters. The encouragement given to me by the previous Home Member was followed up by the Hon. Member who stepped into his shoes. He himself had taken a very keen interest in the consideration of this Bill, not only during the stage of the Select Committee but even after that. I trust I am not disclosing any confidence when I say that even after the Bill came out of the Select Committee, we held consultations with regard to the various provisions and with regard to such amendments as were thought necessary by the Government and the amendments of which I thought of giving notice myself. The net result of these discussions has been that the Bill as it has been passed by the House just now has been adopted.

"Sir, in this connexion, I must also say that I had also the rare privilege of coming into close contact with the Secretary of the Labour Department, Diwan Bahadur N. Gopalaswami Ayyangar, who also seemed to appreciate the workers' point of view. Though he went out on leave at a certain stage, still he returned to us in time to enable us to have the benefit of his experience in regard to labour conditions in this Presidency in general and especially in regard to the question of maternity benefit to women-workers.

"I will be failing in my duty if I did not acknowledge the very great encouragement and help I had from the Chairman of the Select Committee, Rao Bahadur C. Natesa Mudaliyar, who conducted its proceedings with tact and humour. At one stage I thought I may not have the privilege of getting this Bill through and bringing it before this House, but the tact of the Chairman has enabled us to come to certain conclusions on very vital matters, with regard to some of the provisions of the Bill, and I am greatly obliged to him.

"Sir, I cannot fail to observe that in considering this Bill we had a very large volume of support from all sides from employers both European and Indian. Some opposition was, however, met with from a body which had nothing directly to do with factory labour, namely, the South Indian Chamber of Commerce. I am constrained to make that observation because, in the opinion elicited from that body, it was found that they were opposed tooth and nail to any amelioration of the condition of the working classes. I believe it is only in keeping with the lack of interest that this commercial body has displayed in all matters concerning the welfare of the workers. However, my remark must be taken to have a very restricted application, because the other sister

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Indian bodies of commerce such as the Cocanada Chamber of Commerce, the Godavari Chamber of Commerce and other bodies have welcomed the principle of this Bill. This body alone shone in solitary glory when it made itself responsible for a full front attack against the very principles of this Bill. Sir, I think, such a state of affairs will be made impossible in the near future when more and more power is vested in the working classes of this country. With these few observations, I have once more to thank the various hon. Members of this House for their co-operation in enabling this Bill to be put on the Statute Book. Last, but not least, I have to refer to the services of the Secretary of this Council, Diwan Bahadur R. V. Krishna Ayyar, who, at every stage of this Bill when deadlocks were about to be created in the wording of the provisions to cover the conclusions of the Select Committee, with his usual tact came to the rescue of the Select Committee. With these few words, I move that this Bill which has received the consideration of this Honourable House may be passed into law."

* Mr. C. BASU DEV :—"Sir, in rising to second this motion, I should like to congratulate Mr. V. M. Ramaswami Mudaliyar on the easy success which attended his Bill. I also congratulate him on his good luck in having the opposition of the South Indian Chamber of Commerce confined only to the printed expression of opinion, unlike the full printed opposition in all its phases which it was my misfortune to encounter during all the stages of my Money-lenders Bill. I must on this occasion pay my tribute to Mr. Metherell, the representative of European employers, who all along evinced a very active and sympathetic interest in this Bill. If only we have employers of the type which Mr. Metherell represents, I do not think the employees will have any difficulty in having all their legitimate grievances redressed in as short a time as possible. We are very much indebted to the informed and intelligent sympathy of both the Home Members, the past and the present, and also the learned Secretary, Mr. Gopalaswami Ayyangar. Sir, this is a very necessary measure, and I am sure this measure will be the precursor of others intended to give effect to the various useful recommendations of the Royal Commission on Labour. I endorse the compliments paid to Diwan Bahadur R. V. Krishna Ayyar."

* Mrs. K. ALAMELUMANGATHAYARAMMAL then spoke in Tamil and the following is the English rendering of the speech :—

"Mr. President, Sir, I am extremely pleased to see that the Bill brought forward by Mr. V. M. Ramaswami Mudaliyar for the benefit of women-labourers, that their employers should give them the necessary help by way of allowing them the necessary maternity leave at least for seven weeks before and after maternity and also helping them financially, passed into law, and I thank the hon. Member for bringing such a Bill. The Bill was very carefully considered by the Select Committee after obtaining public opinion. The income of the women-labourers is always less by one-third or one-fourth of the men-labourers. So the women-

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labourers must be treated specially during their maternity period by their employers by giving them necessary help and privileges. I thank the Government also for very generously passing the Bill and hope they will give effect to it as early as possible. The Government should also see that the employers of the women-labourers give effect to the provisions of this Act very generously. It is only then proper justice will be said to have been done to these poor women-labourers. Some of the employers may be opposed to this Bill at present but they themselves will realize in the long run that it is only in the interest of the country and the community."

* Rao Bahadur C. NATESA MUDALIYAR:—"Mr. President, Sir, I congratulate Mr. V. M. Ramaswami Mudaliyar for having succeeded in bringing this Bill to this stage; in a few minutes, this Bill will be passed into law. He, Sir, came into this Council on labour ticket and I am glad that he has succeeded in giving some relief to women-labourers. This maternity relief is an all-India question. It is being discussed all over India; it was only in two Presidencies that such a Bill is working, namely, Bombay and Central Provinces. Sir, I am extremely thankful to Mr. Ramaswami Mudaliyar for having taken up this work earnestly and whole-heartedly and brought it to a success. Not only I but the trade unions all over India will be thankful to him for that, and especially, our own Presidency.

"Another thing I want to say. I congratulate this Council for having appointed a committee of members who showed such enthusiasm and interest in the Bill that hours passed like minutes in the committee meetings. We were so happy; at the same time the committee members did not omit even one point in the interests either of the workers or the employers. First we thought it was an easy walk-over. Afterwards, we were faced with some difficulties. So the committee got opinions from other provinces where the maternity benefit Act was working, from the Chamber of Commerce, various factory owners, from employers who have large industrial workers under them, and also from trade unions. We considered the opinions very seriously so that the Bill emerging from the Select Committee might satisfy all the parties concerned. And that the Bill so evolved satisfied all the parties is evident from the fact that none in this Council had even attempted to bring in an amendment, except the Hon. Home Member even whose amendments are of verbal nature except one. On that too the Hon. the Home Member promised that the intention of the committee would be kept up. So I congratulate the Council for having given us such a committee.

"Then, as to the Hon. the Home Member himself, he has taken very great interest in it. He was of great help. Though he came to the committee without knowing what took place before, yet he acted as if he knew the whole thing. Mr. Gopalaswami Ayyangar though he was not a member of the committee—we requested him to give us the benefit of his advice in the committee though without a vote—he was of very great help to us.

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"One word about Diwan Bahadur R. V. Krishna Ayyar. His brains and enthusiasm were very helpful to the committee. And this Bill should not be passed into law without a word of praise about him. Finally, I thank you, Sir, Mr. President, for nominating me as the chairman of the committee."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"I rise to support the motion before this House for passing the Maternity Benefit Bill into law. Sir, as one of the members of the committee when I suggested that the provisions of this Bill should be extended to the plantations, the Mover of the Bill was somewhat disheartened. Having known the plantations myself, for many years, I thought it necessary that the Bill should be extended to them also. I hope that the provisions may, at present, be extended to the plantations. The arrangements made in the estates for the protection of women-labourers are quite satisfactory especially under the able guidance of Mr. R. Fowke, Chairman, and Lieutenant-Colonel Brock, the executive officer of the United Planters' Association of Southern India, and I am sure if this Bill is worked in the factories the women-workers there will be greatly benefited. I am sure this Bill will be hailed as a great boon to them; and I think it is proper for this Council to heartily congratulate Mr. Ramaswami Mudaliyar for his labours in that cause."

The motion that the Bill be passed into law was put and carried and the Bill was passed into law.

·VI.—A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926 (BILL NO. 3 OF 1934).

Mr. K. KOTI REDDI:—"Sir, I present the report* of the Select Committee on the Bill to amend the Madras Hindu Religious Endowments Act, 1926 (Bill No. 3 of 1934), and move that the Bill, as amended by the Select Committee, be taken into consideration.

"Sir, I do not think it is necessary for me now to say any more than that at the Select Committee stage a few important alterations have been made. One thing that caused anxiety to some Members was with regard to the levy which under the Bill was proposed for the purpose of auditing the accounts. Clause 4 lays down a maximum limit of one and a half per cent. The provisions in the Bill with regard to the appointment of the executive officers was to the effect that anybody could be appointed. It was the feeling of many that the institutions being Hindu, it was preferable, on the analogy of the Tirupati Devasthanams Act, that such executive officers should be only those professing the Hindu religion, and accordingly that change was made in the Select Committee. With regard to the removal of trustees, a provision is also made that, even in the case of non-excepted temples, when hereditary trustees are removed, only those persons who are next in succession and who are qualified should be appointed. I think that is a salutary provision which is necessary to allay the feelings of many people. With regard to the notification of temples, I believe, there

* Published in the Fort St. George Gazette, dated 12th June 1934.

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is likely to be some amount of controversy and it is not necessary for me at present to discuss why I feel that that provision should be retained. In the Select Committee it was thought necessary that detailed provisions should be made for the purpose of giving time for putting in objections by the persons interested in the temple or math or any specific endowment attached to them. Provisions were introduced in the Select Committee so as to make the procedure more or less judicial and to vest the final decision in Government.

"There is one other change with regard to notification. Under the Bill, it applied only to excepted temples and not to specific endowments. That provision was also considered desirable. Another change was to give retrospective effect to the provision in clause 11 of this Bill in the case of those temples where suits have been filed and are pending before this Bill becomes law, for which the sanction of His Excellency the Governor-General has also been obtained. These are some of the important changes. I move that the Bill be taken into consideration."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

The motion that the Bill be taken into consideration was put and carried.

Title.

* The Hon. the RAJA OF BOBBILI:—"I beg to move—

'For the long title, substitute the following, namely:—

"A Bill further to amend the Madras Hindu Religious Endowments Act, 1926, for certain purposes."

"Sir, it is purely a verbal amendment."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I second it."

The amendment was put and carried.

Clause 1.

* The Hon. the RAJA OF BOBBILI:—"I beg to move—

'In line 2, after the figures "193", insert the figure "4".'

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 1 as amended was put and carried.

Clause 3.

The Hon. the RAJA OF BOBBILI:—"I beg to move the following amendment to clause 3:—

'For this clause, substitute the following, namely:—

"3. In section 9 of the Madras Hindu Religious Endowments Act, 1926 (hereinafter referred to as the said Act)—

(i) to clause (5), the following explanation shall be added, namely:—

"Explanation.—No action taken by a Board in pursuance of the power conferred on it by

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clauses (a) and (b) of sub-section (1) of section 63 shall be deemed to have the effect of converting an excepted temple into a non-excepted temple; and

(ii) after clause (8), the following clause shall be inserted, namely:—

"(8-A). 'Notified temple' means a temple notified by the Local Government under section 65-A.'"

"Sir, it was felt that owing to the other sections of the Act the nature of a temple may be changed by the Board appointing a non-hereditary trustee to an excepted temple. This explanation was therefore considered necessary so as to make it clear that by appointing a non-hereditary trustee to an excepted temple, the nature of the temple is not changed."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 3 as amended was put and carried.

New clause after clause 3.

* The Hon. the RAJA OF BOBBILI:—"Sir, I move the following amendment:—

'After clause 3, insert the following clause, namely:—

"3-A. In sub-section (1) of section 45 of the said Act, for the words 'trustee of a religious endowment', the words 'trustee of any math or temple or of any religious endowment attached to any math or temple' shall be substituted."

"This is intended to bring into the scope of this Bill not only trustees of religious endowments but also trustees of maths and temples."

Mr. R. MADANAGOPAL NAYUDU:—"I second the amendment."

The amendment was put and carried.

Clause 4.

* The Hon. the RAJA OF BOBBILI:—"I beg to move—

(1) For lines 1 and 2, substitute the following, namely:—

"For section 48 of the said Act, the following section shall be substituted, namely:—"

(2) Omit the last sentence of sub-section (1) of new section 48, renumber sub-section (2) of that section as sub-section (3) and insert the following as sub-section (2), namely:—

"(2) If the amount is not paid within the time allowed, it shall be recovered in the manner provided in sub-sections (2), (3) and (4) of section 70 as if

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the default in such payment were a default in the payment of the amounts specified in sub-section (1) of that section. The protection conferred by sub-section (5) of the said section on the Secretary of State for India in Council and officers of Government, shall also be available to them in respect of anything in good faith done or intended to be done in pursuance of this sub-section."

"Sir, this amendment contains two verbal changes and also provision for the protection conferred in other sections on the Secretary of State for India in Council and officers of Government. It is considered necessary to include this now."

Mr. R. MADANAGOPAL NAYUDU:—"I second the motion."

The amendment was put and carried.

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, I beg to move the following amendment:—

'In line 9 of sub-section (1) of section 48, after the words "fixed by the Board", add the following words, "having due regard to the financial condition of the temple or math and the work involved."'

Sir, in the clause as it stands, in sub-section (1) of section 48, a maximum is fixed, namely, that the amount shall not exceed one and a half per cent of the gross income. No doubt the maximum is fixed but that it need not be reached. Anyhow there is the danger in all cases of the maximum amount being paid to the auditor. For instance a small temple getting an annual income of Rs. 5,000 may have to pay Rs. 75, if they calculate the payment according to the maximum fixed. Therefore, I have suggested that they should have in view the financial condition of the temple and also the nature and amount of the work involved."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the amendment."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, I have only this objection to the proposal of my hon. Friend. He wants that the remuneration should be fixed with reference to the work as well as the resources of the institution concerned. Let us assume for a moment that the work to be done is very heavy and that the resources of the institution concerned are poor. What are we to do then? Are we to pay less though the work is heavy, because the institution concerned is poor, or should we remunerate the auditor according to the work involved? I can quite understand your saying that the remuneration should be fixed with reference to the work involved; but if you are going to further qualify it by limiting it to the resources of the institution concerned, I am afraid it will land us in difficulty."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, if I am permitted, I would substitute the word 'or' for the word 'and' in my amendment."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, when an auditor is appointed, he will be the person who will submit his bill for the auditing charges and the charges will have to be paid to him. The Board cannot go into the question of how much it has to take from the temple for the purpose of this work. It has no doubt to consider the amount of work and settle the bill, but once the bill is settled, there is no further question as to what is the amount of work done by the auditor and so on. I think the scheme would be this. An auditor would be appointed for the work. He would fix the amount of fee to be paid to him on certain principles. I do not think, so far as the Board is concerned, they can take more from a temple which is rich. The question does not arise at all by way of an amendment here. The upper limit has been fixed, namely, that it should not exceed one and a half per cent. In the circumstances, the amendment is unnecessary and the temple will have to pay whatever the auditor is paid for his work."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I do not press the amendment."

The amendment was by leave withdrawn.

Clause 4 as amended was put and carried.

The amendment was by leave, withdrawn.

After Lunch (2-30 p.m.)

* The Hon. the PRESIDENT:—"Clause 5 will now be taken into consideration."

Clause 5.

* The Hon. the RAJA OF BOBBILI:—"I beg to move the following amendment to clause 5:—

'(1) For lines 1 and 2, substitute the following, namely:—

"At the end of sub-section (1) of section 57 of the said Act, the following shall be added, namely:—"

'(2) In the addition to sub-section (1) of section 57—

"(i) for the opening portion, substitute the following, namely:—

'A scheme settled by the Board under this sub-section may contain provision.'

"(ii) for clauses (a) to (c), substitute the following, namely:—

'(a) fixing the number of non-hereditary trustees,

'(b) removing any existing trustee or trustees, whether hereditary or non-hereditary,

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'(o) appointing a new trustee or trustees in addition to or in the place of any existing trustee or trustees whether hereditary or non-hereditary:

Provided that where a hereditary trustee is removed, the person next in succession who is qualified shall be appointed as trustee.' ; "

" (iii) Omit the letter and brackets '(d)' occurring before clause (e);

" (iv) reletter clauses (e) and (f) as clauses (d) and (e) respectively;

" (v) in clause (d) as relettered, for the words 'appoint or direct', 'define' and 'remove or direct', substitute the words 'appointing or directing', 'defining' and 'removing or directing' respectively;

" (vi) in clause (e) as relettered, for the word 'define', substitute the word 'defining'; and

" (vii) in the Explanation, for the word 'endowment', substitute the words 'endowment or endowments.' ; "

" Sir, amendment No. (1) is merely verbal. No. (2) is intended to bring out clearly the intention of the Select Committee expressed in their report in respect of clause 5, namely, that orders issued by the Board under clauses (a) to (f) of this section should also form part of the scheme settled by the Board for the administration of the temple. In the amendment to clause (c) it is proposed to place the proviso under clause (c). The proviso relates to the appointment of trustees and it should be placed after clause (c) which relates to appointments and not after clause (b) which relates to the removal of existing trustees. The expression 'whether hereditary or non-hereditary' is used in the amendment in order to make it clear that the expression 'existing trustee or trustees' includes both kinds of trustees. Amendments (iii) to (vi) are merely drafting amendments. Amendment (vii) is also purely a verbal amendment."

Mr. T. SUNDARA RAO NAYUDU:—" I second it."

* The Hon. the PRESIDENT:—" Am I to take it that Mr. Muniswami Nayudu is not moving his amendment? "

Diwan Bahadur B. MUNISWAMI NAYUDU:—" The Hon. the Chief Minister's amendments are moved for the purpose of having a proper draft of the clause. But if my amendment is accepted, certain portions of the clause will have to be omitted and the Hon. the Chief Minister's amendment will affect only the remaining portions. Clause 5 (e) says that the Board may—

'appoint or direct the appointment of a paid executive officer who shall be a person professing the Hindu religion on such salary as may be fixed by the Board to be paid out of the trust funds, define the duties of such officer, or remove or direct the removal of such officer.'

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The Hon. the Chief Minister's amendment is to substitute the words 'appointing', 'removing' and 'directing' respectively wherever the words 'appoint', 'remove' and 'direct' appear. That is with a view to bring the wording of the section into line with the wording of the previous section. But my amendment is to omit the last portion in clause (e), namely, 'or remove or direct the removal of such officer.' "

* The Hon. the PRESIDENT:—" I am referring to the other amendment which the hon. Member has given notice of. May I suggest that Mr. Muniswami Nayudu may move his amendment also so that both the amendments might be discussed and disposed of? "

Diwan Bahadur B. MUNISWAMI NAYUDU:—" My amendment is this:

'In sub-clause (e) of clause 5, omit the words "or remove or direct the removal of such officer" and insert as sub-section 1 (a) of section 57 the following:—

"The Board may, for good and sufficient cause, suspend, remove or dismiss the executive officer or it may direct the removal of such officer." "

The section as it now stands would mean that the scheme itself will have to provide for removing or directing the removal of such officer. If a person is appointed as an executive officer and subsequently if his work is not found to be satisfactory, or otherwise if the Board wants to remove him, it will have to remove him by a new scheme. What was meant was that the scheme should say that an executive officer should be appointed after the scheme came into operation. A, B or C may be appointed and he is liable to be suspended or removed for sufficient cause. If that is the object, it can be attained by the clause that I have suggested, namely—

'The Board may, for good and sufficient cause, suspend, remove or dismiss the executive officer or it may direct the removal of such officer.'

This thing is in pursuance of the scheme but not a part of the scheme itself. You will also find, Sir, that the Government have adopted the same language in one of the amendments they have themselves given notice of. In amendment No. 34 which is an amendment to clause 8 (section 65-C) we find the following:—

'The Board may, for good and sufficient cause, suspend, remove or dismiss the executive officer.'

I am merely adopting that language in my amendment. I have also used the words 'or it may direct the removal of such officer.' Because there may be a case in which the executive officer has not been appointed by the Board but by the trustees and approved by the Board. In such a case, they may direct the trustees to remove such an executive officer. My amendment provides for both cases—officers appointed directly by the Board and officers appointed by the trustees and approved by the Board. In the latter case the Board may direct the trustee to remove such officer. I therefore move that this amendment may be made."

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The Hon. the PRESIDENT:—"I will at this stage advise the hon. Member to find out a method of fitting his amendment into that of the Hon. the Raja of Bobbili, so that it might be easy for both amendments being taken up, discussed and disposed of."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Unfortunately the Hon. the Chief Minister's amendment does not merely substitute another draft for clause 5. It simply alters certain words such as substituting the word 'defining' and 'directing' for the words 'define' and 'direct' respectively. If my amendment is accepted then the Hon. the Chief Minister's amendment will fit into those portions of clause 5 which will exist thereafter. You will see, Sir, that the Hon. the Chief Minister's amendment wants to change five words, namely, 'appoint or direct, define, remove or direct.' If my amendment is accepted, it will become unnecessary to change the last portion 'remove or direct' into 'removing or directing.'"

* The Hon. the PRESIDENT:—"That is what I am trying to point out. If the hon. Member's amendment is put forward in the form of an amendment to the amendment of the Hon. the Raja of Bobbili, then we could dispose of it very easily."

2-45 p.m. Diwan Bahadur B. MUNISWAMI NAYUDU:—"I want to move the following amendment in clause (v) dealing with (d):—

'Omit the words "or remove or direct the removal of such officers" and for the words "appoint or direct" in the first line, substitute the words "appointing, or directing" and for the word "define" in the fifth line, substitute the word "defining".'

Instead of the amendment moved by the Hon. the Raja of Bobbili, my amendment may be substituted."

Mr. K. KOTI REDDI:—"The Hon. the Chief Minister's amendment seems to be all right, because the scheme may contain provisions for removing, etc."

* The Hon. the PRESIDENT:—"I would suggest this; since there is no amendment for the first four sub-clauses of the amendment of the Hon. the Raja of Bobbili, we can dispose of them and come to the 5th later on."

* The Hon. the RAJA OF BOBBILI:—"Sir, I wish to move a small amendment:—

'In amendment to clause 5, number 2 (i), add the word "for" at the end, after the word "provision."

'For the proviso to (2) (ii) (c), substitute the following proviso:—

"Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the person next in succession who is qualified being appointed as trustee".'

The Hon. Mr. P. T. RAJAN:—"I second it."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"I would request the Hon. the Chief Minister to carefully examine these amendments. The scheme may provide for the removal of a person; but the scheme cannot provide what steps should be taken to remove him."

Mr. M. A. MANIKKAVELU NAYAKAR:—"Sir, you may just decide whether the amendment I have given notice of will fit in in the framework now proposed."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, the word 'for' after the words 'contain provision' in clause 5 (2) (i) is unnecessary. The amendment may run as follows:—

'may contain provision, fixing, removing, etc.'"

Rao Bahadur Sir A. P. PATRO:—"Provision is made for the removal of a person; it is only after the removal of the present incumbent, the new order will come into operation. The present incumbent is removed and there is a vacancy; and a new man will be appointed to that place."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"So far as the first four clauses are concerned, provision is to be made in the scheme itself. There is no question of providing for those things being done later. It is only with reference to (e) we have got to make provision for future action. In very many schemes, removal of existing trustees is mentioned. It is only when (e) comes into operation, there will have to be rules for future action. When we come to (e) we have to add the word 'for' because rules will have to be framed for future action. That is the difference between the two cases. So far as (a), (b) and (c) are concerned, those orders are in the scheme itself."

* The Hon. the PRESIDENT:—"At this stage the amendment of Mr. Manikkavelu Nayakar will have to be considered as an amendment to the Hon. the Raja of Bobbili's amendment, because Mr. Manikkavelu Nayakar's amendment is to the effect that a new clause may be added after clause (a) of sub-section 1 of section 57."

Mr. M. A. MANIKKAVELU NAYAKAR:—"My difficulty is this. There is no clear provision in the existing Act, when there are more than one hereditary trustee and if there is no agreement among them, as to how and who will look after the affairs of the temple. So, my amendment says that the trustees may function in turns or they may elect one of them as their representative on the trust board. I beg to move the following amendment:—

'After clause (a) of sub-section 1 of section 57, add a new clause as follows:—

"The Board may in the case of hereditary trustees direct them to function in turns or may require them to elect one of themselves as their representative on the trust Board for such period as the Board may fix."

Mr. M. B. RANGASWAMI REDDI:—"I second it."

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Rao Bahadur Sir A. P. PATRO:—"It is impracticable. No difficulty will arise in the manner suggested. If there is to be election, who is to provide for that election? How is the election to be conducted? Numerous other difficulties will crop up. Therefore, I do not think it is at all practicable to adopt the procedure suggested by Mr. Manikkavelu Nayakar."

3 p.m. Mr. M. A. MANIKKAVELU NAYAKAR:—"In the case of the non-hereditary trustees, the Board has power to fix the trustees and to select one of them; but in the case of hereditary trustees, I think it is not clear. That is why I move my amendment."

Sriman M. G. PATNAIK Mahasayo:—"I think, Sir, it is impossible for these people to join and elect one of their own number. It will be difficult for them first of all to meet; even if they meet, it will be difficult for them to choose one from among themselves. In that case, one will be appointed or nominated by the board or the committee. Therefore, I say, my friend's amendment will be unworkable. Supposing they do not meet and elect one of their own number, what will be the position? There will be a standstill or a deadlock."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"On this amendment I do not propose to say anything. Mr. Manikkavelu Nayakar wants to have some general provision made. In section 11 of this Bill which deals with section 73 of the Act, there is a provision made for settling schemes through court. There it is definitely stated: 'appointing or removing the trustee of a math, excepted temple or a specific endowment . . . or granting such further or other relief as the nature of the case may require.' Under that provision it will be possible to appoint an executive officer and define his powers. But possibly, it may be good to have a general provision also saying 'to grant such other relief as the nature of the case may require.' In that case, I think Mr. Manikkavelu Nayakar's amendment may be considered. Anyhow, I leave it to the Hon. the Chief Minister to consider, at least at a later stage, whether a further amendment may not be brought in to that effect, in order to meet the situation that may arise in each case."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I withdraw my amendment."

The amendment was, by leave, withdrawn.

* The Hon. the PRESIDENT:—"I will now put the first four clauses of the Hon. the Chief Minister's amendment to the vote of the House. The question is:

'(1) For lines 1 and 2, substitute the following, namely:—

"At the end of sub-section (1) of section 57 of the said Act, the following shall be added, namely:—"

'(2) In the addition to sub-section (1) of section 57—

(i) for the opening portion substitute the following, namely:—

"A scheme settled by the Board under this sub-section may contain provision for—";

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(ii) for clauses (a) to (c) substitute the following, namely:—

"(a) fixing the number of non-hereditary trustees,
(b) removing any existing trustee or trustees, whether hereditary or non-hereditary,

(c) appointing a new trustee or trustees in addition to or in the place of any existing trustee or trustees whether hereditary or non-hereditary:

Provided that where provision is made in the scheme for the removal of a hereditary trustee, provision shall also be made therein for the person next in succession who is qualified being appointed as trustee";

(iii) omit the letter and brackets "(d)" occurring before clause (e);

(iv) reletter clauses (e) and (f) as clauses (d) and (e) respectively."

The amendment was carried.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, at this stage I request that my amendment may be considered. I move:

'In sub-clause (e) omit the words "or remove or direct the removal of such officer".'

I also move:

'Insert as sub-section 1 (a) of section 57 the following:—

"The Board may, for good and sufficient cause, suspend, remove or dismiss the executive officer or it may direct the removal of such officer".'

I need not take up the time of the House in explaining the reasons for these amendments. I will simply leave it to the good sense of the Hon. the Chief Minister and his office to examine these amendments. I move them formally."

Sriman M. G. PATNAIK Mahasayo:—"I second them."

The Hon. the RAJA OF BOBBILI:—"I accept these amendments, Sir."

The amendments were put and carried.

* The Hon. the PRESIDENT:—"I shall now put items (v), (vi) and (vii) of the amendment of the Hon. the Raja of Bobbili to the vote of the House. The question is:

'(v) in clause (d) as relettered, for the words "appoint or direct", and "define" substitute the words "appointing or directing", and "defining" respectively;

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- (vi) in clause (c) as relettered, for the word "define" substitute the word "defining"; and
(vii) in the explanation, for the word "endowments", substitute the words "endowment or endowments." " " "

The amendment was carried.

Rao Bahadur D. KRISHNAMURTI:—"Sir, I move—

'that at the end of the explanation, the following shall be added as Explanation (2) and the existing Explanation shall be numbered as Explanation (1)—

"Explanation (2)—The executive officer shall, in respect of the powers and duties entrusted to him, be deemed to be a trustee under the Act."

An executive officer, if he is recognized as a trustee, can file suits, take possession of properties and can perform other necessary duties. A provision that the executive official should be deemed trustee for all these purposes is, I think, a necessary amendment. I move that the same be taken into consideration."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

Mr. M. A. MANIKKAVELU NAYAKAR:—"I oppose this amendment as it will lead to a lot of mischief. In section 40, the powers and duties of the trustee are defined, and if the executive officer is to be deemed to be a trustee, I think there will be a lot of trouble and complication created."

Mr. A. RANGANATHA MUDALIYAR:—"I associate myself, Sir, entirely with the remarks of my friend Mr. Manikkavelu Nayakar. I am sure the amendment, if accepted, will lead to complications."

The Hon. the RAJA OF BOBBILI:—"Sir, I think this amendment is quite unnecessary, because with reference to the new scheme, the Board shall define the duties and powers of the trustee or trustees. In view of this provision, no such explanation as this seems to be necessary."

* The Hon. the PRESIDENT:—"I shall now put the amendment to the vote of the House."

Rao Bahadur D. KRISHNAMURTI:—"I withdraw the amendment."

The amendment was, by leave, withdrawn.

* The Hon. the PRESIDENT:—"I will now put clause 5 as amended to the vote of the House."

Clause 5, as amended, was put and carried.

Clause 6.

* The Hon. the RAJA OF BOBBILI:—"I beg to move—

'(1) For lines 1 and 2, substitute the following, namely:—
"In section 63 of the said Act—

(i) at the end of section (1) the following shall be added, namely:—"

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'(2) In the addition to sub-section (1) of section 63—

(i) for the opening portion substitute the following namely:—

"A scheme settled by the Board under this sub-section may contain provision for—"

(ii) in clause (a), for the word "fix" substitute the word "fixing";

(iii) in clause (b), for the word "appoint" substitute the word "appointing";

(iv) in clause (c), for the words "associate" and "constitute" substitute the words "associating" and "constituting" respectively;

(v) omit the letter and brackets "(d)" occurring before clause (e) and re-letter clauses (e) and (f) as (d) and (e), respectively;

(vi) in clause (d), as re-lettered, for the words "appoint or direct," and "define" substitute the words "appointing or directing," and "defining" respectively;

(vii) in clause (e) as re-lettered, for the word, "define" substitute the word "defining";

(viii) in the explanation, for the word "endowment" substitute the words "endowment or endowments"; and

(ix) after the explanation, add the following:—
" ; and

(ii) sub-section (2) shall be omitted.'

I will later on move that clause 7 be omitted. For, it is proposed to combine clauses 6 and 7 of the Bill into a single clause, as they both relate to the same section of the Act.

These amendments are practically on the same lines as those moved in respect of clause 5 already."

Mr. T. SUNDARA RAO NAYUDU:—"I second the amendments."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"My amendment to this clause is also the same as that in respect of clause 5. I formally move:

'In sub-clause (e) omit the words "or remove or direct the removal of such officer" and add as sub-section 1 (a) of section 63 the following:

"The Board may, for good and sufficient cause, suspend, remove or dismiss such executive officer or it may direct the removal of such officer."

I have already given the reasons for the amendment in speaking on my amendment to the other clause; and for those reasons, I commend this amendment to the notice of the Hon. the Chief Minister."

Sriman M. G. PATNAIK Mahasaya:—"I second it."

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The Hon. the RAJA OF BOBBILI:—"I accept the amendment, Sir."

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

(1) For lines 1 and 2, substitute the following, namely:—
"In section 63 of the said Act—

(i) at the end of sub-section (1), the following shall be added, namely:—"

(2) In the addition to sub-section (1) of section 63—

(i) for the opening portion, substitute the following, namely:—

"A scheme settled by the Board under this sub-section may contain provision for;"

(ii) in clause (a), for the word "fix" substitute the word "fixing;"

(iii) In clause (b), for the word "appoint" substitute the word "appointing;"

(iv) in clause (c), for the words "associate" and "constitute" substitute the words "associating" and "constituting" respectively;

(v) omit the letter and brackets "(d)" occurring before clause (e) and re-letter clauses (e) and (f) as (d) and (e), respectively."

The amendment was carried.

* The Hon. the PRESIDENT:—"I will now put Mr. Muniswami Nayudu's amendment to the vote of the House. The question is—

"In sub-clause (c), omit the words "or remove or direct the removal of such officer" and add as sub-section 1 (a) of section 63, the following:—

"The Board may, for good and sufficient cause, suspend, remove or dismiss such executive officer or it may direct the removal of such officer""

The amendment was carried.

* The Hon. the PRESIDENT:—"The other portions of the Hon. the Raja of Bobbili's amendment are for the vote of the House. The question is—

(vi) in clause (d) as re-lettered, for the words "appoint or direct" and "define," substitute the words "appointing or directing" and "defining" respectively;

(vii) in clause (e) as re-lettered, for the word "define" substitute the word "defining;"

(viii) in the explanation, for the word "endowment" substitute the words "endowment or endowments;" and

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(ix) after the explanation, add the following:—
"; and

(ii) sub-section (2) shall be omitted."

The amendment was carried.

Clause 6, as amended, was put and carried.

The Hon. the RAJA OF BOBBILI:—"Sir, I move that clause 7 be omitted."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

The Hon. the RAJA OF BOBBILI:—"I move, Sir—

"For new section 65-A, substitute the following, namely:—

"65-A (1) (a) The Board may by notice published in the prescribed manner, call upon the trustee and all other persons having interest in a temple or in any specific endowment attached to a temple to show cause why such temple or endowment should not be notified to be subject to the provisions of this Chapter.

(b) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue thereof, for showing such cause.

(2) (a) The trustee or any person having interest in the temple or endowment may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

(b) Such objection shall be in writing and shall reach the Board before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Board in that behalf.

(3) Where no such objection has been received within the time specified in the notice issued under sub-section (1) or within such further time as may be granted by the Board, the Local Government may, by notification published in the Fort St. George Gazette, declare the temple or endowment to be subject to the provisions of this Chapter.

(4) Where any such objection or objections has or have been received within the time specified in the notice issued under sub-section (1) or within such further time as may be granted by the Board, the Board shall hold an enquiry into the objection or objections in the manner prescribed, and decide whether the temple or endowment concerned should be notified to be subject to the provisions of this Chapter or not.

Explanation.—The powers conferred on the Board by this sub-section shall be exercised by the President and all the other

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Commissioners sitting together or by a Committee of the Board consisting of not less than three Commissioners of whom the President shall be one.

(5) (a) *If the Board decides that the temple or endowment should be notified as aforesaid, the Board shall publish its decision in the Fort St. George Gazette.*

(b) *The trustee or any person having interest in the temple or endowment may, within two months from the date of such publication, appeal against the decision of the Board to the Local Government and thereupon the Local Government may, after such inquiry as they think fit, confirm or set aside the decision of the Board.*

(6) *Where on such appeal the Local Government confirm the decision of the Board,*

or where there has been no appeal, after the expiry of two months from the publication of the decision of the Board under sub-section (4),

the Local Government may, by notification published in the Fort St. George Gazette, declare the temple or endowment to be subject to the provisions of this Chapter " " "

Mr. T. SUNDARA RAO NAYUDU :—" I second it, Sir."

Diwan Bahadur B. MUNISWAMI NAYUDU :—" Sir, I move that the following portions of the Hon. the Chief Minister's amendment just moved be omitted :—

(5) (b) *The trustee or any person having interest in the temple or endowment may, within two months from the date of such publication, appeal against the decision of the Board to the Local Government and thereupon the Local Government may, after such enquiry as they think fit, confirm or set aside the decision of the Board.*

(6) *Where on such appeal the Local Government confirm the decision of the Board,*

or where there has been no appeal, after the expiry of two months from the publication of the decision of the Board under sub-section (4),

and the last portion beginning from the words " the Local Government " and ending with " the provisions of this Chapter," be treated as (5) (b); and in (5) (b) as re-numbered the word " thereupon " be inserted between the words " the Local Government may " and " by notification " "

" These are very important departures from the present structure of the Act. You will see that wherever the Board has got power to frame a scheme for a temple or an excepted temple, the scheme has to be framed

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by the Board in the first instance, subject, of course, to its being modified by the Court, but there is a provision in the Act by which if a scheme had already been framed before the Hindu Religious Endowments Act of 1926 came into force, or if a scheme framed by the Board has been modified by the Court, then such schemes come under a different category altogether; and they become in a way sacrosanct and the Board cannot interfere with such a scheme unless it be that it files a suit for modification of the scheme. Therefore these various stages have to be gone through to modify it. The result then is, the Board is practically helpless in cases where there are schemes already framed by the Board and modified by the Court; thus it would interfere with the administration as they have to wait till a suit is filed and disposed of. Then, if a suit has to be filed, and large sums of money have to be spent on it with the consequent delay when a suit is filed and appeals thereon the allowed, it is not conducive to the interests of such temples, having regard to the delay and the large amount of money to be spent in such cases. Therefore, according to this Bill, in cases where the Board is satisfied that the schemes already in existence should be scrapped and some other provision made for the efficient administration of the temple, instead of having to file a suit to establish it, the Board will go through the process that is described under this section of notifying the temple. Before such notification, they will issue a notice stating the reasons why it was brought under this section and asking the trustee or other person concerned to state objections, if any. If objections are not raised in time, then as a matter of course, the order is issued notifying the temple. If objections are filed after the hearing of objections, the Board comes to a decision. After the publication of the decision, the Bill now provides that an appeal shall lie with the Local Government, so that the Local Government may decide; they may either uphold the decision of the Board or disagree with the Board and then say that no notification is necessary. If the Government think that no notification is necessary, then the old order of things will continue.

" Then, Sir, you will find, there is a special provision by way of explanation in this clause, for cases where the Board decides to notify a temple or give a decision that a temple should be notified; it is such a serious matter. The Act requires that the power should be exercised by the Board and not by individual members, but it should be at least by three members of the Board, if not by the full Board sitting together as a committee. Therefore, the legislature by investing this power wants to satisfy itself that the decision taken by the Board should be a collective decision, not arrived at by one Commissioner but by three of the Commissioners together. But, when such a decision is taken, I think there will be no need thereafter to trouble the Local Government with an application at the instance of the parties to review the whole decision of the Board and to decide for themselves as to whether they should agree with it or not. I should think that when

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the legislature has laid down the safeguards that the whole Board or at least three of them should collectively discuss it and from administrative experience decide, it is sufficient for the Government to act upon it and to publish a notification straightway saying that the temple should be notified. Otherwise, I am afraid that after an exhaustive enquiry on a review petition, for the Board itself to reopen the whole matter at the instance of any person interested will open up issues not very easy to decide even for the Local Government. If three people sitting together as a court, hear objections and evidence and then come to a solemn declaration that a certain course is necessary, the Local Government, or the Minister in charge or the Secretary, whoever it may be, unless they sit similarly as a *quasi-judicial* committee, are able to go through the whole thing and sift evidence and hear arguments, could not come to any other decision. On the merits, therefore, I think it is much better to leave the Board in its collective capacity. Sir, we have got similar procedure with regard to elections to the Legislative Council, where if an objection is filed before His Excellency to set aside an election, His Excellency appoints two or three judges to hear the case and their recommendation, as a matter of course, is accepted. We have got such things. Therefore in matters like this, Government, before acting, would like to have its hands strengthened by a Board constituted for the purpose or duly empowered for the purpose, and in this case the Board with the collective capacity of three members is asked to exhaustively enquire and decide.

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“ And when such a thing is done, I think the Government may not see the need to revise it or the need for sitting in judgment over it. The effect of this notification would be that thereafter this appeal to the Board to deal with such schemes and decisions would be removed. We find in section 65-B that the effect of the notification would be that all schemes and rules then in force would be scrapped and that, as it were, a new order of things will be introduced. And then according to section 65-C an executive officer will thereafter begin to function and discharge the duties of managing the affairs of the temple; and where there is a trustee the Board will define the duties of the executive officer and the trustee. Therefore, Sir, I move this amendment with a view to avoid the need for the Local Government to review or revise the decision of the Board, and with a view to give to the collective opinion of the Board or three members thereof some authority which practically means *prima facie* that is almost the same as the Government. So I move this amendment with a view to invest the Board or three members with the necessary power. An appeal to the Government may mean that the Government will have to consider all the facts of the case and come to a judgment on the decision of the Board. But I want by this amendment to take away that power from the Government so that the Hon. the Minister may be spared the duty of sitting in judgment over the judicial pronouncement of three members who are in charge of the administration of the temples and are expected to know its details.

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Even if there is such an appeal to Government, the Hon. the Minister would usually accept their decision as correct and as a thing to be acted upon. I think it is essential in the interests of the Hon. the Minister for the time being that the opinion of the Board should be one which he practically treats as binding on the Government. The parties can urge whatever they want to urge, before the Board itself.

“ One other point I want to urge and it is this. It may be argued that this kind of revisionary power should be vested in another body. But the board is one which is directly responsible for the administration of these temples and before it takes this extraordinary power of notifying a temple, one expects that it would have exhausted all possible remedies in its power to see that the temple authorities act properly. And if they after due consideration think it necessary to notify, then it means it is in the best interests of the temple. After notification, the board will have to be responsible for the management of the temple concerned. That being the case, they must be given a free hand in the matter of this notification. When once it is agreed that the board should be responsible for the good administration of the temple, then full power should be given to it and its opinion treated as practically final. Otherwise if the Government interfere for any reason the position thereafter will be this. The board will take strong action and the smooth working of the temple may not probably be ensured. It would not conduce to better feelings prevailing thereafter between the board and the temple authority concerned. For these reasons I move that the clauses I mentioned in the beginning may be omitted from the amendment of the Hon. the Chief Minister. The result of this omission will be that when the board authoritatively recommends notification, the Government will as a matter of course notify it as a notified temple.

“ I learn, Sir, that it is now proposed by Sir Patro that there should be a further appeal to the full board against the decision of the three members thereof. I do not object to that proposal. I only want to say that any such proposal should not be inconsistent with my amendment. If so, I would certainly welcome that proposal. I now move the amendment which I read out in the beginning.”

MR. C. R. PARTHASARATHI AYYANGAR:—“ In seconding the amendment of Mr. Muniswami Nayudu, I want to bring to the notice of the House that one of the greatest difficulties with which we are now faced in the administration of this Act is that the powers of the board are not clear-cut. So we want changes to be brought about in the Act with a view to remove the defects therein. The board as it is now constituted has no capacity to have firsthand information which it requires for the efficient discharge of its duties. But being the body responsible for the administration of the temples, it will be better able to come to a decision on the question of notifying the temple concerned, on the materials before it. I think a power of the kind proposed is necessary and I therefore second the amendment of Mr. Muniswami Nayudu.”

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• Rao Bahadur Sir A. P. PATRO:—“ Mr. President, Sir, this is a very important provision in this Bill. In fact this Bill has come to be introduced on account of this provision and this will enable the board hereafter to notify temples. Hitherto where schemes had already been in force, the board could not interfere. Now this provision will enable the board to notify with the permission of the Government the temples in all cases in which the schemes prepared by the court or the board are found to be unworkable or where the temples concerned are very inefficiently managed. In fact in one of its judgments the High Court has stated that the board may be given the power to notify even in cases where schemes had been prepared by the court. The court which prepared the scheme cannot go into administrative details. The board is an administrative body in possession of all information, and they will be in a better position to administer schemes and even prepare adequate and proper schemes. It is in accordance with the advice of the High Court given in the judgments I mentioned that this clause has been drafted. But the present motion of my hon. Friend Mr. Muniswami Nayudu is that there should be no appeal whatever from the decision of the board consisting of three members. If three members sit together and recommend to the Government that a temple should be notified there should be no further appeal again from the decision of the board to the Government. Now I would propose with your leave a short amendment in the matter, namely, that in cases where the board consisting of two members has decided to notify a temple, then there shall be an appeal to the full board; the appeal to the Government is not at all desirable or necessary in such cases and an appeal may be provided only to the full board with the full strength of members. Therefore I do not see any objection to the amendment of Mr. Muniswami Nayudu provided that he agrees to the amendment I propose. The formal amendment is being drafted and will be handed over to you, Sir.”

Later he handed in his amendment to the Hon. the President.

• Sriman M. G. PATNAIK Mahasayo:—“ Mr. President, Sir, people generally feel that there should be an appeal to some other body. When they have no confidence in the judgment of the person deciding, they generally want some appeal to be provided to some other body. In this case the appeal has been provided but the appellate authority is to be the Government. People would object to the appeal being preferred to the Government because they fear that the Government for political purposes may not exercise their judgment properly. The Government will not also take trouble to go deeply into the matter. In the interests of the Government itself, the Government should not be troubled with appeals in such matters. Therefore it is now proposed to allow an appeal to a larger body of the board itself. But in such a case, there will be one difficulty. There are only five members in the board. Supposing three members come to a decision, then it practically means that it is an appeal to two remaining members. It is meaningless that there should be an appeal against the conclusion arrived

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at by three members to the two other members of the board. So there is no meaning in saying that there should be appeal in all cases. But when there is a difference of opinion among the three members, there may be an appeal to the full body. Suppose two people arrive at a particular decision and one dissents. Then, if there is an appeal and the two remaining members of the board agree with the minority opinion it would become the final decision. If not, the original decision stands. So I would suggest that the appeal should lie only when there is a difference of opinion. Otherwise there should be no appeal.”

Mr. M. A. MANIKKAVELU NAYAKAR:—“ Mr. President, Sir, the object of the new chapter is to have a speedy means of revising a scheme prepared by the board or any other body. It is also made clear that against that revision of the scheme there is not going to be any action taken in courts of law. That is why under the proposed Bill there is a sort of appeal to the Government. But the hon. Member for Chittoor by his amendment wants that the board itself should be the final authority and that the Government should have no hand in it. The principle that he mentioned is that the whole thing should be decided by the board consisting of three members. It comes to this that two heads sitting together are better than one. Therefore I would suggest that instead of leaving the matter to the board either consisting of three members or on appeal to the full board, it is better to provide an appeal to another body. Because all of them think in the same line and the appeal should be to the body which thinks in a different line. Even in civil courts there are provisions in the nature of reviews against orders passed and this appeal to the Government would probably be in the nature of a review where they can rectify small mistakes. But if this appeal is entrusted to the board, it may not be quite desirable. I do not think there can be much objection to an appeal being provided to the Government.”

• Mr. A. RANGANATHA MUDALIYAR:—“ Sir, I may perhaps just state briefly why we arrived at the decision we did in the Select Committee. You will have observed, Sir, from the original draft of the Bill that the board wanted to take some summary powers to deal with these institutions. It was felt by us that their discretion should be subjected to some limitations and there must be some safeguards for those whose interests may be prejudicially affected. It was felt that if there was no provision for an appeal against the decision of the board, it might give cause for people to think that the board may act arbitrarily because there was no appeal against their decision. If on the other hand you had a provision that an appeal lies against their decision, it was thought that though an appeal may not necessarily be taken to the Government in every single case, the very fact that an appeal lies may have some wholesome effect on the board and may induce them to give their very best consideration and come to a right decision on the matters that come before them.

“ It was with that object, Sir, that a provision was incorporated in 3-45 our recommendations that an appeal may lie to Government against p.m.

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the decision of the board. If, Sir, the members of this House are inclined to think that the decision may end with the board and need not be taken further, I am not inclined to oppose a decision of that sort. There must be a speedy disposal of matters that come up before this board. We know by experience that the undue delay and the enormous time taken up by courts, whether civil, criminal or revenue or anybody else for the matter of that, with regard to the disposal of matters that come before them are responsible for many of the hardships and crimes that are perpetrated in the country. The suggestion made by Mr. Muniswami Nayudu has, from my point of view, this virtue, viz., that it does not protract discussion and delay decision in regard to matters but brings them even to an earlier conclusion than might have been reached under the recommendation of the Select Committee. From that point of view, Mr. Muniswami Nayudu's amendment has my support also."

* Mr. K. P. RAMAN MENON:—"I too do not think that an appeal to Government is of material assistance to the parties concerned to gain the cause they have in view. First of all, we are used to appeals, second appeals, and revision and so on. If we think in that groove in regard to this particular matter, we can never come to any particular decision on the issue. If, as a matter of fact, there is to be speedy disposal with regard to temples, which is the main object of the amendment, then the people must see to it that matters are disposed of as early as possible. Then again, Sir, the board is supposed to be a quasi-judicial body. Then, why should there be an appeal to Government which is an executive body? Government is not a parallel to the Privy Council which advises His Majesty in matters going up from the High Court. Further, Government have no judicial members among them and even, if there are, those members do not apply their legal mind to it. In cases where the decision has been arrived at by a single member, we may have two other members constituting an appellate court. In those circumstances, they may guarantee that the majority of the board have come to a particular decision. We must draw a line somewhere and I therefore think there need be no delay, and if there is any appeal it must be to a fuller board."

Mr. Muniswami Nayudu's amendment was then put and carried.

The Hon. the PRESIDENT:—"I shall put Sir A. P. Patro's amendment to the vote of the House—

'In the explanation to sub-clause (4) omit the words "by the president and all the other commissioners sitting together or."

'Add at the beginning of sub-clause 5 (b) as relettered "The trustee or any person interested may appeal against the decision to the board within two months from such publication and such appeal should be heard and decided by the president and all the other commissioners of the board sitting together. If

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no appeal is preferred or if such an appeal is preferred and dismissed, then "' "

The amendment was carried.

The Hon. the Raja of Bobbili's amendment as amended by the previous vote of the House was then put and carried.

* The Hon. the PRESIDENT:—"May I enquire whether it is the intention of the House to have three commissioners or whether it is two commissioners including the President? (Voices: Two commissioners besides the President.) That is all right."

VII.—ANNOUNCEMENT REGARDING MEMBERS ELECTED TO THE FINANCE COMMITTEE.

* The Hon. the PRESIDENT:—"Before we take up the adjournment motion, I have to announce that as a result of election held yesterday, the following Members have been elected to the Finance Committee:—The Kumararaja of Venkatagiri and Mr. Basheer Ahmed Sayeed."

II.—ADJOURNMENT MOTION *RE.* FAILURE OF CROPS IN CEDED DISTRICTS.

4 p.m.

* Mr. K. KOTI REDDI:—"Mr. President, Sir, I beg to move for the adjournment of the business of the House for the purpose of discussing a matter of urgent public importance, namely, the situation created by the failure of crops due to want of sufficient rain in almost the whole of the Ceded Districts, which necessitates the taking of immediate steps for relieving the distress prevailing among the ryot and labour population in those districts.

"In moving this motion, Sir, it is not my intention to take at this stage an alarmist attitude with regard to the conditions which now prevail in the Ceded Districts on account of the failure of crops. But having had fair knowledge of the conditions that prevail now in these districts, I consider it is better in the interests of the people that sufficient warning should be given to the Government at this stage, so that if they are convinced, as I believe they will be, of the situation in those districts as being fairly serious, proper steps should be taken from now so that the Government may be prepared in time for doing what is necessary for preserving the lives of the people in those parts if the conditions continue as they are at present. It is a well-known fact, Sir, that the south-west monsoon has failed to a certain extent throughout the whole of South India. So far, the north-east monsoon also is disappointing. It may be that the conditions in some other districts also are fairly serious. But I believe the conditions in the Ceded Districts would be generally far more serious than in any other part of South India, if the rains fail. It is also a well-known fact that during the great famine of 1875-77 which continued for three or four years, the districts that were

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worst affected were the Ceded Districts, and the conditions there at present seem to indicate the approach of a similar situation so that it is necessary to be forewarned. Apart from the question of the failure of rains in the Ceded districts, the conditions in those districts are fairly distinct from the other portions of Southern India, so as to make it necessary that whenever rains fail, urgent and immediate steps have to be taken by the Government for the purpose of relieving the distress of the people. The Government have not so far made enough arrangements by way of conserving water in those parts, by way of reservoirs, by way of tanks, or by undertaking big irrigation projects, so that they might be of great advantage in times of famine as they confer protection upon the people when rains fail. Happily or unhappily, Sir, we have been expecting for some time past the fruition of the Tungabhadra Project, a project which was mentioned as early as the year 1876, when the conditions in those districts were giving sufficient anxiety. It is, I believe, Mr. Thornehill who advised the Government that the Tungabhadra Project might be taken up. Sixty years have nearly passed since then. Again, thirty years have nearly passed when a definite scheme for the project was put forward to the Government and nothing has so far been done. It may be that the Government is not immediately responsible for that state of affairs, because it is rather unhappy that the other administrations of Mysore and Hyderabad now seem to stand in the way of undertaking this important project. Anyhow, I think a time will come when there will be a sort of agreement reached with those Governments, and the project will become an accomplished fact.

" Now, Sir, there was some rain in the early part of the monsoon season, and I think there was fairly good rain for the purpose of sowing. There was really a very good expectation of having a good crop in many black cotton soil parts, provided we had two or three inches of rain in about twenty days thereafter. The prospect at first appeared to be good, and the ryots were hoping that they might have one of the best crops within their memory. At about the 13th of this month, the clouds were appearing and looked as if going to give some rain. But it was all utter disappointment. In some portions of these parts, there was about an inch of rain but in many other portions there was no rain at all. In the district of Cuddapah, some portions, as I have already said, have been sown with food crops and with commercial crops, though in one taluk, Pulivendla, there was no sowing at all in a large portion. Even to-day one can go there and find one vast extent of black cotton soil with no verdure anywhere. Even in those parts where there was sowing, except for a few patches here and there which appear to be big oases, there is very little prospect of getting any crop. It may be that if sufficient rain is given by Providence in two or three days, in certain portions of the black cotton soil area we may have some cholam and probably cotton also. But the majority of the crops, even if we have sufficient rain hereafter, will be absolutely disappointing. Because in some portions nothing has been sown, and in other portions where there has been sowing, the crops that have grown have so

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withered that no amount of rain will help them. That is the state of affairs. I have advisedly put in the adjournment motion that in most parts of the Ceded districts the crops have been a failure. Nature seems to be very freakish sometimes, Sir. Though in the majority of the Ceded districts, rains have practically failed, in one or two places all on a sudden during the last month or so there was some good rain. I refer to the Markapur and Cumbum taluks in the Kurnool district. Here once there was some good rain, and strange to say the Cumbum tank was, I understand, almost full. Also in one portion of the Badvel taluk in the Cuddapah district, the Porumamilla tank was full. But you see, Sir, the tank has a supply channel connecting it with the Sagileru. In some portions of Rajampet taluk, some tanks received small supply of water and even paddy was sown, and to-day they are all withering for want of rain. In one of the biggest tanks in the Badvel taluk, viz., Badvel tank, there was some water and the ryots sowed paddy. For 17 days they had no water at all to water the paddy crop and it is now withering. It may be, Sir, in other taluks too there may be a few patches here and there where there has been some crop grown. But on the whole, barring one or two tanks like those I have mentioned and barring the portion along the Cuddapah-Kurnool canal which after all benefits a small area in the Kurnool and Cuddapah districts, it may be said that the crops are almost a complete failure in the Ceded districts. I only hope that if we get some good rain just at present, it may help a few patches here and there in the black cotton soil area alone, and that may bring in some crop of cholam and cotton.

" As regards red soil parts, all the crops are a failure. But if we have anything like good rain in the future and if the tanks are filled, there is some possibility of getting a second crop. But the portion served by tanks is infinitesimal. Take again the condition of those patches served by wells. In almost all these parts the wells too are almost dry. Where there is some water in the wells, it is absolutely insufficient for the purpose of cultivating the whole area. It is unfortunate that during the last year and the year before last, we had not enough rain. Our tanks were not full. That is why most of the wells in the Ceded districts are almost dry or give only very little water and it will not be sufficient to cultivate all the extent that is provided under well irrigation.

" As I have already said, I do not want to take an alarmistic view. I only want to give the Government a sufficient warning. Under the usual rules of the Government, unless the crops fail continuously for one or two years, no steps for relief will be taken and they will not declare such areas as famine stricken. There may have been fairly good grounds in those days for taking that view. But now for the last ten or fifteen years, the conditions have thoroughly changed. The food crops like cholam and ragi have almost given place to commercial crops like groundnut; anyway the area is considerably reduced. So far as cotton is concerned, the condition has not much changed, though that

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also has given place to groundnut to some extent. So far as the groundnut is concerned, you are aware that the Ceded districts are one of the largest areas where groundnut is cultivated. The result is that both from the point of view of the cattle and from the point of view of human beings a lot of trouble has ensued on account of the extension of groundnut area. When there was a good produce from groundnut and prices ruled high, certainly they had some money and all the money was spent away in the payment of Government revenue and for expenditure that the ryots usually incur when they have money on hand. When the produce was low and did not fetch a good price, the ryot suffered. So that at present the condition of the majority of the ryots is very very bad in most of the villages. They have incurred fairly heavy debts. The result is that wherever there has been an increase in the area of commercial crops like groundnut, the food-grains are naturally reduced in quantity, so much so that even under ordinary circumstances, i.e., even if we have fairly good crop, the quantity of food grains produced in the Ceded districts would not be enough for the people to carry beyond the year. That being so, if the crops fail, the result will be that they will have to import larger quantities of food-grains from other districts, which means money and which the average ryot has not and much less the day labourer.

"I may give some instances which give some indication as to the fairly serious situation in the Ceded districts. I found a report in yesterday's *Mail* paper with regard to certain grain riots in the Bellary district. Near Alur, in a place five miles from it, a grain riot took place and one of the Christian landowners was practically deprived of his grain. There was a struggle between the people and the landowner with the result that one of them was killed. It was also reported that in the very same Alur taluk there was another riot also. In the Kurnool district, the Koilkuntla taluk, to my knowledge, is also one very very seriously affected compared to the other taluks of that district. And I heard news from reliable people that the situation was very bad there too and that Government officials were being approached by a number of people to provide labour for them. I may give an instance in the Koilkuntla taluk which was brought to my knowledge from a fairly reliable source, though it is not reported in the papers.

4-15 P.M. "In a village in Koilkuntla taluk, there is a landlord who owns more than a thousand acres and has stocked a fairly large quantity of cholam. The labourers from a neighbouring village approached him for some grain saying they were starving. This man got afraid and at once called for the labourers in his own village and acquainted them with the fact. They got the hint and they assured him that as long as they were there they would see that not a particle of grain was taken out of their village as they need all the grain themselves. The other day I went to a village and I ascertained that a Komati gentleman who purchased cholam and was taking that cholam in two bandies to a village two miles off to offer it for sale. The labouring population of that village caught scent of it, waylaid him and would not allow him to pro-

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ceed unless he gave them some portion of the grain. Naturally, the trader apprehended danger and parted with some of the grain. Instances like these are increasing. The other day, I was at the shandy at Pulivendla. It is a very big shandy. In the previous shandy day the grain was selling at the rate of 12 seers per rupee. On that day there was no grain brought from any village and so practically no grain for sale even at eight seers per rupee. That shandy was intended practically to serve two taluks but no grain was brought there on that day; the price came down to about eight seers per rupee. When I enquired about it of some people they told me that even if grain were available traders were afraid to bring it to a place like that as anything might happen on the way. People are afraid to take grain from one place to another. I give another instance I saw. In that taluk there is some culvert work which is being constructed under the district board. I observed a number of people coming from neighbouring villages in the evening and asking to be provided with work. It is usually the Oddars who used to do this sort of work. They complained to me that if the ryots came and took up such work what must be their fate. The price of cholam used to be about 16 to 18 seers per rupee about a month ago in the district. It is to-day not more than eight to ten seers a rupee. It may be due to the scare and to the fear of the people who are not selling their stuff that the prices are going up. The conditions are such in the Ceded districts as I have indicated before that even a normally good crop would be sufficient only for that year and nothing would be left over for future consumption. A few rich men may have some stock on hand but they would not release it for fear of the crop failing in the current or succeeding years. Wherever I went, the topic was not only of the present conditions but most of the people were calling to mind and talking of the famine of 1877. There is a sort of superstition in the villages that once in 60 years—that is the Indian cycle of years—a terrible famine would occur. The last famine was in the Hindu 'Dhatu' year and every one is apprehending a terrible famine and scarcity in the coming Dhatu year which is not far off. The memory of those days has not faded. The greatest need appears to me now for Government to put heart into those people by assuring them that they need not despair but they will help them by importing grain if necessary and by opening works and providing labour for them. Government should immediately investigate what the real state of affairs is, what is the condition of the crops and whether labour is available for these people. I want the Government to immediately investigate and do something to allay the apprehensions in the minds of the people. It is not my intention to give any alarm. But, in this connexion the following sentence from the despatch of the Board of Revenue in the year 1875 to the Collector of Bellary is worth quoting:—

'Early and liberal expenditure on works may avert the necessity for distributing charity doles.'

The conditions may not be so startling now as to call for opening of relief work immediately in all the places. There are people including the smaller ryots who can do work and are willing to take up work.

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But no work is available anywhere. (The Hon. Sir Archibald Campbell: 'Is it in Bellary district?') In almost all the Ceded districts. In all the Ceded districts the conditions are almost similar and the people need to be provided with sufficient work to do. So I warn Government that instead of waiting for conditions to become worse, instead of waiting for people to become so starved and debilitated that they may not be able to work at all, they should think this as the opportune time to provide work for them in a fairly large quantity, not only to the labouring population but also smaller ryots, and thus drive away their despondency.

"Now, I come to the question of fodder. The conditions on account of the introduction of groundnuts in those districts have considerably changed. Cholam serves as food not only for man but also for cattle. It is one of the best fodders if not the best available in the Ceded districts. On account of the shortage of cholam due to the shrinkage of area under cultivation groundnut fodder has taken its place. Groundnut fodder is not very good nor can it be had in such large quantities as cholam fodder. In one or two taluks the rains have completely failed and there is absolute despondency reigning in the minds of the people. I personally observed people going to a distance of 15 to 20 miles for getting this dry fodder, I don't know the English name but is called 'Boda' in Telugu. In normal circumstances no cattle would eat it. But now they cannot help eating it. A large number of people are going in for this dry fodder for long distances which even then is not available in sufficient quantity. In this matter Government could assist by instructing their officers to instruct ryots in case they do get the north-east rains, to see that cholam crops are grown over a large area. Only Bellary ryots do it now. All the ryots in other parts of the Ceded districts should be induced to cultivate this cholam crop the required quantity of seeds being imported by the Government from the Bellary district.

4-30 p.m. "If cholam is grown largely provided we have rain now there is a chance of our getting at least enough good fodder for our cattle. At this stage I may mention the fact that so far as my knowledge of the Kurnool district goes, Nandyal taluk has a fairly good crop and in some portions of Sirvel taluk also the crop is fairly good. Fortunately they had some good rain. The Tungabhadra gave some water for the canal area and there the condition is not very bad. But sometimes even the Kurnool-Cuddapah canal is not dependable if the rains fail. Besides the canal area also suffers as good crops won't result, if rains fail, though fed by canal. In these circumstances, I request the Government to investigate the conditions seriously after assuring the people that they would help them if there is need and that they have no cause for despondency. If this assurance is not given promptly, people are likely to leave their homes and follow the example of a set of Oddar people of Pulivendla taluk who let their habitations under the impression that the Tungabhadra Project was being constructed and returned after being sadly disappointed.

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"Sir, as it would be some time before we meet again, I would take this opportunity to make one or two suggestions for bettering the condition of the people. One of my suggestions to the Government is to provide enough work for the people who want and can do work and who otherwise would have to be given doles. The condition will be worse if the Government do not act promptly and there will be a repetition of the misfortunes which occurred during the famine of 1876-77. The local boards in these districts are very poor. Anantapur and Cuddapah have not a pie to spare for the purpose of providing work. Kurnool may be a bit better. But the most useful work for the villagers are generally those that come under the jurisdiction of the local boards. For example, even ordinarily in the black cotton soil parts of the Ceded districts there is scarcity of water and there is demand for any number of wells there."

The CHAIRMAN—(Rao Sahib V. I. Muniswami Pillai):—"May I point out that the hon. Gentleman has exceeded his time-limit?"

* Mr. K. KOTI REDDI:—"Any amount of money can be usefully spent in that direction. Also in the red soil parts of the districts; there is need for more wells and deepening the existing ones and any amount of money can be spent in that direction. In this connexion I asked some ryots whether they would take loans from the Government if loans are offered and the reply given to me was that as they are already heavily indebted, anything that is given to them should be given free. Now, if money is given to them free or partly free, it will not only make the ryots hopeful, but it will also afford scope for employment for persons who are now dying of hunger. So, Sir, if the Government would only be kind enough to place large sums at the disposal of the local boards, I am absolutely certain that many a useful item of work could be put into execution and works that are already in a state of utter disrepair could be put in order. Sir, on third-class roads very little, if at all, is generally spent and they are utterly useless. I am not suggesting that the Government should open up new roads. I am only suggesting they could put some money in the hands of the local boards and get them give work to the starving population on the repair of roads useful to the villagers.

"Sir, I have been pleading in this Council that a sort of village planning or reconstruction is necessary for the black cotton villages in order to make the houses in them more sanitary and healthy. The opportunity is now come. Let the Government give at least half-grants for this purpose to enable those villagers to build houses on a model approved by the Government. If this is done the workmen would get enough work and the villagers would become healthier men.

"Sir, on this occasion, I need not remind the Government that this is the best time for the Government to invest some money on new irrigation works. I request the Hon. the Revenue Member to persuade the Hon. the Finance Member to place vast sums in his hands for this purpose. This is the time for the Hon. the Revenue Member to take up for execution small irrigation works. The river channels have dried

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up, for example the Chithravathi channels in Cuddapah district. Any amount of money can be spent in repairing the old channels and in opening new ones.

(At this stage the Chair was occupied by the Hon. the President.)

"There are also any number of minor tanks requiring repairs. It is very necessary that, to avert conditions getting worse, all these things should be done now. As I said, the memory of the great famine of long ago still haunts the people and they are afraid that if these works are not executed now, there will be another famine and that it will decimate as it did then a large number of the population. The Government records will show, it is the Ceded districts that have suffered most by famines. In this state of affairs I trust that the Government will consider it its duty not only to save human life but also to see that the general health of the people does not deteriorate on account of starvation and under-nourishment. I hope that the Hon. the Finance Member before he lays down his office, whilst being keen in husbanding the resources of this presidency in his anxiety—legitimate no doubt—to see that the next budget is not a deficit budget, will not overlook the fact that there is a great and urgent need for spending large sums on the objects I have mentioned for the benefit of the people of the Ceded districts. The credit of the province stands high and there is no need to stint money for expenditure in useful directions. I hope he will place large sums at the disposal of his Colleagues. Some money, for instance, can be placed at the disposal of the Hon. the Chief Minister for spending on local board works and some money at the disposal of the Hon. the Revenue Member for spending on irrigation works. If he thus comes to our rescue in this critical condition, he along with the Revenue Member will earn the lasting gratitude of this presidency, particularly that of the Ceded districts. Appealing once more to the Government to do the needful, I close."

* Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"Mr. President, with your leave, I second this motion and, in doing so, Sir, I do not think I need repeat the various arguments that have been advanced at great length and with considerable force by my hon. Friend from Cuddapah.

"Sir, man needs three things primarily. One is air. Fortunately for us we are able to get enough air without having to make any appeal to the Government. Luckily air has not been taxed and I believe the Government do not contemplate doing so. Man therefore gets sufficient air without any difficulty. His next need is water and for this we have been crying hoarse for long. I suppose hon. Members of this House will be surprised to learn, particularly those coming from the west coast, that the average rainfall in the Ceded districts is about 16 inches. This will show that the little water that we require is not given to us. Now what is the present position? On account of the fact that we have not had even this 16 inches of rain, we have not grown enough food products. That is the reason why we have come here and tabled this adjournment motion. In tabling this motion, let it not be

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understood that we are casting any aspersion upon the district officials. As a matter of fact, so far as Bellary is concerned, I am glad to bear testimony to the kind and sympathetic administration of the district by our present Collector Mr. Stuart. He has been watching the situation very keenly with a good deal of sympathy.

"In this connexion I speak with a good deal of searching of heart. As a matter of fact he has also been travelling through vast tracts of the district of Bellary in order to ascertain whether there is famine. 4-45 p.m. Unfortunately there is one thing about him which I am sorry to observe. A level-headed gentleman as he is, he is rather slow in arriving at decisions. Not that he is not kind, not that he is not loved by the people of Bellary. In fact the people of Bellary love him much. But unfortunately it so happens that he is not quick in taking decisions. That is the reason why we have come here and tabled this adjournment motion. We have been appealing to him to start relief works as early as possible. We appealed to him nearly a month ago, because, so far as the Bellary district is concerned, we depend on the tail-end of the south-west monsoon and upon the tail-end of the north-east monsoon. We have to depend on tails and it so happens that we do not get either tails of the south-west monsoon or the north-east monsoon. The four western taluks of the Bellary district are entirely dependent on the south-west monsoon and they are mostly red-soil tracts. We had some rain there. I believe I am not very inaccurate and I hope the Hon. the Revenue Member will pardon me if I am inaccurate. I think we had about 5 or 6 inches of rain. The ryots sowed the land and the crops came up. They were expecting some more rain and they thought they would have plenty of crop, but unfortunately the rains failed. What happened? The crops withered. Even then they fondly hoped that there would be some little rain at least so that they may have something left of what was sown though not as grain at least as fodder. But unfortunately even those expectations have been in vain. The whole of the western taluks are to-day without any crop whatsoever. Not only without any crop but also without any fodder. I hope I am telling you the real state of affairs with accuracy so far as the western taluks are concerned. This has been brought to the notice of the Collector not only by myself but also by my hon. Friend, Mr. Ranganatha Mudaliyar. He visited some of those taluks and has now promised to send proposals to the Board to start relief works. But unfortunately, so far nothing has been done. So far as the eastern taluks are concerned, they are rich taluks. They contain black cotton soil and they depend on the north-west monsoon. They were depending on the tail-end of this monsoon which never came. Lands have not been sown and there is absolutely nothing available so far as the ryots are concerned. They have no prospect of having their lands cultivated. In this connexion I may bring to the notice of the Hon. the Revenue Member that we are pleading now not for the rich landholders but for the poor cultivators who own 10 acres, 20 acres, 30 acres, 40 acres and even 50 acres. These are the persons who are mostly affected and they are entirely dependent on their crop. If the crop fails, they have nothing stored behind them

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to fall back upon. They are entirely dependent on the rain and the crop and if the rains fail and they don't get the crop, they have practically to starve. Unfortunately it so happens that some of them being decent people, they hesitate to go out and work as labourers. They are in a pitiable condition. I am speaking this from personal experience, for this is not the first time that I have had experience of famine. I come from that accursed zone which is always famine-stricken. For within the last ten years, I think we have had three famines so far as Bellary is concerned, that is to say, one famine in three years. Therefore I speak from personal experience when I say that so far as these small landholders are concerned, even if relief works are started, they will think it beneath their dignity to go and work as labourers, for the wages are very low according to the Famine Code. You cannot expect any person of that class to go and work in those relief works. Therefore their only remedy is to sell their bulls, their ornaments, their lands and other property and pledge their houses. But even all this is not enough to enable them to tide over the unfortunate season. Then they migrate to other places where they can find labour of a decent kind. That is the position. I believe, Sir, I am not overdrawing the picture; as a matter of fact I am rather underdrawing the picture. That is the position in which we stand.

"I do not want to take up more time of the House, because I believe there are other speakers who would like to put before the House the grievances of their districts. But so far as my district is concerned, this is the picture. Am I wrong in asking the Government to come to our aid at once and start relief works in these places which are deeply affected? More than the starting of relief works, the Government should grant fodder loans in order to enable the ryots to get the necessary fodder. In this connexion, I have had a talk with the Collector and I believe he has already got the sanction of the Board to give fodder loans to ryots. I think fodder loans are being granted now. The next thing that is necessary is the grant of takkavi loans. I think I have on a previous occasion characterized these takkavi loans as a curse rather than a blessing, but unfortunately it becomes necessary at present. Famines have been visiting the district periodically and more than 10, 12 or 15 lakhs of rupees have been given as takkavi loans in Bellary district. I have been urging on the Government that it is time enough to write off these takkavi loans and start with a clean slate. I am very sorry indeed to ask the Government to grant takkavi loans at present although I think it has been rather a curse than a blessing. But the conditions are such that I cannot but urge the Government to grant takkavi loans at a time of distress like this.

"Lastly, Sir, I have only one more observation to make. It is this. The Government were pleased last year to grant a remission of 12½ per cent. Last year was not a year which could be said to be a famine year. It was rather peculiar in the annals of the Ceded districts, particularly Bellary, in that owing to excessive rain—a most unusual thing—the crops were damaged. Therefore the Government were pleased to grant a remission of 12½ per cent not only for the Bellary

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district but also for some other districts which were similarly affected. Now that there is famine in Bellary and also in parts of other districts—I am sure other hon. Members will speak about it and I am sorry I am encroaching on their time, but I believe that conditions in Tinnevely, Ganjam, Nellore and other places are probably bad enough though not as bad as in Bellary—I hope the Government will be pleased to come to the rescue of the people in these parts by writing off this remission of 12½ per cent which they granted last year. But so far as my district is concerned, I would request the Government to see that land revenue is not at all collected this year.

"I have only one more observation before I close. I believe this is the last meeting of the Council—I may be wrong; if I am wrong I beg to be excused—when we will have the good fortune of having the Hon. the Revenue Member, Sir Archibald Campbell and the Hon. the Finance Member in our midst. If that is so, I would appeal to them as both of them have served in these wretched famine zones in one capacity or other, to earn the gratitude of the millions of people in the Ceded districts by coming to their help by granting the various requests that I have made."

* Mr. A. RAMAKRISHNA REDDI:—"Mr. President, Sir, I rise to support the motion which has been moved. In doing so, I wish to point out the conditions obtaining in the Kurnool district and to press upon the Government the urgent necessity of taking steps to ameliorate the conditions of the ryots. You can easily visualize the condition of the people at present when a famine has set in after a protracted period of economic depression. On account of the economic depression, even the very few ryots—big ryots—who had large stores of grain were compelled to sell away their grain, with the result that the stocks of grain that were usually being kept in the villages are not available at present. Before the economic depression, some rural credit was available both in the shape of money and in the shape of grain. But now on account of the economic depression, it so happens that the ryots do not get any credit at all even in the shape of grain. The position now is such that even the big ryots are not able to distribute any grain for they have absolutely no hopes of recovering those loans. All this is unnecessary for me to say, because the indebtedness of the ryots of the Ceded districts is notorious. In these circumstances, Sir, one can easily imagine what will be the state of the people in these districts. There has been a complete failure of rain in some of the taluks and there has been no sowing at all in others. I am sure, Sir, the Government will have received some reports on the subject. I may mention specially the case of the Owk subdivision of the Koilkuntla taluk and the Maddikera area in the Pattikonda taluk, where there has even been a recrudescence of crime by way of attacking the grain which is being taken from the markets to the villages. I am sure, Sir, the Police would have sent reports to the District Superintendent of Police and the District Magistrate. I am told, Sir, that with the kind assistance of the District Collector and the Sub-Collector kitchens have been opened in the Owk area of the Koilkuntla taluk. Attempts are being

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made with the help of philanthropic gentlemen of the locality to open further kitchens in the Owk area of the Koilkuntla taluk. That is the position. So far as the other taluks are concerned, for instance, the Kurnool taluk, the Pattikonda taluk and the Dhone taluk, there has been very insufficient rain. There was sowing in these places, but after the sowing there was complete failure of rainfall and the ryots in some places are more hard put at present because even the grain used for sowing has been lost to them. They are in a worse position than those in places where there has been no sowing at all.

5 p.m. "That is the position. It has been said by my friend, Mr. Koti Reddi, that the Kurnool District Board is a rich district board. Probably he means that the district will be in a position to open famine works. I do not know if he has scrutinized the budget of that district board; it is as poor, if not poorer, than the Cuddapah District Board, so far as the general resources are concerned. My friend must know from the Local Boards Act that the Railway-cess Fund can be utilized only for particular purposes under particular circumstances. To get the necessary sanction for utilizing it for other purposes under the provisions of the Local Boards Act, it takes a very long time. But taking the normal budget of the district board, it is absolutely impossible to provide any appreciable amount for famine. My friend is wrong if he thinks that the Kurnool District Board is rich, thereby meaning that it will be able to give relief to the ryots on a large scale . . ."

Mr. K. KOTI REDDI:—"I only said comparatively that it is better than my district board. I never meant anything else."

* Mr. A. RAMAKRISHNA REDDI:—"I must say that even the comparison is not correct. I can say definitely from the perusal of the budgets of both the district boards, that the Cuddapah District Board is in a better position than the Kurnool District Board, so far as general funds are concerned. As regards the Railway Cess Fund, it cannot be diverted for other purposes."

"So far as the position in the Kurnool district is concerned, even in the areas of Owk and Maddikera, no relief works have been started, though kitchens have been opened. Thus, relief is given only to a few places. It must also be mentioned that even if relief works are opened at present, there must be some imagination; I do not know if the wages prescribed in the Famine Code are given, it would really do any good. Suddenly the prices have gone up on account of famine conditions prevailing in the district. Probably with the five quarter annas they are likely to get for a whole day of work, under the Famine Code, people will not be able to live in these days of high prices prevailing. If relief works are started, I request the Government that there should be some imagination so far as the wages are concerned. The Government should take very early steps to see that something is done."

* Mr. T. NARASA REDDI:—"Sir, the Government must be receiving a harrowing tale every day from the local authorities concerning the

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situation in Cuddapah district. It has been found by local authorities that the taluk headquarters of the Cuddapah district are flooded with poor people who find no employment. People who cannot get grain in the market are going in large numbers to the headquarters to see if they can get some work. The Government should see that prices of grain are not increased unnecessarily. By this time the Government would have been informed about the conditions that prevail in the Cuddapah district. June is the month in which rain is expected; in that month the ryots keep their lands ready for sowing the crops. In some parts of the district there was no sowing at all and people were waiting and waiting. To-day we find that there was no sowing at all in half of the taluk of Pulivendla. In the other parts of the district, Jammalamadugu and Proddatur, there was a little rain which was sufficient only for people to sow some crops like cholam, indigo, kambu, etc. If one goes to those fields now, one cannot but weep. The crops have withered up, the cholam crop has gone dry and withered. Even if the monsoon sets in now, there is no hope whatsoever that there will be any recovery of these crops. In previous years, the complaint made by Members of this House has not been that there was no yield of crops. Unfortunately the prices of grains obtaining in the market were cheap. I am referring only to the previous two years. In those years there was sufficient yield of crops like cholam, etc., and sufficient quantity was available with the ryots. Now, Sir, the position is different. There is hardly sufficient quantity of grain left with the ryot; so he cannot release it for the benefit of the poor people, to the working landless classes. This is the state of affairs, withering of the crops and thorough failure of those staple foodstuffs. One full year consisting of twelve months has to elapse. In every village we will find poor people having two or three acres of land and on these poor people who have small holdings, depend many of the working classes. If the rains had set in and if the two monsoons—the south-west and the north-east monsoons—had been a success, then people can find some work in those areas; unfortunately this year is very conspicuous; there has been a thorough failure of both the monsoons; in consequence there is no pasture; there is no work for the people and there is no grain with the ryot; the ryot has in previous years sold away his gold, even the little gold he had saved when there were good prices. When such is the state of the ryots, where is work to be afforded to the poor classes? As a consequence of this every day people are flooding in to the taluk headquarters from various villages; there will be looting of granaries. To my knowledge there was an instance in the village of Chinnakomarla in the Jammalamadugu taluk of looting of the granaries of the ryots; the Police investigated into the matter; they came to conclusion that there was no looting at all. If this state of affairs continues, every village will take the same lesson and will loot the granaries of the ryots; you will see every day that there is plunder. How long can the people endure if this is the state of affairs; it is high time that the Government should come to the rescue of the ryots. As my friend, Mr. Koti Reddi put it, it is true that people are predicting that the state of

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affairs that was prevailing during the days of the great famine of the year 1874 will set in. People were dying of pestilence and cholera; there was no food for the poor people to eat. People lived not on grains but on other things, like tamarind leaves, etc. Such a state of affairs is sure to continue. If this state of affairs continues and if the Government do not come to the rescue of the people, they would curse the Government."

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, I do not want to argue the point whether or not famine conditions are threatening the Ceded districts. I presume that the Government are fairly alive to the situation and that they are in possession of reports from their district officers which go to show that they must take very prompt steps to have the machinery ready to give relief to the people affected by the drought condition in the districts. My grievance is that the Government take these steps rather too late and not in time. I would like to appeal to the Government not to lose time in investigation but to recognize the existing facts and take immediate measures to start such works as will give relief to the people. I see the Hon. the Revenue Member having the Famine Code in front of him; he will of course throw many extracts from it at our devoted heads. But that is not what I want him to do. I rather wish that he should inform the local board authorities and the officers on the Revenue side as to what they should do. For example, the Famine Code says that the district board authorities should expand their usual programme of works; but how are they going to do so without money at their disposal? Is not the Hon. the Revenue Member aware that the district boards concerned are more or less bankrupt and that their expenditure exceeds their income. They have not got the money to expand their programme of works. Would the Hon. the Revenue Member allot money either from the Famine Fund which I see is in excess of the statutory amount or from the ordinary revenues? Would he place the required amount at the disposal of the district board presidents and tell them, 'Here is the money for you, go ahead.' In my district I see that materials have been stocked on the road-side; but the work of consolidation has not been begun; the reason is the contractor wants to make profit; if rains set in, he can spread the material at less cost and take the money. Are the people to wait for the contractor to carry out the work at his own convenience? Will the district board authorities insist on the work being taken up immediately—without waiting for the contractor's convenience so that poor people may find employment.

"So far as my district of Bellary is concerned, it can be divided into two portions, the eastern taluks and the western taluks; one portion of the district consists mainly of red soil, that is, soil in which crops have to be sown early; the other portion consists of black cotton soil in which crops are sown late. There is a net work of roads in the red soil areas and they are in a very bad state. Cannot the district board or the revenue department start repairs to these roads, so that people living in the neighbourhood may find some employment of one

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sort or another. I do not want that the Government should start works merely in name, they should start works so that they are of effective help to the people. Suppose they start one work for each taluk and say, 'I have done my part of the work; here is work started according to the Famine Code and those who want work may go there.' That is not the policy that the Government should pursue. The works should be so distributed in convenient places that the largest number of people may find employment. There is another kind of work which the Government may take up, that is, the repairs to be carried out to tanks; there are many tanks supply channels to which have been neglected for a very long time. The Government always look to the Compulsory Labour Act. If the Government expect to carry out those works with kudi-maramat, they will never be carried out. It is impossible for those works to be executed by customary labour. This kind of work can be carried out by ordinary labour. I think the Government should undertake such works. Now, Sir, take the case of the black cotton soil taluks. There are many villages which are still without adequate supply of water. Reservoirs there would provide fairly good employment to many. There are also tanks, the bunds of which require to be strengthened. Work of that sort is fit work for famine conditions.

"I can go on instancing several kinds of work that may be taken up; but the difficulty is, so far as I am able to gauge, that the department has not got a programme of suitable famine works for the district. If at all they have a list, it is a list prepared in a rough and ready fashion, with no accurate details for the work to be done. If that is so—of course, I speak subject to correction—there is nothing to prevent the Government from appointing immediately an officer to tour round the affected parts and select suitable works for immediate execution. The Government may be thinking that as in the black cotton soil area sowings are generally late, that the rains may still come and that in that case, they need not start any works at all. If they pursue that dilatory policy, they will find that the ryots have been hit so hard by the time they start works that it will take a very much longer time for them to recover. For example, in a village called Komugodu which is in the midst of the black cotton soil area, the people there are suffering much. It is not a mere platitude I am saying. My friends over there who know the actual conditions of their own accord arranged for some kind of relief work. You will therefore see that their statements are not mere platitudes meant for the gallery; they are proving their concern for the people by themselves spending money on such purposes. So, I say, if the Government, as I believe, are convinced that the conditions prevailing in those districts are bad, they should not simply be guided by the rules in the Famine Code which were published I do not know how many years ago. I do beg of them to lose no time in starting works, because they are urgent and necessary now, and we have gone beyond the stage of investigation. If they comply with my request, Sir, I think the Government will be doing something really substantial for the relief of the suffering people."

Mr. T. S. RAMASWAMI AYYAR:—Mr. President, Sir, in supporting the motion, I desire only to draw the attention of the Government to the

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manner in which the rules of the Famine Relief Code should be given a liberal construction. As a matter of fact the Famine Relief Fund Rules as laid down in Schedule IV have been liberalized, and even the definition of the words 'protective works' has been expanded to include works for the *prevention* of famine. Reference has been made to the necessity for the immediate relief of the distressed people in the Ceded districts. Members who have spoken before me have urged the need for Government taking immediate action for relieving the distress. As I said, the working of the Famine Relief Fund should be on very liberal lines. The hon. Member for Bellary has said that a liberal construction should be placed on the rules. If I stand up to-day to speak on this motion, it is to say that the Famine Relief Fund should be worked in a liberal manner, even with regard to more permanent schemes. When famine has to be fought, we have to find out whether we should only fight it or whether we can also prevent it. It is now a common notion that the days of famine are gone; but the situation such as the one indicated in the motion and in the previous speeches is one which we did not contemplate. It has always been considered that the days of famine are over because the present-day communications make it possible for grain to move from place to place and also because of the new projects that have been initiated by the Government. But I do feel that the Government should also take action to prevent famine by taking up schemes of protective works. We are thankful to the Government, Sir, for having taken the initiative with regard to the Tungabhadra project; but it looks as if it is far away. It is as a matter of fact receding in spite of the best efforts of the Hon. the Revenue Member and the other Members of the Government; but that is no reason why Government should not consider the desirability of having smaller schemes at an early date. For example, I understand that in the Anantapur district, there is the Dorrigallu scheme which can be given effect to. In Cuddapah, we have got the Pullampet project and the Valigallu project; as regards the Kanchalamma tank, Government perhaps think that they cannot launch on it because it is not a remunerative scheme. When I said that the rules of the Famine Code should be liberally interpreted, I meant that the Government should not place a narrow interpretation that a scheme should be taken up only if it is remunerative. In the Ceded districts, the Government cannot always insist on schemes being remunerative in order to be taken up, just as they did with regard to the Mettur Project or the Kistna Project. If you are going to fight famine, you cannot fight it on a commercial basis; you cannot say that the measures you are going to adopt for ending famine should be capable of bringing a certain percentage on the expenditure incurred on works for fighting famine. Similarly, if you want to prevent a famine, the rules should be liberally interpreted. If these projects are taken on hand, I feel confident that much of the distress will be relieved. If Government had not thought that these schemes should not go forward, the present plight of the people would not have come about at all. I therefore feel the urgent necessity for Government revising their policy about schemes being remunerative. I want the Government to feel that at least in the case of the Ceded districts, the rules should not be strictly construed

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because that is the only black zone so far as famine is concerned, in this Presidency. It may be that in other districts also there is a little distress, but it will be temporary, due perhaps to the failure of timely rains or an early monsoon, which may be compensated by the earlier arrival of the next monsoon. But in the case of the Ceded districts, we find distress almost every year in one form or another. It is practically permanent there. I therefore feel that the Government should take this opportunity and re-examine the schemes that were before them and push them forward even if they are not remunerative schemes. I strongly support the motion for adjournment."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, it will perhaps be convenient if I deal first with the points which were raised by the last two speakers relating to programmes of works. My hon. Friend, Mr. Ramaswami Ayyar suggested that there are certain irrigation schemes in the Ceded districts which we have abandoned on the ground that they are not remunerative, even allowing for the fact that they are to be carried out in areas which are liable to famine. Sir, as far as I know, there is no objection to the inclusion of such works under 'famine works.' I will ascertain whether the works to which my hon. friend referred have been included in the programmes, and if not, whether there is any objection to their being included."

"My hon. friend from Bellary stated that he believed that in Bellary there was no programme of famine works ready. I am rather astonished at that statement."

Mr. A. RANGANATHA MUDALIYAR:—"I referred to village works."

* The Hon. Sir ARCHIBALD CAMPBELL:—"I was rather astonished at that statement, because it is laid down in the Famine Code that a programme of famine works is to be drawn up every year, that a report on the programme is to be sent to the Board of Revenue by the 1st of April, that that report from each district is to be reviewed by the Board of Revenue and that a copy of the Board's review is to be sent to the Government. It is laid down that that programme should include village works, large irrigation and drainage works, minor irrigation works and sanitary and road works."

Mr. A. RANGANATHA MUDALIYAR:—"Removal of prickly-pears does not come in now, because prickly-pears are not much in existence now owing to the cochineal insect."

* The Hon. Sir ARCHIBALD CAMPBELL:—"It is also laid down that complete detailed estimates showing the cost of each work and the number of persons who would be given employment are to be kept ready. I feel certain, therefore, that there must be some information with the Collector of Bellary, regarding the works which should be undertaken. We have received already special reports from the Collectors of Bellary. We have received already a report from the Collector of Coimbatore of and Anantapur and also a report from the Collector of Coimbatore of which no member has spoken here. The Collector's report shows, as hon. Members have stated, that in the western taluks of Bellary crops have been withering, that the rainfall was fairly adequate until July but has been deficient during August-September with the result that

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crops have suffered severely. In the Anantapur district, according to the Collector's report, all taluks except Gooty, Tadpatri and Anantapur are affected by adverse seasonal conditions. I forgot to mention that we are expecting a further report which has already been promised by the Collector of Bellary after further investigation; and the Board has already drawn his attention to the provisions of the Famine Code which lay down that ordinary works should be expanded and that the District Board should be persuaded to expand their works, so as to provide more suitable works for the employment of labourers."

"As regards Anantapur, the Collector has already taken measures to expand the minor irrigation works going on and directed Tahsildars to take up for repairs as many irrigation works as possible for execution during 1936-37 and the Board has sanctioned an additional allotment of Rs. 12,000 from its reserves for the execution of minor irrigation works in Kadiri taluk, a temporary minor irrigation overseer has also been sanctioned for the purpose of preparing estimates and carrying out the works promptly. There is also a complaint in that district of deficiency of fodder and the Collector has directed the forest panchayats to allow the free removal of leaves from the forests, and he has also asked the District Forest Officer to give a similar concession in the Government forests."

Mr. A. RANGANATHA MUDALIYAR:—"Are panchayats compensated for giving permission to the free removal of leaves?"

* The Hon. Sir ARCHIBALD CAMPBELL:—"I cannot answer that question straightaway, but it will receive the consideration of the Government. The attention of the Board has also been drawn to a scheme for the importation of fodder which was adopted in 1924 when we gave certain concessions. To what extent such concessions are necessary now, we do not know. We have had no reports yet from Cuddapah or from Kurnool other than the ordinary weekly seasonal reports, but I shall be glad to call for special reports from those two districts at once."

5-30 p.m. "The seasonal reports bear out to some extent what the Hon. Members have stated to-day that Pulivendla and other taluks have suffered from want of rain. I do not think I need take up the time of the House by recounting all the information which we have received. As my hon. Friend from Bellary has stated, the instructions are very fully laid down in the Famine Code as to what has to be done in circumstances such as those which now exist. There seems to be rather scattered scarcity, not universal scarcity, throughout the whole of the Ceded districts. Certain areas, as the hon. Member has stated, have suffered rather severely. But still there is hope that we may have rains with the setting in of the north-east monsoon and that the situation will be very much relieved: it is still possible during the north-east monsoon which has just begun, we may get a good rainfall. In the meantime, the situation is being very carefully watched. We have already asked the Member of the Board of Revenue, who is in charge of 'season' and 'famine', to visit the affected areas and he has informed us that he is leaving Madras shortly for that purpose to tour in various districts. I believe, he visited

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part of this area last August. I can assure hon. Members that we are watching the situation very carefully and I hope they will be satisfied that we are doing whatever is necessary to meet the needs of the districts."

Mr. A. RANGANATHA MUDALIYAR:—"Any works which will be taken up now?"

* The Hon. Sir ARCHIBALD CAMPBELL:—"I have already stated that minor irrigation works will be expanded in the Anantapur district and the Board of Revenue has drawn the attention of the Collector of Bellary to the provisions in the Famine Code that such action should be taken in cases of this kind where there is deficiency of labour owing to the state of the agricultural season. I may say, it is also possible that the district boards may expand their works, even if they are not in a very sound financial position. The District Board of Coimbatore has already undertaken to provide works of this nature and to spend money on roads in the affected tracts. Whether it is necessary that the district boards should be assisted by Government from the famine fund or not, is a matter which will receive further consideration."

Mr. K. KOTI REDDI:—"Mr. President, Sir, I am thankful to the Hon. the Revenue Member for the assurance that he has given, namely, that the situation will be watched by the Government very carefully. In view of the statement that the reports of the Collectors of Cuddapah and Kurnool with regard to the present situation are being awaited and the fact that the reports of the Collectors of Anantapur and Bellary must have been received by the Government only late which probably would not have given the Government all the necessary information that is desirable and also in view of the assurance of the Hon. the Revenue Member that the Government have called for the reports and that all the necessary steps, will be taken by the Government in time to relieve the distress, I beg to withdraw the motion."

The motion was by leave withdrawn.

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

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

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APPENDIX I.

[Vide answer to question No. 255 asked by Mr. K. Kesavaramamurti Nayudu at the meeting of the Legislative Council held on the 24th October 1934, page 254 supra.]

G.O. Ms. No. 2013, Revenue, 5th October 1934.

Read from the Secretary, East Godavari District Association, No. 84, dated 8th September 1934.

Petition from the ryots of Coringa division, dated 23rd June 1934.

Order—Ms. No. 2013, Revenue, dated 5th October 1934.

As a general rule, when the first crop on a single crop wet land is lost and the assessment on it is remitted and a second crop is grown successfully on the whole or a portion of the same land, the levy of full assessment on the entire area of such land is correct. The request of the East Godavari District Association and of the ryots of Coringa in their petitions read above that when the second crop is grown on only a portion of such land, the assessment collected from the ryot on the portion not cultivated with second crop should be refunded cannot be complied with.

There may however be hard cases; for example, where the first crop is lost on a field of several acres and a second crop is raised on a few cents. In such cases, Board's Standing Order No. 13-5 gives the Collector discretion to determine whether in any particular case the loss over the field as a whole may reasonably be rated as total and to grant remission. Such cases can only be considered individually on their merits. Where an individual ryot is aggrieved, he can appeal from the Jamabandi Officer to the Collector, or if the Collector is the Jamabandi Officer, to the Board of Revenue, and then his case will be considered on its merits.

(By order of the Governor in Council)

J. A. THORNE,
Secretary to Government.

To the Secretary, East Godavari District Association, Cocanada.
,, M.R.Ry. P. Sriramulu, care of M.R.Ry. P. L. Swami, Coringa.
,, the Board of Revenue, Land Revenue and Settlement.

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APPENDIX II.

[Vide answer to question No. 265 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 24th October 1934, page 260 supra.]

Name of district.	Names of District Panchayat Officers with their qualifications.	Native district.
Anantapur ..	M.R.Ry. L. Madhava Reddi Garu, B.A., B.L. ..	Bellary.
North Arcot ..	" B. Rajagopal Nayudu Garu, B.A. ..	North Arcot.
South Arcot ..	" V. Ponnambalam Avargal, B.A. ..	Salem.
Bellary ..	" N. G. Reddi Garu, B.A. ..	Kistna.
Chingleput ..	" S. J. Dhanasingh Avargal, B.A. ..	The Nilgiris.
Chittoor ..	" K. Narasimhamurti Garu, B.A. ..	West Godavari.
	(Hons.), G.D.A. (Exam.).	
Coimbatore ..	" T. Govindarajulu Nayudu Garu, B.A., B.L. ..	Tanjore.
Cuddapah ..	" C. Appi Reddi Garu, B.Sc. ..	Anantapur.
Ganjam ..	" Y. Guru Reddi Garu, B.A., B.L. ..	Kurnool.
East Godavari ..	" R. S. Parthasarathi Rao Garu, B.A. ..	Kistna.
West Godavari ..	" A. Ramachandran Avargal, B.A., B.L. ..	Malabar.
Guntur ..	" T. A. Narasa Reddi Garu, B.A. ..	South Arcot.
South Kanara ..	" C. T. Vurgese Avargal, B.A. ..	Malabar.
Kistna ..	" V. A. Adinarayana Reddi Garu, B.A. ..	Anantapur.
Kurnool ..	" K. Ramakrishnayya Garu, B.A., Bar.-at-Law. ..	Guntur.
	Rao Sahib R. Lazarus Avargal, B.A. ..	Madura.
Madura ..	" H.H. Schamnad Sahib Bahadur, B.A. ..	South Kanara.
Malabar ..	" P. Ghouse Mohideen Sahib Bahadur, B.A., B.L. ..	West Godavari.
Nellore ..	" M.R.Ry. T. S. Minakshisundara Mudaliyar Avargal, B.A. ..	Trichinopoly.
Ramnad ..	" C. Sundaresa Mudaliyar Avargal, B.A., B.L. ..	Chingleput.
Salem ..	" C. Kadirvelu Mudaliyar Avargal, B.A., B.L. ..	Chittoor.
Tanjore ..	" T. M. Ramaswami Avargal, B.A. (Hons.) (Cantab.).	Trichinopoly.
Trichinopoly ..	" V. Sobhanadri Rao Nayudu Garu, B.A. ..	Kistna.
Vizagapatam ..		

APPENDIX III.

[Vide answer to question No. 267 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 24th October 1934, page 261 supra.]

Municipality.	(1)	(2)	(3)	Name of Commissioner.	(4)	(5)
		Total population as per 1931 census.	Total receipts under ordinary all heads.			Community.
Dharapuram	..	18,218	ES. 60,996	M.R.Ry. R. Krishnamurthi Ayyar Avargal, M.A.	..	Brahman.
Chittoor	..	22,018	59,891	" K. Govindarajulu Nayudu Garu, B.A.	..	Non-Brahman.
Coonoor	..	14,326	1,78,597	Mr. F. W. Haughton	..	European.
Tinnevely	..	57,078	1,74,516	M.R.Ry. C. Krishnaswami Ayyangar Avargal, B.A.	..	Brahman.
Cuddalore	..	59,037	1,61,187	" T. Gopala Mudaliyar Avargal	..	Non-Brahman.
Palamecottah	..	51,990	1,05,233	" T. S. Minakshisundaram Pillai Avargal	..	Do.
Calicut	..	99,273	3,16,503	" P. Ramaswami Ayyangar Avargal, B.A.	..	Brahman.
Mangalore	..	66,756	2,02,931	" C. R. Karunakara Menon Avargal, B.A., B.L.	..	Non-Brahman.
Anakapalle	..	23,376	85,494	" S. Appalaswami Nayudu Garu	..	Do.
Bodinayakanur..	..	27,036	56,585	" V. Venkatachalam Ayyar Avargal	..	Brahman.
Tenali	..	34,580	1,04,203	" A. V. Krishna Rao Nayudu Garu	..	Non-Brahman.
Guntur	..	65,179	2,15,714	Rao Sahib S. Bheemasena Rao Garu, B.A.	..	Brahman.
Chirala	..	18,853	41,940	M.R.Ry. R. Suryanarayana Raju Garu	..	Non-Brahman.
Palni	..	18,899	69,272	" T. E. Gomathinayagam Pillai Avargal	..	Brahman.
Kurnool	..	35,314	2,34,897	" M. S. Jagannayakulu Nayudu Garu, B.A.	..	Non-Brahman.
Tirupattur	..	18,299	64,575	Sayyid Ahmad Sahib Bahadur	..	Do.
Tiruvannamalai	..	27,769	96,485	M.R.Ry. S. N. P. Arumugam Kaviraj Avargal, M.A.	..	Muslim.
Palghat	..	49,064	1,26,887	" J. Koshi Avargal, B.A.	..	Non-Brahman.
Ongole	..	16,672	48,481	" S. Ankanu Garu	..	Do.
Proddatur	..	20,124	89,824	" S. Sitaranayya Garu, B.A., L.T.	..	Indian Christian.
Gadiyattam	..	24,688	73,343	" S. R. Jepparatnam Avargal, B.A.	..	Setti Baliga.
Cochin	..	22,818	1,10,407	" P. A. Sankara Menon Avargal	..	Indian Christian.
Pollachi	..	22,112	1,18,602	" A. R. Lakshminarayana Ayyar Avargal	..	Non-Brahman.
Srivilliputtur	..	32,385	54,311	" K. Narayanaswami Avargal, B.A.	..	Brahman.
						Do.

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Mannargudi ..	..	22,764	..	55,997	V. Chendilvelayudha Nader Avargal	..	Non-Brahman.
Cannanore ..	..	34,236	..	1,25,638	" M. Narayana Shenoy Avargal, B.A., B.L.	..	Brahman.
Tellicherry ..	..	30,349	..	1,01,819	" R. V. Kamath Avargal	..	Do.
Udamalpet ..	..	12,184	..	58,259	" S. Kuppuswami Mudaliyar Avargal	..	Non-Brahman.
Tiruppur ..	..	18,059	..	97,799	" R. Marudamuthu Mudaliyar Avargal	..	Do.
Berhampur ..	..	37,750	..	1,42,726	" C. Narasimham Avargal, B.A. (Hon.), B.L.	..	Do.
Karur ..	..	19,850	..	1,15,611	Syed Muhammad Sahib Bahadur, B.A., Dip. Econ.	..	Muslim.
Erode ..	..	33,672	..	1,71,265	M.R.Ry. T. Purushotama Mudaliyar Avargal	..	Non-Brahman.
Pariyakulam ..	..	23,004	..	69,844	" T. Damodaran Nayar Avargal	..	Do.
Virudunagar ..	..	33,081	..	1,09,607	" A. Krishnaswami Mudaliyar Avargal	..	Do.
Tiruvannamalai ..	..	20,371	..	62,301	" V. D. Shanmugha Mudaliyar Avargal	..	Do.
Villupuram ..	..	20,127	..	71,784	" P. Ethiraj Avargal	..	Adi-Dravida.
Hospet ..	..	21,673	..	68,371	" W. Srinivasa Rao Garu	..	Brahman.

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Municipality.	Previous experience.	Scale of pay in the regular line.	Pay drawn on the appointment as Commissioner.	Scale of pay as Commissioner.	Pay now drawn as Commissioner.		
					Pay.	Special pay.	Conveyance Allow.
(1)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Dharapuram ..	Upper division clerk, Local Self-Government Secretariat.	70-70-10-150-5-175	RS. 165	Pay in the regular line plus special pay.	RS. 165	RS. 41½	RS. 15
Chittoor ..	Do.	Do.	140	Do.	140	35	15
Coonoor ..	Paid Chairman, Municipal Council, Coonoor.		350 plus special pay 100		450	..	40
Tinnevely ..	Tahsildar ..	200-10-300	300	Pay in the regular line plus special pay.	300	50	20
Cuddalore ..	Clerk, Office of the Private Secretary to His Excellency the Governor.	100-220	220 plus special pay 25		220	55	20
Palamcottah ..	Revenue officer, Coonoor Municipality.	150-10-250	230	175-15½-250	235	..	20
Calicut ..	Superintendent, Public Works and Labour Secretariat.	200-20-400	300	Pay in the regular line plus special pay.	300	50	20
Mangalore ..	Revenue officer, Calicut Municipality.	200-10-300	240	175-15 2-250	235	..	20
Anakapalle ..	Head clerk, Vizagapatam District Board.	80-4-120	80	125-10½-175	125	..	15
Bodinayakanur ..	Personal Assistant to the Chairman, Municipal Council, Vellore.	125 plus personal allowance rupees 25.	150	Do.	125	..	15
Tenali ..	Manager, Kistna District Board ..	150-10-200	200	175-15½-250	205	..	20
Guntur ..	Tahsildar ..	200-10-300	250	Pay in the regular line plus special pay.	250	50	20

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Chirala ..	Manager, Cocanada Municipality ..		114	125-10½-175	125	..	15
Palni ..	Manager, Palamcottah Municipality.	80-4-120	120	Do.	125	..	15
Kurnool ..	Acting Junior Superintendent, Board of Revenue.	125-5-175	130	Pay in the regular line plus special pay.	130	32½	15
Tirupattur ..	Manager, District Board Engineer's office, Bellary.		100	125-10½-175	125	..	15
Tiruvannamalai ..	Manager, the Nilgiris District Board.	130-5-150	135	Do.	125	..	15
Palghat ..	Lower division clerk, Local Self-Government Secretariat.	40-40-5-65-3-80	80	Do.	125	..	15
Ongole ..	Manager, Masulipatam Municipality.	80-5-125	90	Do.	125	..	15
Proddatur ..	Acting Secretary, Cuddapah District Board.	100-5-125	100	Do.	125	..	15
Gudiyattam ..	Sub-Registrar ..	65-5-150	95	Pay in the regular line plus special pay.	95	23½	15
Cochin ..	Head Clerk, Malabar District Board.	120-6-150	126	125-10½-175	125	..	15
Pollachi ..	Manager, Srivilliputtur Municipality.	75-5-120	..	Do.	125	..	15
Srivilliputtur ..	Manager, Udumalpet Municipality ..	80-5-100	90	Do.	125	..	15
Mannargudi ..	Manager, Sivakasi Municipality ..	100-5-125	100	Do.	125	..	15
Cannanore ..	Manager, Tellicherry Municipality ..	100-5-150	145	Do.	145	..	15
Tellicherry ..	Manager, Cannanore Municipality ..	80-4-120	108	Do.	125	..	15
Udamalpet ..	Manager, Tiruppur Municipality ..	..	100	Do.	125	..	15
Tiruppur ..	Manager, Dharmapuram Municipality.	55-5½-80	80	Do.	125	..	15
Berhampur ..	District Panchayat Officer, Ganjam ..	150-10½-180	150	Do.	165	..	15
Karur ..	Upper Division Clerk, Local Self-Government Secretariat.	70-70-10-150-5-175	140	Pay in the regular line plus special pay.	140	35	15
Erode ..	Do.	Do.	140	Do.	140	..	15
Pertyakulam ..	Manager, Palghat Municipality ..		125	125-10½-175	125	..	15
Virudanagar ..	Auditor, Accountant-General's Office.	40-175	155	Pay in the regular line plus special pay.	155	38½	15
Tiruvavur ..	Formerly head clerk of the Vellore Taluk Board and later clerk, North Arcot District Board.		65	125-10½-175	125	..	15
Villupuram ..	Head Clerk, Sub-Collector's Office, Tirupattur.	90	90	Do.	125	..	15
Hospet ..	Deputy Tahsildar ..	150-5-200	185	Pay in the regular line plus special pay.	185	35	15

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APPENDIX IV.

[Vide answer to question No. 271 asked by Mr. P. V. Krishnayya Choudari at the meeting of the Legislative Council, held on the 24th October 1934, page 263 supra.]

Statement showing the estimated net gain to District Boards on account of the abolition of Taluk Boards.

Name of district board.	Estimated net gain.	Name of district board.	Estimated net gain.
	RS.		RS.
1 Anantapur ..	10,931	18 Nellore ..	12,323
2 Arcot, North ..	30,485	19 The Nilgiris ..	..
3 Arcot, South ..	65,120	20 Ramnad ..	27,404
4 Bellary ..	8,337	21 Salem ..	19,247
5 Chingleput ..	26,753	22 Tanjore ..	40,385
6 Chittoor ..	40,057	23 Tinnevely ..	58,142
7 Coimbatore ..	63,061	24 Trichinopoly ..	15,270
8 Cuddapah ..	1,276	25 Vizagapatam ..	46,498
9 Ganjam ..	75,599		
10 Godavari, East ..	95,440		8,86,551
11 Godavari, West ..	63,042		or
12 Guntur ..	26,480		8.87
13 Kanara South ..	33,286		lakhs in
14 Kistna ..	58,509		round
15 Kurnool ..	13,763		figures.
16 Madura ..	15,248		
17 Malabar ..	39,895		

APPENDIX V.

[Vide answer to question No. 273 asked by Mr. K. A. Nachiyappa Gounder at the meeting of the Legislative Council held on the 24th October 1934, page 264 supra.]

G.O. No. 3033 [89 (S)], L. & M., dated 22nd June 1934.

Government observe that there is great diversity in the designations and grades of, and the salaries and allowances payable to, the servants of the district boards in the Presidency. Government do not consider the existence of such diversity to be desirable. In order to achieve uniformity in the matter, the Government, under section 67 (3) of the Madras Local Boards Act, 1920, as amended, pass the following orders.

2. The chief ministerial officer in the district board office, now designated as secretary, manager or head clerk will, in future, be styled secretary. District boards will, in future, be classified as first and second-class boards for the purpose of the appointment of secretaries. The secretaries of the first-class district boards will be placed in the scale of Rs. 175—15/2—250, and the secretaries of second-class district boards will draw Rs. 125—10/2—175. The ministerial head of the office of the District Board Engineer now variously styled manager, head clerk, or head accountant will, in future, bear the designation of the manager.

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3. It is observed that in the following districts there are found to exist just below that of the chief ministerial officer certain posts bearing the designation of either the manager, head clerk or selection grade clerk. These posts will, in future, cease to exist. In lieu of these posts, posts of superintendents will be created in the district board offices as shown below:—

Coimbatore	} Two superintendents each.
East Godavari	
West Godavari	
Guntur	
Kistna	
Malabar	
Salem	
Tanjore	

There will, for the present, be one superintendent each in the district board offices in the districts other than those specified above.

Where there are no suitable men in the district board offices for appointment in the new posts of superintendents, presidents should select persons with suitable qualifications from among the ex-taluk board servants, for appointment in these posts and report the names to the Government. If such persons are not available from among the taluk board servants, other suitable and qualified persons should be selected.

Government find that some district boards have an excess number of highly paid clerks in their service, and are considering whether it will not be possible for other district boards to take them into their service. Separate orders will issue on the subject.

4. The district boards will each employ an accountant in the scale of Rs. 60—5/2—100. The Government do not consider that there is any need for the creation of posts of junior accountants. The accountant will be assisted by clerks in the lower division scale.

The number, designations and grades of, and the salaries payable to, the servants of the district boards (other than the clerks) will be as shown in the annexure to this order.

5. The incumbents of the existing posts in the district board offices should be appointed to posts carrying new scales approximating to their old scales, and should, where there is a point in the revised scales corresponding to their existing pay, be given that pay. Where there is no point in the new scales corresponding to their pay, they should be given a personal allowance equivalent to the difference, the allowance being absorbed in the next increments.

The question whether a personal pay should be granted to those incumbents of the existing posts in the district board offices who are already drawing pay in excess of the maximum of the revised scales of pay for these posts will be considered on receipt of detailed information from the presidents of district boards regarding the persons affected. Presidents are requested to furnish to the Government at ap

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early date lists of such persons stating the scale of pay to which they were first appointed, the scale on which they are now serving, their present pay, and the dates on which they were appointed on the present scale. No personal pay should be granted without the specific orders of Government on the question.

6. It is observed that in a number of cases personal allowances have been granted to clerks by certain district boards. These allowances should be discontinued in future.

7. The following scales of pay are fixed for peons and attenders:—

Attenders—

Rs. 19—2/2—25—1/2—30.

Peons—

	RS.
First 4 years	12.
Next 4 „	13.
„ 5 „	14.
„ 6 „	15.
„ 6 „	16.

Each district board will, in addition to peons, employ a daffadar in the scale of Rs. 17—1/2—20.

8. In view of the increased volume of work in the district board offices consequent upon the abolition of taluk boards, the presidents of district boards are permitted to employ additional attenders and peons up to a maximum of 3 and 6 respectively.

9. These orders should be brought into force with effect from the 1st June 1934.

10. Orders in regard to non-ministerial establishments under the district boards will issue separately.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Presidents of District Boards (except the Nilgiris).
„ all Collectors.
„ the Examiner of Local Fund Accounts.
„ the Inspector of Municipal Councils and Local Boards.

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Name of district board.	Secretary.		Manager, District Board Engineer's office.		Superintendent.		Accountant.	
	Number of posts.	Scale of pay.	Number of posts.	Scale of pay.	Number of posts.	Scale of pay.	Number of posts.	Scale of pay.
Anantapur ..	1	Rs. 125—10/2—175	1	Rs. 85—5/2—125	1	Rs. 75—5/2—100	1	Rs. 60—5/2—100.
Arcoot, North ..	1	Do.	1	Do.	1	Do.	1	Do.
Arcoot, South ..	1	175—15/2—250	1	Do.	1	Do.	1	Do.
Bellary ..	1	125—10/2—175	1	Do.	1	Do.	1	Do.
Chingleput ..	1	Do.	1	Do.	1	Do.	1	Do.
Chittoor ..	1	Do.	1	Do.	1	Do.	1	Do.
Coimbatore ..	1	175—15/2—250	1	Do.	1	Do.	1	Do.
Cuddapah ..	1	125—10/2—175	1	Do.	1	Do.	1	Do.
Ganjam ..	1	Do.	1	Do.	1	Do.	1	Do.
Godavari, East ..	1	Do.	1	Do.	1	Do.	1	Do.
Godavari, West ..	1	Do.	1	Do.	1	Do.	1	Do.
Guntur ..	1	Do.	1	Do.	1	Do.	1	Do.
Kanara, South ..	1	Do.	1	Do.	1	Do.	1	Do.
Kistna ..	1	Do.	1	Do.	1	Do.	1	Do.
Kurnool ..	1	175—15/2—250	1	Do.	1	Do.	1	Do.
Madura ..	1	Do.	1	Do.	1	Do.	1	Do.
Malabar ..	1	125—10/2—175	1	Do.	1	Do.	1	Do.
Mellore ..	1	Do.	1	Do.	1	Do.	1	Do.
Ramnad ..	1	175—15/2—250	1	Do.	1	Do.	1	Do.
Salem ..	1	Do.	1	Do.	1	Do.	1	Do.
Tanjore ..	1	125—10/2—175	1	Do.	1	Do.	1	Do.
Tinnevely ..	1	175—15/2—250	1	Do.	1	Do.	1	Do.
Trichinopoly ..	1	Do.	1	Do.	1	Do.	1	Do.
Vizagapatam ..	1	Do.	1	Do.	1	Do.	1	Do.

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APPENDIX VI.

[Vide answer to question No. 282 asked by Mr. K. A. Nachiyappa Goundar at the meeting of the Legislative Council, held on the 24th October 1934, page 268 supra.]

Statement showing the number of maternity cases attended to in the Queen Alexandra Hospital, Salem, in each month during 1933.

Month.	Number of cases.	Month.	Number of cases.
January	47	August	49
February	51	September	60
March	53	October	47
April	63	November	49
May	44	December	56
June	50		
July	48	Total	617

APPENDIX VII.

[Vide answer to question No. 284 asked by Mr. M. D. T. Ranganatha Mudaliyar at the meeting of the Legislative Council, held on the 24th October 1934, page 269 supra.]

Extract from paragraph 51 of the report of the Director of Public Health.

51. The scheme of free distribution of quinine which constitutes the main item of the Campaign against malaria is financed entirely by the Government and functions in 13 out of the 26 districts of the Province. Although a grant of Rs. 45,000 was made equal in value to about 2,500 lb. of quinine on account of the surplus stock available at the beginning of the year only Rs. 25,000 was utilized, equal in value to about 1,300 lb. of quinine. About a million and a half people came under the working of the scheme and of them 160,539 persons were treated during the year. Quinine is apparently becoming more and more popular with the people. This is due to increasing propaganda on the part of the District Health staff and the slowly growing recognition on the part of the people in the malarious districts of its usefulness in cutting short the course of attack and minimising the mortality due to the disease.

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APPENDIX VIII.

[Vide answer to question No. 285 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 24th October 1934, page 269 supra.]

Mahali disease on arecanut used to appear in Belthangadi revenue firka of the Puttur taluk for the last five or six years. In all these years Bordeaux mixture spraying was demonstrated in the affected area and efforts were made to control the disease. During last May-June five takkavi loans were granted for arecanut growers in this locality for purchasing sprayers. The required chemicals were also stocked. Just before the commencement of the monsoon demonstrators camped in this locality and advised the ryots to undertake spraying. Although the ryots were reluctant to undertake spraying as a preventive method, they sprayed the gardens after the commencement of the rains when the disease appeared and checked the widespread of the disease. In this locality garden-owners have understood the efficacy of the remedy. This year the disease did not become virulent in this locality.

2. On the 13th August 1934 I received a report from Bayar village in Kasaragod taluk that mahali disease was doing some damage to arecanut crop in that locality. I immediately sent the Agricultural Demonstrator and the Assistant Agricultural Demonstrator, Mycology, to the spot with sprayers and chemicals to show the garden-owners how to control the disease. I visited Bayar, Alake, and other villages where the disease was prevalent on the 19th and 20th September, and noticed the damage done by the disease. The disease has spread to a fairly large area and this is entirely due to the delay on the part of the ryots in reporting the appearance of the disease and adopting prompt measures. Since my visit two demonstrators and two head coolies with required sprayers and chemicals are working in this centre. Spraying had the desired effect and the garden-owners are adopting the control measures under the guidance of the demonstrators. They have purchased six sprayers in addition to the four sprayers lent by the department and about 15,000 trees have been sprayed. The work is in progress and all efforts are being made to control the disease.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR
OF MADRAS.

Thursday, the 25th October 1934.

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 :

Campbell, K.C.I.E., C.S.I., C.B.E., V.D.,
I.C.S., The Hon. Sir Archibald.
Stokes, K.C.I.E., C.S.I., I.C.S., The
Hon. Sir Hopetoun.
Reddi Nayudu, Kt., The Hon. Rai
Bahadur Sir K. V.
Pannirselvam, The Hon. Rao Bahadur
A. T.
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.
Birley, Mr. F.
Boag, C.I.E., I.C.S., Mr. G. T.
Boulton, I.C.S., Mr. D. H.
Brock, C.B.E., V.D., Mr. C. H.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Erlam Smith, Mr. W.
Foulkes, Mr. R.
Gopalaswami Ayyangar, Diwan Baha-
dur N.
Gopalaswami Mudaliyar, Diwan Baha-
dur M.
Iswaran Pillai, Mr. I. C.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesavaramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan
Bahadur P.
Kolanda Reddi, Rai Sahib C.
Koti Reddi, Mr. K.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Bahadur D.
Krishnaswami Ayyar, Kt., Diwan Baha-
dur Sir Alladi.
Kumararaja of Venkatagiri, The.
Ladden, Mr. W. W.

Madanagopal Nayudu, Mr. R.
Mahboob Ali Baig Sahib Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Metherell, Mr. J. K.
Moidoo Sahib Bahadur, Khan Bahadur
T. M.
Moses, Mr. P. C.
Muniswami Nayudu, Diwan Bahadur B.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur
A. M. M.
Muthiah Chettiyar, Mr. M. A.
Nachiyappa Gounder, Mr. K. A.
Nadimuthu Pillai, Mr. A. Pl. N. V.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasa Reddi, Mr. T.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Patro, Kt., Rao Bahadur Sir A. P.
Pattagar of Palayakottai, The.
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.
Ratnasabhapati Mudaliyar, Diwan
Bahadur C. S.
Russell, I.C.S., Mr. T. B.
Sahajanandam, Swami A. S.
Sandana Gounder, Mr. I.
Schamnad Sahib Bahadur, Khan Baha-
dur Mahmud.
Sesha Reddi, Rao Bahadur B. P.
Shetty, Mr. A. B.
Simhachalam Pantulu, Mr. G.

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PRESENT—*con.*

Siva Raj, Rao Sahib N.
 Sivasubrahmanya Ayyar, Mr. K. S.
 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. M.
 Thomas, Mr. Daniel.
 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.
 Zamindar of Kirlampudi, The.
 Zamindar of Mirzapuram, The.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Agriculture

Report of the Statistician to the Imperial Council of Agricultural Research regarding the position of rice trade in the Presidency.

* 293 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Statistician to the Imperial Council of Agricultural Research was deputed to this Presidency in July last to make enquiries regarding the position of rice trade in the Presidency;

(b) whether a copy of the report submitted by the Statistician has been forwarded to this Government; and

(c) if so, whether the Government will be pleased to place it on the table of the House?

A.—(a) The Statistician under the Imperial Council of Agricultural Research visited this Presidency in July last to collect some information regarding the prices and distribution of rice in this Presidency.

(b) & (c) No.

Diwan Bahadur A. APPADURAI PILLAI:—“ May I know, Sir, if the Government intend calling for a copy of the report of the Statistician? ”

The Hon. Mr. P. T. RAJAN:—“ No. The Government do not propose to do so.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know, Sir, on what points was this Government consulted by the Government of India? ”

The Hon. Mr. P. T. RAJAN:—“ The Local Government was not consulted.”

Mr. ABDUL HAMEED KHAN:—“ May I know, Sir, whether the Government had come to the conclusion that this report may not be useful either to the Government or to the public? ”

The Hon. Mr. P. T. RAJAN:—“ I never said so, Sir.”

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Mr. ABDUL HAMEED KHAN:—“ May I know whether the Government will call for the report? ”

The Hon. Mr. P. T. RAJAN:—“ The Government expects to receive the report.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know whether this officer merely came here and went back, and whether he had no consultation whatsoever with the Madras Government in regard to the question of the importation of rice? ”

The Hon. Mr. P. T. RAJAN:—“ The Madras Government were asked to afford facilities to the officer with regard to the enquiry to be made by him.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Director of Agriculture met this officer and gave him any information? ”

The Hon. Mr. P. T. RAJAN:—“ I have no information.”

Mr. A. B. SHETTY:—“ May I know why the enquiry was made and what steps are under contemplation to improve the rice trade in this province? ”

The Hon. Mr. P. T. RAJAN:—“ Without the report I cannot answer that question.”

Diwan Bahadur A. APPADURAI PILLAI:—“ May I know if the Hon. Minister met this officer? ”

The Hon. Mr. P. T. RAJAN:—“ I had no occasion to meet this officer.”

Acquisition of lands in Pattukkottai for the purpose of opening an Agricultural Demonstration farm.

* 294 Q.—Mr. V. T. ARASU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government propose to start an Agricultural Demonstration farm in Pattukkottai taluk of the Tanjore district.

(b) if so, the extent of lands that were acquired by the Government for that purpose and the cost of the same;

(c) whether there are not in that area (Pattukkottai taluk) cultivable Government waste lands which can be utilized for the purpose of starting the Demonstration farm; and

(d) what the necessity was for the Government to acquire private lands when there are large areas of Government lands available?

A.—(a) Yes.

(b) It is proposed to acquire about 36 acres of land in the Nadiambalpuram village in the Pattukkottai taluk at an estimated cost of about Rs. 14,450.

(c) No suitable poramboke or assessed waste land is available in the double-crop area.

(d) No suitable Government lands are available for the purpose.

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Local Self-Government

Appointment, pay and duties of Educational Officers employed by district boards as per the Local Boards (Amendment) Act.

* 295 Q.—MR. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) in how many districts, District Board Educational Officers have been appointed as empowered in the amended Local Boards Act;

(b) what the names of those districts are, who the person appointed in each district is and what the educational as well as special qualifications of each is;

(c) in which district or districts they still propose to appoint such officers;

(d) what the scale of pay allowed to such officers is;

(e) what the powers and duties of such officers are;

(f) what the minimum of tour days fixed for such officers is; and

(g) whether they are given a separate office establishment or whether they are to work in the district board office without separate establishment?

A.—(a) & (b) Persons have so far been selected from the rank of Deputy Inspectors of Schools for appointment as District Board Educational Officers in all districts, except Tinnevely and the Nilgiris vide the list^a appended.

(c) Tinnevely.

(d) A special pay of Rs. 25 per mensem in addition to the pay in Government service.

(e) & (f) Presidents of district boards have been requested to delegate to these officers such of their executive functions connected with the administration of elementary education as they think fit.

(g) No separate establishment has been given to these officers. They are to work in the district board office.

MR. B. POCKER SAHIB:—“ May I know, Sir, whether the officer appointed for the district of Malabar, namely, one Mr. Ramakrishna Ayyar, knows the Malayalam language? ”

The Hon. the RAJA OF BOBBILI:—“ I cannot say exactly whether he knows the language. Some names have been sent to the various district boards and they have selected the officers from that list.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ Are the Government aware that by appointing the deputy inspectors of schools as educational officers they are throwing an extra burden on the district boards? ”

The Hon. the RAJA OF BOBBILI:—“ When they appoint a man, his salary according to his previous status will have to be paid.”

^a Printed as Appendix I on page 438 infra.

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MR. B. POCKER SAHIB:—“ May I know, Sir, whether the Government have made it a rule or not that the officer appointed should know the language of the district in which he is appointed to inspect these elementary schools? ”

The Hon. the RAJA OF BOBBILI:—“ There is no hard and fast rule, but it is generally considered necessary that the person appointed should know the vernacular of the district.”

MR. A. B. SHETTY:—“ May I know why no deputy inspectors belonging to Malabar and South Kanara have been included in the panel of men from whom educational officers have to be selected? ”

The Hon. the RAJA OF BOBBILI:—“ The selection was made by the Director of Public Instruction, and I would be glad to give the information to the hon. Member if it is available in my office.”

MR. U. C. SUBRAHMANYA BHATT:—“ May I know whether the Government will consider the representation and see that some people from South Kanara and Malabar are included? ”

The Hon. the RAJA OF BOBBILI:—“ It is not a question of including any person. If the district board concerned consider the person to be unsuitable, Government will appoint another man. There is no question of including any particular persons in the list.”

Rao Sahib V. I. MUNISWAMI PILLAI:—“ May I know why the Nilgiris district does not find a place in the list? ”

The Hon. the RAJA OF BOBBILI:—“ This is not done on any district-war basis. The Director of Public Instruction was asked to send a list and this list was forwarded to the district boards.”

MR. ABDUL HAMEED KHAN:—“ May I know whether it is possible for an inspector to inspect schools in an area the language of which he does not know? ”

The Hon. the RAJA OF BOBBILI:—“ The main duty of these officers is not inspection, Sir.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ In view of the statement made by the Hon. the Minister, is it not advisable that the district boards should take their own subordinates from the headmasters of board high schools to have some saving in expenditure, considering the present revenues of the district boards? ”

The Hon. the RAJA OF BOBBILI:—“ Headmasters of secondary schools have not got experience of administration, and I think in the interests of district board administration it is desirable to appoint these deputy inspectors of schools.”

MR. B. POCKER SAHIB:—“ May I know, Sir, whether it is not a fact that Mr. Venkayya who is appointed for South Kanara does not know Kanarese language? ”

The Hon. the RAJA OF BOBBILI:—“ I have already stated that I cannot say what the second language of each of the officers is.”

[25th October 1934]

Electricity*Capital charges on account of the Pykara Scheme.*

* 296 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Law Member be pleased to state—

(a) what the capital charges incurred till now for the Pykara Scheme are; and

(b) what the profit or loss was for the last year?

A.—(a) & (b) The information required is given in paragraph 37 of the administration report of the Electricity Department for 1933-34, copies of which have already been supplied to the hon. Members of the Legislative Council.

Tenders from Indian firms, if any, for contracts in the Hydro-Electric department for long distance transmission lines.

* 297 Q.—Mr. V. P. NARAYANAN NAMBIYAR: Will the Hon. the Law Member be pleased to state whether in the Hydro-Electric department contracts for long distance transmission lines, any Indian firms put in tenders and, if so, whether any such contracts were awarded to and executed by such Indian firms?

A.—A tender was received from only one Indian firm for the Erode-Trichinopoly line. It was the highest but one and was not accepted.

Mr. V. M. RAMASWAMI MUDALIYAR:—“Are we to understand, Sir, that the lowest tender has been accepted?”

The Hon. Sir K. V. REDDI:—“I should think so, Sir. But at any rate this was not the lowest tender so far as I know.”

Commerce*Imposition by the Government of Ceylon of duty on imports of vegetables, ghee and eggs from India.*

* 298 Q.—Mr. F. BIRLEY: Will the Hon. the Member for Finance be pleased to state—

(a) whether the Government have information that the Ceylon Government have imposed import duty on vegetables, ghee and eggs imported into Ceylon from India; and

(b) if so, whether they took any steps to bring the matter to the attention of the Government of India with a view to prompt steps being taken to protest to the Ceylon Government.

A.—(a) Yes.

(b) The Government of India have been addressed in the matter.

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Mr. F. BIRLEY:—“Arising out of the answer to clause (b), will the Hon. Member for Finance be pleased to state on what date the Government of India was addressed?”

The Hon. Sir HOPETOUN STOKES:—“Approximately about a week ago.”

Mr. F. BIRLEY:—“Was any reply received from the Government of India?”

The Hon. Sir HOPETOUN STOKES:—“Approximately about a week ago.”

Mr. F. BIRLEY:—“Is the Government of Madras aware that the Commerce and Industries Member of the Government of India stated in the course of the debate in the August session of the Legislative Assembly that he had no knowledge of the proposals to impose these duties?”

The Hon. Sir HOPETOUN STOKES:—“I am glad to receive that information from my hon. Friend.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“May I ask whether the Madras Government suggested to the Government of India that if the Ceylon Government does not see its way to remove the duty levied on vegetables, ghee and eggs, the Madras Government may be forced to adopt a policy of reciprocity?”

The Hon. Sir HOPETOUN STOKES:—“No, Sir, because the Madras Government has no power to adopt a policy of reciprocity.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“Have the Government of Madras suggested to the Government of India the desirability of adopting such a policy in case the Ceylon Government does not see its way to remove the duty?”

The Hon. Sir HOPETOUN STOKES:—“No, Sir, it has not.”

Mr. ABDUL HAMEED KHAN:—“May I know what exactly the Government of Madras have stated to the Government of India?”

The Hon. Sir HOPETOUN STOKES:—“They have stated that these duties are extremely oppressive and in the circumstances they have desired the Government of India to take action and get the matter set right.”

Mr. B. POCKER SAHIB:—“Has the Government of Madras suggested any actual method by which the grievance can be remedied?”

The Hon. Sir HOPETOUN STOKES:—“No, Sir, it is a matter for the Government of India to decide.”

Import of rice into Madras.

* 299 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Finance be pleased to state—

(a) how much of rice has hitherto been imported into Madras since January 1934 from outside India; and

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(b) what steps have been taken by the Government to restrict the import of rice?

					Tons (up till 30th September 1934).
Siam	...	...	...	...	157,352
Indo-China	...	...	...	...	27,872
Ceylon	...	...	...	...	1
Japan	...	...	...	...	750
Straits	...	...	...	...	7
Total					185,982

(b) The Madras Government have addressed the Government of India in the matter.

Mr. G. R. PREMAYYA:—" May I know, Sir, how many times the Madras Government have addressed the Government of India on the matter? "

The Hon. Sir HOPETOUN STOKES:—" Speaking from memory, I think it is about three times. "

Mr. G. R. PREMAYYA:—" When was the Government of India first addressed? "

The Hon. Sir HOPETOUN STOKES:—" I must ask for notice of the question. "

Mr. V. M. RAMASWAMI MUDALIYAR:—" May I know if the Government of Madras expect any reply to their communication addressed to the Government of India? "

The Hon. Sir HOPETOUN STOKES:—" I should hesitate to venture on a conjecture. "

Mr. ABDUL HAMEED KHAN:—" May I know if from the replies so far received from the Government of India, if any, the Government of Madras feel sure that the Government of India will take some action to relieve the rice situation? "

The Hon. Sir HOPETOUN STOKES:—" They know, Sir, and I should hesitate to hazard a conjecture as to their action. "

Mr. ABDUL HAMEED KHAN:—" I am not asking for any conjecture, Sir. I am asking whether from the records of the Madras Government and the replies given by the Government of India, there is any possibility of any conclusion being reached? "

The Hon. Sir HOPETOUN STOKES:—" My recollection is that we have not had any reply. "

Measures for the restriction of the importation of Siamese rice into the Presidency.

* 300 Q.—Diwan Bahadur A. APPADURAI PILLAI: Will the Hon. the Member for Finance be pleased to state what action the Government propose to take to minimize or stop imports of rice from Siam into this Presidency?

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A.—As the hon. Member is already aware, the Government have addressed the Government of India in the matter.

Railways

Compensation to the driver and fireman injured as a result of the railway accident between Chelma and Gazulapalli on the Madras and Southern Mahratta Railway Company.

* 301 Q.—S. M. K. BEYABANI SAHIB Bahadur: Will the Hon. the Member for Finance be pleased to state—

(a) regarding the railway accident between Chelma and Gazulapalli, whether it is a fact that the driver and one fireman were seriously hurt;

(b) whether it is a fact that the fireman was left at the next station till 12 hours whereas the driver was despatched to Guntakal railway hospital by a special train; if the answer is in the affirmative, why it was so;

(c) what the condition is of the two persons and whether any compensation or reward was paid to them for their prompt services in effecting a sudden brake; and

(d) whether the railway authorities are appointing a special staff to patrol the ghaut section during the rainy season, as a preventive measure in future?

A.—(a), (b), (c) & (d) The attention of the hon. Member is invited to the answer to starred question No. 149. The Government have no further information in the matter.

Elections to the Indian and Provincial Legislatures

Removal of disqualification incurred by candidates seeking election to the Legislative Assembly by reason of their conviction for an offence or offences.

* 302 Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government of India have issued any instructions to the Local Government on the question of removal of the disqualification bar from the path of Congress candidates to the Assembly election on the ground that they have been convicted either in the individual cases or in all cases; if so, what the instructions issued are;

(b) whether it is a fact that the Government of India have delegated their legal responsibility in this matter to this Government so far as this Presidency is concerned; if so, what action the Government have taken or propose to take in the matter; and

(c) whether the Local Government have issued any instructions to the returning officers in these cases of Congress candidates' disqualifications; if so, what the instructions given are and which of the candidates are affected by them?

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- A.—(a) The Local Government are not in a position to answer this question.
- (b) The answer to the first part of the question is in the negative.
- (c) The Local Government have issued no instructions to Returning Officers, as, in this matter, the latter exercise a quasi-judicial discretion.

Irrigation

Disposal of the towers used at the Mettur dam for mixing the cement.

* 303 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

- (a) the approximate cost of each of the towers used for mixing cement for the construction of the Mettur dam;
- (b) the approximate cost per unit for mixing cement and pouring it into the dam by (i) the use of the towers and (ii) by the help of coolies;
- (c) how the Government propose to dispose of these towers when they are not required; and
- (d) whether there are any proposals to use these towers for other schemes?

- A.—(a) Rupees 11 lakhs each.
- (b) (i) Rupees 3-10-7.
- (ii) Rupees 9-8-0 (estimate).
- (c) By calling for tenders.
- (d) None at present.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ May I know, Sir, whether the Government will consider the advisability of using these towers for the Tungabhadra Project? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ It is not possible to reserve any machinery for a project which has not yet been sanctioned.”

Quantity of the Cauvery waters falling into the sea.

* 304 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state the quantity of the Cauvery water which according to the Government's calculations falls into the sea after watering the fields and after allowing the minimum stock of water in the Mettur reservoir?

A.—The quantity cannot be estimated with definiteness. It will vary from year to year according to the amount of rainfall and consequent supplies in the river and the area newly brought under irrigation.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ Although it cannot be estimated with any definiteness, will not some water be available for starting the Tungabhadra Project? It cannot be that water would not be available? ”

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The Hon. Sir ARCHIBALD CAMPBELL:—“ This question relates to the Cauvery, Sir, and I do not see any connexion between the Cauvery and the Tungabhadra Project. ”

Proposals for the inclusion of wet lands in the Kistna district in 'permanent wet.'

* 305 Q.—Mr. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Member for Revenue be pleased to state—

- (a) whether the Government have recently received any proposal for the inclusion of wet lands in the Kistna district in permanent wet;
- (b) if so, what orders have been passed thereon; and
- (c) if not, the reason why no orders have been passed?

A.—Proposals for the localization of the irrigable ayacut in the Kistna Eastern Delta have been received and are under consideration.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know when the Government are likely to dispose of the matter of passing orders fixing the wet ayacut mentioned in the answer? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I cannot say, Sir. There is a considerable area in the Kistna Eastern Delta which has already been transferred to wet. This relates to further areas to be included in the ayacut in consequence of the extension of canals.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether during the last two years any orders have been passed by the Government on this question? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice of the question.”

The Kodaimel Alagian anicut, Tinnevelly district.

* 306 Q.—Mr. DANIEL THOMAS: Will the Hon. the Member for Revenue be pleased to state with reference to his answer to question No. 755, dated 9th March 1934, in regard to the Kodaimel Alagian anicut in the Tinnevelly district—

- (a) whether the report called for by the Government has been received;
- (b) whether the Government will be pleased to place the report on the table of the House; and
- (c) what orders, if any, have been passed in regard to the construction of Kodaimel Alagian anicut?

A.—(a) Yes.

(b) Extracts from the reports of the Board of Revenue and the Chief Engineer for Irrigation are appended.

(c) The estimate for the work has been approved by the Chief Engineer for Irrigation.

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Sale to the public of copies of the sketch maps of the Godavari Eastern and Central deltas.

* 307 Q.—MR. K. KESAVA RAMAMURTI NAYUDU: Will the Hon. the Member for Revenue be pleased to state whether the sketch maps of the Godavari Eastern and Central deltas are available to the public at least for price, and if not, whether the Government will issue orders making them so available?

A.—The answer is in the negative.

Land Revenue Administration

Objections to the Scheme Report of the Settlement Department regarding the settlement proposals for South Kanara.

* 308 Q.—MR. U. C. SUBRAHMANYA BHATT: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government have received the objection filed by the South Kanara District Landholders' Association and the Udipi Landholders' Association to the scheme report submitted by the Settlement department regarding the settlement of South Kanara; if so, whether a copy of the same will be placed on the table of the House;

(b) whether the Government have examined the mistakes pointed out by the said associations in the former settlement; and

(c) whether the Government have passed final orders on the said objections; if not, when the same will be passed?

A.—(a) The Government have received a copy of the objections filed by the South Kanara District Landholders' Association but not a copy of those filed by the Udipi Landholders' Association. The Government do not consider that any useful purpose will be served by placing a copy of the objections filed by the former Association (which are of enormous length) on the table of the House.

(b) & (c) The attention of the hon. Member is invited to the answer given to question No. 250. The Government will examine the objections and pass orders after the reports of the Settlement Officer and the Board of Revenue are received.

MR. U. C. SUBRAHMANYA BHATT:—" May I know if the Government will be pleased to give an opportunity to the landholders' association to prove their case that the data for the last settlement which are proposed to be followed in this settlement also are based on mathematically wrong calculations? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I believe the landholders' association has put in a lengthy representation which no doubt contains what they regard as proof."

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MR. U. C. SUBRAHMANYA BHATT:—" May I know what action the Government proposes to take if they find that they have been collecting far more than they were entitled to, on account of these mistakes and miscalculations? "

The Hon. Sir ARCHIBALD CAMPBELL:—" That is a hypothetical question, Sir, and I am not called upon to answer it."

Prevalence of unfavourable seasonal conditions in the Bellary district.

* 309 Q.—MR. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to make a statement of the seasonal conditions this year in Bellary district and the measures the Government have taken and intend to take for providing relief to the cultivators and labourers affected by the unfavourable conditions in the district?

A.—Copies * of the report of the Collector of Bellary, dated 10th October 1934 and of the connected reference of the Board of Revenue are appended. The Collector's season report for the week ending October 13th shows that an average of 60 cents of rain had fallen in the district in the week, and that this fall might somewhat improve the situation.

The Government have directed the Board to prepare a scheme for the supply of fodder to districts in which there is a possibility of acute shortage of fodder, in case of need.

They are awaiting a further report from the Board.

MR. A. RANGANATHA MUDALIYAR:—" In the first part of the answer it is stated that there has been an average of 60 cents of rain in the district in the week. May I know over how many days this rain was distributed? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I am sorry this information is not available in the weekly report, and I must ask for notice of the question."

MR. A. RANGANATHA MUDALIYAR:—" Does it not make a difference in the fitness of the soil for being sown if the rain, 60 cents, is distributed over five days and if it all comes at one time? "

The Hon. Sir ARCHIBALD CAMPBELL:—" It is a matter of opinion and it is for agricultural experts to give that opinion but I presume that it depends to some extent on the condition of the area at the time."

Alleged prevalence of famine conditions owing to the failure of rains.

* 310 Q.—DIWAN BAHADUR M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that owing to want of rains crops have failed almost in the whole of the district of Bellary; and

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(b) what steps are being taken to find employment for distressed agriculturists and farm-labourers?

A.—(a) & (b) The hon. Member is referred to the answer given to question No. 309.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“ May I know in connexion with the answer to the previous question, which is referred to in this question, to the effect that the Government are awaiting a further report from the Board, whether that report has been received? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ The report has not yet been received, Sir.”

Mr. A. RANGANATHA MUDALIYAR:—“ What are the arrangements for the supply of fodder, Sir? Is it to be given at cost price or is it to be given at a price the people can afford? What is the principle which is observed? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ If I remember rightly, the concession granted in 1924 was that the Government paid a portion of the railway freight from other places.”

Public Service

Number of posts which can be filled now without reference to the Madras Services Commission.

* 311 Q.—Mr. M. S. SRESHTA: Will the Hon. the Member for Revenue be pleased to state what appointments carrying a salary of Rs. 25 and over which can under the existing law be made by the Madras Services Commission are still being made by the Government without reference to that Commission?

A.—Under the Madras Services Commission Act recruitment to all services, Provincial or Subordinate, has to be made in consultation with the Commission. In the early years of its existence the Commission was unable to take over work connected with recruitment to a large number of posts in subordinate services. The question was re-examined lately and it has now been decided in consultation with the Commission that it should take over, with effect from the 1st January 1935, the work connected with recruitment to all posts except those which fall under the following categories, namely,—

- (i) posts which are very unimportant from the point of view of the duties or the pay attached to them;
- (ii) posts the number of which is very small and the vacancies in which are few and far between, for example, that of the supervisor of Sanskrit Schools (pay Rs. 35—60; number of posts, 2 in the Presidency); and
- (iii) posts which are in special tracts or for special tribes, for example, the Agency tracts, Laccadive and Amindivi Islands and those attached to Chenchu schools in the Kurnool district.

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A copy ^a of G.O. No. 869, Public (Services), dated the 13th August 1934 on the subject is attached. A list ^a of posts to which recruitment, after the 1st January 1935, will continue to be made otherwise than in consultation with the Commission, is also attached.

Mr. M. S. SRESHTA:—“ May I know, Sir, whether it is not possible to have one selection for all these services instead of having separate selections for each? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ The Commission has, I believe, under consideration at present the drawing up of a calendar of selections for the whole year. In that connexion, no doubt they will consider to what extent selections can be grouped.”

11-15
a.m.

Mr. ABDUL HAMEED KHAN:—“ May I know if it is a fact that the communal Government Order applies only to appointments made by the Services Commission and not by the Government themselves? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I must ask for notice.”

The castes and their relative population falling under ‘ Other castes ’ for purposes of employment.

* 312 Q.—Mr. M. DEVADASAN: Will the Hon. the Member for Revenue be pleased to state—

(a) whether there is a category of *other castes* distinct from the scheduled castes for the purposes of employment;

(b) what the other castes are;

(c) what the population is of other castes whose claims are recognized independently of the scheduled castes; and

(d) what the principle of division of scheduled castes and other castes is?

A.—There is no category of *other castes* distinct from that of ‘ scheduled castes ’ recognized for purposes of appointment to the public service.

Mr. M. DEVADASAN:—“ In answer to my question about the recruitment of constables, last August, the Hon. Home Member said that there was a classification called ‘ other castes ’ besides the scheduled castes. May I know what it is? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ I am afraid I have not got a copy of that answer.”

Mr. M. DEVADASAN:—“ May I request the Hon. Member to verify the answer given by the then Home Member? ”

The Hon. Sir ARCHIBALD CAMPBELL:—“ Yes, Sir.”

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Veterinary*Loan of service of breeding bulls to District Boards and Municipalities.*

* 313 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any breeding bulls have been loaned to district boards and municipalities; and

(b) if so, how many and in which places?

A.—(a) Yes.

(b) Two bulls were lent to the Coimbatore Municipality on 13th August 1933 and 10th January 1934 and another to the Dindigul Municipality on 15th July 1934. A bull was lent to the Ramnad District Board on 26th February 1933 but has since been returned.

MR. G. R. PREMAYYA:—“ May I know what sum of money is fixed as premium on each bull? ”

The Hon. MR. P. T. RAJAN:—“ A premium of Rs. 100 is given on each bull.”

Local Self-Government*Enquiry, if any, into the complaints made against the Special Officer, Bezwada Municipality.*

* 314 Q.—MAHBOOB ALI BAIG SAHIB Bahadur: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether the Government have lately received any complaints against the Special Officer, Bezwada Municipality; if so, how many; whether a complaint from Mr. C. K. Reddi, M.L.C., is one of them; and

(b) whether the Government instituted enquiry into the allegations made against the said Special Officer, Bezwada Municipality; if not, why not?

A.—(a) Yes; a petition from a few rate-payers of the Municipality and another from M.R.Ry. Rai Sahib C. K. Reddi Garu, M.L.C.

(b) The Collector has been asked to hold a detailed enquiry into the allegations made by Mr. C. K. Reddi and to submit a report to Government.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know whether the District Collector enquired into the case? ”

The Hon. the RAJA OF BOBBILI:—“ The District Collector has been asked to submit a report with his remarks.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know if the District Collector will give scope to prove the allegations? ”

The Hon. the RAJA OF BOBBILI:—“ I think all reasonable facilities will be afforded.”

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Elections to the several district boards.

* 315 Q.—MR. V. T. ARASU: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) the names of the district boards for which elections have been ordered to be held in November this year;

(b) the names of the district boards for which election dates have been notified; and

(c) the names of the district boards for which the dates of the elections have not yet been notified?

A.—(a) Under the provisions of the Madras Local Boards Act, elections are due to be held in the current year to the Nilgiris, Madura, Vizagapatam and Chingleput District Boards.

(b) The Nilgiris, Madura and Vizagapatam District Boards.

(c) Chingleput.

MR. V. M. RAMASWAMI MUDALIYAR:—“ May I know, Sir, why the election of the Chingleput District Board had to be stopped? ”

The Hon. the RAJA OF BOBBILI:—“ Because the question of bifurcation is under consideration. Also because, certain serious irregularities have come to the notice of the Government. Government propose to carefully look into the matter.”

Road development schemes.

* 316 Q.—MR. M. S. SRESHTA: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) with reference to his replies to question No. 698 answered on 26th February 1934, whether any decisions have now been reached with regard to obtaining loans for road development schemes, establishing a provincial board of communications and a central board of communications and co-ordinating means of communications;

(b) if so, what decisions;

(c) whether a list of urgent works required in the several districts, which the Hon. the Minister had no objection to place on the table of the House, has been so placed;

(d) if not, why not;

(e) whether the several district boards have been asked what their requirements are; if not, why not; if they have been, what their requirements are;

(f) whether the District Board of South Kanara and the Mangalore Municipal Council have sent any applications for grants or loans for construction or repair of roads and bridges; and

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

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A.—(a) & (b) The Government have appointed a special officer to prepare a comprehensive programme of road development. On receipt of this programme, the question of applying to the Government of India for a loan for financing the works included in the programme will be considered. A Provincial Board of Communications has recently been constituted.

(c), (d) & (e) An up-to-date list is being prepared in consultation with local bodies and will be placed on the table of the House when ready.

(f) & (g) Applications of local bodies for grants and loans are due with the Government on the 1st September of each year. The application of the South Kanara District Board has been received and is under consideration. No application has been received from the Mangalore Municipal Council.

Medical Administration

Proposals for X-Ray installations in additional centres.

* 317 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether proposals for the provision of X-Ray installations, other than those referred to in answer to (a) of question No. 516 asked by me on 29th January 1934 have since been under consideration;

(b) if so, to what centres those proposals relate;

(c) if not, whether the Government will be pleased to call for proposals from all districts;

(d) how many cases were sent up (i) from the several districts, (ii) from the several hospitals to the Madras X-Ray Institute and the Government Hospital at Rayapuram for X-Ray Examination;

(e) whether the X-Ray installations at the Madras X-Ray Institute and the Government Rayapuram Hospital have been found to serve a useful purpose;

(f) what the cost was of the X-Ray installation at the centres mentioned in the last question;

(g) what the fees levied at those centres are and whether they are wholly credited to the revenue; if not, in what manner are they disposed of; and

(h) whether the Government have considered the desirability of reducing the cost of X-Ray Installations to Government, by allowing grants-in-aid to X-Ray installations established by private effort?

A.—(a), (b) & (c) Proposals for the provision of X-ray installations in the following institutions are now under the consideration of the Government:—

- (1) Government Tuberculosis Hospital, Madras.
- (2) Government Headquarter Hospital, Guntur.
- (3) Government Headquarter Hospital, Bellary.

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(4) Government Headquarter Hospital, Vellore.

(5) Government Headquarter Hospital, Salem.

(6) Government Headquarter Hospital, Calicut.

The Government have accepted the offer of a private gentleman to provide X-ray installation in the district headquarters hospital at Kurnool. A proposal for the opening of a small X-ray department in each of the remaining district headquarter hospitals is also under the consideration of the Surgeon-General.

(d) The figures for 1933 are:—

	Number of cases sent from several	
	Districts.	Hospitals.
Barnard Institute of Radiology, Madras (Formerly called X-ray Institute).	About 6,000 radiographs.	26,867 *
Government Hospital, Rayapuram ..	No information as no record is kept.	5,87 radiographs.

* In addition to these 50,731 cases were sent to the Institute for X-Ray and other forms of treatment.

(e) Yes.

(f) Barnard Institute of Radiology—Rs. 24,250.
Rayapuram Hospital—Rs. 8,000.

(g) A copy^a of the rules governing the levy of fees for X-ray examination and for X-ray, Electrical and Radium treatment is laid on the table. The scale of fees charged is given in rule 24 of these rules.

The distribution of the fees is as shown below:—

X-ray examination, X-ray and electrical treatment:—

(i) *Fees realized from hospital patients.*—Credited in full to Government.

(ii) *Fees realized from private patients.*—Forty per cent of the fees credited to Government and 60 per cent distributed to the staff. This system of sharing the fees is, however, proposed to be abolished shortly and the entire fees will be credited to Government.

Radium treatment.—Fees credited in full to Government.

(h) No.

Mr. P. V. KRISHNAYYA CHOUDARI:—“ May I know when they are going to manage the X-ray Institute in Guntur? ”

The Hon. the RAJA OF BOBBILI:—“ As soon as funds are available.”

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Reservation, if any, of seats in the Madras Medical College for candidates from Malabar and South Kanara.

* 318 Q.—MR. A. B. SHETTY: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether any percentage of seats are reserved for candidates from Malabar and South Kanara seeking admission to the Madras Medical College and School; and

(b) how many applicants there were from each of these districts this year and how many were admitted?

A.—(a) Ten per cent of the total number of seats available in the Madras and Vizagapatam Medical Colleges and in the Medical schools, after allotment to foreign students have been allotted to the candidates from the West Coast districts of Malabar and South Kanara.

(b) *Medical College, Madras.*—Thirty-two candidates from the Malabar district and nineteen from the South Kanara district applied for admission; eleven from the Malabar district and four from the South Kanara district were admitted.

Stanley Medical school.—Thirty candidates from the Malabar district and fourteen candidates from the South Kanara district applied for admission and eight from the Malabar district and two from the South Kanara district were admitted.

Local Self-Government

Qualifications prescribed for the post of secretary to the district board.

* 319 Q.—MR. K. A. NACHIAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) whether any qualifications have been fixed for the secretaries of the district boards;

(b) if so, what they are; whether such qualifications are necessary for acting hands too; and

(c) whether the Government insist on their previous approval for the appointments of secretaries of district boards?

A.—(a) Yes.

(b) Part I of the Account Test for Subordinate Officers of Government; yes.

(c) No.

Appointment of Commissioners to municipalities still pending.

* 320 Q.—MR. K. A. NACHIAPPA GOUNDER: Will the Hon. the Minister for Local Self-Government be pleased to state—

(a) to how many municipalities Commissioners have so far been appointed since the question on the subject was answered last;

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(b) what those municipalities are, who the persons are, what the pay and scale of pay now is; what their pay, scale of pay, and post held by them, if any, previously was;

(c) in how many municipalities Commissioners have not yet been appointed; and

(d) in how many, Commissioners have not yet been proposed to be appointed?

A.—(a) & (b) The attention of the hon. Member is invited to the statement appended to the answer to his question No. 267 on the same subject.

(c) & (d) Seventeen.

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know why certain municipalities have not appointed municipal Commissioners in view of the statement made by the Minister on the last occasion? ”

THE HON. the RAJA OF BOBBILI:—“ The statement made by me, Sir, is that all municipalities will be notified before the end of the year, and that statement still holds good.”

MR. ABDUL HAMEED KHAN:—“ May I know, Sir, if they have made it a rule that only officials will be appointed and not non-officials? ”

THE HON. the RAJA OF BOBBILI:—“ I do not know what exactly the hon. Member means by ‘ officials and non-officials.’ Under the Act, Government have power only to appoint Government officials and employees of local boards in active service and not outsiders.”

MR. ABDUL HAMEED KHAN:—“ May I know whether the Government will not appoint employees of local bodies as well? ”

THE HON. the RAJA OF BOBBILI:—“ A great majority of the appointees are taken from the local bodies.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ May I know why, Sir, 17 Commissioners have not yet been proposed to be appointed? ”

THE HON. the RAJA OF BOBBILI:—“ As soon as we are able to get suitable men, we are notifying the municipalities one by one.”

MR. V. M. RAMASWAMI MUDALIYAR:—“ Is it a fact that Commissioners have not been appointed for those municipalities for the reason that their finances cannot support such appointments? ”

THE HON. the RAJA OF BOBBILI:—“ There are two or three municipalities in regard to which we are considering the question and are examining their finances to satisfy ourselves whether there can be appointment of Commissioners for those municipalities. I do not think on that account the question has been dropped.”

MR. P. V. KRISHNAYYA CHOUDARI:—“ Is it a fact, Sir, that even worse municipalities have got Commissioners appointed than the municipalities for which the Commissioners have not yet been appointed? ”

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The Hon. the RAJA OF BOBBILI:—"I have never stated that for financial reasons appointments have not been made. What I have stated is that there are two or three small municipalities where we have carefully considered the question before appointing Commissioners."

Mr. M. A. MUTHIAH CHETTIYAR:—"Is it very necessary, Sir, to appoint Commissioners for all municipalities?"

The Hon. the RAJA OF BOBBILI:—"That is the policy of the Government."

Control of Vehicles

Limit, if any, as to the period of stay of bus inspectors in the same locality.

* 321 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state—

(a) how long bus inspectors are generally allowed to remain in one place;

(b) by whom they are to be transferred;

(c) how long the present bus inspector of Salem has been in that place; and

(d) what the length is of the service of each of the bus inspectors in the places in which they are working now?

A.—(a) There are no rules governing the length of time a Bus Inspector remains in one district.

(b) The Deputy Inspector-General of Police in whose jurisdiction they are serving.

(c) The Government have no information.

(d) The permanent appointment of all Inspectors of Motor Vehicles only dates back to 1st July last from which date these Inspectors were formed into a separate class in the Inspectors' grade in the Police Subordinate Service.

Previously to 1st July these appointments were only temporary and were made by District Magistrates. Under that arrangement there were no transfers between districts.

Instructions for the guidance of bus inspectors.

* 322 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Home Member be pleased to state what the instructions or directions given to bus inspectors are in examining buses?

A.—No special instructions or directions have been given by Government. Under the Motor Vehicles Rules, 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 if satisfied on these points issues a certificate, in the form prescribed, of fitness for use on the road.

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Labour

Proposal for the construction of a Roman Catholic church on land acquired in Kumbakonam taluk for the construction of a labour school.

* 323 Q.—Mr. K. S. SIVASUBRAHMANYA AYYAR: Will the Hon. the Home Member be pleased to state—

(a) whether any plot of land has been acquired for the construction of a labour school at No. 123 Villiavarambal village, Kumbakonam taluk, Tanjore district;

(b) whether the same plot is now proposed to be assigned to the Adi-Dravida Christians for the construction of a Catholic church for their exclusive use;

(c) whether any representations have been received by the Government from the villagers protesting against the proposal of the authorities;

(d) if so, what action the Government have taken in the matter; and

(e) whether there is any Government Order to the effect that lands acquired for a specific public purpose cannot otherwise be used for communal or other purposes?

A.—(a) & (b) A plot of land measuring 29½ cents in No. 132. Villiavarambal village, Kumbakonam taluk, Tanjore district, was notified for acquisition in 1923 for "providing pathway, school and church sites for Adi-Dravidas." After the acquisition was completed, a school was constructed on a portion of the site and the Collector reports that the portion originally intended for the church is vacant. The Christian Adi-Dravidas of the place have applied for the alienation of the vacant portion for church purposes and have paid the cost of it; the alienation proposals are under the consideration of the Collector.

(c) Only a copy of a petition sent to the Collector by the brother of one of the original owners has been received by Government. No representations have been received from the villagers.

(d) None.

(e) No.

Rao Sahib V. I. MUNISWAMI PILLAI:—"Will the Government find out from the people of the village whether they are against the proposal of assigning this land for any other purpose?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"There was no proposal to assign the land for any other purpose except the one for which it was acquired."

Mr. A. RANGANATHA MUDALIYAR:—"Is construction of a Catholic church the same as or identical with the construction of a labour school?"

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The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"There is this distinction that in the case of the school, the Government pays for it and for the church, people pay."

Police

Mode of publication of the notice of recruitment to the Police Department by the District Superintendents of Police.

* 324 Q.—MR. M. DEVADASAN: Will the Hon. the Home Member be pleased to state—

(a) whether the notice of recruitment to posts in the Police Department is published by the District Superintendents of Police as widely as possible so that the depressed classes might be aware of it;

(b) what the form is of notice that is published in accordance with Memorandum No. 6885-1, Public (Police), dated 13th July 1933;

(c) how the service of notice is effected by the Police authorities; and

(d) whether the notice is published every time when a vacancy occurs in the department?

A.—(a) to (d) The Government have no information but have called for a report.

MR. M. DEVADASAN:—"Will the Government be pleased to place the information on the table of the House?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The question will be considered on receipt of the report."

Applications received by the District Superintendent of Police, Tinnevely, from the members of the depressed classes for the posts of constables.

* 325 Q.—MR. M. DEVADASAN: Will the Hon. the Home Member be pleased to state—

(a) how the applications for the posts of constables are disposed of by the District Superintendents of Police;

(b) whether the applicants are interviewed before their applications are disposed of;

(c) how many applications from the members of the depressed classes were received by the District Superintendent of Police, Tinnevely, in the year January 1933–1934 August; and

(d) how many were interviewed by the District Superintendent of Police before their applications were rejected?

A.—(a) to (d) The Government have no information but have called for a report.

MR. M. DEVADASAN:—"May I repeat the same question?"

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The same answer."

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Electricity

Investigation of the Kistna Reservoir Project with reference to the production of hydro-electricity.

* 326 Q.—MR. P. V. KRISHNAYYA CHOUDARI: Will the Hon. the Law Member be pleased to state—

(a) whether the Government have investigated the possibility of the Kistna Reservoir project scheme for the production of hydro-electricity; and

(b) if so, what the result is of the same?

A.—(a) No.

(b) Does not arise.

MR. P. V. KRISHNAYYA CHOUDARI:—"Will the Government be pleased to drop the question of having any reservoir in Kistna till the Tungabhadra project is investigated?"

The Hon. Sir K. V. REDDI:—"If the hon. Member is referring to the irrigation scheme, I have nothing to do with it. If the hon. Member is referring to the electrical scheme, the electrical scheme can come in only if the irrigation scheme is adopted."

MR. P. V. KRISHNAYYA CHOUDARI:—"The Tungabhadra scheme can generate electricity not only for the Ceded districts but for the other parts of Andhra desa as well. May I know if the Kistna scheme is better than the Tungabhadra scheme?"

The Hon. Sir K. V. REDDI:—"Comparisons are odious."

Irrigation

The Tungabhadra Project.

* 327 Q.—DIWAN BAHADUR M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state whether it is a fact that the Tungabhadra Project is being contemplated from 1857, and especially from 1877 when the great famine prevailed throughout the Deccan?

A.—Yes.

DIWAN BAHADUR M. GOPALASWAMI MUDALIYAR:—"This project is being considered since 1857. May I know why no steps have yet been taken while the Mettur Project has been finished?"

The Hon. Sir ARCHIBALD CAMPBELL:—"Several steps have been taken since 1857."

MR. V. M. RAMASWAMI MUDALIYAR:—"What are the present obstacles in the way of the completion of this project?"

The Hon. Sir ARCHIBALD CAMPBELL:—"We have to consult the several Governments concerned."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" May I ask whether there are any difficulties in coming to an arrangement and if so what those difficulties are? "

The Hon. Sir ARCHIBALD CAMPBELL:—" We have to come to some arrangement with regard to the shares of the water available to be allotted to each Government. We have also to consider what the works will cost and what share of that cost each Government should pay."

Mr. K. KOTI REDDI:—" In view of the delay that is likely to be caused with regard to the negotiations, will the Government be pleased to see that other small projects are immediately taken up? "

The Hon. Sir ARCHIBALD CAMPBELL:—" We have been considering the question of other projects and the hon. Member has seen orders passed as a result of the re-examination of many projects during the last four or five years. Some of the projects which have been considered affect the Ceded districts."

Alleged breakdown of the negotiations in regard to the Tungabhadra project.

* 328 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state, in view of the breakdown of the negotiations between the Governments concerned, the further steps the Government propose to take to carry out the Tungabhadra project?

A.—The matter is now engaging the consideration of Government.

Mr. A. RANGANATHA MUDALIYAR:—" Is arbitration one of the measures under contemplation by the Government? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Yes, Sir, we may have to go to arbitration."

Mr. V. M. RAMASWAMI MUDALIYAR:—" Is it a fact, Sir, that there has been a breakdown in the negotiations? "

The Hon. Sir ARCHIBALD CAMPBELL:—" Negotiations are still going on with certain Governments and they are still under consideration."

Mr. V. M. RAMASWAMI MUDALIYAR:—" What are the difficulties with regard to coming to an arrangement on the question of distribution of water? I am afraid the Hon. Member did not answer the point raised."

The Hon. Sir ARCHIBALD CAMPBELL:—" The total of the amounts of water demanded by the various Governments exceeds the total amount of water in the river."

Mr. K. KOTI REDDI:—" Will the Sangameswaram Project be taken up by Government, as it also benefits the Ceded districts to a certain extent? "

The Hon. Sir ARCHIBALD CAMPBELL:—" That project is on the Kistna River. The utilization of the waters of the Kistna is under consideration."

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The Lakkavalli Project of Mysore.

* 329 Q.—Diwan Bahadur M. GOPALASWAMI MUDALIYAR: Will the Hon. the Member for Revenue be pleased to state whether arbitration with reference to the Lakkavalli Project of Mysore as contemplated under clause 4 of the agreement of 1892 has been called for, and if so, who the members of the arbitration board are and when it proposes to sit?

A.—The answer to the first part of the question is in the negative.

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—" May I know when the Lakkavalli Project was contemplated? "

The Hon. Sir ARCHIBALD CAMPBELL:—" I must ask for notice of the question? "

Investigation of a scheme for the utilization of the waters of the Pennar for irrigation in Tiruvannamalai and Chengam taluks.

* 330 Q.—Mr. M. B. RANGASWAMI REDDI: Will the Hon. the Member for Revenue be pleased to state—

(a) whether the Government received a copy of the resolution passed by the Ryots' Conference held at Tiruvannamalai on 17th January 1934, requesting the Government to investigate and prepare a scheme for utilizing the Pennar water for irrigation in Tiruvannamalai and Chengam taluks;

(b) whether any such schemes have been investigated before; and

(c) what the recommendation of the Executive Engineer was about the proposed scheme?

A.—(a) Yes.

(b) Yes.

(c) The opinion of the Executive Engineer is contained in the following extract from his report:—

" The proposed reservoir is to have a capacity of 11,000 million cubic feet. It will be seen that in four out of ten years, there is no water available for storage at all. In three years out of the remaining six years, the reservoir can get only partly filled and it is only for three years that there is a possibility of filling in the reservoir. No allowance is made in the above for evaporation and other losses.

The preliminary report assumes two fillings. This is possible only in one out of the ten years.

In the above computation, the discharge of the Ponnai at Tirukkoyilur anicut is taken into consideration. Just above this anicut there are two affluents, the Tirunjilar and the Musukundanadhi falling into the Ponnai and the above discharge is the combined discharges of all the above three

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streams while the proposed reservoir is across the main stream, the Ponnar. The quantity available for storage must therefore be very much less than given above. The scheme therefore is not at all promising."

Mr. V. M. RAMASWAMI MUDALIYAR:—"Will the Government be prepared to re-submit this question for reconsideration by the Executive Engineer?"

The Hon. Sir ARCHIBALD CAMPBELL:—"I will consider the hon. Member's suggestion."

Construction of a lock at Yanam in the Godavari Eastern Delta.

* 331 Q.—Mr. K. KESAVA RAMAMURTI: Will the Hon. the Member for Revenue be pleased to state—

(a) what orders have been passed on the proposals of the Public Works Department authorities in charge of the Godavari Eastern Delta on the urgent necessity of constructing a lock at Yanam to prevent recurring submersion of lands during floods in the tail end villages of the bank canal under the Teki and other drains; and

(b) whether it is a fact that the District Revenue authorities recommended the construction of the said lock as a contributory work although it is a continuation of the existing irrigation works?

A.—The proposal is engaging the attention of the local officers and their final recommendations have not been received by Government.

Land Revenue Administration

Progress of settlement operations during the last ten years.

* 332 Q.—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the Hon. the Member for Revenue be pleased to place before the House a statement showing the land revenue settlements carried out during the last ten years, those in progress at present and in contemplation in the near future in the several districts showing—

(a) the actual or estimated cost of each;

(b) the rate of increase of land revenue decided upon or proposed in each case; and

(c) whether any settlement has been or is proposed to be put off on account of the fall in prices of the produce or other reasons?

A.—(a) & (b) The principal settlements carried out in the last ten years with the information required, are shown in the annexure.* The principal settlements in progress at present are South Kanara, Salem, Guntur, Kurnool and Nellore. Accurate estimates of the cost of the operations in these districts cannot be given at present. Other settlements due in or before 1936–37 are two taluks in the Nilgiri district and one taluk in the North Arcot district.

* Printed as Appendix VI on pages 453–454 infra.

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(c) Owing to financial stringency, the Government postponed until 1934–35 the resettlement of portions of the districts of Salem and South Kanara, of 26 villages in the Musiri taluk of the Trichinopoly district, and until 1935–36 of portions of the Coonoor and Ootacamund taluks of the Nilgiri district. The Government do not at present propose to postpone any resettlement now due.

UNSTARRED QUESTION

Police

Location of the 'Chettinad Outpost' police station.

333 Q.—Mr. S. A. A. ANNAMALAI CHETTIYAR: Will the Hon. the Home Member be pleased to state—

(a) whether it is a fact that a police station called 'Chettinad Outpost' is stationed in the Tiruppattur taluk of the Ramnad district;

(b) whether it is a fact that the said outpost has been located in the private quarters of Raja Sir Annamalai Chettiyar;

(c) whether it is a fact that the policemen attached to Chettinad Outpost reside in the private quarters of Raja Sir Annamalai Chettiyar;

(d) whether the policemen pay any rent for the quarters;

(e) whether it is a fact that the said outpost is located in a remote place far from human habitations;

(f) what the reason was which prompted the Government to locate the outpost in such a remote place;

(g) whether 'Chettinad Outpost' is intended to serve the needs of Kanadukathan and the adjacent villages; and

(h) if so, whether the Government took any steps to locate the said outpost in the Kanadukathan town itself?

A.—(a) to (h) The Government have no information but have called for a report.

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

II.—ADJOURNMENT MOTION *re* RECOVERY OF LAND REVENUE SUSPENDED LAST YEAR.

* Mr. P. V. KRISHNAYYA CHODURI:—"I beg leave of the House to make a motion that the business of the House be adjourned to discuss a definite matter of urgent public importance, to wit, the attempt that is being made in various districts to recover the land revenue suspended last year and the necessity of treating it as remission."

Mr. ABDUL HAMEED KHAN:—"I second it."

The Hon. Sir ARCHIBALD CAMPBELL:—"I have no objection."

* The Hon. the PRESIDENT:—"The motion is in order and no objection having been taken, it will be taken up for discussion at 4 o'clock this evening."

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III.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT
(BILL No. 11 OF 1934). NOMINATION OF Mr. T. B. RUSSELL
TO THE SELECT COMMITTEE.

11-30
a.m.

* The Hon. the RAJA OF BOBBILI :—“ Mr. President, I beg to move—
that Mr. T. B. Russell be appointed as a member of the Select Committee to consider the Madras City Municipal (Amendment) Bill (Bill No. 11 of 1934) in the place of Mr. S. G. Sengodaiyan resigned. ”

The Hon. Mr. P. T. RAJAN :—“ I second it.”

The motion was put and carried.

IV.—A BILL FURTHER TO AMEND THE MADRAS ESTATES LAND ACT,
1908, AND TO AMEND THE MADRAS ESTATES LAND (AMENDMENT)
ACT, 1934, FOR CERTAIN PURPOSES (BILL No. 10 OF 1934).

* The Hon. Sir ARCHIBALD CAMPBELL :—“ Mr. President, Sir, I beg to move—

that the Bill further to amend the Madras Estates Land Act, 1908, and to amend the Madras Estates Land (Amendment) Act, 1934, for certain purpose (Bill No. 10 of 1934) be passed into law. ”

“ I do not think, Sir, I need take up the time of the House in referring to the provisions of this Bill which have been so recently discussed in considerable detail here. But I should like, Sir, to express my appreciation of the care and attention which the Members of the Select Committee and of this House have devoted to this Bill and to the representations which have been made by the sponsors of the principal interests concerned in it in our endeavours to arrive at a conclusion which is as fair as possible to both those interests. The present scheme embodied in the Bill is the outcome of very careful consideration of those various representations, and I trust it will result in the course of three or four years in setting at rest for ever the question of the relations between the landholders in whole inam villages and their tenants under the Estates Land Act.”

Diwan Bahadur B. MUNISWAMI NAYUDU :—“ Sir, I join with the Hon. the Leader of the House in the motion that he has made that the Bill be passed into law. In doing so, let me express on behalf of myself and on behalf of the ryots of inam villages our deep debt of gratitude under which they have been placed by the Hon. the Leader of the House in carrying this Bill to a successful termination. Sir, it has been the fortunate lot of the Hon. the Revenue Member to have been able to pilot two of the largest measures concerning the vast population of the cultivating classes of this Presidency, the Malabar Tenancy Act and the Madras Estates Land (Amendment) Act. I may say that at the time when he looks forward to lay down his office he may consider himself to have done the best that he can with a view to seeing that the relations between the landlord and the tenant, between the janmis and the cultivating tenants, have been restored to mutual

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good-will and peace. Sir, throughout the discussions on the Estates Land (First Amendment) Bill and also the discussions on this, what I may call the Inams Bill, the Hon. Member had shown a spirit of earnestness, a spirit of responsiveness to public opinion and a genuine desire to do the right thing for the two parties contending in the matter. I know, Sir, that this Bill may not be acceptable to the extreme sections of either the ryots or the inamdars, and if the result of the Bill should be judged from that point of view that it is not acceptable to both the extreme sections, representing anyway the moderate section of the ryots, I feel, Sir, that the two Bills that have been passed for which the Hon. the Revenue Member can take credit are the best that could be passed in the circumstances, and the ryots will be grateful to the Hon. the Revenue Member for what he has done.

“ Sir, so far as this Bill is concerned, I must frankly admit that it has been substantially modified in various particulars, and if in some of them I do not see eye to eye with the Hon. the Revenue Member, I have got at least this satisfaction that in the modifications he has embodied he has been guided solely and mainly by a desire to be impartial to both the parties and to meet the view-points of the inamdars and the grievances they have expressed. I hope, Sir, after all these discussions we have had, the inamdar will take it, so far as the carrying out of this Act is concerned, that it has been safe in the hands of the Hon. the Revenue Member.

“ I must express my deep appreciation and thanks to the hon. Members of this House who have so ably championed the cause of the inamdars from whom we differed on many view-points here. Yet, Sir, the whole thing has been conducted with such moderation and mutual give-and-take that I must congratulate those gentlemen and the hon. Members of the House who have come out with no bitterness left behind. I do hope that the inamdars and their representatives will take the Bill in the spirit in which it has been passed, and show that when it becomes an Act they will content themselves that the provisions of the Bill will be worked in the spirit of give-and-take, so that the mutual relations between the inamdars and the tenants will be established on a firmer basis than ever. Sir, at the same time, I will be failing in my duty if I did not refer to the valuable help the Hon. the Chief Minister, the Raja of Bobbili, has rendered in the matter. I am not exaggerating, if I should say that so far as the Inams Bill is concerned, the credit for its going through this House is mainly due to him. He has unflinchingly and ungrudgingly stood up for the rights of the people and the justice of the cause of the tenant, and if in the course of its passage modifications have been agreed to, it is in the spirit of compromise, in the hope that it will restore better feeling. I am sure every one will agree with me when I say that I do not believe in legislation being undertaken in the teeth of the opposition of vested interests, and if modifications have been made it is in that spirit, to meet as reasonably as we can the various representations made on behalf of the inamdars.

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"After having said that, I am sure the Hon. the Revenue Member and the Hon. Chief Minister will forgive me if I should refer to one incident in the course of these two years, and that is the turning down of the attempt on the part of the Ryots' Association to have a Bill of their own introduced in this House, so that the attention of the House may be focussed upon some points which are of vital importance if the relations between the landlord and the tenant should be effectively broadbased.

"With regard to those two Bills, two matters of outstanding importance have been solved. One is with regard to the liability to keep tanks in estates in good repair, and the other is to secure to the tenants of the inam villages their occupancy rights. These by themselves are of sufficient importance for which the Hon. the Revenue Member can take credit. But at the same time, may I impress upon him that mere conferment of occupancy right or mere changes in the procedural law in the Estates Land Act would not by itself go a long way to restore that mutual good-will that is necessary between the landlord and the tenant, unless other outstanding grievances are looked into. We put forward in the forefront in the non-official Bill that we tried to introduce in this House that the question of rents is of very serious importance, that in most cases the rents are very high, that in many cases competitive rents have been prevailing and that the tenants are ground down by these heavy rents. The heaviness of it has been fully established during the last three or four years owing to the fall in prices and other circumstances. I do hope that the Government will see their way, now that they have put through these Bills, to take up that question in a spirit of earnestness and see that it is solved. Another question which is really of serious importance for the good relations between the landlord and the tenant is with regard to the rights of grazing in forests. It has been of some consolation to us that when the first Bill was discussed there were amendments tabled on behalf of the representatives of the landholders themselves suggesting some improvements in this direction. But, unfortunately, Sir, having regard to the rules on the subject, you could not allow those amendments to be discussed. I hope that the Hon. the Revenue Member before he lays down his office and the Hon. the Chief Minister will see that that question is taken up immediately, and that necessary legislation is undertaken as early as possible. I therefore have great pleasure in seconding this motion. May I assure the Hon. the Revenue Member that in the two Bills that he has introduced and the House passed he has earned the undying gratitude of the millions of tenants of the zamin and inam villages."

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, Sir, I wish I felt myself able to offer congratulations to the Hon. the Revenue Member and the Hon. the Chief Minister along the lines adopted by my hon. Friend, Diwan Bahadur B. Muniswami Nayudu. If it were only a note of personal congratulation that is to be struck in the sense

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that the Hon. the Revenue Member has gone into the question of inam legislation with ability and earnestness, I certainly am not behind anybody else in offering congratulations in that sense. But if the congratulation means that justice has been rendered to vested interests, if it means that property rights have not been expropriated without good cause, I am afraid, I am unable to offer congratulations in that sense. Time and again the Hon. the Revenue Member assured this House that the object of the Government measure was to leave vested interests of property intact and not to swerve by one inch either this side or that side so as to make either side think that their rights were done away with without compensation. If the measure that is now asked to be made law ensured or implemented that assurance of the Hon. the Revenue Member, then undoubtedly this is an occasion for all of us to feel elated about the final result. But unfortunately, the measure that is becoming law just now does not reach that result. But it has resulted in expropriation of admitted vested rights of inamdars even in cases in which those rights were admitted to exist. It has been repeatedly admitted on the floor of this House by the Hon. the Revenue Member that there have been and are a considerable number of cases in which inamdars have had vested in them not only the melvaram but also the kudivaram. No doubt, the costly and protracted litigation which has been fought out in the courts in individual cases up to the Privy Council was a feature that deserved to be provided against. It was also a matter mentioned with an amount of justifiable sense of grievance on behalf of the tenants of inam villages that by a strict application of the law as to onus of proof it was not always possible for tenants in inam villages to get their rights vindicated even in proper cases. The representatives and friends of inamdars were therefore willing to agree to a legislative expedient for getting rid if possible of interminable civil litigation of a costly type by substituting for it litigation of a more summary and cheaper character. The representatives of inamdars were also willing in regard to the other grievance to agree to a reversal of the law as to onus of proof by letting the onus to rest upon the inamdars to start with. But instead of providing for a satisfactory method of adjudication in cases of dispute, and instead of merely resting content with a modification of the law as to the onus of proof, the present measure has gone to the extreme end of vetoing the kudivaram rights altogether in cases in which they existed in the inamdars by legislating that inamdars should not be permitted to prove their kudivaram right except in a very narrow class of cases and except by almost impossible evidence. The only class of cases in which inamdars are now under this Bill permitted to set up and prove their kudivaram rights is the class of cases in which they have during the restricted recent past been cultivating the lands with their own stock or hired labour. And they have been forbidden from proving that the kudivaram right has vested or vests in them even if they should be able to prove such right with reference to the terms of any available grant. And they have been prevented from showing that they

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have exercised their kudivaram right by almost the only type of evidence which would ordinarily establish it, namely, by producing the lease-deeds and showing that the tenants in possession were only casual lessees not owning or asserting kudivaram rights in themselves but deriving their interests only under the lease from the inamdars. Small holders of inam areas have been swept into this piece of legislation, which means that they have been deprived practically of more than half the value of their very small property. These inamdars have also not been permitted the right which has been allowed to landholders under the Malabar Tenancy Law of taking up the lands for personal cultivation when the members of the family were themselves in a position to do so and desirous of doing so.

“ While these handicaps in the nature of expropriation have been brought about by this piece of legislation, there is nothing provided in the Bill which could be deemed to have the effect of advancing the cause of agriculture. The persons on whom kudivaram rights are now vested by this piece of legislation are not in any manner tied down to the cultivation of the soil. They could make money out of the rights newly conferred upon them by passing them on under deeds of transfer to other nobodies and those nobodies in their turn might pass those rights on and so on *ad infinitum* so as to bring about interminable disturbance in regard to the actual cultivation in the personnel of the tenants who cultivate. In all these ways it must be said that the original assurance of the Hon. the Revenue Member that vested rights are not intended to be divested and will not, except when it is unavoidable, be divested, that assurance has been given the go-by. If, instead of enacting on these lines, provision had been made for the appointment under this statute of a person who could properly be viewed as Mr. Blair's successor in office and if such a commissioner had been left to go over the whole country to complete what had been left undone by the Inam Commissioner of the 'seventies,' and examine all disputed cases of inams in which kudivaram rights were improperly denied or improperly asserted on the one side or on the other, and if after investigation on standardized and methodized lines by such an officer having jurisdiction over the entire Presidency, legislation were introduced in the light of the result of such an investigation, it would command great confidence. But instead of doing that, what is now done is practically to notify the tenants in all the inam villages, whether they previously had an intention of doing so or not, to come forward with claims of kudivaram right in themselves. This is the result of making it obligatory on every inamdar within a limited period of two years to apply to the local Revenue Divisional Officer for the establishment of his kudivaram right. Even non-contested cases are apt now to become contested cases. That is one great defect of the present piece of legislation. And the other is that if the inamdar does not apply within the limited time of two years, his right is gone. As I have repeatedly said, the grounds on which he could assert or establish his right are very

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few, and the proof which alone is permitted to him by way of establishing that right is very very restricted proof, practically the only kind of relevant and material evidence that could be available being shut out. There is going to be a flood of litigation now all over the Presidency during the next two years by every case becoming a contested case and there would be adjudication by the revenue officers all over the Presidency, each going on his own lines without there being a standardized standard according to which to judge.

“ It is therefore that I feel a difficulty in joining my Friend, Mr. Muniswami Nayudu, in offering congratulations to the Hon. the Revenue Member and the Hon. the Chief Minister. I rather think that so much injustice has in the net result been perpetrated by the shape this legislation has eventually taken that in the near future the feeling of those who are directly concerned and who are personally hit—and they are a large class—by this legislation, will not be one of gratefulness to the authors of this Bill or to those who almost appear to have forced the hands of the Revenue Member. If the Hon. the Revenue Member had stuck to his own proposal in his Bill of 1931, the inamdars would not have ground for so acute a feeling of grievance as they are now feeling. He then proposed that in whatever manner and whenever both rights had vested in an inamdar, it would be open to the inamdar to make good those rights, and the legislation then proposed intended to keep intact those rights. But the Hon. the Revenue Member has given up that stand and has now yielded to the pressure that has been forthcoming from the Hon. the Chief Minister reinforced by the hon. Member from Chittoor. The result, I should think, would be that it might, as it is bound to do, at the time of the elections, engage the attention of the electorate, and the electorate will regard it as not yet a closed issue but as an open issue and a very live issue over which the country would require to be split. It is my expectation, if I do not seriously misread the signs of the times and the ideas of the electorate, that this issue is bound to be an issue in the next elections and the votes of a very large majority of the electorate will be cast against those who are to-day in power. Because this legislation is not a legislation affecting the inamdars merely. It is a legislation involving the principle of expropriation without compensation for which there is no just cause, and if to-day one class of proprietors is hit, to-morrow another class will be hit. If absentee owners of land of one type are legislated against to-day, absentee land-owners of other types will be hit next. The large class of ryotwari proprietors are the next set of people to be hit, because, large numbers of them are not actually cultivating their own lands. Where is the line to be drawn? That is the lesson that is practically being forced upon the electorate, and it is in that sense that I say that this issue will be taken up not only by a limited body of landowners, namely, the inamdars in whole inam villages, but the entire body of owners of land, whatever the nature of the tenure, whether inam or ryotwari. And ultimately it is not difficult to visualize the stage when

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the whole thing will recoil back against the few big landed magnates who are in the zamindari tracts; so that the authors of the present expropriatory legislation,—at this juncture I am referring to the Transferred Half and their friends rather than to the Reserved Half—in this case a limited number of zamindari proprietors, will have the whole thing recoiling against themselves, inflicting injury on their heads. For all this, I do not think the time is very distant. I think soon enough, in our time probably, all this recoiling will happen. I therefore do not feel this measure becoming law a good case for offering congratulations."

* Rao Bahadur Sir A. P. PATRO:—"Sir, after the ominous utterance of the hon. Member from Madurai, I feel called upon to say a few words. His utterance was ominous because in his puritan and Brahminical way he said that the zamindars would no longer exist and that communists and socialists will take their place. Sir, I am very sorry to see that he is unable to visualize the beneficial effects of this legislation. Mr. K. R. Venkatarama Ayyar is always a very curious personality. We have always admired him for his earnestness and sincerity. Therefore, I would ask the Hon. the Chief Minister to give him a shrotriyam so that his anger might be appeased and his curses might be saved. Hereafter those curses may be easily converted into blessings, as the position he and his friends have taken in regard to the relationship between landlord and tenant is a very very convenient one.

"That apart, I do feel sincerely and am grateful that the Hon. the Revenue Member has been able to place this measure on record. It is a very important measure of reform of the land law. It is not always that Members of Government are able to bring in and pilot with such ability and with such foresight far-reaching measures like the one we have now passed. Two outstanding pieces of legislation have been carried through during this session of the House. These are the amendment to the Estates Land Act and Inam legislation. Sir, as you know the relationship between the landlord and tenant is not an easy matter of adjustment or debate. It often rouses the vested interests on one side or the other to oppose reform and to stand for rigid, orthodox ways. In the case of the Estates Land Act, the relationship between landlord and tenant came into prominence for the first time in 1865 in connexion with the Rent Recovery Act. That Act did not define their relations, nor did it say how far the landholder had rights on the land and how far the ryot had interest in the matter of cultivation or possession. That Act, for the first time in 1865, indicated the lines on which their relations stood. But, the Act of 1908 clearly and distinctly defined what the rights are respectively of the landlord and the tenant and conferred for the first time occupancy right on the cultivating tenant in certain circumstances. It also clearly defined and laid down the distinction between melvaram and kudivaram rights. Having thus defined the tenancy problem in regard to zamindaries, naturally Government felt that the rights of the inamdars and their tenants should also be

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regulated. It is to the credit of the Hon. the Revenue Member that he has been able to take up this legislation in spite of the previous failures of the Government. I yield to none in my appreciation of the fact that this measure goes very far towards helping the ryots. It is true that the vested interests would suffer. I am one of those who are penalized by this legislation. But still it is a legislation which is necessary in the larger interests of the people. In this view we are grateful to the Hon. Member in charge who has helped the Council in every way to come to a proper understanding of this intricate problem. I join the hon. Member from Chittoor in saying that the Hon. the Chief Minister has very largely contributed for the promotion of good feeling both in the Select Committee and outside on this question. Sir, I shall be doing injustice to myself if I forget to mention the great ability, the tact and the stubbornness shown by Mr. Muniswami Nayudu in helping forward this measure of land law reform. He stood for the rights of the cultivators, for the rights of those who have been in possession and for the poor man behind the plough and advocated their rights with such strength, energy and reason that even the vested interests like myself had to yield ultimately and say 'yes' to the definitions that he proposed. Therefore, I am sure the Hon. the Chief Minister will agree with me that Mr. Muniswami Nayudu contributed in no less a measure than himself to the success of this measure. You all know that by this measure the Hon. the Raja of Bobbili would suffer some loss. He has got many inams and yet he stood up for right and justice. He stood up for justice on behalf of the Justice Party of which he is the leader. Therefore it is no wonder that he has been able to throw himself wholeheartedly into this measure of reform.

"Now, Sir, my hon. Friend, Mr. K. R. Venkatarama Ayyar, pointed out that there are many defects in the Bill and said that therefore he would congratulate the Hon. the Revenue Member personally but would not do so on the merits of the Bill. It is true that I myself do not agree with some provisions, but the democrat that he is, Mr. Venkatarama Ayyar, ought to give due weight to the majority opinion that it is a useful and necessary land law reform and accept the same. If suitable opportunities arise he can rectify the existing defects. He mentioned some of the defects and I believe there are some others. He rightly mentioned, and I agree with him, that in the matter of the onus of proof, in the matter of the execution of pattas and muchilkas, in the matter of the evidence of tenure, in the matter of the exclusion of evidence in the inams statement and so on and so forth there are defects. I disagree with many of these provisions. But, as I said, as legislators we are here, not as owners of property but as custodians of the larger interests of the masses. I therefore wholeheartedly support the reform. I sincerely congratulate the Hon. the Chief Minister and Mr. Muniswami Nayudu, the latter on behalf of the people and the former on behalf of the zamindars for their support to the Hon. the Revenue Member in passing this Bill into law.

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"One word more, Sir. I would not be doing justice to myself if I forget to mention the personal qualities of the Hon. the Revenue Member. Every time a suggestion was made on behalf of the inamdars that their interests would be jeopardized if a particular method was adopted, he heartily listened to it and suggested a *via media* wherever possible. He showed great courtesy and kindness throughout the stages of this Bill and held the balance even between the inamdars and the tenants. That is a great thing for a bureaucrat to do. I do not like the ways of the bureaucrats, but a bureaucrat like him trying to do justice to both sides and behaving courteously, kindly and generously to both, I do like. Those of us who have worked closely with him in connexion with this Bill realize that but for his method of work and but for his personal qualities, this Bill would have met with the same fate as the previous Bills on the same subject met with. Therefore, I admire him and my good wishes are with him. This is possibly the last occasion on which we meet him as Revenue Member. I therefore take this opportunity to say that our good wishes are with him. Sir, it is not only those who worked with him in connexion with this Bill that offer him their good wishes, but the people throughout the Province, inamdars as well as tenants offer him their good wishes and goodwill for being able to successfully place this measure on the Statute Book. Therefore, Sir, I have great pleasure in supporting the proposal before the House."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, I entirely associate myself with my friends Mr. Venkatarama Ayyar, Diwan Bahadur Muniswami Nayudu and the hon. Knight from Ganjam in their expressions of congratulation to the Hon. the Revenue Member. While I feel that I cannot agree with either the main principles of the Bill or the procedure adopted therein, I have nothing but praise for the courteous and patient way in which he dealt with us in the various stages of the Bill. Sir, the occasions, on which we agreed were few and the occasions on which we differed were very many; yet, on all those occasions when each point of view was stressed and put forth from our side, the Hon. the Revenue Member gave us his earnest attention and dealt with us with courtesy, although my hope of convincing him oftentimes proved futile."

"On the merits of the Bill, I have had occasions to speak on the various amendments that were moved and lost. Therefore, I do not propose to repeat here in detail what all I said except to sum up the main features of the Bill which will be passed now by the House and the effect this piece of legislation is likely to have in the country. My view is that both in the fundamentals which underlie the substantive provisions of the Bill and in the procedure which has been adopted, the Bill will have very far-reaching consequences. That the Bill is confiscatory of the rights of the large class of inamdars can admit of no contradiction. Only a very narrow and a limited number of categories in which the inamdar has been cultivating the land himself or by hired labour, has

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been recognized as deserving protection. These are not the only ways in which the inamdars, *bona fide* pursuing the profession of agriculture, held and enjoyed the lands. There are those who let the lands for agriculture to tenants for more or less periods and those who sometimes cultivated directly or with hired labour and sometimes let the land when conditions were favourable and they are not protected. There is no ground for preferring the one and rejecting the other in the matter of safeguards. There are also the non-agricultural inamdars whose valuable rights deserve protection. Normally when rights are defined, ample provision must be made for those rights to be preserved. On the other hand, this Bill while limiting the rights has still further limited the provision for preserving even the narrowed rights. The special rules of evidence have still further added to the difficulties. It is obvious that the Bill suffers from all these very conspicuous defects.

"I have referred already on other occasions to the wrong notion that the inamdars are on a par with the zamindars in the matter of tenures which are obtaining in these two classes of estates. This notion is wholly wrong. The circumstances of the two classes of estates are very different. The history of zamindaris and of the inams will amply make out that while zamindaris have been preserved intact and are in the hands of a small number of people who cannot ordinarily be cultivators directly or indirectly, inam villages have on the other hand, gone on into endless minute divisions by succession, by partition and by alienations. The inamdars, as a class, are numerous and most of them are poor people holding very small extents of land. Almost all of them depend on the land for their subsistence. I may mention three classes of inamdars for my present purpose, one class staying in the village and pursuing the profession of agriculture, keeping agricultural stock and cultivating the lands themselves or by hired labour and sometimes letting some lands to tenants; another class who divide their time between the villages in which they have lands and the neighbouring towns where they have subsidiary occupations; this class of people are equally following agriculture, though they have other avocations as well. This is due to the fact that the lands they hold are not sufficient to maintain them and that they must seek some other means of subsistence also. A third class of inamdars are practically absentees who let the lands generally to tenants for cultivation and seldom cultivate the lands themselves or by hired labour. The inamdars are in all ranks of society, and inams are held by members of almost all communities, agricultural and non-agricultural. Even among Brahman inamdars there are people who stay in the village, own considerable agricultural stock and are agriculturists in the proper sense of the term by cultivating the lands through hired labour or by letting the lands. The provisions of this Bill have seriously affected the majority of the inamdars. The provisions are drastic and inflict serious hardship and loss

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on the inamdars. There is no good reason for not safeguarding the existing vested rights or the rights of the inamdars who let the land to others for cultivation.

"Sir, my hon. friend, Mr. Muniswami Nayudu hoped that the inamdars would reconcile themselves to the new situation. What can I say to that hope? Inamdars have been deprived of their rights, and my hon. friend offers them the consolation that though they lost their rights, there are the tenants who profit by it. A lesson in altruism! I cannot help feeling that a very large class of what I may call the peasant proprietors or agriculturist proprietors who are the backbone of any agricultural country has been seriously affected by this piece of legislation. In fact, that class is threatened with extinction. Instead, this Bill will raise a new class of people, tenants in name but not agriculturists in actual fact. A large class of tenants may come into existence who will not be cultivators themselves but who will live by letting lands to others, the others not having any right in the soil, from whom the so called tenants may exact any rent. This new class, a hybrid class, will not be affected by this legislation; nor their tenants will be helped by this Bill. I ask what is the benefit to society by crippling the inamdars and raising up a new class of landholders in the name of tenants? An enquiry regarding the existing conditions would have opened the eyes of the Government to the need for legislation on different lines.

"I do not know if the Government have had any considered policy in this matter. So far as I can see from the previous legislation, in Act I of 1908, the policy of the Government was not to deal adversely the inamdars either in their then existing rights or in the rights which they could later acquire. The Bill No. 12 of 1931 did not in fundamentals deviate from that policy, although it attempted to bring in all inams within the definition of 'estates' in view of the decision of the Privy Council differing from the Madras High Court in the matter. The later stages of this legislation have been marked by what I may call a policy of drift by which the Government has been led by the amendments of private members, the Government taking their stand upon them. At that stage, the Bill became definitely worse from the point of view of the inamdars. The present Bill now under consideration is even worse. It is unlucky that every time the inamdars made an effort to improve the Bill for safeguarding their vested and undoubted rights, the legislation took a definitely more difficult turn for them.

"I cannot close my observations without inviting attention to one more important circumstance. Inamdars have been dealing with both kudivaram and melvaram in lands in which they held both. Even Act I of 1908 recognized that when they acquired kudivaram rights, there could be a merger and those lands ceased to be part of the estates. Both before the Act and after the Act, in respect of villages which came within the Act, as well as in those which did not come within the Act,

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there have been alienations by sale, mortgage, hypothecation, etc. Large rights have been acquired, people have invested money on the strength of these rights which the existing laws recognized and protected. Now, the present Bill will affect very seriously those transactions. Ordinarily, when legislation is undertaken, provision would be made to protect existing rights particularly the rights acquired by third parties for valuable consideration. This Bill is a contrast; not only mortgages exist in favour of private individuals, but even co-operative banks have got securities on inamdars' rights including kudivaram. What is to become of these mortgages? The securities would become valueless, the mortgagees will lose. It may be said they can ask for fresh securities. Would mortgagors be in a position to furnish fresh securities? If not, what would be the result? Would it be fair to inflict loss even on mortgagors in this manner? I am afraid no consideration has been bestowed upon this aspect of the matter.

"Sir, there are many other matters connected with this Bill, which come to my mind; but this is not the occasion to dilate on them or to go into details. The stage of attempting to convince for the purpose of improving the Bill is past. We are on the eve of the Bill being passed into law. An hon. Friend of mine has mentioned that the Malabar Tenancy Legislation has divested the rights of janmis and vested kudivaram rights in the agriculturists, and quoted the same as a precedent for the divesting of the inamdars' rights similarly. There is really no analogy between the conditions of landholding in Malabar and the conditions of landholding in the East Coast. Malabar is in many ways a peculiarity. The whole of the land in Malabar was the property of a few Nambudris and aristocratic families who are janmis. Though the large mass of agricultural population had no rights in the soil which they cultivated, they were on the land for a long time holding the land under a peculiar tenure in cycles of twelve years. In the Bill now before the Council, rights are sought to be taken away not from a small number of persons but from a large number of persons—lakhs—and are sought to be vested in tenants, some of whom might have come on the land only within the year and some might have been for a long time. To quote the instance of Malabar is therefore wholly misleading.

"The Bill as it emerged from the Select Committee is in effect a new Bill with peculiar provisions taking away admittedly vested rights, recognizing only a very limited category of rights, cramped by conditions with a procedure compelling them to register within a short time with the penalty of losing even that right and special rules of evidence making proof impossible in many cases, not to mention some provisions of a retrospective character. I need hardly say that such a Bill is neither an ordinary piece of legislation nor is likely to meet the just rights of the parties concerned."

* The Hon. Sir ARCHIBALD CAMPBELL:—"Sir, I do not wish to take up much of the time of the House in reply. My hon. Friend,

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Mr. Venkatarama Ayyar covered all the ground which had been covered by the discussion in the various stages of the Bill but it seems to me it is unnecessary for me to reply in detail to all the points which he has raised as they have been already discussed at length. He quoted certain remarks of mine to the effect that we did not intend to interfere with vested interests; but those remarks I think mainly referred to the Bill of 1931. In connexion with this Bill we were concerned with a very difficult problem. It was brought to notice that the result of the Act of 1908 as interpreted by the Courts, that is, the effect of the law at present in force is such that it seems likely that all the ryots will in course of time lose the kudivaram right in inam villages. The law as passed in 1908 has had that effect, that unintended effect. It is therefore necessary for us to take measures to save the ryots in inam villages from losing the occupancy rights which they possess—if I may use the terms used by the other side—from being expropriated from their rights. I have endeavoured to avoid using that term; but it has been used to-day. The difficulty is how are we to save those rights of the ryots without interfering more than is right, just and necessary, with any of the admitted rights of the inamdars. My hon. Friend, Mr. Venkatarama Ayyar referred to the recognition of inams by Mr. Blair as if he had recognized that in certain definite cases the inamdars had the kudivaram right. As far as I know, in no specific case have the Government recognized that inamdars of whole inam villages have got kudivaram rights in their villages. At the time of the inam settlement by Mr. Blair they allowed it to remain an open question; the Act of 1908 also left it an open question. As I pointed out, as the effect of that being left an open question, the inamdars were acquiring the kudivaram rights even at the expense of the ryots. So, the question was in what cases should we and can we conserve the rights of inamdars while preserving the right of the ryots. The Bill is necessarily therefore a compromise between the rights of the occupancy ryots and the rights of the inamdars of whole inam villages. I would venture to point out that the sponsors of inamdars have constantly used the word 'rights'; where they ought to use the word 'claims.' That, to a very great extent, has confused the issue. I think, Sir, that the compromise embodied in the Bill is on the whole a fair one; we have endeavoured to set at rest in a very limited period, all disputes between the inam landholders and the tenants or ryots as to which of them has got the kudivaram right in each case. As I mentioned before, it was stated in the Select Committee and not denied that out of 5,000 inam villages, in about 4,000 of them, the inamdars have never taken any steps to claim the kudivaram right. I presume, Sir, that it is most unlikely even when this Bill is passed, that the inamdars of these 4,000 villages will take steps to claim the kudivaram right. In the remaining 1,000 villages there may be claims put forward by the inamdars under this Bill. But where a genuine claim is made on the ground that the inamdar has

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been cultivating the land himself or by hired labour, etc., for the last 12 years, it is hardly likely that any one will come forward to dispute his claim. I do not think the ryots in the village or the other tenants in the same village are likely to come forward and make claims if they cannot substantiate them. In the matter of litigation, I think the contested litigation to which this Bill will give rise will be very much smaller in amount than one would conclude from the remarks which have been made by the sponsors of the inamdars. As I have said, I hope that this Bill, when it finally becomes law, will prove beneficial to both parties; the Bill will set their rights at rest and put an end to the ruinous litigation in which both the inamdars and the tenants seem likely to be involved.

"I would like to acknowledge again—I have already done so—the assistance which I have received in the course of the passage of this Bill in this House and in the Select Committee; I should like to endorse all the remarks that have been made regarding the assistance which has been given to this piece of legislation by my Hon. Colleague the Raja of Bobbili and by Mr. Muniswami Nayudu; I would also add our indebtedness to the sponsors on behalf of the inamdars who have put their case before us with considerable care and force and at the same time with moderation. I recognize that on both sides there was no rancour shown in any stage of the proceedings. I must acknowledge once more the assistance which I have received from all those who have taken part in the proceedings here and in the Select Committee.

"I should also like to express my sincere gratitude for the kind remarks which various Members have made regarding myself personally and the good wishes which have been expressed; in case this is the last occasion on which I have the chance of addressing this House with which I have been connected for a great many years. I should like to say that I shall carry away with me very pleasant memories and nothing but very pleasant memories of my relations with all the Members of this House at all times. From what I have seen of the proceedings of this House I have every confidence that success will attend whatever further measure of Self-Government may be granted to this Presidency in the coming constitution."

The motion that the Bill be passed into law was put and carried, and the Bill was passed into law.

V.—A BILL FURTHER TO AMEND THE MADRAS DISTRICT
MUNICIPALITIES ACT, 1920, FOR CERTAIN PURPOSES
(BILL No. 13 OF 1934).

* The Hon. the RAJA OF BOBBILI:—"Sir, in replying to the speeches made by hon. Members on the motion before the House, I wish to say a few words. At the outset I feel I must answer the remarks of

* Consideration of this Bill was resumed from 22nd October 1934.

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my friend, Mr. Sreshta. I wish to assure him that by asking for leave that the Bill be taken into consideration I am not at all following any unconstitutional methods. Three objections have been raised by hon. Members. One of the objections—the main objection—raised by my friend, Mr. Ramaswami Ayvar is that any measure that is intended to take away the privilege of local boards is objectionable on principle. 12-45 p.m. My friend Diwan Bahadur Muniswami Nayudu stated that it should be possible to modify some of the clauses in the Bill and make them more acceptable to the House. The third objection raised is that no grounds have been shown as regards the urgency for passing this Bill immediately without referring it to a Select Committee. I do realize that in my Bill the objects and reasons have not been clearly written—and that is the only weak point—and Mr. Muniswami Nayudu, as an experienced parliamentarian, has devoted much of his speech to the statement of objects and reasons of the Bill, in which I do realize, have not been clearly explained, the main reasons for undertaking this legislation. Because some of these clauses attempt to bring the Madras District Municipalities Act into line with the Madras Local Boards Act, the office simply said, under clause 3, that it was 'desirable to bring the Madras District Municipalities Act, 1920, into line with the Madras Local Boards Act in the matter.'

"The necessity for systematizing the various scales of pay and fixing cadres and schedules of establishment has been felt for a long time; experience shows there is great diversity in the scales of pay and conditions of service. The scales of pay are sometimes out of all proportion to the duties attached to the posts and do not generally go by the qualifications of the employees. In the interests of the local boards, there is strong necessity to have some sort of uniformity in this matter; and I am sure it will also be a source of relief to some of those who are administering the affairs of local boards. Moreover, it was felt that in conformity with the resolution passed by this House by an overwhelming majority that communal representation should be extended to local bodies, it would not be possible to do so unless there were definite cadres and definite scales of pay. I believe that one or two speakers spoke against the extension of the principle of communal representation, and I think my hon. friend, Mr. Subrahmanya Bhatt was one of them. On that point, however, I may say that it is too late in the day to talk about the merits or demerits of this system, and I am sure communal representation which has been accepted by the Government will be found not only now but in the coming years, to be as much a safeguard to the Brahmans as to the other communities.

"Coming now to clause 5 of the Bill, section 73-A reads:—

'Notwithstanding anything contained in this Act or in the Madras Local Boards Act, 1920, the Local Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any local board constituted under the Madras Local Boards Act, 1920.

'The Local Government shall have power to issue such general or special directions as they may think necessary for the purpose of giving due effect to transfers made under sub-section (1).'

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I wish to point out, Sir, that this proposal is not so revolutionary as pointed out by some hon. Members. Such a necessity has already been foreseen. If we refer to section 77-A of the Act, we find that it states:

'Notwithstanding anything contained in this Act, the Local Government may, by notification, constitute any class of officers or servants of municipal councils into a municipal service for the Presidency of Madras'

but there is a proviso attached to this clause, which says:

'Provided that no notification shall be issued under this sub-section—

"(i) unless all the municipal councils constituted under this Act have been consulted in respect thereof, and

"(ii) unless a majority of the councils so consulted have passed a resolution supporting such issue."

Therefore, this clause 5 in the draft Bill does not bring in any revolutionary change which has not been contemplated before. The framers of the previous Bill have foreseen the necessity for such a provision. All that the present Bill seeks to do is to delete the proviso to that section.

"In the speeches made by various members in respect of my remarks when introducing the Bill, I find that certain misconceptions continue. For example, much stress has been laid on the fact that the Government are taking power to make wholesale transfers of low-paid clerks or peons and attenders from one end of the Presidency to the other. I believe I made it clear when introducing the Bill that the idea was that in the higher grades like Assistant Engineers, Overseers, Assistant Surgeons, accountants, etc., there would be a provincial cadre formed, but that in the case of clerks and attenders and other lower grade servants, the cadre would only be a district cadre and that under normal circumstances there would be no transfers of clerks from one district to another. It may of course be asked then: 'If that is so, why are the Government not limiting this power to certain grades or classes of servants?' The difficulty is that as a result of the abolition of taluk boards there are in some districts clerks far in excess of requirements, present or future, and in other districts, most of the clerks have already been absorbed. This power is therefore taken to enable Government in suitable cases, and if the employees are themselves willing, to send some of the clerks to the neighbouring districts, if that is possible. Apart from that, there is nothing either retrograde or revolutionary in this proposal. Even up till recently, district board presidents had the power to transfer servants of local boards from one taluk board to another. I therefore do not see why Government should not be trusted to make use of this power wisely and in the best interests of the employees and that they will not misuse or abuse this power.

"Then again, we find, in fixing the schedule of establishment of many of the district boards, that in the past some of the district boards have not followed any principle or method in fixing the scales of pay. Some of the district boards created what are called 'selection grade' clerks on Rs. 100—150 who are doing practically the same work as clerks getting Rs. 75. In such cases it was considered desirable in the

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interests of local boards to see whether any adjustment could be made between the establishments of neighbouring district boards. And to this effect I remember having addressed some of the district board presidents in whose offices there is an excess number of selection grade clerks for mutual adjustment. Whatever might be the opinions of some who seem to think that any measure that will interfere with the local boards is going to affect the autonomy of local self-governing institutions, I am prepared to say this much that if we are to assure the future progress and prosperity of our local self-government, and if we are to see that these local boards function efficiently, it is necessary that the employees of local boards and municipalities should not be made pawns in the game of party politics and party factions; and it is of the utmost importance to the future progress of local self-government in this province that they should be taken away from any danger of party politics. I know many cases, although I do not wish to mention any names, where even district board presidents and chairmen of municipalities have been put to great difficulties, owing to the exigencies of party politics, to do some favour or other to one or other of the servants; and the disproportionate scales of pay in some of the district boards and municipalities clearly indicate that there are occasions when even the most honest district board presidents or chairmen of municipalities are compelled to give in to pressure of this sort. It is therefore not only in the interests of local boards, but in the interests of those directing the affairs of the local boards that some sort of uniformity should be observed. At the same time, I wish to make it clear once again that Government by this measure do not propose to take away the power of local boards to make appointments either at present or in future, and that is not at all the intention.

“None of the speakers who have objected to some of these clauses of the Bill has shown how it will be possible for Government to extend the principle of communal representation without having uniform scales of pay and without having certain fixed cadres and services. For example, some of the higher posts, such as those of the Secretary or Manager or Accountant, will be few; there will be only one such post in a district and unless we form a provincial cadre, I do not know how we can apply this principle of communal representation. My hon. friend, Diwan Bahadur Muniswami Nayudu, stated that although this power under clause 3 has been incorporated in the Madras Local Boards Act, there was this justification for it, that at that time taluk boards were about to be abolished and it was necessary to make provision for the disappointed employees. No doubt that was one of the main reasons for bringing in that amendment and passing it. If that was a reason to justify the amendment, I am sure it applies with the same force in the present case also.

“I shall now proceed to show, Sir, the urgency for this legislation. As soon as the Local Boards (Amendment) Act came into force on the 1st of April 1934, we sent a circular to all municipalities to reserve all

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future vacancies to the ex-taluk board employees. I am sorry to say that the advice given by the Government has not been followed. As hon. Members are aware, this Bill has been before the House since August last.

“At that time I had occasion and the privilege to meet some of the ^{1 p.m.} Members of the Legislative Council who were interested in this problem and who could spare time for one day, to have a discussion with them, and as a result of the discussion I have given notice of a small amendment, which I do not claim is going to meet all the objections advanced on the floor of the House the other day. I have given notice of a small amendment to the effect that if such a transfer is to be made, it should be done in consultation with the local board concerned. This Bill has been before the public since August and I do not find any suggestions, and no amendments have been received as regards the main clauses in the Bill, not even views as to how they should be improved. Now, the position is really this. Already since April last, all the vacancies in the municipalities are being filled up by outsiders and if I should urge the necessity of proceeding with this Bill straightaway without reference to the Select Committee, it is not at all on the ground that I lose any personal advantage in this matter or that there is any fear of the Select Committee mutilating the measure, but I am only actuated by the desire to provide at as early a date as possible suitable jobs for the taluk board employees who are now suffering. In this connexion I may also bring to the notice of the members of this Council that recently the Government have made some amendments to the rules as regards exemption of local board and municipal servants who have exceeded the age of 55. Previously, such power of exemption was vested—I believe I am right in saying that—in the hands of the district board presidents and chairmen of municipalities. We have now made a hard and fast rule that after 55 years no local board or municipal servant should be kept in employment. This was issued as G.O. No. 4530, L. & M., dated 12th October 1934, and when this comes into force there will be about 50 to 100 employees who will be discharged. I am most anxious that Government should have this power to insist on municipal councils as far as qualified and competent local board employees are available, that they should be invariably appointed in the vacancies that arise, not only in the normal course of events, but as a result of the recent orders passed by the Government. If, therefore, I am unable to accede to the request of my hon. Friends, especially Diwan Bahadur Muniswami Nayudu and Dr. Subbarayan, for a reference to the Select Committee, it is not due to any other reason or anxiety to rush through this piece of legislation, but mainly this, that after seeing and hearing the grievances of the employees of the taluk boards during my recent tours, I am only anxious to do all that is possible without further delay, for the suffering ex-taluk board employees. I therefore request hon. Members who have spoken on this subject to allow the Bill to be taken into consideration at once.

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"I may also state that if we are to give any weight to the opinions of local board and municipal employees, these are the main grievances which they are placing before the Government and the public and at various conferences from time to time. These provisions have been welcomed by their various associations, and as the Minister in charge of Local Self-Government I may state that, in my opinion, these provisions, if enacted, will be to the benefit not only of the employees under local boards, but also the local boards themselves and those directing their affairs.

"Before I conclude, I wish to state another reason. In my experience of two years, I consider the power for transferring these local board employees is necessary. Hon. Members who have experience of local boards are aware that under the amended Act of 1930, local board employees who are really aggrieved, are permitted to appeal to the Government. Numerous cases have come to the notice of the Government where local board employees have been subjected to victimization, and appeals are made to the Government. Government go into the matter and Government order that such and such a local board employee has to be reinstated. But, what is it we find? The very next minute, the same employee is again placed under suspension and new charges are framed and then again enquiries are held and the person is again placed under suspension. There have been such cases and I may mention in this connexion, that Secretary of the District Board of Chingleput, and the Manager of the Municipal Council of Trichinopoly, were removed in spite of Government orders restoring them three or four times. I do feel that in such cases we can, in consultation with the local bodies concerned and with the consent of the employees concerned, arrange for mutual transfers, which will be in the best interests of all parties concerned. This power given to the Government for hearing appeals and passing orders is really ineffective and I feel very often greatly discouraged that in such glaring cases of injustice I am unable to safeguard the interests of these local board employees who have been unjustly treated for no fault of their own. With these words I now request my hon. Friends not to press the motion for reference to a Select Committee but to proceed with the consideration of this measure."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I thank the Hon. the Chief Minister for explaining the urgency of this Bill. I am not one of those who believe that some of the powers we want to take under this Bill are unnecessary. In speaking on my motion itself, I said that while I agree that these powers are necessary as reserve powers in the hands of the Government, yet particular drafts of the clauses may require some slight change and may have to be modified. I therefore do not want to state anything more than to say that I agree with the Hon. the Chief Minister that some of the powers that are required to be taken by the Government are necessary. But, I am only concerned with the procedure adopted for taking these powers, the Hon. the Chief Minister wants to introduce this Bill and to have it pushed through at

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this stage. I differ from him in this and think that it might be taken up another day and in the meanwhile the Select Committee might meet. Very properly, he has referred to the grounds on which he considers it an urgent Bill. I am glad he has not, as my hon. Friend Mr. Basu Dev, mentioned the request of the Officers' Association, as one of the grounds for the urgency of it. The request has been there for a number of years and the request will continue to be there even if the provisions are made in some other form. That request is after all from one section and that would not by itself be sufficient; and we do not know to what extent the local bodies or those interested want their request to be granted. Barring that, one other thing which appealed to me and which appealed to me rather strongly is this, that what the Hon. the Chief Minister has in view by having this Bill passed in the form in which he has introduced it, is that he would ameliorate the condition of those unfortunate clerks who have been thrown out of employment by reason of the abolition of the taluk boards; and if the Hon. the Chief Minister is satisfied that the Bill as now drafted will serve that object, I would not be inclined to press my motion. But, so far as clause 3 of the Bill is concerned, that gives no power of appointment, but it gives the Minister power to sanction the number of people to be employed, to give designations to appointments and to fix the pay that those posts should carry and so on. Then, it says that the local bodies should not vary these things except with the previous consent of the Government. So that, that does not give him the power to provide employment for those who have been thrown out of employment.

"So far as the other clause, namely 5, is concerned, that clause provides that the Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any local board constituted under the Madras Local Boards Act, 1920. Sir, even supposing it is construed as including the power to transfer a servant of a local body to a municipality, which it does not, it certainly would not give him a chance of transferring persons who have ceased to be servants of any local board to a municipality. The clause as it stands merely authorizes him to transfer servants of a municipality from one municipality to another municipality or to a local board, but that does not authorize the transfer of servants of local boards to municipalities. So that, if a number of vacancies are likely to be created under the provisions of this Bill, if exemptions of people over 55 years of service are not granted in pursuance of a recent Government Order, it would not really solve the situation or will be able to find employment for those ex-employees of taluk boards in municipalities.

"The next thing, as I have already stated is, a number of taluk boards have been abolished and Government have, in exercise of the power conferred by the amending Act, prescribed the number of people that the district boards will have to entertain and to continue and how many of them will be absorbed in their service. What about the others who have been out of service on the 1st of April 1934? Now,

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Sir, I ask, is it contended that any of those who have ceased to be servants of any local board on that date and who have not yet been employed in a district board, could be considered, by any stretch of imagination, to be still in the service of a municipality or local board and can be transferred? I think, Sir, that this clause, even if it is passed, as it is, would not give him the power to provide for these unfortunate people who have been thrown out of employment. I am sure if this Bill is referred to a Select Committee, it may be suitably amended to meet the situation."

* The Hon. the RAJA OF BOBBILI:—"Sir, coming to the points mentioned by my hon. Friend, Diwan Bahadur Muniswami Nayudu, clause 5 says, they can be transferred from one municipality to another municipality or any local board constituted under the Madras Local Boards Act, 1920, and in the amending Bill, which is known as the Taluk Boards Abolition Bill, there is a provision which says that until the existing taluk board employees are absorbed, local boards should not recruit any outsiders. It is therefore open until these taluk board employees are absorbed, to transfer some of the taluk board employees already employed in the district boards after the abolition of the taluk boards and in the resulting vacancies, to insist on district boards giving employment to the ex-taluk board employees. I do realize it is a round-about procedure, but they will be employed and can be employed only as long as taluk board employees still remain unabsorbed.

1-15 P.M. "I want to make it clear that this power which is no doubt round-about can be used by the Government only as long as the taluk board employees still remain without employment or until the waiting lists are exhausted. The reason why I have repeated this point is this. I do not want the same argument to be employed against me and stated that in this way the Government are taking away the power of appointment of local bodies. I believe, Sir, I have now answered the point mentioned by Diwan Bahadur Muniswami Nayudu."

The motion that the Bill be referred to a Select Committee was then put and lost.

The motion that the Bill be taken into consideration was put and carried and the Bill was taken into consideration.

Clause 1.

Mr. R. FOULKES:—"I move, Sir—

'that in line 2 before the word "Amendment" the word "Second" be inserted'."

* The Hon. the RAJA OF BOBBILI:—"I second the motion, Sir. This amendment is necessary because this is the second amending Bill."

The amendment was put and carried.

Clause 1 as amended and clause 2 were then put and carried.

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Clause 3.

Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, I move that at the end of clause 3, the following proviso be added:—

'This clause shall affect only future entrants to service.'

"The reason for my introducing this amendment is quite patent. There have been many servants of municipalities who got into service under certain conditions and they might have made several commitments in the hope that they would get certain remuneration. As a matter of fact, Sir, if they had known that their pay would be suddenly cut short, they might not have given up other better prospects and joined the municipal service at all. Now that they have joined the service, it would be very hard if their pay is suddenly cut short and they are forced to receive lesser pay. And the hardship would be greater because having once entered service, it is very difficult for them to leave it and take up service elsewhere. Therefore I move this amendment with this idea of restricting the new grades of pay to new entrants only. With these words, I move my amendment."

Mr. B. POCKER SAHIB:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think my hon. Friend who moved this amendment has not really understood the position as regards local board employees. Although scales have been fixed which will come into operation in the case of every one in the service, Government are considering proposals for giving the difference in the pay as personal pay. As a matter of fact orders have already issued, I believe, as regards ministerial establishments that the difference in pay or the difference in the maximum of the new scales and the existing pay they are drawing should be given to them as personal pay for the rest of their service. The case of other classes of servants is under consideration. Coming to this point, I may also state this, although it may not be quite relevant. Mr. Bhatt has stated that certain servants came on the express understanding that they would be eligible for certain remuneration. Suddenly one fine morning they find that they lost their old emoluments. But we must remember that there are also cases—and a good many of these have come to my notice—where servants recruited on a grade pay of Rs. 30-50 find themselves on a grade of Rs. 60-120 in the next year and some find themselves to be drawing Rs. 200 in the third year. So, the reason why the Government did not when fixing the scales of pay embody the principle of personal pay in the same order is that it is necessary to carefully scrutinize these cases. Our difficulty is that we have to rely in these matters entirely on the information supplied to us by the local bodies. And as a matter of fact, it was found very difficult to ascertain to what extent this process has gone. And so after careful examination and deliberation, Government have passed orders as regards the ministerial establishments that the difference in their pay should be given to them as personal pay. The cases of all other classes of servants to whom the new scales of pay have

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just been sanctioned will be taken into consideration. Of course, there has been some delay between the passing of the two orders but the real difficulty is that we have addressed all district board presidents to give statements of servants to whom under the new rules personal pay should be allowed, and there is delay in getting replies to these references. As a matter of fact, Government have issued these orders even before the references from all the district boards have been received. In view of what I have said, I hope my hon. Friend will not press his amendment."

The amendment was put and lost.

Clause 3 was put and carried.

Clause 4.

Mr. U. C. SUBRAHMANYA BHATT:—" Mr. President, Sir, I move—
'that in this clause after the words "different communities" appearing within brackets, the following be added:—
"made in consultation with and with the approval of the council concerned".'

"The reason for my giving notice of this amendment is this. As it is, with the Bill as drafted, power to make appointments is not taken away from the municipalities concerned. It is only the power to transfer that is taken away by the Government. But the power to appoint servants to the municipalities vests with the municipal councils concerned. So, if a general rule with regard to the representation of the different communities is made, as conditions in each municipality vary from those of other municipalities, it would work hardship. So, I have come forward with this amendment that in regard to such rules, there should be different rules for each municipality and not a general rule for all. Whenever any particular municipality makes any appointment, the rule regarding communal representation which is applicable to that particular municipality should be had recourse to there. The reason is this. For instance in a case like Mangalore where the percentage of the Hindu community and the percentage of the Muhammadan and Christian communities are fairly equal or very near each other, a general rule would work hardship. I believe, Sir, in Mangalore the percentage of Christians is about 33. As it is, a general rule which gives only 2 per cent to the Christians if worked in a place like Mangalore would work hardship and the interests of the Christian community will be very much jeopardized. So, I say, Sir, as conditions in municipalities vary and as there may be municipalities like Mangalore where conditions are vastly different from others, special rules will have to be framed for each municipality in consultation with the municipality concerned, which has to make the appointments. For these reasons, I move my amendment."

Mr. K. A. NACHIYAPPA GOUNDER seconded the amendment.

* The Hon. the RAJA OF BOBBILI:—"I find, Sir, that this amendment if accepted, would make the whole scheme administratively

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unworkable. As I have already stated, higher grade officers like commissioners or secretaries are drawn from a provincial cadre. The provincial cadre is to be formed, and such being the case, how will it be possible for the Government to consult each municipality as to how this rule is to be applied. No doubt there may be a little inequality if we get into the merits of individual cases in each local board, or municipality or panchayat. But I am afraid if separate rules are to be worked for each municipality, it will be practically impossible to apply the communal rotation principle. I may also state that in this Act we are not incorporating the communal rotation principle or any communal principle. All that this section says is that the Local Government may make rules in this behalf. We are not fixing any proportions here. If it is administratively possible in the case of district cadres, then it is a matter for further consideration and examination. But one thing I have to make clear. It is not possible to have cadres for each municipality whatever might be the population. No doubt we can never have an ideal system but this communal rotation principle is an attempt to do justice to all the communities as far as it is administratively possible, and we would have to take the population figures for the whole province. Some communities may suffer in some municipalities, and they may gain in other municipalities. But the Government in administering the Act will have to take into consideration the requirements of the whole province. I may state if the population basis alone is to be applied, then the community to which my Friend belongs will really suffer. According to the present proportions fixed in the communal Government Order, I am sure his friends in other districts will not thank him for this. I, therefore, think if it is found administratively possible in the lower ranks as far as the district cadres are concerned, Government will consider the question of having a different principle for each district or any particular district. But as far as the higher grades which are going to be formed into a provincial cadre are concerned, I am afraid it is impracticable and administratively impossible to make a provision that every municipality must first agree before Government can apply the rule, or appoint the officer. There is a similar provision in the Act but up till now it was never possible to get the consent of the majority of the municipalities to constitute any of the provincial services. I, therefore, have to oppose the amendment."

The amendment was put and lost.

The House then rose for lunch.

After Lunch (2-30 p.m.).

* Mr. M. S. SRESHTA:—" Mr. President, Sir, I beg to move to add at the end of section 73 of the said Act the words:—
'Provided further that all rules made under this section shall be placed on the table of the Legislative Council while it is in session and shall not come into force until they have been accepted with or without modifications by the Legislative Council.'

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"My reason for proposing this amendment is that as the section proposed by the Hon. the Raja of Bobbili goes, too much power is given to Government. Government makes the rules and I am perfectly convinced that the Hon. the Chief Minister wants to do justice and no doubt the secretaries also want to do justice. But still, it may be that some little mistake has occurred and it may be possible if the rules are brought and placed on the table, they may be corrected. Especially, is this procedure necessary in the case of these new rules because these new principles are unknown in the municipality. In the section proposed by the Hon. the Chief Minister the only words by which the communal principle is sought to be introduced in municipalities is contained in the words 'including the rules for the representation of different communities.' It does not say definitely in what manner the different communities are to be represented. It is not even said that the communal principle followed by Government in regard to Government service is to be followed. It may be that the Government may evolve an entirely different principle in regard to the representation so far as municipalities are concerned. But still, so far as this Council is concerned, it has been clearly stated that the principle underlying the communal Government Order should be followed in the municipalities. It was my privilege to move a resolution that this Council recommends to Government to take early steps to enforce the principle underlying the Government Order in the local bodies. That resolution was unanimously passed. Later on, I enquired what steps were taken to enforce that resolution. I gathered that steps were taken, but I find that in the present amendment it is not clear what principle is to be followed. Is the Government going to follow the principle underlying the communal Government Order or is it merely going to follow some principle in consideration of the various circumstances which might be relevant to the present case? I think it is desirable that any rules that are framed must be placed on the table here and get scrutinized by the House. If this Bill had been referred to the Select Committee, my motion would not have been necessary. The whole thing would have been thrashed out in the Select Committee. Unfortunately, this Bill is being rushed through and the Hon. the Chief Minister has explained the reason for rushing through this Bill. He is desirous of improving the efficiency of municipal service. There is no doubt, whatever, and I believe, in certain respects, the amendments proposed by the Chief Minister are excellent. I think they will have the effect of improving efficiency of municipal service. All the same, there are various other things in which improvements may be necessary and it is for that reason myself and other hon. Members of this House were desirous of this Bill being referred to a Select Committee. Though the Government may be unbiassed and desirous to do everything correctly, there may be instances in the practical working where there may be different results. I will give one instance. Take the case of the Registration department. Those who had passed the S.S.L.C. examination were admitted as clerks and were eligible for promotion as sub-registrars. No rule was in

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existence at that time that they must get a prescribed percentage in certain subjects. Recently a rule has been made that those persons should have obtained 35 per cent in certain subjects to be promoted as sub-registrars. The result is that clerks who went into the public service under certain conditions are deprived of their vested rights. They must now pass S.S.L.C. examinations again and otherwise cannot be promoted. I asked interpellations about it. Always came back the answer that nothing can be done and that Government has acted in the interests of the services. I can give other instances to show how dangerous it is to arm Government with such autocratic powers. It is for that reason that I want the rules to be tabled. Mr. Bhatt made an excellent speech and suggested that in places where the conditions are not the same, special consideration should be given. But his proposal, however, failed. I must congratulate Mr. Bhatt for becoming a convert to my views. He has shown a sense of justice in that although a Brahman he was a sponsor of the cause of the Christians in South Kanara. I am not going into the communal point of view. I am rather tired of talking of communal questions. I do not want any community should be favoured. But I do not want any community to be prejudiced. Just because a man belongs to a particular community, he should not be punished. That is what happens in regard to various communities. In Mangalore, although a great portion of the population are Christians, their claims have not been recognized. The statement of Mr. Bhatt who is a strong and orthodox Brahman will prove my statement. Let us take another district. Take Kurnool now. The number of Muslims is 50 per cent."

* The Hon. the PRESIDENT:—"I think we have passed over the communal question in the last amendment."

* Mr. M. S. SRESHTA:—"I am just elaborating my point. I merely wanted to show that my remarks are relevant because I am asking for a somewhat new request for tabling the rules and affording an opportunity to the Council for debate. I wanted at least in the event of my motion failing, to show what I have in my mind. I want the Hon. the Chief Minister to see that all the difficulties mentioned by me and others are met. The difficulties will not be met unless the rules are tabled and subjected to the scrutiny of the House. I do not think the proposal is anything uncommon. In other administrations, I know of a section to the effect that all rules made under a certain Act should be tabled in the Council and should be subject to the changes by the Council. In any case, I do not think there is anything wrong in such a procedure. If that is not done, considerable harm will be done. Sir, I often get a sickening feeling that whatever is said here is useless. You may talk fully, advance the strongest arguments and feel that you are right; but nothing is done. As a matter of fact, the point pressed by me is very important. I know the Hon. the Chief Minister is actuated by the greatest sense of fairplay. I hope that he will carry out his usual policy and that now the matter is placed before him, he will not object but consent to the rules being tabled before the House and subjected to their

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2-45 p.m. scrutiny. The Members of this Council are acquainted with the conditions in the various municipalities, and they will be able to see things and find out exactly whether the rules are prejudicial or advantageous. As a matter of fact, there are certain services which are similar, and as regards these services there will be very little difficulty in following the communal rule. In certain other services, it will not be so. There the difficulties mentioned by the Hon. the Chief Minister will be found. All the same, the difficulties that there may be, will have to be faced, and the only way in which they can be faced is to take the House into the confidence of the Government, to frame rules and place them before this House and subject them to the fierce criticism of this House—I say fierce because there is some criticism of this sort. Unless that is done, the object the Hon. the Chief Minister has in view, namely, to render the municipal services efficient will not be carried out.”

* Mr. U. C. SUBRAHMANYA BHATT:—“ Mr. President, I have great pleasure in seconding the amendment which has been so ably moved by my Hon. Friend, Mr. Sreshta. One of the reasons why I second this amendment is because the power of rule-making really belongs to the legislature. Nowadays there has been a tendency to delegate that power to the executive. This sort of tendency has been evident for a very long time past, and at least ever since I got into this Council, I have been noting this tendency of delegating the rule-making power to the executive. Especially in a matter like this, it is advantageous that the power of the executive to make rules regarding communal representation should be curtailed at least to the extent that the rules framed by the Government should be made subject to the criticism of this House. It is for that reason mainly that I have risen to second this resolution.”

“ Then again, Sir, a Bill of this sort ought really to have been referred to a Select Committee. I say this because it was admitted by the Hon. the Chief Minister himself that though this section 4 is worded as it is here, still it was not the intention that this section should be put into force with regard to smaller services, but only with reference to those services which are provincialized or the higher services in municipalities and local boards. Well, Sir, if this had been referred to a Select Committee, there would absolutely be no need for this amendment. The Select Committee would have thrashed out the matter and made those distinctions in the Select Committee stage, altering the whole thing and presenting it to the Council in a better form. Now that right has been denied; a *carte blanche* is to be given to the executive to do as it likes. No doubt, the executive says that they are restricting the powers which this section gives them only with reference to the higher services. But we do not know where it will end. Anyhow, it will be advisable that this House has the advantage of seeing what they do and has a voice in the rules framed by the executive by examining and criticising them. This is the other reason why I have great pleasure in seconding this amendment.”

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* Mr. MAHBOOB ALI BAIG:—“ Sir, in rising to speak in support of this amendment, I wish to add one or two points. What the amendment wants is that provision may be made whereby the Government will be compelled to take this Council into their confidence when rules are made with regard to the communal matter. That will obviate several difficulties which the Government might be faced with in regard to the distribution of posts in different municipalities, and there will be very few occasions for asking questions on the very same matter on the floor of this House. The question of observing this communal rotation in the case of municipalities and local bodies is based on a different footing, and must be based on a different footing, from the representation of communities in regard to other services. Whereas in the case of other services, the whole population in this Presidency will have to be taken into consideration, in the case of appointments in the local bodies the different communities constituting the district or the towns or the cities will have to be taken into consideration. If the conditions were not different, there could have been no need for such a provision as this, because all would know that the general policy which is enunciated by the communal Government Order would be observed in this matter also. Since the circumstances are different in the case of these local bodies from the other services, it becomes very necessary that this Council is taken into confidence by the Government, and, as I said, there would not be many occasions for the members of this Council to ask questions on the matter, if the rules are framed with the consent and approval of this Council which consists of Members representing all communities in the Presidency. This is necessary I think also from the point of view of the communities concerned, as the Government will be saved from innumerable petitions from this community or that community. Secondly, as Mr. Bhatt has put it, it is always safer for the Government to act on the suggestion of the Council in regard to matters communal and also with regard to matters such as the rule-making power which are taken away from the purview of legislation. It is quite sound, democratic and desirable that all rules framed under any Act must be brought to the notice of the Council which is the sovereign authority as far as rule-making power and legislation are concerned, of course subject to the assent of the Governor or the Governor-General. Therefore, from these points of view, it is very necessary that these rules must be laid on the table of this House before they are allowed to come into force, especially in view of the fact that it is always safer for the Government in communal matters to act on the approval of this Council.”

* The Hon. the RAJA OF BOBBILI:—“ Sir, speaking on the previous amendment of Mr. Bhatt, I have already stated that if any communal rule is to be applied especially with reference to the higher cadres of services there must be only one rule. We cannot have a variety of communal rules for each district or each municipality. Moreover, under this Act some rules are to be prescribed, some are to be notified, and some are to be directly enforced and I do not see any reason why we should adopt this new procedure of the communal rules or rules governing

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the services being placed before the legislature for approval. As a matter of fact, I have already stated that we are going to apply the existing communal Government Order to local board services. So there should be no doubt in the minds of hon. Members that no new principle or new system will be introduced. When speaking on the amendment of Mr. Bhatt, I have stated that in the case of the lower cadres, they will be confined to the respective districts, and the Government will consider the question of special cases like the South Kanara district. As far as the various higher cadres in the services are concerned, there is absolutely no scope to have any different communal principle applied to local bodies. I have clearly stated that the present communal representation rule will be applied.

“Coming to the other point mentioned by Mr. Sreshta, he stated that these rules may be drawn up or concocted in the Secretariat unless they come to the floor of this House and discussed. Of course, he knows the subject is in charge of a Minister responsible to the legislature, and he can expect a responsible Minister, in framing these rules, to ascertain public opinion on the matter. If at every stage, the rules are to get the approval of this Council, administration will become impossible. I do not see any necessity for accepting this amendment. Moreover, this section is similar to the section already accepted by the Legislative Council with reference to the Madras Local Boards Act. Therefore, I beg to oppose this amendment.”

3 p.m. Mr. ABDUL HAMEED KHAN:—“I had not intended to take part in this debate but for one observation made by the Hon. the Chief Minister. He said that he has made up his mind to apply the communal rotation with regard to appointments in the higher services of local boards and municipalities. I have already stated in this House time after time that any communal principle that is being followed and worked in the Government departments and by the Services Commission, has to be revised. For the proportion that is allotted to the minorities is disproportionate even to their population. Then there is the question that there are many departments of Government where communal inequalities are of a very acute nature, and it is necessary, in order to set right such inequalities as early as possible, that this communal rule should be revised. I will not go into the question further except to say that if you are going to apply that communal principle even with regard to the higher appointments in the local bodies, I am afraid it will result in creating hardship to those people, which will exist for a long time. As has been pointed out already by the hon. Member in supporting this amendment, the proportions vary in various districts and you cannot apply the same rule throughout. It was stated by the hon. Members representing South Kanara and Kurnool that in their districts the percentage varies to such a large extent that the application of this communal order will not satisfy the requirements of communal justice. It will also be difficult to secure the services of members of various communities on a particular local body. I am glad, Sir, that the Government is not going to apply this rule irrespective of all considerations,

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but that they are going to decide as to the way in which communal justice can be done so far as these appointments are concerned. I wish, Sir, that Government did not stand on prestige. They seem to think that they ought not to confront the legislature with regard to the rules which they wish to make in this behalf. I thought that it was more the province of the legislature than that of the executive to frame or modify rules or to devise ways and means by which such things could be done. As a matter of fact it is the legislature which enacts legislation and I wish Government will consider this aspect of the matter, that there is not much difference between rules and legislation, but they are part and parcel. If it is the province of the legislature to pass legislation I fail to see how Government could arrogate to itself the power to frame rules. I know from experience that rules framed without consulting the legislature have not been satisfactory, and it has been found more easy to amend the existing Act than to modify rules. Government seem to think that the opinion of the House need not be taken so far as the rules are concerned. On the other hand, rules seem to be much more important than even the provisions of the Act and they go farther in this respect than the very provisions of the Act. I fail to see why Government should not agree to taking the House into its confidence in framing the rules.”

The amendment was put and lost.

Clause 4 of the Bill was then put and carried.

Clause 5.

* Mr. U. C. SUBRAHMANYA BHATT:—“I move—

“(a) After the words “transfer any officer or servant of a municipality” in sub-section (1) of section 73-A and before the words “to the service of any other municipality” add the following words:—

“Having a monthly pay of Rs. 100 and above”.

The reason why I move this amendment is to make a distinction in favour of the lower paid officials who have settled down in a particular place and who if transferred to another place would suffer great hardship. They have all along been thinking that they would not be disturbed and under that idea many of them would have purchased houses and engaged in other transactions which it would be very hard for them to leave. -My hon. Friend, Mr. Patnaik, suggests that many of them may have been even trading. I do not know if any municipal servant has been trading. If he has been, the municipality or Government would not have allowed him to continue in office. So I presume no municipal servant will be trading within a municipal area.

“Coming to the amendment itself, the idea is while it is not sought to prevent people getting higher salaries of Rs. 100 and above from being transferred, those drawing Rs. 100 and below should not be disturbed by these transfers.”

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Mr. P. V. KRISHNAYYA CHOUDARI:—"In seconding this amendment I want to bring a few more facts to the notice of the Hon. the Chief Minister. The principle that low paid people should not be disturbed has been accepted in the Revenue Department and other departments of Government. The Revenue Department do not transfer their subordinates below the grade of tahsildars, unless special permission is granted by the Board of Revenue which is done very rarely. When such is the case in the Revenue Department, that officers below Rs. 300 are not generally transferred from one district to another, I am not able to understand why Government is anxious to apply the rule of transfer to local body employees below Rs. 100. If they want efficient service these people should not be disturbed. Compared to other services, these people are getting very low salaries. The consolation is that they have been thinking that they will not be disturbed and they have got a sort of tenure of office. If this impression is shaken, as it is intended to do by the present rule, I am afraid the local bodies cannot get any efficient men hereafter. Now there are certain members here who have differences of opinion. Even in Government service, I am sure Mr. Patnaik will realize, there are people who do some trading. That depends on the mentality of the subordinates and superiors. But those are only exceptions and not the general rule. I myself know of some specific instances where some subordinates in some offices indulge in trading, business, and I do not want to mention them on this occasion. But as I said those are exceptions. Everywhere there will be black sheep. Even amongst people drawing Rs. 1,000 and above there will be black sheep. So we cannot generalize by taking examples of particular individuals. So I heartily second the amendment of my hon. Friend."

Sriman M. G. PATNAIK Mahasayo:—"Sir, the amendment is proposed on the supposition that because power is given to Government they will transfer all people drawing any salary, from one place to another. That is a great mistake. At the same time, my hon. Friend, Mr. Krishnayya Choudari, says that though Government have got the power of transferring their servants on whatever salary, as a matter of fact people getting below Rs. 300 are not transferred. Therefore, such power is necessary because occasions may arise when transfers will have to be made mainly in the interests of the municipal employees themselves. Suppose the chairman of a certain municipal council quarrels with one of his employees drawing Rs. 15 or Rs. 20. Then would it not be better in the interests of the employee himself that Government should have power to transfer him? Simply because Government have the power it does not follow that they will transfer any employee merely for the fun of transferring. Very often cases have arisen of employees themselves seeking Government aid for transfer from one local body to another. Therefore the restriction mentioned in the amendment is unnecessary. Of course this fact will be borne in mind by Government and except under exceptional circumstances Government will not transfer such employees. Of course I made a reference to some people trading, that some people may not like to leave the municipal limits, because

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besides their employment they may have other avocations. That is not a reason to be taken into consideration in this matter. Transfers will not be made on the initiative of the Government at any time. We cannot conceive of such cases. At all events such transfers should be made either when misunderstandings arise between the chairman or the executive officer on the one hand and an employee on the other. I know of some such thing having taken place in a municipality, and the employee has to be transferred to some other municipality. Such circumstances will arise, but Government will not take the initiative. Therefore one need not be afraid that Government would transfer everybody from the sweeper to the highest officer from one municipality to another."

* The Hon. the RAJA OF BOBBILI:—"Sir, as I have stated already it will be impossible to apply the communal principle in these appointments if we form separate cadres for the lower ranks of employees in the local boards. If this amendment is accepted, it would effectively prevent the communal principle being applied to servants drawing less than Rs. 100. 3-15 p.m.

"Secondly, as has been pointed out by Mr. Patnaik, this power is not intended to be used for making any wholesale transfers. It is absolutely necessary for absorbing the taluk board employees. I hope I have now made it clear that it will be impossible to form separate cadres for each municipality and then apply the communal rotation principle. For these reasons I am constrained to oppose this amendment."

The amendment was put and lost.

Mr. U. C. SUBRAHMANYA BHATT:—"I move, Sir—

'Add after the words "Madras Local Boards Act, 1920," at the end of sub-section (1) the following words:—

"and vice versa with the consent of the council concerned".

Mr. U. C. SUBRAHMANYA BHATT:—"It has been stated by the Hon. the Chief Minister himself that the main object of this amending Bill is to enable him to absorb in the municipal service, taluk board employees who have been left without a job. But I may ask and I may ask also the lawyers in this House to say how with the wording of the section as it is, the Government could appoint taluk board servants to municipalities? All that the section says is this:—

'Notwithstanding anything contained in this Act or in the Madras Local Boards Act, 1920, the Local Government shall have power to transfer any officer or servant of a municipality to the service of any other municipality or of any local board constituted under the Madras Local Boards Act, 1920.'

"It only says that a municipal servant can be transferred from one municipality to another or to a local board. Does it give power to the Government to transfer a local board servant to a municipality? It does not and so my amendment is necessary to achieve the object the Hon. Minister has in view. When the previous amendment was under discussion I understood the Hon. Minister to say that under the Local Boards Act there is provision to prevent district boards making new

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appointments until the taluk board servants who have been disbanded are absorbed. That may be so with reference to the Local Boards Act. Even there, however, I doubt whether power is given for the appointment of taluk board servants. Whatever it may be with reference to local boards, with reference to municipalities the matter stands on a different footing. There is nowhere any power given for appointing local board servants to municipalities. There is also nothing to prevent municipal councils appointing new men till the taluk board servants are absorbed. I submit that this amendment is absolutely necessary to carry out the intentions of the Government and I hope the Hon. the Chief Minister will not oppose it."

* Mr. MAHBOOB ALI BAIG:—"I second this amendment and trust that the Hon. the Chief Minister will not oppose it. It only strengthens his position. This amendment is certainly in furtherance of his object, namely, to give employment to the taluk board employees who have been thrown out of office. As it is worded the section does not empower the Government to appoint taluk board employees. What it says is that municipal servants may be transferred from municipal service to taluk board service. It does not empower the Government, as I said, to transfer a taluk board servant to municipal service. This is not an amendment which goes against the intentions of the Hon. Minister. It will only make his intention clear and enable him to achieve his object. I would once again say that no power is given in this section to transfer taluk board employees to municipalities. At least for the sake of clearing the position the amendment may be accepted."

* The Hon. the RAJA OF BOBBILI:—"As regards some of the points explained by my hon. Friend, Mr. Bhatt, I am afraid he has not been following the discussion on this Bill. I do not, however, propose to enter into a discussion on it and take up the valuable time of the House. As regards the amendment he has now moved, I would invite his attention to the next Bill on the agenda (No. 19) which, if he reads, along with this Bill he will find that this has been already provided for. Confessing that I do not quite follow the argument of my hon. Friend, I think this amendment is not necessary."

The amendment was put and lost.

* The Hon. the RAJA OF BOBBILI:—"I beg to move the following amendment:—

To sub-section (1) of section 73-A, add the following proviso at the end, namely:—

"Provided that such power shall be exercised after consulting the local bodies concerned."

"Notice of this amendment I gave after the consultation I had with some Members of the House at the time of the last sitting of the Council. The amendment is quite clear and does not need any explanation."

Mr. T. SUNDARA RAO NAYUDU:—"I second the amendment."

The amendment was put and carried.

Clause 5 as amended was put and carried.

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Clause 6.

New sub-section 3 (b) (i) of section 87.

Mr. R. FOULKES:—"Sir, I move—

'In the last line, add the word "and" at the end.'"

Mr. P. V. KRISHNAYYA CHOUDARI:—"I second it." (Loud laughter.)

The amendment was put and carried.

Clause 6 as amended and clause 7 were put and carried.

The preamble was put and carried.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move that the Bill be passed into law."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

The motion was put and carried and the Bill was passed into law.

VI.—A BILL FURTHER TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, AND THE MADRAS LOCAL BOARDS AND ELEMENTARY EDUCATION (AMENDMENT) ACT, 1934 (BILL NO. 19 OF 1934).

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to introduce Bill No. 19 of 1934 further to amend the Madras Local Boards Act, 1920, and the Madras Local Boards and Elementary Education (Amendment) Act, 1934, and move that it be taken into consideration at once."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I am 3-30 p.m. afraid we will not be able to finish this Bill in another half an hour that is before us. As we are anyhow going to meet tomorrow for the purpose of disposing of the rest of official business that will be left over, I suggest that we may have this Bill also postponed to tomorrow. Incidentally this will give us an opportunity of studying this Bill and suggesting amendments to it, especially as it is not going to be referred to a Select Committee. We can now, without wasting the time, take up the next item on the agenda, the Elementary Education Bill or some other official business. I move the proposition."

* The Hon. the PRESIDENT:—"I am not quite sure if the hon. Member can be confident that the Elementary Education Bill can be finished in half an hour. Therefore it is better we go on with this Bill. The motion is that the Bill be taken into consideration."

Mr. U. C. SUBRAHMANYA BHATT:—"Sir, I move that this Bill be referred to a Select Committee. This Bill is more or less on the same lines as the Bill which we have passed into law. From the fact that no hon. Member has given notice of amendments to this Bill I am quite sure that . . ."

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* The Hon. the PRESIDENT:—"It is not compulsory for the hon. Member to make this motion; he may withdraw it if he likes."

Mr. U. C. SUBRAHMANYA BHATT:—"Sir, I have been saying that this Bill is more or less on the same lines as the Bill which we have passed into law. Therefore, reference to a Select Committee is absolutely necessary in this case also for the same reasons for which the other Bill was referred to a Select Committee. If the Bill is referred to a Select Committee we will have an opportunity to suggest changes in wording and changes in principle also. We can all come to an agreed settlement. The Hon. the Chief Minister will agree that the language of the Bill is capable of improvement and if some time is given we may put our heads together in the Select Committee and improve it. The other arguments have been narrated already while the other Bill was introduced and referred to a Select Committee. I think for those same reasons this Bill also may be referred to a Select Committee."

Mr. ABDUL HAMEED KHAN:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"Sir, for the benefit of my hon. Friend who has moved this motion, I may say that this Bill is not entirely similar"

Mr. U. C. SUBRAHMANYA BHATT:—"I did not say entirely similar; I said more or less on the same lines."

* The Hon. the RAJA OF BOBBILI:—"That was how I heard him say. Anyhow that itself is an additional reason why we should consider the Bill even now. We have passed a Bill on similar lines half a minute ago and that is an additional reason why we need not take up much time in discussing the provisions of this Bill. So far as this Bill is concerned, as has been stated in the Statement of Objects and Reasons, clause 2 deals with the date from which the period of a person who has been restored is to count. Clause 3 deals with the question of transfers. Clause 4 gives powers to panchayats to spend their funds for sanitary and public health purposes and for water-supply. Clause 5 makes certain verbal amendments to the transitory provisions of the last Madras Local Boards Amending Act which is known as the Taluk Boards Abolition Act. There it is stated that a district board should be bifurcated during the term of office of the members at the time of the passing of the last amending Bill without having recourse to a general election in various circles. The question of bifurcation of districts has been found to be a more complicated question than we anticipated. Before this question is finally settled, general elections will be held in some other districts. Then it follows that the transitory provisions of the Act cannot be used in bifurcating a district. It means invariably when a district is bifurcated recourse must be had to the permanent provisions of the Act which would necessitate a general election in the district. In other words, clause 5 seeks to extend the operation of the transitory provisions in that Act to such districts also, where general elections have been held. Nothing new is sought to be introduced by this Bill. There is no necessity for referring this Bill to a Select Committee."

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Mr. U. C. SUBRAHMANYA BHATT:—"The Hon. the Chief Minister said that in moving the amendment to refer this Bill to a Select Committee I said that this Bill was the same thing as the old Bill. If I remember aright I only said that more or less this Bill is in some respects the same as the other Bill. Clauses 2 and 3 are mere repetitions of the former Bill and only clauses 4 and 5 are slightly different. Therefore we are both partially right and partially wrong."

The motion that the Bill be referred to a Select Committee was put and lost.

The motion that the Bill be taken into consideration was put and carried and the Bill was taken into consideration.

* The Hon. the PRESIDENT:—"Clauses 1, 2, 3, 4 and 5 are for the vote of the House."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I suggest that clauses 1 to 4 may be put together and clause 5 may be put separately."

Clauses 1, 2, 3 and 4 were put and carried.

Clause 5.

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I want to speak on this clause with a view to suggest to the Hon. the Chief Minister the desirability of not moving this clause at this stage. Anyhow so far as clause 3 is concerned, we did not want to raise any objection to it, because as he explained, the power to make transfers is absolutely necessary if the provisions of this Bill are to be implemented. Clause 5 deals with the question of bifurcation of district boards. The power to bifurcate district boards is there in the Act. It is because the Hon. Minister feels that the power being a transitory one would be exhausted, he wants this section to be enacted with a view to enabling him to split district boards in future also. He told us that the splitting of district boards was not an easy matter as he thought that many old boards would be reconstituted this year and that the question of splitting them would have to wait until the next general election. This point raises an important question as to the policy to be adopted by the Government with regard to the splitting of district boards, namely, if splitting is to take place, whether it cannot be contemporaneous with the elections that may take place hereafter and whether the proposals for splitting cannot be appropriately postponed so that they may take place just about the time when the elections will come ordinarily once in three years. That is a point which I would like the Hon. the Chief Minister to consider. The proposal now in the clause is that as a matter of course he should be able to split up a district board at any time. If a board is split up, the new reconstituted boards would function for the rest of the term for which the original board would have continued. The point that will have to be considered is whether after all it is necessary to split a district board in the middle of its term and whether such a proposal could not

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conveniently be taken up so as to come into operation along with the reconstitution when it takes place. I request the Hon. the Chief Minister to have this clause embodied in a separate Bill and have the Bill referred to a Select Committee so that the various questions involved may be considered. I am asking this in the hope and belief that this provision would not be absolutely urgent or emergent. I do not think he contemplates the bifurcation of any board before January so that by putting off the consideration of this clause and having it embodied in a separate Bill no serious hardship would result. I therefore beg to oppose the clause."

* The Hon. the RAJA OF BOBBILI:—"Sir, as I have explained before, clause 5 is for merely extending the operation of the transitory provisions even to those districts where elections have been held recently. It is not, as far as I can see, a substantial amendment of the Act. The question of bifurcation of districts and other questions are, in my opinion, not involved in this amendment. There are already substantial provisions of the Act and there is power to Government to bifurcate districts. As has been pointed out by my hon. Friend, Mr. Muniswami Nayudu, it will be no doubt convenient to bifurcate districts just on the eve of the expiry of the normal term of office. But just now we have experienced a difficulty. A case may arise where a general election has just been held. For example, in the district of Vizagapatam general elections will be completed on the 29th of this month.

3-45 p.m. "If we are to wait, we will have to do so for three years. If a district board is going to be bifurcated and if the general elections are to take place in the normal course shortly, bifurcation will be made so as to coincide with the date of the elections. But in cases where only recently general election was held, it will be most inconvenient and undesirable to throw the district into another general election by using the substantial provisions of the Act; when it is found that it is necessary to bifurcate a district, it is not desirable that we should wait for a period of another three years. Hence this is not a new provision to be sent to the Select Committee. Instead of saying that this section will benefit the members of district boards who were in office at the time of the passing of the last Act, we simply say that if in the middle of the term of office of members, bifurcation takes place, they will continue as members without any general election. I therefore submit that no principle or policy is involved in this clause. As far as I can see, there seems to be no necessity to refer this clause to a Select Committee.

"As regards the other point I shall once again repeat that it will be my endeavour to see that when a district is going to be bifurcated, the bifurcation will, as far as possible, coincide with the closing of the normal term of office of the members. The necessity for such a provision arises from the fact that the bifurcation of the Vizagapatam District Board could not be completed before the general elections which are now taking place there."

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Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, with reference to the statement made by the Hon. the Chief Minister, I wish to say this. If the bifurcation is to take place after the general elections, some members have got great apprehension that the bifurcation may be used as a weapon against the members of the opposition. In order to avoid this contingency, we are anxious that the Hon. the Chief Minister should see that the bifurcation is made in advance before the general election takes place. If this is not done, there may be lot of injustice to the members of the opposition. I therefore request the Hon. Minister to have this aspect of the matter in his view and pass orders accordingly. We are not much interested about Vizagapatam district because it is the district of the Hon. the Chief Minister and he may do as he likes. But about the other districts, he should see that orders are passed regarding bifurcation of districts in advance of the general elections."

Mr. R. MADANAGOPALA NAYUDU:—"Sir, I thought the statement the Hon. the Chief Minister just now made is a sufficient guarantee for my hon. Friend, Mr. Krishnayya Choudari. He said that bifurcation will not at once be followed by general election. There has been a strong feeling in certain quarters that bifurcation of the several districts should have been taken up on hand even now and that there has been some delay. Owing to the abolition of taluk boards, a heavy burden has been thrown on the district boards. The idea of enacting the new provisions is that we should have smaller district boards. The general feeling is the sooner the districts are bifurcated, the better. I would request the Hon. the Chief Minister to proceed with the bifurcation of the district boards as rapidly as possible."

Clause 5 was put and carried.

The preamble was put and carried.

The Hon. the RAJA OF BOBBILI:—"I move that the Bill be passed into law."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"I simply opposed clause 5 and I had no occasion to reply. Therefore I wish to say a few words. The Hon. the Chief Minister gave us the assurance that the bifurcation of the district boards will come into operation with the reconstitution of the boards. Before passing these orders, I hope he will take into confidence the Members of this House, because they are also concerned with the future administration of local boards in the Presidency."

* The Hon. the RAJA OF BOBBILI:—"Sir, I have already said that all of a sudden a district cannot be bifurcated; there is a certain procedure laid down under the Act. The Government have to issue notices to the district board when the question of bifurcation is taken up and the district board will be asked to show cause why the district board should not be bifurcated in a particular manner; only after receipt of reply,

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the proposals for bifurcation will be given effect to. Although it is nearly nine months since the last amending Act was passed giving power to the Government to bifurcate the districts, the very fact that the Government have not been able to bifurcate a single district so far, shows that the Government are giving their best consideration to this question. This question will be viewed in the interest of the whole Province, not on party lines or for party purposes. Last time when the Bill was being discussed in the Council, no doubt many hon. Members expressed that it was intended to affect only a particular district or districts. I think sufficient time has not elapsed to show that it is a measure intended for the improvement of the whole Province and for better administration of local boards in this Province. Therefore I do not see any reason why either the members of the Opposition or of my own party should apprehend that any of these powers will be abused."

The motion that the Bill be passed into law was put and carried, and the Bill was passed into law.

VII.—A BILL FURTHER TO AMEND THE MADRAS ELEMENTARY
EDUCATION ACT, 1920, FOR CERTAIN PURPOSES
(BILL NO. 17 OF 1934).

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mr. President, Sir, I introduce Bill No. 17 of 1934—a Bill further to amend the Madras Elementary Education Act, 1920, and move that the Bill be referred to a Select Committee. In doing so, I wish with your permission, Sir, to make just a few observations regarding the main provisions contained in the Bill. The Statement of Objects and Reasons annexed to the Bill has explained briefly what the main provisions are and for what purpose they are sought to be enacted. The Madras Elementary Education Act, as hon. Members are aware, was brought into operation in the year 1920 and it was in this Act that provision was made for the first time for the introduction of compulsory elementary education in this Presidency. Since that year, that is, 1920 the growth of elementary education not only in this Presidency but in the whole of this country has been surveyed more than once by competent people. In this Presidency itself such a survey was conducted in the year 1927 by an officer specially deputed for that purpose; and that survey, I may mention for the information of hon. Members of the House, disclosed among other things that though during the period between 1920 and the time when this survey was made, there was a large increase in the expenditure from provincial revenues on elementary education, in the number of elementary schools that came into existence and also in the number of pupils who attended these schools for some portion of the elementary course, yet no appreciable increase was found in the number of pupils who attended the schools for a sufficiently long period to become permanently literate. The wastage between one class and the next was found

* Published in the Fort St. George Gazette, dated 2nd October 1934.

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to be almost the same even in spite of the Elementary Education Act. Elementary education which is intended to produce permanent literacy, can be effective only when the pupils entering these elementary schools remain there sufficiently long to acquire it. Wastage necessarily results from the premature withdrawal of pupils before they complete their school-age and the elementary school course. This, as I said, was the state of things disclosed by the survey undertaken in the year 1927. The later figures available to the Government tell the very same tale. There has been no improvement with regard to wastage. As hon. Members are aware, there was a very careful and complete investigation of the growth and state of elementary education by the Hartog Committee also; their investigation was not confined not to this Presidency but extended over the whole of this country, and the result of their review was that there was wastage and ineffectiveness throughout the educational system and in the primary system the wastage was appalling. I shall not, at this stage, weary the House by quoting any 4 p.m. elaborate figures beyond stating, as I have done, the deductions to be reasonably drawn at from the statistics prepared by the Educational department."

* The Hon. the PRESIDENT:—"The Hon Member may continue his speech afterwards. We shall now take up the adjournment motion."

II.—ADJOURNMENT MOTION *re* RECOVERY OF LAND REVENUE
SUSPENDED LAST YEAR.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, I beg to move that—

'the business of the House be adjourned to discuss a definite matter of urgent public importance, to wit, the attempt that is being made in various districts to recover the land revenue suspended last year, and the necessity of treating it as remission.'

Sir, the Government were pleased to grant a suspension of land revenue last year as the result of a resolution passed by this House. The collections for this year are going to begin in January next, and yet the Government have not announced that the suspension would be treated as remission. On the other hand, the Government seem to be making arrangements for collecting the suspended revenue this year in the shape of an additional instalment. There is no doubt, Sir, that there has been no improvement in the situation this year; on the other hand, it has become much worse. Hon. Members are aware that yesterday an adjournment motion was moved requesting Government to take relief measures in certain districts where famine conditions were prevailing, for want of proper and timely rains. An announcement converting the suspension into a remission has been long overdue. The prices of agricultural stuff have not increased. No doubt about a month back, the price per bag of rice went up by a rupee or Rs. 1-4-0, and probably on that account the Government are tempted to collect the suspended revenue. But I may say that this small increase has not benefited the ryots. Even at the time of the collection of revenue last year, the ryots sold

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away their stock of paddy for paying the kist, with the result that the ryots have no stock of paddy to sell now and so they are not profited by the present small increase. The present rise in price has benefited only the merchants; and the ryots will be benefited only if the present rise continues till after the next harvest. But, as a matter of fact, the price has again gone down within the past two weeks by about 8 annas or so per bag. It is therefore clear that the present rise is not a steady one. We have also been bringing to the notice of the Government for some time past the fact that recently there has been a large importation of Siamese rice into this Province; and yet no steps have been taken by the Government so far with a view to prevent such importation. In reply to our questions on the point, the Government have been giving evasive replies to the effect that they were addressing the Government of India on the matter, and nothing has so far been done in the matter. Up to now, the quantity of foreign rice imported into this Province comes to about 200,000 tons; I should like to know what steps the Government have taken to prevent further importation. Except writing a few letters to the Government of India, nothing has been done.

"Again, nearly two years ago I brought to the notice of the Government that the Nizam's Government were levying a duty on rice exported into their Province from this Province, in contravention of the treaty rules between these two Governments. Yet, in reply to questions put to him on several occasions, the Hon. Member in charge has been continually saying that the matter was under correspondence with the Government of India.

"As a result of the representations made by several Members of this House, a marketing officer also has been appointed; and the Government of India seem to have advised Provincial Governments to appoint such an officer to help the agriculturists. But we are unable to understand what the marketing officer has done. When we put questions asking for information as to what he has done, we are told that his report is not yet ready; and when we ask when his report will be ready, we are again told that nobody could say definitely. Is that the way of giving information to the Members, I ask? What are the steps that the Government have taken to meet the present situation? Again, no action has been taken in regard to the crop-planning proposals, to which I have referred on several occasions. Except in the shape of putting questions on the floor of this House, Sir, we are ourselves unable to do anything in all these matters. This year particularly we have very late rains; the river Kistna which used to have floods at this part of the year, does not carry much water now. There were temporary floods in that river some two months ago, but they only served to make the ryots suffer all the more, because in certain parts they washed away early transplantations. The result is that the people are again suffering from scarcity of water in the river, and the crop which they have already raised is in danger of withering. While this is the case in the delta area, the dry area is suffering from want of the usual seasonal rains. Yesterday, many members complained about the situation in their districts. So far as my district is

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concerned, there are several taluks such as Vinukonda, Narasaraopet, Ongole, etc., which are affected like this almost every year; this year of course they are much worse. For all these reasons, Sir, the Government should give an assurance to the ryots that the suspended revenue would be treated as a remission and that it will not be collected from them this year. As a matter of fact, instead of giving any relief to the ryots, the Government have actually been collecting additional taxes from them. For example, the Government have increased the water-rate, making it flat at Rs. 6-4-0 so far as the Guntur district is concerned. In the Tanjore and other districts also, I understand through my friends, that the water-rate has been increased. When the ryots are not in a position to pay even the ordinary land revenue, I do not know on what principle the Government are increasing the water-rate.

"Another point is this: in certain districts, resettlement operations are going on; it was only yesterday that we were told in this House that the resettlement rates would come into effect next year, or something like that. If that is to be the case, I think the Government would not be acting wisely. I therefore appeal to the Hon. the Revenue Member to issue early orders to the effect that the suspension of kist ordered last year would be remitted completely.

"The Hon. the Revenue Member, Sir, is likely to retire by the first week of January next and as a token of his services to this Province, I appeal to him to see that orders in this respect are issued before he lays down his office. His Excellency the Governor also is laying down his office shortly; he is going to address this House in an hour or so. If only in his farewell message he will be pleased to include this remission of the suspended kist, we will all appreciate that farewell gift and the ryot population of the Province will appreciate it highly. With these words, I move my motion."

* Rai Sahib C. KOLANDA REDDI:—"Mr. President, Sir, I beg to second this motion, if ever an adjournment motion needs seconding. When I was in my district, Kistna, some time back, I heard this rumour for the first time. It was something like the rumbling of a distant thunder—I heard that steps were being taken to collect the suspended land revenue, and that arrangements were being made for the purpose. It was a surprise to me, if not a shock; because I knew the condition of the ryot and there has been no amelioration of his condition after the suspension of the revenue, up to date. Anyway, it was but a rumour and it was so deliciously vague that I fondly hope, that it had no foundation as many rumours are. But what was my surprise when I came to the Council hall, many of my friends were talking about the same thing. What is the cause of all this flutter for the collection of revenue that has been suspended? I understand that there has been a rise in the price of paddy and some other commodities. Paddy, you are aware, Sir, was sold during the kist season, that is from January to March, at Rs. 2 to Rs. 2-8-0 per bag of 166 lb. Similarly other commodities. But now, there has been a rise up to Rs. 4 or thereabouts per bag of paddy and

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similarly *pari passu* there is a rise in the prices of other commodities. Now, admitting that there is a rise, the question is, who is benefited by this rise? Is it the ryot? Certainly not, as everybody knows. The fact of the matter is, there was the kist season from January onwards and paddy and other things were thrashed, just then; and there was such an insistent demand from the Revenue authorities for the payment of kist and as the price was very low (what was selling at about Rs. 10 or thereabouts, was sold at Rs. 2 or Rs. 2-8-0 at the most), the ryot was obliged, the price being very low as I said, to cart away all the paddy and other produce from the thrashing floor direct to the market and dispose it of there and then. Now, in this connexion, I may submit, if kist is collected—no doubt it is collected in three or four instalments—during the four quarters of the year, it would have been much better to the ryots. Of course Government would be spending money for their expenditure all over the year, and not only during the kist season, that is, at the beginning of the year alone. So, Government can very well afford to wait for the collection of the kist not in the first quarter of the year, but throughout the year at four distant intervals. If that is done, there would have been no necessity on the part of the ryot to cart away all his produce to the market immediately after it is harvested. That has not been done despite the repeated requests made to the Government, and the consequence was, the ryot had to remove the whole thing and put it in the godowns of the merchants. So, now that there is no paddy with the ryot, the sowcar is indulging in what is called profiteering. He has cornered all the paddy, something like American Trust business. Now, it is entirely the mischief of the sowcar or the merchant. Of course he is reaping the whole benefit of it. Probably you may mulct him in the shape of income-tax, you may make him disgorge the bloated amount that he has gathered at the expense of the ryot. Nobody would be sorry for it, but you are going to the wrong shop, you want to victimise the ryot, which is the most unkindest cut of all. Now, it is needless for me to say that the ryot is lying very low on account of this depression which is unprecedented, as everybody knows. There is such a fall in prices that any quantity of paddy or other grains can hardly fetch the amount required to meet the demands of the kist. That is a very well-known fact and it is realized not only by the ryots but also by other people.

“Of course, the Government seem to think that the ryot is something which can be squeezed and the kist amount taken from him; and Government seem to remember the ryot only during the kist season. That is all, so much so, afterwards he is more or less thrown on scrap heap. Now, Sir, we have been requesting the Government often to help the ryot who is financially very bad whose condition is more or less verging on despair as everybody knows, to help him to stand on his legs, and to put him up again on his feet by resorting to certain measures which any Government is bound to do. But, unfortunately, this Government has failed till now in almost all these respects. As I have already drawn your attention, the collection of kist in the four quarters of the year has not been done up to-day and it is a thing so very easy to do, so entirely

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lying in the hands of Government that by a mere stroke of the pen, if they only want, it can be done very easily. What I am rather very sorry to say is that Government is an excellent one as a good machine, but what is wanting in it is, there is no human touch about it—sympathy, let alone the heart.

“Again, Sir, there is the Co-operative department of the Government. God alone knows what good it is doing to the people. But, for one thing, the ryot in these days of depression has lost credit. The Imperial Bank does not lend him a pie either on his land or person or on his house or on any other real property. The Imperial Bank only wants gold and nothing but gold. As a matter of fact, even a ryot who is worth more than thousands of acres and is cultivating about a thousand acres of paddy in the Kistna district, that man does not possess Rs. 10 in cash. I have been visiting the district and moving with ryots and I know their condition and there is not even a few coppers in a village all told. That is the real condition under the British Government which is so benign. Now, if only the Government wanted it could have done at least some little things to ameliorate the condition of the poor ryot, who is more or less the bed-rock, the foundation, the very basis of the Government. Of course, Government must know, as every one knows, that if he collapses the Government which is based upon him must also collapse. The sooner the Government realizes this, the better it is not only for the people but also for the Government.

“Now, as I said, with regard to marketing facilities, so far as the ryot is concerned, it does not go far. We agree that there has been some kind of action taken by the Government, in a more or less academic manner. It is to be seen, how far it will be helpful to the ryot. We have been requesting the Government with regard to the dumping of Siamese and other kinds of rice, and what is the answer given by the Hon. the Finance Member. He says ‘We did all we could’ What is that they have been doing—simply addressing the Government of India. There, they think, their task is finished, and their duty satisfactorily discharged. I leave it to the Hon. the Finance Member and the other Members of the Cabinet to say whether that is all that is expected of the Madras Government, because it is us the shoe is pinching; and it is the Madras Presidency that is suffering from this dumping in, and not the other provinces in India. Why not we fight? Of course the Hon. the Finance Member is a fine fighter, and I do not know where his fighting spirit has gone now. What is the good of calmly and coolly addressing a very fine letter to the Government of India. They will shove it in, you know where. On the other hand, there must be a hand to hand fight, because competition is so keen among the Provincial Governments.”

* The Hon. the PRESIDENT:—“Order, order, hon. Members are anxious to hear more relevant issues on the motion.”

Rai Sahib C. KOLANDA REDDI:—“Very good, Sir, I never expected the Government would be rather pleased at this part of the year to think of collecting the revenue that has been suspended. What I therefore

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suffering back. So, I request that Government may resort to other for doing it, and their action will not be warranted by the actual state of affairs. Along with it, we also request the Government to do something towards the practical amelioration of the condition of the people, the ryot especially, instead of adding a further burden to his already suffering back. So, I request that Government may resort to other remunerative measures to enable the ryot to stock some paddy in order to allow him credit. That is very easy.

“Then, Sir, with regard to transport facilities, of course, that too is an imperial affair and Government would address another letter to the Government of India. It would, I think, be of no use. I request that under no circumstance Government should think of collecting the revenue which has been suspended. Sir, in several parts of the Kistna district we have no seasonal rains at all, and as I left Kistna, the dry crops too were starving. In these circumstances, my only prayer is that it is inopportune, not only inopportune, but also inadvisable on the part of the Government to think of collecting the suspended revenue. I therefore earnestly request the Government to remit it and to announce the same at the end of the meeting.”

4-30 p.m. Mr. K. P. RAMAN MENON:—“Sir, I rise to support the motion not in a carping spirit of criticism of the action of Government, but to know the attitude of the Government with reference to last year's suspension and this year's collection. It was no doubt a great relief to us to learn that the Government have suspended last year's collections to the extent of 12½ per cent, which if worked out on the increased assessment, really came to 14½ per cent. That is a great thing to the ryots on the West Coast and I believe it must have been the same to the ryots of the other parts of the province also, but we have not heard from the Government what they mean doing with reference to the suspended revenue. We have sent up resolution on this question of revenue remissions, but unfortunately there is no opportunity to discuss them, and so we want to know what the mind of the Government on the matter is. It is in that spirit that I support the motion. Speaking for my own district I think many of the hon. Members must be aware that we depend entirely upon rain and our crops want rain from the beginning of the south-west monsoon, that is, from the end of May to the middle of September. And anybody who has travelled in the district, officers who have served in the district must have known that in the paddy producing taluks of Ernad and Walluvanad, the land is in terraces, where if there is no rain the upper terraces dry up and the crops wither away. This year the monsoon is phenomenally light. It broke on the West Coast about the 6th or 7th June. Ordinarily we get it about the 25th or 26th of May. This year it is six days late and then it totally ceased about the 15th of July. We had no rain from the 15th July to the 25th September. This injured not only the paddy crop but also the pepper, ginger and coconut crops as well. These are the main crops in our district. No doubt in the beginning when there was rain in July, the pepper plants put forth ears. But owing to the absence of rain afterwards and because of the

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blazing sun from the 15th July onwards till the 25th September the plants did not grow well, and when the crop is harvested it will be found that it will be very much below normal. I am myself the owner of pepper gardens and have seen the crops and speak with personal knowledge. In regard to coconuts also, on account of the dearth of rain, they have dropped off. To add to all these, the prices of food-stuffs are not very much better than they were last year. There was no doubt a slight rise with reference to paddy for about a fortnight, and that fact must have been reported to the Government. But it must also have been reported to the Government that the prices have now fallen to the level obtaining before this rise. The prices now ruling the market are as low as those of last year. With reference to coconut, the prices now obtaining are Rs. 17 or Rs. 18 as it must be known to the Members of the Government, so far as Malabar is concerned. The entire population in Malabar depends on coconut for their subsistence, as there is no paddy for most of them, and when the price of coconut falls below normal, they suffer acutely. Under these circumstances it will be only a wise step for the Government to remit totally the revenue that was suspended last year and similar remission should be granted this year also. With these few words I support the motion of my hon. Friend.”

* The Hon. Sir ARCHIBALD CAMPBELL:—“Mr. President, Sir, I am rather interested to notice the different lines of argument adopted on different occasions by hon. Members. One day we are told that the prices have gone up to such an extent that they are causing a considerable amount of distress in certain area. And next day we are told that they have dropped and we cannot expect any rise in prices. Also some remarks have been made regarding the failure of this Government to take adequate action with regard to stopping the import of rice by sea. I could not help feeling when I listened to the debate yesterday that many of the speakers then were providing arguments for those who are opposed to the stoppage of the import of rice. They were telling us that there was considerable shortage of crops in large areas of this Presidency; and if so, it will be a question for consideration whether sufficient grain will be grown within the province to supply the needs of the province as a whole. As has already been pointed out, the Government have done all that they possibly can in this direction and I do not think that hon. Members were serious when they suggested that the Hon. the Finance Member should take more violent measures. As regards the export of rice to Hyderabad, the Hyderabad Government have, I know, reduced the charges or rates for the import of grain on more than one occasion since the prices fell, and they have paid some attention to the representations of this Government.

“My hon. Friend, Mr. Kolanda Reddi, pressed for the land revenue to be collected in four instalments, each instalment being in a different quarter of the year. We revised all the kistbandis a year or two ago in order to remove any undue hardship that may be caused to the ryots

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by the old kistbandis. But I am afraid we could not accept the suggestion made by my hon. Friend, because if the first kist had been paid in the quarter in which the harvest takes place, there will probably be no security left for the other three kists. I do not think the postponement of the kists would prevent the ryot from selling his grain if he could get a price for it. It would simply mean that he would spend the money on something else and we should have considerable difficulty in recovering our land revenue.

"Now, Sir, those remarks were, I may say, somewhat beside the main point of this resolution which relates to the suspended revenue of last year, the revenue which was suspended on account of the fall in prices and the economic situation. I was very much surprised at the terms of the resolution which seemed to imply that various Collectors are already taking measures to collect the suspended revenue. (An hon. Member:—'They are threatening to collect.') In no district of the province does the collection season begin until December, i.e., the 10th day of December; so it would be quite premature for any Collector to attempt now to collect any of the suspended revenue. In the order issued in January on this subject the Government stated that the collection of the suspended revenue will be governed by the rules contained in the Board's Standing Order No. 14, paragraph 8. I may read the relevant portion of that paragraph:—

'The Collector should, about two months before the commencement of the kistbandi of the year following that in which revenue is suspended submit for the consideration and orders of the Board and Government a report as to how the early crops of that year have fared and whether the whole of the suspended revenue and, if not, what portion thereof, can be collected with the current kists.'

"I cannot imagine that any Collector would start collecting the suspended kist until he has received the orders of the Government on the subject. I think, Sir, therefore, that there can be no reason to fear that the suspended revenue will be collected prematurely. No specific instances have been alleged this afternoon. We expect the reports from the Collectors to reach the Board of Revenue by the 1st of November and the Board's report to us should reach us within a comparatively short time after that; after the Board receives the Collectors' reports, it will of course take a certain amount of time to consider them and prepare a consolidated report to the Government. We should be able to get out orders as regards the suspended revenue of last fasli before the kist season begins. In any case there is no risk of the suspended revenue being collected before orders are passed by the Government, and we hope to get these orders out before the kist season begins in any district. In considering what is to be done, we shall take into account the past season, the present prices, the present

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conditions and also the remarks which have fallen from hon. Members this afternoon. I can assure you, Sir, and this House that the Government will give their most careful consideration to this question.

"Reference has also been made to the question of relief to be given as regards the land revenue of this fasli. That is a matter which will have to come up for later consideration. But in this matter again we expect to get full reports from the Board of Revenue probably in the month of December. It is no use calling for reports too early. If we obtained these reports about a fortnight ago when the prices were apparently at the highest peak, we should have got very favourable information from the districts. From what hon. Members have been stating now the prices have been falling again and it is possible that we should now get less favourable reports. So, Sir, I hope I have made it clear to this House that we will give this matter our most careful consideration and get our orders out in time to prevent any premature collection of suspended revenue."

* Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—"Sir, we have listened to the Hon. the Revenue Member and his very careful statement as to the procedure which he is going to adopt. I fear that the present motion has been more than justified by what has fallen from him. Apparently his idea is to take action under the Board's Standing Order which he read just now, namely, the procedure that has been prescribed for ordinary cases of suspension where crops have failed or things like that. But I should like the Government to bear in mind the circumstances under which remission was asked for by this House and this suspension has been very half-heartedly granted by the Government. Sir, the Council was of opinion that a situation has arisen under which the ryots were entitled to at least 25 per cent remission in their kist. That was not based on any circumstance of failure of crops in any one particular season or the difficulty suffered by ryots in any particular area. What was stated was that this was a time of unprecedented depression. It was said that for a number of years the ryots had suffered. Their economic position was very bad. And under those circumstances an absolute remission of 25 per cent was asked for by this House. As I said, the Government without acceding to the request of the people and remitting the 25 per cent assessment have only sanctioned a suspension of revenue to the extent of 12½ per cent. So the considerations that have to govern this case are quite different from what have to be considered under the Board's Standing Order No. 14, which the Hon. the Revenue Member read out just now. The only consideration that will have to be taken into account in this case will be whether after the suspension in the fasli the prices of food grains and other crops increased sufficiently to improve the economic position of the ryots and enable them to pay back the suspended revenue. Well, Sir, it is admitted that during the period in question there was no rise in the prices. At the time when the ryots got their produce, at the time they sold their produce, there

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was no improvement whatever in the prices. If anything, Sir, the prices were going down. If there was any rise in prices, it is only just now when the agriculturists have got no produce in their hands to sell. So this circumstance cannot possibly affect the consideration of this question which I beg to submit, Sir, ought to be considered solely on the prices ruling in the market at the time the ryots gathered their produce and sold the same in the market. At those times, as I said, the prices were taking a downward turn and there was no sort of rise in the level of prices. Such being the case, I beg to submit, there is no occasion for the Government to wait for the reports of Collectors and think of considering the recommendations of the Board of Revenue and for the latter to make a consolidated statement from the Collectors' reports; because this is a question, Sir, affecting the general condition of the ryots and their capacity to pay.

4-45
P.m.

"If it is admitted by the Government that at the relevant times, at the time of gathering the produce and at the time of selling the same, prices were low, then suspension was justified and a case is made out for remission. I do not think anything which occurred in the present fasli should have anything to do in coming to a decision on this question of remission of the suspended collection. That is an aspect of the matter which I should like the Government to consider. Again, it was brought to the notice of the Government that the present season was not anything like favourable. In some cases, there were late rains. There were in some places floods, e.g., in Kistna. In Coimbatore, there was transplantation last month and most of the crops have withered. The season was anything but satisfactory. These are relevant for considering whether for the present fasli, there ought to be remission or not. This, I submit is the question that will have to be considered by the Government on the report of the Collector and the Board of Revenue. But for the last fasli, I do not think this is a matter which ought to affect their decision at all. So, I would ask the Hon. the Revenue Member to consider separately the two matters that have been brought for consideration to-day, namely, first the question of writing off the amount suspended and secondly the remission to be given in the current fasli. The two things require two different treatments. So far as the writing off of the suspended portion is concerned, the case is absolute. The ryot was not able to get more than the very low prices that were ruling when this suspension was ordered. So, the Government will not be justified in collecting the suspended portion. With reference to the remission as far as the current fasli is concerned, the present prices will be relevant. I request Government to consider these aspects and pass orders."

Mr. P. V. KRISHNAYYA CHAUDARI:—"As the hon. Member stated already that the Government would not make any arrangements for the collection and that the matter will be considered by granting the remission, I withdraw the adjournment motion."

The motion was by leave withdrawn.

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VII.—A BILL FURTHER TO AMEND THE MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 17 OF 1934).

* The Hon. the PRESIDENT:—"The Hon. Minister may continue his speech."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Though I said, Sir, that I shall not now quote to the hon. Members any very elaborate figures, I may perhaps be permitted to mention in illustration of the statement of the Hartog Committee just a few figures which might show to the hon. Members the gravity of the wastage. In the boys' schools in the Presidency of Madras, it was found, Sir, in the year 1922-23 there were in the first class 765,000 pupils. I am giving the figures only in round numbers. In the next year in the second class, where we would expect this strength of 765,000 with only a small reduction, if things went on as they ought to, it was found, Sir, that the strength had fallen to 344,000. From 765,000 in the first class, it went to 344,000 in the next year in the second class and similarly in 1924-25 the strength in the third class went down to 243,000. The previous figure, hon. Members would remember was 344,000 and the fall was from that to 243,000. Then in 1925-26, the strength in the fourth class was 196,000. From 243,000 the strength went down to 196,000. Then in 1926-27, in the fifth class, the strength was 84,000. Hon. Members would therefore realize quite clearly from these figures what an enormous fall there was between one class and the next and how ultimately the figure went down from 765,000 in the first class to 84,000 in the fifth during the period of five years required to pass from the first to the fifth class. Of course, a small portion of this wastage might be attributed to stagnation and also to casualties. But there is absolutely no doubt that a very large percentage of this fall in the strength between one class and another is due to the premature withdrawal of pupils from the classes. From these investigations, and from other materials also, it is abundantly clear that in the present system of elementary education, there is an appalling amount of waste as mentioned by the Hartog Committee. And the question has been raised more than once whether this wastage cannot be reduced and ultimately eliminated, and whether even with the resources now available to us, better results in elementary education and in the promotion of permanent literacy cannot be obtained. Some answers have been suggested to this question. I may perhaps be permitted to refer quite briefly to the answers that have been suggested by people competent to speak on this subject with knowledge and authority. The Royal Commission on Agriculture, who had to examine this question of the removal of illiteracy and the endowment of permanent literacy on the rural masses of this country, were convinced that the progressive adoption of the compulsory system is the only means by which may be overcome the unwillingness of parents to send their children to school and to keep them there till literacy is attained. While saying this so emphatically, they however at the same time,

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warn us that the time required for the general introduction of compulsion must be measured by decades rather than by years. The question therefore arises, they say, whether anything can be done in the meantime to ensure a better return for the expenditure on primary education. They were inclined, as they say in their report, to favour the view that compulsion should be used more to keep at school boys already sent there than to bring the last boy in the village to the school. It is more important to stop the wastage than to strain after the last truant. Again, Sir, Sir George Anderson, the Educational Commissioner with the Government of India, has referred to this subject in his recent quinquennial review on the progress of education in India. And his suggestions, I submit, are very pertinent to the point that I have just now enunciated. He explains how spasmodic drives to bring in all and sundry of varying ages cannot be productive of any lasting benefit, and then proceeds to say that it is far more important to exact penalties from the parents of children who are irregular in attendance and who leave school before completing the course than in respect to boys who have no desire to attend the school. Well, I cannot place before you in better or more emphatic terms, the view that I advocate. The main provisions to which, as I said, I shall confine my remarks on this occasion are an endeavour to put in statutory form the suggestions that have been made in these reports. They are not, I would therefore submit, mere amateurish proposals which have not the support of expert or well considered authoritative opinion. Some critics of this measure have failed to note that under this amending Bill, it is not sought to abolish the existing form of compulsion; that will still be maintained."

VIII.—ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

5 p.m. His Excellency the Governor then addressed the House as follows:—

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

"As this is the last occasion on which I shall address the Council, I propose to refer to some of the most important features of the administration during my period as Governor. I will be as brief as I can but even so I fear I may take some time as a great deal has happened during those five years and it is a difficult task to discriminate between the items which merit attention and many important ones have perforce had to be omitted.

"My advent to the Presidency coincided with two events of paramount importance which have coloured almost the whole period during which I have held office—I refer to the outbreak of the civil disobedience movement early in 1930, which has only quite recently been abandoned by the Congress in favour of constitutional methods, and to the world-wide financial depression the effect of which began to be felt in Madras in 1930 and from which we are still suffering.

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"As the civil disobedience movement is at an end—for all time let us hope—it is not necessary for me to go into the detail of its various phases and the measures which were taken to counter it. It will be sufficient if I say that all persons convicted in connection with the civil disobedience movement have now with one or two exceptions been released, that almost all the buildings remaining in the possession of the Government have been returned to their owners with such of the moveables as have not been confiscated or destroyed and that the Government have cancelled all the notifications declaring Congress associations and organizations as unlawful associations. The success which the Government achieved in suppressing the movement was due to the courage, loyalty and discipline with which the Police and the Magistracy faced the situation under conditions often of almost intolerable strain, and I have the greatest admiration for the splendid work they did during this very difficult period.

"With regard to finance, the quinquennium which immediately preceded my assumption of charge was one of great prosperity for the finances of the Province. In 1930–31, however, the effects of the world-wide economic depression began to be felt and a rapid decline of the revenues set in. The total Provincial revenues declined from Rs. 1,847 lakhs in 1929–30 to Rs. 1,713 lakhs in 1930–31, and to Rs. 1,631 lakhs in 1931–32. The expenditure had meanwhile risen to Rs. 1,815 lakhs in 1930–31 leaving a deficit of over one crore, and the Government were faced with the necessity of effecting immediate and drastic retrenchment in expenditure. A Retrenchment Committee was constituted in March 1931, to recommend measures to attain financial equilibrium. The financial effect of the Committee's recommendations for increasing revenue or for reducing expenditure, apart from that which could be secured by revision of salaries, was estimated at Rs. 198 lakhs, and recommendations involving Rs. 170 lakhs have been accepted by the Government.

"In view of the continuous low prices of food-grains the Government have also given partial remission or suspension of land revenue at a cost of over Rs. 93 lakhs in the last two faslis. A wholesale revision of the scales of pay for new entrants to the various services has been effected and the revision is expected to result in an ultimate saving of about 12 per cent of the total salary bill, representing about Rs. 58 lakhs a year; but this saving will accrue only gradually as existing incumbents are replaced by new entrants.

"As the result of severe economy and curtailment of activities to which all the Departments of Government loyally contributed, the financial position of this province in spite of the economic depression with the consequent fall in revenue and the grant of land revenue concessions, is intrinsically sound, as testified by the Auditor-General and the Government of India, but I would most earnestly impress on Honourable Members that it would not remain so if the Government were to accede to the continual pressure which is brought to bear on them to reduce land revenue.

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" In the administration of law and order a disquieting feature during 1933 appeared in the subversive activities of agitators directed in the school of terrorism. Determined efforts were made mostly from outside to introduce a cult of political violence into the Presidency and to establish revolutionary organizations with programmes of murder and political outrage. Their activities were, however, promptly unearthed and the culprits brought to justice. The police and particularly the Criminal Investigation Department deserve to be heartily congratulated on the efficiency with which they acted, and a word must be said for private individuals who gave such splendid help in rounding up some of these dangerous revolutionaries. This, to my mind, showed that the people of Madras realize the folly and futility of terrorism and that they will never allow it to gain a foothold in the Presidency.

" A policy of releasing Malabar Rebellion prisoners has been steadily pursued during my period of office. There now remain only about 60 in the jails and 18 in the Andamans and their cases are being reviewed in the light of a report from the District Magistrate. A similar policy is being followed as regards State prisoners. Normal conditions have thus been restored in Malabar by the release of the Mappilla prisoners and it is particularly gratifying that they have been absorbed into society without difficulty and that this act of clemency to a people suffering as a result of past misguidedness has been rewarded by the peaceful manner in which they have resumed their normal life.

" The Legislative Council is to be congratulated on the very considerable volume of important legislation which has been passed by it during the past five years. Some of the measures were controversial and were very keenly debated. To my mind the most important measure undertaken was the amendment of the Estates Land Act, which has conferred substantial benefits both on the ryots and the landholders. The strong opposition to the inclusion of inams within the scope of the Act gave me very anxious consideration and I found it advisable to refer the Bill back to the Council for a separate consideration of this far-reaching change. The question has been before you again during the present sitting. Opportunity has also recently been taken to revise the Standing Orders of the Council so as to bring the procedure more into line with parliamentary practice and I sincerely hope that the changes made will be appreciated by the Members and will result in a smoother and swifter despatch of business.

" In spite of the depression it has been possible for the Government to inaugurate and carry through several very important irrigation schemes, of which the outstanding is of course the Cauvery-Mettur System designed to steady irrigation in the old Cauvery delta and to irrigate an additional area of 301,000 acres in Tanjore district. The dam was completed six months ahead of time and at a considerable saving of costs on the estimate. That it has successfully achieved the first object has been already strikingly demonstrated during the present year in which there has been an unusual failure of the south-west

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monsoon in the catchment area of the river. The slump in prices unfortunately coincided with the introduction of irrigation from the System and has undoubtedly hindered the speedy development of irrigation, but nevertheless progress has been substantial.

" Other important irrigation schemes which have been put into execution are the Kattalai Scheme, the Kistna East Bank canal and improvements to the Peddalanka channel. Renewed proposals for an irrigation project on the Bhavani river in Coimbatore have been taken into consideration and experiments are now in progress to determine the nature of the crop to be grown and the quantity of water necessary. It is unfortunate that the negotiations regarding the Tungabhadra project have broken down, but I hope that it will be possible to arrive at a settlement of the conflicting claims of the various Governments concerned, though, if arbitration is involved, the proceedings are bound to take appreciable time.

" The success which has attended the inauguration of the Pykara Hydro-electric scheme has exceeded our expectations both in economy of construction and in the revenue which is already being obtained from it, and a scheme for its extension is already under contemplation. The Government of India have also been addressed for obtaining the Secretary of State's sanction to the Mettur Hydro-electric scheme which will supply energy to five more districts and will at the same time enable the Pykara system to supply power to further areas in Malabar and to the Madura district.

" The transferred departments benefited considerably from the financial prosperity of the second-half of the last decade, to which I have already referred, and the succeeding depression has naturally curtailed the expansion of the Government's nation-building activities. In spite, however, of the depression there has been no stagnation. Far-reaching schemes of improvement have been introduced, of which I may mention the abolition of taluk boards, the appointment of paid-commissioners to municipalities, the remodelling of the General Hospital, the redrafting of the City Municipal Act which is now before a Select Committee and the question of the bifurcation of some district boards is at present under consideration. In the Education department a scheme has been devised for the consolidation and concentration of elementary schools, the Elementary Education Act is in course of an important amendment with regard to the introduction of compulsion and the deficiency in the provision of physical education in schools is being vigorously tackled. With assistance from the Imperial Council of Agricultural Research and the Indian Central Cotton Committee steady progress has been made in the Agricultural department in many branches of research work, and very important steps forward have been taken by the passing of the Madras Commercial Crops Markets Act, 1933, and by the appointment of a Provincial Marketing Officer and a Provincial Marketing Board. In the Co-operative department we have succeeded after some difficulty in getting the debentures of the Central Land Mortgage Bank recognized as trustee securities under the

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full guarantee of this Government, while in the Veterinary department the outstanding feature of the period has been the establishment of the Serum Institute at Perambur which has not only considerably reduced the cost to the Government of obtaining serum but has increased the efficiency of the preventive measures taken in the department against outbreaks of disease.

"A vital step towards safeguarding the efficiency of the services was taken in the establishment of the Services Commission in January 1930, which has succeeded in putting beyond the range of party politics the patronage vested in the Government and has conferred on officers freedom from political interference of any kind. Though the Commission is yet in its infancy the objects with which it was constituted have been realized to a considerable extent by adherence to the conventions regulating the relations between the Government and the Commission. It has ensured in a great measure the selection of the best men available for the services consistent with the policy of communal representation. It has also secured to the Government independent advice as regards the orders to be passed in disciplinary matters. That the work done by the Commission is appreciated by the Members of this House was amply shown during the debates on its annual reports. Our warmest thanks are due to the past Chairman, Sir Norman Marjoribanks, the present Chairman, Khan Bahadur Bazlullah, and the two members for the manner in which they have inspired the confidence of the public in a body the formation of which was a startling innovation in the history of the public services of the Presidency.

"I have on other occasions referred to the fact that Party ties are still too loose and are inclined to be influenced by personal considerations and not, as they should be, by questions of principle. I would beg hon. Members to realize that no Party can function properly in office if at any time some supporter may go into opposition and possibly influence others to follow him, not because he disagrees with the general policy of the Party but for some personal reason.

"Before long the report of the Joint Select Committee will be published. I know no more than you do what it contains but I make this appeal not only to hon. Members of the Council but to all gentlemen who have any influence in the Presidency. I would beg them to study the report very carefully and in its entirety before expressing any opinion on it. I remember when the report of the Simon Commission was published that, although it was a lengthy document which I personally took at least a week to read and digest, some gentlemen expressed their views through the press within a few hours of its publication. I venture to suggest that they could not have studied it properly before making their remarks publicly and though at that stage, chance remark uttered in this country against the recommendations, whatever they may be, will be seized on by the opponents of self-government and will be used to make infinitely more difficult the task

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of those who, like myself, believe that self-government can and should be granted to India.

"I come now to the most difficult part of my speech and that is to say good-bye. The hardest time for a Governor is when he has to leave the people and the place he has learned to love. During the five years I have been in Madras, I have received the greatest kindness and consideration from everybody and I am especially indebted to those with whom I have been most intimately connected for the very great assistance they have so freely given me. I should particularly like to express my warmest thanks to the Hon. Members of Council and Ministers, past and present, and to you, Sir, the President of the Legislative Council. I have followed carefully the course of debates in this Council and I leave the Presidency with high hopes for the future. I have disagreed with some of the views expressed here and have said so frankly—perhaps too frankly sometimes—but I am vain enough to believe that hon. Members have given me credit for sincerity and honesty of purpose and for having been actuated solely by a desire for good and orderly government.

"And now, Mr. President and hon. Members of the Council, I bid you all good-bye and offer my best wishes for the future. From my retirement I shall watch and hope for the continued progress of the Madras Presidency and its inhabitants and I shall pray that happiness and prosperity may attend you all." (Loud cheers.)

His Excellency then left the Council Chamber.

IX.—A BILL FURTHER TO AMEND THE COMPULSORY LABOUR ACT, 1858 (BILL No. 18 OF 1934)—ANNOUNCEMENT REGARDING THE NOMINATION OF DIWAN BAHADUR A. APPADURAI PILLAI AS CHAIRMAN OF THE SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I have to make a small announcement. Diwan Bahadur A. Appadurai Pillai is appointed as the Chairman of the Select Committee on the Bill to amend the Compulsory Labour Act of 1858 (Bill No. 18 of 1934).

"The House will now adjourn and meet again at 11 a.m. to-morrow."

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

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APPENDIX I.

[Vide answer to question No. 295 asked by Mr. K. A. Nachiyappa Goundar at the meeting of the Legislative Council held on the 25th October 1934, page 356 supra.]

Names of districts.	Names of Deputy Inspectors of Schools.
1 Anantapur	M.R.Ry. A. K. Balasundaram.
2 Arcot, North	Mr. E. M. H. Syed Gulem Dastagir Sahib.
3 Chittoor	M.R.Ry. K. L. Narasimhamurti.
4 Coimbatore	" M. V. Vasudeva Rao.
5 Cuddapah	" S. Lakshminarasayya.
6 Ganjam	" V. Varahanarasimham.
7 Godavari, West	" D. Ramayya.
8 Kanara, South	" R. Venkayya.
9 Kurnool	Mr. Z. David.
10 Madura	M.R.Ry. V. M. Sundararaja Ayyar.
11 Malabar	" P. K. Ramakrishna Ayyar.
12 Nellore	" A. Padmanabha Reddi.
13 Ramnad	" K. Nambi Ayyangar.
14 Salem	" D. Sambasiva Pillai.
15 Tanjore	" T. V. Sundaram Ayyar.
16 Trichinopoly	Mr. M. Rahimtullah Khan.
17 Chingleput	M.R.Ry. A. Narayana Reddi.
18 Guntur	" S. Ranga Rao.
19 Kistna	Mr. Muhammad Ahamed Ali Sahib.
20 Vizagapatam	M.R.Ry. G. Jagannatha Sastri.
21 Bellary	" C. Purnayya.
22 Godavari, East	" B. Lakshminarayana Sastri.
23 Arcot, South	" P. V. Nadamuni Nayudu.

APPENDIX II.

[Vide answer to question No. 306 asked by Mr. Daniel Thomas at the meeting of the Legislative Council held on the 25th October 1934, page 363 supra.]

I

Extract from the report of the Board of Revenue, dated 6th March 1934.

The Board submits that as the proposal would ensure regular and adequate supplies to the ayacuts of the channels taking off above the anicut the Collector was asked to report whether the ryots were willing to pay any contribution. The Collector has since reported that the ryots have agreed to pay a contribution of Rs. 1,500.

II

Extract from the report of the Chief Engineer for Irrigation, dated 15th October 1934.

As this is a contribution work, it will be put in hand after the contribution amount due (Rs. 1,500) is fully realized. The contribution not having been paid in time for the work to be taken up during the last working season, it can be taken up only after February 1935 in case the full contribution is recovered by then.

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APPENDIX III.

[Vide answer to question No. 309 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 25th October 1934, page 365 supra.]

Reference No. F. 3880/34-1, dated 11th October 1934, from the Board of Revenue, Land Revenue and Settlement.

[Season—(Bellary)—Scarcity—Preliminary measures— Report . under section 35 (a) of the Famine Code—Submitted.]

READ—the following:—

Letter from the Hon'ble Mr. F. W. STEWART, C.I.E., I.C.S., Collector of Bellary, No. Ref. A. 5-4560/34, dated 10th October 1934.

[Season — Bellary district — Scarcity in areas where Mungari is the principal crop—Preliminary measures report under section 35 (a) of the Famine Code.]

In the last week of September, I travelled through Hospet, Hada-galli, Harpanahalli and Kudligi taluks and found the crops withering in many places. My enquiries showed that if there was good rain in the next two or three days, the withered crops might revive sufficiently to give poor but harvestable crops. Some rain has fallen there since but not generally. I apprehend the approach of scarcity in these taluks. The season reports from Rayadrug taluk indicate a similar state of affairs in a large part of the taluk. I therefore submit my report under section 35 (a) of the Famine Code.

2. *Any serious deficiency of rainfall or cultivation.*—A statement showing the rainfall recorded from April to September 1934 in all the stations of this district as compared with the previous two years is enclosed. It will be seen that the fall this year is far below the average. With the little rains in May and June 1934, the cultivation of mungari crops, viz., sajja, korra, groundnut, cotton, etc., was begun and with the adequate rainfall in July was completed in that month. But there was very little rainfall in August and September. Consequently the mungari crops are withering in Rayadrug taluk except Hirehal firka, in Kudligi taluk, Chigateri and Harpanahalli firkas in Harpanahalli taluk and in parts of Hadagalli and Hospet taluks. The sowings of dry crops in black soils are delayed for lack of rain. The extent of dry crops cultivated in the district till the month of September 1934 is 1,230,133 acres as against 1,385,315 acres in the corresponding period of last year. Good rain is needed in October and November to enable the ryots to commence and complete the hingari sowings. This state of affairs in both red and black areas is to be found in Bellary taluk and parts of Siruguppa and Alur taluks, though it is not as important there because the taluks are predominantly black and the season for rain there is not over. Parts of Siruguppa and Alur taluks and most of Adoni taluk seem likely to be normal.

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3. *Any general failure of crops.*—I have asked the Revenue Divisional Officers to inspect the affected areas and report the condition of standing crops and other particulars as required by section 35 (b) of the Famine Code. On receipt of reports from them I will submit a detailed report.

4. *Abnormal rise in prices.*—The prices of food grains have risen owing to the ryots keeping the stocks instead of sending them to markets. Further rises of prices may be expected.

5. *Extraordinary mortality of disease among cattle.*—Though the condition of cattle is good the fodder for them is getting short. There is no disease or extraordinary mortality.

6. *Employment.*—Employment is not available for the labouring classes in any taluk except in Adoni as the agricultural operations are almost at a stand still for want of rain. Labourers from Bellary and Hospet taluks are reported to be migrating to Kanivihalli where they get labour in the mines. I have received many petitions from Kudligi, Harpanahalli, and Rayadrug taluks requesting the remission of land revenue and the opening of some works to provide labour for them. I have forwarded them to the Revenue Divisional Officers for report. I have also received a communication from the Collector of Dharwar that the villages in his district bordering this district are affected and there is a similar state of affairs in the neighbouring parts of the Nizam's Dominions.

ENCLOSURE.

Statement showing the rainfall from April to September 1934 as compared with previous two years.

Serial number and stations.	1934.					1933.					1932.				
	April.	May.	June.	July.	Aug.	Sep.	April.	May.	June.	July.	Aug.	Sep.	April.	May.	June.
1 Yemmiganur	0.60	0.08	2.26	7.42	2.30	2.58	1.44	1.42	0.50	3.22	2.89	4.49	0.44	1.71	3.83
2 Adoni	0.75	0.07	2.43	6.11	2.29	2.25	0.44	2.29	1.39	5.93	4.36	4.78	0.87	1.17	6.75
3 Alur	1.62	0.77	0.37	6.55	0.71	0.43	0.31	2.45	1.09	5.79	5.71	3.51	0.90	1.00	2.17
4 Siruguppe	1.74	1.17	1.12	4.30	0.43	2.00	1.30	2.73	2.01	2.69	8.99	2.21	0.56	0.96	1.20
5 Bellary	0.89	0.52	1.56	4.43	0.30	0.19	1.28	6.40	1.14	2.98	7.70	4.58	0.16	1.23	1.61
6 Rayadrug	0.50	0.55	1.81	1.24	0.65	0.38	0.94	0.85	0.61	1.37	6.73	4.96	0.16	1.73	2.40
7 Kampli	0.50	2.40	1.65	3.87	0.50	0.38	0.18	2.19	2.21	2.91	5.45	4.03	0.53	1.19	0.48
8 Hospet	1.13	0.79	2.97	5.37	0.71	0.38	1.50	2.49	2.33	5.57	6.55	4.89	0.81	1.91	5.25
9 Harpanahalli	2.52	1.44	2.25	1.85	0.91	0.70	0.76	2.49	1.23	3.20	3.60	3.51	0.85	3.11	1.26
10 Kudligi	1.63	0.85	2.24	4.89	2.33	0.04	2.74	2.42	1.51	4.82	6.80	3.40	0.86	5.32	3.88
11 Kanagal	0.86	1.08	0.94	4.43	1.52	0.34	3.75	2.45	0.91	1.97	10.33	2.12	0.40	0.34	0.63
12 Kodur	0.19	1.20	0.78	1.96	0.96	0.37	1.54	2.61	0.45	1.37	5.60	1.36	0.11	0.26	0.11
13 Kodur	0.65	..	1.25	0.50	0.96	0.37	1.29	3.60	2.24	4.70	5.90	3.07	0.40	1.40	0.79
14 Kodur	0.65	..	1.10	4.41	3.81	0.21	0.62	5.80	1.21	2.19	6.98	0.89	0.70	1.19	6.26
15 Kurugoda	0.63	..	0.97	3.81	0.55	0.23	0.19	3.00	1.21	2.19	9.15	7.02	0.10	0.67	0.79

[25th October 1934]

Reference—No. F. 3880/34-1, dated 11th October 1934.

Submitted to the Government.

2. The Collector's attention is invited to section 33-A of the Famine Code and he is directed to take all requisite action thereunder and also under section 40. It is presumed that he has taken requisite action under clauses (c) and (d) of section 35 of the Famine Code.

3. The Collector's attention is invited to section 37 of the Famine Code, and he is requested to see that a sufficient number of estimates for works in the affected area are ready and in a condition to be taken up immediately.

4. In paragraph 5 of his report the Collector states that fodder for cattle is getting short. The provisions of section 182 of the Famine Code should be resorted to in the areas where scarcity of fodder is apprehended.

5. The detailed report promised in paragraph 3 of his letter is awaited. Any marked improvement of prospects owing to good rainfall in the affected areas should be immediately reported.

APPENDIX IV.

[Vide answer to question No. 311 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 25th October 1934, page 367 supra.]

(1)

G.O. No. 869, Public (Services), dated 13th August 1934.

The Government direct that recruitment on or after the 1st January 1935 to the posts mentioned in the annexure to this order be made in consultation with the Madras Services Commission.

2. Necessary provision will be made in the statutory rules now under revision.

(By order of the Governor in Council)

P. APPU NAIR,
Deputy Secretary to Government.

To the Madras Services Commission (with C.L.) with reference to its letter No. 321-B/23, dated 17th October 1933.

- " Heads of Departments including Collectors and District Judges.
- " Accountant-General.
- " Departments of the Secretariat.
- " Public (Rules) Department.

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ANNEXURE.

Madras Educational Subordinate Service.

Class VIII (i)	..	Secondary Grade Teachers <i>except</i> Secondary Grade Teachers in the Chenchu Schools and in the Laccadive Islands (Men).
" VIII (ii)	..	Secondary Grade Teachers (Women).
" IX ..	..	Pandits and Munshis (Men and Women).
" X (i) ..	..	Physical Training Instructors (Men).
" X (ii) ..	..	Physical Training Instructresses (Women).
" XI (i) ..	..	Drawing Masters (Men).
" XI (ii) ..	..	Drawing Mistresses (Women).
" XII ..	..	Music Mistresses.
" XIII ..	..	Sewing Mistresses.
" XIV ..	..	Combined Drawing and Sewing Mistresses.
" XV ..	..	Combined Drawing and Needle-work Mistresses.
" XVI (i) ..	..	Higher Elementary Grade Teachers <i>except</i> those in the Chenchu Schools, in the Agency and in the Laccadive Islands (Men).
" XVI (ii) ..	..	Higher Elementary Grade Teachers (Women).
" XVII (i) ..	..	Lower Elementary Grade Teachers <i>except</i> those in the Chenchu Schools and in the Laccadive Islands (Men).
" XVII (ii) ..	..	Lower Elementary Grade Teachers (Women).
" XIX ..	..	Manual Training Instructors.
" XXIII ..	..	Workshop Assistants.
" XXVII ..	..	Weaving and Spinning Assistants including Rattan Work Assistants.
" XXXI ..	..	Shift Operators, College of Engineering.
" XXXVII ..	..	Mechanics, College of Engineering.

Madras Engineering Subordinate Service.

Class V ..	..	Tracers in the Office of the Chief Engineers.
" VI ..	..	Tracers in other offices.
" XIII ..	..	Lock Superintendents.

Madras Fisheries Subordinate Service.

Class XXV ..	..	Teachers including Secondary, Higher and Lower Elementary Grade Teachers and Headmasters in the respective grades.
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Madras Forest Subordinate Service.

Class II ..	..	Foresters (only those recruited for training as Rangers).
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Madras Industries Subordinate Service.

Class IV ..	..	Draughtsmen.
" V ..	..	Tracers.
" VII ..	..	Manual Training Instructor.
" XV ..	..	Electrician, Government School of Technology.
" XXIX ..	..	Draughtsman, Government Textile Institute, Madras.

Madras Jail Subordinate Service.

Class I ..	..	Jailers.
" II ..	..	Deputy Jailers.
" III ..	..	Reserve Deputy Jailers.
" XII ..	..	Teachers and Instructors—
	..	Higher elementary trained teacher.
	..	Lower elementary trained teacher.
	..	Oriya teacher.
	..	Telugu teacher.
	..	Tamil teacher.
	..	Assistant Tamil teacher.
	..	Malayalam teacher.
	..	Urdu teacher.
	..	Band Master.
	..	Physical Training teacher.
	..	Agricultural Instructor.

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Madras Jail and Subordinate Service—cont.

		Certified schools—
		Headmaster.
		Teacher.
		Instructor.
		Teacher and Instructor.
		Physical Training Instructor.
		Weaving Instructor.
		Agricultural Instructor.
Class XIII ..	..	Compounders.

Madras Medical Subordinate Service.

Class III ..	..	Matrons.
	..	Assistant Matrons.
	..	Ward Sisters.
	..	Nurses.
„ V ..	..	Compounders.
„ XV ..	..	Overseers.
„ XVI ..	..	Assistant Overseers.
„ XVII ..	..	Gymnastic Instructors.
„ XXI ..	..	Draughtsmen.
„ XXII ..	..	Mechanics and Mechanic Chargeman (General Hospital, Madras).
„ XXIII ..	..	Electricians.
„ XXVIII ..	..	Head Overseer.
„ XXIX ..	..	Deputy Overseer.
„ XXX ..	..	Pharmacists.

(Special Branch.)

Class I ..	..	Lecturers in the Government School of Indian Medicine.
„ II ..	..	Assistant Lecturers in the Government School of Indian Medicine.
„ III ..	..	Demonstrators in the Government School of Indian Medicine.

Madras Ministerial Service.

Shipping clerks in Marine Department.
Oriya Translator and Assistant Oriya Translator.
Assistant Secretary to the Commissioner for Government Examinations.
Stewards (in hospitals).

Madras Police Subordinate Service.

Class II ..	..	Sub-Inspectors (by promotion and by transfer).
„ XII ..	..	Plan Drawing Instructor, Police Training School, Vellore.
„ XIII ..	..	Munshi, Police Training School, Vellore.
„ XX ..	..	Compounder.
„ XXI ..	..	Sub-Assistant Surgeon.

Madras Survey Subordinate Service.

Class I ..	..	Deputy Surveyors and Field Surveyors, Survey Parties.
„ II ..	..	Junior Draughtsmen, Central Survey Office and Survey Parties.
„ III ..	..	Head Computers (Survey Parties) and Junior Computers (Central Survey Office and Survey Parties).

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(2)

List of posts to which recruitment will continue to be made otherwise than in consultation with the Commission.

EDUCATIONAL DEPARTMENT.

Class VI ..	..	Supervisors of Sanskrit schools (Men's).
„ VII ..	..	Supervisors of Chenchu schools (Men's).
„ VIII (i) ..	..	Secondary grade teachers in the Chenchu schools and in the Laccadive Islands (Men).
„ IX (ii) ..	..	Pandits and Munshis (Women's Branch).
„ XVII (i) ..	..	Lower Elementary grade teachers in Chenchu schools and in the Laccadive Islands.
„ XVIII ..	..	Teachers in Amindivi Islands (Men's Branch).
„ XXX ..	..	Linesmen and Electrician, College of Engineering, Guindy (Men's Branch).
„ XXXII ..	..	Fitters, College of Engineering, Guindy (Men's Branch).
„ XXXIII ..	..	Instrument repairers, College of Engineering, Guindy (Men's Branch).
„ XXXV ..	..	Battery room attenders, College of Engineering, Guindy (Men's Branch).
„ XXXVI ..	..	House-keepers (Women's Branch).
„ XXXVIII ..	..	Museum-keepers (Men's Branch).
„ XXXIX ..	..	Gas Superintendent (Men's Branch).
„ XL ..	..	Carpenters in schools (Men's Branch).
„ XLI ..	..	Blacksmiths and fitters in schools (Men's Branch).
„ XLII ..	..	Sergeants (Men's Branch).

Engineering College.

Maistris.
Wiremen.
Cleaners.

Teachers College.

Matrons.

ENGINEERING DEPARTMENT.

Estimator in the Consulting Architect's Office.
Blue print operators.
Stock Verifier.
Government Horticulturist.
Mechanical Foreman.
Forwarding Officer.
Maistris.
Ledger Verifier.
Canal clerks.
Navigation Superintendent.
Quarry Superintendents.
Conservancy Sergeant.
Garden Overseer, Government House, Ootacamund.
Boat Superintendents.
Wharf Superintendents.
Ancient Superintendents.

MADRAS FISHERIES DEPARTMENT.

(a) Executive Staff.

Class VI ..	..	Sub-Assistant Inspectors.
„ IX ..	..	Overseers.
„ X ..	..	Mechanics.
„ XI ..	..	Fieldmen.
„ XII ..	..	Keepers.
„ XIII ..	..	Laboratory attendant.

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(b) Crew of Fishery Vessels.

Class XV ..	..	Tindals.
" XVI ..	..	Drivers (including Assistant Drivers).
" XVIII ..	..	Coxswains.
" XXVI ..	..	Drawing Masters.
" XXVII ..	..	Instructors (including carpentry, boat and fishery instructors). Kanarese Interpreter. Drawing and Drill Master.

FOREST DEPARTMENT.

Assistant to the Chenchu Officer.
Curator in the Forest College.
Draftsmen.
Teachers.
Havildars.
Overseer, Madras Forest College.

ELECTRICAL DEPARTMENT.

Head Draftsman.
Draftsmen.
Do.
Do.
Tracers.

INDUSTRIES DEPARTMENT.

Superintendents of Industrial Schools.
First Assistant, Kerala Soap Institute.
Chemist Assistant, Kerala Soap Institute.
Mechanic and Driver.
Assistant Teacher, School of Arts.
Superintendent, Silk Farm.
Carpenter and Blacksmith, Kerala Soap Institute.

Preparatory Trade Schools.

		Headmaster.
		Assistants.
		Instructors.
		Silk Farm Foreman.
		Manager, Sericulture.
		Drillers in the Engineering Branch.
		Assistant Drillers in the Engineering Branch.
		Boring Maistris.
		Demonstrators (Sericulture).
		Moth Tester.
		Stencil Cutter.
		Rearer.
		Store-keeper, Government School of Technology.
Class XXI ..	..	Dyer.
" XXX ..	..	Carpenter.

JAIL DEPARTMENT.

Class IV ..	..	Jailers, Sub-jails.
" VII ..	..	Gate-keepers.
" VIII ..	..	Chief and Reserve Head Warders.
" IX ..	..	Warders.
" X ..	..	Matrons.
" XI ..	..	Female Warders. Building Maistri.

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MEDICAL DEPARTMENT.

Class IV ..	..	Midwives.
" XIII ..	..	Technicians.
" XIV ..	..	Laboratory attendants—First grade.
" XVIII ..	..	X-Ray Assistant, X-Ray Institute, Madras. Electrical Treatment Assistant, X-Ray Institute, Madras. Photographer, X-Ray Institute, Madras. X-Ray Assistant in the Headquarters Hospital, Vizagapatam. Assistant Photographer, X-Ray Institute, Madras. Darkroom Assistant and Photographer in the Rayapuram Hospital. X-Ray Assistants and Photographers in the Headquarters Hospitals, Madras and Vizagapatam. Darkroom Assistant in the Headquarters Hospital, Ootacamund.
Class XIX ..	..	Artists.
" XX ..	..	Photographer, King Institute, Guindy. Laundry Supervisor. Health visitors in the Women and Children Hospital, Madras. Herbarium Superintendent. Demonstrators. Nurses. Compounders.

MALABAR SPECIAL POLICE.

Naiks.
Havildars.
Havildars-Major.
Jamadars.
Subadars.

POLICE DEPARTMENT.

Class VI ..	..	Jamadars excluding Jamadars appointed in the District Reserve prior to 6th June 1925.
" VII ..	..	Havildars-Major including Jamadars appointed in the District Reserve prior to 6th June 1925.
" VIII ..	..	Head constables and Reserve head constables including Armourers.
" XI ..	..	Sowars.
" XIV ..	..	Riding Instructor, Provincial Police Training School, Vellore.
" XV ..	..	Photographer, Madras City Police.
" XVI ..	..	Motor Launch drivers.
" XVII ..	..	Serangs.
" XVIII ..	..	Tindals. Photographer in C.I.D. Librarian. Testers, C.I.D.

MARINE DEPARTMENT.

Class I ..	..	Light-keeper. Assistant Light-keeper and Signaller.
" II ..	..	Boat overseer.
" III ..	..	Pilot. Tindal
" IV ..	..	Patrol Inspector. Wharfinger. Piermaster. Assistant Piermaster. Pier Tindal. Assistant Port Health Officer. Godown-keeper. Port Conservators. Kanakapillais. Supervisors.

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Surveyor.
 Draftsman.
 Detectives.
 Foremen-Mechanic.
 Fitter.
 Pier Mechanic.
 Carpenters.
 Workshop Turner.
 Mechanical Superintendent.
 Operator.
 Assistant Operator.
 Serang.
 Steamer Pilots.
 Sailing ship Pilots.
 Sounding Master.
 Springs and Fendermen.
 Heave-up Bargemen.
 Tugmasters.
 Drivers.
 Sukanis.
 Greasers.
 Firemen.
 Electricians in charge of Government electric installations at—
 Trichinopoly.
 Madura.
 Bezwada.
 Bellary.
 Tanjore.

BAND ESTABLISHMENT OF HIS EXCELLENCY THE GOVERNOR.

Director of Music.
 Band Master Sergeant.
 Sergeants.
 Privates and Musicians.
 Pupils.

MINOR IRRIGATION DEPARTMENT.

Clerk-Draughtsmen.
 Maistris.

SURVEY DEPARTMENT.

Class V	..	..	Photographers, second grade, Central Survey office.
Class VI	..	..	Plato Correctors, Central Survey office.
Class VII	..	..	Head Compositor, Central Survey office.
			Compositors, Central Survey office.
			Deputy Surveyors and Town Surveyors.
			Draughtsmen.

PUBLIC HEALTH DEPARTMENT.

Class III	..	..	Vaccinators (For Agency tracts).
			Superintendent, Experimental filters, Guindy.
			Sanitary Investigators.
			Draughtsmen.
			Tracers.
			Supervisor.
			Boring Mechanic.
			Mechanic and Filter operator.
			Mechanic.
			Town-Planning Assistant.

REGISTRATION DEPARTMENT.

Photographer.
 Developers.
 Projectors.
 Fixers and Toners.

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SETTLEMENT DEPARTMENT.

Supervisors.
 Inspectors.

VETERINARY DEPARTMENT.

Artist and Photographer in Veterinary College.
 Mechanic in Veterinary College.
 Carpenter in the office of the Director of Veterinary Services.

AGRICULTURAL DEPARTMENT.

Fieldmen.
 Laboratory attendant.
 Mechanics.
 Artists.
 Maistris.
 Veterinary Assistant.
 Museum Curator.
 Non-technical tracer.

Mental establishment.

Attenders.

MISCELLANEOUS POSTS.

Stamps and Stationery office.

Salaried stamp vendors.
 Counters in the Stationery office.

Legislative Council Office.

Council Dubash.
 Attender.

TRANSLATORS DEPARTMENT.

Assistant Translators.

BOARD OF REVENUE.

Sergeant.

District Administration.

Mica Inspector.
 Assistant Mica Inspectors.
 Draughtsmen.
 Amins.
 Munsif, Madura.
 Head Tester.
 Smith.
 Monigar, Amindivi Islands.
 Shroff.

JUDICIAL DEPARTMENT.

Translators.
 Deputy Sheriff.
 Surveyor.
 Interpreters.
 Court-keeper.
 Criers.
 Process-writers.
 Nasir.
 Bailiff.

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AGENT TO THE GOVERNMENT CONSIGNMENTS OFFICE
Overseer.

General Administration.

Secretariat—
Supervisor.
Assistant Supervisor.
Council Dubash.

GOVERNMENT MUSEUM AND CONNEMARA PUBLIC LIBRARY.

Science Assistants.
Taxidermist.
Draughtsmen-Photographer.
Caretaker.
Attenders.

BOILER DEPARTMENT.

Foreman-fitters.

CINCHONA DEPARTMENT.

Head Overseer.
Overseer.
Factory Overseer.
Engine Driver.
Fitter.
Foreman.
Head Packer.
Fieldmen.
Lorry Driver.

ECCLESIASTICAL DEPARTMENT.

Superintendent, Kilpauk Cemetery.

APPENDIX V.

[Vide answer to question No. 317 asked by Mr. M. S. Sreshta at the meeting of the Legislative Council held on the 25th October 1934, page 371 supra.]

Rules governing the levy of fees for X-Ray examination and for X-Ray, electrical and radium treatment.

22. X-Ray examination, X-Ray treatment, radio-therapeutic, electro-therapeutic and radium treatment will be provided *gratis* in the case of—

- All Government servants (except those of the Central Government).
- In- or out-patients of any State, municipal, local fund, mission or other private charitable hospital or dispensary whose income is below Rs. 50 per mensem if they are sent by their respective medical officers and certified that they are bona fide in- or out-patients of such hospitals or dispensaries.
- Military personnel entitled to free medical attendance, on the recommendation of the authorized medical attendant. Similarly, a civilian entitled to free medical attendance will, on

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the recommendation of his authorized medical attendant, be given free X-Ray treatment (including electro-therapy) in a Military Hospital in which an X-Ray apparatus is installed.

Charges shall be levied from all other hospital patients according to the scale laid down in rule 24.

Note (1).—No X-Ray examination will be made or treatment carried out in the X-Ray Institute at Madras or in the X-Ray and electrical departments of any Government institution without a written order and instruction as to what is required from one of the medical staff of a hospital or from a registered medical practitioner. Patients remain under the care of their own medical advisers during examination or treatment.

(2) Government servants, if sent by private medical practitioners, shall sign a declaration that they have not previously consulted and been refused treatment by their official medical attendants or the staff of any Government hospital. The officer in charge of the X-Ray department shall bring to the notice of the Surgeon-General any instances in which he has reason to think that this concession has been abused.

23. Patients who are sent to the X-Ray Institute or X-Ray department for examination or treatment by their own medical officers shall pay charges according to the scale laid down in rule 24. If they are admitted into the hospital as in-patients for the sole purpose of having a radiographic examination they shall pay a fee for the examination according to the scale laid down in addition to the usual nursing and dieting charges but they will be exempted from the payment of the separate charge for medical advice.

24. The scale of charges sanctioned for radiographic examination, and for X-Ray, electrical and radium treatment in the X-Ray Institute, General Hospital, Madras, and in the X-Ray departments of other Government institutions is as shown below:—

Income of patient per mensem.	Charges.							
	Radiographic examination.				Treatment.			
	Hand, feet, long bones.	Jaws, teeth, thorax, limb joints.	Skull, urinary tract, spine.	Bismuth meal examination.	For each sitting in treatment by X-rays, ionisation, electrical, massage, diathermy or high frequency.	Radium treatment.		
	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.			
Up to 99 ..	2 0 0	5 0 0	7 0 0		1 0 0	<i>In-patients—to be charged as for a major operation, the scale of charges being laid down in G.O. No. 228, P.H., dated 4th February 1930, with the exception that whereas in the general wards all patients' operations are free yet patients in the general wards whose income is Rs. 50 per mensem and above should pay at the scale of Rs. 5 to Rs. 100 for radium treatment. As in the case of operations actual fee will be determined by the Superintendent of the hospital after the patient has filled in a declaration form.</i>		
100 to 199 ..	5 0 0	10 0 0	12 8 0		2 0 0			
200 to 349 ..	6 0 0	12 0 0	15 0 0	15 0 0	3 0 0			
350 to 499 ..	8 0 0	15 0 0	20 0 0		5 0 0			
500 to 749 ..	10 0 0	20 0 0	25 0 0	100 0 0*	7 0 0			
750 to 999 ..	15 0 0	30 0 0	40 0 0		9 0 0			
1,000 upwards ..	20 0 0	40 0 0	60 0 0		10 0 0			

Out-patients.—Free for those with incomes up to Rs. 50 a month. For incomes of Rs. 50 and above a month for treatment extending to 30 days—

- For implantation and insertion in the natural passages—Rs. 5 to Rs. 250 per mensem.
- For surface applications—Rs. 5 to Rs. 200.

NOTE.—The fee is to be determined by the Superintendent of the hospital concerned taking consideration the income of the patients and the nature of the treatment.

* *Barium meals and teeth.*—At the discretion of the Director, X-Ray Institute, Madras, and of the medical officers in charge of the X-Ray department and the Superintendent of the hospital who will take into consideration the means of the patients and the amount of work entailed in the particular examination.

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The radium is stocked in Government General Hospital and King George Hospital, Vizagapatam. The radium treatments are undertaken in the following hospitals:—

- (1) Government X-Ray Institute (out-patients only).
- (2) Do. General Hospital.
- (3) Do. Women and Children Hospital.
- (4) Do. Ophthalmic Hospital.
- (5) Do. Victoria Caste and Gosha Hospital.
- (6) Do. Rayapuram Hospital.
- (7) Do. King George Hospital, Vizagapatam.

In the case of a long series of sittings, spread over several months being necessary, as in infantile paralysis, the charge shall be a consolidated one fixed by the Director of the X-Ray Institute or the medical officer in charge of the X-Ray Institute or the X-Ray department and the medical officer concerned in consultation. A radiographic examination consists of one or a series of radiographs of one part of the body taken within a period of one calendar month for the purpose of diagnosis or treatment or both. If subsequent radiographic examinations are necessary, these will be paid for according to the above scale.

When different parts of the body are radiographed or different kinds of treatment are given on the same day or within a period of one calendar month, the charge shall be a consolidated fee made up as follows:—

- (1) For two different parts of the body or three different kinds of treatment. 75 per cent of the full fee laid down for each.
- (2) For three different parts of the body or three different kinds of treatment. 60 per cent of the full fee laid down for each.
- (3) For four or more different parts of the body or four or more different kinds of treatment. 50 per cent of the full fee laid down for each.

24-A. The Surgeon-General is vested with discretionary power, in special cases brought to his notice, to reduce the prescribed rates for any class of paying patients according as the merits of the case may demand. Applications for reduction should be made in M.F.I.-44 by the officer in charge of the X-Ray department.

APPENDIX VI.

[Vide answer to question No. 332 asked by Mr. M. D. T. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 25th October 1934, page 380 supra.]

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Year. (1)	Tracts settled or resettled. (2)	Estimated cost. (3)	Percentage enhancement ordered in resettled areas. (4)	Rate of increase or decrease of land revenue. (5)	Settlement assessment is Rs. 9,365.
1924-25 and 1925-26	(i) Bellary—Red soil taluka.	4,78,279 (rough estimate).	18½ per cent for wet lands under the Tungabhadra and 12½ per cent for wet lands under other sources and for dry lands (leaving unaltered the dry rates of 2 annas, 4 annas and 6 annas).	+ 11.34 per cent.	
	(ii) Trichinopoly (excluding Karur taluk and 26 villages of Musiri taluk).	14,73,755	18½ per cent for wet lands and for dry lands in the Nirambam tract (last dry rate of eight annas being left unaltered) and 12½ per cent for dry lands in the Kadurambam tract.	+ 15.80 per cent.	
	(iii) Madure—Kodaikanal taluk.	24,545	18½ per cent on dry rates (except in 4 villages where the rates were left unaltered). Wet rates unaltered but the actual rate payable on each field to be fixed at the average of the total assessment (either at single-crop rate plus second-crop charge or dry rate plus water charge) collected on it during the preceding five years.	+ 10.72 per cent.	
1926-27 and 1927-28	(iv) Ganjam—41 villages of G. Udayagiri.	34,733	Initial settlement		
	(i) Anantapur—Red soil taluks.	2,52,069 (rough estimate.)	12½ per cent for wet lands and no enhancement for dry lands.	+ 9.0 per cent.	
	(ii) The Nilgiris and Malabar-Wynads.	1,21,175	18½ per cent for wet lands and estate lands. No alteration for dry lands not included in estates.	+ 23.33 per cent in Malabar-Wynads and + 28.15 per cent in the Nilgiris.	

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Year. (1)	Tracts settled or resettled. (2)	Estimated cost. (3)	Percentage enhancement ordered in resettled areas. (4)	Rate of increase or decrease of land revenue. (5)
1931-32	(i) East Godavari	RS. 10,91,673	Wet lands— All rates except the special rate of Rs. 12 under the Yeleru river in the uplands of East Godavari, 18½ per cent. Special rate of Rs. 12 under the Yeleru river, 12½ per cent.	+ 17.27 per cent.
	(ii) West Godavari	5,51,902	Dry lands— Delta lands bearing rates up to and including Rs. 2 per acre, 18½ per cent. Remaining rates, 12½ per cent.	+ 18.60 per cent.
	(iii) Kistna	10,84,074	Uplands— All rates except the lowest rate of 5½ annas, 12½ per cent. (5-anna rate left unaltered.)	+ 19.70 per cent.
1931-32, 1932-33 and 1933-34	Malabar—Plain taluks	15,62,358 (The preparation of diglot registers now in progress is estimated to cost about Rs. 70,000 in addition.)	18½ per cent for wet and garden lands 12½ per cent for dry lands	Not yet available.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Friday, the 26th October 1934.

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

PRESENT :

Campbell, K.C.I.E., C.S.I., C.B.E., V.D., I.C.S., The Hon. Sir Archibald.	Murugappa Chettiyar, Diwan Bahadur A. M. M.
Stokes, K.C.I.E., C.S.I., I.C.S., The Hon. Sir Hopetoun.	Muthiah Chettiyar, Mr. M. A.
Reddi Nayudu, Kt., The Hon. Rai Bahadur Sir K. V.	Nachiyappa Gounder, Mr. K. A.
Pannirselvam, The Hon. Rao Bahadur A. T.	Nadimuthu Pillai, Mr. A. Pl. N. V.
Raja of Bobbili, The Hon. the.	Nanjappa Bahadur, Subadar-Major S. A.
Rajan, The Hon. Mr. P. T.	Narasa Reddi, Mr. T.
Kumaraswami Reddiyar, the Hon. Diwan Bahadur S.	Natesa Mudaliyar, Rao Bahadur C.
Abdul Hameed Khan Sahib Bahadur.	Patro, Kt., Rao Bahadur Sir A. P.
Ahmed Meeran Sahib Bahadur.	Pattagar of Palayakottai.
Alamelumangathayaramma, Mrs. K.	Pocker Sahib Bahadur, B.
Annamalai Chettiyar, Mr. S. A. A.	Premayya, Mr. G. R.
Appadurai Pillai, Diwan Bahadur A.	Rajagopala Pillai, Mr. P. V.
Arasu, Mr. V. T.	Raja of Kallikote.
Basheer Ahmed Sayeed Sahib Bahadur.	Ramakrishna Reddi, Mr. A.
Basu Dev, Mr. C.	Ramalingam Chettiyar, Rao Bahadur T. A.
Beyahani Sahib Bahadur, S. M. K.	Ramamurti, Rao Sahib Pandit Ganala.
Birley, Mr. F.	Ramaswami Ayyar, Mr. T. S.
Boag, C.I.E., I.C.S., Mr. G. T.	Ramaswami Mudaliyar, Mr. V. M.
Boulton, I.C.S., Mr. D. H.	Ranganatha Mudaliyar, Mr. A.
Brock, C.B.E., V.D., Mr. C. H.	Ranganatha Mudaliyar, Mr. G.
Devadasan, Mr. M.	Rangaswami Reddi, Mr. M. B.
Dharmalingam Pillai, Rao Sahib V.	Sahajanandam, Swami A. S.
Foulkes, Mr. R.	Santhana Gounder, Mr. I.
Gopalaswami Ayyangar, Diwan Baha- dur N.	Russell, I.C.S., Mr. T. B.
Gopalaswami Mudaliyar, Diwan Baha- dur M.	Sesha Reddi, Rao Bahadur B. P.
Iswaran Pillai, Mr. I. C.	Shetty, Mr. A. B.
Jagannatham, Mr. H. M.	Simhachalam Pantulu, Mr. G.
Jayaram Nayudu, Rao Sahib C.	Siva Raj, Rao Sahib N.
Jones, I.C.S., Mr. C. E.	Sivasubrahmanya Ayyar, Mr. K. S.
Kesavaramamurti Nayudu, Mr. K.	Sreshta, Mr. M. S.
Kolanda Reddi, Rai Sahib C.	Srinivasa Ayyangar, Mr. T. C.
Koti Reddi, Mr. K.	Srinivasan, Rao Bahadur R.
Krishnayya Choudari, Mr. P. V.	Sriramulu, Mr. G.
Krishnamurti, Rao Bahadur D.	Subbarayan, Dr. P.
Kumararaja of Venkatagiri.	Subrahmanya Chetti, Rao Sahib P.
Kuppuswami Choudari, Mr. J.	Subrahmanya Bhatt, Mr. U. C.
Ladden, Mr. W. W.	Sundara Rao Nayudu, Mr. T.
Madanagopal Nayudu, Mr. R.	Syed Tajuddin Sahib Bahadur, Khan Sahib.
Mahboob Ali Baig Sahib Bahadur.	Thangal, Mr. P. M.
Metherell, Mr. J. K.	Thorne, C.I.E., I.C.S., Mr. J. A.
Moidoo Sahib Bahadur, Khan Bahadur T. M.	Vasudeva Pillai, Mr. V. G.
Moses, Mr. P. C.	Vedachala Mudaliyar, Mr. M.
Muniswami Nayudu, Diwan Bahadur B.	Venkatachala Reddiyar, Mr. K. C. M.
	Venkatarama Ayyar, Mr. K. R.
	Venugopal Nayudu, Rao Bahadur B. K.
	Zamindar of Kirlampudi.
	Zamindar of Mirzapuram.

[26th October 1934]

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prisons and Prisoners.

Number of political prisoners still in prison in the Presidency.

* 334 Q.—Mr. K. A. NACHIYAPPA GOUNDER: Will the Hon. the Law Member be pleased to state—

(a) what the number of the political prisoners who are now in jails in this Presidency is; and

(b) what the term of imprisonment which each of them has to serve is?

A.—(a) There is at present only one prisoner, convicted for offences connected with the Civil Disobedience Movement, in the jails in this Presidency.

(b) The convict had 11 months and 3 days to serve on 30th September 1934.

B. POCKER SAHIB Bahadur:—“ May I know what is the special reason why this particular prisoner alone is not released? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I do not know whether any purpose will be served if I give out the reason. But I may tell you, Sir, it is not considered safe to release the man.”

B. POCKER SAHIB Bahadur:—“ May I ask whether all the prisoners who were released are considered to be safe? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ At any rate, there was no objection against their release.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I ask whether in the case of this prisoner he was involved in adopting any violent methods and that is why he was not released? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ At any rate, he was preaching sedition at one time.”

Mr. ABDUL HAMEED KHAN:—“ May I know the section under which he was convicted? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I think I want notice for that.”

B. POCKER SAHIB Bahadur:—“ Is he in jail for any offence of sedition? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I do not exactly remember. I do know that at the time he was convicted there was a charge of sedition against him, and Government did not think it necessary to proceed on that count because he was already in prison.”

Mr. BASHEER AHMED SAYEED:—“ May I know whether he was at any time also connected with any revolutionary movement? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I want notice.”

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Mr. BASHEER AHMED SAYEED:—“ May I know whether the Government will reconsider the case of his release? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I may assure the House that the Government have very carefully considered the case of this prisoner and have found it impossible to release him when they have released so many other people.”

B. POCKER SAHIB Bahadur:—“ May I know whether the Hon. the Law Member means that he was also guilty of sedition, or whether it is only the Government's opinion and that there is no opinion by any court that he is guilty of sedition? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I suppose the Government Officers' opinion too counts for something.”

Mr. V. M. RAMASWAMI MUDALIYAR:—“ May I know the name of the prisoner? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I think it is Madduri Annapurniah.”

Mr. ABDUL HAMEED KHAN:—“ May I know what it exactly means when it is said that the Government's opinion too counts for something? The court it is that ultimately decides the guilt, and the decision of the court prevails. In view of that, may I know whether the Government upholds the action of the police prosecution or the decision of the Judge? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ Sir, there may be occasions on which Government will have to rely on police reports. It will be seen that the prisoner has no right to be released when he was convicted by the court. If he should be released there must be some reason for it, and the Government find that it is not safe in the interests of the public to release him.”

Mr. BASHEER AHMED SAYEED:—“ May I know whether the Hon. Member is in a position to state that his conviction was upheld by the appellate court? ”

The Hon. Sir K. V. REDDI NAYUDU:—“ I want notice.”

Industries.

Diplomas to successful pupils of the Trade school, Mangalore.

* 335 Q.—Mr. M. S. SRESHTA: Will the Hon. the Minister for Education and Excise be pleased to state—

(a) whether representations have been received by him that diplomas be granted to successful pupils of the Trade School at Mangalore; and

(b) what action has been taken thereon?

A.—(a) Yes.

(b) Action has been deferred pending decision on the report submitted by the Director of Industries on the record, progress, and future organization of the school.

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Mr. M. S. SRESHTA:—“ May I know whether the Hon. Minister is aware that owing to the fact that no diploma is given to the students who pass out of the Trade School at Mangalore, they are placed at a great disadvantage as compared with the other students who pass out from the other similar schools in the Presidency? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I have not got definite information on the matter.”

Mr. ABDUL HAMEED KILAN:—“ May I know whether any report has been made by the Director of Industries with regard to this school? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ The report is under consideration.”

B. POCKER SAHIB Bahadur:—“ May I know when the Government is likely to come to a decision on the report? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ As early as possible.”

Mr. M. S. SRESHTA:—“ When was the report received, Sir? ”

B. POCKER SAHIB Bahadur:—“ May I know whether the question of granting diplomas also formed part of the report? ”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ It depends upon the standard of the course and other matters concerning the education given.”

OFFICIAL BUSINESS.

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

II.—A BILL FURTHER TO AMEND THE MADRAS ELEMENTARY EDUCATION ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 17 OF 1934).

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ Mr. President, Sir, I shall now proceed to the third and I hope the last instalment of the speech that I intend to make in introducing this Bill. If I remember right, I was saying yesterday that there was a mistaken impression that the amending Bill sought to abolish the existing system of compulsory education. I said it was not so. Where conditions are favourable and if finances permit, it will certainly be open to the local body concerned, or to the Government if they think fit, to introduce the general compulsion now provided for in the Act. But, where it is not possible to do so, I submit, Sir, that we cannot merely stand by and allow with complacency the continuance of this enormous waste of money and educational effort. It is for this interim period till conditions improve and become favourable for the introduction of universal compulsion that we do want to introduce this modified form of compulsion so as to make it possible to get a better return for the money that we are now spending on elementary education. As I said, Sir,

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it was in the year 1920 that provision for the introduction of compulsory elementary education was for the first time introduced, and from 1920 up to 1934 experience has shown that very little progress has been made with the aid of the provision made in the Act of 1920, in the removal of illiteracy. Even in areas where compulsion has been introduced we find to our great regret that the percentage of wastage is almost the same as in other similar areas in the Presidency. When examining the reasons for this poor result, it is found that though compulsion has been nominally introduced in a number of areas, no active steps have been taken for enforcing it. It becomes therefore necessary to consider whether it is not possible to improve the method of enforcement now provided for in the Act so as to make it more effective. The method that is now provided for is to prosecute the offending parent before a magistrate at the instance of an attendance committee appointed either by the municipal council or by the local board which has introduced compulsion, and the magistrate, if he convicts the person who is placed before him, passes a sentence of fine which does not exceed a prescribed amount. I need hardly tell the hon. Members of this House how humiliating it is to an Indian parent to be brought before a magistrate as if he is an accused person and to be convicted and sentenced to a fine. It is also not surprising that the attendance committee which consists of representatives, as I said, of the municipal council or the local body concerned, depending as they do on the votes of the persons who have to be prosecuted, is very much disinclined to undertake prosecution. These causes have contributed to the poor result which I have just referred to. Well, Sir, if we have really any faith in compulsion, there is no use introducing it without attempts to enforce it. So far, the evidence available shows that for some reason or other, such active steps as are necessary to enforce compulsion have not been taken even where introduced. I find from some criticism that there is a vague kind of apprehension that the method which has now been provided for in the amending Bill would cause greater hardship than the one which is provided for in the existing Act. Even a casual comparison of the two methods and a little reflection would certainly remove the fears of such critics. There is no such humiliating process to be undergone, as the prosecution. The offending parent is not to be taken before a magistrate; there is no conviction; there is no penal sentence at all. The method provided for in the amending Bill is similar to the recovery of a tax which a local or municipal law imposes. And we may therefore expect that it would, if at all, only cause as much irritation and annoyance as the recovery of taxes would cause to the rate-payers of a local area. That cannot be helped. People however unwilling they may be to pay taxes have now become reconciled to the idea that they should pay them if they want the amenities of civilized life, and there is no question of any disinclination on the part of the chairmen of municipal councils or presidents of district boards with regard to the levying of it; because these officers would be placed under a statutory obligation under the amending Bill

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to levy and collect these penalties from the offending parents, and the blame, if any, for the imposition of such penalties would be laid at the door of those responsible for this piece of legislation which has made it obligatory on the parents to continue their children in schools and on the chairmen and presidents to collect the penalty from those who evade that law. Therefore, I submit, Sir, the provision that is now sought to be made is a much more lenient and much less humiliating one and it would not cause as much hardship to the offending parents as the procedure laid down in the existing Act may be expected to cause. The only claim that is made on behalf of this new method is that the evasion of the provision of compulsion in the Bill would become very difficult under the new method and will therefore become much less frequent. The system could be made, by rules properly framed for that purpose, to work almost automatically, and parents evading the law of compulsion would all be brought to book, and the hardship will not be any greater than in the case of sentences and fines, because it is proposed to prescribe a maximum beyond which the penalty cannot go.

"I think these observations would be enough to convince the hon. Members of the House that the method which is now proposed is not likely to cause any greater hardship, than the one that is found in the existing Act. These are the two main provisions of the Bill which I am introducing now before this hon. House. The evil which has to be remedied is of such great magnitude that in order to remove it, it will not do merely to tinker half-heartedly with existing methods. (Sir A. P. Patro: 'Hear, hear.') As I have been advised more than once by hon. Members sitting on the benches opposite, if Government were really intent upon making any substantial improvement in our present system of elementary education, they should undertake new and even courageous measures. The Bill that I am placing before you is really an honest and earnest endeavour to devise such measures. If these measures succeed in producing even to a partial extent the results which we expect them to produce, the achievement will be a most creditable one, of which we, Members of this Council, can feel legitimately proud; but if they should fail in achieving the object, even then we shall not be accused of having made no effort to combat the serious evil which is sapping the resources of our Presidency.

"I do not want to detain the House any longer because I am told there are several hon. Members who are anxious to take part in this discussion and because other important business is still before us. With these words, I introduce the Bill and move that it be referred to the Select Committee."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I second it."

* Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, an amendment to the Elementary Education Act in several directions has been long overdue. There has been a systematic agitation from the public as well as the Members of this hon. House that the time had come long before for a wholesale amendment of the Elementary Education Act.

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But from time to time the Government made promises to amend the Act, to consolidate the measure and thereby remove several of the defects that exist in the Act. They at one stage in a very serious manner took up the amendment of the whole Act and had committees and conferences held but as ill-luck would have it, financial stringency stepped in and everything has now been shelved to a corner. Well, that has been, in short, the history of this legislation. It is no doubt some relief that the Hon. the Minister should have thought of at least one aspect which required early attention in the matter of effective compulsory elementary education. It is true, Sir, there is some opposition to the measure that has now been introduced by the Hon. Minister. The feeling has been expressed in some quarters that when compulsion that has been already introduced has not proved fruitful, when there are still schools which are not full with pupils, when there are any number of boys still playing about in the streets, working in the fields or beedi factories and other places, when these have been called in into those elementary schools which are maintained by local boards, municipalities and the Corporation of Madras, a measure of this kind is rather premature, not to speak of the severity which is contemplated therein. I refuse to subscribe to that view. On the other hand, I should say that defective as the measure is, and though the Hon. Minister has not found it possible on account of other circumstances to take on hand a wholesale amendment of the Elementary Education Act, so far as this one aspect is concerned, I shall welcome the measure, and I expect every reasonable and sensible man also to welcome this measure. We know from experience how exactly compulsion has failed to a very large extent, compulsion as it now obtains under the existing Act. Be that as it may. There are very many reasons for it. The most important reason is the half-hearted way in which that measure itself was enacted. We know and we remember that it was as a matter of concession to public agitation that was started at the time of the late Gopala Krishna Gokhale that this measure was brought into existence, and the treatment which it has been receiving all along has not been liberal or adequate either. They have imposed liabilities on the local bodies which require that when compulsion is introduced, an education tax should be levied, Government contributing only an equal share of the amount so realized. As has been pointed out and as we know, the local bodies are always very reluctant to tax themselves any further. The burden of taxation has been increasing and the incidence of taxation has been also on the increase. Instead of the Government taking upon itself the whole responsibility for spreading elementary education, they have thrown it on the local bodies, and the progress has been naturally very slow. I would therefore say that whatever might be the defects that now exist in the Act, it is necessary in these days, with a view to make the present system of elementary education more effective and more fruitful, that some measure should be devised, whether it be the one that is now proposed by the Hon. the Minister or any other that may be devised by the Select Committee. I am anxious that some measure should be devised to detain the boys

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who have been sent to schools for the full period of the elementary course. We have been told repeatedly, and persons who are connected with these elementary schools know fully well, that the boys that attend these schools are a large number in the first and second standards; but in the third, fourth and fifth, the number goes on gradually decreasing, and ultimately it happens to be that not even a fourth or fifth of the original number stays in the school for the full course; and particularly so is this in the case of the Muslim community. The statistics of Muslim community have shown, as may be seen from the Director's annual reports, that in the first two classes, the Muslims seek admission in a very large number but in the third, fourth and fifth, that number goes on decreasing, and ultimately there happens to be only a handful in the fifth class. Besides, those children who go through the second or third year's courses and stop away, lapse into illiteracy. This measure which proposes to detain boys by compulsion at least up to the fifth standard must be a source of success. In the Punjab very many devices have been invented to detain boys and to prevent this colossal waste. Of course, there, we are told, circumstances are different, and the Government itself had taken up the question in right earnest. The reports state that the Punjab has made the best progress in the matter of elementary education, and so in adult education. I am anxious that our Province should not lag behind in the matter of spreading literacy. As has been pointed out in the Statement of Objects and Reasons, the Hartog Committee and the Agricultural Commission have definitely stated that the wastage in these elementary schools, not only the waste of time of the boys but also the waste of public funds, is enormous, and every step must be taken to prevent this waste. It is true that since power has been vested in the attendance committees and local bodies to institute prosecutions against recalcitrant parents, much good has not resulted, but if the Government would say that such of those parents as have not allowed their children to stay in the schools for the full course once they are admitted, would be prosecuted, or penalized I consider that will go certainly a long way in making the boys go through the full course of primary education for the four or five years and there will certainly not be so much public waste, and there will be no waste of the age of the boys and no lapse into illiteracy either. It is a very big problem that has to be dealt with. But any measure, however defective, however haphazard it may be, the Select Committee is bound to consider in all its aspects and then make it as perfect as possible, and as useful and effective as may be necessary. I should say that the measure that has been proposed by the Hon. the Minister ought to go to the Select Committee and then made as wholesome as possible, so that full effect may be derived in the matter of compulsory elementary education. I have therefore much pleasure in supporting the motion."

* Rao Bahadur Sir A. P. PATRO:—"Sir, the Hon. Minister recited to us, what all is contained in the Statement of Objects and Reasons of the Bill. The problem of elementary education is the greatest and

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hardest of the educational problems. 'To discover the kind of education needed in the villages and to plan for the proper training of teachers for the purpose are very vital for the solution of the problem.' It will be admitted by all that this is a task of the first magnitude. The urgency of making village schools educate the village children effectively is also recognized all round. The question is how to achieve this in the light of prevailing rural conditions. It is gratifying to me to note in this connexion that the *Madras Mail* has opened its columns to correspondence and interviews on this very vital subject. When I pressed for the introduction of a comprehensive measure of reform at the budget discussions, I expected that the Hon. Minister, who has had previous experience and knowledge of the working of local boards and district educational councils, would be able to produce a more substantial measure of reform commensurate with the importance of the subject. I am sadly disappointed. Piece-work and patch-work in legislation seem to be the pastime of the Ministry. (Mr. V. T. Arasu: 'Hear, hear.') There is any amount of centralizing control and no comprehensive measures of reform. The Hon. Minister would have done better if he had previous consultation with the Members of this House from whom he expects support. The present practice is an unsound one in that, the Ministers place a Bill before the House and expect the Members to support it without demur lest their position be jeopardised. In this case a conference of persons qualified and experienced in the working of the Elementary Education Act would have yielded better results.

"Sir, a clear view of the picture of village conditions, economic and social, is necessary to understand the problem aright. Ninety per cent of the population in this Presidency live in villages and 10 per cent only in urban areas. We must also remember that in about one-sixth of the area nearly half the population live. If these factors are borne in mind, it will be seen that this problem is a very serious one, and not, as pictured in the Statement of Objects and Reasons, a casual one. The social and economic survey of villages made by Dr. Harold Mann in two Deccan districts shows that 65 to 85 per cent of the people of those villages are insolvent and that 41 per cent are in debts unable to discharge their liabilities. In a recent economic survey made by Mr. Mason Olcott who has been in India for about fifteen years and in this province for many years, he found, in the village of Gunga about 90 miles from Madras, that out of 64 families, 62 per cent of the children between 7 and 14 were wage-earners. In the Christian population and in the Adi-Dravida population, 68 per cent were working to supplement the family income which was slender. In a recent survey made by a mixed body of officials and non-officials, the latter predominating, of the Tiruvallur taluk, it was found that the state of affairs in the villages was most appalling. One-third of the population of the 60 villages surveyed were labourers earning As. 1-6 to 2 annas per day. When the actual labourers are getting only so much per day, we have been

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asking for increased comforts for the jail population, who are given As. 3-6 to 4 annas per day for diet. As I said, one-third of the population of these villages are not able to make a living by working hard all day as they get only about two annas per day. The report of this survey of the Tiruvallur taluk goes on to say that a large number of the people are in a state of semi-starvation. Let us take the case of a family which has 6 acres and 9 cents of land and consists of six adults, three grownup people and three children. What is the net income of this family from the land? If we deduct Rs. 11-12-0 for the kist, it comes to Rs. 103 for the year. Out of this, wages for the family, interest on the capital borrowed, amount to be spent on ceremonies of the family and for its maintenance have to be deducted. What is the result? Practically nothing remains. Hon. Members will see that in a book written by me some years ago on village economics, taking a village from the extreme north and another from the extreme south, I have shown that in every family budget there is a deficit of Rs. 40 to Rs. 60. It was found that a ryot owning 6 acres of patta land and $2\frac{1}{2}$ acres of inam had a deficit of Rs. 40 at the end of each year. To this deficit must be added the cost of living, of cloth, of food, of fuel, of lighting and also the payment of interest and sums to be spent on ceremonies such as marriage, etc. Now, in this state of affairs, what is it that is going to be done by the Government in order to encourage the spread of elementary education? Sir, an understanding of this ground work is absolutely essential in order to see what kind of education is needed and in what manner it has got to be imparted. It is no exaggeration to say that grinding poverty and semi-starvation stare in the face of a certain proportion of the population. The immensity of the problem is such that only 8 per cent of the population is literate. What is the remedy educationally for this state of affairs? We must see how best we could provide elementary education. It is this thing that should engage our attention.

“Sir, the Statement of Objects and Reasons of the Bill refers to the augmentation of the education fund by power being taken under the Act to compel local bodies to set apart a minimum contribution out of the general funds. In addition to this the district boards are compelled to make up any deficit in the educational budget. This is a wonderful change. It might read well on paper and might also enable Government to say: ‘We have provided the means of augmenting the revenues of district boards for expanding elementary education.’ But the fact is that the present policy of the Government in regard to elementary education is absolutely zero. If it is a fact that taluk boards were wiped out because there were some which were not able to make both ends meet and provide for services and the empty purse of the taluk boards was handed over to the district boards for the purpose of administering the various useful services, how does this augmentation help matters? The village development fund was abolished to which the district board and the Government were bound to contribute. How could the new district boards be compelled to contribute the minimum

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percentage fixed by the Government when they themselves are in financial difficulties? The position will be worse when the district boards are bifurcated necessitating expenditure on a large additional staff of supervisors, inspectors and so on. Where are the district board funds to meet all this expenditure? Probably there are funds in the records and files of the Secretariat and not in the coffers of the district boards. Now, Sir, the augmentation of revenue referred to for the expansion of elementary education is unreal unless Government are able to finance more liberally for the expansion and development of elementary education. Is there any promise of contribution from the provincial funds to the district boards to be ear-marked for this purpose? Has the Hon. Minister been able to persuade his colleague, the Finance Member, to devote a proportion of the provincial revenues for the development of elementary education? If this had been done, it would have been a welcome measure and one would thank him for his great achievement. But, nothing has been done. The Hon. Minister has not even attempted to allot any funds for this purpose from the provincial revenue.

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a.m.

“Another matter referred to in the Bill is the centralization of power. The Government and the Director of Public Instruction take power to cancel or modify the resolutions of the district educational councils instead of giving them more power subject to certain limitations. When this has been done, the district educational councils which had been doing useful work in the past will become only nominal bodies. Of what use is the council? Is it merely an ornamental body, an ineffectual and effete body, merely to distribute the grant-in-aid given to it and this is not determined on the advice of the council. It is to be determined on the recommendation of the district educational officer and his subordinates. The council is merely to perform the functions of a forwarding agency—a post office. Let us look at the functions as stated in the Act of 1920 and see what provision is made to enable them to carry out all or any of their statutory functions. You have placed on them vast responsibilities for expanding elementary education. But what provision has been made in this Bill for the purpose of enabling them to discharge those responsibilities in reality and in effect? Absolutely none. These bodies should be re-vitalized and the constitution changed for enabling the councils to render better service and not crippled. The abolition of the taluk boards removed practically one of the effective agencies for the development of elementary education and their abolition has created a great confusion in the districts. There are Government officials, the Junior and Senior Deputy Inspectors of Schools and the district educational councils with specified jurisdiction. The district boards have an educational standing council and inspecting and supervisory agencies who are responsible to the district boards. When two agencies are working together in the same field, conflict must be inevitable some time or other. The outlook for the expansion of elementary education in compact areas such as were served by the taluk boards seems very gloomy indeed. For one central committee for a whole district of 720 square miles, to be able to supervise the spread of

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education, the task seems colossal and it can only be imagined by practical men but not by the Government. (Hear, hear.) The presidents of district boards are very often absent from their jurisdiction and hence the vigilant eye of the president of the district board could not be cast towards the expansion of elementary education. Nothing is more injurious to the spread of elementary education in the Presidency than the attempt to reduce the district educational councils into mere ornamental bodies. Panchayats! Yes. They can take responsibility; but they are very few in number and it will take very many years before the panchayats are suitably organized in the villages. The power of allocation of land-cess to panchayats vests in the Government under Act II of 1934. The latest education report (1932-33) shows that there was a reduction of panchayat schools—of the sanctioned 1,412 schools, only 1,324 schools were working—and that a large number of applications for starting new schools could not be sanctioned as the establishment of a panchayat is a condition precedent to the starting of a panchayat school. I am reading from the report itself, Sir. Additional teachers could not be sanctioned with the available resources. At present, the panchayats can make no headway in the matter of the spread of elementary education. We find that the resources of the panchayats and district boards are inadequate to meet the growing needs of elementary education. The Government ought to find funds in order to make section 56 of Act II of 1934 really effective. Otherwise, it will remain a pious wish. It is not enough if the Government merely take powers for doing this thing and that and penalize the people through panchayats and district boards.

“A matter which the Hon. Minister exhibits with pride is clause 8, a new addition to section 45 which provides that the local Government may of their own motion require any local authority to frame a scheme for any of the purposes mentioned in section 44 within a specified time and if they refuse, Government may themselves frame a scheme for such purposes. It is stated by the Minister with an amount of pride that this new innovation is such that they will effectively advance the cause of education by merely laying it down that schemes would be framed by the Government in the event of those not being framed by the local authority within the specified time. How improbable and how unsubstantial! The operative part or sanction for such refusal should also include a provision that such a scheme would receive the requisite grant-in-aid to enable the scheme to be carried out. If the Government are sincere in the matter and do not propose to make bricks without straw, then financial aid is absolutely necessary without which the provision will remain inoperative. It may seem on the face of it that centralization in such cases would involve also the necessary expenditure from central authority; but the matter must be clearly stated in the Bill. Experience suggests that very much depends upon the driving power and earnestness of the Hon. Minister in charge for the time being of this department whoever he may be. Want of funds has always been the difficulty of the local

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bodies. If Government want this compulsion, at least partial, to take effect have they made any provision for funds except those at the disposal of the local authority? Making bricks without straw is not within our capacity but the case with the Government may be different.

“In regard to the contribution of funds by the Government for purposes of education, I would draw the attention of hon. Members to one aspect of this problem which obtains in a modern eastern country—I mean Japan. Fifty per cent of the population are agriculturists and about 40 per cent in similar condition I have already described both economically and socially. What has been or is being done in that country in order to adopt the ideal of free compulsory education? I would refer hon. Members to a recent book by Kennedy and Allen to see how since 1869 when the proclamation was issued steps have been taken by the Government with a view to carry education to the very door of the villager. Hon. Members should not carry with them the impression that Japan is a very prosperous country from the accounts you read in the papers. It is just like our country where 40 per cent of the population is living from hand to mouth. The local authorities are not given power to prosecute and sell away chattels towards the realization of fines. No humiliation, my friend, if your pots and chattels are sold. No humiliation when the president of a district board issues a warrant for the distraint of property.”

* The Hon. the PRESIDENT:—“The hon. Member must address the chair.”

* Rao Bahadur Sir A. P. PATRO:—“Sir, when I said ‘you’ it refers to the general expression and not to the Hon. Minister in charge of education for the time being. It may all seem to have been done in the interest and cause of education. But these are very humiliating.”

“Though a central authority is useful to urge onward an apathetic local authority, the result of our experience is that unfortunately the central authority frequently introduces political factors which may adversely affect progress, as is always alleged against local self-government and the co-operative departments; a change of a cabinet, a change of Government may cause a complete change of educational policy. When local educational authorities exercise their powers and perform their statutory duties in the best interests of children, there will be continuity. This principle is adopted in Japan. There, the local authorities have been entrusted with the power and are afforded the necessary monetary help so that the poor classes may not be thrown into prison for non-payment of fines.

“The modified form of compulsion proposed may set back progress. Not only will it be a hardship on the parent to whom not only no compensation is proposed for continuing the boy, but he is on the other hand mulcted with a fine on his slender resources, his pots and pans may be sold by the president of the district board or panchayat. It will prevent poor people from sending their children to school. Now there should

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be no uniformity in all the districts as conditions vary from one place to another. The unhealthy tendency to uniformity must be controlled. Elementary education must be suitable and useful to the locality. What is serviceable to people of one district or taluk is not useful to the inhabitants of other districts and taluks. Uniformity is the bane of progress of village education.

“ Now, Sir, I will show to the House how the expansion of elementary education is delayed in this province and delayed miserably. I will quote figures from Government reports and not from text books. At the end of 1926-27 the number of local bodies where free and compulsory elementary education had been introduced and worked out was 21 municipalities and 3 taluk boards and the number of local bodies which levied an education cess was 28 municipalities and 103 taluk boards. Since then no further advance has been made and there has been a full stop. Why? Because of the apathy of the persons who ought to have been able to push on these municipalities and local boards to do something. The Hon. Minister complained that compulsion had been adopted only nominally. What a statement to come from a responsible Minister of Government? I am really ashamed at that statement. It is the fault not of the taluk boards, not of the district boards, but of the Government. They have not been able to push forward elementary education as energetically as possible. They have left things to drift, to take care of themselves. The Hon. Minister must have put forward the claims of elementary education so energetically that even the Finance Member and other Members of the Cabinet would realize the urgent need for the expansion of elementary education. Therefore to lay the blame for this state of affairs at the door of the local bodies is thoroughly unjustifiable and thoroughly unfair when they have done their part of the duty in raising an education cess and introducing the principle of compulsion. Was any expert assistance given by the Government in order to work out the details of the scheme? Was any deputy inspector or other expert asked to help the local bodies in order to make compulsion a success? So far as that has not been done, how can the blame be laid at the door of the local bodies? It is futile to take shelter under the plea of financial stringency. Madras has always boasted—I am sorry the Hon. the Finance Member is not here now—of a balanced budget, a budget which leaves a margin for unforeseen expenses. When such has been the condition of our finances, to say that financial stringency does not admit of any contribution to be made for the expansion of elementary education, stands to no reason whatever. The whole thing depends on the way in which the claims of elementary education are put forward.

“ Now, Sir, the latest report of the Government for the year 1932-33 shows an alarming state of things. We find there (1) a decrease in the number of public elementary schools; (2) a decrease in the general strength; (3) a decrease in the number of part-time schools and night schools; (4) a complete stoppage of grants to night schools—adult schools; (5) a decrease in the number of teachers from 94,000 to 92,000; and

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(6) a decrease in the number of schools managed by teacher-managers. That is the state of education as described in the report of the Government for 1932-33—decrease everywhere and loss everywhere. By what means does this Bill propose to repair the great loss sustained by the country? A perusal of the budget provisions shows that in the years 1931-32 and 1932-33 there was enormous reduction of the provision made for elementary education though, I am glad to find, that for 1934-35 normal provision has been made. The Bill must make definite financial provision for the effective realization of free and compulsory education, to the extent of not less than two-thirds of the education cess raised. The Punjab Government grants up to two-thirds and in some cases even more for rural education. How can you build a house without stones and bricks? The Minister may work a miracle without finance, but it is not given to ordinary mortals to visualize such a situation.

“ I now come to the fad of certain enthusiastic theorists who have been talking of ‘waste.’ That there will be a certain amount of waste in every country is admitted, but to emphasize it too much and to put it forward as an excuse and an explanation for doing nothing to expand elementary education, betrays a complete ignorance of the real conditions in rural areas, at least in Madras. I would recommend to these enthusiasts the study of a very interesting book ‘Village Schools in India’ published by Mason Olcott, after a close study and experience of 15 years and Dover Wilson’s book on ‘The Schools of England’ and ‘Elementary Schools in America’ by Harris. The economic state of the average villager is completely ignored. It is forgotten that children between 5 to 12 are useful hands to keep the ‘pot boiling’ in the family. From the brief picture I gave before, it will be clear that some margin must be made for lapses and some amount of waste is inevitable in every condition and in every country. It will not of course be more in proportion to the general waste that is going on on account of the poor economic and social condition of the millions of people in the country. Of course there has been gradual improvement in the matter in this Province. The quinquennial report for 1927-32 presents a very promising picture. It was said that the strength was weakening in the higher standards while in the first and second standards alone there was any good strength. Some figures were quoted. Of course, figures can be quoted for any purpose. The figures given in the Government report on education in the Presidency show that during these years the strength of the higher standards was more than 12 times what it was before the Education Act came into operation, i.e., 1917, 12 times, mark you! 12 times greater progress was attained in the strength of the higher standards. The quinquennial report for 1927-32 states:

‘The figures relating to elementary schools for boys provide an interesting study in that they indicate a steady expansion in numbers between 1920 and 1930 and a sudden decrease between 1930 and 1932. During the years from 1920-30 the percentage

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of increase was 63. This increase is the result of encouragement given by Government in those years to the starting of schools.'

Relating to the distribution of pupils according to standards, the report states that in the total strength of the three highest standards there has been a steady and very satisfactory increase since 1917 as the above figures of the strength of the standards show. The strength is 12 times more than in 1917. The report further records:

'From this and from the fact that the average duration of school-life increased during the quinquennium it follows that there has been less wastage between 1927-32 than between 1922-27.'

This is the statement made in a public document and yet the Hon. Minister has been asking the House to believe that there has been appalling waste. Appalling waste! Here in a document of the department of the Government it is stated that the strength in the higher standards has risen 12 times what it was before and that the average attendance at school has been raised from 1.9 years to 2 years. Also there has been less wastage between 1927 and 1932 than between 1922 and 1927. When such is the record in our Province, to talk of wastage is mere waste of words.

"The Bill quotes the authority of the report of the Agricultural Commission and the Hartog Committee. I would ask the Hon. Minister to look into the remedies proposed in that report. They suggest encouragement to local authorities by three-fold safeguards, namely, inspection, recognition and assistance from Government funds. The last thing is placed first. The report relied upon by the Government says that assistance from Government funds should come first. In the Punjab the co-operative movement has done very much in the direction of supplementing the resources of the local bodies. Secondly the Commission recommend a progressive adoption of the compulsory system. Provision for trained teachers, and improvement of their pay and prospects are other essential points. The pay of the elementary school teacher is very inadequate to rouse any enthusiasm in him or in her to be a pioneer of education. When these teachers are paid worse than peons, how can you expect them to show any enthusiasm for education? The Commission also added:

'We fully realize that the expenditure involved in the introduction of compulsion will be very heavy and that the greater part of it must fall upon provincial revenues.'

Even partial compulsion would have the same effect. Therefore, uniformity of progress in all provinces or even in different parts of the same province is not to be expected. The Commission recommended:

"Even the grant of a small bonus which would have been earned by the boy had he not remained in school, provision of a meal, of scholarships and improvement of the prospects of elementary school teachers are among others to be considered. In other

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places, provision should be made for nursery schools; part-time schools, day-continuous classes, adult education and practical instruction to make the school attractive to the villager.'

These are all the remedies suggested for preventing the waste that is going on. What has been done in this Bill in order to prevent the waste? What are you doing to prevent the waste? Have you adopted the means recommended in the Commission's report? Take the example of the County and Borough Councils in England. They arrange for the poorer classes in a most effective way to keep the children from 7 or 8 in nursery schools from which they go to elementary schools up to 14 years. Even this is considered 'wastage' and in 'The Schools of England' we find:

'It is useless to educate children up to a statutory limit of school age between 14 or 15 and to stop at that. Some system of keeping all adolescents in touch with educational influence up to 18 years of age is not only reasonable but economical. To fail to do this is largely to waste the work of elementary school.'

The Bill must make provision for gradual introduction of compulsory system beginning with municipal and panchayat areas under special grant-in-aid provided hereunder; compulsory attendance should be extended to those areas where funds would allow. Thus the remedy for the alleged waste is not to discourage and penalize even those who are able to spare the children to attend elementary schools, but to afford effective facilities to the parents in the various ways suggested above including part-time schools and make the school a really attractive source of usefulness for the villagers whose co-operation is a vital factor. The Bill vests the power in the president of the local boards to punish the villagers. This is bound to fail and make local bodies more unpopular. The Bill as it stands makes no effort to define the various remedies recommended. There is no financial provision over and above section 37 of the Elementary Education Act even though it takes large powers of enforcing compulsion indicated in clause 5 of the Bill. Unless the Bill is improved in the directions indicated it is likely to do more harm to the progress of elementary education in this Province than effect any real advance. Unless the Government take proper steps to make elementary education more attractive to the villagers, to better the lot of the elementary school teacher so that he may be more useful and devote his energies more fully to impart education to the villagers, unless the Government make it worthwhile for the panchayats to take a living interest in the development of education, there is no use in merely saying, 'Yes, the Government take power.' But the Government do not take the necessary power of contributing funds. They should be able to finance any practicable scheme of elementary education. Finance is the central and pivotal thing, is the vital problem and unless the Government solve that problem, the problem of elementary education will never be solved properly."

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Diwan Bahadur B. MUNISWAMI NAYUDU:—"Sir, I do not propose to traverse the whole field which Sir Patro traversed. I recognize and he also recognizes that under the present system of Government we cannot hold the Minister responsible for any proposals which require much finance. I therefore take it that this Bill is an attempt on the part of the Minister to try and see, as far as it is possible for him to do so, to improve elementary education especially in areas where the Government propose to introduce compulsory education. One of the recommendations or suggestions made in the report of the committee constituted for this purpose is this; there has been a large number of pupils who, while attending the lower classes, cease to attend the higher classes; therefore the question arises whether the boys and girls attending the lower classes should be induced and compelled to attend at least the fourth standard, if not the highest standard mentioned in the Elementary Education Act. The difference in the figures of pupils attending the various classes is so striking that it seems to me it is necessary that something should be done to keep up a fair percentage of boys and girls attending the various classes. But, Sir, the Hon. Minister in introducing the Bill has eventually lost sight of the fact that his object could not be achieved merely by introducing a provision to fine the parent if he does not send his children to school. The original Bill provided for the appointment of what are called Attendance Committees; obviously these small committees will be in touch with the village needs or the needs of the localities which the schools serve; their opinion will count in the matter of further proceedings to be taken to compel the parents to send their children to school. The Bill as it is drawn up now, practically does away with the School Attendance Committees. Section 51 of the present Act provides for appointment of Attendance Committees by the local authority concerned and the local authority is made responsible for the enforcement of the provisions of section 49. At the time when the Act was passed in the year 1920, the local authorities which were expected to deal with this question were the taluk boards for the rural areas and the municipalities for urban areas. The taluk board is a smaller authority and the members and the president of the taluk board may be reasonably expected to have more intimate acquaintance with the villagers in their area than the members and president of the district board. Now there is one local authority for the whole district and that local authority will be responsible hereafter for enforcing the provisions of section 49. The Hon. Minister has in his Bill merely substituted the words 'President, district board' wherever the words 'President, taluk board' occur. I do not think it is a wise thing merely to act on the rule of thumb as it were and substitute the words 'President of the district board' for 'President of taluk board.' He has now to consider which would be the local authority which, while being effective, could also be expected to be in touch with the local conditions. My first objection to the Bill as drafted therefore is the substitution of the President of the district board to be the authority responsible for the enforcement of the provisions of section 49 could not be sufficient.

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"Secondly, Sir, I do not understand why while having the provision to levy fines, the provisions of section 52 should be entirely abrogated. In clause 11 of the Bill, sub-clause (4) it is stated, that on the publication of a notification under sub-section (1), the provisions of section 52 shall not apply to the area affected by it. Section 51 which provides for the appointment of Attendance Committees is not abrogated; but section 52 which gives power to the Attendance Committees is abrogated. Does the Hon. Minister seriously think that the future president of the district board who will be the authority responsible for enforcing the provisions of section 49, will be able to perform the duties which are entrusted to him, the duties being more in the nature of Magistrate's powers. Does he not consider that there should be small committees appointed who know the locality and upon whose advice the local authority can levy the fine? These small committees may be expected to know the condition of the locality and they may be able to send a reasonable recommendation. I think that it is absolutely essential to have the provision regarding Attendance Committees. At this stage I wish to point out that however much the Hon. Minister may be anxious to improve the attendance in schools in the higher standards, he would not achieve any satisfactory results if he is not able to take the local opinion along with him. In the initial stages your business is more in the nature of making the local people take more live interest in the matter. If sufficient public opinion is created and if the people realize the responsibility entrusted to them, then more severe and drastic steps can be taken by way of levying fine upon the parent or the guardian of the pupil, and they will be effective. We should bring home to the people that they must co-operate with the Government and help them. Then you can induce the parents or guardians to continue to send their children to study in the higher classes. Then you can take the further step of levying a fine on the parent who does not send his boys and girls to the school. I do not find any attempt in this direction in this Bill. It is true that although the Act has been in force for the last 14 years, the provision regarding Attendance Committees has not worked well. Still I do not think that it is the right step to take to make the president of the district board responsible for the whole matter. I should think that the power to levy fines should not be used oppressively against the parents. We must try to canvass local opinion as much as possible. If you think that the provision regarding Attendance Committees has not been effective, you must devise methods to make it more effective.

"I think there is one possible difficulty in giving effect to the provision regarding Attendance Committees. You constitute the committees; you do not take into consideration the various reasons why it is not able to work. I should suggest that the committees should be continued and that you should provide them with chairmen either official or non-official; the official may be the Deputy Inspector of Schools who may have to inspect the schools in the area. Make it incumbent upon the chairman to convene meetings of the committee now and then; make it necessary

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that the committee should pass orders upon defaults committed by parents. That committee being a local authority may be able to know the reasons why parents are not able to send their children to study in the higher classes; the committee will be able to advise what action should be taken on the merits of each case, by way of prosecuting the parent or levying a fine. I would therefore suggest to the Hon. Minister that this clause should be carefully considered in the Select Committee. The Attendance Committees may be continued; provision may be made to see that these Attendance Committees work effectively; provision may be made for these committees being provided with chairmen who would convene meetings as often as possible, who would put before these committees various complaints brought to their notice by headmasters and deputy inspectors of schools; the members of the committee may find from the parents concerned the reasons why they are not able to send their children to school; it may be that the members of the committee do not wish to take drastic steps because they will have to put up with the odium of the people in the locality; in such a case it may be incumbent upon the chairman in forwarding the report to the prescribed authority, to say what action should be taken in such cases. In doing so, you not merely rely upon local opinion but you also provide for some action being taken; the chairman of the Attendance Committee may advise the president of the district board who will be the final authority on the matter as to what action should be taken in particular cases. Can you expect the president of the district board to take suitable action on various complaints received from about 500 schools in his area? He may be receiving many complaints from headmasters and other authorities. Will the president of the district board be able to hear the parents concerned, find out the reasons why they are not able to send their boys and girls to school and decide the cases impartially whether they should be punished or not? He would be receiving a large number of petitions and complaints and it will be difficult for him to satisfy himself whether the parents should be prosecuted or fined. If you work in that spirit, I am sure the provisions of the Bill will become very oppressive. For what is it that you propose to do? You say that if a parent sends his boy to the first standard but does not send him to the second standard, he will be fined. Very well, what will be the result? The parent will not send his boy to the school at all, and thus he will escape the penalty. Is that the way to improve education? I think that this is a solution which, while it may appear to be very easy, is really in the nature of a punishment. And no punishment ought to be meted out unless it be after due enquiry being held and with sufficient provision made for the holding of the enquiry fairly, within reasonable limits, in the locality itself, at any rate assisted by persons who can feel like the parent, who know the difficulties of the parent and who, having regard to local conditions, can decide fairly whether a case is one which deserves punishment or not. This is the main suggestion which I wish to make on the provisions of the Bill.

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“As I said, I no doubt share with my friend, Sir Patro, the regret that it has not been possible for the Minister to introduce further amendments into this Bill aiming at a more co-ordinate system. There is also the question of the aided schools. So far as the President is concerned, he has no doubt some control over board schools; but so far as aided schools are concerned, he has no control. I do not know if he can even visit these aided schools. And after all, one President in the district can hardly be expected to visit all the schools. The only authorities who have any chance of visiting these aided schools are the educational officers, the Deputy Inspectors of Schools in the area. Possibly they are the persons who after all can be relied upon for the purpose of advising what steps should be taken. I should therefore think, Sir, that the Deputy Inspectors of Schools who are in charge of education, who are inspecting these aided schools and also the District Educational authorities who are in charge of and inspect their own board schools, should be asked to preside, at any rate in the first stages, over these committees appointed for the purpose of giving opinions and forwarding opinions to whoever may be ultimately appointed as the authority to pass orders fining the parents, along with their own recommendations either agreeing with the opinions or differing from them, adding their reasons therefor. If such a step is taken, I am sure it will relieve the situation to some extent.

“Lastly I want to state that the provision in the Elementary Education Act empowering the magistrate to prosecute, proceeds on this basis, that the parent is the person who ultimately is going to be affected by any order for the default of his boy. The Act provides, as it stands, that if a parent does not send his boy to school, the magistrate shall enquire; shall consider whether there is any reason justifying the parent in not sending his boy to the school; and if he finds that there are reasonable grounds for not sending the boy, he will not deal with the matter further; but if there are no such reasons, then he would direct the parent or guardian to send the boy to the school. When there is a default in obeying the order, the next step is prosecution. But at that stage also there is a remedy; that is, the magistrate shall hear the parent and if he is satisfied that there has been a default without sufficient cause, he shall fine him. So that, the Act provides for hearing the objections of the parent. In such a case, the parent if he is fined, cannot really have any complaint. He has been given the chance of making out a case in his favour; he has failed and therefore when the fine comes, he must take it without any grudge. But the Bill as it stands does not provide for those remedies. The Minister may perhaps say that he will make provisions in the rules; and whether they can be provided for in the rules or not, I cannot say. But when in the Act of 1920 steps were taken in certain directions for such reasonable enquiries being made by authorities constituted for the purpose, I do not see why when we are taking additional powers for the purpose of enforcing attendance in the higher standards of boys who attend the lower standards, the same provisions are not necessary for the lower standards. We are really not dealing

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with a case where a boy attends a school but fails to attend it for a number of days; we are providing for a case where a parent has been interested in sending a boy for a year or two and keeping him in the same standard but subsequently thinks for some reasons which he will have to explain, that he cannot continue the education of the boy in the higher standards. We are therefore facing a situation where possibly a parent after allowing his child to be in school for one or two or three years, fails in the subsequent year to send him either because he cannot pay or otherwise afford. We have also to take into consideration the fact that whereas in the schools run by local authorities elementary education is free in the sense that nothing has to be paid, in the case of the aided schools, the teachers can collect some fees. So, in considering the question as to how far the default of the parent in not continuing the education of the boy is punishable, the question should be considered whether a parent can afford the payment of the fees.

“These are the various suggestions to be considered by the Hon. the Minister—whether it is to be a mere substitution of the present local authority which in this case is the President of the District Board, whether the Attendance Committees are to be scrapped and their help done away with, etc. I think the attempt must be to see that the Attendance Committees are more effective and in a position to give the help, whenever necessary, that the persons presiding over these committees should be such as could feel the difficulties of the parent, that due enquiries are held before coming to any decision as to the punishment to be given and that the person to be entrusted with the power of fining should be given the powers to make the enquiries, etc. These are my suggestions, Sir, which I hope will receive consideration.”

Mr. P. C. MOSES:—“Mr. President, Sir, there are a large number of schools in the Presidency and one may very pertinently ask the question whether the increase in the number of schools has produced any commensurate increase in literacy. The Hartog Committee which has gone into the question came to the conclusion that the large number of schools produced no increase in literacy; and the reason is this: that a very large percentage of the pupils withdraw from the schools before they reach the fourth class at which stage the attainment of literacy may be said to be complete. Statistics reveal that there has been a serious diminution of pupils between the first and fourth classes. The reasons are not far to seek. The first reason is: the parents withdraw their boys from school as soon as they come to be of economic value to the household; secondly, the pupils themselves irregularly attend the school. For instance, during the harvest or transplantation seasons, the parents take their children to the fields to do small jobs, or if they are not of such age, they are left at home to take care of younger children. This state of things, therefore, calls for some remedy. If the maximum benefit is to be secured from public funds spent on elementary education, the only way is by compelling the children to attend schools as regularly as possible. If the children are compelled to attend schools regularly, then the regular attendance will enable them to secure promotion from class to

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class and they may be able to complete the primary course much quicker than otherwise and leave the school before they come to be of some economic value to the household. The question now is: how to compel children to attend the schools regularly? The Royal Commission on Agriculture which has reported somewhat elaborately on this question, made the suggestion that the main aim of compulsion should be to prevent the wastage rather than to train the last truant. Sir John Anderson in his report says that it is far more important to exact penalties from parents of children who irregularly attend schools or leave schools before completing their primary course, than from those whose children have no desire to attend schools at all. Sir, there is no greater blessing which the Government can give the people than the blessing of education; and if this blessing is to be bestowed on the people, by all means let the compulsory method be used.

“With regard to the machinery of compulsion, Sir John Anderson in his report says that it should be as simple as possible and the parents really resent that they should be called on to explain and be fined for not sending their children to school. Therefore, the piece of legislation which the Hon. the Minister has introduced in order to bring compulsory elementary education into full effect is a very necessary one; and although in the early stages it may be only a partial success, I am sure it will prove a blessing to the country in the future.”

Mr. ABDUL HAMEED KHAN:—“Mr. President, Sir, it is no doubt true that the Hon. Minister has not been a day too soon in introducing this Bill. Unfortunately, the question has not been tackled in the manner in which it ought to have been, in order that the expected results might be achieved. It seems to me that if it is the policy of the Government to prevent wastage, not in the matter of education, but in the matter of finance, the Government are adopting a wrong policy. My fear is that the Government are alarmed at the enormous increase in the amount spent on education. That section of the Government which is very indifferent to any progress in nation-building institutions so far as this country is concerned, seems to be alarmed at the rate at which money is being spent on education. It is perhaps with a view to effect some economy in the matter of that expenditure that that section is forcing the hands of the Ministry to see that this Bill is introduced. If that is really so, I think it is entirely wrong; on the other hand, if it is not so and if it is the desire of the Government as a whole to go on spending money on useful education, and on spreading education, I welcome this measure.

“But the question should not be tackled in the manner in which it has been done. Unless we go into the question deeply, the object will not be achieved. Unless the nature and quality of education imparted in the elementary classes are changed, it will not be possible to attract any large number of children to the lower or higher classes. The children when they are young and not of much economic value to the parents—I speak of the rural agricultural classes—are sent to the schools as a sort

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of pastime or to keep them out of harm's way; but the moment they come of age and are of some economic value, they are taken away and made use of for the purposes explained by my friend Mr. Moses. Therefore it is necessary, if education should spread in the rural areas, if it is to be attractive to these people, to change the nature and quality of education. The present system of education certainly does not attract the children in the rural parts. Of course, conditions differ in different districts and different places. There are certain districts which are mostly inhabited by weavers; there are other districts inhabited by the agricultural classes; and again there are others where many industries prosper and the people are mostly labourers. It is therefore necessary, I say, to change our system of education to suit the conditions of these places. Unless we combine technical education of that character with the three R's, I am afraid it will not, whatever penalty you might impose, be possible for you to compel the children to go to school up to the fourth or fifth standard of the elementary classes.

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“ One other way, so far as the Muslim community is concerned, by which you can enforce compulsion is, to introduce religious education. In the Committee's report and in various representations that we have made to the Minister and to the Director of Public Instruction, we have brought to the notice of these authorities that unless you make religious instruction compulsory and part of the very system of education, you will not attract the Muslim children to the schools, because it is very necessary for them to spend some of their earlier years in religious education before they go to secular schools. If the earlier years are wasted by them without getting religious education, it is not possible for them to go to secular schools, and unless you combine these two together so far as the Muslim children are concerned, you will not be able to succeed in introducing compulsion. If the other communities also desire the same, I would very much welcome the introduction of religious instruction. Certainly we do not stand in the way of any other community, for instances the Hindu or the Christian community, asking the authorities for religious instruction being given to their children also. So, as I said already, unless both technical and religious education are included in secular education, education will not by itself, as it stands today, attract children to the schools. Sir, it has been pointed out by more than one speaker who has preceded me, that the Government is going to insist upon compulsion being enforced only in the matter of retention and not so far as admission is concerned. I am afraid, if that is so, Government will fail in realizing the object. If you depend upon the Attendance Committees to enforce admission you have seen that they have failed to achieve the necessary object and they will fail to achieve that object in future as well. Therefore, you wish to employ the same remedy so far as admission also is concerned as you wish to employ in the matter of retention. I do not know how far the district boards will succeed in enforcing the imposition of penalties on parents who do not retain their children in the schools up to a certain standard.

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I am sure the Select Committee will look into the question more carefully, so that the object the Minister has in view in this Bill will be achieved. After all, every one wants that education should spread and spread widely. So far we have not succeeded in that direction.

“ One thing more I wish to say and that is that the Government has been following a wrong policy in expecting local bodies in whose charge education is given, to levy certain education cess if compulsion is introduced. Sir, unless the Government abandon that policy or reform that policy, I am afraid it will not be possible for education to spread. After all local bodies have got many other responsibilities than the responsibility of spreading education in their area. They have to consider that their responsibility so far as roads and other things are concerned is much more important than the spread of education and they could only give a secondary place to education. They do not wish to make the incidence of tax on the people in their area so high as will endanger the collecting of taxes for their own purposes. They do not want to levy any cess so half-heartedly. There is therefore no use of expecting the local bodies to enforce compulsion. On the other hand, what Government should do is to devise other means, by spending large sums of money from the Government's own general funds themselves. The whole sum must be found by the Government for this purpose. Of course, I do believe that many hon. Members in this House will agree with me when I say that the entire education should be made a departmental question, taken away from the local bodies and for some years run departmentally. I am sure if only this is done the scheme will succeed and we need not depend upon the local bodies for the spread of elementary education. Sir, it may be a very extreme point of view, but I am afraid, in the interests of education it seems to me necessary that education should be taken away from the local bodies and run by the department itself. Of course, it may be necessary to have consultations with local bodies on local conditions. But to entrust the local bodies and municipalities with the responsibility of education, is to my mind not desirable and that is the reason for the present state of affairs so far as education is concerned.

“ Then, Sir, education is supposed to be given free, and whenever it is made compulsory it should be given free, but unfortunately it is not really free. The number of books that a child who is supposed to go to school, without having to pay even one anna as fees, has to purchase, is enormous and the cost for the same is much more than he can afford. It is more on account of the cost of books that children are not able to attend schools from beginning to the end of the course. They are called upon to buy books and note-books to such an extent that they are forced to give up education rather than compel their already poor parents to afford the cost of the books. Therefore, if Government want that education should spread, they must see that books are supplied free and that

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boys should not be called upon to buy a number of books as is the case now. Education must not be made as costly to the poor children as it is to-day.

"Then, Sir, coming to the question of aided schools, a very large percentage of pupils go to these schools. The last measure that we passed, namely, the Amending Bill taking away the compensation, has to a very large extent interfered with the spread of education. First of all, there is no control of the local bodies over education so far as the aided schools are concerned and you are not able to see how education is imparted except for the departmental control. I would very much wish that these aided schools also are given compensation so that the help that is very necessary for these aided schools is given to them.

"There is yet another thing I would like to mention. I have always stated that these District Educational Councils should go and the sooner they are done away with the better for our educational system. Either you take the whole question departmentally or hand it over entirely to the local boards. Now you are going to entrust the local boards with the spread of education and at the same time you have another body called the District Educational Council to which you hand over your money for distribution. This dual authority to a very large extent goes to create confusion in the system, and education in the long run suffers on account of this confusion. Do away with these District Educational Councils and make the district boards responsible for the spread of education. There must be only one body responsible for this, either the Government or the district boards. I hope the Bill will be referred to a Select Committee, who will consider the various aspects of the question that are very necessary in order that the object the Minister has in view will be achieved."

* Mr. C. BASU DEV:—"Mr. President, Sir, this Bill is a welcome sign that after all the Ministry for Education is moving and attempting to tackle the important problem of mass education. [Interruption.] Sir, I hear the Hon. Leader of the Opposition repeat the words 'after all.' Yes, 'after all' indeed. Since 1920 when education became a transferred subject no one made any serious attempt to handle it in the right way. During the period 1920 to 1926, the Punjab which was very backward in the matter of elementary education stole a march and made double the progress of Madras. This certainly reflects little credit on the Ministry of Education. Nor, during the subsequent period, any real progress was made in this matter.

"Sir, I do admit that compulsion of some kind or other is absolutely necessary if we want to eradicate illiteracy from this province. But I submit with all respect, that certain preliminary conditions are necessary, for instance an army of properly trained teachers, a very carefully selected set of text-books and the condition that education should be absolutely free. Sir, if the object of elementary education is only to teach a child in the three R's, I think we need not much worry ourselves and spend the enormous amount we are spending on it; but if

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indeed, our object is what the Agricultural Commission has so well defined it to be, namely, 'If, at the end of his primary course, a boy can read and write with facility and intelligence and can do simple calculations in terms of the marketing of his father's produce; if he knows the simple rules of health, has been taught the use of his hands and has been imbued with a love for the country-side and a sense of fairplay for his neighbours and to dumb animals, then there will be firmly established both the desire and the power to make the village a better place to live in, and both the teacher and the system may be held to have abundantly succeeded.' That ought to be the object of elementary education and if that object is to be achieved, then I would very respectfully submit that you must have an army of properly trained teachers. At the present moment, the teachers have neither the training, nor sufficient enthusiasm. In the Palamcottah Municipality, a teacher is paid Rs. 12, while a peon is paid Rs. 15. I ask what enthusiasm the teacher can have and what sort of example he can set to the pupils that come under him.

"Then, Sir, referring to the question of text-books, I would like to read the following few sentences from the Report of the Royal Commission on Agriculture:—

'After the teacher, the most important influence in keeping instruction in rural schools on the right lines is that of the text-book he uses. We are, therefore, glad to be able to place on record our high opinion of the work which is being done by the Text-Book Committee in the Punjab and to note the special interest evinced by Mr. M. West, the Principal of the Teachers' Training College at Dacca, in Bengali text-books which was reflected in a most interesting exhibition arranged by him at the Dacca Agricultural Show which we visited in January 1927. We could wish that work of this character was not so exceptional, but there appears reason to believe that text-book committees in general are apt to dissociate themselves from any responsibility for securing the supply of the right class of text-books and to confine themselves to the role of censors. It would also seem that, in some instances, they find it difficult to resist the prejudices of local authorities and the importunities of the authors of school-books.'

"Sir, the text-book committees and the method of selecting the text-books are not satisfactory, and the way in which these text-books have been selected and prescribed and forced on the parents and the children, is a matter which deserves the serious and immediate consideration of the Government. I entirely endorse the view taken by my hon. Friend, Mr. Hameed Khan when he says, that there is absolutely no good in expecting co-operation from public bodies. Education should be left entirely in the hands of the department of education under its sole charge and responsibility. Then and then only can any real improvement be made.

"I am glad that my hon. Friend, Mr. Hameed Khan, has anticipated me in another respect and it is with regard to the cost of text-books. We are speaking of the question of compulsion, but we have never taken into account the cost to the parent of the education of children even in the elementary classes, especially when text-books are being prescribed even thrice in a year, as has been done in one taluk. The parent is expected to meet the cost of the text-books and also the

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cost of the ever-increasing number of copying books that children are asked to buy. I understand that expert opinion on this question of text-books is, that at least in the earlier classes, namely, the first and second classes there is no need for text-books. I hope Government will very soon place the necessary powers in the hands of the Director of Public Instruction to see that text-books are not insisted upon in at least the first and second-classes of elementary education. I should also think that the question of the supply of text-books free in the elementary classes ought to receive the very earnest, immediate and sympathetic attention of the Government. Sir, while these questions have not yet been tackled, to make the parent liable to pay a fine for not sending his boy to the school on account of his poverty, to which the hon. Sir Patro has rightly drawn the attention of this House, is not proper. The appalling poverty of the country does not permit the parent to spend Rs. 10 or Rs. 12 a year, for the supply of text-books and other books to his boy. As my hon. Friend has pointed out, except in the public or Government schools, in all privately managed schools, they do charge fees from the children, which the parents are unable to meet. These are the considerations which must be taken into account before making the parent liable, and visiting him with a fine, for not sending his child to the school or for failing to continue him at school. I hope, Sir that these questions will be considered both by the Select Committee and also by the Government."

The House then adjourned for lunch.

After Lunch (3 p.m.).

Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is the English rendering of the speech:—

"Mr. President, Sir, the Hon. Minister for Education has brought certain amendments to the Elementary Education Act. In it provision is made for compulsory education in rural areas by extending the scope of the sections relating to such education. It is also provided in the Bill that parents may be compelled to send their children to school, and that on failure to do so they may be made liable to certain penalties. Such a provision is quite necessary as otherwise parents might not take proper care of their children's education. It is due to the lack of such a provision in the Act that elementary education has not become universal. I hope that in future at least when effect is given to the new Bill all children will be brought under instruction. If compulsion in education is enforced, it will lead to the development of the mental, moral and economic life of every child in the long run and make the child fit to become a good citizen.

"It is now 14 years since the Elementary Education Act was passed, and still there are a large number of children who do not attend any school and receive no kind of education. Compulsion is said to be in force only in towns and cities, but the Act is not given

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effect to in rural areas though with the help of Government it should be possible to extend compulsion throughout the province, in remote villages as well as in towns. On account of the poverty of the country and the slender resources of parents, children are not properly educated. The State ought to come forward with the necessary help and see that education is made compulsory and universal. When a large number of children are illiterate even in towns it is no wonder that the majority of the children in villages should be illiterate, seeing that they are taken away by the parents for earning a livelihood and employed in cultivation and other manual work. The advantages of education ought to be impressed on the villagers and proper facilities should be given to them for educating their children. I became personally acquainted with the state of affairs in this respect when I was touring in the Chingleput district as Health Propagandist four years ago. The Government must introduce vocational training suitable to the children of the respective vocations in such areas.

"Some are of opinion that the Attendance Committees are unnecessary, but in my own experience as a member of such a Committee I am convinced that very useful work can be done by the Attendance Committees, which should consist of the Divisional Councillor, the residents of the places and the teachers. It is due to the lack of interest on the part of members that such committees are not working properly. If people take more interest in them they can do very useful work, and also bring into closer contact the teacher and the parents of the taught, and this will lead to the improvement of education. These committees should also consist of people retired from the Educational Department who are in a position to give necessary help and advice.

"The District Educational Councils are doing very useful work for the expansion of elementary education along with local bodies. They are doing the work of imparting elementary education to children not provided for by the local bodies, with less expenditure to the State. The Councils are very much handicapped for want of sufficient funds for distributing grants according to the efficiency of each school. Some of these schools find it hard to solve the problem of house-rent which forms a primary item of expenditure in big towns. The Councils ought to be given more facilities and funds. It is to be regretted that the request made by the Madras District Educational Council for the allotment of a certain portion of the education cess collected by the Corporation to the District Educational Council was refused by the Government. In the absence of such a provision Government must at least make liberal grants for aided education and pay aided schools what they really need and deserve.

"Furthermore instruction should be given on national lines to young children. Since women are getting equal status in life with men greater facilities should be afforded to young girls by giving them education in their vernaculars. On an average only about 10 per cent of the children of the school-going age seem to be under instruction and 90 per cent are without any kind of education in the province.

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"There is provision in the Act for empowering magistrates to deal with parents who fail to send their children to school. I think it desirable to lay down explicitly that these powers may be exercised by honorary magistrates as well as stipendiary magistrates, since honorary magistrates are peculiarly well qualified by their local knowledge to deal with such offences.

"As regards instruction, suitable text-books should be provided according to the age and ability of children and special provision should be made for imparting vocational instruction to such pupils.

"In conclusion I thank the Hon. Minister for Education for promptly bringing forward this legislation for compulsory elementary education, and I hope that with sufficient financial help it will prove a great success."

* Dr. P. SUBBARAYAN:—"Mr. President, I felt when the Hon. Minister intended to introduce a Bill to amend the Madras Elementary Education Act, something comprehensive would have been done to bring about the result which we all have so much at heart. There is no doubt whatever that there has been wastage in the matter of elementary education in the sense that the department and the local bodies concerned have not been able to keep the pupils in schools for a sufficient number of years to make them really literate. Because mere numbers really go to prove nothing. The fact that in the first year we have got as many as seven thousand children in a particular district does not prove that all these seven thousand children are going to be literate at the end of their school career. At least for four years these pupils ought to be kept in schools. I think the money spent on elementary education is a mere waste to that extent if that result is not achieved. I agree with the Hon. Gentleman, the Minister for Education, that some remedy should be found to see that these pupils are kept in the schools. But I should like to ask him whether the measure he now propounds will really achieve that object. One of the remedies he suggests in his Bill is to have a sort of partial compulsion. If a pupil comes to school, it must be seen that he is kept there for four years at least. To that extent no doubt that remedy looks rather good. But, as my hon. Friend, Mr. Muniswami Nayudu, pointed out, it really would lead to this position. If you are going to compel a boy to be at school for four years and if the parent of such a boy understands that that will be the result if he sends the boy to school, the tendency of parents will be not to send their boys to school at all, for the simple reason that once they send them to school they must keep them there. So, I do not think the result the Hon. Minister has in mind can be achieved by the provision he has made in this Bill. Of course, he is taking more power into the hands of the department. To that extent I agree with him. The great difficulty in the spread of elementary education has been the matter of giving power to local bodies to introduce compulsion, and, as he himself pointed out in his Statement of Objects and Reasons, it has not been possible for such local bodies to adopt a wide extent of compulsion which would be necessary to bring compulsory elementary education to the

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doors of the populace at large. But that is really due to the fact that financial considerations always come in. The finances of the local bodies are in such a state at present, as was explained by the Hon. the Chief Minister who is in charge of the Local Self-Government portfolio, that they are not able to make provision for education in the rural areas. Therefore, they find it difficult to introduce compulsion. As my hon. Friend, Mr. Muniswami Nayudu pointed out, with the abolition of the taluk boards, the scheme would really become unworkable for the simple reason that it will be difficult for a single president of a district board, or even for two presidents in a district if there is bifurcation, to exercise the powers that they are intended to exercise by the provisions of this Bill. It will be really impossible for a single president to come to decisions with regard to attendance of boys at schools and to undertake to keep such boys at school. I hope the Hon. Minister will devise some other method which would really carry out the objects he has in view. As my hon. Friend, Mr. Muniswami Nayudu pointed out, I think the question of reforming the attendance committees in the localities concerned should be looked into because it is a matter in which local opinion would count far more than the opinion of a single individual in any particular place. As he pointed out, it will be very easy to work it in the case of municipal councils, because people are on the spot and they will be able to find out exactly the number of pupils that are fit to be sent to schools and to see that the pupils already in schools are kept on in such schools. But in the case of rural schools, it will not be possible for a president or two presidents in a district to manage in the same manner as municipal councils could manage. The difficulty with regard to compulsory elementary education in this country is really brought about by the system of a number of managements. For instance, there are local board schools, schools controlled by the various missions and private aided schools. It will be impossible to bring all these three together, and if really a regular system of compulsory free education should be adopted, a system must be devised by which at least the educational authority should have under their control the entire jurisdiction over all the schools in the matter of compulsion, and no method is devised in this Bill with that object. I am sure the Hon. Minister in charge of this portfolio knows as well as I do that it is impossible to control all these schools together and devise a system by which uniformity could be followed and by which pupils could be spread over the schools that are in existence.

"I hope the hon. Members of this House, especially the Christian Members, will not be disturbed if I refer to the Champion scheme. As I said when there was a discussion on the scheme, that scheme is one which would go to help in a considerable way the introduction of compulsion. The money available with the Government is naturally limited, and if the money available is to be spent in the right manner, I think some kind of co-ordination and centralization of schools will be absolutely necessary. I am sure when the Hon. Minister for Education takes power to the department to control such introduction of compulsory

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education, whether partially or fully, he has in mind this centralization as well. He did not mention anything about centralization when he introduced this measure. But from the provisions in the Bill at least, I understand that some attempt towards centralization would be made. Because, without such centralization of schools and co-ordination of effort of these bodies, it will not be possible to carry out the object the hon. Gentleman has in his mind. I certainly think that this measure, in spite of what the hon. Gentleman said while introducing it, will not achieve the object he has in mind. It can only be done by a regular census of all school-going population which should be taken, and a system of co-ordination and centralization should be adopted by which in the course of five or ten years all children of school-going age could be brought to school and kept there for the time necessary to make them literate. That is the reason why I said at the beginning that when the Hon. Minister thought of introducing a measure of this kind, I thought he would make it comprehensive enough to take such steps as would bring about the result which he and every hon. Member of this House has in view. Finally, I feel that the penalty clause of merely fining the parents of pupils who have not sent their children for a sufficient number of years to school will not achieve the object the Hon. Minister has in mind. I think some more stringent measure than a mere fine would have to be found to keep such pupils at school. I am sure the Hon. Minister will bear this in mind before this Bill comes back again from the Select Committee to this House."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mr. President, Sir, it is indeed very gratifying to me to see that the objects of this Amending Bill have the general acceptance of this hon. House. Of course, with regard to the details there must necessarily be differences of opinion. I am sure that the criticisms that have been offered will be of valuable help in the deliberations of the Select Committee. I wish—and I say that with a feeling of great regret—I could make the same observation with regard to the long speech which my hon. Friend, Sir Patro, delivered. I must say the long address which the hon. Gentleman read even in contravention of the practice of this House . . ."

Dr. P. SUBBARAYAN:—"On a point of order, Mr. President. May I know whether the hon. Gentleman can refer to the practice of the House? I thought it was really in your keeping."

* The Hon. the PRESIDENT:—"I do not think Sir A. P. Patro has read his speech. He had elaborate notes which he minutely followed." (Laughter.)

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I may say the hon. Gentleman seemed to read from the paper he had the whole of his speech."

Rao Bahadur Sir A. P. PATRO:—"I am not a product of the Hindu College, Tinnevely, like the Hon. Minister." (Laughter.)

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* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Having regard to the position that he held and to the experience which he is expected to have gathered during the time he was in charge of this portfolio, we would naturally expect his criticisms to be more practical and more constructive than they really were. On the other hand, we found him offering us only destructive criticisms in a militant style. I shall be insulting the intelligence of the Council if I comment on his speech at any length with a view to help them to appreciate it and assess it at its true value. The cheers which greeted the conclusion of his speech perhaps afford sufficient indication of a correct understanding of the speech by the hon. Members of this House. I might only be permitted to offer the remark that many of his observations seemed to me to have little or no bearing on the points which are involved in this amending Bill.

"I was surprised to see that he was prepared to view with equanimity the wastage which all the hon. Members who spoke on this subject viewed with alarm. He quoted figures in justification of his statement, but if only he had taken the care to study the report from which he quoted and if he really had an intention of correctly understanding and appreciating the position with regard to elementary education, he would easily have found that the wastage is as appalling as it is represented to be."

Rao Bahadur Sir A. P. PATRO:—"On a point of correction. The figures which I read were not from the Agricultural Commission Report but figures from the Educational Department quinquennial report of which the Education Minister is said to be in charge."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I do not want enlightenment from the hon. Member; I know he quoted from the quinquennial report of the Department of Education. I only said that if he had read and understood it better he would not have drawn that inference. He was satisfied, Sir, that between the years 1917 to 1932, i.e., in a period of 15 years, there was an increase in the number of students in the eighth standard. Nobody disputed it. But did he care to find out what the percentage of students in the eighth standard was when compared with the total strength in all the classes of the elementary schools. Elementary schools consist of eight standards, and when compared with the total strength in all the eight standards, the figures, my hon. Friend, quoted show that only .5 per cent of the total strength were found in the eighth standard."

Rao Bahadur Sir A. P. PATRO:—"It is 12 per cent increase over 1917."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"The total number was 12 per cent more than what it was in 1917; but the number that was found in the eighth standard in 1932 represented only .5 per cent of the total strength of the elementary schools. If my hon. Friend cannot understand that I am sorry for him. If he went a little lower down in the report he would have found that in the year 1931-32,

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though there were 1,095,000 students in the first standard, only 82,000 were found in the fifth standard. In the next year 1932-33, and in the previous years also you find the same lamentable fall. If that fall was not enough to justify our conclusion about wastage I do not know what else would satisfy my hon. Friend. He was also very vehement in his attack of Act II of 1934, as if that had anything to do with the present Bill. It was passed into law early this year by this Honourable House, and if he was so much against the provisions of that Bill, the time when that Bill was considered was the occasion for his raising all those objections. His criticisms of the provisions of Act II of 1934 have hardly any relevancy on this occasion.

"I am really glad to note that his successor and my predecessor, the hon. Dr. Subbarayan, considers that we are right in enlarging the powers of the Director of Public Instruction, and the Government over the proceedings of district educational councils. If the Government have to retain any control over elementary education in this Presidency, and if they are to regulate the development in an orderly manner of elementary education into a homogenous system, I am sure hon. Members would agree with me in thinking that a power of revision is absolutely necessary in the hands of the Government. It does not follow from that, as my hon. Friend from Ganjam seems to think, that this will make the district educational councils absolutely impotent. If his argument is to be accepted it could, with equal reason, be said that because the High Court in Madras exercises revisional jurisdiction over the decisions of the lower courts in the mufassal, therefore these courts become useless and may as well cease to exist. The power that the Government propose to take is an extraordinary one and it will be exercised only when the necessity for such exercise arises. My hon. Friend Dr. Subbarayan again referred, I am glad to say, to the Government's scheme of concentration and consolidation. No provision in this Bill is necessary for that purpose. Orders were passed on that subject even during the time he was Minister, and attempts have been made from time to time to implement the scheme which my hon. Friend has referred to, and no legislative enactment is at present needed for the purpose of implementing the scheme. The one object"

* Dr. P. SUBBARAYAN:—"On a point of personal explanation. I did not mean to say that any legislation was necessary. What I meant was that the Hon. Minister should keep in mind this question of concentration and consolidation and without that his scheme of free education would be impossible."

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I did not understand my hon. Friend to mean so, but I am glad for this correction. One of the objects with which Government are taking the powers proposed under this amending Bill is to enforce such schemes of concentration and consolidation when they came up. I hope the hon. Members will agree that it is necessary for the Government to have such power if they are to exercise any control over the development of elementary education in this Presidency.

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"One main point which will have to be kept in mind when this Bill is considered in the select committee is that its chief object is to make any method of enforcement that may be introduced under the Bill as effective as possible. The one handicap under which Attendance Committees labour is, as I pointed out, that they find it very delicate to humiliate, by prosecution, those on whom they had ultimately to depend for their being returned either to the municipal council or local board of which they were members. If the hon. Members who form the select committee could devise some means which without in any way impairing the efficacy of the proposals made would afford further safeguards against abuse of the provisions that have been made, I shall certainly welcome them; but I cannot agree to any proposals which would make the new system as ineffective as the existing one. In this connexion I would draw attention to what my hon. Friend, Mr. Hameed Khan, said. He admitted that the present system which vested the enforcement of compulsion in Attendance Committees has proved ineffective and warned us against the new system of compulsion also sharing the same fate. My hon. Friend, Dr. Subbarayan quoting my hon. Friend, Diwan Bahadur Muniswami Nayudu, in his support said that this provision about compelling students to be retained in schools up to the fifth standard once they enter the school, might frighten away parents from sending their children to schools at all. I did not understand my hon. Friend, Diwan Bahadur Muniswami Nayudu, to say so. Even if he has said so, I might say a word in reply to that. It is found, Sir, that there is no lack of desire on the part of the parents to send their children to school, because we find that the number of students in the first and in the next one or two standards is really very high. The trouble arises when the parents are exposed to the temptation of withdrawing their children when they reach an age at which they can be of some service to them. It is that temptation that has to be resisted and the only means by which it can be done is to provide for this new form of compulsion.

"All these are matters which will have to receive the careful consideration of the select committee. I therefore beg of this Hon. House to accept my motion that this Bill be referred to a select committee."

The motion was put and carried.

* The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I now move that leave be given by this Hon. House to increase the number of members of the select committee that may be nominated by this House to over 13, and that the Bill be referred to a select committee consisting of the following members:—

1. The Hon. the Raja of Bobbili.
2. Mr. Erlam Smith.
3. „ D. H. Boulton.
4. „ R. Madanagopal Nayudu.
5. „ Daniel Thomas.

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6. Rao Sahib V. I. Muniswami Pillai.
7. Mr. H. M. Jagannatham.
8. „ P. C. Moses.
9. „ K. Kesavaramamurti Nayudu.
10. „ M. B. Rangaswami Reddiyar.
11. Diwan Bahadur S. Ellappa Chettiyar.
12. Mr. I. C. Eswaran Pillai.
13. „ C. Basu Dev.
14. Rao Sahib C. Jayaram Nayudu.
15. Mr. B. P. Shesha Reddi.
16. „ P. V. Krishnayya Choudari.
17. „ M. S. Sreshta.
18. Rao Bahadur C. Natesa Mudaliyar.
19. Dr. P. Subbarayan.
20. Mr. K. A. Nachiyappa Gounder.
21. „ A. B. Shetty.
22. „ Abdul Hameed Khan.
23. Rao Bahadur T. A. Ramalingam Chettiyar.
24. The Mover.

Mr. R. MADANAGOPAL NAYUDU:—“ I second it.”

The motion was put and carried.

Dr. P. SUBBARAYAN:—“ Mr. President, may I make a statement with regard to the select committee? I would far rather that his predecessor who held the portfolio of Education, Sir Parasuram Patro, serves on the committee than myself because he has had long experience of the working of the Act. So I would give my place to Sir Patro.” (Hear, hear.)

Rao Bahadur Sir A. P. PATRO:—“ Thanks very much to the Leader of the Opposition, but I regret I cannot serve on this committee.”

III.—A BILL TO AMEND THE MADRAS CO-OPERATIVE SOCIETIES ACT, 1932 (BILL NO. 20 OF 1934).

* The Hon. Mr. P. T. RAJAN:—“ I beg to introduce the Bill further to amend the Madras Co-operative Societies Act, 1932 (Bill No. 20 of 1934), and move that the Bill be taken into consideration at once. In so moving I wish to state that the amending Bill deals only with one section. The proposal is to repeal section 28 in the Act. That section deals with the powers of the Registrar to recover certain sums by attachment and sale of property. In its place it is proposed to insert a new section which would contain the provisions of present section 28 and also include a few new items. Section 28 is intended to recover money under arbitrator's decree under section 51 or under contribution order passed by the liquidator under section 47.

3-45 p.m. “ The two new items are as follows: sums which may be awarded by way of cost under section 41 and sums which may be ordered under section 49 to be paid. When the Registrar passes orders under these

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two sections, the amounts have been hitherto collected by the Revenue department. At the Conference of Collectors held in May last it was pointed out to the Government, as the unanimous opinion of the Collectors assembled there, that the Revenue department could not collect those dues hereafter. It was then proposed that the Co-operative department itself should collect these sums. In pursuance of that proposal this amending Bill has been brought before the House. In this connexion I should like to point out that the insertion of a clause which goes under section 47 is meant more to clear the situation and make the intention of the legislature clear than for any other purpose.

“ I find from the paper that my hon. Friend Mr. Basheer Ahmed intends making a motion to refer this Bill to a select committee. I may point out to him that by referring this Bill to a select committee the work of the department would be dislocated. As I said, the Revenue department which has been collecting the arrears till now, will not do so hereafter and it will not be possible for the Co-operative department to collect them if the Act is not amended in the way proposed. In these circumstances I request the House to pass the Bill at this sitting itself.”

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—
“ I second it.”

* Mr. BASHEER AHMED SAYEED:—“ Mr. President, Sir, I am sorry I was not present when the Hon. Minister made the earlier portion of his speech. I came in only when he was concluding his speech, but I heard him say that I had given notice of a motion to refer this Bill to a select committee. I consider, Sir, that what I have done is in the best interests of a legislation of this kind as also in the interests of the parties who are to be affected by the co-operative movement. Already, in spite of the best efforts, the co-operative movement has not proved a success. The co-operative movement, as now administered, has defeated the very object with which it was started. I do not want to go into the causes that have led to this position. The bare fact, however, remains that the object with which the movement in this Presidency was started has not been attained so far. Everywhere the working of the co-operative societies, the way in which the department itself is administered, has proved very unsatisfactory, to say the least of it. Sir, with a view to expand this movement, the existing Act was consolidated and amended elaborately only two years ago. We have not yet seen what exactly has been the effect of the working of that new legislation which meant a thorough overhauling of the then existing system. Hardly two years have passed since then. Even within this period a lot of things have been done to further amend the Act, but the object with which the Act was amended has not been even yet attained. That is my view of the co-operative movement so far as I have been able to study the situation. That being the case, if you go on in this way amending the Co-operative Societies Act from time to time and from day to day, I do not know what real purpose would be

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served. On the whole it appears to me that there seems to be no scheme at all behind the whole movement; either proper direction is wanting or the persons who work it are not competent to do so. Anyway, I do not throw the blame on the Hon. Minister. The movement has not been a success because the policy of the department is to move along a particular line. Now what is it that is sought to be done under the present Bill which the Hon. Minister is anxious to get through? Already elaborate powers have been given to the co-operative societies, the registrars, and the liquidators and so on. What has been the experience of those who have worked the Act or have had anything to do with the movement? Why is it that the societies have not been able to function successfully at all? I know some of the reasons, but I do not want to go into those details at this stage. Anyway the broad fact remains that in spite of what all have been done or attempted to be done, nothing seems to have made that movement progress in the right direction. This Bill before us seems to bring into effect a very drastic change in the dispensation of justice between parties and parties. As the existing Act goes, the orders that may be passed by the registrars or the arbitrators or the liquidators are to be executed by the officers of the Revenue department. How this is being done now by these officers as also by these liquidators, the registrars or deputy registrars and arbitrators does not require any elaborate mention here at this moment. However I shall confine myself to mentioning one or two of the several vagaries which are now being perpetrated by these officers. The arbitrators, without hearing the parties, or even giving a fair opportunity to them, decide the cases. I do not know whether it is the intention of the Act that even without hearing parties, the arbitrators should give decisions."

* The Hon. the PRESIDENT:—"I think the hon. Member will be doing a useful service if he confines himself to the Bill under consideration. If he discusses the whole co-operative movement now, the time available may not be sufficient."

* Mr. BASHEER AHMED SAYEED:—"Sir, I am only pointing out how this measure is going to cause further dissatisfaction instead of bringing the desired result. What I am submitting, Sir, is this: already the manner in which these orders are passed and executed has given great dissatisfaction. That being so, the enactment of a provision like the one in the present Bill will make the working of the Act still more unsatisfactory. Even under the existing Act the arbitrators and liquidators are themselves the court and also the complainants and no one need represent the defendants, because, by a special notification in the gazette, even advocates are excluded from appearing before them when they are supposed to be exercising judicial functions. Although the courts have repeatedly held that the arbitrators are judicial tribunals, still the notification stands and the advocates are not allowed to appear before them. What I am submitting is that these liquidators are discharging their functions in a most slipshod and perfunctory manner. They start winding up proceedings without calling upon the

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concerned men to be present and with hardly any enquiry. Not even in one out of 1,000 cases have these liquidators addressed themselves to the judicial aspect of their powers to award decrees or contribution orders. Many of the cases they have decided have gone to courts of law and, simply because the existing Act is what it is, the courts have not been able to redress the grievances of the parties. The contributory orders or decrees passed by these arbitrators or liquidators are sent up to the revenue officers for execution. And what do these officers do? Without even giving notice to the parties concerned, they carry on from start to finish all the proceedings, keeping the parties concerned in total darkness as to what is going on. Besides, there has been much abuse of the process of law.

[At this stage, as there were loud conversations going on in the House, the Hon. the PRESIDENT observed: "Order, order. I want perfect silence to prevail in the House. I am afraid, of late, I have been a little lenient in this respect."]

"If power is going to be given to the officers of this department itself to pronounce these judicial orders, to serve or not to serve as they please these orders and to execute them with or without notice to the parties concerned, it will be most undesirable and pernicious to do so. I am against, and I am sure the House will also be against, any measure that will make one and the same officer the complainant, the court and the executor of the order or decree. That is what is sought to be done by this measure. I say, Sir, this is against all accepted principles of any jurisprudence. Whatever might be the situation in the co-operative societies movement, let it be on these lines. I do not see why any injustice should be done to the parties who are going to be affected by this movement. Various powers have already been vested in the officers and they have not yet learned how to exercise those powers. Let them understand their powers aright and let the Act which has been amended two years ago work for sometime more. Let us see how the Revenue department has been unable to play their part under this Act. I for one, even if the executive officers of the Revenue department are unwilling to execute the decrees of the Co-operative department, would rather constitute different courts altogether for the purpose than make the single officer, the complainant, the court and the executor. The present proposals will not work to the healthy development of the co-operative movement. I am sure there will be disillusionment before long and the whole movement will come to nought. I therefore propose that this Bill be referred to a select committee consisting of Members whose names I shall presently give."

Mr. U. C. SUBRAHMANYA BHATT:—"I second the motion."

* The Hon. Mr. P. T. RAJAN:—"Sir, it is rather unfortunate that Mr. Basheer Ahmed was not here when I made my introductory remarks giving reasons why this Bill should be passed urgently. My hon. Friend made a tirade against the movement and said that very soon

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the movement might disappear. There is not the slightest reason for change in the method of awarding orders either by the Registrar or steadying influence and that there is need for help and guidance chiefly from non-official co-operators more than anything else. Apart from that, the point here is that the Government do not contemplate any change in the method of awarding orders either by the registrar or other competent persons. It is proposed only to change the agency for collection or execution of the decrees. It is open to any one who has got a decree to get it executed through the civil court or the revenue court or the department. As I pointed out in my introductory remarks, as far as the two sections are concerned, the sums ordered to be awarded under them could be collected only through the agency of the Revenue department and that department has pointed out that they are not in a position to do so. Now, if they are not going to do this work and if the Act does not depute somebody else to do the work, there will be dislocation of work and the collections due could not be made. This Bill is intended only to provide another agency for this work. It does not in any way affect the right of co-operators or decree-holders to seek a remedy in a civil or revenue court. As I said, all that it seeks to do is to provide the co-operative department with powers to collect the moneys when the Revenue department is not in a position to do so. I do hope that this explanation will be sufficient to the House and that the House would be good enough to allow my motion to go forward."

The motion was put and lost.

The motion that the Bill be taken into consideration was put and carried.

Clauses 1 and 2 were put and carried.

Clause 3.

New section 57-A.

4 p.m.

* The Hon. Mr. P. T. RAJAN:—" Mr. President, I move—

' In clause (b), after the words and figures " under section 41 " insert the words " to a registered society or to the Government " . '

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I second it."

The amendment was put and carried.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Mr. President, Sir, I move—

' In clause 3, after the words " registered society " wherever they occur, insert the words " including a financing bank " . '

Mr. K. R. VENKATARAMA AYYAR:—" I second it."

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* The Hon. Mr. P. T. RAJAN:—" Mr. President, I accept the amendment in that it only proposes to make a distinction between a registered society and a financing bank."

The amendment was put and carried. Clause 3 as amended, and clause 4 were put and carried.

The preamble was put and adopted.

* The Hon. Mr. P. T. RAJAN moved that the Bill be passed into law.

Mr. R. MADANAGOPAL NAYUDU seconded the motion.

The motion was carried and the Bill passed into law.

NON-OFFICIAL BUSINESS.

IV.—A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926 (BILL No. 3 OF 1934).

The Hon. the PRESIDENT:—" The House will now proceed with the non-official agenda. The other day, we were discussing clause 8 of the Hindu Religious Endowments Amending Bill, and discussion will now continue on the same."

* Mr. BASHEER AHMED SAYEED:—" Mr. President, Sir, may I rise to suggest to the House that those bills on the non-official agenda which are in the first stage of introduction may first be taken up. It may not occupy more than a few minutes. Then we may resume consideration of the Bill which was left over from the agenda of the last non-official day. I would therefore, with your permission, move that the Bills that are to be introduced may now be taken up for consideration and the present Bill which is now under consideration may stand over until those items are disposed of."

The Hon. the PRESIDENT:—" The hon. Member will please mention the items and make the motion."

Mr. BASHEER AHMED SAYEED:—" Mr. President, I will move, Sir, that items 5, 6, 10 and 11 may be taken up for consideration and the consideration of item 4 may stand over until these items are disposed of."

Mr. ABDUL HAMEED KHAN seconded the motion.

The motion was put and carried.

V.—A BILL FURTHER TO AMEND THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931.

Mr. ABDUL HAMEED KHAN:—" Mr. President, Sir, I move for leave to introduce the Bill further to amend the Madras Motor Vehicles Taxation Act, 1931."

Mr. U. C. SUBRAHMANYA BHATT seconded the motion.

The motion was carried and the Bill was introduced.

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VI.—A BILL TO AMEND THE MADRAS VILLAGE COURTS ACT, 1889.

Mr. M. DEVADASAN:—"Mr. President, Sir, I move for leave to introduce the Bill to amend the Madras Village Courts Act, 1889."

Rao Sahib Pandit GANALA RAMAMURTI seconded the motion.

The motion was carried and the Bill was introduced.

VII.—THE MADRAS HINDU MATHS BILL.

Mr. U. C. SUBRAHMANYA BHATT:—"Mr. President, Sir, I move for leave to introduce the Madras Hindu Maths Bill."

Mr. V. T. ARASU seconded the motion.

The motion was carried and the Bill was introduced.

VIII.—THE MADRAS MUSLIM WAKF BILL.

Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, I move for leave to introduce the Madras Muslim Wakf Bill."

Mr. S. M. K. BEYABHANI seconded the motion.

The motion was carried and the Bill was introduced.

IV.—A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926 (BILL No. 3 OF 1934)—cont.

* Mr. K. R. VENKATARAMA AYYAR:—"Mr. President, Sir, I move that the Council do pass on to the next item of business on the agenda. I venture to make this motion though a good part of the Bill has already been considered the other day and we have only a portion of the Bill yet remaining to be considered by the House, because when the Bill was reached on the 24th instant I should think it was reached somewhat as a surprise. Only one day was allotted for non-official business and in the normal course of events, it was not expected that this Bill would be reached. I, at any rate, was misled into that impression, otherwise I would have taken care to be present. Considering that a very large number of big devasthanams in the south would be affected by this piece of legislation, I gave notice of a large number of amendments objecting to the main provisions of the Bill. In my absence, an attempt to do what was possible in the circumstances would appear to have been made by my hon. Friend from Chittoor (Diwan Bahadur B. Muniswami Nayudu) who gave notice of all the amendments I had already notified. But, as ill-luck would have it, some how or other none of those amendments was moved by him."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Mr. President, may I make a personal explanation in this regard? No doubt I gave notice of all the amendments given notice of by my hon. Friend from Madura (Mr. K. R. Venkatarama Ayyar) so that I may consider the amendments in order on their merits and move such of these as appealed to me. I gave them my consideration and did not find any need for moving them as I found many amendments unsubstantial and unacceptable."

A BILL TO AMEND THE MADRAS HINDU RELIGIOUS ENDOWMENTS ACT, 1926 (BILL NO. 3 OF 1934)

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* Mr. K. R. VENKATARAMA AYYAR:—"I can see that my hon. Friend from Chittoor (Mr. B. Muniswami Nayudu) exercised his right first to act without applying his mind and afterwards to act after applying his mind. I do not dispute his right, I do not find fault with my hon. Friend; but I want to explain to the House how the view which I sought to put before the House in my amendments has gone almost by default. And now we are at the fag end of this meeting with barely forty-five minutes before us. It appears that though the Council has passed by a majority the clauses which enable the Board to notify temples, yet some clauses remain to be considered which will decide what will be the consequence in law once a temple is notified by the Hindu Religious Endowments Board. The consequences that are set out in the draft clauses that yet remain to be considered are serious. I do not think that an adequate discussion of the pros and cons in regard to the clauses that remain—these are really vital clauses—could be had within the forty-five minutes now at the disposal of the House. After all, there is no great urgency for this Bill becoming law immediately. Panagal's Act has worked all these years and such difficulties as were experienced in the course of the working of the Act have been got over from time to time by amending legislation. I do not think, after the important amendments that have already been embodied in the main Act, there has been time enough within which the Board could say that they have gathered still further experience which renders the present amending legislation very urgent."

"If this Bill became law, it would almost appear as if in substitution for the ordered administration of our religious endowments under a reign of law, practically there would be only a dictatorial administration from Madras of the notified temples all over the Presidency, there being really no law to check such administration from the centre. Because what is proposed is that if the Board is dissatisfied with the administration of a temple anywhere in the Presidency, it has only to notify that temple. Once the temple is notified, all the pre-existing schemes which have been settled whether by the courts or by the Board should go. And all the jurisdiction of the courts would go, and all the local committees would be deprived of their functions without being abolished and in such a functionless stage would continue for ever almost as an uncremated corpse. That is the scheme of this Bill. I think that a Bill which goes as far as that and declares that these religious endowments even with vigilant local committees are not able to get through their daily work satisfactorily . . ."

Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—"May I ask whether the hon. Member is in order in going into the merits of the Bill at this stage?"

* Mr. K. R. VENKATARAMA AYYAR:—"I am not going into the details of the clauses. I am only showing the importance of the matter involved in order that its bearing on the motion on which I am addressing the House may be appreciated."

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* The Hon. the PRESIDENT:—"The hon. Member had given notice of certain amendments, but he absented himself from the House on the day on which this question was discussed. The importance of the Bill has already been discussed and the House agreed to the Bill being taken into consideration. If the hon. Member is going to discuss all those details once again, it will be impossible to proceed with the business of the House."

* Mr. K. R. VENKATARAMA AYYAR:—"I am not going to be long at all so far as this motion is concerned. I am going to take the result of this motion whatever it may be without being long over it. But what I say is that this matter is an important matter and if it is the view of the House that I need not adduce arguments in order to make out the importance of the matter involved I shall not do so. But I do submit that within the short time yet available to us—forty minutes only—it would be impossible to discuss the remaining clauses of this measure adequately and reach any result. On the other hand, the grave consequences which I say would result if this Bill became law might be averted if this Bill did not get considered to-day, by consultation between the Hon. the Chief Minister who is in charge of this portfolio and others interested in the subject-matter. I say it would be all to the good of everybody concerned if my motion that this Bill be not proceeded with at the present sitting should be agreed to. It is not in a spirit of obstruction that I am making this motion, but the subject-matter is so important that the Hon. Minister in charge of this portfolio should have undertaken upon himself the responsibility of making it a Government measure. In fact what we do find is, while the hon. Member Mr. Koti Reddi is the seeming sponsor of this Bill every clause that gets passed is a clause in substitution of the original clause put forward by way of a seeming amendment by the Hon. the Chief Minister. And it is but right, I should say, that in regard to so important a matter, which involves a glaring departure from the policy of the original Act of the Raja of Panagal, if they want to deviate from that policy, they should take upon themselves the responsibility for the deviation and make the Bill their own instead of getting a private member to introduce a Bill and in place of every one of his apparent clauses a new clause being moved by way of amendment by the Hon. the Chief Minister and the voting strength behind the Chief Minister being used in support of the amendments proposed by the Chief Minister. That is another additional reason why, I say, that this motion should be accepted by the House. I do not say that the Hon. the Chief Minister should not at all partake in this Bill or that he should not move amendments, but if the Bill merits his attention to such a minute and complete extent that every clause will only be redrafted by him in a manner to carry out his own wishes, it is but fair that this House should be asked to go into the Bill not as a private Member's Bill but as a Government Bill. If the Government take upon themselves the responsibility of introducing a Bill with this new policy, which I say is in glaring contrast with and a departure from the policy of the main Act

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for which the leader of the same party, the Raja of Panagal made himself responsible, then that should come forward in the proper way as a Government Bill with due notice and not in this surprising fashion. For instance, on this Bill of Mr. Koti Reddi, it was not known and no member on our side had any reason to assume either way as to what would be the attitude of the Government member in charge of the portfolio."

* The Hon. the PRESIDENT:—"I am afraid the hon. Member is arguing once again what has been argued at an earlier stage."

* Mr. K. R. VENKATARAMA AYYAR:—"I have indicated the reasons. I do not want to take up more time. The matter is important. The Government have adopted another Member's Bill and are going on clause by clause with it. This class of benami legislation ought not to be encouraged by this House."

Mr. V. T. ARASU:—"I second the motion."

The question that the Council do pass on to the business next in order in the statement of business was put and lost.

Clause 8.

(Section 65-B.)

* Mr. K. R. VENKATARAMA AYYAR:—"Sir, I move that the proposed new section 65-B be omitted. The proposed section 65-B says:

'65-B. On the publication of a notification under section 65-A schemes of administration, if any, settled by the court or by the Board and the rules framed thereunder in respect of the notified temple or endowment shall cease to be operative.'

"I say, Sir, that to make such a provision is practically for the Board to make a confession that it is unfit to discharge its duties under the existing Act. And I wish to save the Board if I can from such a self-stultifying confession. Under the existing Act, whoever is the supervising authority over the trustee, whether it is a local committee or the Religious Endowments Board in Madras, has to exercise its power of supervision over the administration of the trustee subject to the provisions of the main Act as well as any scheme framed for the administration of the religious endowment concerned. Whether you look at section 18 of the Act or at section 35 of the Act which deal with the committee's power of supervision wherever there is a local committee and the Board's powers of supervision over the religious endowments in question, those sections provide that the supervision should only be subject to the provisions of the scheme that governs the administration of the devasthanams in question. Sections 57 and 63 of the Act which deal with the settlement of schemes for non-excepted temples and for excepted temples and maths—these sections have given the Board power to frame schemes from time to time for the due administration of the devasthanams in question and also to alter the

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schemes made by the Board previously. If any party feels aggrieved with the scheme so settled, then that party could resort to the court and the court could finally settle the scheme and the scheme so settled by the court would be binding until it is modified again by the court. The Board has the power to get it resettled by the court once it has been settled by the court. In regard to its own schemes which have not been settled by the court, the Board has the power to alter such schemes. Now, if the working of the scheme already settled whether by the Board or by the court is found to give rise to difficulties, then the proper remedy is to take note of the experience gained by the actual working and improve the scheme that governs the administration of the institution by suitable amendment of the scheme in the manner permitted by law."

4-30
p.m.

"It is not a proper remedy at all, when difficulty is experienced, to attempt to cut the gordian knot by scrapping the scheme altogether and by the Board taking power to govern without any scheme and without the control of any court and without the help of any local committee. That would be substitution of really a reign of no law and of arbitrary executive administration from Madras in place of an administration regulated by a settled scheme. It is in that sense I say that the Board wants by a mere notification in the exercise of its will, to scrap a considered and settled scheme altogether and the rules and amendments made under such a scheme; it means they despair of managing in accordance with a settled scheme and with rules made thereunder and they want to be armed with arbitrary power to govern these endowments and administer them from Madras in an arbitrary manner against which there will be no further remedy. I say, Sir, that the substitution of such an arbitrary power in the Board in place of local administration by the trustee in accordance with a scheme and the rules made under the scheme, subject to the supervision of the local committee, subject again to the further supervision by the Board at Madras—the substitution of such arbitrariness is not a step in the right direction; it is a retrograde step; it is, I say, an absolute confession of incompetence on the part of the Board. If the Board cannot trust itself to make from time to time necessary changes in the rules and obtain compliance with its own reasonable suggestions and orders from local committees and trustees, I think the inference must be a confession of the utter incapacity of the Board. If the sole authority is in the hands of the Board and not in the local trustee or committee and if the only way of setting right matters in the local administration of religious endowments will be to ask for power from this House to scrap altogether all rules and all laws governing the daily administration and to ask for arbitrary power to be vested in itself, I say it is a confession of the utter failure of the Board; and the only enactment that can be regarded as reasonable under such circumstances would be an enactment to sweep away the Board and revert to the previous state of affairs under which we had no Central Board

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at all but only local committees. When in pursuance of the new policy of the British Government, Act XX of 1863 was passed, local administration was entrusted to trustees who had a freehold in their offices subject to supervision by vigilant local committees; that principle has continued to be the main feature of our Hindu Religious Endowments Law down to the present time. When the Bill of 1926 was passed, the central feature of that legislation was, if I may say so, to leave the trustee in charge of the administration of the devasthanam and its properties subject only to supervision by the local committee. The original Bill of the Raja of Panagal contained no provision for a Central Board at all. The Central Board came in as a feature only when that Bill emerged from the Select Committee, and it was not without misgivings that that part of the Bill as it emerged was adopted. There are many schemes framed by the Board itself or framed by courts; there are some schemes which have gone up to the Privy Council; there are several schemes which have been sanctioned and approved by the highest court in the land, the High Court of Judicature. If in spite of all these schemes, the Board will throw up, at the end of seven years of work, their hands in despair and say 'we cannot fulfil our duties and discharge our functions consistently with any of these schemes, we cannot fulfil our duties consistently even with the schemes made by ourselves,' then it means either they are unfit for their job, or they are blood-thirsty for arbitrary power in their hands for reasons of their own so that they may exercise that power untrammelled by any conditions or limitations arising out of a scheme or rules made under the scheme. I think such a thirst for arbitrary power on the part of a Board composed as the present Board is, cannot be suffered.

"There have been instances down in the south in the recent past where this Board has exhibited itself as absolutely unworthy of being trusted with such large and arbitrary powers. I will mention two notable instances. One is the instance of the Madura Sri Minakshi temple devasthanam and the other is the instance of the famous Sri Kallaralagar temple also in the same district. Matters relating to these big devasthanams came up before the District Judge, who is now at Chittoor, Mr. Wadsworth. In regard to the Madura devasthanam, it came up in the shape of an application by the trustee of the devasthanam who is a Government Tahsildar who impeached and objected to an *ex parte* decree passed against him by the Hindu Religious Endowments Board in a proceeding to which he was no party. Two petitioners presented a petition one fine morning to Mr. Surya Rao in Madras. Almost immediately without notice to anybody concerned, Mr. Surya Rao or the Board represented by him passed an order not against the party or even the counter-petitioner or the respondent but against a third party. The only party that was impleaded as the counter-petitioner or respondent was the committee of the Madura devasthanam; that committee was given no notice, nor was the trustee of the devasthanam given any notice of that order; the order itself was an order suspending for the

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time being the trustee from his office of trusteeship and appointing a stranger as an interim trustee. This is a most extraordinary way of passing an order, conceived as an exercise of powers of supervision inhering in them under section 18 or section 35-A of the Act, without notice to the committee concerned, whom they put aside so to say by an order over their head, for the moment and without notice to the trustee concerned who was not a party at all to the proceeding; they suspended the trustee and purported to appoint some other man in his stead. Fortunately it was a temple governed by a scheme confirmed by the High Court of Madras; under that scheme whenever the supervising authority like the local committee exercises its power of suspending the trustee from office, the trustee has a remedy to apply to the District Court of Madura. As soon as he makes the application under that provision of the scheme, the suspension order is automatically scratched and the final order would be the order to be passed by the Judge after hearing both parties and holding an enquiry on that application. Mr. Wadsworth made a quick enquiry and caused a notice to be served on the Hindu Religious Endowments Board; Mr. R. Surya Rao was down there at the time; he was asked immediately when this application was made to the District Judge, to take notice and to engage his lawyer and the matter was gone into; and this Religious Endowments Board was thrown upon its defence, and had to justify its action. No attempt was made to justify the action. The District Judge of Madura observed as follows in that case:—

‘There remains the question whether the interference by the court is justifiable on grounds of practical or judicial expediency. No attempt has been made before me to defend the Board’s order as a wise and necessary order. The attitude taken up has been that the Board has deemed this order to be necessary and the court has no power to question that opinion. I do not want to say anything which will prejudice the enquiry. But what I do say is that, if the Board’s order of suspension of the trustee is to have any legality, it must be related to the Board’s powers of assuming under section 35-A the functions of the committee and its powers. The suspension of an officer of the status of the petitioner should not be ordered without grave reasons and there should, in my opinion, be at least some statement of the basis of the action taken.’

“Then he summed up the whole case and said—

‘I am emphatically of opinion that the suspension should not be carried out in an arbitrary or hasty manner by means of an order which gives no reasons and affords no opportunity for remonstrance. I hold that the Board’s order must be treated as an order of the Board acting for the committee. The Board’s order is not an administrative order over which the court has no power of scrutiny and it is an order which is not justifiable in the circumstances of the case.’

I have given, Sir, one instance of how this Board, if clothed with arbitrary powers such as are sought to be clothed by this section 65-B and the other sections that follow, is likely to use its arbitrary powers. Here is a glaring instance of their natural mode of using such powers, when such powers are vested in them. The same learned Judge had to deal with the other devasthanam also. In regard to that devasthanam this Board put up a draft scheme before the District Court. Those concerned, the trustees and others, also put up rival schemes; and the whole matter was gone into with great care in open court.

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The outstanding feature of the draft scheme put up by the Board was that they wanted to practically become the administrators of the big Kallaralagar devasthanam thus reducing the trustee and the local committee to a position of absolute subservience as if they were their own servants.

“They wanted to interfere and to take into their own hands the power to interfere in matters of internal administration and daily detail. The learned Judge characterized all that as absolutely improper. The Judge said:

‘I ought also to point out that the various provisions in the Board’s scheme whereby the Board proposes to exercise an extremely detailed control over the internal management of the temple are administratively unsound and, in my opinion, unworkable. After all this temple is only one of a very large number which are under the control of the Board. The Board has a small membership and a limited establishment. I understand that it has not in the past been entirely free from financial difficulties. If the Board is to attempt to control every detail and supervise every order with regard to the administration of every one of the temples under its control, it will require an enormous establishment, and it will in fact be attempting a degree of centralization which is not in the best interests either of the institutions themselves or of the Board. It should, in my opinion, be the object of the Board to exercise a general supervision over the larger questions of policy, constitution and major administrative matters. To try and direct the detailed actions of every temple trustee from Madras is to attempt the impossible and any such attempt would necessarily be so irksome to the trustee and the local committee as to make continual friction and perpetual delay inevitable.’

Sir, the learned Judge was dealing with the case of a scheme for the big Sri Kallaralagar devasthanam, the Board themselves propounding a draft scheme. He was making these observations with regard to the clauses in that scheme under which the Board were attempting to take power into their own hands to interfere in matters of internal administration and daily detail. He was not then having any occasion to express himself with regard to a situation such as confronts this House now where the Board attempt, not to interfere in accordance with any scheme or any rules but, to get rid of schemes and all rules, get rid of every other local authority and get rid of the jurisdiction of all courts and ride roughshod, exercising an arbitrary jurisdiction and power in regard to matters of detail, over all these temples. I do not know what the Judge would have said if he had had an opportunity to pronounce in regard to such a predicament. I have not the slightest doubt that, consistently with what he has said already, he would have declared himself against the policy of any such law in most emphatic terms, far more emphatic than I have already read to you from his judgment.

“Now, I have pointed out quite enough in regard to two very important institutions down in the south where the attempt of the Board has been not to allow any supervision by any local committee; the attempt has been to reduce the local committee to one of absolute subservience to themselves. The attempt has been to deprive the trustee of all real power, of any real sense of responsibility in regard to the administration. What would be the result if the trustee is not to be

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the authoritative responsible head of the administration of the religious endowment? According to the very definition of 'trustee' in the Act, which yet remains unabrogated, the 'trustee' is the person in whom the entire administration of the religious endowment is vested. That means that he is the person responsible for breaches of trust; he is the person responsible to the deity and to the worshipping public who are interested in the proper administration of the endowment, and he is the person supposed truly to effectuate the real intentions underlying the original dedication. It, on the present occasion, the trustee is reduced to the position of a person whose functions and powers and duties are not the functions, powers and duties under the general law which makes him a trustee, if he is to be a person whose functions are, as has now been already enacted by this House, to be defined only by the Religious Endowments Board side by side with the competing powers, functions and duties of an executive officer who may be set up by the Board, it means that there is no responsible trustee any longer. You will only have the word 'trustee' but not the trustee in any true or legal sense; because the administration is not vested in him unfettered by the superimposition of a separate discretionary authority. The Board naturally under this Bill, if it becomes law, will issue detailed orders to the trustee telling him 'under these orders, you have this power, you have not this power.' The Board will issue detailed orders simultaneously to the executive officer saying that the 'trustee has not this power,' 'you have this power.' That means that there is a conflict between the executive officer and the trustee; for one thing, the executive officer is by no means the trustee, nor are they both joint trustees. The executive officer is not subordinated to the control of the trustee so as to make him the servant of the trustee. Not content with reducing the trustee to the position of a servant of the Board, not content with providing as a competing servant another official, viz., the executive officer, you get rid of the local committee by notifying the temple and you pass orders and make the trustee as well as the executive officer subordinates or servants bound to carry out your orders. But, under your scheme, do you become the trustee yourself? You do not become the trustee; you are only a supervising board from Madras. The net result is that the trustee who continues in office as trustee after this Bill becomes law, in the case of a notified temple, is only a trustee in name and not a trustee in law or in fact. The administration is not in truth vested in him as he is only a servant bound to carry out the detailed orders of the Board even in regard to daily internal administration. The same is the case with reference to the executive officer. There is not the committee, and the Board does not come in under the definition of 'trustee'; so that the outstanding result will be that all our important devasthanams, if they come to incur the displeasure of Mr. Surya Rao and company will be notified; and once they are notified, what follows is an administration along lines which they have shown already in the past they are capable of adopting, lines which have been

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censured by the District Judge of Madura in no ambiguous terms at all. I say it is not proper to vest in such a body, especially as we have found it actually working in the recent past, such arbitrary power. In any case, to ask for the abrogation of schemes and for power to work without any scheme or any rules, is to ask for the substitution of arbitrariness for regular administration. I do not think, Sir, this House after consideration, can accept any such proposal involving such drastic and dangerous consequences."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I second this motion and in doing so, I desire to say a few words. Some of the biggest temples owning vast endowments and administered as per schemes settled by courts of law or by the Endowments Board are existing in the southern districts. The Rameswaram devasthanam owning villages and other endowments in several districts in the south and even in the adjacent island of Ceylon, the Sri Minakshi devasthanam owning considerable properties, the Kallaralagar devasthanam with vast endowments in villages and otherwise, these and similar institutions have merely to be notified and a single man's administration installed. This seems to be absolutely uncalled for. One wonders what has taken possession of the authorities who, until a very few years ago, were very anxious to introduce elective principles and establish democratic bodies for the purpose of controlling the administration of these temples, to make them suddenly turn round and support a provision like the one in the Bill, by which an existing management can be superseded and the institution placed under the management of a special officer. Sir, there seems to be something in the atmosphere to produce this phenomenon. Efforts are made to take away power from high authorities ostensibly to vest it in democratic bodies. After some time, this power is taken away by supersession and single men are to be placed in the places of those bodies. The public have not heard what the policy of the Government has been at all in the matter; no reasons have been given and no literature supplied on the subject nor is information given. The Government seem to take shelter under the very hospitable shadow of my hon. Friend, Mr. K. Koti Reddi. Did they inspire him or did they take advantage of the Bill? I desire to have an answer and the public will expect an answer. This Bill is noteworthy particularly for the chapter which is a new introduction containing drastic provisions something analogous to a civil administration surrendering and military administration taking its place, or a municipal body being superseded and an executive officer appointed or a local board being superseded and a special officer appointed. We have had a number of amending Bills to the Religious Endowments Act introduced by the Government for the purpose of amending the laws relating to the administration of religious institutions. In none of them do we find a provision like this. Temples, the most ancient institutions in the land, older than many other institutions, are also sought to be invaded and brought under this provision of special officers. Is it modern democracy? Is it the last word on the

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subject of efficiency, or is it the respect to be given to schemes settled by courts of law or to the ordinary rules of trust? This Council is entitled to be enlightened on this point."

* Mr. K. KOTI REDDI:—"Sir, I find that the hon. Member from Madura, who is now adopting this dilatory tactics is doing so in order to see that my Bill which has been before the public for nearly a year now is not passed into law early. He says that my Bill has been suddenly brought before the country, that no opportunity was given to the public for considering the very serious consequences that may arise as a result of the passing of this Bill. By this means, Sir, it seems he wants to prevent the Bill from becoming law."

Mr. K. R. VENKATARAMA AYYAR:—"Yes, we want to prevent it."

5 p.m. * Mr. K. KOTI REDDI:—"Sir, my friend wanted to know whether I am inspired by the Government or whether it is a Bill which I have brought forward of my own accord. I may tell my friend that I was not inspired by the Government at all. I personally believe that no consequences will arise, no such consequences as the hon. Mover and Seconder apprehend, on the passing of this Bill. I personally see no consequences such as those which my hon. Friend, the Mover and the Seconder of the amendment apprehend, are likely to arise by passing this Bill. I know instances where the trustees of temples have mis-managed property, I know instances where valuable properties belonging to temples have been misused; and I may also quote for the information of my hon. Friend, the learned opinions expressed by the courts themselves as to how impossible or inadvisable it is for the courts to go into details connected with the ordinary administration of temples. In a judgment which was delivered in the Madras High Court, which is reported in 45 M.L.J., the judges go to the extent of saying that it is not possible for them to enter into the details of administration and that the attempt that is now being made by certain judges in certain cases to enter into details, is not at all proper and does not conduce to the satisfactory administration of these temples. Therefore, I am sorry I cannot accept the amendment."

* The Hon. the PRESIDENT:—"The question is 'omit the proposed new section 65-B'."

The motion was lost.

* The Hon. the PRESIDENT:—"We will have to leave the consideration of the Hindu Religious Endowments Amending Bill at that stage."

II.—A BILL FURTHER TO AMEND THE MADRAS ELEMENTARY
EDUCATION ACT, 1920, FOR CERTAIN PURPOSES
(BILL No. 17 OF 1934)—cont.

* The Hon. the PRESIDENT:—"I wish to announce that I appoint Mr. Daniel Thomas as Chairman of the Select Committee appointed for considering the Elementary Education Act Amending Bill (Bill No. 17 of 1934)."

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IX.—ACTS ASSENTED TO BY HIS EXCELLENCY THE GOVERNOR.

* The Hon. the PRESIDENT:—"I have to announce that the Madras Impartible Estates (Second Amendment) Act, 1934, and the Madras Hindu Religious Endowments (Amendment) Act, 1934, have received the assent of His Excellency the Governor on the 15th October 1934."

The date of the next meeting of the Council will be duly notified to the hon. Members after it is finally fixed. So far as it can be foreseen at present, it will probably be in the month of January.

The Council is now adjourned.

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

